



Nadia Clancy MP

MEMBER FOR ELDER

Dear Expert Panel,

I write to you in my capacity as the Member for Elder which encompasses the southern suburbs of Clarence Park, Clarence Gardens, Cumberland Park, Westbourne Park, Melrose Park, Daw Park, Colonel Light Gardens, Mitchell Park, Clovelly Park, Tonsley, St Marys, Pasadena, Panorama and portions of Ascot Park and Edwardstown.

As a member of the Malinauskas Labor Government, I am incredibly proud that our government is fulfilling our election commitment by commissioning this Expert Panel to review our Planning and Design Code.

Issues pertaining to planning, heritage and character are of particular interest to the community I represent. As such, I invited community members to submit their feedback on these proposed reforms by providing a submission to you. I also wanted to take this opportunity to provide feedback which has been raised directly with me both prior and since my election to State Parliament that is of relevance to this review.

Demolition Controls

I was pleased to share with my community the three planning reform prongs related to our character suburbs released by you as part of your discussion paper:

1. Supporting Councils to elevate Character Areas to Historic Areas to allow demolition controls to apply across a broader area of the State.
2. Supporting Councils to update Character Area Statements to address gaps and deficiencies in the Planning and Design Code currently contributing to infill not reflective of the character of our homes.
3. Introducing rules requiring new building designs to be approved before a demolition can occur.

Most residents overwhelmingly support the proposed changes, in particular the addition of an assessment pathway that only allows for demolition within Character Areas once a replacement building that is in harmony with the area has been approved.

Assessment pathways are important because they ultimately impact on resident's amenity, streetscape, and enjoyment of their home. At present, the Planning and Design Code does not allow for the notification of immediate and nearby residents of a planning application. For most residents, the first instance they know about a demolition or new build next door is when the demolition crew arrives to begin clearing the block.

The City of Mitcham advises that they are not permitted to notify residents due to Plan SA rules, meaning residents and property owners are prevented from raising their concerns until it is too late. In designated Special Character Areas such as Westbourne Park and parts of Cumberland Park this can be especially distressing as it means residents are both unaware and prevented from commenting on the demolition of the very character homes that have made their suburbs so special and unique.

Residents are also largely concerned for the wasteful demolition of perfectly good housing stock and the quantity of materials going into landfill, such as brick, sandstone, and hardwoods, which are often not salvaged for recycling and re-use. Demolitions contribute to carbon emissions, landfill, and the production of more concrete during the new build.

There are numerous instances across my electorate of demolished blocks sitting vacant while property developers land bank their investment, creating an eyesore for surrounding residents and preventing new housing stock from potential future residents. By enforcing new building designs to be approved prior to a demolition, we can prevent vacant blocks and slow down the alarming rate of demolitions. Residents have also advised me that they would like to see high visibility planning application notices displayed on front fences and notifications to all adjoining neighbours.

Subdivision and Urban Infill

Our community recognises and appreciates how fortunate we are to have beautiful leafy streetscapes and a large percentage of original pre-war housing stock. However, many are very concerned about the changing nature of their suburbs to accommodate subdivision and urban infill.

Many residents are concerned that performance assessed development applications allow for the further minimisation of already small block sizes for subdivision and the lack of space for replacement trees and landscaping. These smaller blocks are negatively impacting our streetscapes through inconsistencies in established setback continuity, tree canopy loss, a loss of recreation area, and reduction in privacy for neighbouring homes.

Community members have also shared with me a rise in the number of neighbour disputes, mechanical noise of closer air-conditioning systems, and a lack of play space for children as a direct result of the increase in subdivision of traditional suburban blocks for infill. This only increases the workload of local governments and SA Police to support and action these complaints and disputes.

Many residents have consistently shared with me their concerns for the quality of new buildings replacing homes. Most dwellings in our community were originally built to meet their energy needs passively. Heating, cooling, and ventilation were addressed through practical design elements such as deep porches, wide eaves, transom windows, recessed entry ways and high ceilings. It is these very design attributes that made the bungalow a suitable choice for our climatic conditions and defined the character of our area. However, residents report new builds across our

electorate are lacking eaves, lacking porches, have no verandas, and no shade structures over windows or entryways. Ventilation is poor, natural light is obscured, for both the new structure and the adjoining neighbours. This creates a need for constant air-conditioning and the accompanying noise and expelled hot air into enclosed spaces.

Across our established suburbs, residents' rightly question the longevity of the infill they see popping up at an increasing rate and wonder at the lack of future planning needs such as solar panels, water retention, installation of grey water systems and environmentally sustainable building practices such as using double glazed windows, installing adequate insulation, and ensuring windows and doors seal properly.

We need to make sure that new housing is built with thermal efficiency in mind by focusing on how new homes can be heated and cooled effectively using sustainable design principals and solar to power appliances. With power prices rising and the cost of living ever increasing, it is important to note that an energy efficient home with solar panels and no gas connection can cut bills by over \$1000 a year for families.

Trees reduce temperature by directly blocking radiation through windows and cooling the surrounding air, contributing to lower household energy costs. Without thermally efficient new construction or the space to replace established trees lost to subdivision, families will increasingly find it difficult to lower energy costs within their homes. Developers are also not currently incentivised to make environmentally beneficial choices on their own.

Some residents have also raised concerns regarding the lack of contextually responsive development. Specifically, new builds are not in keeping with original housing stock, interrupting the consistency contributing to the rhythm of built form that makes our suburbs so special. Urban infill across our community is generally of the same mass-produced design commonly constructed by volume builders in green field developments. This infill is severely lacking in context to the surrounding dwellings whether that be a mid-century in Panorama or Post-War Austerity in Daw Park. Residents deserve more than to have the enjoyment of their homes compromised by poor quality design and construction.

We need better protections for existing housing stock, greater protections against demolition of structurally sound character homes and the need to preserve, not emulate, the original character homes that make our suburbs unique. Residents are quite honestly offended that property developers continue to cash in on the borrowed value of their homes and suburbs, while simultaneously destroying the very character and tree canopy that yields them the profits they extract. The renovation of old homes would instead provide greater local economic growth with the use of specialised trades, reuse of building materials and manual labour hours.

Tree Canopy

Residents from right across my electorate are concerned with the alarming wholesale loss of tree canopy in our suburbs. Many developers simply include the

finer for removing significant trees into their planning and pay the staggeringly small amount required to omit the obligation to plant a replacement tree.

Inconsistencies to existing front and side setback patterns are contributing to reduced replacement landscaping, often not providing enough space for a replacement tree planting at all. Continuation of this practice will increase instances of urban heat island effect within our suburbs as built form edges out vegetation, causing elevated urban temperatures and increased costs. Trees cool cities through the process of transpiration, absorbing water through roots and pushing it out into the air through tiny pores in leaves. Increased site coverage of blocks puts pressure on stormwater retention, in turn putting our street trees at risk and further heating our city.

Increased site coverage of new dwellings and double driveway crossovers are also contributing to a lack of shade and to the urban heat island effect, which in turn increases our reliance on air-conditioning.

It appears our suburbs are losing significant trees to a loophole in the current 10 metre tree removal policy. Currently developers cannot remove a significant tree when clearing a block, however an application for removal can be made once the new build is completed if the tree is within 10 metres of a new structure.

I understand you do not intend to make any specific recommendations as to what the revised minimum tree circumference should be (or if it should be amended), or if minimum height or minimum canopy spread protections should be introduced, but I still wanted to raise these issues with you as they need consideration.

Residents in my community are clear- they want action on protecting trees. Adelaide has the least canopy coverage of any Australian city and is currently losing 75,000 trees a year to development. This needs to stop.

Public Notification

I am also deeply concerned about the lack of notification or appeal process available for local residents in consideration of nearby developments. The capacity of developers to take Council Assessment Panel rejections to the Environment, Resources and Development Court completely cuts residents out of this process.

Neither local government nor the developer are not required to inform neighbours, interested parties or those who have submitted objections or made deputations to the ongoing process within the Court system. Compromise agreements mediated by the Court between Council and developer are not public or announced. Residents may apply to the Court to join the matter, which often requires unaffordable legal representation. Ordinary residents cannot be expected to take the legal and financial risks required to fight developers in court. This puts our community at the bottom of the food chain, empowering developers to walk all over local residents. This is undemocratic, unjust, and ultimately unaligned with the values of contemporary South Australia.

Car Parking

A huge number of community members have raised with me concerns regarding the number of cars parked on suburban streets, and the dangers this presents to motorists, cyclists, and pedestrians.

Many streets, such as Audrey Street in Edwardstown, consistently have cars parked along both sides of the street, making it incredibly difficult to navigate. This is a result of the many additional dwellings per street that subdivision creates without providing adequate parking solutions.

Often garages are simply not big enough to accommodate a majority of vehicles, as cars are too often forced onto our roads, only increasing congestion on already narrow suburban streets. Garage size and the number of parks available at each dwelling needs greater consideration throughout the development process.

Colonel Light Gardens

As South Australia's only garden suburb, it would remise of me not to specifically highlight feedback from residents of Colonel Light Gardens.

I understand that residents of Colonel Light Gardens are pleased to see their Heritage Area protected by a State Heritage Area Overlay and the Heritage Standards within the Planning and Design Code. However, there is still work to be done regarding provision within the Heritage Standards for the protection and management of the Public Realm.

Residents of Colonel Light Gardens raised with me their view that to complete overall protection for their suburb under the State Heritage Overlay and Heritage Places Act, Heritage Standards for the Public Realm must become a statutory instrument within the Planning and Design Code. This will ensure open space within Colonel Light Gardens to maintain the area's heritage value for our State now and into the future.

Additional Issues and Conclusion

Additional issues raised with me on a consistent basis include the building or extension of dwellings on property boundaries and subsequent loss of perimeter trees, often which provide valued privacy. The allowable height and length of boundary walls within the Planning and Design Code block natural light and encroach on setbacks, creating increased hours of shade for neighbours and affecting plant growth, visual amenity and often the ability for one to enjoy their own garden consistently.

Significantly tall sheds and other structures on property boundaries leave residents resentful of the negative changes to their lifestyle and standard of living, especially in light of increasing mortgage payments and extra time at home during the Covid-19 pandemic. My community is well aware of the benefits open space, growing veggies, and our children playing outside with neighbours. We must balance the needs of

development with our local environment and preserve what makes our neighbourhoods so special.

A Planning and Design Code that allows fast food chains to pop up next to early learning centres, or multiple two-storey childcare centres to be placed in the middle of small suburban side streets, is simply not fit for purpose for the community I represent.

Ultimately, greater reform is required which strikes an appropriate balance between growth and opportunity for our State, while also keeping in touch with the values of our community. I know that we have the capacity to strike that right balance which empowers local communities not to be dictated to by profit driven, interstate or overseas property developers. By further democratising our Planning and Design Code to platform the voices of local communities, we can protect and celebrate what makes Adelaide and indeed South Australia one of the most appealing places in the world to live, and still accommodate for the increased population that such an endorsement brings.

I really do thank Minister for Planning, the Hon. Nick Champion MP and the Expert Panel for considering my communities thoughts on our implementation of the Planning and Design Code and look forward to working with you to provide these important reforms to the people of South Australia.

Warm regards,



Nadia Clancy MP
Member for Elder

16 December 2022

