

# MIDDLETON CODE AMENDMENT

ALLOTMENT 104  
PORT ELLIOT ROAD, MIDDLETON

ALLOTMENT 105  
MINDACOWIE TERRACE, MIDDLETON

---

JANUARY 2023

<b>HAVE YOUR SAY.....</b>	<b>5</b>
<b>1. WHAT IS THE PLANNING AND DESIGN CODE?.....</b>	<b>6</b>
1.1 Planning and Design Code Framework .....	6
1.2 Overlays.....	6
1.3 Zones .....	6
1.4 Sub zones .....	6
1.5 General Development Policies .....	6
1.6 Amending the Planning and Design Code .....	6
<b>2. WHAT IS PROPOSED IN THIS CODE AMENDMENT?.....</b>	<b>8</b>
2.1 Need for the amendment.....	8
2.2 Affected Area .....	8
2.3 Summary of proposed policy changes .....	9
<b>3. WHAT ARE THE NEXT STEPS FOR THIS CODE AMENDMENT? .....</b>	<b>16</b>
3.1 Engagement.....	16
3.2 How can I have my say on the Code Amendment?.....	16
3.3 What changes to the Code Amendment can my feedback influence?.....	17
3.4 What will happen with my feedback? .....	17
3.5 Decision on the Code Amendment.....	18
3.6 Closing the Loop.....	18
<b>4. ANALYSIS .....</b>	<b>19</b>
4.1 Strategic Planning Outcomes.....	19
<b>5. INVESTIGATIONS.....</b>	<b>23</b>
5.1 Investigations undertaken.....	23
5.2 Land Supply and Demand Investigations.....	23
5.3 Community Infrastructure Analysis.....	24
5.4 Civil Infrastructure and Utilities Planning.....	25
5.5 Traffic, Access and Parking.....	26
5.6 Site Contamination .....	27
5.7 Aboriginal Heritage .....	29
5.8 Hazard Management .....	29
5.9 Vegetation Impact Assessment.....	31
5.10 Interface Management.....	31
5.11 Affordable Housing .....	33
5.12 Additional Investigations.....	34
<b>6. CONCLUSION .....</b>	<b>35</b>

<b>7. REFERENCES.....</b>	<b>36</b>
<b>ATTACHMENT A – AFFECTED AREA MAPPING.....</b>	<b>37</b>
<b>ATTACHMENT B – CURRENT CODE POLICY .....</b>	<b>38</b>
<b>ATTACHMENT C – PROPOSED CODE POLICY.....</b>	<b>39</b>
<b>ATTACHMENT D – STRATEGIC PLANNING OUTCOMES .....</b>	<b>40</b>
<b>ATTACHMENT E – INVESTIGATIONS (RESIDENTIAL ASSESSMENT).....</b>	<b>41</b>
<b>ATTACHMENT F – INVESTIGATIONS (SERVICES FEASIBILITY STUDY) .....</b>	<b>42</b>
<b>ATTACHMENT G – INVESTIGATIONS (TRAFFIC AND ACCESS).....</b>	<b>43</b>
<b>ATTACHMENT H – INVESTIGATIONS (STORMWATER MANAGEMENT).....</b>	<b>44</b>
<b>ATTACHMENT I – INVESTIGATIONS (PRELIMINARY SITE INVESTIGATION).....</b>	<b>45</b>
<b>ATTACHMENT J – INVESTIGATIONS (ABORIGINAL HERITAGE).....</b>	<b>46</b>
<b>ATTACHMENT K – PROPOSED CONCEPT PLAN .....</b>	<b>47</b>

## HAVE YOUR SAY

This Code Amendment is on consultation from 19 January 2023 to 17 March 2023.

During this time you are welcome to lodge a written submission about any of the changes proposed in this Code Amendment.

Submissions can be made in the following ways:

- a) Via our online survey or submission form available through the SA Planning Portal

[https://plan.sa.gov.au/have\\_your\\_say/code-amendments](https://plan.sa.gov.au/have_your_say/code-amendments)



- b) Via email to: [andrew@humbyconsulting.com.au](mailto:andrew@humbyconsulting.com.au)

- c) Via post to:

Humby Consulting  
PO Box 7434  
Halifax Street SA 5000

- d) Two informal drop-in sessions will be held at a local venue in Middleton during the consultation period

- a. Saturday 28 January 2023 - 10am till 1pm
  - i. Middleton Pharmacy Convenience Store (Courtyard) – 17a Goolwa Rd, Middleton
- b. Wednesday 1 February 2023 – 11am to 1pm
  - i. Located on the subject land – accessed off Mindacowie Terrace

- e) In person by booking a one-on-one meeting with the project team. Bookings can be made by contacting Andrew Humby on 0402 832 226 or Barry Briggs on 0414 441 406 or via email at [andrew@humbyconsulting.com.au](mailto:andrew@humbyconsulting.com.au)

## **1. WHAT IS THE PLANNING AND DESIGN CODE?**

The Planning and Design Code (the Code) sets out the rules that determine what landowners can do on their land.

For instance, if you want to build a house, the Code rules will tell you how high you can build and how far back from the front of your land your house will need to be positioned. The Code will also tell you if any additional rules apply to the area where your land is located. For example, you might be in a high bushfire risk area or an area with specific rules about protecting native vegetation.

### **1.1 Planning and Design Code Framework**

The Code is based on a framework that contains various elements called overlays, zones, sub zones and general development policies. Together these elements provide all the rules that apply to a particular parcel of land. An outline of the Code Framework is available on the PlanSA portal.

### **1.2 Overlays**

Overlays contain policies and maps that show the location and extent of special land features or sensitivities, such as heritage places or areas of high bushfire risk.

They may apply across one or more zones. Overlays are intended to be applied in conjunction with the relevant zone. However, where policy in a zone conflicts with the policy in an overlay, the overlay policy trumps the zone policy.

### **1.3 Zones**

Zones are areas that share common land uses and in which specific types of development are permitted. Zones are the main element of the Code and will be applied consistently across the state.

For example, a township zone for Andamooka can be expected to apply to similar townships like Carrieton. Each zone includes information (called classification tables) that describes the types of development that are permitted in that zone and how they will be assessed.

### **1.4 Sub zones**

Sub zones enable variation to policy within a zone, which may reflect local characteristics. An example is Port Adelaide centre, which has many different characteristics to typical shopping centres due to its maritime activities and uses.

### **1.5 General Development Policies**

General development policies outline functional requirements for development, such as the need for car parking or wastewater management. While zones determine what development can occur in an area, general development policies provide guidance on how development should occur.

### **1.6 Amending the Planning and Design Code**

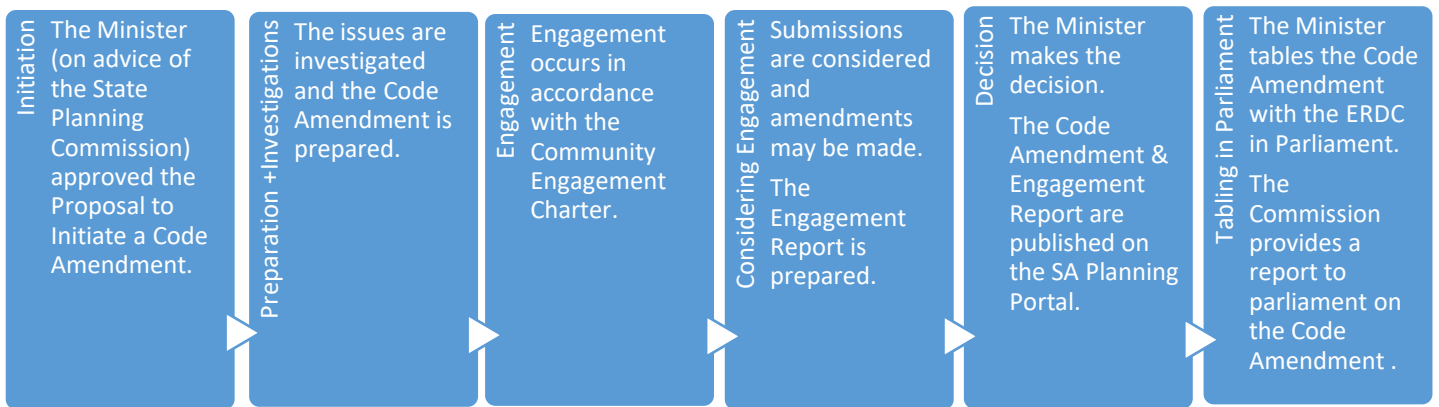
The *Planning, Development and Infrastructure Act 2016* (the Act) provides the legislative framework for undertaking amendments to the Code. With approval of the Minister for Planning (the Minister) a Council, Joint Planning Board,

Government Agency or private proponent may initiate an amendment to the Code and undertake a Code Amendment process.

An approved Proposal to Initiate will define the scope of the Amendment and prescribe the investigations which must occur to enable an assessment of whether the Code Amendment should take place and in what form.

The State Planning Commission (the Commission) is responsible under the Act for ensuring the Code is maintained, reflects contemporary values relevant to planning, and readily responds to emerging trends and issues.

The Commission provided independent advice to the Minister for Planning and Local Government on the Proposal to initiate this Code Amendment. The Commission will also provide a report on the Code Amendment (including compliance with the Community Engagement Charter) at the final stage of the Code Amendment process.



## 2. WHAT IS PROPOSED IN THIS CODE AMENDMENT?

### 2.1 Need for the amendment

The Designated Entity, Gums ADHI Pty Ltd, is consulting on a Code Amendment to rezone land from the Deferred Urban Zone to the Master Planned Township Zone.

The Affected Area is currently located within the Deferred Urban Zone, and has been identified as land preserved for future urban growth. The Affected Area is contiguous with its neighbouring residential area and is of a size and location that does not render it suitable for continued agricultural use. The Environment Food and Production Area (EFPA) places constraints on the expansion of Middleton in other areas further north and to the immediate west of the Affected Area to protect the viable agricultural areas of the Fleurieu Peninsula.

Middleton is one of a number of popular coastal townships in the tourism region of Fleurieu Peninsula. Visitors stay in the popular Middleton Caravan Park which is centrally located in the township, in holiday home rentals or in their own holiday homes. According to Ethos Urban Pty Ltd (May 2022), the popularity of holiday homes and holiday rentals can be emphasised by the relatively low dwelling occupancy rate of only 34.8% in the urban area of Middleton at the time of the 2016 ABS Census of Population and Housing.

A rise in increased demand for housing in regional, coastal locations, as a consequence of the Covid-19 pandemic, together with its offering as an attractive township due to its location to quality surf beaches and small-town lifestyle, presents an opportunity to provide a supply of low-density residential land in Middleton to a currently constrained market.

The Code Amendment seeks to rezone the Affected Area to the Master Planned Township Zone. The rezoning of the Affected Area to facilitate low-density residential allotments is therefore a logical one given the demand for new dwellings in Middleton.

### 2.2 Affected Area

The area(s) affected by the proposed amendment is/are described as follows and as shown in the map at **Attachment A**:

- Allotment 104, Filed Plan 166163 of Certificate of Title Volume 5799 Folio 377, Hundred of Goolwa – commonly known as Lot 104 Port Elliot Road, Middleton
- Allotment 105, Filed Plan 166164 of Certificate of Title Volume 5799 Folio 208, Hundred of Goolwa – commonly known as Lot 105 Mindacowie Terrace, Middleton
- Allotment 104 is triangular in shape and is the larger of the two allotments measuring approximately 85,700m<sup>2</sup> in area. The allotment fronts both Port Elliot Road and Basham Beach Road.
- Allotment 105 is a smaller irregular shape and is approximately 2,100m<sup>2</sup> in area. The allotment fronts both Port Elliot Road and Mindacowie Terrace.

- The Affected Area is currently used for primary production purposes.
- The Affected Area is conveniently located at the western end of the Middleton township. The Affected Area is in close walking distance to existing shops and services on the main street of Middleton and is adjacent Port Elliot Road which connects the townships of Victor Harbor and Port Elliot (to the west), and to Middleton and Goolwa (to the east).
- The Cockle Train Tourist Railway line borders the southern boundary of the Affected Area, including the Middleton Station. The coastline of Middleton is approximately 400 metres south of the Affected Area.

## 2.3 Summary of proposed policy changes

### 2.3.1 Current Code Policy

The Affected Area is currently located in the **Deferred Urban Zone** in the Alexandrina Council area.

The Deferred Urban Zone seeks to maintain the farming and low-intensity animal husbandry use of land until such time the need arises to rezone it, to permit the planned future growth of townships, settlements and urban areas.

Extract from the Deferred Urban Zone	
Desired Outcome 1:	To safeguard land for future urban growth.
Deemed to Satisfy/Designated Performance Feature 1.1:	Development comprising farming (broad acre cropping, grazing) and/or low-intensity animal husbandry.

The Affected Area is also subject to Planning and Design Code Overlays. Overlays can span across a number of zones and subzones and express planning issues of state interest. Overlay policies take precedence over the other Code policies.

The following provides a summary of the intent of each Overlay that currently applies to the Affected Area:

Overlays relevant to the Affected Area	
Airport Building Heights (Aircraft Landing Area)	Seeks to ensure building height does not pose a hazard to the operation and safety requirements of aircraft landing areas
Building near Airfields	Seeks to ensure development does not pose a hazard to the operational and safety requirements of commercial and military airfields
Hazards (Bushfire – Medium Risk)	Seeks to ensure development responds to the medium level of bushfire risk by siting and designing buildings to mitigate threat and impact of bushfires



	on life and property and facilitating access for emergency service vehicles
<b>Hazards (Flooding Evidence Required)</b>	Adopts a precautionary approach to mitigate potential impacts of potential flood risk through appropriate siting and design of development
<b>Murray-Darling Basin</b>	Seeks to ensure sustainable water use in the Murray-Darling Basin area
<b>Native Vegetation</b>	Seeks to protect, retain and restore areas of native vegetation
<b>Prescribed Water Resources Area</b>	Seeks to ensure the sustainable use of water in prescribed water resources areas
<b>Traffic Generating Development</b>	Aims to ensure safe and efficient vehicle movement and access along urban transport routes and major urban transport routes
<b>Urban Transport Routes</b>	Seeks to ensure safe and efficient vehicle movement and access along urban transport routes as Port Elliot Road is a State Maintained Road

**Attachment B** contains the relevant zone and overlay policies.

### 2.3.2 Proposed Code Policy

The Code Amendment proposes the following changes:

- To rezone the whole of the Affected Area to the **Master Planned Township Zone**.

The Master Planned Township Zone envisages low density form of development which is in character with the adjoining residential development of the Middleton township.

Extract from the Master Planned Township Zone	
<b>Desired Outcome 1:</b>	Expansion of existing township with a range of housing that caters to prevailing and emerging housing needs and lifestyles within easy reach of services, facilities and open space.
<b>Desired Outcome 2:</b>	Development complementary to existing township settlement patterns, adjacent rural landscapes and natural features.
<b>Deemed to Satisfy/Designated Performance Feature 1.1:</b>	Development comprises one or more of the following: <ul style="list-style-type: none"> <li>a) Ancillary accommodation</li> <li>b) Community facility</li> <li>c) Consulting room</li> </ul>

- d) Display home
- e) Dwelling
- f) Educational establishment
- g) Indoor recreation facility
- h) Office
- i) Pre-school
- j) Recreation area
- k) Residential flat building
- l) Retirement facility
- m) Shop
- n) Supported accommodation

**Subzone**

It is not intended to apply the Emerging Township Activity Centre Subzone.

Any retail within the subject land would have the potential to detract from the existing retail services in Middleton and surrounding townships. The intention of the proposed Amendment is to create additional low-density residential allotments that would assist in securing the long-term viability of existing retail and commercial activities within the township of Middleton.

**Technical and Numerical Variations (TNVs)**

Technical and Numerical Variations are a mechanism in the Planning and Design Code which identifies the local conditions applicable to an area of a zone. Technical and Numerical Variations address matters such as side building setbacks, building height, dwelling site areas, site frontages and site coverage.

The Code Amendment does not propose to apply TNVs to the Affected Area as the proposed Master Planned Township Zone contains the relevant policies to address building height, wall height, setbacks and site areas and frontages.

**Building Height**

The Master Planned Township Zone contains the following policy criteria pertaining to building height:

Extract from Master Planned Township Zone	
<p>PO 5.1: Residential buildings generally establish a low rise residential character, with medium rise development appropriate where complementing the scale of the existing township and where a located adjacent activity centres, open space and/or public transport.</p>	<p>DTS/DPF 5.1: Residential buildings (excluding garages, carports and outbuildings) do not exceed the maximum building height nominated on a Building Envelope Plan, or where none exists:</p> <ul style="list-style-type: none"> <li>(a) a maximum height of 2 building levels or 9m</li> <li>(b) a maximum wall height of 6m (except where a gable end).</li> </ul>

--	--

The policy criteria above will seek to limit the height of buildings to a maximum of 2 storeys which is consistent with the scale of existing buildings within the locality.

It is also important to note the reference to a Building Envelope Plan which is a key feature of the Master Planned Township Zone. It is the intention that as part of a future land division that a Building Envelope Plan be prepared and apply to all proposed allotments to ensure that a consistent design approach is undertaken. This can apply to setbacks, heights, private open space and site coverage.

### Building Setbacks

The Master Planned Township Zone contains the following policy criteria pertaining to building setbacks:

Extract from Master Planned Township Zone	
<p>PO 6.1 Buildings are setback from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape and integrate development with public open space.</p>	<p>DTS/DPF 6.1 The building line of buildings set back from the primary street boundary consistent with a building envelope plan, or where no building envelope plan exists:</p> <p>(a) not less than 1.5m where the allotment adjoins a public reserve greater than 2000m<sup>2</sup> (including where the allotment would adjoin a reserve if not separated by a public road), the dwelling faces that reserve and access is provided to the rear of the allotment</p> <p>(b) not less than 5m in all other cases.</p>
<p>PO 7.1 Buildings are setback from secondary street boundaries to maintain a pattern of separation between building walls and public thoroughfares and reinforce a streetscape character.</p>	<p>DTS/DPF 7.1 Dwelling walls are set back consistent with a building envelope plan, or where none exists at least 900mm from the boundary of the allotment with the secondary street frontage.</p>
<p>PO 8.1 Boundary walls are limited in height and length to manage impacts on adjoining properties.</p>	<p>DTS/DPF 8.2 Dwelling walls on side boundaries are consistent with a building envelope plan, or satisfy (a) or (b):</p> <p>(a) adjoin or abut a boundary wall of a building on adjoining land for the same, or lesser length and height do not: exceed 3.0m in height from the top of footings exceed 11.5m in length with respect to all boundary walls on the same boundary, exceed</p>

	45% of the total length of the boundary encroach within 3m of any other existing or proposed boundary walls on the subject land.
<p>PO 9.1 Buildings are set back from side boundaries to provide:</p> <p>(a) separation between dwellings in a way that complements the emerging character of the locality</p> <p>(b) access to natural light and ventilation for neighbours.</p>	<p>DTS/DPF 9.1 Building walls not sited on side boundaries are set back from side boundaries consistent with a building envelope plan, or are set back:</p> <p>(a) at least 900mm where the wall height is up to 3m other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m at least 1900mm plus 1/3 of the wall height above 3m for wall facing a southern side boundary</p>
<p>PO 10.1 Buildings are set back from rear boundaries to provide:</p> <p>(a) separation between dwellings in a way that complements the emerging character of the locality access to natural light and ventilation for neighbours open space recreational opportunities space for landscaping and vegetation</p>	<p>DTS/DPF 10.1 Building walls are set back from the rear boundary consistent with a building envelope plan, or at least:</p> <p>3m for the first building level or 0m where the rear boundary adjoins a laneway 5m for any second building level or 0m where the rear boundary adjoins a laneway 5m plus any increase in wall height over 7m for buildings three building levels and above</p>

Again the Building Envelope Plan feature that will be prepared at the land division stage will be able to identify the building setbacks on future allotments to ensure a consistent design approach.

### Site Areas and Frontages

The Master Planned Township Zone contains the following policy criteria pertaining to allotment sizes and street frontages:

Extract from Master Planned Township Zone	
<p>PO 11.1 Allotments created for residential purposes are of a suitable size and dimension and accommodate a diverse range of housing choices.</p>	<p>DTS/DPF 11.1 None are applicable</p>
<p>PO 11.2 Allotments created for residential purposes are a suitable size and dimension to accommodate dwellings that are functional and provide a high standard of residential amenity for occupants.</p>	<p>DTS/DPF 11.2 Allotments not connected to mains sewer or an approved common waste water disposal service accord with the following</p>

	site areas are not less 1200m <sup>2</sup> site frontages are not less than 20m.
PO 11.3 Sites for residential purposes are consistent with an authorised plan of division or master plan	DTS/DPF: 11.3 Development will not result in more than 1 dwelling on an existing allotment.

The Master Planned Township Zone does not specify minimum allotment sizes where a site is connected to a mains sewer system. The Master Planned Township Zone expresses that allotment sizes are to complement the low density township development pattern.

However, where an allotment is not connected to mains sewer or an approved Community Wastewater Management Scheme (CWMS), the minimum allotment size is to be at least 1200m<sup>2</sup>, with a site frontage of not less than 20 metres.

At this stage, there is no mains sewer system or an approved common waste water service that anticipated allotments will be able to connect into; therefore allotment sizes within the Affected Area would need to be in the order of 1200m<sup>2</sup> in area to be able to treat septic waste with an on-site system.

The Alexandrina Council has previously undertaken comprehensive engagement with the Middleton community, both in 1999 and 2015-2016, regarding the installation of a community wastewater management system. Feedback from the Middleton community were against the proposals, with Council deciding to not proceed with an infrastructure rollout.

The most recent 2015-2016 engagement included direct consultation, in the form of a mail-out, to all affected properties in the Middleton township. A workshop with the Middleton Township and Foreshore Improvement Association was also held.

Of the responses received during the consultation period, 87% did not support the installation of a CWMS into Middleton. The key areas of concern relate to the high cost to residents, impacts on the low income demographics within the region (principally retirees), removal of purchased and complaint on-site waste water systems, impact on housing density, forced connections and the timeframes required for connection.

At this time, Council has no short term plans for the installation of a CWMS, acknowledging that the upgrading of wastewater infrastructure may be considered in the medium to long term. Consultation with the Middleton community would be undertaken by Council around any future planning for CWMS.

In the event that Council installs a CWMS, allotment sizes within the Affected Area could be reduced in size that complements:

- the established allotment sizes prevalent within the locality
- satisfies the minimum allotment areas to accommodate any on-site infrastructure that will be required as part of the works to connect to a community waste water service.

For the reasons provided above, no TNV identifying a minimum allotment size will be required as existing Performance Outcome 12.1 of the Zone enables increased flexibility for future allotment sizes pending the type of infrastructure provided.

### **Overlays**

The following Overlays will be retained over the Affected Area with no change:

- Airport Building Heights (Aircraft Landing Area)
- Building near Airfields
- Hazards (Flooding Evidence Required)
- Hazards (Bushfire – Medium Risk)
- Murray - Darling Basin
- Native Vegetation
- Prescribed Water Resources Area
- Traffic Generating Development
- Urban Transport Routes

The following overlays are proposed to be applied:

- Affordable Housing

The Affordable Housing Overlay aims to ensure the integration of a range of affordable dwelling types into residential and mixed use development.

### **Concept Plan(s)**

Concept Plans guide development of an area through a visual representation of the envisaged physical outcome of an area. Concept Plan can illustrate the location of main access points, reserve areas and stormwater detention basins. Concept Plans are referenced through Zone policies and contained in Part 12 of the Code.

Concept Plans are considered appropriate in the Code where:

- Policy and zoning tools available in the Code cannot adequately address the development outcomes envisaged in the Concept Plan.
- The Concept Plan has an active policy role in the future staging of development and provision of infrastructure.

In this case, a Concept Plan is proposed to convey some of the key development outcomes resulting from the investigations, including:

- Dedicated public reserve (adjoining the Middleton Hotel)
- Vegetated interface buffer along Port Elliot Road
- Bicycle/Pedestrian/Landscaped Pathway adjoining the rail corridor
- Two (2) main access points, one of which will be off Port Elliot Road and the other off Basham Beach Road.
- Stormwater detention options

The proposed Concept Plan is in **Attachment K**.

This Concept Plan will be called up through Performance Outcome (PO) 9.1 of the Master Planned Township Zone as contained in the Planning and Design Code; which states:

*PO 9.1: Development is compatible with the outcomes sought by any relevant Concept Plan contained within Part 12 - Concept Plans of the Planning and Design Code to support the orderly development of land through staging of development and provision of infrastructure.*

The proposed policy changes are shown in **Attachment C**.

### **3. WHAT ARE THE NEXT STEPS FOR THIS CODE AMENDMENT?**

#### **3.1 Engagement**

Engagement on the Code Amendment must occur in accordance with the Community Engagement Charter principles, which required that:

- engagement is genuine
- engagement is inclusive and respectful
- engagement is fit for purpose
- engagement is informed and transparent
- engagement processes are reviewed and improved.

An Engagement Plan has been prepared for this Code Amendment to ensure that engagement will be conducted and measured against the principles of the Charter. For more information on the Community Engagement Charter go to the PlanSA portal at ([plan.sa.gov.au/en/charter](http://plan.sa.gov.au/en/charter)).

A summary of the engagement that is occurring for this Code Amendment is as follows:

- On line survey to seek feedback via the Plan SA website
- Letters to key stakeholders notifying the release of the Code Amendment and inviting feedback
- Facilitation of one-on-one meetings or online meetings (by request)
- Phone and email enquiries
- Publication of a public notice on the SA Planning Portal and Plan SA website
- Fact Sheet – A fact sheet designed to explain what a Code Amendment is and how best they can be engaged through the process

#### **3.2 How can I have my say on the Code Amendment?**

There are several ways in which you can provide feedback on the Code Amendment. This includes:

- Completing an online survey or submission via the SA Planning Portal

- Providing a written submission by email to [andrew@humbyconsulting.com.au](mailto:andrew@humbyconsulting.com.au)
- Providing a written submission by post to:  
Humby Consulting  
PO Box 7434  
Hutt Street SA 5000
- Attend the informal drop-in sessions
- Booking a one-on-one meeting to discuss the proposal with a member of the project team by contacting: [andrew@humbyconsulting.com.au](mailto:andrew@humbyconsulting.com.au)

### **3.3 What changes to the Code Amendment can my feedback influence?**

The Planning and Design Code utilises standardised policies for zones, to ensure consistency across the state in how they are applied and interpreted. This means that once a zone is proposed through a Code Amendment, there is limited scope to tailor individual land use policies to suit a site. The use of Concept Plans is one way that site-specific requirements can be articulated. Subzones and Technical and Numerical Variations (TNVs) are another way that some zones can be tailored to shape area or site specific outcomes.

Aspects of the Code Amendment which stakeholders and the community can influence are:

- The spatial application of the Zones
- The spatial application of the Technical and Numeric Variations
- The spatial applications of the Overlays
- The introduction and layout of a Concept Plan.

Aspects of the project which stakeholders and the community cannot influence are:

- The zone that has been selected to apply to the Affected Area
- The creation or amendment of new policy content within the Overlays, Zones, Subzones or General Policies contained within the Planning and Design Code that affect other areas of the state
- The expansion of the geographic extent of the amendment or the Affected Area.

### **3.4 What will happen with my feedback?**

The Designated Entity, Gums ADHI Pty Ltd, is committed to undertaking consultation in accordance with the principles of the Community Engagement Charter and is genuinely open to considering the issues raised by people in the community.

All formal submissions will be considered by Gums ADHI Pty Ltd when determining whether the proposed Amendment is suitable and whether any changes should be made.

Each submission will be entered into a register and you will receive an email acknowledging receipt of your submission. Your submission will be published on the PlanSA portal. Personal addresses, email and phone numbers will not be published, however company details will be.



The Gums ADHI Pty Ltd will consider the feedback received in finalising the Code Amendment and will prepare an Engagement Report which will outline what was heard during consultation and how the proposed Code Amendment was changed in response to submissions.

The Engagement Report will be forwarded to the Minister, and then published on the PlanSA portal.

### **3.5 Decision on the Code Amendment**

Once the Engagement Report is provided to the Minister, the Commission may provide further advice to the Minister:

- at the Minister's request, if the Code Amendment is considered significant.

The Minister will then either adopt the Code Amendment (with or without changes) or determine that the Code Amendment should not proceed. The Minister's decision will then be published on the PlanSA portal.

If adopted, the Code Amendment will be referred to the Environment Resources and Development Committee of Parliament (ERDC) for their review. The Commission will also provide the Committee with a report on the Code Amendment, including the engagement undertaken on the Code Amendment and its compliance with the Community Engagement Charter.

### **3.6 Closing the Loop**

'Closing the loop' of stakeholder engagement will comprise the following activities:

- Letter/email to those involved in the engagement communicating about final Code Amendment, engagement summary report and link to evaluation survey following conclusion of engagement.
- Website updates (SA Planning Portal) providing final Code Amendment and engagement summary report following conclusion of engagement.

## 4. ANALYSIS

### 4.1 Strategic Planning Outcomes

#### 4.1.1 Summary of Strategic Planning Outcomes

The proposed amendment seeks to introduce a policy framework that will achieve the following strategic outcomes:

- Rezoning of an identified future growth area which will result in a logical expansion of the existing Middleton township
- Rezoning of the Affected Area for low-density residential development to address a shortage of dwelling supply in the Middleton township
- The installation of appropriate services and infrastructure to support anticipated future low-density residential development without impacting on adjacent development and existing infrastructure
- The provision of appropriate landscape reserves and useable public open space to also perform as a buffer to adjacent commercial land uses and a biodiversity corridor
- To support the economy of the Middleton township which may result in a positive effect on existing traders within the catchment.

#### 4.1.2 Consistency with the State Planning Policies

State Planning Policies define South Australia's planning priorities, goals and interests. They are the overarching umbrella policies that define the state's interests in land use. There are 16 State Planning Policies and six special legislative State Planning Policies.

These policies are given effect through the Code, with referral powers assigned to relevant Government Agencies (for example, the Environmental Protection Agency for contaminated land). The Code (including any Code Amendments) must comply with any principle prescribed by a State Planning Policy.

This Code Amendment is considered to be consistent with the State Planning Policies as shown in **Attachment D**.

#### 4.1.3 Consistency with the Regional Plan

The directions set out in Regional Plans provide the long term vision and set the spatial patterns for future development within a region. This can include land use integration, transport infrastructure and the public realm.

The Commission has identified that the existing volumes of the South Australian Planning Strategy, prepared under the *Development Act 1993*, will apply until such time as the new Regional Plans are prepared and adopted. Refer to the PlanSA portal for more information on the Commission's program for implementing Regional Plans throughout South Australia.

Where there is conflict between a Regional Plan and the State Planning Policies, the State Planning Policies will prevail.

This Code Amendment is considered to be consistent with the Regional Plan as shown in **Attachment D**.

#### **4.1.4 Consistency with other key strategic policy documents**

This Code Amendment aligns with other key policy documents in the following manner:

- **Alexandrina Council Community Strategic Plan 2014-2023**

The Council's Community Strategic Plan sets out important strategic goals to manage growth and change in the community. Four (4) key areas of focus for Council include:

- Innovate through our region – being proactive, resilient and productive
- Participate in wellbeing – being self-sustaining, collaborative and accessible
- Thrive in clean green futures – being progressive, protective with enhanced biodiversity
- Activate our spaces – with vibrant communities, memorable experiences and liveable townships and rural areas.

The proposal to change the zone from Deferred Urban to a low-density residential focused zone (Master Planned Township Zone) is consistent with the intent of the Strategic Plan and broadly supports the Council's vision to:

- Showcase Alexandrina as a premium living and lifestyle destination;
- Attract external infrastructure investment and development;
- Foster and build strong township identities; and
- Connect communities and enhance liveability.

The Council plan includes a performance measure seeking 'local new allotments and dwellings growth' and aims to 'maintain or improve the balance between the number of new allotments emerging in Alexandrina and dwellings approved'. This aspect of the Council plan acknowledges and recognizes that further growth will occur in Alexandrina with new areas identified for growth in *The 30-Year Plan for Greater Adelaide*.

- **Alexandrina 2040**

Alexandrina 2040 (known as A2040) is Alexandrina Council's plan to improve the lives of its residents and businesses over the next 20 years. The local resident and business communities were extensively involved in development of this plan with three (3) themes identified to create a more liveable, green and connected local community.

The plan proposes a series of Village Innovation Plans for each of Alexandrina Council's 11 townships. The plans will consider:

- Land use planning informed by community vision
- Key community infrastructure priorities
- Society and community well being
- Protection and enhancement of the natural environment
- Be factored into Council's delivery program, through the Business Plan and Budget
- Provide a useful basis for grant applications

- Provide useful data to assist in delivering economic investment in the region.

To achieve a liveable aspiration, the A2040 document includes 5 (five) key action areas to implement including:

- Climate response
- Appropriate growth
- Community inclusion
- Transport connections
- Environmental innovation.

A2040 also includes a focus on creating a 'Liveable Alexandrina' which is defined by distinctive villages, places, spaces and transport networks that support active lifestyles, vibrant cultures and production enterprise'.

The investigations supporting this Code Amendment reveal how the proposed rezoning of land for future low-density residential development is in close alignment with the objectives and direction of the A2040 community driven strategy.

- **Middleton Village Conversation – Snapshot Report**

Alexandrina Council has created an initial 'snapshot report' for Middleton, the first step in creating a Village Innovation Plan. During the engagement process which led to the development of this report, the community were asked to create a vision statement for Middleton. The report identifies aspects of Middleton that require improvement and areas of focus (priorities) from a social, environmental, development, safety, arts and culture and tourism perspectives.

During the community consultation process, local residents strongly conveyed a preference to maintain larger minimum land sizes to avoid higher density development (page 7). The Report also includes a number of short, medium and long term goals and solutions to problems put forward by the local community.

The Code Amendment seeks to retain larger allotment size in accord with the community vision.

The key messages of the Snapshot Report were reiterated by community members at a recent Middleton Masterplan Workshop and Village Conversation held in Middleton on 27 October 2022.

- **Alexandrina Economic Development Strategy 2016-2022**

Council's existing Economic Development Strategy sets out how it intends to support economic opportunities land contribute to the broader implementation of the Alexandrina Council Community Strategic Plan. This Strategy is now at the end of its implementation period and is in the process of being replaced by a new strategy, which is discussed further below.

- **Alexandrina draft Economic Development Strategy 2022-27: Regenerating Alexandrina's Economy**

Council is in the process of developing a new Economic Development Strategy (EDS). Initial consultation on the strategy was undertaken in 2021 with extensive community involvement throughout the development process. The focus of the new Strategy will be to assist in regenerating local economy through four (4) key action areas including:

- *Leadership and Advocacy* – by advocating for key economic infrastructure
- *Investment Attraction* – advocate for attract new investment, businesses, residents and visitors
- *Town building* – work to enhance the unique history and character of each township to attract new residents and growth
- *Business and Industry Development* – build on the strengths of local employment industries in agriculture, tourism and healthcare to create more employment opportunities.

- **Land Supply Report for Greater Adelaide (June 2021)**

In June 2021, the State Government released the first version of the new format of its land supply report that now covers land supply across the whole state rather than only metropolitan Adelaide. The report covers important information in the following areas:

- Urban development trends
- Population growth and projections
- Land supply and demand analysis
- Housing construction activity

The report provides a clear analysis of residential and employment trends, projected demand and land supply in Greater Adelaide (includes Fleurieu Peninsula region). The Report has a 10-year timeline to 2030 recognising trends in housing and employment markets can change quickly.

The report has identified that population in the Fleurieu Region is projected to grow by between 7100 and 9300 people between 2020 and 2030, based on medium and high growth scenarios. A portion of this growth will occur in the Alexandrina Council area.

Ethos Urban have been engaged by the proponent to undertake updated detailed investigations on estimated land supply and demand specifically in the township of Middleton. The outcome of the analysis is discussed in detail below.

## 5. INVESTIGATIONS

### 5.1 Investigations undertaken

The extent of investigations that have been undertaken as part of the Code Amendment process have been agreed by the Minister in the Proposal to Initiate. In addition to this, the Commission has also specified certain investigations to be undertaken to support the Code Amendment.

The following investigations have been undertaken to inform this Code Amendment:

- Land Supply and Demand Investigations
- Community Infrastructure Analysis
- Civil Infrastructure and Utilities Planning
- Traffic, Access and Parking
- Stormwater Management
- Site Contamination
- Aboriginal Heritage
- Hazard Management
- Vegetation Impact
- Interface Management
- Affordable Housing

Further details on investigations undertaken in support of the Code Amendment are included in **Attachment E - J**.

### 5.2 Land Supply and Demand Investigations

#### Background

The Middleton Residential Assessment report (May 2022) prepared by Ethos Urban on behalf of the landowner provides an assessment of the future demand and need for additional residential land in Middleton.

In particular, the report includes:

- An analysis of population trends and forecasts, demographics, tourism trends, identification of key industries and implications of Covid-19
- A residential assessment including an overview of the Middleton residential market and a supply and demand assessment.

#### Key Findings

Middleton, including the surrounding rural hinterland to the north of the township, is forecast to experience only limited population growth between 2021 and 2041. Middleton is not expected to be a major residential growth area but rather, continue to provide a residential offering to both permanent residents and holiday-home owners.

However, notwithstanding the limited population growth, there has been an increased demand for housing in Middleton. Demand for housing in the coastal area of Middleton has increased which can be illustrated by the strong growth in median house and land prices. According to Ethos Urban Pty Ltd (March 2022), between 2020 and 2022 (year ending March), the median house price in Middleton increased by +18% per annum. There are a couple of major factors that can be attributed for the increased demand.

Firstly, the COVID-19 pandemic saw an increase in interest to coastal locations, primarily due to the new shift towards working-from-home which has allowed workers to re-assess their need to live close to the workplace. The closure of international borders sparked more domestic travel and visits to regional areas, and this is illustrated by the significant increase in the number of domestic overnight visitors in the Fleurieu Peninsula (Ethos Urban Pty Ltd March 2022).

Secondly, there is a limited supply of vacant allotments in Middleton.

At the time of preparing the report, Ethos Urban Pty Ltd identified a total of 68 vacant residential allotments that existed in the urban area of Middleton. However, these allotments were not available for sale at the time as the landowners could be holding onto their allotments for various reasons. One vacant residential allotment was identified for sale ([www.realestate.com.au](http://www.realestate.com.au), 14 April 2022)

The limited supply has consequently had a major impact on the price of vacant allotments; the medium vacant land price in Middleton for the year ending March 2022 is \$357,500 which is more than double the median vacant land price for Alexandrina of \$168,500.

Therefore, the subject land presents an opportunity to provide a supply of low-density residential land to the market for those seeking the coastal living lifestyle. Furthermore, the rezoning of the Affected Area provides the opportunity for more affordable housing in Middleton, noting the relatively high median house values in Middleton compared to the median for Alexandrina Council (Ethos Urban Pty Ltd, March 2022).

### **Recommended Policy Changes**

The rezoning of the Affected Area from Deferred Urban Zone to Master Planned Township Zone is timely and will enable the provision of low-density residential allotments to meet the increased demand to live in the popular coastal township of Middleton.

## **5.3 Community Infrastructure Analysis**

### **Background**

The Alexandrina Council Environmental Action Plan 2014-2018 recognises the importance of the biodiversity assets within the Council including the coastal strip of Goolwa, Middleton and Port Elliot. The strategy to improve urban biodiversity within the Council is accompanied by the following action:

Action 2.4.5      Assess future urban growth areas to identify spatial priorities for creating biodiversity buffers and corridors.

The Affected Area is currently located within the Deferred Urban Zone which is a zone that seeks to maintain the farming and low-intensity use of land until such time the need arises to rezone it for future urban growth.

### **Key Findings**

From a recent community workshop (Middleton Masterplan Workshop and Village Conversation) on 27 October 2022, early feedback received on the proposal to rezone the Affected Area, focused on the lack of public open space within Middleton.

The Concept Plan proposed to be included as part of the Code Amendment earmarks an area of land as public open space as well as landscaped road/train reserves. This open space will perform as a buffer between the adjacent land uses, an area for recreation and a habitat/corridor for fauna.

### Recommended Policy Changes

The Concept Plan to be inserted as part of the Code Amendment which illustrates the location of the public open space area and reserves.

Ongoing discussions with Council to continue with regards to transferring the land into community ownership and meeting any relevant obligations prior to the legal transfer occurring.

### 5.4 Civil Infrastructure and Utilities Planning

Wallbridge Gilbert Aztec was engaged to prepare investigations to identify the infrastructure works required to support the rezoning.

CIRQA investigated the potential traffic impacts of envisaged development for the Affected Area.

The details of the investigations are provided in **Attachment E - J** and are summarised below:

Council Infrastructure Planning	Response/Comment
Local Roads	The traffic investigations undertaken by CIRQA dated 28 March 2022 have found that, based on an anticipated development of 52 dwellings within the Affected Area, traffic volume generated by the development would generate a low number of additional traffic movements.
Stormwater	<p>Walbridge Gilbert Aztec prepared a Stormwater Management Plan (dated 12 August 2022) on behalf of the proponent to inform the rezoning of the land and subsequent development.</p> <p>Currently, there is no suitable stormwater infrastructure near the site available to receive drainage from the development.</p> <p>Wallbridge Gilbert Aztec has recommended that a proposed reserve be designed to accommodate 20-year (5% AEP) storm to ensure that the reserve is able to still be useable as a passive functioning public open space for the community.</p> <p>In summary, the stormwater can be managed within the development site through on-site</p>



	detention and treatments to manage water quantity and quality
<b>Wastewater</b>	<p>Wallbridge Gilbert Aztec has confirmed that there are no Community Waste Management Schemes (CWMS) located within close proximity to the subject land.</p> <p>Accordingly, an on-site septic waste system will be required per dwelling; the proposed low-density residential allotments will be of an adequate size (minimum 1200m<sup>2</sup>) to accommodate on-site septic waste systems. Allotment sizes less than 1200m<sup>2</sup> will typically be unable to accommodate both the septic tank and an associated soakage area unless engineered and reviewed by a qualified waste water engineer.</p>

Wallbridge Gilbert Aztec has been engaged to investigate utility infrastructure; below is a summary of the investigation outcomes:

<b>Utility Infrastructure</b>	<b>Response/Comment</b>
<b>Potable Water</b>	SA Water own and operate the potable water mains in close vicinity to the subject land. Port Elliot Road contains a large pipeline following the road in an east-west direction. Basham Beach Road also contains a potable water main which runs adjacent the western boundary of the subject land.
<b>Electricity</b>	Port Elliot Road has an existing overhead power line (11kV capacity) adjacent the northern verge with overhead power lines running along both Basham Beach Road and Mindocowie Terrace
<b>Gas</b>	No gas infrastructure exists in close proximity to the subject land. Future land owners can opt to have gas delivered periodically, if required.
<b>Telecommunications</b>	Active NBN infrastructure already exists along Port Elliot Road, Mindacowie Road and Basham Beach Road.

## **5.5 Traffic, Access and Parking**

### **Background**

CIRQA was engaged to provide traffic impact investigations for the rezoning of the Affected Area that would facilitate low-density residential development. The investigations included:

- Potential traffic generation associated with the potential redevelopment of the land to residential
- The associated impact on the adjacent existing road network
- Active and sustainable transport provisions
- Recommendations for any infrastructure upgrades/requirements.

CIRQA based its analysis on the Concept Plan which is contained in **Attachment K**.

## Key Findings

The Affected Area is bordered along its northern boundary by Port Elliot Road which is a major transport route under the care and control of the Department of Infrastructure and Transport (DIT).

The remaining roads bordering the site are all local roads under the care and control of Alexandrina Council. The railway corridor which is serviced by the Cockle Train borders the southern boundary of the Affected Area.

Based on the road functions and anticipated number of vehicle movements, CIRQA recommended the following:

- No direct access be provided for any allotments via Port Elliot Road given the road's function as a major transport route
- Primary access to the Affected Area is to be via Port Elliot Road with a secondary access via Basham Beach Road. SIDRA analysis undertaken confirms that the relatively low volume of traffic associated with a new intersection off Port Elliot Road would have a negligible impact on traffic movements on Port Elliot Road
- Due to the close proximity of the rail corridor, opportunities exist for a linear reserve with a pedestrian and cyclist connection adjacent the rail corridor which could provide a link from the Affected Area to the town centre of Middleton and Basham Beach
- Future traffic generation and distribution associated with the anticipated development of the land, indicates that development of the Affected Area would generate a low number of additional traffic volumes that will be able to be accommodated at the new intersections and the broader road network.
- In terms of car parking, the Planning and Design Code seeks that sufficient parking be provided on site with any land division proposal seeking sufficient space for on-street visitor car parking.

## Recommended Policy Changes

The traffic investigations reveal that the existing road network will be able to accommodate future low-density residential development within the Affected Area. A Concept Plan is proposed to be included in the Code Amendment which will identify new access points off Port Elliot Road and Basham Beach Road as well as a potential pedestrian/bicycle/landscaped pathway along the railway line.

## 5.6 Site Contamination

### Background

Where a re-zoning proposes a change to a more sensitive land use, a Preliminary Site Investigation (PSI) Report is required to be prepared in accord with Schedule 8, Clause 2A of the *Planning, Development and Infrastructure (General) Regulations 2017*.

DBD Environmental was engaged by the proponent to undertake a Preliminary Site Investigation (May 2022) of the Affected Area to identify the potential for potentially contaminating activities (PCA's) that may exist on the Affected Area and that may impact on the potential for the land to be developed for residential land use.

## **Key Findings**

The investigations conducted by DBD Environmental included:

- Identification of any potential onsite and offsite sources of contamination (Potentially Contaminating Activities – 'PCA').
- Determination of potential chemical substances of concern.
- Identify areas of potential contamination.
- Identify potentially affected media (being soil, water, and vapour).

Based on the preliminary investigations, DBD Environmental concluded that:

- Historical aerial photographs and interviews revealed that the affected area has been used for low-intensity agriculture since the year 2000. Historical land title searches between 1864 and 1984 revealed that the land was owned by graziers and farmers, therefore it is likely that cropping and grazing of animals occurred. The primary source of contamination is the chemicals associated with the broad acre farming, including pesticides and herbicides, heavy metals, and nutrients.
- A Class 2 PCA was identified offsite located adjacent the southern boundary of the Affected Area in the form of railway operations. Contaminants of potential concern (COPCs) associated with this activity include TPH, BTEX, Phenols, Heavy Metals, Nutrients, Pesticides and Herbicides. Contamination may have affected the Affected Area through activities associated with this infrastructure.
- The future receptors of any potential contamination are the site users of the property, construction workers and surrounding land users. The contamination pathway which could lead to exposure to contamination is primarily the interaction with topsoil material through disturbance in ingestion or inhalation during site development.
- Based on the review of the historical information as part of this PSI, the Affected Area is not the subject of a Section 83a notification, is not within a groundwater prohibition area and the surrounding properties are unlikely to have been used for Class 1 or Class 2 activities.
- No Asbestos Containing Material is known to have existed on the Affected Area and was not observed during the site walkover.

DBD Environmental considers that the historical PCA's identified would not preclude the proposed future residential land use. Additional works will be required at the next stage of development (land division application) to confirm the suitability of each parcel of land intended for residential land use.

## **Recommended Policy Changes**

The investigations confirm that, based on site history information and the detailed site inspection, the PCA's identified would not preclude the advancement of this Code Amendment. Any contamination of site soils that may be present can be appropriately remediated during the development stage and do not present an unacceptable risk. The investigations conclude that the Affected Area will be able to be made suitable for residential land use.

The Planning and Design Code, which contains the relevant policies to address site contamination, together with the application of the Practice Direction 14, which set out the process for ensuring land is suitable for its intended use where land use is changing to a more sensitive use, will apply to the future residential development of the land.

Given the existing policy framework and Practice Direction 14, no policy changes are proposed.

## **5.7 Aboriginal Heritage**

### **Key Findings**

A search of the Register of Aboriginal Sites and Objects (the Register) (Taa wika) was administered by Aboriginal Affairs and Reconciliation (AAR). The search confirmed that there are no known Aboriginal sites within the Affected Area and within 100 metres of the Affected Area.

**Attachment J** contains a copy of the outcome of the Register search for the Affected Area.

### **Recommended Policy Changes**

There are no recommended policy changes. However, all Aboriginal sites and objects are protected under the *Aboriginal Heritage Act 1988* (the Act) and although the Affected Area is not identified in the Register, any objects or remains discovered during development of the Affected Area are protected under the Act and need to be reported to the Premier.

## **5.8 Hazard Management**

### **Background**

South Australia has been mapped into bushfire protection areas, depending on the level of risk. There are six (6) Hazard (Bushfire Risk) Overlays currently contained within the Planning and Design Code suite:

- Hazards (Bushfire - High Risk) Overlay
- Hazards (Bushfire - Medium Risk) Overlay
- Hazards (Bushfire - General Risk) Overlay
- Hazards (Bushfire - Regional) Overlay
- Hazards (Bushfire - Outback) Overlay
- Hazards (Bushfire - Urban Interface) Overlay

The Affected Area is currently subject to the Hazards (Bushfire - Medium Risk) Overlay.

In relation to flooding, the Affected Area is currently subject to the Hazards (Flooding Evidence Required) Overlay. This overlay applies to areas where there is no flood hazard data, making the flood risk unknown. As a consequence, the policy within this Overlay seeks to adopt a precautionary approach to mitigating potential flooding impact on people, property, infrastructure and the environment through the appropriate siting and design of development. Currently, the residential and commercial areas of Middleton are subject to the Hazards (Flooding Evidence Required) Overlay.

## **Key Findings**

### **Bushfire hazard**

Currently, the Affected Area is subject to the Hazards (Bushfire Medium Risk) Overlay. The land is used for farming purposes and flora is a fire source. Adjacent residential development is subject to the Hazards (Bushfire – Urban Interface) Overlay. This Overlay acknowledges the bushfire risk of adjacent farming land and ensures that new development is designed to allow access through to bushfire risk areas and facilitate evacuation to areas safe from bushfire danger.

### **Coastal hazards**

Currently, no flood risk data for the Middleton township has been undertaken.

However, Alexandrina Council engaged Integrated Coasts to produce a coastal adaptation study for the length of its coastline from Chiton Rocks to Goolwa Beach. Specifically, the main purposes for the study was to:

- Identify public and private assets at current and future risk of erosion and inundation
- Identify potential adaptation strategies for the coastline of Alexandrina and with the Murray Estuary

The resultant report, 'Coastal Adaptation Study – Murray Mouth to Boomer Beach' (November 2020) concluded that the Middleton Beach area of the coast is expected to recede by up to 100 metres by 2100 if sea levels rise by 1 metre. Early management strategies will need to be adopted to protect the existing carpark infrastructure and in the long term, the carparks and associated infrastructure will be required to be relocated further away from the coastline.

## **Recommended Policy Changes**

It is recommended that the Hazards (Bushfire Medium Risk) Overlay continue to apply across the Affected Area. Policy within the Overlay will ensure that any land division is designed in a manner that minimises risk to people, property and the environment.

Once the Affected Area has been developed, the relevance of the Hazards (Bushfire Medium Risk) Overlay can be reviewed and whether the application of the Hazards (Bushfire – Urban Interface) Overlay is more suitable.

As no flood mapping has been undertaken for the Middleton township, it is recommended that the Hazards (Flooding Evidence Required) Overlay be applied to the Affected Area to mitigate the potential for flooding impact on people, property, infrastructure and the environment.

The Coastal Adaptation Study has revealed that in the event that sea levels rise by a 1 metre by 2100, the Affected Area is unlikely to be impacted by future erosion and inundation. Prevention measures will further secure the protection of the Affected Area from potential coastal hazards.

## 5.9 Vegetation Impact Assessment

### Key Findings

Vegetation is sparse across the Affected Area which is primarily due to the nature of activities associated with the former agricultural and grazing land uses. Trees, as are commonly retained and/or planted, are situated along the southern boundary and adjacent the railway corridor, performing as a visual buffer to the neighbouring land uses and functioning as a corridor for fauna.

A site inspection of the Affected Area, and abutting land, has also revealed that there are no regulated and/or significant trees on site or immediately adjacent the site that require removal in order to facilitate the proposal.

### Recommended Policy Changes

It is proposed to retain the Native Vegetation Overlay over the Affected Area. This Overlay seeks to protect, retain and restore native vegetation in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.

Therefore, any land division and development of the Affected Area would be required to take due consideration native vegetation retention together with any bushfire risk.

The Concept Plan (**Attachment K**) also seeks to create a pedestrian/bicycle/landscaped pathway adjacent the railway corridor which will incorporate the existing tree corridor.

## 5.10 Interface Management

### Background

The immediate and wider locality that surrounds the Affected Area comprises of non-residential land uses that may potentially impact on the amenity of any future low-density residential development of the Affected Area. Importantly, as a sensitive land use, any future low-density residential development should not prejudice existing agricultural activities or future activities envisaged in the adjoining zones.

### Key Findings

The Planning and Design Code contains the Interface between Land Uses module which outlines policies to address management at the interface with non-residential land uses.

In addition, a Concept Plan is proposed as part of this Code Amendment which seeks to address and consequently mitigate any adverse impacts generated by existing and future land uses desired in the adjacent non residential zones and land uses.

The following land uses have been identified for consideration of any interface management strategies:

Potential Source	Amenity Impact	Mitigation Solution
Port Elliot Road which is a State Maintained Road (80km speed limit)	Traffic noise (including from heavy vehicles)	The Concept Plan proposes a landscaped reserve and mounding along the boundary that the Affected Area shares with Port Elliot Road to

		<p>mitigate noise impacts from vehicle noise, especially heavy vehicle traffic.</p> <p>Fencing associated with the proposed allotments along the Port Elliot Road boundary will also be setback from the Port Elliot Road boundary and screened by the mounding and landscaping to enhance the entrance to the township.</p> <p>In addition, the minimum site areas of 1200m<sup>2</sup> allows a deeper setback of the building envelope from the rear boundary of potential allotments along the Port Elliot Road boundary.</p>
Agricultural land uses to the north and further east	Noise Spray drift	The Concept Plan proposes a landscaped reserve and mounding along the boundary that the Affected Area shares with Port Elliot Road to mitigate noise impacts from activities associated with agriculture/farming.
Railway line which borders the southern boundary of the Affected Area	Noise	<p>The Middleton Train Station is located immediately adjacent the Affected Area (to the south). The train station is serviced by the Cockle Train which operates on a variable timetable with services typically undertaken on Saturdays, Sundays and Wednesdays outside of school holidays, with additional services on other days of the week during school holidays. Trains only stop at Middleton Train Station by request. There are generally three (3) services per day but additional services operate during the peak periods such as the Christmas holidays.</p> <p>No evening train transportation occurs.</p> <p>The Concept Plan proposes a narrow bike/walking/landscaped trail along the railway line. The combined walking/bike/landscaped trail and anticipated residential fencing along the railway reserve will assist in mitigating noise impacts from the daily train services.</p>

Adjacent commercial land uses (Middleton Tavern)	Noise  Disturbance by patrons leaving from car park	The provision of public open space adjacent to the commercial land uses will provide a separation distance from the residential land uses.
--	---	--

## Recommended Policy Changes

It is proposed to insert a Concept Plan which illustrates the location of the road reserve, public open space and pedestrian/bicycle/landscaped trails which are ingredients that will assist with mitigating noise and air quality impacts. Anticipated fencing for the low-density residential allotments whose rear boundary would abut Port Elliot Road would be required to be constructed behind a vegetated mound so that the gateway entrance to Middleton has an increased appeal.

Any future land division will involve a mandatory referral to the Department of Infrastructure and Transport (DIT) due to Port Elliot Road being a State Maintained Road. In the event that the traffic speed along Port Elliot Road can be reduced to 50km/h, there may be an ability to create allotments with direct access to Port Elliot Road. Dwellings would need to be sited with deeper setbacks to allow for landscaping to mitigate noise and air quality impacts; the setbacks can be shown on the Building Envelope Plan discussed earlier in this report. The result would create a more attractive gateway entrance to the township.

## 5.11 Affordable Housing

### Background

The Minister has specifically requested that consideration be given to the application of the Affordable Housing Overlay across the Affected Area.

The Affordable Housing Overlay promotes the provision of 15 percent affordable housing product to be included in developments creating more than 20 allotments/dwellings.

The Affordable Housing Overlay contains policies allowing dispensations for specific planning requirements such as minimum site area, car parking or building heights.

It is important to note that the Affordable Housing Overlay is triggered when a development application for a land division is lodged. It is not mandatory that the affordable housing is provided – rather the Overlay provides the opportunity should it be feasible. Land division proposals that do not include affordable housing will need to provide a planning rationale as part of the development application as to why the provision will not be met.

Development proposing affordable housing is referred to the Minister responsible for administering the *South Australian Housing Trust Act 1995*.

The affordable housing price point (as at September 2022 and with special conditions) for 'land only' in Greater Adelaide is \$187,650 or \$152,550 for the remainder of the State, (exclusive of GST). The affordable 'dwelling' price point (as at February 2020) in Greater Adelaide is \$417,000 or \$399,000 for the remainder of the State (exclusive of GST).



## Key Findings

Ethos Urban Pty Ltd (May 2022), in its assessment of supply and demand of residential land in Middleton, noted the following through its review of the *Regional Strengths and Infrastructure Gaps Regional Analysis: South Australia* (Infrastructure Australia, March 2022):

*“The Adelaide Hills, Fleurieu and Kangaroo Island region boasts both urban and rural living opportunities in coastal and inland landscapes. The lifestyle offering this facilitates has been a major factor in attracting people to move to this region.*

*However, the region is currently facing shortages in affordable housing and accommodation, with vacancy rates at an all-time low and in some towns, there are no available rental properties. In June 2021, only 24 rental properties were listed across Kangaroo Island, Yankalilla, Victor Harbor and Alexandrina Councils combined. The lack of available, affordable and quality housing is a key inhibitor to attracting skilled workers, leading to consequences that affect regional development, growth and liveability”.*

Currently, the Affordable Housing Overlay applies to all existing residential areas of Middleton.

## Recommended Policy Changes

Ethos Urban Pty Ltd (May 2022) indicated in its report that the medium house price in Middleton for the year ending March 2022 was \$730,000. It is, therefore, unlikely that the Affordable Housing price point will be achievable given the anticipated size of the allotments within the Affected Area, resulting from the requirement for each allotment to provide on-site waste water management system.

However, the Code Amendment proposes to adopt the Affordable Housing Overlay which provides policy incentives to encourage the provision of affordable housing in the event that a community wastewater management scheme is established and smaller allotment sizes may be able to meet the price point for Affordable Housing.

## 5.12 Additional Investigations

The State Planning Commission (the Commission) and the Minister for Planning (the Minister) have recently advised of concerns regarding the proliferation of rural living, also referred to as ‘country living’, development rezoning proposals in rural areas on the fringes of townships and per-urban areas of metropolitan Adelaide. In particular, rural living development can result in the inefficient delivery of services, removal of fragmentation of viable primary production land, and land use conflicts with adjacent farming operations.

The Commission indicated that allotment sizes in rural living areas range from 1,200 square metres up to 20 hectares and can include some level of rural activity such as horse keeping, hobby farming or horticulture.

The proposed rezoning of the existing Deferred Urban Zone to Master Planned Township Zone does not specify a minimum allotment size. However, the Master Planned Township Zone indicates the following where an allotment is not connected to a mains sewer or an approved Community Wastewater Management Scheme (CWMS):

Extract from Master Planned Township Zone:  
DTS/DPF 11.2

*Allotments not connected to mains sewer or an approved common waste water disposal service accord with the following site areas:*

(i) *are not less 1200m<sup>2</sup> site frontages are not less than 20m.*

At this stage, there is no mains sewer system or an approved common waste water system that anticipated allotments will be able to connect into; therefore allotment sizes within the Affected Area would need to be in the order of 1200m<sup>2</sup> in area to be able to treat septic waste with an on-site system.

As mentioned earlier in this report, the Alexandrina Council has no short term plans to install a CWMS as a result of strong feedback from the community.

Therefore, the allotment sizes for the Affected Area will consequently default to a minimum allotment size of 1200m<sup>2</sup> until such time anticipated allotments can connect to a CWMS.

It is clearly not the intention of the Code Amendment to support 'rural living' allotments that foster semi-rural activities, such as horse keeping, hobby farming or horticulture. Although the chosen zone does allow low-density residential allotment sizes, this is reflective of the need to provide an on-site septic waste tank and soakage areas, due to the lack of available communal infrastructure.

The Master Planned Township Zone seeks the expansion of the existing township with a range of housing that caters to emerging needs and lifestyles that are within easy reach of services, facilities and open space. The proposed Code Amendment supports this intent.

The investigations have demonstrated that the Affected Area will not result in the removal of viable primary production land and the interface with adjacent primary production activities can be addressed with appropriate treatments. The Affected Area is in close proximity to the mainstreet of Middleton and the coastline, and the rezoning will enable the availability of additional housing stock to meet the growing demand for residential development within this coastal township.

## **6. CONCLUSION**

Further to the investigations, the Designated Entity is proposing a Code Amendment to amend the Planning and Design Code as follows:

- Replace the Deferred Urban Zone with the Master Planned Township Zone
- Introduce a Concept Plan that illustrate the location of access arrangements, public open space, rail reserve and interface treatments
- Retain all existing Overlays
- Apply the Affordable Housing Overlay.

The Code includes a range of policies that will apply to development in this locality which are contained within the General section (eg overlooking, overshadowing, design, land division, water sensitive urban design). No changes are proposed to these policies.

## 7. REFERENCES

### Strategic Documents

- Alexandrina Council – Alexandrina 2040, published by Alexandrina Council
- Alexandrina Council – Alexandrina Council Community Strategic Plan 2014 – 2023, published by Alexandrina Council
- Alexandrina Council – Middleton Village Conversation – Snapshot Report 2021, published by Alexandrina Council
- Alexandrina Council – Economic Development Strategy 2016-2022, published by Alexandrina Council
- Attorney General’s Department, June 2017, Land Support Report for Greater Adelaide, published by Government of South Australia
- Department of Planning, Transport and Infrastructure, 2017, The 30-Year Plan For Greater Adelaide (2017 Update), published by the Government of South Australia
- State Planning Commission, 2019, State Planning Policies for South Australia, published by the Government of South Australia

### Technical Reports

- CIRQA, March 2022, Middleton Land Code Amendment - Transport Investigations, published by CIRQA
- DBD Environmental, May 2022, Preliminary Site Investigations – Lot 104 and Lot 105 Pt Elliot Road, South Australia, published by DBD Environmental
- Ethos Urban, May 2022, Middleton Residential Assessment, published by Ethos Urban
- WGA, 5 August 2022, Services Feasibility Assessment, published by WGA
- WGA, 12 August 2022, Stormwater Management Plan, published by WGA
- Integrated Coasts, November 2020, Coastal Adaptation Study – Murray Mouth to Boomer Beach

### Agency Responses

- Central archive of Aboriginal Affairs and Reconciliation (AAR) which includes the Register of Aboriginal Sites and Objects for entries for Aboriginal sites within the Affected Area - Referral response received from Aboriginal Affairs and Reconciliation, dated 20 October 2022 (Lots 104 and 105)

**ATTACHMENT A – AFFECTED AREA MAPPING**

**ATTACHMENT B – CURRENT CODE POLICY**

**ATTACHMENT C – PROPOSED CODE POLICY**

**ATTACHMENT D – STRATEGIC PLANNING OUTCOMES**

**ATTACHMENT E – INVESTIGATIONS (RESIDENTIAL ASSESSMENT)**



**ATTACHMENT F – INVESTIGATIONS (SERVICES FEASIBILITY STUDY)**

**ATTACHMENT G – INVESTIGATIONS (TRAFFIC AND ACCESS)**

**ATTACHMENT H – INVESTIGATIONS (STORMWATER MANAGEMENT)**

**ATTACHMENT I – INVESTIGATIONS (PRELIMINARY SITE INVESTIGATION)**

**ATTACHMENT J – INVESTIGATIONS (ABORIGINAL HERITAGE)**

**ATTACHMENT K – PROPOSED CONCEPT PLAN**

Urban and Regional  
Planning  
Consultants



HUMBY  
CONSULTING