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City of
**Norwood
Payneham
& St Peters**

18 December 2020

Mr Michael Lennon
Chair, State Planning Commission
Via Consult24

**CHIEF
EXECUTIVE'S
OFFICE**

Dear Mr Lennon

PHASE 3 – REVISED DRAFT PLANNING & DESIGN CODE SUBMISSION

Thank you for providing the Council with the opportunity to provide comment on the revised draft Phase 3 *Planning & Design Code*.

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The Council appreciates the Commission responding to the requests from the community and Local Government and releasing the draft Phase 3 Code for a second round of consultation. The Council notes that substantial changes have been made to the Code since it was originally released for consultation in 2019, which in some locations, has resulted in substantially different policy outcomes. The current consultation also allows the community to view the Code in an online format which was a significant shortfall of the previous consultation process.

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Although the current opportunity to view and provide comment on the revised draft Code is a positive outcome, the Council is concerned with the level of engagement with the community and generating specific awareness to the nature of these changes, has been minimal. As was the case for the original Phase 3 Code consultation, the extent of consultation and outreach to property owners and citizens, is not commensurate with the significance of the policy changes contained in the Code. In this respect, there is a significant concern within Local Government, that the community has not been sufficiently informed to appreciate the full scope of changes resulting from both the Code and other planning system changes. Without this level of awareness by property owners, the outcomes of this process will play out in months and years to come, and Councils will be seen as the "frontline" for neighbour and community tensions and disputes over the form and extent of new development. An outcome, as you are aware, which the Council has expressed concern with for some time.

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It continues to remain unclear what extent of "road testing" of policies or identification of potential risks has been undertaken by the Commission and Local Government has had limited (if any) opportunity to undertake "road testing" during the current consultation period. As a result, there is a widely held view that many of the issues resulting from the changed policy outcomes, will not fully emerge until new development is being applied for or in fact constructed. Under these circumstances, it will be Local Government that will be required to deal with issues resulting from these poor outcomes, regardless of whether the Council supports how the Code has been applied to its area.



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Notwithstanding this, the Council notes that various positive improvements have been made to the revised draft Phase 3 Code, such as the inclusion of representative buildings, inclusion of current floodplain mapping and improvement of the associated development policies, the introduction of the Established Neighbourhood Zone, the introduction of additional Technical and Numeric Variations, and continued improvement to urban infill policies. However, the Council remains concerned about various aspects of the Code including (but not limited to):

Community
Well-being is...
Social Equity
Cultural Vitality
Economic Prosperity
Environmental
Sustainability

- loss of local policy content which provides detailed guidance for new development;
- the continued shift away from basic land use planning through the introduction of mostly mixed use zones – an outcome which the Council believes the community is not aware of;
- no policy guidance for inappropriate or 'not-envisaged' land uses;
- lack of detail in the historic and character area policy frameworks, which are unnecessarily complex when compared to the current policy framework;
- 'bonus height' policies; and
- the poor transition of the current centres hierarchy into the Code – again, an issue which is not understood by the community.

As you would appreciate, these issues are fundamental to the concerns which have been raised by Local Government and the community for some time.

Some of the shifts in policy as outlined above, have not been accompanied with adequate explanation, evidence, rationale, or justification. The reports provided by the Commission in support of the revised urban infill policy, provided a useful and logical background for this policy and it is disappointing that the same has not occurred for other, more substantial changes. Given the fundamental differences between the current and new planning system, particularly the standardisation of planning policy, as articulated in a number of the Council's submissions, the Council is of the strong opinion that the Code will not be as suitable for and tailored to, the local context and conditions as the current Development Plan. Unfortunately, the 'one-size-fits-all' approach to policy which has been taken by the Commission, is fundamentally flawed and totally at odds with the principles of sound urban planning policy which takes into account local context. Additional explanation and transparency of decisions would at least assist Local Government and the community to better understand why changes have been made, the scope of influence for improving the policy and how to manage the implications of poorer development outcomes. By way of example, there is no record of the Commission's considerations or justification of the Council's requests for sub-zones, the outcome of which has not been communicated to the Council.

The Council expects that the Commission, as the 'owner' of the Code, will ensure that the outstanding policy issues are resolved and that sufficient testing and analysis is undertaken to mitigate the potential risks of unintended policy outcomes, prior to the implementation of the Phase 3 Code. The Council looks forward to continuing to work with the Commission to achieve this outcome and to ensure that the Code is continually improved to provide the best development outcomes for the community and indeed for South Australia. In short, the Council does not support the current version of the *Planning and Design Code* as being ready for introduction without further discussion, negotiation and agreement around key policy issues.

I have enclosed for your consideration the Council's submission, together with the specific comments which have been inputted into Consult24 as the Council's submission.

Again, thank you for the opportunity to provide comments on the revised draft of the Phase 3 *Planning & Design Code*.

Should you have any questions regarding the submission, please do not hesitate to contact the Council's Manager, Urban Planning & Sustainability, Eleanor Walters on 8366 4521 or the Council's Senior Urban Planner, Emily McLuskey on 8366 4561.

Yours sincerely



Mario Barone PSM
CHIEF EXECUTIVE OFFICER

cc. Minister for Planning and Local Government
Shadow Minister for Planning and Local Government
Environment Resources and Development Committee
Local Government Association

CITY OF NORWOOD PAYNEHAM & ST PETERS

PLANNING & DESIGN CODE (PHASE 3) SUBMISSION

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The comments in this submission are in addition to comments made in Consult24 on specific policy content.

1. Positive changes in this version of the Code

The Council acknowledges that meaningful and positive improvements have been made to the Code, in response to concerns raised during the previous round of consultation. In particular, the Council is supportive of the following changes:

- the introduction of Representative Buildings to transition existing Contributory Items;
- the new Established Neighbourhood Zone with increased focus on heritage and character areas;
- current floodplain mapping introduced for the City of Norwood Payneham & St Peters with policy improvements to the flooding hazard policy frameworks;
- the 30 degree building envelope being reinstated for Urban Corridor Zones in NPSP via a TNV (noting, however that a 45 degree building envelope has been maintained in some non-Urban Corridor Zones); and
- additional Technical and Numeric Variations adopted from current Development Plan.

2. Land Use Distribution

The Council does not support the facilitative approach to land use mixes in the Code zones and is concerned about the range of anticipated land uses in various zones. The proposed policy framework could result in additional land use conflicts and decrease certainty for property owners and occupants about the types of land uses which could be established around them. The evidence for this approach and the road testing of some of the consequences has not been produced to substantiate such claims.

In some cases, the change in land use mix results in land uses changing from what was previously classified as non-complying to being envisaged land uses under the code. For example, a petrol filling station will go from currently non-complying to an envisaged land use (now referred to as a 'retail fuel outlet') in the Urban Corridor (Business) Zone.

2.1 Policy Guidance regarding anticipated land uses

The PO 1.1 in most zones is very broad and could be seen to facilitate a range of land uses, including those which are not envisaged uses in DPF 1.1. For example - General Neighbourhood PO 1.1:

PO 1.1

Residential development and supporting services and facilities make the neighbourhood a convenient place to live.

By contrast, the wording in DTS/DPF 1.1 reads as though the list of envisaged land uses is absolute:

DTS/DPF 1.1

Development comprises one or more of the following:

It is assumed that the wording of DTS/DPF 1.1 is based on this being applied in a DTS pathway, and is an example of how policy written for one assessment pathway is not necessarily suitable for another. PlanSA staff have advised the Code facilitates performance based planning and as such, the list of envisaged land uses in DPF 1.1 should not be taken as an exhaustive list of acceptable development for a performance assessed application. Instead Code Assessed applications for land



uses which are not included in DPF 1.1 should be assessed on their merits with consideration given to PO 1.1. If this is the case, it is recommended that the wording in DPF 1.1 be amended to indicate that this is a *list of some envisaged uses, but other uses may also be appropriate*. We appreciate that this may be incongruous with typical DPF policy wording, but this issue is likely to be the basis of an appeal for future developments where the land use is not one listed in DPF 1.1.

The lack of guidance regarding *inappropriate* land uses is a concern. We acknowledge that the PDI Act does not facilitate an equivalent of the non-complying pathway. As you are aware, the non-complying pathway allowed for an 'early no' for inappropriate development, did not allow for any applicant appeal processes by aggrieved applicants, and - through supporting policy - indicated forms of development which were not appropriate in the zone. To resolve this, the Code could include a PO which lists inappropriate development. This would provide a greater level of upfront certainty to all stakeholders, and would likely prevent wasted resources in assessing development which is more than likely not going to be supported.

The Council understands that Restricted thresholds are not an indication of suitable or unsuitable development. However, most Code zones are considered to provide a lack of policy guidance for circumstances when larger land uses may be appropriate (e.g. when a shop greater than 200m² in the General Neighbourhood Zone may be appropriate). Without this policy guidance, it is likely that users of the Code will refer to the Restricted triggers as a default indication of the 'upper level' of suitability. As raised above, policy indicating that "*land uses of Xm² is generally inappropriate*" would provide greater clarity.

Recommendation

- 1) If the DPF 1.1 envisaged land use list is not intended to be an exhaustive list of what may be appropriate, amend the policy wording to clarify this, whilst still retaining an exhaustive list when this is needing to define a DTS pathway.
- 2) Include a policy which outlines land uses and building scale which are generally inappropriate

2.2 Non-residential uses in neighbourhood zones

It is of concern that all three (3) of the Neighbourhood Zones in NPSP contain greater enabling policy for commercial land uses than current Development Plan policy, particularly shops, offices and consulting rooms of up to 100m² or 200m². This flexibility for new shops, offices and consulting rooms in residential zones is likely to be contentious with surrounding neighbours, particularly if there were multiple changes of land use in the one locality creating a de-facto centre or the potential 'zone creep' from existing centres. The negative impacts on surrounding residents could include increased traffic and other activity, the appearance of car parking areas, and a proliferation of business identification signs. Of further concern, these land uses would only be publicly notified where over scale (100m² or 200m²) or over height.

As outlined above, the Council is also concerned about the lack of policy guidance for land uses which are not envisaged given there is no list of inappropriate development – for example such as shops / office / consulting room larger than 100m² / 200m², industry, retail fuel outlet etc. It is expected that the performance based pathways for these land uses will create an assessment process open to challenge by applicants.

Recommendation

Shops / offices / consulting rooms in residential zones should be limited to:

- (a) 200m² on State Maintained Roads;
- (b) 100m² only where it is located in a building originally constructed for use as a shop / office / consulting room; and
- (c) 50m² and in association with a dwelling (e.g. in the same building) in all other instances



Note that the Council does not support increased floor areas based on proximity or adjacency to activity centres.

2.3 Non-residential zones

The Council's previous submission highlighted concerns about the consolidation of current land-use-specific zones into general mixed use zones. A key example is the transition of the Light Industry Zone to the Employment Zone which is not considered a suitable zone 'fit' in terms of land use and scale for much of the area where it is currently applied. As an alternative to the generic Employment Zone, requests were made for a more bespoke, smaller scale industry zone (with reduced retailing) or for creation of a sub zones for land within the Stepney Triangle and Glynde. These requests to recognise local policy requirements have not been accommodated and reasons for this have not been provided.

The extent of non-complying land uses in the NPSP Zones compared to the Employment Zone, remains a significant change in policy outcomes. The restricted categorisation of shops over 1000m² and no floor limits for bulky good retailing remains in this version of the Code and is not supported.

Recommendation

- 1) A new zone or subzone is provided for the existing Light Industry Zone which does not envisage retail use (other than retail associated with light industry, or small convenience services);
and/or
- 2) If the Employment Zone is maintained, bulky goods, and other shops greater than 250m², are limited to arterial road frontages

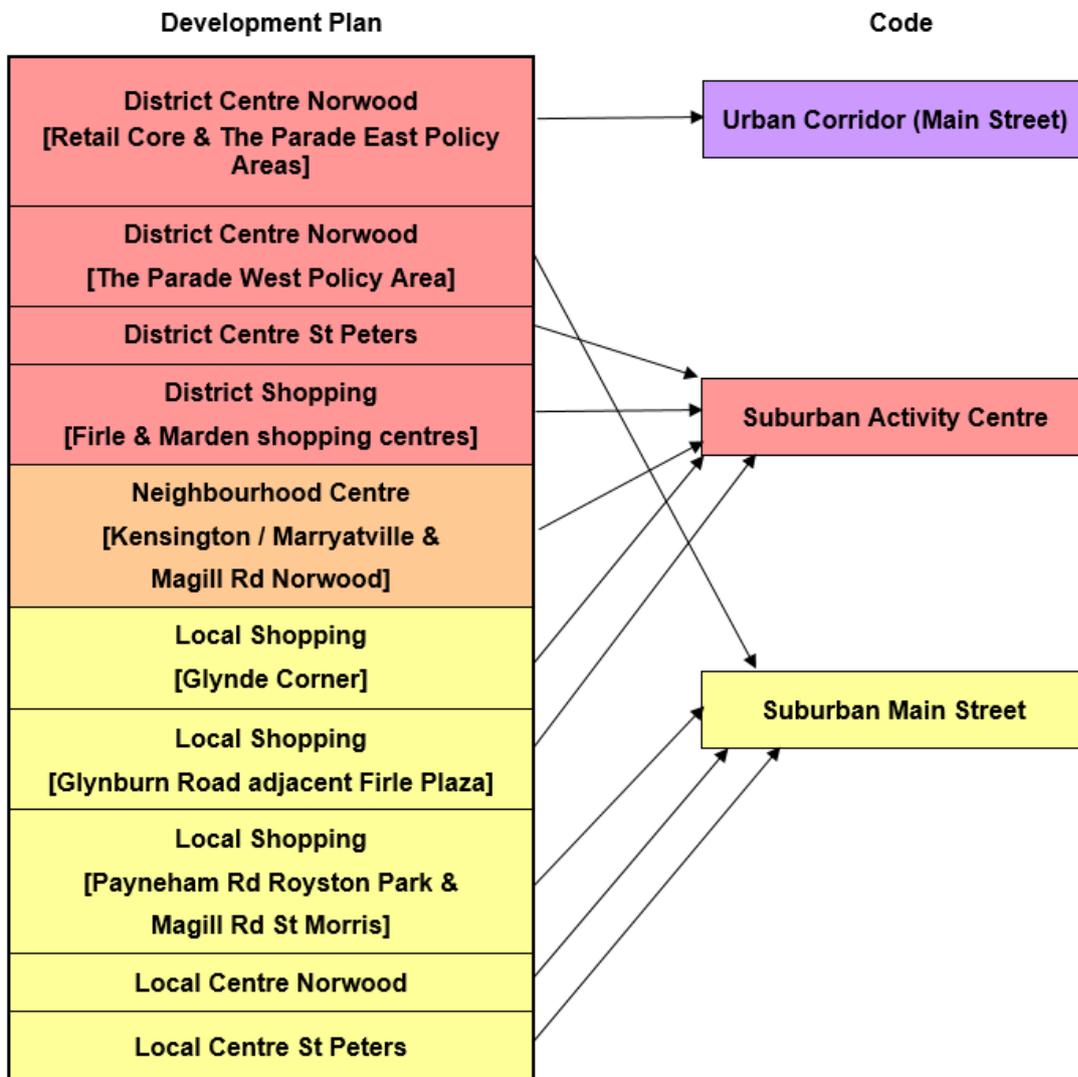
3. Centres hierarchy and retail policy

3.1 Transition of Centre Zones

While the draft Code includes a hierarchy of zones, it is more condensed than the hierarchy in current Development Plans. Figure 1 below illustrates how current Development Plan centre zones will transition to Code centre zones.



FIGURE 1: TRANSITION OF CENTRE ZONES



As a result of the transition to the Code, the existing District and Neighbourhood level zones will be condensed into the Suburban Activity Centre. This does not provide the same policy differentiation between (a) District Centre - larger scale shops and services catering to major weekly shopping needs of the Council area and (b) Neighbourhood Centre - small scale specialty and convenience shops and services.

Recommendation

The Code centres hierarchy is revised to introduce a 'Neighbourhood' level centre zones and this be applied at locations which are currently within the NPSP Neighbourhood Centre Zone.

3.2 Local Activity Centre

The Council supports the introduction of the Local Activity Centre Zone which caters to small local centres providing daily services and supporting walkable neighbourhoods, with a more limited range of land uses and less intense residential development anticipated when compared to the Suburban Main Street Zone.

The Local Activity Centre Zone is considered to provide the best fit for the Local Centre Zones and Local Shopping Zone in the Norwood Payneham & St Peters Development Plan, however the Local Activity Centre Zone has not been applied in these area. The Council requests the existing Local



Centre and Local Shopping Zones (other than the two areas identified to transition to Suburban Activity Centre) transition to the Local Activity Centre Zone rather than the Suburban Main Street Zone.

Recommendation

The Local Activity Centre Zone is applied to the Council's existing Local Centre Zones and Local Shopping Zone (other than the two areas identified to transition to Suburban Activity Centre)

4. Historic Area Overlay

The unnecessary complexity of the historic areas policy framework is a product of the standardisation of Development Plans into a State-wide Code, but despite the complexity, it is not considered to deliver the same level of detail or clarity as Development Plans. It is impractical for an assessing planner and applicant to refer to a combination of Zone + Overlay + Statements + Design Advisory Guidelines + Common Styles Attributes Guidelines in order to understand what is considered an acceptable development outcome.

4.1 Overlay policy wording

The Historic Area Overlay policies address how to undertake new development but lack substantial detail, while the Statements contain a greater level of detail but aren't allowed to address how to undertake new development. The non-statutory 'guidelines' are required to provide additional specific guidance which is currently contained in Council Development Plans but has not been incorporated in the Overlay or Statements. Council's view is this produces a weaker policy framework.

Exacerbating this issue is that many of the Historic Area Overlay policies do not specifically refer to the Historic Area Statement and instead refer to the 'historic area'. There is no consistency in which policies do, and which policies don't refer to the Statements. An example is the building height policy which states:

"Development is consistent with the prevailing building and wall heights in the historic area"

Where there is non-conforming development nearby, this could be misconstrued and open for debate and challenge. The simple addition of *"as described in the HAS"* would overcome this. While it is relevant and important to consider the area surrounding a development site, with the above policy there is no direct reference to the building height expressed in the Historic Area Statement e.g:

"Predominately single-storey, up to two storeys in some locations"

In this example, it is unclear what role the building height in the Statement serves if it isn't referred to in the Overlay. It is noted that PO 1.1 refers to development being undertaken in accordance with the Statements, however the Overlay would benefit from more direct reference to the Statements in relation to particular policy issues. A preferred approach is for the Overlay policy to read:

*"Development is consistent with the prevailing building and wall heights **and as described in the historic area statement**"*

Recommendation

Historic Area Overlay policies as redrafted are more prescriptive, and include specific references to the Historic Area Statements



4.2 Historic Area Statements

If the Historic Area Statements were able to provide policy guidance for new development, as is currently the case with current Historic (Conservation) Zone Policy Areas, there would be less of a concern regarding the generalised nature and policy gaps within the Overlay policies and a reduced reliance on the non-statutory Guidelines. The following is a comparison of a current Development Plan policy and its conversion to a Historic Area Statement format, demonstrating the difference between instructive policy and statements written purely to reflect existing development:

Development Plan RH(C)Z – College Park Policy Area PDC 2	Development should comprise the erection, construction, conversion, alteration of, or addition to a detached dwelling.
P&D Code College Park Historic Area Statement	Eras, themes and context: ... Detached Dwellings.

Recommendation

Historic Area Statements include more detailed policy guidance for future development.

4.3 DAGs & CSAGs

The Council is concerned that the *Design Advisory Guidelines* and the *Common Styles Attributes Guidelines* are non-statutory guidelines and therefore are not required to go through the same consultative process as the Code, the Code policies make no reference to the Guidelines document, and the Guidelines are not yet available during the current Code consultation which compromises the community's ability to see how the historic area policy framework would work in the new system.

Recommendation

- 1) The Guidelines are elevated to statutory documents, and have a clear 'line of sight' to the Code policies; and
- 2) Links to these documents are returned in Online Code queries so applicants and the community are aware of the Guidelines and the role they will play in a future assessment

4.4 Representative Buildings & Demolition Control

The Council is strongly supportive of the transition of Contributory Items into the Code. However, it is considered some improvements could be made to the definition of Representative buildings and the identification of these buildings in the Code policy.

It is considered that the definition of Representative Buildings could be improved with amendments such as:

“Representative buildings referenced in Historic Area Statements and Character Area Statements and mapped in the South Australian Planning and Property Atlas are buildings which display historic characteristics which are important and relevant to the local area...”

The Council also appreciates the amendments to the demolition policy in the Code. However, the lack of reference to Representative Buildings in the policy is of concern, or at least requires some greater clarity. It is noted that the Historic Area Overlay policy cannot *exclusively* refer to the retention of identified Representative Buildings as this would not provide demolition protection to areas without a comprehensive list of Contributory Items. This issue could be improved by amending the policy so that it applies to *‘Representative Buildings and any other buildings which contribute to the historic character of the area’*.

Alternatively, the Code could clarify that Representative Buildings are buildings which are worthy of retention for the purposes of the Overlay demolition policy and therefore no assessment needs to be



undertaken as to the historic contribution of the building, removing the need for the case-by-case assessment of historic contribution which would otherwise need to occur. This clarification could either be provided in the definition of Representative Buildings or in the 'Rules of Interpretation' for the Code.

Recommendation

- 1) The definition of Representative Buildings is amended as recommended above
- 2) Representative Buildings are provided with a clearer link to, and role in, Historic Area Overlay policy, particularly the demolition policy

5. Character Area Overlay

As is the case with the historic area policy framework, in the character area policy framework, detailed, locally specific and instructive policy is being lost despite a complex new policy framework.

5.1 Overlay policy wording / Character Area Statements

Similar commentary regarding Historic Area Overlay policy and Statements is considered relevant to the Character Area Overlay and Statements.

Recommendation

- 1) Character Area Overlay policies are redrafted to be more prescriptive, and include specific references to the Character Area Statements
- 2) Character Area Statements are redrafted to include more detailed policy guidance for future development.

5.2 Land division policy

The Residential Character Zone and Residential Character (Norwood) Zone were introduced into the Norwood Payneham & St Peters Development Plan in 2015. These zones contain extensive and detailed policies relating to anticipated dwelling types, built form and land division opportunities. Some of this policy content will be partially transitioned to the Code, albeit often in a compromised fashion, however of greatest concern is the loss of strong land division control policies. Examples of existing land division control policies in the Development Plan include:

Evandale/Maylands/Stepney Policy Area Principle of Development Control 4

The division of land should not create a hammerhead, battleaxe or similar configuration allotment in Stepney.

Evandale/Maylands/Stepney Policy Area Principle of Development Control 5

Land division creating additional dwelling sites should not occur:

(a) in Evandale along Morris, Elizabeth and Wellesley Streets; and

(b) in Maylands, along Phillis and Frederick Streets,

except where it involves:

(i) the redevelopment of existing multi-unit sites; or

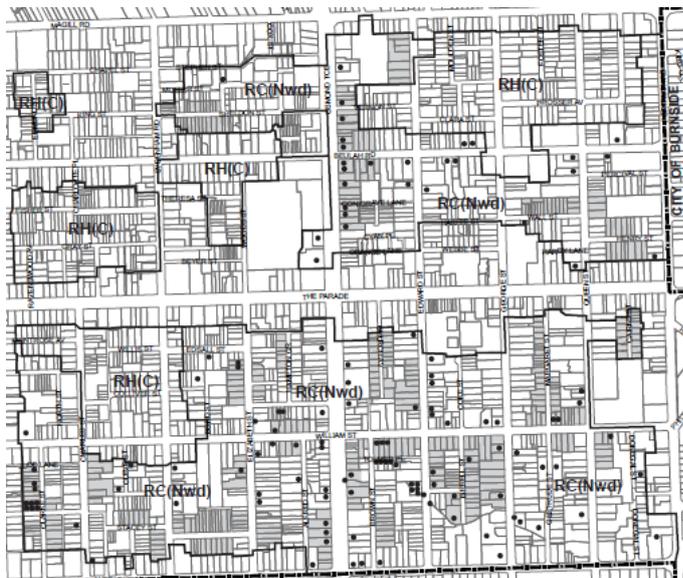
(ii) the conversion of an existing dwelling into two (or more) dwellings where the building and the front yard maintain the original external appearance to the street.

Residential Character (Norwood) Zone PDC 20

Land division creating additional allotments or dwelling sites should not occur on sites identified on Concept Plan Fig RC(N)/1, except where it involves:

(a) the redevelopment of sites containing existing multi-unit development; or

(b) the conversion of an existing dwelling into two or more dwellings (with no substantial change to the building form).



RESIDENTIAL CHARACTER (NORWOOD) ZONE CONCEPT PLAN Fig RC(N)/1

-  Land division creating new dwelling sites or additional allotments should not occur on these sites
- RC(Nwd)** Residential Character (Norwood) Zone
- RH(C)** Residential Historic (Conservation) Zone
-  Zone Boundary
-  State / Local Heritage Places

Although the draft Code policies facilitate TNVs for minimum site areas and frontage widths and seek development which is consistent with the surrounding land division pattern, there are no policy mechanisms equivalent to current Development Plan controls to specifically rule out subdivision or hammerhead allotments in certain areas. There is a risk that larger allotments in the existing 'no land division' areas could be subdivided and whether or not hammerhead allotments are consistent with the surrounding land division pattern will be a matter of opinion. This is particularly problematic in Norwood where there is localised variation in the surrounding allotment sizes, being the reason for mapping and policy controls over the 'character pockets' of this zone. The proposed Code policy framework therefore provides less certainty of development outcomes than the current Development Plan. An outcome which does not meet the Commission's own test of providing certainty.

In addition, a further issue in the translation of the existing Residential Character (Norwood) Zone relates to built form outcomes. Currently in the grey character pockets (shown above), development should be designed to complement the surrounding built form character, including maintaining a single storey streetscape appearance. Outside of the grey character pockets however, development can have a more contemporary design and be outwardly two-storey. Given the grey character pockets haven't been transitioned into the Code there would be no longer be any policy distinction in the design outcomes expected inside or outside of these areas. As a result, areas in Norwood which can currently accommodate contemporary two-storey design would instead under Code policies be expected to achieve character area design outcomes.

Recommendation

- 1) Current 'no land division' areas in Residential Character Zones are provided with a minimum site area / frontage width TNV which prevents subdivision
- 2) A Code policy is introduced which allows a TNV to identify where hammerhead development is not appropriate
- 3) 'Grey pockets' in the Residential Character (Norwood) Zone are transitioned under the Character Area Overlay, whereas areas outside of the grey pockets are *not* included in the Character Area Overlay



5.3 Building height policy for character areas

There is a complicated mix of building height policies which are returned in the Online Code tool for a performance assessed dwelling addition in a Character Area Overlay. For example in Evandale:

Established Neighbourhood Zone DTS/ DPF 4.1	Building height is no greater than: 2 levels
Established Neighbourhood Zone DTS/ DPF 4.2	<p>Additions and alterations:</p> <p>(a) are fully contained within the roof space of a building with no external alterations made to the building elevation facing the primary street</p> <p>or</p> <p>(b) meet all of the following:</p> <p>(i) do not include any development forward of the front façade building line</p> <p>(ii) where including a second or subsequent building level addition, does not project beyond a 45 degree angle measured from ground level at the building line of the existing building.</p>
Character Area Overlay DTS/DPF 3.1	<p>DTS/DPF 3.1</p> <p>Additions and alterations:</p> <p>(a) are fully contained within the roof space of a building with no external alterations made to the building elevation facing the primary street</p> <p>or</p> <p>(b) meet all of the following:</p> <p>(i) do not include any development forward of the front façade building line</p> <p>(ii) any side or rear extensions are no closer to the side boundary than the existing building</p> <p>(iii) do not involve the construction or alteration of a second or subsequent building level.</p>
Evandale / Maylands / Stepney Character Area Statement	<p>Building Height: Single storey, with some two storey to the rear of buildings (with single storey appearance to primary street frontage)</p>

It is understood that the hierarchy of Overlay > Zone is outlined in the rules of interpretation in the Code, however a user of the Online Code may not be familiar with this and would find the above results confusing (particularly in the order they are presented which is outlined above). Furthermore, there is a confusing conflict between the CAO DPF 3.1 and the building height anticipated in the Statement.



Recommendation

- 1) The Online Code enquiry tool streamlines results so that only the prevailing height policy (in this case the Overlay) is displayed
- 2) CAO DPF 3.1 specifies single storey dwelling additions for the purposes of a DTS pathway, which is supported. However, a separate policy should be applied for a performance assessed development which defers to the building height provided in the Statement, as well as requiring an appropriate contextual response to the immediate locality.

6. Urban Corridor Zones

As part of the 2013 Urban Corridor DPA, the Council made considered decisions in relation to various policy constructs, however, the draft Code is now proposing to reverse some of these decisions and agreements.

6.1 Significant Development Sites

The intent of the significant development sites policy to incentivise the amalgamation of individual sites is understood. However, while policy incentives play a valuable role in encouraging “over and above” development expectations, or provide flexibility for properties in extenuating circumstances, many criteria for significant development sites are: policy expectations elsewhere in the Code (e.g the 15% affordable housing requirement), relatively straightforward for a development to achieve, or are considered to be a ‘base-line’ expectation for development in the Urban Corridor Zone in terms of design quality (e.g. retention of a heritage building).

Notwithstanding how easy or otherwise it may be to meet the significant development sites criteria, the outcome will be the construction of developments which exceed the maximum building height in a non-strategic and non-transparent way. While a citizen can read Code policies and relatively easily understand that a site has a maximum building height of, say, five (5) storeys, the significant development site policy may facilitate a development of seven (7) storeys on that site. This policy therefore does not achieve the upfront certainty and consistency which the planning reform program set out to achieve.

In 2013, the City of Norwood Payneham & St Peters did not adopt the significant development sites policy and instead the Development Plan identifies additional building heights only for specific sites through concept plans. This policy approach clearly depicted in the Development Plan, is considered to provide more certainty and transparency for all parties and be a more transparent and appropriate method for allowing additional building height on appropriate sites.

Recommendation

Significant Development Sites policy is not adopted in the Code within the City of Norwood Payneham & St Peters, and instead additional site specific policy from the existing Desired Character Statements is transitioned to the Code to facilitate greater height in known locations.

6.2 Concept Plans

The methodology for which existing concept plans were or were not transitioned into the Code is unclear, but in any case no existing Norwood Payneham St Peters Urban Corridor Zone concept plans have been transitioned to the Code.

The *Kent Town Strategic Growth Concept Plan Fig Urc/1* and the *District Centre Norwood Concept Plan Figs DCe/1-4* illustrate various strategic features including key development areas, maximum building heights, key road / laneway / bicycle /pedestrian access, residential interfaces and heritage places. While building heights have been transitioned through TNVs, the remaining policy guidance currently provided in the concept plans will be lost.



Recommendation

Reinstate NPSP Urban Corridor Concept Plans

6.3 Desired Character Statements

Desired Character Statements provide a holistic understanding of the desired development outcomes for an area. The Urban Corridor Zone and District Centre (Norwood) Zone both contain extensive and detailed Desired Character Statements, outlining desired outcomes relating to site or area specific land use distribution, vehicle access, building design etc. As the Code does not facilitate the transition of Desired Character Statements, there will be a substantial loss of detailed, considered, intentional and up-to-date local policy.

Recommendation

Transition NPSP Urban Corridor and District Centre (Norwood) Desired Character Statements

6.4 Building Envelope Policy

The inclusion of 30 degree building envelope policy TNV for NPSP is supported. However, the Council is not supportive of the building envelope policy now only applying where an Urban Corridor development site shares an allotment boundary with an adjoining residential property in a neighbourhood zone. The subsequent policy requiring a transition down in scale where the site is on a non-State Maintained Road is not preferable to the clearer building envelope policy. This policy should also be reviewed in relation to the use of the term 'State Maintained Road' as not all Urban Corridor sites have a frontage to an arterial road.

The building envelope policy as it applies to NPSP, also appears to all refer to the building envelope grading north, even when the adjacent residential property is to the north of the Urban Corridor site. It is not clear how this policy is intended to operate across sites oriented in different directions.

Recommendation

- 1) The building envelope policy is amended so as to return to applying to a zone boundary, even where this is a street boundary (other than the primary street of the development site)
- 2) Urban Corridor Zones PO 4.2 is reviewed as State Maintained Road may not be an appropriate reference for all Urban Corridor sites which do not have a frontage to a State Maintained Road
- 3) The building envelope policy is amended so as to not refer to 'grading north'

7. Urban Infill Policy

The Council is supportive of the improvements to environmental and design outcomes for urban infill in the Code policies, particularly when compared to current Rescode criteria. However, the following points require greater clarification, review or are recommended improvements:

- Housing Renewal: the Urban Tree Canopy Overlay and Stormwater Management Overlay apply to a performance assessed Housing Renewal development but *do not apply to a DTS development*. The Overlays should be applied for both pathways;
- Domestic Storage: improve domestic storage provisions in the interests of liveability. The lack of domestic storage requirements is likely to prevent some garages being used for storage rather than car parking;
- Garage Dimensions: minimum garage dimensions should be increased to the October 2019 draft Code dimensions, rather than the reduced garage dimensions in this version of the draft Code, to ensure convenient and practical use of garages;



- Car Parking: car parking rates for 2 bedroom dwellings should be increased to 2 parking spaces per dwelling;
- Habitable Rooms:
 - introduce requirement for ground level habitable room window to prevent 'front door + garage door' ground level frontages on two storey dwellings;
 - introduce minimum dimensions for habitable rooms to prevent 'tokenistic' habitable rooms at the front for single storey dwellings;
- POS: increase current 24m² POS requirements (it is understood this is being reviewed by PLUS);
- Street parking and driveways:
 - Design in Urban Areas DPF 23.3 allows a 5m wide driveway on a 10m frontage, but DPF 23.6 requires an on-street park which is 5.4m long (i.e. 5m + 5.4m ≠ 10m). This may encourage relevant authorities to allow a minor variation where the on-street park is 5m long rather than 5.4m;
 - DPF 23.6 (a) should be reworded to clarify that 0.33 spaces per dwelling is rounded up to the nearest whole number for the whole development, not rounded up per dwelling;
- Ancillary Structures and soft landscaping: clarification or review of ancillary development policies to ensure future Accepted / DTS applications for outbuildings, verandahs etc do not undermine / remove soft landscaping and tree planting requirements which were originally established with a new dwelling; and
- policies relating to residential flat buildings and group dwellings should clarify that minimum site areas are *exclusive* of common areas to ensure each dwelling site is reasonable and functional.

8. Urban Tree Canopy Overlay

The Council is generally supportive of the Urban Tree Canopy policies in the interests of increasing urban tree canopy cover. However, the following points require greater clarification, review or are recommended improvements to ensure the policies achieve the intended outcome:

- standard condition(s) should be applied to developments which required tree planting under the Urban Tree Canopy Overlay to ensure that:
 - trees planted meet a specified minimum planting height; and
 - any trees planted are retained in perpetuity and maintained in good health. This is particularly important for recording on a Section 7 search so future owners are aware of the requirement to retain the tree;
- one option for managing compliance is to require the planting of the tree to be undertaken as part of a Certificate of Completion or Certificate of Occupancy to ensure that the tree is planted at the time of dwelling completion and to avoid councils being required to undertake costly compliance actions;
- the tree planting DTS criteria should not be available to disperse with as a minor variation. A practice guideline or practice direction should be provided to this effect.



7.1 Urban Tree Canopy Overlay Offset Scheme

With respect to the proposed offset scheme in lieu of the Urban Tree Canopy requirements, the following points require clarification:

- will the offset scheme be operational at the time Phase 3 is implemented?
- what will be the process or criteria for determining when and how an offset is allowed to be applied in lieu of planting? The offset scheme should be used in very limited circumstances and only where it is genuinely required;
- will the offset fund will be State based or council based and what are the costs and benefits of either option?

The following points are recommendations for the offset scheme:

- the required contribution amount in lieu of tree planting should be significant so as to act as a disincentive to paying rather than planting and reflect the genuine economic value of the tree (for example \$1165 as per the BDO report);
- the funds from the offset scheme should be used locally – that is, trees should be planted in areas where the offset fund has been used in lieu of tree planting;
- support from the minister for the establishment of council offset schemes for retention and control of these funds.

9. Flooding

The Council supports the significant improvements which have been made to the Hazard (Flood) Overlays since the October 2019 draft Code, and welcomes the future flood mapping project which will be undertaken by the Department to provide greater consistency in flood mapping data across Councils. It is understood that the Overlay policies are a product of standardising various Development Plan flood policies and need to accommodate the variety of flood data which is currently available. However, it is important that the flood overlay policies represent best practice, are reviewed by engineers, and are supported by the Department of Environment and Water.

The draft flooding overlay policies were made available for comment in Consult24 in October 2020, at which time the Council provided feedback. Although some amendments have been made to the policies, some of the Council's previous comments remain valid and the Council requests that these be reconsidered as part of this consultation.

10. Community Facilities Zone

In 2019, the Council's *Educational Establishments Review DPA* introduced detailed zoning and policy affecting community facilities. Specifically, the DPA significantly amended the policies contained in the Community Zone and introduced the Education Policy Area which provides specific policy guidance for school sites (such as required setbacks from site boundary which increase with building height) and the Recreation Policy Area which contains specific policy guidance for Dunstone Grove-Linde Reserve, the MARS recreation centre complex and their surrounding areas. The current Community Zone will transition to the Community Facilities Zone and in the process will lose the specific policy content introduced through the DPA. The Council requested an Education Subzone to preserve local policy applicable to school sites, however no response has been received.

Recommendation

- 1) Existing Development Plan policy is transitioned through an Education Subzone within the Community Facilities Zone



11. Affordable Housing Overlay

A range of policy incentives for affordable housing are being introduced in the Code which are not currently included in NPSP Development Plan policy including reduced site areas, increased building heights, and reduced car parking requirements. Further explanation is required as to why these incentives are now being applied to an existing, and well established development requirement. In particular, the Council is concerned about the additional building heights (both in neighbourhood and other zones), and the reduced car parking requirements.

With respect to building heights, the Council does not support 'bonus height' policies due to the lack of certainty this provides to communities about the building heights they can expect in their neighbourhoods.

With respect to car parking, the majority of the Council area is located within 400m of a public transport stop and it is not considered practical to not provide any car parks for any affordable housing dwellings in these areas. The fact that a dwelling is purchased through the affordable housing scheme does not necessarily reduce the likelihood of the occupier(s) owning a car, particularly in a suburban context. The distance of 400m is also considered excessive to rely solely on public transport, again particularly in a suburban context. Regardless of the propensity or otherwise for affordable housing occupants to own a vehicle, the lack of parking space will continue to be an issue when the dwelling is re-sold outside of the affordable housing scheme. It is considered more appropriate for reduced car parking rates to applied to a proportion of dwellings in a development only and for the distance to public transport be reduced.

Recommendation

- 1) 'Bonus height' policy incentives are not applied for affordable housing developments
- 2) The reduced car parking rates are only applied to a proportion of affordable housing dwellings in a development (e.g. 25%) and the distance to a public transport stop is reduced to 200m

12. General Neighbourhood / Housing Diversity Neighbourhood

12.1 Site Areas

The Council supports the inclusion of TNVs for site area and site frontages in the Housing Diversity Neighbourhood Zone. However, this will result in an unusual difference between Housing Diversity Neighbourhood and General Neighbourhood.

The transition from NPSP Zones to Code zones is shown below:

Development Plan	Code
Residential Zone	▶ General Neighbourhood
Residential Zone – Medium Density Policy Area (typically higher density than Residential Zone)	▶ Housing Diversity Neighbourhood Zone (typically higher density than General Neighbourhood Zone)

Anywhere in the NPSP Residential Zone, whether inside or outside the Medium Density Policy Area, shares the same minimum site areas for detached and semi-detached dwellings. However, the Medium Density Policy Area allows for increased densities with respect to group dwellings, row dwellings, and residential flat buildings.

The General Neighbourhood Zone does not allow for TNVs and the prescribed minimum allotments sizes are generally smaller than NPSP site areas (and these site areas are not supported due to the shortfall compared to existing Development Plan site areas). However, the HDN Zone allows for TNVs allowing the current NPSP site areas to transition to the Code. As a result, the minimum site



areas for detached dwellings and semi-detached dwellings will be larger in the HDN Zone compared to the General Neighbourhood Zone. This seems incongruous with the intent of each zone.

Recommendation

- 1) Allow site area and frontage width TNVs in the General Neighbourhood Zone, to provide consistency with the Development Plan and with detached and semi-detached dwellings in the Housing Diversity Neighbourhood Zone

12.2 Land division DTS Pathway

Table 2 of the General Neighbourhood Zone allows a DTS pathway for land division, which refers only to General Neighbourhood DTS 2.3 (which allows up to 5 allotments) without any hazard Overlays being applied. This does not adequately consider the implications of flooding or bushfire risk on new allotments created through land division.

Recommendation

- 1) If a DTS pathway is pursued for land division in the General Neighbourhood Zone, Table 2 should ensure this is not within a hazard Overlay and also is only applied where the land division is together with, or subsequent to, a dwelling application or existing built form.

13. Code Framework

Set out below are recommendations relating to the functionality of the Code and how it applies to the City of Norwood Payneham & St Peters.

13.1 Subzones

In 'South Australia's Planning and Design Code – How Will It Work' Discussion Paper, subzones were indicated as being the opportunity for the Code to reflect local characteristics and policy. It is disappointing that despite requests from the Council, no subzones have been applied in NPSP and no justification or evidence has been provided as to how these requests were considered. The Department has recently advised that there will be no further opportunities for subzones in Generation 1 of the Code. The Council has put substantial effort into creating a localised and detailed Development Plan which acknowledges and responds to the planning needs of different locations throughout the city, much of which will be lost in the transition to standardised zones. The proposed TNVs and Area Statements do not adequately address these policy shortfalls.

Recommendation

Subzones previously requested by NPSP be reconsidered, with reasons provided for the outcome.

13.2 TNVs

TNVs are, for the most part, simplified numerical figures which do not provide the same contextual policy guidance as current Development Plan policy. This represents a missed opportunity to use TNVs for more localised policy distinction. Examples of the differences between Development Plan policy and TNVs are outlined below:



Development Plan Policy (Nuanced Policy)	Code Proposed TNV (Generically applied policies)
Residential Zone – Medium Density Policy Area <i>Building Height: On sites that have a frontage to an arterial road, development of more than two (2) storeys above natural ground level, should only occur where it comprises a mix of residential and non-residential uses [in which case they can be three (3) storeys]</i>	Building Height: 3 storeys
Residential Historic (Conservation) Zone – Norwood 3 Policy Area <i>The average site area per dwelling unit for residential development in the Norwood 3 Policy Area should not be less than 250 square metres except where: The site of the development does not contribute positively to the historic character of the Policy Area and is not identified in Tables NPSP/5, 6 or 7, the average site area per dwelling may be less than 250 square metres (but not less than 200 square metres) provided that the development will not be inconsistent with the predominant pattern of development on allotments in the immediate locality of the subject site.</i>	Site area: 200m ²

Recommendation

The scope of TNVs is increased to allow more bespoke policy and wording, rather than (the majority of) TNVs being limited to numerical figures

13.3 Classification Tables / 'All Other Code Assessed' development

It appears the Department has not undertaken the significant amount of road testing of the Classification Tables which is required to avoid detrimental policy outcomes and unintended consequences, particularly in respect to which policies are applied to an assessment and which Overlays alter the assessment pathway of a development. Most councils have not had the capacity during the consultation period to undertake much (if any) road testing and therefore it is crucial that the Department devote significant resources to this process to manage this looming risk.

It is understood that the Classification Tables cannot prescribe pathways and assessment criteria for every development type. However, the process of reviewing all potentially relevant policies in the Code is a considerable task which will be resource intense, is open to interpretation, and carries a risk that important and relevant policies will be missed. While planners currently review all relevant policies in a Development Plan for merit development, Council planners are much more familiar with Development Plans, the existing policy is often clearer and more specific in how and when it should be applied (compared to standardised Code policy), and there are fewer Development Plan policies to work through compared to the State-wide Code. More land uses should be included in the Classification Tables, provided there is adequate road testing and quality assurance.

Recommendation

- 1) As a minimum, envisaged land uses listed in DPF 1.1 of each zone are included Classification Tables, provided adequate road testing is undertaken to mitigate the risk of incorrect policies being called up or policies being missed.
- 2) Consideration is given to how the intended application of policies can be made clearer in subsequent generations of the Code. For example, Code policies could be tagged with key words which assist in searching for relevant policies.



14. Public Notification

The public notification tables in the current consultation version of the Code are complex and difficult to read. It is understood that these tables are being reviewed to more clearly identify whether notification is required, which is supported. However, this will mean the Code's final allocation and wording of public notification will not be able to be reviewed by councils and the community prior to the Phase 3 Code being operational.

14.1 Demolition in Historic Area Overlay

In the Established Neighbourhood Zone, demolition of a building within the Historic Area Overlay requires notification. While the notification of Representative Buildings or other historic buildings is supported, the need to notify the demolition of non-historic buildings will be an unnecessary use of time and resources. It is recommended that the notification tables allow the relevant authority to determine whether the building contributes to the historic character of the area in the first instance (i.e. for the purposes of HAO PO 7.1) and *in those cases only* should notification be required. This could have similar wording to the 'minor' test which is included in every notification table.

In NPSP the Business Neighbourhood Zone combined with the HAO will replace the current Mixed Use Historic (Conservation) Zone. The Business Neighbourhood public notification table does not require notification for the demolition of buildings within a HAO which is not consistent with the notification outcomes of the Established Neighbourhood Zone or the current public notification triggers in the Mixed Use Historic (Conservation) Zone. The principle of demolition of historic buildings should extend to all HAO areas.

Recommendation

- 1) Public notification table in the Established Neighbourhood Zone should be amended so that public notification is only required for historic buildings in a HAO (i.e. Representative Buildings and other buildings which contribute to the historic character of the locality) rather than *all* buildings within the HAO. This should be at the discretion of the relevant authority as is the case for the minor test.
- 2) Public notification table in the Business Neighbourhood Zone should be amended to require public notification for historic buildings within the HAO, as per recommendation (1). Note that this should also apply to any other zones where the HAO applies.

14.2 Boundary Development

Boundary walls are a common cause of concern for neighbours living adjacent to developments. While the Fences Act requires consultation between property owners, in reality this is often undertaken very late in the development process, if at all. Department staff have indicated that changes to public notification triggers are being considered, including where a boundary wall exceeds the height or length anticipated in the relevant DPF. This change is supported.

Recommendation

Boundary walls which exceed the anticipated height and length should require public notification

14.3 Fencing

The NPSP Development Plan states that total fencing heights (including retaining) should not exceed 2.4 metres, and in most residential zones fencing above this height requires public notification. The Code does not appear to provide quantitative guidance as to an appropriate fence height, presumably because appropriate fence heights will vary across the State due to different topographies. Notwithstanding this, it is considered appropriate to require public notification for fences which exceed



a specified height above neighbouring property ground level. This would be particularly relevant and appropriate if boundary walls exceeding anticipated height and length will be included as a notification trigger in the revised Code.

Recommendation

Fencing (including any retaining walls) which exceeds a prescribed height above ground level on a neighbouring allotment should require public notification.

Note that notification should not be required if the fence only exceeds the prescribed height on the subject land (i.e. where the neighbouring property is higher and the potential impacts are limited to the subject land).

Within the City of Norwood Payneham & St Peters, it is recommended that fencing (including any retaining walls) which exceeds 2.4 metres above a neighbouring ground level should require notification.

15. Legal interpretation of multi-clause policy

Code policies which contain (a) (b) (c) parts or similar, are not explicitly written with 'and's or 'or's. The *Rules of Interpretation* does not appear to contain instruction on how to interpret these policies, although this verbally has been confirmed by the Department as a solution. For example:

Design in Urban Areas > Group Dwellings, Residential Flat Buildings and Battle axe Development > Car parking, access and manoeuvrability DTS/DPF 33.1 – It is understood that the DPF seeks an outcome which meets either: (a) + (b) or (a) + (c) but this should be clearer in the policy.

Where on-street parking is available directly adjacent the site, on-street parking is retained adjacent the subject site in accordance with the following requirements:

- (a) *minimum 0.33 on-street car parks per proposed dwelling (rounded up to the nearest whole number)*
- (b) *minimum car park length of 5.4m where a vehicle can enter or exit a space directly*
- (c) *minimum carpark length of 6m for an intermediate space located between two other parking spaces or to an end obstruction where the parking is indented.*

Urban Corridor Business Zone DPF 5.1 - Should an 'and' or an 'or' separate parts (a) and (b)?

Development on significant development sites up to 30% above the maximum building height specified in DTS/DPF 3.1 (rounded to the nearest whole number) where it:

- (a) *incorporates the retention, conservation and reuse of a building which is a listed heritage place or an existing built form and context that positively contributes to the character of the local area*
- (b) *includes more than 15% of dwellings as affordable housing*
or
- (c) *includes at least:*
three of the following:...

Design in Urban Areas > All residential development > Car parking, access and manoeuvrability PDF 23.3 – Recommend including an 'or' between (i) and (ii)

Driveways and access points satisfy (a) or (b):

- (a) *sites with a frontage to a public road of 10m or less, have a width between 3.0 and 3.2 metres measured at the property boundary and are the only access point provided on the site*
- (b) *sites with a frontage to a public road greater than 10m:*



- (i) *have a maximum width of 5m measured at the property boundary and are the only access point provided on the site;*
- (ii) *have a width between 3.0 metres and 3.2 metres measured at the property boundary and no more than two access points are provided on site, separated by no less than 1m*

To avoid confusion and misinterpretation, it is considered appropriate for this to be more clearly set out in the Code.

Recommendation

Subsections of policy are clearly separated by 'and'/'or'; or alternatively the rules of interpretation provide guidance on how to interpret these policies

16. Policy wording without direction

The format of Code policy wording results in most policies reading a statement rather than an instruction, typically due to a lack of instructive verbs. This appears to have been improved in some policies, however there are some remaining examples which do not give sufficient clarity as to what development should or should not occur. For example, Historic Area Overlay PO 7.2

Partial demolition of a building where that portion to be demolished does not contribute to the historic character of the streetscape

Recommendation

Amend policy wording to ensure the policies are instructive and clear about the envisaged development outcome and how the policy should apply to the proposed development.

17. DPF vs DTS

The format of the Code results in the same policy wording being used as a DTS or DPF depending on the assessment pathway and it can be difficult to determine what policies are there for functional / pathway purposes and what policies are seeking to create desirable outcomes. This creates some undesirable or confusing outcomes in two respects.

Firstly in some circumstances the DTS/DPF is clearly intended to facilitate a DTS pathway, but appears to contradict the PO – e.g.

Design in Urban Areas > All Development > External Appearance

PO 1.4

Plant, exhaust and intake vents and other technical equipment are integrated into the building design to minimise visibility from the public realm and negative impacts on residential amenity by:

- (a) positioning plant and equipment discretely, in unobtrusive locations as viewed from public roads and spaces
- (b) screening rooftop plant and equipment from view
- (c) when located on the roof of non-residential development, locating the plant and equipment as far as practicable from adjacent sensitive land uses.

DTS/DPF 1.4

Development does not incorporate any structures that protrude beyond the roofline.



Design in Urban Areas > Group Dwellings, Residential Flat Buildings and Battle axe Development
PO 31.4

Battle-axe development is appropriately sited and designed to respond to the existing neighbourhood context.

DTS/DPF 31.4

Dwelling sites/allotments are not in the form of a battle-axe arrangement.

Affordable Housing Overlay

PO 1.1

Development comprising 20 or more dwellings / allotments incorporates affordable housing.

DTS/DPF 1.1

Development results in 0-19 additional allotments / dwellings.

These policies become confusing when they are read as DPFs in a performance assessed pathway.

Secondly, it is not always appropriate to have the same policy for a DTS or DPF outcome because a conservative DTS outcome may be too restrictive for a performance assessed development, or a more enabling policy for a performance assessed development may not be appropriate as a DTS outcome, the policy may not be appropriate for the alternative assessment pathway. For example, the online Code indicates that the following policy is applicable to alterations and additions in the Established Neighbourhood Zone + CAO, in both DTS and performance assessed developments:

Character Area Overlay – DTS pathway

DTS/DPF 3.1

Additions and alterations:

- (a) are fully contained within the roof space of a building with no external alterations made to the building elevation facing the primary street
or
- (b) meet all of the following:
 - (i) do not include any development forward of the front façade building line
 - (ii) any side or rear extensions are no closer to the side boundary than the existing building
 - (iii) do not involve the construction or alteration of a second or subsequent building level.

Character Area Overlay – Performance Assessed Pathway

PO 3.1

Additions and alterations do not adversely impact on the streetscape character.

DTS/DPF 3.1

Additions and alterations:

- (a) are fully contained within the roof space of a building with no external alterations made to the building elevation facing the primary street
or
- (b) meet all of the following:
 - (i) do not include any development forward of the front façade building line
 - (ii) any side or rear extensions are no closer to the side boundary than the existing building
 - (iii) do not involve the construction or alteration of a second or subsequent building level.

In this example, DTS/DPF 3.1 states that additions should not exceed one storey, so as to not result in unreasonable outcomes through a DTS pathway. However, the Character Area Statements in NPSP anticipate that two storey may be appropriate at the rear provided it provides a single storey



streetscape appearance. Ideally, there would be separate policies applied to DTS and DPF pathways where different outcomes may be appropriate.

Recommendation

Separate policies are drafted for DTS and Performance Assessed pathways where different policy outcomes are expected.

18. Lost Policy

The Council's previous submission detailed the considerable extent to which current Development Plan policy will not be transitioning across the Code, leaving many gaps in policy. While some generalised policy coverage can be found in the General Development Provisions "layer" of the Code, in many instances localised, specific and detailed policy is absent or substituted with generalised, broad-brush outcomes that may open the system up to more subjective interpretation and more challenges against planning decisions. This condensing and omitting of important policy details is seen as a retrograde step.

Recommendation

Discussions are held with Council about how policy gaps will be addressed.

18.1 Desired Character Statements

The NPSP Development Plan contains many detailed Desired Character Statements which provide specific guidance for multiple local policy considerations, which will be absent from the new assessment framework. This affects multiple issues such as specific land use distribution, streetscape outcomes, local traffic and access details, etc. Subzones have previously been requested as a way of including these localised policy considerations.

Recommendation

Transition Desired Character Statements into the Code through subzones.

18.2 Concept Plans

The Council acknowledges that one (1) out of nine (9) Concept Plans has now been transitioned to the Code. While the transition of the Adelaide Caravan Park Concept Plan is supported, the loss of the majority of the Plans is not supported. TNVs are not an adequate substitute for the variety of policy information contained in the concept plans.

Recommendation

Transition existing NPSP Concept Plans into the Code

18.3 Laneways

The Council's previous submission discussed the relatively unique situation of the City of Norwood Payneham & St Peters with its multiple rear laneways and service lanes which over time has led to development and infrastructure pressure created by property owners that utilise these for access or property frontage. The NPSP Development Plan has a number of detailed requirements relating to laneway development and the Development Plan map which delineates which laneways can/ cannot serve as primary frontage for new dwellings, has been removed. It is understood that laneway policy will be included in the Generation 1 version of the Code but this has not been made available for public consultation. The inclusion of General Development Policies relating to laneways is supported, however it will not provide as specific and clear policy guidance as the current NPSP location specific policy.



Recommendation

Transition existing Map NPSP/1 (Overlay 4) which identifies particular laneways, and the supporting policies which states that dwellings should not front these laneways

19. Building Height Policy

19.1 Building Envelope Policy

The Council is supportive of the building envelope policy in the Urban Corridor Zone and Suburban Activity Centre being adapted to accommodate a TNV for either 30 degrees or 45 degrees, depending on Council preference. However it is concerning that the building envelope policy in other zones, which typically envisage less intense development than the Urban Corridor Zone, has been maintained at 45 degrees for non-southern boundaries. Examples in NPSP where the greater 45 degree angle has been introduced include the Community Facilities, Employment, Suburban Activity, Suburban Business and Suburban Main Street Zones.

The building envelope policy appears to have been amended in all zones such that it now only applies to a common boundary with a residential property in a neighbourhood zone - i.e. no longer a zone boundary along a road. The Urban Corridor Zones contain a subsequent policy dealing with residential development in neighbourhood zones on the opposite side of a street (PO 4.2), however this policy doesn't appear to be included in the non-Urban Corridor Zones. Given the building envelope policy has been amended in all applicable zones, then PO 4.2 should also be included in these zones.

Recommendation

- 1) Include building envelope TNVs in non-Urban Corridor Zones to provide consistency with the degree specified in Urban Corridor TNVs
- 2) Include Urban Corridor PO 4.2 relating to where a neighbourhood zone is on the opposite side of the street in all zones where the building envelope policy applies

19.2 Suburban Business Building Height

In the October 2019 draft Code, concerns were raised regarding the use of the term 'medium rise', defined as up to 6 storeys, where the building height TNV was less than 6 storeys. The changes made to most of these policies, to relate more specifically to the TNV height, are a positive improvement.

It was our understanding that the Suburban Business Zone was intended to accommodate a building height TNV, however DPF 3.1 prescribes 2 or 3 storeys depending on circumstances.

Recommendation

Amend Suburban Business DPF 3.1 to accommodate a building height TNV

20. Boundary Development

The Council's previous submission outlined various concerns with proposed boundary development policy. Some of these concerns have been resolved by subsequent amendments to draft Code policy, while others have been exacerbated.

20.1 Boundary height and length

The Council supports the amendments to boundary wall heights which are now typically 3.2 metres above natural ground, rather than potentially allowing 4 metre high boundary walls on sites with 1 metre of fill. Confirmation is required that this measurement should include any gable ends (i.e. the



permissible height is not 3.2 metres + a gable). The Council also supports reduced boundary wall length to 8 metres in the Established Neighbourhood Zone.

However, the Council is concerned by the increase in boundary wall length to 11.5 metres in the General Neighbourhood and Housing Diversity Neighbourhood Zones. It is understood the 11.5 metre length is intended to accommodate tandem parking, however a wall which is 3.2 metres high and 11.5 metres long is likely to have an unreasonable visual impact in many situations. Where an applicant wishes to have 2 covered tandem parking spaces this should be assessed through a performance assessed pathway to take into consideration the impacts on neighbouring property occupants.

Recommendation

- 1) Boundary wall length in General Neighbourhood and Housing Diversity Neighbourhood Zone is reduced to 8m for DTS development akin to current Rescode. A separate DPF could be applied to performance assessed development which allows up to 11.5m provided the impact on the neighbour is not unreasonable;
- 2) Clarification is provided that the anticipated boundary wall height of 3.2m above ground level does not include a gable end

20.2 Circumstances where boundary development is not envisaged

The NPSP Development Plan currently contains a number of policies addressing boundary development, including a preference for no side boundary walls within Historic (Conservation) Zones. The Established Neighbourhood Zone DPF 7.1 has been amended such that boundary development is not anticipated where a TNV side setback is present. There are no side setbacks currently applicable within the NPSP Residential Historic (Conservation) Zone and therefore no side setback TNVs in these areas. As a result DPF 7.1 does not have the desired effect of discouraging boundary development in NPSP HAO areas. This is a very different outcome.

The existing Residential Character Zone, which will transition to Established Neighbourhood Zone + CAO, contains side setback policies however no side setback TNVs have been applied in NPSP. The existing Development Plan policies should be transitioned. Assuming this occurs, pursuant to DPF 7.1 boundary development will also be discouraged in these areas.

Recommendation

- 1) An additional qualitative TNV be applied to existing RHCZ areas (transitioning to Established Neighbourhood Zone and Historic Area Overlay), which states that boundary development is generally inappropriate
- 2) Side setback TNVs are included for areas currently within the Residential Character Zone