

Agenda Report for Decision

Meeting Date: 11 November 2021

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|--------------------------|---|
| Item Name | Code Amendment Initiation Advice to the Minister for Planning and Local Government – Golden Grove Commercial/Retail Code Amendment |
| Presenters | Brett Steiner and Nadia Gencarelli |
| Purpose of Report | Decision |
| Item Number | 3.3 |
| Confidentiality | Not Confidential (Release Delayed) with the exception of Appendix F of Attachment 3 – Confidential (Retail Analysis). To be released following final decision by the Minister on initiation of the Code Amendment. Anticipated by the end of November 2021 |
| Related Decisions | N/A |

Recommendation

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** – Confidential (Retail Analysis), with the meeting papers for the item to be released following the 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 the approval of the Golden Grove Commercial/Retail 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) 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, and the associated Golden Grove (Rural Living to Neighbourhood-type Zone) Code Amendment, to the satisfaction of all relevant infrastructure providers.

- (d) The Code Amendment will not be considered for approval until such time that the associated Golden Grove (Rural Living to Neighbourhood-type Zone) Code Amendment by the City of Tea Tree Gully (the Council) has been approved. This condition is not to be taken as a guarantee of future considerations or approval.

2.2 Recommends that YAS Property & Development 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, pursuant to section 73(6)(e) of the Act:
 - Department for Energy and Mining
 - Department for Infrastructure and Transport
 - Environment Protection Authority
 - 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.
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) Investigate the impacts of the associated Golden Grove (Rural Living to Neighbourhood-type Zone) Code Amendment on the provision of infrastructure in the area, particularly in relation to upgrade needs and funding mechanisms.
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.

Background

Section 73(2)(b)(vii) of the Act provides that a proposal to amend the Code may be initiated by a person who has an interest in the relevant land with the approval of the Minister, acting on the advice of the Commission, in relation to the following matters:

- Strategic assessment against the State Planning Policies and *The 30-Year Plan for Greater Adelaide*.
- Any person or body that must be consulted by the Designated Entity, pursuant to section 73(6)(e) of the Act.
- Any investigations to be carried out or information to be obtained by the Designated Entity, in accordance with section 73(6)(f) of the Act.

The purpose of this report is therefore to provide the Commission with advice to be provided to the Minister in relation to the Proposal to Initiate submitted by YAS Property & Development (**Attachment 1**).

Procedural matters regarding the Commission's role are provided in **Attachments 4** and **5**.

Discussion

Scope of the Amendment

The Code Amendment seeks to rezone 7.56 hectares of land at 53 and 99 Crouch Road, Golden Grove (the affected area), from the Rural Living Zone to a zone that will facilitate commercial/retail activities to support current and future population, including additional floor space for bulky goods.

The affected area and current zoning are shown in the figure below.



Planning and Design Code Zoning

The affected area is located within the Rural Living Zone.

The following Overlays apply to the land:

- Defence Aviation Area
- Hazards (Bushfire – Urban Interface)
- Hazards (Flooding)
- Hazards (Flooding – Evidence Required)
- Heritage Adjacency
- Local Heritage Place
- Prescribed Wells Area
- Regulated and Significant Tree
- Water Resources.

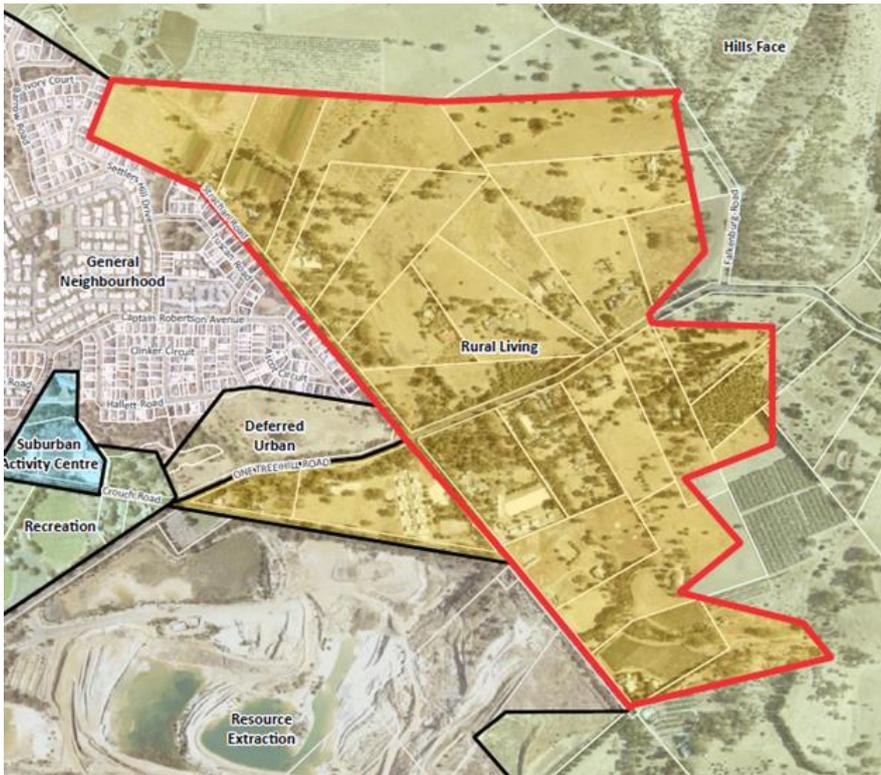
Land surrounding the affected area is within the:

- Deferred Urban
- Rural Living
- Resource Extraction
- Recreation
- Suburban Activity Centre.

The Code Amendment is proposed to be progressed in tandem with a separate Golden Grove (Rural Living Zone to Neighbourhood-type Zone) Code Amendment which will increase the immediate population; thus, growing the retail and commercial demand in Golden Grove.

The Proposal to Initiate the residential Code Amendment has been submitted to the Minister by the Council, and is partially funded YAS Property & Development. Advice on that Code Amendment is provided under separate cover.

The affected area of the Golden Grove (Rural Living Zone to Neighbourhood-type Zone) Code Amendment is shown in the area marked in red in the figure below. The yellow shading shows the extent of both residential and commercial Code Amendments.



Detailed discussion on the Golden Grove Commercial/Retail Code Amendment is provided in the advice to the Minister in **Attachment 3**

Advice to the Minister

The advice to the Minister sets out the statutory and procedural elements that must be considered as part of the initiation of a Code Amendment (**Attachment 3**).

The advice recommends that the Minister approve the initiation of the Code Amendment for the following reasons and subject to conditions as set out below.

Strategic Considerations

The Proposal seeks to provide suitably zoned land for commercial and retail development that will support a concurrent Master Planned Neighbourhood Code Amendment and anticipated demand from ongoing development of Golden Grove.

Further strategic considerations and discussion are provided in **Attachment 3**.

Procedural considerations

The Proposal to Initiate meets all procedural requirements, as detailed in the attached advice to the Minister (**Attachment 3**).

Conditions proposed and items specified

A number of conditions have been recommended to be specified by the Minister, pursuant to sections 73(5)(b) of the Act. In addition, it has been recommended that the Commission specify persons or bodies to be consulted with by the Designated Entity under section 73(6)(e) of the Act, as outlined in the advice to the Minister (**Attachment 3**).

Attachments:

1. Proposal to Initiate the Golden Grove Commercial/Retail Code Amendment (#17486792).
2. Draft letters to:
 - a. The Proponent (#17942808)
 - b. The City of Tea Tree Gully (#17942891).
3. State Planning Commission advice to the Minister (#17893347).
4. Procedural Matters for the State Planning Commission (#17170230).
5. Process Flowchart – Code Amendments Initiated by Proponents (#17894935).

Prepared by: Catherine Hollingsworth

Endorsed by: Brett Steiner

Date: 29 October 2021

**PROPOSAL TO INITIATE AN AMENDMENT TO THE
PLANNING & DESIGN CODE**

**Golden Grove Commercial / Retail Code
Amendment**

By Person with Interest in the Land (*the Proponent*)


_____ (Signature Required)

YAS Property & Development (the Proponent)

Date: 6 August 2021

This Proposal to Initiate document together with conditions specified by the Minister forms the basis for the preparation of a proposed amendment to the Planning and Design Code for the purpose of section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*.

MINISTER FOR PLANNING AND LOCAL GOVERNMENT

Date:

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1. INTRODUCTION

The Proponent (YAS Property & Development – YAS P&D) is proposing to initiate an amendment to the Planning and Design Code (the Code Amendment) as it relates to land located at 53 & 99 Crouch Road, Golden Grove (the Affected Area).

The purpose of this Proposal to Initiate is to seek approval of the Minister for Planning and Local Government (the Minister) to initiate the Code Amendment under section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act).

The Proponent is the holder of a registered interest as noted on the Certificate of Titles for the whole of the Affected Area.

This Proposal to Initiate details the scope, relevant strategic and policy considerations, nature of investigations to be carried out and information to be collected for the Code Amendment. It also details the timeframes to be followed in undertaking the Code Amendment, should this Proposal to Initiate be approved by the Minister.

The Proponent acknowledges that the Minister may specify conditions on approving this Proposal to Initiate, under section 73(5) of the Act. In the event of inconsistency between this Proposal to Initiate and any conditions specified by the Minister, the conditions will apply.

1.1. Designated Entity for Undertaking the Code Amendment

In accordance with section 73(4)(a) of the Act, the Proponent will be the Designated Entity responsible for undertaking the Code Amendment process. As a result:

- 1.1.1 The Proponent (YAS Property & Development) acknowledges that it will be responsible for undertaking the Code Amendment in accordance with the requirements Act.
- 1.1.2 The Proponent's contact person responsible for managing the Code Amendment and receiving all official documents relating to this Code Amendment is:

Grazio Maiorano RPIA (Fellow),
Director,
URPS
gmaiorano@urps.com.au
(08) 8333 7999

- 1.1.3 The Proponent intends to undertake the Code Amendment by:

- (a) engaging URPS to provide the professional services required to undertake the Code Amendment.

The Proponent acknowledges that the Minister may, under section 73(4)(b) of the Act, determine that the Chief Executive of the Department will be the Designated Entity responsible for undertaking the Code Amendment. In this case, the Proponent acknowledges and agrees that they will be required to pay the reasonable costs of the Chief Executive in undertaking the Code Amendment.

1.2 Rationale for the Code Amendment

This Code Amendment is proposed in response to the continued development of Golden Grove and the anticipated increase in demand for commercial and retail offerings. Its progression is to occur in concurrence with a separate Master Planned Neighbourhood Code Amendment which seeks to rezone land to the north and east of the Affected Area to support the development of an additional 1500 homes over the next 15 years.

This Code Amendment will provide the land use policy setting to support development of these ancillary, non-residential activities and in turn meet the needs of both the existing and future population.

2 SCOPE OF THE CODE AMENDMENT

2.1 Affected Area

The proposal seeks to amend the Code for the Affected Area, being the land identified as 53 Crouch Road, Golden Grove (CT:5203/699) and 99 Crouch Road, Golden Grove (CT:5482/787) within the City of Tea Tree Gully as shown in the map in Attachment A.

2.2 Scope of Proposed Code Amendment

Site 1 - 53 Crouch Road, Golden Grove & 99 Crouch Road, Golden Grove

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| <p>Current Policy</p> | <p><u>Zone</u></p> <ul style="list-style-type: none"> • Rural Living <p><u>Overlays</u></p> <ul style="list-style-type: none"> • Hazards (Bushfire – Urban Interface) • Hazards (Flooding) • Hazards (Flooding – Evidence Required) • Heritage Adjacency • Local Heritage Place • Defence Aviation Area • Regulated and Significant Tree • Prescribed Wells Area • Water Resources <p><u>TNV's</u></p> <ul style="list-style-type: none"> • Minimum Site Area (4ha) |
| <p>Amendment Outline</p> | <p>The objective of the Code Amendment is to rezone the land to support the development of commercial/retail activities to support the current and future population.</p> |

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| Intended Policy | <p>The Code Amendment seeks the following amendments:</p> <ul style="list-style-type: none"> • Rezone the Affected Area to facilitate the development of retail and commercial type activities. <p>At this time the intention is to retain flexibility and there are a number of potential P&D Code zones that may be appropriate to facilitate the desired outcome of providing additional floor space to accommodate retail and bulky goods.</p> |
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3 STRATEGIC PLANNING OUTCOMES

Proposed Code Amendments occur within a state, regional and local strategic setting, which includes:

- State Planning Policies (SPPs)
- Regional Plans
- Other relevant strategic documents.

3.1 Alignment with State Planning Policies

The State Planning Policies (SPPs) set out the State’s overarching goals and requirements for the planning system. Under section 66(3)(f) of the Act, the Code must comply with any principle prescribed by a SPP.

The Code Amendment should be initiated because the strategic planning outcomes sought to be achieved through the Code Amendment align with or seeks to implement the following SPPs:

| State Planning Policy (SPP) | Code Amendment Alignment with SPPs |
|---|---|
| <p>SPP 1 – Integrated Planning</p> <p>To apply the principles of integrated planning to shape cities and regions in a way that enhances our liveability, economic prosperity and sustainable future.</p> | |
| <p>1.1 An adequate supply of land (well services by infrastructure) is available that can accommodate housing and employment growth over the relevant forecast period.</p> | <p>The Code Amendment seeks to deliver employment growth in a location with demonstrated demand. Current supply in the wider locality is limited, with little to no available land. It is noted that this growth will be integrated with the progression of a separate, however a concurrent Master Planned Neighbourhood Code Amendment.</p> |

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| <p>1.4 Protect areas of rural, landscape character, environmental importance, mining or food production significance from the expansion of urban areas, towns and settlements.</p> | <p>The Code Amendment will be prepared with the knowledge that the site is located to the immediate north of the Resource Extraction Zone (P&D Code) and the <i>Golden Grove Extractive Industries Zone</i> (DEM).</p> <p>It is noted however that the commercial nature of the Code Amendment is not at odds with the use of neighbouring properties.</p> |
| <p>SPP 4 – Biodiversity</p> <p>To maintain and improve our state’s biodiversity and its life supporting functions.</p> | |
| <p>4.1 Minimise impacts of development on areas with recognised natural character and values, such as native vegetation and critical habitat so that critical life-supporting functions to our state can be maintained.</p> | <p>It is acknowledged that the Affected Area comprises natural features in the form of a creekline and areas of native vegetation.</p> <p>Specific consideration will be given to this as part of the Code Amendment investigations.</p> |
| <p>SPP 5 – Climate Change</p> <p>To maintain and improve our state’s biodiversity and its life supporting functions</p> | |
| <p>5.5 Avoid development in hazard-prone areas or, where unavoidable, ensure risks to people and property are mitigated to an acceptable or tolerable level through cost-effective measures.</p> | <p>The land is located in the Hazards (Bushfire – Urban Interface) Overlay. The Code Amendment does not propose to alter the application of this Overlay and future development of the Affected Area will take into account the provisions of this Overlay.</p> |
| <p>SPP 7 – Cultural Heritage</p> <p>To protect and conserve heritage places and areas for the benefit of our present and future generations.</p> | |
| <p>7.3 Recognise and protect places and areas of acknowledged heritage value for future generations.</p> | <p>53 Crouch Road, Golden Grove is recognised as a Local Heritage Place (House – Former Golden Grove School) and is included in the</p> |

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| | Local Heritage Place Overlay. The Code Amendment does not propose alterations to this place or Overlay. |
| <p>SPP 9 – Employment Lands</p> <p>To provide sufficient land supply for employment generating uses that support economic growth and productivity.</p> | |
| <p>9.2 Enable opportunities for employment and encourage development of underutilised lands connected to, and integrated with, housing, infrastructure, transport and essential services.</p> | <p>The Code Amendment is proposed in response to the continued development of Golden Grove and the anticipated increase in demand for commercial and retail offerings arising from a concurrent Master Planned Neighbourhood Code Amendment.</p> |
| <p>9.4 Adaptable policies that allow commercial and industrial-focused employment lands to support local economies and evolve in response to changing business and community needs.</p> | <p>The Code Amendment is supported by detailed retail assessment to determine the locations suitability to support higher order retail and commercial activities. This report is discussed further below in Section 4. It is intended that the proposal will address shortfalls in supply to meet the needs of the current and future population.</p> |
| <p>9.8 Allow for competition within the retail sector by providing an appropriate supply of land for all retail formats in areas that are easily accessible to communities</p> | <p>The Code Amendment seeks to rezone 7.56ha of Rural Living zoned land for employment purposes. A high-level review of zones in the wider locality confirms that there is a shortage of available activity centre/employment land in the wider locality, and this Code Amendment seeks to address this.</p> <p>The rezoning proposed via this Code Amendment is not intended to lead to direct competition with the activities occurring in nearby activity centres. Rather the rezoning intends to facilitate a policy setting that provides for complimentary retail/commercial type activities</p> |

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| | which support the wider population, current and future. |
| SPP 15 – Natural Hazards | |
| To build the resilience of communities, development and infrastructure from the adverse impacts of natural hazards. | |
| 15.1 Identify and minimise the risk to people, property and the environment from exposure to natural hazards including extreme heat events; bushfire; terrestrial and coastal flooding; soil erosion; drought; dune drift; acid sulfate soils; including taking into account the impacts of climate change | The land is located in the Hazards (Bushfire – Urban Interface) Overlay. The Code Amendment does not propose to alter the application of this Overlay and future development of the Affected Area will take into account the provisions of this Overlay. |

3.2 Alignment with Regional Plans

As with the SPPs, the directions set out in Regional Plans provide the long term vision as well as setting the spatial patterns for future development in a region. This includes consideration of land use integration, transport infrastructure and the public realm.

The 30-Year Plan for Greater Adelaide – 2017 Update (30-Year Plan) volume of the Planning Strategy is relevant for this Code Amendment.

| Regional Plan Identified Priorities or Targets | Code Amendment Alignment with Regional Plan |
|--|---|
| <p>Transit corridors, growth areas and activity centres</p> <p>P1 Deliver a more compact urban form by locating the majority of Greater Adelaide’s urban growth within existing built-up areas by increasing density at strategic locations close to public transport.</p> | <p>The Code Amendment seeks to deliver employment growth within the existing built-up areas of Adelaide. The land is located within the Future Urban Growth Areas and on land within the Planned Urban Lands to 2045.</p> |
| <p>Heritage</p> <p>P33 Recognise the value that communities place on heritage and ensure that new development is implemented sensitively and respectfully.</p> | <p>It is acknowledged that 53 Crouch Road, Golden Grove comprises a Local Heritage Place (House – Former Golden Grove School) and is included in the Local Heritage Place Overlay. The Code Amendment does</p> |

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| | not propose alterations to this place or Overlay |
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3.3 Alignment with Other Relevant Documents

Additional documents may relate to the broader land use intent within the scope of this proposed Code Amendment (or directly to the Affected Area) and therefore are identified for consideration in the preparation of the Code Amendment.

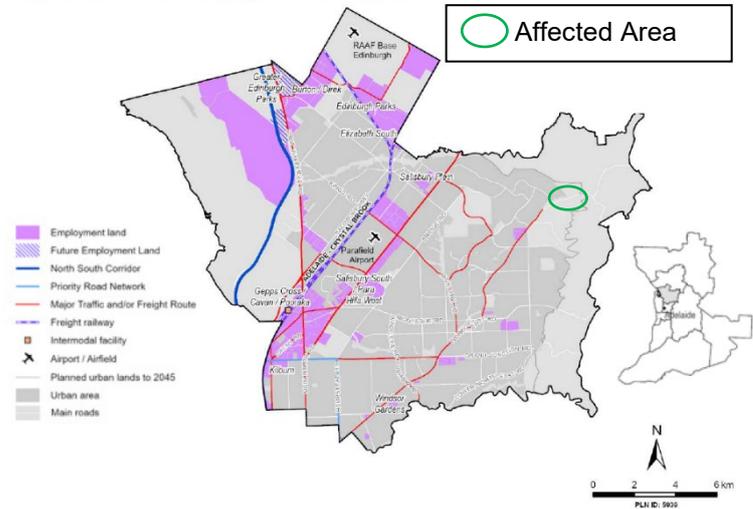
The following table identifies other documents relevant to the proposed Code Amendment:

| Other Relevant Document | Code Amendment Alignment with Other Relevant Document |
|--|--|
| <p>City of Tea Tree Gully – Strategic Plan 2025</p> | <p>The Code Amendment will assist in delivering on a range of key Objectives contained in the Strategic Plan, including:</p> <p>Economy</p> <ul style="list-style-type: none"> • A local economy that is resilient and thrives, where businesses are supported to grow and prosper, provide local jobs and sustain our community and visitors and utilise technology to improve the liveability of our City. <p>Leadership</p> <ul style="list-style-type: none"> • Leadership and advocacy is focused on the long term interests of the community • Planning considers current and future community needs. |

Land Supply Report for Greater Adelaide: Employment Land Supply – Inner North

The Affected Area is located within the area defined as Inner North as identified in the recently released Land Supply Report for Greater Adelaide – Employment Land Supply (see below).

Figure 18: Inner North employment land overview



As can be seen, there is very little employment zoned land in the locality. As described in this report, Employment lands are made up of a variety of activities. Whilst yet to settle on a proposed new zone for the Affected Area, the contents of this Report will be considered where necessary.

4 INVESTIGATIONS AND ENGAGEMENT

4.1 Investigations Already Undertaken

The table below identifies what investigations have already been undertaken in support of the proposed Code Amendment.

| Investigation Undertaken | Summary of Scope of Investigations | Summary of Outcome of Recommendations |
|--------------------------|---|--|
| Retail Assessment | Property and Advisory (P&A) was engaged to prepare a retail analysis study to determine the demand for a new retail / bulky goods facility. | Based on detailed analysis, there is potential for the Affected Area to support a range of new retail and bulky good land uses in a manner that does not substantially impact existing retail land uses within the |

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| | | immediate and broader locality. |
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4.2 Further Investigations Proposed

In addition to the investigations already undertaken and identified above, the table below outlines what additional investigations that will be undertaken to support the Code Amendment.

It is noted that a series of reports are being prepared to inform the separate Master Planned Neighbourhood Code Amendment. The scope of these reports includes the Affected Area.

| Further Investigations Proposed | Explanation of how the further investigations propose to address an identified issue or question |
|---|---|
| Traffic and Transport Assessment | Investigate the traffic and transport impacts that may arise from the proposed Code Amendment and the scope, timing and need for road upgrades to support future development. |
| Tree Assessment | Undertake a Significant Tree/Regulated Tree survey and investigate and identify options for retaining the maximum number of Significant/Regulated trees, for example, allocating them in reserves including road reserves. |
| Stormwater investigations and management strategy | Investigate the potential stormwater constraints affecting the land and identify a strategy to adequately manage stormwater quantity and quality in a manner that mitigates impacts off-site. |
| Infrastructure and Utility Services Analysis | Investigate the impact of the proposed Code Amendment on the existing infrastructure services available and determine whether any upgrades are required to service the Affected Area. |
| Site Feature Survey | Identify key features on the land which may constrain its future development. |
| Interface Management | Notwithstanding the intention to deliver a retail/commercial outcome, investigate the suitability of the current P&D Code Overlays to manage potential interface conflict between the existing mining activities and the Affected Area. |
| Infrastructure Schemes | Prior to the release of the Code Amendment for public consultation, in collaboration with Council and service |

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| | <p>providers, developers will determine what reasonable off-site infrastructure is required (e.g. road upgrades).</p> <p>Post public consultation, but prior to the final authorisation of the Code Amendment, parties will identify the costs of external infrastructure upgrades (if they are required), and determine how they should be staged and funded.</p> <p>Council and developers anticipate that parties will adopt the process referred to as “Basic Infrastructure Scheme” as defined by section 162 and 163 of the Planning, Development and Infrastructure Act, <u>or</u> the conventional approach of direct negotiations with Council and infrastructure providers that results in legal infrastructure provision and funding deeds.</p> |
|--|--|

4.3 Engagement Already Undertaken

In accordance with Practice Direction 2, the City of Tea Tree Gully (CTTG) has been consulted on this proposal. In summary, the following matters were raised:

- Demand for retail / commercial development needs to be clearly supported/justified

At its meeting held 27 July 2021, the CTTG resolved to provide in-principle support to this Proponent Initiated Code Amendment. It is noted that additional support was provided to initiate the separate Master Planned Neighbourhood Code Amendment as a Council initiated proposal. An extract from the Minutes of this meeting is reproduced below:

21. Other Business

21.1 Proposed Rezoning of Golden Grove Rural Living Zone for residential use (D21/49379)

Moved Cr Unger, Seconded Cr Petrie

1. That Council supports in principle the proposal to commence investigations to re-zone the Rural Living Zone at Golden Grove to enable construction of approximately 1,500 new homes.
2. That a Proposal to Initiate a Residential Code Amendment affecting the Rural Living Zone at Golden Grove be prepared and presented to Council for consideration and that Council be provided with copies of relevant investigations reports to assist with the preparation of the Proposal to Initiate a Code Amendment.
3. That a Funding Agreement that supports a privately funded Code Amendment be prepared by Council's lawyers in consultation with YAS P&D and Villawood Properties (the proponents) and that the proponents agree to reimburse the Council for the legal costs associated with preparing the funding agreement.
4. That Council's Chief Executive Officer be authorised to sign the Funding Agreement referred to in point 3 of this resolution noting it will be prepared by Council's lawyers and protecting Council's interests.
5. That a Proposal to Initiate a Code Amendment be presented to Council for consideration once the Funding Agreement has been signed by all parties and received by the Council.
6. That Council supports in principle, the proposal by YAS P&D to investigate a potential rezoning of 53 and 99 Crouch Road, Golden Grove for commercial /retail uses and requests that Council be consulted early in the preparation of the Code Amendment.

Carried (945)

Cr Rankine called a Division

The Mayor declared the vote set aside

The following members voted in the affirmative:

Crs Field, Wyld, Lintvelt, S Keane, Petrie, Coleman, B Keane and Unger.

The following members voted in the negative:

Crs Rankine, Jones and Savvas.

The Mayor declared the motion **carried**.

4.4 Further Engagement Proposed

In addition to the engagement already undertaken and identified above, the table below outlines what additional engagement will be undertaken to support the Code Amendment.

| Further Engagement Proposed | Explanation of how the further engagement propose to address an identified issue or question |
|-----------------------------|--|
|-----------------------------|--|

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| See Engagement Plan | |
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5 CODE AMENDMENT PROCESS

5.1 Engagement Plan

The Code Amendment process will occur in accordance with the Community Engagement Charter and Practice Direction 2 – Consultation on the Preparation or Amendment of a Designated Instrument.

The Designated Entity will prepare an Engagement Plan prior to the commencement of engagement on the proposed Code Amendment. The Engagement Plan will include the following mandatory consultation requirements (which may be in addition to the engagement outlined in this Proposal to Initiate):

- the Local Government Association must be notified in writing of the proposed Code Amendment;
- if the Code Amendment has a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally), the Designated Entity must take reasonable steps to give a notice in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*, to:
 - the owners or occupiers of the land; and
 - owners or occupiers of each piece of adjacent land;
- consultation must also occur with any person or body specified by the State Planning Commission under section 73(6)(e) of the Act.

5.2 Engagement Report

Once engagement on the Code Amendment is complete, the Designated Entity will prepare an Engagement Report under section 73(7) of the Act.

The Designated Entity must ensure that a copy of the Engagement Report is furnished to the Minister and also published on the SA Planning Portal. This will occur in accordance with Practice Direction 2.

The Engagement Plan and the Engagement Report will also be considered by the State Planning Commission during the final stages of the Code Amendment process. The Commission will provide a report to the Environment, Resources and Development Committee of Parliament under section 74(3) of the Act. The Commission's report will provide information about the reason for the Code Amendment, the consultation undertaken on the Code Amendment and any other information considered relevant by the Commission.

5.3 Code Amendment Timetable

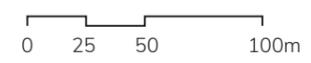
The Proponent (where it is also the Designated Entity) commits to undertaking the Code Amendment in line with the timeframe outlined Attachment B. If a timeframe is exceeded (or expected to be exceeded) the Proponent agrees to provide an amended timetable to the Department with an explanation of the delay, for approval by the Minister of an extension of time for the Code Amendment.

ATTACHMENT A
Map of Affected Area



AREA AFFECTED Golden Grove

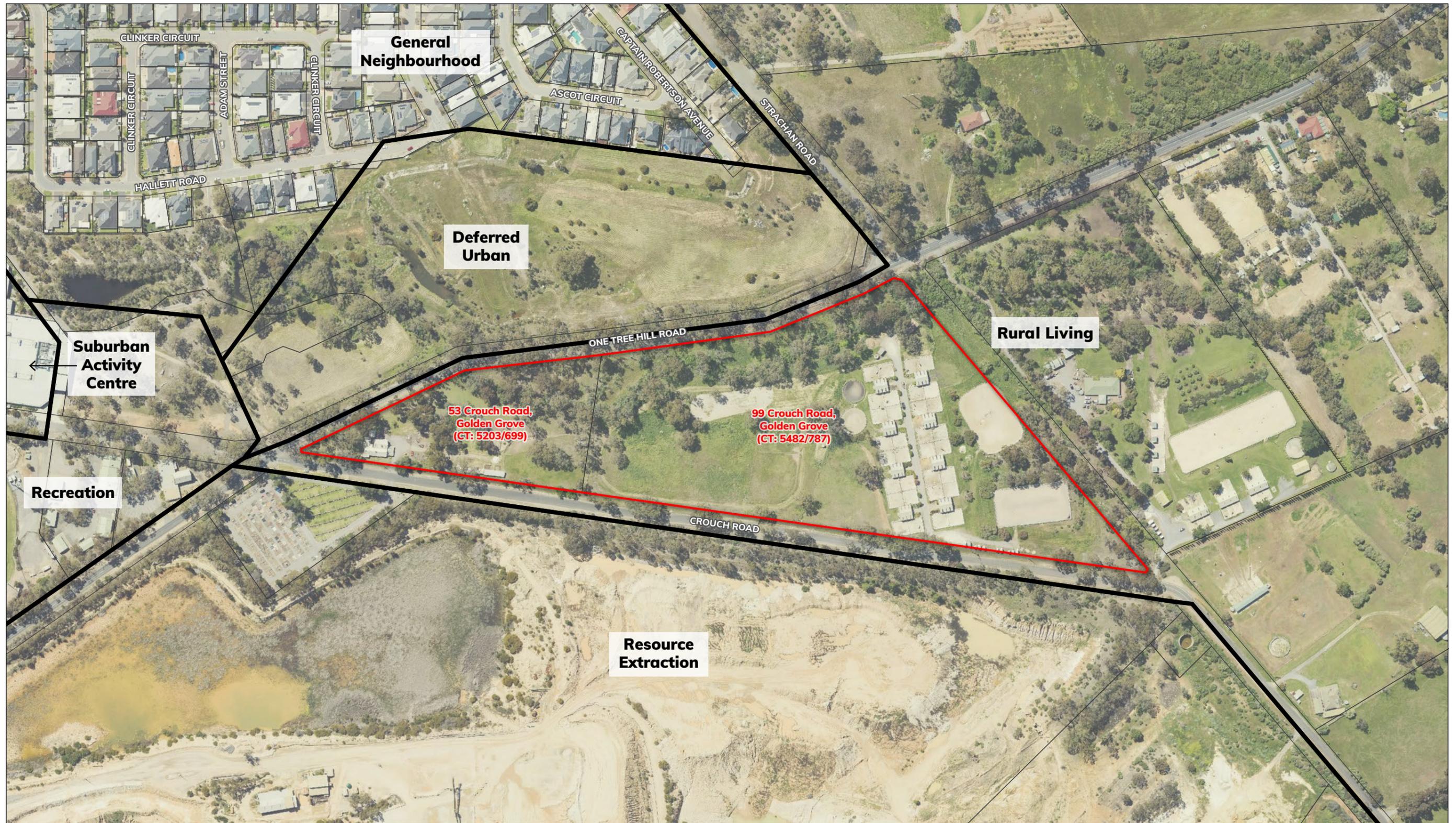
JOB REF. 21ADL-0927
 PREPARED BY. MP
 DATE. 29.06.21
 REVISION. 1
 DATA SOURCE. MetroMap (11.10.20)



SCALE: 1:3,000 @ A3

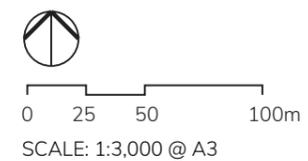
Legend

- Area Affected
- ~ Watercourse
- Cadastre



CURRENT ZONING Golden Grove

JOB REF. 21ADL-0927
 PREPARED BY. MP
 DATE. 29.06.21
 REVISION. 1
 DATA SOURCE. MetroMap (11.10.20)



Legend
 Area Affected
 Zone Boundary
 Cadastre

ATTACHMENT B

Timetable for Code Amendment by Proponent

| Step | Responsibility | Timeframe |
|---|-----------------------------------|--|
| Approval of the Proposal to Initiate | | |
| Review of Proposal to Initiate to confirm all mandatory requirements are met (timeframe will be put on hold if further information is required). Referral to the Minister to request advice from the Commission | AGD | 2 weeks <i>(includes lodgement and allocation + referral to Government Agencies within the first week)</i> |
| Minister requests advice from the Commission. | Minister | 2 weeks |
| Referral to Government Agencies for comment (where necessary) | AGD, Relevant Government Agencies | + 2 weeks |
| Consideration of Proposal to Initiate and advice to the Minister | Commission (Delegate) | 3 weeks |
| | Commission | + 3 weeks |
| Proposal to Initiate agreed to by the Minister | Minister | 2 weeks |
| Preparation of the Code Amendment | | |
| Engagement Plan Prepared. Investigations conducted; Code Amendment Report prepared The Drafting instructions and draft mapping provided to AGD | Designated Entity | 4 weeks |
| AGD prepares Amendment Instructions and Mapping and provides to Council for consultation purposes | AGD | 1 week |
| Preparation of Materials for Consultation | Designated Entity | Per Engagement Plan |
| Engagement on the Code Amendment | | |
| Code Amendment Report released for public consultation in accordance with the Community Engagement Charter and the prepared Community Engagement Plan | Designated Entity | Per Engagement Plan |
| Consideration of Engagement and Finalisation of Amendments | | |
| Submissions summarised; Amended drafting instructions provided, Engagement Report prepared and lodged with AGD | Designated Entity | 6 Weeks |
| Assess the amendment and engagement. Prepare report to the Commission or delegate <i>Timeframe will be put on hold if further information is required, or if there are unresolved issues</i> | AGD | 4 weeks |
| Consideration of Advice | Commission (Delegate) | 2 weeks <i>(includes 1 week to process through Minister's office)</i> |

| Step | Responsibility | Timeframe |
|---|----------------|-----------|
| | Commission | + 3 weeks |
| Decision Process | | |
| Minister considers the Code Amendment Report and the Engagement Report and makes decision | Minister | 3 weeks |
| Implementing the Amendment (operation of the Code Amendment) | | |
| Go- Live- Publish on the PlanSA Portal | AGD | 2-4 weeks |
| Parliamentary Scrutiny | | |
| Referral of approved Code Amendment to ERDC | AGD | 8 weeks |



YAS Property & Development
C/- Mr Grazio Maiorano
Director
URPS

By email: gmaiorano@urps.com.au

Dear Mr Maiorano

I write to advise that under section 73(2)(b)(iv) of the *Planning, Development and Infrastructure Act 2016* (the Act), I have considered the advice of the State Planning Commission (the Commission) and approved the Proposal to Initiate the Golden Grove Commercial/Retail Code Amendment.

The initiation approval is on the basis that under section 73(4)(a) of the Act, YAS Property & Development will be the Designated Entity responsible for undertaking the Code Amendment process.

Pursuant to section 73(5) of the Act, the approval is also subject to the following conditions:

- 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.
- 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.
- Prior to approval of the Code Amendment, the Designated Entity must demonstrate to my satisfaction, as Minister for Planning and Local Government, 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, and the associated Golden Grove (Rural Living to Neighbourhood-type Zone) Code Amendment, to the satisfaction of all relevant infrastructure providers.
- The Code Amendment will not be considered for approval until such time that the associated Golden Grove (Rural Living to Neighbourhood-type Zone) Code Amendment by the City of Tea Tree Gully has been approved. This condition is not to be taken as a guarantee of future considerations or approval.

In addition, the Commission has specified under section 73(6)(e) of the Act that the Designated Entity must consult with the following stakeholders:

- Department for Energy and Mining
- Department for Infrastructure and Transport
- Environment Protection Authority
- 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.

Further, the Commission has, under section 73(6)(f) of the Act, resolved to specify the following further investigations or information requirements in addition to that outlined in the Proposal to Initiate:

- Investigate the impacts of the associated Golden Grove (Rural Living Zone to Neighbourhood-type Zone) Code Amendment on the provision of infrastructure in the area, particularly in relation to upgrade needs and funding mechanisms.

In addition, it should be noted that further investigations may be required in response to feedback or advice received through the engagement process.

Pursuant to section 44(6) and 73(6)(d) of the Act, consultation in writing must be undertaken with:

- The City of Tea Tree Gully
- Owners or occupiers of the land and adjacent land, in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

Engagement must be undertaken on the Code Amendment in accordance with the Community Engagement Charter. More information on the Community Engagement Charter is available in the Community Engagement Charter toolkit at: https://plan.sa.gov.au/resources/learning_and_toolkits/community_engagement_charter_toolkit/overview.

I will make a determination on whether to approve the proposed amendments at the completion of the Code Amendment process.

For further information, please contact Ms Nadia Gencarelli from Planning and Land Use Services within the Attorney-General's Department on (08) 7109 7036 or via email: Nadia.Gencarelli@sa.gov.au.

Yours sincerely

Hon Josh Teague MP
Minister for Planning and Local Government

/ / 2021

Enc Signed Proposal to Initiate the Golden Grove Commercial/Retail Code Amendment



2021/13324/01

Mr John Moyle
Chief Executive Officer
City of Tea Tree Gully

By email: john.moyle@cttg.sa.gov.au

Dear Mr Moyle

I write to advise that under section 73(2)(b)(iv) of the *Planning, Development and Infrastructure Act 2016* (the Act), I have considered the advice of the State Planning Commission (the Commission) and approved the Proposal to Initiate the Golden Grove Commercial/Retail Code Amendment. This Code Amendment seeks to affect land in your local council area.

The initiation approval is on the basis that under section 73(4)(a) of the Act, YAS Property & Development will be the Designated Entity responsible for undertaking the Code Amendment process.

Pursuant to section 73(5) of the Act, the approval is also subject to the following conditions:

- 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.
- 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.
- Prior to approval of the Code Amendment, the Designated Entity must demonstrate to my satisfaction, as Minister for Planning and Local Government, 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, and the associated Golden Grove (Rural Living to Neighbourhood-type Zone) Code Amendment, to the satisfaction of all relevant infrastructure providers.
- The Code Amendment will not be considered for approval until such time that the associated Golden Grove (Rural Living to Neighbourhood-type Zone) Code Amendment by the City of Tea Tree Gully has been approved. This condition is not to be taken as a guarantee of future considerations or approval.

In addition, the Commission has specified under section 73(6)(e) of the Act that the Designated Entity must consult with the following stakeholders:

- Department for Energy and Mining
- Department for Infrastructure and Transport
- Environment Protection Authority
- 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.

Further, the Commission has, under section 73(6)(f) of the Act, resolved to specify the following further investigations or information requirements in addition to that outlined in the Proposal to Initiate:

- Investigate the impacts of the associated Golden Grove (Rural Living Zone to Neighbourhood-type Zone) Code Amendment on the provision of infrastructure in the area, particularly in relation to upgrade needs and funding mechanisms.

In addition, it should be noted that further investigations may be required in response to feedback or advice received through the engagement process.

Pursuant to section 44(6) and 73(6)(d) of the Act, consultation in writing must be undertaken with:

- The City of Tea Tree Gully
- Owners or occupiers of the land and adjacent land, in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

Engagement must be undertaken on the Code Amendment in accordance with the Community Engagement Charter. More information on the Community Engagement Charter is available in the Community Engagement Charter toolkit at: https://plan.sa.gov.au/resources/learning_and_toolkits/community_engagement_charter_toolkit/overview.

I will make a determination on whether to approve the proposed amendments at the completion of the Code Amendment process.

For further information, please contact Ms Nadia Gencarelli from Planning and Land Use Services within the Attorney-General's Department on (08) 7109 7036 or via email: Nadia.Gencarelli@sa.gov.au.

Yours sincerely

Hon Josh Teague MP
Minister for Planning and Local Government

/ / 2021

Enc Signed Proposal to Initiate the Golden Grove Commercial/Retail Code Amendment



TO: MINISTER FOR PLANNING AND LOCAL GOVERNMENT

RE: PROPOSAL TO INITIATE A CODE AMENDMENT BY YAS PROPERTY & DEVELOPMENT

PURPOSE

To recommend that you approve, with conditions, the Proposal to Initiate the Golden Grove Commercial/Retail Code Amendment (the Proposal).

BACKGROUND

Section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act) provides:

73 – Preparation and amendment

(2) A proposal to amend a designated instrument may be initiated by—

(b) with the approval of the Minister, acting on the advice of the Commission—

(vii) in relation to the Planning and Design Code or a design standard—a person who has an interest in land and who is seeking to alter the way in which the Planning and Design Code or a design standard affects that land.

YAS Property & Development has lodged a Proposal to Initiate the Golden Grove Commercial/Retail Code Amendment to amend the Planning and Design Code (the Code) as it relates to the affected area (**Attachment 1**).

The State Planning Commission (the Commission) considered the Proposal to Initiate at its meeting of 28 October 2021 and resolved to support the Code Amendment, subject to conditions.

A summary of the roles and responsibilities for you, as Minister for Planning and Local Government (the Minister), and the Commission in regard to the Code Amendment is provided in **Appendix A**.

A flowchart of the Code Amendment process is provided in **Appendix B**.

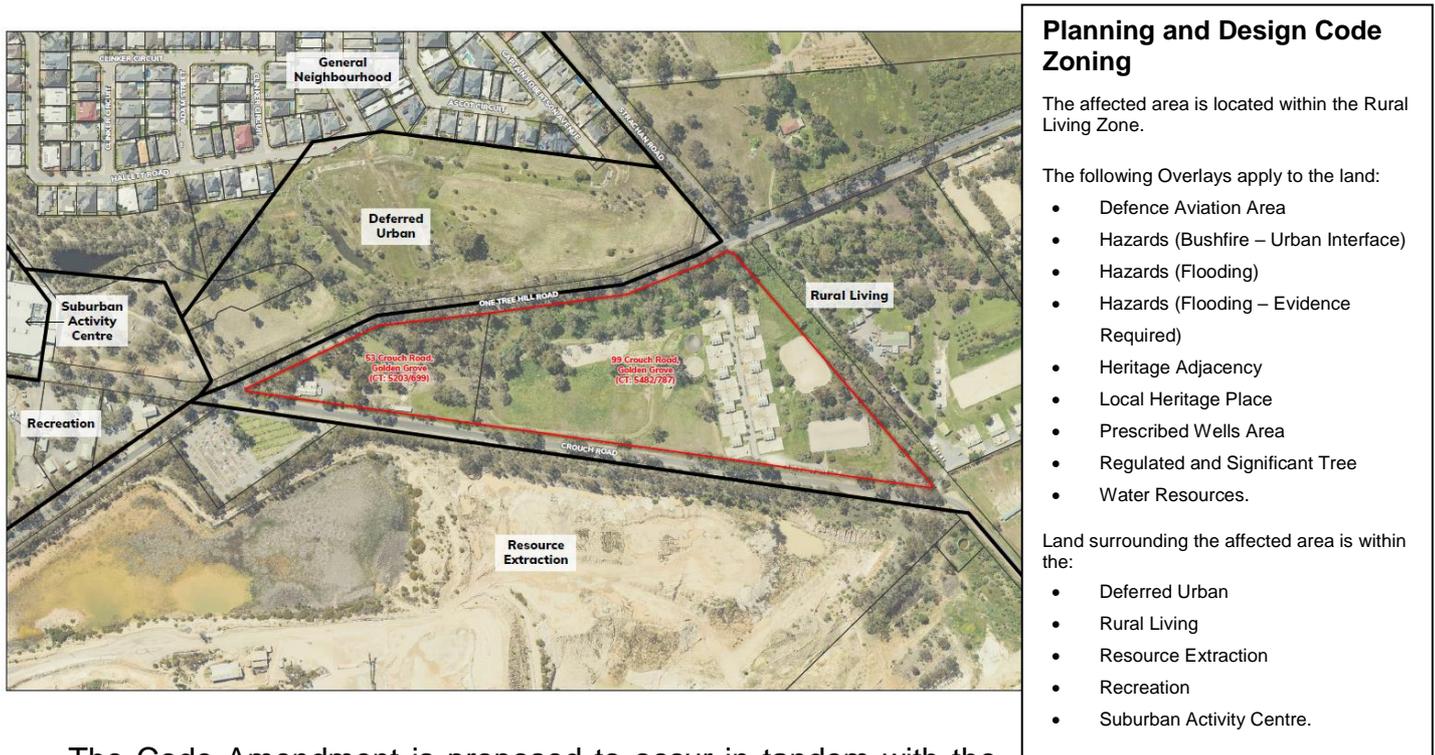
DISCUSSION

The following sets out the strategic, policy and procedural considerations in relation to the Proposal to Initiate, including conditions that are recommended should you agree to initiate the Code Amendment.

Proposal

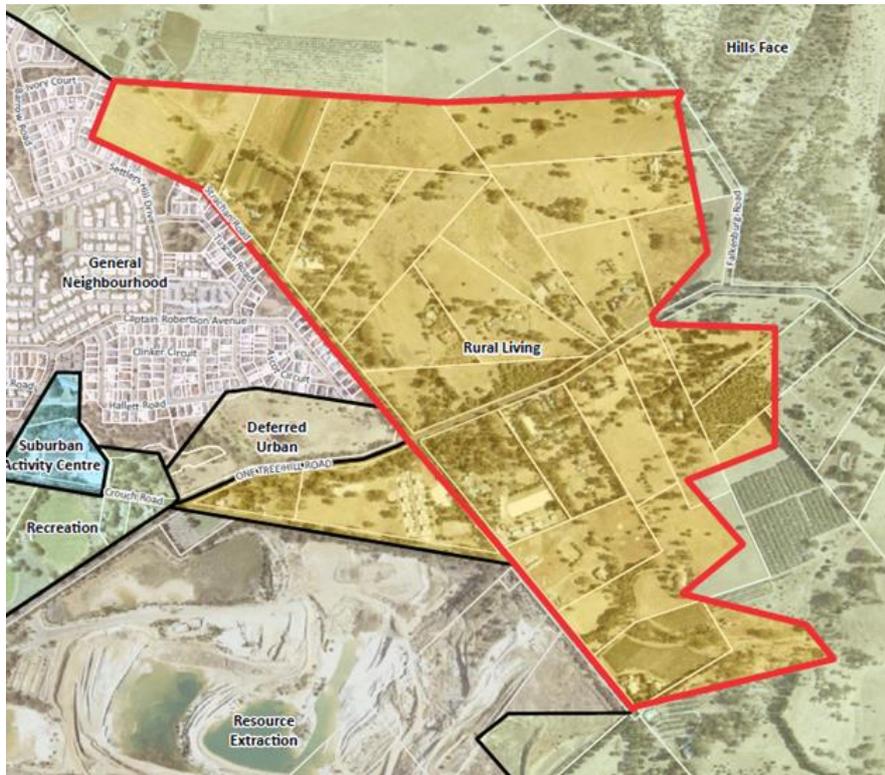
The Code Amendment seeks to rezone 7.56 hectares of land at 53 and 99 Crouch Road, Golden Grove (the affected area), from the Rural Living Zone to a zone that will facilitate commercial/retail activities to support current and future population, including additional floor space for bulky goods.

The affected area and current zoning are shown in the figure below.



The Code Amendment is proposed to occur in tandem with the Golden Grove (Rural Living Zone to Neighbourhood-type Zone) Code Amendment by the City of Tea Tree Gully (the Council) (also partially funded by YAS Property & Development) which is aimed at facilitating approximately 1,500 new residential allotments.

The affected area of the Golden Grove (Rural Living Zone to Neighbourhood-type Zone) Code Amendment is shown in the area marked in red in the figure below. The yellow shading shows the extent of both residential and commercial Code Amendments.



Strategic Considerations

The following sets out the strategic considerations relating to this proposal and rationale for the Commission recommending support for the Code Amendment.

More details of the Commission’s strategic priorities are provided in **Appendix C**.

An assessment against the State Planning Policies (SPPs) and relevant Regional Plan are provided in **Appendix D**.

Strategic Advice

The Proposal seeks to provide suitably zoned land for commercial and retail development that will support a concurrent residential Code Amendment and anticipated demand from the ongoing development of Golden Grove. In this regard, it is recommended that the Code Amendment should not be approved/implemented until such time that the associated residential Code Amendment is approved.

Further specific reasons for supporting the initiation are provided below:

- The proponents have identified a need for complementary commercial/retail development.
- The adjacent extractive industry activities are likely to limit the potential for future residential development (EPA ‘buffers’ generally in the 500 metre range).

Potential constraints comprise:

- Large adjacent extractive industry area
- Natural landforms, including a creek line and native vegetation, including significant and regulated trees
- Wholly located within the Hazards (Bushfire – Urban Interface) Overlay
- 53 Crouch Road located within the Local Heritage Place Overlay (former Golden Grove School), together with the adjacent cemetery and church
- Heritage Adjacency Overlay over portion of 99 Crouch Road.

Commercial/Retail Land Supply

The Proposal identifies the affected area as being located within the Inner North region of the Land Supply Reports (LSRs) for Greater Adelaide, noting there is very little employment-zoned land in the locality. It should be noted that 'employment-land' relates to zoned industrial land. Commercial and retail development is not currently captured within the Land Supply data. The LSRs do identify the Inner North as one of the faster growing regions of Greater Adelaide:

- LSRs for Greater Adelaide – Part 1 (Greenfield)
- LSRs for Greater Adelaide – Part 3 (Employment).

The Proposal suggests that rezoning will facilitate new complementary commercial/retail activities within the Golden Grove area that will not directly compete with nearby activity centres. A large Suburban Activity Centre is located approximately 3.5 kilometres from the affected area, and a smaller Suburban Activity Centre accommodating a supermarket is located at 'The Stables', some 100 metres along Crouch Road.

A retail study (Confidential) was undertaken to inform the Proposal and determine demand. The analysis found the affected area has potential to support a range of new retail and bulky goods services that will not substantially impact existing retail land uses in the locality. The study is provided in **Attachment F**.

Land use characteristics

The affected area currently accommodates equestrian facilities and is located near other equestrian land uses, rural living with ancillary primary production, and low density residential areas. An operating mine site is located immediately to the south and a suburban activity centre and recreation land to the west.

Infrastructure, Transport and Access

The affected area has large frontage to One Tree Hill Road, which connects with the State managed Golden Grove Road. Proposed investigations into transport impacts together with the scope and timing of road upgrades, infrastructure capacity and augmentation are identified, with offsite infrastructure, including road upgrades, to be provided by way of a Basic Infrastructure Scheme or negotiated provision of funding deeds. It is recommended that the Department for Infrastructure and Transport be consulted; a condition has been included in relation to this.

Natural landform, native vegetation and stormwater

A creek line traverses the affected area, together with native vegetation, including significant and regulated trees. The Proposal identifies a survey of significant and regulated trees to identify options for retention as well as stormwater investigations to adequately manage stormwater quantity and quality.

Interface with adjacent mining activities

The Proposal will investigate the application of suitable Overlay(s) to facilitate management of potential interface conflict. It is also recommended that the Department for Energy and Mining and the Environment Protection Authority be consulted; a condition has been included in relation to this.

Procedural Considerations

The following sets out the key procedural considerations that satisfy the legislative requirements. Pursuant to section 73(5) of the Act, approval for a Proposal to Initiate may be given on conditions prescribed by the regulations (there are none at this time) or as specified by you, as Minister. As such, a number of conditions are recommended by the Commission as set out below.

Information Requirements

Practice Direction 2 – Preparation of Amendment of Designated Instruments outlines the information requirements for a Proposal to Initiate (**Appendix E**).

The mandatory information requirements have been met and therefore the Proposal is of a suitable form to be considered by you.

Consistent with State Planning Policies and Regional Plan

The Code must be consistent with the principles of the SPPs and should be consistent with the directions of the relevant Regional Plan, which in this instance is *The 30-Year Plan for Greater Adelaide: 2017 Update* (the Regional Plan). The former Minister for Planning and Local Government, the Hon Vickie Chapman MP, previously sought the Commission's advice in this regard.

This assessment is provided in **Appendix D**.

A more detailed analysis is also located in the Proposal to Initiate (**Attachment 1**).

In summary, the Proposal to Initiate is considered to be consistent with the SPPs and Regional Plan.

Designated Entity

As this proposal is by a private proponent, under section 73(4) of the Act, you may decide to enable the Proponent to be the Designated Entity and conduct the Code Amendment processes, or alternatively, you can give the Chief Executive of the Department the responsibility for undertaking the processes.

The Commission has resolved to recommend that proponents should prepare and lead their own Code Amendments for the 12-month period following the implementation of the Phase Three Code. This is to ensure State resources are not diverted from strategic matters of importance as the new planning and development system is implemented.

However, the documentation should be prepared by a suitably qualified person to ensure statutory procedures and good planning outcomes are addressed.

Recommendation(s)

That YAS Property & Development be the Designated Entity responsible for undertaking the Code Amendment process.

A suggested letter to the Proponent is at **Attachment 2**, and a suggested letter to the Council is at **Attachment 3**.

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.

Investigations to support the Amendment

The investigations undertaken to date are outlined in the Proposal to Initiate (**Attachment 1**). The Proponent has identified further investigations to support the Code Amendment, including:

- Infrastructure and Utility Services Analysis
- Interface Management
- Significant Tree/Regulated Tree Survey
- Site Feature Survey
- Stormwater Investigations and Management Strategy
- Traffic and Transport Assessment.

The Commission has resolved that these investigations are suitable. However, it is recognised that the Council will undertake investigations into both infrastructure upgrade needs and mechanisms to fund any works required, including the potential use of Infrastructure Schemes, as part of its related Golden Grove (Rural Living Zone to Neighbourhood-type Zone) Code Amendment. Consideration should therefore be given to the interrelationship between the development outcomes of this Code Amendment and the associated residential Code Amendment, and any implications for infrastructure provision resulting from such. The Commission has specified further investigations under section 73(6)(f) in this regard.

Further, the Commission recommends that a condition be placed on this Code Amendment under section 73(5) of the Act, and the related residential Code Amendment, to ensure that appropriate funding agreements are in place prior to approval of either Code Amendment.

The Commission also recommends that this Code Amendment not be approved/implemented until such time that the associated Golden Grove (Rural Living Zone to Neighbourhood-type Zone) Code Amendment has been approved; a condition is provided accordingly.

Recommendation(s)

That the following further investigations be undertaken by the Designated Entity, in addition to that outlined in the Proposal to Initiated, under section 73(6)(f) of the Act:

- Investigate the impacts of the associated Golden Grove (Rural Living Zone to Neighbourhood-type Zone) Code Amendment on the provision of infrastructure in the area, particularly in relation to upgrade needs and funding mechanisms.

That the following further conditions be applied to address infrastructure funding arrangements and the strategic timing/release of the land under section 73(5) of the Act:

- 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, and the associated Golden Grove (Rural Living Zone to Neighbourhood-type Zone) Code Amendment (to the satisfaction of all relevant infrastructure providers).
- The Code Amendment will not be considered for approval until such time that the associated Golden Grove (Rural Living Zone to Neighbourhood-type Zone) Code Amendment by the Council has been approved. This condition is not to be taken as a guarantee of future considerations or approval.

Application of the Code

The proposal seeks to rezone land from the Rural Living Zone to a zone that supports the development of commercial and retail activities, including bulky goods. Consideration will also be given to applying the appropriate Overlay(s) to address interface with the adjacent extractive mining activities.

Recommendation(s)

That a condition be placed on the Proposal to Initiate that limits the scope of the proposed Code Amendment to exclude the creation of new planning rules, and to be limited to the spatial application of zones, subzones, overlays, or technical and numerical variations provided for under the published Code (on the date the Amendment is released for consultation).

Consultation

The Proponent has undertaken preliminary consultation with the Council who resolved to provide in-principle support. An extract of the minutes from the 27 July 2021 meeting is provided within **Attachment 1**.

In accordance with the Community Engagement Charter, the Designated Entity is required to prepare an Engagement Plan that will outline how, when and with whom it engages with regarding the proposed Code Amendment. Consultation is anticipated to commence in January 2022.

The Commission has determined to specify the following further persons or bodies that the Designated Entity must consult with in relation to the proposed Code Amendment, as permitted under section 73(6)(e) of the Act)

- Department for Energy and Mining
- Department for Infrastructure and Transport
- Environment Protection Authority
- 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.

In addition, in accordance with sections 44(6) & 73(6)(d) of the Act, the consultation must be undertaken with:

- The Council
- Owners or occupiers of the land and adjacent land in accordance with the *Planning Development and Infrastructure (General) Regulations 2017*.

Recommendation(s)

Advise the Designated Entity of the required consultation with the entities and bodies specified by the Commission.

RECOMMENDATIONS

1. Note the advice of the Commission provided to you as required under section 73(2)(b) of the Act. NOTED / NOT NOTED

2. Note that the State Planning Commission has, under section 73(6)(e) of the Act, specified that the Designated Entity must consult with the following nominated individuals and entities (and advise the Designated Entity accordingly): NOTED / NOT NOTED
 - Department for Energy and Mining
 - Department for Infrastructure and Transport
 - Environment Protection Authority
 - 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.

3. Note that the Commission has, under section 73(6)(f) of the Act, resolved to specify further investigations or information requirements in addition to that outlined in the Proposal to Initiate (and advise the Designated Entity accordingly): NOTED / NOT NOTED
 - Investigate the impacts of the associated Golden Grove (Rural Living Zone to Neighbourhood-type Zone) Code Amendment on the provision of infrastructure in the area, particularly in relation to upgrade needs and funding mechanisms.

4. Approve Initiation under section 73(2)(b) of the Act, subject to the following conditions (under section 73(5)) of the Act): APPROVED / NOT APPROVED
 - 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 (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) Prior to approval of the Code Amendment, the Designated Entity must demonstrate to your satisfaction, as Minister for Planning and Local Government, 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, and the associated Golden Grove (Rural Living Zone to Neighbourhood-type Zone) Code Amendment (to the satisfaction of all relevant infrastructure providers).
- d) The Code Amendment will not be considered for approval until such time that the associated Golden Grove (Rural Living Zone to Neighbourhood-type Zone) Code Amendment by the City of Tea Tree Gully has been approved. This condition is not to be taken as a guarantee of future considerations or approval.

5. Under section 73(4)(a) of the Act, approve the initiation of the Code Amendment on the basis that YAS Property & Development will undertake the Code Amendment processes (as the Designated Entity) required under the Act.

APPROVED / NOT APPROVED

6. Agree to sign the Proposal to Initiate the Code Amendment (**Attachment 1**).

AGREED / NOT AGREED

7. Agree to sign the attached letters to the Proponent (**Attachment 2**) and the City of Tea Tree Gully (**Attachment 3**) advising of your approval and conditions.

AGREED / NOT AGREED



JOSH TEAGUE MP
/ / 2021

Craig Holden
CHAIR, STATE PLANNING COMMISSION
6 / 12 / 2021

Attachments:

1. Proposal to Initiate the Golden Grove Retail/Commercial Code Amendment (#17486792).
2. Suggested letter to the Proponent (#17942808).
3. Suggested letter to the City of Tea Tree Gully (#17942891).

Appendices:

- A. Summary of Roles and Responsibilities in Code Amendment Process (#17894928).
- B. Process Flowchart – Code Amendments Initiated by Proponents (#17894935).
- C. State Planning Commission’s Strategic Priorities (#17894978).
- D. Assessment against the State Planning Policies and Regional Plan (#17895124).
- E. Extract from *Practice Direction 2 – Preparation of Amendment of Designated Instruments* (#17895133).
- F. **CONFIDENTIAL** Golden Grove Retail Study by Property & Advisory, May 2021 (#17899064).

Contact: Jason Bailey
Tel No: 08 7109 7161

Procedural Matters for the State Planning Commission (the Commission)

The Commission's role at Initiation, when the Commission is not the Proponent, is to:

- Provide advice to the Minister for her consideration in making a decision on initiation pursuant to section 73(2)(b) of the Act.
- Specify any person or body the Designated Entity must consult with under section 73(6)(e) of the Act, noting that the designated entity will also need to prepare an engagement plan in accordance with the Community Engagement Charter prior to consultation.
- Specify any investigations to be carried out and/or information to be obtained by the Designated Entity, in accordance with section 73(6)(f) of the Act.

The importance of the initiation process is two-fold:

- Firstly, it enables proposals considered to be significantly at odds with the State Planning Policies (SPPs) and relevant Regional Plan to be refused early in the process, minimising risk. This is because the decision to proceed is based on an assessment against these documents.

To that end, the Commission may also advise the Minister on how the proposal fits with its stated priorities, including:

- Technical amendments that enhance the operation of the Code.
- Bushfire policy in response to the Royal Commission and improved bushfire mapping data.
- Support land supply, including infill, master planned neighbourhoods and growth areas consistent with the Growth Management Programme.
- Support economic clusters such as agribusiness and value adding, defence industries, energy and resources, health and medical industries and knowledge and creative industries.
- Provide state-wide strategic benefit such as protection against environmental hazards.
- Secondly, the initiation process is the point at which the scope of the Code Amendment process, investigations and information requirements and the amendments are determined. This provides clarity and certainty for the proponents.

Approval of the Proposal to Initiate may be given on conditions prescribed by the regulations (there are none at this time) or as specified by the Minister. As such, conditions have been recommended by the Commission, to be made by the Minister.

The Commission has previously determined that (where possible) Code Amendments should be prepared and led by proponents themselves for the first 12 months following implementation of the Phase Three Code.

Code Amendments Initiated by Proponents

Section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*

