

**From:** [Jan & Gerald Gregory](#)  
**To:** [DPTI:Planning Reform](#)  
**Subject:** Draft Planning Design Code  
**Date:** Friday, 6 March 2020 12:51:16 PM

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I wish to make a late submission in respect of the above.

I apologise for this, however I experienced difficulty in downloading the Planning and Design Code Consultation Map Viewer to confirm my understanding, that in respect of [REDACTED] Tennyson, which adjoins my property, the height limit of 2 storeys and 8 metre setback from the Coastal Park had been provided for. I phoned the Hotline on the 27/2 for assistance and spoke with Jasmine on the 28/2 who advised the mapping tool made no reference to the 8 metre setback from the Coastal Park. She agreed to refer the matter and I subsequently spoke with Kylie Weymouth on the 4/3, who confirmed no provision had been made. Hence my request.

I advised that in the past, there have been two Development Applications made in respect of 12 Estcourt Road as follows;

(1) 8/10/2002 - Application 252/01279/02. Applicant K Weeks and H Jones. Proposed construction of three storey residential flat building comprising three dwellings.

The proposal was approved by Council.

I and a neighbour Mr F Noor appealed to the Environmental Resource and Development Court. A compromise agreement was reached, ERD Court order No. 743 of 2002 for construction of a two storey (with third level terrace area) residential flat building comprising three dwellings. Setback from the Coastal Park 8 metres. A copy of this Agreement and plans are available if required.

This Development did not proceed and the property was subsequently sold to the owners of 10 Estcourt Road, who have retained ownership.

(2) 18/9/2019 - Development Application No. 252/2129/17. Applicant George Majda & Associates. Proposed demolition of the two existing dwellings and the construction of a three storey residential flat building comprising six dwellings with associated car parking and landscaping.

Council Assessment Panel approved the Development Application on the 20/12/2017.

I and neighbour Mr F Noor appealed to the Environmental Resource and Development Court and the Judgement of Commissioner Rumsby No. (2018) SAERDC 37, 13/8/2018 was "proposal represents an overdevelopment at odds with a number of critical provisions - at sufficient variance with the Development Plan as to not merit approval - appeal against approval to application upheld and Council decision overturned".

The Applicant lodged an appeal with the Supreme Court on the 3/9/2018. The appeal was listed for directions hearing on the 21/3/2019. Counsel for the Applicant requested that two scheduled hearings be deferred, finally lodging a Notice of Discontinuation of their action on the 9/5/2019.

Within his Judgment, paragraph 66, Commissioner Rumsby refers to the Coastal reserve setback as follows;

"The most relevant provisions in this matter are:

Western Edge Policy Area 17

Principle of Development Control

5. Building work (except a fence) on sites with a frontage to a coastal reserve or zone should be setback at least:
  - (a) 8 metres
  - (b) 8 metres or in line with adjacent building work, whichever is the greater, where sites are located between:
    - (i) Terminus Street, Grange and 139 Esplanade, Tennyson (CT5257/552) inclusive
    - (ii) Third Avenue Semaphore Park and 403 Esplanade Semaphore Park inclusive
  - (c) 4 metres in the case of a pergola".

Kylie Weymouth advised of alterations to this provision and suggested I speak with Council for clarification. I will do so at the earliest opportunity and advise.

In the circumstances I find it hard to believe the intention is to reduce the setback from "at least 8 metres" to nil.

If considered necessary I would be pleased to meet with an officer of your Department to discuss my concerns and acceptance of my late submission.

Regards Gerald Gregory

[REDACTED] Tennyson 5022

Phone [REDACTED]

Mobile [REDACTED]

Sent from my iPad

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**From:** Bennington, Michael (DPTI)  
**Sent:** Tuesday, 17 March 2020 2:47 PM  
**To:** Rawlins, Dionne (DPTI)  
**Cc:** Kibble, Emma (DPTI); Weymouth, Kylie (DPTI); Luscri, Carmela (DPTI)  
**Subject:** RE: 8/10 & 12 Estcourt Road, Tennyson query

Hi Di

As discussed, can the below pls be added to the submission for J & G Gregory Estcourt Road, Tennyson?

Thanks

**Michael Bennington**  
Communications and Engagement Team Lead  
Business Readiness and Stakeholder Engagement  
Department of Planning, Transport and Infrastructure  
E [REDACTED]  
[www.dpti.sa.gov.au](http://www.dpti.sa.gov.au)



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*We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.*  
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**From:** Weymouth, Kylie (DPTI)  
**Sent:** Tuesday, 17 March 2020 1:07 PM  
**To:** Luscri, Carmela (DPTI) <[REDACTED]>; Bennington, Michael (DPTI) <[REDACTED]>  
**Cc:** Kibble, Emma (DPTI) <[REDACTED]>  
**Subject:** Fw: 8/10 & 12 Estcourt Road, Tennyson query

Hi folks, can the information below (email trail) please be added to any submission received from J & G Gregory Estcourt Road, Tennyson?

Thanks in anticipation.

Kind regards,

Kylie

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**From:** Jan & Gerald Gregory [REDACTED]  
**Sent:** Tuesday, 17 March 2020 12:52 PM  
**To:** Weymouth, Kylie (DPTI)  
**Subject:** Fwd: 8/10 & 12 Estcourt Road, Tennyson query

Good morning Kylie

Further to my email of the 11/3/20, I advise that I met with Jim Gronthos, Senior Planner and Julie Vanco, Manager Planning with the Council, who in relation to the Coastal Park setback, advised as follows;

(1) there has been no alteration to the 8 metre Coastal Park setback provisions in respect of the 12 Estcourt Road and 183 Military Road Tennyson properties.

(2) to confirm, they provided a copy of page 20 of the Development Plan - Consolidated 13/2/2020  
Charles Sturt Council  
General Section  
Coastal Areas  
Maintenance of Public Access

11. Except where otherwise specified in a particular zone or policy area, buildings on land abutting coastal reserves should be setback either a distance of 8 metres from any boundary with the reserve or in line with adjacent development, whichever is the greater distance.

(3) they also provided a copy of page 2076 of the Coastal Areas Overlay indicating that Hazard Risk Minimisation PO 2.4 applied to these properties.

(4) a copy of aerial slide showing Zone 17 residential boundaries adjacent to our property was also provided.

In respect of the concept plans 14 - 17 provided, I agree they do not appear to cover 12 Estcourt Road and 183 Military Road Tennyson, which if as advised by Council the 8 metre setback applies, for clarity I believe they should.

It would appear that they are the only 2 properties with frontage to the coastal reserve, within Zone 17, not covered by concept plans 14 - 17. Again, if as Council advised the 8 metre setback applies, for consistency and clarity I believe they should.

I hope the above assists in resolving this matter.

I phoned and left a message this morning, to enquire if it was necessary to restate the above to my late submission. I will await your advice in this regard or should you wish to discuss any of the above.

Again thank you for your assistance.

Regards Gerald

Sent from my iPad

Begin forwarded message:

**From:** Jan & Gerald Gregory <[REDACTED]>  
**Date:** 11 March 2020 at 9:47:11 am ACDT  
**To:** "Weymouth, Kylie (DPTI)" <[REDACTED]>  
**Subject:** Re: 8/10 & 12 Estcourt Road, Tennyson query

Good morning Kylie

Thank you for your email. I advise that I have submitted a late submission and as suggested I have arranged a meeting with Jim Gronthos, senior planner with the Council, 11.00am Thursday 12/3 to discuss this matter.

I will advise you of the outcome of this meeting.

Again thank you for your assistance.

Regards Gerald

Sent from my iPad

On 4 Mar 2020, at 12:46 pm, Weymouth, Kylie (DPTI) <[REDACTED]> wrote:

Hi Gerald,

Further to our telephone conversation, please see information below relating to the **current & proposed** future planning policy for the above properties.

**Current Planning Provisions - Charles Sturt Council Development Plan w**

The

The above properties are currently zoned **Residential Zone – Policy Area 17 Western Edge** in the case Charles Sturt Council Development Plan.

Policies that relate to setbacks include PDC 5 (see attachment) **and particularly in relation to setbacks from a coastal reserve, PDC 6**. PDC 6 calls up concept plans 14-17. It appears to me that the properties above are not covered by any of these concept plans (I have included them all for you to have a look at) however, I would recommend that you contact the Council to confirm this & whether the 8m setback still applies to the properties of interest as they are more familiar with their Development Plan than I am.

In the front of the Development Plan document, after the table of contents, is a list of the DPAs (Development Plan Amendments) when the development plan was amended & so if the policies are different to those used in the refusal of the applications discussed have changed, they would have been changed via one of these DPAs. You would be best speaking with the Council to ask them when this change took place as they would have requested this type of change & would be more familiar with when it occurred.

**Proposed Planning Provisions (Planning & Design Code)**

The proposed zoning for this area is the **General Neighbourhood Zone** which does not provide any provision requiring a setback to the coastal park.

Should you wish to object to that, then I would advise that you lodge a submission which, as discussed will be a late submission (submissions closed on 28 February) but may be able to still be considered given your difficulty in accessing the online mapping tool.

Please see attached extracts of the existing Development Plan Policy for your information.

I trust this helps.

Kind regards,

Kylie

**Kylie Weymouth**  
Senior Planner

Planning and Land Use Services  
Department of Planning, Transport and Infrastructure  
**Monday to Thursday**

T [REDACTED] • E [REDACTED]  
Level 5, 50 Flinders Street, Adelaide SA 5000 • GPO Box 1815 Adelaide SA  
5001 • DX 967 • [www.dpti.sa.gov.au](http://www.dpti.sa.gov.au)  
<image001.gif> <image002.gif> <image003.gif> <image004.gif>

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<Charles Sturt PA Concept Plan Map14.PNG>

<Charles Sturt PA Concept Plan Map15.PNG>

<charles Sturt PA Concept Plan Map16.PNG>

<charles Sturt PA Concept Plan Map17.PNG>

<Charles Sturt PA Map6.PNG>

<Charles SturtWEPA17.PNG>

<Charles SturtWEPA17pg2.PNG>

<Charles SturtWEPA17pg3.PNG>

**From:** [Jan & Gerald Gregory](#)  
**To:** [DPTI:Planning Reform](#)  
**Subject:** Fwd: Draft Planning Design Code  
**Date:** Thursday, 19 March 2020 12:05:06 PM

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Further to my email of the 6/3/20, I advise that I met with Jim Gronthos, Senior Planner and Julie Vanco, Manager Planning with the Council, who in relation to the Coastal Park setback, advised as follows;

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Charles Sturt Council

General Section

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I hope the above assists in resolving this matter.

Please advise should you wish to discuss.

I look forward to receiving response to my submission.

Regards Gerald Gregory

[REDACTED] Tennyson 5022

Phone [REDACTED]

Mobile [REDACTED]

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Sent from my iPad

Begin forwarded message:

**From:** Jan & Gerald Gregory <[REDACTED]>  
**Date:** 6 March 2020 at 12:51:12 pm ACDT  
**To:** [DPTI.PlanningReform@sa.gov.au](mailto:DPTI.PlanningReform@sa.gov.au)  
**Subject:** Draft Planning Design Code

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