

DIT:Planning Reform Submissions

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Sent: Friday, 18 December 2020 10:59 AM
To: DIT:Planning Reform Submissions
Subject: Response to Draft Planning Code Phase 3
Attachments: Draft Code Consultation Phase 3 response Bronwyn Lewis 18 December 2020.pdf

Categories: leah

Please find the enclosed response to the public consultation of Phase 3 of the Code.

Bronwyn Lewis

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State Planning Commission

By email: DIT.planningreformsubmissions@sa.gov.au

18 December 2020

To Whom it May Concern

Re: SUBMISSION ON REVISED DRAFT PLANNING & DESIGN CODE - PHASE 3

I am one of the Elected Members representing Port Elliot and Middleton in Alexandrina Council. It is of great concern that the public consultation has been so short and many issues raised in the first consultation have not been addressed.

Constituents are finding it difficult to review, consult on and respond to the new draft within the very tight consultation period. The brief review we have had time for shows that it remains a document with considerable barriers of size and complexity for the layperson.

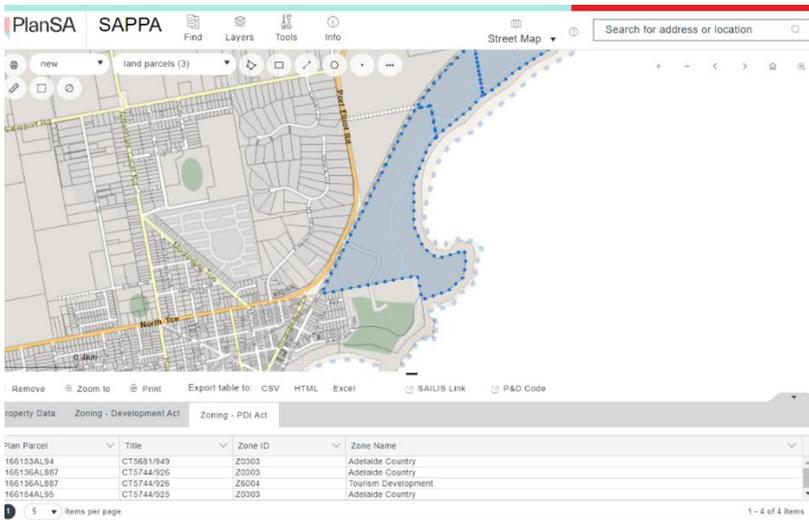
I object to the huge loss of local context and policy which has been largely removed from the Code. This version marginalizes the role of Alexandrina Council, which is the body best placed to deal with local planning decisions.

Of immediate consideration is Ratalang (Basham Beach Conservation Reserve)

Given that this is a conservation area of significant cultural heritage to the Ngaarrindjeri people and which is the subject of multiple agreements with Council and State Government for its management, conservation and protection the zoning must be changed. In the draft Code it is zoned Adelaide Country and Tourism Development – this is clearly an error that will have significant legal and cultural ramifications.

See Map 1 Ratalang Basham Beach Conservation Reserve and Map 1 – proposed zoning - below.





Further to the briefing given by Alexandrina Staff on Monday 14 December I reiterate the issues for the Ward for which I am an Elected Member.

The proposed Township Main Street Zone in Port Elliot does not preclude the creation of additional allotments as the current policy does.

Recommendation: Introduce a TNV the Township Main Street Zone in Port Elliot to preclude the creation of additional allotments.

Concern was originally raised with the name 'Peri-Urban Zone' as it did not reflect the area it was covering which is the Watershed Zone the new name of Adelaide Country in no way reflects the productive farming, niche produce and high scenic quality of this area.

Recommendation: Reiterate the name suggested by the Mount Lofty Ranges Planners Group which is 'Productive Rural Landscape'.

In relation to Port Elliot Township, I wish to raise the numerous objections my constituents who have written to me about the draft Code. If left as is, the impact will be detrimental both on the village township of Port Elliot and for the heritage of South Australia as this unique town must be protected.

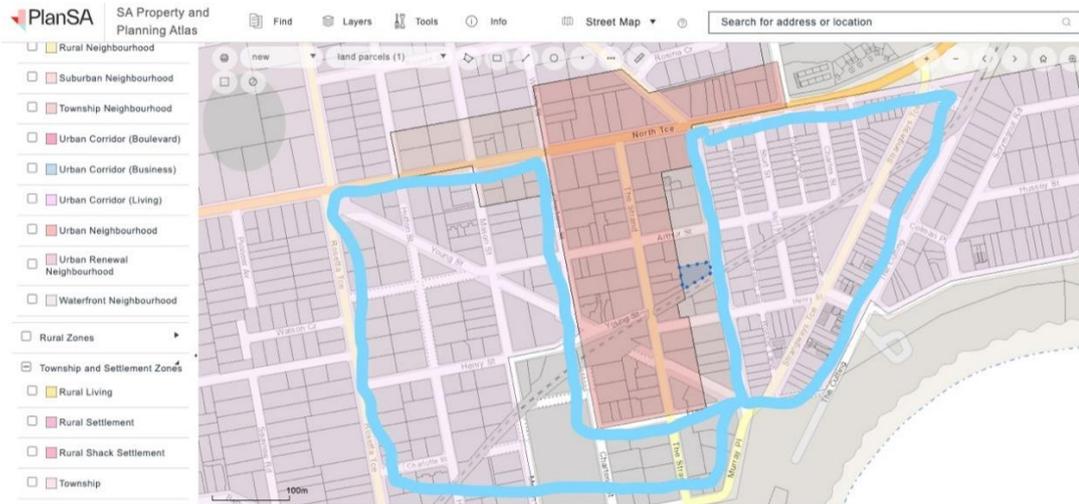
1. Zoning

With limited exception, most of the residential zone of Port Elliot will be re-zoned from the existing Southern Policy Area 11 to "Neighbourhood". This change is retrograde and does not afford sufficient planning protection to the Port Elliot township. This zoning does very little to preserve and retain the established character, subdivisions and land use patterns since Port Elliot was established in the 1830s.

The "Neighbourhood" policies that go with this zone will result in substantially poorer and incompatible design outcomes which will detract from the setting and function of existing buildings within the adjacent historic conservation area.

Per the below map, these areas should instead be zoned "Established Neighbourhood" to better reflect and preserve the way in which our village has developed. We are not suburban / metropolitan Adelaide, nor do we wish to be considered as such. "Established Neighbourhood" more closely resembles that which currently exists in Port Elliot, notably with regards to the pattern of the original land division and development, site cover, setbacks and design.

Please refer Map 2 below.



2. Commercial Development in Residential Areas

Under the existing Development Plan the people of Port Elliot fund raised and employed a legal team to represent them in the ERD Court in December last year and successfully stopped this kind of Development – this legal precedent shows the extent the community will go to, to protect their beautiful town. To allow non-complying development will have a huge impact on the legal system as the residents of Port Elliot will not ‘take it lying down’.

Under the existing Development Plan, shops, restaurants, offices educational establishments etc. are non-complying. Under the draft Code, these non-residential uses plus a significant number more will be allowed in existing residential areas, which will adversely impact traffic, parking, noise, neighbour amenity, and the character of Port Elliot village as a whole. The compact uniqueness of the township will be lost, and this is unacceptable.

All uses which are currently non-complying in our residential areas should be classed as “restricted development”.

Further it is wholly unacceptable that any shop (which includes restaurant) with a gross leasable area of 1000m² or less can be built in a residential zone.

This is ridiculous and completely incompatible with the desired outcome for the zone which states that “*services and community facilities contribute to making a convenient place to live **without compromising the residential amenity and character of the neighbourhood.***”

Alternatively, a new zone should be created purely for residential land use and applied instead to existing Southern Policy Area 11.

3. Historic Areas

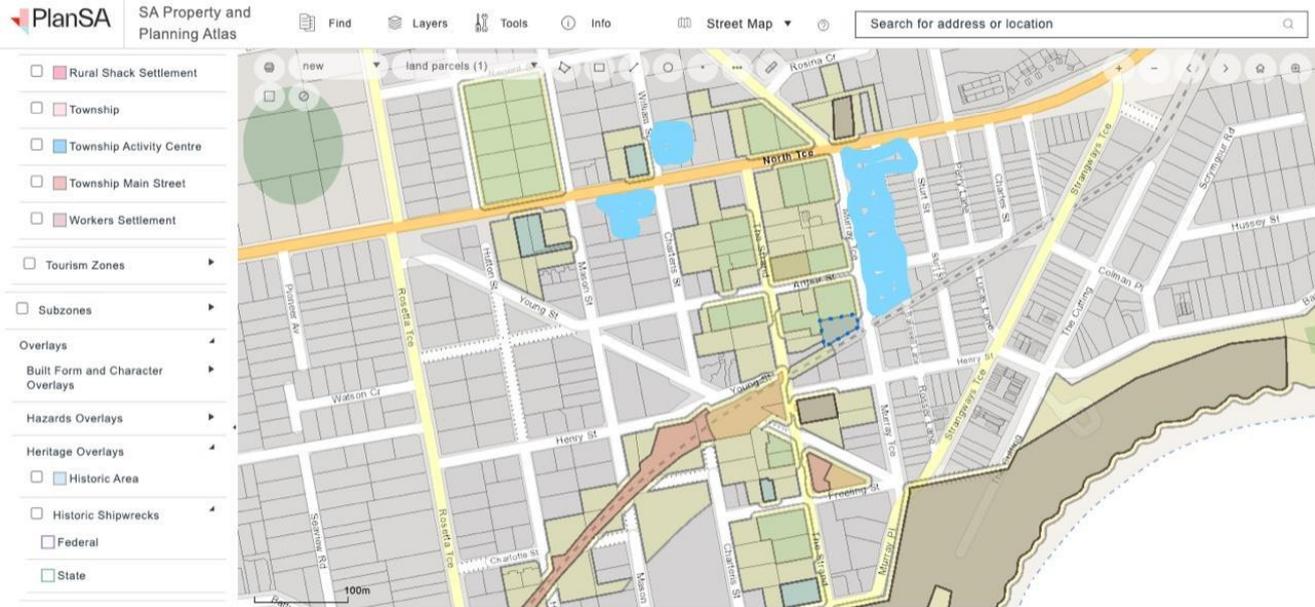
The heritage and character of Port Elliot is one of the pivotal reasons that so many tourists visit Port Elliot; these elements together play a key role in our village’s social and cultural makeup.

The Historic Area and Heritage Overlay in the draft Code are drawn too narrowly and should be redrawn to encompass many of the older buildings which contribute to the heritage streetscape of our village.

Further, the Heritage Adjacency Overlay has been insufficiently applied, and it should be extended, so that future development is required to address the potential impacts on adjacent heritage places and zones. In each case, Heritage Adjacency should be applied notwithstanding that a road separates a heritage property from those properties which are adjacent.

In Port Elliot the correct approach must be preservation of a designated Heritage Place or Area must also incorporate the adjacent properties, whether separated by a road (of whatever width) or not.

Please refer Map 3 below. The blue highlighted sections should also have Heritage Adjacency Overlay applied.



4. Public Notification

The draft Code should reflect our Council's current Development Plan policy with respect to the notification of neighbours and the public. The Code should include notification for all development that is non-complying, increases development intensity and which includes additional dwellings on the site.

5. Tree Canopy and Climate Resilience

The draft Code facilitates larger developments, the easier removal of trees on both private and public land, increased infill development opportunities etc. This will result in significant reductions in canopy cover, habitat loss and climate resilience. The requirement to plant a reasonably sized tree as part of a proposed development should not be circumvented by paying money into a tree fund as this would allow the erosion of tree canopy in Port Elliot. Requirements for minimum tree planting size and ongoing maintenance should be written into both Code policy and conditions of approval.

As a member of the Section 41 Climate Emergency Committee looking at ways to mitigate our Carbon output it is ludicrous to not be proactive in extending our greening and the canopy of townships. We live in the hottest State with the lowest Tree Canopy; we should be encouraging all levels of Government to invest in greening our canopy.

Accordingly, the historic Soldiers Memorial Gardens designed by Australia's first town planner, Charles Reade circa 1914, should be protected.

Finally, unless the above issues are addressed and the revised draft Code is amended to reflect these concerns, there will be an unacceptable loss of local character and amenity in my Ward and neighbourhood. I look forward to your response and working collegially to resolving the issues as soon as possible, Yours sincerely

Cr Bronwyn Lewis

Port Elliot Middleton Ward – Alexandrina Council.