

19 December 2019

**City of Burnside
Campbelltown City Council
City of Norwood, Payneham & St Peters
City of Prospect
City of Unley
Town of Walkerville**

Hon Stephan Knoll MP
Minister for Planning
GPO Box 1533
Adelaide SA 5001

Email: [REDACTED]

Attention: State Planning Commission – Michael Lennon
Email: saplanningcommission@sa.gov.au

Dear Minister

**Planning Reforms and Planning and Design Code
Preliminary Fundamental Issues
Eastern Region Alliance of Councils**

The Planning Reforms and Planning and Design Code are a major generational change to how our cities, neighbourhoods and new development are managed.

The diversity of our cities, neighbourhoods and communities represent different histories, geographies and topographies.

Therefore, whilst a State-wide consistent approach is recognised as beneficial for common understanding and issues, it should also allow a degree of diversity through discretionary local specific policies. The State may set the targets, but local councils are best placed to determine the best areas and ways to deliver these outcomes.

The scope and scale of the reforms and the Code is substantial and still being deciphered before final submissions are ready in February 2020, but at this early stage, several fundamental key issues have been identified for attention and discussion.

The Eastern Region Alliance (ERA) is a group of six eastern metropolitan Adelaide councils that collaborate for the benefit of their local communities and the region. The ERA councils are the Cities of Burnside, Campbelltown, Norwood, Payneham and St Peters, Prospect, Unley, and the Town of Walkerville. The ERA mayors have discussed the proposed Planning Reforms and provide the following feedback for your consideration.

Heritage Matters

The transition of existing Local Heritage Places and areas into the new Heritage Places and Historic Area Overlays in the Code is welcomed. However, the issue of Contributory Items not being similarly transitioned into the new Code requires resolution. To this end, the detailed policy and implications still need further scrutiny. Existing Contributory Items should be transitioned into the new Code, with any review of the items deferred until the proposed broader heritage review is undertaken.

The *Inquiry into Heritage Reform of the Environment, Resources and Development Committee of Parliament* was a comprehensive and considered response to the long-standing issues with heritage management. As well as immediate improvements, the future review and holistic approach outlined in the committee's recommendations is supported.

In this regard, councils should (with the authority to apply to the Minister for approval of local heritage zones), continue to hold a central role in local heritage and the establishment of new historic areas.

The current requirement for 51% of all land owners in an area to provide approval to a new historic area is contrary to normal and broader public interest, community benefit and proper objective analysis. The removal of this requirement is supported for better public policy and local self-determination.

We propose that

- *Councils have the discretion to apply to the Minister for approval for local heritage zones.*
- *Councils make decisions in respect to development applications in heritage zones.*

High Density Interface

Previous consideration of higher density corridors and precincts using careful analysis and well-accepted urban design principles, led to the fundamental approach for some councils for an interface envelope of 30 degrees from 3 metres above ground level from the zone boundary.

Some of the ERA Councils oppose the proposed unilateral change to 45 degrees from 3 metres above ground level, apart from south facing elevations, without evident analysis, justification or respect for existing established policy. Whilst some may support the proposed 45 degrees concept, other councils may wish to retain the existing 30 degrees arrangement based on the design of their DPA's and community support. It is our belief that the State population objectives would still be achieved with this criterion.

We propose that

- *Councils have the discretion to apply to the Minister for approval for a local 30 degree approach if they wish.*

Tree Canopy

Tree canopy is an intergenerational asset, a primary factor in micro-climate and broader climate mitigation, as well as beneficial for native habitat, biodiversity and

neighbourhood amenity. As has been widely reported, there has been a substantial loss of tree canopy across metropolitan Adelaide.

The 30-Year Plan for Greater Adelaide seeks 30%, or an increase of 20% of the 2015 canopy by 2045, which all ERA Councils are aiming to achieve.

It is evident that current trends indicate that this is not being achieved and loss is increasing with infill development pressure. Planting opportunities on public spaces (e.g. reserves and streets) is limited in some Local Government Areas and if any meaningful advances on tree canopy cover are to be made, this needs to occur on private property.

The proposals for 15-25% 'soft landscape' areas and minimum 1 tree per typical dwelling is positive, but frankly of limited overall effect. The maintenance of existing 7% deep soil area, and only for medium to high rise development (4 storey or more), is totally inadequate. More comprehensive and consistent increased tree canopy provision is therefore required.

To redress and increase the canopy loss, there must be an allowance made in new developments for an adequate deep soil area that allows for plantings that potentially achieve at least a 15% tree canopy cover at maturity. There is wide local community support for these measures.

Existing tree canopy is important. There is benefit to our environment as trees age. There is both environmental and monetary value of trees, importantly mature and aged trees provide habitat for birds and native animals and are valuable removers of pollution. It can take up to 100 years before a tree can provide a home for a marsupial and 200 years before a tree can provide a nesting spot for birds. Current protections for mature trees should be included in the new Code and the references to wildlife corridors, habitat or biodiversity as specific criteria for considering retention of Regulated or Significant trees should be retained.

We propose that

- *Councils have the discretion to apply to the Minister for all new developments allow for a 15% deep soil area and that landscape plans for new developments demonstrate that tree canopy cover of 15% will be achieved.*

Code Amendments

Future amendments to the Code will be an important process to refine, improve and maintain contemporary applicable zoning and policy for desired development.

A new option has been created for property owners to individually pursue an arbitrary site-specific Code Amendment directly with the Minister. This process compromises broader strategic outcomes, precinct planning and priority and excludes Local Government and their communities from meaningful influence of the development of their neighbourhoods.

Councils should maintain the role to co-ordinate proper and orderly strategic Code Amendments as is currently the case. We are not generally opposed to developer funded code amendments, but these should be undertaken through councils in the first instance.

We propose that

- *Councils maintain a lead responsibility and strategic control over the process governing Code Amendments. Land owners should be directed to collaborate with councils to facilitate their interests as part of broader strategic approach.*

Consultation timeframe

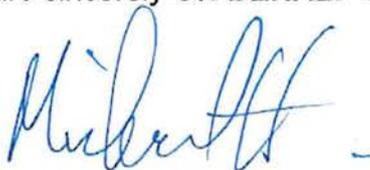
The introduction of the Code represents a once in a generation reform. Given the scope of work involved, it is our view that the consultation draft for Phase 3 has within it various inconsistencies, anomalies, gaps and mapping errors. It is critical that DPTI has adequate time for the review of this policy position, particularly given the emphasis within the PDI Act on consultation at the policy formulation stage rather than at a development application level. The proposed timeframe for the introduction of the Code on 1 July 2020 should not come at the expense of sound process. Appropriate time, commensurate with the enormity of the task, should be taken to ensure that the Code is the best it can be, following full and comprehensive consultation, feedback and review.

ERA councils support the Planning, Development and Infrastructure (Commencement of Code) Amendment Bill 2019 to amend the transitional provisions by deleting the 1 July 2020 commencement date and substituting a “designated date”.

Contact and follow-up

Should you have any questions please contact me at [REDACTED] or [REDACTED]

Yours sincerely **ON BEHALF OF ERA COUNCILS**



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Mayor Unley



Elizabeth Ericker
Mayor Walkerville



Anne Monceaux
Mayor Burnside



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Mayor Prospect



Robert Bria
Mayor Norwood, Payneham & St Peters



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