

# PROPOSAL TO INITIATE AN AMENDMENT TO THE PLANNING & DESIGN CODE

**St Clair Code Amendment**

**By ISPT Pty Ltd (*the Proponent*)**

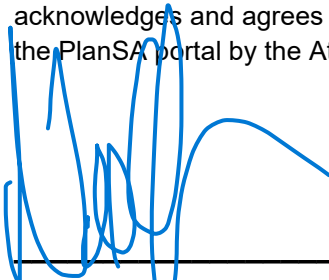


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(Signature Required)

**ISPT Pty Ltd (*the Proponent*)**

**Date: 13 September 2024**

This Proposal to Initiate document together with conditions specified by the Minister forms the basis for the preparation of a proposed amendment to the Planning and Design Code for the purpose of section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*. By signing this Proposal to Initiate, the Proponent acknowledges and agrees that this Proposal to Initiate, and any supporting documents may be published on the PlanSA portal by the Attorney General's Department.



\_\_\_\_\_  
(Signature Required)

**MINISTER FOR PLANNING**

**Date:**

23/1/25

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**ATTACHMENT A** - Certificates of Title for Affected Area

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# 1. INTRODUCTION

The Proponent is proposing to initiate an amendment to the Planning and Design Code (the Code Amendment) as it relates to land located at Allotments 6005 and 6006, Cheltenham Parade, St Clair, being the St Clair Village Shopping Centre and adjacent vacant land (the Affected Area).

The purpose of this Proposal to Initiate is to seek approval of the Minister for Planning (the Minister) to initiate the Code Amendment under section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act).

The Proponent is the registered proprietor of Allotments 6005 and 6006, the whole of the Affected Area as shown on the Certificates of Title for the land (Attachment A).

This Proposal to Initiate details the scope, relevant strategic and policy considerations, nature of investigations to be carried out and information to be collected for the Code Amendment. It also details the timeframes to be followed in undertaking the Code Amendment, should this Proposal to Initiate be approved by the Minister.

The Proponent acknowledges that the Minister may specify conditions on approving this Proposal to Initiate, under section 73(5) of the Act. In the event of inconsistency between this Proposal to Initiate and any conditions specified by the Minister, the conditions will apply.

## 1.1. Designated Entity for Undertaking the Code Amendment

In accordance with section 73(4)(a) of the Act, the Proponent will be the Designated Entity responsible for undertaking the Code Amendment process. As a result:

- 1.1.1. The Proponent acknowledges that it will be responsible for undertaking the Code Amendment in accordance with the requirements under the Act.
- 1.1.2. The Proponent declares that it has not and does not intend to enter into an agreement with a third party for the recovery of costs incurred in relation to the Code Amendment under section 73(9) of the Act. If the Proponent does enter into such an agreement, the Proponent will notify the Department prior to finalising the Engagement Report under section 73(7).
- 1.1.3. The Proponent's contact person responsible for managing the Code Amendment and receiving all official documents relating to this Code Amendment is:  

Tom Hateley, Associate Director, AECOM Australia Pty Ltd  
[tom.hateley@aecom.com](mailto:tom.hateley@aecom.com)  
0418 838 290
- 1.1.4. The Proponent intends to undertake the Code Amendment by engaging AECOM Australia Pty Ltd, with Tom Hateley being the project lead and author, to provide the professional services required to undertake the Code Amendment

The Proponent acknowledges that the Minister may, under section 73(4)(b) of the Act, determine that the Chief Executive of the Department will be the Designated Entity responsible for undertaking the Code Amendment. In this case, the Proponent acknowledges and agrees that they will be required to pay the reasonable costs of the Chief Executive in undertaking the Code Amendment.

## **1.2. Rationale for the Code Amendment**

The Proponent owns the St Clair Village Shopping Centre (Allotment 6006) and has recently purchased Allotment 6005 Cheltenham Parade (vacant land adjacent the northern boundary of the St Clair Village Shopping Centre).

The St Clair Village Shopping Centre is located within the Suburban Activity Centre (SAC) Zone, with the vacant allotment (Allotment 6005) being within an Urban Renewal Neighbourhood (URN) Zone.

The current zoning of the vacant land (URN Zone) supports mixed-use development outcomes but poses some constraints on the extent of retail development allowable, specifically, a shop with a gross leasable floor area of 1000 square metres and above is designated as a Restricted form of development. Further, both the SAC and URN Zones impose height restrictions that may impinge on an integrated master planned development of the Affected Area.

The Code Amendment seeks to include the vacant allotment (Allotment 6005) within the SAC Zone and to review the building height restrictions for the expanded SAC Zone. The Code Amendment also seeks to provide an improved 'gateway' at the entrance to the St Clair development, positively encouraging an integrated master planned development on the south-eastern corner of Cheltenham Parade and St Clair Avenue.

## 2. SCOPE OF THE CODE AMENDMENT

### 2.1. Affected Area

The proposal seeks to amend the Code for the Affected Area, being the land identified as Allotments 6005 and 6006, Cheltenham Parade, St Clair, being the St Clair Village Shopping Centre and adjacent vacant land, within the City of Charles Sturt.

Two (2) allotments are identified as being within the Affected Area of the Code Amendment, along with a portion of Stewards Lane, a Council-owned road, as shown in the map in Attachment B – Affected Area Plan.

The legal description of the two allotments is provided below:

- Allotment 6005, Deposited Plan 91439, being Certificate of Title Volume 6113 Folio 405 in the Hundred of Yatala
- Allotment 6006, Deposited Plan 91439, being Certificate of Title Volume 6116 Folio 988 and 989 in the Hundred of Yatala

Allotments 6005 and 6006 are approximately 4,766 and 15,730 square metres in area, respectively. Allotment 6005 is subject to the following Land Management Agreement (LMA):

- LMA 11844783 with the City of Charles Sturt – Use of recycled water

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### 2.2. Scope of Proposed Code Amendment

Current Policy	Allotment 6005, Cheltenham Parade, St Clair (vacant land)	Allotment 6006, Cheltenham Parade, St Clair (St Clair Village Shopping Centre)
Zone:	Urban Renewal Neighbourhood Zone	Suburban Activity Centre Zone
Overlays:	<ul style="list-style-type: none"> <li>- Airport Building Heights (Regulated) – All structures over 110 meters</li> <li>- Advertising Near Signalised Intersections</li> <li>- Affordable Housing</li> <li>- Key Railway Crossings</li> <li>- Prescribed Wells Area</li> <li>- Regulated and Significant Tree</li> </ul>	<ul style="list-style-type: none"> <li>- Airport Building Heights (Regulated) – All structures over 110 meters</li> <li>- Advertising Near Signalised Intersections</li> <li>- Affordable Housing</li> <li>- Key Railway Crossings</li> <li>- Prescribed Wells Area</li> <li>- Regulated and Significant Tree</li> </ul>

<b>Current Policy</b>	<b>Allotment 6005, Cheltenham Parade, St Clair (vacant land)</b>	<b>Allotment 6006, Cheltenham Parade, St Clair (St Clair Village Shopping Centre)</b>
Technical and Numeric Variations:	<ul style="list-style-type: none"> <li>- Stormwater Management</li> <li>- Traffic Generating Development</li> <li>- Urban Transport Routes</li> <li>- Urban Tree Canopy</li> </ul>	<ul style="list-style-type: none"> <li>- Traffic Generating Development</li> </ul>
	<ul style="list-style-type: none"> <li>- Maximum Building Height (Metres) – 15 metres</li> <li>- Maximum Building Height (Levels) – 4 levels</li> </ul>	<ul style="list-style-type: none"> <li>- Maximum Building Height (Metres) – 15 metres</li> <li>- Minimum Building Height (Levels) – 2 levels</li> <li>- Maximum Building Height (Levels) – 4 levels</li> <li>- Interface Height – Development should be constructed within a building envelope provided by a 30 or 45 degree plane, depending on orientation, measured 3 metres above natural ground at the boundary of an allotment</li> </ul>
<b>Amendment Outline</b>	Proposal to rezone vacant land to Suburban Activity Centre Zone, (consistent with the adjoining St Clair Village site) and to increase TNV maximum building height, to better support future development options.	
<b>Intended Policy</b>	<p>The Code Amendment will rezone the vacant land to Suburban Activity Centre Zone and increase the TNV maximum building heights.</p> <p>The Suburban Activity Centre Zone, with an increase in the TNV maximum building height, would provide sufficient policy to realise the mixed-use development intent. Further investigations and analysis will refine this intent to minimise any adverse impacts to adjacent development.</p> <p>All overlays will be considered for insertion or review.</p>	

### 3. STRATEGIC PLANNING OUTCOMES

Proposed Code Amendments occur within a state, regional and local strategic setting, which includes:

- State Planning Policies (SPPs)
- Regional Plans
- Other relevant strategic documents.

#### 3.1. Alignment with State Planning Policies

The State Planning Policies (SPPs) set out the State's overarching goals and requirements for the planning system. Under section 66(3)(f) of the Act, the Code must comply with any principle prescribed by a SPP.

The Code Amendment should be initiated because the strategic planning outcomes sought to be achieved through the Code Amendment align with or seeks to implement the following SPPs:

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<b>SPP 1 – Integrated Planning</b>	
<p><b>Objective:</b></p> <p>To apply the principles of integrated planning to shape cities and regions in a way that enhances our livability, economic prosperity and sustainable future.</p> <p><b>Policies:</b></p> <p>Policy 1.1 – An adequate supply of land (well serviced by infrastructure) is available that can accommodate housing and employment growth over the relevant forecast period.</p> <p>Policy 1.8 – Mixed-use development around activity centres, public transport nodes and strategic transit corridors to encourage greater use of active transport options such as public transport, walking and cycling</p>	<p>This Code Amendment seeks to provide a catalyst for the development of vacant land adjacent the existing Suburban Activity Centre Zone for an integrated mixed-use development.</p> <p>Such consolidation and an increase in building height controls across the Zone will provide opportunity for improved diversity of housing and additional services to support the existing and future community of St Clair and the surrounding area.</p> <p>This mixed-use development aligns with Policy 1.8, with the site being located adjacent public transport options.</p>

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<b>SPP 2 – Design Quality</b>	
<p><b>Objective:</b></p> <p>To elevate the design quality of South Australia's built environment and public realm.</p> <p><b>Policies:</b></p> <p>Policy 2.6 – Maximise opportunities for the Principles of Good Design and community engagement to inform future policy creation and improve design outcomes.</p> <p>Policy 2.9 – Respect the characteristics and identities of different neighbourhoods, suburbs and precincts by ensuring development considers existing and desired future context of a place.</p> <p>Policy 2.10 – Facilitate development that positively contributes to the public realm by providing active interfaces with streets and public open spaces.</p> <p>Policy 2.10 – Facilitate development that positively contributes to the public realm by providing active interfaces with streets and public open spaces.</p>	<p>As part of the Code Amendment, careful consideration will be given to existing development and neighbourhood characteristics, providing an appropriate transition in building scale.</p> <p>Statutory consultation with the community and Government Agency's will be undertaken on a draft Code Amendment.</p>
<b>SPP 9 – Employment Lands</b>	
<p><b>Objective:</b></p> <p>To provide sufficient land supply for employment generating uses that supports economic growth and productivity.</p> <p><b>Policies:</b></p> <p>Policy 9.2 – Enable opportunities for employment and encourage development of underutilised lands</p>	<p>The inclusion of the vacant land within the Suburban Activity Centre Zone will provide greater mixed-use opportunities, including the potential for retail and commercial development to service the existing and future community of St Clair and the surrounding area.</p>



State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p>connected to, and integrated with housing, infrastructure, transport and essential services.</p> <p>Policy 9.5 – Promote new, latent and alternative employment types and attract new business investment by enabling a diverse range of flexible land use opportunities.</p>	
<b>SPP 11 – Strategic Transport Infrastructure</b>	
<p><b>Objective:</b></p> <p>To integrate land use policies with existing and future transport infrastructure, services and functions to preserve and enhance safe, efficient and reliable connectivity for people and business.</p> <p><b>Policies:</b></p> <p>Policy 11.2 – Development that maximises the use of current and planned investment in transport infrastructure, corridors, nodes and services.</p> <p>Policy 11.11 – Encourage housing in metropolitan Adelaide in proximity to current and proposed fixed line (rail, tram, O-Bahn and high frequency bus routes).</p>	<p>The Code Amendment will support greater mixed-use development which aligns with Policies 11.2 and 11.11 and seeks to increase development opportunities within close proximity of existing fixed rail infrastructure.</p> <p>Higher density development adjacent the railway station supports the economic viability of public transport services and greater connectivity for the community.</p>

### 3.2. Alignment with Regional Plans

As with the SPPs, the directions set out in Regional Plans provide the long term vision as well as setting the spatial patterns for future development in a region. This includes consideration of land use integration, transport infrastructure and the public realm.

The *30-Year Plan for Greater Adelaide - 2017 Update* (30-Year Plan) volume of the Planning Strategy is relevant for this Code Amendment.

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<b>Transit corridors, growth areas and activity centres</b>	
<p>P1. Deliver a more compact urban form by locating the majority of Greater Adelaide's urban growth within existing built-up areas by increasing density at strategic locations close to public transport.</p> <p>P3. Increase average gross densities of development within activity centres and transit corridor catchments from 15 to 25 dwellings per hectare to 35 dwellings per hectare.</p> <p>P5. Encourage medium rise development along key transport corridors, within activity centres and in urban renewal areas that support public transport use.</p> <p>P9. Develop activity centres as vibrant places by focusing on mixed-use activity, main streets and public realm improvements.</p>	<p>The existing Suburban Activity Centre and adjacent vacant land are strategically located, adjacent existing public transport.</p> <p>The Code Amendment provides the opportunity to create a medium to high-rise mixed-use development outcome over the entire Affected Area. Policies will satisfactorily address public realm and interface issues.</p>
<b>Housing mix, affordability and competitiveness</b>	
<p>P36. Increase housing supply near jobs, services and public transport to improve affordability and provide opportunities for people to reduce their transport costs.</p> <p>P37. Facilitate a diverse range of housing types and tenures (including affordable housing) through increased policy flexibility in residential and mixed-use areas.</p>	<p>The proposed increase in building height within the expanded Suburban Activity Centre will provide greater incentive for increased housing diversity and tenures.</p>

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
P.44 Enable and encourage the provision of affordable housing through linking incentives, including the benefits of re-zoning such as planning policy bonuses or concessions to new affordable housing supply.	

### 3.3. Alignment with Other Relevant Documents

Additional documents may relate to the broader land use intent within the scope of this proposed Code Amendment (or directly to the Affected Area) and therefore are identified for consideration in the preparation of the Code Amendment.

The following table identifies other documents relevant to the proposed Code Amendment:

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<b>City of Charles Sturt – Economic Development Strategy 2022-2026</b>	
<b>Key Initiatives:</b>  <i>Business Friendly</i> b. Advocate for business and key infrastructure  d. Demonstrate that Council is responsive to business  <i>Diverse and Advanced Economy</i> e. Build local business capacity and capability  <i>Vibrant and Liveable City</i> d. Facilitate and promote attractive and vibrant neighbourhoods	The Code Amendment seeks to promote local business and increase mixed-use development opportunities within the expanded Suburban Activity Centre Zone.

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
<b>City of Charles Sturt – Your Neighbourhood Plan 2020</b>	
<p><b>Vision:</b></p> <p><i>Great liveable neighbourhoods through the coordinated design and delivery of social, economic and sustainable infrastructure, services and opportunities.</i></p> <p><b>Principles:</b></p> <ul style="list-style-type: none"> <li>A. Community led neighbourhood plans</li> <li>B. Greater equity in infrastructure provision across council</li> <li>C. Integration of place-based planning</li> <li>D. Improved neighbourhood liveability</li> </ul>	<p>The Code Amendment seeks to promote local business and increase mixed-use development opportunities within the expanded Suburban Activity Centre Zone, thereby leading to improved neighbourhood planning, improved neighbourhood liveability and better integration of place-based planning.</p>

## 4. INVESTIGATIONS AND ENGAGEMENT

### 4.1. Investigations Already Undertaken

The table below identifies what investigations have already been undertaken in support of the proposed Code Amendment.

Investigation Undertaken	Summary of Scope of Investigations
Architectural Concept Plans	Investigating land use form and scale based on the proposed policies.
High Level Market Analysis	High level market analysis has been undertaken to better understand the site context, catchment demand, and potential land use opportunities.

### 4.2. Further Investigations Proposed

In addition to the investigations already undertaken and identified above, the table below outlines what additional investigations that will be undertaken to support the Code Amendment.

Further Investigations Proposed	Explanation of how the further investigations propose to address an identified issue or question
Site Analysis / Locality Impact Study	Provide conceptual detail and analysis to measure the effect on neighbouring properties, including implications of proposed changes to the maximum building height policy.
Traffic and Parking Impact Statement	Identify the impact of the proposed Code Amendment on the road network and associated access and car parking requirements, including the potential for the closure and development of Stewards Lane (part closure) and any amendments to the existing access arrangement from Cheltenham Parade.
Infrastructure and Utility Services Investigations	Investigate existing infrastructure and utility services and identify any upgrade/augmentation required.
Flooding and Stormwater Management Assessment	Investigate capacity of existing stormwater management system and future stormwater management requirements.
Interface Between Land Uses	Investigate any potential interface impacts (e.g. noise, air quality) with adjacent residential and non-residential land uses.
Retail Analysis / Economic Impact Assessment	Undertake a detailed retail needs and economic analysis of potential expansion/additional retail development of the St Clair

Further Investigations Proposed	Explanation of how the further investigations propose to address an identified issue or question
	Village Shopping Centre and any impacts on other retail centres within the vicinity.
Site Contamination Report	Preliminary site investigation and analysis report to identify the suitability of the land for the proposed mixed-use opportunities.

### 4.3. Engagement Already Undertaken

In accordance with Practice Direction 2, the City of Charles Sturt has been consulted on this proposal. In summary, the following matters were raised by the City of Charles Sturt:

- Overall supportive of rezoning and high-level concepts
- Confirmed affordable housing provision delivered across the St Clair entire project
- Land between site and Cheltenham Parade is designated public open space. Impact needs to be considered if this land is affected (i.e. alteration to the Cheltenham Parade access arrangements)
- Upgrades to existing access point from Cheltenham Parade (left in only) supported – subject to discussion/support with Department for Transport and Infrastructure (DIT)
- Supportive of partial closure of Stewards Lane
- Engagement with the Cheltenham Park Community Group should be considered in the engagement plan

The letter of support from the City of Charles Sturt is included as Attachment D.

### 4.4. Further Engagement Proposed

In addition to the engagement already undertaken and identified above, the table below outlines what additional engagement will be undertaken to support the Code Amendment.

Further Engagement Proposed	Explanation of how the further engagement propose to address an identified issue or question
<ul style="list-style-type: none"> <li>• 8-week consultation process on draft Code Amendment</li> <li>• A copy of the Code Amendment in the SA Planning Portal</li> <li>• A notice in the Advertiser Newspaper. Information on Council's 'YourSay' website, with information on the Code Amendment</li> </ul>	<p>The broad intent of the engagement process will be to:</p> <ul style="list-style-type: none"> <li>• Alert attention to the draft Code Amendment, its scope and intent</li> </ul>

<p>including, but not limited to a copy of the draft Code Amendment and information on how to make comments</p> <ul style="list-style-type: none"> <li>• A written notice to all property owners and occupiers within the Affected Area and other adjacent property owners and occupiers inviting them to review and comment on the draft policy</li> <li>• Information brochure outlining what the Code Amendment is about, the proposed policy amendments, and how interested persons can comment</li> <li>• Notification of the draft Code Amendment to relevant State Government Departments/ Agencies, Civil Aviation Safety Authority (CASA), Members of Parliament, adjacent Councils, infrastructure providers and other interested parties</li> <li>• Copies of draft Code Amendment and information brochure to be made available at Council offices and libraries.</li> </ul> <p>The scheduling of a Public Meeting at the conclusion the consultation process, at which any interested person may appear before Council's City Services Committee to make representations on the proposed amendment.</p>	<ul style="list-style-type: none"> <li>• Highlight any specific issues identified during the drafting process</li> <li>• Provide details on the Code Amendment process and opportunities for comment</li> <li>• Provide information on how to seek further information</li> </ul>
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## **5. CODE AMENDMENT PROCESS**

### **5.1. Engagement Plan**

The Code Amendment process will occur in accordance with the Community Engagement Charter and Practice Direction 2 – Consultation on the Preparation or Amendment of a Designated Instrument.

The Designated Entity will prepare an Engagement Plan prior to the commencement of engagement on the proposed Code Amendment. The Engagement Plan will include the following mandatory consultation requirements (which may be in addition to the engagement outlined in this Proposal to Initiate):

- The Local Government Association must be notified in writing of the proposed Code Amendment
- If the Code Amendment has a specific impact on one (1) or more particular pieces of land in a particular zone or subzone (rather than more generally), the Designated Entity must take reasonable steps to give a notice in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*, to:
  - the owners or occupiers of the land; and
  - owners or occupiers of each piece of adjacent land
- Consultation must also occur with any person or body specified by the State Planning Commission under section 73(6)(e) of the Act.

### **5.2. Engagement Report**

Once engagement on the Code Amendment is complete, the Designated Entity will prepare an Engagement Report under section 73(7) of the Act.

The Designated Entity must ensure that a copy of the Engagement Report is furnished on the Minister and also published on the PlanSA portal. This will occur in accordance with Practice Direction 2.

The Engagement Plan and the Engagement Report will also be considered by the State Planning Commission during the final stages of the Code Amendment process. The Commission will provide a report to the Environment, Resources and Development Committee of Parliament under section 74(3) of the Act. The Commission's report will provide information about the reason for the Code Amendment, the consultation undertaken on the Code Amendment and any other information considered relevant by the Commission.

### **5.3. Code Amendment Timetable**

The Proponent (where it is also the Designated Entity) commits to undertaking the Code Amendment in line with the timeframe outlined Attachment C. If a timeframe is exceeded (or expected to be exceeded) the Proponent agrees to provide an amended timetable to the Department with an explanation of the delay, for approval by the Minister of an extension of time for the Code Amendment.



**ATTACHMENT A**

**Certificates of Title for Affected Area**



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



## Certificate of Title - Volume 6113 Folio 405

Parent Title(s) CT 6096/819

Creating Dealing(s) RTC 11956023

Title Issued 03/07/2013

Edition 5

Edition Issued

16/09/2023

## Estate Type

FEE SIMPLE

## Registered Proprietor

ISPT PTY. LTD. (ACN: 064 041 283)  
OF L 11 8 EXHIBITION STREET MELBOURNE VIC 3000

## Description of Land

ALLOTMENT 6005 DEPOSITED PLAN 91439  
IN THE AREA NAMED ST CLAIR  
HUNDRED OF YATALA

## Easements

SUBJECT TO SERVICE EASEMENT(S) OVER THE LAND MARKED K ON DP 91439 FOR SEWERAGE PURPOSES TO SOUTH AUSTRALIAN WATER CORPORATION (223LG RPA)

SUBJECT TO SERVICE EASEMENT(S) OVER THE LAND MARKED D ON DP 91439 FOR DRAINAGE PURPOSES TO THE COUNCIL FOR THE AREA (223LG RPA)

## Schedule of Dealings

Dealing Number	Description
11844783	AGREEMENT UNDER DEVELOPMENT ACT, 1993 PURSUANT TO SECTION 57(2)
12043368	AMENDMENT OF AGREEMENT 11844783

## Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



## Certificate of Title - Volume 6116 Folio 988

Parent Title(s) CT 6113/406

Creating Dealing(s) TG 11963227, T 11963238

Title Issued 23/08/2013

Edition 23

Edition Issued

26/10/2023

## Estate Type

SHARE TITLE OF THE FEE ONLY

## Registered Proprietor

ISPT PTY. LTD. (ACN: 064 041 283)  
OF L 11 8 EXHIBITION STREET MELBOURNE VIC 3000  
3 / 4 SHARE

## Description of Land

ALLOTMENT 6006 DEPOSITED PLAN 91439  
IN THE AREA NAMED ST CLAIR  
HUNDRED OF YATALA

## Easements

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED A AND B ON FP 57568 (TG 11963227)

TOGETHER WITH FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED C ON FP 57568 (RTC 11537780)

TOGETHER WITH FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED V ON DP 91439 (RTC 11956023)

## Schedule of Dealings

Dealing Number	Description
12618558	LEASE TO COLES SUPERMARKETS AUSTRALIA PTY. LTD. (ACN: 004 189 708) COMMENCING ON 01/05/2013 AND EXPIRING ON 01/05/2028 OF PORTION (OFFICE T19 AND OFFICE T20B IN F57703)
12642993	LEASE TO COLES SUPERMARKETS AUSTRALIA PTY. LTD. (ACN: 004 189 708) COMMENCING ON 01/05/2013 AND EXPIRING ON 02/05/2033 OF PORTION (SHOP T100, SHOP T04 & OFFICE T18 IN F57703)
13338571	LEASE TO TWO FAT CHOOKS ST CLAIR PTY. LTD. (ACN: 635 523 134) COMMENCING ON 08/10/2019 AND EXPIRING ON 07/10/2024 OF PORTION (SHOP T01 IN F57703)
13343514	LEASE TO TOMO & ENTERPRISES PTY. LTD. (ACN: 615 678 807) COMMENCING ON 01/05/2020 AND EXPIRING ON 30/04/2027 OF PORTION (SHOP T07 IN F57703)
13589988	LEASE TO TIAN ZHANG COMMENCING ON 29/10/2020 AND EXPIRING ON 28/10/2025 OF PORTION (SHOP T03 IN F57703)
13614778	LEASE TO ST CLAIR PHARMACY (SA) PTY. LTD. (ACN: 628 034 159) COMMENCING ON 01/11/2020 AND EXPIRING ON 31/10/2027 OF PORTION (SHOP T06 AND SHOP T17 IN FP 57703)
13746911	LEASE TO LARRY PISCIONERI HOLDINGS PTY. LTD. (ACN: 629 573 011) COMMENCING ON 12/04/2019 AND EXPIRING ON 11/04/2025 OF PORTION (SHOP T02 IN F57703)

13759800

LEASE TO KAJANI MEDICAL SERVICES PTY. LTD. (ACN: 064 329 371) AND ST CLAIR  
MEDICAL & DENTAL CENTRE PTY. LTD. (ACN: 604 823 083) COMMENCING ON 13/10/2020  
AND EXPIRING ON 12/10/2030 OF PORTION (SHOP T11, SHOP T12, SHOP T13 AND SHOP  
T14 IN F57703) AS JOINT TENANTS

## Notations

**Dealings Affecting Title** NIL

**Priority Notices** NIL

**Notations on Plan** NIL

### Registrar-General's Notes

APPROVED FILED PLAN FOR LEASE PURPOSES FX250572  
APPROVED FILED PLAN FOR LEASE PURPOSES FX57703  
NEW EDITION CREATED DUE TO EXPIRATION OF LEASE

**Administrative Interests** NIL



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



## Certificate of Title - Volume 6116 Folio 989

Parent Title(s) CT 6113/406

Creating Dealing(s) TG 11963227

Title Issued 23/08/2013 Edition 25 Edition Issued 26/10/2023

## Estate Type

SHARE TITLE OF THE FEE ONLY

## Registered Proprietor

ISPT PTY. LTD. (ACN: 064 041 283)  
OF L 11 8 EXHIBITION STREET MELBOURNE VIC 3000  
1 / 4 SHARE

## Description of Land

ALLOTMENT 6006 DEPOSITED PLAN 91439  
IN THE AREA NAMED ST CLAIR  
HUNDRED OF YATALA

## Easements

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED A AND B ON FP 57568 (TG 11963227)

TOGETHER WITH FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED C ON FP 57568 (RTC 11537780)

TOGETHER WITH FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED V ON DP 91439 (RTC 11956023)

## Schedule of Dealings

Dealing Number	Description
12621247	LEASE TO COLES SUPERMARKETS AUSTRALIA PTY. LTD. (ACN: 004 189 708) COMMENCING ON 01/05/2013 AND EXPIRING ON 01/05/2028 OF PORTION (OFFICE T19 AND OFFICE T20B IN F57703)
12642993	LEASE TO COLES SUPERMARKETS AUSTRALIA PTY. LTD. (ACN: 004 189 708) COMMENCING ON 01/05/2013 AND EXPIRING ON 02/05/2033 OF PORTION (SHOP T100, SHOP T04 & OFFICE T18 IN F57703)
13338571	LEASE TO TWO FAT CHOOKS ST CLAIR PTY. LTD. (ACN: 635 523 134) COMMENCING ON 08/10/2019 AND EXPIRING ON 07/10/2024 OF PORTION (SHOP T01 IN F57703)
13343514	LEASE TO TOMO & ENTERPRISES PTY. LTD. (ACN: 615 678 807) COMMENCING ON 01/05/2020 AND EXPIRING ON 30/04/2027 OF PORTION (SHOP T07 IN F57703)
13589988	LEASE TO TIAN ZHANG COMMENCING ON 29/10/2020 AND EXPIRING ON 28/10/2025 OF PORTION (SHOP T03 IN F57703)
13614778	LEASE TO ST CLAIR PHARMACY (SA) PTY. LTD. (ACN: 628 034 159) COMMENCING ON 01/11/2020 AND EXPIRING ON 31/10/2027 OF PORTION (SHOP T06 AND SHOP T17 IN FP 57703)
13746911	LEASE TO LARRY PISCIONERI HOLDINGS PTY. LTD. (ACN: 629 573 011) COMMENCING ON 12/04/2019 AND EXPIRING ON 11/04/2025 OF PORTION (SHOP T02 IN F57703)

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13759800

LEASE TO KAJANI MEDICAL SERVICES PTY. LTD. (ACN: 064 329 371) AND ST CLAIR MEDICAL & DENTAL CENTRE PTY. LTD. (ACN: 604 823 083) COMMENCING ON 13/10/2020 AND EXPIRING ON 12/10/2030 OF PORTION (SHOP T11, SHOP T12, SHOP T13 AND SHOP T14 IN F57703) AS JOINT TENANTS

## Notations

**Dealings Affecting Title** NIL

**Priority Notices** NIL

**Notations on Plan** NIL

### Registrar-General's Notes

APPROVED FILED PLAN FOR LEASE PURPOSES FX57703  
NEW EDITION CREATED DUE TO EXPIRATION OF LEASE

**Administrative Interests** NIL

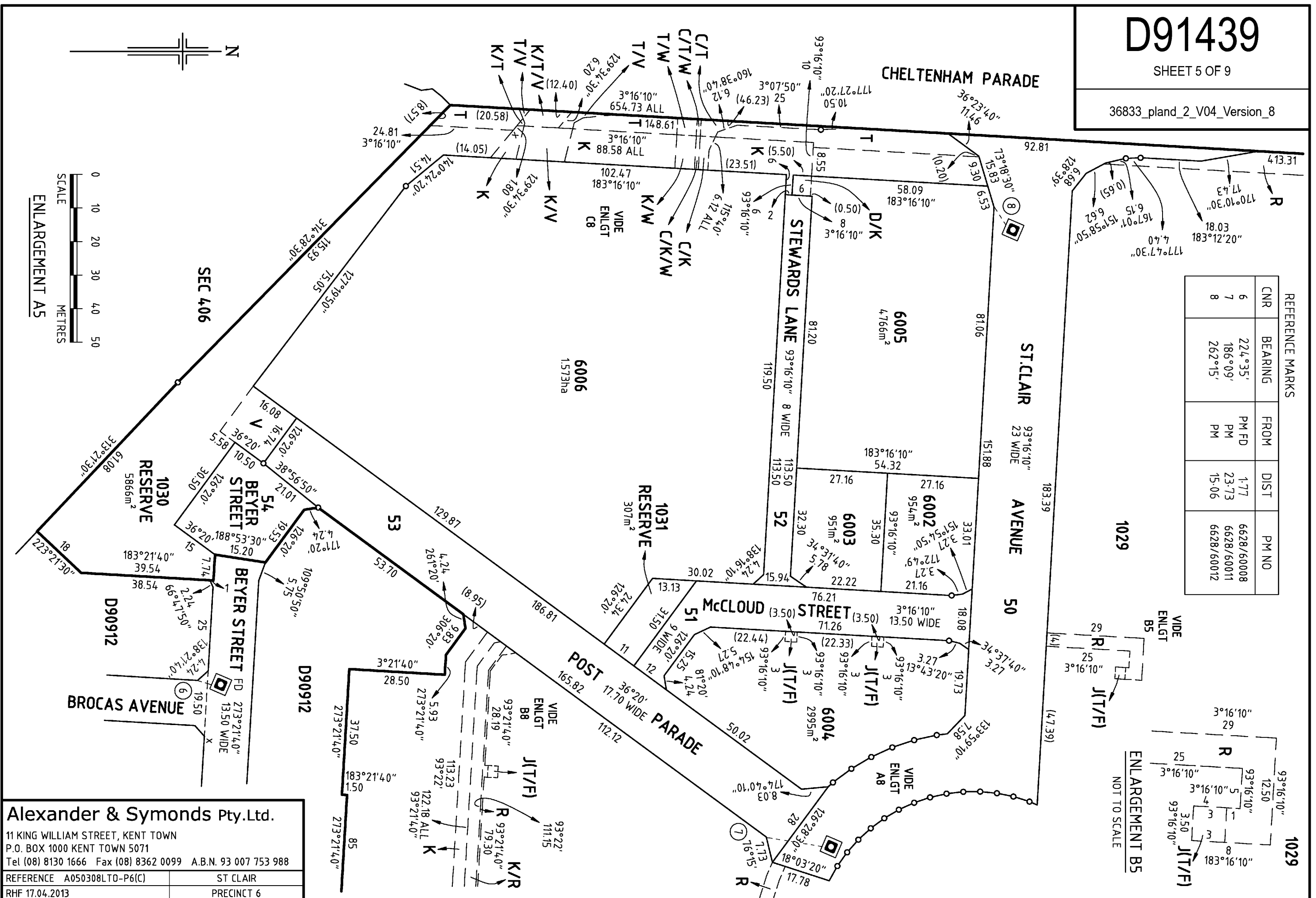
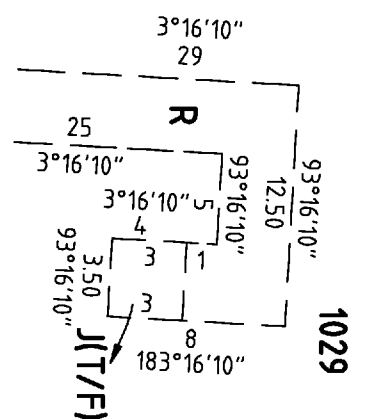
# D91439

SHEET 5 OF 9

36833\_pland\_2\_V04\_Version\_8

REFERENCE MARKS				
CNR	BEARING	FROM	DIST	PM NO
6	224°35'	PM FD	1.77	6628/60008
7	186°09'	PM	23.73	6628/60011
8	262°15'	PM	15.06	6628/60012

ENLARGEMENT B5  
NOT TO SCALE



**Alexander & Symonds Pty.Ltd.**  
 11 KING WILLIAM STREET, KENT TOWN  
 P.O. BOX 1000 KENT TOWN 5071  
 Tel (08) 8130 1666 Fax (08) 8362 0099 A.B.N. 93 007 753 988

REFERENCE A050308LTO-P6(C)	ST CLAIR
RHF 17.04.2013	PRECINCT 6



ATTACHMENT B

Map of Affected Area





## ATTACHMENT C

### Timetable for Code Amendment by Proponent

Step	Responsibility	Timeframes
<b>Approval of the Proposal to Initiate</b>		
Review of Proposal to Initiate to confirm all mandatory requirements are met (timeframe will be put on hold if further information is required). Referral to the Minister to request advice from the Commission.	DHUD	2 weeks <i>(includes lodgement and allocation + referral to Government Agencies within the first week)</i>
Minister requests advice from the Commission.	Minister	2 weeks
Referral to Government Agencies for comment (where necessary).	DHUD, Relevant Government Agencies	+ 2 weeks
Consideration of Proposal to Initiate and advice to the Minister.	Commission (Delegate)	3 weeks
	Commission	+ 3 weeks
<a href="#">Proposal to Initiate</a> agreed to by the Minister	Minister	2 weeks
<b>Preparation of the Code Amendment</b>		
Engagement Plan Prepared. Investigations conducted; <a href="#">Code Amendment Report</a> prepared. The Drafting instructions and draft mapping provided to AGD.	Designated Entity	6 weeks
AGD prepares Amendment Instructions and Mapping and provides to Council for consultation purposes.	DHUD	1 week
Preparation of Materials for Consultation.	Designated Entity	Informed by Engagement Plan
<b>Engagement on the Code Amendment</b>		
<a href="#">Code Amendment Report</a> released for public consultation in accordance with the Community Engagement Charter and the prepared <a href="#">Community Engagement Plan</a> .	Designated Entity	As per Engagement Plan (to be confirmed)
<b>Consideration of Engagement and Finalisation of Amendments</b>		
Submissions summarised; Amended drafting instructions provided, <a href="#">Engagement Report</a> prepared and lodged with AGD.	Designated Entity	6 weeks

Step	Responsibility	Timeframes
Assess the amendment and engagement. Prepare report to the Commission or delegate Timeframe will be put on hold if further information is required, or if there are unresolved issues.	DHUD	4 weeks
Consideration of Advice	Commission (Delegate)	2 weeks <i>(includes 1 week to process through Minister's office)</i>
	Commission	+ 3 weeks
<b>Decision Process</b>		
Minister considers the <a href="#">Code Amendment Report</a> and the <a href="#">Engagement Report</a> and makes decision	Minister	3 weeks
<b>Implementing the Amendment (operation of the Code Amendment)</b>		
Go- Live- Publish on the PlanSA portal	DHUD	2-4 weeks
<b>Parliamentary Scrutiny</b>		
Referral of approved <a href="#">Code Amendment</a> to ERDC	DHUD	8 weeks

## **ATTACHMENT D**

**Letter from the City of Charles Sturt**



23 July 2024

Tom Hateley  
Associate Director – Planning, SA Civil Infrastructure  
AECOM  
Level 18, 91 King William Street  
ADELAIDE SA 5001

Email: [Tom.Hateley@aecom.com](mailto:Tom.Hateley@aecom.com)

Dear Tom,

**Allotment 6005 Cheltenham Parade, St Clair – Initiation Proposal**

Thank you for your correspondence to advise of your client's intention to initiate a Code Amendment over the former SAJC site at Allotment 6005 Cheltenham Parade, St Clair to facilitate future development in the form of potentially a mix of retail and residential development.

Following a review of the information the following feedback is provided. In principle, Council is supportive of your client's proposal to initiate a Private Entity Code Amendment process over the Affected Area and Council reserves its final considerations pending a review of the Code Amendment and its associated investigations/findings through a formal Code Amendment process.

Should the Minister for Planning agree to initiate a Code Amendment it is recommended that the investigations consider as a minimum the following matters:

- **Zone / Overlay investigations** – to consider the suite of zones in the Code to identify the preferred zone for the Affected Area and current and proposed new Overlays.

From the discussion it appears that a future Code Amendment process may seek to investigate greater building height than the current maximum 4 building levels. The surrounding locality envisages 4 building levels to the north and east of the Affected Area and 2 building levels to the west side of Cheltenham Parade.

Council has initial concerns with greater building heights in this location without sound justification and reserves its consideration on this matter pending a review of the Code Amendment and its associated investigations/findings through a formal Code Amendment process.

Therefore, any future private entity Code Amendment would need to investigate the appropriateness of higher built form and include in the investigations a:

- **Site analysis** - A massing, shadow and building height analysis should be undertaken to evaluate the proposed changes and any potential impacts on adjacent lands. The Code Amendment investigations should provide clarity for the location of typical sections showing the proposed built form and its relationship to the locality.

Other investigations that should be considered in the initiation proposal include:

- **Retail analysis / economic impact assessment** for any proposed retail land uses including a supermarket. An assessment on the impact on nearby centres and commercial activities particularly the viability of existing supermarkets at this location, within an appropriately defined trade catchment area.
- **Site contamination assessment.**
- **Traffic impact assessment** (including the capacity of road network in general and key intersections, off-street car parking and management and vehicle access to and from the Affected Area).
- **Utility infrastructure** (including the capacity of existing utility infrastructure (ie. water, sewer, electricity & gas) and need for upgrades.
- **Flooding & stormwater management** (including the capacity of existing stormwater system & future stormwater management requirements, including WSUD, to accommodate development). The investigations should focus on the use of existing stormwater connections.
- **Waste management** for the type of land uses envisaged.
- **Interface between land uses** – to investigate eg. noise impacts, air quality with adjacent residential and non-residential land uses with proposed future sensitive residential land uses.
- **Tree canopy assessment** that identifies the means to both retain existing trees within the Affected Area and provide adequate space for additional tree planting within the proposal to contribute to Council's canopy target of 25% by 2045 ([Tree Canopy Improvement Strategy | City of Charles Sturt](#) )

#### Code Amendment Consultation

- The extent of consultation should include a direct mail-out in the Engagement Strategy to all adjacent property owners given the proposed investigations to built form and the land uses proposed.
- Appropriately prepared information to clearly outline the Code Amendment, the findings of the investigations and what new Zone / policies are proposed.
- Consider an appropriate amount of time for the consultation process to enable sufficient time for persons to review the Code Amendment and to provide feedback.

#### Community land / proposed new access from Cheltenham Parade

Discussions also indicated the potential for access over Community Land. While this is a separate matter outside of the Code Amendment process the following should be considered:

- Seek advice from DIT regarding access from Cheltenham Parade.

- Proposed access for a potential petrol station close to the intersection of Cheltenham Parade and St Clair Avenue would not be appropriate.
  - Potential to consider rationalising access than having two separate access points subject to DIT and Council approval however this will still require a revocation process.
  - The use of the Community Land to be reviewed by Council as a separate process to the Code Amendment.
  - The consideration of another access point proposal should be only a last resort.

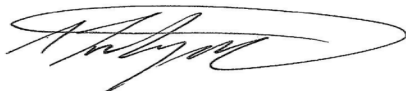
Proposed partial closure Steward Lane

As with the above, this is a separate matter outside of the Code Amendment process and the following should be considered:

- Council will need to consider separately to any Code Amendment process if the Lane is separate to Council's needs.
- Need to review if the Lane has any services through the site and their implications.
- Need to ensure a portion of public road is maintained to service any neighbouring allotments requiring access from the Lane.
- Associated costs, surveying and purchasing the land.

Should you have any queries regarding this matter please contact Jim Gronthos, Senior Policy Planner, on 8408 1265.

Yours faithfully



**Adam Filipi**  
**Acting General Manager City Services**