

16 December 2022

To the Members of the Expert Panel

RE: Review of the State Planning, Development and Infrastructure Act (the Act), Planning and Design Code Reform (the Code) and the e-planning system and the Plan SA website.

Thank you for this opportunity to present feedback from the Community Alliance of South Australia (CASA) to you with regard the current State Planning Act, Code and system.

CASA is an umbrella organisation for over 30 residents' associations and community groups from Adelaide and other areas of South Australia. We have a reach of over 25,000 people in South Australia. The aim of CASA is 'To Put People back into Planning and Development in SA'.

Since its inception in 2011, CASA has been actively involved with the planning reform process and has consistently engaged with the State Government and the Local Government Association 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.

1. INTRODUCTION AND SUMMARY FEEDBACK

Over the past several months, our consultation process with members has been extensive. We have held six online workshops to gather feedback from members regarding the aspects of the Act and Code, focusing on responses to your questions posed in each of the Discussion Papers. Our member groups, as well as concerned citizens provided examples and photographs for our submission. Due to time constraints and workloads, we have limited the number of examples in our submission but can provide more if required.

Our response is presented to you in four sections.

1. Introduction and summary feedback
2. Overall concerns
3. Feedback to the Planning Act (the Act)
4. Feedback to the Planning and Design Code (the Code)

5. Feedback to the Plan SA system and website and other.
6. Conclusion

Many of our member groups have been involved in the many consultation processes developing the Code and providing critical feedback to the State Planning Commission on the initial version of the Code in December 2020. Several have presented further responses to the Legislative Council's Parliamentary Environment Resources and Development (ERD) Committee Report in 2021 on difficulties faced by residents in implementing the Code. We hope the Panel has received these reports from previous consultations.

We hope that all submissions presented to you during this review will be made available online for the public to access. It is important that openness and transparency are maintained during and after this review as we believe the evidence presented to you will show, overwhelmingly that change is required, and it is required urgently.

We believe the below submission from one of our new member groups, the Sellicks Woodlands and Wetlands Action Network (SWWAN) is integral in providing evidence and a compelling argument to underpin all of the planning and development strategies, priorities and plans being considered by the State Government.

Without adequate protection of our biodiversity, open and green spaces we face a dire future for this generation, but also for the next generations. We have a clear responsibility to change the planning laws now to ensure our state is one which will thrive into the future, which will be a great place to live, work and play.



SWWAN-PSIR
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2. OVERALL CONCERNS

Many of our member groups, some of whom include expert planners and consultants, have read and tried to address the many pages of Discussion Paper but find it difficult to respond to all of the key issues. It is complex! We believe that as the authors of the Discussion Papers are likely the authors of the Code this is not conducive to best practice independent review principles. However, if the Panel prepared the Discussion Papers, we retract this comment!

There is a strong feeling of disappointment, anger, resentment and fatigue due to the long journey this community association and its members have been on to try and change planning laws in South Australia for the betterment of the community. CASA was deeply involved with the previous reviews prior to the establishment of this Act and Code. Many of our recommendations were ignored. We now see the dreadful results in our suburbs and towns today.

The sense of 'they won't listen, they've written their own review documents' is difficult to argue against, however we remain positive as an association, that you will listen to our feedback this time and understand the terrible consequences of the current Act and Code.

Local Government and Community in Planning

We are concerned that there is no heritage expert nor community representative on the SCAP. We are pleased to see the appointment of Ms Stephanie Johnston on the State Planning Commission. We also applaud the Chairperson, Mr Craig Holden’s recent announcements regarding heritage character which you have incorporated as the three prongs in your Review. We support implementation of all three prongs.

We do not believe SCAP meetings should be held in camera, as this generates a further sense of subterfuge and lack of transparency for open and consultative decision making regarding important planning and development matters in this state.

We are also concerned at the increased erosion of local government decision making since the Act was introduced. Local governments’ Development Plans were documents that were firmly focused on the local area and addressed local community needs (to a certain degree). The new Act and Code being merged into one system, has reduced local government to a process medium only. Local government in put is reduced to a constrained tick boxing exercise.

An example of how this has impacted Local Governments in particular is the Case Study from the City of Norwood, Payneham and St Peter’s Council listed below, which is an extract from a motion to Council by Cr Kester Moorhouse.

...The Planning Commission has become aware that nuanced planning policy has been lost in the transition from council Development Plans to the State Planning and Design Code. ... the Commission is open to receiving submissions from councils on inserting nuanced planning policy provisions into the Code. This may mean the Council can add more locally specific design parameters, within a future sub-zone within the Established Neighbourhood zones.

In the Planning and Design Code two-storey house extensions can be built up to 9m high, with current trends producing large flat roofed box structures, with dominant high walls, unsympathetic to the character of the local area and streetscape and impinging negatively on the amenity of neighbours (see photos below). Many residents have been telling me they have been appalled by recent two-storey box extensions in their community, which are highly exposed from a streetscape view and have a dominant visual impact on surrounding properties. This is especially true in historic areas such as College Park with its historic villas, spacious gardens and extensive building setbacks. These features were previously better protected by Council's more comprehensive, detailed and nuanced policies by our Council’s Development Plan provisions, which have been significantly reduced in the new Planning and Design Code.

This motion will give staff an opportunity to investigate what may be achieved within this latest policy environment, ... with options for policy change concerning two storey additions, including side setbacks, heights and wall length of extensions, materials, and impacts on adjacent neighbours.

See photographic examples of these inappropriate developments on the following pages.



Council Assessment Panels (CAPS) and community input

At present CAPS are made up of four people from the development industry and only one person from a local council. This is very unbalanced especially given the people from the development industry get their work from developers and builders. The make-up of CAPs needs to be amended to allow more community membership and local contribution and at the very least one more Elected Member to support the existing, and often, lone voice attempting to stop an undesirable development. Below is an example of the South East City Residents Association’s (SECRA) ongoing and committed efforts to fight for the South East corner of Adelaide where the Act and Code do not support retention of heritage and community amenity. The composition of CAPS is the antithesis of a democratic process.

South East City Residents Association (SECRA) is an organisation that provides the residents of the south-east precinct of the City of Adelaide with a voice to achieve specific objectives related promoting interests of the residents, to preserve and enhance the inherent character and heritage of the neighbourhood, including the adjacent area of the Park Lands, and in particular, Victoria Park; to support the provision of local retail and service facilities whilst retaining the "village atmosphere" of Hutt Street.

17 Hutt Street	SECRA was a representor and made a presentation at SCAP.	Unprotected heritage house and contributory items. Loss of residential amenity Protect the demolition of buildings.
200 East Terrace	SECRA was a representor and made a presentation at SCAP	Catalyst site Loss of residential amenity Status of overlays – mandatory or desirable. Third-party appeal rights in SCAP decision-making.
5 Albert Lane	SECRA Letter of support Two presentations at CAP (under new and old acts)	Certainty for residents and developers in applying the Code Loss of residential amenity Local traffic control Preservation of listed heritage buildings. Third-party appeal rights in CAP decision-making.
193 Angus Street	CAP Letter of support Attended meeting.	Lack of coordination between the decision-making of CAP and SCAP Loss of residential amenity – car parking.
134 Hutt Street	CAP	Incomplete application Loss of residential amenity - noise

	SECRA made representation. The matter not heard yet.	Local traffic control
Adelaide Park Lands	SECRA submission to State Planning Commission 18 December 2020.	Support World Heritage Listing Growing importance with urban infill. Climate change and reforestation

Mt Barker Council Assessment Panel (CAP)

A Case Study to show how complex and difficult this process is for the community.

An Executive member of the Mount Barker and Districts Residents' Association (MBDRA) recently attended a Mt Barker Council Assessment Panel (CAP) meeting to give a verbal representation opposing a particular development application. This proved to be an 'eye opening' experience. Firstly, it's important to note that only a very few development applications come to CAP for approval. Most applications are automatically approved if they are deemed as 'Accepted' or 'deemed-to-satisfy development classification' if they meet a set of criteria laid out in the Planning and Design Code (PDC).

The application in question was the last of 5 on the agenda that day, which gave the member the opportunity to sit through all of them. In total the meeting went for just over 4 hours. The agenda and papers were 1565 pages long. Papers are available online 3 'clear days' before the meeting. Those who put in a submission for or against a development are called Representors.

The written submissions are in the agenda papers along with everyone else's submissions including the Applicants response to those submissions. Verbal Representators are requested not to read out their written submission, thus it is an opportunity to respond to the Applicant's response or give more arguments to support a point of view. However, the first time one sees the Applicant's response is in the agenda papers (3 days before the meeting). No doubt the Applicant had more than 3 days to prepare a response to the Representors.

The Agenda includes the applicants detailed development application, including reports from consultants, engineers, numerous experts, discussions had with Council staff, etc. So, it is very detailed. The front page of each application summarises the proposed development including a recommendation. In all cases on this day the recommendation was to grant approval, some with conditions. This suggests the decision had already been made to favour the Applicants.

Representors were allowed 5 minutes to do their verbal 'pitch'. The Applicant has the right to reply. The Representor has no further right to reply. The Panel asks questions of the Representors and/or Applicants. This doesn't always happen, so there is no more opportunity for the Representor to make their case.

Sometimes the Representors are immediate neighbours of the proposed development, or several individuals or groups representing the Community around which the development will occur, or in our case the Residents Association. Some Representors appoint a delegate to speak on their behalf. All of the presentations are respectful, passionate and openly concerned about the impact of the particular development on their patch and surrounds. Some are angry, upset, bewildered. All just try to present the facts, but the personal sometimes creeps in. This is hardly surprising given the changes being proposed literally on their doorstep which will impact on their daily lives. Keep in mind the Applicants and Panel members are somewhat 'removed' from this in that these developments are not happening next door to where they live. They remain, or appear, impartial.

Nearly all the Representors question the Change in Land Use – which would allow for the development to occur. Perceived impacts range from environmental, amenity, traffic, noise, etc. The Applicant can then respond. Often it is not the Applicant but their representative, sometimes a consultant, or a lawyer who

responds, and on this day not always respectful of the Representatives views/opinions. Arguments are backed up by referencing data, evidence, the PDC, etc.

The Panel remains respectful, professional and somewhat distant, but are obviously guided by the 'black and white' of the Planning and Design Code. There is no room for emotion or empathy, not outwardly anyway. There is a real hesitancy to reject an application. On this day, there was only one of the five applications that caused some concern and so the decision was made to defer approval in order to seek further information from the Applicant. We suppose the hesitancy to refuse applications is due to a fear of potential escalation to the state government, legal action and legal costs.

It was somewhat deflating and depressing to witness one after the other of the applications approved, including the one the Association was opposing. All were deemed to be 'not seriously at variance with the provisions of the PDC.' Each Representative is denied any sense of meaningful involvement (or "natural justice") in the process. There are no wins or even compromises.

There are a number of factors that favour Developers:

- The PDC – a long and complex document which favours development
- Resources to appoint experts, collect evidence and build detailed, data-driven applications to support their claims, experts to interpret the Planning and Design code; appoint Lawyers and Consultants to do the work for them
- This is core business for many of them

The PDC is nearly 5000 pages long and is in no way an 'easy read'. How can most lay people understand the intricacies of such a document and where there might be room for interpretation? General members of the community do not have these types of resources to fall back on. These are usually 'just' ordinary members of the public. They rely on individual and collective resources, mostly voluntary and with limited knowledge, to challenge these claims. Further, the Representatives presentations will not be recorded in the minutes of this meeting so the community cannot read what was being argued. Representatives invest time and energy, have little to no resources, but see no win or even compromise. They come away with the general sense that they are not being heard and that their concerns are not seriously been taken into account.

It seems to us that if a development application ticks all the boxes of the PDC then it gets approved. The best that may happen is that some conditions are put on the development to satisfy a few concerns. Where is the personal impact taken into account? Where is the transparency and accountability to the Community? It would appear that the community are faced by overwhelming odds in this situation. This is indeed a sad indictment of the process when the planning process clearly favours developers at the expense of meaningful community consultation. Some might think the process (of consultation and representation) is farcical and why bother when it seems a 'done deal'. But if we give up then the system (and in most cases, developers) wins.

Most people are not against development per se. It is an inevitable fact of our growing communities. However, what is frustrating and concerning is the fact that input from the community appears to effectively be disregarded in the process. On this occasion, CAP approved these development applications because they were 'not seriously at variance with the provisions of the Planning and Design Code.' This being the case, what degree of variation or deviance should be acceptable and how should it be best decided?

The State Planning and Design Code, under which these developments were approved, clearly favours Developers over the Community. This process shows that Community Consultation and input is not occurring in a meaningful way, and this must change through amendment to the PDC.

The following sections follow the questions as laid out in the three Discussion Papers. We will not repeat the examples and images provided in our presentation to you on Monday 28 November but attach it here for further reference.



CASA Presentation to
Expert Panel FINAL 28

3. DISCUSSION PAPER #1 – PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT (2016) REFORM OPTIONS

PUBLIC NOTIFICATIONS AND APPEALS

1. What type of applications are currently not notified that you think should be notified?

The reforms to the planning system have substantially reduced notifications compared to the overall number of applications. Furthermore, as noted in the Discussion Paper there are significantly less notifications than under the previous system. In our view these numbers do not in any way meet public expectations as to how they can be involved in planning matters.

CASA appreciates that not all applications require notification but there are some that are not and should be. A proposal for a single-story rear addition may not be notified. However, a proposal for a two-story addition should be notified to immediate neighbors who might be overlooked or overshadowed. A proposed demolition of building that forms part of the streetscape should be broadly notified as the impact goes further than adjoining neighbours.

More performance assessed developments should be notified including developments which were previously listed as noncomplying. CASA strongly recommends that all proposals affecting listed heritage and regulated trees be notified.

We think it is important to include examples of where member groups/individuals have been unable to comment on proposals as they were not notified and where they could not challenge decisions as there were no third-party appeal rights.

This is an example of an application (amongst many) that we think should be notified (in Prospect Council)

https://plan.sa.gov.au/development_application_register#view-22035099-DAP

A few other examples (if you click on documents - the verification outcome advises the applicant that public notification is not required)

https://plan.sa.gov.au/development_application_register#view-22026470-DAP

https://plan.sa.gov.au/development_application_register#view-22038918-DAP

https://plan.sa.gov.au/development_application_register#view-22031348-DAP

https://plan.sa.gov.au/development_application_register#view-22029324-DAP

Arguably many of those that are notified should not just be notified just to adjoining neighbours but more broadly (via the sign at the front of the property).

2. What type of applications are currently notified that you think should not be notified?

There are no applications of this type that CASA thinks should not be notified.

An example from one of our member group’s, Western Adelaide Coastal Residents’ Assoc Inc (WACRA)

WACRA represents an area of land which has seen massive development – the coastal strip. So many of these new dwellings use the whole plot for building, in the process knocking down large established trees. Height limits are stretched to the ultimate millimetre allowable with no ability for people living next to these large buildings to make input on the design. What is the definition of ‘substantial impacts on amenity’ or significant variation from normal provisions in a zone? Obviously, the Act bends over backward to not be too prescriptive with its performance measures, but common sense or the ‘pub test’ is seeing many new and proposed developments at scales which push well beyond acceptable boundaries.

This example at 21 Seaview Road, Fullarton shows the illogical decisions being made.

A new owner has demolished an architecturally attractive 1930s bungalow and completely flattened the block, removing all previous trees and shrubs to build a huge new home. Their design and plans abut right onto the neighbour’s (No 19) boundary and in order to build this home, the builders have to work from the neighbour’s side (No 19). This is simply wrong. The older houses on this street are now selling for \$1.1 million (No 19 sold for this amount in July 2022). They are then being demolished, all vegetation and trees are removed to build massive new, 2 storey homes which are not in keeping with the streetscape.



3. What, if any, difficulties have you experienced as a consequence of the notification requirements in the Code? Please advise the Panel of your experience and provide evidence to demonstrate how you were adversely affected.

There have been many proposals across Adelaide which have not been notified despite the potential for significant impacts on communities, for example demolition of local heritage and

removal of significant and regulated trees on private and public land. There is a need to reverse the significant lack of protection of canopy cover and loss of habitat through development devoid of adequate ground for growing and retaining existing trees and lower storey vegetation. These affect streetscape and urban amenity.

South Australia is losing heritage and the urban forest at an alarming rate and this needs to be stemmed through not only stronger planning policies but also through the insight that can be provided by local communities. Projects under the control of Renewal SA (for example, subdivision design) should include a capacity for public consultation and comment prior to clearing trees as part of releasing land for development and calling for proponent expressions of interest. The public have been promised a 'transparent' planning system but the current system lacks enabling the ability for public input.

4. What, if any, difficulties have you experienced as a consequence of the pathways for appeal in the Code? Please advise the Panel of your experience and provide evidence to demonstrate how you were adversely affected.

Third party appeal rights have been significantly reduced in the new system. A fundamental assumption of the new system is that the community would be significantly involved in policy development and so third-party appeal rights were not needed to the same extent as previously. However, past experience shows clearly that communities are more interested in the application proposal stage rather than policy development. There has been little real involvement by the public in the development of the Planning and Design Code and later amendments. This replicates past experience in relation to amendments to development plans.

Third party rights enable community members to add insight as to how a development will impact them and are fundamental to democratic decision making. CASA strongly recommends that more applications should attract third party appeal rights. These include where proposals exceed for example height limits and/ or involve demolition of a heritage item and/or removal of regulated trees. In North Adelaide there was a recent proposal to build a multi storey building and demolish a local heritage item. It was approved once the developer lowered the height from five storeys to four storeys in a two-story zone. Another example in North Adelaide was a proposal for a nine-story building in a six-storey zone. Previously if it was over the plot ratio or over the height (either/or), the development would have been classed as Category 3 noncomplying with third party appeal rights.

Removal of most third-party appeal rights for such performance assessed applications has meant that developers are more likely to put forward applications that push the boundaries of planning policy. Seven story limits for developments on Unley Road have effectively become nine storeys. In our view the community should have the right to challenge these decisions. We also strongly recommend that former non-complying types of development that were transitioned into the Code as all performance impact assessed developments attract appeal rights. Only a very limited number of these known as classified as restricted developments

currently attract such third-party appeal rights. Moreover, the notification pathway for developments classified is restricted to adjoining neighbours only.

The Seawall development in the Holdfast Bay council area is an example where SCAP refused that application to construct a 12-storey development excessively exceeding the height of 5 stories indicated in the zone and relevant policy area provisions of the Code. Many impact assessed developments are projects such as new industry with have the potential to have major impacts on communities. Again, the community should be able to challenge these important decisions with wider notification and rights of third-party appeal.

CASA believes that developers wish to retain the status quo as changing it would lengthen the process and adversely impact on economic development. We contend that without providing clear policies and standards, there is little guidance or certainty for developers in the legislation including the Planning and Development Code for developers or the public. South Australia does not need to be the easiest place to develop.

We firmly believe that South Australia will still have people wanting to build a house, establish a business or other developments still have development occurring, but it will be for the betterment of all peoples, not just a few developers. Good development should occur in South Australia, not the current hurried frenzied demolition and building of monolithic structures in inappropriate areas. The process can be efficient, but it does not need to be at the expense of quality outcomes which we as communities want to be proud to live in. The process should be rigorous so that the outcomes are of benefit to all, not just developers, and thus appropriate appeal rights are important for high quality community and state outcomes.

5. Is an alternative planning review mechanism required? If so, what might that mechanism be (i.e. merit or process driven) and what principles should be considered in establishing that process (i.e. cost)?

The establishment of another tribunal is not the answer as the compulsory conference procedure within the Environment, Resources and Development Court in the majority of instances has led to parties involved agreeing to amend applications without proceeding to a full or commissioner led court hearing. The process has displayed the expertise in this area for many years. The answer is to have more applications attract appeal rights. Merits based panels are problematic because they tend to be inconsistent and make decisions that are not necessarily based on the planning rules of the day, whereas the Court is a good authority to resolve these disputes.

Accredited Professionals

6. Is there an expectation that only planning certifiers assess applications for planning consent and only building certifiers assess applications for building consent?

CASA believes that only people who are specialised and experience should approve applications. Building certifiers should only check the technical drawings, for example matters relating to storm water, bathroom junctions and smoke detectors.

CASA understands that a person has to be a Level 2 accredited professional to be appointed to a Council Assessment Panel (CAP). Courses have to be undertaken by professionals throughout the year to accumulate sufficient PDI points to maintain accreditation. Application is required each year to renew for a fee. It is not a bad system. It does preclude anyone who does not maintain their credentials through regular attendance at planning seminars including legal updates on ERD appeal decisions and other requirements. This is a good thing. Private certifiers have to be an accredited professional.

CASA recommends the use of specialised and experienced people to make these important decisions. Of concern is the tendency for CAPs not to undertake a formal on-site inspection, with strict rules including the attendance of the council planner to manage questions of an applicant if present at the inspection and prior to formal CAP session. As many professional members work in different local councils or are private consultants, they may have little or no personal experience of the subject land. Professionally qualified, CAP (and SCAP) members should be prepared to be available to familiarise themselves with the locality and physical nature of the subject land.

7. What would be the implications of only planning certifiers issuing planning consent?

It might improve processing times but should be conditional that independent planning certifiers check with local council planners to confirm all consents have been granted and cross checked for any variations between planning and building plans and compliance with planning conditions and/or reserved matters.

8. Would there be any adverse effects to Building Accredited Professionals if they were no longer permitted to assess applications for planning consent?

More to the point – what would the adverse effects be on the existing and future quality of approvals? There is a clear distinction between building and planning assessments – planning involves broader considerations of local amenity etc. while building assessments include compliance issues regarding structural performance and BCA compliance with standards. It is not appropriate for building accredited professionals to assess unless they also have planning qualifications.

IMPACT ASSESSED DEVELOPMENT

9. What are the implications of the determination of an Impact Assessed (Declared) Development being subject to a whole-of-Government process?

Impact assessed developments are highly significant projects and an EIS is required. Whilst there is more scrutiny CASA strongly recommends a whole of Government approach to decision making to ensure a transparent and well considered decision. We also believe that Local Government should be included in this decision-making process to provide a nuanced and local view on significant developments. There needs to be clear criteria for decision making and the reasons for a decision should be made public.

4. DISCUSSION PAPER #2 – PLANNING AND DESIGN CODE REFORM OPTIONS

QUESTIONS FOR CHARACTER AND HERITAGE POLICY

1. In relation to prong two (2) pertaining to character area statements, in the current system, what is and is not working, and are there gaps and/or deficiencies?

Character Area statements need to be substantially revised to include the carefully developed local policy previously considered under the old system. This detail is essential to educating the community about what is important locally.

Character Areas per say, presently do not protect or maintain the character presently as they provide no demolition protection to the very historic buildings which constitute that character. The creation of 'Character Areas' was a construct of Planning SA as a way of endeavoring to appease those seeking the maintenance of historic character through demolition controls with the desire of the new home building industry that sought to minimise demolition controls. Ostensibly all 'Character Areas' should be changed to Historic Area Overlays (formerly Historic Conservation Zones HCZ's) as Character Zone's without demolition controls are pointless.

A new building can never replace the Character contribution of a historic property. Only an authentic reproduction houses can maintain the 'historic character' yet it is widely considered that replicating historic styles in place of the genuine article is not a desirable planning outcome. The term Character should be amended to Historic Character as that is what everybody, including the real estate industry, developers and public alike take it to be. It cannot be taken that one can maintain Historic Character without retaining the very buildings which constitute that character.

Therefore, the elevation of existing Character Areas to Historic Overlay Areas is a logical and sensible move that will provide the necessary demolition control over the historic buildings that constitute the historic Character that is the intent of such zoning.

Notwithstanding that Character areas should generally be replaced with Historic Areas or Overlays, the provisions are generally too vague, and lack the necessary prescription to ensure good and consistent planning outcomes. See below:

- DO 1 Valued streetscape characteristics and development patterns are reinforced through contextually responsive development, design and adaptive reuse that responds to the attributes expressed in the Character Area Statement.

Character Area statements that do not compel the retention of the historic character buildings are pointless. Stating that an area comprises various forms of historic housing stock whilst not requiring retention of same is meaningless.

There are various gaps and deficiencies in current Historic Area Statements, which are far too vague, and do not adequately enable refusal of inappropriate development to be upheld in the ERD Court. It is almost as though the current statements are designed to fail. Such that they sound like they achieve what the community seeks, yet in practice, deliver what the home building industry wants.

The policy wording for Character Statements and other policy in the Code affecting heritage needs to be made clear and precise to reduce ambiguity. For example, in relation to ceiling heights in St Peters and College Park, in every new house, the ceiling height is 2 feet lower than the typical ceiling height, because it's not prescribed. They say 'similar wall heights' but this is akin to 2 feet lower. Eg Medallion Homes on Harrow Road, distinctly lower and this needs to be prescribed as the 'ceiling height' or the 'gutter height'. The previous Development Plan did discuss the eave and gutter. There used to be higher foundations and floor levels eventuating in higher ceiling heights. However, these new houses still look lower than the existing other character homes which impacts negatively on the streetscape.

If garage dimensions can be, and are prescribed, why are ceiling heights not prescribed? We suspect because the new home building industry does not want this as it increases the costs of the buildings. Double side by side garaging is inappropriate in historic area overlays and should be located to the rear of driveways and not part of the street frontage. Second story additions should be at least 2 rooms or 8 metres behind the façade of the building. E.g. Building on corner of George St and Beulah Road, where the 2 story black box is one room back from the façade. This does not work. This must be dictated with specifics and not left to vague statements saying, 'it should maintain a single-story appearance' and then left to a planning official to gauge what they think this is in reality.

Fence heights should be 1.2 to 1.5 maximum because they are 1.8 to 2m height front fences but these are too high. Eaves should be 300 mm or less. New homes have 900mm eave which is out of kilter with historic homes. Thus clear, precise and unambiguous prescriptive parameters such as this would make decision making easier for planners and ensure the right design features are matched to the existing street scape and character.

A particularly important issue is the problems created by zone boundaries. For example, there are areas in Adelaide where one side street is protected, and on the other side of the street planning policy allows multi-story apartment buildings. Zone boundaries should follow rear boundaries, not the centre line of the street. Zone boundary should be at the rear of the property.

For example, one of our member groups, Mile End Residents' Group has identified issues with the development on the corner of Ebor Ave and Norma Street at Mile End which should be historic conservation on both sides of the street. See examples on the following pages. Further examples of Urban Corridor zoning issues can also be found at the end of this section.

Below are some examples of inappropriate developments in Goodwood, a distinctly historic suburb with narrow streets and beautiful cottages, bungalows, villas and the like. Slowly these are being demolished, as in Prospect, Unley, Hyde Park and other suburbs to make way for ugly cement boxes which do not match the existing streetscape at all.





Urban Corridor Zones, 6 Ebor Ave, Mile End



Figure 1: 6 Ebor Avenue Eastern side. It can be argued that this property has already contributed to urban infill. It has been divided into flats, and the backyard (previously a tennis court with beautiful trees and shrubs) is now two well maintained and privately owned maisonettes.



Figure 2: Norma Street (southern). side of 6 Ebor Avenue. The driveway to the two-level carpark will be in a similar position to the current driveway. The maisonette to the west of the building will face a 5-storey building of 17.97 metres right to its boundary. This is a narrow street, and delivery trucks for the nearby supermarket are CONSTANTLY damaging the curb and roundabout. A tree was destroyed by a truck where the yellow van is in this image.



Figure 3: Illustration of proposed 25-unit apartment building for 6 Ebor Ave., which since this illustration was generated, has increased in height from 4 to 5 storeys and a basement carpark – in effect now 6 levels. There are mature trees on the northern boundary – one of which is regulated. Mature street trees will be removed for the development.

Residential side streets are inappropriate locations for the urban corridor (UC) zone. The zone should end with the rear of properties facing main streets such as Henley Beach Road and include a buffer to the rear of the UC development as setbacks or landscaped areas for example. An example is 6 Ebor Avenue, which is located on the corner of Norma Street (a narrow street - parallel to Henley Beach Road) and Ebor Avenue Mile End. Norma street's northern side is Urban Corridor, while the southern side is an established neighbourhood character area.

Urban corridors (main street in this instance) are intended to increase density within (mostly) inner suburbs. Part of the rationale is the proximity to public transport. However, the appeal of public transport only works for those who work in the city and use public transport on weekdays during working hours. The transport is not as useful for late nights and weekends; therefore, most people are still likely to own a car and therefore need room for their cars and for that of visitors. Parking in Ebor Avenue and Norma Street is highly restricted, for good reason. In fact, parking is less restricted on HB Rd.

According to the requirements of the code, Ebor Avenue is the front of the building while Norma Street is the rear of the building and is treated accordingly according to the code, i.e. this is where waste disposal trucks will enter the carpark, and there is little room allocated for landscaping, although it should be argued that Norma Street should be more carefully considered, given that the southern side is established neighbourhood zone with character overlay. The Urban corridor should not finish in the middle of the residential side street (i.e. Norma Street).

Currently 6 Ebor Avenue is large bungalow divided into 4 or 5 units. The rear yard was divided into maisonettes in about 1986. This property has already contributed to urban infill and increasing density. Issues of concern regarding urban corridors in a street such as Norma Street:

While the need to increase urban density has merit, and the need to preserve biodiversity and agricultural land is crucial, urban corridors are an example of using a sledgehammer approach to fix a perceived problem. Developments such as 6 Ebor, are too big, too imposing, too dense, too tall, too bulky, and too incongruous with surrounding homes and the streetscape. Further issues are noted:

- Inconsistency within the code. The area is zoned for four storeys yet 5 storeys have been approved. Two storeys or a maximum of three storeys would be more appropriate (see figures 8 and 9). 25 dwellings housing potentially 46 to 104 people has been approved in addition to a bar or cafe with a basement and street level carpark for 36 vehicles.
- Does anyone actually come to inspect a site when decisions are made in the planning and design stage? They should. The approved monolithic development is far too much of everything for the 800 square meter block and is excessive.
- Regarding PO 1.3 the 'ground floor [should contribute] to a safe, active and vibrant main street' and comprise mixed use. Norma Street and Ebor Avenue are not main streets, and it is unlikely that residents wish their streets to be an active, vibrant main street. Norma Street has a range of wonderful early 20th century homes (see figures 4 – 7). It is reckless, wasteful and short-sighted to disregard their value. They reflect a range of housing styles from grand villas, and character maisonettes featuring leadlight windows and iron lacework. Ironically, the larger homes with their large gardens are more at risk of demolition than smaller homes. This is a terrible loss to the character and history of Mile End. A more nuanced and gradual approach to urban infill would be far more appropriate and more attractive for those who live in the new developments. i.e., less density, fewer storeys, much more room for landscaping and trees.
- Higher density development zones should be targeted– taking advantage of vacant land, underutilized blocks – there are plenty of examples of near vacant land on Henley Beach Road. Where development happens is based too much on profit motives rather than appealing yet practical considerations. City of West Torrens planners are of the view that eventually the northern side of Norma Street will be filled with apartment buildings. This is too much for one little street to bear. If all buildings fill their boundary the properties will be unpleasant to inhabit and there will be NO room for trees. This is a case of planners telling people what is best for them and overriding our concerns – our love for our community and our pride in our homes and gardens.
- Neighbouring gardens will suffer from too much shade and will suffer.
- Developers are encouraged to design buildings that fill the entire block which contradicts the current concerns over South Australia's rapidly diminishing tree canopy, in a time where there is going to be a parliamentary inquiry to examine how to protect and increase Adelaide's tree canopy, with a focus on urban infill developments. Urban corridor criteria are antiethical to urgent concerns surrounding urban heating, loss of canopy, biodiversity and amenity. The benefits of green spaces and shade are well known.
- It is imperative that trees are retained, and more room is allocated to planting new trees and shrubs. Permeable soil is crucial to facilitate healthy soft landscaping and tree growth. Subsequent increases in biodiversity, the psychological benefits of tree and birdsong, cooler air, reduced air pollution, more carbon dioxide stored, cleaner stormwater, increased water filtration, flood prevention, lower energy costs, increased property value, more attractive streetscapes, improved privacy, more community connection, cooler streets and private spaces and improved thermal comfort (Adelaide Garden Guide, Green Adelaide, State Planning Commission SA, 2022)
- There is a relatively large volume of pedestrian and motor traffic in Norma Street and Ebor Avenue, reversing from our driveways can be challenging. This has not been adequately considered.

Imagine 36 cars trying to leave 6 Ebor's car park at a similar time? Peak hour leaving for work times?

- Narrow residential side streets are inappropriate places for urban corridors. Urban corridor zones are designed to create high density living, eliminate effective landscaping and make no serious provision for tree canopies or protection of nearby trees. They destroy private open space.
- Urban corridors need to be situated in proximity to public open space. Urban corridors have been imposed on residents. Urban corridors in their current form, and if they are allowed to continue in this way (e.g. if Norma Street becomes filled with 4-5 storey buildings on its northern side) will destroy the amenity and desirable qualities of our street and suburb like ours.



• Figure 3: Norma Street Mile End - Urban Corridor zone- example of single fronted homes



Figure 4: Norma Street/Falcon Avenue Mile End – Urban Corridor Zone. Grand villa. It can be seen here that two storey townhouses next door to this home, are the same height as the single storey home and are not incongruous in this location.



Figure 6: Villa Norma Street Mile End corridor zone



Figure 7: Desirable re-use of a former power substation, which is now housing. The height is not imposing.

Below is another example to highlight the destruction of heritage buildings.

Observations of demolitions and removal of natural vegetation in Magill Information provided by a concerned citizen and creator of the Magill Heritage Walk

The land where Magill (once known as Makgill) is situated, was bought from the Government by Robert Cock and William Ferguson in 1838. They subdivided 80 acres at the northern end of their farm, Makgill Estate, creating village allotments and farmlets fronting Magill Road. Magill was the first foothills village of Adelaide to be subdivided. Robert Cock was our Committee member, Carol Bailey's great, great grandfather and he named the estate for his Scottish sponsor.

69 Penfold Road, Rosslyn Park

The property at 69 Penfold Road, Rosslyn Park (unlisted) relates to the history of Penfold Wines. It is situated opposite the main entrance to Magill Estate. Land was sold off in stages within the last few years. It was purchased in 1904 by T H Penfold of Penfold Wines with some buildings later consolidated and redesigned into a house for Hyland's son Leslie Hyland, a manager of Grange Vineyards. He lived there until his death in 1939. The buildings were sold in 2019, efficiently and swiftly dispersed with in 2022. Much rubble went to landfill. Recycling of discarded building materials is not encouraged. The block is to be subdivided apparently, according to the signs, into two deep blocks.



Former Attached Shops and Residences, 550 Magill Road (Not listed at the owner's request)

The two-storey, federation-style, building opposite the Magill Shopping Centre, is situated within the newly revitalised Magill Village precinct. Its demolition is imminent. The Burnside Heritage Survey (1986) stated that this building possessed Heritage value as an important example of combined shops and residences from the early days of the twentieth century which provided specific services to local residents prior to the use of the motor car. The pair of attached shops is representative of commercial development in suburban areas such as Magill immediately before World War One. The masonry building is surrounded by a simple framed pediment (gable) clad in pressed sheet metal, including a moulded edge trim. The verandah, a simple structure retaining upper timber slat balustrading, typical of the Federation period, has been altered

but its pressed metal and cornice elements remain. The side walls have been rendered. This building was constructed in 1912-13 for A.G Martin, storekeeper. Occupiers of the shops over time have included fruiterers, confectioners, mixed business, lending library and beauty salon. More recently there was a cafe called Simpler Times and a florist, both now closed.



The Old Police Station, 607 Magill Road, Magill Local Heritage Place

Built in 1909 on the northern side of Magill, this red-brick office and residence was constructed to a standard design, with two cells and stables at the rear. It seems from a current application that the majority of the building will be demolished, leaving only the façade. Another item listed on the Historic Magill Walk will disappear.

Heritage places are being dismantled and with it all the vegetation on the block is disappearing. Some properties included magnificent gardens. Heritage protection and monitored retention of vegetation on development sites is paramount. Keeping heritage properties and listing more shows they are valued. History and Heritage are intertwined and relate to the past and our culture. We need to know what went before to understand where we are now and retain our heritage for the future.

Reference: burnsidehistory.org.au/historical_walks/Magill.

2. Noting the Panel's recommendations to the Minister on prongs one (1) and two (2) of the Commission's proposal, are there additional approaches available for enhancing character areas?

CASA strongly supports the two proposals. Funding should be urgently provided to enable work to progress as quickly as possible on these measures. CASA would be interested as to what criteria or justifications will be used to determine which Character Areas will be elevated to Historic Areas. CASA is also interested in knowing details of the decision-making process around including additional material in Character Statements.

CASA also recommends that a process be introduced to enable individual homeowners to apply for their property to be listed as a Representative Building. In Historic and Character Areas these

need to be identified, listed and mapped so that when they come up for sale, people know that they are buildings that are not allowed to be demolished. In one example, two families purchased properties at auction in the Norwood and Burnside Council areas and found out they could not demolish them after purchasing.

In Prospect Council there are several beautiful streets in Medindie Gardens where a number of homes are not identified as Representative Buildings. There are homes in these streets which were clearly identified in the past as Contributory Items (the previous name for Representative Buildings), but their listing was not allowed by a previous Planning Minister. This was a similar fate for many other buildings recommended for listing at the same time. It is imperative that appropriate buildings are clearly identified as Representative Buildings as soon as possible.

The examples on the next pages are projects which our Vice President, Sandy Wilkinson, B.A(Planning)B.Arch.hons (Conservation) has completed for clients that illustrate how even the most 'bastardised' buildings can successfully be restored and how 3-storey development behind retained and restored historic commercial/shop buildings along transport corridors can be viably achieved and accommodate growth as well as enhance the local area.



Property in Norwood



209 Melbourne Street, North Adelaide: restoration and development transformation



We also draw your attention to a submission by Sandy Wilkinson titled 'Economic Benefits of Contributory Buildings' (2019) which includes specific and detailed information that will inform this review and supplement our submission.



Economic Benefits of
Contributory Building

3. What are your views on introducing a development assessment pathway to only allow for demolition of a building in a Character Area (and Historic Area) once a replacement building has been approved.

Character Areas and Historic Areas are synonymous. Demolition should only be allowed where there is approval for a replacement development in any area. It could not be asserted that requiring approval for demolition across the state would result in any less building activity, as perhaps was the argument to remove demolition from the definition of development in the Planning Code.

Whilst, as discussed above, the current premise of 'Character Areas' based on the assumption that character can be maintained, whilst demolishing and replacing existing historic housing stock is, in my view, fundamentally flawed, this move is a positive one.

However, a replacement building cannot match the character or historic value of the area, unless the building it replaces, is not one of the historic buildings, regardless of its compromised state or poor condition. Therefore, this can and should specifically apply to buildings that are later infill development within an historic character area.

Demolition is not just problematic in historic areas or, currently zoned character areas. Vacant sites are typically an eye-sore and make any area, whether historic, character, or otherwise, appear abandoned. Cleared sites make any city or place look like it is going down the gurgler.

Demolition Controls, whilst wanting to be dispensed with by those in the development sector, for the sake of convenience or side-stepping potential calls to retain unlisted historic buildings, serve an important function.

Within the City of Adelaide there was a principle: Former P10, then P203 required that required that no building shall be demolished until Development Approval (i.e. Planning & Building Consent) for the replacement development is approved:

PRINCIPLES OF DEVELOPMENT CONTROL

203 The demolition of any building should not occur unless Development Approval for a replacement development has been granted. Exceptions may only be granted:

- (a) for documented reasons of public health or safety agreed by the planning authority or alternatively agreed by a statutory order; or
- (b) where located within the Park Lands Zone.

This served the purpose on ensuring that sites were not prematurely demolished before the owner was at least able to secure planning approval for its replacement and be prepared to incur the cost of documentation and engineering for the replacement building.

Demolition Controls could ideally be extended beyond having all permissions in place to undertake the replacement development. Without the legal requirement to seek at least Building Rules Consent for demolition, Councils and Government have no metrics as to the number, or nature of building demolitions that are occurring in South Australia and the resultant landfill or lost embodied energy.

4. What difficulties do you think this assessment pathway may pose? How could those difficulties be overcome.

CASA recommends that this proposal goes further. Rebuilding does not retain character as it does little to prevent unnecessary demolition in the first place. The only advantage of the current proposal is that it prevents developers from purchasing and demolishing buildings and then leaving vacant blocks and unsightly weedy plots.

More stringent demolition controls are needed. One would have to seek approval for demolition as part of the DA for the replacement development. Staged Approvals whereby Demolition and site preparation is taken as the first Stage is also problematic. First stages must entail actual construction and expenditure on the replacement development, not just clearing the site.

Policy objectives 7.1 a and b are the 2 provisos for demolition in historic area overlays. Part A is that the building has been so significantly altered that it cannot be restored consistent with its original appearance. Part B is that it is structurally beyond repair and unreasonable to restore. What is happening, One on Prospect came up and an application came up to demolish an 1890s symmetrical cottage in Prospect and the report said it was beyond repair. However, every time an engineering firm is engaged to say a house is beyond repair and almost invariably the council consultant engineer concurs, and the planners are left with the position that even their own engineers agree so the house has to be demolished.

A very experienced architect who routinely deals with heritage matters has advised CASA that very few buildings are beyond restoration and repair. There are many examples of brutalized, Italianated and Grecian styled villas and rundown cottages and villas across Adelaide which have all been successfully restored back to their original appearance. They are proof that nothing is beyond restoration to its original appearance. Any Italianate house, based on the current demolition policy, can be demolished. One property in Maylands, which was neglected, where the engineers said it was beyond repair, has just been exploited by the developer and could be saved. Those provisions should be removed, or only used on a very rare occasion. These provisions must be strengthened to urgently save remaining heritage items from unnecessary demolition.

Below is an example of an application to demolish a Contributory Item at 26 Mayfair Street, Maylands. This example was provided by Sandy Wilkinson, in his professional capacity as a Heritage Planner and Architect.

It is fortunate that this part of Maylands is subject to a Historic Area Overlay with this villa being afforded protection by virtue being a Representative Item, and a charming one that bookends the northern end of Mayfair Street. I would have no objection to the post WWII house to its south or the 1950s cream brick house at 24 being demolished, but this 1880's sandstone villa is a crucially important Representative Item in this streetscape.

The whole point of having Heritage and Representative Items protected is to protect houses like this, that are run down and in need of extensive renovation and restoration. Fully renovated character homes generally sell for too much to be viable to demolish anyway, so it is only properties like this that these protections need to be effectively applied.

Only the visible front sandstone and red brick quoin walls and perhaps one room depth of the exterior side walls and roof form need to be retained.

The tmk engineering report suggests that the cost of underpinning would outweigh the cost of a new replacement dwelling and that therefore it is beyond reasonable repair. I come back to my point that it is only houses that are run down like this that generally are the subject of DAs to demolish them like this.

There is a recent example at 98 Frederick Street, Maylands which was being similarly argued to be demolished, which the NPStP Council refused, and which was instead successfully renovated.

We had a recent project in Eastwood, where the front wall of a pair of maisonette cottages was severely falling away, much worse than this example, due to a leaking downpipe saturating the soil in the front corner of the house, as is the case here. We had engineers look at it and had underpinning quoted. The underpinning of the front two rooms and passages including internal walls took about 20 underpins at \$3500 per underpin. The quote came in a \$60 odd K, which equates to less than \$2K per square metre. (A new build with matching 3.67m (12 foot) ceiling height would be more than \$3K per square metre.) Our experience was that after we fixed the storm water, the wall stabilised, without even needing to be under-set and we are instead having it pushed back to plumb for \$20K.

I would suggest the application be refused and the applicant asked to submit a DA to undertake partial demolition of the balance of the house behind the frontage and interior walls if they so wish.

If an engineering report like this were used to justify the demolition of a typical rundown Representative Item like this, in need of extensive renovation, that the purpose of the Historic Area overlay would be fundamentally undermined and would in practice not be saving any of the buildings like this that might otherwise be demolished and only protect the ones that never would have been demolished anyway.



26 Mayfair Street, Maylands – 1880s villa proposed to be demolished.



Villa that was demolished.



Replacement development, which whilst has correct form and ceiling height, does not compare with the real heritage building.



Matching house next door showing how it could have been restored if it weren't demolished.



98 Frederick Street, which was the subject of a similar DA attempt to demolish.

RUSSELL STONEMWORK

7th November 2021

18 Peterson Street
Somerton Park, SA, 5044

Sandy Wilkinson

RE: 69-71 Main Street, Eastwood

REPAIRS TO STONEMWORKING AND BRICK QUOINS

- Prop ceiling, remove cornice, clear top of wall from obstructions.
- Clean out all previous crack repairs in walls and including crack at junction of brick quoin and stone walling.
- Move wall back to perpendicular and stabilize cracks with wedges and mortar.
- Re-align window quoins with front wall.
- Clean out behind bowed brick quoin of left- hand doorway and move back into correct position.
- Re-align brick quoin at S W corner back to correct position.
- Make good all brick pointing.
- Re-point front stonemwork ashlar with appropriately coloured lime mortar with ruled lines in ashlar pattern and painted with a colour to be chosen.
- Leave the site clean.

Time and materials \$ 19,240.00

LIME MORTARS

1 part lime putty: 4 parts clean washed sand

1 part lime putty: 1 part clean washed sand and 1 part fine sand

Tel 0429 492 128

Lic. BLD 10957

Accepted quote to fix the leaning wall without need for underpinning after stormwater issue fixed.

STATE HERITAGE MATTERS

We strongly believe that State Heritage areas should never be destroyed and certainly not by the State Government. They are the very essence of our cultural and built heritage and were selected for State Heritage listing for very good reasons. See below our letter to the Premier in October, objecting to the unnecessary destruction of the State Heritage Listed Police Barracks, for the new Women's and Children's Hospital which can be built on another site and not on the Adelaide Parklands. We believe any further action on this site should be halted until your review findings are published and recommendations decided upon. Your recommendations must include something to stop this destruction from happening as it is the thin edge of the wedge for further Government led demolition.

Premier and Deputy Premier

It was with extreme disappointment that we heard of this government's plans to build the new Women's & Children's Hospital (WCH) on the parklands site adjacent the new RAH, requiring the demolition of a State Heritage Listed building, the Police Barracks.

We wish to present our strong opposition to this decision to destroy a State Heritage Listed Property.

There are two key issues here:

1. The principle of listing buildings to State Heritage level is undertaken for a very good reason - to save historic buildings and cultural sites for our present and future generations. Destroying the very thing the State Heritage listing aims to save, is in our view, myopic and does not provide any confidence in the future retention and management of our State's valuable cultural and built heritage. In the Planning Act and Code we note that:

State heritage place and area overlays:

- a. protects the over 2,300 individual state heritage places
- b. protects all 17 state heritage areas
- c. provides demolition control
- d. includes a referral to the Heritage Minister, who can direct decisions – for example, a refusal to develop or demolish.

Further specifics from the Code can be found at Appendix A.

The public needs to have confidence in this system and process to ensure our future sites and cultural areas are not destroyed, despite the pressure of best intentions. If your government proceeds with this destruction, what is to stop you and other governments from future destruction of State Heritage Listed buildings and sites? Keith Conlon put it very well in the 7.30 Report interview. This destruction cannot be your legacy.

2. There may be some good reasons to build this new, modern hospital on this site (and noting Prof Warren Jone's extensive expertise and knowledge in this area) to provide an improved health service for women and children across the state. However, there was no prior consultation to test this idea with the community. So once again, it's an 'Announce and Defend' strategy which is not ideal or sufficient for such a significant and important project.

3. We appreciate the importance of a new and improved hospital providing services to women and children from across the State. However, we believe this hospital can be placed on one of several other sites, one of which has not been considered yet. Our planning experts inform us that the construction of the new WCH behind the Newmarket Hotel of 7600 sqm can be built to whatever height the hospital requires. We realise this will require some land acquisition, but it will retain the parklands as parklands and the Police Historic Barracks and museum in their current location. The other site that has not been explored as yet is the old Brewery site which we believe could be even better than the Newmarket site, if it includes its own intensive care floor/suite.

4. We believe there is already too much pressure on using the city's parklands for building and infrastructure. This must not continue. You mention providing more parklands for community use should this building proceed, but the parklands are already for the people and need to be maintained as such forever.

Appendix A: State Planning Act and Code

PO 1.1

The form of new buildings and structures that are visible from the public realm are consistent with the heritage values and characteristics of the State Heritage Area.

Development is consistent with the prevailing building and ceiling heights in the State Heritage Area.

Buildings and other features of identified heritage value within a State Heritage Area are not demolished, destroyed or removed in total or in part unless:

1. the portion of any building or other feature is determined to not contribute to the heritage value of the State Heritage Area
or
2. the structural condition of the building represents an unacceptable risk to public or private safety and results from actions and unforeseen events beyond the control of the owner and is irredeemably beyond repair.

<p>PO 1.1</p> <p>The form of new buildings and structures maintains the heritage values of the State Heritage Place.</p>	<p>DTS/DPF 1.1</p> <p>None are applicable.</p>
<p>PO 1.2</p> <p>Massing, scale and siting of development maintains the heritage values of the State Heritage Place.</p>	

TREE POLICY

NATIVE VEGETATION

1. What are the issues being experienced in the interface between the removal of regulated trees and native vegetation?

That the tree legislation is having no material effect in saving trees in a suburban context, where sites are typically completely cleared as a matter of course, and demolition contractors charge additional money to partially clear a block thus the incentive to clear the whole block is far greater. Trees and vegetation that have been developed over the past 7 – 8 decades, often by new Australians are literally detonated to a vacant block. See the images for Holden Hill. This suburb is being progressively raised for new and better housing stock; however the expense is losing ALL of the vegetation and tree canopy build up over the previous decades. See our attached presentation for further details.

An Example of native vegetation loss at Magill by concerned citizen Margaret Ide. Romalo House, 24 Romalo Avenue, Magill Local Heritage Place

Romalo House, then named Home Park, dates from the late 1850s. It has had an interesting history with name changes. Edmund Mazure, French vigneron and winemaker lived there. In the early 20th C and in the 1920s he changed the name of the house from Home Park to La Perouse. This well-known property was once hidden behind a large, well-vegetated garden. It mostly consisted of naturally occurring Plains vegetation, encouraged particularly by Warren and Bunty Bonython, residents 1948- 2020. There were various species of gums, native pines and grasses. Introduced Hoop and Bunya pines were grown, with some seeds, it is believed, given to the Botanic Gardens. In 2020, while determining the best route for the Magill walk, some large-scale removal of natural vegetation was noticed on the Romalo House property. Residents were shocked and some complained to Burnside Council. Nothing could be done they were told.



Despite developers being told to pay for a tree, there is no enforcement for planting a tree or even paying \$300 instead. Climate Change is a reality, and we need all the vegetation to help overcome this issue. There are no trees on the blocks created on the former Romalo House site. The removal of the vegetation has markedly changed the character of the site and adjoining streetscape. The disappearance of native animals and their habitat was a consequence. Romalo House stands sorrowfully to the south-east on the remaining section of the original property with gums sparsely dotted before it, some damaged by the clearance and no natural undergrowth now visible. To date eight houses have been constructed on the north and west of the former Romalo House property. There is room for more development there. The Local Heritage Place listing has been tarnished.



Almost complete loss of all native vegetation



View of house with damaged gum on the right.



New housing on the land, with good aspects facing north.



Romalo House Local heritage Place at the rear in relation to new development. Notice how the property has been left - dirt and sparse trees.



2 listed stone barns where some bottling is thought to have occurred in Mazure's time. These need to be saved.

2. Are there any other issues connecting native vegetation and planning policy?

There are many issues. Sellicks Woodlands and Wetlands Action Network (SWWAN) advises:

The environment is collapsing because of biodiversity loss and the effects of climate change are being brought home by the recent devastating floods and bushfires. Additionally, the need for housing is no longer, if it ever was, on the peri-urban fringe of Adelaide but in sustainable urban infill closer to the city centre with a priority on social housing. We cannot continue to use outdated plans that will put future communities at risk. As a significant measure against biodiversity loss in the Mount Lofty Ranges region, SWWAN proposes that the South Australian Government partner with community and stakeholders over the next decade to create the Willunga Basin Coast Conservation Park as part of a larger program over the next two decades to Rewild the Fleurieu and reverse the extinction crisis. We strongly urge the State Government to undertake this project for the benefit of all South Australians.



View from the Aldinga Beach dune lookout overlooking the Aldinga Scrub Conservation Park (M. Farrell).

A number of issues particularly concern the Mt Barker & District Residents' Association (MBDRA), and these are outlined below and on the following pages:

The continual, rapid loss of remnant trees and native vegetation across the district

Most of the remnant native trees and vegetation under threat are adjacent existing road networks (road verges), scattered throughout farmland that has been rezoned for housing and on private property.

As the Mt Barker district is generally former farmland, there is already very little remnant vegetation left, thus it is even more noticeable when such vegetation is removed. Generally, developers, except for a few, are not inclined to incorporate remnant vegetation into the design of new residential estates. They prefer a clear-fell site as it is easier to work with and allows them to build more houses, often very close together. They then pay into the offset scheme rather than plant replacement trees. This means that some developments end up with very few trees, with aerial photos revealing a high intensity 'sea of roofs' resulting in suburbs experiencing high temperatures.



Google Maps New development area 2022



New housing development adjacent Wellington Road, Mt Barker, December 2022

Many of the new houses are built on very small blocks and occupy most of the area, allowing for very little green space. There are associated issues related to increased temperature, storm water run-off and drainage. Very few houses are fitted with solar panels or rainwater tanks. During site preparation topsoil is removed and sold to landscape companies leaving clay and concrete, resulting in a total loss of biodiversity. This is in direct contradiction of the high aspirations and goals of “Green Adelaide” and the State Government’s claims to be protecting and conserving ‘biodiversity’.



Existing farming land expected to be developed, Wellington Rd, Mt Barker, December 2022



Former farming land, adjacent to the above farming land, Wellington Rd, Mt Barker, December 2022

The Native Vegetation Council (NVC) has also approved applications that have resulted in a ‘concentration of clearance around Mt Barker’ to make way for residential developments and for road and infrastructure upgrades. Ironically, the NVC manages a fund to ‘restore native woodland habitats lost as a result of residential development and infrastructure upgrades. (Source: Adelaide Hills Herald, Friday November 11, 2022, p2). However commendable this is, it wouldn’t be required if the vegetation was initially protected and does not resolve the issue of displaced wildlife because of vegetation lost. Nature corridors for wildlife are effectively lost.

Native vegetation can also be incorrectly identified as ‘saplings’ when, they are already at their full height and width. Such misidentified trees may have a small circumference at maturity and would thus fall outside of the definition of ‘regulated tree’. Further, smaller vegetation is often not valued, yet it is this vegetation

that supports much of the local biodiversity – small birds, butterflies, bees, insects, frogs, reptiles, etc. These faunas now face local extinction by the careless removal of such habitat.

The Department of Infrastructure and Transport (DIT) is responsible for the maintenance of the main arterial roads across the district. These roads are under pressure due to the increased traffic as a direct result of the exponential residential development. Often the fix is seen to be road widening and the installation of roundabouts. This often results in the removal of many trees and roadside vegetation without any community consultation. This leaves the community upset and frustrated at the lack of engagement and at the loss of the very reason the hills are valued.

We acknowledge that getting the balance is difficult as development is inevitable, but the concern is that DIT do not seek meaningful community feedback. Approvals through the NVC seem inevitable and no effort is being made to seek alternative options.

An example provided by another member group, Prospect Residents' Assoc (PRA) Inc shows:

Broadview Oval Remembrance Trees

Broadview Oval which has a line of seven peppercorn trees that we understand to be Remembrance Trees planted 94 years ago in remembrance of soldiers who died in the First World War (according to the RSL, see photo below).



Research indicates there are more than 60 similar tree memorials in our state (many at recreational areas and ovals) and over 600 in Australia. Does this labeling of these trees as weeds mean we want to get rid of 200 memorials in South Australia because they are now viewed as weeds? That surely would be a very culturally improper and thoughtless view and action. However, in Prospect that is highly likely to happen given the complete disrespect for non-native trees.

The Broadview football club are getting new clubrooms and the tree laws labelling these trees as weeds have made it easy for the Council to see the Remembrance Trees as having no value and disrespecting the views of the community who want to keep them, who use the oval to watch football and live in close proximity to the oval, the very people who are paying for the new clubrooms.

These trees are 94 years old and in good condition. There are other locations at the oval for the new club rooms which could save the trees but the attitude now prevalent through the changes to tree laws and labelling non-native trees as weeds is that these trees are now seen as rubbish and to be gotten rid of. This

is a very foolish attitude. It will be decades before new trees planted in their stead will give to the environment what these trees currently do. It will be decades before they will produce the shade and habitat that these trees provide. Also eucalypt trees are more inclined to drop branches with these trees not so inclined.

The Community Alliance supports the Conservation Council of SA in their fight to save trees in our state. We agree with and request you pay attention to their top 10 priorities in the document below.



CCSA Top 10 Urban
Trees Law Reform Pri

TREE CANOPY

1. What are the implications of master planned/greenfield development areas also being required to ensure at least one (1) tree is planted per new dwelling, in addition to the existing provision of public reserves/park.

This provision is inadequate. A tree should be required to be planted in the front and the rear in order to achieve a reasonable tree canopy on greenfield sites. The current sea of roofs in new subdivisions is testimony to the current trend.

2. If this policy was introduced, what are your thoughts relating to the potential requirement to plant a tree to the rear of a dwelling site as an option?

This should be required as well as planting one at the front. There are many tree species which provide coverage, bird and insect life but do not ruin foundations or house structures. Trees are essential to life. Below is an excerpt from Joanna Wells, Outreach Coordinator from the Conservation Council, commentary in InDaily recently:

We know that trees are one of the best means available to us to mitigate the effects of climate change. They cool our homes and streets, lessening our reliance on air conditioning and enabling us to walk or ride to the shops, to work or simply for enjoyment. They can add up to 11% to the value of our homes and in retail areas lead to people spending more money. They have been proven to reduce crime. There is no part of our lives that they don't touch.

The positive impacts of trees on our health, too, are significant. They clean the air we breathe, removing particulate matter from the air and preventing it from getting into our lungs. The oft-derided London Plane Tree is particularly effective at this. Numerous studies, undertaken both locally and internationally reach the same conclusion: where we have tree canopy within 1.6 km from home, we are 30% less likely to experience anxiety and depression. We are also 30% less likely to have general health outcomes in the poor to fair range.

This is particularly significant in Adelaide, as we have **less public park land** than Melbourne (20%), Perth (40%), and Sydney (57%). On a per capita basis we also have more heat-related deaths than any other mainland capital. Given the cooling effects of tree canopy, the correlation between the two is obvious.

The Covid pandemic has underscored the importance of trees and open green space on our mental health. During peak Covid, we recognised the benefits to us in getting out into nature and enjoying the streets and

parks of our local areas. We're still enjoying those local areas where many of us bonded with our previously unknown neighbours and rediscovered or rebuilt community. We're still enjoying the benefits of good community and continuing to visit parks and national parks in greater numbers than before.

The Kurna people valued trees and they still do – they provided food, shields, shelter for birds and animals as well as for the Kurna and their families. Kurna lived and worked with trees. We should aim to do this as well.

Trees play a huge role in not only our enjoyment of place, but in defining it. **Yet in Adelaide we have a net loss of 75,000 trees per year.** This is an impoverishment of our place and of our lives. Nowhere is this currently better illustrated than at the Kings Reserve in Thebarton, where the local community is enraged by the potential excision of the green open space and tree canopy that they prize. Tree canopy is a both a right and a responsibility. We need to embrace the challenges that trees occasionally offers us to ensure that we don't close the door on grabbing the benefits it gives us with both hands.



Photo: InDaily

Plant, water and maintain a tree in your backyard if you are blessed with the good fortune of owning your own home. Do some homework: there is the right tree for every spot. Plant a tree on your verge.

If you're a landlord, recognise that you are incredibly fortunate to own more than one property and plant a tree for your tenants. Help them out with the costs of water to establish it. Build community. You'll get so much back from doing this.

TREE PROTECTIONS

3. What are the implications of reducing the minimum circumference for regulated and significant tree protections?

The current practice of completely clearing residential blocks in established areas as a matter of course would hopefully cease as a lot more trees would be 'required' to be retained or at least permission sought for their removal. We refer to the CCSA Appendix for appropriate circumference sizes. In Mt Barker, two pre settlement blue gums stand at what is now a small sub-division, once part of the Fenlow Estate (Fenlow Tunnels) in Wiland Street near the junction of Wellington and Victoria Roads. Since the trees are now each on an undersized allotment where clearly any tree and any built development compete for space, the fate of these iconic trees, possibly the biggest remaining trees in Mt Barker is uncertain. They must not be lost.

The example below is provided by another of our remember groups, FOCUS (Friends of the City of Unley Society Inc). This is an excerpt of a letter sent by a concerned community member to Council after the devastating loss of two magnificent trees, even though one was listed as 'Significant' on the Unley Council's Tree Register. These trees were at 47 Fairford Street and at the rear of the property and could have easily been saved.

47 Fairford St, Unley

I wish to put on the record my absolute devastation at the events of the past few weeks, leading up to the decision to approve the destruction of the magnificent River Red Gum at 47 Fairford Street. This is an absolute injustice visited on our local community and our environment.

As you know, the 'mate' of this tree (listed on Unley's Significant Tree List) was approved for removal in July 2017 - an approval which should never have been given. At that time, both trees had been given a clean bill of health in several reports by top arborists in the state. The reports said that the trees had decades' more life in them. At that time, I sent you a photo of the cut trunk and limbs resulting from the lopping of the first of the two trees. It was distressing to see this magnificent healthy timber lying on the ground. The actual removal was traumatic in itself – a stop-start process which took more than 5 months, by a tree lopping company who behaved appallingly. Then 18 months later, the owners sold the property.



Now 5 years on, the predicted fate of the second tree following the removal of its adjacent 'mate', has come to pass. One of the arguments in 2017 against removal of the first tree, was the impact this would have on the remaining tree. Now we have seen exactly what has happened – increased wind loads, lack of required pruning, illegal pruning, weak epicormic growth after inappropriate pruning – all contributing to potential branch failure and very poor form of the second tree. Interestingly, the Council arborist's report on the second tree said that the actual trunk was sound, there was no evidence of internal decay or termite activity and there appeared to be no significant structural defects. Despite all the poor pruning events, the second tree had put on incredible growth over the last 5 years and actually looked quite beautiful, despite its unusual shape. I despair for all the birds and creatures who have lost their homes.

Many residents have been fighting to change these unjust laws around regulated and significant trees for many years. In all that time nothing has changed: huge dwellings approved, dodgy arborist reports, irresponsible tree loppers, and pathetically weak laws. As long as nothing changes, the loss of our big old trees will continue until our suburbs are decimated. And no amount of tree planting can make up for this loss. What an indictment of our legacy for future generations! (Concerned Unley Resident).

4. What are the implications of introducing a height protection threshold, to assist in meeting canopy targets?

This could be added as a criterion, however a tree ought only to satisfy one of the criteria. More importantly the tree canopy targets need to be increased.

Feedback from one of our member groups, SWANN indicates the importance of this requirement:

Current Canopy Cover Targets

The first problem is that the targets being set by councils are calculated as 20% of current coverage. We believe that the guidelines have been misinterpreted and that the intention of the proposal was to protect the state's population by having all councils increase their canopy cover percentage score by 20, so that all councils were above the 30% benchmark level by 2045.

This current interpretation means that the targets being set by South Australian Councils are far below what is needed to address climate change. It also means councils most in need of increased coverage has set the lowest targets and consequently will make the least increases in coverage.

The City of Onkaparinga, currently with a nationally low coverage of 12.5%, has a goal of increasing coverage by 2.5% to reach a target of 15% in 2045. A target that 23 years later will still be far below the Adelaide baseline average of 27.8% and 60% below the current national average of 39%⁴. The City of Unley, currently has coverage of 26% and has set a target of 31% coverage by 2045, more than double the City of Onkaparinga but still below other Australian capital cities.

Under our interpretation the City of Onkaparinga would have set a target of 32.5% just above the state average and the 30% threshold but still below the national average. The City of Unley would have set a target of 46% placing it just above the national average.

The second problem is that councils with canopy cover greater than 30%, such as at the City of Mitcham, are setting goals only to maintain current coverage. This ignores the fact that the Adelaide metropolitan region is far below the national average, and we should be looking to that benchmark as a target for greener suburbs.

5. What are the implications of introducing a crown spread protection, to assist in meeting canopy targets?

This could be also added as a criterion, however a tree ought only to satisfy one of the criteria.

Our member group FOCUS advises that the City of Unley tree canopy has decreased from 34% to 26% in the 20 years preceding 2017. [From a paper presented by Unley Mayor Michael Hewitson at 2022 National Tree Symposium.] The greatest loss has been on private land, from 34% to 21%. The scientific evidence about the value of trees and understorey for urban cooling and habitat protection is no longer disputed.

6. What are the implications of introducing species-based tree protections?

This could be added as a criterion, however a tree ought only to satisfy one of the criteria. Presently the species-based exemptions are undermining the tree legislation which is ostensibly only affording protection to eucalypt trees and not European exotic species worthy of protection. A concerned Mt Barker citizen, Carol Bailey, former Mt Barker District Councillor of 12 years and CAP member, presents this view:

The need for change is way beyond urgent. The problem is that the EPA and Native Veg Council is very used to the notion of having the developer use the 'Significant Biodiversity Offset Fund' which might see plantings achieved up to 200km from where the vegetation was lost. At Mount Barker Council Harry Seager and I have consistently argued via DAP and CAP that the plantings must be achieved locally, and in fact there is a major bun fight over this re. Hillgrove Resources' obligations at Callington/Kanmantoo on-going. The truth is very little local reveg has been achieved and the developers still prefer a 'clean slate' than trying to conserve trees or valuable shrubs which they then have to work around. Expedient and convenient rules the day!

What I think is meeting with some success interstate is calling in ecological economists and according to a monetary value to the existing vegetation or trees on the basis of amenity, habitat and landscape value, not to mention as a basic necessity in moderating accelerating global warming/climate change.

All creeklines and waterways should be sacrosanct and connect with wildlife conservation corridors organised to connect reserves, conservation parks and any willing local landowner willing to be part of such a 'parkland belt'. Sadly in January 2007 ALL the vegetation was removed from Mount Barker Creek from the Caravan Park to Gawler Street, resulting in loss of both native and nonnative trees which held the Creek Banks together and provided essential habitat for a broad number of species. This area has never been restored to its former usefulness with regard to biodiversity. Douglas has got it right that it is virtually now or never to get something in place and the creeklines and winter creeks of Mount Barker could have provided a wonderful parkland belt, only some of which now remains. Three good sized wetlands and several winter creeks have been destroyed in Bluestone alone, now being lined with Geotex bags and cement and used as virtual drains with all former wildlife gone.

DISTANCE FROM DEVELOPMENT

7. Currently you can remove a protected tree (excluding *Agonis flexuosa* (Willow Myrtle) or *Eucalyptus* (any tree of the genus) if it is within ten (10) metres of a dwelling or swimming pool. What are the implications of reducing this distance?

This distance provision should be removed altogether as the current 10m rule is effectively undermining the current tree legislation, as few trees in suburban allotments are more than 10m from existing structures or swimming pools.

8. What are the implications of revising the circumstances when it would be permissible to permit a protected tree to be removed (i.e. not only when it is within the proximity of a major structure, and/or poses a threat to safety and/or infrastructure)?

CASA supports the recommendations of CCSA as included in their submission.

To express our views we have included information from a situation for a recent development at Mary-Arthur Street Unley, where the developer removed all trees even though they were on the boundaries of the property and provided shade, protection and visual outlook for the

adjacent units. The following is an excerpt from a letter sent by a concerned community member to the Unley Council.

I participated in the 11 October community consultation with the Developer of the Mary-Arthur Street precinct. It was evident on the night, that while detailed plans had been prepared, the Developer was going to reveal as little as possible to get over the first hurdle (the Code Amendment). I do not think anyone has a problem with this being achieved, and the area become a premium residential in-fill site. What concerned many on the night is what the development will look like, and how this will be achieved. Along with FOCUS and other individual residents, I provided my comments to the Developers' communications consultant - UPRS (see attached).

The first outcome I sought was "Retaining the mature trees on the site which are mostly around the borders and contribute to 'softening' the interface of new with existing housing." I was shocked yesterday to see that the Developer is adopting a 'clear earth' policy and has removed all the semi-mature border trees - photo 1 taken 2 weeks ago and photo 2 yesterday. These trees were right on the boundary and given any building would require a significant set-back, it is illogical to have removed these trees. I feel for the residents of the units that will now be more exposed to sun, noise, dust and lack of privacy over the next 5 or so years as building occurs.

The Developer has shown complete disregard for the amenity of Unley residents, the feedback of the Unley community and the desire of Council to retain tree coverage. I understand the development plans seek to realign the interface of the estate on Mary Street from the existing driveway to a position further East. This will require the removal of two significant street trees shown in photo 3. This is being sought by the Developer to squeeze more building sites onto the precinct, and I vigorously oppose such an outcome.

Given the arrogant approach being demonstrated by this Developer, we have to 'expect the worst' and exercise appropriate over-sight. I seek Council officer keep a keen eye on activities on this site, and rigorously scrutinise each phase of the planning process to ensure better outcomes are achieved for the residents of Unley. This is a premium in-fill site and should be viewed as such by the Community, the Council and the Developer. This certainly not evident to date. From this:





To this:



URBAN TREE CANOPY OFF SET SCHEME

9. What are the implications of increasing the fee for payment into the Off-Set scheme?

This will encourage developers to consider NOT removing trees because it is easier to pay a small amount into a fund. The fee should be MUCH higher to encourage retention of existing trees.

One of our member groups, FOCUS, suggests penalties in the Urban Tree Canopy Offset Scheme must be increased to \$80,000 for a large tree, \$50,00 for a medium tree and \$30,000 for small trees with no exemptions for state government departments, master planned and green field areas.

CASA supports the advice of the Conservation Council in this matter.

10. If the fee was increased, what are your thoughts about aligning the fee with the actual cost to a council of delivering (and maintaining) a tree, noting that it would result in differing costs in different locations.

This makes the process too complex and as you say, it will be different for different locations which is illogical. Why would a tree in Mt Barker be of a different value to the same size, type and condition of a tree in Murray Bridge? What happens to trees should not be based on their species but rather on much broader criteria including age, health, height, canopy, trunk size etc. and cultural issues i.e. what they represent and contribute to the community. This is especially so in public places but should be applied everywhere.

11. What are the implications of increasing the offset fees for the removal of regulated or significant trees?

More trees will be retained across the state, providing immediate and longer-term benefits to our community. Developers will think twice before removing trees. There will be more creative building designs to include the existing trees in the design. Destruction such as on the following pages would have a lesser chance of occurring. A member group, Stirling Residents' Assoc Inc provided this example of wanton and unnecessary destruction of a beautiful and beneficial grove of trees.

Over 20 trees, 13 of them mature oak trees were removed on this 4,000 sqm site for a housing development on Pomona Road, Stirling. The developer paid \$700,000 for the site which previously had one house omit after it was rezoned for medium density living. The DA category prevented even examination of the proposal.

On asking council staff why several of the trees, in particular the healthy mature Oak trees could not be retained we were advised that it was because council could not prevent their removal as it is in a bushfire risk area. The current tree regulations relating to a high-risk bushfire area only provide some protection to native trees. I quote from an article in the Mt Barker Courier dated 21 October 2020 by a horticultural expert:

"Exotics like North American maple trees , liquid ambers or the African red-hot poker are the kinds of trees and plants that are fire retardant . People could also use oak trees because they especially can act as a bit of a trap to prevent embers from spreading"





We all know eucalypts and coniferous trees are highly combustible and even explode in bushfires. Can you please enact immediate changes to the tree legislation that actually reflect best policy for a bushfire zone as the current legislation does exactly the opposite. Added to this is of course the environmental benefit of tree retention.

Interestingly the planner who submitted the DA stated that this was a contaminated waste site, and the trees were in poor health, both statements are blatant untruths. The soil is beautifully organic after years of oak leaf mould and you can see the condition of the trees. So much for professional standards.

A similar proposal is currently with our council Development Assessment Panel on another 4,000 sq m site on the opposite side of the road, this proposal includes the removal of about 30 mature trees of various species.



PUBLIC REALM TREE PLANTING

12. Should the criteria with the Planning and Development Fund application assessment process give greater weighting to the provision of increased tree canopy?

ABSOLUTELY! We support the recommendations of the Conservation Council of SA in this matter.

INFILL

DESIGN GUIDELINES

1. Do you think the existing design guidelines for infill development are sufficient? Why or why not?

They are not sufficient. For example, black brick and black rooves are not appropriate. There also need to be changes to improve the quality of infill development particularly in Urban Corridor zones. The Urban corridor supports boundary to boundary building. In Prospect Council Churchill Road is in an Urban Corridor zone. Behind this is Devonport Tce (which is a very narrow road, with one side of the railway line). The houses being built there are of inferior quality.

A more general issue around infill is that traffic is not properly accounted for. For example, the extension of Findon Road. Rowels Rd where 200 new houses and Nazareth High School are being built in an old warehouse site. Road and infrastructure are not meant for this infill development. Infrastructure is inadequate for this area.

One issue that the Planning and Design Code does not cover for infill development is over development in narrow streets where this can result in traffic concerns and safety issues for residents as well as access issues for emergency services particularly fire trucks.

A member group, Prospect Residents' Assoc Inc presented this example of a dangerous and illogical situation in Prospect:

With a recent/current school development application in a very narrow street in Prospect we struggled to find anything in the Planning and Design Code that dealt with this issue. It seems development at all costs is the current preferred option. This has some elements of what is needed to tackle traffic and safety issues in the following PO, but it does not go far enough:

["All non-residential development](#)

[Laneway development](#)

[Infrastructure and access](#)

[PO 44.1](#)

[Development with a primary street comprising a laneway, alley, lane, right of way or similar minor thoroughfare only occurs where:](#)

[existing utility infrastructure and services are capable of accommodating the development](#)

[the primary street can support access by emergency and regular service vehicles \(such as waste collection\)](#)

[it does not require the provision or upgrading of infrastructure on public land \(such as footpaths and stormwater management systems\) safety of pedestrians or vehicle movement is maintained any necessary grade transition is accommodated within the site of the development to support an appropriate development intensity and orderly development of land fronting minor thoroughfares."](#)

This PO also needs to add and cover narrow roads of 7 metres or less.

The current application with Prospect Council is for a Catholic Primary School to try to double its population by building a three-storey building with no set back on a 6-metre-wide road (Staples court) that is used by school students to walk and ride to school from two primary schools that are located next to each other on Gladstone Road Prospect with the Catholic school backing also onto Staples court, a dead end street.

Attached is a copy of our submission which describes the numerous problems that this application presents in a very narrow street with a seriously bad development for such a narrow street at the street end where it intersects with Prospect Road. The street is also a dead-end street so both narrow and dead end. Trucks from the supermarket that are unfamiliar with the street at times drive to the end of the street and because it is dead end and narrow then have to back up the street to get out.



Coles truck in Staples Court



There is virtually nothing in the Code that deals with issues regarding narrow roads and what can be built on it and what is safe and not safe. Staples Court is a dead-end street, and they have trucks that can deliver to Coles on the corner and then they think it's a through road, they drive down this street and then they can't turn around and have to reverse up the street, despite school children walking there. It is very dangerous.

There is little in the Planning and Design Code for this site that covers traffic and parking problems in narrow streets where there will be safety issues for children walking, riding and skateboarding to school from unnecessary increased traffic flows, over development of sites and the resulting situation where fire engines are likely with the development to be unable to access Staples Court. The way the Planning and Design Code is currently written this is seen as ok.

We also have a problem with traffic and parking reports for numerous developments that turn out to be highly inaccurate in relation to the resultant traffic and parking outcomes. This is very concerning. We can speak to this further if interested.

Prospect has a medium rise development on the corner of Wilcox street and Prospect Road. Since the development was built there are now cars parked on either side of Wilcox Ave which enables only one lane of traffic down the road. According to a fire fighter a fire truck will not fit down this road with parking on both sides of the road. This means half of the parking will have to be removed from the street. This will result in outrage from the local residents. Prospect with its 92 narrow streets has a growing problem with parking and emergency services access and a number of residents have nowhere for visitors to park.

The Prospect Residents' Assoc has included recommendations to amend the Code in their submission and we support these.

Feedback from Western Adelaide Coastal Region Association (WACRA) states:

We are worried about the implications of new urban infill sites in our area which will be bringing vastly increased traffic to medium sized roads. The Valetta Road/Rowells Road site, which were once distribution warehouses, are scheduled to have many new homes and placed next to the new Nazareth High School on Rowells Road also increasing traffic. Everyone who lives in areas with urban infill happening is noticing reduced amenity, such as streets full of parked cars and roads narrowed.

This impacts on community access to amenities where that infill is near beaches, parks and community facilities. It also impacts on pedestrian amenity and safety, especially around schools. The Act needs to take a tougher line on parking provisions which have quickly changed Adelaide's streetscapes for the worse since its introduction. For every infill development, the Act needs to have more teeth to insist adequate private land is preserved for parking for both residents and visitors on the property.

2. Do you think there would be benefit in exploring alternative forms of infill development? If not, why not? If yes, what types of infill development do you think would be suitable in South Australia?

CASA fully supports exploring other forms of infill. For example, rather than demolish a double fronted cottage, it can be divided into two. Many heritage Victorian houses are wide enough for wheelchairs etc. They can easily be restructured for not a great expense to become two properties. We have provided examples of best practice in this regard to Mr Craig Holden, Chairperson, State Planning Commission several months ago.

There are some good examples of infill. For example, on Payneham Rd a 3-story development behind an existing historic shop that was not demolished. There are now 9 dwellings on a 900 square meter block, for 3 story development. At grade parking and 2 levels of residential above. Another example at Kensington Rd, where there was an undercroft and two levels of residential above (12 apartments) and kept the building in front, the David Chaney reproduction shop (but could have been historic and it would have still been saved and included). A further example is Melbourne Street, where a local heritage office was retained and restored, and 4 townhouses built to the back which were all 3 story developments. 100 dwellings per

hectare as density and it's repeatable. These examples are far more preferable to the Cremorne Hotel development on Unley Rd where a 6 or 8 story building is out of kilter with everything else on Unley Road. A 3 story behind retained single story shops is a really effective way of providing smaller, lower cost accommodation in nice areas along the bus routes without imposing 6 storeys development looming over back houses. A 3-story new development is same height as a 2 story Victorian home. It is far more preferable to have 3 stories over more blocks rather than one.

Emerging issues with infill development which need to be considered also include:

- **Security cameras - audio/visual** overlooking neighboring properties such that blinds are kept permanently closed to avoid direct vision inside house; no control over placement, e.g. high up on 2 storeys when single storey dwellings either side with subsequent loss of privacy. Outdoor activity can be observed therefore reluctance and hesitancy of guests who feel uncomfortable knowing their movements, discussions are observed by strangers. (Not a planning matter, not deemed a "nuisance" under other Act, not Police.
- **Lack of privacy** - placement of trampoline up against fence line, so noisy multiple users have full vision of neighbour's place, inside and out. Other areas available, but deliberate, knowing very limited capacity to shield from view. No restrictions.
- **External air conditioner placement** - Urban infill, smaller block sizes dwellings in closer proximity. Large unit located directly opposite neighbour's bedroom windows/ living areas, unrestricted. No council approval required for new or existing properties. Not just heat and cold wind generated, reducing neighbour's useable external space, but necessitates additional heating, cooling to compensate and unable to open windows.
- **Vibration** generated from unit, impacting on adjoining property, not regulated by planning, or other legislation.
- **Improved ventilation** requirements particularly post COVID.

These examples provided by a concerned friend of CASA, highlights the need for better planning legislation in an era where consideration for others lifestyle seems to be waning. People experience the above but are too intimidated or fearful of repercussions if they put in a submission and are identified. We hope you consider these topics so that Planning SA may take notice and not ignored.

STRATEGIC PLANNING

1.What are the best mechanisms for ensuring good strategic alignment between regional plans and how the policies of the Code are applied spatially?

This is somewhat difficult for us to respond to, but at the very least ensure that Local Councils are included in the decision-making process. They have lost their ability to impact too greatly on local planning decisions due to the loss of their local Development Plans. The new Code went too far with the amalgamation of 60plus Development Plans into one system. The nuances of local government requirements and decision making have been all but lost. We hope that all Local Governments will respond in their submissions to this point.

2.What would the different roles and responsibilities of State and Local government and the private sector be in undertaking strategic planning?

They should be doing this in unison with their communities. The State Government should provide high level oversight, structure (the Act) and system support. Local Government should

be provided with greater input into the Code requirements. This should be done with their communities' involvement. The private sector makes a massive profit from development, so it needs to be one of the key stakeholders that ensure they care about the community and the area that they are developing. Then you have the fourth key stakeholder and that is the COMMUNITY. They are almost entirely kept out of this process now. This needs to change urgently. The Community are the experts about their local area. They know the benefits, issues and risks of any development.

Most communities are not against development as they realise there is benefit in the form of jobs and improvements to local areas. However, their needs and concerns are either not included in the decision-making process or ignored. We need members of the community on CAPs and community engagement for any development needs to occur at the local government and state government levels more often, and it needs to be listened to and considered as expert advice. There is real value for the State Govt, Local Government and developers in this approach.

CARPARKING

23. What are the specific car parking challenges that you are experiencing in your locality? Is this street specific and if so, can you please advise what street and suburb.

Norma Street and surrounding streets in Mile End are used by many to park their cars so that they can catch the bus to the city or go to the shops. The Zones were changed with the new Code creating significant car parking problems. The area opposite Norma Street is now zoned Urban Corridor. It's not a main street. Diagonally opposite a 25-apartment building is planned to be built on a block approximately 850 square metres at 6 Ebor Avenue. There will be 36 carparks only included in the complex. There are 25 apartments; 3 of which have 3 bedrooms, the other all 2 bedrooms plus a café or a bar. Where will they park? Why is this a good idea to have this apartment building in a street such as this? It is a 'narrow street'. They have increased the apartment building by one more flight and over the height limit. This situation is compounded where renovations are occurring and when a property is to be rented out.

In Prospect there is an example of a set of units that were all owner occupied and now are all rented out. The unit opposite to this address has 3 people living there with 3 cars, with 2 parking on site and one on the street. Before that this unit had 2 cars and a truck and the truck was parked opposite our member's house on the street for 2 years. Before that, there were 5 cars as 2 people each had a work car and a private car, plus one additional person had one car. There are often more than 3 cars parking required for a rented house. This is a massive problem for narrow streets with a lot of infill.

The Panel's Discussion paper states 'The Panel does not consider that it is reasonable or practical to increase the number of off-street parking.' We feel the Panel should be open to a discussion on this issue. In our view there is an urgent need for more off street parking in new developments. The streets are becoming clogged and as a result emergency services cannot get through and the street amenity is completely lost. There is now almost no available street parking for visitors as the streets are completely full of residents' cars. In a new development at the top of Hallett Road in the east, new townhouses have been built with car parking via rear laneways to leave the front streetscape free of cars and supposedly looking beautiful. The

exact opposite has occurred with many cars parked on the narrow street that is extremely difficult to navigate through. A fire engine would not fit anymore.

The Discussion Paper did not discuss in full that a double garage should require only a single cross over to enable more street parking. A double cross over reduces the number of available off-street parking by 50%. People can reverse out easily with car reversing cameras.

One member in the Prospect Council area advised:

In my street there used to be 32 houses and now there are more than 80 residences due to infill with little attention paid to car parking or the street scape. The residents are under threat now because they have a narrow street. The Council are now talking about taking away half of the street's car parking option. With 84 residences in a narrow street, it will make the parking impossible and simply shift the problem onto other adjacent streets as residents seek an on-street parking spot. This is not sensible nor sustainable.

Any new developments should have car parking included on site for at least 2 cars per 2-bedroom residence and 3 cars per 3-bedroom residence as a minimum. The cars are also being parked in the nearby shopping centre and thereby creating a further problem for them and shoppers alike.

In Norma Street, Mile End, the growing number of apartments is also creating huge traffic problems. However, the street is not a main road, it is just a quiet street with quiet neighbours living in nice houses. This is a major impact for this area. There is no suitable public transport system where people do not need to use their car

There is a myth that people live in the inner suburbs and will work in the city and take public transport. If people do not work in the inner city, they will need to have a car to get to work. More and more people are working from home since COVID and there are more cars than ever lining many streets in many suburbs.

In the West Coast of Adelaide with urban infill occurring, Council is finding it difficult to achieve their tree planting targets because they need to leave room for car parking on the street. They know there is not enough on private land, which compromises what they can do, what kind of trees they can plant and where they can put their trees.

Twelve years ago, Walker Corporation started building houses in Mt Barker on blocks that enabled trees and bushes to be planted. Now in the later stages of the development (and under new ownership) there is no spare space for trees, bushes, play space or any area for anything. The houses completely fill the blocks. This is happening in many new developments, including Murray Bridge, Freeling, Gawler etc. Where is the shade canopy? In addition, all new developments should have permeable soil around the new homes rather than all hard surfaces. It is all house and cement which is in direct conflict with trying to increase tree canopy. We have to tighten up the Code as SA has very bad tree canopy covers. The statistics prove it.

The current size of garages built according to Australian standards will fit a regular size car but does not allow larger utilities or SUVs to park and these are increasing in number on our roads.

27. Is it still necessary for the Code to seek the provision of at least one (1) covered carpark when two (2) on-site car parks are required?

We do not believe that there should be covers for all cars. We presume the suggestion of no cover at all is so all garages will encourage the use of public transport. We believe that is a long time coming in Adelaide and South Australia for various reasons.

An additional comment from the Stirling Residents' Assoc about car parking:

The Aldi site in Stirling, approved by SCAP, is a good example of what not to do. The car park runoff water goes into the stream over which the car park was built without any treatment, the stream flows into the Onkaparinga and Mount Bold. An undercroft car park would have prevented this pollution and enabled roof water to be collected in tanks or other storage to both minimise flooding and provide water in dry periods.

OTHER CODE TOPICS TO BE CONSIDERED

1. Interface between Residential and Commercial Development

The Case Studies below from Mt Barker show the importance of appropriate planning, and interface zones between commercial and residential development. Currently this is what can and does happen with no right of appeal. It is extremely stressful for residential owners and is entirely unnecessary if the laws stipulated appropriate interface zones.

Cotterdale Ave, Mt Barker - Commercial development adjacent existing residential area

A supermarket complex and associated infrastructure is currently being built adjacent an existing residential area. During the development application process the residents were given access to the plans, but these were very technical in nature. As such it was not easy to interpret and therefore understand the impact of the elevation of the work behind the houses.

It is obvious from the construction, now underway, that residents will have an elevated structure imposing over the rear of their properties. There has been little privacy for residents while construction is underway, due to the elevated nature of the construction and on completion, residents will be in close proximity to a commercial enterprise likely to be operating extended hours. This has impacted on residents' quality of life, in particular, privacy, aesthetics and livability. The resale value of these properties is likely to have been negatively impacted.

In addition, there are large LPG tanks adjacent to these houses and this raises safety issues as well as strong odors of LPG which will be vented to the atmosphere each time the tanks are filled.



View over Cotterdale, December 2022



Cotterdale Ave, December 2022



Nearby to Cotterdale Ave, December 2022

This is an example of poor planning which has allowed residential housing to be in place before the associated infrastructure. These houses are occupied, and residents are now living with the construction of one section of the Heysen Boulevard and a new shopping precinct immediately behind them. Impacts include noise, dust and livability. Also note (above photo) the proximity of the buildings to each other and the lack of solar panels and water tanks.

Kernutt Court, Mt Barker - Industrial development adjacent existing residential area

A multistorey factory complex was constructed behind multiple existing residences. This building not only dwarfs the residences, but windows of this development overlook the rear of the residences. The equipment on top of the building emits an ongoing noise and to date no sound mitigation measures have been put in place although this may be at variance with EPA guidelines.

Nearby residents, whose lives have now also been impacted by this development, had no opportunity to provide input into the development application as they were not within the specified geographical notification zone.

The impact on residents includes loss of privacy, ongoing noise, loss of aesthetics and livability (quality of life), reduction in the sale value of properties.





A second example provided by one our members

This photo is taken of a school building erected this year (2022) by the Education Dept for Marryatville High School. It is built right up against the rear courtyard of a residence. The light shines into their bedroom all night, and the education department won't make it a sensor light or remove it. It is ugly of course and ruins the amenity of their courtyard. No right of appeal, government building. So stressful for them.



A third example shows further how incomprehensible these decisions are for residents.

This photo is of a nursing home built right up against my stepson's property at 19/2 Firn Ave Lockleys, 2019.



2. Main Streets

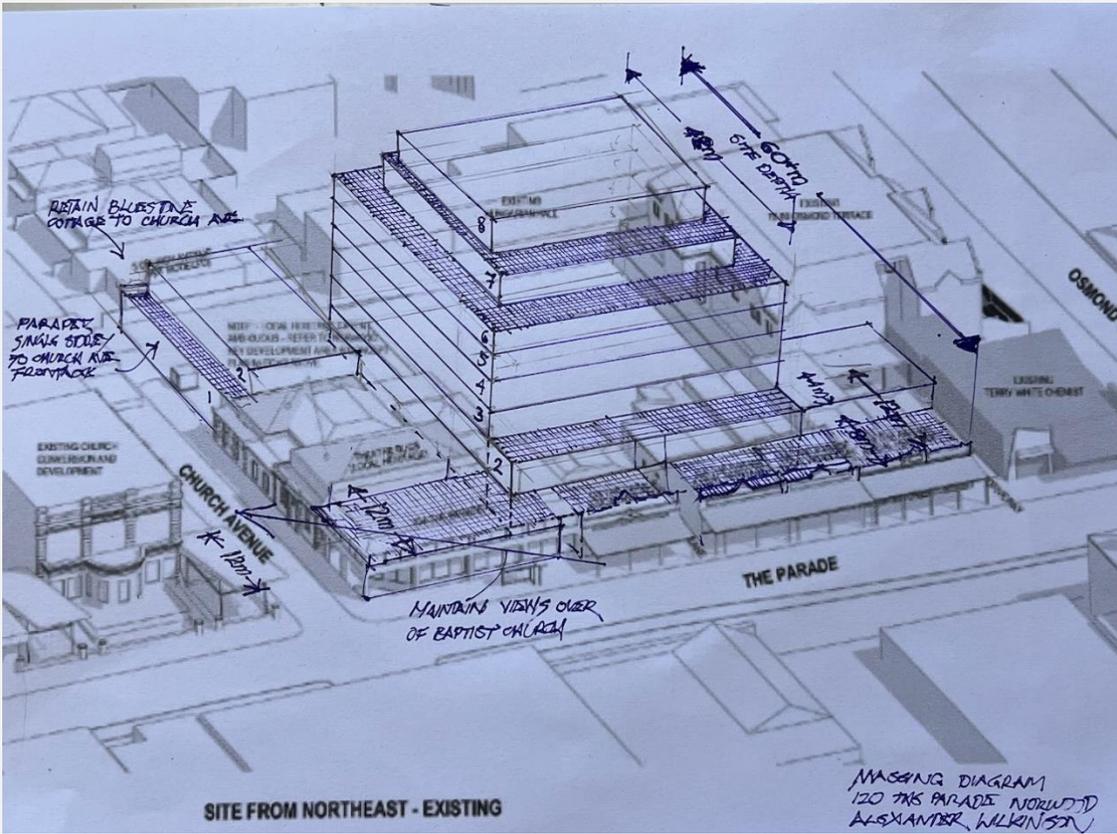
E.g. O'Connell Street, Melbourne Street, Hutt Street, The Parade, Jetty Road, Unley Road etc.

Currently most of Adelaide's Historic Main Streets have been re-zoned 6-storeys with provisions to go higher on larger sites but with inadequate stipulation of setbacks of such development behind the primary street frontage. In some cases they allow Catalyst sites to be developed which can challenge these maximum heights and other development criteria.

The historic buildings on these Main Streets must be identified and protected as historic places, either as Local Heritage Items or as Representative Items, so that they are included in the development, as many historic properties on Main Streets such as O'Connell Street or Hutt Street are not currently listed and so not protected. These buildings are integral to the streetscape of local suburbs.

The recent approval of 120 The Parade Norwood is a good case in point. The Code only requires a 2m setback from the principal façade. The attached blocking diagram indicates how this form of development could be better guided by the Code whereby:

A 12m minimum setback is stipulated for taller components of the development above the Main Street historic façade scale, typically 1-2 storeys. Smaller intermediate setbacks can be included where the development steps up in height. For larger, amalgamated sites over 2500sqm development, the additional 2 storeys must be further set back on all sides so as not to be readily visible as illustrated.



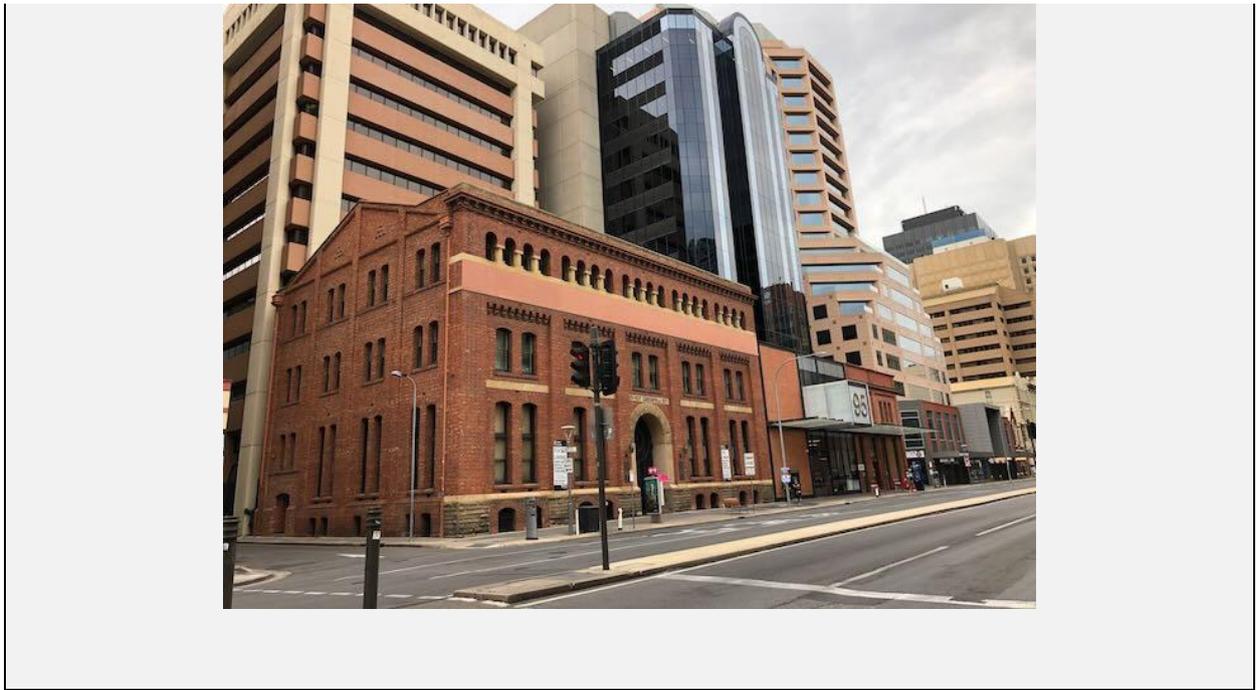
3. CBD Development

The South side of Grenfell Street and the State Bank building exemplify how taller development in the CBD should be required to be done by the Code whereby:

- Tower elements are set back at least 12m so as to read as buildings behind the original buildings rather than retained just as facades
- Original historic buildings are identified and listed as Local Heritage items or Representative items.
- Many buildings in the CBD remain unlisted which should be addressed.
- Imposition of catalyst states
- Destinations not through roads.

These examples on Grenfell Street are good practice models that show how historic buildings can be incorporated into historic areas and with historic buildings not requiring demolition. The heights of the buildings maintain the human scale to the street. If walking on the southern side of Grenfell Street the new builds are hardly noticeable.





4. Urban Corridor Development

125 Payneham Road, St Peters and 41-43 Kensington Road, Norwood,

The two examples provided on the following pages comprise what we consider an appropriate form of development on Main Road Corridors, whereby:

- the historic or original buildings to the street front are retained and incorporated into the development, and
- the development behind is 3 storeys, with under-croft or at grade parking with 2 levels of residential above.

3 storeys are akin to the height of a large Victorian era 2-storey house and is a scale that provides sufficient density to provide living opportunities for people whilst not unduly overbearing those people who live behind such development. These two examples are very good examples of how 3 storey buildings can integrate well with the existing streetscape in the urban corridor streets. If you compare this to the development across from the Cremorne Hotel on Unley Road, where the new over height buildings on the western side do not have sufficient set-back and loom large and dominant over Unley Road, destroying the former ambience of that section of the road.

MIXED USE RESIDENTIAL/COMMERCIAL DEVELOPMENT

former MILTRONIX site
125 PAYNEHAM ROAD ST. PETERS



AERIAL VIEW FROM EAST



SOUTH WEST ELEVATION

WILKINSON
ARCHITECTS

Project & Planning Design
Visualisation
Visualisation
City Centre + New Street
North Adelaide SA 5008
Telephone 0827 3102
Mobile 0424341102
www.wilkinsonarchitects.com.au
www.danieljordanhomes.com.au

Daniel Jordan Homes

MIXED USE RESIDENTIAL/COMMERCIAL DEVELOPMENT

former MILTRONIX site
125 PAYNEHAM ROAD ST. PETERS



Daniel Jordan Homes



The second example is 41 – 43 Kensington Road where a 3 storey development has incorporated the existing streetscape and building façade and fits in perfectly with the surrounding buildings.



5. FEEDBACK TO THE E-PLANNING SYSTEM AND THE PLAN SA WEBSITE: REFORM OPTIONS (DISCUSSION PAPER #3)

We found some of these questions challenging and may not have answered all of them. However, we have tried to address the key issues for each topic and have added a few additional items.

USER EXPERIENCE QUESTIONS

WEBSITE RE-DESIGN

1. Is the PlanSA website easy to use?

2. What improvements to the PlanSA design would you make to enhance its usability?

Our first point is that we could not find the site easily on the web and had to email Plan SA people twice to ask for the link. It needs to be more intuitive to find the link especially for users who do not use it very often, which is most people.

Who is a user? We think both Applicants and Representors need to both be considered. The customer focus currently is about those who are making applications rather than those who wish to review applications, provide feedback or the general public. In particular the representors are being affected by developments and are trying to make a representation, so they need to be able to find it easily. We believe the web site needs to be improved for both users.

We will present two perspectives in more detail: as a daily user putting in Development Applications regularly and as a Representor putting in representations providing feedback to an application on an ad hoc or rare basis.

As an Applicant

It is not easy at times to use. One of our experts who uses the system regularly advised that when they wanted to find out the rules about a part of their application, Plan SA had to send him the link. He gets on average one enquiry per week and always needs to find the link in the original Plan SA email again in order to find to the website. It is not intuitive or easy to access the site.

If an applicant wants to make a staged application i.e. façade conservation work and then add additions or alterations to a building it is difficult. If you forget to nominate that you want to do a staged application, you cannot go back to a staged application. You have to lodge a new application and nominate the stage. So once 'not staged' has been selected it cannot be changed to 'staged' without starting again. This is cumbersome and should be changed.

In another application example which was proposing conservation improvements to the façade to try and save a building, the planners took some issue with the 2 storey additions, so asked if they could put Stage 1 and Stage 2 into the planning application. But these elements could not be dealt with separately. There is not enough flexibility for applicants to be able to stage applications. From a user perspective this is not helpful.

The early recommendations noted in your paper look good.

As a Representator

There is the opportunity for a wider audience or stakeholder group to put in a representation i.e. a heritage advisor and not just someone living in the same street. Community groups can provide input which the Community Alliance has done recently. In the past, we would not have been able to provide a representation, so this is a good improvement.

Is there an easier way to find the developments under notification? We suggest adding a link to the portal on the main front page. This would be easier. We suggest having a more prominent 'applications on public notification' link on the home page. Often people making comments are first time users and need to find the link easily. This would help them.

You cannot tell from the description of the application what the development actually is, so you have to go into the documents and see all the plans to see what the development is. There should be a standard brief summary statement to describe the development at the first panel for anyone, not just a representor, where the reader does not have to open the documents to see what is actually happening. So have all summary information up front prior to viewing the documents would be most helpful.

Sometimes you think you are into the area where notifications are but there are no documents. The website is not easy to use at times. E.g. Rosary School application did not seem to show the documents. It created confusion for the user. This may have been a linkage error.

The 'Planning Alerts' volunteer web site is extremely useful, and we believe this should be integrated into the Plan SA website. We suggest the State Govt incorporates this into their website and buys this technology from the volunteers. The system should not be run by volunteers but by the government and it could then provide greater benefit to all. In the planning portal, anyone should be able to identify that they want alerts for planning applications.

The community is expected to know how to read architectural plans. Plan SA should provide advisors to help the community on how to read plans so that they can be well informed in providing accurate feedback to applications that are being notified.

We are pleased to see that you are inputting user feedback throughout the year as this is important for ongoing system maintenance and improvement. However, there is a possibility that so many changes, enhancements and 'tweaks' are made to the system that it loses the efficiency and effectiveness that it may have wished to deliver. Therefore, we recommend annual user surveys to the community to ensure the system is maintained to its optimum.

MOBILE APPLICATION FOR SUBMISSION OF BUILDING NOTIFICATIONS AND INSPECTIONS

3. Would submitting building notifications and inspections via a mobile device make these processes more efficient?

4. Where relevant, would you use a mobile submission function or are you more likely to continue to use a desktop?

Most professionals are using a laptop or tablet, and phone so making the functionality easier is a good thing. But this is still talking about efficiency of the process whereas there should be a focus on a mobile friendly website for everyone to use easily at any time.

There is a sign on the fence for a new development which is good now and photographing the QR code is helpful to get to the link. If you could put the feedback in via the mobile while you are at the front of the property looking at the development that would be helpful. However, please check that the QR codes are linked to the correct development application. We had an example of a member who checked the QR code for a recent Development Application and it went to an incorrect site with no documentation included. We note that the accompanying diagram/picture needs to be accurate and not distorted. With the application we tested the image was distorted and gives a false impression to the reader. The applicant was not happy to see their drawing pushed out of proportion.

Developing systems for mobile devices means making them easier to read, see links and navigate through which means rethinking the design and update your somewhat old-fashioned site. You should also have a website and mobile platform that is considered with disability access in mind. Making the whole process mobile friendly is a good thing.

ONLINE SUBMISSION FORMS

5. Is there benefit to simplifying the submission process so that a PlanSA login is not required?

6. Does requiring the creation of a PlanSA login negatively impact user experience?

7. What challenges, if any, may result from an applicant not having a login with PlanSA?

Reducing the time to get started with an application by not requiring a log in is helpful. Creating a log in account is not required for a representator which is good. We appreciate this will not dissuade people to make representations. For applicants the log-in parameters change every 3 months which users find quite difficult and unnecessary. This is not required for banking or other important data sources. We suggest installing a 2 factor authentication process to meet best practice security practices. We do appreciate the recent hacking experiences have left organisations feeling vulnerable but having a log in and password that expires every 3 months and won't let you use a previous password makes it very difficult for regular users. We suggest reconsidering your security access to something that is more convenient but not reducing the level of security.

We think if there is more access available online for representors, visitors or the general community that this will enable a broader cross section of the community, including those disadvantaged or disabled to learn and understand the planning processes and understand better what is happening in their neighbourhood.

The applicant is often an architect, and if the client wants to look at their application, they cannot see their plans without authority of the applicant. The architect can authorise the client to be able to view their own application, but we feel this is cumbersome. We suggest this be a system improvement that anyone named i.e. applicant or nominee when the application is first set up can automatically look at the application without permissions throughout the process.

INCREASE RELEVANT AUTHORITY DATA MANAGEMENT

8. What would be the advantages of increasing relevant authorities' data management capabilities?

9. What concerns, if any, do you have about enabling relevant authorities to ‘self-service’ changes to development applications in the DAP?

Who are the relevant authorities and decision makers? There is insufficient information in the discussion paper to make a judgment about this point. Self-service changes can be helpful for applicants, but these would need version history and alert notifications to all stakeholders. It is not clear how this would work, so further information is required.

INSPECTION CLOCKS

10. What are the advantages of introducing inspection clock functionality?

11. What concerns, if any, would you have about clock functionality linked to inspections?

12. What, if any, impact would enabling clock functionality on inspections be likely to have on relevant authorities and builders?

When the Development Act was implemented in 1993 the checking process changed. Prior to this there was a fear of penalty to do the right thing. But after 1993, Councils would not inspect as much anymore. We believe the system of trusting that everyone does the right thing is somewhat flawed. As no one ever gets pulled up to doing the wrong thing anymore there is likely a great deal of inappropriate and inaccurate activity occurring in practice.

Regular inspections would be a good idea, but we realise it has to be resourced. If Councils do not have the resources how will this be implemented? We do want more supervision to ensure that what was said and will be done. Perhaps it could be linked with GPS technology to say they have been to the site and done the checks? Perhaps the person doing the job can photograph the job, Council could view it online and if a site visit or inspection was necessary, they could then decide to go and view the job. Having the metadata capability within the mobile technologies would be helpful to verify location and time and date should be taken advantage.

In one example at the ERD Court Case in Burnside, a person had built a building slab 1 meter higher than the plan to get a better view of the city. The Council had refused the application and it went to the ERD Court where the decision was to retain it, but the applicant had to lower the roof line. The Court felt sorry that they had to pay \$100,000 to replace the slab. So the applicant got away with it. If there had been a Council inspection before they poured the slab, the process would have been circumvented and they would not have had to have the expensive and time-consuming court case.

The Discussion paper focus on clocks and we support this.

COLLECTION OF LODGEMENT FEE AT SUBMISSION

13. Would you be supportive of the lodgement fee being paid on application, with planning consent fees to follow verification?

14. What challenges, if any, would arise as a consequence of ‘locking in’ the Code provisions at lodgement? How could those challenges be overcome?

We see no point in separating the two. You would submit the lodgement fees together for whatever following consents are being sought. There is no logic in just paying the lodgement fee alone. You would not lodge the two documents for planning and building separately.

If there are Code amendments and the rules change, under the Development Act, the rules that apply are those at the time of application. If the rules change, then the application is measured against original. If the zoning allowed 4 storeys and that got reduced to 3 storeys, then the application when lodged would be locked into 4 storeys.

COMBINED VERIFICATION AND ASSESSMENT PROCESSES

15. What are the current system obstacles that prevent relevant authorities from making decisions on DTS and Performance Assessed applications quickly?

16. What would be the advantages of implementing a streamlined assessment process of this nature?

17. What, if any, impact would a streamlined assessment process have for non-council relevant authorities?

This process does not need to be any faster as developers are stretching the envelope all the time. There needs to be more time for quality decisions to be made. However, the logic noted in the Discussion Paper makes sense but likely requires further analysis.

AUTOMATIC ISSUE OF DECISION NOTIFICATION FORM

18. What are the advantages of the e-Planning system being able to automatically issue a Decision Notification Form?

19. What do you consider would be the key challenges of implementing an automatic system of this nature?

20. If this was to be implemented, should there be any limitations attached to the functionality (i.e., a timeframe for payment of fees or the determination will lapse)?

We believe there would be negligible advantages in this. It would not result in anymore building activity or employment in South Australia.

BUILDING NOTIFICATION THROUGH PLANSA

21. Would you be supportive of mandating building notifications be submitted through PlanSA?

22. What challenges, if any, would arise as a consequence of removing the ability for building notifications to be received by telephone or in writing to a relevant council? How could those challenges be overcome?

23. Would this amendment provide efficiencies to relevant authorities?

Remove Building Consent Verification

24. Would you be supportive of removing the requirement to verify an application for building consent?

25. What challenges, if any, would arise as a consequence of removing building consent verification? How could those challenges be overcome?

We would not be supportive of mandating this. All builders should submit everything through the portal if they can but the needs of older builders or people with disabilities need to be considered so that can access help when needed. When lodging for your own home an applicant would have quite limited expertise and would likely require assistance. We believe there needs to be an option to get assistance when required. The telephone service is helpful. We do ask that you stop talking about efficiencies, when you need to think more about quality customer service which is about effectiveness.

CONCURRENT PLANNING AND BUILDING ASSESSMENT

26. What would be the implications of enabling multiple consents to be assessed at the same time?

There is a risk to the applicant if they get the building and planning consent concurrently, and if only the planning consent is forthcoming, then the money spent on the application for building consent could be wasted. This is at the risk of the applicant. You could provide the option but make it clear that if the applicant has the planning consent refused, they will have to redo all of the plans at additional cost.

We support a slower process though to ensure a higher quality outcome. Pressure should not be brought to bear on planning authorities. Builders may put pressure on councils to speed up the process. The risk of allowing concurrent applications could be used as a leverage by builders and developers to pressure Council planners to give consent because it is all fully documented. We suggest caution about this point.

Two stages are important for ensuring that an appropriate guided approach is taken to planning and building. We understand the minimisation of time requirement from a builder's perspective, but this should not be anything to create pressure on planners.

INNOVATION QUESTIONS

AUTOMATIC ASSESSMENT CHECKS FOR DTS APPLICATIONS

- 1. What do you consider would be the key benefits of implementing an automatic system of this nature?**
- 2. What do you consider would be the key challenges of implementing an automatic system of this nature?**
- 3. Would you be supportive of the Government investing in developing this technology so that it may integrate with the e-Planning system?**

We discussed auto-assessment checks previously. We do not believe this will generate any further building activity or employment. We strongly believe you need to get the basics right first. Then you can start thinking about innovation. We think you need to create a better customer-oriented website and process first.

3D MODELLING FOR DEVELOPMENT APPLICATION TRACKER AND PUBLIC NOTIFICATION

- 4. What do you consider would be the key benefits of the e-Planning system being able to display 3D models of proposed developments?**
- 5. Do you support requiring certain development applications to provide 3D modelling in the future? If not, why not? If yes, what types of applications would you support being required to provide 3D modelling?**
- 6. Would you be supportive of the Government investing in developing this technology so that it may integrate with the e-Planning system?**

We agree that 3D modelling would be good. The Adelaide City Council has invested in building a 3D model of the city and the advantage is that modelling is not fudged. When developers put in applications, they can make their applications look slightly different against scale against

other buildings to provide a benefit to them. We think any development over 3 storeys should require 3D modelling with accuracy.

AUGMENTED REALITY MOBILE APPLICATION

7. Would you be supportive of the Government investing in developing this technology so that it may integrate with the e-Planning system?

This would depend on how much it costs. We believe you need to get the basics right first. We suggest the government investment be directed to helping councils undertake historic surveys of their historic areas and buildings that are not listed. This is imperative and councils need support for this.

However, the Discussion Paper suggests some interesting innovation to provide an improved service. It would likely depend upon cost but having the experience of the impact of a development in its locality, through augmented reality would be very helpful, as long as the service was available to all.

ACCESSIBILITY THROUGH MOBILE APPLICATIONS

8. Do you think there is benefit in the e-Planning system being mobile friendly, or do you think using it only on a computer is appropriate?

9. Would you be supportive of the Government investing in developing this technology so that the PlanSA website and the e-Planning system is functional on mobile?

On a general note about accessibility, we think the Accessible Housing Standards should be incorporated into the Code. We support Minister Champion on this matter.

OTHER

Demolition should be Development

With the new Act and making development exclude demolition, it will be just described as 'construction of new 2 storey house' and omits the 'demolition' aspect. As demolition is not development there are no metrics on demolition. This needs to change and have any demolition included in planning applications. Currently anything can be demolished easily without application. No one wants to see a vacant site where a historic or other building once stood. Not including comments about the demolition aspect skews the description of the development. It is inaccurate and misleading. When representors then want to put in comments about demolition, the comments cannot be included.

Also, all representations need to be included, not just those for the specific address e.g. 73 and 75 William Street, Norwood. Only the comments regarding the reason for notification were included and this limits useful community feedback.

Copyright

Where councils take things down from the web after public notification, they won't let people view the plans citing copyright issues. People therefore cannot let a professional consultant view the plans because Council will not provide the plans. This results in resorting to screen shots during the public consultation process or download and save the documents. We believe the documents should be retained on appropriate websites as a matter of course.

We have included two responses from our member groups to supplement our feedback.

This description is provided by the Prospect Residents' Association (PRA)

Finding our way around the system

The new system is incredibly difficult for the community to navigate and understand especially people who have never had anything to do with planning and building applications. We are now expected to understand and interpret architectural plans, to understand and interpret technical planning vocabulary, PO's DO's and work out what they actually mean. In our endeavors to do this we keep getting it wrong. You need to find a written way of describing the plans that is comprehensible to the ordinary person. On top of that it is very time consuming to have to scroll through pages of these technical terms and work out if anything fits the concerns we have about a development. Again this is very complicated when it is written in planning speak. This is not useful or helpful for the community and is seen as yet another way to keep the community out of planning and to favour developers and builders and applicants. The old development plans were much easier to follow and made much more sense to the community. On top of that there are too many ways into public notifications on the portal and some have documents attached and some do not for the same development which makes it hard to find a particular developments documents. There is too much explanation material about how it all works so that it is hard to find the link to a particular development on notification which is nestled amongst a large amount of material.

We recommend a link just to the development notifications with the documents attached that is free from all the explanation material. The explanation material should then be found from a link on the page rather than being on the page. It complicates the process far too much having so many ways to access the material and it being buried in so much written material.

This description is provided by the Western Adelaide Coastal Residents' Association (WACRA)

Access to Processes – Disadvantage of the Centralised e-Planning System

The current Labor Government claims it is committed to upholding equity. The current Act and its administration have many levels of expectation of competence built into it for citizens which are not reflected in Australian Bureau of Statistics (2011-2012) that show an estimated 44% of Australian adults do not have literacy skills needed for everyday life. The South Australian PDI Act and Planning and Design Code assumes digital literacy and fluency with its sole point of entry as the PlanSA portal. All applications on public notification are listed on the PlanSA portal and all public representations or submissions are lodged through the PlanSA portal. Compare that with the previous system where a verbal person who was not necessarily literate could talk with their Council planning officer, circumventing the need to read or write themselves. The ability to navigate the PlanSA portal assumes both access to computers, and the ability to navigate and read fairly complicated material. The PlanSA portal further assumes visual ability disadvantaging partially and wholly blind people. Many normal sighted people have not been taught how to interpret architectural plans which makes it hard for them to participate in representations about developments.

Disadvantage is compounded by the system where notified development applications require a sign on the land, which is linked to the PlanSA portal through a QR Code. Recent experience with Covid QR check-ins showed that a solid minority of South Australians do not have or use mobile phones. Where are the 'reasonable adjustments' required by the Commonwealth Disability Discrimination Act (DDA) when it comes to how South Australians must use the portal? Has this been considered in setting up the system? WACRA asks that: The Department assign an officer with specialist skills to be available as an access resource person, much as Arts South Australia does with its disability fund, the Richard Llewellyn Deaf and Disability Grants to assist people with disability or literacy issues to engage in the process. It should re-introduce the DPTI Accessibility Advisory Committee to work with PlanSA, as they have previously done in the transport area, to bring up issues to improve the system's operation for many potential users with a variety of disabilities. It should advertise that Council Duty Planners are available to go through particular plans with people who require extra guidance for whatever reason.

CONCLUSION

We thank you for the opportunity to provide this extensive information to you. We do sincerely hope that the required changes will be made to the Act, Code and System to enhance the community's experience, and not just focus on the industry's needs. The community far outweighs the industry membership, and this is an often-forgotten fact.

We all need to work in harmony to create a wonderful, livable, healthy city where we retain and respect our heritage, we provide housing for those whom need it (including enough social housing) and respect the needs of special groups within our community who need additional support and assistance.

The planning environment is not just about applications and approvals. It is a much more holistic environment. We all need to remember that, especially the government. With the Labour Government now in power and Minister Champion driving this review, we hope you, as Expert Panel members will see the reality of the current situation and appreciate the need to change it quickly, before we lose more of what is truly important to South Australians.

Thank you and we look forward to reading your report and recommendations in 2023.

Kind regards

Dianne van Eck

Dianne van Eck
President
Community Alliance SA

Ph 0412 417774

Community Alliance SA Inc
PO Box 520
Goodwood, SA 5034

Engaging for Reform

