



Minutes of Meeting

Meeting No. 151

Date	Thursday, 5 October 2023
Venue	Inparri Kuu Seminar Room, Level 9, 83 Pirie Street and Microsoft Teams
Members	Craig Holden (Chair), Stephanie Johnston, Stuart Moseley, David O'Loughlin, John Stimson, Lisa Teburea and Sally Smith (Ex Officio)
Apologies	Nil
DTI Staff	Kate Southcott, Margaret Smith, Troy Fountain, Brad McCormack, Amy Barratt, Ben Sieben, Bret Woods, Chelsea Lucas, Jason Bailey, Nadia Gencarelli, Wendy Mulvihill
External	Deputation Item 5.1 – Dylan Furnell, Meri Pappas, Alexandra Paxinos, Pablo Valler, Constantine Paxinos

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

David O'Loughlin declared a conflict of interest in relation to **Item 4.1 Code Amendment Determination Advice to the Minister for Planning – 107 Port Road Thebarton (Thebarton Brewery Precinct) Code Amendment** and **4.2 Advice to the Minister for Planning – Proposal to Initiate the Brompton Gasworks (Minor Amendments) Code Amendment** due to business interests and will leave the meeting when these Items are discussed.

John Stimson confirmed a previously declared conflict of interest in relation to **Item 5.4 Outline Consents Practice Direction** due to previously being involved in an Outline Consents workshop in a private capacity and will leave the meeting when this matter 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 – 7 September 2023

The Commission formally adopted the SPC Confidential Minutes of the 7 September 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.

1.10 GARP Engagement Activities

The Commission noted the update on GARP Engagement Activities.

2 CORRESPONDENCE

Nil

3 ADDITIONAL RESOURCES

Nil

4 MATTERS FOR ADVICE TO MINISTER

4.1 Code Amendment Determination Advice to the Minister for Planning – 107 Port Road Thebarton (Thebarton Brewery Precinct) Code Amendment

David O'Loughlin left the meeting.

Jason Bailey, Nadia Gencarelli and Andrew Mitchell addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Release Delayed). To be released following the final decision by the Minister for Planning (the Minister) on whether or not to adopt the 107 Port Road Thebarton (Thebarton Brewery Precinct) Code Amendment (the Code Amendment).

- 2) Approve and authorise the Chair of the Commission to sign the advice to the Minister as provided in **Attachment 1**, subject to amendments to the letter as follows:
 - a. Removal of the 5 metre setback
 - b. Alteration of the Concept Plan to show an activated street front with set backs to Port Road to be confirmed following site master planning.
- 3) Approve and authorise the Chair of the Commission to make any minor editorial and technical amendments to the attachment as required.
- 4) Approve and authorise the Chair of the Commission to write to Renewal SA encouraging a precinct approach to master planning at Thebarton, Bowden and Brompton in order to facilitate a contemporary approach to parking and improved connectivity and an integrated design treatment of the Port Road corridor.

David O'Loughlin returned to the meeting.

4.2 Advice to the Minister for Planning – Proposal to Initiate the Brompton Gasworks (Minor Amendments) Code Amendment

David O'Loughlin left the meeting.

Jason Bailey and 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 November 2023.
- 2) Advise the Minister that it:

2.1 Recommends the approval of the Brompton Gasworks (Minor Amendments) Code Amendment under section 73(2)(b)(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:

- 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), with the exception of appropriate alterations to car parking rates.
- The Designated Entity must seek approval from the Commission (or PLUS) prior to the commencement of community engagement on the draft Code Amendment.

2.2 Recommends that the MAB Corporation 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:
 - SA Housing Authority
 - Department for Environment and Water

- Adelaide Airport Limited
 - 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:
- Explore the application of alternative car parking rates for the affected area (via Planning and Design Code Table 2 – Off street Carparking Requirements in Designated Areas), taking into consideration broader precinct capability and needs.
 - *Removal of Historic Area Overlay (Historic Area – ChSt21) from the Affected Area.*
 - As Historic Area – ChSt21 extends outside of the affected area (across the railway line to Port Road and beyond) it will be necessary to retain the Hindmarsh District Centre Historic Area Statement (ChSt21) in the Code.
 - *Application of the Heritage Adjacency Overlay to the Affected Area.*
 - The spatial application of the Overlay to the Brompton Gasworks site is correct and should not be altered as part of this Code Amendment. The Overlay applies to the two allotments in the western quadrant of the Gasworks area as two State Heritage Places (Heritage IDs 9251 and 27546) apply to the land, covering different, but similar areas.
 - *Proposed changes to public notification table (Table 5) of the Urban Neighbourhood Zone*
 - To maintain greater public transparency and integrity of the zone, it is recommended that amendments to reflect any additional height allowances for the site permitted by the Affordable Housing Overlay could be better achieved by reflecting these on the new Concept Plan rather than through changes to Table 5. Any proposal that complies with the building heights stated on the Concept Plan will not require notification as it would satisfy the maximum building height specified in Urban Neighbourhood Zone DTS/DPF 2.2.
 - The existing notification trigger for partial demolition of a State or Local Heritage Place in Table 5 of the Urban Neighbourhood Zone is a standard trigger included in many of the Code's zones. Its current expression is a product of adjustments made by the Miscellaneous Technical Enhancement Code Amendment. Any proposal to amend this notification trigger as part of this Code Amendment will therefore require PLUS approval prior to community engagement.
- 5) Recommend that the Minister approve the initiation of the Code Amendment by signing the Proposal to Initiate (**Attachment 1**) and approval letter(s) with conditions (**Attachment 2**).
- 6) Approve and authorise the Chair of the Commission to write to Renewal SA encouraging a precinct approach to master planning at Thebarton, Bowden and

Brompton in order to facilitate a contemporary approach to parking and improved connectivity.

- 7) Approve and authorise the Chair of the Commission to sign the advice to the Minister as provided in **Attachment 3**.
- 8) Authorise the Chair to finalise any minor amendments to the advice and attachments as required.

David O'Loughlin returned to the meeting.

5 MATTERS FOR DECISION

5.1 State Commission Assessment Panel (SCAP) Decision Review Request: 22 Flagstaff Road, Flagstaff Hill

Dylan Furnell, Meri Pappas, Alexandra Paxinos, Pablo Valler and Constantine Paxinos addressed the Commission.

The Chair thanked the deputees for their time and they left the meeting.

Margaret Smith and Troy Fountain addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Release Immediately).
- 2) Note the Decision Review Request from Mr Dylan Furnell on behalf of Zaina Stacey Development Consultants (the Applicant) to the Commission (**Appendix A**).
- 3) Note Development Application DA 23011894 documentation by the Applicant for Restricted Development – Torrens-title land division comprising the division of one (1) allotment into three (3) allotments to create two (2) additional allotments at 22 Flagstaff Road, Flagstaff Hill (**Appendix B**).
- 4) Note the Assessment Report and Minutes from the SCAP meeting held on 26 July 2023 (**Appendix C**).
- 5) Affirm the decision of the SCAP to refuse to proceed to assess DA 23011894 under section 110 of the Planning, Development and Infrastructure Act 2016 (the Act).
- 6) Authorise the Chair of the Commission to sign the letter to the Applicant advising of the Commission's decision not to proceed to assess DA 23011894 (**Attachment 1**).
- 7) Authorise the Chair of the Commission to sign the letter addressed to the Presiding Member of the SCAP, advising of the Commission's decision to not proceed to assess DA 23011894 (**Attachment 2**).
- 8) Authorise the Chair to make any minor amendments to the letters as required.

5.2 Deputation, External Meeting and Event Policy Update

Kate Southcott addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Release Immediately).
- 2) Note the marked-up version of the Deputation, External Meeting and Event Policy (the Policy) at Attachment 1.
- 3) Approve and authorise the Chair of the Commission to make any minor amendments as required to finalise the Policy.
- 4) Authorise Planning and Land Use Services (PLUS) to publish the final Policy once approved.
- 5) Approve an annual review of the Policy as part of the Commission's annual Governance Audit.

5.3 Policy for referring applications for variations of a development authorisation to the Government Architect

Margaret Smith and Brad McCormack addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as Confidential (Draft Advice or Documents).
- 2) Support a criteria-based approach to guide PLUS in determining whether a variation is "minor" in design terms (either individually or cumulatively) and therefore need not be referred to ODASA (noting that normal practice is for PLUS to liaise directly with ODASA if in doubt).
- 3) Authorise PLUS and ODASA to collaborate on a set of criteria based on those outlined in the Agenda Report and they report back to the Commission on the outcome.
- 4) Authorise PLUS and ODASA to explore options – including ODASA having a power of direction (rather than just advice) - for strengthening the weight given to design considerations in the assessment process and any subsequent appeal processes.
- 5) Authorise the Chair to prepare and sign correspondence to PLUS and ODASA providing additional context to the Commission's decision.

5.4 Outline Consents Practice Direction

John Stimson left the meeting.

This item was considered in confidence and is included in the Commission's confidential minutes of 5 October 2023.

John Stimson returned to the meeting.

5.5 Amendments to State Planning Commission Practice Direction 12 (Conditions) 2020

Chelsea Lucas and Ben Sieben addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Release Immediately).
- 2) Authorise the Chair of the Commission to approve *State Planning Commission Practice Direction 12 (Conditions) 2020*, subject to a further change to prohibit conditions on

development authorisations that prevent the leasing, renting or occupation of ancillary accommodation.

- 3) Authorise the Chair to sign the draft Gazette Notice at **Attachment 2** to give notice of amendments to State Planning Commission Practice Direction 12 (Conditions) 2020.
- 4) Note the Department will arrange for the Gazette Notice to be published in the Government Gazette.
- 5) Authorise the Chair to sign the letter at **Attachment 3** to the Minister for Planning advising that amendments have been made to State Planning Commission Practice Direction 12 (Conditions) 2020.
- 6) Note the Department will, following publication of the updated Practice Direction, seek the views of a broader range of stakeholders on changes regarding community titled land divisions, and the Department will return to the Commission with further refinements to the Practice Direction as required.

5.6 Future Living Code Amendment – Update and Direction

Jason Bailey, Nadia Gencarelli and Andrew Mitchell addressed the Commission.

This item was considered in confidence and is included in the Commission's confidential minutes of 5 October 2023.

5.7 Building Fire Safety Committee – Amendment to Terms of Reference and Update to Membership

Wendy Mulvihill addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Release Immediately).
- 2) Approve the appointment of Ms Jodie Evans to the Building Fire Safety Committee (BFSC), and to the position of Chair, until 30 September 2026, as she is a person who holds prescribed qualifications in building surveying.
- 3) Approve and authorise the Chair of the Commission to sign the attached letter of appointment to Ms Jodie Evans (**Attachment 1**).
- 4) Authorise the Chair of the Commission to make minor amendments to the Attachment as required to finalise.

6 MATTERS FOR NOTING

6.1 Ex Officio Report – 1 July 2023 to 30 September 2023

This item was considered in confidence and is included in the Commission's confidential minutes of 5 October 2023.

6.2 SPC Communications and Engagement Update

Bret Woods 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

Nil

8 MEETING FINALISATION

8.1 Next Meeting

Thursday, 2 November 2023.

8.2 Confirmation of Minutes and Confidential Minutes

The Commission resolved that the Confidential Minutes of the meeting held today, 5 October 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 4.25pm.

Confirmed 05/10/2023

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above the name and title of the signatory.

Craig Holden

Chair