

## DTI:Planning Review

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**From:** Russell King [REDACTED]  
**Sent:** Monday, 12 December 2022 11:14 AM  
**To:** DTI:Planning Review  
**Subject:** PLANNING LAWS

[REDACTED] [REDACTED]

[REDACTED]

To whom it may concern,

The following is a contribution, via email, to the Expert Panel for the SA Government's Planning System Implementation Review of the The Planning Development and Infrastructure Act.

The Act as it is presently administered and managed is a subject somewhat 'close to our heart' right now, because two dwellings that will overlook our home from the property that abuts our back fence are being constructed as I type.

The dwellings in question are to be two-storey buildings, replacing what was a single-storey house, on a block that is 32.03 metres deep and 18.29 metres wide (so each building is on a block a mere 9.15 metres wide). When finished, the back doors of those new buildings will be 2.94 metres from our back fence.

We first found out about this development by accident late in December 2021, when neighbours, whose house is next to those being constructed, themselves found out, also by accident. Somewhat surprised, we made enquiries and were advised that such a situation was quite normal; and at the same time were told that no one, not the 'developers', not the builders, not the surveyors, not even the Council, are required to notify owners and/or residents of the properties adjacent to those about to be demolished. (Further to this: we didn't even know that the block had been approved for development – something that occurred in 2017 apparently – until we began making the enquiries referred to earlier in the paragraph).

Following the State election in March we had been keeping an eye out for news of a review of the Planning Development and Infrastructure Act, after a discussion with our local member during the election campaign; we subsequently found out about the Expert Panel when we sighted a 'flier' from an MP in another electorate. We took note of the suggested 'ways to have your say', and also downloaded the following documents recommended, viz: *The Expert Panel would like your views on the Planning Development and Infrastructure Act 2016 reform options (Public Notification and Appeal Rights)*, and *State Planning Commission document Practice Direction 3*.

Reading those documents was quite an education. It seems we were misled (misinformed, lied to, take your pick) when we were told that notification is/was not required; as perusal of

*Practice Direction 3* would seem to indicate that adjacent land owners/occupiers must be notified.

Let me be clear: even here in December of 2022, we have not been notified that any development of the property adjoining our back boundary is to take place, despite that fact that at time of typing building is well-advanced. There has been no notification from the Port Adelaide Enfield City Council, none from the owner of the property, none from the builder. A letter we sent to the owner requesting a copy of the Surveyor's Report has received no response (nor have we received a copy of the requested report). Any sign that was erected at the site as required in para. 10 of *Practice Direction 3*) was put up well after (fencing) work was commenced in February 2022, and any information that we may have gleaned regarding this particular development has been gathered only by us.

Let me be further clear: we are unhappy at the thought of two, two-storey buildings overlooking our home, and unhappier still that due process regarding application for, and notification about, their development does not appear to have been followed. (Furthermore, we are cynical enough to believe that if the person who advised us notification wasn't required was asked why he did not, he would deny it).

So, right from the word go (which we didn't 'hear' of course) it would seem that the development taking place over our back fence has been a well-hidden *fait accompli*. We have no idea what the 'Expert Panel' has in mind for the Planning Development and Infrastructure Act, but here are some thoughts for it anyway:

- Educate all parties involved in the administration of housing development(s) as to their obligations regarding notifying adjacent landowners/occupiers, because that certainly doesn't appear to have happened in our instance (and begs the question 'who else?').
- Develop a system whereby the submission of notification documents to adjacent landowners/occupiers in a timely manner is oversights, ensured and receipted.
- Consider why it's acceptable to replace a single, one-storey house, with a rear entrance that was around 20 metres from our back fence, with two, two-storey dwellings with rear entrances less than three metres from the back fence (using our experience as an example).
- Consider whether housing properties being developed should be 'like-for-like', i.e. a single-storey dwelling replacing a single-storey dwelling, until if/when there is a change in circumstance(s) such as a sale or a vacancy.
- Ensure that the development doesn't adversely affect adjacent properties' amenities, things such as solar panels or swimming pools as examples; or, barring that, insist on appropriate relocation and/or compensation.
- Reassure the public that oversight of these developments is/will be carried out by independent and qualified scrutineers. We were advised that the builders themselves provide assurances to local authorities that standards have been met and/or maintained; something that – if true - must surely give pause for concern.

We have had no say whatsoever in a development that will have (indeed, already has) significant implications for our present lifestyle. Two dwellings where there once was one; diminished privacy thanks to the second storeys and entry/exit points much, much closer than the previous house, and the replacement of a 1.8 metre fence with a combined retaining wall and fence to a height of 2.7 metres. The view from the rear of our house is now an extra 0.7 metres of fence and the second storey of two looming buildings, whereas previously it was a fully-grown walnut tree of significant age and a single neat house some 20 metres from our fence.

Some things that the Expert Panel might also like to ponder are some of the day-to-day details of the construction that (domestic) development includes. I talk here of non-existent dust (both 'regular' dust and sawdust) suppression practices, thoughtless, continual profane language from tradesmen, and the overly loud playing of radios (which are turned down with obvious bad grace if the workers are asked, and turned up again within minutes \*). The previous sentence also implies the possibility of OH&S problems, and while we understand such things aren't necessarily within the purview of The Act, I suggest that perhaps they should be in some form or other.

*\* The advice we were given about loud radios and the like was "go and talk to the tradesmen and find some reasonable middle ground," whatever that might be. Such advice is easy to give if you're sitting at a desk miles away from the noise, not so easy to carry out when it requires entering a building site and addressing a team of tradesmen, all of whom want the radio on (and tuned to the station of their choosing). There is, of course, the option of lodging a complaint about noise, but how would that be seen by those making the noise should some penalty be applied? Does that last sentence infer that we would be worried about repercussions and intimidation? Yes!!*

All of our concerns have come about because of the present system of planning laws and the (seemingly *laissez faire*) manner in which they are administered. In our case we, when the 'houses' behind us are completed, will find that we are looked down on by the tenants (yes, we know that the upper windows must be opaque up to a height of 1.7 metres, and yet.....), and cheek-by-jowl with them as well, courtesy of their back door being 2.94 metres from our rear fence. We can only hope that the eventual residents are 'quiet' people, but there are no guarantees of course, and that worries us.

Nor, of course, are we the only ones with concerns, there are other residents and owners in our neighbourhood who are being affected by the development that I've referred to above, and hope that they take the time to express them to the relevant body. No doubt there are many others across the state feeling likewise disenfranchised.

A final thought on this matter: what is likely to be the effect of the development being carried out 'over the back' on the value of our property? We sincerely hope that it isn't negatively affected simply because of the whim of some 'wannabee' land baron.

Thank you for the opportunity to express our concerns about The Planning Development and Infrastructure Act and its administration, via the Expert Panel. From where we stand The

Act seems to be weighted to the advantage of ‘developers’ and those wishing to develop, and the concerns of affected existing residents and owners are of lesser importance. We can only hope that such a situation is rectified to the satisfaction of all (though of course in our instance the ‘fix is in’). We would appreciate acknowledgement of receipt of this email.

Yours,

Russell King  
For RA & DW King  
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