

Our home has been included in a Historic (Conversation) Zone as a Contributory Item which is a new category of Heritage Listing developed by the Norwood, St Peters, Payneham Council (Council). It restricts our rights that existed over our home when we purchased our home in 1991.

Almost every reference in the Development Plan to "heritage place" is followed by "and" or "or" "contributory item".

I'm a home owner who has been labelled as a developer by Council without any rights of appeal or objection.

The category that Council has developed falls outside heritage processes that would allow me to appeal Council's decision.

It is rumoured that because of the way and manner in which I have objected it will ensure that my home remains listed as a Contributory Item in a Conservation Zone.

The Council have stated that if I don't like it I can always move.

Half our suburb has been listed the other half hasn't – We've been isolated and expected to bear the cost of preservation while the other half of the suburb reaps the benefits.

Valuations are typically based on the potential for use of the property. The potential use of our home has been seriously eroded and Council argue that the value of our property has not declined.

Council did not need to consult with us over the listing but informed us in a congratulatory style letter that our home had been selected. Council have patted themselves on the back that they told us. It was not until I took time off from work and time away from my family to delve into the fine print of the documents that I discovered what had happened to our home. I am appalled by the lack of detail provided to the home owner when the loss of rights is so significant.

Council use my rates to go through a process that consumes many hours of Council staff time and requires many expensive consultant reports – money that I would have expected to be spent on Council services provided to the Council residents. No time and effort spent by me is recoverable.

As part of our objection I along with a number of other residents collected signatures on a petition. We thought it would take us one or two minutes at each house to collect a signature. We spend on average 10 to 15 minutes at each house and up to 25 minutes explaining what Council has done to home owners. The residents typically are unaware of the appalling loss of rights inflicted on them without their knowledge. How can such a significant loss of rights be inflicted on home owners without them being made aware of it?

We are not aware of or been provided with any financial analysis by Council of the impact of change as a result of the planning requirements. I'm informed by Council that Council does not need to consider the economic impact of development controls on the home owner. What an appalling way to implement policy changes.

The process to develop the conservation zone is done behind closed doors with no ratepayer awareness of the process until the rights to your home are gone because of the listing.

The language used in the Development Plan that has taken my rights away is vague, imprecise and open the whims of the Councillor based almost on whether Councillors like you or Councillors don't like you.

My hope is that Council stop wasting resources on stifling living and realise that as in life, as in our community, if you are not growing and developing you must be dying.

I have attached two submissions which I believe encompass the significant issues that affect our community and hinder its development and explain in greater detail the issues I have summarised above.

13 January 2005

Chief Executive Officer
City of Norwood, Payneham and St Peters Council
PO Box 204
Kent Town SA 5071
Attention: Keke Michalos

Dear Mr Barone,

Further to our submissions objecting to the Development Plan Amendment, of 6th, 8th, 10th, 11th and 12th January 2006 we raise the following additional issues and concerns.

There are three significant matters that have risen from the numerous issues that are outlined in our preceding submissions on this incredibly divisive and financially burdensome Development Plan Amendment. The three significant matters are:

- the impact of the Development Plan Amendment on our personal property;
- impact of the Development Plan Amendment on our suburb; and
- the process used in the development of the Development Plan Amendment and the consultation process.

As owners of this property we believe our private property rights have been disrespected.

We find the retrospective nature of the Development Plan Amendments imposes **unreasonable and restrictive requirements** on us, which were not present, when we purchased our property and have lived happily in for the last 15 years. We want to continue to live happily and grow in our house but believe this will not possible due the Development Plan Amendments. How does Council propose to compensate use for this loss of enjoyment and potential for growth?

We object to a **percentage use of our property** being imposed on the use of our property. This restriction on us equates to a reduction in value of our property and we should be financially compensated for this reduction in use. One potential calculation for compensation is the property owner organising an independent valuation of our property with Council paying 50% of that valuation for compensation of loss of use. Will Council pay us the 50% loss of use compensation? This change leads to economically inefficient land usages.

To our East and West both properties have been or are in the process of being developed (approved in the last 2 years) that will and have dwarfed our property. The new site restriction of 50% will result in our house always being dwarfed. We believe this is unfair, unreasonable and unjust and contend that the restrictions imposed on us by the Development Plan Amendment are unrealistic and we should be allowed to develop our property under the same terms, conditions, rules, regulations and guidelines as our neighbours. We request that we be approved to build to a sufficient size and dimension to block out these Council approved constructions.

The Development Plan Amendment **does not take into consideration the cost imposed on the property owner** due the Amendment to the Development Plan. No change should be made to any rule without a statement as to the costs imposed on the property owner as a result of the Development Plan Amendment. If [our house] is such a great structure to be preserved and it has been voted on as being publicly “good”, this has over ridden our private property rights, and then surely the cost burden should be borne by the public. It is easy to support listing something that is “nice to save” when the entire cost is borne by the individual owner.

We also have identified in a previous submission that **insurance companies charge an increased premium** for heritage listed and Contributory Item properties. We have been informed that at least two organisations, Australian Pensioners Insurance and AAMI, charge increased premiums for heritage listed and Contributory Item properties. Will Council compensate property owners for increased insurance premiums as a result of being included as a Heritage Property or a Contributory Item Property? These costs again will be passed onto the property owners without reasonable compensation.

Joslin – our suburb

We would like all houses in our Suburb to be removed as Contributory Items within a Historic (Conversation) Zone in the Council’s Heritage (Payneham) Plan Amendment Report.

The development plan states as objective 4 that development should be orderly and economic. We cannot see how the plan ensures development is made orderly or ensured that it is economic by the Development Plan. In particular the inclusion of subjective and vague guidelines does not enhance orderly development - it in fact complicates and confuses the development process. We cannot see how the Development Plan, by imposing rules and regulations on us, is economic and in fact can only see how the Development Plan is uneconomic in terms of our time and resources and the time and resources of Council.

We feel the development amendment report **will seriously impact on the revenue of council and lead to an increase in rates and a decrease of services for the rate payers and the community**. The Development Plan Amendment will reduce to potentially zero, development in the area which has generated revenue for Council through fees and charges, income for industry through industry performing the building and supplying the development materials and income for the community through employment and the need for services within the community.

The reduced desire for the purchase of property in the area will also deflate house prices.

The increase in unemployment will result in social problems and greater demand for community services. Has Council considered the financial and social impact on the community as a result of implementing the Amended Development Plan? Will Council inform the ratepayers of the financial and social impact (both costs and benefits) of the Amended Development Plan?

We have noted, over our time in Joslin, young families moving into the area to take advantage of the current Development Plan and expand their property as the family grows (as we did 15 years ago) – this is an advantage of living in Joslin and being close to East Adelaide School. This Development Plan Amendment clearly goes against this trend. Has Council taken this into consideration and assessed the **impact on the community** of this change including the higher cost of development on young families? Further more has Council assessed the impact on growth and the future of First to Sixth Avenue Joslin?

Development of the plan and consultation

Already it has been said to us that this **over-listing invites corruption**. The council is placing itself in the uncomfortable position that it may exercise these further dictatorial planning controls to impede development

During our discussions with Council staff it was noted that the reason for implementing the Development Plan Amendment from the date of release for consultation was to prevent the Council from being flooded by development applications. There are a number of objections arising from this process namely:

- If the amendment is such a good idea why would there be a flood of Development Applications? My contention would be to take advantage of the conditions under which the property was purchased and achieve the original intention of the property purchaser.
- The process adopted is not consultation but dictation. The change is implemented before consulting. How can reasoned and meaningful discussion occur after the changes have been implemented?
- The consultation process engaged in by Council is one sided and a marketing exercise on the side of Council to sell the Development Plan Amendment. Council is funded by all property owners, the property owners deserve and expect their funds to be used for all their benefits and need to be informed of both the costs and benefits of the Development Plan Amendment not just the benefits that have occurred to date. How does Council propose to advise all property owners of both the costs and the benefits of the Development Plan Amendment?
- The materials that need to be read to understand the implications of the Development Plan Amendment are only available during working hours. Neil works during working hours making it very difficult to access the materials. In the spirit of consultation all parties should have equal and reasonable access to the materials on which consultation is occurring. We feel the consultation process is flawed and is biased in favour of Council and that no Amendments to the Development Plan should occur until free and open consultation is held.
- During our discussions with Council staff it was evident that the person collecting the submissions and preparing the summary of the submission was passionate about conversation and very much in favour of properties being included in the Contributory Items list. With the greatest respect what independent processes have been put in place to ensure Council is presented with a fair and accurate summarisation of the submissions made by residents and property owners?

- The proposed Development Plan as a result of the Amendment is not available from the Council and must be obtained from planning SA. In the spirit of fair consultation how can consultation occur where those who are directly affected by the Amendments are not all made aware of the changes or where the Amended Plan can be obtained from. It should be noted that Council has not made a copy of the Amended Development Plan available for residents and property owners. Property Owners are “consulted” with on what they have not been provided a copy of and is difficult to obtain.
- There is a misconception in the neighbourhood that residents are entitled to be reimbursed 30% of the total cost up to \$3,000, once in five years, for “specified” restoration projects. Joslin residents should be informed **this once in five years, 30% reimbursement up to \$3,000 is not available to Contributory Item listed properties.**

Public hearing

- Council has informed us that we can speak for a maximum of 5 minutes and can only speak at one of the meetings to be held on 30 and 31 January 2006. These requirements are totally inadequate and make a mockery of the consultation process. We feel the consultation process is flawed and is biased in favour of Council and that no Amendments to the Development Plan should occur until free and open consultation has occurred.
- None of the consultation meetings planned for 30 and 31 January 2006 are to be held in Joslin. The majority of properties contained in the Development Plan Amendment are located in Joslin. It appears that the Council bias is further enhanced by holding meetings as far away from those most affected as possible. This makes it difficult for residents of Joslin to attend who are more likely to be opposed the Development Plan Amendment. This furthermore makes it more likely for those who are not directly affected by the Development Plan Amendment to show their support and impose their will on the smallest suburb directly impacted on by the Development Plan Amendment. We feel the consultation process is flawed and is biased in favour of Council and that no Amendments to the Development Plan should occur until free and open consultation is held.

During our discussions with Council staff, we were informed that the Amendments were initiated as a result of a survey undertaken seven years ago. We believe that changes based on a seven year old survey are out of touch with the current attitudes of residents. In fact the survey was undertaken by Architects who will as a profession benefit directly from the introduction of Heritage and Conversation Zone development requirements. We have presumed that Architects make up a very small proportion of the Council's community. We would appreciate being provided with a copy of the survey so we can further assess the attitude of residents surveyed to support the Amended Development Plan.

We are concerned at the **incentive for over-listing**. As part of the McDougall and Vines survey were the attitudes of residents included in the survey? How were the wishes of residents balanced against the interests of Architects, as part of the McDougall and Vines survey, to introduce Heritage and Conservation Zones?

We request an extension to the consultation period due to the lack of time to obtain and read the voluminous material related to the PAR development and the Amended Development Plan and the reasons for our houses inclusion.

During our discussions with Council staff it was suggested that if we didn't like the rule changes we could always move. How does this attitude fit with consultation? How does this attitude fit with a fair summation of submissions? We consider this advice very insulting. Why should we move? These rules are being imposed on us by people who do not live in our suburb or people who have already benefited from the previous rules. We object to people outside our suburb or who do not have the same property situation as us imposing unreasonable and restrictive rules on us. We like where we live and want to enhance and improve our home not have it regressed to the depressive depression era of the 1920's and 1930's.

There is no doubt in our minds that our historical heritage should be preserved. However we believe that the planning for Joslin is **a legalised theft of property rights which will impose many hidden costs and lost development opportunities for our suburb**. An alternative to this obscene over-listing of privately owned properties would be the heritage bodies be funded state and federally to preserve these places. Alternatively an agreement should be sort between the Heritage Funded Body and the property owner to register the property in which financial, technical and professional advice is freely available and the property owner receives a remission of council rates, compensation for lack of capital appreciation and refund of all amounts spent on property maintenance and other impositions of which we are not yet aware.

We are totally opposed to the introduction of the Heritage (Payneham) Plan Amendment.

We would appreciate the opportunity to discuss our concerns at a public meeting and wish to address the Public Hearings on Monday 30 January 2006 and Tuesday 31 January 2006.

We would like all houses in our Suburb to be removed as Contributory Items within a Historic (Conversation) Zone in the Council's Heritage (Payneham) Plan Amendment Report.

Yours sincerely,

Neil and Susie Traeger

13 January 2005

Chief Executive Officer
City of Norwood, Payneham and St Peters Council
PO Box 204
Kent Town SA 5071
Attention: Keke Michalos

Dear Mr Barone,

Further to our submissions objecting to the Development Plan Amendment, of 6th, 8th, 10th, 11th, 12th and 13th January 2006 we raise the following additional issues and concerns.

There are a number of reasons why we do not want our property listed as part of the Heritage (Payneham) Plan Amendment, they are:

- There is nothing significant about our property.
- We do not want our property to be listed.
- The property has been significantly modified, over the years.
- The property does not contribute to the areas character.
- The property does not display historical themes that are important to the area.
- The property does not display the social themes that are important to the area.
- The property does not play and has not played an important part in the lives, history or culture of local residents.
- The property does not display aesthetic, ambient or appeal merit for the area.
- The property does not have design characteristics that are important to the area.
- The integrity and character of the area has been lost through uncontrolled demolition and unsympathetic alterations to buildings.
- Our property does not contribute to the streetscape as there is no identifiable historic character to the streetscape in the area.
- There are so many styles of development how can one historic style be chosen from so many styles that exist in the area.
- There are so many varied properties that there is no one unified or consistent physical form in the area.
- There are only 2 houses classified as Local Heritage Places – the listing of almost the entire suburb to support these two places is excessive.
- All Avenues properties lack synergy.

We are totally opposed to the introduction of the Heritage (Payneham) Plan Amendment.

We would appreciate the opportunity to discuss our concerns at a public meeting and wish to address the Public Hearings on Monday 30 January 2006 and Tuesday 31 January 2006.

We would like all houses in our Suburb to be removed as Contributory Items within a Historic (Conversation) Zone in the Council's Heritage (Payneham) Plan Amendment Report.

Yours sincerely,

Neil and Susie Traeger