

Community Alliance SA Inc.



Planning and Development Code Submission

February 2020

Table of Contents

Executive Summary	iv
1. Introduction	1
1.1 Community Alliance of South Australia Inc.....	1
Release of the Update Report from the State Planning Commission 23 December 2019	4
Community engagement	5
1. Built Heritage	9
State Heritage Areas and State Heritage Places.....	9
Local Heritage Places and Historic Area Overlays	10
Contributory Items	11
Character Area Overlay	13
Demolition.....	14
2. Climate Change and Hazards	16
3.1 Biodiversity	16
3.2 Trees and Canopy Cover	18
3.3 Rural/Native Vegetation	18
3.4 Significant and Regulated Trees	19
3.5 Flood Mapping.....	21
3.6 Energy efficiency	22
Open Space.....	23
City Park Lands Zone	24
3. Urban Infill and Design	27
General Policy - Design in Urban Areas	27
Water Sensitive Urban Design (WSUD)	27
Neighbourhood Zones	29
General Neighbourhood Zone.....	29
Residential Neighbourhood Zone.....	30
Housing Diversity Neighbourhood Zone	31
Corridor Zones.....	31
Housing Renewal	32
4. Affordable Housing.....	34
5. Conclusion	36
6. Recommendations	38
Appendix A CASA ‘Crack the Code’ Survey Results.....	39
Response 1 - Holdfast Bay area	39
Response: Prospect	42

Response 3 - Unley area.....	44
Response 4 – Charles Sturt.....	46
Response 5 – Adelaide Hills	48
Appendix B Heritage critique of Code provisions.....	49
Appendix C Recommended Heritage policies.....	49
Appendix D Water Sensitive Urban Design amendments	49

Executive Summary

The Community Alliance SA Inc. (CASA) has participated in the SA Planning Reform process throughout the past five years on the journey undertaken by two successive state governments to transform planning to a state based single Planning and Design Code and Planning, Transport and Infrastructure Act enabling development within South Australia.

South Australia’s Expert Panel on Planning Reform (the Panel) consulted extensively with the community prior to the state government’s planning reform process. The Panel’s vision for the reform was to ensure that South Australia has an effective, efficient and enabling planning system. Five guiding principles established by the Panel included:

- Partnerships and Participation
- Integration and Coordination
- Design and Place
- Renewal and Resilience
- Performance and Professionalism

Not all recommendations of the Panel were accepted by the Minister of the day. We have considered the five guiding principles and do not consider these were demonstrated during the way consultation has proved so difficult to access comprehensive material. Our submission will focus on the current version of the Code, and the recent State Planning Commission’s Updated Report.

CASA 33 member groups are concerned citizens who have tried to communicate throughout the process but have not been able to comment regarding policy making because there has been no access to all relevant information or clear policy during the consultation process.

Policy Changes have not been highlighted during the public consultation sessions, nor explained to the public. Information about the changes remains obscure and scattered through a multiplicity of online information. The differences between new policy intent and errors are not made clear. Given the undertakings of the legislation and Commission to consult widely on a simpler, clearer and more transparent new planning system, CASA wishes to communicate to the Commission, the Minister for Planning and the Premier that community engagement has failed to convey the new system as a simpler, clearer and more transparent system.

CASA urges the SPC and the Minister ensure that future versions of the Planning and Design (P&D) Code address the issues raised in the many submissions made throughout Phases 1, 2 and 3 regarding errors, omissions and inconsistencies and difficulty of interpretation before any informed community comment can reasonably be invited or expected.

The Planning and Design Code cannot be accessed and understood via the planning portal as it is not fully operational. CASA initiated a Crack the Code survey with its 33 member groups to use the portal to find out current and proposed zoning of an address. The results in Appendix A confirm the difficulty of accessing the mapping and subsequent layers of information. This experience is shared by a wide range of stakeholders including property developers, planners, residents, builders, and people from a variety of backgrounds and skills.

Having found the Code cracked, we believe the Code must either be fixed, and if not, ditched. Fixing it will need longer than 3 months. We support a more realistic time frame of 12 months.

The line Planning Portal -What is required :

- The portal is fully developed and tested for functionality, legibility and access;
1. Familiarisation and training is undertaken with local government council planning staff;
The differences between existing zonings and Code Zonings, and relevant Overlay policies are made clear in a summary to guide further consultation;
The SPC heed local government input and work collaboratively in correcting inaccurate, inappropriate and incorrect provisions identified by local councils checking through extensive Code content;
The community be given an opportunity to be meaningfully engaged in providing feedback on corrected Code content and clear policies prior to activation of the State Planning System and P&D Code.

Code content- What is required:

Historic Area statements and heritage policies reviewed to ensure consistency, to provide greater clarity and guidance on terminology and historical context, and to incorporate the list of contributory items for each council area.

Incorporate biodiversity impact considerations in General Policies and create stronger policy for retention and protection of native vegetation.

The existing tested Regulated and Significant Tree policy be transitioned into the Code **without change.**

The SPC review the introduction of non residential uses (and increased densities) introduced for the first time for a range of Residential Zones to include a more specific set of requirements including location, context, and numeric standards for setbacks and siting details.

2. Review allocated zonings and Overlays for each topic .

CASA recognises that issues raised within this submission are not exhaustive. CASA has provided recommendations at the end of each section. We hope they are read by a human, - not a keyword robotic search. Many detailed and accurate submissions have been made by local councils that should be helpful to ----the Commission and Minister. CASA trusts that the state Minister for Planning and the Commission take heed of the need to improve the existing P&D Code as requested.

1. Introduction

Community Alliance SA Inc. (CASA) is an umbrella organisation for resident and community groups from Adelaide and other areas of South Australia, whose aim is *“To Put People back into Planning and Development in SA”*. CASA has been involved with the planning reform process since its inception and has consistently engaged with state government as it supports the aims of the process in principle, namely to *“provide consistency, clarity, certainty, transparency and accessibility for all”*.

The objectives of CASA as outlined in its constitution are as follows:

1. To campaign for ethical and transparent governance including the provision of genuine information to communities.
2. To lobby for reform of planning, development and related legislation to ensure participative decision making with real community engagement.
3. To lobby for sufficient resources for reform of compliance and enforcement of relevant legislation, regulations and procedures.
4. To act as an advocate for residents’ associations and community groups in South Australia.

CASA has grown in membership over recent years resulting in 33 member groups. They include:

- Adelaide Parklands Preservation Association
- Blackwood and Belair District Residents Association
- Brownhill Creek Association
- Burnside Historical Society
- Caring About Joslin
- Coastal Ecology Protection Group
- Colonel Light Gardens Resident Association
- Cheltenham Park Residents Association Inc
- Friends of the City of Unley Society
- Friends and Residents of North Adelaide
- Friends of Willunga Basin
- Friends of Port Willunga Creek
- Gawler Regional Community Forum
- Holdfast Bay Residents Association
- Kensington Residents Association
- Kent Town Residents Association
- Mile End Residents Group
- Mount Barker and District Residents Association Inc
- National Trust of SA Inc.
- Norwood Residents Association
- Prospect Residents Association
- Save our Suburbs
- South East Residents Association
- St Clair Reserve Ratepayers Association Inc

- St Peters Resident Association
- Stirling District Residents Association
- Oaklands Estate Residents Association
- Onkaparinga Council Watch
- Oppose Glenriose High Rise
- Port Noarlunga Residents Association
- Stop Urban Sprawl
- Walkerville Residents Association
- Western Adelaide Coastal Residents Association

CASA is represented on one state government committee, which is the Community Engagement and Sustainability Ministerial Advisory Committee through its secretary. This committee meets four times a year to advise the Minister for Planning.

Compaction of community consultation phases

The Draft Planning and Design Code for South Australia (saplanningportal.sa.gov.au/planning_reforms/implementation), accessed January 11 2020 advises:

“On the 1st October 2019, the draft Planning and Design Code for Phase 2 and Phase 3 went on public consultation. A phased implementation program approach helps us to progressively introduce the new system while supporting a smooth transition for councils, practitioners and the community. Underpinning each phase is conversion and retirement of council Development Plans to the Planning and Design Code.

Effectively, the combination of Phases 2 and 3 compacted what could have been a more considered approach of responding to submissions after each of the three closing dates. The process could have included responding to submissions, drafting amendments, gaining Ministerial endorsement of any changes and re-releasing the reviewed document for Phase Three. As the Phase Three consultation period closes on the 28th February, it is evident that reliance is being placed on the legislation and expected activation of the complete three phases of the new planning system and Code provisions on the 1st July 2020, now extended to September 2020.

In addition to Ministerial powers to resolve many matters in need of correction, clarification and road testing on an ongoing basis, it appears the Minister has the power to issue a direction with respect prohibiting, restricting or limiting access to any document, instrument or material on the SA Planning Portal on the ground of

- (a) confidentiality of privacy; or
- (b) commercial value or sensitivity; or
- (c) safety or security (including the security or future security of a building); or
- (d) any other matter prescribed by the regulations. ¹

¹ Planning Development and Information Act 2016 Part 4- Community Engagement and Information Sharing ,

by notice in the Gazette and on the SA Planning Portal.

Of interest is the non application of the *Freedom on Information Act 1991* in relation to a document (within the meaning of that Act) that is received, created or held under this section of the Division. This is possibly of concern given Division 2 provides details of all planning services and information to be provided by the SA Planning Portal; including access to information by members of the community.¹ Potential lack of transparency is of concern.

Initially and up to the release of the Update Report from the SPC on the 23rd December 2019 our concerns centred upon the following:

1. The consequences of urban infill redevelopment with reduced allotment sizes that have driven demolition of non heritage listed homes in established suburbs surrounding Adelaide City, resulting in loss of residential amenity, overcrowded and congested roads, loss of on street parking, access for rubbish collection trucks and road safety,
2. The lack of shading, articulation, cross ventilation and contextual respect for existing residential character by new infill housing.
3. The consequent loss of suburban amenity through larger buildings on smaller development sites through the destruction of vegetation and trees when demolition of existing buildings leaves bare sites.
4. Excessive hard surfaces resulting in greater stormwater loading into existing stormwater infrastructure.
5. The loss of mature trees on private land.
6. Difficulties in accessing information via the planning portal including the major aspect of typing in an address and then being provided with all zonings, overlays and other relevant materials in order to try to understand the proposed pending changes.
7. Persistent errors in mapping throughout each phase of consultation.
8. Policy wording that is vague and does not provide any degree of certainty about the intention of the provision.
9. Flexibility afforded by performance assessed developments leaves room for wide interpretations of how the policies are to apply. Leaving interpretation by a variety of accredited professionals to approve specific aspects of a proposed development will result in a more fragmented process of assessment of a complex development.
10. Overlays over zone areas not always matching the geographic bases of the zone,
11. Concerns over policies that do not reflect like for like transitioning from the existing development plans

Release of the Update Report from the State Planning Commission 23 December 2019

After the close of Phase 2 submissions the update report provides an overview of the consultation process and how the SPC will respond to both phase 2 and 3 of the Code. Positive aspects of the Update Report document include:

1. Changes of some residential land currently located in the Neighbourhood Centre Zone to the Suburban Neighbourhood Zone to respond to sloping land, heritage provisions, land division and existing zoning not seeking increased housing density or diversity

Division 2 -On Line Planning Services and Information; s.s 54 nd 55 Protected Information.

1 As above, s.55.

2. Reconsideration of retail development to allow some Out of Centre retail development., subject to clarification of zone provisions.
3. All national parks are to be included in the Conservation Zone.
4. Improved and updated flood mapping applied to the Hazards (Flooding) Overlay.
5. Changes to the zoning of some residential land currently located in the Neighbourhood Centre Zone to the Suburban Neighbourhood Centre Zone where overlays involving Historic Area or Character Area overlays apply.
6. Heritage - the inclusion of council drafted Historic Area Statements and Character Area statements and Character Statements in the Code to guide development (in Table form) Also additional policies are to be included in the Local and State Heritage Places Overlays to guide development on allotments adjacent to State and Local Heritage Places.
7. Reviewed Deemed To Satisfy (DTS) pathway for land divisions in residential zones in the Code
8. Clarification of Significant and Regulated Tree overlay applications.
9. Correction of identified irregularities in the classification tables in the Code. It is not intended to complete the corrections until Phase Three Consultation is concluded. Some of the 'irregularities' are included in the updated classification tables. The content of the document is 2,200 pages in length.
10. Renaming the Peri-urban Zone to better reflect the existing and envisaged land uses in the Zone. The feedback concern was that the reference to Peri-Urban infers a sense of deferred urban intent, rather than land for agricultural production.
11. A 'Minor Code Drafting Improvements Table has been prepared to correct 'irregularities' identified in the Code in an Appendix 1 of the Report.
12. Amendments to overlays to improve assessment pathways for accepted and deemed to be accepted developments, to enable assessment of simpler developments such as dwellings, outbuildings, fencing, verandahs and pools.
13. Amendments to public notification tables to reduce unnecessary notification, for example:
 - Listing specific classes of development that are excluded from notification.
 - Specify which developments fall within the Notification of Performance Assessed Development that does not require notification (SPA Practice Direction 3; clause 5.2). to exclude minor/low impact uses envisaged in zones that do not exceed building height or interface criteria.
 - Exclude envisaged uses in zones (for example, a shop in a Centre Zone) unless adjacent a different Zone.
14. Amendments to the building height policy in Activity Centres and Retail Development to ensure consistency between the zone policy and Technical and Numeric Variations (TNV).
15. The timelines for commencing Phases 2 and 3 of the Code was unchanged (now extended 3 months).

These matters assist in understanding the current situation of the state planning tasks ahead and will be addressed by topic where relevant.

CASA is encouraged by the range of matters that will be reviewed with the good intentions of the SPC, but is deeply concerned over community engagement to date. The issues raised in submissions by the end of Phase Two consultation by the LGA, rural and urban local councils, resident groups, individual citizens and volunteer organisations have not been addressed and are

being amalgamated into a combined Stages two and three consultation ending on 28 February 2020.

Access to the online portal navigational tool through complex layers of information has been confusing and complex for many people. Part of the problem is that changes proposed have not been presented comparing existing zoning and Overlays are difficult to access.

Community engagement

It is almost impossible for members of the community to understand Code content online without comparison tables demonstrating how current and proposed zones changes will affect them. On line access to the Code is entry to a complexity of layered information regarding zones, sub zones, overlays, technical variation notes that lack clear consistent language, inconsistencies of policies, and a confusing format that provides a list of development types, related numerous overlays and numeric Planning Objectives, Performance Assessed and Deemed To Satisfy references, and reference to Technical Variation Notes, not to mention many other documents that are relevant.

In addition, for those residents who reside in heritage or character overlays, it was impossible to respond until after the area statements were released on 23 December 2019, just two days before Christmas. For those people, the consultation period was reduced to just two months, with much of that time during the holiday period.

CASA's 33 member groups were invited to go on line to the planning portal to discover both current and proposed Code zoning and overlays in order to be informed adequately about the pending changes to the planning system. (Appendix A - CASA Crack the Code Survey feedback)

CASA acknowledges that in late January 2020 the Commission notified residents of local and state heritage places within Historic Areas by letter providing them with an update, seeking their feedback to contact the planning portal for more information. This is a welcome effort to communicate regarding a specific aspect of the Code, although the issues with on line access remain., Our respondents to the survey found calling the help line were very helpful , although not all queries were able to be resolved.

CASA urges the SPC to ensure the South Australian community is engaged in consultation when the functional aspects of online access are operational and amendments flagged by the Commission in its Update Report issued prior to Christmas 2019 have been addressed in a revised draft Code.

It is also anticipated that the submissions concerning heritage provisions are responded to comprehensively. The state's commitment to heritage is evidenced by the lack of resourcing in partnership with local government to achieve better management and promotion of heritage as a positive aspect of South Australian life.

'Like for Like' P&D 1st generation P & D Code version.¹

CASA understands the enormity of the task undertaken by the Planning Reform process involving converting around 72 Development Plans into one single state-wide code given that standardisation of content will apply to different regions of the state with different communities of interest and land capabilities. Given the process, it is not surprising that such a change can result in a number of unintended consequences. For this reason, effective engagement and participation is crucial to make sure that communities throughout the state can be meaningfully involved in policy making that affects them. The explanation by the Update Report that 'like for like' is not possible given the excessive number of pages within existing Development Plans is understood

However, there are significant differences between existing zonings and policies and those within the P&D Code that represent fundamental changes beyond an attempt to reduce text while keeping 'like for like' in focus. None of the many detailed changes in density, land uses, or design standards have been comprehensively summarised and presented during community consultations held to date.

E-planning system

The main consultation vehicle has been online access to the planning portal mapping with iterations of information accessed through pinning a subject site, checking a zone map, clicking on current Development Plan zoning and proposed Code zoning. The querent then progresses through a series of sub zones, a list of various overlays addressing a wide variety of planning aspects and Technical Variation Notes that are used in many zones to provide numerical requirements.

The current state of the e-planning system is unworkable for many members of the public, especially for the elderly to the point of generational discrimination. This is compounded by:

- Online video guides on how to access the system, which lasts for a couple of minutes and is a complicated quick overview of how to access the system and drop down icons to find details of zoning (no access via a table of contents and page numbers visibly incorporated into the link.)
- No key word search button to search for subject definitions, zones, overlays,
- No key to terminology and function provided within the Code (eg PO, DTS etc)
- The zones are colour coded in varying shades of colours etc that are hard to distinguish on line and particularly hard to ascertain from the key, which also has to be accessed via a click down separately.
- The Code contents online lack consistent headings, table of contents and canvass an alphabetical list of developments, with a table listing numerous overlays, policies by number, and are divided between different categories as assessments. A key word search device would enable searching through the different layers more quickly and efficiently. It may also reduce the risk of missing important information.

¹ The Hon. Stefan Knoll has been quoted on a number of occasions the first generation Planning & Design Code will be the initial transfer of policies from existing Development Plans into a single state wide planning system.

Community Consultation Sessions

These sessions included presentations by the Commission with the audience given the opportunity to ask questions. Attendees were also encouraged to go online, and phone the help line. Feedback provided to CASA was that they could have been longer to allow all participants to have their questions answered.

Code contents

Wide-spread mistakes, typos, inaccuracies and rubbery standards have been identified and brought to the attention of the Commission. Even if successful in accessing information on the Portal, how can the public participate in an informed manner when the wording is wrong or policies are not clear in intent?

Public Notification

Public notification of developments lodged for assessment is found under procedural matters within zone content, overlays or within the general policy of the Code, requiring advice to properties within 60 metres and a notice on-site but with no third-party appeal right.

It appears that only development **exceeding** policy provisions of the zone will be notified, meaning **envisaged development that has not existed in Development Plans before**, will **not be notified**, eg the introduction of a wide range of dwelling types, new non-residential land uses and variations in minimum standards in some Neighbourhood Zones, 5 storey mixed-use building up to 18.5 metres in the Urban Corridor Main Street Zone, and many other examples specifically referred to by local councils in their responses to the current consultation phase.

Classification Tables

Classification tables on assessment status and **Procedural Matters regarding public notification** must be comprehensively reviewed by the Commission and state government, for the intended review of notifications provisions to avoid unnecessary notifications for minor developments should also look to review non notification for Open Space, City Open Space and other public access areas on public land. It would assist if the Planning Portal provides a comprehensive list of new provisions and standards that have been introduced.

For example, public awareness of changes to the Adelaide Park Lands should be notified to preserve the public interest in maintaining not only public right of access but to protect the open space and passive recreational values of a city destined to grow up, rather than sprawl. More generally formal notification should be provided for all parks within the state considering the public interest and substantial investment provided by park volunteers who may not live within the distances stipulated for notification.

Public notification enables local knowledge and contextual input by locals, with attention drawn to specific and inherent potential impacts. This can add valuable review and improvement to design outcomes.

Private Accreditation

The changes to private accreditation and delegations have created a plethora of private assessors and council's Assessment Manager as the accredited authority. This has removed local councils from directly being named as the relevant authority for appeals.

The legislation reflects the state governments of both main parties to reduce the composition of development assessment panels. Now referred to as Council Development Panel (CAP)s, the change of 1 elected council member instead of 3 elected members and a Presiding Member from 4 specialist members did not appear to be based on any analysis of CAP decision making. There were no statistics provided by the state government when the Planning, Development and Infrastructure Act legislation was passed in 2016. These changes to be made to warrant an arbitrary change of representative government when all panel members were subject to Code of Practice and Conflict of Interest protocols.

Private certification and accredited planners, building inspectors, surveyors and practitioners of related professional bodies will vary in terms of knowledge of local conditions where they are able to exert discretion over performance based assessment analysis. The likelihood of multiple consents by multiple assessors possible for development applications and the appointment of Assessment Managers with powers of delegation to be the relevant authority within council organisations for any appeal, further removes elected local government members from understanding the assessment process.

Processing applications

Knowing that development applications will be deemed approved if not processed through the new system within 20 working days, CASA also suggests that rather than 1 'stop the clock' request for further information by assessors, there should be 2 'stop the clock' requests given the plans required will now be on a scale of 1:500 rather than 1:200 previously. The larger scale required in the new planning system will make assessment of the application details problematical for council staff and private assessors alike. Quite often applications reveal the need for further detail when missing information is received after a response to the first 'stop the clock' request is made. Deemed approvals may result in further complications in achieving safe and convenient development.

Significant operational costs for each council

There will be significant operational costs for each council in aligning existing electronic systems with the final state planning portal, providing lodgement assistance to members of the public wishing to make a development application, staff training costs, legal costs, and seeking to amend the unintentional consequences of a Code that is continually being adjusted to changing circumstances.

2. Built Heritage

CASA notes the following statement in the discussion paper on *People and Neighbourhoods*:

“Our new planning system will need to protect areas of special character and continue to provide for the management or conservation of land, building, heritage places and areas. Existing heritage designation means that change in some areas will be limited, in the interests of protecting valued physical attributes or identity. Other areas without formal heritage status may be regarded by residents as having a special character that may limit the amount and type of changes desirable. The Code needs to consider how to effectively reconcile the inevitable tensions that will arise between the drivers of change and progress and the need to protect important elements of both past and present environments.”

State Heritage Areas and State Heritage Places

CASA supports State heritage provisions for areas and places being ‘carried over’ into the Code. It is anticipated that the content provided in the Development Plan will be transitioned with care. Referral to the Minister responsible for the state heritage legislation should clearly identify any delegations involved in the process of assessing development proposals.

The Historic statement content is anticipated to be reflective of the historical basis for listing and provide clear guidance regarding the historical, physical and cultural values of areas, spatial relationships, public infrastructure, open space and landscape character, architectural details, traditional materials and relationships and guidance for future change. The latter is essential given the controls within State Heritage Areas involving built heritage apply to all development (including painting).

Referrals required for minor developments within State Heritage Areas have led to lengthy delays for applicants seeking approval for minor developments such as a small garden shed, new door, window repairs, or urgent repairs to structures. (for example Burra State Heritage Area) Detailed heritage guidelines provided to councils processing minor development applications under delegation from the Minister of Environment and Water is strongly supported. (For example, Colonel Light Gardens State Heritage Area guidelines relevant to Garden Suburb characteristics regarding layout, scale, contextual design aspects of the area, special characteristics with appropriate policies regarding changes; the Hahndorf State Heritage Area regarding the retention of the hufendorf linear pattern of land division pattern and surviving traditional German buildings)

It is noted that technical skills and knowledge related to heritage conservation and preservation processes, appropriate building materials and techniques are not taught within South Australia, apart from those offered by the Construction Industry Training Board (CITB). In the absence of state based heritage skills training, the conservation courses available through the CITB should be encouraged as part of ongoing practical and technical training for tradespeople, architects, planners, and development assessors. Reference to the Burra Charter and membership of Australia ICOMOS and the CITB should be encouraged by the State.

Local Heritage Places and Historic Area Overlays

The Update Report regarding Historic Areas and Character Area Statements confirms that these will be applied to land affected by Historic Area Overlays and Character Area Overlays. CASA appreciates that both Historic Area and Character Area statements are available for Phase Three Councils on the SA Planning Portal.

Historic Area Statements – issued on the 23rd December 2019 are intended to be a recognition of the distinct and important historic characteristics of individual areas. They are integral to identification of all related heritage but do not identify current existing contributory buildings. These statements are to be relied upon for the protection, conservation, and improvement of the nature of new development to maintain the intrinsic values of these areas.

In their current form the statements are seriously deficient in content, expression and guidance:

- Template approach lacks context of history, and evolution of the heritage area - key aspects of historic patterns and characteristics.
- Statements consistent with prescriptive criteria (site area, site frontage, building height in Technical Variation Notes) diminishes the comprehensiveness and clarity in regard to reinforcement of key historic subdivision patterns.
- Existing building siting criteria (road setback, side boundary and total building spacing has been replaced by minimal generic setbacks criteria in the Code).
- Historic Area Overlay policy lacks guidance on respectful improvement to buildings as well as effective and fair demolition protection
- Historic character includes original whole building, setting and context. Not just the façade of a building.
- Review of terminology needs review –Historic Area content to provide rigorous and consistent expression, clarity and use of terms needed.

7.6 Heritage and Character

Historic Area and Character Area Statements

Historic Area and Character Area Statements are proposed to be applied to land affected by Historic Area Overlays and Character Area Overlays. Historic Area Statements for 27 Phase Three councils and Character Area Statements for 12 Phase Three councils are available for consultation on the SA Planning Portal. The results of this consultation will help inform refinement of Historic Area Statements across the state.

Councils were invited to draft their own statements based on development plan policy and many have participated in the process. The statements will be used to determine the prevailing styles and patterns of development within the overlays. Councils will also be able to evolve these statements over time.

Proposal: Historic Area and Character Area Statements which clearly identify and articulate key elements of historic / character importance in an area will replace Desired Character Statements and will be based on existing policy content. The statements are on consultation until 28 February 2020. The Commission will continue to work with key councils on the development and implementation of these statements as part of Phase Three of the Code. For further information refer to the statements on the [SA Planning Portal](#).

CASA recommends the statements concerning heritage are in need of review and improvement, consistent with the Commissions' intentions as expressed above.

Refinement of the Historic Area Overlay

To assist public understanding a glossary of terms as part of relevant overlays is suggested:

- DO = Desired Outcome
- PO = Performance Outcome
- DTS = Deemed To Satisfy
- DPF = Designated Performance Feature

Substantial review of the current draft statements

To provide the missing content regarding historical context and necessary guidance for future development is essential.

Contributory Items

It is understood that there are approximately 12,000 contributory items across Adelaide, representing 3% of total housing stock in metropolitan Adelaide. The significant investment made in the renovation and extension of these properties, contributes considerably to the state's economy as these desirable assets are adapted to the expectations of modern day living or commercial use.

In previous years prior to the P&D Code, metropolitan Councils have worked on broad strategic planning for the future growth and development of the City to identify development, employment and growth opportunities in appropriate parts of the City. In collaboration with the State Government there was an understanding that Councils could identify growth opportunities in designated areas while being able to balance those opportunities with the protection of existing Historic (Conservation) Zones and character areas. This "trade-off" approach of considering the introduction of high growth areas balanced against retention of historic building stock was well received by councils as a fair approach to management of future growth. There are now arterial roads, such as The Parade in Norwood, Prospect Road in Prospect and Kent Town where growth opportunities have been taken up by the development industry. Considerable development opportunities have been made available through re-zoning, but it is expected that an effective heritage policy, which protects the unique heritage building stock and character of our suburbs provides a balance between the need for growth and the conservation and protection of heritage areas.

CASA does not support the removal of mapping and schedules related to contributory items without considering community reasons for urging their retention. Expert Panel's conclusions

following the Minister's request to re-examine the Code's heritage content did not appear to consider detailed policies. CASA supports the submission by Vines & McDougall regarding the need to carry over the policies and content including contributory items schedule and mapping in order to provide clear guides for future development of heritage assets.

It remains to be seen if removing specific reference to contributory items, currently within Historic Conservation Zones, from the P&D Code provisions that contributory items will be equally protected. Currently the Historic Statements do not clearly identify the contextual history and valued characteristics of the Historic Areas. Elements to be conserved and retained should include contributory items. If Historic Area statements lack content regarding desired future character to guide new development, contributory items will be insufficiently protected from demolition and unsympathetic replacement development. Acceptance of their removal is dependent upon the rigour and content of reviewed Historic Area Statements. CASA looks forward to the heritage provisions of a revised and corrected draft Code being re-consulted with owners and the community.

CASA supports the notion of providing heritage adjacency content in principle, and looks forward to specific information for consultation regarding the desired outcomes, and draft policies that will clarify desired outcomes, and DTS provisions. Adjacency situations will vary considerably between different areas of the state and it is recommended that council planners and heritage architects assist DPTI in formulating appropriate policies.

The reference to 'evolving' the statements in the Update Report over time is not reassuring, given the expectation of delivery of a clear, transparent and simplified planning system for the whole state that is easy to understand.

We hope the Commission will reconsider prioritising the need to protect the important elements of past and present environments, recognising that the 'drivers of change and progress' do not exclude people who invest in history and heritage as a social, environmental and economic resource, enjoyed by residents and visitors alike. The state's heritage resource is highly desirable to all stakeholders. Heritage as a resource is irreplaceable. If demolished by the 'drivers of change and progress' who profit from higher density development at the expense of the irretrievable loss heritage values, our communities will lose the heritage that is well researched, recognised and described within the current planning system.

These comments continue to reflect community concerns that the Minister for Planning has stated 'all councils' existing Historic Conservations Areas, Zones, Policy Areas and the like are transitioned to the new Historic Area Overlay'. The language in the draft Code is vague, minimal and open to adverse interpretation.

Appendix B provides a set of desirable policies for the ongoing management of the current heritage built form assets.

Character Area Overlay

The Character Overlay Assessment Provisions relate to streetscape amenity and development that

complements a defined streetscape character. As there are few Deemed to Satisfy (DTS) provisions except for Additions and Alterations, the Performance Outcome (PO) statements address the need for new development to address prevailing characteristics of the area. There is no public notification or referrals provided under Procedural Matters (PM).

The acknowledgement that State and/or Local Heritage places within the locality contribute to the attributes of a Character Area is a positive aspect of the Character Area provisions.

CASA Heritage recommends:

1. To complement the purely descriptive nature of each table heading, a contextual statement emphasising streetscape values and providing insight into the intent of the Character Overlay above the table is provided and would avoid the need for a separate Contextual Analysis report.
2. Landscaping and retention of large trees be included as a heading in the Table.
3. Public notification should occur under Procedural Matters to enable better assessment outcomes.
4. Contributory places be identified and referred to in mapping.
5. Local and state heritage places, if within the Character Overlay must be identified and referred to in mapping.
6. Demolition should not remove large existing trees- recommend reconsideration of demolition remaining complying development.
7. Accredited professionals who offer private assessment services for heritage related applications should be members of Australia ICOMOS being bound by the Burra Charter procedures, ethics and guidelines. Australia ICOMOS has set the standard for heritage conservation and management practice. It is suggested that an accreditation system established as part of planning reform review require accreditation standards specifically for heritage policy, assessment and advisory services from ICOMOS members as a requirement of their professional accreditation. The need for a heritage impact statement in every instance is queried on the basis that if the Historic Area Statements are well articulated and indicate desired outcomes, then surely the applicant and owner should be able to rely on the Code for guidance.
8. The intended removal by the SPC of the current legal requirement of 51% approval by all land owners in an area proposed for heritage zoning (and/or overlay) is supported, for the process to provide approval of a new historic area is contrary to normal and broader public interest.

Demolition

Recommendations:

1. A Historic Area statement not be confined to a table alone, which merely is descriptive of the physical attributes of the area. In order to transition existing content in edited form, it is considered essential that the refinement of the Historic Area statement should complement the descriptive table component with a contextual statement stating the historic contextual significance of the area; and an indication of desired development appropriate to the place in a manner that does not

detract or overwhelm the historic and cultural significance and context of the area.

2. Demolition controls, while applying to the Historic Area Overlay, are to be assessed using the following suggested amendments to the current draft policy in the Code.

PO 6.1 Buildings and structures that demonstrate the historic characteristics as expressed in the Historic Area Statement are not demolished, unless:

- a) ***the original building's key characteristics*** have been substantially altered and cannot be reasonably restored relative to the value of the whole original building in a manner consistent with the building's original style; **or**
- b) ***elements of the building no longer*** contribute to the historic characteristics and the historic character of the streetscape; **and**
- c) the building's structural integrity or safe condition of the building is proven to be beyond reasonable economic repair relative to the value of the whole original building.

Similarly, The Character Areas Overlay include the following policy under Demolition :

Buildings, and large trees that contribute to streetscape character as expressed in the Character Area statement are not demolished or removed, unless

- a) a Building, and/or a mature tree or trees that contribute to the character of the streetscape have been irretrievably damaged in the case of a tree or the building's structural integrity and condition is proven to be unsafe; and
- b) approved replacement planting or building is of similar scale, siting, and the replacement building is of construction materials and design that continue to visually complement the prevailing streetscape character.

4. CASA advocates that local councils should continue to hold a central role in planning and management of Character Areas, local heritage places and Historic Areas. Many councils have established Local Heritage Advisory Panels with local historian, heritage architect/ heritage planner, National Trust representative and community representative who may nominate, assess, and advise on local heritage matters to councils and owners seeking assistance with their heritage listed or contributory character property. The state should not unduly constrain local councils to implement and manage historic areas while overall targets are attained.

3. Climate Change and Hazards

Issues related to the trending in our world towards higher temperatures, increased energy demands, continuing population growth, increased requirements for food, water, space, habitation, accelerating rates of species loss, and extreme weather events at a global and national scale suggest that planning is a vehicle to provide better policies towards sustainable development at local levels.

The recent disastrous national wide series of catastrophic fires suggests we need to rethink carefully where we choose to live, how natural areas are to be managed and also how to protect the large long lived trees that assist in lowering temperatures and carbon sequestration.

At a local and neighbourhood level, the incremental effects of continuing housing infill will only improve if urban design standards effectively address the need for healthy, safe neighbourhoods with shady streets and large treed private open spaces as well as public open space.

CASA supports the efforts of the Heart Foundation, TreeNet and similar institutions that advocate for healthy and sustainable lifestyles at the local level.

We ask the SPC provide detailed responses regarding the following aspects within the Codes' zoning and mapping system, Zones Overlays and current relevant policies in response to discussion papers provided for community information.

1 Biodiversity

The SAPC recognise that existing tree canopy is an intergenerational asset, a primary factor in micro-climate cooling, helps to sustain habitat, biodiversity and neighbourhood amenity.

More specifically, the benefits of trees include fulfilling the crucial role of enriching and stabilising the soil through the microbial, fungal and insect breakdown of discarded leaves and twigs, enriching the soil with a rich, growth generating, nitrogenous compost.

The taller trees grow, the more extensive the network of roots below the surface, binding the soil together and protecting it from being eroded by the harsh elements of rain and wind.

A large tree shifts water on a major scale; it is estimated 500 litres a day is sucked up from the ground and transpired out through its leaves. The presence of trees consequently can have a significant drying out effect in flood conditions, limiting the run-off into rivers which are thus less likely to overrun their banks and flood the surrounding countryside¹.

Tree policies in the draft Code do not fully address the *State Planning Policy 4-Biodiversity (SPP4)*, which states:

1 Reforestation restores the fertility and stability of the soil, eg the re-greening of the Sahel on the southern edge of the Sahara. Since the 1980s a systematic programme of tree planting-more than one million a years has rehabilitated five million hectares of land, now producing an additional 500,00 tons of food a year.

“the planning system has a fundamental role to play in conserving biodiversity at the landscapes scale to maintain the critical function it provides. The planning system must enable the recognition and protection of ecosystems that help safeguard the prosperity, vitality, sustainability and livability of our state. This includes mitigating the undesirable impact of biodiversity loss; helping businesses and industry capture new and emerging market opportunities and increasing our resilience to challenges such as climate change.

The planning system has a role to play in ensuring biodiversity and associated life supporting functions are maintained and enhanced by:

- identifying and protecting areas of high biodiversity value*
- ensuring development occurs in appropriate locations, is sympathetically designed and is compatible with conservation values*
- assessing the cumulative impact of development on biodiversity, including spatial, temporal and incremental impact*
- recognising and maintaining modified landscapes where land use and conservation values co-exist in a mutually beneficial way*
- ensuring people have access to natural places that contribute to their quality of life, health and well-being as well as providing areas for recreation.*
- When environmental values are considered early in the planning process, development in environmentally sensitive areas can be avoided and cumulative impacts are able to be better managed.”¹*

Overall the draft Code does not meet the expectations of SPP4 in that:

- it does not contain an overarching biodiversity policy (eg Desired Outcome) and omits important policies included in Development Plans and the Planning Policy Library.
- References to biodiversity or the full meaning and attributes of biodiversity are lacking in key zones and the new general provisions have been reduced and disaggregated to comply with the new (and untested) format.

Recommendations:

- Incorporate biodiversity impact considerations raised by the above points and other submissions including Nature Conservation Society of South Australia and the Conservation Council of SA (CCSA) that biodiversity should be included in the General Policies. The following zones: Rural, Conservation, Rural Living, Land Division in Rural Areas, City Park Lands and related overlays including Significant Landscape Protection Overlay, Regulated Tree Overlay, State Significant Native Vegetation Overlay.
- Develop and implement a Critical Habitat Overlay that includes critical habitat for threatened species and ecological communities listed nationally and at the state level.
- Stronger policy in relation to renewable energy to ensure further clearance of native vegetation for solar farms is avoided.
- Stronger protection for regulated and significant trees, recognising that retaining existing tree canopy is not only important for biodiversity but is of highest priority given our changing climate).

1 SPP4, accessed online 20/12/2019 via Planning Portal SA.

Trees and Canopy Cover

CASA acknowledges:

“The greatest gift of trees is in making the Earth habitable. We start most obviously with the air we breathe, enriched with life-sustaining oxygen while simultaneously cleansed of those greenhouse gases, notably carbon dioxide. This is the never ending dance of photosynthesis. Moment by moment the wondrous green pigment chlorophyll in the leaves captures the energy from the sun to split molecules of water into their constituent atoms, oxygen and hydrogen. Every year, the 200,000 leaves of a mature oak tree release sufficient quantities of oxygen into the atmosphere to meet the needs of half a dozen people. Meanwhile, simultaneously those same leaves are combining the remaining ‘free’ hydrogen with carbon dioxide absorbed from the air through minute apertures on their under-surface. Together, hydrogen and carbon form organic compounds that, through a series of chemical transformations, will become the tough cellulose and lignin laid down as the trees’ woody ‘new growth’ year on year.

The three trillion trees on the planet function as a massive carbon sink, removing prodigious amounts of carbon dioxide from circulation – 300 million tons a year in the United States- and storing it inaccessibly as the fabric of their trunks and branches. The relatively simple expedient of increasing the world’s forest cover by one third would, the journal Science claimed in 2019, offset the warming effects of a century’s worth of carbon emissions.”¹

CASA urges the state to ensure planning reform must address at a state level our current vegetation resources. This section addresses both rural and urban areas of the state. CASA would recommend the SPC, Planning Minister and State Premier to reconsider the need for strict planning regulations protecting trees in rural and urban areas to safeguard the retention of existing and surviving large trees. Both large indigenous and introduced deciduous species are valuable assets in responding to predicted climate change consequences.

Rural/Native Vegetation

Vegetation clearance has resulted in a dramatic loss of trees and under-storey plants in regional South Australia, since settlement of the state in 1836, with only 26% native vegetation surviving prior to the recent catastrophic fires in Kangaroo Island and the mainland of the SA. Attempts to stem the ongoing removal of native vegetation has included legislation such as the Native Vegetation Act and the introduction of Heritage Agreements over significant stands of vegetation. Over the past years, the effectiveness of the legislation has been weakened.

The State Planning Reform Fact Sheet on Native Vegetation cites the *State Planning Policy 1.4: To minimise impacts of development on areas with recognised natural character and values, such as native vegetation and critical habitat so that critical life-supporting functions to our state can be maintained.*

Our current circumstances, particularly the tragic loss of native vegetation on Kangaroo Island and

¹ James Le Fanu ‘The Earth’s Three Trillion Trees of life’, The Oldie, March 2020, p47.

the rate of species extinction, warrants a major rethink regarding the management of trees and native vegetation in the future.

The discussion paper states the SPC seeks to improve the integration of native vegetation and development approvals under the new planning system by integrating development assessment and native vegetation approval processes to achieve more efficient and better outcomes.

Offsets for NV removal; i.e. re vegetation does not substitute for the benefits of large trees and valuation of trees should show a higher \$ value. For example, mallee trees, which take 100s of years to grow – how should these be valued considering their ability to manage salinity, and the hydrological aspects of native vegetation as part of sustainable land management?

CASA strongly supports the SPC's recommended requirement for obtaining a clearance from the Native Vegetation before seeking development approval.

Recommendations:

- CASA supports pre-lodgement of development application contact with Native Vegetation Council (NVC) to obtain advice in the early stages of a development proposal, before finalizing plans for planning consent.
- Furthermore, this arrangement should encourage retention in the first instance, to enable design and siting to avoid and minimise clearance.
- Advocate NVC advice to advocate designing with a view to retention, not removal before designing.

Significant and Regulated Trees

The *People and Neighbourhoods Discussion Paper* includes a reference to the academic report, including The Case Study – Opportunities for Adelaide's 'Missing Middle'. The paper observes that much of the housing stock of villas, bungalows and cottages from the later 19th and early 20th century are rarely left unaltered or extended, and continue to adapt to new ways of living.

What is important in the scenarios provided, but not stated, is the challenge to retain 15-30% of plantable space on site, given the inability of public space to meet the target tree canopy cover by the State's 30 year plan target of a 30% increase. Taking into account the reduction of current canopy cover since 2015, the target probably needs to be re-estimated to reach the original target by 2045. By 2020 a significant amount of 2015 canopy cover has been removed by urban infill and infrastructure development on public and private land suggests that the target is out of step with current climate conditions and a reduced canopy cover that has resulted in the meantime.

Of issue is the lack of protection of existing large and long lived trees within urban areas identified by Code provisions for ongoing urban infill. The Waite Institute Arboretum is in the process of documenting dry land large trees as part of an assessment of tree values both environmentally and economically to the state. Other organisations such as Tree-net and the City of Melbourne have established management systems to protect valuable trees, providing examples of management options to prevent the further loss of existing canopy coverage. Demolition of existing housing

allotments methodically removes all mature trees and vegetation. There is no consideration for retention of large trees on redevelopment sites, nor do demolition contractors have to consider retention. Surely the SAPC could consider this as part of the policy to protect existing tree cover, given the need for private property to compensate for the lack of adequate public open space to meet the target in providing the additional canopy cover target?

CASA submits that an approach regarding urban development and tree planting must begin to meet greenhouse targets inclusive of establishing a blanket protection for existing large urban trees of native and deciduous species. Policies to acknowledge the value of mature trees within new development and encourage their retention within sufficient space to sustain healthy growth is supported. Incentives for developers might include higher height allowances within the basic building site coverage footprint to ensure adequate depth and area allowances for healthy tree growth. Requirements for additional planting of trees should also be provided and encouraged as an appropriate response towards combating predicted temperature rise in the longer term.

The SPC Provisions for increasing and maintaining tree cover in urban infill situations are fully supported, namely:

- The SAPC's Proposals for 15-25% soft landscape areas and a minimum of one tree per typical dwelling, with adequate allowance for deep soil area, as part of addressing the shortfall of canopy cover;
- Tree retention policy must cover all high rise developments -As the SAPC currently intends the 30% target to apply to residential development of 1-3 building levels only, it is unlikely to meet the State's targets for increased canopy cover. Re-vegetation Offsets should be considered to fund further revegetation in instances where mature trees have been removed.

The SAPC's Update Report on Significant and Regulated Trees states:

"In establishing the overlay relating to regulated and significant trees, the Commission proposes to retain current assessment processes and the underlying policy intent set out in development plans across metropolitan Adelaide. Where trees declared as significant are listed in a development plan, these will be transitioned into the Code and spatially identified through mapping."

Regulated and Significant Tree recognition has been transitioned but with policy wording has resulted in undermining of protections, especially for regulated trees. To respond to the continuous disappearance of large trees as a result of infill development, the existing tested policy should be transitioned into the Code without change.

Recommendations:

1. The existing tested Regulated and Significant Tree policy be transitioned into the Code without change.
2. All large trees both indigenous and non-indigenous species, whether in rural or urban environments, should be given a true economic value and retained until dying of natural causes.

3. All large native trees, as defined in the Native Vegetation Act, should require Council or the Native Vegetation Council decision regarding their retention.
4. A special provision be provided for the retention of Grey Box trees due to their endangered classification and the fact they often do not grow to a regulated tree size.
5. Review true valuation of mature trees to recognise that size does matter – Big trees provide the most environmental benefits. The requirement for small tree planting as part of urban infill while desirable, needs to be accompanied by better protection and retention of existing large trees in the urban environment.
6. Include DTS provision for car parks at a rate of one tree per 10 car parks (in car parks with more than 6 spaces).
7. Include specific references to biodiversity protection in zones, including defining public land in relevant overlays and zones. There are a number of overlays that are related to public land that do not acknowledge the importance of long lived, large trees and their contribution to ameliorating predicted temperature rises.
8. Conservation Zone (including mapping) must fully cover all gazetted reserves and wilderness protection area.
9. Land Use PO1.1 – small scale and low impact uses need to be clearly defined.
10. DTS/DPF1.1- 'public amenity' needs to be clearly defined.
11. All tourism proposals on reserves should be classified as restricted development if not provided for in Park Management Plans.

Flood Mapping

CASA submits that the Commission consider the implications of trending extreme weather events predicted by scientific research into global warming, which includes flooding events. Residents in the future will rely on the state to engage in due diligence with respect to accurate flood mapping to manage development and maintain protection of urban areas within Greater Adelaide as well as the areas within Phases 1 and 2 of the Code.

The Outback area (Phase 1) has experienced significant flooding from time to time, disrupting travel movement and affecting pastoral stations, settlements and tourism within the Outback area, encompassing approximately 80% of the state, the gulf and coastal waters and the State's major River Murray system..

CASA is concerned at the flood mapping provisions in the Phase 3 Code Draft are still not finalised.

We can only re-iterate the comments provided by solicitors for one of the Adelaide Plains councils in response to the Phase 2 feedback from the councils that have water courses across the Adelaide Plains:

Unacceptable level of risk in proposed flooding policy failing to include the current mapping in the P&D Code, or enabling it to be a relevant consideration in future development assessment under the P&D Code, puts the community, the Council, DPTI, the Commission and the Minister for Planning at increased risk.

This risk also exists should the New Flooding Policies fail to maintain the status quo of the Existing Flooding PDCs and remain inadequate.

When information is available regarding potential flooding risks, it is entirely reasonable that an owner or occupier of land who suffers property damage or loss attributable to flooding may seek to recover compensation from such entities when that risk was known, was previously mitigated against, and should have been avoided.

Further, it is entirely reasonable that members of the community seeking to develop under the P&D Code should be able to expect that the P&D Code contains accurate information and that it places future development at no additional risk than is the case under the Existing Flooding PDCs.

It is not appropriate for the community, or councils, that the first version of the P&D Code contains misleading mapping and variations to Existing Flooding PDCs that have not been supported by hydrological engineers and places such entities at greater risk. This appears to be a policy direction that is not evidence based.

While the SPC Update Report undertakes to redress the lack of flood mapping as post Phase 3 submissions, there appears to be no opportunity for the community to view the changes and to comment on this information as well as many other matters outlined in the Update Report to Phase 3.

CASA expects the new planning system to demonstrate due diligence in ensuring up to date information as part of the new planning system is transparent and clear and part of the undertaking of the reform process to carry out thorough engagement on amendments required from phases 1 and 2 of the 3 phase consultation process does occur.

Consequently, we submit that the SPC review and update Flood Mapping to include up to date data included for a final consultation period once the P&D Code contains specific policies and has corrected the inconsistencies and errors in the draft - for community comment.

State Planning Policy 15 – Natural Hazards requires that planning policies address and minimize risk to people, property and the environment from exposure to natural hazards. Coastal hazard risk minimisation policy should apply outside the Coastal Areas Overlay to housing and settlements in coastal areas likely to be affected by storm surges and flooding in the future. Development Plan provisions in the General section and building site and floor level requirements at zone level should be transitioned into the Code. Similarly, review of building design and materials (and areas suitable for housing) within fire risk areas should be reviewed as part of future planning for an increasing incidence of catastrophic fire events.

Energy efficiency

The P&D Code refers to the definition of Renewable Energy Facility (Land Use Definitions). CASA recommends reviewing the definition of Renewable Energy Facility.

The definition includes the following exemption:

“The use does not include a renewable energy facility principally used to supply and/or store electricity to an existing use of land that has a generating capacity less than 5MW (e.g., domestic solar panels, domestic wind generators, domestic battery storage).”

Reasoning:

A Renewable Energy Facility, is a defined use that is ‘Restricted Development’ in some zones and overlays regardless of scale. The 5MW threshold is not the issue – rather the criterion of supplying a single land use when the benefits and impacts of shared facilities may be superior: These provisions adopt a negative framework that could sometimes have perverse outcomes. For example the desired Performance Outcome Provision states: *“Renewable Energy Facilities (Solar Power) PO 9.1 Solar power facilities generating 5MW or more are not located on land of high environmental, scenic or cultural value.”* Considerations:

- the history of affordable energy within South Australia
- the state’s progress in increasing non coal based energy supplies, and
- risks associated with supply failures during peak demands during extreme weather events

Without a more precise description and mapping of areas of environmental, scenic or cultural values, the main thrust of this policy is likely to deter relatively small solar facilities that could support community and business resilience. In reality, existing settlements, activity and tourism centres, plus a range of resource industries, are already located inside areas of high environmental, scenic and cultural value, and in some circumstances (like mining), the Code cannot, or may not seek to, prevent more establishing.

Recommendation:

Amend the definition of Renewable Energy Facility as follows: “The use does not include: (a) a renewable energy facility principally used to supply and/or store electricity to an existing use of land, that has a generating capacity less than 5MW (e.g., domestic solar panels, domestic wind generators, domestic battery storage); or (b) a community energy scheme that has a generating capacity less than 5MW.”

The reason for requesting the amendment is to accommodate the smaller systems that may be viable for a group of houses. The amendment would facilitate the option of group energy capacity at a local level.

Open Space

The People and Neighbourhoods Policy Discussion Paper acknowledges that the new Code must address the transformation of existing neighbourhoods by minor infill, which contributes about 39% of overall housing supply every year. CASA agrees with the further statement that in particular it must encourage a better range of public spaces and activity into densifying neighbourhoods. Unfortunately, this has not been occurring with much of small scale urban infill where demolition of well built homes of traditional architecture, together with all vegetation, has been prevalent in inner and middle ring suburbs within 10 kilometres of the CBD.

The lack of policies addressing biodiversity for open space areas is considered a significant omission, given appropriate consideration of the urgent need of providing green space and canopy cover necessary for healthy living conditions for all species.

The Open Space Zone on Land Use and Intensity states:

“Development is associated with or ancillary to the provision of unstructured outdoor passive and active recreation activities.”

The provisions of the Open Space Zone envisages *Open space, Outdoor Sports Events, Recreation Area, Sporting Ovals and fields* with buildings limited in number and size to provide a natural, landscaped setting. It also contemplates shops and restaurants are of a scale ‘subordinate to the principal open space use of the land.’

PO 1.2 and 1.3 refers to Shops and offices at a DTS/PDF scale of not more than 50m² for shops and 80 sq.m. for offices. Under Built Form and Character, PO 2.2 Playgrounds are ancillary to and enhance enjoyment of areas of open space and are limited to 200sm, single storey level building.

PO 2.1 states Development sited unobtrusively so as not to spoil the open space character or interrupt views of natural or landscape features. The provision of land division is envisaged for the purposes of creating a minor road or a public reserve; a minor adjustment of allotment boundaries to remove an anomaly in existing boundaries with respect to the location of existing buildings or structures. These policies are supported by CASA.

Recommendation:

An Overlay on Biodiversity is provided to the Zone.

City Park Lands Zone

National Heritage Places

Under existing legislation and mapping, and under the Code and new mapping, there is no identification of National Heritage Places, and as such there is no identification of whether a development proposal may impact the National Heritage values.

The Department of Environment (Com) ‘Matters of National Environmental Significance: Significant Impact Guidelines’ requires actions, such as development, to undertake a self-assessment process to determine if a referral to the Commonwealth Government is required to ensure that actions to, or in the vicinity of a National Heritage place do not impact on the National Heritage values.

National and Commonwealth Heritage Places such as the Adelaide Park Lands and City Layout should be an overlay in new mapping linked to the Code.

This is already undertaken in NSW, with an example being the National Heritage listing of ‘Bondi Beach’ which is shown on the Heritage Map under the Waverley Local Environment Plan. National Heritage Places should to be identified in South Australia’s planning system and heritage data bases so that if necessary, potential impacts can be appropriately considered and assessed.

The desired outcomes for the Adelaide Park lands include:

- *DO 1 - A unique publicly accessible and well connected open space system that creates a distinctive landscaped park setting for the City of Adelaide.*

- *DO 2 - Contains a range of passive and active recreational activities with a high level of amenity, including a safe and connected walking and cycling network, natural areas, sporting fields and club facilities, formal cultural gardens, public artwork, and passive recreation areas, as well as opportunities to support a variety of temporary events, such as festivals, concerts and sporting events.*

The list of developments contemplated under Performance Assessed include Restaurant, Shop, with the sub-zones provided for Adelaide Oval and all Eastern Park Land. The sub-zones would also have the same overlays listed below, and the Significant Protection Overlay, identifying the curtilage of the Adelaide Park Lands and the National heritage values recognised in the Overlay policy objectives.

Currently there is one mention of trees under Performance Assessed development and that is Tree Damaging Activity, with no guidance provided regarding the subject.

General Development Policies refer to:

- Clearance from Overhead Powerlines PO.1.1
- Design in Urban Areas: PO 1.4 (External Appearance)
- Design in Urban Areas (Car Parking) POs 6.1, 6.4, 6.5
- Transport, Access and Parking (Movement Systems) PO 1.4
- Infrastructure and Renewable Energy Facilities (Wastewater) PO 12.1, 12.2
- Transport Access and Parking (Vehicle Access) PO 3.1, 3.5, 3.6
- Transport Access and Parking (Vehicle Parking Areas) PO 6.1, 6.6

The Overlays listed include

- Future Road Widening,
- Hazards (Flooding)
- Local heritage Place,
- Transport Routes,
- State Heritage Place,
- Traffic Generating Development,
- Urban Transport Routes.

Restricted Development refers to:

- Educational Establishment
- Hotel
- Public infrastructure

Desired outcomes for the Adelaide Park Lands historic importance of Col. Light's 1836 plan and intent for the Park Lands. to provide a park area for the enjoyment and leisure of the public. With a development emphasis on high rise apartment blocks within the city centre, the Adelaide Park Lands should continue to provide accessible, free, open green space for the increasing urban population for passive and outdoor recreational sports as its primary focus.

The commercialisation of the Adelaide Park Lands including land uses ie shop and restaurant are not directly related to the purposes of active and passive purposes of the Park Lands. Adelaide has a number of limited long established restaurants and cafe style shops throughout the Park Lands, including the Jolly's Boat House, Adelaide Oval Restaurant that caters for the wealthy and corporate members of sports associations, restaurants at the Weir, within the southern Park Lands

and in the Botanic Gardens, with the Wine Centre as a convention and event centre. . A kiosk type facility has long been established within the Eastern Parklands. Activation of the Park Lands during festivals and events is appropriately transitory, usually includes food and coffee vans when required for events or casual dining and are transitory facilities, with no permanent intrusion on existing open space. Shops and restaurants consequently should be included in the restricted development provisions and public notification included in the Procedural Matters section of the Zone.

There is no acknowledgement of the existence of the many mature and magnificent trees and historic garden areas within the Park Lands area that should be protected for posterity. A Significant Tree Overlay would assist in protecting Park Land and perimeter trees from destruction with appropriate policies. Nor for existing facilities that support recreational activities. With a development emphasis on high rise apartment blocks within the city centre, the Adelaide Park Lands should continue to provide accessible, free open green space for passive and outdoor recreational sports as its primary focus.

Recognition of the role of the open landscapes within public land is an essential aspect of higher urban densities encouraged by the draft Code. With a development emphasis on high rise apartment blocks within the city centre, the Adelaide Park Lands should continue to provide accessible, free open green space for passive and outdoor recreational sports as its primary focus. The Park Lands should be protected by policies that acknowledge the need for biodiversity values, public free, green space and the already significant landscape values of the Park Lands Area to service city populations and provide a unique space as part of cultural tourism in the future.

Recommendations:

Provide Policy Overlay content to:

Include shops, offices, accommodation, and restaurants to the list of restricted development; and Include public notification under Procedural Matters;

include the continuance and maintenance of existing restaurants, shops, formal gardens and passive and active recreational activities.

Retain the cultural, environmental and historic significance of existing designed gardens, lawns, open spaces and mature large trees that collectively provide public open space to provide active and passive recreational activities for city residents, residents and the wider public.

Include a Significant Landscape Protection Overlay would identify the curtilage of the Adelaide Park Lands and City Layout, and the National Heritage values recognised in the Overlay policy objectives.

Include a Biodiversity Overlay for all Open Space zones to acknowledge formal and natural areas within the all public open spaces.

4. Urban Infill and Design

General Policy - Design in Urban Areas

This general policy covers the majority of relevant design parameters for a range of typical development as follows:

- All Development – 4 or more Building Levels
- All Residential Development
- Residential Development- 3 building levels or less
- Residential Development -4 or more Building Levels (including Serviced Apartments)
- Group Dwellings, Residential Flat Buildings and Battle-axe Development
- Supported Accommodation, Housing for Aged Persons, and People with Disabilities

Changes noted include Building Interface Envelope (eg 30 degrees from a zone boundary) currently generally applies to development of 3 storey or more but is now proposed to generally be absent and limited to only specific zones, not all higher rise ones. An additional Building Interface Envelope (45 degrees from a zone boundary) will result in greater overshadowing impacts of adjacent housing. **This provision should revert to 30 degrees as a standard Building Interface Envelope.**

Specific design parameters applied to 3 storey or more development is now only proposed to apply to 4 storey or more development. It is not clear why this has occurred. This means inconsistent criteria arises between general and specific policies with respect to similar development. For example, all development of 3 levels or less is not addressed, varied green canopy criteria, and Water Sensitive Urban Design (WSUD) requirements for up to 3 levels and over 4 levels, 4 dwellings versus 5-19 dwellings; no mention of more than 20 dwellings, all types of dwellings. This separation may result in inconsistencies and omissions between detached, semi-detached and row dwellings versus other types of dwellings e.g. group, flat building etc.

Recommendation:

Provide a more consolidated and consistent general policy content to minimise critical differences in development nature that would result in identifying/ avoiding anomalies and omissions.

Water Sensitive Urban Design (WSUD)

CASA supports a climate ready approach to design standards and attention paid to the necessary inclusion of WSUD in any scale transition planning for higher rise developments as well as for lower scale, well designed urban infill.

A recent DPTI presentation on WSUD, stormwater management and urban greening cites the 30 Year Plan for Greater Adelaide aim to contain 85% of all new housing built in established areas by 2045, as well as a 20% increase in urban green cover in metropolitan Adelaide, and a 25% increase in housing choice to meet changing needs by 2045.¹

1. State Planning Commission, WSUD, stormwater management and urban greening and the Planning and Design Code, presented by Alison Collins, Department of Planning, Transport and Infrastructure, February 2020 to the

It is considered these targets need to be reviewed given the Climate Change trends for increased temperatures, extreme weather events, rising sea levels and increasing competition by human populations for water resources to meet environmental sustainability, population increase and food production capacity.

The presentation includes Greater Adelaide's Demand Driven Residential Development trends for projections regarding future residential development, based on recent dwelling growth between 2012-2018:

- Minor infill (in established suburbs around Adelaide) = 40% (2350 (medium) -3300 (High)per annum (pa)
- Major Infill: (high rise development) = 31% (future dwellings :1850-2550 pa.)
- Greenfield (presumably current Deferred Urban Zones) = 29% (future dwellings 1700 -2400 p.a)

These targets need to be reviewed against the consequences of the trends between 2012-2018. Adverse effects of minor infill in residential amenity, character and heritage areas experienced to date by older inner suburbs are not addressed currently by the draft Code provisions.

(As a separate matter, it is also noted that the diagrammatic presentation of the Code's spatial structures indicates that the zone includes Technical and Numeric Variations. While these are referred to, they are not included, and they should be. This is relevant to the accessibility of relevant information needed if the Commission wants informed submissions on Phase 3.)

With respect to small scale development in established suburbs, the optimal balance in speed and efficiency of assessment, user friendliness, design quality for individuals and the community and affordability up front and in the longer term - does not exist in the Code currently.

Consideration of water resources and management is an essential component of planning for Climate Change.

Urban design guidelines may specifically provide standards for incorporating larger on site water collection and storage for household use, for example with larger capacity tanks provided either below ground, or in deep gutter roofing for gravity feed designed by Prof. Argue (designed during the 1990's), or providing DTS of 2,000 to 5,000l tank capacities commensurate with lot size.

Provisions in every relevant zone should include the compulsory use of permeable paving and surfaces to allow hydration of soil, the provision of rain gardens, adequate rather than token rainwater storage and reuse and reduced site coverage. In planning high rise development, on-site blackwater treatment systems, underground rainwater collection for watering a designated green space indicates a more sustainable outcome in terms of design. These concepts are best utilised the recycling of non potable water for secondary uses. Water Sensitive SA has suggested draft amendments to the Code's WSUD provisions.

These are supported by CASA and replicated in an Appendix xx for reference by the Commission.

Recommendations:

1. 1 WSUD provisions within the Code consolidate existing Development Plan policy and consider the draft amendments prepared by Water Sensitive SA in dix (TBC).
2. The P & D Code consider a range of WSUD options applicable to the design of housing development of single, low, medium and high configurations of urban development and related infrastructure provisions.
3. WSUD policies to be considered shopping centre car park design where solar panels shading for car parking areas be considered for potential rainfall collection and reuse.

Neighbourhood Zones

Amongst the suite of zones, sub-zones, overlays, performance assessed and other provisions seeking to increase urban density, this submission notes the dominance of neighbourhood zones in Code content.

Within the printed 5 volume version of the Code, the range of neighbourhood zones include:

Business Neighbourhood Zone (p14)
 General Neighbourhood Zone (p 426)
 Greenfield Neighbourhood Zone (p 465)
 Housing Diversity Neighbourhood Zone (p 560)
 Master Planned Suburban Neighbourhood Zone (p 747)
 Residential Neighbourhood Zone (p 1001) - low to very low density
 Suburban Neighbourhood Zone (p 1465)
 Residential Neighbourhood Zone (p 1001)
 Urban Neighbourhood Zone (p1936)
 Urban Renewal Neighbourhood Zone (p 1936)

Residents within these zones, unless clearly stated to the contrary both within the zone and overlay(s), are risking adverse amenity impacts, such as congested traffic and parking, little usable private open space, less canopy cover, infrastructure costs, and loss of privacy. Of great concern is the lack of notification for the changes and ability to be heard or challenge developments that will occur.

General Neighbourhood Zone

In the SAPC Update Report's Key Points, the 'transitional' nature of the new Code is explained. An example provided refers to the General Neighbourhood Zone not being a better fit for sloping land than a Suburban Neighbourhood Zone, to allow for local variance of lot sizes. It is respectfully suggested that given the prevalence of General Neighbourhood Zoning in the new Code across many different types of suburbs on a large scale in coastal areas, southern and northern areas of Adelaide is a retrograde planning approach. There are a number of well established housing within older residential areas that will have existing residential amenity adversely affected by the provisions of the General Neighbourhood Zone. The generic infill intent and quantitative criteria is significantly contrary to the existing zoning.

In addition, there is an inconsistency or lack of Technical and Numeric Variations () in some instances as well. For example the Urban Renewal Neighbourhood Zone, which allows medium

rise buildings ranging from 1-2 to 3-6 levels has no applicable TNVs. Building height generally at 3 levels but now increased to 4 levels (15m) for sites over 1,200m² and street frontage of 35m.

References to General Neighbourhood Zone introducing for the first time infill development of non residential uses (shops, offices, consulting rooms) has one performance assessment criterion of 'not interfering with residential amenity'. Smaller shops of 100m² may be allowed anywhere within the zone and larger (200m²) along arterial roads and adjacent within 60 metres to activity centres. As the only restricted development is a shop up to 1000m² (not envisaged but for SCAP determination) to be publicly notified, this new policy cannot be tested given the exclusion of allowed sizes from public notification.

Recommendations

1. Performance assessed applications should be publicly notified in order to enable consideration of the implications of introducing infill development of non-residential uses including:
2. potential undermining of consolidation of existing and desired centres as vibrant, walkable and sustainable service hubs;
3. maintenance of the surrounding or nearby residential amenity;
4. the relative size of possible non residential land uses in terms of impacts on existing residential amenity including parking, movement, noise, and rubbish collection;
5. provision of adequate spaces for bin and recycling collection, gardens and street trees¹

Suburban Neighbourhood Zone

This zone includes consideration of residential character, and standards for housing more attuned to larger site areas, dominance of detached dwellings on larger allotments with consistent setbacks front setbacks between 6-9 meters. Investigation of the prevalence of this type of residential amenity in significant numbers within General Neighbourhood Zones should be transitioned to Suburban Neighbourhood Zoning to better represent the like for like transition from Development Plan to the P&D Code.

The range of Neighbourhood Zones, inclusive of Housing Diversity Neighbourhood zone (site areas of 142m²) Residential Regeneration Zone (site areas of 230m²) Urban Renewal (allows up to 3 storey generally, 4 storey on larger sites (sites over 1,200m² and 35 m frontage) which are not uncommon in existing zoning. Given the advisory nature of planning policy, these standards are flexible downwards.

1 From Cooperative Research Centre for Water Sensitive Cities Ltd., Melbourne, Australia. An output of the IRP2 Comprehensive Economic Evaluation Framework (2017-2019) Project, CRC WSC

Recommendations:

The SPC review non residential uses (and increased densities) with a more specific set of requirements including location, context and specific criteria being provided to address what is meant by 'not interfering with residential amenity'.

Similarly, the feasibility of providing the necessary areas and deep soil areas to require tree planting to increase canopy coverage targets on infill sites needs to be further evaluated and required dimensions for tree growing stipulated.

The P&D Code to provide urban design for parking including stipulated maximum widths for driveways for narrow frontages and a strip for vegetated landscaping along the boundary.

Comprehensive review of all areas designated General Residential Zone occur in response to Phase 3 submissions

Residential Neighbourhood Zone

This zoning in rural townships would more accurately 'fit' than Township zoning, which has been applied to a number of rural town areas. It appears that residential areas within smaller townships would be better zoned as a Residential Neighbourhood Zone to manage like for like transitioning more accurately. Examples include a number of rural and hills towns in the Mount Barker, Onkaparinga, Alexandrina, Yankalilla and Flinders Ranges and Adelaide Hills council areas that may have been zoned Suburban Activity Centre, allowing high rise development up to 6 levels with a 45 degree angled height increased from a 30 degree angle for high rise levels to reduce impacts on neighbouring properties. For example, Callington a small low rise historic mining town has Montefiore Street zoned as a Suburban Activity Centre. The zone provides for low to very low density within low rise buildings, often together with large outbuildings. Easy access and parking for cars, with considerable space for trees and other vegetation around buildings, as well as on site waste-water treatment where necessary. Limited goods, services and facilities that enhance rather than compromise rural residential amenity. The POs and DTS reinforce the desired outcome with permitting shops consulting rooms and offices DTS if no more than 50 sq.m. in area. However applications to be notified include development of a non residential building over 250 sq.m., and located on a collector or higher order road, or if 100m² and not located adjacent to an existing commercial activity. Provisions in urban design for parking includes stipulated maximum widths for driveways for narrow frontages and a strip for vegetated landscaping along the boundary.

Housing Diversity Neighbourhood Zone

The Housing Diversity Neighbourhood Zone is another example of how the transition is far from 'like for like' for a new zone replacing a portion of West Torrens' Residential Zone, specifically Medium Density Policy Areas 18, 19 and Cowandilla/Mile End Character Area 23.

The Housing Diversity Neighbourhood Zone seeks to replace existing dwellings with medium density housing, primarily in the form of terrace housing, row dwellings, group dwellings and residential flat buildings. This is achieved by removing minimum frontages and seeking a net residential density of up

to 70 dwellings per hectare. The zone also facilitates a wide range of compatible non-residential uses. The only discouraged type of development, referred to as 'Restricted Development', being shops with a gross leasable area of 1000m² or more.

The table at end of this section is one example from the City of West Torrens website illustrating the differences between the existing zoning requirements in blue and the Housing Diversity Neighbourhood in yellow.

Corridor Zones

The range of different categories of Urban Corridor Zones (Boulevard, Business, Living, Main Street) refers to statements with respect to height eg P.O.2.3 or similar - *Maximum Building Height Levels Technical Variation Notes (TVN) Overlay and the Maximum Building Height Metres TNV Overlay and positively responds to the local context including the site's frontage, depth, and adjacent primary corridor width*. Why not provide the details rather than further reference to yet another overlay TVN?

In the Code, sites over 2,500m² and 25m frontage within the Urban Corridor Zones receive an indiscriminate benefit of 30% increased building height, for the inclusion of desired outcomes, including *greater levels of respect for character, quality design, sustainable and green design, affordable housing and diversity of housing or inclusion of a child care centre*.

Comment: Without expectation that all Corridor development would apply the above as a matter of course, the State Government is risking sub-quality development.

Recommendation:

If the development does not *positively respond to the local context including the site's frontage, depth, and adjacent primary corridor width* and is not provided, a more preferable policy would be to reduce proposed building height by 30% or equivalent.

Housing Renewal

The Housing Renewal general policy (SAHT) envisages medium rise (6 levels) development in any zone. It is unclear how a consistent zoning and policy can be applied, and what design criteria including the identification of a minimum site area capable of sustaining 6 levels of housing, including factors such as proximity to transport, open space/recreation facilities, and employment opportunities as well as factors to minimise impacts upon surrounding residential character.

Ancillary Accommodation (located on the same allotment as an existing dwelling, containing no more than 1 bedroom and sharing the same utilities) is supported by CASA, as flexible and adaptable accommodation to add to the range of housing possible. Given known socio-economic trends towards the lack of housing affordability for marginalised or elderly people the inclusion of a low cost, modest and adequate option is desirable. It may assist if the Deemed to Satisfy and Performance Criteria include desired size of single bedroom rather than refer to one bedroom as well as, height, setbacks, and soft landscaping as part of the assessment considerations.

Recommendation:

The Technical Note Variations (TNV's) (Concept Plans, Building Heights, Site Areas and Frontages) be reviewed with regard to proposed height level policy heights in the current relevant Development Plans to maintain and reflect existing, desired and recently adopted policy criteria.

Table: Comparison of requirements between existing and proposed zones for Residential Low Policy Area 18

Current Development Plan
 New Planning and Design Code

The following information is applicable to Residential Low Policy Area18 in West Torrens- **Land division comparison**

	Residential Medium Density		Housing Diversity Neighbourhood	
	Site area (m ²)	Frontage (m)	Site area (m ²)	Frontage (m)
Detached	250	9	70 Dwellings per hectare Net (>142m ²)	No minimum
Semi-detached	200	9	70 Dwellings per hectare Net (>142m ²)	No minimum
Group dwelling	150	7	70 Dwellings per hectare Net (>142m ²)	No minimum
Residential Flat Building	150 (Ave)	15(whole building)	70 Dwellings per hectare Net (>142m ²)	No minimum
Row dwelling	150	5	70 Dwellings per hectare Net (>142m ²)	No minimum

Building height comparison

	Residential Medium Density18		Housing Diversity Neighbourhood	
	Storeys	Building height (m)	Storeys	Building height (m)
Allotments bounded by Anzac Hwy, Morphett Road, Corner St.	4	16.5	2	9
All other allotments	3	12.5	2	9

Setback comparison

	Residential Character Areas	Housing Diversity Neighbourhood
	Metres	Metres
Front setback	3	8 (arterial road), 3 (any other road), verandah and balcony can be 1.5m closer to front boundary
Secondary front setback	1	Lesser of 0.9 or neighbouring building setback
Ground floor side	0 (for 8m in length) or 1 (up to 3m in height)	1 (for 10m in length) or 0.9 (up to 3m in height)
Upper level side	2 (up to 6m in height then + third of height above 6m)	0.9 + third of wall above 3m
Ground floor rear	4	3
Upper level rear	4	5 (up to 7m wall height) 5 + height of wall above 7m

Private Open Space comparison

		Development Plan		Planning Code	
		Metres		Metres	
Allotment <300m ²		24	3	24	3
Allotment 300-500m ²		60	4	60	4
Allotment >500m ²		80	4	80	4
Dwellings above ground level	No separate bedroom	No min		4	1.8
	1 bedroom	8	2	8	1.8
	2 bedrooms	11	2	11	1.8
	3 bedrooms	15	2	15	1.8

2. Affordable Housing

The Commission's *People and Neighbourhoods* discussion paper on affordable housing stated:
"In 2007, policy was introduced requiring new residential developments of 20 or more dwellings in Greater Adelaide to provide a minimum of 15% of affordable housing in the planning system / the SAPPL."

CASA acknowledges the introduction of the Affordable Housing Overlay in the SAPPL, in planning policies including mapping with Affordable Housing Overlays in affected Development Plans. Since then, the affordable housing requirement has been applied in a number of locations by partnerships including not-for-profit organisations, the SA Housing Trust and private developers.

The approach to providing affordable housing raises the following questions:

- What is considered an 'affordable' price.
- Rents in SA are very high, mainly due to investors purchasing units and then having to obtain a positive return on their investment.
- how can 'affordable' housing remain affordable to subsequent owners remain 'affordable'?

Within the P&D Code, the *Affordable Housing Overlay* provides encouragement for larger scale development with 20 or more dwellings to include a component of affordable housing (15%) with the incentive of another floor height and affordable housing Incentives such as the reduction of minimum site areas being reduced in size:

Desired Outcomes

-

PO 3.2

To support the provision of affordable housing building heights may be increased above the maximum specified in the Building Heights TNV Variations Data Overlay.

DTS DPF 3.2

Where a mixed use development or apartment building includes at least 15% affordable housing, the maximum building height specified can be increased by 1 storey in City Living, General Neighbourhood, Housing Diversity Neighbourhood, Greenfield Neighbourhood, Masterplanned Suburban Neighbourhood zones, and up to 30% in any other zone.

It is unclear how the affordable housing incentives will result in a stable supply of affordable housing over time as occupants sell and move on, or rent and vacate.

Recommendation:

- The SPC identify a range of affordable housing types, based on financial and tenancy options possible for inter-generational affordability choices. This needs to include a consideration of how financial and tenancy options could ensure a range of dwelling types for different user profiles, and to identify means of ensuring continuity of occupation as a

requirement of providing incentives for larger housing developments to provide the required percentage of affordable housing.

- Additionally there is a need to identify supply targets as part of future housing affordability access and assess/identify further zones considered suitable, where access to employment and training facilities are provided.

5 Rural and Peri-Urban Zones

:

Character Preservation Overlays and Rural Zone policy

CASA supports the continuation of the Character Preservation (CP) legislation and its provisions, and suggests the recognised Character values could be further reinforced with a Significant Landscape Protection and/or Scenic Route overlay.

There are a number of scenic routes within South Australia that would benefit from a Scenic Route Overlay where landscape values are not impaired by advertising or inappropriate street lighting, and other road infrastructure.

We also recommend the inclusion of further provisions that reference and support the preservation of the values identified in the CP legislation, namely further Code and/or CP overlay provisions that reinforce the preservation of (a) the rural and natural landscape and visual amenity of the district; (b) the heritage attributes of the district; (c) the built form of the townships as they relate to the district; (d) the viticultural, agricultural and associated industries of the district; and (e) the scenic and tourism attributes of the district.

It is noted a TNV of 16 hectares will be applied in the proposed new Rural Zone, however land division proposing less than this will be performance-assessed, which is a major shift in policy (as this situation is currently 'non-complying') and this is of real concern to CASA.

Contemplation of a second dwelling on an allotment is also at odds with existing primary production zone policy. However, the restitution of existing stone farm buildings that are of historic interest for the purpose of BnB hospitality would generate economic benefits to the region providing tenure rather than subdivision of land.

CASA strongly opposes both of these shifts in policy and recommends adoption of a mechanism that discourages departure from either the minimum allotment size or the development of second dwellings on existing allotments. We see both of these new policies as a policy change that is not in the spirit of either a 'like for like' transition nor of the Character Preservation legislation.

It is also noted that a Peri-Urban Zone is proposed within the draft Code which seeks smaller scale and less intense development than the Rural Zone. On this basis, we

consider the current Primary Production Zone contained within the Willunga basin and Character Preservation district would better align with the Peri-Urban Zone policy (subject to name change to better reflect priority primary production land-uses, as recommended by the CoO).

Recommendations:

Preservation district would better align with the Peri-Urban Zone policy (subject to name change to better reflect priority primary production land-uses;

Division of land which results in less than 16ha. should be restricted development rather than performance assessed to safeguard the viability of rural land against land fragmentation.

Farm building restoration for hospitality or small scale tourism visitation be performance assessed development

6 Conclusion

South Australia's Expert Panel (the Panel) extensively consulted with the community prior to the state government's planning reform process. The Panel's Vision for state planning was to ensure that South Australia has an effective, efficient and enabling planning system. Five guiding principles established by the Panel included:

1. Partnerships and Participation
2. Integration and Coordination
3. Design and Place
4. Renewal and Resilience
5. Performance and Professionalism

It is timely to consider how Phases 2 and 3 of the Code have responded to the Expert Panel's guiding principles, summarised below in Table 2.

Table 2:

Expert Panels guiding Principles	CASA Assessment of the Planning Reform Program and draft Planning and Design Code against the guiding principles.
Partnerships and Participation An easily understood planning system that establishes constructive engagement between users and decision makers	The current provisions and opportunities or constructive engagement between users and decision makers have been difficult for a number of reasons. Consultation has been more inform rather than engage with communities on planning policies. Engaged progressive communications have excluded community representation.
Integration and Coordination A planning system that enables an integrated approach to both high level priorities and local policy and decision making	The transition of local content into the Code has involved redaction of local policy, and the introduction of unexpected content. This has led to an emphasis on state rather than local policy and decision making.
Design and Place a planning system that supports the creation of places townships and neighbourhoods to fit the needs of people who live and work in them now and in the future	The community still needs to be consulted on policies ie to create places, townships and neighbourhoods to fit the needs of people. The community is more concerned about losing existing places townships and neighbourhoods due to imposed indiscriminate higher density and lowered minimal standards of design guidelines.
Renewal and Resilience A planning system that is able to respond and adapt to current and future challenges through innovation and the implementation of sustainable practices.	The need for renewal and resilience needs to be based on a degree of certainty of policy and positive directions for change being identified in Desired future statements. The current Code and process to date has not provided clear, robust policies to implement sustainable practices in a number of areas.
Performance and Professionalism A planning system that is consistent, transparent, navigable, efficient and adaptable, that supports	Proposed Code content can be changed at any time by the state Planning Minister on the advice of the SPC without protocols inclusive of local government or wider consultation. The current content of the

clear decision making and encourages and facilitates investment.

P&D Code does not perform to meet the planning system criteria.

People in the community have not been able to be successfully or effectively engaged with the planning process, partly because of the key screen based access being difficult to understand and overly complex structuring of Plans, Overlays and difficulty of accessing TVSNs.. The Commission Discussion Papers has assisted with updates, but specific policies and content of the Code have not been changed in response to concerns and suggestions made by many participants over the last four years.

Nevertheless CASA believes that it is not too late to positively contribute to the policy making process if the SPC enables final consultation regarding a final reviewed Code, and would be willing to discuss participating in trialling the on line system when it is operational and ready to be tested.

CASA acknowledges the many local councils who have made specific and detailed responses to the Commission regarding their areas. We support their diligence and persistence in providing practical and informed comments to the process, and look forward to a Code that responds to the input from local government.

Thank you for the opportunity to comment

Dr. Christel Mex
President
Community Alliance SA Inc.

7 Recommendations

1. All elements of the proposed planning system must be independently reviewed, corrections made to errors within the content and clearer policies provided to guide future development and provide certainty for consumers, developers and community members.
2. The planning portal must be independently assessed for
 - functionality of delivery and access
 - content clarity of policy, clearly expressed with consistent terminology,
 - worded in plain English and use definitions and
 - released for public consultation for at least four months.
3. During the final consultation period, the community should be able to clarify what zonings and overlays will mean for their property, how and why decisions will be made, and what opportunities there will be for public input and what decisions can be challenged in court.
4. The issue of natural justice is relevant. Please consider the fact that the on-line planning system is prejudicial towards older generations or less able citizens who lack the skills and training for computer literacy.
5. That the comments and recommendations made under specific headings in this submission be considered by the SPC.

9 APPENDICIES

Appendix A -CASA 'Crack the Code' Survey Results

The response rate = 6 responses out of 33 groups.

Response 1 - Holdfast Bay area

QUESTIONNAIRE

To assist the Community Alliance submission for the Draft Planning and Design Code

Name of group/association: Individual

Address of residential property: 8 Linwood Tce Brighton

Dimensions of residential allotment: About 850m² (say 18 x 47m?) I'll check

Contact details (for Community Alliance only): 

Time taken to complete this questionnaire: 6 hours +

ZONING RULE COMPARISONS

Current zoning in Council Development Plan vs Draft Planning and Design Code

Current Council Development Plan		VS	Draft Planning and Design Code	
Name of Council residential zone:	Residential Character Zone; Streetscape Character (Brighton and Glenelg East) Policy area 13		Name of CODE Zone/ SUB-ZONE:	Suburban Neighbourhood Zone
VG Valuation (check last council rates notice):	\$1.15m		RELEVANT overlay(s)- (important):	Character overlay
Required set-backs for dwelling:	Words re conserving distinctive features. front setback 8m; side setback 900mm. General Residential policy also seeks 1m side setback; 1.5m if 2 storey plus 500mm for every metre above 4m height; 2.5m plus equivalent of height above 6m. rear setback 4m or 6m rear setback if over 3m high.		Required set-backs for dwelling (include front and side boundaries):	Front setback Less than or average of adjoining properties 8m otherwise; 900mmm to secondary street boundary; Side setback 1900mm plus 1/3 of height above 3m on southern boundary (<i>I THINK I understood this correctly</i>); Rear setback 3, single storey, 5m for double storey.
Minimum lot size per dwelling:	600m ² (detached and semi detached)		Minimum lot size per dwelling:	Can't work it out! <i>Rang DPTI who were unable to help at that time. A planner will return my call.</i>

Height(s) of dwellings:	Single storey but allows 2 nd storey within roof space, or minor extensions to the rear	ALLOWABLE height(s) of dwellings	Ditto
Site coverage of buildings:	50%	Site coverage of buildings to open space: MINIMUM Open space: MINIMUM Landscaping:	50% PLUS eaves
Parking requirements:		Parking requirements:	Don't know

Comments

I found it very difficult to determine the policies that apply to my property. I had difficulty with the map, and then determining the relevant policies. It took me hours to find things on the DPTI website. I wasn't sure what I should be looking at, or where I could find it.

Re the map: the Mapping Tool Guide is so small that it is very difficult to read both online and even more so when printed. I could not get the layers to come up, and was only able to do so once I had rung my local Council. Some of the terminology in the Guide was confusing, referring to *turning off* zones, *switching on* layers, layers *being returned*, being unable to *fetch results* from layers, being unable to fetch P & D Zone results. When I tried to search a property address it looked as if it had never quite finished searching for that address, even though it was visible on the map. I therefore wondered whether there was some information missing. An arrow to the left of the search address box, brought up a list of technical words that meant nothing to me, but were not identified or explained so I had to assume they were irrelevant to a sample search. The need to bring up the upper level of overlays then click on that level to get more information on the next level of overlays was unclear.

Re the Policy wording: I perused the Code Framework document, which used inconsistent terminology, such as *General Modules* whereas in the draft Code itself, they are referred to as *General Development Provisions*, and in the Holdfast Extract as *General Development Policies*. I assumed they were all meant to refer to the same policies. A lay person would find inconsistencies distracting and confusing.

I was using the Holdfast Bay Council Specific Code Extract which is 800 + pages long, but it seemed to be a better bet than trying to understand a 3000+ page document. I also assumed it would be easier to focus on a reduced geographical area. I was incorrect. One of the main problems was that there is no contents page, nor header showing which zone or overlay you are looking at, nor electronic link from a content page to a particular topic, nor page numbers, and no search ability. So it is a matter of scrolling through hundreds of pages to find something that is relevant, then later trying to find it again as there are no page numbers either. Once I exported it as a PDF it became easier.

Reading the Holdfast Extract I was unable to find the "NTVs" that applied to my area. After a phone call to DPTI I tried to find them in the 300 page draft Code but only found a list of numerous

variations but could not see how to work out which applied to my property. I did ring DPTI but the staff member wasn't able to answer any detailed questions, and was not familiar with the Council Specific extract. They were expecting a question about a letter that was sent to residents in Heritage / Historic Areas. Interestingly these letters appear to have been sent to Unley council property owners. I have not received any such letter despite living in a Residential Character Zone and a Streetscape Character Policy Area, which is intended to be addressed through a Character overlay.

The DPTI chap didn't know how to read the Holdfast Specific Document. He has asked a planner to return my call.

The Extract is not set out in a way that helps you navigate it or even read which policies apply where. Headings and sub-headings are not clearly distinguishable.

Minimum **Frontage** is very important when determining land division and overall development potential. My current minimum is 14m but I have been unable to find out the minimum under proposed policies.

General Comments:

- The draft Code is virtually humanly incomprehensible. I understand why it needs to repeat everything because these are instructions for a computer. They are not a series of documents that lay people (or even professional planners) can be expected to review and comment on effectively. They require hours and hours of work.
- It would have been better to get the e-system fully operational, before consulting on the policies. In this way humans could find out what applies not only in their area, but across Adelaide and the State.
- There are numerous significant inconsistencies in the draft Code policies especially relating to boundary development. I won't provide details here.
- There seem to be many new zones, especially higher density zones, and ones that relate to specific geographical areas. This seems inconsistent with the aim of having a limited number of standard zones.
- I don't understand why the general outcomes sought for a zone are put late in the policy document for each Zone. The amount of repetitive detail is overwhelming and leaves on feeling that you cannot get a handle on what outcomes are sought for an area.
- I agree with the view of many others that introduction of the Code must be delayed by at least a year. I also suggest that new consultation documents should be prepared which are as clear as possible, written in plain English, and also include sufficient detail for a lay person to understand and be able to form an opinion on the new approach.

Thank You

Response 2: Prospect

QUESTIONNAIRE

To assist the Community Alliance submission for the Draft Planning and Design Code

Name of group/association: Prospect Residents Association
 Address of residential property: 8 Cassie Street Collinswood
 Dimensions of residential allotment: I need to go to my bank to get this
 Contact details (for Community Alliance only): 
Time taken to complete this questionnaire: So far about 2 ½ hours

ZONING RULE COMPARISONS

Current zoning in Council Development Plan vs Draft Planning and Design Code

Current Council Development Plan

Name of Council residential zone: Residential Policy Area A350

VG Valuation (check last council rates notice): \$710,000

Required set-backs for dwelling: No less than 10 metres for detached dwelling
 No less than 7.5 metres for semidetached or row dwellings

Minimum lot size per dwelling: 350 for detached
 300 for semidetached or row

Height(s) of dwellings: Up to 2 storeys

Site coverage of: A residential

VS Draft Planning and Design Code

Name of CODE Zone/ SUB-ZONE: General neighbourhood

RELEVANT overlay(s)- (important): When looking at 50 metres

Airport (All structures over 15 metres?)
 Traffic generating development
 Prescribed wells development
 Regulated trees
 Advertising near signalised intersection
 Building heights (metres)
 Building heights (storeys)
 Frontage minimum
 Lot size minimum

Required set-backs for dwelling (include front and side boundaries): Minimum frontage for a detached dwelling is 9m; semi-detached dwelling is 9m; row dwelling is 7m; group dwelling is 15m; residential flat building is 15m

Minimum lot size per dwelling: Minimum lot size for a detached dwelling is 300 sq.m; semi-detached dwelling is 300 sq.m; row dwelling is 200 sq.m; group dwelling is 300 sq.m; residential flat building is 300 sq.m

ALLOWABLE height(s) of dwellings: Maximum 2 storeys

Site coverage of buildings to: I don't know how to find

buildings:	development on a site, including any development containing a dwelling or dwellings, a carport, garage, outbuilding, covered pergola or verandah, should not have a total floor area, measured from the external faces of the walls of the building or buildings (or, in the case of a carport, from the outer face of supporting columns), of more than 50 percent of the area of the site (excluding the area of the access strip of a battleaxe site).	open space:	this.
		MINIMUM Open space:	
		MINIMUM Landscaping:	
Parking requirements:	Except where varied by zone and/or policy area provisions, dwellings with up to 3 bedrooms or rooms able to be used as a bedroom should be provided with two on-site car parking spaces, at least one of which is covered. An additional parking space is required for every two additional bedrooms or rooms able to be used as a bedroom.	Parking requirements:	I don't know how to find this.

Comments

The whole document is really difficult to navigate and understand. It is also very difficult to follow if you have a sight impairment. I have absolutely no idea how to find the other information you want from what I was looking at. I will ring DPTI and see if I can find out more when I get a minute.

If they make the changes to my street then my street which already has 84 dwellings in place of the original 32 will become a nightmare and be unliveable.

Response 3 - Unley area

QUESTIONNAIRE

To assist the Community Alliance submission for the Draft Planning and Design Code

Name of group/association: Unley Residents for Environment and Character Conservation
 Address of residential property: 84 Kenilworth Road, Parkside 5063
 Dimensions of residential allotment: 650 m²
 Contact details (for Community Alliance only): [REDACTED]
Time taken to complete this questionnaire: more than 3 hours

ZONING RULE COMPARISONS

Current zoning in Council Development Plan vs Draft Planning and Design Code

Current Council Development Plan		vs	Draft Planning and Design Code	
Name of Council residential zone:	Unley		Name of CODE Zone/ SUB-ZONE:	1
VG Valuation (check last council rates notice):	1,000,000		RELEVANT overlay(s)- (important):	Character overlay Heritage overlay
Required set-backs for dwelling:	unknown		Required set-backs for dwelling (include front and side boundaries):	unknown
Minimum lot size per dwelling:	600 m ²		Minimum lot size per dwelling:	500 m ²
Height(s) of dwellings:	2 storeys		ALLOWABLE height(s) of dwellings	9 m
Site coverage of buildings:	unknown		Site coverage of buildings to open space: MINIMUM Open space: MINIMUM Landscaping:	unknown
Parking requirements:	unknown		Parking requirements:	unknown

Comments

Found it very difficult. The legend colouring is impossible to use. Shades too similar. (Many men are colourblind) Hard to find the match to the overlay colour in your street. I rang the Planning Office and a lady officer was very helpful and walked me through it. The secret is to click on "near me" then you get the requirements for that zone. But it only shows a max radius of 50m.

I had a second attempt to try and decode the Unley Central zone the next day. Very difficult. Rang for help and got a male officer. After half an hour of him trying to walk me through we had no success and he gave up. Asked a lady officer and both told me I had to come into their office, or the Council.

I went to the Council and a young planning officer tried to help me but said he couldn't access same map. Took my details and said our chief planning officer would contact me. Hopefully

tomorrow after the long weekend.

The MAP is not user friendly and it is designed exclusively to see restrictions on a given address. I.e it is designed exclusively for developers. Useless for public consultation as it only show a zone in a maximum radius of 50m. Impossible to see the overall effect on your suburb.

The major issue is that of demolition. Our iconic Adelaide stone houses are being demolished at an alarming rate all over Unley. Even heritage areas are not protected from demolition. Only need to apply to Council who will most likely oblige.

Went to a Heritage protest at Hahndorf on Sunday. Great show. Had placard saying 3/4 members of the Commission are developers. It seems true. In which case this is corruption on a grand scale. Marshal wants to be Tourism minister but needs to understand interstate visitors love Adelaide for it character stone buildings. Don't come to visit our boring high -rise.

Response 4 – Charles Sturt

QUESTIONNAIRE

To assist the Community Alliance submission for the Draft Planning and Design Code

Name of group/association: Western Adelaide Coastal Residents Association (WACRA)
Address of residential property: 283 Esplanade Henley Beach
Dimensions of residential allotment: 10.160m X 45.770m
Contact details (for Community Alliance only): [REDACTED]
Time taken to complete this questionnaire: about 2 hours

ZONING RULE COMPARISONS

Current zoning in Council Development Plan vs Draft Planning and Design Code

Current Council Development Plan

vs

Draft Planning and Design Code

Name of Council residential zone:	Charles Sturt Residential, I Zone 17	Name of CODE Zone/ SUB-ZONE:	Suburban neighbourhood Id 5707 General neighbourhood: Id Z2102 Id V0003 Open space: Id Z4501 Suburban activity centre: Id Z5705
VG Valuation (check last council rates notice):	\$1,775,000	RELEVANT overlay(s)- (important):	Don't understand
Required set-backs for dwelling:	5M Espl 3M rear or 4 for 2 storey	Required set-backs for dwelling (include front and side boundaries):	Front: Id V0002 9M and/or Id V0004 15M
Minimum lot size per dwelling:	300sm	Minimum lot size per dwelling:	Id V0005: 300sqm
Height(s) of dwellings:	2 storeys (unless 3 storey merit) 3M for single and 8.5 for 2 story	ALLOWABLE height(s) of dwellings	9M 2 storeys
Site coverage of buildings:	60 sq.m open space rear and side- space Minimum 4 metres	Site coverage of buildings to open space:	MINIMUM Open space: MINIMUM Landscaping:
Parking requirements:	1 car space covered and one visitor space	Parking requirements:	

Comments

What a pain in the arse. I tried twice to get advice from the Code help line. Both times I got put on to answering machine and both times someone did call me back, but I as unable to take the call.

Response 5 – Adelaide Hills

From: [REDACTED]
Sent: Friday, 14 February 2020 10:21 AM
To: 'ministerknoll@sa.gov.au' <ministerknoll@sa.gov.au>
Subject: URGENT CODE ISSUE

Dear Minister Knoll
Please ensure **you** see this communication.

PLEASE EXTEND THE 28 FEBRUARY DEADLINE FOR CONSULTATION

While I understand the concept and purpose of modernising the planning CODE into a new e-system, if progressed in its current state it will not be seen as a progressive step.

Besides the access issues, with only two weeks left there are still many differences between the current council Development Plans and how they are transposed into the CODE. We cannot tell if the differences are errors in the CODE or intended changes by DPTI. If all these are not ironed out by 28th February, which clearly will be the case as people are still finding them, confusion will reign.

Here is one example of what transpired only yesterday 13th February. I was having difficulty with getting the information on a house I own at 13 Oakbank Street Stirling. After many attempts over the last 10 days I finally rang the helpline at 5.20 pm today.

Because I entered the address as soon as the popup box appeared after pressing 'near me' it did not provide any information other than Suburban Neighbourhood Zone. It turns out that I had to press the layers icon first, then tick the boxes under that, then 'near me' and then the address. It then listed about 6 overlays but also came up with a list of about 15 overlays it could not access. Clearly incomplete.

I then had to go back to the plan to look up each overlay detail which meant getting out of the first screen, which means I needed to list which overlays I had to look up. On opening just one layer it stated 4,000 sq.m minimum block size when the current council plan for that zone is 450 sq.m as it is a medium density zone immediately bordering the shopping area. Even the old 'country living zone' is 2,000 sq.m minimum in the Adelaide Hills Council Plan. The lady agreed that it was an error and would report it. She was helpful.

Regards
xx

Response 6 -Norwood

Time taken to complete this questionnaire: 2 hrs

Comments:

But 1 1/2 hrs previous ^{incl} time for tea break waiting
for NPSP to return call. Chsatisfactory use of DPTI portal
Unable to raise coloured map + couldn't be bothered
ringing DPTI.

Please return the questionnaire to Tom Matthews at tom19917@bigpond.com by 7 February
2020.

R. Dulla

If you have any questions about this questionnaire, please feel free to contact Dr Iris Iwanicki
on 0438 535 058 or on (08)7080 8353 (you can leave a message if not available).

THANK YOU!

2. Appendix B

To be inserted after feedback

3. Appendix C Recommended Heritage policies

Appendix D Water Sensitive Urban Design amendments

Community Alliance SA Inc
PO Box 520
Goodwood, SA 5034

Engaging for Reform



Community Alliance
South Australia ●