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Level 1, 74 Pre Street  
Adelaide SA 5000  
PH: 08 8221 5511  
W: [www.futureurban.com.au](http://www.futureurban.com.au)  
E: [info@futureurban.com.au](mailto:info@futureurban.com.au)  
ABN: 71 721 478 106

Mr Michael Lennon  
Chairman  
State Planning Commission

Via email: [DPTI.planningreformsubmissions@sa.gov.au](mailto:DPTI.planningreformsubmissions@sa.gov.au)

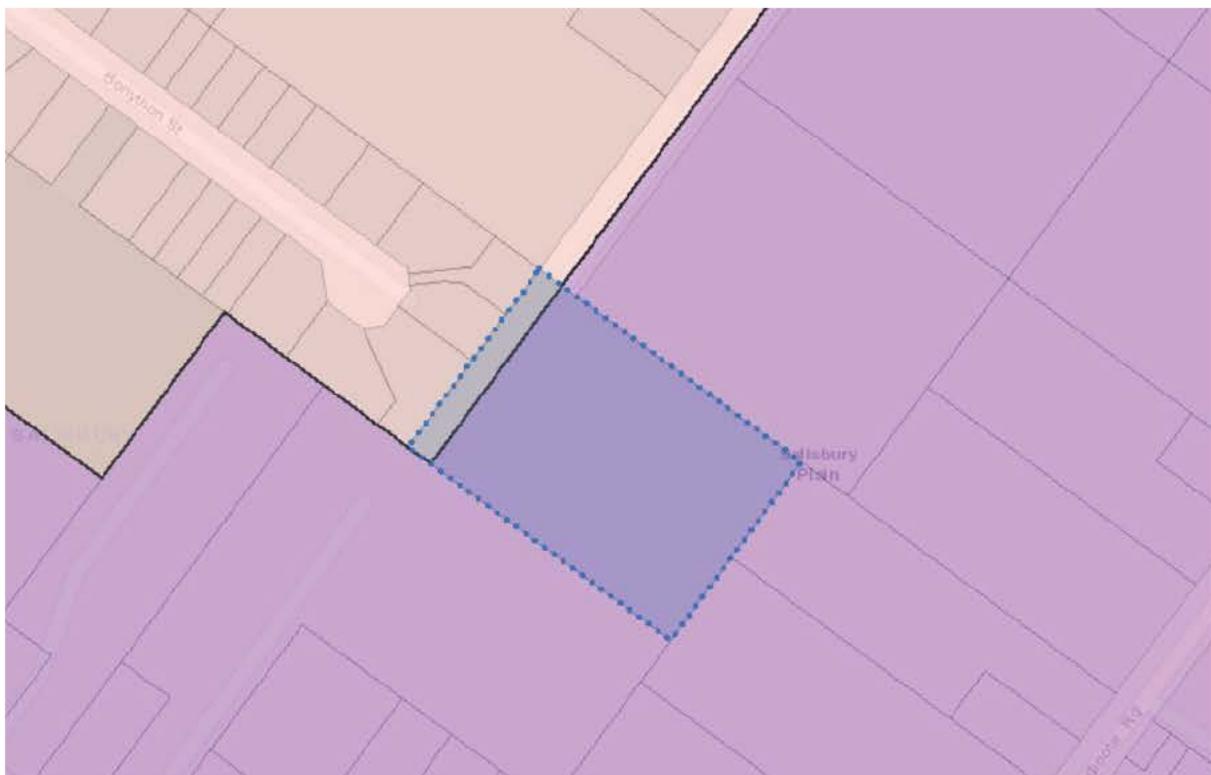
Dear Mr Lennon,

### **Planning and Design Code Submission – 26 Willochra Road, Salisbury Plain**

This firm acts for Chris Shopov on behalf of his mother, Mrs Yanka Shopov to make this submission about the application of the recently re-released proposed Planning and Design Code ('the Code').

Our client is the owner of land located at [REDACTED] Salisbury Plain, formally described as Certificate of Title [REDACTED] ('the Land'). Set out below, is the spatial depiction of the Land and applicable zone boundaries under the City of Salisbury Development Plan ('the Development Plan').

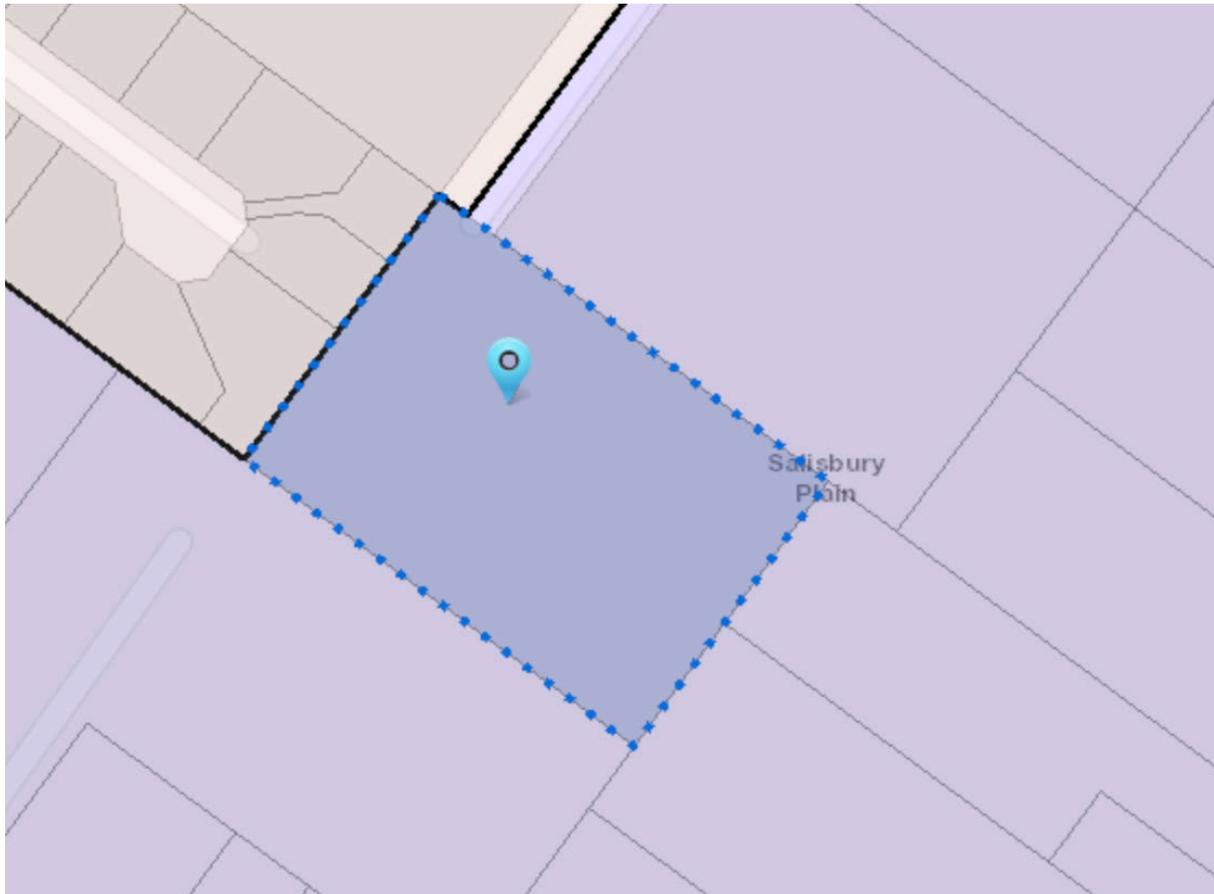
**Figure 1** *Subject land*



As can be seen in the figure above, the subject land straddles two zones, namely the Residential Zone and the Industry Zone within the Development Plan.

Our previous submission to you on the application of the Code noted the anomaly with respect to the application of two different zones to the Land had been transposed into the proposed Code, where the land would again straddle two zone boundaries, namely the General Neighbourhood and Employment Zones. This, in our previous submission, was an entirely unsatisfactory proposition.

**Figure 2 Revised Zoning – Planning and Design Code**



It is now widely understood the Code has been re-released for public consultation as a result of feedback received during the initial consultation phase that closed in earlier in 2020.

Further to our previous submission, we note the mapping aspect of the Code has been remedied as set out in Figure 2 above, with the entirety of the Land now situate within the Strategic Employment Zone. However, when one inputs the property address details into the online version of the Code to determine the applicable policies, it again appears that two sets of different zone policies apply, namely the Strategic Employment Zone and the General Neighbourhood Zone.

As per our previous submission, the problems caused by the zoning are almost insuperable following the authority of *Hagger v DAC* [2006] SAERDC 56 in which it was held that where land to be developed straddles the common boundary of two zones, the Development Plan provisions of both zones must be considered in deciding whether the development would be non-complying. If the provisions of either zone categorised the development as non-complying, that is the way the proposal must be treated.

Therefore, in order to provide policy certainty to enable orderly and economic development upon the Land, we again submit the whole of the Land should fall within either the General Neighbourhood Zone or the Strategic Employment Zone but not in both.

My client's preference is to have the Land zoned entirely for residential purposes and subsumed into the neighbouring General Neighbourhood Zone.

Whilst not as attractive to our client, if the Department is not of a mind to include the Land entirely within the General Neighbourhood Zone, the next best outcome is for it to exist entirely within the Strategic Employment Zone. Notwithstanding this alternative is less appealing, the hybrid zone reality that presently exists in the draft Code is highly prejudicial to giving confidence to expend significant financial resources on development applications that may be unsupportable due to the poor planning policies of the past.

Under this eventuality, our client would at least have certainty about the types of development that could be achieved without fear of infringing the alternative planning policies that apply.

We would be most grateful if this anomaly could be dealt with at as a matter of urgency.

I would be pleased to discuss this submission in person if that would assist.

Yours sincerely

A handwritten signature in black ink, appearing to read "M. Duncan".

**Marc Duncan**  
Director