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## State Planning Commission

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### Planning and Design Code Phase Three (Draft) Feedback

After numerous discussions with people living in the communities “The Public” and local council in which both should have a say in what is acceptable planning and development in their communities some of the following concerns with the current Draft Planning and Design Code Phase Three require review and amendments.

#### 1. Heritage

- **Contributory Heritage**  
Contributory Heritage has not been adequately addressed or protected. Keeping the current heritage overlays and transitioning them to the to the new code as a Historic Layer (as per council suggestion) would not disadvantage any current owner or proposed buyer as the goal post have not changed while preserving our heritage.
- **Local & State Heritage. (& Contributory Heritage)**  
Statements relating to heritage and demolition of heritage in the code are vague, absent, ambiguous and open to interpretation which leaves a grey area and does not provide the same protection the current system provides therefore their protection is weakened which will most likely result in losing heritage places that are unique and irreplaceable.
- The ERD Committee’s Heritage Enquiry recommended for Contributory Items to be transitioned into the first iteration of the P&D Code

#### 2. Height, Setbacks, interface and Privacy (overlooking)

- Allowing 6 story buildings along urban corridors is unacceptable and inappropriate as it does not protect adjoining properties and neighbours (especially residential places). There should be gradual setback interfaces between residential, commercial, industrial and High Rise Apartments.
- 6 story buildings along urban corridors especially adjacent residential places creates a host of issues including but not limited to overshadowing, overlooking, privacy, amenities and blocking sunlight (for backyards, rooms in houses and solar panels).

- Window screening should remain at 1.7 metres high (on the second story and above) and not reduced which will impact privacy and overlooking which every resident should be entitled to.
- Building envelop (height and setback) should remain at 30 degrees and not 45 degrees creating similar issues mentioned above.

### **3. Urban infill**

- Urban infill in some areas are 2 for 1 (or greater) infill developments which does not include accompanying improvement in infrastructure (including schools). This should be included cost or otherwise by the people developing as they are creating the demand for increased infrastructure and should be liable for it and needs to be part of the code.
- Multistorey developments and new homes have inadequate onsite carparking requirements which is an issue currently experienced creating off site carparking in the narrow street resulting in traffic congestion, traffic flow and emergency services unable to reach destinations in a timely manner (to save a life) or at all with their vehicle.
- No side and rear setbacks for buildings (including houses) on the draft code.
- Open space is inadequate thus creating a bricks and mortar streetscape.

### **4. Uniform Code**

- A one size fits all approach (uniform code for all suburbs) in planning and development cannot work in an already established city. Existing zones and suburbs are already in existence and were built to the zoning categories already established. This would require different rules for different zoning categories to ensure built form, liveability, heritage and amenities are maintained for people currently living in these zones. This would be unfair and undemocratic to change a person's landscape after the fact.
- Uniform rules would work fine when developing a "NEW Suburb" that does not currently exist.

### **5. Council**

- Council input in the new planning and development code is paramount and should be taken seriously as their wealth of knowledge and many years of experience in planning is a valuable asset. They have developed DPAs which have taken years to develop and "PERFECT". Their experience is invaluable and their concerns should be addressed in planning and development which will avoid making mistakes and learning the hard way (like reinventing the wheel unnecessarily).

- NPSP (Norwood, Payneham & St Peters) Council submission to the Draft code identifies numerous and significant errors and omissions in the DRAFT code which mostly definitely require addressing.

## 6. Appeal

- For a democratic society to exist (Australia is a democratic country) then there should be an appeal process available to any interested party in all development categories in residential areas. This needs to be added to the code otherwise the process is a communist approach, non-transparent and unfair.

## 7. Don't Rush Get it Right First Time

- The DRAFT Code contains omissions and errors which many people have highlighted these concerns which have not been addressed yet. The DRAFT Code deadline should be deferred and not rushed and time should be taken to address all issues and get it right the first time.
- When changing a gigantic Code like the Planning and Development Code it is a massive job but important issues highlight by people need to be considered and addressed in a fair, transparent and neutral manner to ensure good Planning and Development for many years to come. If it means deferring the July 2020 date then that's the approach which should be taken instead of proceeding with a DRAFT Code that contains numerous issues highlighted by many people as this will avoid irreparable damage to the State and create an undemocratic system.

In summary the DRAFT Code contains numerous issues and concerns that need to be addressed and not ignored as people "The Public", Councils and Community Alliance of South Australia have raised these concerns and they need to be addressed in a democratic transparent way.

"The Public" voted in the government who is supposed to represent the majority of "The public" and in turn the government bodies like The State Planning Commission and DPTI work for the government are in essence working for the people, not against them.

The DRAFT code needs a democratic approach and not a communist approach as it will effect every person in the public and the place / community they live in.

I urge that the DRAFT Code deadline be deferred so that concerns can be reviewed and amendments be made to the current DRAFT Code which contains numerous omissions and errors and can currently labelled not fit for purpose. Surging ahead most likely lead to irreversible damage to the State which we all want to avoid.

I would like to thank you for the opportunity of providing feedback and look forward to responsible action being taken including the points mentioned above.

Kind Regards

Tony Di Giovanni

Cc:

Department of Planning, Transport and Infrastructure  
Hon Mr Steven Marshall MP (Member for Dunstan)

Cc:

Hon Ms Vickie Chapman MP (Member for Bragg)

Hon Stephen Knoll (Minister for Planning, Transport and Infrastructure)

Chair, of the Environment, Resources and Development Committee of Parliament

Mark Parnell MLC