

**From:** [Sue Giles](#)  
**To:** [DPTI:Planning Reform Submissions](#)  
**Subject:** Submission on the Planning and Design Code  
**Date:** Friday, 28 February 2020 12:16:51 PM  
**Attachments:** [Submission re P&D Code\\_S Giles.docx](#)

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Dear Sir/ Madam,

I enclose my submission on the P&D Code for your information and attention. Thank you for the opportunity to comment.

Please note that every time I look at the draft Code I see more things that concern me - particularly around what is allowable and what will be notified.

Kind Regards

Sue Giles

*Sue Giles*

*Phone:* [REDACTED]

*Mobile* [REDACTED]

# Submission on Draft Planning and Design Code

Sue Giles  
27 February 2020

**Dear Sir / Madam.**

I write to comment on the draft Planning and Design Code and associated legislative provisions.

I have tried to use the template provided for making comments on the draft Code, but it is very difficult to use. I have numerous comments to make but it will only allow me to see the first 2 lines of my comments before the text becomes too small to read. Also, it will only allow me to correct typographical mistakes one letter at a time.

For these reasons I have resorted to a more general approach, using headings as far as possible to assist you with reviewing my submission.

## **General Comments**

**I am so concerned about the quality of the policies in the Code and the level of consultation, that it is my view that it should not only be deferred but scrapped altogether. I support the concept of Development Policies being searchable online; would it not be possible to introduce an online system that would enable any person to 'drill down' through council Development Plan Policies efficiently.**

**The State Government could then focus its resources on constantly improving a suite of the best 'standardized' policy possible and on assisting councils to adopt that policy through a staged programme. The standard policies could be updated over time to better reflect government strategic goals; they could be the subject of meaningful community consultation in a staged and focussed way. I think the strong community awareness of, and reaction to, the draft P&D Code will ensure that people will engage in future on policy changes being proposed by the government. I note this is one of the Government's goals (rather than having consultation focus on the DA stage).**

**A sign of wise leadership is to recognise when it is better to acknowledge the limitations /failure of a project, quit it, and move on to a more manageable and palatable one. I urge the Planning Commission and the Government to take this action.**

**If a decision is made to continue with the Code, deferring the project by 3 months will not be sufficient. It will need at least another year to iron out all the errors and omissions and to reconult in a meaningful and respectful way.**

## **Consultation**

The Consultation process has not been fit for its purpose.

The consultation documents are very difficult to read. They are not accessible for a professional planner let alone for a lay person trying to make sense of what is proposed. I understand the goals, in particular the idea of online searching of policies. However, what has been presented to the public is a huge document that is essentially instructions for a computer so that it will identify the applicable policies for a particular locality. It is not a document that is humanly comprehensible,

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either with respect to one's own property or for wider areas. The Code and mapping tool are both very difficult to use, and one cannot get a sense of the policy intentions for large areas as a whole. On line access to the Code has exposed people to complex, layered information about zones, sub zones, overlays, technical variation notes that lack clear consistent language, inconsistencies of policies, and a confusing format that provides a list of development types, related numerous overlays and numeric Planning Objectives, Performance Assessed and Deemed To Satisfy references, and reference to Technical Variation Notes, not to mention many other documents that are relevant.

The quick overview video guide was too quick and too small to be easily understood. There was no contents page in the Council package (for example the 800+ page Holdfast Bay draft Code had no contents page, no page numbers, no ability to search using key words, and no ability to tab pages of interest). It was a nightmare to use. I had thought it would be easier than reviewing a 3000 page document but I was wrong. There was no explanation of use of terms like PO, DTS,,, etc. Headings in the document were not given clear status as to what was a subheading; this was made worse because subheadings were repeated under different main headings. Without page numbers or headers/ footers, you could not tell where you were within the document. A plain English guide is needed.

I have not yet been able to find the 'TNV's that apply to my Suburban Neighbourhood Zone. I could only find a list of possible ones, but no information about which ones apply where!

I attended a couple of public information sessions, and they were very confusing. The level of complexity of what was being offered to the community precluded a session that would help the public either to go online and do their research, or to become informed about what is proposed for their area. The screen was unclear, print and diagrams too small. Even the presenter couldn't really use them.

The public has not been provided with information about how the policies will change. We are asked to trust that there is 'like for like' conversion. Clearly it is not possible to make a 'like for like' transition when so many policies are being amalgamated into themes, and new zones and overlays. As this is the case, natural justice requires that the public is informed clearly about what changes are proposed to apply to their area of interest. This has not occurred. It is not valid to state that there has been no substantial change to policy.

In addition, some of the policies have only been included part way through the consultation period such as the draft Character Area Statements and Historic Area Statements (just before Christmas). This is poor practice and is completely inconsistent with the Community Engagement Charter which seeks to focus the community's attention on policy development rather than the development assessment stage of planning.

A letter was sent to people in Historic Areas; the letter mentioned that it was relevant also to Character Areas, and yet residents in Character Zones and Policy Areas did not receive one of those letters. In any case, the letter was rather incomprehensible to people who are not planners. "What is an Overlay?" I heard them ask. The letter did not explain that there are still going to be land use zones, but that the historic elements of the policy would be addressed in an Overlay that cuts across zones. Another small annoyance was that the letters were addressed only to one owner of the property – without fail a male owner. This did not help to put people in a sympathetic frame of mind to engage with the content of the letter.

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I did ring the help line at about that time (12 February), to ask how to find the TNVs relevant to my areas. A staff member had clearly been trained only to answer queries about the letter, but had no idea what I was talking about. He said he would get a planner to ring back. I have not yet received any calls back. *Correction: I received a message this afternoon 27 February, one day before closure of the consultation period.*

The tables within Private Open Space policies etc are hard to read – too small.

Why is there no link to the Outdoor Open Space Table 1 when it is first mentioned? Why are the tables on soft landscaping areas (also enumerated Table 1) presented prior to the Outdoor Open Space Table which is referred to earlier in the document? This is just one example of the difficulty of getting your head around the Code.

Meaningful consultation means actually communicating your intentions. Without that it is worth nought.

Unfortunately, the tight timeline, and perhaps lack of resources, has meant that there have been many errors, omissions and inaccuracies in the draft Code. While a small amount of this cannot be avoided and I am sure has been unintentional, the significance of the problems is not acceptable. While I respect the intent of advising the public of proposed updates, a 2000+ page document added to a 3030 page document is not accessible for anyone.

Historic and Character Area statements were not available for the full period of consultation, bringing into question the validity of the consultation. Some people may have completed their submissions prior to the release of the Area Statements and prior to the release of the 2000-page Amendment. While admirable, the amendment has called into question exactly what policies will apply.

Also, none of the many detailed changes in density, envisaged land uses, or design standards have been comprehensively summarised and presented during community consultations held to date.

For example, where has it been made explicit that offices and shops are now envisaged in 5 Residential zones?

I respectfully suggest that the government should re-consult on a revised version of the Code once it has been amended to take count of comments received. The public should be fully notified, using all media possible, including TV, to encourage people to know what is happening. Comparison tables should be prepared showing what is the current policy for your area, alongside the new proposed policy. At the very least a table showing, for every council areas, the current name of a zone and policy area, and the proposed new zone and pertinent overlay. I note Holdfast Bay has prepared such a table – it is only 1 page long.

When new policies are introduced in secrecy, or in incomprehensible ways, the government is not seen to be informing its constituents.

### **Public Notification**

I have numerous serious concerns with the new approach to public notification of proposed developments.

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Firstly, it appears to me that notification will only occur when a development does not satisfy some numeric policies. From first-hand experience I know that the true impact of developments can often be significant, even when advisory numerical policies are met. The numerical policies are meant to be maxima, or minima, that quantify the likely satisfaction of qualitative policies; but they do not always succeed in mitigating negative impacts.

In my view neighbours should be notified about ANY and ALL development on their boundaries. It is just not reasonable to take over someone's property by developing (and therefore changing) their boundary. Everyone should have a right to comment. Usually concerns can be addressed with a compromise outcome leaving both parties satisfied with the results. Importantly better design outcomes are often much improved through consultation, often benefiting the wider community.

It appears that only development exceeding policy provisions of the zone will be notified, meaning envisaged development that has not existed in Development Plans before, will not be notified. In particular a wide range of dwelling types and new non-residential land uses and variations in minimum standards in some Zones, will not be notified, yet it has not been made clear to the public that these new uses are to be allowed.

In many zones only developments listed as 'all other development' in Table 3 for that zone will be notified. Again this means that land division (3 allotments or less) and non-residential uses that have hitherto not being permitted in residential zones, will not be notified. We have limited experience of having non-residential uses in these zones. How can the government be confident that there will not be unacceptable impacts from these non-residential and land divisions in residential areas? By excluding so many classes of development from notification local people will be disenfranchised in the very areas that they have invested their money and personal and social capital.

There are so many benefits that flow from notification. Yes, it takes resources and a little time, but it is respectful to all affected by a development. The planning system is not here only for those who wish to develop, nor for those who wish only to profit financially from development. It should aim to facilitate high standards of development, minimize negative impacts and to contribute to better quality of life and economic benefit for all citizens. Often people have invested heavily in their residential properties, only to have their efforts undermined by development proposals that are ill thought through. Consultation can assist. I would support an approach that works in favour of more consultation rather than less.

It may be wise to have notification procedures consistent across residential zones; however more 'sensitive' zones and certainly Historic and Character Area overlays would benefit from higher levels of public notification for certain developments.

I query why developments subject to current Category 2 notification do not allow for appeal by a representor and yet the applicant can appeal against a decision and/ or conditions attached to an approval. This does not seem equitable. Why are a developer's rights greater than a neighbour's, who may have lived in the locality for decades?

Procedural Matters regarding public notification must be comprehensively reviewed by the Commission and state government. It would assist if the government then provided a comprehensive list of proposed new provisions and standards for further consultation. Once resolved, they could be made permanently available on the Planning Portal.

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Why does non-residential development trigger notification in the Housing Diversity Zone but not in the General Neighbourhood and other residential Zones?

In summary, public notification enables local knowledge and contextual input by locals, with attention drawn to specific and inherent potential impacts. This can add valuable review and improvement to design outcomes.

## Processing times

I find it difficult to see how the concept of deemed approvals if a DA is not processed through the new system within 20 working days is workable. How does this work when public notification is required, and there must be opportunities for the developer to respond to representations, and the matter must go before an Assessment Panel? This does not respect the amount of work and resources needed by councils, development assessment managers, and Council Assessment Panels to assess development and appears to work in favour of developers at the expense of others.

## Land Division

It is important that policies for land division are consistent with those for other forms of development. This will eliminate the use of 'back door' arrangements where the cart is put before the horse by applying for land use prior to land division, in order to achieve approval of development that would not have been consistent with the relevant land division policy (and vice versa). It can make decision making very complex. I have not examined whether there are such inconsistencies in the Code; rather I am observing an important principle.

## Historic Areas Overlay

I am very pleased that there is a mechanism proposed to recognise spatially, areas that have historic characteristics.

The community expects that these areas will be protected from inappropriate development and that historic buildings which contribute to the area will be retained. The draft Code does not indicate that the government intends to protect these historic items.

There has been a groundswell of community anger about the approach the government is taking to Contributory items, which councils have spent months or years, and thousands of dollars to identify, using professional historians' and architects' advice. They have been a core part of the spatial Historic Conservation Zone concept. Without them, does it mean that all existing buildings contribute? Are they all protected?

Contributory items make up a tiny proportion of all dwellings in South Australia and yet it seems that the development industry has convinced the government that their identification will damage the economy by not allowing them to be demolished. It is well known that upgrading historic dwellings, and adaptive re-use of them adds to their economic value, to the value of the locality and to the economy. I recommend that they be reinstated.

Dwellings additions should not be 'deemed to satisfy' in areas within a Historic or Character Area Overlay. It is important that they are treated as Performance Assessed.

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The template approach to Area Statements lacks the context of history and evolution of an area, which in turn have contributed to, and explain, historic patterns and characteristics.

Statements consistent with prescriptive criteria (site area, site frontage, building height in Technical Variation Notes) lessen the clarity and ability to comprehend and reinforce key historic subdivision patterns.

Existing building siting criteria (road setback, side boundary and total building spacing) has been replaced by minimal generic setbacks criteria in the Code.

Historic Area Overlay policy lacks guidance on respectful improvement to buildings as well as effective and fair demolition protection.

The historic character of a building includes the original whole building, setting and context, not just the façade of a building.

A review of terminology is required so that Historic Area content provides rigorous and consistent expression, clarity and use of terms. The terminology should be reviewed by qualified historians and architects.

### Character Areas Overlay

I am very pleased that there is a mechanism proposed to spatially recognise areas that have a certain consistency of character. I am not wholly confident that an overlay will have the 'teeth' that a zone/ subzone/policy area currently has.

I note and support the concept of contextual analyses being prepared for developments in Character overlay areas. How will this relate to the 'deemed approval' concept that is proposed to apply if developments are not approved within 20 days? Will there be extra time allowed for this aspect of the process in those overlay areas? Will the deemed approval not apply in those areas?

I note and support the introduction of Character Area Statements. The concept has potential to be of great value; as currently drafted however they tend to be descriptive rather than give guidance for assessment of applications. They do not replace the more nuanced policy that many councils have developed over time (and often included in Desired Character Statements).

Areas that are covered by an Historic or Character Area overlay require extra sensitivity to ensure that any new development, including dwelling additions, maintain, enhance and do not detrimentally affect the valued character of the area. I therefore recommend that dwelling additions should not be 'deemed to satisfy' in Residential zones if the site/ area is covered by an Historic or Character Area overlay.

The template approach to Area Statements lacks the context of history and evolution of an area, which in turn have contributed to, and explain, historic patterns and characteristics.

Statements consistent with prescriptive criteria (site area, site frontage, building height in Technical Variation Notes) lessens the clarity and ability to comprehend and reinforce key historic subdivision patterns.

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Existing building siting criteria (road setback, side boundary and total building spacing) has been replaced by minimal generic setbacks criteria in the Code. This is not suitable for Character Areas, where the character can vary greatly from closely built rows of dwellings, to spacious villas on large allotments.

Character Area Overlay policy lacks guidance on respectful improvement to buildings as well as effective and fair demolition protection.

The character of a building includes the whole building, setting and context, not just its façade. Similarly impacts on character are not just about streetscape.

The terminology needs review –content should provide rigorous and consistent expression, clarity and use of terms. The terminology should be reviewed by qualified architects.

Dwellings additions should not be deemed to satisfy in areas within a Historic or Character Area Overlay. It is important that they are treated as Performance Assessed.

### **Demolition Control**

My understanding is that although there are Historic and Character Area overlays, there are very limited controls over demolition, other than for State and Local Heritage Places. Such controls are beneficial in areas where the aim is to preserve character dwellings and buildings. They can ensure that demolition is approved only once an appropriately designed application for a replacement building is approved.

How does the policy in those areas relate to the negotiations that were held in the past with Councils granting them demolition controls if they were to adopt the government's policy on Good Residential Design SA (which were based on years of work across the country aimed at improving urban design)?

There is no protection for dwellings in a historic area overlay unless they are State or Local Heritage places. This contradicts advice given earlier. Demolition in the Historic and Character Areas overlay should be performance assessed.

The policy PO6.1 is inadequate and needs to be stronger to provide more protection to relevant places. The front elevation is not the only relevant aspect of such a place. The policy should take into account how the dwelling contributes to the historic and other character of the area. For example: side elevations, roof form, spatial setting of the dwelling and allotment are all relevant.

*The Practice Guideline (Interpretation of the Local Heritage Places Overlay, Historic Area Overlay and Character Area Overlay) 2019* proposes that contextual analysis statement should be prepared for development in Character Overlay Areas.

I support the concept of a contextual analysis statement being prepared for developments in Character areas.

I note however that the draft Practice Guideline requires that the contextual analysis of should focus only on the Streetscape. I argue that it should be broader than that. For example, it should look at the impact on neighbouring properties, so that the likely effect of the development on, say, outlooks

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that are anticipated and sought by property owners and residents in a particular character area are addressed. I recommend that that Contextual Context Statement be broadened as above.

## Desired Character Statements

It is unclear why 'Desired Character Statements' are no longer included in the Code. They have been an extremely useful tool in development assessment, and often assist assessment when a development is 'finely balanced' in terms of satisfying the objectives and principles of a zone. Councils have prepared Desired Character Statements, under guidance from the State government. They are a huge loss in the new system. I recommend Desired Character Statements be reinstated for spatial areas.

## Complexity

The new Code aimed to reduce complexity by replacing 68 Development Plans with one Code. It has not achieved its goal, and it has thrown the baby out with the bath water in the sense that the nuanced policy that councils have carefully developed over years of knowing their areas, has been lost.

The Code appears to have been developed to assist those developers that work across many council areas. Yet my understanding is that the most residential development, additions and alterations is undertaken by individuals. In this sense the Code is based on a fallacy.

## Councils

The role of councils appears to have been undermined considerably in the process of developing the PDI Act and the Code. Councils no longer have the status as a planning authority and responsibility and accountability falls onto individuals, including 'certified planners'. I don't support the concept of certifying individuals to undertake what should essentially be the role of a public institution that has the interests of the whole community at heart rather the interest of an individual. Planning is not a straight science where numbers always provide the best answer. It is nuanced and planning powers should be retained within public institutions.

There may be significant financial impositions on council as a result of the new approach. For example, although the role of councils in assessing development will be reduced, councils will be required to take on additional costly roles such as advertising proposed developments on the site of a development.

I understand that councils will lose lodgement fees (proposed to be paid to the State Government) and are likely to receive lower Assessment Fees due to more developments likely to be 'deemed to satisfy'. Yet it is likely that councils will still need to undertake work helping people to lodge applications through the State's Planning portal.

I understand it is the Parliament's intention to remove/restrict what input Councils will have in respect to changes to the Code. Local Government councils are very knowledgeable about their areas and their communities, including detail that State Government Departments can't have. Council also have an ability to engage with the community very effectively and are therefore well equipped to conduct community consultation. Excluding councils from the planning process will be losing extremely valuable expertise and professionalism built up over years.

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Even the Code itself demonstrates that without the detailed analysis undertaken by councils, the code would remain full of errors and omissions.

## Policy

As numerous residential zones are being amended to allow other non-residential land uses, and to allow much smaller site areas, it is important that in those zones where large lot sizes will be maintained, such as the Suburban Neighbourhood Zones, that developments are assessed not only in light of front streetscape. The rear yards of large lots are valued by landowners and residents, and development should always be assessed against the impact it is likely to have on the expectation of spaciousness, openness and outlook. Amenity is not just about how something appears from the street.

The Update released by the Commission has also brought into question exactly what policies will apply in the Code.

Importantly, it is not possible to comment on the TNV policies as I was unable to identify which TNVs apply in which zones / overlays.

A 'one size fits all' has resulted in significant policy gaps, and loss of local content that has been carefully developed over time and on the basis of local knowledge. I do not know anyone who wants Adelaide to become a bland city where development patterns are randomly scattered across the city. Diversity is strength in nature - and in cities.

My concerns include:

- The consequences of urban infill redevelopment with reduced allotment sizes that have driven demolition of non-heritage listed homes in established suburbs surrounding Adelaide City, resulting in loss of residential amenity, crowded and congested roads, loss of on-street parking, access for rubbish collection trucks and road safety;
- The lack of shading, articulation, cross ventilation and contextual respect for existing residential character by new infill housing.
- The consequent loss of suburban amenity through larger buildings on smaller development sites through the destruction of vegetation and trees when demolition of existing buildings leaves bare sites.
- Excessive hard surfaces resulting in greater stormwater loading into existing stormwater infrastructure.
- The loss of mature trees on private land.
- Policy wording that is vague and does not provide any degree of certainty about the intention of the provision.
- The flexibility afforded by performance assessed developments leaves room for wide interpretations of how the policies are to apply.
- Leaving interpretation by a variety of accredited professionals to approve specific aspects of a proposed development will result in a more fragmented process of assessment of a complex development.

Please provide a map that shows, perhaps by Council areas, or some other cookie cutter arrangement where the new zones are to be. This would make it possible for people to see the extent of zoning that will allow different types and lot sizes of land division, for example where will

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the new Residential Neighbourhood Zone be, with its 300m<sup>2</sup> minimum lot size policies. How much land division (and subsequent loss of vegetation, open space, permeable land and demolition of robust dwellings) will this potentially result in?

Some years ago the state government developed a GIS based mechanism for determining the impact of changing certain land division polices (esp lot size and frontage). It won planning and geotechnical prizes. Has any of this technology been used to determine the likely outcomes of the proposed new policies? There is no clear evidence that the Code has been subject to testing. Please inform the community.

## Zoning

The reduction in the number of zones will lead to loss of significant nuanced policy that is specific to a geographical area. For example, in Holdfast Bay council area, the Foreshore and Patawalonga Zone is unique and has a high tourist and residential character. and yet is proposed to be designated as an Activity Centre zone, with a focus on commercial development. Similarly, the Light Industry zone is proposed to be more commercialised in an area that is required to be preserved for light industry and already has significant traffic and parking issues. In addition, rezoning some areas in this way will undermine the role of other activity centres, for example Glenelg Jetty Road which needs ongoing commercial and retail investment to maintain its attraction and economic viability. Why has the residential area along the Esplanade south of Broadway been reduced from 3 storey maximum height to two storeys?

I note that there will be the same number of zones in Holdfast Bay as there are currently (16). How has this simplified policy? It has just added an extra 'overlay' layer that is not as overt as a zoning designation.

I do not support the naming conventions for zones, wherein it is not clear what uses are to be the dominant uses in an area. Terms like *Suburban* and *Neighbourhood* are very broad and confusing and do not give anyone, including developers, clarity.

No explanation or justification has been given to the new zones to replace centre zones; it seems that the concept of a hierarchy is essentially lost. Has there been an explanation to the public about this new approach?

## Neighbourhood Zones

I note that there are many new 'Neighbourhood' zones. This name sends confusing messages. It is used mainly for formerly residential zones, but the purpose of these zones is unclear without Desired Character Statements.

I am concerned about the proposal to allow commercial developments up to 100m<sup>2</sup> to be deemed to satisfy, in many Neighbourhood Zones meaning there will be no assessment for such proposals, (in areas that have been exclusively residential for decades). These enterprises can have operating hours until 9pm.

I also note that allowing such non-residential uses will affect numerous properties along Brighton Road and Anzac Highway.

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I recommend non-residential development be performance assessed and publicly notified in all residential zones.

## Residential Zones

I note that there are 5 residential zones in which the same list of envisaged uses will apply. The 12 uses now include the new uses of offices and shops which are not currently supported in most Residential Zones. They are currently not supported in the Holdfast Bay Residential Zone, even in the medium density policy area. Offices and Shops are currently generally non-complying, with some specified exceptions.

Applications for a non-residential use in residential zones should be performance assessed.

## The General Neighbourhood Zone

This zone will replace a large majority of residential zones in Metropolitan Adelaide including many that have significant levels of consistency in their allotment sizes (such as Blackforest east of South Road). The land division policies allowing subdivision down to 300m<sup>2</sup> (or less as often happens through the assessment process) is not appropriate for many areas. The government has not explicitly advised affected residents that these changes are proposed. In some cases, Councils have informed their residents but because the Code is so complex it has often taken council staff weeks of work to determine what policies are proposed, leaving little time for them to communicate with their elected members and in turn with their communities. Proposed lower minimum frontages will also increase the ability to subdivide land.

Reduced minimum lot sizes and frontages (by around 25% in many cases) will have an effect on infrastructure needs like stormwater collection and treatment, on street parking and schools.

Not only has the area per dwelling changed from 350m<sup>2</sup> to 300m<sup>2</sup>, (or down to 200m<sup>2</sup> for row housing), front setbacks have been drastically changed from the current existing established setbacks of 8 - 10m (Adelaide wide) to a mandatory 5m.

New developments will, under this change be predominant in the streetscape. They will impact seriously on the visual amenity of the adjacent neighbours for decades to come. Combined with the lack of side and rear setbacks (surely an error) the current spaciousness of many suburbs will disappear.

There is already a lot of pressure to replace single dwellings with 2; the new policies will result in 3 and even 4 dwellings on the same lots. While I understand the strategic need for more 'small household' housing, this is not a sensible way to achieve it – by carving up land in piecemeal ways.

Another undesirable impact on these suburbs will be the increase land values (already at world high levels) and the loss of affordability for people wanting to purchase a suburban property surrounded by some quality private open space.

By also increasing the allowable site coverage (roofed area) from 50% to 60% of the site area and reducing minimum private open space from 20% to as little as 8% will produce a bare, un-vegetated hot urban environment – the exact opposite of what cities need from both environmental and amenity perspectives.

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Increasing the allowable width of carports from 30% of the frontage of the site to 50% will see carports/garages dominate the streetscape.

I do not object to the proposed reduction in upper storey sill heights from 1.7m to 1.5m as the quality of spaces in upper rooms will be greatly improved by this amendment; and I do not think it will overly reduce privacy.

Please see comment above recommending that dwelling additions should not be 'deemed to satisfy' if the site/ area is covered by an Historic or Character Area overlay.

The State should be undertaking proper planning to increase densities on large amalgamated lots, surrounding them with shared open space, rather than despoiling existing suburbs that have high amenity and value and provide healthy lifestyles for families.

I recommend non-residential development be performance assessed and publicly notified in all residential zones.

I cannot see any rear OR side setback requirements in the General Neighbourhood Zone. These are essential to creating good urban environments. It is important that side and rear setbacks be reinstated.

Why is the area around Kirra and Mindarie streets at Port Willunga zoned General Neighbourhood and yet has a Preservation District Overlay (Township) over it? Should it not be zoned Suburban Neighbourhood, or Township?

### **Suburban Neighbourhood Zone**

In addition to relevant comments above, it is my view that the allowable operation hours of commercial development are not reasonable in such a residential zone. For this reason they should be limited, and rather than being 'deemed to satisfy' they should be subject to performance based assessment.

I note that one of the criteria that would allow a garage to be designated as "accepted" is that it is 10m long or less. A Structure of this length can create significant negative impacts for a neighbour and should be subject to assessment against its performance. I seek clarification about the policies applying to development on boundaries, and off boundaries. There should be very strong policies protecting northern boundaries from loss of sunlight and overshadowing.

I also note that there are provisions within the City Living Zone that require development under 3m near a boundary to be set back 900mm and near a southern boundary to be set back 1900mm plus 1/3 of the wall height above 3m. I STRONGLY recommend that this should be included in policies for all residential zones, particularly the Suburban Neighbourhood zone, and for all areas covered by an Historic or Character Area overlay. No development over 1.8m should be allowed on a southern boundary unless subject to performance assessment.

On page 1515 of the draft Code, under Notification, , the zone is referred to as the "Suburban Neighbourhood (Low Density) Zone. This is a much clearer name which send a clear message about

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the level of density anticipated in the Zone. I recommend the descriptor 'Low Density' be included in this zone name.

See comment in sections above recommending that dwellings additions should not be 'deemed to satisfy' if the site/ area is covered by an Historic or Character Area overlay.

I note that Consulting rooms, offices, preschools, shops and land division would not be subject to notification in the Suburban Neighbourhood Zone. This is not reasonable. A person living in a low density zone should have a right to be informed about a nearby proposal that will affect them. I strongly recommend that all non-residential uses and land division be notifiable at, at least, Category 2 level in Residential zones.

### **Ancillary Development**

The policies relating to ancillary development are inadequate and need to be reviewed.

### **Deemed to Satisfy**

I support the inclusion of design and landscaping elements, which will improve on the current ResCode which has produced some poor developments. In particular I support the introduction of 'soft landscaping' requirements.

### **Setbacks**

Why do the setback provisions, which are proposed to be reduced and not to reflect existing adjacent or average setbacks, allow for further protrusions of 1.5m for verandahs, porticos and so on? A resulting 3.5m front setback will totally change the streetscape in areas where 7 or 8m is the norm. Where will the landscaping that is sought after be able to occur? Developers and the community seek certainty. If a set distance is to be put in place, that should be it. In any case the policy does not allow for streetscape considerations to be taken into account.

There appear to be internal inconsistencies between setback provisions and landscaping requirements.

Side and rear setbacks should be included for all zones, with much larger setbacks on southern boundaries to protect access to northern sunlight for properties to the south

### **Tree Canopy and Regulated and Significant Trees.**

It is essential that we retain our large and old trees in our urban, and rural areas. The policies protecting regulated trees should be very strong (as per restricted development). It should not be made easy to make exceptions. If the policy is clear, it gives clarity and certainty to all.

Currently the policy has been weakened in respect to Significant and Regulated Trees.

I support the approach taken and comments made by the CASA submission on this topic. In particular, I support the following recommendations:

1. The existing tested Regulated and Significant Tree policy be transitioned into the Code without change.

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2. All large trees both indigenous and non-indigenous species, whether in rural or urban environments, should be given a true economic value and retained until dying of natural causes.
3. All large native trees, as defined in the Native Vegetation Act, should require Council or the Native Vegetation Council decision regarding their retention.
4. A special provision be provided for the retention of Grey Box trees due to their endangered classification and the fact they often do not grow to a regulated tree size.
5. Review true valuation of mature trees to recognise that size does matter – Big trees provide the most environmental benefits. The requirement for small tree planting as part of urban infill while desirable, needs to be accompanied by better protection and retention of existing large trees in the urban environment.
6. Include specific references to biodiversity protection in zones, including defining public land in relevant overlays and zones. There are a number of overlays that are related to public land that do not acknowledge the importance of long lived, large trees and their contribution to ameliorating predicted temperature rises.
7. Conservation Zone (including mapping) must fully cover all gazetted reserves and wilderness protection area.
8. Land Use PO1.1 – small scale and low impact uses need to be clearly defined.
9. DTS/DPF1.1- 'public amenity' needs to be clearly defined.
10. All tourism proposals on reserves should be classified as restricted development if not provided for in Park Management Plans.
11. Include DTS provision for car parks at a rate of one tree per 4 car parks.

### Flood Mapping

I note that some flood mapping has been included that is not yet currently in Development Plans.

Members of the community seeking to develop under the P&D Code should be able to expect that the P&D Code contains accurate information and that it places future development at no additional risk than is the case under the existing Flooding PDCs.

Unfortunately, the first version of the P&D Code contains misleading mapping and variations to existing Flooding PDCs that have not been supported by hydrological engineers. This policy direction must be evidence based.

Flood mapping should be included for Holdfast Bay, which 'suffers' from the flooding that flows from Marion council towards the sea. The public should be given an opportunity to see any updated/ corrected mapping prior to its introduction.

### Permeability

With increasing infill, especially in the Inner urban areas where large allotments and associated large gardens have been the norm, there has been a great loss of permeable land space. I support the new concept of 'soft landscaping' areas within developments. This may assist to increase the amount and proportion of land that remains permeable (thus reducing stormwater runoff and reducing hard hot reflective surfaces). Without paving being defined as 'development' it has been difficult to control the amount of permeable surface in housing areas. Some councils have policies seeking, say, 20% permeability, but with pressure to provide less and less private open space at the

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development stage, and then the inclination of residents to pave areas, permeability has suffered loss.

The new Code reduces even further the requirements for private open space. I do not support these reductions as they also will have an impact on the amount of land available for water to permeate.

I support the introduction of policies that require paving to be permeable.

## Private Open Space

I note the reduction in requirements for Private Open Space (sometimes confusingly referred to as Outdoor Open Space as in Table 1 on page 2253) in the Code. I do not support the reduction in these standards. Private Open Space is important to the mental and physical health of individuals, especially children and older people. It also assists to create space between developments and residences. In addition, often developers will present proposals with even lower amounts of private open space.

## Effectiveness of Policies

The new Code includes too many 'motherhood' statements such as The Desired Outcome DO1 under the heading 'Design in Urban Areas'. These are strategic goals and have do not serve a useful purpose. They really have no place in a development assessment document.

An example: PO5 on page 2236 says that "in mixed use developments non-residential waste and recycling storage areas and access provide management opportunities for on-site management of food waste...." How does this assist a development assessment authority make a decision?

There are so many statements that do not serve a DA purpose.

The policies for the Historic Area and Character Area Overlays are very much watered down compared with existing Historic Conservation Zone policies, and Residential Character Zone policies. While the Statements to be included in these overlays are better than not having any overarching statement, they are merely a statement of existing development and do not assist or guide development assessment.

## Inclusions

The Code appears to incorporate land use and other definitions, sometimes the purpose of designations, who is the relevant authority, administrative definitions etc This is confusing. The Code should be limited to guiding assessment. Many of the other aspects of the planning process should be addressed in the PDI Regulations. Why are they being included in a planning policy Code? Is it because the Code is easier to amend than Regulations? Does it require less consultation with councils and their affected communities?

## In conclusion

I acknowledge that there may be some repetition in my submission, for which I apologise. It is a mammoth task to even comprehend the proposed approach, and even more so to understand the

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new policies, how they are different from current policies, and then to consider their validity and implications for development of our beautiful city.

I am not confident that I understand all of the proposed policies; I strongly recommend that if the government decides to proceed with this project, it should review the policies and processes in the light of the submissions received, and that there be consultation with councils to address errors, omissions, inconsistencies and deviations from current workable policy. The government should also undertake a comprehensive review of the impacts of infill development to inform evidence-based policy.

Only after that, and after the State is confident that the mapping tool is operational, there should be a further meaningful consultation exercise which truly informs the public about impacts on their area.

Until this has occurred, I believe the Code and its associated processes should not continue.

Thank you for the opportunity to comment.

Your Sincerely

Sue Giles  
MPIA