

# Lou Fantasia PLANNING

18 December 2020

Mr Michael Lennon  
Chairperson, State Planning Commission  
Attorney General's Department  
GPO Box 1815  
ADELAIDE SA 5001

[DIT.planningreformsuggestions@sa.gov.au](mailto:DIT.planningreformsuggestions@sa.gov.au)

Dear Mr Lennon

**Re: Submission – Revised Draft Planning and Design Code Phase 3 (Urban Areas).**

We act for Pinjarra Pty Ltd and Mrs K Rasheed the owner and occupier of the property at [REDACTED] Fullarton.

This submission to the Draft Code is made on behalf of the Pinjarra Pty Ltd and Mrs K Rasheed.

In summary, Owner and occupy say that the subject property and all other properties currently zoned Office 1 in the Unley (City) Development Plan along [REDACTED] should be either contained in a different Zone to the Business Neighbourhood Zone or within a Sub-zone of the Business Neighbourhood Zone that better reflects the existing development potential rights with respect to total Floor Area and Gross Leasable Floor Area. The proposed Business Neighbourhood Zone will significantly impair and diminish the development potential large existing allotments or potential consolidated allotments along the southern side of [REDACTED], Fullarton.

## Summary of our client's position

The proposed zoning under the new Planning and Design Code as Business Neighbourhood Zone is considered inappropriate in so far as it seeks to limit the business and commercial land uses to a maximum gross leasable floor area of 250 square metres. No such limit applies to residential development.

This proposed limit is similar to the non-complying trigger that currently applies to the Office 2 Zone but not to the Office 1 Zone.

The Office 1 Zone allows for much larger business and commercial buildings in particular offices, consulting rooms and banks as sought by Objective 1 and Principle of Development Control 3 of the Office 1 Zone state:

*“Objective 1: Accommodation of offices, consulting rooms and bank development of up to 450 square metres total floor area, per individual building, and residential development of up to two storeys at medium densities.”*

*“PDC 3: Office, consulting room and bank development, together or individually, should not exceed 450 square metres of total floor area per individual building.”*

Office 1 Zone Principle 11 describes the types of development which are non-complying forms and states:

*PDC 11 The following kinds of development (including combinations thereof, or more than one of a particular kind) are non-complying in the Office 1 Zone, with the exception of alterations and additions to any existing building or structure on its existing site:*

*A building containing an office, consulting room or bank:*

- (a) in which the total floor area of the office, consulting room or bank individually or together exceeds 450 square metres; or*
- (b) comprising a podium which supports two or more roofed areas, each of which roofed area has the appearance of being a separate building, the total floor area of an office, consulting room or bank, individually or together, within any one of the roofed areas exceeds 450 square metres.*

The current zoning allows for non-residential development well in excess of the Deemed-to-Satisfy Criteria / Designated Performance Feature 1.2 for the Business Neighbourhood Zone which seeks a gross leasable area (GLA) not exceeding 250 square metres.

<b>PO 1.2</b>  Business and commercial land uses complement and enhance the prevailing or emerging neighbourhood character.	<b>DTS/DPF 1.2</b>  Shops, offices and consulting rooms (or any combination thereof) do not exceed 250m <sup>2</sup> in gross leasable floor area.
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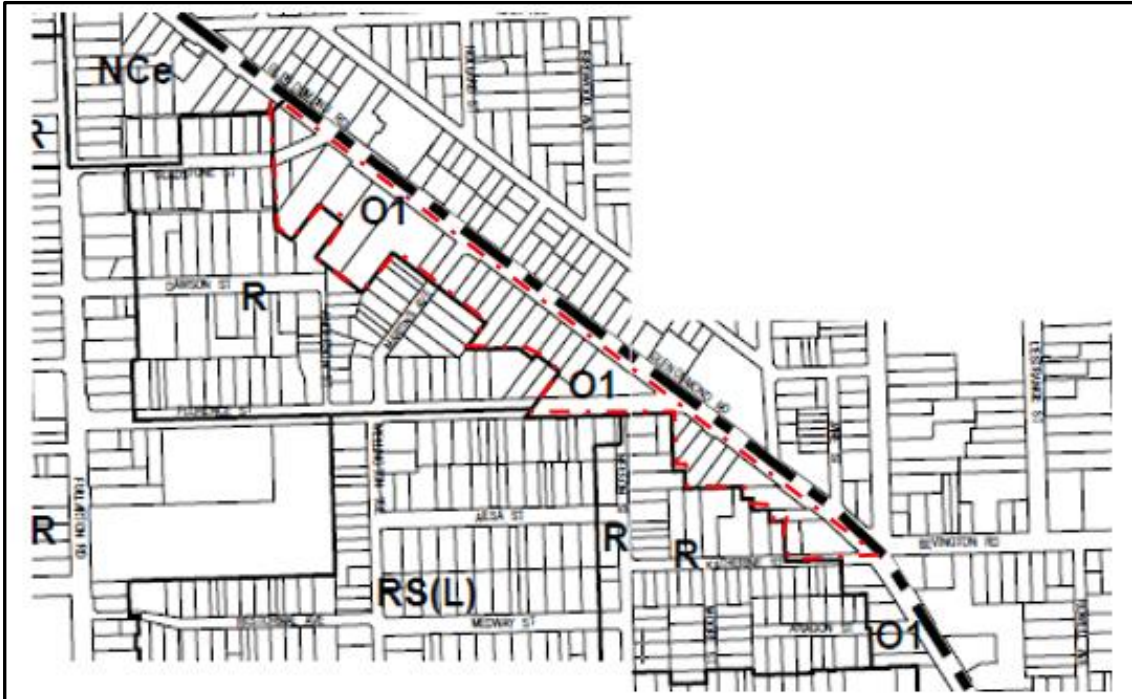
*Extract Business Neighbourhood Zone - Planning & Design Code Zone*

Many of the properties along the City of Unley side of [REDACTED] are very large sites and are capable of accommodating non-residential development well in excess of 250 square metre GLA. The subject site as depicted in Certificate of Title Volume [REDACTED] Folio [REDACTED] has a site area of 2997.95 square metres.

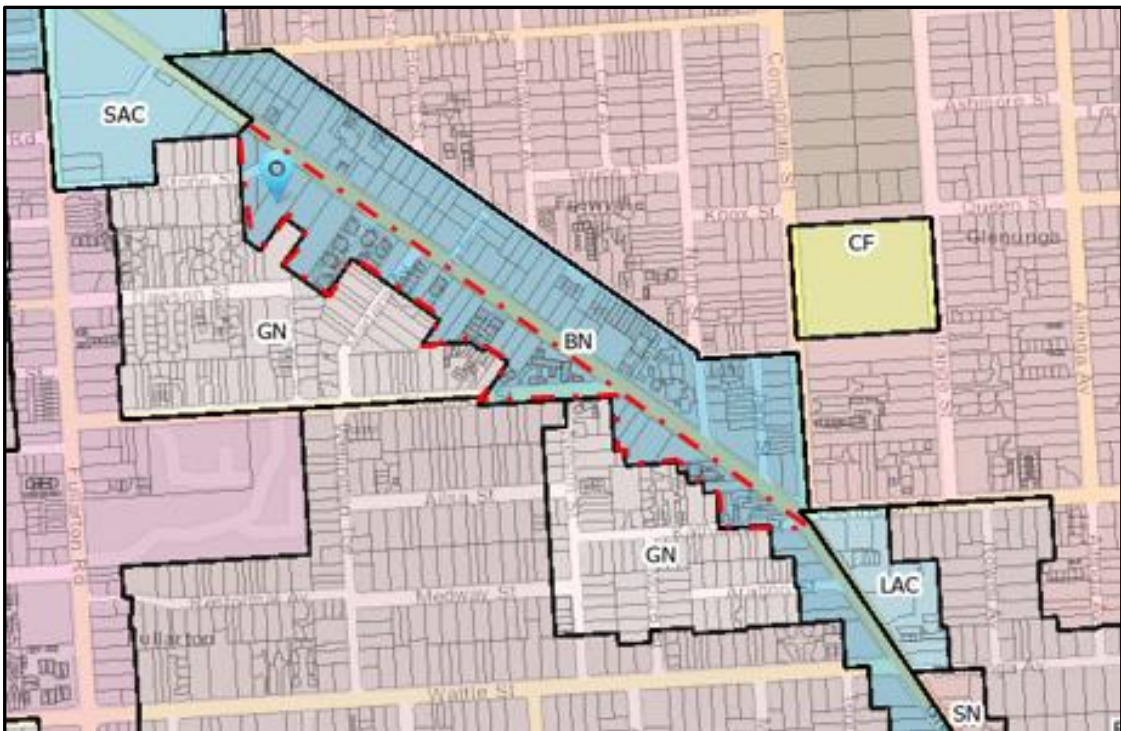
The Unley Council Assessment Panel at its meeting on 29 September 2020 granted Development Plan Consent and Land Division approval for a residential development involving 4 two storey dwellings on the rear portion of the site with access to [REDACTED], leaving a parcel of land fronting [REDACTED] of 1776 square metres. My clients also own the adjoining property at [REDACTED], [REDACTED] with a site area of 470 square metres that will yield a consolidated site of 2246 square metres.

The existing dwelling on [REDACTED] has a floor area of approximately 258 square metres and approximately 165 square metres for the building at [REDACTED].

Applying the car parking rates in Table 1- General Off-street Car Parking Requirements in the Code the site has the potential for a building or several buildings with a GLA well in excess of 250 square metres.



*Extract Unley (City) Development Plan*



*Planning & Design Code Zone Extract SAPPA*

We have discussed this matter at length with Council's Policy Planner who is now supportive of creating a subzone for a section of the Business Neighbourhood currently Zoned Office 1 to minimise loss of development potential and ensure redevelopment opportunities that are currently afforded to those properties under Unley (City) Development Plan.

### **Summary**

We submit and seek your favourable consideration to the creation of a Subzone to the portion of the Business Neighbourhood Zone extending along the southern side of [REDACTED] from [REDACTED] to [REDACTED].

We advise that on behalf of the land owners, we wish to be heard in respect of these submissions at the public meeting this matter.

Please confirm that my client will be given the opportunity to appear personally or by representative to make submissions at that public meeting.

We would welcome the opportunity to discuss this submission with the representatives from the Attorneys Generals Department and/or the State Planning Commission.

Please do not hesitate to contact me by phone on [REDACTED] or email at [REDACTED].

Yours faithfully



**Lou Fantasia** RPIA KCHS  
Director/ Urban and Regional Planner