



CHELTHENHAM PARK RESIDENTS ASSOCIATION (CPRA)

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7 March 2019

Department of Planning, Transport and Infrastructure
Level 5, 50 Flinders Street, Adelaide 5000
GPO Box 1815, Adelaide SA 5001

Email: DPTI.PlanningEngagement@sa.gov.au

Sent via Community Alliance SA

**RE: Draft Planning, Development and Infrastructure (General)(Development Assessment)
Variation Regulations 2019**

Dear Sir/Madam,

The Cheltenham Park Residents Association (CPRA) was incorporated in 2007 with the broad objective to “advocate on behalf of people who have an interest in their City and who seek a remedy to adversity that is beyond their control”. CPRA takes a keen interest in planning and development issues at both local government and state government levels. CPRA is a member of the Community Alliance SA and acknowledges the additional two weeks granted for submissions on the draft regulations by Community Alliance members.

CPRA notes that the **Draft Planning, Development and Infrastructure (General) (Development Assessment) Variation Regulations 2019** (hereinafter referred to as “the draft regulations”), includes the enabling legislation for the creation of designated zones through insertion of the following section;

- (2) The Planning and Design Code may identify—
- (a) different airport building heights areas as designated airport building heights areas ; and
 - (b) different environmental zones, subzones or overlays as designated environmental zones, subzones or overlays; and
 - (c) different flood zones, subzones or overlays as designated flood zones, subzones or overlays; and
 - (d) different historic or conservation zones, subzones or overlays as designated historic or conservation zones, subzones or overlays,

Given the widespread community concern about the future of existing Historic Conservation Areas/Zones, as evidenced by the large number of submissions on the draft State Planning Polices that advocated for their preservation, this piece of legislation is highly significant.

CPRA submits that the word “may” (as in “The Planning and Design Code **may** identify....”) should be changed to “will” as in “The Planning and Design Code **will** identify....” etc.

As it stands, the word “may” doesn’t compel the identification of any such zones. The small but crucial change from “may” to “will” would rectify this ambiguity and bring the regulations into line with the wording of s.66 of the Planning, Development and Infrastructure Act 2016 (version 1.2.2019) regarding zones;

66—Key provisions about content of code

*(2) In particular, the Planning and Design Code **will**—*

(a) incorporate a scheme that includes the use of zones, subzones and overlays; and

*(b) specify policies and rules that **will**—*

(i) govern the use and development of an area within a particular class of zone

Knowing that the legislation ensures such zones **will** be identified would quell community concern and instill confidence in the consultation process by showing that the community’s views have been taken into account.

It would also reinforce the consistent assurances by the previous Labor state government about preserving character areas viz;

*“I am opposed to ‘two for one’ infill in character areas, and the only way we will stop this is to **protect character suburbs** and allow medium to high density in other places.”*

- Former Planning Minister John Rau on ABC 891 radio 18 February 2013

*“We want to create vibrant communities, housing choice, thriving main streets, reduced transport costs and emissions while **protecting character areas**.”*

- News Release by former Deputy Premier John Rau 5 May 2015

*“**Our character suburbs need to be preserved**. The current patchwork approach of subdividing random blocks of land in two-for-one development needs to be refined.”*

- Article written by former Planning Minister John Rau, *The Advertiser*, 8 September 2015

*“What we want to offer to communities is yin and yang. One side of the equation is **protecting the classic character areas**.”*

- Quote by former Planning Minister John Rau, *The Advertiser*, 25 August 2016

CPRA understands there will be another round of consultation when the draft Planning and Design Code is released but submit it is imperative that the wording of the zone-enabling legislation in the draft regulations be strengthened now from “may” to “will” prior to the regulations passing into law.

Many valid reasons were given during previous consultation rounds for retaining existing Historic Conservation Zones and Contributory Items. To summarise, not only are these areas important in a historical sense, the contribution that private gardens and trees (which are much more prevalent in these zones) makes to urban greening is invaluable in the present climate of record temperatures and heat-stressed suburbs. The two council areas within

CPRA's purview, Charles Sturt and Port Adelaide Enfield, are both in the top nine LGAs in Australia that are most vulnerable to heat stress:

<https://www.news-mail.com.au/news/the-australian-suburbs-and-council-areas-most-vuln/3615317/>

There is no doubt what would happen if these areas lost their Historic Conservation Zone status. Demolition and subdivision would spread like wildfire with block after block being denuded of all vegetation and covered in concrete. Indeed, unsolicited advances are already being made to owners of Contributory Items (an example is supplied with this submission), which begs the question, what have developers been told?

The other inevitable impact of allowing infill development in character areas is increased stormwater runoff and flood risk through large scale loss of permeable surfaces associated with hard-top development. Flood risk has been a huge issue in the City of Charles Sturt, and although much work has gone into stormwater management plans and infrastructure, opening up Historic Conservation Zones to infill would almost certainly surpass the capacity of those works.

Also, Adelaide's biodiversity would be much diminished without the habitat provided by trees and gardens in character areas.

In relation to the Development Assessment elements of the draft regulations, in particular Schedule 4, section 10 – Demolition of single storey buildings, CPRA concurs with the City of Norwood, Payneham and St Peters in its report on the draft regulations:

“Another proposed inclusion of particular interest, is the demolition of a single storey building (other than a heritage building or a building in a specified area). The specified area(s) will be determined by the Planning and Design Code and as such, it is not clear at this stage where this might apply, but it should exclude Historic (Conservation) Zones, otherwise this completely undermines the current Historic (Conservation) Zone framework in which dwellings in those zones cannot be demolished ‘as of right’.”

The current protection against demolition of character dwellings (Contributory Items) in Historic Conservation Zones must be brought across to the new legislation. Of course, this requires certainty that the Planning and Design Code **will**, rather than “may”, identify existing Historic Conservation Zones in the first place.

Yours sincerely,



Trevor White, Chairman



Carol Faulkner, Research Officer

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Nathan@australprojectsteam.com

We look forward to speaking with you soon.

Kind Regards

Nathan

Austral Projects

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