

SA Planning Commission

By email: [DPTI.PlanningReformSubmissions@sa.gov.au](mailto:DPTI.PlanningReformSubmissions@sa.gov.au)

To Whom it May Concern

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

In response to the revised draft Planning and Design Code – Phase 3, we wish to provide feedback on a number of key issues in the draft code that we consider will have a detrimental impact on the urban landscape. Our feedback and concerns are summarised below:

### **1. Public Notification**

Under the new code home owners will not be notified or have any opportunity to comment on development of neighbouring properties. Developments that do not have an impact on neighbouring properties probably don't need public notification. However, many developments do impact on the amenity of neighbouring properties. An example this type of development that has been in the news recently, is where a new development overshadows the solar panels of a neighbouring property, causing a direct loss to the neighbouring property. There are many other examples of less tangible losses, for example we can no longer see the line of magnificent gum trees in the local park due to a development obscuring the view.

Deciding if a development warrants public notification should be made by an independent person, eg local council or planning board. This decision must not be delegated to private certifiers due to their conflict of interest (see point 5). The number of properties to be notified should depend on which properties are impacted by the development. For example the proposed Peregrine helipad development in Kensington has a potential negative impact on a large number of properties.

For cases where a neighbouring property is adversely affected by a development, the Planning and Design Code should incorporate a mechanism for balancing the benefits of the development to the developer, with the loss to neighbouring properties. It would be interesting to see if developers are as dismissive of the impact on others if they had to pay compensation to the property owners affected?

### **2. Residential Character Zones**

We enjoy going on long walks through the surrounding areas. We enjoy seeing the difference in character between areas such as Beulah Park, Trinity Gardens, Maylands, Stepney etc. The change in character between neighbourhoods provides stimulation and interest to our walks. This change in character between areas has value to us. Our walks would not be as interesting and enjoyable if each area lacked its own character.

Difference in character between areas also adds choice and value to the people of South Australia. Some people will prefer to live in a greenfield development area that allows them to build in new home with a unique style to suit their own preferences. Other people will prefer to live in an area with large blocks or an area with tree lined streets. We have recently purchased a property in Joslin on which to build a new home. We chose the area because of its unique character, and were prepared to pay a premium in order to live in the area. We plan to demolish the current home on the site because it detracts from the character of the area, and have received support from neighbours to have it demolished. Under the area planning constraints the new home will need to add to the character of the neighbourhood. We recognise that building new home under the local neighbourhood development regulations will add costs to our development. We consider that these additional costs worthwhile as they

will add value to both our property, and the value of neighbouring properties. Conversely if someone builds a new home that detracts from the character of the area, it will reduce the value of neighbouring properties.

Having neighbourhoods with their own individual style adds value to both home owners and people who journey through different neighbourhoods. Having a uniform state wide Planning and Design Code will lead to a loss of local character, and corresponding choice and value to the people of South Australia. Many of the current local council Development Plans take a tiered approach to planning/building regulations, with regulations at the council area level, character area level and neighbourhood level. To prevent loss of choice and value for the people of South Australia, the new Planning and Design Code should incorporate aspects of the tiered approach to planning regulations that exist in the current local council Development Plans.

### 3. Residential Historic Conservation Zones

Our current home is local heritage listed. This local heritage listing comes with certain development constraints. However, we purchased the property with full knowledge of those constraints. We have undertaken several major developments of our current home to make it more suited to modern lifestyles. In doing so we did not consider the current planning regulations in the Burnside area over onerous.

Maintaining a heritage property does incur some additional costs. However, we consider these costs worthwhile, as it maintains the value of the property to us. When out in our front garden we have often received complementary comments from people walking along the footpath, indicating it also adds value to passersby.

### 4. Commercial Development in Residential Areas

Under the new Planning Code non-residential uses are allowed in existing residential areas. A neighbour has recently done precisely that (probably illegally), resulting in parking problems and increased noise. A residential sub zone should be created purely for residential land use. Residents should also have the opportunity to be consulted on new non-residential uses through the public notification process.

### 5. Private Assessment of Development

We are concerned about the increased role of private assessors in the decision-making process. Private assessors are paid by the developer. As such they cannot be relied on to make impartial decisions, as there is a conflict of interest between their obligations to the person who is paying them and the requirements of the Planning and Design Code (particularly in areas of the code that are not specific, and subject to interpretation). There needs to be a mechanism for reviewing the decisions of private certifiers, particularly in cases that impact on the amenity of neighboring properties.

Overall the changes proposed in the draft Planning and Design Code appear to be pandering to the lobbying of developers and the big end of town, to the detriment of people living in local communities across our state. As home owners who have undertaken several developments on our current local Heritage home in the Burnside Council area, and are about to embark on building a new home in the Norwood Payneham and St Peter's Council area we consider that the new Planning and Design Code should incorporate far more local area content from the current council area Development Plans. Without this local area content being incorporated in the new Planning and Design Code much of the local character and amenity in our neighborhoods is in danger of being lost.

Yours sincerely

Martin Godfrey and Sarah Reed