



Minutes of Meeting

Meeting No. 107

Date	Thursday, 25 November 2021 at 9.30am
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	Kate Southcott (AGD)
Presenters	AGD Staff: Anita Allen, Brett Steiner, Nadia Gencarelli, Rhiannon Hardy, Ameya Sawant.
External	Brendan Hewitt (SA Health)

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

Stuart Moseley declared that if Item 1.9 row 3 is before the Commission for discussion, he will declare a conflict of interest (due to previous involvement in preparing an EIS for the Buckland Park Project) and leave the meeting.

Stuart Moseley declared a conflict of interest (due to previously providing advice in relation to a retail proposal on or near the subject land) and left the meeting when Agenda Item 3.4 Strathalbyn Code Amendment was discussed.

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 – 11 November 2021

The Commission formally adopted the SPC confidential minutes of the 11 November 2021 meeting.

1.8 SCAP Minutes and Confidential Minutes – 10 November 2021

The Commission noted the SCAP Minutes and Confidential Minutes of 10 November 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 Future Living Code Amendment (Campbelltown City Council)

The Commission noted the correspondence.

2.2 Regional Planning for Greater Adelaide (City of Adelaide)

The Commission noted the correspondence.

3 MATTERS FOR ADVICE TO MINISTER

3.1 Miscellaneous Technical Enhancement Code Amendment

Anita Allen, Brett Steiner and Damien 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 Commission on initiation of the Code Amendment.
- 2) Agree to Initiate the Miscellaneous Technical Enhancement Code Amendment to the Planning and Design Code (the Code) under section 73(2)(a) of the Planning, Development and Infrastructure Act 2016 (the Act).
- 3) Approve the scope and investigations of the proposed Miscellaneous Technical Enhancement Code Amendment outlined in the Proposal to Initiate (Attachment 1).
- 4) Approve the summary of issues raised from preliminary engagement and include in the Proposal to Initiate documentation (Attachment 2).
- 5) Authorise the Chair of the Commission to make any minor amendments as required and sign the draft letter in Attachment 3 addressed to the key industry and local government stakeholders as listed in Attachment 4.

- 6) Authorise the Chair of the Commission to make any minor amendments as required and sign letter to the Minister for Planning and Local Government (the Minister) in Attachment 5 to advise of the initiation.

3.2 Riverbank Precinct Code Amendment

Anita Allen, Brendan Hewitt, Brett Steiner and Rhiannon Hardy addressed the Commission. The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Released Delayed). To be released following the final decision by the Minister for Planning and Local Government (the Minister) on the Code Amendment – anticipated mid-December 2021.
- 2) Authorise the Chair of the Commission to work with the Department to finalise any amendments to the advice and attachments as required and share out of session for endorsement at a Commission meeting to be held no later than 9 December 2021.

3.3 Bedford Park 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 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 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) 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 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.

2.2 Recommends that Troon Group Pty Ltd be the Designated Entity responsible for undertaking the Code Amendment process.

- 3) Specify that the Designated Entity consults with the following nominated individuals and entities, under section 73(6)(e) of the Act:
 - Department for Infrastructure and Transport
 - Department of the Premier and Cabinet, Aboriginal Affairs and Reconciliation
 - Green Adelaide Landscape Board
 - 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 potential impacts of future development and management measures to ensure protection of the Warriparinga Wetlands and Sturt River
 - (b) Investigate the relevance of existing Overlays to the proposed Employment Zone.
- 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 of the Commission to finalise any minor amendments to the advice and attachments as required.

3.4 Strathalbyn Code Amendment

Stuart Moseley declared a conflict in relation to Item 3.4 and left the meeting when this Item was discussed.

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 Lot 5 Hampden Way, Strathalbyn 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 (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 Designated Entity must obtain the approval of the Commission to undertake public consultation following preliminary consultation with the Attorney-General's Department (the Department).

2.2 Recommends that Strath Property Investments Pty Ltd be the Designated Entity responsible for undertaking the Code Amendment process.

- 3) Specify that the Designated Entity consults with the following nominated individuals and entities, under section 73(6)(e) of the Act:
 - Attorney-General's Department – Planning and Land Use Services (AGD-PLUS)
 - Strathalbyn and District Tourist Association
 - landowners located within the Concept Plan Boundary identified on the Planning and Design Code Concept Plan 113 Strathalbyn North
 - 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) Undertake high-level investigations to identify potential environmental impacts and mitigation measures, having consideration to native vegetation, flora, fauna and the adjacent Angas River and tributary.
 - (b) Conduct a search of the Aboriginal Heritage Registers to identify relevant Aboriginal heritage considerations, including any identified cultural sites and objects.
 - (c) Undertake a retail and economic assessment to the satisfaction of the AGD-PLUS.
 - (d) Based on the outcomes of the retail and economic assessment, determine an appropriate zoning framework having consideration to the Code suite of activity centre and employment zones to accommodate the intended land use outcomes (eg local centre and bulky goods).
- 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 of the Commission to finalise any minor amendments to the advice and attachments as required.

4 MATTERS FOR DECISION

4.1 Complaint regarding a Council Assessment Panel Member

This Item was considered in confidence, and is included in the SPC Confidential Minutes of 25 November 2021.

4.2 Civil Penalties and Enforceable Undertakings

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Release Immediately).
- 2) Pursuant to sections 225(17)(b) and 230(14)(b) of the Planning, Development and Infrastructure Act 2016 (the Act), authorise the following councils to utilise the enforcement tools available under sections 225 and 230 of that Act for the period 25 November 2021 to 30 September 2024 (as per Attachment 1):
 - o Alexandrina Council
 - o District Council of Robe
 - o District Council of Loxton Waikerie
 - o District Council of Yankalilla
 - o District Council of Grant
 - o Coorong District Council
 - o Kingston District Council
 - o Mount Barker District Council
 - o Adelaide Hills Council
 - o City of Adelaide
 - o City of Marion
 - o City of Charles Sturt
 - o City of Port Adelaide Enfield
 - o City of Unley
 - o City of Onkaparinga
 - o City of West Torrens
 - o City of Mount Gambier
 - o City of Playford.
- 3) Further to Resolution 2 and pursuant to sections 225(18)(a) and 230(15)(a) of the Act, grant the authorisation to the councils subject to the following conditions:

- (a) The Council must provide details (date of commencement of proceedings, alleged offender, details of the breach and the outcome once known) to the Commission regarding the commencement of proceedings under section 225 of the Act as soon as practicable after the proceedings are commenced.
 - (b) The Council must provide to the Commission a copy of any enforceable voluntary undertaking that is given, varied or withdrawn under section 230 of the Act.
 - (c) Where the Council is proposing to take enforcement action under the relevant sections and the Council was not the relevant authority that granted development authorisation, it must notify the relevant authority that did grant development authorisation indicating that it proposes to take enforcement action under the relevant sections.
 - (d) Enforcement action under the relevant sections may only be commenced or undertaken by an authorised officer appointed by the Council under the Act.
 - (e) The Council must, to the best of their ability, make use of the enforcement tools available under the relevant sections in a consistent manner that is proportionate to the alleged offence or breach of the Act.
 - (f) In granting authorisation to the Council, the Council acknowledges and agrees that the Commission will not be liable for any costs associated with entering into (or subsequently enforcing) proceedings initiated or undertakings given under the relevant sections.
- 4) Request that each council report on the effectiveness of the enforcement tools prior to 31 August 2022 to assist the Commission with granting future authorisations.
 - 5) Authorise the Chair of the Commission to make any minor amendments as required and sign the draft letter to the councils (Attachment 3) and to the Local Government Association (LGA) of South Australia (Attachment 4).

5 MATTERS FOR NOTING

5.1 PlanSA Update – October 2021

This Item was considered in confidence, and is included in the SPC Confidential Minutes of 25 November 2021.

5.2 Interconnector Assessment Report

This Item was considered in confidence, and is included in the SPC Confidential Minutes of 25 November 2021.

6 ANY OTHER BUSINESS

Nil

7 MEETING FINALISATION

7.1 Next Meeting

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

7.2 Confirmation of Minutes and Confidential Minutes

The Commission resolved that the Confidential Minutes of the meeting held today, 25 November 2021 be confirmed as a true and accurate record.

7.3 Meeting close

The Chair thanked all in attendance and declared the meeting closed at 3.29pm.

Confirmed 25/11/2021



Craig Holden
Chair