



Minutes of Meeting

Meeting No. 119

Date	Thursday, 26 May 2022 at 9:00am
Venue	Kardi Munaintya Meeting Room or by Microsoft Teams
Members	Craig Holden (Chair), Stuart Moseley, Elinor Walker, Noelle Hurley, Steven Griffiths and Sally Smith (Ex Officio)
Apology	Nil
DTI Staff	Kate Southcott, Paul Bennett, Jason Bailey, Nadia Gencarelli, Daniel Clapp, Rhiannon Hardy, Chelsea Lucas, Margaret Smith, Ben Sieben
External	<p>D1 Deputation – URPS: Anita Allen (URPS), Louis Kanellos (Chasecrown)</p> <p>D2 Deputation – City of Unley: David Brown</p> <p>5.5 SCAP Update: Rebecca Thomas</p>

1 GENERAL BUSINESS

1.1 Acknowledgement of Country

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

1.2 Welcome and Apologies

The Chair welcomed all in attendance to the meeting.

1.3 Declaration of Conflict of Interest / Gifts and Benefits

Craig Holden declared a conflict of interest in relation to Item 5.2 Review of Practice Direction 14 – Site Contamination Assessment and left the meeting when this Item was discussed.

In the absence of Craig Holden (Chair), the Commission members present appointed Elinor Walker to preside over the 26 May 2022 meeting for agenda item 5.2 Review of Practice Direction 14 – Site Contamination Assessment.

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 as read.

1.6 Member Updates

The Commission noted the Member updates.

1.7 SPC Confidential Minutes for Adoption – 12 May 2022

The Commission formally adopted the SPC Confidential Minutes of the 12 May 2022 meeting.

1.8 Code Amendments Initiation Advice

The Commission noted the Code Amendments Initiation Advice.

2 CORRESPONDENCE

2.1 Concordia Code Amendment (Concordia Land Trust)

The Commission noted the correspondence.

2.2 200 East Terrace, Adelaide (Dr Michael Llewellyn-Smith)

The Commission noted the correspondence.

3 ADDITIONAL RESOURCES

3.1 Bushfire Research and Planning Thesis by Michael Jaensch

The Commission noted the additional resources.

4 MATTERS FOR ADVICE TO MINISTER

4.1 Proposal to Initiate the Mary and Arthur Streets, Unley Code Amendment

Paul Bennett, Jason Bailey and Nadia Gencarelli addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Release Delayed), with the meeting papers for the item to be released following final decision by the Minister for Planning (the Minister) on initiation of the Code Amendment. Anticipated by 10 June 2022.
- 2) Advise the Minister that it:
 - 2.1) Recommends the approval of the Mary and Arthur Streets, Unley Code Amendment under section 73(2)(vii) of the Planning, Development and Infrastructure Act 2016 (the Act), subject to the following conditions applied under section 73(5)(b) of the Act:
 - a. 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). This includes the creation of new technical and numerical variation capabilities.
- b. 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.
 - c. Removal of the Hazards (Flooding – General) Overlay cannot be contemplated without sufficient evidence to demonstrate that the flood hazard risk is reduced in this location.
 - d. Recommends that Mary and Arthur Street Pty Ltd 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:
- Department for Infrastructure and Transport
 - Affordable Housing Unit of the SA Housing Authority
 - Utility providers including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy, NBN, and other telecommunications providers
 - State Members of Parliament for the electorates in which the proposed Code Amendment applies.
- 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:
- Investigate application of the Affordable Housing Overlay or otherwise provide clear planning rationale as to why it should not be applied to the affected area.
 - Conduct a search of the Register of Aboriginal Sites and Objects (Taa wika) to identify relevant Aboriginal heritage considerations, including any identified cultural sites and objects.
- 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 and authorise the Chair of the Commission to sign the advice to the Minister as provided in **Attachment 3**.
- 7) Authorise the Chair to finalise any minor amendments to the advice and attachments as discussed at the meeting.

4.2 Proposal to Initiate the Leader Street Bakery Code Amendment

Paul Bennett, Jason Bailey and Nadia Gencarelli addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Release Delayed), with the meeting papers for the item to be released following final decision by the Minister for Planning (the Minister) on initiation of the Code Amendment. Anticipated during May/early-June 2022.
- 2) Advise the Minister that it:
 - 2.1) Recommends the approval of the Leader Street Bakery Code Amendment under section 73(2)(vii) of the Planning, Development and Infrastructure Act 2016 (the Act), subject to the following conditions applied under section 73(5)(b) of the Act:
 - a. 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).
 - b. 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.
 - c. The Design Overlay is not applied to land within the Urban Neighbourhood Zone.
 - 2.2) Recommends that Harmony Forestville Pty Ltd 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:
 - o Adelaide Airport Limited
 - o Department for Infrastructure and Transport
 - o Environment Protection Authority
 - o Affordable Housing Unit of the SA Housing Authority
 - o Utility providers including SA Power Networks, APA Group, SA Water, NBN Co. and other telecommunications providers
 - o State Members of Parliament for the electorates in which the proposed Code Amendment applies.
- 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:
 - o Further investigations and referral to Adelaide Airport Limited (as the operator of Adelaide Airport and formal referral body in the Planning and Design Code) in respect to proposed amendments to the Airport Building Heights (Regulated) Overlay to require referral for all structures over 20 metres instead of 15 metres.

o Conduct a search of the Register of Aboriginal Sites and Objects (Taa wika) to identify relevant Aboriginal heritage considerations including any identified cultural sites and objects.

- 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 and authorise the Chair of the Commission to sign the advice to the Minister as provided in **Attachment 3**.
- 7) Authorise the Chair to finalise any minor amendments to the advice and attachments as discussed at the meeting.

4.3 Proposal to Initiate the Golden Grove Neighbourhood and Commercial Code Amendment

This Item was considered in confidence and is included in the SPC Confidential Minutes of 26 May 2022.

5 MATTERS FOR DECISION

5.1 Decision Ratification – Miscellaneous Technical Enhancement Code Amendment Workshop

This Item was considered in confidence and is included in the SPC Confidential Minutes of 26 May 2022.

5.2 Review of Practice Direction 14 – Site Contamination Assessment

Craig Holden declared a conflict of interest in relation to this Item and left the meeting while this Item was discussed.

In the absence of Craig Holden (Chair), the Commission members present appointed Elinor Walker to preside over the meeting.

This Item was considered in confidence and is included in the SPC Confidential Minutes of 26 May 2022.

5.3 Adoption of the SPC Strategic Plan and Work Plan 2022/23

Chelsea Lucas addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Release Delayed) – to be released following publication of the Commission’s final Strategic Plan 2022/23, with the exception of **Attachment 2** (SPC Work Plan) which is classified as Confidential (Draft Advice or Documents).
- 2) Approve the Strategic Plan 2022/23 (as shown in **Attachment 1**) and the Work Plan 2022/23 (as shown in **Attachment 2**), each with amendments as agreed at the meeting, including to reflect the Commission’s desire to build its relationship with traditional owners

and communities, enhanced focus on climate change and heritage policy matters and refinements to the site contamination priority.

- 3) Authorise the Chair to approve further changes to the Strategic Plan and the Work Plan as noted in resolution 2;
- 4) Authorise the Department to finalise (by accepting all marked-up changes) and publish the approved Strategic Plan 2022/23 on the Commission's website.

5.4 Review of SCAP decision not to assess Development Application 21025912 – Lot 5 Hunter Road, Nildottie

This Item was considered in confidence and is included in the SPC Confidential Minutes of 26 May 2022.

5.5 SCAP Update

Rebecca Thomas and Margaret Smith addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Release Immediately).
- 2) Note the update from the State Commission Assessment Panel (SCAP), including the feedback received as part of the SCAP's recent Industry, Local Government and Agency Forums (the Forums).
- 3) Note the recommended next steps by the SCAP and Planning and Land Use Services (PLUS) in response to the feedback received as part of the SCAP's Forums.
- 4) Approve and authorise PLUS to publish the Industry and Local Government/Agency Forums results for public release on SCAP's website and for distribution to the Forum participants (**Attachment 1**).

5.6 Regional Planning Program Governance Framework – GAROC & SAROC MoU

This Item was considered in confidence and is included in the SPC Confidential Minutes of 26 May 2022.

6 MATTERS FOR NOTING

6.1 Ex Officio Report: 1 January to 31 March 2022

This Item was considered in confidence and is included in the SPC Confidential Minutes of 26 May 2022.

7 ANY OTHER BUSINESS

7.1 Council visit dates

The Commission noted the Council Visit dates.

7.2 MEETING FINALISATION

8.1 Next Meeting

Thursday, 9 June 2022

8.2 Confirmation of Minutes and Confidential Minutes

The Commission resolved that the Confidential Minutes of the meeting held today, 26 May 2022 be confirmed as a true and accurate record.

8.3 Meeting close

The Chair thanked all in attendance and declared the meeting closed at 4.02pm.

Confirmed 26/05/2022



Craig Holden
Chair

Confirmed 26/05/2022



Elinor Walker
Chair, Item 5.2 Review of Practice Direction 14 – Site Contamination Assessment