

DIT:Planning Reform Submissions

From: shirley rowe [REDACTED] >
Sent: Friday, 18 December 2020 1:45 PM
To: DIT:Planning Reform Submissions
Subject: Concerns re the proposed Planning & Design Code

Categories: leah

To whom it may concern

I have used a template of concerns with which I agree but I have also added some personal points of view in italics.

SUBMISSION ON REVISED DRAFT PLANNING & DESIGN CODE - PHASE 3

In response to the revised draft Planning and Design Code – Phase 3, I wish to register my strong objection to a number of key issues in the draft Code. They will result in detrimental development outcomes both on my property and the surrounding neighbourhood, which will be affected by significant changes to the current planning policies some of which are summarised below:

1. Inadequate Policy for Residential Historic Conservation Zones and Residential Character Zones

Policy guidance is reduced under the Planning and Design Code, particularly for areas affected by the Historic Area Overlay and the Character Area Overlay. The removal of Desired Character Statements and other local policy details results in less emphasis being placed on the established character of these areas and is therefore likely to result in substantially poorer design outcomes.

The Historic Area Overlay and Statements lack detail and are not an equivalent replacement for current planning policies. These current policy requirements should not be replaced with non-statutory guidelines which have no legal applicability to new development proposals.

Increased subdivision will be able to occur for areas currently zoned as Residential Character Zones. The Code requires changes to reflect the current restrictions on subdivision in Residential Character Zones.

2. Commercial Development in Residential Areas

Currently in my council's residential areas most shops, offices and consulting rooms, are non-complying land uses. 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. The range and scale of new commercial land uses in residential suburbs is unacceptable. A new sub zone should be created purely for residential land use. Residents should also have the opportunity to be consulted on new non-residential uses next door to them, through the public notification process.

3. Building on the Boundary

Boundary development is often contentious due to the immediate impacts on adjoining property owners. The Code enables greater opportunities for boundary development, including side boundary walls being discouraged in Historic (Conservation) Zones. The revised draft Code extends the opportunities for building on the boundary up to 11.5 metres in length in some residential areas. 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 requirements for length of boundary walls of 8 metres be maintained in current Residential Code areas and side boundary walls be addressed through increased (and more restrictive) policy guidance in Historic and Character Overlay areas.

4. Public Notification

The draft Code should reflect our 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, development on the boundary and change of use from residential to non-residential.

I am also concerned that neighbours are not informed that new building work on a boundary is going to occur, eg a new single storey extension was recently approved by council to be built on a boundary with an 1880's single fronted cottage. The earth was removed from the neighbour's footings without any notification from council or the builder. Even under the current laws, this is not acceptable and will continue unabated in the new Code. Long term residents do not seem to have any rights to know about what is happening around them and how they will be affected. Even if residents do not have appeal rights, they should still be informed about what is going to be built on a boundary or very close to their walls so they can monitor how their residence may be affected by the building work.

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 and increased number of street crossovers. 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. Requirements for minimum tree planting size and ongoing maintenance should be written into both Code policy and conditions of approval.

I am also concerned that this tree fund will supposedly allow for planting of trees elsewhere. How does this option prevent the heat build-up in dense infill areas where it's necessary to have a cooling effect? It just seems so counter-productive and a backward step. It is an easy way for developers to get around a sensible requirement of the Code.

6. 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.

I have a problem with being able to have trust in the new Code to manage the conditions that will arise in the future if wording is vague and too open to interpretation. How can we have trust in any process that has no checks and balances? Look what has occurred in New South Wales with the apartment buildings that have been allowed to be poorly built under their system of trusting that builders will do the 'right' thing. How can the South Australian government continue down the path of private certifiers but have no follow-up on the end results? Is there any checking that the builders don't cut corners to ensure a higher profit to the detriment of the purchaser?

I also lack trust that heritage items will be retained, eg a recent example is the proposed demolition of the Waite Gate House to make way for widening of the intersection. I have heard on ABC891 that the department said that the building could be moved and there is a local company which can perform such a task.

I am pleased that the Contributory Items will now be incorporated into the Code.

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. I trust that the concerns detailed above will be given your full consideration.

Yours sincerely

Shirley Rowe