



# Minutes of Meeting

Meeting No. 109

<b>Date</b>	Thursday, 16 December 2021 at 9.30am
<b>Venue</b>	Kardi Munaintya Room or via Microsoft Teams
<b>Members</b>	Craig Holden (Chair), Stuart Moseley (Teams), Elinor Walker (Teams), Sally Smith (Ex Officio)
<b>Apology</b>	Noelle Hurley
<b>In Attendance</b>	Kate Southcott (AGD)
<b>Presenters</b>	AGD Staff: Jason Bailey, Brett Steiner, Daniel Clapp, Nadia Gencarelli, Ameya Sawant, Mike Burdett
<b>External</b>	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 noted Noelle Hurley's apology and welcomed all in attendance to the meeting.

### 1.3 Declaration of Conflict of Interest / Gifts and Benefits

Stuart Moseley has previously declared a conflict of interest in relation to Buckland Park which is included in Item 1.9 for noting. If this Item is before the Commission for discussion, Stuart Moseley 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 in relation to Item 3.3 Kilkenny Mixed Use (Residential and Commercial) DPA (due to previously acting for OI Glass) and left the meeting when this Item 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 – 9 December 2021**

The Commission formally adopted the SPC Confidential Minutes of the 9 December 2021 meeting.

### **1.8 SCAP Minutes and Confidential Minutes – 8 December 2021**

The Commission noted the SCAP Minutes and Confidential Minutes of 8 December 2021.

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

The Commission noted the Code Amendments Initiation Advice.

## **2 CORRESPONDENCE**

### **2.1 For noting: District Council of Grant re: DA 20002231 (State Commission Assessment Panel)**

The Commission noted the correspondence.

### **2.2 For noting: Confidential**

The Commission noted the correspondence.

### **2.3 For noting: Letter to the Minister for Planning and Local Government (Urban Development Institute of Australia)**

The Commission noted the correspondence.

## **3 MATTERS FOR ADVICE TO MINISTER**

### **3.1 Tunnel Corridor and Asset Protection Overlay Code Amendment**

Jason Bailey and Daniel Clapp 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 early commencement of the Code Amendment.
- 2) Advise the Minister that it:
  - 2.1 Recommends the approval of the Tunnel Corridor and Asset Protection Overlay Code Amendment Initiation under section 73(2)(b)(ii) 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 Designated Entity must obtain the Minister's approval to undertake early commencement of the proposed Code Amendment, pursuant to section 78 of the Act.
    - (b) Should the Designated Entity seek approval to undertake early commencement, a draft Engagement Plan and an updated timetable are to be provided.

- (c) The policy drafting for the proposed Tunnel Corridor and Asset Protection Overlay be undertaken by staff from Planning and Land Use Services within the Attorney- General's Department (AGD-PLUS).
- (d) AGD-PLUS obtains the approval of the Commission that the new Overlay is suitable for use prior to undertaking public consultation.

2.2 Recommends that the Department for Infrastructure and Transport (DIT) 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:
  - o utility providers including SA Power Networks, ElectraNet Pty Ltd, APA Group, SA Water, EPIC Energy, NBN, and other telecommunications providers
  - o 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 impact of the proposed overlay to provide assurances that the intent of the underlying zone/s, including the envisaged land uses will not be negatively impacted by the amendment.
  - (b) Any resultant changes to assessment pathways for the development types which are captured by the Overlay.
  - (c) The development types which are within the Overlay area which would maintain an Accepted or Deemed-to-Satisfy assessment pathway which can be reflected in the Overlay policy.
  - (d) The intent of, and triggers for, the proposed Referral.
- 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.
- 8) The Commission expressed a view that:
  - (a) any referral powers being considered by the Government to support this overlay, should be limited in its application to matters that depart from the intent of the overlay and would compromise the tunnel asset.
  - (b) early commencement of the proposed code amendment appeared to be suitable to avoid development proposals that would compromise the N-S corridor project intent.

### 3.2 Glandore Character Area Preservation Code Amendment

Brett Steiner, Jason Bailey 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 commencement of consultation on the Code Amendment.
- 2) Rescind resolution 2 in relation to Item 3.1 Glandore Character Area Preservation Code Amendment from the Commission meeting minutes of the meeting held on 9 December 2021.
- 3) Approve and authorise the Chair of the Commission to sign the letter to the City of West Torrens seeking further information on the Proposal to Initiate the Glandore Character Area Protection Code Amendment (**Attachment 1**).
- 4) Authorise the Chair to finalise any minor amendments to the attachment as required.

### 3.3 Kilkenny Mixed Use (Residential and Commercial) DPA

Stuart Moseley declared a conflict of interest in relation to Item 3.2 and left the meeting when this item was discussed.

This Item was considered in confidence and is included in the SPC Confidential Minutes of 16 December 2021.

## 4 MATTERS FOR DECISION

### 4.1 Request to Amend Practice Direction 2 – Preparation and Amendment of Designated Instruments

Brett Steiner and Nadia Gencarelli addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Release Delayed) – to be released following Gazettal and publication on the SA Planning Portal.
- 2) Approve the variations to Practice Direction 2 – Preparation and Amendment of Designated Instruments (the Practice Direction) as shown in Attachment 1, to be published on the SA Planning Portal as required under section 42(4)(b)(ii) of the Planning, Development and Infrastructure Act 2016 (the Act).
- 3) Delegate to the Ex Officio Member of the Commission the power to approve and publish a Notice in the Government Gazette for notification of the variations to the Practice Direction, as required under section 42(4)(b)(i) of the Act.

## **4.2 Update to the Spatial Information Standard**

Michael Burdett and Brett Steiner addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this Item as Not Confidential (Release Immediately).
- 2) Approve the Spatial Information Standard (the Standard) at Attachment 1 under section 51(1) of the Planning, Development and Infrastructure Act 2016 (the Act).
- 3) Authorise the Chair of the Commission to approve any minor or editorial changes to the Standard in order to finalise the Standard for certification by the Chief Executive of the Department and publication on the PlanSA Website (SA Planning Portal).
- 4) Delegate to the Surveyor-General the power under section 51(1) of the Act to prepare and publish standards and specifications, but limited to amendments to the Spatial Information Standard which are considered by the delegate as minor or operational in nature.
- 5) Note that a formal instrument of delegation will be prepared to reflect the above delegation (and limitation) to the Surveyor-General, as part of the next review and update of the Commission's delegations under the Act.

## **5 MATTERS FOR NOTING**

### **5.1 Building Policy Matters Update**

Michael Burdett addressed the Commission and advised that the Inspection Policy for Building work in out of Council areas is being complied with.

This Item was considered in confidence and is included in the SPC Confidential Minutes of 16 December 2021.

### **5.2 PlanSA Update – November 2021**

Ameya Sawant addressed the Commission.

This Item was considered in confidence and is included in the SPC Confidential Minutes of 16 December 2021.

### **5.1 Legislative Review Committee Report – Planning Reform**

This Item was considered in confidence and is included in the SPC Confidential Minutes of 16 December 2021.

## **6 ANY OTHER BUSINESS**

Nil

## 7. MEETING FINALISATION

### 7.1 Next Meeting

Thursday, 20 January 2022 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, 16 December 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 1.53pm.

Confirmed 16/12/2021



**Craig Holden**  
Chair