

Submission Planning and Design Code Phase 3

Preamble

Kensington is a unique suburb in its diagonal street pattern and its heritage fabric which is recognised and designated as a Heritage Conservation Zone.

I was a resident of Kensington 1991 - 2007 and a member of the Kensington Residents' Association (KRA). During much of my time in Kensington I was active on the KRA committee and President for 5 years. I regularly spoke at Norwood Payneham and Peters (NPSP) Council meetings on behalf of local Kensington residents against proposed inappropriate development in the Kensington Conservation Zone.

In 2001 I represented residents in a section of Maesbury Street, Kensington in the Environment Resources and Development Court. The issue related to a proposal for a new dwelling, including three garages facing the street, not in keeping with the character of that local streetscape. For an expert opinion we were represented by McDougall and Vines. KRA won the case. The block is still vacant.

KRA has fought many development battles since it was established in 1977. Residents enjoy the ambience and social mix Kensington provides and KRA has fostered a great deal of social cohesion within the suburb and has many members, some new, who acknowledge the hard work of committee members. This is witnessed through working bees in Borthwick Park, planting of trees provided by Norwood Payneham and St Peters Council, the annual national Clean Up Australia Day as well as local social get togethers.

Kensington is a community. Why should the proposed planning system affect this community and sense of neighbourhood established and nurtured by residents?

It is unfortunate that while the Minister for Planning extended the implementation date to September

2020, the **date for submissions Phase 3 remained at 28 February. Why?**

I believe that the integrity of **Kensington's Historic Conservation Zones and its heritage character will be severely compromised and its fabric changed forever** with the implementation of the proposed Planning and Design Code.

All of NPSP Council's Development Plans will be collapsed into one on-line planning portal. It appears to be a "*one-size-fits-all*" and "*lowest-common-denominator*" approach.

The Council's Development Plan has been carefully developed over the last 25 years particularly in relation to heritage protection and infill housing.

Particular concerns to be addressed

What is really unacceptable is that under the new planning laws, **residents will lose appeal rights against almost all new development.** As well, heritage protection will be further diminished, with the likelihood of more sub-division, ugly box apartment buildings and greatly reduced backyards and few if any trees.

The suburb of **Kensington will lose the listing of all Contributory Items.** These are historic buildings that, as a collection, make up the character and streetscape of our Historic Conservation

Zones. Currently, these buildings, approximately 200 in Kensington, have strong demolition controls. **With the new code, demolition controls will be severely weakened.**

The Historic Conservation Zones will be replaced by ***Suburban Neighbourhood Zones with Historic Area Overlays***. The overlays will have local '*Historic Area Statements*' that describe the attributes of the local area. These, we were told, would include important matters like minimum allotment sizes, minimum street frontages, the historical era that applies, materials to be used in new buildings or additions, the scale of the built form, fencing styles, and roof pitches. **The Historic Area Statements** were however only released on 22nd December 2019 **and contain only broad statements of the character and characteristics of the area, but little detail. More detail is required.**

The current Development Plan has **Desired Character Statements for the various Policy Areas**, and these have gone **from about 1000 words to only 250 or so!**

New demolition tests appear in the draft Historic Area Overlay that *are much weaker than what exists in our current NPSP Development Plan.* For example, in the new Code a building can be demolished if the "*facade does not contribute to the historic character of the streetscape*" or the original verandah has been removed. An astute

developer could easily argue that if a building is hidden by a large fence or hedge, it doesn't contribute to the streetscape and therefore could be demolished. These buildings will quickly be cherry picked by developers with boundary to boundary boxes erected in their place.

Changes in land use opportunities are envisaged in **Neighbourhood Zones** with a decrease in non-complying activities. Applications for industry, crash repair station, motor showroom, entertainment venue, electricity substation, hotel, warehouse, or petrol filling station would be considered on merit as Performance Assessed in the Suburban Neighbourhood Zone (all currently non-complying in Residential Historic Conservation Zone) *Hardly 'neighbourly' activities in a mainly heritage residential area.*

Some zones, like **Business Neighbourhood Zones and Community Facilities Zones**, will have a new building height policy that allows for much taller buildings of up to six storeys.

The **Business Neighbourhood Zone** extends along most of The Parade, Kensington and about half way down Bridge St towards Regent St. The Community Facilities Zones are our school sites.

This will mean loss of amenity and privacy for adjacent dwellings.

And "*significant development sites*" get a 30% height bonus!

The Code needs to be read in conjunction with the online mapping tool available on the SA Planning Portal. Unfortunately, **the Code and mapping tool have been published with errors and inconsistencies including missing mapping information and missing/incomplete policies and wording.**

The letter from State Planning Commission (SPC) to residents in the currently designated Historic Conservation Zones was recently received and apparently to provide assurance that there is nothing to fear from the new Planning and Design Code. After reading some of these letters I am not convinced. Residents cannot understand them. Sending misleading letters to property owners about proposed changes to the rules protecting the historic character of our streets, neighbourhoods, suburbs and towns leads to suspicion, confusion and anger. **That is not consultation.**

Perhaps most **misleading is the statement in the letter** that the changes proposed are not "fundamental" but rather a simple change of "policy wording or expression". The letter is evasive in its purpose and its message.

Even experienced planning professionals struggle to cope with the morass of detail- more than 62 000 pages of published material - and a dysfunctional online information system. The public have no hope of grappling with all of the bureaucratic jargon and poorly organised information produced to date and

struggle to access the online e-planning portal successfully – particularly elderly.

The current zoning of these areas protects the houses and other buildings that have been recognised as adding unique and special value to our streets, neighbourhoods, suburbs and towns.

The Commission is trying to replace existing, defined protections with loosely worded and poorly defined "historic area statements" that would significantly reduce the scope of what is protected and respected in future developments within these historic areas.

There is no acknowledgement from the Government that the proposed changes to zoning and development rules will put the amenity and property values of these neighbourhoods at risk.

It is however an established fact that heritage protection in historic areas adds a price premium of at least 20% to those homes. Once those historic streets and neighbourhoods are degraded with infill development, that price premium will vanish as the unique points of difference will be gone.

Owners are rightly angry about such an assault on the value of their properties and neighbourhoods.

Under these proposed rules the creeping spread of cheap infill development within our suburbs and

towns will come at the expense of the historic conservation areas that define them. This strikes at the heart of what makes these areas unique, cherished and highly valuable.

Owners who have purchased properties within these areas did so with the expectation that the historic character of their neighbourhoods would be protected, not sacrificed to more infill development.

Owners receiving letters from the State Planning Commission will be demanding the full story about the changes proposed in their areas.

They will hold the Government to account for this attempt to strip current heritage protections and diminish the value and amenity of thousands of properties across the State.

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