

[REDACTED]  
[REDACTED]  
13 December 2020

Chair  
Michael Lennon,  
State Planning Commission  
GPO Box 1815  
ADELAIDE 5001

Dear Sir,

I appreciate the opportunity offered by government for the chance to examine the amendments and offer comment. In responding to the extended period of consultation in regard to the Phase 3 implementation of the Planning and Design Code, I wish to make the following points.

Firstly, whilst the amendments to the Code have added clarity and more definition to bring it closer to the objectives and principles of the current City of Adelaide's (CoA) development plan: Development Plan Adelaide (City), the fact remains that more definition and protection is required. Thus, I fully support the CoA's response, albeit excluding some minor errors, to be tabled at a special meeting (agenda of The Committee, special meeting, Item 5.10, 8 December 2020, pp 199–293) to be held on 14 December 2020 and no doubt to be sent on to you before the closure of consultation. Further, I support the North Adelaide Society (NAS) response, as seen in draft form, which also will be heading your way this week, please below.

Secondly, I note that the State Planning Commission's opinion is that Restricted Development decisions should not give rise to third party appeal rights. I wish to make it clear that I emphatically disagree with this position. Current non-complying development applications have to be translated to some compatible category in the Code; I expect Performance Assessed under Restricted Development would be likely. If so, the current expectation by adjacent home owners, land lords, community groups, etc., would lose their third party appeals rights to the ERDC court if any one of them disagreed with a panel or commission decision to approve the development. How can this be allowed to happen? It seems rather like a well built house (the Code), sitting on lousy foundations (the Act 2016), to me.

Thirdly, heritage protection requires further work in several areas. "Heritage Adjacency" issues in particular with regard to catalyst sites is wanting. Also, on preventing neglectful behaviour leading to a state where the property is considered "irredeemable". Further, demolition and vacant block outcomes need some preventative considerations or penalties for the "potential" developer or site owner.

Fourthly, I see "notification" is significantly reduced in the Code compared with the current prevailing regime in CoA. How is this going to improve acceptance of change? More inclusion of the community is required.

Finally, mixed use encroachment seems allowed within what are currently residential only zones, any third party appeals rights? The answer would be "no", as the development would be expected to be classed as assessed as "Deemed to Satisfy".

Included below, some of the NAS's concerns:

- Land use policy (through the Desired Outcomes and Performance Outcomes) requires additional clarity in some zones.
- Current non-complying types of development – there is insufficient policy criteria to be able to easily refuse existing non-complying development that has in some instances changed to an envisaged land-use or merit (performance assessed) development.
- Additional policies are needed in the City to ensure land uses and built form can harmoniously co-exist and reduce potential conflict, whilst building on the vibrancy of the city e.g. residential development near licensed premises.
- City Living Zone – changes are still required to ensure the long-term policy position of council to increase residential uses is not compromised.
- Heritage – heritage adjacency provisions are insufficient to achieve their desired outcomes and careful policy edits are still required to ensure that the suite of heritage policies are complete and effective.
- Policies previously agreed in the Residential and Main Streets and North Adelaide Large Institutions' and Colleges' DPA have not been fully carried across.
- Car Parking – car parking provision rates have been reduced to zero in the City Main Street Zone and Business (Neighbourhood) Zone, which is a significant shift in policy, and City Living Zone car parking rates for dwellings have no car parking requirements.
- Encroachments and public realm policies – additional policy is needed to streamline encroachment approvals as part of development applications, whilst some public realm policies (such as crossovers) provide “accepted” pathways which risks conflict with other uses of public spaces (e.g. on-street parking) and assets (e.g. heritage kerbing, street trees).
- Public Notification – errors in drafting need to be resolved to ensure public notification.
- Zones and subzones in the City still require the inclusion of key policies, and the completion of assessment tables to enable review and checking.
- Vacant sites – additional policies are needed to encourage continual use of land and enable reuse of properties by avoiding premature demolition that creates vacant land.

In conclusion, until some means is established to restore third party rights of appeal to the ERDC on matters of development where the parameters, measures, built form scale, land use, open space, an other factors described within the code, are outside of it by a significant amount, no matter how good the Code becomes at replacing the CoA's development plan, I wish to indicate that I am opposed to the Code being brought into operation.

Yours faithfully,

Geoff Goode

# South Australia Planning, Development and Infrastructure ACT 2016

Representation on Application

**First name:**

**Last name:**

**Email: \***

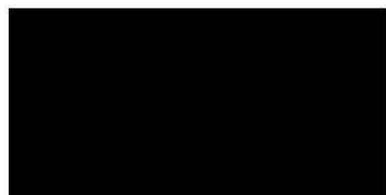
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## Consultation Document Submissions

Part 1 - Rules of Interpretation

- Support
- Oppose
- Amend

## Your Feedback



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