

To the Expert Panel

Planning System Implementation Review

16/12/22

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My background

I am an Architect with 40+ years of professional experience and until my recent retirement was a Co-Director of the Architectural practice Russell and Yelland Architects. I also served for a period of time on the Adelaide Hills Council Development Assessment Panel. My Architectural practice has had a focus on Educational, Aged Care and Health facilities all of which involved making applications and obtaining planning and development approvals and so I have had extensive experience with both old planning system and a little of the new system in the short time it has been in place.

Planning system reform

Although I was not a practitioner who lobbied for change, I was generally supportive of reform and indeed the ideas outlined in the 2014 SA Expert Panel publication "Our Ideas for reform" seemed positive at the time.

Implementation

When the changes came in, I don't believe they were well explained and I know many were confused about how the new PDI Act and processes worked and what were now the constraints to development.

For example I have found the Law Handbook (<https://lawhandbook.sa.gov.au/print/ch28s02.php>) to provides a clearer explanation of the operation of the system than anything on the Plan SA website.

Efficiencies in the new planning system

Many benefits were claimed for the new planning system including efficiencies in lodgment through the portal and processing generally leading to quicker approval time.

I have not seen any evidence to support this, indeed progress actually seems slower than under the old system. In addition to this Council planning staff seem reluctant to offer pre-lodgment advice on even simple matters.

From an Architectural practice perspective, the new PDI act appears to be a backward step and has have made things harder and more complicated, taking more of our time and being slower than the old provisions. There have been no discernable improvements in communications, processes, efficiency and outcomes resulting from the implementation of the new PDI Act.

Notification

While notification has improved for some classes of development for many there is still an inadequacy in the system. Many people are reporting development occurring on the boundaries of their property with adverse development that they have not been notified of.

Example: 101 Frederick Street, Unley.

At our rear of the Russell and Yelland office located 101 Frederick Street Unley office a large shed was erected on the boundary line with Council approval. There was no notification to Russell and Yelland who are lessees of the office. When challenged to Unley Council said they thought there was a boundary wall separating the

structures and therefore there was no need to notify. However, the boundary wall is only for part of the distance, 3m of the very high shed is built across the lightwell courtyard of our office adversely affecting amenity.

Council have informally admitted they were in error, but nothing can be done about it without the cost of engaging expensive planning lawyers and court action. There is probably a building rules non-compliance there as well with a class 10 structure adjacent to a class 6 structure with no fire protection measures on the boundary.

Example: 12 Ridge Avenue, Victor Harbor

A family friend reported a similar issue in Victor Harbor (12 Ridge Avenue) where a very large new house (No. 14) was built next to their family holiday home. There were a significant number of design non-conformances with the planning code including distances to boundaries over-looking, and over-shadowing.

There was no notification of the new works even though it resulted in a significant loss of amenity to their house.

Again, they were informed there was nothing that could be done without the cost of engaging expensive planning lawyers and court action.

Suggested improvement

There should always be a notification and a right to provide comment to adjoining owners/occupiers for all proposed development on or adjacent to the boundary line and where light, amenity or overlooking could occur.

Extension times for approvals

Many developers appear to be continuously lodging extensions for approvals years past their original approval date. This leads to apprehension and uncertainty from adjoining owners. This is compounded by the fact that the discussion for the extension of the approval (any altered conditions) does not involve adjoining owners, many of whom may have lodged representations and had concerns over the development.

They may be legitimate reasons for asking for an extension of an approval but adjoining owners need to be kept informed.

Suggested improvement

Extensions to planning approvals should be limited. If an extension to an approval is requested adjoining owners should be notified and their concerns considered. There should be no more than one extension considered. Any significant change to the proposal should require a fresh application.

Catalyst sites and their problems

A particular problem for city residents is the heavy over-development permitted by the so called "Catalyst sites". It is understood that this category was introduced to promote development on larger sites but it has resulted in a significant loss of amenity to adjacent residents.

There appears to be no specific height limit in the particular category allowing developers to push for inappropriate height buildings that adversely affect the character and amenity of their area.

The only beneficiary to the Catalyst site appears to be the developer as there is no community dividends here (e.g. affordable housing or offsets to allow the preservation of heritage buildings)

Catalyst sites are a fundamentally unfair planning provision that puts owners and residents adjoining these sites at an unreasonable disadvantage to developers always having to live with the potential of having a major development towering over them, reducing amenity, privacy and access to sunlight.

Suggested improvement

It would be best to remove this category altogether.

However, If the catalyst site category was to be maintained developers should provide some community benefit in their development. For example on the parklands edge if the general height limit was 4 stories, 6 stories would be considered subject to a benefit such as 20% of units to be affordable housing.

Design Code

Adelaide has had a proliferation of second-rate tower type development, often with a focus on student accommodation. There seems little thought given to the quality of the design of these structures and even less thought as to how these structures will be adapted in the future to meet changing accommodation needs and address sustainability. Profit before people is the obvious driver with Government on all levels missing in action and our city is the poorer for it.

However, there are some good exemplars for well-designed and thoughtful residential developments that would have the capacity to address Adelaide's population growth needs in a sustainable manner. I refer here to the Nightingale Housing in Victoria.



Nightingale housing – (photo from their website)



Nightingale housing – (photo from their website)

Suggested improvement

The inclusion of examples like Nightingale Housing as an exemplar in the design code could go some way to getting much needed improvements in design outcomes as well as putting people first. Nightingale housing provides good quality accommodation built in an environmentally sustainable manner that will also increase the city population and address accommodation needs.

Heritage

Key concerns

The recent failure of the Malinauskas Government to protect and preserve the state heritage listed Police Barracks buildings represents a singular failure in Heritage Policy. There were a range of viable alternatives to retain these buildings and deliver the required Women's and Children's Hospital project. In fact, their retention would have enhanced it.

Decisions like these completely undermine confidence in the planning system when it comes to heritage matters. If it's too inconvenient for the Government to preserve state heritage buildings private developers may well ask why they should put the effort in either (and also, what might they be allowed to get away with).

The size and scale of large multi storey developments and their effect on adjacent heritage buildings is not being properly assessed and reviewed by the "Heritage" Architects engaged by the developer and sometimes the government itself.

Example 1:

292 -300 Rundle Street Adelaide- current development application

This proposed development on Rundle Street East is backed by the Heritage Architect that claims *"The proposed development will not impact on the heritage value or integrity... of (these buildings)* This opinion seems appears poorly judged when the proponents own render show the two storey historic frontages completely dominated by the overbearing tower structure and the poorly thought-out podium level.



The proponents own render shows how the two-storey historic frontage is completely dominated by the overbearing tower structure and the poorly thought-out podium level.

As a contrast adjacent recent development has dealt with the relationship with East End Market Heritage structures in a more sensitive responding to materiality and scale in a more nuanced way.



These nine storey apartments on the corner of East Terrace and Grenfell Street respond to both the context and materiality of the East end Market buildings.

Example 2 – 200 East Terrace Adelaide. The development application was not successful in the form originally proposed but the heritage assessment provided illustrates similar concerns to the project above.

This proposal was adjacent to two heritage listed buildings; Springhill Lodge and the former Bragg residence. The government Heritage Architect concluded that the proposed development *will not be adversely affected by* the proposed 11 storey structure adjacent. The Government Heritage Architect also failed to report on the heritage context of the adjacent streetscapes and the forms, materials, and composition of those elements which were completely ignored in the new proposal.



Proponents render for 200 East Terrace

Example 3 – Façade preservation only

Many proposals involving heritage buildings really only preserve facades and verandahs, sometimes not even the first set of rooms and spaces. While this may be better than nothing the true value of the building to our history and culture is not preserved. What should be required is a design response that preserves the façade and essential core of those buildings. Preserved or restored interiors will add to the richness of the place enabling them to maintain their heritage value and contribution to the state's history.

Suggested improvement

A direction to that Heritage advisors when providing advice and commentary on projects that they should take into account the bulk and scale of proposals in relation to any adjacent or proximate local and state heritage items together with the adjacent streetscape.

They should provide commentary on whether the proposal provides the best outcome (from a community and heritage perspective) for the heritage items and streetscape and if not, what changes would be required to effect this.

There should also be some direction to ensure that not merely facades and verandahs are preserved. Conservation should extend into the building and capture the main rooms and spaces of that building.