



# Minutes of Meeting

Meeting No. 154

<b>Date</b>	Wednesday, 13 December 2023
<b>Venue</b>	10.04 Kulkut Meeting Room, Level 10, 83 Pirie Street and Microsoft Teams
<b>Members</b>	Craig Holden (Chair), Stephanie Johnston, David O'Loughlin, John Stimson, Lisa Teburea and Sally Smith (Ex Officio)
<b>Apologies</b>	Stuart Moseley
<b>DTI Staff</b>	Kate Southcott, Brett Steiner, Cherie Gill, Benjamin Murphy, Matt Ballard, Rhiannon Hardy, Jason Bailey, Tyler Johns, Nadia Gencarelli, Karl Woehle, Bret Woods

## 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, 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

Lisa Teburea confirmed a previously declared conflict in relation to **Item 5.1 Draft Kangaroo Island Regional Plan – Approval for Statutory Engagement** and **Item 5.2 Draft Kangaroo Island Regional Plan – Amended Engagement Plan** due to business interests and will leave the meeting when this workshop is considered.

### 1.4 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.

### 1.5 Member Updates

The Commission noted the Member updates.

### 1.6 SPC Confidential Minutes for Adoption – 30 November 2023

The Commission formally adopted the SPC Confidential Minutes of the 30 November 2023 meeting.

### **1.7 Code Amendments Initiation Advice**

The Commission noted the Code Amendments Initiation Advice.

### **1.8 Register of SCAP Appeals**

The Commission noted the Register of SCAP Appeals.

### **1.9 Register of Complaints**

The Commission noted the Register of Complaints.

## **2 CORRESPONDENCE**

### **2.1 Letter from the Minister for Planning to SPC Chair**

The Commission noted the correspondence from the Minister for Planning and noted that an Agenda Report will follow in the new year.

## **3 ADDITIONAL RESOURCES**

Nil

## **4 MATTERS FOR ADVICE TO MINISTER**

### **4.1 Code Amendment Determination Advice to the Minister for Planning – West Lakes**

#### **Residential and Mixed Use Code Amendment**

Nadia Gencarelli addressed the Commission.

This item was considered in confidence and is included in the Commission's confidential minutes of 13 December 2023.

### **4.2 Proposal to Initiate the General Wattle Range Code Amendment**

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.
- 2) Advise the Minister that it:

2.1 Recommends approval to initiate the General Wattle Range Code Amendment under section 73(2)(b)(iv) of the *Planning, Development and Infrastructure Act 2016* (the Act), subject to the following conditions applied under section 73(5)(b) of the Act:

- a) The 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 engagement).
- b) In respect to proposed consideration of bushfire hazard risk levels for sites 7 and 8 at Beachport, that Council exclude this matter from the Code Amendment. The *Statewide Bushfire Hazards Overlay Code Amendment* will establish an updated methodology for

assessing bushfire risk levels across the State, following which the Overlays for site 7 and 8 will be updated via section 71 of the Act.

- c) That the proposed correction to zone and allotment boundary anomalies and misalignments at Penola (Site 6) in respect to the Penola Northern Bypass, be investigated as part of the Code Amendment rather than via a Section 75 amendment under the *Planning, Development and Infrastructure Act 2016* given the anticipated timing and focus of the regional planning work and *Limestone Coast Region Plan* update.
- d) The Designated Entity must seek approval from the State Planning Commission prior to the commencement of community engagement on the draft Code Amendment.
- e) The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.

2.2 Recommends that the Wattle Range Council be the Designated Entity responsible for undertaking the Code Amendment.

- 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 for Environment and Water
  - Department for Education
  - Department for Health and Wellbeing
  - Department of Primary Industries and Regions
  - Affordable Housing Unit of the SA Housing Authority
  - Coast Protection Board
  - Environment Protection Authority
  - South Australian Tourism Commission
  - South Australian Country Fire Service
  - Utility providers including SA Power Networks, ElectraNet, APA Group, SA Water, SEAGas, 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:
  - The proposed reduction of the minimum site area Technical and Numeric Variation (TNV) for the Rural Living Zone at Glencoe (Site 10) from 10 hectares to 2 hectares could result in a significant increase of rural living allotments over time across a large geographical area (of almost 1,100 hectares) and is not considered appropriate unless infrastructure issues can be appropriately identified and resolved. In this context:
    - Undertake detailed land supply investigations to demonstrate demand.
    - Undertake detailed infrastructure investigations (including but not limited to roads, potable water, wastewater and community services) to identify existing capacity and any upgrades / augmentation requirements to service future development.
    - Investigate a reduction in the size of the affected area and identification of a more appropriate minimum site area in the context of regional supply/demand,

serviceability etc. Undertake infrastructure and servicing investigations for Glencoe (Site 10).

- Undertake a land supply and demand analysis in respect to the railway precinct land at Millicent (Site 1) to confirm if there is a demonstrated demand for additional residential development in this location, particularly given existing zoned neighbourhood land does not currently have any active plan of division.
  - Undertake a high-level desktop review to identify any site contamination risk for all sites in the affected area where proposed rezoning will facilitate development of more sensitive land uses based on potential past land uses and activities, to confirm that the land is suitable for rezoning to support sensitive land uses. This includes strategic employment land at Muggleton/Beachport (Site 9), and potentially employment land along Church Street at Penola (Site 5) particularly if use of the Neighbourhood Zone is ultimately proposed for this site based on investigations.
  - Conduct a search of the Register of Aboriginal Sites and Objects (Taa wika) to identify any further relevant Aboriginal heritage considerations, including any identified cultural sites and objects within or in proximity to each of the affected sites and locations.
- 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 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.

#### **4.3 Code Amendment Initiation Advice to the Minister for Planning – Proposal to Initiate the Ancillary Accommodation and Student Accommodation Definitions Review Code Amendment**

Jason Bailey addressed the Commission.

This item was considered in confidence and is included in the Commission's confidential minutes of 13 December 2023.

## **5 MATTERS FOR DECISION**

### **5.1 Draft Kangaroo Island Regional Plan – Approval for Statutory Engagement**

Lisa Teburea left the meeting.

Brett Steiner, Cherie Gill, Nicholas Kretschmer and Karl Woehle addressed the Commission.

This item was considered in confidence and is included in the Commission's confidential minutes of 13 December 2023.

Lisa Teburea returned to the meeting.

## **5.2 Draft Kangaroo Island Regional Plan – Amended Engagement Plan**

Lisa Teburea left the meeting.

Brett Steiner, Steven Murphy, Cherie Gill and Bret Woods addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Release Immediately).
- 2) Approve the amended Kangaroo Island Regional Plan Engagement Plan, as per Attachment 1, for the purposes of statutory engagement pursuant to section 73(6)(b) of the Planning, Development and Infrastructure Act 2016, scheduled to commence in February 2024.
- 3) Agree to delegate authority to the Executive Director of Planning and Land Use Services (PLUS) to make any minor amendments to the Kangaroo Island Regional Plan Engagement Plan as required (including adding more key stakeholders which may later be identified) in order to finalise them for publishing on the PlanSA Portal.

Lisa Teburea returned to the meeting.

## **6 MATTERS FOR NOTING**

### **6.1 SPC Communications and Engagement Update**

Steven Murphy addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Release Immediately).
- 2) Note the communication and engagement update report as read.

## **7 OTHER BUSINESS**

### **7.1 Workshop 1: Presentation: GARP Discussion Paper Submissions**

Brett Steiner, Cherie Gill, Benjamin Murphy and Matt Ballard addressed the Commission.

The Commission noted the Presentation on the GARP Discussion Paper Submissions.

### **7.2 Workshop 2: Code Amendment Collective – Program for 2024**

Brett Steiner, Jason Bailey, Tyler Johns, Rhiannon Hardy and Steven Murphy addressed the Commission.

The Commission noted the Code Amendment Collective Program for 2024.

## **8 MEETING FINALISATION**

### **8.1 Next Meeting**

Thursday, 14 December 2023.

### **8.2 Confirmation of Minutes and Confidential Minutes**

The Commission resolved that the Confidential Minutes of the meeting held today, 13 December 2023, be confirmed as a true and accurate record.

### 8.3 Meeting Close

The Chair thanked all in attendance and declared the meeting closed at 3.38pm.

Confirmed 13/12/2023

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke that curves upwards at the end.

**Craig Holden**

Chair