

27 February 2020

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

**SENT BY EMAIL:** [DPTI.PlanningReformSubmissions@sa.gov.au](mailto:DPTI.PlanningReformSubmissions@sa.gov.au)

Dear State Planning Commission

### **PEOPLE AND NEIGHBOURHOODS POLICY DISCUSSION PAPER – SUBMISSION**

Following the release of this discussion paper the City of Burnside provides the following comments for consideration.

It was understood that the purpose of the Commission's discussion papers were to provide direction and to inform the drafting of the proposed draft Planning and Design Code (the Code).

Following receipt of public feedback on each discussion paper, the Commission advised that a "What We Have Heard" document would be released which summarised the key points raised in public responses. Concern is expressed that the *People and Neighbourhoods Discussion Paper* was released only 8 days prior to the release of Phase 3 of the draft Code, and that the close of consultation is 28 February 2020 for both this discussion paper and the draft Code.

This, in our view, has provided a narrow window of time for the public to consider and provide any meaningful feedback on this Paper, to inform the release of the draft Code.

Council considered the draft Code as it relates to the City of Burnside at its meeting on 11 February 2020 and has separately provided detailed comments on key aspects, concerns and recommendations as part of its submission on the draft Code.

This feedback supplements the concerns raised in Council's submission on the draft Code. It also highlights inconsistencies between the recommendations and policy intent stated in the *People and Neighbourhoods Discussion Paper* (the Discussion Paper), and that which appears in the draft Code Phase 3.

Key comments on the Discussion Paper are summarised below by theme. Comments of response are provided below each statement:

## 1.0 STATEMENTS ON KEY CONSIDERATIONS AND TRENDS

- *communities want housing to fit in with the important characteristics they value – pg. 14*

The Code works against this objective by introducing a standardised, generic Code with little opportunity for local variation and little recognition of the unique and varied way the older established areas of Adelaide have evolved and developed.

- *the Code should provide clear guidance for managing legitimate community concerns such as on-street parking, privacy, overshadowing, local amenity, risks to heritage and character, site coverage – pg. 14*

Currently within City of Burnside's residential areas, neighbours are notified for certain situations including new two storey development, replacement of a single dwelling with two or more dwellings, or change of existing land use from residential to non-residential. Under the Code, however, neighbours will no longer be notified in these instances. It is of concern that the Code's solution to "legitimately managing concerns" appears to be the removal of the opportunity for people to comment and raise concerns during the development assessment process.

- *This focus on good design should apply equally across all development, housing, places and spaces, in metropolitan Adelaide...pg. 14*

This statement is contradicted on pg37 which states that only a limited number of large and/or significant developments will be subject to design review. The draft Code is lacking in definitive policy which requires best practice design for all development including that within residential neighbourhoods.

Within the City of Burnside, this statement will be further undermined, by the inclusion of non-residential land uses amongst residential streets, and by the intent of the General Neighbourhood Zone.

- *A land use planning system that will encourage and promote: A balance of protection for existing and new heritage and character – pg. 17*

The term 'new heritage' is unclear. It is assumed that this term refers to properties that are given heritage status in future.

In the draft Code, the policy associated with heritage properties and areas is more generic and less specific than that which currently exists in the development plans of many councils. This opens the door for ambiguity and argument, and the potential to erode existing heritage areas.

## 2.0 NEW PLANNING SYSTEM

- *The Code needs to carefully consider that some of our future neighbourhoods must provide more than just housing... pg. 28*

The Code applies this philosophy to ALL current residential areas, rather than to specific areas which have been carefully considered and fit for this purpose. Each of the proposed neighbourhood zones anticipates non-residential development such as shops, offices and consulting rooms in streets that are currently predominantly residential.

There is little recognition of how successfully many existing residential areas are working, where housing is the preferred land use and more intensive land uses such as shops and offices are directed towards main road corridors or existing centres.

### **3.0 A CLEARER AND MORE CONSISTENT POLICY FRAMEWORK**

- *In preparing the Code, the Commission has taken further the work of the Expert Panel and undertaken a detailed review of zoning for all neighbourhoods... pg31*

There is little evidence in the draft Code that there has been a detailed review of zoning for all neighbourhoods. Many existing residential and commercial areas have been placed in inappropriate zones in the draft Code. It is difficult to understand why certain areas have been selected for more intensive development, with little infrastructure or area specific analysis.

### **4.0 HIGH QUALITY DESIGN**

- *High quality design positively contributes to the liveability, sustainability, well-being and prosperity of our communities, towns and cities....pg37*

The term 'high quality design' is undefined and open to interpretation and subjectivity. Best practice design needs appropriate policy which considers both aesthetics and environmental sustainability, as well as functionality.

The report applies the consideration of high quality design only to a limited number of large and/or significant developments. The vast majority of developments in Metropolitan Adelaide will not be subject to design review. It is just as important that all small scale, infill development is of high quality design which positively contributes to its neighbourhood.

### **5.0 RESIDENTIAL INFILL IMPROVEMENTS**

- *Concerns have also been raised in relation to the use of the ResCode in the assessment of infill development. Specifically, its influence on lack of landscaping, waste storage and retention of local character, which can negatively impact street appeal.*
- *....indicates a need for the Code to address these issues and better align development outcomes with community expectations... pg. 43*

Rather than address these issues, the draft Code zoning and policy appears to exacerbate the potential for poor design outcomes in an expanded area of Metropolitan Adelaide. In particular, the inclusion of many parts of Metropolitan Adelaide in the General Neighbourhood Zone, which anticipates very small allotments with decreased setbacks, greater site coverage and with no opportunity for local variation, is likely to work directly against community expectations.

### **6.0 HERITAGE AND CHARACTER**

The Discussion Paper, (pg. 51-55), states that whilst there are inconsistencies across the state in the way various councils treat heritage places, some work well and others less so. The City of Burnside is one such area in which the management of our heritage properties and areas has worked extremely well over time.

Within the City of Burnside, the inclusion of Contributory Items within our Historic Conservation Zone occurred through the statutory process in place at the time and is widely known and understood by existing residents. The absence of individual identification (by either

a map or list of addresses) will create uncertainty and confusion for all interested parties, will open the door for subjectivity and argument, and will dramatically increase the time it takes to ascertain what buildings, or parts of the buildings, are to be retained.

The Discussion Paper states that new demolition criteria for the Historic Area Overlay is “not intended to open the door to more demolition...” (pg. 54), however the inclusion of an economic test is open to subjectivity, argument and inconsistency.

These issues are discussed in further detail in Council’s submission on the draft Code.

## **7.0 CLIMATE CHANGE AND SUSTAINABILITY**

- *Improving sustainability measures will improve our liveability and prosperity and is crucial to helping us affectively address and respond to the impacts of climate change... pg57*

The weakening of tree protections in the draft Code as well as the absence of environmental criteria (including policy pertaining to biodiversity, habitat and climate resilience) works against this objective.

- *Tree canopy on private land is decreasing across Greater Adelaide.... pg59*

The draft Code enables larger developments and the increased removal of trees on both private and public land. The Code facilitates increased opportunities for infill development, reduction in minimum site areas, site coverage, setbacks and an increased number of street crossovers, all of which will exacerbate the problem of tree canopy loss.

## **8.0 HOUSING PREFERENCES**

- *Policy in some Development Plans actively discourage certain housing types either directly... or indirectly... pg61*

The essence of orderly town planning requires the careful analysis of individual neighbourhoods and in particular, their capacity to support development of increased intensity. Development Plans which discourage certain types of development in particular areas have generally done so as that type of development may not be appropriate in that location.

The application of a ‘one size fits all’ approach to existing neighbourhoods without due investigation and analysis, or recognition of existing localities that are working well, will result in poor outcomes for the community as well as the loss of valued local amenity, and additional stress on local infrastructure.

Change may be desirable in areas which need rejuvenation and revitalisation, but it is not appropriate to suggest that all areas, particularly those that are currently working well, need the same level of intervention.

- *The General Neighbourhood Zone (which will largely apply to areas where the current ResCode is used) ...pg63*

The draft Code proposes to include vast areas of the City of Burnside which are not currently ResCode in the General Neighbourhood Zone and for which the policy will be a significant variance from that which currently exists.

- *This zone is aimed at delivering a steady supply of well-designed and diverse infill housing that is compatible with existing suburban streets and suburbs ...pg63*

The General Neighbourhood Zone in the draft Code lacks policy to ensure that development will be well designed or compatible. In the City of Burnside, the General Neighbourhood Zone policy will facilitate development is incompatible with the existing suburban streets.

I trust that you will consider these areas of concern before final implementation of Phase 3 of the Code. We look forward to continuing to work with the State Government in the policy transition of our Development Plan to the Code.

If you would like any further information in relation to the City of Burnside's submission, please contact Mr Aaron Schroeder, Strategic Projects and Planning Manager on Ph. 8366 4125 or email [aschroeder@burnside.sa.gov.au](mailto:aschroeder@burnside.sa.gov.au)

Yours sincerely



**Chris Cowley**  
Chief Executive Officer