

# Lou Fantasia PLANNING

27 February 2020

*Mr Michael Lennon*  
*Chairperson, State Planning Commission*  
Department of Planning, Transport and Infrastructure  
GPO Box 1815  
ADELAIDE SA 5001

[DPTI.PlanningReformSubmissions@sa.gov.au](mailto:DPTI.PlanningReformSubmissions@sa.gov.au)

Dear Mr Lennon

## **Re: Submission – SA Planning and Design Code (Urban Areas) – Phase 3**

We act for Birega Pty Ltd (ACN 104951 797) and Skremscin Stepney Pty Ltd (ACN 135855177) (Owners) who collectively control the property at 809 – 813 Port Road and 22 (lot 99) Bower Street, Woodville

The Department of Planning, Transport and Infrastructure (DPTI) has invited submissions about the draft Planning and Design Code for South Australia - Phase 3 (urban Areas) (**Draft Code**) until 28 February 2020.

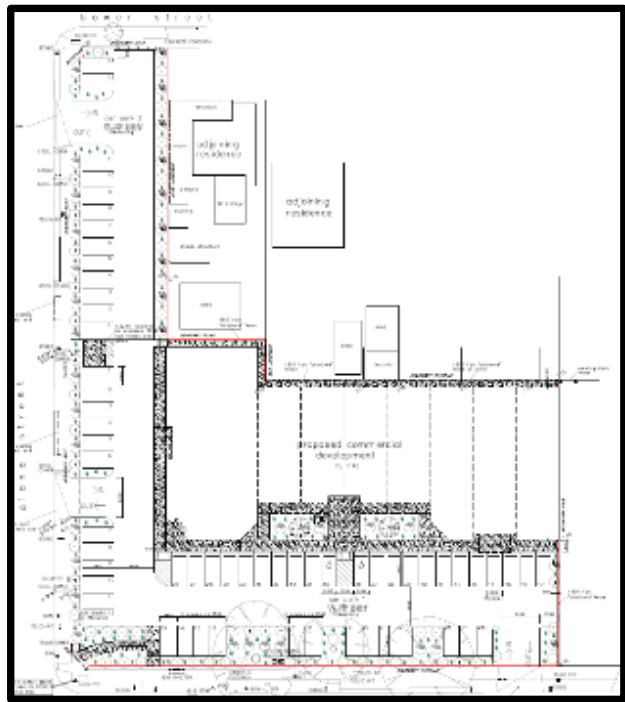
These submissions about the Draft Code are made on behalf of the Owners

In summary, the Owners say that given the historical use of 22 Bower Street for non-residential purposes (workshop and carparking) and the recent Development Approval for its use as a carpark associated with the mixed development comprising offices, retail and consulting rooms at 809 Port Road, Woodville, the land should be within the Suburban Business and Innovation Zone that supports the continued use of the land for non-residential purposes as a carpark. The use of the land as a carpark associated with mixed development comprising offices, retail and consulting rooms at 809 Port Road, Woodville was formalised by Decision Notification 252/1471/19 dated 27 November 2019. (Attached)

The inclusion of this property within the Suburban Business and Innovation Zone will enable any future change to the approved land use mix ie shop, offices and consulting rooms to be classified a Deemed to Satisfy Development since the changes will only occur within the approved building which is provided with ample on-site carparking.

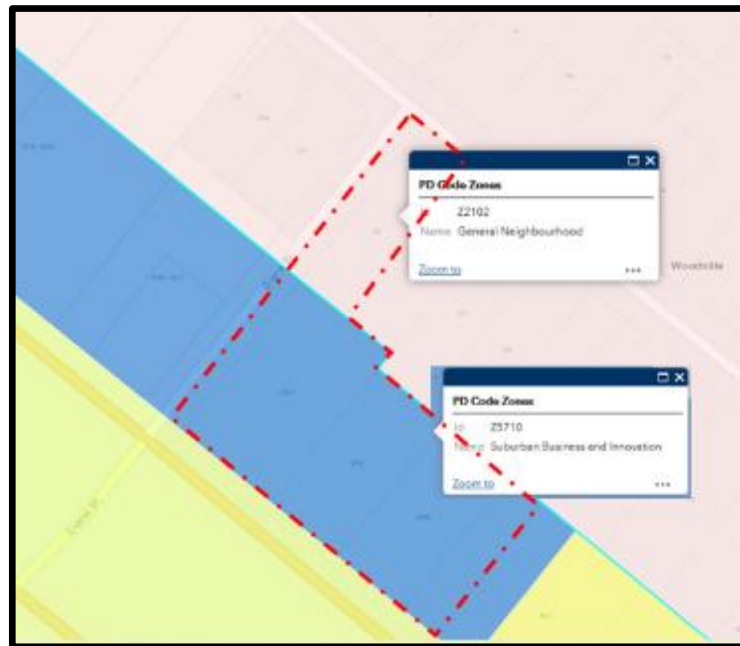


**Figure 1** Subject Land Aerial with former site improvements



**Figure 3** Approved development (under construction)

The General Neighbourhood zoning of the Bower Street property would mean that any proposal to change the tenancy mix of shop, office and consulting room within the approved building which is within the Suburban Business and Innovation Zone, would be classified and determined as a Performance Assessed Development as that portion of the carpark is located on land in a different zone even though it is an approved development.



**Figure 3** Proposed Planning & Design Code Zoning

We submit and seek your favourable consideration to the rezoning of 22 (lot 99) Bower Street, Woodville to Suburban Business and Innovation Zone.

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 Department of Planning, Transport and Infrastructure and/or the State Planning Commission.

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

Yours faithfully

A handwritten signature in cursive script that reads "Lou Fantasia".

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



# Decision Notification Form

|  |
|--|
| Development Application Number<br><b>252/1471/19</b> |
|--|

To: Eastern Building Group Pty Ltd  
Level 1 1/395 Payneham Road  
MARDEN SA 5070

For Development Application  
Dated: 02/07/2019  
Registered: 10/07/2019  
DAC Reference: N/A

**Location of Proposed Development:** 809 Port Road WOODVILLE SA 5011  
Lot 96 FP 213156 Vol 5794 Fol 376, Lot 99 DP 2849 Vol 5518 Fol 763,  
Lot 97 DP 2849 Vol 5462 Fol 579, Lot 93 FP 213087 Vol 5775 Fol 608

**Additional Properties:** Lot 99 Bower Street WOODVILLE SA 5011  
811 Port Road WOODVILLE SA 5011  
Lot 97 Port Road WOODVILLE SA 5011  
Lot 99 DP 2849 Vol 5518 Fol 763, Lot 93 FP 213087 Vol 5775 Fol 608,  
Lot 97 DP 2849 Vol 5462 Fol 579

**Nature of Proposed Development:** Variation to Development Application 252/0727/18 - Mixed use development comprising of four offices, one retail tenancy and consulting rooms with associated landscaping and carparking – to alter the tenancy configuration and create additional carparking on lot 99 Bower Street Woodville (Non-complying)

In respect of this proposed development you are informed that:

| Nature of Decision  | Decision        | Number of Conditions | Decision Date |
|---|-----------------|----------------------|---------------|
| Development Plan Consent - decision by Council Assessment Panel | Granted         | 9                    | 27/11/2019    |
| Land Division   |                 |                      |               |
| Building Rules Consent  | Required        |                      |               |
| Public Space  |                 |                      |               |
| Other   |                 |                      |               |
| <i>Development Approval</i>                                     | <b>Required</b> |                      |               |

1 representation(s) from third parties concerning your category 3 proposal were received. If there were third party representations, any consent/approval or consent/approval with conditions does not operate until the periods specific in the Act have expired. Reasons for this decision, any conditions imposed, and the reasons for imposing those conditions are set out on the attached sheet.

No work can commence on this development unless a Development Approval has been obtained. You must not start any site works or building work or change the use of the land until you have also received notification of a Development Approval.

(Our Ref: 252/1471/19)

City of Charles Sturt 72 Woodville Road, Woodville, South Australia 5011 T 08 8408 1111 F 08 8408 1122 www.charlessturt.sa.gov.au

- State Commission Assessment Panel or delegate
- Council Chief Executive or delegate
- Sheets attached

A handwritten signature in black ink, appearing to be a stylized name with a large initial 'S' and a trailing flourish.

Signed:



## Development Plan Consent for 252/1471/19

### A. Reason for Decision

The Panel has read and considered the report prepared by the Development Officer - Senior Planner and agrees with the assessment outlined in that report.

B. That pursuant to Section 35 (2) of the Development Act, 1993, the proposal is not seriously at variance with the relevant provisions of the Charles Sturt (City) Development Plan consolidated 13 June 2019.

C. That pursuant to Section 33 of the Development Act, 1993, Development Application Number 252/1471/19 be GRANTED Development Plan Consent subject to concurrence from the State Commission Assessment Panel and the following conditions:

#### 1. Develop in Accordance with the Approved Plans

That the proposal shall be developed in accordance with the details and approved plans stamped by Council except where varied by the conditions herein and shall be completed prior to occupation of the proposed development and at all times thereafter needs to be maintained to Council's satisfaction.

Reason: To ensure the development proceeds in an orderly manner.

#### 2. Carparking Design

The carparking area associated with this proposal shall be developed in accordance with the following requirements;

- i) All car parking spaces, driveways and associated manoeuvring areas shall be sealed in bitumen, concrete or brick pavers prior to occupation of the proposed development.
- ii) The proposed car parking layout and access areas are to conform with the Australian Standards 2890.1 for Off-Street Parking Facilities
- iii) That all parking areas be marked, to delineate the parking spaces, prior to the occupation of the proposed development in accordance with the relevant Australian Standard AS 1742.
- iv) A sign with the message 'visitor car parking', having an advertising area not exceeding 0.2 square metres, shall be erected at the car park entry and shall be maintained in good condition at all times.
- v) Wheel stopping devices constructed as per Australian Standard AS 2890.1.

Reason: To ensure usable and safe car parking.

#### 3. No Storage in Carparking Area

Driveway, car parking spaces, manoeuvring areas and landscaping areas shall not be used for storage or display of materials or goods.

Reason: To ensure the development proceeds in an orderly manner.

**4. Landscaping per Plans**

The proposed landscaping shall be established on the site in accordance with the approved plan prior to the occupation of the site and it shall be maintained and nurtured at all times, with any diseased or dying plants replaced.

**Reason:** To preserve and enhance the amenity of the locality and to ensure that the proposal is established in accordance with the approved plans.

**5. Hours of Operation**

That the hours of operation of the activity be between 7:00am and 9:00pm Monday to Friday and between 8:00am and 5:00pm on Saturdays and Sunday.

**Reason:** To preserve the amenity of the locality.

**6. Restrict Number of Consultants**

That a maximum of eight consultants operate from the premises at any one time.

**Reason:** To ensure that the development proceeds in an orderly manner.

**7. Stormwater Management Plan Condition**

All stormwater runoff shall be directed away from neighbouring properties and shall be managed in accordance with the Stormwater Management Plan prepared by Triaxial Consulting dated 7-9-18 and quoted with Job Reference Number TX13213.00.

**Reason:** To ensure stormwater is disposed of in a controlled manner.

**8. Develop in accordance with Decisions of the Arborist Report**

That the proposal shall be developed in accordance with the Decisions outlined in the report prepared by Lee Anderson of TreeTechnique Tree Management Solutions.

**Reason:** To ensure the trees survive long after the development is completed.

**9. Hours of Waste Collection**

That the collection of waste be between 7:00a.m. - 7:00p.m. Monday to Saturday

**Reason:** To preserve the amenity of the locality.

**Building Rules Consent for 252/1471/19**

Required



## Notes

1. You are advised that the proposed activity must comply with the requirements of the Environment Protection Act and Regulations at all times.
2. Stamped documentation pertaining to this Development Plan Consent has been enclosed. Please ensure that this documentation including the above conditions, if any, are sighted by whoever is preparing the working drawings for the Development Approval. This will ensure that there is consistency between the documentation submitted for both Planning and Building Consents and will avoid delays in obtaining Development Approval.
3. The approval for this development DOES NOT imply approval to alter, shift or remove any existing public infrastructure, including street trees and/or landscaping or any other street furniture or features. Approval to alter any of these must be obtained from Council or the relevant government department or service authority. All costs associated with such alteration are the sole responsibility of the applicant.
4. Before proceeding with this proposal, you are required to seek Building Rules Consent pursuant to the provisions of the Development Act, 1993.
5. You are advised that under the Fences Act you are legally required to give notice for the removal of a fence on the common boundary. Please refer to the Fences Act for the correct procedural requirements.
6. Development Approval must be received for this development within 12 months of the date of this Development Plan Consent.
7. You will require a fresh Development Plan Consent and Development Approval before commencing or continuing the development if you are unable to satisfy these requirements.

**To ensure your development can now proceed without unnecessary delays please ensure the matters outlined below are properly managed.**

The following information outlines your obligations in relation to appropriately managing noise, dust and works effecting adjoining land (both private and public).

### Driveway Crossovers

- You are advised that under the Local Government Act 1999 construction of any footpath, kerb, gutter or crossover on Council land will require a [permit](#) from Council's Engineering Strategy and Assets Department. It is illegal to undertake work on Council land without permission. Please contact Council on 8408 1111 or refer to our website link [Works on Public Road](#) for Council standards.

### Council Verges

- Please note that Council does not have funds to reinstate/landscape the verge at the completion of building work where this is the responsibility of the owner.
- Any proposed landscaping on Council's verge requires Council's permission via a permit application. Please contact Council on 8408 1111 or refer to our website link [Work on Council Property](#) for relevant information.



### Common boundary

- When removing fences that are on the common boundary with your neighbour you must give your neighbour 28 days' notice in writing that you intend to remove the dividing fence. Where the neighbour has a pool, particular care must be taken to ensure the pool is not left exposed, if temporary fencing is installed the temporary fence must comply with AS 1926.1 – Swimming pool safety. We recommend that you consider the Fences and the Law booklet available on line and follow the processes outlined in the booklet.
- Where it is intended to erect external walls on the boundary the face of the external wall must be on the boundary. Further, barge boards, capping tiles or other fixtures on the boundary wall must not encroach upon the land of the adjoining owner. Existing fence lines may not be the true legal boundary. To avoid violation of neighbour's rights, the onus of proof of the boundary line rests with the owner of the land where the work is undertaken. This will necessitate a survey being carried out by a licensed surveyor to identify the true location of the boundary and proposed footing on the ground. You will need the neighbour's written approval to enter their land to carry out any construction.

### Neighbours

- Construction within an established neighbourhood can be a stressful time for existing residents. You are urged to take all necessary precautions to ensure adjoining properties are not damaged or residents unreasonably impacted. In the interests of good neighbourliness you may wish to consider providing your contact details to all adjoining property owners inviting them to contact you should there be any concerns during the construction process.

### Asbestos

- If there is asbestos material in or on the building or fencing to be demolished there are specific requirements for the method of removal and disposal of asbestos. The removal of asbestos over 10 square metres in area must be carried out by a licensed asbestos removal contractor in accordance with Safe Work SA requirements. For further information in relation to this please contact Safe Work SA on 1300 365 255.

### Use of Public Space

- Should any part of the development process require use of public land (ie, the footpath, nature strip, road or other reserve), additional permits will be required.
- Examples of such activities include storage of materials, delivery of materials from public land, placing of temporary fences on public land, blocking of the road, footpath or nature strip for any period of time.
- Where works from public space impact vehicular or pedestrian traffic, you will be requested to lodge a Traffic Management Plan that adheres to the requirements of the relevant Australian Standards.
- Additional fees and charges may apply, please contact the Council's Community Safety Team on 8408 1198 to discuss your project's needs.

### Environment Protection Note

The *Environment Protection (Water Quality) Policy 2015* requires any person who is undertaking an activity, or is an occupier of land to take all reasonable and practicable measures to avoid the discharge or deposit of waste from that activity or land into any waters or onto land in a place from which it is likely to enter any waters (including the stormwater system).

The policy also creates offences that can result in on-the-spot fines or legal proceedings. The following information is provided to assist you to comply with this legislation:

1. Building and construction should follow sediment control principles outlined in the Stormwater Pollution Prevention – Code of Practice for the Building and Construction Industry (EPA 1999). Specifically, the applicant should ensure:
  - During construction no sediment should leave the building and construction site. Appropriate exclusion devices must be installed at entry points to stormwater systems and waterways.
  - A stabilised entry/exit point should be constructed to minimise the tracking of sand, soil and clay off site. However, should tracking occur, regular clean-ups are advised.
2. All building and construction wastewaters are listed pollutants under the *Environment Protection (Water Quality) Policy 2015* and as such *must* be contained on site.

### Local Nuisance and Litter Control Act 2016

For the purposes of this Act, local nuisance is any adverse effect on an amenity value of an area that is caused by noise, odour, smoke, fumes, aerosols or dust; or animals, whether dead or alive; or any other agent or class of agent declared by Schedule 1; and unreasonably interferes with or is likely to interfere unreasonably with the enjoyment of the area by persons occupying a place within, or lawfully resorting to, the area;

#### Noise

- Noise from construction activities such as hammering and the use of power tools, air compressors and machinery must only occur between the hours of 7:00am to 7:00pm Monday to Saturday unless the applicant has a permit allowing activities outside these times. Expiation fee of \$500 may apply.

#### Dust

- Airborne dust and sand potentially generated on site must be managed and this can be achieved by wetting down the soil and site during demolition and construction process. If you have any concerns or questions regarding dust please contact the Customer Contact Team on 8408 1111.

#### Litter

- Litter from construction sites is an environmental concern and an offence under the Local Nuisance and Litter Control Act 2016.
- A person must not dispose of litter onto any land or into any waters - if litter is discarded, deposited, blows or falls from premises or a vehicle onto land or into waters, it is taken to have been disposed of onto the land or into the waters. Expiation fee of up to \$1000 may apply.
- All efforts should be made to minimise litter from leaving the site and all applicants should ensure the use of bins with securely fitted lids, capable of receiving all waste from building and construction activities are used on site and emptied when at capacity.

It is important that you familiarise yourself with the terms of the legislation and ensure that all contractors engaged by you are aware of their obligations.

For further information please contact Council's Customer Contact Team on 8408 1111.

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Signed:

Reference: 252/1471/19