



# Minutes of Meeting

Meeting No. 133

<b>Date</b>	Thursday, 8 December 2022
<b>Venue</b>	Inparri Kuu Seminar Room, Level 9, 83 Pirie Street and Microsoft Teams
<b>Members</b>	Craig Holden (Chair), Noelle Hurley, Stephanie Johnston, Stuart Moseley (Item 7.1 presentations, left meeting at 10.30am), Elinor Walker, Sally Smith (Ex Officio)
<b>Apologies</b>	Stuart Moseley (part meeting)
<b>DTI Staff</b>	Kate Southcott, Nadia Gencarelli, Margaret Smith, Simon Neldner, Chelsea Lucas, Ben Sieben
<b>External</b>	<b>Item 7.1 Presentations: South Australian World Heritage &amp; Victorian Goldfields Nominations:</b> Jason Irving (A/Director, National Parks Programs, Department for Environment and Water), Trevor Budge (Strategic Projects Officer, City of Greater Bendigo), Susan Fayad (Coordinator Heritage and Cultural Landscapes, City of Ballarat)

## 1 GENERAL BUSINESS

### 1.1 Acknowledgement of Country

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

### 1.2 Welcome and Apologies

The Chair welcomed all in attendance to the meeting.

### 1.3 Declaration of Conflict of Interest / Ongoing Duty of Disclosure / Gifts and Benefits

Stephanie Johnston declared a potential conflict of interest in relation to Item 2.6 Request for advice on the Albert Park Mixed Use Code Amendment (Minister for Planning) due to professional relationships and will leave the meeting if this Item is discussed.

Stuart Moseley declared a conflict in relation to **Item 4.1 Proposal to Initiate the Lot 501 Bedford Park Code Amendment** due to previously acting for Bunnings and will leave the meeting when this Item is discussed.

Stuart Moseley declared a conflict in relation to **Item 4.2 550-554 Main North Road, Evanston Park Code Amendment – Approval for consultation** due to professional relationships and will leave the meeting when this Item is discussed.

#### **1.4 SPC Actions Register**

The Commission noted the status of the Action Items.

#### **1.5 PLUS Issues Register**

The Commission noted the status of the Issues Register.

#### **1.6 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.

#### **1.7 Member Updates**

The Commission noted the Member updates.

#### **1.8 SPC Confidential Minutes for Adoption – 24 November 2022**

The Commission formally adopted the SPC Confidential Minutes of the 24 November 2022 meeting.

#### **1.9 Code Amendments Initiation Advice**

The Commission noted the Code Amendments Initiation Advice.

#### **1.10 Register of SCAP Appeals**

The Commission noted the Register of SCAP Appeals.

## **2 CORRESPONDENCE**

#### **2.1 Performance Indicators Scheme Annual Report 2021-22, Letter and Response (Chair, State Planning Commission and Scott McLuskey)**

The Commission noted the correspondence.

#### **2.2 Community Alliance SA Annual General Meeting, Email Correspondence and Response (PLUS and Community Alliance SA)**

The Commission noted the correspondence.

#### **2.3 Riverbank Precinct Code Amendment and Gazette Notice (Minister for Planning)**

The Commission noted the correspondence.

#### **2.4 Consultation on the Dhillba Guranda-Innes National Park Draft Management Plan 2022 and Response (Department for Environment and Water and PLUS)**

The Commission noted the correspondence.

#### **2.5 Consultation on the Yorke Peninsula Parks Draft Management Plan 2022 and Response (Department for Environment and Water and PLUS)**

The Commission noted the correspondence.

#### **2.6 Albert Park Mixed Use Code Amendment (Minister for Planning)**

The Commission noted the correspondence.

### 3 ADDITIONAL RESOURCES

#### 3.1 *Climate Resilience in the Urban Environment Presentation (Green Adelaide, 18 November 2022)*

The Commission noted the additional resources.

#### 3.2 *Forrest says fossil fuels are a “joke of history”, and net zero targets amount to trading fakes (Giles Parkinson, Renew Economy, 22 November 2022)*

The Commission noted the additional resources.

#### 3.3 *Regional Housing: From Crisis to Opportunity (Local Government Association of South Australia)*

The Commission noted the additional resources.

### 4 MATTERS FOR ADVICE TO MINISTER

#### 4.1 Proposal to Initiate the Lot 501 Bedford Park Code Amendment

Stuart Moseley declared a conflict in relation to this Item and left the meeting when this Item was discussed.

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 January 2023.
- 2) Advise the Minister that it:

2.1 Recommends the approval of the Lot 501 Bedford Park 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) Prior to approval of the Code Amendment, the Designated Entity must demonstrate to the satisfaction of the Minister that all necessary agreements or deeds are fully executed as required to secure the funding and/or delivery of all infrastructure required to accommodate the development of the affected area, as proposed by the Code Amendment, to the satisfaction of all relevant infrastructure providers.
- b) The scope of the proposed Code Amendment does not include the creation of new planning rules, and is limited to the spatial application of zones, subzones, overlays or technical and numerical variations provided for under the published Planning and Design Code (the Code) (on the date the Amendment is released for consultation).
- c) The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.
- d) Troon Group Pty Ltd must withdraw the previously initiated Bedford Park Code Amendment.

2.2 Recommends that Bunnings Properties Pty Ltd (care of Future Urban) be the Designated Entity responsible for undertaking the Code Amendment process.

- 3) Specify that the Designated Entity consults with the following nominated individuals and entities, under section 73(6)(e) of the Act:
  - Department for Infrastructure and Transport
  - Attorney-General's Department, Aboriginal Affairs and Reconciliation
  - Green Adelaide Landscape Boards
  - 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.
  - Kurna Nation Cultural Heritage Association.
- 4) Resolve under section 73(6)(f) of the Act, not to specify further investigations or information requirements in addition to that outlined in the Proposal to Initiate.
- 5) Recommend that the Minister approve the initiation of the Code Amendment by signing the Proposal to Initiate (**Attachment 1**) and approval letters with conditions (**Attachment 2**).
- 6) Approve and authorise the Chair of the Commission to sign the advice to the Minister as provided in **Attachment 3**.
- 7) Authorise the Chair to finalise any minor amendments to the advice and attachments as required.

#### **4.2 Approval for Consultation – 550-554 main North Road, Evanston Park Code Amendment**

Stuart Moseley declared a conflict in relation to this Item and left the meeting when this Item was discussed.

Nadia Gencarelli addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Released Delayed). To be released following receipt of Commission's advice to the Minister for Planning (the Minister) on approval to undertake engagement on the 550-554 Main North Road, Evanston Park Code Amendment (the Code Amendment) (**Attachment 1**). Anticipated by January 2023.
- 2) Note that the preliminary 'Transport Investigations' advice by MFY Pty Ltd includes comment from the Department for Infrastructure and Transport (DIT) provided in Appendix 9 of **Attachment 1**.
- 3) Advise the Minister that it has:
  - Determined that the Code Amendment (Attachment 1) demonstrates preparation in accordance with Practice Direction 2 – Preparation and Amendment of Designated Instruments (Practice Direction 2).
  - Chosen not to direct the Designated Entity to undertake any further action to comply with the conditions imposed by the Minister under section 73(5) of the Planning, Development and Infrastructure Act 2016 (the Act).
  - Resolved to approve the Code Amendment for the purposes of engagement in accordance with conditions stipulated by the Minister under section 73(5) of the Act.

- 4) Approve and authorise the Chair of the Commission to sign the letter of approval to the Designated Entity as provided in **Attachment 2**.
- 5) Approve and authorise the Chair to sign the letter of advice to the Minister as provided in **Attachment 3**.
- 6) Authorise the Chair to finalise any minor amendments to the advice and attachments.

## 5 MATTERS FOR DECISION

### 5.1 Request to amend Practice Direction 4 (Restricted Development) and create Practice Direction 17 (Impact Assessed Development)

Margaret Smith, Simon Neldner and Amy Barratt addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as follows:
  - o **Agenda Report** (except references to legal advice), **Attachments 1 and 2**, and **Appendices A to D**: Not Confidential (Release Delayed) – to be released following Gazettal and publication on the SA Planning Portal. Anticipated December 2022.
  - o **Agenda Report** – references to legal advice: Confidential (Legal Advice or Litigation).
  - o **Appendix E**: Confidential (Draft Advice or Documents).
  - o **Appendix F**: Confidential (Legal Advice or Litigation).
- 2) Approve the revised Practice Direction 4 – Restricted Development (Practice Direction 4) as shown in **Attachment 1**, under section 42(4)(b) of the Planning, Development and Infrastructure Act 2016 (the Act).
- 3) Delegate to the Director, State Assessment, Planning and Land Use Services (PLUS), the power to publish a Notice in the Government Gazette and on the SA Planning Portal the variations to Practice Direction 4 as required under section 42(4)(b)(ii) of the Act.
- 4) Approve the new Practice Direction 17 – Impact Assessed Development (Practice Direction 17) as shown in **Attachment 2**, to be issued by the Commission under section 42(1) of the Act.
- 5) Delegate to the Director, State Assessment, PLUS, the power to publish a Notice in the Government Gazette and on the SA Planning Portal the new Practice Direction 17 as required under section 42(4)(a) of the Act.

## MATTERS FOR NOTING

### 6.1 Impact Assessed Improvement Project – Model Guidelines

Margaret Smith and Simon Neldner addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as follows:
  - o **Agenda Report**: Not Confidential (Release Immediately)

- o **Attachment 1:** Confidential (Draft Advice or Documents)
  - o **Appendices A and B:** Not Confidential (Release Immediately)
  - o **Appendices C and D:** Confidential (Draft Advice or Documents).
- 2) Note the work undertaken to develop Assessment Requirements Library v1.0 (the Library) (**Attachment 1**).
  - 3) Note that the Library for Impact Assessed Developments will be published on the SA Planning Portal once finalised.
  - 4) Note the work undertaken to develop the new *Practice Direction 17 – Impact Assessed Development* (Practice Direction 17) and a revised Assessment Requirements template as shown in **Appendix C**.

## 6.2 EVANSTON SOUTH PTY LTD v TOWN OF GAWLER Judgment

This Item was considered in confidence, and is included in the Confidential minutes of 8 December 2022.

## 7 OTHER BUSINESS

### 7.1 Presentations: South Australian World Heritage & Victorian Goldfields Nominations

Jason Irving (A/Director, National Parks Programs, Department for Environment and Water), Trevor Budge (Strategic Projects Officer, City of Greater Bendigo), Susan Fayad (Coordinator Heritage and Cultural Landscapes, City of Ballarat)

## 8 MEETING FINALISATION

### 8.1 Next Meeting

Thursday, 15 December 2022.

### 8.2 Confirmation of Minutes and Confidential Minutes

The Commission resolved that the Minutes of the meeting held today, 8 December 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 3.15pm.

Confirmed 08/12/2022



**Craig Holden**

Chair