

# Minutes of Meeting

Meeting No. 104

<b>Date</b>	Thursday, 14 October 2021 at 9.30am
<b>Venue</b>	Kardi Munaintya Room or via Microsoft Teams
<b>Members</b>	Helen Dyer (Chair), Craig Holden, Allan Holmes, Sally Smith (Ex Officio)
<b>In Attendance</b>	Chelsea Lucas (AGD), Kate Southcott (AGD)
<b>Presenters</b>	AGD Staff: Brett Steiner, Nadia Gencarelli, Sally Jenkin, Tom Victory, Ben Sieben, Simon Neldner, Ameya Sawant, Emma Williams.
<b>External</b>	Rebecca Thomas (Item 5.2)

## 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 14 October 2021 meeting for agenda items 2.2 Jurkovic Group Draft Code Amendment – Salt Pans at Dry Creek (City of Salisbury), 2.3 Council's feedback on the Aldi Stores proposed Code Amendment – 19-29 Glynburn Road, Glynde (City of Norwood, Payneham & St Peters), 3.2 Code Amendment Initiation Advice to the Minister – Windamere Park Code Amendment, 3.4 Code Amendment Initiation Advice to the Minister – Flooding Hazards Mapping Update Code Amendment, 4.1 EFPA Review – Draft Outcomes Report for Approval and 4.4 Major Development – IWS Northern Balefill.

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

Craig Holden declared a conflict in relation to Item 3.3 due to private client interests and left the meeting for that Item.

Helen Dyer declared a conflict in relation to Item 2.2, 2.3, 3.2, 3.4, 4.1 and 4.4 due to council client interests and left the meeting for those Items.

### 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 Chair's report.

### **1.6 Members Updates**

The Commission noted the Members updates.

### **1.7 SPC Minutes & Confidential Minutes for Adoption – 30 September 2021**

The Commission formally adopted the SPC confidential minutes of the 30 September 2021 meeting.

### **1.8 Code Amendments Initiation Advice**

The Commission noted the Code Amendments Initiation Advice.

## **2 CORRESPONDENCE**

### **2.1 Opportunity for inclusion of elected members on Council Assessment Panels within the forthcoming Behavioural Management Framework (LGA)**

The Commission noted the correspondence.

### **2.2 Jurkovic Group Draft Code Amendment – Salt Pans at Dry Creek (City of Salisbury)**

Helen Dyer noted a conflict of interest and left the meeting when this item was discussed.

Allan Holmes was Chair for this Item.

The Commission noted the correspondence and Sally Smith's advice.

### **2.3 Council's feedback on the proposed Aldi Stores Code Amendment – 19-29 Glynburn Road, Glynde (City of Norwood, Payneham & St Peters)**

Helen Dyer noted a conflict of interest and left the meeting when this item was discussed.

Allan Holmes was Chair for this Item.

The Commission noted the correspondence and will follow up in relation to Storm Water.

## **3 MATTERS FOR ADVICE TO MINISTER**

### **3.1 Local Heritage in Transition Development Plan Amendment – Mount Barker District Council**

Brett Steiner and Nadia Gencarelli 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 for

Planning and Local Government (the Minister) on the approval of the Development Plan Amendment (DPA).

- 2) Advise the Minister that the Commission has considered the advice of its Heritage Panel on the seven properties for which an owner objection was received, and:
  - a. Recommends that the following property is listed as a Local Heritage Place, in accordance with the DPA as lodged for approval:
    - 23 Cameron Road, Mount Barker.
  - b. Recommends that the following three properties are not supported for Local Heritage listing, in accordance with the DPA as lodged for approval:
    - 11 Exhibition Road, Mount Barker.
    - 65-67 Gawler Street, Mount Barker.
    - 15-19 Walker Street, Mount Barker.
  - c. Recommends that the following three properties are not supported for Local Heritage listing, and are removed from the DPA:
    - 1/17 Albert Road, Mount Barker.
    - 96 Princes Highway, Littlehampton.
    - 38 Venables Street, Macclesfield.
- 3) Authorise the Chair to approve any minor amendments and sign the advice of the Commission as detailed in the letter to the Minister (**Attachment 1**).

### 3.2 Code Amendment Initiation Advice to the Minister – Windamere Park Code Amendment

Helen Dyer noted a conflict of interest and left the meeting when this item was discussed.

Allan Holmes was Chair for this Item.

Brett Steiner and Nadia Gencarelli 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 for Planning and Local Government (the Minister) on the initiation of the Code Amendment.
- 2) Advise the Minister that it:
  - 2.1 Recommends that the Proposal to Initiate (**Attachment 1**) the Windamere Park Code Amendment under section 73(2)(b)(vii) of the *Planning, Development and Infrastructure Act 2016* (the Act) not be supported until such time as approved urban development in the area of Buckland Park is substantially completed, and infrastructure and services, including roads and public transport, can be efficiently delivered on the site.
  - 2.2 In the alternative, recommends that, should the Proposal to Initiate be approved with a limited scope (removal of the Limited Land Division Overlay) under section 73(2)(vii) of the Act:
    - 2.2.1 The following conditions are applied under section 73(5)(b) of the Act:

- (a) Prior to approval of the Code Amendment, the Designated Entity must demonstrate to the satisfaction of the Minister that all necessary agreements or deeds are fully executed as required to secure the funding and/or delivery of all infrastructure required to accommodate the development of the Affected Area as proposed by the Code Amendment (to the satisfaction of all relevant infrastructure providers).
- (b) The scope of the Code Amendment is to be limited to the removal of the Limited Land Division Overlay from the affected area. It excludes the creation of new planning rules, and is limited to the spatial application of overlays and technical and numerical variations provided for under the published Code (on the date the Amendment is released for consultation).
- (c) The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—planning level 1 under the Act.

2.2.2 Recommends that Theodoor De Lyster be the Designated Entity responsible for undertaking the Code Amendment process.

2.2.3 Specify that the Designated Entity consults with the following nominated individuals and entities, under section 73(6)(e) of the Act:

- SA Housing Authority;
- Department of Primary Industries and Regions (PIRSA);
- Utility providers, including SA Power Networks, ElectraNet Pty Ltd, APA Group, SA Water, EPIC Energy, NBN, and other telecommunications providers; and
- State Members of Parliament for the electorates in which the proposed Code Amendment applies.

2.2.4 Specify the following further investigations or information requirements under section 73(6)(f) of the Act in addition to those outlined in the Proposal to Initiate:

- (a) Undertake a comprehensive infrastructure analysis by an appropriately qualified expert (or experts), that identifies all future infrastructure works required in order to accommodate the development of the Affected Area as proposed by the Code Amendment, and provide a strategy which offers a funding and delivery solution for all required infrastructure works.
- (b) Investigate and identify the broad extent and location of land required to accommodate flooding and stormwater management infrastructure in relation to the proposed development.
- (c) Investigate and identify areas of Acid Sulphate Soils; determine their impact on the proposed development; and develop and appropriate policy response.

2.3 Recommends that, should the Windamere Park Code Amendment be approved as lodged by the Proponent under section 73(2)vii of the Act:

2.3.1 The following conditions applied under section 73(5)(b) of the Act:

- (a) Prior to approval of the Code Amendment, the Designated Entity must demonstrate to the satisfaction of the Minister that all necessary agreements or

deeds are fully executed as required to secure the funding and/or delivery of all infrastructure required to accommodate the development of the Affected Area as proposed by the Code Amendment (to the satisfaction of all relevant infrastructure providers).

- (b) The scope of the proposed Code Amendment does not include the creation of new planning rules, and is limited to the spatial application of zones, subzones, overlays or technical and numerical variations provided for under the published Planning and Design Code (the Code) (on the date the Amendment is released for consultation).
- (c) The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional Level 1 – Planning under the Act.

2.3.2 Recommends that Theodoor De Lyster be the Designated Entity responsible for undertaking the Code Amendment process.

2.3.3 Specify that the Designated Entity consults with the following nominated individuals and entities, under section 73(6)(e) of the Act:

- SA Housing Authority;
- Department of Primary Industries and Regions (PIRSA);
- Utility providers including SA Power Networks, ElectraNet Pty Ltd, APA Group, SA Water, EPIC Energy, NBN, and other telecommunications providers; and
- State Members of Parliament for the electorates in which the proposed Code Amendment applies.

2.3.4 Specify the following further investigations or information requirements under section 73(6)(f) of the Act in addition to those outlined in the Proposal to Initiate:

- (a) Undertake a detailed analysis of residential land supply and demand, including demands and trends concerning land and housing products.
- (b) Undertake a comprehensive infrastructure analysis by an appropriately qualified expert (or experts) that identifies all future infrastructure works required in order to accommodate the development of the Affected Area as proposed by the Code Amendment, and provide a strategy which offers a funding and delivery solution for all required infrastructure works.
- (c) Explore other zoning options for the affected area, including Neighbourhood Zone, Rural Neighbourhood Zone, Rural Living Zone etc., including a Minimum Site Area Technical and Numeric Variation of no less than 1,200 square metres.
- (d) Investigate and identify the broad extent and location of land required to accommodate flooding and stormwater management infrastructure in relation to the proposed development.
- (e) Investigate and identify areas of Acid Sulphate Soils; determine their impact on the proposed development; and develop and appropriate policy response.

- (f) Investigate and identify any potential impacts on the adjacent Adelaide International Bird Sanctuary National Park and Gawler River as a result of the proposed development/rezoning.
- 3) Approve the advice to the Minister (Attachment 2) and draft refusal letters (Attachment 3).
- 4) Authorise the Chair to finalise any minor amendments to the advice and attachments.

### 3.3 Code Amendment Initiation Advice to the Minister – Sheoak Flat Code Amendment

Craig Holden noted a conflict of interest and left the meeting when this Item was discussed.

Brett Steiner and Nadia Gencarelli 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 for Planning and Local Government (the Minister) on initiation of the Code Amendment.
- 2) Advise the Minister that it:
  - 2.1 Recommends that the Proposal to Initiate (**Attachment 1**) the Sheoak Flat Code Amendment under section 73(2)(b)(vii) of the *Planning, Development and Infrastructure Act 2016* (the Act) not be supported on the grounds that the potential impacts on the biodiversity, along with other environmental impacts, have not been fully considered, and appear to be in conflict with State Planning Policies and the Yorke Peninsula Regional Land Use Framework.
  - 2.2 Recommends that, should the Proposal to Initiate be approved under section 73(2)vii of the Act:
    - 2.2.1 The following conditions are applied under section 73(5)(b) of the Act:
      - (a) The scope of the proposed Code Amendment excludes low lying areas (i.e. below 3.2 metres Australian Height Datum (AHD)).
      - (b) The scope of the proposed Code Amendment includes the application of a Minimum Finished Floor Level 4.25 metres AHD Technical and Numeric Variation.
      - (c) A minimum site area Technical and Numeric Variation of 1,200 square metres should be included if a common waste water disposal service is not proposed.
      - (d) The scope of the proposed Code Amendment does not include the creation of new planning rules, and is limited to the spatial application of zones, subzones, overlays or technical and numerical variations provided for under the published Planning and Design Code (the Code) (on the date the Amendment is released for consultation).
      - (e) The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—planning level 1 under the Act.
    - 2.2.2 Recommends that Sheoak Developments Pty Ltd be the Designated Entity responsible for undertaking the Code Amendment process.

2.2.3 Specify that the Designated Entity consults with the following nominated individuals and entities, under section 73(6)(e) of the Act:

- Department for Environment and Water;
- Environment Protection Authority;
- Country Fire Service;
- Department for Infrastructure and Transport;
- Utility providers, including SA Power Networks, ElectraNet Pty Ltd, APA Group, SA Water, EPIC Energy, NBN, and other telecommunications providers; and
- State Members of Parliament for the electorates in which the proposed Code Amendment applies.

2.2.4 Specify the following further investigations or information requirements under section 73(6)(f) of the Act in addition to those outlined in the Proposal to Initiate:

- (a) Undertake a biodiversity survey of the site and its immediate surroundings to:
- i. assess the coverage of remnant vegetation and biodiversity; and
  - ii. identify any national and state listed flora and fauna species, as well as other flora and fauna species of conservation value.

The survey should be used to identify areas appropriate for development and to develop an appropriate policy response aimed at flora and fauna retention.

- (b) Investigate application of the Caravan and Tourist Park Zone over the land proposed for this purpose.
- (c) Determine the nature and capacity of existing electricity infrastructure services available to the affected area and identify any augmentation/upgrade works which may be necessary to facilitate the proposal.

- 3) Approve the advice to the Minister (Attachment 2) and draft refusal letters (Attachment 3).
- 4) Authorise the Chair to finalise any minor amendments to the advice and attachments.

### **3.4 Code Amendment Initiation Advice to the Minister – Flooding Hazards Mapping Update Code Amendment**

Helen Dyer noted a conflict of interest and left the meeting when this item was discussed.

Allan Holmes was Chair for this Item.

Sally Jenkin addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as follows:

- a. **Agenda Report**—Not Confidential (Released Delayed) – to be released following final decision by the Minister for Planning and Local Government (the Minister) on initiation of the Code Amendment, anticipated 29 October 2021.
  - b. **Attachment 1**—Confidential (Draft Advice or Documents);
  - c. **Attachment 2 to 6**—Not Confidential (Release Delayed) (to be released with Agenda Report);
- 2) Advise the Minister that it recommends the approval of the initiation of the Flooding Hazards Mapping Update Code Amendment (the Code Amendment) by the Chief Executive of the Attorney-General's Department (the Department) under section 73(2)(b)(i) of the Planning, Development and Infrastructure Act 2016 (the Act);
  - 3) Not specify additional nominated individuals or entities to be consulted for the Code Amendment, under section 73(6)(e) of the Act;
  - 4) Not specify any additional investigations or information requirements for the Code Amendment under section 73(6)(f) of the Act;
  - 5) Recommend that the Minister approve the initiation of the Code Amendment by signing the Proposal to Initiate (Attachment 2) and draft letters to the Chief Executive of the Department and the Chief Executive Officers of the relevant councils (Attachment 3);
  - 6) Approve the draft Minute to the Minister at Attachment 4; and
  - 7) Authorise the Chair to finalise any minor amendments and sign the Minute to the Minister at Attachment 4.

#### 4 MATTERS FOR DECISION

##### 4.1 EFPA Review – Draft Outcomes Report for Approval

Helen Dyer noted a conflict of interest and left the meeting when this item was discussed.

Allan Holmes was Chair for this Item.

Tom Victory addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Release Delayed) – to be released following final graphic design of documents and furnishing of final Review Report to the Minister for Planning and Local Government (the Minister), with final Attachments to be included with the Agenda Report.
- 2) Approve the variations to the Environment and Food Production Areas (EFPA) for three sites, as noted in **Attachment 1**, being:
  - Site 22 and 44C at Jagger Road, Encounter Bay (intersection with Three Gullies Road);
  - Site 44B at 1-10/124 Franklin Parade, Encounter Bay
  - Site 44D at 384 Greenhills Road and 21 and 29 Panorama Drive, Hindmarsh Valley

- 3) Approve the Technical Mapping Corrections to the EFPA for the 20 sites as shown and recommended in Attachment 2;
- 4) Approve the draft EFPA Review Outcomes Report (the Report) in Attachment 3, subject to the Chair authorising amendments to reflect the following changes  
  
the decision of the Commission to retain the Goolwa Airfield land (site 17) within the EFPA; and  
  
Other amendments as required to finalise the Report, as authorised by the Commission;
- 5) Authorise the Ex Officio Member to approve the final graphic designed Report, including any formatting, editorial or structural changes, amendments as provided in resolution 4 and other minor amendments which do not affect the substance of the Report;
- 6) Delegate to the Ex Officio Member the power to approve and authorise publication of a notice under section 7(8) of the Planning, Development and Infrastructure Act 2016 (the Act) which varies the EFPA as approved by the Commission;
- 7) Authorise the Chair to sign the covering letter to the Minister in Attachment 5, with amendments to reflect changes to three sites within the EFPA (as opposed to four) Amendments to delete attachment 1, and describe the Commission's "observations" as "key matters raised" (and associated changes) and enclosing the final Report; and
- 8) Authorise the Department to publish the final Report and notify relevant stakeholders who participated in the consultation process.

#### **4.2 Certificate of Title and Information Requirements for Development Applications**

This item was considered in confidence, and is included in the SPC Confidential Minutes of 14 October 2021.

#### **4.3 Open Space and Trees Project (Part 1)**

This item was considered in confidence, and is included in the SPC Confidential Minutes of 14 October 2021.

#### **4.4 Major Development – IWS Northern Balefill**

Helen Dyer noted a conflict of interest and left the meeting when this item was discussed.

Allan Holmes was Chair for this Item.

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Release Delayed), with the Agenda Report and Attachments to be released following determination by the Minister for Planning and Local Government (the Minister) on the proposed variation;
- 2) Note the application for variation to the Northern Balefill Facility Major Development by Integrated Waste Services (IWS); and
- 3) Agree that no change to the previous Environmental Impact Statement guidelines is required as a result of the application for a variation to the Northern Balefill Facility Major Development.

## 5 MATTERS FOR NOTING

### 5.1 PlanSA Update Report

This item was considered in confidence, and is included in the SPC Confidential Minutes of 14 October 2021.

### 5.2 SCAP Update

Rebecca Thomas addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Release Immediately); and
- 2) Note the update from the State Commission Assessment Panel (SCAP).

### 5.3 SPC Communications and Engagement Report

Emma Williams addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Release Immediately); and
- 2) Note the Communications and Engagement report as read.

## 6 ANY OTHER BUSINESS

Nil.

## 7 MEETING FINALISATION

### 7.1 Next Meeting

Thursday, 28 October 2021 at 9:30am in the Kardi Munaintya Room.

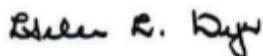
### 7.2 Confirmation of Minutes and Confidential Minutes

The Commission resolved that the 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 1.35pm.

Confirmed 14/10/2021



**Helen Dyer**

Chair (all agenda items with the exception of 2.2, 2.3, 3.2, 3.4, 4.1 and 4.4)

Confirmed 14/10/2021



**Allan Holmes**

Chair (agenda items 2.2, 2.3, 3.2, 3.4, 4.1 and 4.4)