



Friday 28 February 2020

State Planning Commission

DPTI.PlanningReformSubmissions@sa.gov.au

DRAFT PLANNING AND DESIGN CODE: PHASE THREE

Dear Sir / Madam

The Kent Town Residents Association Inc (KTRA) welcomes the opportunity to comment on Phase 3 of the Draft Code.

INTRODUCTION TO KTRA

History of the Kent Town Residents Association Inc (KTRA) and the Preserve Kent Town Association Inc (PKTA)

A non-partisan, membership-based organization, KTRA represents and acts on behalf of Kent Town residents, to maintain and improve the living conditions, community wellbeing and amenity of the place.

It was established in 2019 by a group of residents who care about Kent Town and are concerned for its future in the face of rapid change. It incorporates Preserve Kent Town Association (PKTA) that has advocated for preserving the historical look and cultural identity of Kent Town for the past 40 years.

KTRA and PKTA before it, have been strong advocates for the promotion and uptake of sustainable practices in South Australia and had a significant ongoing interest in ensuring sustainable planning, design and land use.

INTRODUCTION

Ideally, we would have preferred to synthesise the views of our members into a consolidated submission, however, that has not been possible due to inadequate time that our members, and our organisation, have struggled to

deal within the allocated consultation period with the enormous complexity and sheer volume of this Code review.

We are concerned that the views that we present here will be taken as fulsome comments and yet the Code is not yet complete and so our views are neither.

We insist that, in this democratic society, we be given the opportunity to be involved in a second round of consultation when all the information is there to be considered in a meaningful way.

The City of Norwood Payneham & St Peters has prepared a comprehensive submission on the Code, one which fully analyses these deficiencies and makes appropriate and reasonable recommendations.

KTRA fully endorses this submission by our Council and wishes that it be considered as part of our submission. And we endorse the comments of our other fellow organisations including several local Residents Associations (Norwood, Kensington, and St Peters) and also Dr Iris Iwanicki on behalf of our umbrella organisation, Community Alliance of South Australia and fellow residents of these suburbs.

In relation to defining and protecting heritage, we also totally support the expert opinions expressed by McDougall and Vines Conservation and Heritage Consultants in their submission re the Draft Planning and Design Code: Phase 2 (Rural Areas). And we are significantly grateful to the Mayor of the City of Norwood Payneham & St Peters for his clear explanation to the Environment, Resources and Development Committee on 17 February 2020 about the ambiguities and unnecessary complexities and concerns about some possible absence of truth telling in this proposed draft Code.

All bodies recognise that the proposed State Government Planning and Design Code destined to replace 72 existing local Council Development Plans has far reaching implications for development across this state.

The new Code based system, as the key state document guiding planning decision making, has the potential to address future development in a rapidly changing world, as we face growing challenges especially in Kent Town...add details.

And it is an opportunity to make the planning system clearer and more certain in direction, and to enable consideration of longer-term impacts on public wellbeing and the environmental resources on which we rely.

Further, we acknowledge the enormous effort by the Planning Commission and DPTI staff in their attempt to meet the legislated Code implementation

date of July 1 2020. However, we are deeply concerned the timeframe is simply inadequate for the size of the task.

And yet we share mutual concerns with others listed above that the Code in its current form is:

- Unfit for purpose
- significantly changing the effect of current planning policy
- not a reasonable reflection of wide-ranging community needs and values
- a grave threat to the rights and responsibilities of Councils, communities and individuals to influence their lived environment
- full of glaring, unresolved problems which could destroy the amenity, identity and streetscapes within each of our respective districts

COMMUNITY ENGAGEMENT

The sheer complexity of the draft Code, the lack of time for adequate consultation and the technical nature of the consultation so far have excluded the public from the opportunity of appropriate engagement.

We agree with organisations referred to in this submission that consultation via your Engagement Charter has been inadequate. The closing of this consultation period before the completion of the documents about which people are to be consulted is an affront to the democratic process and a blatant ignoring of citizens' rights to participate.

E-PLANNING SYSTEM

The new e-planning software is insufficiently ready to be adequately consulted about. So far this system has proven difficult to navigate by even experienced IT users and planning professionals without direct assistance, let alone ordinary people. Inaccessibility to the Code is not only a major breach of the Community Engagement Charter enshrined under the Planning, Development and Infrastructure Act (2016), but the errors and anomalies within also severely compromise its performance.

ZONING

In the new Code, residential areas have been largely standardised with a one-size-fits-all approach. Despite carefully orchestrated development outcomes and policy improvements over the past decade, the NPSP Council has only been offered one subzone. This is totally inadequate to replace existing policy

variations and cater for local needs/expectations to ensure current and future projects are not compromised.

The removal of existing Council controls will see an increased built form in relation to height and scale along with reduced setbacks for multi-story buildings. Policy provisions will sanction up to 6 story's, where now they are limited to 2-3 stories or a compatible scale with surrounding development. Interface envelopes have changed (without justification) to 45 degrees, meaning that taller multi-story complexes can adjoin residential areas. All share the likelihood of limited on-site parking and Kent Town anticipates major parking problems associated with many proposed developments.

Despite recognition in the 2016 Act, the implications of sustainability, biodiversity, open space, greening and climate change have received minimal consideration in the Code. The 30-Year Plan sought increased tree canopy to help mitigate our state's hot dry weather conditions and improve the amenity of our neighbourhoods. The facilitation of much larger developments and urban infill via the Code will witness instead the loss of many trees on both public and private land with scant replacement of vegetation and no associated monitoring policy to ensure it remains. Couple this with reduced minimum site areas, less private open space (a mere 8% for some sites) around dwellings and relegated to front yards behind high fences in many cases and the net effect will be compromised quality of life with more heat island effect, less passive surveillance and poorer streetscape aesthetics.

Where is the modelling, research and justification for such substantial changes to our lived environment? Why the total disregard of long held urban planning principles in favour of development wherever possible? How can effective planning be prepared with so few planning controls?

CHARACTER AND HISTORIC AREAS

The KTRA strongly agrees with the Local Government Association's assertion that "the preservation and protection of local heritage and character is paramount to many councils and their local communities, particularly where those Councils have worked with their communities to include rigorously assessed buildings/zones in their Development Plans and have detailed policy to support the same."

Generic statements in overriding Historic Area Overlays provide little guidance about appropriate types of development and, under the Code, the policy test criteria for demolition control are more flexible and therefore much weaker. A

new economic viability test will make it easier to destroy State Heritage places or allow owners of Local Heritage places to deliberately neglect buildings and then justify their demolition.

Another test is whether or not a building contributes to the historic streetscape.

Insufficiently detailed overlay statements in the Code (over 1000 NPSP Council words on themes, allotment sizes, architectural features, building height, materials and fencing etc are compacted to around 250 in the Code) are clearly open to interpretation, challenge and abuse by developers, lawyers and private planning consultants/certifiers. This provides less, not more, certainty for all.

Additionally, the system both removes local input to decision making on heritage and diminishes the rights of owners and neighbours to be consulted on or appeal adjacent new development proposals which may impact State/Local Heritage properties. Of particular concern is the option for owners of local heritage places to de-list their property.

The Expert Panel recommended financial incentives to support retention and conservation of heritage buildings by owners. Where in the Code are these positive initiatives adopted in line with suggested heritage reforms?

The NPSP Council and residents and the Preserve Kent Town Association (PKTA) were unsuccessful due to inaction by the State Government to have Contributory Items mapped in Kent Town. As such there are none. Our disadvantage in this regard does not cause us to waiver in our support for those other many SA communities who will suffer from the effective disregard of the protection for their present Contributory items.

In regard to the Historic Area statements relevant to Kent Town, we are in agreement with the recommendations by McDougall and Vines (Conservation and Heritage Consultants) that the draft Historic Area Statements should be completely redrafted, edited and rewritten to expand the content, incorporate necessary additional information, and provide a statement which can be used to guide appropriate development in these significant historic areas. We support their comments that..." in their current form, development could be approved which would destroy the historic values of a Historic Area Overlay."

TREE CANOPY AND CLIMATE RESILIENCE

In this matter we are in agreement with our colleagues that the 30-Year Plan calls for an increase in tree canopy cover, however, the draft Code works directly against this by facilitating larger developments and the easier removal of trees on both private and public land. This will result in a significant reduction in canopy cover, habitat loss and climate resilience, due the increased infill development opportunities, reduction in minimum site areas, site coverage, setbacks and increased number of street crossovers.

KENT TOWN

Kent Town is a study of a suburb caught between changing planning regimes and ambitions. What will or can the proposed new Planning Code offer to help? Shouldn't it?

Kent Town is shifting to a higher density, mixed-use precinct. Considerable development is being planned within Kent Town, which is already challenged by heat from hard surfaces, little shading and too few trees or greened verges. New unplanned development, which does not address the effects of climate change in Kent Town will exacerbate this already poor situation.

Kent Town is in the Inner Rim which is in the forefront of the new Planning rules and where there is and will be significant infill development for many years to come. It is important that new rules accommodate livable built form and community. We face the acceleration of medium and high-density development.

We doubt that new developments will sufficiently contribute to the private realm, or creatively and positively to their own private realm, without Government-inspired incentives and regulation, with the involvement of community and contributions from major local institutions and businesses.

We recognize the reality of increasing densification and welcome its contribution to an increasingly liveable Kent Town however there are many infrastructure issues that must be addressed. Provision of services and renewal of the public realm is not keeping up as (northern) Kent Town experiences a boom in higher density residential developments.

The discussion has been essentially focussed on buildings and to some extent on street-scapes, but insufficiently focussed on people and place-making, the elements that make liveable the results of planning activities.

We wish to provide an example in Kent Town which can be assisted by creative, flexible but still predictable and effective planning rules to achieve such things as open space within a manageable and liveable environment within medium and higher density living, greening of public and private realm with all the economic, environmental and social benefits. And these initiatives to be enabled by assistance, incentivisation and regulation by State and Local Government, with developer contributions and other sources.

We wish for a suburb with a community heart and accompanying community facilities which Kent Town lacks and must not be left to random effects from incoherent building size and scale, street look and urban design and uncoordinated movement networks and car parking. A high-density housing community requires more that.

Planning policies and market demand for different dwelling types will not provide a coherent street look in terms of bulk and external materials, and management of unregulated continuous construction by multiple developers is also a problem.

More specific guidelines are needed by the Planning Commission and Council for Kent Town's built form and public realm

CONCLUSION

We agree with the sentiments of the Norwood Residents Association that effective planning focuses on human needs and predictability. The Code as it stands is deeply confusing for the community. Why have some rules been changed, and not others?

It is also impossible to have faith in an incomplete, flawed document/system which after much time and considerable expense cannot be appropriately evaluated. Until the Code is substantially re-constructed in genuine collaboration with all affected parties and submitted to a proper, mandated community consultation process, it must be deferred.

We agree with the Conservation Council that ...

” We are deeply concerned that the lack of time remaining until the legislated implementation date, and the sheer size and complexity of the reform process, will severely restrict the ability of the Commission and

DPTI staff to adequately consider and incorporate changes recommended by us and others through this consultation period. The risk of inadequate drafting, or inadequate policy out of step with community expectation, is considerable and growing. An incomplete Code will cause confusion and inefficiency, especially as it will need significant alteration by the Minister acting on the advice of the SAPC.”

The KTRA is unable to support the proposed changes as we believe they will result in poorer planning outcomes for our area. The implementation of the code needs a lengthy deferral to enable the deficiencies to be better understood and corrected

We also strongly urge you to advise the Minister for Planning, Transport and Infrastructure that more time is required to ensure appropriate and respectful consultation, and genuine community consent, in such an important policy development process.

Yours Faithfully

David Baker

Dr David Baker (PhD)

President

Kent Town Residents Association Inc. (www.ktra.net)