



18 December 2020

SA Planning Commission

By email: DPTI.PlanningReformSubmissions@sa.gov.au

To Whom it May Concern

RE: REVISED VERSION OF THE DRAFT PHASE 3 PLANNING & DESIGN CODE

Norwood, bordered by Fullarton Rd, Magill Rd, Portrush Rd and Kensington Rd, is an appealing, eclectic blend of old and new, giving it an air of progress, vibrancy and history while at the same time maintaining its unique historically-based character.

We appreciate the State Planning Commission's recognition of this character in designating most of the suburb as an "Established Neighbourhood Zone", which will hopefully provide some protection of that character.

While this revised Phase 3 draft of the Code is an improvement on the version presented in late 2019, the Norwood Residents' Association (NRA) believes we are still left with a coarse, one-size-fits-all planning system that does not bode well for our suburb. We have doubts for the following reasons:

1. *The proposed historic and character overlays lack the detail, specificity and rigour of the existing Council development plan (DP).*

In this government's haste to overhaul our planning system, it has produced a set of standardised policies distilled from 72 Councils. The resulting generic, simplified statements offer little real clarity or assurance that these will adequately protect the fine-grained character of our suburb.

Consider the transition from our Residential Historic (Conservation) Zones to the new Historic Area Overlay. Apart from some brief descriptions of what already exists, no instructive guidance is YET given in the revised Phase 3 Draft, as to how any sympathetic new development should be undertaken in these areas. This detailed guidance for appropriate new development is not provided by the Historic Area Overlay and is not sufficiently compensated for in the Historic and Character Area Statements. Promised Common Style Attributes Guidelines and Design Advisory Guidelines are still not available. This absence is all the more apparent given the explicit statements about minimum street frontages, setbacks, materials to be used, fencing, roof pitches et cetera, as articulated by the existing DP. Such deficiency of important detail (which should really be available for public scrutiny before submissions close), is not only an example of the questionable, ad hoc 'consultation' process, but could also compromise the integrity of our streetscapes and historic areas.



Margaret Street



Coke Street

Examples of Residential Character (Norwood) Zone

The existing development plan recognizes the fine-grained character of our suburb through the use of discursive Desired Character Statements. For example, while Margaret Street and Coke Street (pictured above) are in the same zone in the existing DP, a potential developer can understand what is expected through sentences such as:

“Building heights will generally be limited to maintain a single-storey streetscape appearance, however, in some locations where a single-storey built form character is particularly intact, may be further limited to single-storey.”

and

“The design of new dwellings may be traditional or contemporary but in all cases will make reference to the architectural detail of the surrounding pre- 1940s dwellings, in particular the roof forms, front verandah treatments, window proportions and the use of different materials and finishes. Flat roof pitches, large unbroken expanses of glass or walling and monochromatic colour schemes will not occur where it will be highly visible in the streetscape or from surrounding properties.”

The Planning and Design Code does appear to allow for a finer-grained planning approach through the use of “subzones” but there are none applicable in Norwood. We understand that they have been requested by the NPSP Council, but not accepted by the State government. Despite reassurances in early Policy Discussion Papers that sub zones could be introduced to tailor policy to address local variations, no sub zones are proposed in NPSP. Without the added protection of a subzone, fragile, but largely in-tact charming old world streets like Margaret Street, which currently avoids inappropriate development via Council land division controls, will be at risk. While proposed Established Neighbourhood Zone policies do facilitate Technical and Numeric Variations (TNVs) for minimum site areas and allotment frontages as well as development consistent with its surroundings, they do not categorically rule out hammerhead blocks or subdivision of any larger holdings in areas currently deemed by Council to be unsuitable. One implication arising from the lack of any clearly defined subzone, is that all development within the parameters of an overarching Character Area Overlay needs to complement its surroundings in relation to design/built form, which across Norwood is varied and unique. At present the Council DP permits some modern development in carefully considered locations within the Character Zone – under the new Code this will be unlikely. The effect of this change in policies will alter the outcome of planning approvals and result in poorly integrated new development.

The existing NPSP DP is a clearly-written and illustrated document that balances precise rules with flexibility where appropriate. By contrast the Code uses generic, vague language. While providing a

great deal of room for subjectivity on the part of the planning assessor, we fear it will also engender numerous appeals by developers, to the community's cost.

The numerics expressed in policy should provide some element of certainty, but their application appears to be subject to various "discounts" or "bonuses" that may obscure the real situation. For example, the recent Development Plan Amendment for the Schweppes and Ottos sites on Payneham and Magill Road both provide for a specific maximum number of storeys, but then allow more than this for a variety of reasons that we would have thought should be standard requirements. This will further perpetuate this non-transparent concept of height bonuses for multi-storey development. Combine this with the State Planning Commission Assessment Panel's anarchic record in interpreting existing height limits and it is understandable we don't have much trust in the State government's planning rules.

One further observation, in support of our wider community within the NP&SP Council area, relates to the re-naming of Contributory Items as Representative Buildings. The meaning is simply NOT the same. The descriptor "Representative Building" suggests a stand-alone example of a type of architecture, whereas "Contributory Item" (terminology widely known and used since 2001) highlights the importance of the building **as an integral part of a collective** which serves to enhance the streetscape/historic area, thereby strengthening the need to protect it. Changing the terminology both confuses the issue and quite possibly places some of these designated buildings at risk. It raises fears similar to those roused by the "representation test" previously espoused in the Heritage Reforms Discussion Paper for local heritage; that minimal numbers of historic building types need protection as a "representation" of what formerly existed in these areas.

While some concessions/improvements have been made to accommodate public feeling about heritage (for example inclusion of Contributory Items and Established Neighbourhood Zones to value existing ambience), on balance, those orchestrating the new Code have persistently favoured a flexible, pro-development course and ignored recommendations by the Expert Panel and Parliament's Environment, Resources and Development Committee Enquiry in addressing this issue. On a more positive note, it is gratifying to learn that under the new Code more heritage buildings can be listed....a process effectively stifled back in 2012. However, this needs to be a simple process with CLEAR policy statements that leave no room for interpretation.

2. Dwindling tree canopy and lack of articulated sustainable development goals

Trees and the amenity derived from them are severely under threat, with tree protection exemptions for major Government projects. Tree canopy is declining with major projects like the Magill/Portrush Road intersection upgrade (a loss of approximately 50 mature street trees) and actual tree regulation has not been reviewed since 2011. Despite the government's 30 Year Plan commitment to a 20% canopy increase by 2045, the SA Government commissioned study entitled *OPTIONS ANALYSIS: Costs and benefits of Urban Tree Canopy Options for Minor Infill Development in the Planning and Design Code* (BDO Econsearch) showed that tree cover across metropolitan Adelaide has actually **decreased** from 21.5% to 19.5% between 2013 and 2016. This current version of the Code, which facilitates larger development, increased tree removal, reduced minimum sites/setbacks et cetera, will just exacerbate the problem.

The Executive Summary in that same paper also listed the following benefits that trees provide for the community, namely: urban cooling, biodiversity and carbon capture, improved mental health, increased mental and physical health, stormwater management and increased economic values.

Despite this government's professed concern about climate change/resilience, these environmental considerations appear to assume very little significance in this whole planning process. First we have the situation where the Department can raid the Open Space Fund to finance the implementation of this new Code and now developers can opt out of using space to plant trees by contributing a mere \$300 in lieu. Given our current dwindling canopy, the required payment for NOT planting a tree should really be higher in order to act as a disincentive for not meeting greening obligations. Moreover, if an offset facility has to be provided, the revenue should go to benefit the locality that is missing out, not to the State as a whole. Greater attention needs to be given to the monitoring and enforcement of any trees and landscaping areas required under the Planning and Design Code, to ensure these remain in the long term and grow to contribute to the State Government's canopy targets.

3. *Encouraging more mixing of land uses will adversely impact community amenity and increase landowner tensions*

The conditions within the zones provide much more flexibility in land use than currently applies. We are told that this is in order to foster "business diversity, localised employment and walkable neighbourhoods". We query whether scattering employment and services throughout a residential area will really encourage walkability. Norwood is already a very walkable suburb, with local services never more than a few hundred metres away from the residents. In reality, the appeal of locating in residential areas is to enable easier parking for customers and employees.

We accept that people should be allowed to pursue economic activities as long as they don't harm others. We know that people operate businesses from their homes now, and in most cases do not impact on their neighbours, but we are concerned about the green light being given to more shops and offices of 100m² and 200m² or greater in residential areas, whereby the impacts could reach alarming levels without neighbours being *given a chance to comment or even being notified*. Our councillors will tell you that they receive many complaints arising from large commercial activities located in residential areas.

These are typically commercial activities that existed before zoning was ever introduced. They have a right to be there. But given the known conflicts that occur, why encourage more of them?

What is particularly alarming relates to appeal rights. Council Category 2 & 3 developments currently inform neighbours about a range of issues: two storey developments, when a house is to be replaced by two dwellings, nearby developments which could impinge on a heritage listed home or if a site will change to non-residential purposes. Under the new Code many applications will not be notified and people will lose ALL the legal avenues they now enjoy to influence their lived environment. Now, all of Norwood can conceivably have shops and offices of up to 100m² leasable areas without appeal rights. Increased noise, parking/traffic issues, loss of amenity and possible lowering of residential property values are just some of the likely negatives resulting.

We apologize if some of our arguments are based on a misunderstanding of the Code and its application to Norwood. For residents groups this demonstrates the difficulties of navigating to the required information, we are still learning to understand the new terminology, coming to terms with policy discounts and so on. Mastery of the Code requires high levels of planning, research and data skills. Below is a screenshot of the sort of guidance that has bamboozled us.

<p>PO 4.1</p> <p>Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.</p>	<p>DTS/DPF 4.1</p> <p>Building height (excluding garages, carports and outbuildings) is no greater than:</p> <p>(a) the following:</p> <table border="1" data-bbox="798 369 1406 436"> <thead> <tr> <th>Maximum Building Height (Levels)</th> </tr> </thead> <tbody> <tr> <td>Maximum building height is 2 levels</td> </tr> </tbody> </table> <p>(b) in all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)) - 2 building levels up to a height of 9m.</p> <p>In relation to DTS/DPF 4.1, in instances where:</p> <p>(c) more than one value is returned in the same field, refer to the <i>Maximum Building Height (Levels) Technical and Numeric Variation layer</i> or <i>Maximum Building Height (Meters) Technical and Numeric Variation layer</i> in the SA planning database to determine the applicable value relevant to the site of the proposed development.</p> <p>(d) only one value is returned for DTS/DPF 4.1(a) (i.e. there is one blank field), then the relevant height in metres or building levels applies with no criteria for the other.</p>	Maximum Building Height (Levels)	Maximum building height is 2 levels
Maximum Building Height (Levels)			
Maximum building height is 2 levels			

The layperson cannot understand what this means in real terms, let alone the layering and policy conflicts over building heights contained in the zone, overlay and TNV.

Unfortunately, the injunction of the Community Engagement Charter – that “people were clear about the proposed change and how it would affect them” – does not yet apply!

While we will hopefully develop the necessary skills to negotiate the new planning system over time, we will forever regret the loss of all the work and clarity that went into the NPSP Development Plan.

We are grateful that at least some of the community’s concerns have been listened to in this current iteration of the Code, and would be happy to discuss further reforms with you.

Signed:


 Dr Ian Radbone
 President


 Christine Francis
 Immediate Past President