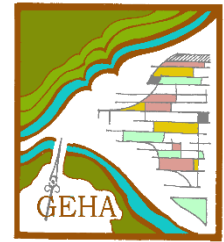




## Gawler Environment and Heritage Association Inc.

Email: [REDACTED]



14 December 2022

Chair, Planning Review Panel

Dear Chair and Panel

### Planning Review Submission

Gawler Environment and Heritage Association (GEHA) is a community group which supports the heritage of Gawler and our region, the natural environment and biodiversity and environmentally sustainable living. GEHA has been in operation since 1980. Over the last 42 years we have been keen for Gawler to retain its place as a town with high quality built and community character.

GEHA has been involved in a number of submissions related to the development and implementation of the Planning Development and Infrastructure Act 2016 and the associated Planning and Design Code. As a summary, we do not see the current system as anywhere near fit for purpose. The new system is failing the people of South Australia and the built and natural heritage of the State. The Panel needs to be bold and decisive to plot a new and appropriate way forward. The following comments are not in any order of priority.

#### **Proper public consultation rights are a high priority to restore.**

The previous decades of whittling away rights of public comment and rights for notification were bad. The recent changes have made the situation even worse. The provisions which allow even more decisions behind closed doors and by delegations need to be reversed. One area to look at is the practice of applicants putting in revised plans and reports after public comment without any need to notify these to interested people who have made comment until the CAP agenda is circulated [or possibly never when delegated decisions are involved]. There needs to be a requirement for notifying people who have commented or have an interest when changes occur or at some defined timeline so that follow-up input can be provided. Get rid of the incentive to minimise upfront information and not allow public comment on later provided reports.

It is not healthy that Council planners spend 90 plus % of their time dealing with developers and a tiny fraction dealing with the public. Planning is a social process which involves the community. The lack of public input and accountability is a recipe for bias towards developers and for potential corruption.

## **Restore community appeal rights**

The virtual total removal of community/third party appeal rights has been a fraud on the community. Supposedly we have our say up front. Well we have seen how that worked out with the changes from Development Plans to Planning Code. We have lost at both ends.

We don't have a problem with processes which allow appeals to be dealt with efficiently, vexatious appeals prevented and commercial vested interests prevented from abusing an appeals system. But it is an expected part of any transparent and effective planning system that decisions can be appealed for further consideration.

One of the reasons why appeals are needed is to combat the abuse of the development process by applicants presenting seriously exaggerated estimates of cost of works. As examples, we have been involved in development applications where applicants produced quotes for repair work on a historic stables building in Gawler of \$125,000 and more for work which experienced builders who we could provide evidence from were quoting \$20-30,000 (matter under Development Act). For the repair of a contributory house in poor condition "estimates" of \$1.4 to \$1.5 million (under PDI Act) – we had no opportunity to provide input but estimates of \$400,000 or so for rebuilding the whole house would have been reasonable.

Under the current system even if we get an opportunity to provide initial input and challenge excessive estimates, applicants can then have a second or third go with further "expert" reports and estimates that we don't even get to see before they are dealt with by Council staff or in a few cases sent to CAP meetings.

Appeal rights are one effective way of restraining this sort of behaviour. There may also be other ways the Panel can suggest to remove this blight of exaggerated scope of works and/or costings.

## **Restore development criteria for zones in each Council area instead of one size fits all. Restore historic conservation/character zones.**

Our preference is to return to the sort of detailed character statements and development guidelines that occurred with Development Plans. Some move towards that has occurred from original straight-jacket one size fits all but a lot more is needed. The process for returning to a better system also needs to be streamlined – we do not want a system where variations to Development Plans/Planning Codes take forever or just never happens because of cost and delay.

We would also like to suggest a lot more diagrams and drawings to show what is acceptable and what is not. These work well with heritage guides and general planning guides for criteria for new development that we are familiar with.

Names are also important. Established Neighbourhood Zone doesn't sound right for heritage areas. Representative building/place doesn't have the same mental image as Contributory Place.

## **Restore the Church Hill Management Plan for development in Gawler's Church Hill State Heritage Area.**

While there have been indications that a Church Hill Heritage Standard is going to be produced sometime in the queue of 18 or so State Heritage Areas there seems no reason not to immediately reinstate a statutory process which was accepted by all for 21 years. GEHA has been involved in process related to Church Hill particularly recent tennis courts disputes – the administrative decisions by Heritage SA staff and the architects of the Planning Code to avoid using the Church Hill Management Plan have been embarrassing and a blight on public sector accountability.

## **Remove current restrictions on narrow membership of assessment panels**

The current requirement for “accredited professionals” only on Council Panels needs to stop. And particularly the requirement for professional indemnity insurance no doubt has the effect of knocking out retired professionals who can be a good source of independent input. That is bizarre given that Councils have insurance for all activities including CAPs.

Councils should have the ability to choose their independent members however they like provided they can demonstrate relevant skills as occurred previously. There is simply no credible basis for the current system – possibly also would run foul of competition requirements under the Trade Practices Act. The current system just ensures that a very narrow group of planning professionals and Council employees dominate Panels across the state. To describe this as providing independent panels is stretching the English language. Would be a good idea to produce the data on Panel membership. By all means have a register of people who express an interest in being on Panels so that Councils can readily contact people or check on potential skills available.

Another useful change would be to allow substitution of Panel members related to the skills required. As an example, it is apparent that engineers are reluctant to apply to be CAP members because most matters would not utilise their skills. But having the ability to call on someone to deal with a matter involving engineering issues would be an advantage. Similar for various other professions.

## **Allow increase council reps on assessment panels**

The restriction to one Council nominee is an attack on the ability of local government to be “local”. A simple requirement that Council members/nominees cannot be a majority is more than adequate.

## **Require replacement building approvals where demolition of historic places is proposed**

The current staged process prevents effective public consideration of the merits of development. We have seen examples in Gawler where such staged applications remove people's trust in the planning process, cause avoidable angst and reduce the likelihood of good quality development.

Having better control on demolition of existing buildings, including those not having some form of heritage protection, seems to have a lot of positives in terms of protecting amenity of areas and discouraging poor quality development. There are a lot of pre-World War 2 buildings in Gawler that are important for the character of the town, but they have no protection from demolition at the whim of an owner.

### **Better provision for car parking in new streets. Access for trucks/emergency vehicles in new streets**

There is a clear problem with the development of narrow streets and limited street parking in new development and infill development. Needs to be some simple rules to stop garages being used for non-garage activities or to ensure that Council inspections can readily detect the problem. Similarly, for cars parked on landscape areas in front yards of properties.

### **Much better tree protection and \$ value trees properly where removed**

The current payments for tree removal are laughable. In no way do they reflect the loss of amenity, shade/climate mitigation, environmental services etc.

**Deal with embodied energy and material when considering demolition.** Demolition rather than renovation comes at a big cost in terms of resources and embodied energy in existing buildings.

### **Energy efficiency.**

Remove loopholes in energy efficiency that make some of the 5, 6 7 star ratings look good but the results are nowhere near the mark. Requirements for double glazing for noise, temperature and other benefits especially in areas of relatively dense development and infill development seem desirable. There should be assessments of amenity loss for existing residents related to infill – it is hardly fair if a developer can appropriate amenity values of existing residents. Similar issue with solar access.

### **Look better at extra small residences on blocks**

Having good arrangements and policies in place for adding on small additional residences on existing blocks is a much better option than allowing demolition for infill development.

### **Allow separate lots for historic ruins in country areas with absolute requirements to restore and maintain.**

There are many abandoned or near abandoned historic buildings in rural areas, mainly resulting from farm amalgamations. The usual restrictions on creating additional lots should be able to be set aside where the purpose of the new lot is to conserve an existing old building/s and where watertight land management or heritage agreements are in place which would not allow the place to be transferred until restoration has been completed to a certain stage and watertight requirements for the property to be maintained in perpetuity. If demolition is ever to be considered it would only be on basis that title is cancelled and

returns to adjoining property. Hundreds of buildings might be saved this way and contribute to a much better amenity in rural areas and more housing stock.

### **Smarter requirements for landscaping continuation for new buildings**

It may mainly be a matter for inspection and follow-up but we need to ensure that Councils or neighbours can sort out the all too familiar failure to put in place and maintain landscaping. It should also be easier to change the landscaping required so that more suitable species can be substituted where appropriate.

### **Affordable housing better managed**

Clearly as a society we are not providing the needed range or numbers of lower cost housing. The 15% affordable housing system seems to lack guarantees of maintaining affordability over future decades. We don't have an answer but no doubt there are experts who do.

### **Better protection for Gawler Rural Zone, also rural areas of Playford on Adelaide Plains.**

This has been an ongoing concern of GEHA since 1980. We have had various changes to urban growth boundaries and rural and near rural zoning that at times have affected viability of rural production activities. We favour a buffer of open space/rural activities around urban areas, especially Gawler but other urban centres as well. The Europeans have generally managed to have good boundary definition and restricted urban development sprawl. We seem to struggle. There are excellent opportunities for small scale productive activity in the peri-urban rural zones. High productivity specialist products, small scale organic production, farm based marketing or direct marketing to nearby urban areas or local markets.

We need to be careful to maintain vistas. The dense tree planting around state government land south of Gawler near Main North Road created blind corridors and blocking wonderful vistas to the foothills and across to the massive Redgums along Gawler River. Similarly large industrial scale buildings can reduce amenity and need to be regulated in the Rural Zone.

There are opportunities for biodiversity Carbon Farming - this can equally be lower scale grasslands and lower shrubs rather than tree forests. The poorly planned tree plantings near Main North Road are poor for biodiversity – good for the usual aggressive birds such as Noisy Miners – poor for understorey plants and all the smaller birds as well as most insects, reptiles etc. that use understorey plants. See the Gawler Biodiversity Management Plan 2019 for explanation of the original vegetation of the rural areas and issues with biodiversity improvement.

Many landowners in the Rural Zone don't want urbanisation but are mainly interested in lifestyle blocks. Encouraging suitable biodiversity planting is in line with the aspirations of most of these people. GEHA's Nursery Understorey native plant project has been operating for more than 10 years and general nursery for 24 years now with many plants going to properties in the Rural Zones. Creating native plant vegetation linkages from the foothills across the Adelaide Plains to the Gawler River and coast should be encouraged.

**MOSS and Gawler River paths given higher priority.**

MOSS has been neglected in the Gawler area. The original MOSS drawing were confounded by the then Town of Gawler not being part of Metro Adelaide. So MOSS stopped at the South Para east of Gawler and started again on the Gawler River west of Gawler.

The MOSS and earlier 30-year plan for the region had a goal of protected areas along the Hills Face, a corridor through to the Gawler River along Smith Road and Dalkeith Road and corridors along the South Para and Gawler Rivers. There has been some public land created especially in the eastern side around Smith Road and Dalkeith Road via public purchase/land bank and along the Gawler River and South Para arising from land division ceding riverfront land.

Some serious work needs to be done to make these dreams a reality. In particular creating access corridors through private land by agreements for rights of way/easements should be looked at rather than waiting for land ownership. And creating walking paths which open up public knowledge and interest in the river corridors and their biodiversity and amenity significance.

GEHA helped initiate both the Parridla Taikondi (river junction) and Tapa Pariara (rivers path) projects in Gawler over the last 20 years. These projects changed several kilometres of inaccessible and unwelcoming areas of river corridors into highly used and highly valued community assets while also improving biodiversity.

Over the last 25 years particularly since GEHA first obtained a grant for a study of the Rivers Corridor in Gawler Council area, GEHA has compiled a major database related to native plants, weeds, and native fauna across a region of the northern Adelaide Plains and the foothills from Salisbury to the Barossa and Kapunda. This has assisted major projects such as along the rivers, the Gawler East Link Road, the Gawler Urban Rivers Masterplan 2013 and the Gawler Biodiversity Management Plan 2019. It also includes all the areas related to open space discussed above including Gawler Rural Zone, remnant vegetation on private and public lands and the road reserves in Gawler and nearby Playford, Light, Adelaide Plains and Barossa councils. We will be able to supply this information for projects in future years.

Thank you for the opportunity to comment.

Yours faithfully

*David Ferguson*, GEHA Convenor