

Expert Panel

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PLANNING SYSTEM IMPLEMENTATION REVIEW SUBMISSION

As both a concerned citizen of South Australia and Norwood resident (since 1996), I welcome this Labor government's recognition of the need for a Planning System Implementation Review and my opportunity to provide input.

The original aim for replacing 72 Development Plans with a single state Planning and Design Code under the previous Liberal government, was to deliver good, consistent design outcomes clearly, simply, equitably and efficiently for all South Australians. In its current articulation, does the new planning system launched in March 2021 achieve this? The short answer is NO, though realistically, getting an ambitious and radically different process right, requires long-term careful scrutiny and ONGOING modification. Maintaining constructive collaboration between the State Planning Commission and local Councils is absolutely critical, in order to prioritise and properly resource the areas needing improvement within the Code as well as to set a clear, agreed program of reform.

On a positive note, the inclusion of Contributory Items (renamed Representative Buildings) into the Code, being able to progress **minor** developments quickly and having access to centralized planning data 24/7, are agreeable benefits. However, I still question the new system's fairness and efficacy in relation to the following issues:

- **PEOPLE'S RIGHTS**

Imbalance of power

There is a significant imbalance between the rights of residents to have a meaningful say in their lived environment and the rights of developers to have an impact on same in pursuing their business interests. Moreover, the heavily diminished power of local councils to control important and/or negative planning outcomes for directly affected ratepayers/tenants within their precincts, compounds the problem. A case in point is the controversial 120 The Parade Development proposal (see link below).

<https://www.businessnewsaustralia.com/articles/adelaide-s-controversial--95m-orta-development-gets-green-light-to-proceed.html>

Even though State Commission Assessment Panel (SCAP) approved, local residents, vocal heritage architects and our Norwood, Payneham & Saint Peters' (NP&SP) Council, consider this development totally out of synchrony with its heritage surroundings.

Major developments

SCAP being given the authority to approve developments over 4 storeys under the new Code is too liberal a view. High impact major development decisions really need to go back to Council, especially since it ultimately manages the repercussions of same – traffic, bin collection et cetera.

Notification/appeal

People should be informed about and granted Third Party appeal rights in relation to development which could potentially undermine local amenity and streetscapes eg large scale developments or demolition of local/state heritage. Many are disillusioned and even angered by a system which seems to ignore/devalue/override their rights to protect the things they hold dear – a feeling strongly expressed at Norwood's public forum with the Expert Panel.

- **THE DIGITAL PLANNING PORTAL**

Loss of local Knowledge

With standardized state-wide policies delivered largely via a digital platform, much valuable local knowledge has been overlooked/lost - a fact openly acknowledged by Craig Holden in a recent Community Alliance of South Australia (CASA) address. This lack of access to well researched historical data contained in pre-existing Council Development Plans (especially those of the NP&SP Council), compromises the ability of a central authority to deliver appropriate/desirable/nuanced planning outcomes, especially since differences exist not only from suburb to suburb, but also street to street.

Complexity

A general consensus is that the digital planning site is complex, hard to navigate (even for professionals), faceless and disempowering for people lacking IT skills. It also translates as additional pressure and cost for Councils needing to deal with people's enquiries/complaints, since many (still uninformed) residents continue to attribute planning decisions and responsibilities to Council.

Today's population has differing levels of IT understanding/capability and as a result people are going to require support/guidance through a predominantly computer-based planning system. Is this a job for council?

- **INFILL**

While urban infill largely seeks to rein in South Australia's 'urban sprawl', the Local Government Association of South Australia (LGA) notes in its submission that 'sustainable densities is an important aspect to healthy and vibrant communities'.

It follows then that not only does planning need to be clear about future urban infill and what its design will be, but higher density impacts require monitoring, review and enhanced planning policy to address any resulting problems in relation to design, neighbourhood character, public and private open space, urban tree canopy, carparking, stormwater and local infrastructure.

Stress/pressure

In reality, close proximity between buildings on small allotments undoubtedly increases people's stress/intolerance due to lack of privacy (overlooking security cameras are part of this), ugly/noisy/vibrating air-conditioners and intrusive neighbour activity. Greater numbers also means greater pressure on infrastructure.

Appropriateness

Importantly, approved infill should not detract from its setting and be based on careful analysis of each area's unique ability to absorb it. Even where buildings are mostly historic, properly managed infill development CAN and should be compatible with heritage conservation. Sadly, the Metricon Development (see photo below) in Beulah Road, Norwood fails dismally. While the entire development spans both an established neighbourhood zone and historic area overlay, it is an aesthetic anomaly in the latter, where such development practices should never be allowed.



Black Boxes

An emerging trend in infill development is Black Box architecture. To approve such structures in a state which experiences heat waves, raises questions about the government's climate change/sustainability advocacy, because these buildings lack eaves, are visually dominant if not discordant in their surroundings, are not energy efficient and exacerbate heat in upper levels.

- **HERITAGE**

Norwood History

Laid out in 1847 and granted the right (with Kensington) to set up the first municipal corporation outside the City of Adelaide in 1853, Norwood has flourished over time as a desirable residential/business centre for all walks of life, thereby realising a unique blend of grand and modest architecture.

Listings

Even though 70% of Norwood is deemed historic, only State and Local Heritage buildings have ever been formally listed, with NO nominated Contributory Items (Representative Buildings) whatsoever. Despite our NP&SP Council's long-term commitment to and investment in identifying local buildings and streetscapes worthy of preservation, unclear and changing government policies over the years have meant little gain. In 2012 any further heritage listings were obstructed, with the result that less than a quarter of our irreplaceable old buildings are currently protected, and only then because they are either individually listed or happen to lie within demolition controlled Historic Conservation Zones, which thankfully transferred across to the Code.

It would now seem that broadening the number and scope of listings (to include 80+ year old buildings) in order to protect a seriously threatened strategic asset, has become an imperative. Since such decisions are best made locally and based on sound evidence, our NP&SP Council will need wide-ranging support to achieve this end.

Zones/Subzones

Extending historic overlays and being given the opportunity (as initially intended) to create tailored SUBZONES to better reflect local design criteria, will allow Norwood to retain the integrity of historic gems like the row of largely intact charming, early cottages in Margaret Street.

Area Statements

In Norwood our NP&SP Council spent considerable time (decades) and expense in consultation with its residents to produce a highly successful set of guidelines within its Development Plan (DP). In its current form the Code does not uphold the previous government's commitment to a 'like for like' transition. Code failure to meet fine-grained needs, flags the importance to re-introduce detailed area statements, which provide clear guidance and enable more targeted policy to reflect and preserve local character. Clear, prescriptive and unambiguous statements are critical eg within historic zones double garaging to street frontages is inappropriate; roof pitch should typically be 30-38 degrees...et cetera. A return to our tried and proven NP&SP Council DP thus seems a logical pathway forward.

Demolition

Under the new Code, for demolition to occur in Historic Overlay Areas, rigorous architect assessment is required not only for the building project but also to maintain the integrity of the streetscape. By contrast in Character Areas, development assessment focuses on the appropriateness of the new building only and property owners/developers can demolish at will. Such was the appalling fate (despite community protest) of both 73 and 75 William Street (see photo below).



73 & 75 William Street (outside the protected historic zone). Demolished in favour of modern facilities and double garaging.



Junction Elizabeth & William St. Rear heritage building still standing, but seemingly left to 'rot'.

Logically demolition should be an integral part of planning approval, otherwise 'Councils and Government have no metrics as to the number, or nature of building demolitions that are occurring in South Australia' (CASA Presentation to the Expert Panel). Often too, the wider community scores a wasteland of vacant blocks at the mercy of weeds.

Reasonableness Test

Current demolition controls in relation to structural condition are being exploited and buildings are sometimes deliberately neglected with this aim in mind - owners of a beautiful return verandah Edwardian gentleman's residence in Osmond Terrace tried this tactic. The 'reasonableness test' is far too open to interpretation/challenge and needs to be better quantified. Consequences also need to follow for people who actively or passively sabotage heritage preservation. As yet, the Code does not address this issue.

Public demonstrations, petition signatures, newspaper articles in relation to Ayers House, the Waite Gatehouse, Martindale Hall et cetera, indicate how passionate people generally are about protecting what is left of their fast-disappearing heritage. But people cannot be expected to battle for every architectural/historic treasure – state heritage at least should be sacrosanct. What public consultation occurred in relation to the Thebarton Barracks? Why weren't we presented with alternatives?

The State Planning Commission's recent proposal to elevate (hopefully ALL, not just some) current Character Areas (with demolition by right) to Historic Overlay Areas (with demolition controls), is a step in the right direction. Without demolition control Character Areas would be increasingly compromised or destroyed, since the residential 'character' of an area is unmistakably determined by the buildings contained within. Yet Character Zones by definition are NOT Historic Zones, so why couldn't demolition controls simply be added to the former without confusing them with the latter?

- **GREENING**

Tree canopy

In light of the undisputed positive social and environmental benefits of natural plant life in local communities, ever present climate change concerns and the fact that we are well short of the Greater Adelaide 30 Year Plan for 30% tree canopy, there should be a heavy emphasis on the greening of public AND private land, a concerted effort to reduce the staggering loss of 75,000 trees annually, water sensitive urban design and sustainability.



A TRAGIC LOSS for the environment & neighbourhood aesthetics

This magnificent lemon scented gum tree on the corner of Percival Street and Portrush Road will be felled December 17

Trees within 10m of a dwelling do not require approval for removal, no matter what size

Open Space Fund

As it stands, this fund is problematic in that it allows for a low-cost transfer of greening in lieu of meeting any designated tree planting requirements (\$300-\$1200, whereas the Local Government Association argues the cost should be commensurate with the full life cost of the tree) and fails to monitor plantings to ensure success.

It therefore facilitates high density living with more paving (mainly non-permeable, but should be permeable) and an increased heat island effect.

Cultural/Historic value

Trees, like our rare Norwood Cork Tree planted by Henry Buttery in his residential garden in 1892 and the large river red gum preserved on the Coles redevelopment site, are also important as part of the local cultural and historic landscape.

Natural settings are also an essential part of heritage, because established gardens surrounding stately old villas attest to the grandeur of a bygone era and help preserve the historic value and integrity of these buildings.

Carving up, selling off or clearing our natural heritage to accommodate more development, simply undermines heritage protection as a whole.

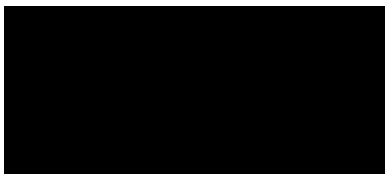
CONCLUSION

The above issues are the most pressing (not the only) concerns in relation to the new Code. No system is ever perfect, but whatever is in place must not only aim to fairly balance competing needs/interests in an ever-changing world, but also be readily accessible and understood by those having to use it.

Ideally what has been successful in the past should be integrated into the new set-up, and what has fallen short of expectations should be discarded. There is not much gained if we merely replace one set of problems with another.

Policies relating to design quality, cultural heritage, biodiversity and climate change need to be better addressed/embedded into the new state system and it behoves the state planning authority to devise a comprehensive, well-resourced program of policy improvement to ensure the highest objectives are being met through our planning assessment process.

Sincerely,



Christine Francis