

SA Planning Commission

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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, I wish to register my strong objection to a number of key issues in the draft Code and to aspects of the engagement process during the consultation period.

Engagement Process

During the 6 week consultation period from 4 November 2020 to 18 December 2020, it has become apparent that the draft Planning and Design Code – Phase 3 released at the commencement of the period has been progressively updated “on the fly”. This has made it very difficult to review the draft Code when substantial amendments are made without notification to persons preparing submissions.

This became apparent when, on two occasions, I downloaded the policies applicable to my home address from the PlanSA website. On 26 November, a PDF document of 119 pages was created, and on 14 December, a PDF document of 153 pages was created – an increase of 28%.

This practice of amending documents “on the fly” is against the accepted conventions for reviewing technical documents.

Key Issues in the Draft Code

There are a number of key issues in the draft Code that will result in detrimental development outcomes both on my property and the surrounding neighbourhood, and which will be affected by significant changes to the current planning policies some of which are summarised below:

1. Contributory Items (Representative Buildings)

While the reinstatement of Contributory Items to the planning system is welcomed, the change of name to Representative Buildings is not agreed. The latter term does not accurately reflect the purpose of identifying these items in the Zone. The term “contributory” indicates that the building or item contributes to (augments) the historic value of the Zone. The term “representative” is weaker and infers that the building or item is just an example of a historic place of the era and so could allow its demolition in the future.

Additionally, the word “item” is preferred over “building”. In addition to buildings, there are other historic structures such as 19th century stone walls, cast iron fences and perhaps cobbled pavements that might qualify as Contributory Items.

Thirdly, since 2012, the Government has not approved any new Contributory Items, even though numerous places were nominated in Development Plan Amendments submitted since that time. These nominated places should now be reconsidered for inclusion into the Planning and Design Code.

2. Inadequate Policy for Residential Historic Conservation Zones and Residential Character Zones

Policy guidance is reduced under the Planning and Design Code, particularly for areas affected by the Historic Area Overlay and the Character Area Overlay. The removal of Desired Character Statements

and other local policy details results in less emphasis being placed on the established character of these areas and is therefore likely to result in substantially poorer design outcomes.

The Historic Area Overlay and Statements lack detail and are not an equivalent replacement for current planning policies. These current policy requirements should not be replaced with non-statutory guidelines which have no legal applicability to new development proposals.

Increased subdivision will be able to occur for areas currently zoned as Residential Character Zones. The Code requires changes to reflect the current restrictions on subdivision in Residential Character Zones.

3. Commercial Development in Residential Areas

Currently in my council's residential areas most shops, offices and consulting rooms, are non-complying land uses. Under the new Code, these non-residential uses will be allowed in existing residential areas, which will adversely impact traffic, parking, noise, neighbour amenity, and the character of our suburbs. The range and scale of new commercial land uses in residential suburbs is unacceptable. A new sub zone should be created purely for residential land use. Residents should also have the opportunity to be consulted on new non-residential uses next door to them, through the public notification process.

4. Building on the Boundary

Boundary development is often contentious due to the immediate impacts on adjoining property owners. The Code enables greater opportunities for boundary development, including side boundary walls being discouraged in Historic (Conservation) Zones. The revised draft Code extends the opportunities for building on the boundary up to 11.5 metres in length in some residential areas. This is a substantial increase from the current maximum of 8 metres and will result in increased overshadowing and loss of amenity. I request that the current requirements for length of boundary walls of 8 metres be maintained in current Residential Code areas and side boundary walls be addressed through increased (and more restrictive) policy guidance in Historic and Character Overlay areas.

5. Public Notification

The draft Code should reflect our council's current Development Plan policy with respect to the notification of neighbours and the public. The Code should include notification for all development that increases development intensity, including additional dwellings on the site, two-storey development, development on the boundary and change of use from residential to non-residential.

6. Tree Canopy and Climate Resilience

The draft Code facilitates larger developments, the easier removal of trees on both private and public land, increased infill development opportunities and increased number of street crossovers. This will result in a significant reductions in canopy cover, habitat loss and climate resilience. The requirement to plant a reasonably sized tree as part of a proposed development should not be circumvented by paying money into a tree fund, as this would allow the erosion of tree canopy in that specific location. Requirements for minimum tree planting size and ongoing maintenance should be written into both Code policy and conditions of approval.

Moreover, the proposed amount for payment into the tree fund also takes no account of the monetary value of the land that the tree would have occupied and which then becomes available to the developer. The amount payable into the tree fund should realistically reflect the current value of (say) 4 square metres of the property site. This amount could go towards the purchase of vacant land for a public park.

7. Private Assessment of Development

Each of the design and land uses issues raised above are critical given the increased role of private planning consultants in the decision-making process. Private assessors should not be able to make 'judgement' calls where proposed development deviates from Deemed to Satisfy criteria or where it involves the interpretation of minor variations.

Unless the above issues are addressed and the revised draft Code is amended to reflect these concerns, there will be an unacceptable loss of local character and amenity in my neighbourhood. I trust that the concerns detailed above will be given your full consideration.

Yours sincerely



Peter Langhans

[Redacted contact information]

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