



18 December 2020

Mr. Michael Lennon
Chairperson
State Planning Commission
GPO Box 1815 Adelaide SA 5223

Dear Mr Lennon

Friends of Willunga Basin and Friends of Port Willunga Submission on second Draft Planning and Design Code – Phase 3: Second Consultation

This submission on the second draft of the Planning and Design Code – Phase 3 has been prepared for and is endorsed by the respective committees of the Friends of Willunga Basin and the Friends of Port Willunga. Both of our groups are long-standing not-for-profit incorporated organisations dedicated to preserving the environment, agricultural land use, biodiversity, beauty and significant heritage values of Port Willunga, its Aldinga Historic Township gateway and the Willunga Basin region in general. Both groups strongly support considered and orderly urban development and planning that incorporates strong heritage and environmental policy.

We thank the Commission for the opportunity to make further comment on this important planning document, however we note that the consultation formats of the Code continue to provide challenges to lay people and professionals alike. Specifically, we believe that, even in its current form, the Code clearly still does not provide a ‘like for like’ transition of policy from the current City of Onkaparinga Development Plan, nor is it clear that the Code will achieve what it sets out to achieve – a simpler more transparent planning system for South Australia.

The ongoing issues with the new Code as it applies to the Willunga Basin are summarised as follows:

1. The latest version of the Code still does not **align ‘like for like’** with the City of Onkaparinga’s current Development Plan, in particular with regard to the nuanced policy that has evolved over many many decades of activism, community consultation and expert input to create Desired Character statements that reflect the special character of our region.
2. We continue to support the majority of the City of Onkaparinga’s own analysis and submissions – with which we are in broad agreement. In a similar vein, we are in general agreement with the submission from the Community Alliance, of which both our groups are members.
3. We note that Desired Character Statements have still not been carried over into the Code. Built over decades, Desired Character Statements provide sophisticated local contextual detail which articulate community expectations, while also supporting legislative requirements for the maintenance of place character particularly with regard to the rural landscapes and historic townships contained within and adjacent the McLaren Vale Character Preservation district.



4. For similar reasons – and noting that not a single Policy Area in the current CoO Development Plan has made the transition to the Code – we continue to support existing policy areas and precincts being transitioned to subzones to recognise unique land use or character differences, particularly with regard to the tourism destination township zones of Port Willunga, Aldinga, Willunga, Kangarilla and Clarendon.
5. It is of ongoing concern to both our groups that the Code has no equivalent to the current ‘non-complying use’ designation and that it is not clear how applications which would have caught in this net will be dealt with beyond the seemingly opaque ‘Restricted Development’ and ‘Performance Assessed’ processes.
6. As to the notion of a proposal being ‘seriously at variance’ with the zone provisions, it is still unclear how such outliers will be captured and dealt with. The discontinuation of the requirement for concurrence between local and state authorities on such outliers is also a concern, especially with regard to applications previously deemed non-complying in sensitive rural and historic locations. This could be addressed through the establishment of lists or description of (possibly through reinstated Desired Character statements) of what is appropriate or envisaged development. All development other than listed appropriate should then be deemed inappropriate, and subject to a performance-based assessment.
7. We continue to support the application of the Significant Landscape Protection Overlay over the Hills Face Zone and stronger prevention of accumulative effects of insensitive and inappropriate land uses that do not maintain or improve its conservation and/or heritage values. We share the CoO’s concern that the Code provides limited design assessment criteria regarding built form, massing and siting for development in this sensitive and natural area, and that inappropriately scaled buildings could result in much greater and more frequent cut and fill than is allowed by current restrictions. We therefore support the reinstatement of current restrictions into Code policy, or into a Significant Landscape Protection Overlay.
8. We highlight that there is no mention of any policies regarding Aboriginal heritage or culturally significant sites, despite their inclusion in State Planning Policy 7. This is also a gap in the current planning system, with there being no mechanism for formal referral relating to Aboriginal cultural matters and the protection of Aboriginal heritage, despite the wide-reaching effect of the Aboriginal Heritage Act 1988, which all developers are bound by. We support the CoO submissions in this regard.
9. There still appears to be no clear path for regular review, revision and amendment of the Code as was previously and clearly articulated in the section 30 review process of the *Development Act 1993*.

More generally, we are concerned at the new notification protocols and the reduced opportunity for groups such as ours to make representations on and influence the outcome of individual development applications. We tend not to oppose development per se but what we consider to be bad development. A prime example was the amendment to the OTR plans for its Aldinga site as a result of our representations. We did not oppose the use, but the built form outcome was much improved on account of our intervention.

Under the Design Code, we are fearful that opportunities such as these will be lost and that legitimate concerns about the shaping of our built environment will not get a look in.



Friends of Willunga Basin inc.

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Conclusions

Once again, we make the point that in the short space of time allowed for its review, it has been challenging for professionals to understand the Code and its on-ground effects, let alone lay people. We therefore thank you for offering this second opportunity to consult but we continue to contend that the draft Code allows the pendulum to swing too far from the centre in terms of the stripped-down policy settings it proposes. Efficiency and productivity should indeed be hallmarks of a modern planning system, but these attributes should not come at the complete expense of community wishes and desires, and the heritage values and landscape characteristics evolved over so many years. We continue to contend that these values underpin the Productive Economy of our region.

We trust that you find this feedback constructive, and that, along with the City of Onkaparinga's latest submissions, it will lead to amendments to the Code as it applies to the Willunga Basin and environs, with additional policy where there is agreement that policy gaps exist, or amendment is required.

Yours sincerely,

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