



ST PETERS RESIDENTS ASSOCIATION INC.

E-mail spra@senet.com.au

Representing the Residents of St Peters, College Park, Hackney, Stepney, Maylands and Evandale.

SUBMISSION - PLANNING & DESIGN CODE (PHASE 3).

Introduction.

The St Peters Residents Association (SPRA) was formed in 1972 in response to the former St Peters Council proposing zoning provisions that would have encouraged the replacement of the predominant Victorian-era dwellings on large allotments with blocks of two-storey cream brick walk-up flats.

Since that time the Association has been actively involved in Development Plan and heritage reviews in 1992 and, following council amalgamation, in 2005-6.

We therefore welcome this opportunity to comment on the draft Planning & Design Code (P&DC).

The Association recognises the vast amount of work that has been required for the State Government's proposed reform of planning legislation and policies. The merging of 72 separate development plans into a single document is a complex process and one that should not have been undertaken over such a short space of time.

The Association is concerned that the new Planning and Design Code (P&DC) will introduce significant changes to planning policy in the City of Norwood Payneham & St Peters (NPSP), policy which has evolved over almost 50 years and which mostly suits the needs of the City.

The P&DC is not a 'like for like' transition of provisions that we were led to believe it would be at the start of the process, but rather a 'lowest common denominator – one size fits all' approach. Important local policy contained in the NPSP Development Plan (DP) has not been transitioned across to the D&PC contrary to assurances that these local characteristics would be accommodated in the Code.

The draft P&DC that has been released for consultation is incomplete, contains many errors and omissions and is not accessible in a satisfactory manner on the electronic planning system.

The Association is unable to support the proposed changes as we believe they will result in poorer planning outcomes for our area. The implementation of the code needs a lengthy deferral to enable the deficiencies to be better understood and corrected

The City of Norwood Payneham & St Peters has prepared a comprehensive submission on the Code, one which fully analyses these deficiencies and makes appropriate and reasonable recommendations. SPRA fully endorses this submission by our Council and wishes that it be considered as part of our submission.

The Proposed Planning & Design Code.

This Association considers that the new Planning & Design code is ill-conceived in concept and rushed in implementation.

We have many concerns with the Draft.

In brief, our concerns include, but are not limited to the following: -

- The process has been marred by poor consultation resulting in limited awareness.
- The Draft is incomplete and riddled with errors and should not have been released for public consultation.
- There are numerous missing or incorrect Technical Numerical Variations (TNV).
- The Draft Code is incomprehensible even for professionals.
- The interactive ePlanning system is obviously still in a development phase making the consultation maps and policy almost impossible to navigate.
- The Code will not make planning easier, quicker, simpler, and more equitable.
- It will be a 'goldmine' for lawyers, planning professionals, and consultants, with resultant cost penalties for residents and developers alike.
- The proposed non-inclusion of the listing of Contributory Items is a retrograde step.
- The late release of the Historic Area Statements has hampered proper consideration.
- The Historic Area Statements are minimal in content and completely inadequate. They fail to recognise the unique history and context of the current RHCZ and the various Policy Areas.
- Sub-zones were committed to as part of providing local area variation and policy but were not used in the draft D&PC.
- There are errors in referencing to tables of zone provisions.
- No protection is provided for development on un-serviced laneways as contained in the current NPSP DP.
- Reduced protection for significant trees.
- Reduced minimum site area in Maylands – down from 400m² to 300 m².
- Hackney RHCZ being moved into Housing Diversity Neighbourhood Zone.
- Allowing hammerhead and battle-axe subdivisions in areas where it is currently not permitted

It is beyond the resources of the Association to comment in detail on all aspects of the draft P&DC, and so we have selected a few indicative examples to illustrate our concerns.

Consultation.

It is the opinion of SPRA that the consultation process has been one of presentation of material, not respectful community engagement.

The Community Engagement Charter has five principles that must be observed. These require that engagement is genuine, inclusive and respectful, fit for purpose, informed and transparent and includes processes which are reviewed and improved. SPRA expected that the Charter's five principles would be followed, however we

consider that none have been successfully achieved in the consultation process. These failures are fully detailed in the NPSP submission.

The Commission has tried to assure the concerned community that rectification of any errors can be made after the P&DC has been implemented. This is an absurd proposal and will allow a Code to be implemented which is clearly not fit for purpose.

At at the very least, we recommend that following the completion of this consultation period, the draft P&DC be fully revised taking into account all the concerns that have been raised, and again put out for community consultation using the Community Engagement Charter as the basis for this consultation.

The code should not be implemented until this has been done.

Contributory Items.

SPRA rejects the notion that Contributory Items cannot be recognised in the new Code.

The State Planning Commission (SPC) has maintained that they cannot be included as they are not legally recognised. Established principles dictate that the law, (the Act and Regulations), don't go into policy. The establishment of policy has been left to the individual Councils' Development Plans that were made under the law, and which will, in the future be made under the P&DC.

The fact that Contributory Items are not described in law is no different to the situation that applies to shops, industry, parks or dwellings. They are all matters of policy, but they still contribute to planning.

SPRA fully supports the position put forward in the NPSP submission that the existing CI listings be "grandfathered". This action, which is supported by Council's legal advice, would in one simple process relieve much of the community's angst with the P&DC.

In a presentation to the Legislative Council's Environment Resources & Development Committee on the 17th February 2020, NPSP Mayor Mr Robert Bria said: -

"There has been much reliance in the Commission's argument that there is a loss of people's rights in applying a policy construct, such as listing dwellings as Contributory Items, that restricts their ability to demolish their building, subject to meeting the criteria contained in the existing policies, when such a policy construct and listing process for Contributory Items has no legal status under the Development Act nor the PDI Act. And yet, the State Planning Commission's proposed policy for the Historic Area Overlay, which states that buildings described in the Area Statement should not be demolished, is of itself a policy construct impacting on peoples' rights."

SPRA fully agrees with Mayor Bria.

Technical Numerical Variations (TNV).

The current NPSP Development Plan contains numerical standards in relation to different forms of development. These standards must be transitioned to the P&DC; however, this is not the case as there are: -

Inconsistent or missing frontage provisions.

Incorrect or missing minimum site coverage provisions.

Loss of, or inconsistent, front and side setback provisions.

Different maximum height provisions to the current DP.

Minimum site areas which are incorrect, missing or different to the existing.

Examples are provided below for just two of the NPSP Policy Areas. Other Policy Areas have similar deficiencies: -

| NPSP Development Plan | RHCZ – St Peters Policy Area | P&D Code | Suburban Neighbourhood | Comments |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Building Height | One storey | Building Height (TNV) | 2 storeys 9m | Building height incorrect. |
| Dwelling Type | Detached, semi-detached | Dwelling Type | - Detached (not hammerhead) - Semi-detached - Dwellings or RFB under housing renewal - Supported accommodation | Only Detached or semi-detached anticipated in St Peters Policy Area |
| Site Area | 300m ² | Site Area (TNV) | 900m ² | Site area incorrect as it increases from 300 to 900 m ² |
| Frontage Width | The site for a dwelling should have a primary street frontage of not less than 80 per cent of the average site frontages of the adjoining sites and in any event should not be less than the following: (a) Detached Dwelling: 13 metres (b) Semi-detached dwelling (not including First Avenue St Peters): 9 metres (c) Semi-detached dwelling (along First Avenue St Peters) 7 metres | Frontage Width (TNV) | None | Frontage width TNV missing |

| NPSP Development Plan | RHCZ – The Avenues Policy Area | P&D Code | Suburban Neighbourhood | Comments |
|-----------------------|------------------------------------------------------|-----------------------|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| Building Height | One storey except if immediate locality is 2 storeys | Building Height (TNV) | 2 storeys 9m | DP maintains single story except where it is appropriate for two. |
| Dwelling Type | Detached Dwelling | Dwelling Type | - Detached (not hammerhead) - Semi-detached - Dwellings or RFB under housing renewal - Supported accommodation | Detached only in this Policy Area. |
| Site Area | 600m ² | Site Area (TNV) | 600m ² | |
| Frontage Width | 18 | Frontage Width (TNV) | No TNV | Frontage Width TNV is missing |

Historic Area Statements.

The NPSP Development Plan has several Policy Areas within the RHCZ. Each of these has a Desired Character Statement (DCS) attached which has been developed over the past 30 years to reflect the individual history, area characteristics, building forms, building materials, landscaping and fencing of the Policy Area.

As an example, the DCS for the Avenues Policy Area is about 1000 words in length and provides necessary local context. The DCS provides guidance on the existing historic features which should be preserved and the desired design features for new development. Both are equally important in managing development within historic areas.

These DCS are no longer a part of the P&DC and have been largely replaced with Historic Area Statements (HAS). The Historic Area Statements are brief (about 250 words) and are not adequate or appropriate replacements for the extensive local policy content currently contained in the Development Plan DCS. They only reflect existing conditions and do not provide guidance for new development.

The proposed Zones, Heritage Overlays and Historic Area Statements provide limited detail on the local context. The existing DCS were carefully crafted and have evolved since the 1990s, standing the test of time and facilitating good outcomes that are suited to each locality within the City.

The comprehensive policy detail in the NPSP DP that has been removed includes: -

- Policy governing not rendering or covering original brickwork and stonework
- Policy specifying dwelling types – (eg detached, semi-detached)
- Site coverage consistent with buildings which contribute to character
- Wall height and window placement
- Vertical and horizontal proportions of windows and openings
- Minimisation of unbroken walling, treatment of openings, depths of reveals
- Roof form, pitch and colour
- Verandah, balconies and eaves detail
- Upper levels in the roof space
- Policy regarding excessive mass, overlooking or overshadowing
- Total width of upper level windows not exceeding 30% of total roof width
- Corner site redevelopment to address both frontages
- Use of stone, brick, natural coloured bagged render and/ or brick as main external wall finish
- Avoidance of brightly coloured or highly reflective materials/ surfaces
- Development not fronting an un-serviced laneway
- Historic Guidelines Table NPSP/4 (illustrated design principles)
- Carports/ garages not extending verandah elements or historic detailing across the same alignment as main face of building
- Not incorporating undercroft carparking as it is not consistent with historic character
- Garaging to rear of allotment where laneway exists
- Row dwelling garaging to the rear
- Retention of front gardens and substantial landscaping

- Fencing to not restrict visibility of dwelling
- Fencing material and height detailed for each Policy Area

The loss of this policy detail and clarity equates to weaker policy protection and not stronger policy protection as has been stated. All these policy provisions should be retained in the new P&DC.

Laneway Development and Streetscape Impacts.

The NPSP Development Plan contains clear policy regarding which laneways can and cannot serve as a primary frontage for dwellings. This policy is to ensure dwellings have appropriate access to essential infrastructure services. Most of the laneways are in the former St Peters Council area and formed part of the original subdivision layout in the mid-1870s. These lanes were for rear property and night-cart access and have narrow (4.2m) lightweight pavements. They also do not have services including power, water, gas, phone/NBN, storm water, street lighting, and are too narrow for modern garbage collection vehicles with robotic arms.

The NPSP Development Plan also contains requirements for vehicle access by specifying minimum setbacks between carports/garages and the opposite side of the lane to allow for safe access and egress without causing damage to property opposite. It is very concerning that these provisions have been omitted from the Code.

Other specific policies in the NPSP DP ensure that new garaging and driveways are not created on the primary street frontage, due to the availability of rear laneways for access and garaging. The reduced policy protections under the P&DC mean that there is no policy to guide new garaging to the rear of dwellings. This will impact on the streetscape and loss of landscaping.

Overlooking.

In order to reduce the potential for overlooking from upper level windows, balconies, terraces and decks the NPSP Development Plan specifies a sill height of not less than 1.7 metres or the adoption of other measures to reduce the potential for overlooking, and to ensure privacy.

The proposed reduction to a 1.5 metre sill height is not supported as this is clearly inadequate.

New Land Use Options in Suburban Neighbourhood Zone.

SPRA is concerned at the opened-up land use opportunities in the Suburban Neighbourhood Zone. Much of this zone is currently in the RHCZ. Within the RHCZ, land uses including shops, offices, consulting rooms, childcare centres and health & welfare facilities are non-complying uses. With no appeal rights this opens St Peters and College Park for non-residential development in the middle of residential streets.

The ePlanning System.

The gateway to the P&DC is intended to be via an on-line ePlanning portal.

The SPC information sheets claim that: -

- ePlanning will simplify how community members, developers, decision makers and others interact with the planning system
- One centralised place for all South Australia's planning and development matters.
- An electronic planning system to simplify processes and speed up the movement of information, saving all users time and money
- Improved consistency of all planning decisions, with legislative amendments implemented centrally under standardised interpretation

Due to the ePlanning system not being ready or available for proper testing during the consultation period, the ability of the community to access and understand changes to the P&DC has been seriously compromised. Additionally, the incomplete data available has been almost impossible to access, let alone comprehend. At public sessions even the SPC staff have had difficulty in explaining how the system can be accessed.

SPRA and others doubt the SPC claim that the ePlanning system will "simplify processes and speed up the movement of information, saving all users time and money"

As the ePlanning system will be the only way to access the Code we have concerns that it will not be available and fully operational even for the revised September 2020 P&DC implementation date.

The implementation must be deferred until the ePlanning system is operational, otherwise it will be a planning debacle.

The ePlanning system has the potential to be the SPC's version of Health's EPAS system.

Conclusion.

SPRA understands the intent to have consistent policy across the State, however this must not be at the cost of replacing almost all nuanced local planning policies with a few, generic and standardised policies as proposed in the draft Planning & Design Code.

Collectively, these proposed changes will result in poorer development outcomes, and destroy the very historic character that our community values and has sought over decades to protect.

This character is what sets St Peters, Adelaide and South Australia apart from the other Australian suburbs, cities and states.

Over the past almost 50 years there has been considerable capital investment in planning by NPSP and its predecessor Councils. This has resulted in a Development Plan and policies that, in most respects, reflect unique local policy and suits the needs of the local community.

The value of St Peters properties has increased 100-fold over the last 45 – 50 years, and residents who have invested in their homes do not wish to see this value degraded by poor planning policies.

The St Peters Residents Association urges the State Planning Commission to step back from this Planning & Design Code, seriously reassess the objectives, genuinely consider all comments and recommendations, and return with a Code that will benefit all sections of our community.