

Stirling District Residents Association Inc.

18 December 2020

The State Planning Commission

GPO Box 1815

Adelaide SA 5001

Submission in relation to the draft South Australian Planning CODE

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Dear Commissioner,

The latest version of the CODE appears to have corrected many of the errors contained in the original draft.

The ability for a property owner to identify development guidelines relating to their specific property by entering their address is also a good new tool even though it requires reference to multiple overlays that an average person will have difficulty fully understanding.

However, there are still very important introductions of change and omissions of existing Development Plans that do not reflect the 'like for like' reflection of the Adelaide Hills Council Development Plan as promised by the Commission.

We would again stress that the more recent elements of Adelaide Hills Council Plan involved significant community consultation and this organisation played a constructive role in that process.

Matter of concern

**The combined impact of;**

- Lack of notification to immediate neighbours of any development 'deemed to be complying'.
- Removal of the concept of a list of non complying development types in a zone, except for an airport or oil refinery.
- Inclusion of shops, offices, consulting rooms as complying developments in the Rural Living Zone [previously called the Country Living Zone]

Each one alone is a major deviation from the current Plan, however in combination they constitute a totally unacceptable situation for residents who choose live in this Hills area.

Even in the case of 'deemed to comply' residential developments a neighbour may be aware of issues caused by land slopes, water runoff, lack of privacy, shadowing , impact on neighbouring trees etc that council staff or a private planner may not be as familiar with. There must be an option for reasonable representation against inappropriate negative impact on immediate neighbours.

## **Site coverage in Township Main Street Zones**

The current Stirling District Centre Plan provides an incentive for development of undercroft car parking that has not been incorporated into the CODE. The benefits of this include;

- More efficient use of development sites
- Ability to collect runoff in the state's highest high rainfall area
- Reduced potential for both flooding and water pollution compared with sealed car parks in an area providing water for reservoirs
- More scope for landscaping in a shopping centre with appeal for both residents and tourists

This should be incorporated into the CODE guidelines for Stirling and any other appropriate Hills townships.

## **Trees**

Trees are a very important element in relation to both ambience and climate control. In the Hills this is even more so.

Our current tree protection legislation is seriously lacking for a number of reasons.

Size is a very crude and simplistic criteria that currently defines the need to remove or retain a tree. Other important considerations that must be considered in the legislation include;

- Some eminently suitable species do not grow to the size defined in current criteria for classification, even in 100 years, this should not remove their protection.
- Suitability of species from the perspective of structural safety [limbs falling off], invasive root systems, combustibility, shade provision, access to winter sun, bird and animal habitat, growth rate, attractiveness- are all factors that must be assessed in any meaningful and intelligent tree legislation.

In the Adelaide Hills vast numbers of trees are being removed from development sites under the current inappropriate High Bushfire Zone tree legislation provisions. These are usually deciduous trees that are offered no protection under the legislation despite the fact they are actually fire-retardant species, the only protection offered is for trees that are often highly combustible.

If we are serious about bushfire safety and environmental concerns [in the broadest sense] surely more appropriate legislation can be easily drafted that addresses the above issues.

## **Character Statements**

These have not been incorporated into the CODE. Where this subject has not been adequately addressed by overlays they should be reintroduced. For example the character statement for the Stirling District Centre Zone was formulated as a joint statement by council, local businesses and residents.

### **Graphical illustrations of suitable development types**

These have been omitted from the CODE. Graphic illustrations convey a clear description of suitable designs far more clearly than text and are less capable of misinterpretation and should be retained.

### **Performance Planning**

This concept is still strongly embedded in the CODE. It introduces a much greater scope for subjective as opposed to objective assessment of development applications as it confers too much emphasis on the personal views of the assessing parties and detracts from focus on the development plan. This creates uncertainty and inconsistency of outcomes and can cause increases in litigation and lack of community confidence in the planning system.

We seek a reduction or removal of the use this concept.

### **Conclusion**

We thank the Commission for the opportunity to comment and trust that our proposed changes will be incorporated into the CODE before its introduction.

We note that The Adelaide Hills Council has provided a detailed submission.

Yours faithfully

John Hill, Public Officer

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