

18 December 2020

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To Whom It May Concern

### **SUBMISSION ON REVISED DRAFT PLANNING & DESIGN CODE - PHASE 3**

The Port Elliot Town & Foreshore Improvement Association is concerned with advancing the interests of the township to ensure that our unique village is preserved for future generations and is today enjoyed by all those who live in, and visit our region.

We previously submitted feedback in the last round of consultation in February 2020. In response to the latest version of the draft Planning and Design Code – Phase 3, we are concerned that the impact will be detrimental to the village township of Port Elliot.

This Code is an extremely complex and difficult document and it has been almost impossible for us to access and undertake a comprehensive analysis of all zones, subzones, overlays, mapping, concept plans and technical variation notes and tables within a mere six-week period.

Our principal concern, which we raised before, is the huge loss of local context and policy which has been removed from the Code. There is now no proper context about our historic background, the settlement development patterns or heritage values of our village, which we believe is vital to the preservation of our character and uniqueness.

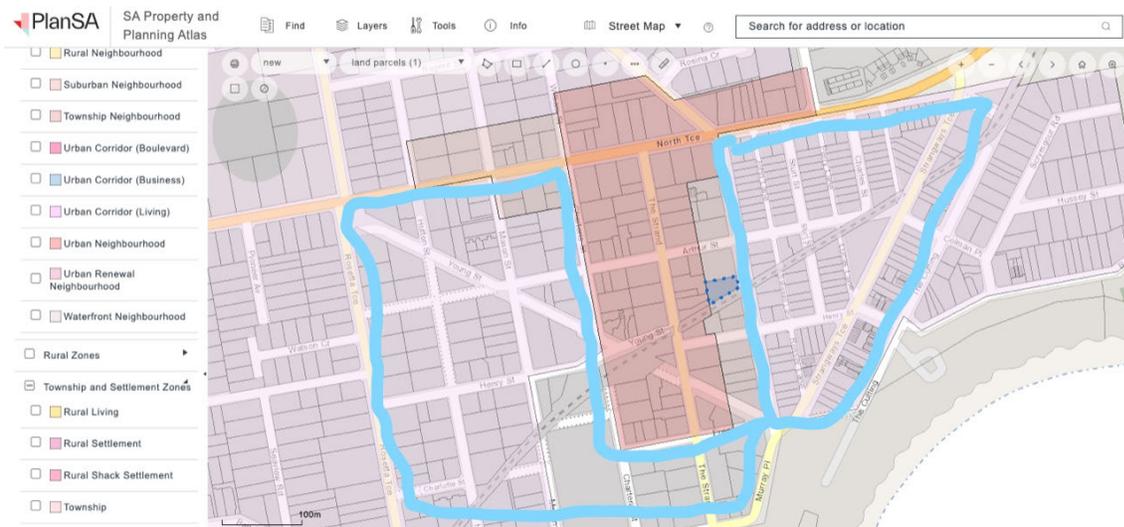
#### **1. Zoning**

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 Map 1 below, 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.

**Map 1**



## 2. Commercial Development in Residential Areas

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 1000m<sup>2</sup> or less can be built in a residential zone. This is 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.

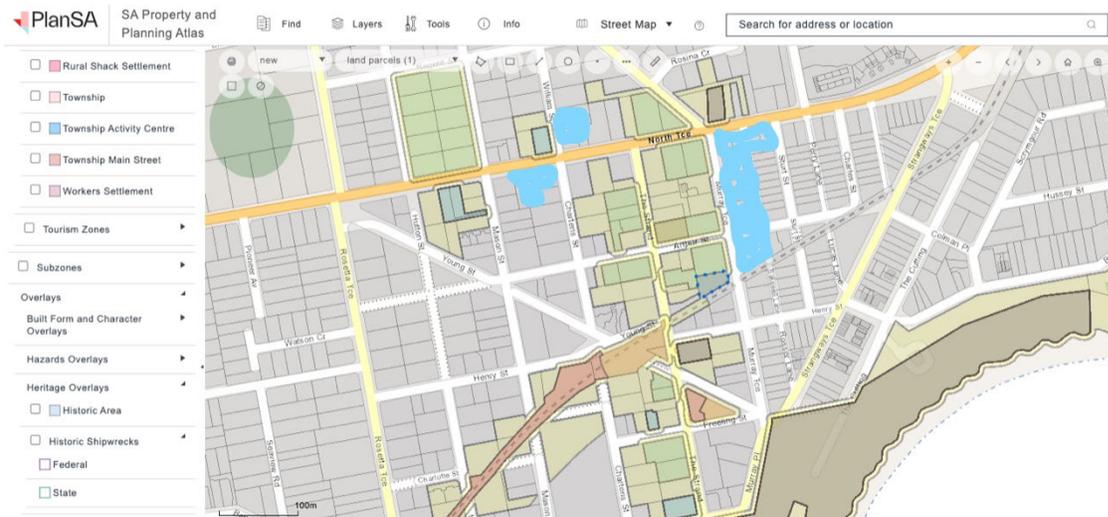
The Historic Area and Heritage Overlay in the draft Code are drawn too generically, and is lacking in specificity and strength so as to afford Port Elliot's township buildings an appropriate level of protection. Port Elliot consists of more than two historic streets identified in the draft plan, and the draft provisions do not "identify and articulate the key elements of historic importance in a particular area" Our village contains many additional older buildings which contribute to the heritage streetscape of our village and which should be protected.

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.

The Environment, Resources and Development Court considered this very area in Port Elliot and in a decision handed down in April 2020, upheld the need for protection of buildings in the adjacent zone "so as to not impair the character of the adjoining zone" see *Lewis & Ors v Alexandrina Council & Anor* [2020] SAERDC 7.

Please refer Map 2 below. The blue highlighted sections should also have Heritage Adjacency Overlay applied notwithstanding that there is a road between the heritage place and the adjacent buildings.

## Map 2



### 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.

The historic Soldiers Memorial Gardens designed by Australia’s first town planner, Charles Reade circa 1914, should also be protected.

### 6. Ratalang (Basham Beach Conservation Reserve)

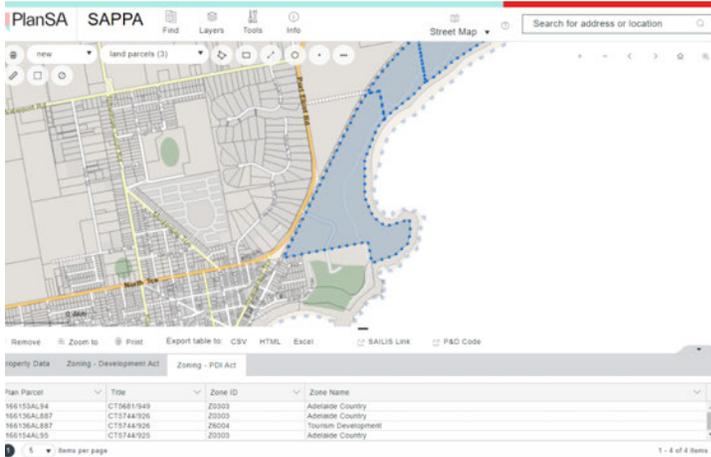
This is zoned Adelaide Country and Tourism Development. This simply cannot be correct given that this is a conservation area of significant cultural heritage to the Ngaarrindjeri people and which is the subject of multiple agreements with Council and State Government for its management, conservation and protection.

See Map 3 Ratalang Basham Beach Conservation Reserve and Map 4 – proposed zoning - below.

### Map 3



### Map 4



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

Regards

Sue Dixon  
President  
Port Elliot Town and Foreshore Improvement Association