



Minutes of Meeting

Meeting No. 120

Date	Thursday, 9 June 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, Robert Kleeman, Sarah Elding, Chelsea Lucas, Denise LeBlond, Jodie Evans, Brett Steiner, Tom Victory
External	<p>Deputation: Golden Grove Neighbourhood and Commercial Code Amendment (Item 4.1):</p> <p>URPS & Future Urban: Anita Allen (URPS), Grazio Maiorano (URPS), Tim Shahin (YAS)</p> <p>City of Tea Tree Gully: John Moyle (CEO), Ingrid Wilkshire (Manager City Strategy)</p> <p>Deputation: Review of SCAP decision not to assess DA 21025912 (Item 5.1):</p> <p>Botten Levinson Lawyers: James Levinson</p> <p>Mid Murray Council: Jake McVicar</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

Nil.

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

This Item was considered in confidence and is included in the SPC Confidential Minutes of 9 June 2022.

1.7 SPC Confidential Minutes for Adoption – 12 May 2022

The Commission formally adopted the SPC Confidential Minutes of the 26 May 2022 meeting.

1.8 SCAP Confidential Minutes and Minutes for Noting – 25 May 2022

The Commission notes the SCAP Confidential Minutes and Minutes for Noting of the 25 May 2022 meeting.

1.9 Code Amendments Initiation Advice

The Commission noted the Code Amendments Initiation Advice.

2 CORRESPONDENCE

2.1 Update on Implementation Review Project (Minister for Planning)

The Commission noted the correspondence.

2.2 Letter to the Minister for Planning dated 29 May 2022 (Community Alliance SA)

The Commission noted the correspondence.

2.3 Concerns regarding loss of tree canopy in Oakden (Community Alliance SA)

The Commission noted the correspondence.

3 ADDITIONAL RESOURCES

3.1 Conservation Council of SA Tree Campaign Update and LGA SA Update from April 2022 Ordinary General Meeting (Community Alliance SA)

The Commission noted the additional resources.

3.2 Legislative Review Committee Petition No 2 of 2020 – Planning Reform Update (Climate Action Working Group)

The Commission noted the additional resources.

4 MATTERS FOR ADVICE TO MINISTER

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

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

It is recommended that the State Planning Commission (the Commission) resolves to:

- 1) Approve the designation of the item as Not Confidential (Release Delayed), with the exception of Appendix F of Attachment 3 which is classified as Confidential (Retail Analysis), with the meeting papers for the item to be released following the final decision by the Minister for Planning (the Minister) on initiation of the Code Amendment.
- 2) Note that a Proposal to Initiate the Lot 5680 Hallett Road Code Amendment has been lodged by Fairland for the deferred urban land adjacent to the subject land.
- 3) Advise the Minister that it recommends that Planning and Land Use Services (PLUS) establish a working group between the Designated Entities for the Golden Grove Neighbourhood and Commercial Code Amendment and the proposed Lot 5680 Hallett Road Code Amendment should these both be initiated to ensure coordination between these two Code Amendments.
- 4) Advise the Minister that it:
 - 4.1) Recommends the approval of the Proposal to Initiate a Golden Grove Neighbourhood and Commercial Code Amendment under section 73(2)(b)(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) Withdrawal of the previously initiated Golden Grove Commercial/Retail Code Amendment by Yas Property Development Pty Ltd.
 - 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) PLUS will keep the Commission informed on progress of the Code Amendment including the Concept Plan prior to consultation being undertaken.
 - d) Prior to approval of the Code Amendment, the Designated Entity must demonstrate to the satisfaction of the Minister full execution of all necessary agreements or deeds 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.
 - 4.2) Recommends that YAS Property & Development and Falkenburg Road Pty Ltd be the Designated Entity responsible for undertaking the Code Amendment process.
 - 4.3) Specify that the Designated Entity consults with the following nominated individuals and entities, pursuant to section 73(6)(e) of the Act:

- Department for Energy and Mining
 - Department for Environment and Water
 - Department for Infrastructure and Transport
 - Environment Protection Authority
 - South Australian Country Fire Service
 - Affordable Housing Unit of the SA Housing Authority
 - Fairland (via Future Urban), as the proponent seeking to initiate a Code Amendment on the adjacent deferred urban land adjacent to the subject land.
 - Utility providers including SA Power Networks, ElectraNet Pty Ltd, 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.
- 5) Recognising that working arrangements between PLUS, the Designated Entity for the Golden Grove Neighbourhood and Commercial Code Amendment and the proposed Lot 5680 Hallett Road Code Amendment (should this be initiated) will facilitate coordination between these two Code Amendments, 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.
- 8) Support the inclusion of the remaining Rural Living lots should the proponent secure an interest in the land.
- 9) That PLUS advise the Commission on the options for an overlay (or similar) to be used to enable the excluded Rural Living lots to switch to Master Planned Neighbourhood Zone upon signing an infrastructure deed without the need for a further full Code Amendment process.

4.2 Proposal to Initiate the Glandore Character Area Protection Code Amendment

Paul Bennett, Jason Bailey 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 commencement of 'consultation' and 'early commencement' of the Glandore Character Area Protection Code Amendment (the Code Amendment) (if the Proposal is approved by the Minister for Planning (the Minister)) or following the Minister's decision on the Proposal to Initiate (if the Proposal is refused by the Minister).

- 2) Note the further information provided by the City of West Torrens (the Council) in support of its Proposal to Initiate a Glandore Character Area Protection Code Amendment (**Appendix A**).
- 3) Advise the Minister that it:
 - 3.1) Recommends the approval of the Code Amendment under section 73(2)(b)(iv) 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 Designated Entity must obtain the approval of the Minister to undertake early commencement of the proposed Code Amendment, pursuant to section 78 of the Act.
 - b) Should the Designated Entity seek the Minister's approval to undertake early commencement, a draft Engagement Plan and an updated timetable are to accompany the request.
 - c) 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).
 - d) 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.
 - 3.2) Recommends that Council be the Designated Entity responsible for undertaking the Code Amendment process.
- 4) 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
 - State Members of Parliament for the electorates in which the proposed Code Amendment applies.
- 5) Not specify further investigations or information requirements pursuant to section 73(6)(f) of the Act in addition to that outlined in the Proposal to Initiate.
- 6) Recommend that the Minister approve the initiation of the Code Amendment by signing the Proposal to Initiate (**Attachment 1**) and approval letter with conditions (**Attachment 2**).
- 7) Approve and authorise the Chair of the Commission to sign the advice to the Minister as provided in **Attachment 3**.
- 8) Authorise the Chair to finalise any minor amendments to the advice and attachments as required.
- 9) The Commission noted the loss of development potential resulting from the proposed Code Amendment, noted the strategic importance of corridors such as Anzac Highway in

providing valuable, inner metropolitan infill opportunities which contribute to housing diversity and affordability, noted that this must be pursued in line with community aspirations and design quality, and agreed to consider these matters further as part of the review of the 30 Year Plan for Greater Adelaide.

4.3 Proposal to Initiate the Old Sturt Highway, Nuriootpa Code Amendment

Paul Bennett 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 the end of June 2022.
- 2) Advise the Minister that it:
 - 2.1) Recommends the approval of the Old Sturt Highway Nuriootpa 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.
 - 2.2) Recommends that the Bluegum Borders 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 South Australian Country Fire Service
 - o Department for Infrastructure and Transport
 - o The Barossa Council
 - o Utility providers including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy, NBN, 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 Removal of the Limited Land Division Overlay

o Investigate general amenity impacts on adjacent residential development within the Neighbourhood Zone, including building design, hours of operation, servicing and vehicle movements.

- 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 (**Attachment 3**).
- 7) Authorise the Chair to finalise any minor amendments to the advice and attachments as required.

5 MATTERS FOR DECISION

5.1 Review of SCAP decision not to assess Development Application 21025912

Robert Kleeman and Sarah Elding addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Release Immediately).
- 2) Note Development Application (DA) 21025912 by Mr Peter Booth (the Applicant), C/- Botten Levinson Lawyers, for the development of a detached pile dwelling on Piece 5 at Lot 5 Hunter Road, Nildottie (**Attachment 1**).
- 3) Note the Decision Review Request from the Applicant to the State Planning Commission (**Attachment 3**).
- 4) Affirm the decision of the State Commission Assessment Panel (SCAP) to refuse to proceed to assess DA 21025912.
- 5) Authorise the Chair of the Commission to sign the letter to the Applicant advising him of the decision of the Commission not to proceed to assess DA 21025912 (**Attachment 6**).
- 6) Authorise the Chair of the Commission to sign the letter to the Presiding Member of SCAP advising of the Commission's decision to not to proceed to assess DA 21025912 (**Attachment 7**).

5.2 Open Space and Trees Project (Part 1)

This Item was considered in confidence and is included in the SPC Confidential Minutes of 9 June 2022.

5.3 Building Fire Safety Committee – Amendment to Membership and Terms of Reference

This Item was considered in confidence and is included in the SPC Confidential Minutes of 9 June 2022.

5.4 Country Plans Scope – for Approval

Paul Bennett, Brett Steiner and Tom Victory addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Release Immediately).
- 2) Approve the scope of investigations, key work activities and timeline for the six Country Regional Plans as summarised in this report and outlined in further detail in **Attachments 1 and 2**.

5.5 Engagement Approach for Regional Plans

Paul Bennett, Brett Steiner and Tom Victory addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Release Immediately).
- 2) Approve the adoption of the Engagement Approach for Regional Plans, which will inform the preparation of Engagement Plans for each Planning Region (**Attachments 1 and 2**).

6 MATTERS FOR NOTING

6.1 Representative Buildings in the Planning and Design Code

This Item was considered in confidence and is included in the SPC Confidential Minutes of 9 June 2022.

6.2 SPC Communications and Engagement Update

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Release Immediately), with the exception of Appendix A (Stakeholder Register) which is classified as Confidential (Draft Advice or Documents).
- 2) Note the Communication and Engagement update report as read.

7 ANY OTHER BUSINESS

7.1 Heritage Sub-Committee

The Commission noted the Heritage Sub-Committee membership.

7.2 Outcomes of Barossa Roundtable

The Commission discussed the outcome of the Barossa Roundtable.

8 MEETING FINALISATION

8.1 Next Meeting

Thursday, 23 June 2022

8.2 Confirmation of Minutes and Confidential Minutes

The Commission resolved that the Confidential Minutes of the meeting held today, 9 June 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 4:21pm.

Confirmed 09/06/2022

A handwritten signature in grey ink, appearing to read 'Craig Holden', with a long horizontal flourish extending to the right.

Craig Holden
Chair