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Kensington Gardens SA 5068

ATTENTION: State Planning Commission

By email: DPTI.PlanningReformSubmissions@sa.gov.au

To Whom it May Concern

SUBMISSION ON PLANNING & DESIGN CODE - PHASE 3 (City of Burnside)

In response to the draft Planning and Design Code – Phase 3, which is currently out for public consultation, I wish to register my very strong objections to a number of issues, summarised below. The Code contains many policy provisions and implications that have the potential to be hugely detrimental to the character and amenity of both urban areas and historic and rural SA communities and townships.

I am deeply concerned that this Code is being introduced with undue haste and the public consultation period is not sufficient for full discussion. The e-Planning portal is not complete, so does not allow public access to much of the information that is critical to the plan. What's more, the implementation of the Code is totally dependent on this electronic tool.

1. General Neighbourhood Zone

The draft Code places some areas (RPA2 & RPA3) of my Kensington Gardens & Magill Ward, in the General Neighbourhood Zone. The policy in this new zone is entirely at odds with current zoning policy and allows for a far greater density of development than existing. The current zone focuses on preserving character, rather than accommodating change and infill and does not envisage a greater range and intensity of development. I request that you move all residential areas to the Suburban Neighbourhood Zone with TNVs to match existing conditions.

2. All Existing Residential Areas

- a) Non-Residential land use: Currently in the City of Burnside's residential areas, shops, offices and educational establishments are non-complying. In the new Code, existing residential areas will allow these non-residential uses, which will adversely impact traffic, parking, noise, neighbour amenity and the character of our suburbs. This is totally unacceptable. All uses which are currently non-complying in our residential areas (e.g. office and shop) should be "restricted development". Alternatively, a new zone should be created purely for residential land use.
- b) Siting and Setbacks: Under the Code, building setbacks from side and rear boundaries will noticeably decrease, particularly at upper levels. This is unacceptable and will severely impact amenity and privacy. Existing siting, setback and floor area criteria should be maintained throughout all our residential areas.
- c) Density and Allotment Sizes: The draft Code contains a number of errors and omissions. It is important that current minimum allotment sizes, heights and frontage widths match existing.

3. Historic Area Overlay

The lack of identification of Contributory Items in the Code, by either a map or list of addresses, will create uncertainty and confusion for owners, prospective buyers, neighbours and developers. Existing protections and identification of Contributory Items should be maintained.

4. Commercial Centres

The Code places large scale centres in the same zone as small local shops, allowing large scale development and more intensive land uses throughout all these areas. This is inappropriate. A hierarchy of centres should be maintained. Additional zone(s) are needed to cater for the lower intensity local centres, particularly in older established areas.

5. Public Notification

The Code should reflect the City of Burnside's current Development Plan policy with respect to the notification of neighbours and the public. The apparent abolition of the current requirement to notify impacted residents of prospective developments is unconscionable. The Code should include notification for all development that increases development intensity, including additional dwellings on the site, two storey development, earthworks where new dwelling is located 600mm above ground level, and change of use from residential to non-residential.

6. Tree Canopy and Climate Resilience

The 30-Year Plan calls for an increase in tree canopy cover; however, the draft Code works directly against this by facilitating larger developments, with easier removal of trees on both private and public land. This will result in a significant reduction in canopy cover, habitat loss and climate resilience, due the increased infill development opportunities, reduction in minimum site areas, site coverage, setbacks and increased number of street cross-overs. It has been proven that fewer suburban trees translates directly to hotter street temperatures.

The current Liberal Government was opposed to John Rau's PDI Act when in Opposition. Since gaining office, what has changed to reverse that position, for the Government to now be so enthusiastically supportive of this destructive plan that destroys heritage, character and amenity in our enviable city and State. It appears that sustainability, biodiversity, open space, greening and climate change have received little attention in this draft Code, despite these being recognised as issues of utmost importance facing our community and our times.

Unless the above issues are addressed and the draft Code is amended to reflect these concerns, there will be an unacceptable loss of local character and amenity in my and other neighbourhoods. I submit the draft Planning and Design Code is not fit for purpose and contains unacceptable provisions for built and natural heritage. It must be substantially deferred, repaired, re-constructed and submitted to a proper and inclusive community consultation process.

I trust that the concerns detailed above will be given your full consideration.

Yours sincerely



Josephine J Bills

Resident, Kensington Gardens & Magill Ward