27 February 2020

The Chair
Mr Michael Lennon
State Planning Commission
Level 5, 50 Flinders Street
ADELAIDE SA 5000

Email address; DPTI.planningreformsubmissions@sa.gov.au

Dear Michael

RE THE PLANNING AND DEVELOPMENT CODE

The South East City Residents Association (SECRA) believes that the south-eastern area of Adelaide contains examples of poor planning decisions. The old TPI site with the heritage-listed Davaar House, the now empty block on Hutt Street which was occupied previously by two gracious villas and the Hume Street serviced apartments which are entirely out of scale with it cottage neighbours are examples. SECRA seeks a planning system which assists local communities to thrive and develop while responding to challenges of increased urbanisation and climate change.

SECRA has partnered with the Community Alliance of SA (CASA) to make sense of the enormous undertaking to reform our existing planning system. Dr Iris Iwanicki has been instrumental in developing CASA's response to the reform of the Planning and Development Code. SECRA supports the following executive comments:

- **Given the undertakings of the legislation and Commission to consult widely on a simpler, clearer and more transparent new planning system, CASA wishes to communicate to the Commission, the Minister for Planning and the Premier that community engagement has failed to convey the new system as a simpler, clearer and more transparent system,**

- **The Planning and Design Code cannot be accessed and understood via the planning portal as it is not fully operational. It is almost impossible for members of the community to understand Code content online without comparison tables demonstrating how current and proposed zones changes will affect them, and**

- **Also, for those residents who reside in heritage or character overlays, it was impossible to respond until after the area statements were released on 23 December 2019, just two days before Christmas.1**

SECRA finds that the City of Adelaide Council believes that the Draft Code is "not ready for implementation".2 A council report notes that while a delay in implementation has been announced the state government should ensure that

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1 Community Alliance South Australia, Draft Submission, 22 February 2020.
2 City of Adelaide, Planning and Design Code Phase 3 Submission, Working Draft, 26 February 2020 has been the major, but not only source of the views of Council.
• The critical issues of completeness, quality, consistency, training and business readiness are resolved prior to the Code coming into effect as the State's most significant instrument for development assessment. The need for more time is further exemplified by the underdeveloped status of the ePlanning system and the training and implementation program required to enable a smooth transition to use of the Code, and

• Unresolved, these issues pose real risks to the future environment, community and economy of the City of Adelaide. The matters identified are not critique for critique's sake, but rather represent the City of Adelaide's fundamental commitment to the role of good planning in shaping a smart, green, liveable and creative capital city.

Despite SECRA's best efforts which have included participation in numerous events and consultations leading up to the release of the draft documents, the Planning and Development Code has proved to be mostly inaccessible due to its size (over 3 000 pages of documentation) and scope (a state-wide system rather than locality-based). The implementation of an incomplete system is of great concern as SECRA notes that the City of Adelaide indicates that the reforms will result in "some impacts to every property."3

Some of SECRA's specific comments are:

• **Re-examine previously proposed properties to be listed as heritage buildings in the south-east corner of Adelaide in conjunction with the Adelaide City Council.**

It concerns SECRA to note the limited historical areas recognised in the Adelaide Historic Area Statement (Adel14) covering the south-eastern precinct. The National Trust of South Australia4 quotes SECRA as saying

Heritage places and precincts are important for the economic, cultural, social and spiritual health of a community and a State. This seems obvious, but it also seems that it needs to be pointed out again and again. Tourists love our Park Lands and our heritage precincts and buildings. They are a point of difference with other Australian capitals.

SECRA would like heritage protection offered to more properties in the south-eastern sector of Adelaide to support and continue the "village" character of the area which is so highly desired by developers, businesses, residents and tourists alike. SECRA supports an examination of the previously excluded sites of heritage value and where appropriate establishing their heritage status as soon as possible.

• **In order to protect our existing community framework, SECRA does not support any reduction of the demolition controls.**

SECRA is pleased to see a demolition policy in the Heritage Policy overlay in the Draft Code, which states the "the general intent of the overlay is to preserve places of Local Heritage value." Further, the Draft Report says that all planning decisions are made on the balance of all factors and that the overlay is not intended to "assist building owners who deliberately neglect their premises for them to fall into disrepair to enable demolition under this provision".

However, under the Draft Code, no provision is made for demolition control in the City of Adelaide other than for a listed heritage place which requires addressing.

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3 Lord Mayor's Community Forum – State Planning Reform held on 9 December 2019 in the Meeting Room Adelaide Town Hall.
• **Interaction of other legislation such as the Adelaide Park Lands Act for the protection of the Park Lands.**

Due to recent events which support and encourage commercial developments on the Adelaide Park Lands and city squares such as the hotel on the Adelaide Oval, the administration and training facility by the Adelaide Football Club on Park 2, the redevelopment on Lot 14 following the relocation of the Royal Adelaide Hospital, the hotel at the rear of Parliament House, and proposals for the relocation of the Women's and Children's Hospital and further clubrooms both on the Adelaide Park Lands, it is apparent that the current legislation and planning controls do not adequately protect our unique heritage.

SECRA acknowledges and supports the work undertaken by the Adelaide Park Lands Authority Board in conjunction with the City of Adelaide to develop a more appropriate planning framework for the Adelaide Park Lands than that proposed in the Draft Code. We would also like to see the primacy of the *Adelaide Park Lands Act* established over the Planning and Design Code, where there is any inconsistency.

• **Clarification on issues relating to the City Living Zone.**

On an operational level, SECRA is concerned that the Draft Code may not sufficiently address the protection of residential areas from inappropriate commercial land uses. SECRA supports the City of Adelaide's submission which seeks to include the following wording in the City Living Zone for example:

"Non-residential land uses limited to land lawfully used for non-residential purposes and to comprise land uses more in conformity with the intended residential amenity, and they should be of a scale and role to not prejudice the envisaged development of non-residential zones."

Regarding the height of buildings in that zone, again SECRA supports the City of Adelaide's submission where the current use of the concept of "merit" allows distortion within city zones. The Council has included the following:

"The height of new buildings, including the floor to ceiling clearances of each level, are to take reference from the prevailing building heights within the locality, with particular reference to adjacent heritage places, and

"Development proposing a building higher than the prevailing building heights that contribute to the character of a locality to ensure that the taller building elements are setback from street frontages to avoid a detrimental impact on the prevailing character."

Further, it is difficult to identify the role, location and establishment of catalyst sites within the city which can significantly impact upon the local community fabric.

• **Expansion of proposed appeal rights.**

SECRA is concerned about the changes in appeal rights for developments within the City of Adelaide. Higher living densities in Adelaide will result in changes to its land-use and have significant implications to a wide range of interests beyond those proposing the development. Therefore, the appeal rights to development within Adelaide should be widened rather than made more restrictive. Sound public administration principles would suggest that those affected by a decision should have a right to a view and a right of appeal. Therefore, SECRA would like to see a comprehensive planning appeal system implemented to support the planning reform at all levels.

SECRA would like to acknowledge the work of both the City of Adelaide and CASA, particularly their draft submissions, which formed the base for much of our own work.

Finally, I refer to your commitment made to SECRA to provide feedback on consultation submissions. While SECRA acknowledges that it may be impractical to give feedback to every submission at the
end of this consultation process, SECRA would like to see a public document summarising the concerns and comments obtained through the consultation process and provide commentary on whether or not these were accepted together with reasons.

Thank you for the opportunity to comment on this matter, and SECRA would be pleased to provide further information about the issues raised by this submission if required.

Yours sincerely

Elizabeth Rushbrook
Chair
South East City Residents Association
Ph. [Redacted]