

28 February 2020

State Planning Commission
Department of Planning Transport and Infrastructure
GPO Box 1815
ADELAIDE SA 5001

By email: DPTI.PlanningReformSubmissions@sa.gov.au

SUBMISSION ON DRAFT PLANNING & DESIGN CODE - PHASE 3

In response to the draft Planning and Design Code – Phase 3, which is currently out for public consultation, I highlight the following issues of concern, with particular reference to the City of Burnside, in which I live.

1.0 Historic Area Overlay

1.1 Contributory Items

The absence of individual identification, (by either a map or list of addresses), of those building which are of historic value to the area, (currently called “Contributory Items”), will create uncertainty and confusion for all parties, and will dramatically increase the time it takes to ascertain which buildings, and what parts of those, are to be retained.

Within the City of Burnside, all buildings constructed during the historic era stated in the relevant Historic Area Statement are of equal historic significance and value to the area, and reveal the full and true picture of the history of that locality, irrespective of architectural style, degree of ornamentation or aesthetic variation. Subjective opinions on building style or aesthetics, or restoration costs, are not relevant to the conservation of history. The loss of any of these buildings will result in a skewed picture of the history of that area.

It the City of Burnside, these properties went through a thorough process of investigation and review. Residents were giving opportunity to appeal and appear before LHAC if they objected to being nominated as a Contributory Item. The process was thorough, open and transparent. The properties which currently remain as Contributory Items identified on the City of Burnside maps have already been subject to a thorough process. To require that they now must go through an evaluation process to determine historic value to the area is unnecessary, onerous and expensive for all parties, and will be open to subjectivity and argument. Ultimately, this process may result in the loss of historic elements and buildings, and facilitate the erosion of our valued historic areas.

RECOMMENDATION: Contributory Item Identification

Existing Contributory Items should be individually identified (by either a map or list of addresses).

1.2 Historic Area Overlay - Demolition Criteria - PO 6.1 (b) [façade contribution]

Remove reference to façade contribution as a test for demolition in Historic Area Overlay.

PO 6.1 (b) confuses character with history. Character is a by-product of the historic collection of buildings in the area. In contrast to the Character Area Overlay, the primary purpose of this overlay is to conserve an accurate history record.

PO 6.1 (b) should be removed. All buildings constructed during the historic era stated in the relevant Historic Area Statement are of equal historic significance and value to the area, and reveal the history of that locality, irrespective of architectural style, degree of ornamentation or aesthetic variation. Subjective opinions on building façade aesthetics are not relevant to the conservation of history.

RECOMMENDATION: Historic Area Overlay item PO 6.1 (b):

Remove existing Historic Area Overlay item PO 6.1 (b) entirely: “(b) the building façade does not contribute to the historic character of the streetscape;”

1.3 Historic Area Overlay - Demolition Criteria - PO 6.1 (c) [economic test]

Remove all reference to an economic test. The inclusion of any economic test to ascertain whether or not a building is worthy of retention is unacceptable and open to subjectivity, argument and inconsistency. Financial figures can be readily contrived and manipulated to suggest any desired outcome. This is not how history is to be assessed or managed.

The demolition performance outcome for the Historic Area Overlay should replicate PO 6.1 (b) of the Local Heritage Place Overlay, but with additional wording included to ensure that deliberate neglect cannot be an avenue to achieve demolition.

RECOMMENDATION: Historic Area Overlay PO 6.1 (c):

Remove wording: “(c) the structural integrity or condition of the building is beyond economic repair.”

Replace with: “the structural integrity or condition of the building represents an unacceptable risk to public or private safety resulting from actions and unforeseen events beyond the control of the owner and is irredeemably beyond repair.”

1.4 Historic Area Overlay - Demolition Criteria - New demolition policy

The era of construction should be the determining criteria for retention, not aesthetics or style, or economic issues. All buildings constructed at the time of original subdivision (as stated on the Historic Area Statement), are of equal historic significance and value to the area, and reveal the full picture of the history of that locality, irrespective of architectural style, degree of ornamentation or aesthetic variation. PO 6.1 should begin with a statement as follows:

RECOMMENDATION: Retention Based on Era of Construction

Include new Policy within PO 6.1:

“All buildings constructed prior to and including 1949 are to be conserved.”

1.5 Historic Area Overlay - Policy Detail & Design Guidelines

The policy within the Historic Area Overlay is more generic and less specific than the current policy within the City of Burnside’s Development Plan. This results in the loss of key content and detail. (For example, the requirement to match principal roof pitches of historic buildings within the immediate vicinity, if the proposed development is visible from a street.) This is a significant variance from current policy. In addition, Burnside’s existing table of Design Guidelines for development associated with our Local Heritage Places and existing Historic Conservation Zone buildings (transitioned to the new Historic Area Overlay) should be included in this Code.

RECOMMENDATION: Existing Policy Detail and Design Guidelines

The contents of “Table Bur/1 Conservation and Development Guidelines for Historic (Conservation) Zones & Local Heritage Places” in the current Burnside (City) Development Plan, should be included as either a TNV link to all relevant properties in our council, or as part of policy state-wide within the Code.

2.0 Local Heritage Place Overlay

2.1 Local Heritage Place Overlay - Demolition Criteria

Focus and emphasis should be on conservation. Deliberate neglect should not be permitted as grounds for demolition.

In the Local Heritage Place Overlay, replace PO 6.1 (b) as follows:

RECOMMENDATION: Local Heritage Place Overlay PO 6.1 (b)

PO 6.1 (b):

Remove: “(b) the structural integrity or condition of the building represents an unacceptable risk to public or private safety and is irredeemably beyond repair.”

Replace with: “(b) the structural integrity or condition of the Place represents an unacceptable risk to public or private safety resulting from actions and unforeseen events beyond the control of the owner and is irredeemably beyond repair.”

2.2 Local Heritage Place Overlay - Heritage Assessment Reports

Heritage Assessment Reports provide important information for property owners and prospective buyers of Local Heritage Places. These reports should be automatically included in the information provided online, relevant to the specific Local Heritage Place under enquiry on the Planning Portal.

RECOMMENDATION:

Heritage Assessment Reports for every Local Heritage Place, should be electronically linked to their respective Local Heritage Place, such that when a person clicks onto that Place, the relevant Heritage Assessment Report appears as a link on the TNV data for that Place.

3.0 Non-Residential Development in Residential Zones

The approach to allow a wide range of non-residential uses (many of which are currently non-complying in council’s existing Residential Zones) is unacceptable and not in the interest of good town planning. It will result in unacceptable levels of noise, traffic, parking congestion, and the loss of vegetation, tree canopy and residential amenity. In addition, it will lure retail and commercial activities away from our existing commercial centres, many of which are already struggling with tenant vacancies.

Code policies should not encourage non-residential uses as a “desired” land use in predominantly residential areas.

RECOMMENDATION:

Those uses which are currently non-complying within the City of Burnside's existing Residential Zone (including shops, offices, educational facilities) should remain "restricted development" in the Suburban Neighbourhood Zone and General Neighbourhood Zone.

Alternatively, all existing residential areas within the City of Burnside should be located within an entirely new 'Residential Zone' which matches existing land use conditions, and is purely for residential land use only.

4.0 Public Notification

The removal of the ability for property owners to be notified at time of assessment, and have opportunity to comment or appeal proposed adjacent development, is unacceptable.

RECOMMENDATION:

Within the City of Burnside, the Code should reflect current Development Plan policy with respect to notification. This includes notification for additional dwellings, two storey development, earthworks where new dwelling is located 600mm above ground level, and change of use from residential to non-residential.

5.0 Environmental Design Considerations

5.1 Energy Conservation and Sustainable Design

The Code's policies which facilitate intensification of development have not been balanced with the overarching need for excellence and best practice in environmental design considerations for building and infrastructure development. There is need for the Code to give full consideration of sustainable design outcomes, for ALL development, to meet South Australian climatic conditions, including the orientation and design of buildings and the overshadowing of solar panels. Requirements for eaves and for appropriate sun-shading to northern and east/western elevations is a necessity in South Australia.

RECOMMENDATION: Policy for ALL development

Requirement policies, for ALL development, specifically tailored to South Australia's climate and context, should include both qualitative and quantitative requirements (as distinct from 'guidelines') for building orientation, sun-shading, window/glazing areas, in order to minimise summer solar heat gains, so as to reduce air conditioning, and to maximise winter solar access, so as to reduce winter artificial heating requirements.

The following policy, (which is currently within the Burnside (City) Development Plan), is appropriate to be included in the Code as Performance Outcomes for ALL development, including Deemed to Satisfy development. This policy should be accompanied by detailed Design Guidelines providing both quantitative and qualitative requirements for ALL development:

Development that conserves energy, while providing adequate thermal comfort for the occupants of buildings, by:

(a) optimal orientation and shape of allotments and the sites of buildings, to maximise access within those buildings to incident solar radiation (especially in relation to habitable rooms in dwellings);

(b) the orientation of dwellings and the arrangement of internal spaces and landscaping, to take advantage of climatic factors and maximise absorption of heat from the sun in winter on northern and eastern building surfaces;

(c) the pitching and orientation of roofs to facilitate the efficient use of solar energy collection;

(d) the sizing, orientation and shading of windows to reduce summer heat load and take advantage of winter sun;

(e) the use of deciduous trees, pergolas, eaves, verandas and awnings, to allow penetration of heat from the sun in winter and to provide shade in summer;

(f) the use of energy-efficient building materials and the incorporation of energy-efficient methods of lighting, air and water heating and cooling;

(g) the provision of adequate ceiling and wall insulation; and

(h) openings being designed to maximise the potential for cross-ventilation and use of cooling breezes in the summer months.

5.2 Solar Access

RECOMMENDATION: Solar Access

Restrictions should be introduced to prevent new development reducing solar access to adjacent properties. The provision of shadow diagrams and modelling should be mandatory for all development greater than one storey.

6.0 Trees and Living Green Landscaping

The 30-Year Plan for Greater Adelaide calls for an increase in tree canopy cover, however, the draft Code works directly against this, particularly within established inner suburbs, by enabling increased infill, larger developments and the increased removal of trees on both private and public land. The increased opportunities for infill development, reduction in minimum site areas, site coverage, setbacks and an increased number of street crossovers, will result in a significant reduction in tree canopy cover, habitat loss and climate resilience across South Australia, particularly within the metropolitan area. More comprehensive and consistent increased tree canopy provision is required.

There is need for the Code to incorporate policy to address the essential benefits derived from living green infrastructure, (e.g. trees, vegetation and ground cover), on air quality, microclimate, and the physical and mental health and welling of neighbourhoods.

RECOMMENDATION: Non-negotiable policy

Appropriate policy which is “non-negotiable” is needed to ensure that ALL new development is required to provide both living green landscaping as well as suitable trees which will deliver canopy cover and noticeable microclimatic benefits.

6.1 Soft Landscaping vs Living Green Landscaping

The reference to “soft landscaping” in the Code is inappropriate, as this term allows for artificial lawn or pine-bark ground cover, which do not release oxygen into the environment, do not produce the same physical and mental health benefits of living green vegetation, and which each reflect more heat than living vegetation.

6.1.1 RECOMMENDATION: Requirement for both Soft Landscaping and Deep Soil

All new developments should allow for both a minimum 15% deep soil area, in addition to quantitate requirements for living green landscaping (as distinct from “soft landscaping”).

6.1.2 RECOMMENDATION: Soft Landscaping - Definition

Include definition of “living green landscaping” separate from “soft landscaping”.

6.2 Shading in Carparks

RECOMMENDATION: Shading in Carparks

Policy should incorporate sustainable best practice regarding shade cover from trees in carparks. Code policy should be introduced for car parking areas (particularly non-residential open lot parking in retail, business and service outlets) to have a minimum area of tree shading. Suitable tree species with large canopy cover are required. (Policy similar to that used in other states/countries regarding minimum shade cover areas could be considered for use in the Code.)

6.3 Green Roofs and Walls

Policy provisions for Green Infrastructure, such as green roofs and walls, should be increased in terms of both the types of Green infrastructure to be required and assessed, and the minimum requirements for each situation.

RECOMMENDATION: Green Infrastructure

Wherever possible, Green Infrastructure requirements should be specified as 'requirements', not just as guidelines. Minimum requirements should be specified for tree and vegetation Green Infrastructure on all sites where any development is proposed, including alterations and additions, regardless of the size of the development. Minimum requirements should be determined by the size, landscape and location of the site, not only the size of the development. (Landscape and number of existing established trees and vegetation retained, could form part of the quantity requirement.)

6.4 Tree Damaging Activity

The draft Code’s criteria for assessing tree-damaging activity is weaker than current provisions within the City of Burnside Development Plan.

RECOMMENDATION:

Criteria for tree-damaging activity should reflect current controls, including and particularly, that “all other reasonable remedial treatments and measures must first have been determined to be ineffective”

6.5 Biodiversity and Habitat

A number of important policies contained in current Development Plans and South Australian Planning Policy Library, pertaining to environmental criteria including biodiversity, habitat and climate resilience, have not been transitioned across to the draft Code.

RECOMMENDATION:

Include effective environmental criteria which addresses biodiversity, habitat and climate resilience.

7.0 Water Sensitive Design

Consideration of water resources and management is a critical in South Australia. There is need for policy to require the use of water sensitive design in all areas, including small scale domestic development.

An essential requirement is the need for the use of permeable paving, (or other permeable ground surfaces), in driveways and carparking areas, particularly open lot parking in retail, business and service outlets.

RECOMMENDATION: Permeable Ground Surfaces and Permeable Paving

Appropriate 'non-negotiable' policy is needed to quantify specified percentages of permeable ground surface areas and/or permeable paving, in lieu of impermeable ground surfaces, on all development sites, including small scale residential development. Quantitative requirements for permeable paving should be applied to all residential and commercial/non-residential open car parking areas and driveways.

Unless the above issues are addressed and the draft Code is amended to reflect these concerns, there will be an unacceptable loss of amenity, local character and valued historic buildings throughout South Australia.

I trust that the concerns detailed above will be given your full consideration.

Yours sincerely

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South Australia. 5065