
From: Glenn Searle [REDACTED]
Sent: Thursday, 27 February 2020 8:54 PM
To: DPTI:Planning Reform Submissions
Subject: Submission on the Draft Planning and Design Code

Thank you for the opportunity to provide comments on the Draft Planning and Design Code. Please note that the following submission reflects the personal comments of a planning practitioner with over 10 years experience in development assessment and planning policy.

To set the context for these comments I note that the Draft Code seeks to implement a consistent State-wide approach to development assessment policies and provisions. However, in my opinion, the Code should recognise and allow for a degree of diversity through local specific policies that reflect the context and character of places. Typically, this has occurred through the use of Desired Character Statements which should be reintroduced into the Code in a manner similar to Historic Character Statements.

My understanding was that the first iteration of the Code was meant to be policy neutral or like for like with the provisions of the Development Plan. Therefore, it is unfortunate to see that the scope and scale of change introduced by the Planning and Design Code scope is substantial, and many Council's have identified fundamental changes to many established Development Plan policy directions.

My main concerns relate specifically to the Suburban Neighbourhood Zone (Code) as it applies to the City of Mitcham (Suburb: Panorama), specifically Policy Area 8 of the Residential Plains Zone.

Currently Non-complying land uses:

In regards to the Suburban Neighbourhood Zone it is pleasing to see that the minimum lot size for dwelling types and building heights remains the same as the current zoning. However, that is where the positive aspects of the Code finish. It is extremely concerning to see that the Suburban Neighbourhood Zone encourages (through DTS 1.1) land uses that are currently non-complying. These being:

- Educational Establishments
- Shops
- Offices

It is noted that while consulting rooms are not specified in DTS 1.1 provisions relating to their establishment are provided in PO 1.3, DTS 1.3, PO 1.4, DTS 1.4, PO 1.5 and DTS 1.5. These provisions allow for non-residential that is double (DTS requirements) and quadruple (Performance Assessed requirements) maximum the floor area allowed in the current Residential Plains Zone, being 50m². It is heartening to see that these land uses have not been listed in the DTS table for the Suburban Neighbourhood Zone.

To introduce policies encouraging these non-residential land uses of up to 200m² in floor area is a dramatic departure from the current policy settings and will have an irrevocable impact on what is a low density residential neighbourhood. It appears that this is a fundamental policy shift to move away from the Centre's Hierarchy which has been a core part of land zoning within the State. If this is the intent of DPTI and the State Planning Commission then this should have been communicated with the public upfront and not hidden within the 3000 pages of the Code. As such I would call on the Commission to introduce a Technical Numeric Variation (TNV) specifically relating to commercial floor areas capping the size to what is currently in the Development Plan. This will allow the public time to grapple not only with the fundamental shift away from Development Plans towards the Code and ePlanning but to also properly engage with the community on this new policy position.

Public notification:

Further to the above I note that pages 16 and 17 of the Phase 3 (Urban Areas) Code Amendment - Update Report states that land uses that are envisaged should be excluded from public notification (see below).

- Exclude uses that are envisaged in the zone (e.g. shop in a centre zone) from notification, where the site of the development is not located adjacent to a dwelling in a neighbourhood zone.

How does this position reconcile with the fact that currently these non-residential land uses are non-complying forms of development and would require category 3 public notification? Shouldn't the community expect that if a form of development currently requires public notification that it would require public notification under the Code?

Building heights:

As previously stated it is good to see that a TNV restricting building heights to 9 metres or 2 storeys has been spatially located over this zone. However, there is no point in having a TNV when the Code specifically allows a form of development to avoid that requirement. In this case this is SA Housing Trust or other community providers constructing dwellings which are allowed to be a maximum of 6 storeys in height. While the community may understand the TNV requirement (2 storeys) it is underhanded to allow this significant increase to one sector. I wonder how many people who are comfortable with a 2 storey development would be equally comfortable with a 6 storey development popping up next to them which would also be excluded from public notification requirements. As such it is recommended that the Commission reconsiders height limits for SAHT and other community providers to bring them down towards community expectations (for example 2 to 3 storeys).

Lack of ePlanning portal:

The consultation version of the Draft Code is a large, complex and complicated document. This complexity was meant to be dealt with by the Planning Portal, unfortunately this was not released with the Code. This lack of ePlanning integration and the sheer size and complexity of the document has hampered any road testing of the Code.

It is heartening to see that the Minister has delayed the implementation of the Code. This delay should allow for a further round of public consultation to enable the community to consider comments received during public consultation and the Commissions response to those comments.

I consent to these comments being made public.

Regards,

Glenn Searle