



Minutes of Meeting

Meeting No. 106

Date	Thursday, 11 November 2021 at 1.00pm
Venue	Kardi Munaintya Room or via Microsoft Teams
Members	Craig Holden (Chair), Stuart Moseley (Teams), Elinor Walker, Noelle Hurley, Sally Smith (Ex Officio)
In Attendance	Chelsea Lucas (AGD), Kate Southcott (AGD)
Presenters	AGD Staff: Ben Sieben, Brad McCormack, Rhiannon Hardy, Jane Crosby, Anita Allen, Brett Steiner, Nadia Gencarelli, Emma Williams.
External	Nil

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

Elinor Walker declared a conflict in relation to Item 3.1 and left the meeting when this Item was discussed.

In relation to item 1.9 row 3, Stuart Moseley advised he would declare a conflict in the event that the matter were to be discussed or decided by the Commission.

1.4 Action Register

The Commission noted the status of the Action items.

1.5 Chair's Report

The Commission resolved to:

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

1.6 Members Updates

The Commission noted the Members updates.

1.7 SPC Confidential Minutes for Adoption – 28 October 2021

The Commission formally adopted the SPC Confidential Minutes of the 28 October 2021 meeting.

1.8 SCAP Minutes and Confidential Minutes – 27 October 2021

The Commission noted the SCAP Minutes and Confidential Minutes of 27 October 2021.

1.9 Code Amendments Initiation Advice

The Commission noted the Code Amendments Initiation Advice.

1.10 SPC Forward Planner

The Commission noted the SPC Forward Planner.

2 CORRESPONDENCE

2.1 Letter from ICAC

This Item was considered in confidence, and is included in the SPC Confidential Minutes of 11 November 2021.

3 MATTERS FOR ADVICE TO MINISTER

3.1 Local Design Review Code Amendment

Elinor Walker declared a conflict in relation to Items 3.1 and left the meeting when this Item was discussed.

Brad McCormack, Rhiannon Hardy and Jane Crosby addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item and attachments as Not Confidential (Release Delayed) – to be released following final decision of the Minister for Planning and Local Government (the Minister) on the Local Design Review Code Amendment.
- 2) Approve the Local Design Review Code Amendment Engagement Report at Attachment 1 and furnish a copy of that report to the Minister, pursuant to section 73(7) of the Planning, Development and Infrastructure Act 2016 (the Act).
- 3) Approve the draft Local Design Review Code Amendment for consideration by the Minister (**Attachment 2**).
- 4) Authorise the Chair of the Commission to sign the Minute to the Minister, and approve any minor amendments to the Minute, which provides advice regarding the finalisation and adoption of the Local Design Review Code Amendment (**Attachment 3**).
- 5) Authorise the Chair to write to the following entities, following the Minister's decision regarding the Local Design Review Code Amendment, in order to advise them of the decision:
 - o all respondents from the engagement period

- all South Australian councils
 - Association of Consulting Architects
 - Australian Institute of Architects
 - Australian Institute of Landscape Architects
 - Housing Industry Association
 - Local Government Association
 - Master Builders Association
 - Planning Institute of Australia
 - Property Council of Australia
 - Urban Development Institute of Australia.
- 6) Delegate to the Executive Director, Planning and Land Use Services (PLUS), Attorney-General's Department (the Department), the power under section 74(3) of the Act to prepare a Report on the Local Design Review Code Amendment, and furnish a copy to the Minister for tabling with the Environment, Resources and Development Committee (ERDC) of Parliament.

3.2 Golden Grove (Rural Living Zone to Neighbourhood-type Zone) Code Amendment

Anita Allen, Brett Steiner and Nadia Gencarelli provided the Commission with an overview of the Code Amendment process.

Anita Allen declared a conflict in relation to Items 3.2 and 3.3 and left the meeting before discussion of these Items commenced.

Brett Steiner and Nadia Gencarelli addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of the item as Not Confidential (Release Delayed), with the meeting papers for the item to be released following final decision by the Minister for Planning and Local Government (the Minister) on initiation of the Code Amendment.
- 2) Advise the Minister that it:
 - 2.1 Recommends the approval of the Golden Grove (Rural Living Zone to Neighbourhood-type Zone) 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 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 scope of the proposed Code Amendment does not include changes to the extent of the Hills Face Zone or Environment and Food Production Area Overlay
- (d) 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 Commercial/Retail Code Amendment, to the satisfaction of all relevant infrastructure providers.

2.2 Recommends that the City of Tea Tree Gully (the Council) 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 Infrastructure and Transport
 - Department for Environment and Water
 - 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:
 - Exploration of potential flood hazard impacts on the affected area and consideration of flood hazard mitigation strategies.
 - Investigate the application of the Affordable housing Overlay, Urban Tree Canopy Overlay and Stormwater Management Overlay.
 - Investigate the impacts of the associated Golden Grove Commercial/Retail Code Amendment on the provision of infrastructure in the area, particularly in relation to upgrade needs and funding mechanisms.
 - Prior to the commencement of engagement, undertake appropriate environmental investigations to the satisfaction of the Department for Environment and Water.
 - Explore zoning options for the Deferred Urban land to the south-west of the affected area.
- 5) 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**).
- 6) Approve the advice to the Minister as provided (**Attachment 3**).
- 7) Authorise the Chair to finalise any minor amendments to the advice and attachments.

3.3 Golden Grove Commercial/Retail Code Amendment

Brett Steiner and Nadia Gencarelli addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of the item as Not Confidential (Release Delayed), with the exception of Appendix F of Attachment 3 designated as (Confidential), 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 Environment and Water
 - 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.
 - (b) Prior to the commencement of engagement, undertake appropriate environmental investigations to the satisfaction of the Department for Environment and Water.
 - 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.

4 MATTERS FOR DECISION

4.1 Principles for drafting Practice Guidelines

Ben Sieben and Rhiannon Hardy addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Release Immediately), with the exception of paragraph four under the Discussion heading of this Agenda Report, which is to be designated as Confidential (Legal Advice or Obligations) and redacted, and Attachment 1 of this Agenda Report, being designated Confidential (Legal Advice or Obligations) and not to be released.
- 2) Subject to the addition of a gateway step to require that PLUS or SPC support the strategic justification of a proposed Practice Guideline before other parties can begin drafting, endorse the Fact Sheet on Practice Guidelines under the Planning, Development and Infrastructure Act 2016 (the Act) as included in Attachment 2.
- 3) Authorise the Attorney-General's Department (the Department) to make the change outlined in recommendation 2 and undertake any minor or editorial changes to the Fact Sheet and to publish it on the PlanSA Portal.

5 MATTERS FOR NOTING

5.1 SPC Communications and Engagement Report

Emma Williams addressed the Commission.

The Commission resolved to:

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

6 ANY OTHER BUSINESS

Nil

7 MEETING FINALISATION

7.1 Next Meeting

Thursday, 25 November 2021 at 9:30am in the Kardi Munaintya Room.

7.2 Meeting close

The Chair thanked all in attendance and declared the meeting closed at 4.27pm.

Confirmed 25/11/2021



Craig Holden
Chair