



PO Box 530, Port Elliot, South Australia, 5212

State Planning Commission
Department of Planning Transport and Infrastructure
GPO Box 1815
Adelaide, SA, 5001

Submitted via email as follows:

State Planning Commission	DPTI.PlanningReformSubmissions@sa.gov.au
Minister for Planning, Stephan Knoll	ministerknoll@sa.gov.au
Premier of South Australia, Steven Marshall	premier@sa.gov.au
Member for the Electorate of Finniss, David Basham	Finniss@parliament.sa.gov.au
Mayor for Alexandrina Council, Keith Parkes	keith.parkes@alexandrina.sa.gov.au

February 26th, 2020

Dear Sirs,

Submission regarding the Planning and Design Code – Port Elliot, 5212

1. Overview

We represent Port Elliot via our Port Elliot Town and Foreshore Association Improvement Association. We have a long history of representing our community's wishes, and intend to do so by way of this submission.

First and foremost, the diversity of Port Elliot, comprising our neighbourhoods and communities, represents different histories, geographies, topographies and local aspirations. The new Code MUST permit diversity through discretionary local, specific policies and the reflection of our local places and their historical CONTEXT.

We feel that our local council, Alexandrina Council, is best placed to determine the most appropriate areas and ways to deliver these outcomes. We do not believe that being categorised as wider Adelaide is conducive to protecting Port Elliot's unique village way of life. Port Elliot is not, and should not be categorised as, a suburb of metropolitan Adelaide.

We are still attempting to fully understand the content and implications of this Code with regards to Port Elliot and so the following submission represents our preliminary comments.

2. Consultation

We are ordinary community members ourselves, speaking on behalf of our community. None of us are qualified lawyers, planners or professionals used to dealing with documentation such as this Code. Nor can we ordinary people afford to engage someone to help us understand this Code.

So far as we can tell, the draft Code is more than 3,000 pages, together with the updates, the various historic statements, over-lays, classification tables (a further 2000+ pages) and ancillary documentation. It is overwhelming.

We believe that this Code is a large, complex, complicated document which is simply inaccessible and incomprehensible for ordinary communities. This is particularly so here in Port Elliot, with a demographic of elderly citizens, most of whom do not have the ability to access the internet let alone navigate the complexities of the online Code. The consultation process is itself ageist, discriminatory and disappointing. We contacted Alexandrina Council on 6 February 2020 and were advised by planning staff (Bianca Veenstra) that not only could we not access a copy of the Code via Alexandrina Council, they themselves did not have a copy and were only accessing the online portal.

We feel that the scope, scale, detail, complexity and consequences of the 'transition' to the new Code is overwhelmingly substantial.

Further, we consider that the content, accuracy, process, community awareness and timing of the new Code, falls incredibly short of our community's expectations.

We hereby request the State Planning Commission to delay implementation indefinitely, thereby providing the wider South Australia community appropriate time to allow for a proper and comprehensive review of the proposed changes.

3. Local Government involvement

Alexandrina Council's Development Plan has evolved over a long period of time resulting in a reasonably refined and tested approach. Alexandrina Council's Development Plan is generally accepted by our local community, and its planning provisions reflect a common understanding of what constitutes appropriate development in Port Elliot and across the Fleurieu Peninsula.

The State Government is rigidly intent on establishing a grossly oversimplified one-size-fits-all planning rule book, which we believe will result in the wholesale loss of contextual sensitivity and refined policy thinking, that has evolved over a long time by local councils.

We hereby request the State Planning Commission to permit councils, like our council, Alexandrina Council, to retain their ability to assess planning applications.

4. Zoning "General Neighbourhood"

The majority of Port Elliot's residential zoning is set to lose significant controls when it is downgraded to the General Neighbourhood Zone under the new Code. We are extremely concerned that implementation of "General Neighbourhood Zone" under the new Code will substantially increase the risk of poor planning outcomes for our township. There is serious and adverse potential for our Port Elliot community to lose its highly valued amenity of its streets and suburbs.

We are anxious that the proposed transition to "General Neighbourhood Zone" provides a generic infill intent contrary to the existing zoning. We believe that removing the prevailing Residential Zone, in exchange for "General Neighbourhood Zone", poses significant implications for intensive development and built outcomes. This is undesirable for the Port Elliot township and its residents.

The changes to Port Elliot are just so impactful and significant, that we suggest the existing Residential zoning and the new "General Neighbourhood Zone" simply are incompatible. Our existing zoning focuses on preserving character of our village, rather than accommodating change and infill and does not envisage a greater range and intensity of development.

Both the Minister for Planning and the State Planning Commission have repeatedly stated their guarantees of "like for like" transition of Alexandrina Council's Development Plan to this new Code. However, the transition from Residential and downgrade to "General Neighbourhood Zone", will drastically and negatively change planning controls in Port Elliot and across the wider Fleurieu Peninsula.

We STRONGLY urge the State Planning Commission to have due regard to the existing desired character for Port Elliot that complements existing dwelling character and form. As just one example, currently row dwellings and residential flat buildings are not permitted in our Residential Zones. Yet under this General Neighbourhood Zone,

all categories of dwellings, such as detached, semi-detached, row dwellings, residential flats, group dwellings, together with a range of shops, offices and consulting rooms of up to 1000 square metres, (or 200 square metres on arterial and collector roads) will be permitted. This is NOT LIKE FOR LIKE TRANSITION.

We fail to understand how the State Planning Commission can justify such a major change of policy, with the attending long-term development implications, especially seeing as parts of Port Elliot's Residential Zone are adjacent to existing historic conservation zones and protections. At the very minimum, our residential zoning should transition to **Suburban Neighbourhood**. If appropriately zoned as Suburban Neighbourhood, then our Residential Zones would remain low to very low density thereby acknowledging and respecting Port Elliot's overall heritage character as well as residential amenity.

*We hereby request the State Planning Commission to preserve Port Elliot's existing residential zones and transition them to **Suburban Neighbourhood Zone** and not General Neighbourhood Zone.*

5. Site setbacks / frontages etc

Given the "General Neighbourhood Zone" referred to above, we have serious specific concerns regarding:

- non-residential land use: under Alexandrina Council's Development Plan, shops, offices and educational establishments are non-complying in the Residential Zones. However, under the new Code, non-residential uses will be permitted, which will adversely impact traffic, parking, noise, neighbour's amenity and the character of our village. This is unacceptable. All uses which are currently non-complying in our residential areas (e.g. office and shop) should be deemed to be "restricted development", to which there are notification and appeal rights, as is currently under the existing plan,
- siting and setbacks: under the new Code, building setbacks from side and rear boundaries will noticeably decrease, particularly at upper levels. This is unacceptable and will severely impact amenity and privacy. Existing siting, setback and floor area criteria should be maintained throughout all our residential areas,
- side and rear setbacks do not exist in the draft. This is surely in error. Such if included in the final draft will see the current spaciousness of our village disappear, and
- density and allotment Sizes: the new Code appears to contain a number of errors and omissions. We argue that current minimum allotment sizes, heights and frontage widths match existing. We are concerned that the area per dwelling will be changed from 350m² to 300m², (or down to 200m² for row housing), setbacks have been drastically changed. The front setbacks have been effectively

halved, from the current existing established setback of around 10m (suburban wide) to a mandatory 5m.

6. Heritage matters

We feel strongly that this new Code will destroy the heritage fabric and character of the Fleurieu Peninsula, in particular, Port Elliot.

Port Elliot has a strong historical theme throughout the village, and is the reason why we have such a viable heritage tourism industry. International, interstate and intrastate visitors come to our region for the very reason that, over the years, we have by and large managed to preserve the significant character and heritage that comprises Port Elliot.

Retreating from the individual identification of heritage properties, and removing the contribution that non-listed yet heritage items contribute to the feel of our town is wholly detrimental. We regard the failure to bring across contributory items to the new Code as a retrograde step in the preservation and adaptive use of our existing heritage stock in Port Elliot.

We believe that the hitherto reasonable degree of prevailing certainty regarding valued heritage characteristics will be destroyed by the implementation of this Code, and that clarity for all will be trashed. Any future works undertaken pursuant to this Code, be it by owners, purchasers, developers, applicants, communities etc. will now require deep monetary pockets to identify what can and can't be done; much more so than under the existing Alexandrina Council Development Plan.

Historic character of a property and our township area is essentially formed by its CONTEXT, by the original whole buildings and their settings. Port Elliot's stunning heritage character is so much more than just the streetscape presentation and front elevation / facade.

Our specific concerns with regards to the Historic Area Statement for Port Elliot are as follows:

- the generic introduction makes no reference to the Historic Area Overlay being described, so that no context is provided about Port Elliot's historic background, development pattern or the heritage values of our village,
- the map provided is grossly basic without any detail such as street layouts/ subdivision patterns, already listed local and state heritage places,
- there is inconsistency in mapping style of the proposed Historic Areas and no keys provided to interpret the maps (e.g. 5 colours with no key to indicate what the colours mean). We believe that the Alexandrina Council's Development Plan maps are far better, and should and could be adapted to replace the minimal, inadequate mapping provided,

- the table has no title and no headings, and it is not clear what is the function of the table? This needs to be clarified for it to make sense, and
- information provided in the tables is confused, inadequate and would provide no basis against which to measure development application. Some of the information comes from existing Development Plan provisions, but is selective and ad hoc. These tables as outlined do not “identify and articulate the key elements of historic importance in a particular area”,
- we could not find any development objectives or policies included in the new Code, which we believe will result in very minimal and vague guidance, and
- we found the terminology used in the Code in relation to heritage quite difficult to follow and inconsistent, with terms being used interchangeably. e.g. is a structure the same as building, the same as a dwelling, the same as a place?

We hereby request the State Planning Commission to permit councils, such as Alexandrina Council, to maintain a centralised role in the management of Port Elliot’s local heritage and our historic areas.

7. Private Open Space

We are seriously concerned about the provisions relating to overlooking, as many houses along the coast are two storied, and people move to Port Elliot and surrounding towns to gain a sense of open space. Overlooking from above ground floors is currently addressed by screens etc. to 1.7m above floor level. 1.7m should be the ABSOLUTE MINIMUM yet we understand that this will be reduced to 1.5m in the Code.

We hereby request the State Planning Commission to reconsider the requirements as to private open space.

8. Community Wastewater Management Scheme infrastructure requirements

Port Elliot is not serviced by mains sewerage and waste water infrastructure, and all new development must be able to connect to the Community Wastewater Management Scheme.

We believe that under the General Neighbourhood zoning referenced above, the proposed minimum allotment size of 200-300 square metres and minimal front setbacks are inappropriate in our rural township, as it does not account for infrastructure requirements to service waste water and storm water requirements.

We hereby request the State Planning Commission to consider Port Elliot, being a township served by a Community Wastewater Management Scheme, be zoned as a

Suburban Neighbourhood Zone so as to ensure and limit a lower population density
reliant upon on site disposal of waste water.

9. Natural environments

We believe that the natural environment will suffer under this Code, and that insufficient trees will be preserved by this Code. We believe that this new Code undermines green cover by facilitating larger developments and the easier removal of trees on both private and public land. We see this resulting in a significant reduction in canopy cover, habitat loss and climate resilience, due the increased infill development opportunities, reduction in minimum site areas, site coverage, setbacks and increased number of street crossovers.

We want more trees to be planted with every development, be it new or infill development, and that more must be done to preserve existing mature trees and significant trees in our village township.

We hereby request the State Planning Commission to permit councils, like our council, Alexandrina Council, to retain their ability to assess planning applications to ensure sufficient open space and foliage which positively enhances the amenity of Port Elliot.

10. Consultation regarding new development applications

The existing public notification scheme recognises and draws upon the Port Elliot community's collective local knowledge and contextual input for more significant scale of developments with inherent specific and significant potential impacts. Further, we believe that our residents should have a right to know about developments happening here in Port Elliot. We are extremely disappointed that the only public notification will be notice to properties within 60 metres of a proposed development site, with no requirement to advertise more broadly.

We are also extremely disappointed that the State Planning Commission will remove third party appeal rights. By virtue of the existing system and third-party appeal rights, there is a court case relating to a Port Elliot redevelopment proposal currently before the Environment, Resources and Development Court which resulted from large scale community rejection of an inappropriate design in the heart of a residential zone.

Our residents SHOULD have the right to be heard on what is appropriate development in the areas in which they live. We believe that this Code threatens the ability of our local Council, our community and individuals to influence our lived environment.

We also request a practical solution to the need for on-site signage for public notification purposes, particularly on numerous roads through Port Elliot and across the Fleurieu Peninsula that are adjacent to 80-100 kms high speed roads.

We hereby request the State Planning Commission to include in the new Code notification for all development that:

- increases development intensity (including additional dwellings on the site),
- includes two storey development, and
- changes use from residential to non-residential.

Unless the above issues are addressed and the draft Code is amended to reflect these concerns, there will be an unacceptable loss of local character and amenity in our coastal village.

We trust that the concerns detailed above will be given your full consideration.

Yours sincerely,



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