



Mr John Stimson  
Presiding Member  
Expert Panel for the Planning System Implementation Review

13 December 2022

Dear Mr Stimson

Thank you for the opportunity to provide input to the review on Planning, Development and Infrastructure Act 2016, Planning and Design Code, ePlanning system and the PlanSA website.

Members of the Western Adelaide Coastal Residents Association (WACRA) understand that the aim of the new Act and Code was to try and streamline planning and development processes, but believe the balance shifted too far in favour of developers at the expense of the community and the environment.

Key issues raised in our submission include:

- More equitable access to the planning process, increased rights of appeal and more effective public notification
- Greater accountability for developers
- Strengthened provisions for the protection of local heritage
- Tightened protection of existing trees and enforced planting obligations

This review is an opportunity for the government to position environmental sustainability higher in the values behind the Building Act and Code. Without a healthy environment, all the building in the world will not provide for quality of life.

WACRA also recommends greater leadership on a number of environmentally innovative issues.

WACRA asks that, in the spirit of transparency and accountability, all of the submissions be made public as they are submitted so everyone can see who is participating and how what views are being put forward.

Jim Douglas  
Chairperson

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**Planning, Development and Infrastructure Act 2016**  
**Western Adelaide Coastal Residents' Association (WACRA)**  
**Submission**

**Reform Options**

The Western Adelaide Coastal Residents' Association (WACRA) for over thirty years has been a voice for residents on community interests. WACRA represents and advocates for a healthy, safe and equitable community. It works to protect our residential character and cultural heritage, promote the protection of our biological diversity and the maintenance of indigenous species and work cooperatively with governments, other resident associations, groups and peak organisations to protect, enhance and conserve our environment.

WACRA welcomes the Minister for Planning, the Hon Nick Champion MP's review of the Act and appointment of the independent panel of experts to review key aspects of the planning system and identifying opportunities to ensure planning decisions encourage a more liveable, competitive, affordable, and sustainable long-term growth strategy for Greater Adelaide and the regions

**CONTEXT**

**Growth of population and building in metropolitan Adelaide**

South Australia is growing and the building industry is attempting to keep up with this expansion. In order to see where the main levers of growth are, WACRA has examined data from the 2011 and 2021 Australian Bureau of Statistics Census. Overall growth in population of over 7.5 per cent in five years shows why this Act is so important in getting the balance of development right for the vibrant economy in this State.

**ABS data on number of private dwellings from 2011 - 2021 by Adelaide metropolitan area**

Location	Private dwellings 2011	Private dwellings 2021	Increase in 10 years	% Growth in 10 years
Central & Hills	123,762	138,331	14,569	11.8
North	161,317	182,766	21,449	13.3
South	148,986	162,808	13,822	9.3
West	99,447	109,971	10,524	10.6
<b>Adelaide Total</b>	<b>533,512</b>	<b>593,876</b>	<b>60,364</b>	<b>11.2%</b>

The average of 11 percent growth in the past 10 years is an indication of an increased tempo of demolition and building in the metropolitan area, a pace that is disturbing to some who are used to a more stable built environment but is broadly in line with Liveable Adelaide, the 30-Year Plan. It is clear that residential suburbs are changing, with no areas untouched. It shows how imperative it is for this Review to get the settings right if this growth trend continues or indeed, accelerates.

The initial Act and Code were devised at a time when deregulation still held sway in policy settings. Since Covid and many economic shocks, people are looking for their governments to use its regulatory power to temper pro-development and balance the interests of the environment, neighbourhoods and communities with zoning, guidelines and engagement.

This submission is aware of the potential for regulatory over-reach, but the current Code leans far more heavily to a laissez faire approach that does not seem to have adequate enforcement mechanisms and supervision or rights of appeal that could provide more give and take in the system.

### **Housing Trends over the Past Ten Years**

In the interests of the Review, WACRA has compiled these tables to indicate the spread of housing types across the regions and over time in the past 10 years. In this data, it is possible to watch the spread of urban infill, as separate houses give way to other, more dense forms of land use.

As a baseline, the 2011 Australian Bureau of Statistics Census shows the state of housing 10 years ago and the dominance of separate housing as an Adelaide type in all regions. It does however, reveal variations by regions in terms of preferred or available housing types.

The two tables are reflections of many forces at work in the economy, employment, building, pandemic influences, the ageing of the population and its attendant downsizing.

#### **ABS 2011 Census Results by Statistical Areas for Greater Adelaide Metropolitan area**

ABS Area	People in 2011	Private dwellings in 2011	Separate House %	% Semi-detached/ Townhouse	% Flat or apartment	% Other Dwelling
Central & Hills	277,064	123,762	69.7	14.2	15.9	0.2
North	391,643	161,317	84.2	10.4	5.1	0.2
South	339,874	148,986	80.3	10.3	8.9	0.3
West	216,655	99,447	69.9	15.3	14.5	0.2
<b>ADELAIDE</b>	<b>1,225,236</b>	<b>533,512</b>	<b>76.0</b>	<b>12.6</b>	<b>11.1</b>	<b>0.2</b>

The 2021 Census shows a decline in the number of people in private separate houses, albeit slowly. The growth area is not flats or apartments but in the urban infill type of accommodation where two or more sites are built as semi-detached and townhouses, up 5.2% from 2011. This confirms what people are feeling anecdotally. A 3.2% drop in ten years

of more of the traditional Adelaide-style housing, the separate house, is giving way to developed properties, in line with government policies and incentives for urban infill of the Adelaide metropolitan landscape.

### **ABS 2021 Census Results by Statistical Areas for Greater Adelaide Metropolitan area**

ABS Area	People 2021	Private dwellings	Separate House %	% Semi-detached/Townhouse	% Flat or apartment	% Other Dwelling
Central & Hills	312,377	138,331	63	17.9	15.3	0.2
North	455,707	182,766	83.4	12.9	3.2	0.2
South	374,859	162,808	78.7	14.8	6.0	0.3
West	244,347	109,971	66.1	22.4	11.0	0.2
<b>ADELAIDE 20</b>	<b>1,387,290</b>	<b>596,876</b>	<b>72.8</b>	<b>17.0</b>	<b>8.9</b>	<b>.2</b>

WACRA is keen to see that the Review uses this opportunity to ensure that development occurs with a balance between community and private developer interests. There is a view that in some cases, spelled out later in this document, that the initial Act and Code have stepped too far away from protecting community rights and access.

### **Access to Processes – Disadvantage of the Centralised e-Planning System**

The current Labor Government claims it is committed to upholding equity. The current Act and its administration have many levels of expectation of competence built into it for citizens which are not reflected in Australian Bureau of Statistics (2011-2012) that show an estimated 44% of Australian adults don't have literacy skills needed for everyday life.

The South Australian PDI Act and Planning and Design Code assumes digital literacy and fluency with its sole point of entry as the PlanSA portal. All applications on public notification are listed on the PlanSA portal and all public representations or submissions are lodged through the PlanSA portal.

Compare that with the previous system where a verbal person who was not necessarily literate could talk with their Council planning officer, circumventing the need to read or write themselves.

The ability to navigate the PlanSA portal assumes both access to computers, and the ability to navigate and read fairly complicated material. The PlanSA portal further assumes visual ability disadvantaging partially and wholly blind people. Many normal sighted people have not been taught how to interpret architectural plans which makes it hard for them to participate in representations about developments.



Disadvantage is compounded by the system where notified development applications require a sign on the land, which is linked to the PlanSA portal through a QR Code. Recent experience with Covid QR check-ins showed that a solid minority of South Australians do not have or use mobile phones.

Where are the 'reasonable adjustments' required by the Commonwealth Disability Discrimination Act (DDA) when it comes to how South Australians must use the portal? Has this been considered in setting up the system? WACRA asks that:

- ***The Department assign an officer with specialist skills to be available as an access resource person, much as Arts South Australia does with its disability fund, the Richard Llewellyn Deaf and Disability Grants to assist people with disability or literacy issues to engage in the process.***
- ***Re-introduces the DPTI Accessibility Advisory Committee to work with PlanSA, as they have previously done in the transport area, to bring up issues to improve the system's operation for many potential users with a variety of disabilities.***
- ***Advertises that Council Duty Planners are available to go through particular plans with people who require extra guidance for whatever reason.***

# ISSUES REGARDING THE ACT

## Public Notification and Appeal Rights

Issues and contention about zoning are not new. WACRA supports the QR code posted notification system at the site of a development to be made available for comment for a short period, subject to other forms of access being available for people who don't use mobile phones. This works well in many cases to alert neighbours to a potential change.

However, demolition does not currently need notification. Many buildings are knocked down before an owner lodge planning consent or local neighbourhood input has been initiated. This could be remedied by listing demolition as a condition that needs to be notified.

A further issue for our group is the lack of notice about demolition, especially in historic or character zones for people living within a 200m radius of the demolition. This process has a big effect on individuals and communities and it is a shock to have this happen with no ability to make comment or input before it proceeds. The Design Code appears to have weakened not strengthened rights to be informed and challenge new development.

This need not slow the development process substantially. An extra month for consultation and adaption of the plans would make very little difference in the long term or be seen as a retrograde step by interstate developers. It is understood that the metric most used to assess how PlanSA is performing is the speed at which consents are issued. This emphasis on quantity of consents has a pernicious effect on whether enough time has been taken to produce a 'quality' consent or refusal. Developers will always push for their rights. We are advocating for the people whose neighbourhoods will be impacted to have a fair voice in this process.

- ***There should be a notice of demolition and any plans in excess of zoning guidelines for height and mass should include 28 days consultation process. Residents within a 200m radius should be informed of the action and their input considered by the planning Assessment Manager or Council Assessment Panel.***

WACRA takes issue with the decision made to reduce the ability to be notified and engaged with in relation to substantial impacts on amenity of adjacent dwellings. Given that much of the urban consolidation and intensification involves building multi-storey dwellings where once buildings were single-storey, this substantially impacts on adjacent residents with no rights of appeal or opportunities to influence the design or heights.

It does not make for good neighbourly relations when 'might makes right, with the taller building often taking all the sunshine out of their neighbour's yard, creating wind tunnels and basically blocking the day and night sky views.

WACRA represents an area of land which has seen massive development – the coastal strip. So many of these new dwellings use the whole plot for building, in the process knocking down large established trees. Height limits are stretched to the ultimate millimetre allowable with no ability for people living next to these large buildings to make input on the design.

What is the definition of ‘substantial impacts on amenity’ or significant variation from normal provisions in a zone? Obviously, the Act bends over backward to not be too prescriptive with its performance measures, but common sense or the ‘pub test’ is seeing many new and proposed developments at scales which push well beyond acceptable boundaries.

From November 19, 2022 – *The New Yorker*



*Photograph by Nick Brundle / Getty*

Dear Pharaoh,

We, the chairs of Giza’s Homeowners Association, have reviewed your thoughtful proposal to build three pyramids in our neighbourhood. We’re pleased to report that, following a thirty-day period for public comment and ritual sacrifice, your request has been granted! The H.O.A. agrees with you—pyramid-based development *is* key to revitalizing our neighbourhood...

Thanks for being a homeowner! Together, we can preserve Giza’s natural beauty and build something that will last for decades.

-Giza Homeowners Association, approximately 2550 B.C.

If the government does not want to make the Act too prescriptive, then there must be additional options for consultation and appeal where developments go beyond established guidelines in terms of height and mass.

Surely, as a State that values community and the fabric of connection as much as it values growth, this is a flashpoint. Some neighbourhoods who are zoned for six storey developments are now finding that nine-storey buildings are receiving planning consent. The same issue comes up when plot ratios are stretched beyond normal convention.

When does each zone’s specification for height mean a rule and why is it able to be circumvented by a variety of means, including shopping for a private certifier who will provide the answer a developer wants?

- ***WACRA proposes that the Act needs much more rigorous definitions of both ‘substantial impacts’ and ‘significant variation’ of existing norms. In the absence of these definitions, additional avenues of consultation and appeal must be available.***

Victoria has a broad system of third-party appeal rights that cover most developments. A third party must have lodged an objection to an application within the advertised period. Anyone who may be affected (including on broad public interest issues) can make an objection. An objector who lodged an objection in writing must make an application for review (appeal) within 28 days of the decision to grant a permit.

- ***Our new Government came to power with a mandate to increase transparency. WACRA endorses the Victorian model of appeal rights, and as our closest neighbour state, urge adoption of this model. It would draw these states more into alignment with planning processes that are more responsive to hearing from the community.***

## **Accredited Professionals**

The Act allows blurring of discreet professional roles regarding which people can authorise building and planning consent. The former Minister for Planning allowed Accredited Building professionals (Level 1) to provide planning consent in six categories of new dwellings and constructions. Although the Act bills these as ‘minor’ alterations, the provision of approval for ‘construction of a new dwelling’ is a not minor and should considered by a planning professional with the relevant experience, qualifications and accreditation. The flagged use later in the document of Artificial Intelligence as a potential assessor of minor structures is also worrying.

- ***WACRA recommends that accredited building professionals, people whose skill set is specialised and technical, be restricted to issuing building consents only. Building professionals should not issue planning consents, however minor. This would clarify roles and reinforces government expectations of proper professional conduct. We do not support automating this process as proposes as an innovation.***

The review makes it clear that it does not want to talk about the past, but it is noteworthy that NSW, Queensland, WA and Victoria only permit local councils to be responsible for issuing planning permits. Is it possible that South Australia has gone out too far ahead of the pack of normal practice in these big states? Have we weakened Local Council power too far with the centralised Act and Code?

If enough other voices bring this up, could the Review recommend that local councils become the authorising body for issuing planning permits. This would standardise the approaches in zones and neighbourhoods that the current system by-passes?

WACRA has a good relationship with our local council, the City of Charles Sturt, who have a suite of policies and practices that weave a community together. Planners are part of a broader team that takes account of many perspectives on planning.

- ***WACRA strongly encourages that the Review align South Australia’s planning consent practices with all the other jurisdictions by making elected local councils and their CAP the authorising body for planning consent.***



## Impact Assessed Development

There is nothing like a real-life example. The KIPT/Kangaroo Island case with Minister Vicky Chapman's decision should cause the Expert Panel to seriously reconsider the current DPI Act decision-making left solely to the Minister for Planning.

Although it is clear that there were good cases on both sides, she was left to make up her mind, independent of advice she commissioned and from her department and she made a very important decision which disadvantaged KIPT, privileged the environment and cast doubt on the State's reputation for growth and development.

The Minister for Planning never had to back up her decision other than a few media grabs with no reference to the countless submissions and evidence she kept insisting she needed from the company.

Our State had reputational damage from this saga, all because of this clause in the Act which more or less denies transparency and accountability in decision-making.

- ***WACRA urges the Panel to place major developments back in a whole-of-government framework and process to avoid this undemocratic system which hides decision-making evidence and balance.***
- ***WACRA also supports reinstating judicial review rights for major projects and associated Crown development and infrastructure approvals.***

Further, the State YourSay scheme is often used for large-scale developments as a way of appearing to involve the community. Recent experience, such as the proposal for a basketball stadium west of the Morphett Street bridge, shows YourSay being used as a fig leaf to gather comments but not to publish the results. This leads to cynicism about the levers of development and influence.

Surely, if the Act is robust enough to invite public comment, then those comments should also be transparently displayed. How do we know if decisions are being made in the Adelaide Oval corporate boxes or in the Adelaide Club?

There is a suspicion that public consultations are all for show. If we are able to read public input, it gives the balance of decision-making a big shove to being more democratic. One-way communication is not community engagement.

- ***WACRA suggests that where major developments have consultations on the State YourSay portal, all submissions should be published for the sake of transparency in decision-making and scrutiny by all interested community members.***

It is clear that SA could also benefit from aligning our environmental impact assessment processes with federal laws, which has the benefits of streamlining paperwork and creating more certainty and consistency for every party.

- ***WACRA endorses the recommendation of Brian Hayes, KC's Expert Panel on Planning Reform to align our State's environmental impact assessment processes with federal laws.***

## Infrastructure Schemes

Reading the discussion paper on the complexity of South Australia's PDI Act provisions for infrastructure schemes has a depressing feel to it. The bigger states put the onus of funding squarely on the developer who will reap the financial rewards from developing land.

A very sad example of how our Act has backfired on citizens is the Mount Barker development where farmers and other landowners have to make a contribution for something they may not want and for a project where they have much to lose.

The Magill/Portrush corner is an example of how the Act disempowered the local council, residents and businesses. People's wishes were brushed over and we understand they were not adequately compensated for this development through the compulsory acquisitions.

Infrastructure developments change the character of a neighbourhood more than any one dwelling or business. Property values go up for existing residents which may be a good thing or a difficult thing depending on your circumstances. But this value adding never seems to tip into public amenities – local schools or health services. The profit is all captured by the market.

How is safety and amenity on local roads represented when large infill sites are approved? Within the City of Charles Sturt, which has set boundaries, there has been an increased population of 10,000 people in the past five years. New housing developments like West at West Lakes and others, still coming on stream, will increase this trend to urban intensification. Clearly, the local Council is happy to have more rate payers and a more dynamic population base to lift employment and other economic good. But where is the balance to existing residents if infill becomes too much?

- ***Developers need to be assigned responsibility for infrastructure associated with roads, parking and green space around their developments as well as within them to avoid cost shifting to Local Councils and others who do not benefit directly from the redevelopment. Existing infill developments of a large scale need higher targets for green space and canopy cover so that the advantage of being able to develop for profit is not at the expense of the wider community.***

As a state that produces 2.9% of the national export income, SA is not well-placed to have flashy developers wanting to make things happen. Most infrastructure proposals seem to be initiated by State Government with funding from federal and local counterparts. This is an area where it is vital to engage with, consult and listen to affected communities, not purely over-ride them.

- ***WACRA supports simplification of the provisions of the Act to support development that has the endorsement of the majority of the affected community.***

## Local Heritage Concerns

The discussion paper spells out the unfortunate history of Parliamentary wrangling which has left its stamp on the DPI Act. Hopefully this review can come to a common-sense view and streamline these awkward provisions. In fact, looking at how heritage, history and community amenity have been disadvantaged with the new Act, the review may find that separating all heritage matters out into a single Heritage Act, could be a way forward, balancing both development and heritage in South Australia.

Local heritage is a process, that like Disability Discrimination Act approvals, works better with some expert opinion backing up positions with evidence. As citizens concerned with the character of neighbourhoods and preserving unique examples of our past, WACRA advocates that more time is given to this aspect of planning approval, including engaging with affected communities. A drive around Adelaide suburbs shows many examples of inappropriate, crowded developments which have been approved recently at the expense of character properties and neighbourhoods.

It is understood that the role of a heritage consultant is one which is under pressure from forces that measure speed of approval and for demolition to make way for the new. Where are the incentives in the Act for professionals to uphold local heritage? It has to be a brave consultant to consistently act to preserve local heritage when owners and developers who want a different answer might shop around until they get the answer they need to knock a building down.

Who speaks for the community, the past, the identity of a precinct? We would like to think it is the heritage professionals, but cannot be sure. As with the Impact Assessed Development provisions all in the hands of one Minister for Planning, this has dangers. The current Act's attempt appears to be less than effective in protecting the built heritage of SA, contributing to significant downgrading of the community's heritage fabric.

The National Trust SA, the umbrella body for this sector, has proposed an innovative structural change by separating heritage matters out of the current Act and Code, to be dealt with independently by a single independent statutory body. The Trust believes heritage protection would be strengthened and simplified through:

### Heritage policy and legislation

- Including all heritage matters under a single Heritage Act
- Establishing a single integrated statutory body to handle all heritage matters
- Management of heritage protection independently of the planning system
- Reviewing the role, governance and management of the State Heritage Council
- Implementing the recommendations of the ERD Committee report on heritage (2019).

### Simplifying heritage listing

- Establishing an integrated single heritage register covering all listings, managed by an independent statutory body
- Retention of all current listings, including heritage protection zones and contributory items
- Streamlining of listing criteria while having regard for local characteristics
- Simplified and streamlined process for new listings and gazettal of approved listings

- Removal of legislative requirement for property owners to vote for establishment of Heritage Conservation Zones
- Establishing transparency and community participation in listing decisions

### **Regulating development of heritage listed places & properties**

- Classification of applications for demolition of listed buildings as non-complying and automatic rejection if the place has been neglected intentionally
  - Minor works on listed places exempted from planning approval in defined circumstances
  - Mandating a Heritage Code of Practice for adaptation of heritage buildings
  - Increased penalties for neglect of heritage listed structures.
- ***Given Adelaide's unique heritage in its built environment, WACRA recommends that this Review strengthen heritage provisions in the current Act or consider creating a new Heritage Act with its own independent management system and Code of Practice, taking heritage out of the current Act.***

### **Accountability and Supervision**

What seems to be missing from this Review is examination of accountability for both decision-making and for failure to comply. For example, it does not appear that there is adequate supervision of compliance by developers with conditions such as replanting trees to offset original trees they remove.

Are there sanctions on developers who remove trees, but don't carry out their obligations to plant more? We have more issues with old trees being removed in favour of young ones, but the point here is that this whole system relies on a web of trust. Does the Act need to be stronger or specify other accountability or supervision measures to ensure that the intention of the Act is met, not left unattended.

People don't like mandatory restrictions, as shown with the Covid years. But the built environment is too important, too permanent, to trust people to carry through without some checks and balances.

- ***WACRA suggests the Expert Panel ensures that what is decided in planning is what is built in fact. All developments should comply with their responsibilities to replace trees that have been removed.***

# ISSUES REGARDING THE CODE

## Character and Heritage Policy Matters

Whether heritage protection is strengthened in the existing Act or in the form of a new Heritage Act, there are many problems that need resolving. From a community point of view, the Character Area Overlays are not working. They allow buildings within the area to be demolished and new buildings created which are out of 'character' with their surrounding neighbourhoods.

Zone boundaries are often interpreted arbitrarily from one side of a street to the other. Making a neighbourhood a zone should mean that the boundaries follow the rear property boundaries, to eliminate the strange pattern of development now where heritage or character zones can be opposite six-storey flats.

The developers are often aware of these heritage restrictions when they purchase a property and, without notifying Council, demolish a building before they begin to talk about a plan. Adelaide is dotted with unkempt pieces of prematurely-cleared land, full of high grass and rubbish where the development is yet to commence.

Demolition controls seem low in the existing scheme as do Council's being able to staff the supervision of this with adequate resources. The community lacks third party appeal rights against demolitions. They need to be brought in to re-balance a system that currently favours the rights of developers over people that live adjacent to demolished blocks.

WACRA supports the Representative Buildings (formerly Contributory Items) being identified, listed and mapped so that when they are sold, they cannot be demolished. We ask that criteria are strengthened so that owners of existing heritage properties will first work to upgrade or restore the fabric of the building and not demolish. This is capable of being done and Adelaide could demonstrate that creative engineers and building professionals can work within stricter guidelines to preserve and enhance our cultural and built heritage. Later in this paper, we also suggest deconstruction of heritage buildings rather than demolishing, which may act to slow the impulse for people to demolish as there are costs involved in deconstruction above demolishing.

How is it that the heritage part of the Code is much less prescriptive than the garage dimension elements? Preserving our heritage means giving parameters in the code for important elements such as ceiling heights, eave/gutter heights and maximum fence heights to 1.5m. Clearly, adding double garages in the front of a heritage property makes an unacceptable intrusion to the original property, as does adding a second storey at the front. An acceptable roof addition would be at least 8m behind the facade of the building.

- ***WACRA urges the Commission to make tougher controls as in the three prongs proposed and to tighten loopholes, providing stricter requirements for heritage and character area developments. In particular, we support the Panel's proposal to only allow for demolition of a building in a Character Area (and Historic Area) once a replacement building has been approved.***

## Tree Policy Matters

The planning approach to trees as the matter for each property's owner leaves out an important dynamic about trees: *'Trees need other trees to grow and to stand structurally sound, strong and healthy,'* according to Michael Keelan, *The Advertiser's* gardening expert in his November 19 2022 column. He goes on to describe another reason why trees fall in storms, *'we are constantly removing trees with every new residential development...Trees growing in the front line protect the others growing in their wake, and as trees grow, they develop, in addition to their normal root growth, stronger growth to strengthen themselves to the prevailing wind...'*

Michael Keelen says, *'Protection of trees is offered from other trees in the immediate area. As we remove more trees, the natural strength of others is compromised...The removal of just one mature tree, or even the erection of a substantial new development or house can alter the normal wind direction. It will also increase the velocity and wind turbulence that will hit other trees kilometres away.'* He summarises his case, *'We need to protect mature trees wherever they are growing.'*

WACRA is concerned that the west of Adelaide will suffer much more the effects of climate change, heat stress, and adverse health outcomes compared with the more 'leafy suburbs.' This was confirmed by the innovative Western Adelaide *Urban Heat Mapping Project Report* in 2017. Our City of Charles Sturt has five suburbs with heat islands that will feel the worst of heat, affecting at least 20 per cent of our Council's population. Urban infill has hastened the demise of hundreds of developed trees and re-planting will take years to replace their amenity.

Some WACRA members have reported living next to new houses which take up the whole block, leaving no room for any vegetation to be planted to replace existing trees that were there previously. How is this being allowed under the new Code? Each of these buildings is contributing to the decline of urban tree cover in our city, to its shame.

We question why Native Vegetation Approval is required for development, when so many of the non-indigenous trees, the oaks, elms and others, are able to be taken down with impunity. Surely a new Code will erase the word 'Native' and concern itself more wholistically with 'Vegetation Approval'. The *Urban Heat Mapping Project's* conclusion is that 'comparison of low, medium and high-density developments suggests that the 30-Year Plan for Greater Adelaide, which is to increase infill across Metropolitan Adelaide, will exacerbate the development of heat islands if sufficient mitigation strategies are not implemented.'

Although this Review appears to be comprehensive in scope, it is not actually challenging the 30-Year Plan's infill goal of 85 per cent of all new housing in metropolitan Adelaide being built in established urban areas by 2045. Given this is still the 'desired outcome,' what will the Panel do to address the implementation of 'sufficient mitigation strategies' from this Review. Adelaide is already behind and without a concerted regulatory effort, our city will become increasingly less liveable.

The Review's discussion paper summarises how far behind South Australia is compared with NSW, Victoria and WA in giving protection to trees on properties that are developed. Given the parlous state of our tree-cover and inadequate tree-planting to meet the 30-Year Plan

for Greater Adelaide target of 'urban green cover to be increased by 20% by 2045', it is essential that this complex area is greatly strengthened to protect existing trees as well as boost targets for planting.

The Urban Tree Canopy Offset Scheme, like many offset schemes, seriously undervalues the environmental benefit of established trees. Also, our State will be a clean slate if we continue to allow removal of protected trees within 10 metres of an existing dwelling or in-ground pool.

- ***WACRA supports the abolition of this 'get out of jail' offsets card and reducing the current 10m clearance area to 3m as in many other jurisdictions.***

Currently there is no penalty if a new development does not plant the trees it is supposed to, given that a private certifier has signed off on the plans. Self-regulation in this area does not work. There needs to be proper repercussions for people thumbing their nose at trees. The State Government can also resist pressure from the project home industry who object to putting in deeper footings to allow for trees.

- ***At a minimum for liveability and climate change response, there should be at least one tree in both the front and rear of properties. The State and Local Governments all need to provide adequate resources and consequences for enhanced surveillance of compliance.***

Finally, there is an interaction between increased carparking on streets and the ability of Council's to plant more substantial trees to establish tree canopies on road verges. The current code has shown that there is little incentive and few penalties for private land developers who shift the burden of tree cover to Councils. Is this really how we want to proceed when the climate change implications of low tree cover are pressing?

This area is a prime example of people who know how to work the current lax system taking advantage for financial gain but not for the overall health of a neighbourhood or city.

- ***WACRA fully supports tightened protection of existing trees, including introducing a height protection threshold, crown spread protection and species-based tree protections. All of these will assist in meeting our community's overall canopy targets.***

Roads and paved surfaces were found to be the strongest contributor to night-time heat in the *Urban Heat Mapping Project*. The report recommends that green infrastructure such as trees, grass and raingardens should be used to shade bitumen covered surfaces such as major and minor roads, bikeways and footpaths.

- ***WACRA sees a huge benefit in the Commission preparing local road Design Standards as is provided for in the PDI Act. Consideration should be given to tree planting, stormwater treatment devices and enhanced water sensitive urban design along roads, such as raingardens.***
- ***The materials for driveways, currently a heat soak, could also be explored as more driveways replace green. New Design Standards will help State and Local Governments design, plant and maintain new green infrastructure.***

## Infill Policy

We are worried about the implications of new urban infill sites in our area which will be bringing vastly increased traffic to medium sized roads. The Valetta Road/Rowells Road site which were once distribution warehouses are scheduled to have many new homes and placed next to the new Nazareth High School on Rowells Road also increasing traffic.

Everyone who lives in areas with urban infill happening is noticing reduced amenity, such as streets full of parked cars and roads narrowed. This impacts on community access to amenities where that infill is near beaches, parks and community facilities. It also impacts on pedestrian amenity and safety, especially around schools.

The Act needs to take a tougher line on parking provisions which have quickly changed Adelaide's streetscapes for the worse since its introduction. For every infill development, the Act needs to have more teeth to insist adequate private land is preserved for parking for both residents and visitors on the property.

- ***There should be adequate Parking provisions on private land so that the streets are not clogged by vehicles as a consequence of developers maximising profits.***

## Car Parking Policy

The ABS provides information on the number of registered motor vehicles per occupied private dwellings by Adelaide regions and Census periods. The rises over the past 10 years in dwellings with 1, 2, 3 or more cars is striking with 71,700 more cars on the road in Greater Adelaide by Census data.

### **ABS Census data on number of registered motor vehicles per occupied private dwellings in Greater Adelaide between 2011 - 2021**

Vehicles per dwelling	No. of registered motor vehicles 2011	No. of registered motor vehicles 2021	Change in no. of vehicles	% Change in 10 years
<i>None</i>	<i>44,378</i>	<i>40,587</i>	<i>3,791 less</i>	<i>-9.3%</i>
1 motor vehicle	178,056	196,649	18,593	9.5%
2 motor vehicles	168,502	195,642	27,140	13.9%
3 motor vehicles	71,075	97,042	25,967	26.8%
<i>Number not stated</i>	<i>13,065</i>	<i>6,125</i>	<i>6,940 less</i>	<i>-113.3%</i>
<b>Total vehicles (excluded none &amp; not</b>	<b>417,633</b>	<b>489,333</b>	<b>71,700</b>	<b>16.7%</b>

The current code provides for one garaged car in a new build. People have been working from home, with their cars at home and sometimes work cars. Economic pressures have caused many homes to be rented to three or more renters. Where are their cars to go? Larger families living together often have a great number of vehicles that spill out to street parking.



Summarising the problem, in 2021, 44.8 per cent or 237,236 dwellings have none or one car. More than half of all Adelaide dwellings, 55.2 per cent or 292,684 dwellings, have two or more vehicles. The Code is making no provision for this reality as it did not consider the growing number of properties that have three or more cars.

The type of vehicle is not getting smaller. The top two Australian vehicles are Toyota Hilux and Ford Rangers, both huge vehicles. Modelling work on size of popular vehicles and extensive penetration of SUVs into Australian vehicle choices, needs to be considered when setting dimensions for acceptable garage size in the future.

Where double garages are built, often these are converted into living spaces or storage, pushing cars out onto driveways, verges and streets.

- ***WACRA invites the Panel to reconsider its position based on the fact that more than 55 per cent of residences now have two or more cars. There is significant work to be done on car parking issues design guidelines in the Code to reflect the actual trends relating to vehicle ownership.***

EV charging infrastructure should also be considered in any new code even though few Adelaide drivers currently own these vehicles. Questions of location and strata living and who pays for power need to be addressed by the Code.

- ***WACRA commends the Panel for examining the issue of Electric Vehicle charging stations before ownership outstrips charging infrastructure.***

Recent topical debates on the need for large centrally located car parking at Activity Centres shows that until the Adelaide public transport system is significantly upgraded, it is important to provide for car parking. The 2021 ABS Census shows that 69.1 per cent of Adelaideans travelled to work by car as a driver or passenger compared to 6.4 per cent who travelled to work by public transport.

It is assumed that discouraging car usage will lead to increased use of public transport. This is a fallacy. People will keep using cars until public transport becomes an attractive alternative in terms of frequency, quality and cost.

We believe the time is too early to siphon funds from a car parking fund off to alternative projects, as valuable as they may be.

- ***Retain Car Parking Off-Set Schemes for car parking developments in the short to medium term until public transport usage rises.***

Finally, it is widely known that progress for the community comes with better regulation, not self-regulation. Given our above discussion about the problems with on-street and off-street carparking, we welcome the idea of the Commission preparing Design Standards for driveway crossovers and any other design standards enabled by the PDI Act to retain high levels of amenity, preserve traffic flow and maximise pedestrian safety.

## **e-Planning System and PlanSA website Reform Options**

SA has often taken the lead in reforms, politically, culturally and now technologically with the single e-Planning system. This heavy concentration on a digital interface discriminates against people who are not digitally savvy for reasons of disability, age, ethnicity, so it is not surprising that 19 per cent of the AMR Annual Survey (March 2021-June 2022) survey respondents found the old system better.

The PlanSA website is intimidating to even professionally trained people with its 4928-page Code listing, loaded with jargon and terminology that few people could understand in their personal development application. Given that most people will encounter this maybe only once or twice in their lifetimes, it is daunting and has created an industry of consultants and PlanSA customer service staff to assist them through their applications.

It is heartening that there have been over 450 fixes to the system since July 2020 based on consumer input, but our belief is that still 1 in 5 people are struggling to use it. What efforts are being used in quality control to reach out to those disaffected to see what the barriers are for them? Has the Department still got its Accessibility Advisory Committee (AAC) made up of members of the disability community who can act as an interface between the bureaucracy and people living with impairments and conditions that make e-Planning a high bar?

- ***WACRA believes much more can be done to open this system to non-digitally savvy South Australians by consulting with people who are not digitally adept as well as representatives from low-vision and low-literacy organisations.***

The medium-term goal of website re-design, especially making it compatible with a mobile or tablet is laudable. Many people have modifications on their phones which would allow them to access plans and other documents more easily than on a desktop PC. WACRA also supports the idea of being able to lodge a development application without creating a login account for infrequent users of the system.

- ***Common sense reforms to the system should be pursued for the flexibility and ease of use of all clients.***

Inspection clocks also would be an important reform in Councils being able to track their inspections of different stages of development on certain building works. If clients or builders could submit photos of works with appropriate metadata verifying location, date and time, this could also streamline the work of Council staff to assess when an actual site visit was required or if the photographic evidence fulfils their inspection obligation.

- ***WACRA supports the introduction of inspection clocks and the use of digital photographs submitted as part of streamlining the inspection stages of oversight.***

The digital future portrayed in the Innovation section of the Discussion Paper reads like the beginning of the end of planners as assessors. Using AI, even in these minor changes proposed, could lead to DTS applications being ticked off without human oversight. Basically, they lead to unemployment of skilled labor. There are so many pressing needs in this arena that could use more budget and resources, like mapping representative items in heritage

overlay neighbourhoods, that to think of an IT budget being expanded to outsource human work feels wrong.

- ***As a community, people-oriented group, WACRA is not in favour of automating assessment of development applications for fear of unintended consequences later on.***

As far as other ideas proposed in the Innovation section, our thoughts are:

- ***A better use of technology is the proposed 3D Modelling for Development Application Tracker and Public Notification, particularly the tangibly useful idea of building in a tool to show visual and overshadowing impacts of a development.***
- ***Perhaps Augmented Reality applications are best left until the next five-year Review, when this technology is more widely available and costs come down.***

## SHOWING ENVIRONMENTAL LEADERSHIP

South Australia prides itself on its environmental assets and heritage. WACRA presents some ideas to the Review in terms of potential inclusion to lend more weight to adoption of measures to achieve a green liveable city more quickly through innovative design and building practices.

### Balance Rights to Solar Panel Sunshine Access

Should your next-door neighbour decide to build up and block sunlight access, currently there is no ability to shield existing solar panels on rooftops which prevent emissions and contribute to a better planet. There is no right to sunlight in our current code, but should there be, especially when local council panels approve developments that advantage one owner over another in a major way when their development overshadows an adjacent property? Where is the balance of fairness in this situation?

Victoria has a comprehensive set of rules about neighbour's properties overshadowing solar panels, but even they don't give real certainty to the two competing forces, the need to protect the sunlight falling on already existing solar panels vs development of an adjoining property. Should there be ways that designs of new developments could be modified to protect sunlight for their neighbours, making a happier living situation for both parties?

Without any specific guidelines, SA's current code skews strongly in favour of the new development and against the overshadowed solar panel owner. This works against sustainable and economic elements of owners directly contributing to our state's efforts in this area. It also imposes a strong penalty of having to pay electricity bills again for something done by a neighbour.

There is a need for low to medium density development in our city, but there also needs to be a balancing act that tips some rights back to the existing solar panel owners who are about to be overshadowed. People need to be able to express their concerns about their light being blocked, the increased bills that will result and to ultimately have the ability to lodge an objection to a decision about loss of direct sunshine that will impact on using effective rooftop solar panels. There should be an appeal right to these plans going ahead.

- ***WACRA recommends that this Review introduce a new balance of rights that supports the rights of home-owners to protect their zero-emissions rooftop solar panels when an overshadowing plan is proposed, with negotiation and compromise on design as potential levers that can be codified.***

### Ventilation

The Covid-19 pandemic was not on the horizon when the previous Act and Code were implemented. Since then, the science of how this respiratory virus is spread has indicated that much more needs to be done to improve ventilation and purification codes, standards and guidelines to create healthier environments.

It would be remiss of this Review to not look into what is available in terms of planning for improved mechanical ventilation on behalf of the health of South Australians and to include this in upgraded advice. The Environmental Protection Authority's policies on noise are

confined to commercial and industrial noise, so if the Building Code could incorporate some guidelines for the residential sector, this would be very helpful.

- ***WACRA urges the Review to include new ventilation specifications and guidelines in a revamped Code to improve new building environments with the latest scientific advice on ventilation, with particular attention to operating noise from large units near neighbours.***

## **Deconstruction of Older Homes and Recycling of Building Materials**

There are some cities in the world who have stopped demolition by bulldozer and instead, mandated that older buildings be dismantled by hand. Or what is called 'deconstruction'. This process enables almost all of the embodied energy of the original building to be recycled, rather than taken to landfill.

Portland, Oregon in 2016 was the first city in the US to ensure that these valuable materials are salvaged for reuse instead of crushed or landfilled. In 2019, Portland stated that all structures built in 1940 or earlier are subject to its Deconstruction Ordinance. A Certified Deconstruction Contractor must perform this work, trained to safely and effectively disassemble a building with appropriate permits. At the end of the project, all salvaged material is identified and receipts shown for what was recycled or disposed of.

In the US over the past five years, Baltimore, Cleveland, Boise, San Jose and Palo Alto have adopted their own deconstruction policies. Several European cities are following suit as a green alternative to demolition. 85 per cent less material is sent to landfill with deconstruction rather than demolition.

Given that building materials and construction account for almost 10 per cent of the world's energy-related global carbon emissions, using salvaged materials eliminated emissions associated with making and transporting new building materials. This circular building economy is one which South Australia, as a leader in its e-Planning, could use to move towards other high-level State goals for sustainability.

- ***WACRA encourages courageous thinking about introducing deconstruction as a sustainable alternative to demolition for older buildings, preserving the materials for reuse, reducing landfill dumping, and introducing a new skilled employment stream for people in a sustainable circular building industry.***

## **Liveable Housing**

One of the big changes happening in building code since this Act was promulgated is the adoption of the National Construction Code (NCC) 2022 minimum accessible standards, otherwise known as the 'Liveable Housing Design Standard' (Liveability Standards).

The State Labor Government has supported the implementation of these Liveability Standards through the NCC which will commence nationally on 1 October 2023. It is understood that Minister Champion MP, Minister for Planning, is intending to adopt these into the State's Building Rules soon.

There is an urgent need for more affordable housing, but also, for housing that is accessible to people if they have a mobility impairment at any time or to cater for normal reduced mobility in ageing.

- ***WACRA congratulates the Minister on this decision to endorse guidelines for new housing that should be able to cater for South Australian’s needs over their lifetime and urges the residential construction sector to embrace these reforms.***

## **Dark Roofing Materials**

The science is in, and has been for some time, that dark-coloured roofs absorb a large amount of heat and are one of the largest contributors to hotspots and heat islands. The 2017 *Urban Heat Mapping Project* used aerial heat mapping in its Case Study 9 to show that communities that choose lighter coloured roofing materials, shown in an area in Seaton (shown below), are exercising a simple choice that can dramatically affect liveability, reduce electricity use and decrease projection of heat to neighbourhoods.



- ***While it is unlikely that regulating roofing colour choice in private dwellings would be popular, using the Code to provide incentives for more people to choose lighter coloured roofs would contribute to a change to improve Adelaide’s response to heat intensification as climate change increasingly challenges liveability. WACRA encourages the Commission and Panel to act boldly to accelerate this change.***

# SUMMARY

## Transparency and Accountability

There will be many submissions reflecting all facets of interest to this Review. WACRA hopes that in the spirit of transparency that this State Government espouses, all of the submissions will be made public as an accountability mechanism for the Review so everyone can see who has participated and how they have expressed their views. It is important to know the voices participating on all sides to have faith in the process and outcome.

## The Six High-Level Targets for Liveable Adelaide

WACRA looks forward to seeing environmental sustainability higher in the values behind the Building Act and Code. Clearly, without a functioning environment, all the building in the world will not provide for quality of life.

The State Planning Commission 2021 Review of Liveable Adelaide – the 30-Year Plan assesses that how well the State is on target to meet its six high-level targets.

The Commission states that the new Act and the Code have helped three of the six high-level targets of Liveable Adelaide, the 30-Year Plan to be on track:

1. Containing our urban footprint and protecting our resources
2. More ways to get around, and
6. Greater housing choice.

WACRA's analysis of data also bears this out. However, important community and environmental targets, Targets 3, 4 and 5, were assessed in the State Planning Commission 2021 Review of the Plan to require review and were not on track.

3. Getting active
4. Walkable neighbourhoods
5. A green liveable city.

Raising environmental protection to create liveable neighbourhoods through the Building and Design Code as an outcome of this Review is urgent, given that climate change is impinging on all of our community with increased pressure. The findings on increased numbers and sizes of vehicles in greater Adelaide must be addressed as a planning issue to reduce pressure on the road system by calling for more use of private land for parking.

This Review's findings have the ability to kick new goals for these three vital areas of life in Greater Adelaide about environmental sustainability, while upholding the progress made in the other three targets. These vital contributors to liveability are too important to let languish.

Best wishes on the Review process and its outcomes.

***Western Area Coastal Residents' Association - 15 December 2022***

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