

Expert Panel on Planning Reform Secretariat,
GPO Box 1815,
Adelaide, 5001.

The Secretary,
Kensington Residents' Association Inc.,
Mr A Dyson,
42, Regent Street,
Kensington, 5068.
14th October 2013.

Dear Panel Members,

We thank you for the opportunity to provide input into the review of the South Australian planning system. We are aware that the deadline for submissions to be considered for inclusion in the report, to be prepared before the end of the year, was 11th October and that the Community Alliance has been assured that its submission will be considered if received by 15th October. As a member group of the Community Alliance, we request that this short extension also applies to our Association's submission.

The Kensington Residents' Association was founded in March 1977 and represents the interests of residents of the historic Kensington village, the small suburb with its unique diagonal street pattern. At the time, there was a feeling amongst some residents that Kensington was neglected and run down. There were serious problems with traffic, including quarry trucks, using Kensington streets as a short cut because of the diagonal street pattern. Residents wanted more trees and open spaces and both the recognition and preservation of its historical features.

Our Association has achieved much since 1977. We are one the longest standing, most active and highly regarded residents' groups in Adelaide, and Kensington is no longer viewed as a neglected suburb.

EXPERIENCES OF THE CURRENT PLANNING SYSTEM

Our Association was instrumental in gaining support from the former City of Kensington & Norwood that led to the declaration of the entire suburb of Kensington as an Historic Conservation Zone in 1994. Since then Kensington has lost some important buildings, seen inappropriate modification of contributory items and suffered from inappropriate infill development. Nevertheless, the Historic Conservation Zone has been reasonably successful in preserving the historic character of Kensington and certainly provides a much better level of protection than exists in other historic areas of our city that have not been declared as Historic Conservation Zones.

Development Application Notifications

Since our Association was founded in 1977 we have been advised of and commented on numerous development applications in Kensington. For many years we were able to comment on all applications regardless of the category of development, but gradually the right to be advised and the opportunity to provide comment have diminished.

Initially we lost notification and comment rights on Category 1 applications and it soon became apparent that unsuitable and inappropriate applications were being approved. We believe that our expert local knowledge assisted Council in properly assessing applications as we were often able to bring attention to matters that otherwise may have been missed.

In 2009 we were advised by the City of Norwood, Payneham & St Peters (NPSP) that under recent changes to the Development Act and Regulations there was a change to the requirements with

respect to public notifications of Development Applications. In particular we were advised that Council could no longer notify residents' associations of Category 2 DAs within their areas of interest nor could any representations by a residents' association on a Category 2 DA be taken into account when assessing such DAs. Despite advice from the Minister for Urban Development & Planning that Councils were still able to provide residents' associations of Category 2 DAs, NPSP Council refused to change its position.

As virtually every development application is assessed as either Category 1 or 2 our Association has effectively been excluded from the assessment process since 2009. Inevitably, many more unsuitable developments have slipped through the system without expert and informed comment from residents based on our local knowledge and concern for the protection of the heritage and character of historic Kensington.

During the 1980s our Association and neighbouring residents experienced a more democratic and informed development application and approval system. Developers, Council planning staff, Councillors and residents were often given the opportunity to meet on site to discuss proposed developments. This open, engaged and consultative process provided the opportunity for all to have their say often resulting in compromises and a better outcome for all. This was in stark contrast to the current adversarial system, there are no on-site meetings and contact between residents and DAP members is not permitted.

Development Assessment

Under the current assessment process, development applications are generally approved "on balance". This means that developments that fail what should be considered key "Principles" are often approved.

Open Space Development Fund

The nature of infill development experienced in established areas such as Kensington is such that developers make a contribution to the Open Space Development Fund and do not provide any open space. In fact each development results in a decrease in the amount of private open space and in many cases there is no worthwhile open space with permeable surfaces and anything more than a few token bushes and plants provided. Effectively, we lose open space with every development and money from the Open Space Fund is spent elsewhere.

Development Assessment Panels

When Development Assessment Panels (DAPs) were composed only of elected councillors they were more responsive to the needs and concerns of the community. Many of the independent DAP members are either developers or planning professionals who live outside the council area and may well sit on a number of different DAPs. They often apply generalised planning standards, are pro-development and don't have any local understanding, in particular in relation to heritage and character areas. Finally, they are not answerable to the community.

Heritage

The separation of heritage from the Development Act, the destruction of the Heritage Branch and the government's total disregard for heritage protection has resulted in the loss of significant heritage items and the character of our built environment.

In Historic Conservation Zones, residents' associations often have a better understanding of the historic character and the type of development that is appropriate than Council planning staff,

especially so given the high turn-over of staff, and much greater experience of heritage matters, yet are largely excluded from providing input in response to development applications because most are deemed to be Category 1 or 2. This often results in the approval of totally inappropriate developments that destroy the heritage character of the streetscape.

Owners of heritage listed properties (both local heritage and contributory items) intentionally neglect them over many years then gain demolition approval based on the state of repair.

Government policy is to limit heritage listing of individual items and the declaration of new or extended historic conservation zones. In addition the requirement for a complex DPA process to achieve an upgrade from “contributory item” to “local heritage item” status has prevented the upgrade of a number of significant items in Kensington and the correction of some serious anomalies.

The distinction between local heritage and contributory status is difficult to understand and at times somewhat arbitrary. If a building contributes to the character of the streetscape it should be preserved, to allow its destruction detracts from that character. In Kensington there are identical buildings where one is designated as a local heritage item and the other is only a contributory item!

SUGGESTIONS FOR A NEW PLANNING SYSTEM

Development Application Notifications

We propose a total reform of the notification system as follows:

- Notification to be placed on the property to be developed during the consultation process, such that it is readily visible from the street;
- Full notification of all Category 2 and 3 DAs to a broader range of affected residents and interested groups such as residents’ associations with the entitlement to lodge comments and objections, and full appeal rights if required;
- Full notification of all Category 1 DAs that will impact on the streetscape in Historic Conservation Zones and Character Areas to nearby residents and interested groups such as residents’ associations with the entitlement to lodge comments and objections, and full appeal rights if required;
- Development applications to be more accessible to the public with the right to obtain copies of plans (no hiding behind copyright to keep plans hidden);
- On-site meetings between developers, council planning staff, DAP members, residents and residents’ association representatives.
- Increased timelines for responses to a realistic level to enable interested parties to access and digest the relevant DA information, read and understand a development plan, and develop a written response.

Development Assessment

In assessing DAs there should be some key “Principles” that must be met. If any of these key principles are not met the application should fail.

Open Space Development Fund

Contribution to the Open Space Development Fund should be spent locally to compensate for the loss of open space resulting from infill developments.

Development Assessment Panels

Development Assessment Panels should be made up of elected councillors. If they are to have independent members they should not be developers or planning professionals who live outside the council area but rather they should be representatives of the local community. Independent members should not be permitted to serve on more than one DAP.

Heritage

The protection and preservation of heritage must be an integral component of new planning legislation and the role and functions of the Heritage Branch should be strengthened.

In Historic Conservation Zones the role of residents' associations and heritage groups in providing advice on development matters and applications should be acknowledged and recognised.

New planning legislation should provide enforcement provisions to ensure that owners of heritage listed properties (state heritage, local heritage and contributory items) are not intentionally neglected. Demolition approval should not be granted where buildings have been neglected intentionally.

The creation and extension of historic conservation zones should be encouraged.

All contributory items in Historic Conservation Zones should be upgraded to local heritage status. Failing this, a simple process should be established to provide for the upgrade from "contributory item" to "local heritage item" status.

CONCLUSION

In conclusion our Association urges the development of a new planning system that provides for genuine community input and engagement, recognising the expertise that exists within the community and the right for existing residents to have the major say in the type of development that is permitted in their community as opposed to the current system where developers and possible future residents have the greater input and say.

As mentioned above, our Association is a member of Community Alliance South Australia and supports the Alliance's submission to the Expert Panel.

Yours faithfully,



Sara White

President (8331 7811)

cc City of Norwood, Payneham & St Peters
Mr Steven Marshall, Member for Norwood
Norwood Residents' Association
Preserve Kent Town Association
St Peters Residents' Association
Community Alliance South Australia



Andrew Dyson

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