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State Planning Commission

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To Whom it May Concern

### **SUBMISSION ON REVISED DRAFT PLANNING & DESIGN CODE - PHASE 3**

My family and I currently live in the historic conservation area of Eastwood, in the City of Burnside. Eastwood is comprised of late Victorian and Edwardian cottages and villas with the community serving the nearby Victorla Park racecourse and Glenside Psychiatric Asylum. Its character as a whole preserves a window to Adelaide's heritage and has been largely untouched by development. As a historic area it does also have features which do not lend it to infill developments, primarily being a large number of single fronted existing dwellings and little off street parking.

I strongly object to a number of key issues in the draft Planning and Design Code – Phase 3, which I do not believe has sufficient protections for historic areas like Eastwood. Without amendment, the Code will result in detrimental development outcomes both on my property and my neighbourhood.

My objections are summarised below. (Please note I use the term developer to include commercial developers through to private developments and renovations by owner/occupiers).

#### **1. Proposed Zoning of Residential Areas**

I am extremely concerned that the current requirements for setbacks for development from side and rear boundaries will be substantially reduced, particularly for two-storey development. This will severely impact the amenity of both my property and the streetscape, particularly in relation to access to privacy, sunlight, overshadowing and the space in and around buildings.

Developments should have consideration for sustainability including the impact on other properties; for example, properties where solar panels are fitted should not be shaded out by new developments. Allowing this would undermine the good work by the State Government to increase South Australia's self-sufficiency and sustainability with regard to the generation and use of power. It also will have a negative financial impact on existing dwellings that are overshadowed by raising their power bills. If the Code is not amended for this aspect, it should require new developers to compensate overshadowed dwellings for future financial loss (this could be by providing those effected properties with home battery storage).

I request that the current setback criteria in the City of Burnside be maintained in all residential areas through a technical and numerical variation and, in particular, all two-storey

development should be setback at least 4 metres from the side boundary and 8 metres from the rear boundary of residential properties.

## 2. Building on the Boundary

The revised draft Code continues to allow for development on the boundary up to 11.5 metres in length. This is a substantial increase from the current maximum of 8 metres and will result in increased overshadowing and loss of amenity. I request that the current requirement of 8 metres be maintained in all residential areas and only be exempted where the historic dwellings are already built closer together and the new or redeveloped building is consistent with the appearance of adjoining properties.

## 3. Historic Areas

The term “representative building” is potentially misleading. It infers that current Contributory Items are only of “representative” value, rather than each being of individual historic value as a significant member of the historic collective group, irrespective of their form or design. I suggest instead using the term “Contributory Building” or “Nominated Building”. The recent decision to demolish rather than move the gate-house at the Waite Institute, so that more bitumen can be laid for cars, shows that even heritage buildings are not adequately protected under the current laws. The draft Code must not further reduce these protections

It is all the properties or the collective group of properties and features that give a historic area its character. A historic area is not made historic by keeping a few representative buildings in the area.

Replacement or new dwellings should reflect the historic character features and the historic streetscape of the existing properties and area. (for example, faux Georgian or modern versions of gentleman’s bungalows do not reflect a streetscape where only cottages and villas exist). Two storey buildings need to be discreet and consistent with other dwellings in areas where existing properties viewed from the street appear single storey. The draft Code must contain these requirements or allow local communities through their Council to stipulate these conditions. Local communities do not include developers who do not and never will reside in the area.

## 4. Public Notification

The draft Code should reflect the Burnside council’s current Development Plan policy with respect to the notification of neighbours and the public. The Code should include notification for all development that increases development intensity, including additional dwellings on the site, two storey development, earthworks where new dwelling is located 600mm above ground level, development on the boundary and change of use from residential to non-residential.

Removing the requirement to notify neighbours and allow an opportunity to comment will result in negative impacts including the inconvenience and significant legal costs on existing residents should developments not be compliant. For less ethical developers, the profits or desire to build what they want will outweigh any potential legal battles and they will proceed without due consideration of the impacts they will have on others. Even where ordered by courts to remediate non-compliance, developers may delay any such action by appealing court decisions or declaring insolvency. The history of Bell’s Plumber shop on Payneham Road, St Peters, demonstrates how lengthy legal actions can be toward resolving issues.

## 5. Tree Canopy and Climate Resilience

The draft Code facilitates larger developments, the easier removal of trees on both private and public land, increased infill development opportunities, increased number of street crossings, and reductions in minimum site areas, site coverage and setbacks. This will result in a significant reductions in canopy cover, habitat loss and climate resilience. The requirement to plant a reasonably sized tree as part of a proposed development should not be circumvented

by paying money into a tree fund as this would allow the erosion of tree canopy in that specific location. Allowing developers to pay into a “tree fund” rather than keep or plant trees on properties will result in developers maximizing built land without maintaining or contributing to the tree canopy in a particular street or even suburb. Requirements for minimum tree planting size and ongoing maintenance should be written into both Code policy and conditions of approval.

#### 6. Parking and Traffic

The draft Code does not appear to require developments to consider parking, traffic or other infrastructure impacts. In Eastwood few properties have off-street parking and on-street space is at maximum capacity. Any development must make real, useable and adequate provision for parking and consider whether vehicular traffic will be increased.

It is not appropriate for development to argue that new residents will use public transport if parking is not provided. This is not reality. Significantly more funding is required for public transport to increase frequency of services to 10 minutes or less and increased on-demand public transport (such as that currently being trialled in Mt Barker) to cover all areas may result in private vehicle ownership, not the design of developments.

I also agree with the City of Burnside on the following:

#### 7. Proposed Zoning of Residential Areas

The revised draft Code places much of the City of Burnside’s residential areas in the Suburban Neighbourhood Zone. This zone has an emphasis on quantitative criteria such as height, set-backs, and site cover over design compatibility. The proposed policy is also inconsistent and incompatible with the current zone policy and places less emphasis on the established character of these areas and is therefore likely to result in substantially poorer design outcomes.

The following areas should be included in the Established Neighbourhood Zone as this new zone contains desired policy outcomes which more closely resemble that which currently exists, particularly in relation to envisaged pattern of development, site coverage, setbacks and dwelling design:

- Linden Park
- Erindale
- Frewville
- Hazelwood Park
- Roslyn Park
- Glenside
  
- Glenunga
- Leabrook (part)
- Kensington Park (part)
- Kensington Gardens (part)
- Burnside (part)
- Toorak Gardens (part)

#### 8. Private Assessment of Development

Each of the design and land uses issues raised above are critical given the increased role of private planning consultants in the decision-making process. Private assessors should not be able to make ‘judgement’ calls where proposed development deviates from Deemed to Satisfy criteria or where it involves the interpretation of minor variations. Private planning consultants are engaged by an interested party and therefore not independent.

9. Commercial Development in Residential Areas

Currently in my council's residential areas, shops, offices, and educational establishments are non-complying. Under the new Code, these non-residential uses will be allowed in existing residential areas, which will adversely impact traffic, parking, noise, neighbour amenity, and the character of our suburbs. This is unacceptable. All uses which are currently non-complying in our residential areas should be "restricted development". Alternatively, a new zone should be created purely for residential land use.

Unless the above issues are addressed and the revised draft Code is amended to reflect these concerns, there will be an unacceptable loss of local character and amenity in my neighbourhood. The draft Code appears to favour developers over existing property owners or the character of areas. It needs to address this imbalance.

In closing, I draw your attention to the strong need to preserve historic areas. Areas like Battery Point in Hobart, the Rocks in Sydney and my own suburb add to the story of their cities. Development which does not maintain these historic areas significantly diminishes these areas and their cities. I trust that the concerns detailed above will be given your full consideration.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Karl Mortimer', with a long, sweeping underline that extends to the right.

Karl Mortimer

10/12/2020