

Black Forest. SA 5025

Date: 25/1/2020

To Michael Lennon
Chairperson,
SA Planning Commission
Via DPTI.PlanningReformSubmissions@sa.gov.au

Submission for Phase 3 – Planning & Design Code

Dear Mr Lennon,

As a resident of the above address, I have consulted the Planning and Design Code and am concerned at what appears to be an anomaly in the General Neighbourhood zoning of my suburb in the Code, but not the surrounding suburbs to the east, west and south of where I live. I trust that this anomaly was not intentional on the part of the Minister and the Department.

The numerical parameters of the draft Code for General Neighbourhood have the potential to allow substantial 3 for 1 replacement of existing housing stock and more for row dwellings, which require 200sq.m per dwelling (ie up to 5 row dwellings for larger sites). Also mentioned is Low to Medium density (which yields 35 to 70 dwellings per hectare, equating to site areas between 285 to 145 sq.m). A standard Technical and Numeric Variation provides a non variable 300 sq.m. except row dwelling -200sq.m. Residential stock within Black Forest and Clarence Park have an average of allotment sizes ranging between 800s.m. and 1000s.m.but the area is being considered by the Code to being compatible with the newer developed areas (with 350-500s.m. sites).

Black Forest is a well established suburb consistent with its neighbouring areas; and shares a dominant character of consistent setbacks, prevailing massing and site coverage within a range of homes of distinctive architectural character. The majority of the buildings include bungalow, federation, villa styles and post WW2 housing with a lower proportion of single and 2 storey flats and units. The existing desired character should be respected, avoiding reduced site areas particularly row dwellings and reduced street frontages as in residential flat buildings.

General comments

Non residential development

It is noted that the Neighbourhood Zones provide flexibility for a wide range of supporting non-essential and commercial land uses eg shop, office and consulting room limited in scale to 100 square metres, up to 200 square metres of leasable space, within 60 metres of arterial and adjacent shopping centres . The only performance assessment provision is that of not interfering with residential amenity. Residential amenity is not tested with the exclusion of allowed sizes from Public Notification.

Tree protection

Many residents value the surviving tall and significantly large mature gums and deciduous trees that adorn Black Forest and Clarence Park's neighbourhood streets and private gardens and surrounding suburbs. The large trees shade the area during hot summer days, pump oxygen into the air, sequester carbon dioxide and provide habitat for the many birds. If infill is to occur, it is hoped that the Commission will consider further measures to protect unregulated trees as part of addressing the targets for greening the city in response to climate change. As the tree cover increase needed by climate change projections cannot possibly be provided by public space, we need better policies to prevent the loss of total site clearance carried out when existing housing is demolished. It is possible to retain mature trees to feature as part of housing design. Currently there is no protection or Code policies to encourage the retention of healthy, large trees.

The retention of these trees must to be encouraged as part of the environmental amenity of place and if the greening targets for the metropolitan area are taken into consideration. The 30 Year Plan for Greater Adelaide sets a target of 30% or an increase of 20% of the 2015 canopy cover by 2045.

Since 2015, we have seen large trees removed in the area as a consequence of infill development, while the rate of global warming has led to revised and increased predictions of temperature rise. It is of concern that within Unley council area, private open space has been reduced to a low 8% up to 12% or 16% according to housing type and will have to account for 80% of additional canopy cover required on private land.

Considering the need for trees being grown, it is submitted that private open space should be required - a least a 20% total of the site area, with 10% directly accessible from a habitable room as a minimum standard. This may include part of the 15-25% uncovered landscape space needed for infill development of 1-3 storeys. The minimum one tree per typical dwelling required by the Code is strongly supported. Building development also needs to ensure deep soil areas for tree growing; and for larger sites over 1,500 square metres a minimum should be set at 15% deep soil and tree canopy is recommended.

Public Notification

The overlays within a Zone or within a general policy of the Code designate development types that will require public notification (ie, advice to properties within 60 metres and a notice on site but no third party appeal rights). Only development exceeding policy provisions are for notification. This means that 2 storey developments will not be notified and that the required sill height for first floor windows, which has been lowered to 1.5 rather than 1.7 in the draft provisions. Given issues of overlooking by urban infill, and no notification for 2 storey housing, it is suggested that the sill heights be restored to a level of 1.7 m in height for 2 storey (and higher) developments.

Residents can contribute in to the assessment process by raising valid concerns regarding a range of unintended impacts of new development, resulting in better outcomes in the longer term. It is my opinion that third party appeal rights should be provided within in the planning system when approvals appear to be severely at variance with aspects of the Code.

My reasons include concern at the lack of democratic process, legislative Ministerial ability to remove or alter policies without prior consultation at a state wide level once the Code is 'activated' and the advisory nature of planning policies in the assessment process. Related to these points is that fact that accredited professionals for various aspects of a development with discretionary powers may lead to uneven, uncoordinated and potentially adverse planning decisions.

Formatting

Interpreting the Code on line would have been made easier if consistent headings, a word search device, and numbered pages had been part of the formatting of the on line documents.

Recommendations:

I ask that:

1. Black Forest be re-designated **Suburban Neighbourhood Zone** with the same numerical standards recommendations as similar neighbouring areas to achieve more consistency of approach within the suburban context and character of the wider area.
2. Privacy overlooking standard height of upstairs windows should remain at 1.7m and not be reduced.
3. Positive sustainability improvements should be applied consistently.
4. Vehicle spaces, manoeuvrability and enclosures provisions be improved.
5. Garaging for cars should not exceed a maximum of 30% of site frontage.
6. Tree retention policies be considered, including
 - Incentives for developers to retain mature trees and incorporate within housing infill design
 - Demolition procedures to encourage retention of mature trees
 - Local government initiatives to value and protect large trees be supported by the state.
7. Private open space provision should be retained at a minimum of 20% per dwelling.
8. Correction of the Code, and informed consultation being undertaken regarding changes prior to activation.

Thank you for the opportunity to comment.

Yours sincerely

