

**From:** [Chris Francis](#)  
**To:** [DPTI:Planning Reform Submissions](#)  
**Subject:** Phase 2 Code /Statewide Code  
**Date:** Friday, 29 November 2019 2:29:09 PM

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The Norwood Residents Association, while intending to make a much more detailed submission regarding the new Planning and Design Code before its implementation July 1 2020, would briefly like to raise the following major concerns in relation to both the Phase 2 Code and the Statewide Code.

These are:

- Many policies are unclear and the non user-friendly computer software is difficult to navigate
- There are significant changes in heights in residential zones and commercial/retail precincts eg schools can build up to 6 storeys
- Site sizes related to former Historic Conservation Zones are inconsistent/inaccurate, but these were meant to carry across unaltered
- Land division controls for Norwood Character Zones have been removed. This puts largely intact street-scapes (eg Margaret Street) in jeopardy and we request that these controls be reinstated in line with undertakings given at a number of SPC/DPTI meetings
- The land use mix in residential zones is now more general
- Assurances have been given by the State Planning Commission that Code errors can be rectified AFTER April 1 (2020) for Phase 2 and July 1 (2020) for Phase 3. This is policy on the run and clearly indicates the Code is neither fit for purpose nor meaningful public consultation
- A 'Companion' document addressing acknowledged errors/omissions has not yet been released. Without timely presentation of this information, how will communities be informed enough to respond to far-reaching planning and development changes by the end of February 2020?

It would seem that there is still much to do before the new Code performs as it should. Taking the time to get it right before it is fully operational will definitely help lessen any associated difficulties/confusion.

Sincerely,

Chris Francis (NRA PRESIDENT)



State Planning Commission  
[DPTI.PlanningReformSubmissions@sa.gov.au](mailto:DPTI.PlanningReformSubmissions@sa.gov.au)

Thursday, 27 February 2020

## **SUBMISSION ON THE DRAFT PLANNING & DESIGN CODE - PHASE 3**

To Whom it May Concern,

The Norwood Residents Association (NRA), appreciates the opportunity to comment on Phase 3 of the Draft Code and fully endorses other submissions as articulated by the Norwood, Payneham & St Peters Council (NPSP), several local Residents Associations (Kensington, St Peters and Kent Town) and also Dr Iris Iwanicki on behalf of our umbrella organisation, Community Alliance of South Australia. In relation to defining and protecting heritage, we also totally support the expert opinions expressed by McDougall and Vines Conservation and Heritage Consultants in their submission re the Draft Planning and Design Code: Phase 2 (Rural Areas). All bodies recognise that the proposed State Government Planning and Design Code destined to replace 72 existing local Council Development Plans, has far reaching implications for development across this state. We share mutual concerns that the Code in its current form is:

- unfit for purpose
- significantly changing the effect of current planning policy
- not a reasonable reflection of wide-ranging community needs and values
- a grave threat to the rights and responsibilities of Councils, communities and individuals to influence their lived environment
- full of glaring, unresolved problems which could destroy the amenity, identity and streetscapes within each of our respective districts

### **COMMUNITY ENGAGEMENT**

Initially promoted as a constructive collaboration between State, Local Government bodies and the wider community to produce the best development outcomes for South Australia via its Engagement Charter, this has NOT been the case. Over the past 18 months, countless written documents by Councils, Residents Associations and other concerned stakeholders have been largely ignored.

Much government driven general public consultation has been limited to a few State Planning Commission (SPC) and Department of Planning Transport & Infrastructure (DPTI) orchestrated meetings in conjunction with the mistaken belief that people know about and actively utilise the SA Planning portal to keep themselves informed of imminent policy changes. In reality, Norwood residents have been made far more aware of proposed changes through the tireless efforts of NPSP Council urban planners drilling down into the Code detail and assisting relevant groups/individuals to better understand its far-reaching implications. Even so, our NRA through numerous informal interactions with a broader spectrum of non-residents over recent months, still notes that the majority of people know little or nothing about government planning and development intentions in relation to the Code.

Furthermore, Phase 3 consultation spans October (2019) to February 28 (2020), yet critical Code detail has neither been timely nor in many cases present or even accurate eg Historic & Character Area Statements were not released until December 23 (2019), pertinent Flood Mapping data for Norwood is (by DPTI admission) well out of date, with 1999 maps used instead of 2018, plus some numerical policies (eg allotment size/width) or policies tailored to a specific locale, are not included.

While announcements from SPC/DPTI claim that implementation of the Code has been deferred until September to allow people more time to investigate and understand the complexities of this new system, the response deadline has remained the same. This approach neither stacks up nor supports democratic process. We seek a system which more genuinely reflects community values not the radical, development-driven changes favoured by the SPC/DPTI and bureaucrats.

## **E-PLANNING SYSTEM**

Revolutionary new and supposedly 'user-friendly', time-saving e-planning software is critical to the efficacy of the Code. This software was promised for Phase 3, but was just not ready. The alternative mapping system adopted for consultation purposes is grossly inferior. It has no capacity to store relevant planning policies, thus rendering it almost incomprehensible. So far this system has proven difficult to navigate by even experienced IT users and planning professionals without direct assistance, let alone ordinary people. Inaccessibility to the Code is not only a major breach of the Community Engagement Charter enshrined under the *Planning, Development and Infrastructure Act* (2016), but the errors and anomalies within also severely compromise its performance.

We learn too that an ongoing Council expense (\$58,000 p/a for NPSP) with the likelihood of added costs related to training, hardware, upgrades etc, is to be a budget requirement for the set-up and maintenance of this new system. Will residents ultimately wear these extra costs?

## **ZONING**

In the new Code residential areas have been largely standardised. This 'one size fits all' approach really suits no-one. Despite carefully orchestrated development outcomes and policy improvements over the past decade, our NPSP Council has only been offered ONE subzone. This is totally inadequate to replace existing policy

variations and cater for local needs/expectations to ensure current projects are not compromised.

There is an alarming shift towards broader, more flexible land use in proposed Suburban Neighbourhood and Housing Diversity Zones, rather than homogenous land use and the separation of incompatible uses. Quite simply, this means a shop or Day Care Centre (with no specified size restriction) can now be built right next to a person's residence. The number of non-complying developments will decrease such that hotels, petrol stations, warehouses and wrecking yards all currently considered non-complying in Residential Historic Conservation and Residential Character (Norwood) Zones, will be considered on merit as Performance Assessed under the new Code. The removal of existing Council controls will see an increased built form in relation to height and scale along with reduced setbacks for multi-storey buildings. Policy provisions for Activity Centres and Retail Development will sanction up to 6 storeys, where now they are limited to 2-3 storeys or a compatible scale with surrounding development. In main corridors or as approved by SCAP, buildings can now seek a 30% height 'bonus', where they would otherwise be limited to a maximum of 10 metres. Interface envelopes have changed (without justification) to 45 degrees, meaning that taller multi-storey complexes can adjoin residential areas. All share the likelihood of limited on-site parking and Norwood ALREADY experiences major parking problems.

Despite recognition in the 2016 Act, sustainability, biodiversity, open space, greening and climate change have received minimal consideration in the Code. The 30-Year Plan sought increased tree canopy to help mitigate our state's hot, dry weather conditions and improve the amenity of our neighbourhoods. The facilitation of much larger developments and urban infill via the Code will witness instead the loss of many trees on both public and private land with scant replacement of vegetation and no associated monitoring policy to ensure it remains. Couple this with reduced minimum site areas, less private open space (a mere 8% for some sites) around dwellings and relegated to front yards behind high fences in many cases and the net effect will be compromised quality of life with more 'heat island' effect, less passive surveillance and poorer streetscape aesthetics. Throw noisy air-conditioners and lower privacy screening (1.7m to 1.5m) into the mix and the stage is well set for many disgruntled residents.

Where is the modelling, research and justification for such substantial changes to our lived environment? Why the total disregard of long held urban planning principles in favour of development wherever possible? And how on earth can the SPC possibly claim a Code filled with drastically new/altered policy changes is 'policy neutral' or offers the 'same policy intent' as recently stated in SPC publications?

## **CHARACTER AND HISTORIC AREAS**

The NRA strongly agrees with the Local Government Association's assertion that the 'preservation and protection of local heritage and character is paramount to many councils and their local communities', particularly where those councils have worked with their communities to include rigorously assessed buildings/zones in their Development Plans and have detailed policy to support same. This was certainly a major focus in Norwood (supported by lengthy and detailed heritage surveys) from

the mid 1990's until 2012, at which time the state government actively discouraged and obstructed any further listings.

In pockets of current Residential Character (Norwood) Zones (eg the quaint little cottages along Margaret Street), Council has since 2015 until now disallowed street-facing modern design and further subdivision in all of these nominated locations in order to preserve the prevailing character. Alarming, despite residents' vehement support of our precious SA built heritage, forty years of carefully crafted and successful NPSP policy to protect heritage and character for posterity is to be abandoned in favour of subdivision and contemporary design. Minimum frontage widths for subdivision purposes have also been reduced from 12.5m to 9.0m and proposed new minimum site areas are inconsistent with current Council policy north of The Parade and east of Osmond Terrace. Any areas comprising Housing Diversity Neighbourhood Zones envisage a density of 70 dwellings per hectare (143m<sup>2</sup>) compared to 200m<sup>2</sup> and 250m<sup>2</sup> in the Development Plan, regardless of dwelling type. Exactly where is the adequate infrastructure to support this? How will such dense development mitigate heat and 'wind tunnel' effects?

Generic statements in overriding Historic Area Overlays provide little guidance about appropriate types of development, despite Michael Lennon's claims at the Port Adelaide Forum (30 January, 2020) that 'Heritage provisions are intended to strengthen heritage protection in this state'. Yet under the Code, the policy test criteria for demolition control are more flexible and therefore much weaker. A new economic viability test will make it easier to destroy State Heritage places or allow owners of Local Heritage places to deliberately neglect buildings and then justify their demolition - what happened with 114A Osmond Terrace, Norwood would be a case in point. Another test is whether or not a building contributes to the historic streetscape. Does that mean an old building obscured by a high fence/hedge could be bulldozed, because it technically doesn't add to the streetscape? Insufficiently detailed overlay statements in the Code (over 1000 NPSP Council words on themes, allotment sizes, architectural features, building height, materials and fencing etc are compacted to around 250 in the Code) are clearly open to interpretation, challenge and abuse by developers, lawyers and private planning consultants/certifiers. This provides less, not more, certainty for all.

Additionally the system both removes local input to decision making on heritage and diminishes the rights of owners and neighbours to be consulted on or appeal adjacent new development proposals which may impact State/Local Heritage properties. Of particular concern is the option for owners of local heritage places to de-list their property.

For the benefit of future generations, people need to be encouraged and supported to adopt a new mind-set around heritage - to see themselves in the role of 'caretaker' rather than owner of these buildings. The Expert Panel recommended financial incentives to support retention and conservation of heritage buildings by owners. Where in the Code are these positive initiatives adopted in line with suggested heritage reforms?

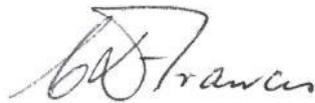
## **CONCLUSION**

Good, effective planning focuses on human needs and predictability. The Code as it stands fosters FREE-FOR-ALL modern development with dire consequences for

citizens' rights, cultural history, amenity and property investment as well as our state's emerging 'heritage' economy based on tourism, conservation and renovation.

It is also impossible to have faith in an incomplete, flawed document/system which after much time and considerable expense cannot be appropriately evaluated. Until the Code is substantially re-constructed in genuine collaboration with all affected parties and submitted to a proper, mandated community consultation process, it must be deferred.

Sincerely,



Christine Francis  
NRA President



Tom Smith  
NRA Secretary

cc

Hon Steven Marshall - Premier/Member for Dunstan  
Email: [premier@sa.gov.au](mailto:premier@sa.gov.au)

Hon Stephan Knoll - Minister for Planning, Transport & Infrastructure  
Email: [MinisterKnoll@sa.gov.au](mailto:MinisterKnoll@sa.gov.au)

Mr Michael Lennon - Chair State Planning Commission  
Email: [saplanningcommission@sa.gov.au](mailto:saplanningcommission@sa.gov.au)

Hon Tony Piccolo - Shadow Minister for Planning, Housing & Urban Development  
Email: [light@parliament.sa.gov.au](mailto:light@parliament.sa.gov.au)

ERD Committee  
Email: [ERDC.Assembly@parliament.sa.gov.au](mailto:ERDC.Assembly@parliament.sa.gov.au)

Mayor Robert Bria - City of Norwood, Payneham & St Peters  
Email: [REDACTED]