

Our ref: THG/219230

18 December 2020

Mr Michael Lennon  
Chair  
State Planning Commission  
GPO Box 1815  
ADELAIDE SA 5001

**By email: [DIT.planningreformsubmissions@sa.gov.au](mailto:DIT.planningreformsubmissions@sa.gov.au)**

Dear Mr Lennon

**Submission on Revised Draft Planning and Design Code – Phase Three - Lot 10 Bakewell Drive, Seaford Heights**

This firm acts for Steeton Pty Ltd, the owner of Lot 10 Bakewell Drive, Seaford Heights being the land comprised in Certificate of Title Volume 5057 Folio 849 (**the Land**).

Our client's submissions on the Revised Draft Planning and Design Code – Phase Three are set out below.

In summary our client respectfully requests that instead of straddling a zone boundary as presently proposed, the Land be wholly included in the Deferred Urban Zone.

**Submissions**

1. The Land currently lies within the Primary Production Zone and Deferred Urban Zone in the Onkaparinga Council Development Plan<sup>1</sup>, and is being used as a dwelling and for horse keeping.
2. The Land is State Heritage Listed and contains the former Noarlunga Ostrich Farm and Prior's Court Homestead and Barn.<sup>2</sup>
3. The Land is proposed to be included within the Deferred Urban Zone and Rural Zone under Phase 3 of the Revised Draft Planning and Design Code (**the Draft Code**).

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<sup>1</sup> Consolidated 2 July 2020.

<sup>2</sup> State Heritage ID 14427.

4. The Draft Code proposes to include approximately 70% of our client's 4.013ha property within the Deferred Urban Zone, with the remaining 30% in the Rural Zone.
5. The proposed boundary between the Deferred Urban Zone and Rural Zone appears to be arbitrarily drawn, with no distinguishable difference in the Land's features to rationalize the way it cuts through our client's land. Elsewhere in the locality the existing and proposed zone boundaries almost universally appear to follow cadastral boundaries.
6. The origins of this historical zone boundary misalignment are unclear and there is no obvious rationale for it.
7. It is our client's submission that the Deferred Urban Zone should be extended further west to include the entirety of the Land for the following reasons:
  - a. The overwhelming majority of the Land lies within the Deferred Urban Zone.
  - b. There is no obvious rationale for the zone boundary to intersect the land as it does.
  - c. It is generally more orderly, efficient and economic for parcels of land to be subject to a single zone and a single set of planning and land use policies.
  - d. The proposed adjustment to the zone boundary is a logical and simple spatial extension of the Deferred Urban Zone which would not impact on any other properties.
  - e. The approximately 1 hectare portion of the Land lying outside the Deferred Urban Zone contributes little to the overall scale and character of the Rural Zone which dominates the locality.

For the above reasons our client respectfully requests that the boundary of the Deferred Urban Zone be amended to follow the cadastre of the Land.

It is respectfully submitted that it is appropriate to incorporate the types of minor zoning amendments sought in this submission as part of Phase 3 of the Planning and Design Code. The time and expense of a subsequent stand-alone Code Amendment process is unlikely to be justified in respect of the an amendment of this nature. This is an appropriate and important opportunity to address what is hopefully a straightforward matter.

Thank you for your consideration. Please feel free to contact me to discuss.

Yours faithfully



**Tom Game**  
**BOTTEN LEVINSON**

Mob: [REDACTED]

Email: [REDACTED]

Enc Image from SAPPa depicting proposed zoning of the Land under the Draft Code

