



City of
Norwood
Payneham
& St Peters

File Number: S/04363
Enquiries To: Eleanor Walters
Direct Telephone: 8366 4521

[Insert Date]

Mr Tim Anderson QC
Chair, State Planning Commission
By Email: DPTI.PlanningEngagement@sa.gov.au

Dear Mr Anderson

DRAFT STATE PLANNING POLICIES FOR SOUTH AUSTRALIA

I refer to the release of the draft State Planning Policies for South Australia.

Thank you for the opportunity to provide comments on this important document, which seeks to set out the planning and land use implementation framework for the State.

As the highest level statutory planning instrument in the new planning system, it is vital that the policies provide a balanced and comprehensive set of development and infrastructure priorities for the State. The need for balance and completeness is amplified by the fact that the *Planning and Design Code* will now be formulated without a Regional Plan to guide the spatial application of the State Planning Policies. This missing step of the implementation, negotiation and agreement on the spatial interpretation of the policies, needs to be compensated by providing clarity in the drafting of the State Planning Policies. This will be a challenge to reconcile these competing tensions and priorities given the stated desire for each of the State Planning Policies to have equal weighting.

It is pleasing that the draft State Planning Policies seek to address a range of issues and current and future challenges facing our State and from this perspective the overall intent of the policies is supported. Much of the content is familiar with its origins in the 30 Year Plan for Greater Adelaide, although not all of the content has been carried across to the State Planning Policies. When read independently, most of the State Planning Policies promote positive aims and aspirations, however complexities arise when considering potential conflicts between the policies, how the policies will be applied and the risk that a number of policy issues or themes have not sufficiently been addressed or acknowledged. The Council's response to the policies is set out below, detailing a number of comments, concerns and areas where further clarification is required.

Process and Public Consultation

The Council considers that the engagement process which has been undertaken for the State Planning Policies, being the first designated instrument under the Community Engagement Charter, falls significantly short of what is expected under the Charter and what local government and the community have been promised. Indeed, examples of engagement which are set out in the Charter for State Planning Policies, have not been followed.

It is appreciated that following requests by Council staff and residents' associations efforts have been made by staff from the Department of Planning Transport & Infrastructure (DPTI) to meet with local community interest groups to discuss the State Planning Policies, following requests by Council staff and residents associations.

175 The Parade
Norwood SA 5067

PO Box 204
Kent Town SA 5071

Telephone
8366 4555

Facsimile
8332 6338

Email
townhall@npsp.sa.gov.au

Website
www.npsp.sa.gov.au



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As a result of the process which has been followed, the engagement outcomes have been disappointing, partly attributed to the Department's resistance to sharing the Engagement Plan with the Local Government Sector, which has led to gaps in the consultation process. Comments which the Council has received from our community, indicates that many citizens are unaware of the release of the State Planning Policies. The preparation of the Engagement Plan is designed to identify the target engagement audience and the most suitable forums to reach them. If there are gaps in the Commission's knowledge of local community associations, interest groups, stakeholders and audience, sharing the Engagement Plan with Local Government sector, would provide the opportunity to assist in informing these consultation gaps.

The initial scheduling of a single "drop in session" held in the City, does not fulfil the requirement of informing and engaging a State-wide audience on the scope of the State Planning Policies and is not within the scope of the Community Engagement Charter.

Application of SPPs and Missing Regional Planning Process

The draft State Planning Policies document notes that the SPPs do not give more weight to any particular state interest over another, recognising that regional and local context must always be considered when integrating state policies at these levels. The document also notes that resolving potential conflicts and tensions should be undertaken "*efficiently, transparently and must involve consultation with the community*". The Council understands that the intended transparent consultation with the community to resolve these tensions through a Regional Plan process, will not occur prior to the setting and commencement of the Planning and Design Code in July 2020. This is a significant gap in the implementation process which in turn will necessitate greater interrogation of the ways in which the State Planning Policies may be interpreted and applied, without clarity of the spatial resolution of these competing objectives through a regional planning process with the community.

The Council is concerned that due to timing pressures in resolving Joint Planning Board structures, new Regional Plans will not be developed until after the spatially applied Code has been developed and come into effect. The substitute process of adopting the *30 Year Plan for Greater Adelaide* in the interim, does not fulfil this gap. As the Council has advised in its submission on the *How Will it Work Technical Paper*, the *30 Year Plan* does not provide the spatial resolution required to prioritise and guide planning policy in translation of the SPPs to the *Planning and Design Code*.

It is unclear how conflicts between policies can be resolved if there is no regional plan which has been prepared to spatially apply these policies or provide clarification on regional priorities. For example, would coastal protection override the need for increased densities in beachfront suburbs, or would the need for increased densities override the need to preserve biodiversity in the foothills? Many of these types of tensions arise in the application of the SPPs to planning policy formulation. It is the lack of collaboration on a Regional Plan, that is the missing step in negotiating a "finer grain" of policy regime between local and State Government. This interpretation and implementation issue is likely to be the source of conflict in setting planning policy, well beyond the commencement of the Planning and Design Code until such time as the Greater Adelaide Regional Plan is prepared.

While it is appreciated that the SPPs are a high level document intended to provide strategic statements, the lack of specific detail combined with the absence of regional level planning, causes significant uncertainty about how these policies will be applied and how conflicts between the various policies will be resolved and addressed at the development assessment level, **a level which is fundamentally important in any planning system**. It is expected that there will be significant challenges in delivering development which incorporate well designed, durable and climate-smart buildings which can be provided as affordable housing and it is unclear how inner suburbs can accommodate increased densities as well as increased green canopy cover. Decisions will ultimately need to be taken to determine which of these State Planning Policies will prevail.

In a logical planning sequence, a well resolved regional plan is of critical importance in cascading the respective State policies, through to regional priorities and greater spatial resolution, which in turn provides the framework for interpreting and setting local policy.

By way of example, the *30 Year Plan* includes Map 14 which is titled *Metro infill vs metro/fringe township* and shows the whole of the City of Norwood Payneham & St Peters designated as "metro infill" in the legend. Is the interpretation of State Planning Policy 6 Housing Supply and Diversity, intended to apply universally across the City of Norwood Payneham & St Peters in accordance with

Map 14 in the *30 Year Plan*? Further ambiguity arises if Map 2 from the *30 Year Plan* is used for the interpretation of State Planning Policy 6. Map 2 (Activity centres and mass transit routes) is intended to illustrate the policy theme (heading) of Transit corridors, growth and activity centres, but the critical policy gap is the mapping of growth areas which are excluded from the map. It is this level of missing detail that will become the subject of much conjecture and debate when stakeholders seek to pursue development opportunities based on generic references in the State Planning Policies and broad-brush maps in the *30 Year Plan*.

These sensitive policy issues require careful and detailed consideration in the application of the urban infill policies, balanced against other policy priorities including heritage and protection of character areas and retention of existing green landscape spaces. Without a regional plan to clearly delineate the next spatial layer in implementing the State Planning Policies, the potential conflicts and tensions will not be able to be “efficiently and transparently” resolved, until such time as the Planning and Design Code is being applied.

The SPPs commendably recognise the significance of cumulative impacts arising from development on the environment and on infrastructure, which are particularly problematic for established metropolitan areas where development typically occurs through incremental opportunities. However, in order to address cumulative impacts, the potential issues and outcomes for a region or local area, should be assessed to determine what requirements need to be included in the Planning and Design Code policies upfront. For example, where a local area experiences significant stormwater management issues, water sensitive urban design (WSUD) should be a priority and will need to be reflected in the Deemed to Satisfy criteria for infill development.

Application of the Policy Instrument

It is unclear whether the document as a whole (i.e. supporting text, Principles of Good Planning, Our Targets, non-statutory guidance notes etc), or the policies in isolation, constitute the statutory instrument. The supporting text is useful in understanding the background and context of the policies and in some instances address issues not covered in the policies. For these reasons, it is recommended that elements of the supporting text be included as Principles of Good Planning. However, if it is only the policies in isolation which represent the statutory instrument that will inform the lower level planning instruments, then this context, detail and support will be lost. Clarification is required on this important question.

Definitions and Terminology

Although the draft SPP document provides a glossary of terms, it is recommended that additional definitions be provided to ensure that the intent of the policies is clear and the terminology is not open to interpretation. In particular, definitions for the following terms will assist in understanding the intent and scope of the State Planning Policies:

- green technology;
- green infrastructure;
- low/medium/high density;
- low/medium/high rise;
- climate-smart buildings;
- water sensitive urban design;
- carbon sequestration;
- small lot housing;
- employment lands
- heritage and historically significant places; and
- corridor catchments.

While other related documents, such as *the 30 Year Plan for Greater Adelaide*, may provide definitions for these terms it is important to provide definitions in the document so that readers are not required to refer to other documents, particularly given that the SPP document is intended to ‘out live’ the *30 Year Plan*. The terms ‘density’ and ‘rise’ ‘scale’ are used almost interchangeably in the document and can easily be misinterpreted, so policies which refer to these should be clear in their intent.

In respect to density, the *‘Understanding Residential Densities: A Pictorial Handbook of Adelaide Examples’ (November 2006)* prepared by the State Government, defines density as follows:

	Approx Gross Density (Dwelling/Hectare)	Approx Net Density (Dwelling/Hectare)	Ave Site Area per Dwelling
Very Low Density	Less than 11 dw/ha	Less than 17 dw/ha	Greater than 588m ²
Low Density	11-22 dw/ha	17-33 dw/ha	303-588m ²
Medium Density	23-44 dw/ha	34-67 dw/ha	149-294m ²
High Density	Greater than 45 dw/ha	Greater than 67 dw/ha	Less than 149m ²

Many members of the community would perceive the threshold between low and medium density in a typical suburban area, to be in the order of perhaps 400m² allotments, rather than 300m² and would be surprised that allotments as low as 150m² represent medium density rather than high density.

Similarly, with respect to building 'rise', the 30 Year Plan provides the following definitions:

Low Rise	1-2 storeys (above ground level)
Medium Rise	3-6 storeys
High Rise	More than 7 storeys

SPP1: Integrated Planning Policy 8 states:

“Support metropolitan Adelaide as a predominantly low to medium rise city, with high-rise focussed in the CBD, parts of the Park Lands Frame, significant urban boulevards and other strategic locations where the interface with lower rise areas can be managed.”

Given the apparent emphasis on infill development as a prevailing theme of the State Planning Policies, it should be made clear that SPP 1.8 anticipates an urban form across metropolitan Adelaide of up to six (6) storeys. These clarifications in the language which is used are very important in transparently communicating the intent of the Government's intentions particularly as spatial application is not defined in the 30 Year Plan and clarity of these densities and heights will be required in developing and spatially applying the Planning and Design Code.

Including definitions for 'density', 'rise' and similar terminology, is very important in ensuring that the community is clear on the intention and possible spatial outcomes of applying of the SPPs.

Distribution of Density and Land Uses

When comparing the volume, content and the specificity of some of the State Planning Policies against others, it is clear that the suite of policies place a significant emphasis on development and infill opportunities. The policies also strongly encourage a move towards mixed use development rather than the traditional planning practice of separating non-compatible land uses. Whilst the Council agrees that inner metropolitan areas are capable of accommodating increased densities and mixed use precincts in selected appropriate locations – and indeed has supported such an approach in collaboration with the State Government - the SPPs must also contain statements that recognise the significant value of the lower density areas and single use zones that form such an integral part of inner metropolitan Adelaide area and which are strongly valued by local communities as highly desirable, liveable neighbourhoods. The lack of recognition of the existing built form characteristics which make inner metropolitan Adelaide area so attractive to locals and visitors, is alarming.

The draft policies frequently present an oversimplified, generic approach to the concepts of mixed use and urban infill opportunities, without statements to qualify how these will be balanced and applied in zoning controls. The urban form model for the City of Norwood Payneham & St Peters as an inner suburban area of “*medium – high density with mostly mixed land uses*”, is completely at odds with current patterns of development, existing policy settings and out of sync with community expectations – an element which seems to have been missed in this process.. In short, there is no good reason why we cannot achieve both sensitive infill development and retention of the valued and existing

characteristics across inner metropolitan Adelaide area and the Council calls for the inclusion of such recognition in the State Planning Policies.

An example of a policy which places a strong emphasis on infill and development opportunities is SPP6.5: under Housing Supply and Diversity which states:

“Provide a permissive and enabling policy environment for housing within residential zones, including the provision of small lot housing and aged care accommodation.”

This policy implies that development policies in residential zones will be flexible to encourage new development and infill, without due consideration given to the large portions of residential zones which contain character and heritage buildings worthy of retention. It is considered that qualifying statements such as *“in appropriate areas”* must be included to future policies seek to balance development needs, but ensure areas such as heritage areas and Historic (Conservation) Zones which are of significant importance to the community, are avoided.

Policy Flexibility

Several policies relating to adaptive reuse, affordability and land uses, seek greater flexibility in policy frameworks. While this can be supported in appropriate circumstances, it is important to consider the potential impacts on surrounding occupiers of properties and users. Good outcomes for reuse, affordability and commercial uses are supported, but not to the significant or unreasonable detriment of others. It is unreasonable for communities which surround a property where policy flexibility is being contemplated, to be subject to the unknown planning outcomes that this creates. Policy flexibility is at odds with the certainty which is a stated objective of the Planning Reforms and the messaging around this cannot deliver both ends of the spectrum.

Policies relating to public realm

The draft SPP document contains numerous references to the public realm which is supported and encouraged, however this is generally not able to be implemented through planning policy. Most work undertaken on public land (primarily reserves) is exempt from the development assessment process so there will be limited scenarios where the Planning and Design Code will apply to these areas, the exceptions being work on public buildings such as libraries and community centres, or where large scale developments result in the creation of, or interaction with, the public realm. It is assumed that references to the public realm are intended to be implemented through future regional plans and infrastructure schemes.

The policies also refer to an increase in the public realm and it is unclear how this is intended to be achieved - presumably through large land divisions or purchases of land. As outlined below under the relevant policies, high quality public areas are extremely important elements of a community, however they should not be relied on to offset or be a substitute for poor design outcomes or high density development on private land. This strategy is in the Council's view, fundamentally flawed.

Outlined below is an assessment of State Planning Policies which are considered particularly relevant to the City of Norwood Payneham & St Peters. Please also find attached a more detailed review of the policies contained in **Attachment A**.

SPP 1: Integrated Planning

The intent of strategic zoning and coordinated development is supported. It is vital that urban growth occurs in areas where the necessary infrastructure and services can be provided or improved and to avoid ad-hoc, unstructured and scattered infill growth in areas which are inadequately serviced. However, as outlined above, it is expected that this level of strategic planning will be challenging without a more spatially resolved regional plan than the current *30 Year Plan for Greater Adelaide* which will serve as the interim plan.

Low density residential areas are a highly valued housing option for many South Australians, as they provide greater opportunities for the retention of character buildings, bigger backyards, mature vegetation and green space, lower stormwater runoff and typically reduced conflicts between land uses. The figure on Page 21 illustrating a linear progression of development density and intensity, indicates that 'Inner Suburbs & Infill Development' will be mostly medium-high density (i.e. allotment

sizes no greater than 294m²) and mixed use. While it is appreciated that this is simplified and illustrative, it fails to acknowledge the significant low density residential components within inner metropolitan areas.

Policy 1.8 seeks to promote Adelaide as a '*predominately low to medium rise city*', however as *the 30 Year Plan* defines medium rise as up to six (6) storeys, this could be translated into including buildings of up to six (6) storeys throughout the inner suburbs. Building of up to six (6) storeys may be appropriate along arterial roads or development corridors in the suburbs, however the policy anticipates *high-rise* development (greater than six (6) storeys) occurring on significant urban boulevards. This is one of many examples of where the draft SPPs document could be interpreted as 'pushing an unfettered infill agenda' again, from a town planning and urban form perspective, this strategy is flawed.

The introductory text to this policy acknowledges "*some neighbourhoods will significantly transform, where others will experience little change*" which is supported as a more balanced planning process. Similarly the non-statutory guidance notes there are "*areas that need careful management or protection*" and "*areas for intensification of development.*" The policies themselves do not reflect this level of differentiation of areas for protection (heritage and character) and areas for intensification, instead applies a blanket approach to renewal and regeneration, with development envisaged up to six (6) storeys as low to medium rise. As stated in previous submissions which have been made by this Council, the absence of a sequential regional planning process, combined with a spatially unresolved *30 Year Plan*, leaves the interpretation of such broad policies, wide open. This is not acceptable.

Inner metropolitan areas can accommodate mixed use and medium-high density hubs in appropriate locations, but a broad strategic shift encouraging increased densities throughout the inner metropolitan area is likely to disperse new developments in an unsustainable manner, creating ad-hoc and dispersed pressure on infrastructure and services which ordinarily require a minimum gross density to operate efficiently. In this respect, the integrated planning policies are generally supported where they refer to development occurring in a targeted and orderly sequence and in a manner which permits coordinated and targeted provision of infrastructure. Managing growth areas requires a careful balance of planning in advance of need so that policy is proactive rather than reactive and underpinned by investigations to demonstrate there is a demand for growth. It is not appropriate to rezone large of land well in advance of need as this will not achieve desired minimum gross densities.

The City of Norwood Payneham & St Peters has worked collaboratively with the State Government in recent years to examine and implement urban growth policy. Significant rezoning has increased infill housing and mixed use opportunities in targeted areas including:

- the *Kent Town and The Parade Strategic Growth DPA* (2013) which introduced the Urban Corridor Zone to Kent Town and significant policy reform to the District Centre (Norwood) Zone;
- *Residential Development (Zones and Policy Areas) DPA* (2015) which balanced infill opportunities in new Residential Zone and Medium Density Policy areas with preservation of character in new Residential Character Zones; and
- *Inner and Middle Metropolitan Corridor (Sites) Ministerial DPA* (2017) which rezoned or introduced new policies resulting in substantially increased development potential for selected sites.

A sound evidence-based approach must be demonstrated before examining further allocation of land for medium density mixed use development. The Council is seeking to understand what modelling or investigations has been undertaken to determine the remaining housing supply capacity in these locations, before rezoning further areas.

Policies 2 and 5 emphasise the importance of preventing urban encroachment into food production, horticulture, tourism and landscape character areas. This is a positive aim and is supported. However, it is recommended that the Integrated Planning policies also need to recognise heritage and built form character and the importance of preserving commercial land in order to prevent demand for residential land 'pushing' these commercial operations further away from the city/ inner metropolitan area.

The emphasis on 'mixed use' for inner metropolitan areas, clearly encourages commercial uses, but this does not account for uses which cannot practically be included in a mixed use area due to impacts

such as noise and other emissions. Policy 7 is one such policy which emphasises mixed use development around centres and nodes (which again is supported) however it is recommended that “reduced car parking” is removed from such a high level policy, given the existing car parking issues experienced across Adelaide, as explored through the Minister’s car parking summit. This strategy to promote reduced car parking rates, whilst appeasing the development sector and supporting the theory that reducing the provision of car parking will force citizens to use public transport, is creating significant issues, not only within the inner suburbs but also in new developments. The Council believes that this strategy needs to be addressed immediately before the incremental effects become unmanageable.

Policy 6 relating to the regeneration and renewal of neighbourhoods to provide diverse, high quality and affordable housing is generally supported, however it is recommended that wording such as “*suitable neighbourhoods*” be included rather than implying that all neighbourhoods require renewal. Consideration should also be given to the potential effects of urban regeneration in affecting property values and how this might affect, or potentially ‘price out’ existing land owners and tenants.

SPP 2: Design Quality

The Council places a strong emphasis on high quality design outcomes and therefore generally supports the suite of design policies included in *SPP2: Design Quality*. Of particular note, the Council supports Policies 7 and 8 which seek performance based design quality outcomes in heritage and character areas and quality design solutions in the Planning and Design Code for low-medium density development. Often the emphasis on good design outcomes is weighted towards more complex developments, however it is important to consider the cumulative detrimental impact which large areas of poor quality low-medium density ‘suburban’ development can create for a community.

Policy 2 seeks to ‘*promote best practice in access and inclusion planning in the design of buildings*’. This is strongly supported, however if this is simply promoted, rather than required in the *Planning & Design Code*, there is a significant risk it will not be voluntarily included in building design. The current *Design Guidelines – Design Quality and Housing Choice*, produced by Office of Design and Architecture SA, is an example of where good design is promoted, but not required, through an “*aspirational, best practice guide*.” The value of such an approach is questioned and should be abandoned in favour of the specification of clear performance outcomes in the *Planning and Design Code*. Other features such as Water Sensitive Urban Design (WSUD) and Crime Prevention Through Environmental Design (CPTED) should either be included in separate policies, or policy 2 should be reworded to clarify that WSUD and CPTED don’t generally relate to access and inclusion.

The Council also strongly supports and respects the importance of high quality public spaces as referred to in Policy 6, however, it is important that the provision of high quality public spaces is not relied on to offset or be a substitute for poor design outcomes in private development. As stated previously, this approach is fundamentally flawed. Clarification is therefore sought on when and how these policies anticipate the planning system influencing public land (i.e. if these policies are referring to public land being dealt with in regional plans, the assessment of master planned communities creating public land, developments which have a primary link to public land etc).

It is recommended that a policy relating to heritage sensitive design be included, as well as a policy relating to desired future character design policies. While good design often needs to respond to the context of an area, some areas require a new direction and require policies to guide development towards the desired future character.

Clarification on how design policies will be incorporated into the *Planning and Design Code* would support the understanding of these policies, particularly for *Deemed to Satisfy Developments*.

SPP 3: Adaptive Reuse

The concept of adaptive reuse to encourage underutilised buildings is supported. However, adaptive reuse is generally a “given” in the planning system as is the sensitive adaptive reuse of heritage listed buildings so it is unclear what the drivers are for the reuse policy and why it is a mandated SPP while Built Heritage is not. The Council considers that adaptive reuse is more a strategy for implementation than a Policy of State level importance. Conversely, recognition of built form heritage warrants recognition as a State Planning Policy.

If SPP 3 is to remain then further clarification on the intent and scope of SPP 3 is required, in particular, which buildings will be targeted (through either specific listing or through designated criteria) and how this relates to policy guidance for the other aspects of the heritage and character framework.

The specificity of SPP 3 compared to *SS7: Cultural Heritage* is curious and presents an imbalance in the direction (reuse) for any existing building, whilst the more critical heritage and character policy framework is not presented.

The *30 Year Plan*, many existing Development Plans and the National Construction Code, include policies regarding flexibility/adaptive reuse of underutilised heritage buildings on the basis that there may need to be 'work arounds' in the interests of preserving the heritage fabric and as a partial 'offset' for some of the procedural complexities of dealing with heritage listed properties. To broaden policy flexibility to include numerous other non-heritage buildings could dilute or undermine these existing policies.

The policy refers to removing barriers and being flexible in the adaptive reuse of buildings (without compromising health and safety of occupants) and Policy 6 states "*Provide a range of planning and development incentives and bonus schemes to streamline decision-making processes, provide dispensation on prescriptive requirements...*". It is assumed that this is referring to flexible planning requirements and flexible building consent requirements. With respect to flexible planning requirements, this is supported for heritage listed buildings, however it is still important to consider the practical implications of issues such as accepting little to no car parking and the potential impacts on surrounding properties. With respect to flexible BRC requirements – it is assumed this will be dealt with through Minister's Specifications outlining acceptable performance assessed outcomes, this requires further detail.

The non-statutory guidance notes state that Regional Plans *should "identify buildings that contribute to the built and natural environment and/or character of an area and that have experienced continued dormant use or are vacant"*. Does this imply there will be an overlay or register of buildings which are targeted for adaptive reuse and will these be the only buildings where the adaptive reuse policies can apply? If so, this could result in 'winners' and 'losers' rather than providing a consistent policy approach (unless the listing is extremely comprehensive and includes all potentially eligible properties). Those owners with 'identified' properties will have relaxed policies - perhaps reduced car parking requirements and less stringent disability access requirements – while those without identified properties will need to comply with the standard requirements.

Alternatively, if the policies do not identify specific buildings, but instead allow for more flexible policies when certain criteria apply, careful consideration will need to be given to these criteria. For example, if one of the criteria requires a building to be vacant for a particular period of time (say 2 years or more) would this incentivise owners to leave their properties vacant in order to have relaxed planning and building requirements applied? This policy requires far greater detail and rigour in its intent, including providing the investigations that support its needs and how it will be practically applied.

Clarification is required on the following points:

- The policy refers to working "in conjunction with other initiatives and incentives to unlock these opportunities" (incentivising adaptive reuse) It is not clear what initiatives might be referred to? Perhaps Splash Adelaide or similar?
- Similarly, Policy 2 states "Sponsor models of adaptive reuse that allow flexible access to public spaces and infrastructure". What type of sponsorship and whose money? What is the context for accessing public spaces and infrastructure?

SPP 4: Biodiversity

The Council is very supportive of the strategic intent to preserve biodiversity, particularly as the environment will face increasing pressure from future urban development. The supporting information in the SPP document addresses the cumulative impact of development, which is particularly important in established areas, where infill development occurs on a relatively ad hoc basis. However, this important narrative is not included in the policies themselves. It is not clear whether the draft SPP document as a whole is considered to be the statutory instrument or if it is the policies in isolation, but

either way, it is recommended that a policy be included to specifically identify the need to manage cumulative impacts.

Notwithstanding the above, it is unclear how the cumulative impact of developments will be addressed in the *Planning & Design Code* when most developments are independent of each other, are assessed individually and occur over a long time frame. It is recommended that the policy framework addresses the 'worst case scenario', (i.e a local area is assessed to determine the full extent of development which could occur if every allotment was developed to its full potential); then assess the potential cumulative impact this development could have on the local environment or infrastructure; then create policy which establishes minimum requirements at a site level which would be required to prevent this impact.

Establishing clear policy requirements upfront is the most efficient and equitable way to ensure a positive outcome at the conclusion of all developments for the area.

While the protection of '*recognised*' areas is supported, additional policies should be included addressing biodiversity at allotment scale, particularly urban 'backyard' biodiversity and tree cover. The policies are reflective and protective, rather than aspirational as they relate to *loss* of biodiversity or the impact of development *on* biodiversity, but do not encourage the *enhancement* of biodiversity. It is appreciated that the SPPs are not intended to specifically include the State Targets, but high level policies should be included to align with 'Target 5. A Green Liveable City', particularly as there are several policies which support other targets such as housing choice. The inclusion or exclusion of particular issues such as this, contribute towards a perception that certain targets or policies are a priority over others, in this case, for example, there is a strong SPP level framework for housing diversity but no SPP level framework relating to urban greening.

This policy needs to outline the State's priorities for managing urban trees, whether Significant and Regulated Tree controls will be transitioned and needs to acknowledge the trade-off between increased urban infill and loss of green space (particularly on private land). The concepts of minimising tree loss, tree planting requirements, the setting of maximum site coverages needs to be addressed in this policy.

It is unclear how the mitigation hierarchy referred to in Policy 2 will be incorporated into the Planning and Design Code. Unless there is strong spatial guidance at the regional plan level, or strong criteria in the Planning & Design Code, there is a risk that there will be 'push' to work with 'minimisation' with limited or no attempts for 'avoidance' in the first instance. In this respect, it is recommended that the wording of the policies be strengthened to emphasise the importance of biodiversity – current wording such as "Minimise the low of biodiversity, where possible..." could easily present as biodiversity being a lesser priority to development opportunities.

It is also recommended that the importance of monitoring is included within the biodiversity policies. Monitoring is an important part of the conservation process to measure what we have currently, whether it is improving or worsening, how close we are to meeting targets, and whether policies need to be amended if the existing policies are not achieving the desired outcome. The Council is seeking information on how green canopy cover will be measured, an action detailed in the 30 Year Plan Implementation Plan.

SPP 5: Climate Change

The Council is also very supportive of policies which seek to address climate change and considers that the new planning system should provide a greater emphasis on climate change mitigation and management of the associated existing and future effects. It is recommended that the language of the climate change policies is strengthened to reflect the urgency and significance of climate change; climate change is already happening and already affecting our communities whereas the draft policies read as though climate change is a future problem.

In particular, there is strong support for the development of climate smart buildings (Principle 3) for new buildings and refurbishment/retrofitting existing buildings. Climate-smart design is often overlooked by developers in favour of cost efficiency, often overlooked by assessing planners in favour of meeting more measurable or visible criteria such as car parking, wall heights, setbacks etc. Furthermore, climate smart design is not considered at all by the current State Government Residential Development Code which is the process for numerous new dwellings. As such, important

climate-smart design currently 'loses out' to other priorities. Climate-smart design is normally considered as part of larger scale or higher value developments as it can more easily be incorporated into bespoke designs and bigger budgets, but arguably a greater climate risk lies in the large volume of smaller scale developments occurring in an ad hoc way. It is very important that climate-smart design is incorporated into Deemed to Satisfy criteria to prevent this issue from continuing into the future. It is also recommended that a definition of 'Climate-smart buildings' be provided in the SPP document.

Policy 1 seeks carbon-efficient living environments through more compact urban form. Some aspects of compact urban form, such as active travel, assist carbon-efficient living. However, other outcomes such as increased impervious area, increased heat loading, loss of vegetation (particularly backyards), increased reliance on air conditioners, increased stormwater runoff and small block sizes limiting design options, do not assist carbon-efficient living. It is recommended that the policy be reworded to encourage carbon-efficient living in all forms of urban environments.

Policy 2 seeks to ensure the design of public places increases climate change resilience and future liveability – this is supported but how will this be put into effect? Public works often do not require the submission of development applications and therefore will not be assessed against the Code, so requirements will need to sit in another document outside of the Code. Also the public realm should not be relied on too heavily in lieu of appropriate requirements for private land. The non-statutory guidance notes states that "Policies should... improve and increase land in the public realm". It is unclear how an increase in public land is expected to be achieved and further clarification would be appreciated.

Further clarification would be appreciated in relation to:

- Policy 7: "Ensure decision-making considers the impacts of climate change using the best available information on climate risk which is regularly reviewed and updated." – Is the decision making referred to just at the Development Assessment stage, and/or at the Regional Plan level, or in other areas as well?
- Policy 8: "Support development that does not contribute to increasing our vulnerability or exacerbating the impacts of climate change and which makes the fullest possible contribution to mitigation" – what constitutes vulnerability or exacerbating impacts?

It is recommended that definitions or different language are used to make the policies more accessible to the broader community in relation to "green infrastructure", "green technologies" and "carbon sequestration".

SPP 6: Housing Supply and Diversity

The Council is supportive of a diverse, accessible and coordinated housing supply and it is considered that the *SPP6: Housing Supply and Diversity* policies generally support these issues.

Policy 4 seeks residential and mixed-use development in centres and corridor catchments to achieve the densities required. This approach is supported, in favour of broader mixed use/higher density zoning (as implied in other policies) which results in dispersed development and does not allow for coordinated or functional provision or concentration of services and infrastructure.

Furthermore, spatial concepts such as "*in centres and corridor catchments*" requires greater delineation and agreement if this is to be used as determining areas for increased residential densities and mixed use development.

Policy 5 seeks a "*permissive and enabling policy environment for housing within residential zones*". This statement is concerning as it implies that a range of potentially inappropriate development outcomes may be 'fair game'; it raises a significant potential for increasing development pressures to conflict with biodiversity and climate change policies as well as preservation of character and heritage areas; and it suggests a lack of policy detail or direction.

It is recommended that this policy be carefully reworded to clarify that some areas, such as character and heritage zones, require development which is respectful to the context of the local area and local environment. It is also recommended that a definition is provided for 'small lot housing' as it is unclear whether this is intended to apply to 'granny flats', 'tiny houses' or simply smaller allotments.

Policy 7 encourages the provision of affordable housing through 'planning policy bonuses or concessions'. Some flexibility to encourage affordable housing (and other outcomes) is encouraged and is currently in place in many Development Plans, however, concessions such as development which is permitted above the maximum building height on the basis that X% of houses constitute affordable housing is not always a suitable outcome. A planning system which freely allows 'concessions' above and beyond the established policy framework will result in the community becoming uncertain, frustrated and disenfranchised with our planning system.

Policy 8 encourages the creation of healthy neighbourhoods – this is strongly supported, however consideration should be given to the importance of amenity and comfortable living environments which can be compromised by inconsiderate development on adjacent sites, and poor quality housing (particularly for those who do not have flexibility of choice in where they live).

The non-statutory guidance notes state that regional plans should identify appropriate land for housing development and that housing demand should be well understood and informed. This is supported as it is important for regional plans to spatially identify where development should be occurring, particularly as regional plans will be informing private code amendments in the future.

SPP 7: Cultural Heritage

It is considered that the Cultural Heritage policies are significantly lacking in content. Firstly, there is no recognition in the policies of the importance of retaining built heritage – preservation of heritage is much more than allowing adaptive reuse of heritage buildings. It is exceptionally important that additional policies are included to illustrate support at State level for the retention and respectful development of and around valued built heritage – applying to both individual buildings and areas. The policies should define what constitutes historically significant places such as including State and Local Heritage Places as well as Historic (Conservation) zones and Contributory Items. The policies should also recognise the value of heritage to local communities, local identity, tourism, retention of embedded energy and the economic contribution to both residential and commercial areas.

It has been suggested that heritage is addressed through other SPP policies, however the Council does not agree with this suggestion as there is minimal evidence of this. In the case of adaptive reuse, the expansion of adaptive reuse to include non-heritage buildings has the potential undermine the existing policies in operation relating to flexible policy application to heritage properties. It is also considered that *SPP 2: Design Quality* gives insufficient consideration for heritage design, especially as development of and around built heritage is inadequately addressed in SPP 7.

It is understood that issues relating to heritage and character will be addressed through the '*People and Neighbourhoods*' Discussion Paper, and through the current Parliamentary Inquiry, however the absence of policies relating to built heritage, in contrast to the extensive and detailed SPPs encouraging infill and development, creates a perception that the SPPs are heavily weighted towards development rather than heritage and character. The Council believes that this is an intentional strategy aimed at diluting the correct policies which relate to built heritage.

The non-statutory guidance notes indicate that State and Local Heritage Places will be transitioned through the first generation of the *Planning & Design Code*, however there is no reference to Historic (Conservation) Zones or Contributory Items. The rationale for this is understood to be that Historic (Conservation) Zones and Contributory Items are Local Government level issues. However, not only are Local Heritage Places also Local Government level issues, but so are almost all other issues referred to in the SPPs as they affect local communities. In addition, it is considered that Historic (Conservation) Zones and Contributory Items should be considered important at the State level due to the importance placed on them by the community and given the large areas currently affected by this zoning.

SPP 8: Primary Industry This policy is not considered to be of direct relevance to the City of Norwood Payneham & St Peters at this time so no comments have been provided.

SPP 9: Employment Lands

Land use planning is a fundamental function of the planning system, however it is increasingly difficult to achieve with conflicting commercial and social pressures and increasing pressure for mixed use

precincts. It is important to achieve an appropriate balance between designating areas for commercial activities which are separate from sensitive land uses, ensuring local commercial activities are kept 'local' and sufficiently connected to housing, services etc, and allowing for appropriate mixed use areas. *SPP 9: Employment Lands* policies commendably recognise all of these issues, however as a group, these policies could be read as providing mixed-messages about how and where different land uses should occur. The Objective, and Policies 2, 5 and 10 support separation of land uses, whilst Policies 1 and 9 encourage mixed use precincts, and policies 3 and 4 encourage a 'flexible' regulatory frame work. It is recommended that greater clarity be provided about how and when to apply different land use zoning to different scales of commercial activity.

Policies 2, 5 and 10 recognise the need for commercial areas to be "*protected from incompatible development*" which is supported, however Policies 2 and 5 have an emphasis on large scale commercial activities. Commercial operations within an inner metropolitan area, made up of typically local scale activities, however there is still potential for uses such as motor repair stations to conflict with surrounding sensitive uses. In inner metropolitan areas, there is a need for careful balance between retaining local services, while providing an appropriate 'buffer' between impacting and sensitive land uses.

Councils are dealing with increasing volumes of local nuisance matters, which would be worsened if the separation between sensitive and impacting developments was reduced. This issue can be managed with appropriate land use zoning for all styles of commercial activity, not just 'state significant' or 'prime industrial' activities. For example, it is considered important to retain a 'Local Commercial' form of zone in the *Planning & Design Code* that is appropriately located and separated from residential zones.

Notwithstanding the above, separation of commercial activities and sensitive uses should not result in commercial activities being forced to relocate to outer-suburban areas. The outward migration of local service activities (such as motor repair stations, local food production and packaging) removes the 'local' from local services, and makes it harder for both employees to get to work and for products to get to customers. It is important that employment land zoning is provided in all areas of the state, so as to not exile all commercial land to outer metro areas. Connectivity is supported by Policy 1 which encourages "*opportunities for employment that are connected to, and integrated with, housing, infrastructure, transport and essential services*". Policy 1, together with Policy 9 and the non-statutory guidance notes, encourage mixed use precincts – this is supported in appropriate areas and, importantly, with the appropriate mix of land uses and scale of activities.

Policies 3, 4 and the non-statutory guidance notes encourage a flexible policy environment for changing land uses. The Council is supportive of some flexibility to facilitate changeover and growth of businesses, however any interchangeability between uses should occur at a level which will not unreasonably increase the impacts on surrounding properties including the provision of car parking. Careful consideration should be given to how much a business should expand before it is considered to be an intensification which requires a new development assessment to be undertaken.

Policy 6 seeks to "*allow for competition within the retail sector by providing an appropriate supply of land for all retail formats*". Ordinarily, competition between businesses is not a policy issue addressed within the planning framework (e.g. an application for a large supermarket is not refused on the sole basis that it will have a detrimental effect on existing surrounding businesses). Instead, Development Plans have historically established a centres hierarchy indicating appropriate locations for large retail stores as opposed to local shops. This system establishes certainty for business operators, surrounding local residents, and those providing and maintaining infrastructure for different levels of activity. Policy 6, in addition to other policies supporting mixed use precincts, indicates a reduction or removal of the centres hierarchy. Clarification on the state strategy relating to the centres hierarchy would be appreciated.

It would be of benefit to provide a definition for 'Employment Lands' to confirm if this terminology refers to any land which employs people (including shopping centres), or just industrial and large scale commercial precincts.

SPP 10: Key Resources This policy is not considered to be of direct relevance to the City of Norwood Payneham & St Peters at this time so no comments have been provided.

SPP 11: Strategic Transport Infrastructure

The primary intent of SPP 11 to identify, protect and plan transport networks and infrastructure, in a way which is integrated with land development policies, is supported.

The SPP 11 supporting text recognises that “*planning should consider complementary land use and road functions*” and Policy 5 seeks to “*minimise negative transport-related impacts on communities and environment*”. Appropriate separation of sensitive uses from transport-related impacts (such as noise and pollution) is supported, however there is tension between this priority and the focus on high growth in corridor areas as encouraged by SPPs such as Integrated Planning and Housing Supply and Diversity. Ways of managing this conflict may include identification of heavy transport routes as opposed to high transport routes and focusing sensitive land uses on the latter, as well as design policies in all assessment pathways which noise attenuation and other protective measures. This is acknowledged in the non-statutory guidance notes, however it is recommended that this be specifically included in a policy.

The non-statutory guidance notes state “*the future location of transport corridors should be identified clearly through an Overlay*”. This is supported and it is also recommended that road widening, the designation of roads as arterial/secondary arterial/collector roads and a clear definition of what constitutes a ‘corridor’ are included in Overlays in the Planning and Design Code.

It is also recommended that policies are provided in the Planning and Design Code relating to appropriate vehicle access for sites with a frontage to an arterial road. Ordinarily, the transport division requires development on an arterial road to have a single shared driveway access for the site, however this is difficult to negotiate if the driveway would conflict with street infrastructure such as street trees.

Policy 3 seeks “equitable contribution towards the provision of transport infrastructure and services to support land and property development”. Clarification on what is intended by the term “equitable contribution” would be appreciated.

SPP 12: Energy and **SPP 13: Coastal Environment** are not considered to be of direct relevance to the City of Norwood Payneham & St Peters at this time so no comments have been provided.

SPP 14: Water Security and Quality

SPP14: Water Security and Quality provides positive ‘macro’ level policies, however it is recommended that additional policies be included to address water management at a local level. The intent of the SPPs as being a high level state document is understood, however, as the guiding document for regional plans and subsequently the Planning and Design Code, the SPPs should provide some guidance on local water management. Large volumes of ‘suburban’ development which incorporates little - no consideration of water and stormwater management will have a significant cumulative impact on flood risk, water security and water quality across the state. The supporting text encouragingly refers to WSUD, however there is no reference to WSUD within a policy so it is strongly recommended that this be included.

SPP 15: Natural Hazards

SPP 15: Natural Hazards commendably recognises the current and future risks associated with natural hazards, particularly the role climate change will play in exacerbating their severity and frequency.

The Resilient East Regional Climate Change Adaptation Plan prepared in February 2016 identified climate projections for the Eastern Region which included increasing average maximum temperatures, increasing frequency of heat waves, reduction in average annual rainfall, and increase in extreme daily rainfall (i.e. there will be less rainfall overall, but rainfall events will be much more concentrated and extreme). Increasing heatwaves and rainfall surges are recognised in the supporting text of SPP 15 which states “Higher temperatures will increase the frequency of extreme heat events...” and “storm events will increase and result in heavier and more sustained rainfall”. In contrast, the Natural Resources and Environment Background Paper acknowledges the impacts on heatwaves and reduced annual rainfall, however does not recognise an increase in rainfall intensity. Buildings and infrastructure are currently, and will continue to be, affected by these effects of climate change.

Policy 2 recognises the need for development to be designed to avoid, adapt and be protected against hazards. This is supported, however it is recommended that further detail be provided to direct how the risk hierarchy can be adapted into the Planning & Design Code (i.e. when and how to avoid, to adapt, and to protect). As is the case of the biodiversity hierarchy, unless there is strong spatial guidance at the regional plan level, or strong criteria in the Planning & Design Code, there is a risk that there will be 'push' to work with 'protection' with limited or no attempts for 'avoidance' in the first instance.

Policy 3 refers to 'critical infrastructure', including transport systems, energy and water services, being located in areas which are not exposed to risk from natural hazards. Natural hazards such as heatwaves and localised heavy rainfall events occur indiscriminately, so it is not possible to avoid exposure for road networks, energy and water provision services and stormwater services. For example, areas of the City of Norwood Payneham & St Peters currently experience localised flooding due to short bursts of excessive rainfall which exceeds the capacity of stormwater infrastructure. It is recommended that this policy be revised to require infrastructure to be located outside of hazard risk areas *where possible* and otherwise for infrastructure to be designed and upgraded to accommodate such hazards. This is likely to require revisions to standard engineering requirements, and considered as part of infrastructure schemes.

Policy 4 seeks to mitigate the impact of extreme heat events by designing public spaces and developments to create cooler micro-climates through the use of green infrastructure. This is supported, however the following amendments are recommended:

- revision of wording to clarify that the policy applies to public spaces and public *and private* developments;
- provide a definition for green infrastructure; and
- designs should include climate-smart design (e.g. adequate heat loading protection) and the policy be expanded to deal with heavy rainfall events by incorporating WSUD (e.g. reduced impervious areas, and incorporate retention and detention tanks)

The non-statutory guidance notes indicate that high risk areas will be identified in regional areas and in overlays, which is supported.

SPP 16: Emissions and Hazardous Activities

The Council supports the recognition of emissions and hazards and the role of land use planning in separating conflicting land uses. Regional level identification of hazards, air quality and noise risks is also supported, however consideration will need to be given to how this will be managed using interim regional plans.

Emissions and hazard issues are expected to be amplified by increasing pressure for urban infill and mixed use zones, particularly increasing densities resulting in less separation between uses, greater flexibility for interchanging land uses, and development on or near arterial roads. The recent introduction of the Local Nuisance and Litter Control Act has placed additional pressure on councils to deal with local nuisance issues, primarily relating to noise complaints. As such, careful consideration must be given to future Planning and Design Code policies relating to mixed use areas and interface between land uses. This includes Deemed-to-Satisfy development where a 'tick-box' process cannot take into account advice from experts regarding any necessary "engineering controls" referred to in Policy 1.c. It is important to consider a range of land uses which have the potential to create external emissions and hazards, not just large scale industry. As discussed under SPP9: Employment Lands, local commercial activities can also create interface issues with adjacent sensitive uses.

Consideration must also be given to how the issue of site contamination will be managed through the ePlanning portal. Currently, potential site contamination is identified by the Council based on property history and notifications from authorities such as the EPA. A private practitioner, developer or home owner using the centralised ePlanning system will not likely have access to this level of information.

Waste Reduction and Management

Waste reduction and recycling, as key State level priorities, are absent from the State Planning Policies. Waste management in medium-high density development is presenting an increasing problem for local government and communities, as land division, increased driveway crossovers and urban infill compete with space to place traditional mobile garbage bins. Alternative, privately serviced waste management solutions are increasingly required in lieu of the traditional council kerbside bin collection, as it is not practical to have bins at the kerbside or because internal access roads are too narrow to service. It is recommended that the Housing Supply and Diversity policies recognise that medium-high density development must be adequately provisioned by services such as waste collection.

Waste reduction and management is an integral feature of sustainable communities and will become an increasing issue for South Australians, particularly in areas with increasing densities. . It is recommended that consideration be given to including waste reduction and management into the State Planning Policies, linked to all levels of commercial, residential and industrial operations.

Thank you for the opportunity to provide feedback on the draft State Planning Policies. As set out in this letter, there are a number of issues which require further clarification or consideration and a number of concerns which need to be resolved. The Council hopes and indeed trusts that the Commission will consider the recommendations contained in this submission to provide a revised suite of State Planning Policies which provide a more balanced recognition of the range of community values held across the State and addresses the concerns which have been raised by the Council.

Should you have any questions regarding the Council's submission or require any further information, please do not hesitate to contact the Council's Manager, Urban Planning & Sustainability, Eleanor Walters on 8366 4521 or email ewalters@npsp.sa.gov.au

Yours sincerely

Mario Barone PSM
CHIEF EXECUTIVE OFFICER

cc. Mr Matt Pinnegar, Chief Executive Officer, Local Government Association
Hon Stephan Knoll, Minister for Planning
Hon Steven Marshall, Premier, Member for Dunstan
Hon Vickie Chapman, Member for Bragg