



# Minutes of Meeting

Meeting No. 97

<b>Date</b>	Thursday 8 July 2021 at 9.30am
<b>Venue</b>	Microsoft Teams and Kardi Munaintya Meeting Room, Ground Floor, 50 Flinders Street, Adelaide
<b>Members</b>	Helen Dyer (Chair), Craig Holden, Allan Holmes, Michael Burdett (Ex-Officio)
<b>In Attendance</b>	Chelsea Lucas, Ben Sieben (AGD)
<b>Presenters</b>	AGD Staff: Anita Allen, Nadia Gencarelli, Brett Steiner, Chris Rudd, Jodie Evans, Robert Kleeman, Sharon Wyatt, Greg Slattery, Jo-Anne Ragless  External: Rebecca Thomas, Craig Wilkins, Joanna Wells, Tom Morrison

## 1. GENERAL BUSINESS

### 1.1. Acknowledgement of Country

The Chair acknowledged the traditional owners of the land on which the Commission meets, and paid respects to Elders past and present.

### 1.2. Welcome and Apologies

The Chair welcomed all in attendance to the meeting.

In the absence of Helen Dyer (Chair), the Commission members present appointed Allan Holmes to preside over the 8 July 2021 meeting for agenda item 3.1 Hackham Code Amendment, in accordance with Section 4.2 of the State Planning Commission's Governance Manual.

### 1.3. Declaration of Conflict of Interest / Gifts and Benefits

Helen Dyer declared a conflict of interest (due to Holmes Dyer having been consulted on this matter) and left the meeting when agenda item 3.1 Hackham Code Amendment was discussed.

### 1.4. Action Register

The Commission noted the status of the Action items.

### 1.5. Chair's Report

The Commission resolved to:

1. Approve the designation of this item as Not Confidential (Release Immediately).
2. Note the report.

### **1.6. Members Updates**

The Commission noted the Members updates.

### **1.7. SPC Minutes & Confidential Minutes for Adoption – 24 June 2021**

The Commission formally adopted the SPC minutes and confidential minutes of the 24 June 2021 meeting.

### **1.8. SCAP Minutes and Confidential Minutes for Noting – 30 June 2021**

The Commission noted the SCAP minutes and confidential minutes of the 30 June 2021 meeting.

### **1.9. SCAP Update**

This item was considered in confidence, and is included in the SPC Confidential Minutes 8 July 2021.

### **1.10. Building Policy Matters Update**

The Commission resolved to:

1. Approve the designation of this item as Not Confidential (Release Immediately) with the update on ABCB 2020-21 component of the report redacted; and
2. Note the update on building policy matters.

### **1.11. A Call to Action – Conservation Council Presentation**

The Commission noted the presentation from Craig Wilkins.

## **2. CORRESPONDENCE**

### **2.1. City of Adelaide Lord Mayor**

The Commission noted the correspondence.

### **2.2. Confidential Email Dated 1 July 2021**

The Commission noted the correspondence.

### **2.3. Thaxted Park Golf Club Amendment**

The Commission noted the correspondence.

### **2.4. Performance Indicators Scheme**

The Commission noted the correspondence.

### **2.5. Mount Compass Golf Course**

The Commission noted the correspondence.

### 3. MATTERS FOR ADVICE TO MINISTER

#### 3.1. Hackham Code Amendment

Brett Steiner, Nadia Gencarelli and Anita Allen addressed the Commission.

The Commission resolved to:

1. Approve the designation of the item as Not Confidential (Release Delayed), with the meeting papers for the item to be released following final decision by the Minister on initiation of the Code Amendment.
2. Advise the Minister for Planning and Local Government (the Minister) that it:
  - a. Recommends the approval of the Proposal to Initiate of the Hackham Code Amendment under section 73(2)(b)(i) of the *Planning, Development and Infrastructure Act 2016* (the Act) with no conditions specified; and
  - b. Recommends that the Chief Executive of the Attorney-General's Department be the Designated Entity responsible for undertaking the Code Amendment process.
3. Specify that the Designated Entity consults with the following nominated individuals and entities, under section 73(6)(e) of the Act:
  - a. State Members of Parliament for the electorates in which the proposed Code Amendment applies.
4. Not specify further investigations or information requirements under section 73(6)(f) of the Act in addition to those outlined in the Proposal to Initiate.
5. Recommend that the Minister approve the initiation of the Code Amendment by signing the Proposal to Initiate (Attachment 1) and approval letters with conditions (Attachment 2).
6. Approve the advice to the Minister as provided (Attachment 3).
7. Authorise the Chair to finalise any minor amendments to the advice and attachments.

#### 3.2. KIPT Assessment Report

Anita Allen, Robert Kleeman and Sharon Wyatt addressed the Commission.

The Commission resolved to:

1. Approve the declaration of this item as Not Confidential (Release Delayed), with final documents to be published following final determination of the Major Development by the Minister.
2. Approve the Assessment Report at Attachment 1 for the proposed deep water wharf Major Development at Smith Bay, Kangaroo Island under section 46B(9) of the *Development Act 1993* (the Act), and regulation 11(3) of the *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017* (the Transitional Regulations), subject to changes to the Executive Summary as noted in resolution 3.
3. Authorise Allan Holmes to approve changes to the Executive Summary of the Assessment Report as discussed at the meeting, and any other minor or editorial amendments required to finalise the Assessment Report prior to provision to the Minister for Planning and Local Government (the Minister).

4. Authorise the Department to publish the final Assessment Report as Attachment 1 to this Agenda Report, following approval under resolution 3.
5. Authorise the Chair to approve and sign the letter to the Minister at Attachment 2 including any consequential changes to reflect changes to the Executive Summary of the Assessment Report as noted in resolution 3.
6. Authorise the Department (on behalf of the Commission) to:
  - a. Notify submitters and give notice by public advertisement of the Assessment Report, in accordance with section 46B(10) of the Act and Regulation 11(3) of the Transitional Regulations;
  - b. Make copies of the Assessment Report available for inspection and purchase, in a place determined by the Department, in accordance with section 46B(11) of the Act and Regulation 11(3) of the Transitional Regulations; and
  - c. Provide copies of the Assessment Report to the Council in accordance with sections 46B(12) of the Act and Regulation 11(3) of the Transitional Regulations.

#### 4. MATTERS FOR DECISION

##### 4.1. ERDC Recommendations - Phase Three

Brett Steiner and Anita Allen addressed the Commission.

The Commission resolved to:

1. Approve the designation of this item as Not Confidential (Release Delayed), with the papers for the item to be released following a decision by the Minister.
2. Note consultation with the Commission by the Minister for Planning and Local Government (the Minister) under section 74(10) of the of the *Planning, Development and Infrastructure Act 2016* (the Act) regarding the following amendments to the Phase Three (Urban Areas) Code Amendment (Code Amendment) proposed to be made by the Minister under section 74(9)(a) of the Act:
  - a. Remove the need to publicly notify boundary wall development where the boundary wall is within a development site, including shared boundary walls in the case of semi-detached, row or terrace housing;
  - b. Amend notification tables to separate classes of development with different criteria that trigger public notification;
  - c. Consider using 'element of development' in Table 5 to clarify that a relevant authority could determine a proposed 'element' to be 'minor in nature' for the purpose of determining if notification of an element is warranted; and
  - d. Replace wording under the sub-heading 'Interpretation' for Table 5 to clarify that an 'element of development' may be excluded from notification.
3. Support the Amendments to the Code proposed by the Minister for Planning and Local Government and authorise the Chair to sign the draft response to the Minister as provided in Attachment 1.

#### **4.2. 30 Year Plan for Greater Adelaide – Updated Report Card**

This item was considered in confidence, and is included in the SPC Confidential Minutes 8 July 2021.

#### **4.3. SCAP Appointment**

This item was considered in confidence, and is included in the SPC Confidential Minutes 8 July 2021.

#### **4.4. DPA Delegations**

Nadia Gencarelli and Chelsea Lucas addressed the Commission.

The Commission resolved to:

1. Approve the designation of this item as Not Confidential (Release Immediately).
2. Delegate its powers and functions to the Director, Planning and Development, Planning and Land Use Services in the Attorney-General's Department:
  - a. under Regulation 8(1) of the *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017* (the Transitional Regulations) to receive and respond (if required) to consultation from the Minister for Planning and Local Government on a Development Plan Amendment (but excluding Local Heritage Development Plan Amendments where an owner objection has been received during consultation); and
  - b. under section 74(3) of the *Planning, Development and Infrastructure Act 2016*, to prepare and provide a report regarding an amendment to the Planning and Design Code, which gives effect to a Development Plan Amendment (including a Local Heritage Development Plan Amendment).

### **5. MATTERS FOR NOTING**

#### **5.1. Regional Plans Program**

This item was considered in confidence, and is included in the SPC Confidential Minutes 8 July 2021.

### **6. ANY OTHER BUSINESS**

### **7. MEETING FINALISATION**

#### **7.1. Next Meeting**

Thursday 22 July 2021 at 9.30am at 50 Flinders Street, Adelaide.

#### **7.2. Confirmation of Minutes and Confidential Minutes**

The Commission resolved that the Minutes and Confidential Minutes of this meeting held today be confirmed as a true and accurate record.

**7.3. Meeting close**

The Chair thanked all in attendance and declared the meeting closed at 2.33pm.

Confirmed 8/7/2021



**Helen Dyer**

Chair (all agenda items with the exception of 3.1)

Confirmed 8/07/2021



**Allan Holmes**

Presiding Member (agenda item 3.1)