



Submission Regarding the Proposed Planning Controls for Lot 707 (Marion Road, part of Laffer's Triangle) under the proposed Planning and Design Code.

1. Introduction

This submission is from the Friends of Warriparinga Inc, a volunteer group which was established nearly 30 years ago "...to protect and restore as far as possible the natural vegetation along the Sturt River and land adjacent in Warriparinga – Laffer's Triangle; to promote the natural quality of the western portion, including the river, of Warriparinga-Laffer's Triangle as an open space community resource; to act to improve the quality of water of the Sturt River; to preserve the Kaurna spirit of the area....".

A further objective is "...to protect the open space, ecological and heritage value of the entire triangle bordered by South, Marion and Sturt Roads".

Friends of Warriparinga (FOW) has undertaken work over these past 30 years on a volunteer basis in support of these objectives. It has lobbied for, and secured, the protection of this vitally important urban location, and has successfully restored this length of remnant river to its pre-1836 condition. This encouraged significant initiatives downstream, including the establishment of Warriparinga Wetlands, Oakland Wetlands and the river corridor between them. Together, these projects have broadened the scope and extent of this unique conservation initiative on the Adelaide Plains. Laffer's Triangle, including Warriparinga and Lot 707, is the beginning of this stretch of river, and it is vitally important that it is protected.

FOW is concerned that the proposed changes in planning controls for the Laffer's Triangle area place the Sturt River and Warriparinga at risk of poorly managed developments, as the current protections will be reduced and expose the river and environment to increased environmental impacts.

FOW would like to make it clear it is not opposed to the development of Lot 707: it seeks, however, to ensure that only sympathetic and compatible uses can be located alongside the unique cultural and environmental heritage of Warriparinga, Fairford House and the Sturt River.

FOW has held fruitful discussions with ILSC management in previous years concerning a shared interest in protecting the cultural and environmental heritage of Laffer's Triangle from development activities; but is concerned that a purchaser of the Lot 707 land may not share this interest. This is the reason we object to the potential removal of the current controls which help manage the negative impacts on this important area.

2. Background

The River, wetlands and the Indigenous and European heritage areas are currently located in an Open Space Zone, with the land under the control/ownership of the City of Marion. The Council has committed to the on-going protection of the Area and has invested (and continues to invest) in preservation and enhancement activities. Council has control over what can be developed or undertaken in this Zone: FOW is confident Council will ensure there is appropriate protection for the environment from internal activity.

However, FOW is concerned that the remaining areas of Laffer's Triangle may impact negatively on the Open Space Zone. The current Suburban Activity Node Zone, which covers Lot 707 and the rest of Laffer's Triangle, was proposed by the SA Government and took effect in February 2018 (following a change to the relevant Development Plan in August 2017).

These changes were accepted by Council on the understanding that any new development in Laffer's Triangle would respect the cultural and environmental value of the Warriparinga wetlands, Kurna land and State heritage place. Key elements included:

- Expanding the Open Space Zone protecting the Wetlands
- Managing storm and wastewater to ensure they are not discharged into the Sturt River or Wetlands
- Ensuring there are floor area caps on commercial property to discourage inappropriate land uses such as certain bulk goods handling activities
- Locating commercial properties along the Marion Road frontage, away from the River and Wetlands
- Listing petrol stations as an "inappropriate use" in this Zone.

While far from ideal, FOW accepted that these measures would provide some protection for the adjacent environmental and cultural areas.

3. Planning and Design Code

The FOW fears that the changes to be introduced under the proposed Planning and Design Code will remove these protections which were fought for and negotiated in 2017-18.

We understand that the current Suburban Activity Node Zone covering Lot 707 is to be transitioned to an **Urban Neighbourhood Zone** (or possibly a Suburban Neighbourhood Zone?) under the proposed Planning and Design Code. As currently drafted, this Zone does not have the floor area caps nor the requirement to place commercial properties along Marion Road; it also does not list petrol stations as an inappropriate use. These changes

from the 2018 agreement are illustrative of the fundamental change in environmental and cultural protection of this important area which would follow from this transition.

FOW believes this proposed change is unfair and a breach of the undertakings negotiated just 3 years ago.

The language in the Code appears not to recognize the interface between Zones, and the need for special measures to manage the transitions between Zones. There appears to be limited or no discussion of the boundary controls needed to protect against negative impacts from the transfer of noise, pollutants, air and water flows into culturally and environmentally sensitive areas. The limitations and protections negotiated 3 years ago appear to have been lost in the move to a generic approach to local planning.

FOW requests the Commission and Minister to consider how this important element might be incorporated into the definitions for the relevant Zone(s), or in the general Policy relating to the interface between Zones. In our specific area of concern, such a Policy might address issues such as acceptable and unacceptable uses, the need for a buffer zone between such uses and the Council owned Warriparinga site, special conditions which require recognition of the sensitive river environment nearby, the need to incorporate noise, discharge, animal and planting controls so as not to compromise the role of Warriparinga as an urban sanctuary which is unique in its blending of indigenous and settler histories.

As a minimum, we request the Commission and the Minister to carry over the existing provisions to the new Suburban Neighbourhood Zone, to ensure that the Zone (and the general Policy within the Code) provides appropriate protection for the adjacent river, wetland environment, and cultural heritage areas.

However, in addition, we suggest there may be a fundamental problem associated with the apparent lack of rules for managing the interface between all Zones; the Commission must clarify the arrangements to apply at the borders between Zones. It is unrealistic to expect that the break between Zones can be managed by a simple line; rules are required for transitioning across an appropriate distance and ensuring the flows of contaminants across borders are controlled and the more sensitive Zone protected. This issue does not just arise at Warriparinga between the current Open Space Zone and the proposed Suburban Neighbourhood Zone; it may apply in many other instances at the boundary between any two Zones.

4. Summary

The FOW appreciate the mammoth task of creating a single Planning and Design Code to replace the large number of Development Plans and related documents that currently exist. The Commission and Minister are to be congratulated for their courage and vision in tackling this task.

However, it is inevitable that in seeking to develop a single approach, there will be a loss of good planning protection in certain unique places, and a risk of damage to social infrastructure that has been established over the years within a system that understood and

respected local and regional significance. The protection of the Sturt River and its environs, with their unique heritage and environment, is something that should not be compromised in the move to the new Planning and Design Code.

We believe this is not the intention of the Commission or the Minister, and therefore we request that appropriate adjustments be made to continue on the current protections. If we are wrong and the proposed Code can provide the same or better protections, we look forward to being advised how we can secure the future of Warriparinga and the Sturt River environs under the new arrangements, and how development of Lot 707 will be sympathetic to and indeed complement this objective.

Bruce Wilson OAM
Chairperson
30 November 2020