



REPORT FOR

**COUNCIL MEETING**

MEETING DATE

**22 MARCH 2022**

RECORD NO:

**D22/19893**

REPORT OF:

**OFFICE OF THE CHIEF EXECUTIVE OFFICER**

TITLE:

**GOLDEN GROVE CODE AMENDMENT - PROPOSAL FOR  
DEVELOPER-LED CODE AMENDMENT**

## **PURPOSE**

To provide Council with a letter from developer YAS P&D advising Council that it has lodged a Proposal to Initiate a developer-led Code Amendment with the Minister for Planning that combines two existing Code Amendments into one Code Amendment i.e. the “Golden Grove Neighbourhood and Commercial Code Amendment”. This Code Amendment, if approved by the Minister, would render the existing Code Amendment being led by the Council as obsolete.

## **RECOMMENDATION**

1. That Council notes that YAS Property & Development Pty Ltd has sought approval from the Minister for Planning to initiate a developer-led Golden Grove Neighbourhood and Commercial Code Amendment as outlined in Attachment 2 of the report titled “Golden Grove Code Amendment – Proposal for Developer-led Code Amendment” dated 22 March 2022 and that if approved, will render the Council-led Golden Grove (Rural Living Zone to Neighbourhood-Type Zone) Code Amendment obsolete.
2. That Council requests the Chief Executive Officer to write to the Minister for Planning requesting that the Golden Grove (Rural Living Zone to Neighbourhood-Type Zone) Code Amendment be withdrawn if the Proposal to Initiate a developer-led Golden Grove Neighbourhood and Commercial Code Amendment is approved by the Minister.
3. That Council staff continue to work with the developer on progressing investigations, drafting a combined Code Amendment and determining infrastructure requirements which will be presented to Council for consideration prior to engagement with the community.

- 4. That Council requests the CEO to review the current Funding Agreement between the Council and YAS Property & Development Pty Ltd and authorises the CEO to sign an amended agreement that reflects the new arrangement for a combined developer-led Code Amendment, noting that the agreement will be prepared by Council's lawyers and protecting Council's interests.**

## 1. BACKGROUND

In July 2021 Council received a request from YAS Property & Development in collaboration with Villawood Properties for Council to initiate and lead a Code Amendment that would seek to rezone the Rural Living Zone at Golden Grove (excluding 53 and 99 Crouch Road) to a Master Planned Neighbourhood Zone to enable the construction of approximately 1,500 new homes and approximately 3,900 residents over 10-15 years.

On 12 October 2021, Council agreed to lead the investigations for rezoning and lodged a Proposal to Initiate a Council-led Code (YAS funded) Amendment with the Minister for Planning for the above rezoning. At around the same time, YAS P&D lodged a Proposal to Initiate a developer-led Code Amendment with the Minister for Planning relating to 53 and 99 Crouch Road, Golden Grove to rezone these parcels from Rural Living Zone to a retail/commercial zone. See [Council Report Agenda item 13.1](#)

The Minister approved both of these Proposals to Initiate Code Amendments in January 2022 and staff have been working with the developer's consultant URPS through the investigations stage of the Rural Living Zone to Neighbourhood-type Zone Code Amendment.

On 15 March 2022, Council received correspondence from URPS on behalf of YAS P&D advising that they had requested the Minister for Planning to merge the two Code Amendments into one and that this would be led by YAS P&D rather than by Council. The reasons for this are outlined in their letter in Attachment 1 and relate to the following:

1. Complexity and confusion caused from having two code amendments
2. Infrastructure scenarios are linked
3. Need for sub-zone
4. Extent of developer's land ownership/interest has changed
5. The *Planning, Development and Infrastructure Act, 2016* (PDI Act) regarding process

### **Previous Council Resolutions**

#### 27 July 2021 – Proposed rezoning of Golden Grove Rural Living Zone for residential use

- “1. That Council supports in principle the proposal to commence investigations to re-zone the Rural Living Zone at Golden Grove to enable construction of approximately 1,500 new homes.*
- 2. That a Proposal to Initiate a Residential Code Amendment affecting the Rural Living Zone at Golden Grove be prepared and presented to Council for consideration and*

*that Council be provided with copies of relevant investigations reports to assist with the preparation of the Proposal to Initiate a Code Amendment.*

- 3. That a Funding Agreement that supports a privately funded Code Amendment be prepared by Council's lawyers in consultation with YAS P&D and Villawood Properties (the proponents) and that the proponents agree to reimburse the Council for the legal costs associated with preparing the funding agreement.*
- 4. That Council's Chief Executive Officer be authorised to sign the Funding Agreement referred to in point 3 of this resolution noting it will be prepared by Council's lawyers and protecting Council's interests.*
- 5. That a Proposal to Initiate a Code Amendment be presented to Council for consideration once the Funding Agreement has been signed by all parties and received by the Council.*
- 6. That Council supports in principle, the proposal by YAS P&D to investigate a potential rezoning of 53 and 99 Crouch Road, Golden Grove for commercial /retail uses and requests that Council be consulted early in the preparation of the Code Amendment."*

**12 October 2021 - Proposal to Initiate a Code Amendment to Rezone the Rural Living Zone at Golden Grove to a Neighbourhood-type Zone**

- 1. "That Council resolves to proceed with a Code Amendment to investigate the rezoning of the Rural Living Zone at Golden Grove to a Neighbourhood-type Zone as detailed in the report titled "Proposal to Initiate a Code Amendment to rezone the Rural Living Zone at Golden Grove to a Neighbourhood-type Zone" and dated 12 October 2021 and that the Proposal to Initiate as set out in Attachment 2, and the preliminary reports set out in Attachments 3-10 be forwarded to the Minister for Planning seeking her agreement as required by the Planning, Development and Infrastructure Act 2016.*
- 2. That staff commence investigations in relation to the Code Amendment on the understanding that it will not proceed to community engagement if the Proposal to Initiate is not agreed to by the Minister for Planning, and that staff inform Council when a response is received from the Minister.*
- 3. That, prior to commencing community engagement, a future report be presented to Council which will include:*
  - a draft Code Amendment,*
  - supporting documentation regarding infrastructure requirements,*
  - an Engagement Plan and*
  - any other relevant information for consideration by Council."*

## 2. DISCUSSION

The *Planning, Development and Infrastructure Act, 2016* allows private proponents to initiate a Code Amendment without the formal approval of the relevant Council where they have 100% interest in the land being rezoned. Although Council approval is not required, the private proponent needs to undertake preliminary consultation with the Council's CEO prior to initiating the Code Amendment.

YAS P&D recently lodged a Proposal to Initiate a Code Amendment with the Minister for Planning for a developer-led "Golden Grove Neighbourhood and Commercial Code Amendment" (see Attachment 2). The area affected is shown in Figure 1 below and excludes two properties which will remain zoned Rural Living. The reasons for this changed approach are outlined in the letter from URPS and are briefly discussed in Table 1 below.

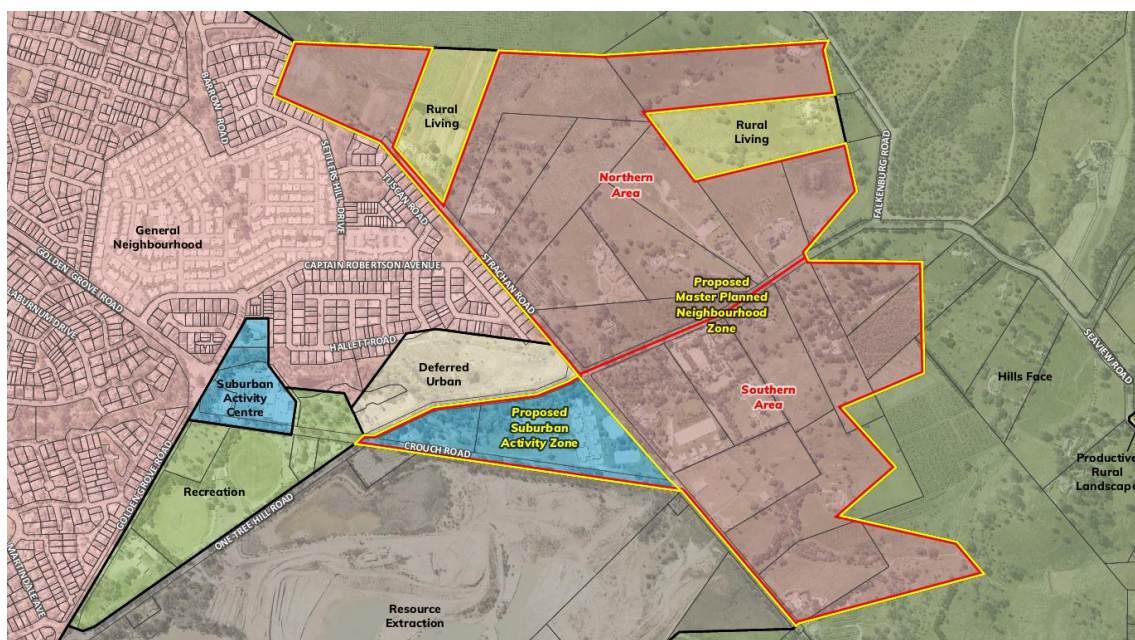


Figure 1: Affected Area for Rezoning

It should be noted that if the Minister approves the combined Proposal to Initiate a Code Amendment, the current Council-led Code Amendment will become obsolete, given that the developer is funding the Code Amendment and conducting the investigations.

**Table 1: Reasons for changed approach**

Reasons provided by URPS (extracted from letter in Attachment 1)	Staff comments
"Working through the engagement plans associated with both projects, we are	Agree.

<p><i>finding that the existing two separate Code Amendments are likely to cause confusion in the community and it may be difficult to coordinate and separate community responses to each amendment. A combined rezoning approach will simplify the message and result in a less complicated procedural assessment of the rezoning project. This in turn will result in a more successful community engagement process.”</i></p>	
<p><i>“Infrastructure updates are linked to different scenarios associated with the residential and commercial/retail rezoning. It would be simpler to have these two infrastructure investigations linked to one project. This position reinforces the Ministerial approval requirement that states “The Code Amendment will not be considered for approval until such time that the associated Golden Grove (Rural Living Neighbourhood-type Zone / Retail Commercial Zone- Code Amendment has been approved.”</i></p>	<p>Agree. This is particularly relevant for the provision of infrastructure relating to stormwater and traffic management and in clarifying the timing for provision of the retail/commercial land uses to service a growing residential catchment.</p>
<p><i>“The existing Ministerial approvals to commence the rezoning projects refers to a condition that doesn’t permit Council and YAS to create new zone / subzones. However, the Attorney General’s Department (AGD) is working on another Code Amendment that will need to incorporate a new subzone for the Master Planned Neighbourhood Zone. The subzone is likely to address the issue of sloping land within the existing zone. Subject to the contents of this subzone, we may require the subzone for the Golden Grove project. Therefore, we need the Minister’s approval to allow us to work with AGD to consider the merits of incorporating the subzone.”</i></p>	<p>Agree. This subzone is particularly important to address the lack of adequate policy in the Master Planned Neighbourhood Zone relating to sloping land.</p>
<p><i>“Council was originally requested to manage the Code Amendment because not all landowners were linked to a development group. Since that time, there</i></p>	<p>Noted. This was the key reason that the developer asked Council to lead the Code Amendment. It is preferable to consider all properties in the Rural</p>

<p><i>are now only two landowners who are not associated with a developer. These allotments are located at the outskirts of the proposal and will not materially impact on the development of the land. These two allotments are illustrated on the attached plan. Therefore, the imperative for Council to lead the rezoning no longer exists. Subject to the successful rezoning of the affected land, these two allotments will remain within the existing Rural Living Zone. Given the size of the rural living allotments, we don't consider that there will be any material land use conflict issues with the new residential area."</i></p>	<p>Living Zone for rezoning and as the developers did not have interest over 3 of the properties, Council was asked to lead the Code Amendment process. Since that time, the developer has secured interest over one of the excluded properties.</p> <p>This approach presents some challenges in being able to achieve orderly development. One of the excluded sites, in particular, will likely play a key role in the open space and drainage network. In order to achieve continuous connections through open space and drainage corridors this will need to be considered and addressed in concept plans, when determining infrastructure requirements as well as being reflected in the relevant Infrastructure Deeds.</p> <p>Another added complexity with excluding parcels from the rezoning at this time is that it is likely they will seek to be rezoned in the future. This makes it difficult to determine the real extent of infrastructure upgrades required, the timing of delivery, and how to share costs equitably between all property owners who will benefit from the rezoning, including those that are not being rezoned now but may be in the future.</p>
<p><i>The Planning, Development and Infrastructure Act is drafted in a manner that promotes a more efficient and streamlined proponent led Code Amendment. A proponent is not bound by the requirements associated with a Council process. Given the investigations undertaken to date, we have greater confidence that a proponent led process will result in a more streamlined outcome. We anticipate commencing community</i></p>	<p>Agree that the PDI Act enables a more streamlined process for Code Amendments by private proponents than can be achieved by Councils. This is because private proponents do not have the same governance requirements to refer key policy decisions to Council. Council meeting schedules can add significantly to timelines.</p>

<p><i>engagement in April and have the land rezoned with the associated infrastructure agreements in November 2022.”</i></p>	<p>The investigations stage of the process has taken longer than was anticipated, which is often the case with a complex rezoning such as this. Staff, however, have been consulted through the investigations process which is well advanced. This augurs well to progress the Code Amendment and associated infrastructure requirements to the next stage which is community engagement.</p> <p>With a Council-led Code Amendment, Council would undertake the community engagement process. Council’s processes relating to preparation and lead times can sometimes be more lengthy than those for a private proponent.</p> <p>Furthermore, with a local government election occurring later this year, it is relevant to consider Council’s <a href="#">Caretaker Policy</a> which states that the CEO should avoid scheduling major policy decisions during an Election Period. Caretaker period for the 2022 elections runs from 6 September to final declaration of the results which is approximately 3 days following the count on 12 November. This has the potential to delay decisions relating to the Code Amendment where Council needs to make decisions. This time may also extend to January 2023 before the new elected Council is in a position to consider a major policy matter such as this.</p>
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A briefing has been scheduled for the Elected Member Workshop on 5 April to enable staff and the developer to provide an update on the status of the Code Amendment and investigations and an overview of the proposed zoning policies and infrastructure requirements.

### **3. FINANCIAL**

In October 2021 Council and the developer entered into a Funding Agreement in which the developer committed to funding the Council-led Code Amendment. The



Funding Agreement identified an Agreed Sum of \$90,000 payable over the life of the project. The developer has already paid \$30,000 towards these costs.

This agreement will need to be reviewed to recognise that the developer will lead the Code Amendment process. As per the original funding agreement, YAS P&D has agreed to continue to fund staff resources and legal costs associated with the infrastructure agreements. Staff will work with Norman Waterhouse Lawyers to draft an amended agreement in consultation with YAS P&D and adjust the Agreed Sum as required.

#### 4. STRATEGIC OBJECTIVES

##### Strategic Plan

The following strategic objectives in Council's Strategic Plan 2025 are the most relevant to this report:

Objective	Comments
<b>Community</b>	
<i>People can have a say in decisions that affect them and the key decisions of the Council</i>	The Code Amendment process includes engagement with the community. With a developer-led Code Amendment, community engagement would be the responsibility of the developer, not Council.
<b>Leadership</b>	
<i>Planning considers current and future community needs</i>	Investigations consider the needs of residents and the future community, irrespective of whether the Code Amendment is led by Council or by a private proponent.
<i>Decision making is informed, based on evidence and is consistent</i>	Any investigations will need to be thorough, rigorous and communicated by the developer to the Council to assist with decision-making. With a developer-led Code Amendment, Council will not make the final decision as to whether to forward the Code Amendment to the Minister for final approval. Council will however, be consulted on the draft Code Amendment and will need to endorse the final Infrastructure Deeds before the developer can forward the Code Amendment to the Minister for final consideration.

<i>Major strategic decisions are made after considering the views of the community</i>	The Code Amendment process includes engagement with the community, however it is the developer who will manage the community engagement process, respond to the feedback and prepare a final draft Code Amendment for consideration by the Minister.
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## 5. LEGAL

There is no legal requirement for a private proponent to obtain Council approval to initiate a developer-led Code Amendment, however, preliminary consultation with Council's CEO must occur as prescribed in the State Planning Commission's Practice Direction 2 – Preparation and Amendment of Designated Instruments, Part 3 – 7 (2)(g).

The Practice Direction states that the proponent (i.e. YAS P&D) must provide the Minister for Planning with *“Evidence that the Private Proponent has undertaken preliminary consultation with the Chief Executive Officer of the relevant Council and/or with a relevant Joint Planning Board on the Proposal to Initiate and details of any matters raised on the Proposal to Initiate as a result. If consultation with the Chief Executive Officer of the relevant Council or with the relevant Joint Planning Board has not been undertaken by the Private Proponent, consultation will be undertaken by the Department.”*

In recent weeks, a number of discussions have occurred between Council's CEO, Council staff, URPS and YAS P&D in relation to this revised approach and the letter in Attachment 1 is consistent with those conversations.

If the Minister approves the developer-led Proposal to Initiate a Code Amendment, the current Council-led Code Amendment will become obsolete and will need to be withdrawn.

## 6. RISK – IDENTIFICATION AND MITIGATION

Council staff have provided comprehensive feedback to the developer in relation to the investigations so far and detailed issues (particularly relating to zoning policy and infrastructure requirements) that need to be addressed by the Code Amendment and/or the Infrastructure Agreements.

Regardless of who is leading the Code Amendment ie. Council or the developer, these issues need to be addressed to the satisfaction of Council. In recent discussions and in their letter (Attachment 1) the developer has acknowledged this and has committed to:

1. Work with Council to ensure the appropriate infrastructure deeds and land management agreements are executed to all party's satisfaction

2. Continue to meet regularly with Council staff to discuss all relevant project details
3. Present to Council at regular stages of the project
4. Forward early drafts of the Code Amendment document, supporting investigations and community engagement material.

## **7. ACCESS AND INCLUSION**

NA

## **8. SOCIAL AND COMMUNITY IMPACT**

A combined developer-led Code Amendment will result in two properties not being included in the rezone area (see map in Attachment 1). The new zoning will not apply and they will remain zoned Rural Living unless:

1. The developer secures an interest over these properties and they can be incorporated into this Code Amendment, or
2. The land owner initiates a developer-led Code Amendment, or
3. The Council initiates a Code Amendment, or
4. The Chief Executive of the Attorney General's Department takes on the Code Amendment and includes all properties in the rezoning process.

The exclusion of some sites is likely to present some challenges in being able to achieve orderly development. One of the excluded sites, in particular, will likely play a key role in the open space and drainage network. In order to achieve continuous connections through open space and drainage corridors this will need to be considered and addressed in concept plans, when determining infrastructure requirements as well as being reflected in the relevant Infrastructure Deeds.

Notwithstanding this, the two excluded properties are located on the edges of the rezone area and the retention of rural living activities on these properties is unlikely to conflict with future residents in the Neighbourhood Zone.

## **9. ENVIRONMENTAL**

These matters will be considered as part of the investigations and addressed in the draft Code Amendment and Infrastructure Deeds which will be presented to Council at a later stage for consideration.

## **10. ASSETS**

These matters will be considered as part of the investigations and addressed in the draft Code Amendment and Infrastructure Deeds which will be presented to Council at a later stage for consideration

## **11. PEOPLE AND WORK PLANS**

Council Staff will continue to work collaboratively with URPS as required to progress the Code Amendment as outlined in the Proposal to Initiate the Golden Grove Neighbourhood and Commercial Code Amendment.

## **12. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Council's Community Engagement (Public Consultation) Policy does not apply to public consultation under the PDI Act.

In the case of a developer-led Code Amendment, the developer is responsible for consulting with stakeholders through the investigations stage and undertaking formal stakeholder and community engagement. The PDI Act requires an Engagement Plan to be prepared and, following engagement, preparation of an Engagement Report. These are both submitted to the Minister for Planning with the final Code Amendment for approval.

Council is not be responsible for preparing this Engagement Plan and will not endorse an engagement strategy as is the Council's general practice. Regardless of who leads the Code Amendment process, engagement needs to be undertaken in accordance with the Community Engagement Charter developed under the PDI Act. The Engagement Plan sets out how engagement will meet the Charter's principles, the extent of engagement, key messages and tools to be used.

Consulting on one Code Amendment is likely to be less confusing for the community.

Up to now, the community has been advised that there are two code amendments, one being led by Council and the other being led by the developer. Pending the Minister's approval of the combined developer-led Proposal to Initiate a Code Amendment, Council will need to communicate this to land owners in the rezone area and update the project page on Council's website.

## **13. COMMUNICATIONS OF COUNCIL DECISION**

Letter to land owners in the affected Rural Living Zone to advise of the current status of the investigations, the Proposal to Initiate a Neighbourhood and Commercial Code Amendment and the omission of two properties.

The project page on Council's website will be updated.

## **14. INTERNAL REPORT CONSULTATION**

The following staff have been included in the consultation process in the preparation of this Report.

<b>Name</b>	<b>Position</b>	<b>Consulted about</b>
-------------	-----------------	------------------------

Cherie Gill

Senior Strategy Planner    Planning policy

### **Attachments**

1. Letter from URPS - Golden Grove Code Amendments
2. Proposal to Initiate Golden Grove Neighbourhood and Commercial Code Amendment

### **Report Authorisers**

Ingrid Wilkshire	
Manager City Strategy	8397 7292

Ryan McMahon	
Acting Chief Executive Officer	8397 7297



15 March 2022

Ryan McMahon  
Acting Chief Executive Officer  
City of Tea Tree Gully  
571 Montague Road,  
Modbury SA 5092

Attention: Ingrid, <ingrid.wilkshire@cttg.sa.gov.au>

**Adelaide**  
12/154 Fullarton Rd  
Rose Park, SA 5067  
08 8333 7999  
  
**Melbourne**  
29-31 Rathdowne St  
Carlton, VIC 3053  
03 8593 9650  
urps.com.au

Dear Mr McMahon,

## Golden Grove Code Amendments

URPS is acting on behalf of YAS Property and Development (YAS).

### Proposal to Merge the two Golden Grove Code Amendments

Further to our previous conversations with John Moyle and Ingrid Wilkshire, for the following reasons, we have requested the Minister for Planning to effectively merge the Council led (YAS funded) Golden Grove (Rural Living Zone to Neighbourhood-type Zone) Code Amendment with the YAS led Golden Grove Commercial/Retail Code Amendment:

- Working through the engagement plans associated with both projects, we are finding that the existing two separate Code Amendments are likely to cause confusion in the community and it may be difficult to coordinate and separate community responses to each amendment. A combined rezoning approach will simplify the message and result in a less complicated procedural assessment of the rezoning project. This in turn will result in a more successful community engagement process.
- Infrastructure updates are linked to different scenarios associated with the residential and commercial/retail rezoning. It would be simpler to have these two infrastructure investigations linked to one project. This position reinforces the Ministerial approval requirement that states "The Code Amendment will not be considered for approval until such time that the associated Golden Grove (Rural Living Neighbourhood-type Zone / Retail Commercial Zone- Code Amendment has been approved."

- The existing Ministerial approvals to commence the rezoning projects refers to a condition that doesn't permit Council and YAS to create new zone / subzones. However, the Attorney General's Department (AGD) is working on another Code Amendment that will need to incorporate a new subzone for the Master Planned Neighbourhood Zone. The subzone is likely to address the issue of sloping land within the existing zone. Subject to the contents of this subzone, we may require the subzone for the Golden Grove project. Therefore, we need the Minister's approval to allow us to work with AGD to consider the merits of incorporating the subzone.
- Council was originally requested to manage the Code Amendment because not all landowners were linked to a development group. Since that time, there are now only two landowners who are not associated with a developer. These allotments are located at the outskirts of the proposal and will not materially impact on the development of the land. These two allotments are illustrated on the attached plan. Therefore, the imperative for Council to lead the rezoning no longer exists. Subject to the successful rezoning of the affected land, these two allotments will remain within the existing Rural Living Zone. Given the size of the rural living allotments, we don't consider that there will be any material land use conflict issues with the new residential area.
- The Planning, Development and Infrastructure Act is drafted in a manner that promotes a more efficient and streamlined proponent led Code Amendment. A proponent is not bound by the requirements associated with a Council process. Given the investigations undertaken to date, we have greater confidence that a proponent led process will result in a more streamlined outcome. We anticipate commencing community engagement in April and have the land rezoned with the associated infrastructure agreements in November 2022.

## Request

Given the combined Proposal to Initiate has been forwarded to the Minister and distributed to Council, we seek in-principle support of the Proposal from Council's CEO in accordance with the State Planning Commission's Practice Direction 2.

The written support is desired this week to promote the efficient processing of the Proposal by the AGD-PLUS.

On the assumption that the Minister will approve the combined Proposal to Initiate a Code Amendment, the current Council led Code Amendment will be obsolete.

## Acknowledgment of Council

YAS and URPS thank Council for its contribution to this project. We appreciate Elected Members initially managing the process. We have valued staff's efforts associated with

the review of investigation reports and adding value to the process and planning outcome.

### **Continued Collaboration with Council**

URPS desires to continue to collaborate with Council, including implementing the following actions:

- Meet with Council staff on a weekly basis to discuss all relevant project details.
- Request the opportunity to present to Elected Members on the 5 April 2022 at the Elected Member Workshop.
- Present to Council at regular stages of the project.
- Forward Council early drafts of the Code Amendment document, supporting investigations and community engagement material.
- Work with Council to ensure the appropriate infrastructure deeds and land management agreements are executed to all party's satisfaction.

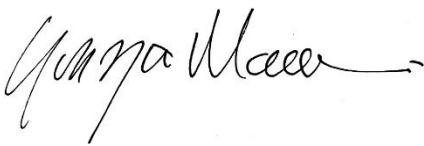
### **Financing**

As per the original funding agreement, YAS has agreed to fund staff resources and legal costs associated with the infrastructure agreements.

We understand that Council will review this funding agreement and provide an updated agreement that reflects the new arrangements. We anticipate that there will still be a requirement to make a funding contribution, albeit at a lower level than the existing agreement.

If you have any questions, please do not hesitate to contact me.

Yours sincerely

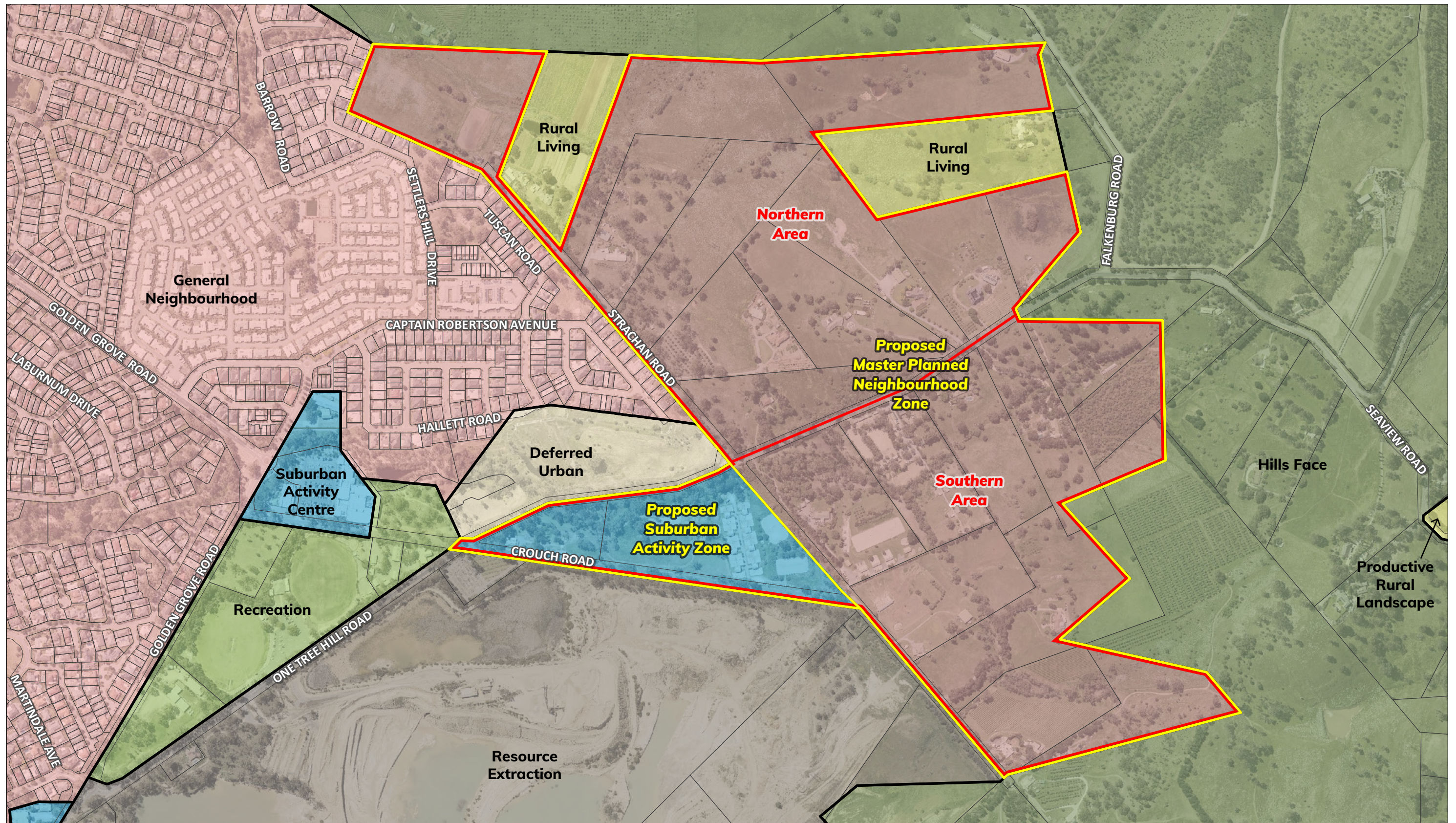


**Grazio Maiorano**

Director

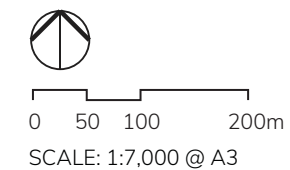
Enc: Affected Area Map





## PROPOSED PLANNING AND DESIGN CODE ZONES Golden Grove

JOB REF. 22ADL-0397  
 PREPARED BY. MP  
 DATE. 16.03.22  
 REVISION. 3  
 DATA SOURCE. MetroMap (07.01.21)



**Legend**  
 Area Affected  
 Proposed Zone Boundary  
 Cadastre



# Proposal to Initiate an Amendment to the Planning & Design Code

Golden Grove Neighbourhood and Commercial  
Code Amendment

By Person with Interest in the Land (the Proponent)

\_\_\_\_\_ (Signature Required)

*YAS Property & Development (the Proponent)*

Date: 10 August 2021

This Proposal to Initiate document together with conditions specified by the Minister forms the basis for the preparation of a proposed amendment to the Planning and Design Code for the purpose of section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*.

MINISTER FOR PLANNING AND LOCAL GOVERNMENT

Date:

# Proposal to Initiate a Code Amendment

11 March 2022

Lead consultant	URPS Suite 12/154 Fullarton Road (cnr Alexandra Ave) Rose Park, SA 5067 (08) 8333 7999 urps.com.au
Prepared for	YAS Property & Development
Consultant Project Manager	Grazio Maiorano, Director gmaiorano@urps.com.au
URPS Ref	20ADL-0927

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## Contents

1.	Introduction .....	1
1.1	Designated Entity for Undertaking the Code Amendment .....	1
1.2	Background.....	2
1.3	Rationale for the Code Amendment .....	2
2.	Scope of the Code Amendment.....	4
2.1	Affected Area.....	4
2.2	Scope of Proposed Code Amendment.....	5
3.	Strategic Planning Outcomes.....	7
3.1	Alignment with State Planning Policies .....	7
3.2	Alignment with Regional Plans .....	15
3.3	Alignment with Other Relevant Documents.....	20
4.	Investigations and Engagement .....	22
4.1	Investigations Already Undertaken .....	22
4.2	Further Investigations Proposed .....	27
4.3	Engagement Already Undertaken .....	30
4.4	Further Engagement Proposed .....	30
5.	Code Amendment Process .....	32
5.1	Engagement Plan.....	32
5.2	Engagement Report.....	32
5.3	Code Amendment Timetable .....	32
6.	Conditions and Additional Information.....	33
6.1	Identified Conditions and Requested Additional Investigations .....	33

Attachment A: Map of Affected Area

Attachment B: Timetable for Code Amendment by Proponent

Attachment C: Letters from the Minister for Planning and Local Government

# 1. Introduction

The Proponent (YAS Property & Development – YAS P&D) is proposing an amendment to the Planning and Design Code (the Code Amendment) as it relates to land within the Rural Living Zone at Golden Grove (the Affected Area).

The purpose of this Proposal to Initiate is to seek approval of the Minister for Planning and Local Government (the Minister) to initiate the Code Amendment under section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act).

This Proposal to Initiate details the scope, relevant strategic and policy considerations, nature of investigations to be carried out and information to be collected for the Code Amendment. It also details the timeframes to be followed in undertaking the Code Amendment, should this Proposal to Initiate be approved by the Minister.

The Proponent acknowledges that the Minister may specify conditions on approving this Proposal to Initiate, under section 73(5) of the Act. In the event of inconsistency between this Proposal to Initiate and any conditions specified by the Minister, the conditions will apply.

## 1.1 Designated Entity for Undertaking the Code Amendment

In accordance with section 73(4)(a) of the Act, the Proponent will be the Designated Entity responsible for undertaking the Code Amendment process. As a result:

1.1.1 The Proponent (YAS P&D) acknowledges that it will be responsible for undertaking the Code Amendment in accordance with the requirements Act.

1.1.2 The Proponent's contact person responsible for managing the Code Amendment and receiving all official documents relating to this Code Amendment is:

Grazio Maiorano RPIA (Fellow),  
Director,  
URPS  
[gmaiorano@urps.com.au](mailto:gmaiorano@urps.com.au)  
(08) 8333 7999

1.1.3 The Proponent intends to undertake the Code Amendment by:

(a) engaging URPS to provide the professional services required to undertake the Code Amendment.

The Proponent acknowledges that the Minister may, under section 73(4)(b) of the Act, determine that the Chief Executive of the Department will be the Designated Entity responsible for undertaking the Code Amendment. In this case, the Proponent acknowledges and agrees that they will be required to pay the reasonable costs of the Chief Executive in undertaking the Code Amendment.

## 1.2 Background

On 10 January 2022, the Hon Hosh Teague MP, Minister for Planning and Local Government approved the initiation of two separate Code Amendments for Golden Grove:

- The Golden Grove Neighbourhood and Commercial Code Amendment – to be undertaken by the Tea Tree Gully Council
- The Golden Grove Commercial/Retail Code Amendment – to be undertaken by YAS P&D.

It is now proposed that these two Code Amendments be merged and progressed by YAS P&D for the reasons set out below.

Firstly, it has been identified that, the progression of two separate Code Amendments by two separate entities is likely to create confusion in the community during the public consultation / submissions process. A combined rezoning approach will simplify the message and result in a less complicated procedural assessment of the rezoning project overall.

Infrastructure updates are linked to different scenarios associated with the residential and retail rezoning. It will be simpler to have these two infrastructure investigations linked to one project. This position reinforces the previous Ministerial approval requirement that states, “The Code Amendment will not be considered for approval until such time that the associated Golden Grove Neighbourhood and Commercial Code Amendment has been approved.”

Further, the original Initiation Proposal approval refers to a condition that doesn’t permit the creation of new subzones. However, the investigations undertaken to-date have shown that a new subzone may be the most appropriate mechanism to ensure an optimal design response for development on sloping land. As such, it is necessary to seek an amendment to the conditions and explore if such a subzone is appropriate.

Since the approval of the Initiation Proposals, YAS P&D has secured an interest over the affected area, other than two rural living allotments. The remaining two landowners have no intent in developing their land at this time, and at this stage doesn’t desire the land to be included within the Code Amendment.

Given the above, it is now proposed that the Golden Grove Commercial/Retail Code Amendment be withdrawn, and with the support of the Council, the Golden Grove Neighbourhood and Commercial Code Amendment be placed on hold.

In progressing the Code Amendment, the Council will still remain an important entity in the process as YAS P&D commits to continue discussions with Tea Tree Gully Council with the objective to agree to infrastructure deeds / Land Management Agreements (LMA) before the Code Amendment is approved.

## 1.3 Rationale for the Code Amendment

The Code Amendment will support a premium quality, master-planned and sustainable development at Golden Grove which will include between 900-1200 new dwellings, a commercial/retail precinct, quality open space and new cycling and pedestrian connections for the broader community to enjoy.

The proposal is nestled between the Adelaide’s Hills Face to the east, which provides a landscaped backdrop to the development, and the existing Golden Grove neighborhood to the west. The Hills Face will be preserved as an important element of Adelaide’s visual character.

The retail and commercial precinct will provide a visual and physical buffer to the quarry activities while providing a range of services for the community to enjoy. The development will ensure there is suitable infrastructure and services to support a growing community at Golden Grove.

The residential precinct will be low to medium density with a range of new housing options, including affordable housing for new homebuyers and those wishing to down-size. The majority of the development will be larger allotments that are similar to the existing residential part of Golden Grove.

The demand derived from the residential component of the project will support the ongoing improvement and viability of local retail and commercial development and support improvements to local infrastructure. Significant construction and local employment will be created throughout the project.

The land envisaged for residential development is currently within a Rural Living Zone and is used for low density residential purposes with a small number of allotments also comprising ancillary primary production or animal keeping activities. Given the lands' proximity to the built-up area of Golden Grove, the locality is well serviced by established essential infrastructure. This land represents one of the last remaining areas within the City of Tea Tree Gully capable of supporting population growth, with the majority of other consolidation throughout the City comprising small-scale urban infill. This Code Amendment seeks to rezone this land to a suitable neighbourhood-type zone and retail/commercial zone, depending on the outcomes of investigations including quarry interface issues.

The advancement of this Code Amendment will:

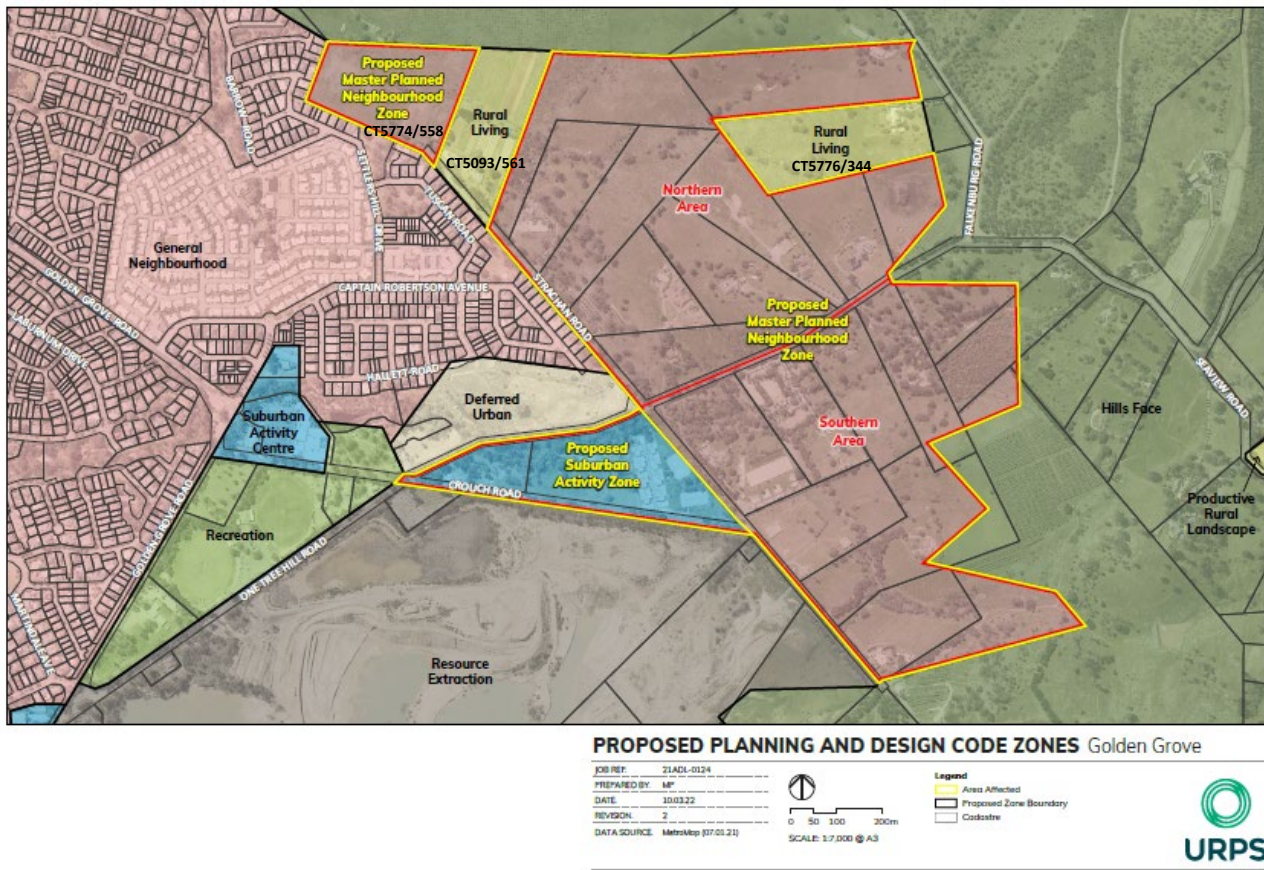
- Provide an opportunity to start addressing the challenges and opportunities identified in Council's Strategic Plan 2025 through the consolidated and staged development of the area. Namely, the provision of new, mixed housing stock designed in a manner that addresses future needs and contributes to increased population density and diversity.
- Leverage a new, previously unidentified opportunity to deliver urban consolidation in the north-east of Adelaide. The intended outcomes of this Code Amendment will prioritise additional infill development within the existing Planned Urban Lands and attract new residents to the City.
- Contribute to the consolidation of the urban footprint of Adelaide in a manner that does not compromise strategic primary production areas or areas of strong visual or environmental significance.
- Recognise the importance of protecting neighbouring land uses, namely extractive industries, from unreasonable intrusion and takes a pro-active approach to early and ongoing engagement.



## 2. Scope of the Code Amendment

### 2.1 Affected Area

The Affected Area is illustrated in the map below and is also contained in **Attachment A**. The Affected Area is within the Rural Living Zone at Golden Grove.



#### *Residential Precinct*

The residential component of the proposal seeks to amend the land located within the Rural Living Zone at Golden Grove. This is described as that land bounded by the Hills Face Zone to the north and east, Strachan Road, Crouch Road and One Tree Hill Road to the west, and the Hills Face/Resource Extraction Zone to the South.

Several allotments in the Affected Area are dissected by the Rural Living Zone and Hills Face Zone boundary and separately the Environment and Food Production Area Overlay. This Code Amendment is limited to the land within the Rural Living Zone. The area located within the Hills Face Zone is unaffected by this proposal.

Of note, there are two rural living allotments that have been excluded from the proposal:

- CT5093/561 – 14 Strachan Road, Golden Grove (North-western allotment)
- CT5776/344 – 33 Falkenburg Road, Golden Grove (eastern allotment)

While the outcome of this exclusion is that CT5774/558 (16 Strachan Road, Golden Grove) is not contiguous with the rezoned area, it is a logical extension of the existing Golden Grove neighbourhood and will be connected to the existing urban area in terms of infrastructure and services.

### Commercial Precinct

The proposed commercial precinct is located to the north of the Resource Extraction Zone and includes 53 and 99 Crouch Road, Golden Grove (CT:5203/699 and CT:5482/787 respectively). The land abuts the proposed new residential precinct to the east and Deferred Urban land to the north.

## 2.2 Scope of Proposed Code Amendment

### Site 1 - 53 & 99 Crouch Road, Golden Grove (Retail and Commercial Precinct)

<b>Current Policy</b>	<p><u>Zone</u></p> <ul style="list-style-type: none"><li>• Rural Living</li></ul> <p><u>Overlays</u></p> <ul style="list-style-type: none"><li>• Hazards (Bushfire – Urban Interface)</li><li>• Hazards (Flooding)</li><li>• Hazards (Flooding – Evidence Required)</li><li>• Heritage Adjacency</li><li>• Local Heritage Place</li><li>• Defence Aviation Area</li><li>• Regulated and Significant Tree</li><li>• Prescribed Wells Area</li><li>• Water Resources</li></ul> <p><u>TNV's</u></p> <ul style="list-style-type: none"><li>• Minimum Site Area (4ha)</li></ul>
<b>Amendment Outline</b>	<p>The objective of the Code Amendment is to rezone the land for commercial/retail activities to support the current and future population.</p>
<b>Intended Policy</b>	<p><u>Zone</u></p> <ul style="list-style-type: none"><li>• Suburban Activity Centre Zone.</li></ul> <p><u>Overlays</u></p> <p>Investigate whether any changes are required to the application of the following Overlays:</p> <ul style="list-style-type: none"><li>• Hazard (flooding)</li><li>• Hazards (Flooding – Evidence Required)</li><li>• Hazards (Bushfire – Urban Interface)</li></ul> <p><u>TNVs</u></p> <ul style="list-style-type: none"><li>• Building Heights (low rise development is envisaged)</li></ul>

	The potential role of a Concept Plan will be investigated.
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## Site 2 – Neighbourhood Precinct

<b>Current Policy</b>	<p><u>Zone:</u></p> <ul style="list-style-type: none"> <li>• Rural Living</li> </ul> <p><u>Overlays</u></p> <ul style="list-style-type: none"> <li>• Hazards (Bushfire – Medium Risk)</li> <li>• Hazards (Flooding)</li> <li>• Hazards (Flooding – Evidence Required)</li> <li>• Defence Aviation Area</li> <li>• Regulated and Significant Tree</li> <li>• Prescribed Water Resources Area</li> <li>• Prescribed Wells Area</li> <li>• Water Resources</li> </ul> <p><u>Technical and Numeric Variations</u></p> <ul style="list-style-type: none"> <li>• Minimum site area – 4ha</li> </ul>
<b>Amendment Outline</b>	The amendment seeks to rezone the entire Rural Living Zone to facilitate development of a neighbourhood (residential) type outcome.
<b>Intended Policy</b>	<p>The Code Amendment seeks the following amendments:</p> <p><u>Zone</u></p> <ul style="list-style-type: none"> <li>• Master Planned Neighbourhood Zone</li> </ul> <p><u>Overlays</u></p> <p>Review the application of the following Overlays:</p> <ul style="list-style-type: none"> <li>• Hazards (Bushfire – Medium Risk)</li> <li>• Hazards (Flooding)</li> <li>• Hazards (Flooding – Evidence Required)</li> </ul> <p>The Affordable Housing Overlay will be applied to the area affected by the Master Planned Neighbourhood Zone.</p> <p>The potential to include a Concept Plan will be investigated.</p> <p>The potential to include additional policies to address sloping land will be investigated in consultation with the Attorney-General's Department.</p>

### 3. Strategic Planning Outcomes

Proposed Code Amendments occur within a state, regional and local strategic setting, which includes:

- State Planning Policies (SPPs)
- Regional Plans
- Other relevant strategic documents.

#### 3.1 Alignment with State Planning Policies

The State Planning Policies (SPPs) set out the State's overarching goals and requirements for the planning system. Under section 66(3)(f) of the Act, the Code must comply with any principle prescribed by a SPP.

The Code Amendment should be initiated because the strategic planning outcomes sought to be achieved through the Code Amendment align with or seeks to implement the following SPPs:

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<b>SPP 1 – Integrated Planning</b>  To apply the principles of integrated planning to shape cities and regions in a way that enhances our liveability, economic prosperity and sustainable future.	
1.1 An adequate supply of land (well serviced by infrastructure) is available that can accommodate housing and employment growth over the relevant forecast period.	<p>The proposed Code Amendment seeks to deliver a further opportunity for the rationalisation of the residential growth within Greater Adelaide, with associated employment growth. The land is located within the Inner North region as identified in the Commission's <i>Land Supply Report for Greater Adelaide</i> (Report). This Report provides an overview of the projected future population and associated demand for residential growth. Based on the modelled high scenario, the Inner North is expected to require some 14,000 new dwellings between 2020 and 2030. The Code Amendment provides an opportunity address this demand.</p> <p>This is supported by data made available by Remplan which identifies the continued growth in the number of persons calling the City of Tea Tree Gully home over the period 2011 – 2016 by 2,238 persons<sup>1</sup>. Whilst recognised that this is a reasonably slow growth rate, it is important to note the characteristics of the city. The Rural Living zoned land in Tea Tree Gully is the last remaining opportunity for urban consolidation to support population growth. The balance of opportunities are confined largely to infill development in existing neighbourhood-type zones which are typified by small scale land division.</p>

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<sup>1</sup> Remplan, 2021, *City of Tea Tree Gully – Population Summary*.

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
	<p>The proposal has the potential to yield some 900-1200 allotments to accommodate future residential land uses and will deliver a unique offering in the eastern foothills of Metropolitan Adelaide. Notwithstanding the current zoning of the land, the Affected Area is situated adjacent an established urban residential area that is well serviced by existing essential infrastructure.</p> <p>The current supply of retail and commercially zoned land in the wider locality is limited, with little to no available land. The proposed retail and commercial precinct will provide additional employment opportunities and service offerings in close proximity to this new residential area.</p>
<p>1.2 Provide an orderly sequence of land development that enables the cost-effective and timely delivery of infrastructure investment commensurate with the rate of future population growth.</p> <p>1.3 Plan growth in areas of the state that is connected to and integrated with, existing and proposed public transport routes, infrastructure, services and employment lands.</p> <p>1.4 Protect areas of rural, landscape character, environmental importance, mining or food production significance from the expansion of urban areas, towns and settlements.</p> <p>1.6 Plan for strategic infrastructure that helps to shape the pattern of settlement in a way that enhances quality of life and supports long-term sustainability.</p>	<p>The proposed Code Amendment proposes the logical and orderly delivery of residential and retail/commercial growth within the metropolitan Adelaide region over a period of 10-15 years, providing for the consolidation of built form. The land is located on the fringe of the established urban area and is well connected to existing infrastructure such as major collector roads or is capable of being connected to infrastructure via extension.</p> <p>The Affected Area is located in proximity to Adelaide Metro public transport routes on Golden Grove Road. Investigations undertaken to inform this Code Amendment will include both consideration of future public transport need and engagement with DIT and Adelaide Metro.</p> <p>The Code Amendment proposes to rezone land in proximity of the declared Golden Grove Extractive Industries Zone (GGEIZ).</p> <p>The GGEIZ is identified by the Department of Energy and Mining (DEM) as a Strategic Mineral Resource Area and as such requires protection. Preliminary engagement has been undertaken with DEM to understand the long-term needs of extractive industry operators. The Code Amendment and policy response will be acutely aware of the need to protect this resource and not impede upon the continued operation of extractive industries.</p> <p>The proposed Code Amendment includes detailed infrastructure investigations which will identify the infrastructure required to support the long-term development of the Affected Area. The delivery of infrastructure will be supported by appropriate infrastructure provision mechanisms (e.g. infrastructure agreements).</p>
<p>1.4 Protect areas of rural, landscape character, environmental importance, mining or food production significance</p>	<p>The Code Amendment will be prepared with the knowledge that the site is located to the immediate north of the Resource</p>

State Planning Policy (SPP)		Code Amendment Alignment with SPPs
	from the expansion of urban areas, towns and settlements.	Extraction Zone (P&D Code) and the <i>Golden Grove Extractive Industries Zone</i> (DEM).  It is noted however that the nature of the Code Amendment is not at odds with the existing use of neighbouring properties.
1.7	Regenerate neighbourhoods to improve the quality and diversity of housing in appropriate locations supported by infrastructure, services and facilities.	The Affected Area consists of large rural living allotments. The Code Amendment proposes to deliver a range of new low-density residential outcomes and associated services on the fringe of the existing built-up urban area. The current zoning does not support the redevelopment of the area in this manner.
<b>SPP 2 Design Quality:</b>		
To elevate the design quality of South Australia's built environment and public realm.		
2.10	Facilitate development that positively contributes to the public realm by providing active interfaces with street and public open spaces.	The Code Amendment seeks to provide a zoning environment that will ensure a cohesive public realm is achieved utilising best practice public realm principles.
2.14	Provide public open space that accommodates a range of passive, active and formal sporting opportunities at the state, regional and/or local level	The future development of the Affected Area will deliver public open space in a manner that provides both local amenity and a stormwater management function.
<b>SPP 4 – Biodiversity</b>		
To maintain and improve our state's biodiversity and its life supporting functions.		
4.1	Minimise impacts of development on areas with recognised natural character and values, such as native vegetation and critical habitat so that critical life-supporting functions to our state can be maintained.	It is acknowledged that the Affected Area comprises natural features in the form of a creek line and areas of native vegetation. The majority of vegetation is disturbed or altered with little remnant native vegetation remaining. A preliminary analysis of vegetation and habitat has been undertaken which confirms that the overwhelming majority of land is exotic vegetation with only small pockets of high habitat value.  The Code Amendment will take account of the characteristics of the Affected Area and the recommendations contained in the Flora and Fauna Due Diligence Report prepared by EBS Ecology.
<b>SPP 5 – Climate Change</b>		
To maintain and improve our state's biodiversity and its life supporting functions		



State Planning Policy (SPP)		Code Amendment Alignment with SPPs
5.2	The good design of public places to increase climate change resilience and future liveability.	The Code Amendment proposes to deliver a zoning environment which supports the development of a higher density residential outcome. The design of future public places such as parks and open spaces will take into account the characteristics of the locality and will seek to enhance liveability and deliver a resilient urban form.
5.5	Avoid development in hazard-prone areas or, where unavoidable, ensure risks to people and property are mitigated to an acceptable or tolerable level through cost-effective measures.	Refer to Natural Hazards below.
5.7	Protect and enhance areas that provide biodiversity and ecological services and maximise opportunities for carbon storage.	The Affected Area can be described as an altered landscape. Investigations will be undertaken by EBS Ecology as part of the Code Amendment to understand the ecological significance of the area.
<b>SPP 6 Housing Supply and Diversity:</b> To promote the development of well-serviced and sustainable housing and land choices where and when required.		
6.1	A well-designed, diverse and affordable housing supply that responds to population growth and projections and the evolving demographic, social, cultural and lifestyle needs of our current and future communities.	<p>The neighbourhood component of the Code Amendment proposes to deliver a zoning environment which supports residential growth in the northern part of the City of Tea Tree Gully which otherwise has little to no residential growth potential on greenfield sites.</p> <p>Development outcomes sought will be well-designed and take into account the Affected Area's characteristics, including topography and natural features.</p>
6.2	The timely supply of land for housing that is integrated with, and connected to, the range of services, facilities, public transport and infrastructure needed to support liveable and walkable neighbourhoods.	The Code Amendment will deliver the rezoning of approximately 109ha of land to support residential growth over 10-15 years. The Affected Area is located on the urban fringe and has the potential to connect to nearby existing infrastructure and services. The associated retail and commercial precinct will support the residential development with further services.
6.3	Develop healthy neighbourhoods that include diverse housing options; enable access to local shops, community facilities and infrastructure; promote active travel and public transport use; and provide	The proximity of the Affected Area to metropolitan Adelaide and existing services offers a unique opportunity to provide a diverse range of housing which is not readily found in other locations in the northern residential market. Given the topography and environmental characteristics of the Affected Area, there is opportunity to integrate natural features into the future design.

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
quality open space, recreation and sporting facilities.	
<b>SPP 7 – Cultural Heritage</b> To protect and conserve heritage places and areas for the benefit of our present and future generations.	
7.1 Recognise and protect Indigenous cultural heritage sites and areas of significance.	<p>The Code Amendment is not anticipated to impact on areas of Indigenous cultural heritage significance.</p> <p>Notwithstanding this, the Kaurua Yerta Aboriginal Corporation Registered Native Title Body Corporate will be consulted as part of the investigations along with a review of information available from the Department of Premier and Cabinet – Aboriginal Affairs and Reconciliation.</p>
7.3 Recognise and protect places and areas of acknowledged heritage value for future generations.	53 Crouch Road, Golden Grove is recognised as a Local Heritage Place (House – Former Golden Grove School) and is included in the Local Heritage Place Overlay. The Code Amendment does not propose alterations to this place or Overlay.
<b>SPP 9 – Employment Lands</b> To provide sufficient land supply for employment generating uses that support economic growth and productivity.	
9.2 Enable opportunities for employment and encourage development of underutilised lands connected to, and integrated with, housing, infrastructure, transport and essential services.	<p>The retail and commercial component of the Code Amendment is proposed in response to the continued development of Golden Grove and the anticipated increase in demand for commercial and retail offerings arising from the residential component of the Code Amendment.</p>
9.4 Adaptable policies that allow commercial and industrial-focused employment lands to support local economies and evolve in response to changing business and community needs.	<p>The retail and commercial component of the Code Amendment is supported by detailed retail assessment to determine the location's suitability to support higher order retail and commercial activities. This report is discussed further below in Section 4. It is intended that the proposal will address shortfalls in supply to meet the needs of the current and future population.</p>
9.8 Allow for competition within the retail sector by providing an appropriate supply of land for all retail formats in areas that are easily accessible to communities	<p>The Code Amendment seeks to rezone 7.56 hectares of Rural Living zoned land for employment purposes. A high-level review of zones in the wider locality confirms that there is a shortage of available activity centre/employment land in the wider locality, and this Code Amendment seeks to address this.</p> <p>The rezoning proposed via this Code Amendment is not intended to lead to direct competition with the activities occurring in nearby activity centres. Rather, the rezoning intends to facilitate a</p>



State Planning Policy (SPP)	Code Amendment Alignment with SPPs
	policy setting that provides for complimentary retail/commercial type activities which support the wider population, both current and future.
<b>SPP 10 Mineral and Energy Resources:</b> To protect key resources that contribute to our state's economy and provide valued employment opportunities.	
10.1 Define and protect mineral resources operations, associated infrastructure and undeveloped mineral resources from encroachment by incompatible land uses.	<p>It is acknowledged that the land is located in proximity of the Golden Grove Mineral Extraction Zone and that future use of the Affected Area must not compromise the future mining operations. Engagement has already commenced with the Department of Energy and Mining (DEM) and the Environment Protection Authority (EPA) and will continue to occur throughout the Code Amendment process. Direct consultation will also be undertaken with the private mine operators.</p> <p>Separately, detailed consideration of the potential impacts that may arise from the interface shared between the existing Resource Extraction Zone and Affected Area will form an integral part of the investigations.</p>
<b>SPP 11 Strategic Transport Infrastructure:</b> To integrate land use policies with existing and future transport infrastructure, services and functions to preserve and enhance safe, efficient and reliable connectivity for people and business.	
11.1 Facilitate an efficient, reliable and safe transport network that connects business to markets and people to places (i.e. where they live, work, visit and recreate).	<p>The proposed Code Amendment will result in a new local road network which connects to the wider network in a safe and convenient manner.</p> <p>The Affected Area is located adjacent the established residential suburb of Golden Grove and in close proximity to retail shops on Golden Grove Road as well as open space in Golden Grove and will ensure that convenient and safe access is retained to these areas.</p>
11.2 Development that maximises the use of current and planned investment in transport infrastructure, corridors, nodes and services.	The locality is serviced by the existing Adelaide Metro bus network. There may be opportunity to expand this network to service the Affected Area. Adelaide Metro will be consulted as part of the Code Amendment.
11.3 Equitable contributions towards the funding and provision of transport infrastructure and services to support land and property development.	The Code Amendment includes a range of infrastructure investigations. It is anticipated that there may be a need to upgrade infrastructure outside the Affected Area to achieve the development outcomes. The equitable funding of any infrastructure outside the Affected Area is critical and will be considered throughout the rezoning process.

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
11.4 Minimise negative transport-related impacts on communities and the environment.	The Affected Area is well serviced by One Tree Hill Road. Preliminary investigations considered the impact of noise from traffic utilising One Tree Hill Road on the northern portion of the Affected Area and no issues were noted. A traffic and transport report will be prepared to understand the likely traffic/transport implications of the proposal.
<b>SPP 12 Energy:</b> To support the ongoing provision of sustainable, reliable and affordable energy options that meet the needs of the community, business and industry.	
12.4 Development in the vicinity of major energy infrastructure locations and corridors (including easements) is planned and implemented to maintain the safe and efficient delivery and function of the infrastructure.	The Affected Area is subject to a 50m wide easement for the transmission of major 275KV overhead power lines.  The Code Amendment will not impact upon this infrastructure and appropriate provision will be made within future development design. Notwithstanding, the proponents will work with ElectraNet and SAPN to determine the most appropriate solution for this infrastructure.
<b>SPP 14 Water Security and Quality:</b> To ensure South Australia's water supply is able to support the needs of current and future generations.	
14.5 Development should incorporate water sensitive urban design principles that contribute to the management of risks to water quality and other risks (including flooding) to help protect people, property and the environment and enhance urban amenity and liveability.	The future development of the Affected Area will take into account the characteristics of the land and ensure that water sensitive urban design principles are incorporated into designs.
14.6 Support development that does not adversely impact on water quality.	The Affected Area is subject to the Prescribed Water Resources Area Overlay and Prescribed Wells Area Overlay and Water Resources Overlay in the Planning and Design Code.  The Code provides appropriate controls to ensure that the future development of the land protects water quality.
<b>SPP 15 – Natural Hazards</b> To build the resilience of communities, development and infrastructure from the adverse impacts of natural hazards.	
15.1 Identify and minimise the risk to people, property and the environment	The Affected Area is located within the:

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p>from exposure to natural hazards including extreme heat events; bushfire; terrestrial and coastal flooding; soil erosion; drought; dune drift; acid sulfate soils; including taking into account the impacts of climate change</p>	<ul style="list-style-type: none"> <li>• Hazards (Bushfire – Medium Risk) Overlay</li> <li>• Hazards (Flooding) Overlay</li> <li>• Hazards (Flooding – Evidence Required) Overlay.</li> </ul> <p>These Overlays provide clear guidance on matters related to natural hazards. Notwithstanding, detailed investigations will be undertaken to understand the likely impact of these Overlays and ensure appropriate measures are taken to mitigate against risk. These investigations will be undertaken once initial engagement has been undertaken in line with advice from the CFS. Preliminary comments from the CFS have been received as follows:</p> <ul style="list-style-type: none"> <li>• Bushfire mapping and policy is currently under review as part of the Statewide Bushfire Hazards Overlay Code Amendment.</li> <li>• Consideration needs to be given to Australian Standard AS3959.</li> <li>• Future development of the land needs to make provision for multiple access points to the road network.</li> <li>• Consideration needs to be given to vegetation management techniques along One Tree Hill Road to ensure that access and egress from the development area is not compromised in the event of a bushfire.</li> <li>• Liaison with SA Water should be undertaken to ensure that adequate pressure/ reticulation can be provided to the area to allow connection to the SA Water network.</li> <li>• Mapping of native vegetation areas should be undertaken to assist the CFS to establish the residual bushfire risk post rezoning and development.</li> </ul>
<p><b>SPP 16 Emissions and Hazardous Activities:</b></p> <p>To protect communities and the environment from risks associated with emissions, hazardous activities and site contamination, whilst industrial development remains viable.</p>	
<p>16.1 Protect communities and the environment from risks associated with industrial emissions and hazards (including radiation) while ensuring that industrial and infrastructure development remains strong through:</p> <p>a) supporting a compatible land use mix through appropriate zoning controls</p>	<p>It is acknowledged that the Affected Area is located adjacent to and in proximity of the Golden Grove Resource Extraction Zone. The activities occurring on these sites are of significance to the State.</p> <p>It is understood that activities occurring at the interface are focused on extractive industries, with processing activities occurring quite some distance from the shared boundary.</p> <p>Nonetheless, preliminary investigations of environmental noise and air quality have been undertaken to understand the impact of</p>

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p>b) appropriate separation distances between industrial sites that are incompatible with sensitive land uses</p> <p>c) controlling or minimising emissions at the source, or where emissions or impacts are unavoidable, at the receiver.</p>	<p>the extraction and processing activities on the Affected Area north of One Tree Hill Road. These include:</p> <ul style="list-style-type: none"> <li>Preliminary Environmental Noise Assessment</li> <li>Preliminary Air Quality Study</li> </ul> <p>The investigations undertaken to date have not identified significant conflict. However, investigations will be expanded to consider the impact on land immediately abutting the Resource Extraction Zone.</p> <p>Appropriate measures would be incorporated into the Code Amendment and future development of the land to take into account any required separation distances to both provide certainty of operation to extractive industry activities and protection to future residents.</p>
16.2 Assess and manage risks posed by known or potential site contamination to enable the safe development and use of land.	Site contamination is not anticipated to be an impediment to the future development of the land as indicated by preliminary research. A Preliminary Site Investigation has been prepared for land to the north of One Tree Hill Road. Further investigations will include the remaining land in the Affected Area.

### 3.2 Alignment with Regional Plans

As with the SPPs, the directions set out in Regional Plans provide the long term vision as well as setting the spatial patterns for future development in a region. This includes consideration of land use integration, transport infrastructure and the public realm.

The 30-Year Plan for Greater Adelaide – 2017 Update (30-Year Plan) volume of the Planning Strategy is relevant for this Code Amendment.

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<b>Transit corridors, growth areas and activity centres</b>	
P1 Deliver a more compact urban form by locating the majority of Greater Adelaide's urban growth within existing built-up areas by increasing density at strategic locations close to public transport.	The Code Amendment seeks to deliver residential and employment growth within the existing built-up areas of Adelaide. The land is located within the Future Urban Growth Areas and on land within the Planned Urban Lands to 2045 as contained in the 30-Year Plan.

Regional Plan Identified Priorities or Targets		Code Amendment Alignment with Regional Plan
P11	Ensure new urban fringe growth occurs only within designated urban areas and township boundaries and outside the Environment and Food Production Areas, as shown on Map 3.	The Code Amendment seeks to provide an area for low-medium density residential development which can be connected/is accessible to adjacent existing infrastructure. The Affected Area is contiguous with the existing built-up area and represents a logical expansion of the urban area and associated infrastructure.
P12	Ensure, where possible, that new growth areas on the metropolitan Adelaide fringe and in townships are connected to, and make efficient use of, existing infrastructure, thereby discouraging “leapfrog” urban development.	
Design Quality		
P26	Develop and promote a distinctive and innovative range of building typologies for residential housing which responds to metropolitan Adelaide’s changing housing needs, reflects its character and climate, and provides a diversity of price points.	The proposed Code Amendment is expected to introduce an appropriate zone which will facilitate low-density residential development.  The General Development Policies contained in the Code, including those under the heading <i>Design in Urban Areas</i> , provide sufficient guidance to ensure design quality is achieved.
P29	Encourage development that positively contributes to the public realm by ensuring compatibility with its surrounding context and provides active interfaces with streets and public open spaces.	
Heritage		
P33	Recognise the value that communities place on heritage and ensure that new development is implemented sensitively and respectfully.	It is acknowledged that 53 Crouch Road, Golden Grove comprises a Local Heritage Place (House – Former Golden Grove School) and is included in the Local Heritage Place Overlay. The Code Amendment does not propose alterations to this place or Overlay.
Housing Mix, affordability and competitiveness		
P36	Increase housing supply near jobs, services and public transport to improve affordability and provide	The Code Amendment seeks to rezone the residential precinct of the Affected Area to Master Planned Neighbourhood Zone. This zone is considered to be sufficiently flexible to enable delivery of

Regional Plan Identified Priorities or Targets		Code Amendment Alignment with Regional Plan
P42	<p>opportunities for people to reduce their transport costs.</p> <p>Provide for the integration of affordable housing with other housing to help build social capital.</p>	<p>allotments which respond to market preference and choice in this location. The full suite of neighbourhood zones will be considered in consultation with AGD PLUS as part of investigations to identify the most appropriate zone.</p> <p>An increase in the supply of residential zoned land will increase competition in the northern/eastern residential land markets and therefore assist in controlling pricing pressures. Affordable housing outcomes are therefore more likely to be attainable.</p>
Health, Wellbeing and Inclusion		
P47	<p>Plan future suburbs and regenerate and renew existing ones to be healthy neighbourhoods that include:</p> <ul style="list-style-type: none"><li>• diverse housing options that support affordability</li><li>• access to local shops, community services and facilities</li><li>• access to fresh food and a range of food services</li><li>• safe cycling and pedestrian-friendly streets that are tree-lined for comfort and amenity</li><li>• diverse areas of quality public open space (including local parks, community gardens and playgrounds)</li><li>• sporting and recreation facilities</li><li>• walkable connections to public transport and community infrastructure.</li></ul>	<p>A master planned, staged development outcome is proposed for the Affected Area. This will assist in the creation of a healthy neighbourhood through the establishment of greenways, open space, walking and cycling linkages, water sensitive urban landscaping and tree planting within the public realm.</p>
P49	<p>Encourage more trees (including productive trees) and water sensitive urban landscaping in the private and public realm, reinforcing neighbourhood character and creating cooler, shady and walkable neighbourhoods and access to nature.</p>	
Infrastructure		

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<p><b>P86</b> Ensure that new urban infill and fringe and township development are aligned with the provision of appropriate community and green infrastructure, including:</p> <ul style="list-style-type: none"> <li>walking and cycling paths and facilities</li> <li>local stormwater and flood management including water sensitive urban design</li> <li>public open space</li> <li>sports facilities</li> <li>street trees</li> <li>community facilities, such as childcare centres, schools, community hubs and libraries</li> </ul> <p><b>P86</b> Design and locate community infrastructure to ensure safe, inclusive and convenient access for communities and individuals of all demographic groups and levels of ability.</p>	<p>The Code Amendment will include a review of both service and social infrastructure provision in order to identify existing capacity and the potential need to augment services.</p> <p>Relevant infrastructure agreements (as required) can be entered into should the need for augmentation be identified.</p>
<b>Biodiversity</b>	
<p><b>P93</b> Ensure that greenways are landscaped with local indigenous species where possible to contribute to urban biodiversity outcomes.</p>	<p>Ecological and engineering investigations will inform potential development opportunities and constraints. Disturbance of areas with potential biodiversity value will be minimised and these areas will be integrated into open space. The Code includes policies which will encourage appropriate outcomes in respect to any land identified to be of biodiversity value.</p>
<b>Open space, sport and recreation</b>	
<p><b>P99</b> Ensure quality open space is within walking distance of all neighbourhoods to:</p> <ul style="list-style-type: none"> <li>link, integrate and protect biodiversity assets and natural habitats</li> </ul>	<p>The Code Amendment investigations will include a review of social infrastructure demands (including open space, education, and recreation). It is intended that these investigations will identify any needs required to support the projected population and inform the ultimate development outcome.</p>

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<ul style="list-style-type: none"> <li>• provide linkages to encourage walking and cycling to local activities</li> <li>• incorporate the principles of Crime Prevention Through Environmental Design for safety and amenity</li> </ul>	<p>The Code includes policies which provide guidance in respect to the provision of open space at the subsequent development application stage.</p>
<b>Climate Change</b>	
<p><b>P105</b> Deliver a more compact urban form to:</p> <ul style="list-style-type: none"> <li>• protect valuable primary production land</li> <li>• reinforce the Hills Face Zone, character preservation districts and Environment and Food Production Areas</li> <li>• conserve areas of nature protection areas</li> <li>• safeguard the Mount Lofty Ranges Watershed</li> <li>• reduce vehicle travel and associated greenhouse gas emissions.</li> </ul>	<p>The Code Amendment seeks to achieve a compact urban form with the Affected Area being located within the boundary of a designated urban area.</p>
<b>Water</b>	
<p><b>P115</b> Incorporate water-sensitive urban design in new developments to manage water quality, water quantity and water use efficiency and to support public stormwater systems.</p>	<p>The Code includes policies which are instructive in respect to water quality, use and management.</p> <p>Engineering investigations will ensure that the proposed urban development will not be contrary to the relevant water policies.</p>
<b>Emergency Management and Hazard Avoidance</b>	
<p><b>P118</b> Minimise risk to people, property and the environment from exposure to hazards (including bushfire, terrestrial and coastal flooding, erosion, dune drift and acid sulphate soils) by designating and planning for</p>	<p>It is acknowledged that the Affected Area is subject to the following Overlays in the Planning and Design Code:</p> <ul style="list-style-type: none"> <li>• Hazards (Bushfire – Medium Risk) Overlay</li> <li>• Hazards (Flooding) Overlay</li> <li>• Hazards (Flooding – Evidence Required) Overlay.</li> </ul>



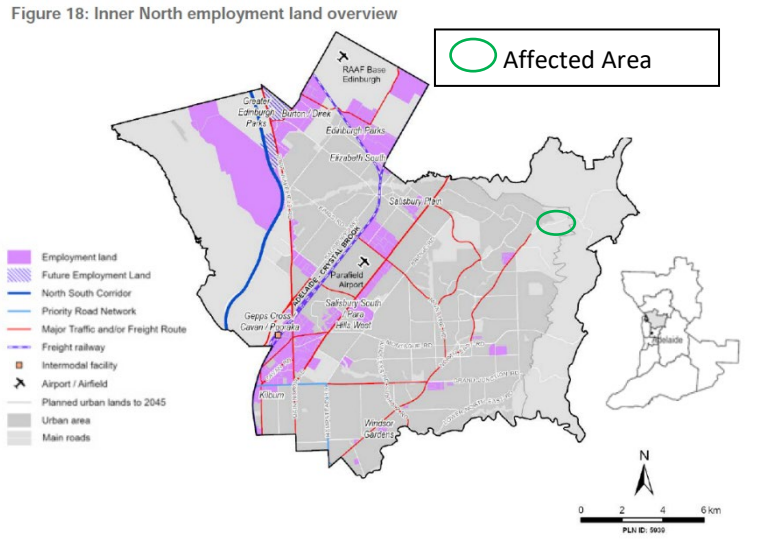
Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<p>development in accordance with a risk hierarchy of:</p> <ul style="list-style-type: none"> <li>• avoidance</li> <li>• adaptation</li> <li>• protection</li> </ul>	<p>These Overlays provide clear guidance on matters related to natural hazards. Notwithstanding this, detailed investigations will be undertaken to understand the likely impact of these Overlays and ensure appropriate measures are taken to mitigate against risk. Preliminary engagement has taken place with the CFS. It is noted that bushfire mapping and policy is currently under review as part of the Statewide Bushfire Hazards Overlay Code Amendment.</p> <p>It is intended that as investigations progress additional engagement will occur between the proponent and the CFS to ensure that hazard matters are adequately addressed.</p>

### 3.3 Alignment with Other Relevant Documents

Additional documents may relate to the broader land use intent within the scope of this proposed Code Amendment (or directly to the Affected Area) and therefore are identified for consideration in the preparation of the Code Amendment.

The following table identifies other documents relevant to the proposed Code Amendment:

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
City of Tea Tree Gully – Strategic Plan 2025	<p><b>Commercial/retail</b></p> <p>The Code Amendment will assist in delivering on a range of key Objectives contained in the Strategic Plan, including:</p> <p>Economy</p> <ul style="list-style-type: none"> <li>• A local economy that is resilient and thrives, where businesses are supported to grow and prosper, provide local jobs and sustain our community and visitors and utilise technology to improve the liveability of our City.</li> <li>• Support the efficient use of land for valuable mineral extraction and energy resources</li> </ul> <p>Leadership</p> <ul style="list-style-type: none"> <li>• Leadership and advocacy is focused on the long term interests of the community</li> <li>• Planning considers current and future community needs.</li> </ul> <p>Community Wellbeing</p> <ul style="list-style-type: none"> <li>• Creating a sense of belonging, inclusion and connection with places, spaces and the community</li> </ul> <p>Environment</p>

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
	<ul style="list-style-type: none"> <li>Creating environmentally valuable places and sites that are flourishing and well cared for and reducing the carbon footprint</li> </ul> <p>Places</p> <ul style="list-style-type: none"> <li>Well-designed housing, sustainable practices, neighbourhoods are easy to move around, and are safe</li> </ul> <p>The Code Amendment investigations will seek to ensure that the land is suitable for residential and retail/commercial purposes, with the resulting zone to be selected which supports an urban form and density consistent with the Council policies.</p>
<p><b>Land Supply Report for Greater Adelaide: Employment Land Supply – Inner North</b></p>	<p>The Affected Area is located within the area defined as Inner North as identified in the recently released Land Supply Report for Greater Adelaide – Employment Land Supply (see below).</p> <p>Figure 18: Inner North employment land overview</p>  <p>As can be seen, there is very little employment zoned land in the locality. As described in this report, Employment lands are made up of a variety of activities. Whilst yet to settle on a proposed new zone for the retail and commercial precinct of the Affected Area, the contents of this Report will be considered where necessary.</p>

## 4. Investigations and Engagement

### 4.1 Investigations Already Undertaken

A series of preliminary, high-level investigations were undertaken by private proponents prior to approaching Council to initiate a Code Amendment. These reports were focused on specific development areas and assisted proponents to inform internal decision-making processes to confirm that the Affected Area has the potential to be developed for the intended purpose.

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
<b>Entire Affected Area – both precincts</b>		
Flora and Fauna Due Diligence Report	<p>EBS Ecology was engaged to prepare a high-level Flora and Fauna Due Diligence Report. This report:</p> <ul style="list-style-type: none"> <li>Summarised the applicable legislative requirements.</li> <li>Provides a desktop review of the ecological databases to assess the potential risk of project works on ecological matters.</li> <li>Provides a preliminary bushfire risk assessment.</li> </ul>	<ul style="list-style-type: none"> <li>The desktop review identified 14 species of flora with a State conservation rating and 13 species of nationally rated flora in the study area. Notwithstanding, the project area is highly disturbed with little remnant native vegetation, with only 6 threatened flora species deemed possible to occur within the project area.</li> <li>Of the 27 species of threatened fauna with a State and National rating as possibly occurring within 5km of the project area, only 8 were deemed possible to occur.</li> <li>Only 2 species of migratory birds have been identified as possibly occurring within the project area.</li> <li>Whilst one Threatened Ecological Community was identified as possible, field work confirmed that this community does not occur in the project area.</li> <li>The dominant vegetation species occurring is exotic vegetation.</li> <li>Bushfire fuel loads are generally low-moderate in areas used for grazing and horticulture. Higher fuel loads exist elsewhere.</li> </ul>

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
		It is recognised that the scope of these investigations focused on land north of One Tree Hill Road. Further analysis and update is required to consider the wider impacts of the proposed Code Amendment.
Preliminary Air Quality Study	<p>Arup was engaged to undertake a due diligence air quality study. The purpose of this report was to:</p> <ul style="list-style-type: none"> <li>Analyse local meteorological conditions and air quality results from EPA installed temporary air quality monitoring stations to understand the likelihood of air emission impact.</li> <li>Understand the potential for the nearby extractive industries to generate air quality (e.g. dust) and odour emissions that may impact on the subject area.</li> </ul>	<ul style="list-style-type: none"> <li>Based on the SA EPA air quality monitoring data, air quality standards are currently being met and are expected to continue be met at the project site. Based on the prevailing wind direction, dust impact from the quarry is not expected to be significant.</li> <li>The proposed development site lies outside of the SA EPA evaluation distances for the ceramic works and crushing, grinding and milling works occurring at the quarry sites. Therefore, the risk of air quality and odour impacts from these processing facilities is low.</li> <li>Local air quality is unlikely to be significantly impacted by emissions from road vehicles.</li> </ul>
<b>Neighbourhood precinct only</b>		
Preliminary Environmental Noise Assessment	<p>Sonus was engaged to undertake a preliminary environmental noise assessment. The purpose of this report was to:</p> <ul style="list-style-type: none"> <li>Consider the impact of the sand mine and One Tree Hill Road as a potential noise sources on future residential activities.</li> </ul> <p>Investigate the potential for future residential development to constrain the operation of the sand mine as well as acoustic amenity on the land.</p>	<ul style="list-style-type: none"> <li>The proposed future division of the subject land will not constrain the operation of the sand mine more than the constraints posed by existing dwellings in closer proximity.</li> <li>The operation of mobile plant at the surface in proximity of dwellings has the potential to create noise. This would be temporary; however allowance should be made for acoustic façade treatments on future dwellings in particular locations.</li> </ul>

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
		<ul style="list-style-type: none"> <li>One Tree Hill Road's current and anticipated future category does not result in a need to undertake a dedicated noise assessment.</li> <li>There are a number of guidelines to manage noise including the P&amp;D Code, <i>Environmental Protection (Noise) Policy 2007</i> and <i>Minister's Specification SA78B</i>.</li> <li>It is recognised that the scope of these investigations focused on land north of One Tree Hill Road. Further analysis and update is required to consider the wider impacts of the proposed Code Amendment.</li> </ul>
Preliminary Traffic Report	<p>WGA was engaged to prepare a preliminary traffic report for land located in the Rural Living Zone north of One Tree Hill Road. The purpose of the report was to:</p> <ul style="list-style-type: none"> <li>Provide analysis of the existing and proposed future traffic impacts arising from the future development of the land for residential purposes.</li> <li>Determine the traffic generation volumes and potential impacts.</li> </ul> <p>Provide initial advice on the possible road upgrades required external to the Affected Area as a result of the future development.</p>	<ul style="list-style-type: none"> <li>One Tree Hill Road is in a poor condition.</li> <li>The existing roundabout at Golden Grove Road/One Tree Hill Road is not anticipated to cater for the additional traffic generated by development of the land.</li> <li>Existing major roads (e.g. Golden Grove Road) are capable of accommodating additional traffic generated without upgrade</li> <li>No additional upgrade works are required at the Golden Grove Road/The Grove Way/Yatala Vale Road intersection.</li> <li>It is recognised that the scope of these investigations focused on land north of One Tree Hill Road. Further analysis and update is required to consider the wider impacts of the proposed Code Amendment.</li> </ul>
Preliminary Infrastructure Services Report	<p>WGA was engaged to prepare a preliminary infrastructure services report which considered the viability of the</p>	<ul style="list-style-type: none"> <li>There are a range of utility services within the immediate locality which are capable to extension and</li> </ul>

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
	<p>future development of land located in the Rural Living Zone north of One Tree Hill Road. The purpose of the report was to:</p> <ul style="list-style-type: none"> <li>Investigate and determine the availability of current infrastructure servicing the Affected Area and its capacity.</li> </ul> <p>Determine the anticipated requirements for infrastructure augmentation or upgrade works that may be required to bring land to market.</p>	<p>augmentation to service future development.</p> <ul style="list-style-type: none"> <li>It is recognised that the scope of these investigations focused on land north of One Tree Hill Road. Further analysis and update is required to consider the wider impacts of the proposed Code Amendment.</li> </ul>
Preliminary Site Investigation - Environmental Due Diligence	<p>JBS&amp;G was engaged to undertake preliminary site investigations to determine the potential for the affected area to be contaminated. The purpose of this work was to:</p> <ul style="list-style-type: none"> <li>Undertake a field study to inspect the subject land to determine the current land uses and assess the likelihood of contaminating activities occurring.</li> <li>Review historical aerial photography to understand previous use of land in the affected area and understand whether previous uses may have constituted contaminating activities.</li> </ul>	<ul style="list-style-type: none"> <li>The likelihood of the existence of significant site contamination is low.</li> <li>The new Site Contamination Assessment Framework under the <i>Planning, Development and Infrastructure Act 2016</i> ensures site contamination is suitably addressed.</li> </ul>
Aboriginal and Historical Heritage Report	<p>EBS Heritage was engaged to undertake a desktop Aboriginal and historical cultural heritage assessment. This report:</p> <ul style="list-style-type: none"> <li>Summarised the applicable legislative requirements.</li> <li>Reviews the results of the Register of Aboriginal Sites and Objects and other registers.</li> <li>Investigates past occupation and land use.</li> <li>Identifies any know heritage sites or potential for unknown heritage and</li> </ul>	<ul style="list-style-type: none"> <li>Investigations confirm that there are no Commonwealth heritage places in the Affected Area.</li> <li>Recognition that the Affected Area is within the Kurna Peoples Native Title determination and therefore the principal legislation applicable is the <i>Aboriginal Heritage Act 1988</i>. The likelihood of the works posing a risk to unidentified sites and objects is low.</li> <li>Engagement has commenced with Kurna Yerta Aboriginal Corporation</li> </ul>

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
	<p>makes an assessment of the potential for works to impact upon any heritage.</p>	<p>Registered Native Title Body Corporate</p> <ul style="list-style-type: none"> <li>• Appropriate measures should be implemented as part of future development of the land to ensure the procedures are in place to manage the potential discovery of sites/items during works.</li> </ul>
Stormwater Management Strategy	<p>WGA was engaged to prepare a stormwater management strategy for land located in the Rural Living Zone north of One Tree Hill Road. The purpose of the report was to:</p> <ul style="list-style-type: none"> <li>• To develop a strategy for the management of stormwater in a manner that meets the requirements of the City of Tea Tree Gully and the EPA as they relate to runoff volume and flow management, stormwater quality techniques to manage environmental aspects of receiving environments.</li> <li>• The strategy was based on:</li> <li>• Flow management from the 1% AEP post development and restricting this to pre-development rates for the 20% AEP.</li> <li>• An overview of the internal stormwater drainage design</li> <li>• A general overview of the WSUD opportunities within the development area</li> </ul> <p>Stormwater management techniques required to meet performance objectives.</p>	<ul style="list-style-type: none"> <li>• Stormwater is capable of being managed in a manner that achieves the requirements of Council and the EPA.</li> <li>• Policies within the Planning and Design Code ensure land division adequately addresses stormwater impacts.</li> </ul>
<b>Retail and commercial precinct only</b>		
Retail Assessment	<p>Property and Advisory (P&amp;A) was engaged to prepare a retail analysis study to</p>	<ul style="list-style-type: none"> <li>• Based on detailed analysis, there is potential for the retail and commercial precinct in the Affected</li> </ul>

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
	determine the demand for a new retail / bulky goods facility.	Area to support a range of new retail and bulky good land uses in a manner that does not substantially impact existing retail land uses within the immediate and broader locality.

## 4.2 Further Investigations Proposed

In addition to the investigations already undertaken and identified above, the table below outlines what additional investigations will be undertaken to support the Code Amendment.

### Affected Area:

Further Investigations Proposed	Explanation of how the further investigations propose to address an identified issue or question
<b>Site Contamination Assessment</b>	Undertake site contamination investigations, prepared by an environmental consultant (with experience in site contamination) in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999, and determine whether the land proposed for rezoning is contaminated and suitable for the intended use.
<b>Tree Assessment</b>	Undertake a Significant Tree/Regulated Tree survey and investigate and identify options for retaining the maximum number of Significant/Regulated trees, for example, allocating them in reserves including road reserves.
<b>Flora and Fauna Assessment</b>	Undertake a flora and fauna assessment of the Affected Area to: <ul style="list-style-type: none"> <li>assess the coverage of remnant vegetation and biodiversity; and</li> <li>identify any national and state listed flora and fauna species; as well as other flora and fauna species of conservation value.</li> </ul>
<b>Traffic and Transport Assessment</b>	Investigate the traffic and transport impacts that may arise from the proposed Code Amendment and the scope, timing and need for road upgrades to support future development.  In consultation with Council, investigations will include what traffic / road interventions are required to be incorporated with an infrastructure deed.
<b>Stormwater and Flooding investigations and management strategy</b>	A stormwater investigations report will be undertaken to: <ul style="list-style-type: none"> <li>Investigate the capacity and/or upgrades that may be required to existing stormwater infrastructure to accommodate the development of the land.</li> </ul>



Further Investigations Proposed	Explanation of how the further investigations propose to address an identified issue or question
	<ul style="list-style-type: none"> <li>Identify strategies and techniques to be employed in the future development of the land to meet the stormwater requirements of Council and the EPA.</li> </ul> <p>Exploration of potential flood hazard impacts on the affected area and consideration of flood hazard mitigation strategies.</p> <p>In consultation with Council, investigations will consider if stormwater management outcomes, including staging, are required to be included in infrastructure deeds.</p> <p>Investigations will also determine if a stormwater management overly or similar is appropriate.</p>
<b>Infrastructure and Utility Services Analysis</b>	<p>Investigate the impact of the proposed Code Amendment on the existing infrastructure services available and determine whether any upgrades are required to service the Affected Area.</p> <p>Consider option to underground overhead transmission lines running through the Affected Area and along One Tree Hill Road to Golden Grove Road.</p>
<b>Infrastructure Agreements</b>	<p>Prior to the approval of the Code Amendment, all necessary agreements or deeds will be fully executed as required to secure the funding and/or delivery of all infrastructure required to accommodate the development of the affected area</p>

#### Commercial/Retail:

Further Investigations Proposed	Explanation of how the further investigations propose to address an identified issue or question
Interface Management	<p>Notwithstanding the intention to deliver a retail/commercial outcome, investigate the suitability of the current P&amp;D Code Overlays to manage potential interface conflict between the existing mining activities and the Affected Area.</p>

#### Neighbourhood:

Further Investigations Proposed	Explanation of how the further investigations propose to address an identified issue or question
Social Infrastructure	<p>A desktop review of the community services and facilities within proximity of the Affected Area will be undertaken. The purpose of this review is to identify any significant shortfalls in the provision of these services which will be exacerbated by this Code Amendment and whether augmentation may be required.</p> <p>The Code Amendment investigations will include a high level strategic review of social infrastructure (including open space, education, and recreation). It is</p>

Further Investigations Proposed	Explanation of how the further investigations propose to address an identified issue or question
	<p>intended that these investigations will identify any needs required to support the projected population and inform the ultimate development outcome.</p> <p>In consultation with Council, investigations will determine if a social infrastructure deed is required.</p>
Cultural Heritage	<ul style="list-style-type: none"> <li>Identify all State Heritage Areas, State Heritage Places, Local heritage places and Representative Items affected by the proposed Code Amendment.</li> <li>Undertake a review of available information (e.g. Aboriginal Affairs and Reconciliation Division) to determine whether any registered sites exist in the Affected Area. In any event, ongoing development of land will need to meet the requirements of the Aboriginal Act 1998 (including non-registered sites/objects that may discovered).</li> <li>Engagement with Kaurua Yerta Aboriginal Corporation Registered Native Title Body Corporate to understand their interest(This process has commenced)</li> </ul>
Noise Assessment	<p>Investigate the potential impacts of environmental noise on the Affected Area arising from its presence in proximity of the sand quarry. Investigations will consider:</p> <ul style="list-style-type: none"> <li>The impact of the sand mine and road networks as a potential noise source on future residential activities.</li> <li>The potential for future residential development to constrain the operation of the sand mine as well as acoustic amenity on the land.</li> </ul>
Bushfire Assessment	<p>Detailed bushfire investigations are not proposed at this stage as the Code Amendment is not proposing to amend the existing Bushfire Hazard Overlay It is understood that the Minister is review these matters via a separate Code Amendment.</p>
Air Quality Assessment	<p>An air quality assessment will be undertaken to consider the potential impact of activities from nearby extractive industries to generate air quality impacts (e.g. dust) and odour emissions on the Affected Area and treatment measures that may be required.</p> <p>The investigations will include a review of the applicability of the Air and Noise Emissions Overlay and the Interface Management Overlay.</p>
Infrastructure services Investigations	<p>Existing utility infrastructure will be reviewed to ensure suitable infrastructure can be provided.</p>
Future Rural Living Land Demand	<p>A high-level analysis will be undertaken to explore whether there remains demand for land to support rural living type activities into the future.</p>

Further Investigations Proposed	Explanation of how the further investigations propose to address an identified issue or question
Residential land supply and demand	<p>Undertake a detailed analysis of residential land supply and demand, including demands and trends concerning land and housing products and understand the impact the rezoning will potentially have on the achievement of housing diversity in the rest of the City of Tea Tree Gully, and in particular the revitalisation of the Modbury Precinct</p> <p>Investigate the potential to provide for 15% of affordable housing – e.g. application of the Affordable Housing Overlay.</p>

### 4.3 Engagement Already Undertaken

The YAS P&D have commenced engagement with the following stakeholders:

- Department of Energy and Mining (DEM) and quarry operators
- Country Fire Service (CFS)
- Planning and Land Use Services (PLUS), Attorney General's Department
- Kurna Yerta Aboriginal Corporation
- City of Tea Tree Gully (Regular weekly meetings)
- Attorney General's Department
- Public and independent / private schools.

A summary of outcomes or matters raised through engagement already undertaken is as follows:

- Careful consideration needs to be given to the interface between the Affected Area and the existing extractive industries. This area is identified as the Golden Grove Extractive Industries Zone (GGEIZ) and is of strategic importance to the State.
- Bushfire hazard mapping and policy is subject to a Statewide Bushfire Hazards Overlay Code Amendment. This Code Amendment will likely address updates to the Overlay resulting from this Code Amendment.
- The potential impact of natural hazards, namely bushfire needs to be considered. Master planning activities should consider how to manage interface between dwellings and vegetation to ensure adequate buffers are provided. The relationship between the *Golden Grove Neighbourhood and Commercial Code Amendment*.

In accordance with Practice Direction 2, the City of Tea Tree Gully (CTTG) has been consulted on this proposal. In addition, for several months URPS acting on behalf of YAS P&D has been undertaking weekly meetings with Council staff to ensure promote the free flow of information and progress mutually acceptable planning policy and infrastructure outcomes.

### 4.4 Further Engagement Proposed

In addition to the engagement already undertaken and identified above, the table below outlines what additional engagement will be undertaken to support the Code Amendment.

Further Engagement Proposed	Explanation of how the further engagement propose to address an identified issue or question
Local Community and Members of Parliament	See Engagement Plan (to be developed prior to community engagement)
Engage with Kurna Yerta Aboriginal Corporation Registered Native Title Body Corporate	Engage during Investigations to understand their level of interest
The Stables Shopping Centre	Understand impact of additional traffic on the shopping centre
Environment Protection Authority (EPA)	Identify the potential impact of resource extraction in proximity of residential land uses.
Department of Energy and Mining (DEM)	Understand and adequately address the long-term need to protect strategic mineral resources.
Department of Environment and Water	To ensure environmental issues are adequately address in the Amendment.
Mining Operators	To understand the future intentions of mining operators to inform appropriate policy and future design responses and protect ongoing operation of extractive industries.
Utility service providers i.e. SA Power Networks, ElectraNet Pty Ltd, APA Group, SA Water, EPIC Energy, NBN, and other telecommunications providers	Investigate capacity of the existing infrastructure networks and identify any augmentation or upgrades required.
AGD PLUS	Understand how the proposed rezoning will address/ impact supply and demand for housing in northeast metropolitan Adelaide
SA Fire and Emergency Commission & CFS	Bushfire zones being amended. Identify special needs regarding access and road network design
Adelaide Metro	Options for expansion of public transport network

## 5. Code Amendment Process

### 5.1 Engagement Plan

The Code Amendment process will occur in accordance with the Community Engagement Charter and Practice Direction 2 – Consultation on the Preparation or Amendment of a Designated Instrument.

The Designated Entity will prepare an Engagement Plan prior to the commencement of engagement on the proposed Code Amendment. The Engagement Plan will include the following mandatory consultation requirements (which may be in addition to the engagement outlined in this Proposal to Initiate):

- The Local Government Association must be notified in writing of the proposed Code Amendment.
- If the Code Amendment has a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally), the Designated Entity must take reasonable steps to give a notice in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*, to:
  - the owners or occupiers of the land; and
  - owners or occupiers of each piece of adjacent land.
- Consultation must also occur with any person or body specified by the State Planning Commission under section 73(6)(e) of the Act.

### 5.2 Engagement Report

Once engagement on the Code Amendment is complete, the Designated Entity will prepare an Engagement Report under section 73(7) of the Act.

The Designated Entity must ensure that a copy of the Engagement Report is furnished to the Minister and also published on the SA Planning Portal. This will occur in accordance with Practice Direction 2.

The Engagement Plan and the Engagement Report will also be considered by the State Planning Commission during the final stages of the Code Amendment process. The Commission will provide a report to the Environment, Resources and Development Committee of Parliament under section 74(3) of the Act. The Commission's report will provide information about the reason for the Code Amendment, the consultation undertaken on the Code Amendment and any other information considered relevant by the Commission.

### 5.3 Code Amendment Timetable

The Proponent (where it is also the Designated Entity) commits to undertaking the Code Amendment in line with the timeframe outlined in Attachment B. If a timeframe is exceeded (or expected to be exceeded) the Proponent agrees to provide an amended timetable to the Department with an explanation of the delay, for approval by the Minister of an extension of time for the Code Amendment.

## 6. Conditions and Additional Information

### 6.1 Identified Conditions and Requested Additional Investigations

The Minister and Commission identified conditions and requested additional investigations in the letter to approve the initiation of the Council's Rural Living and Commercial Code Amendments. These include:

#### Proposal to Initiate the Golden Grove Neighbourhood and Commercial Code Amendment

Pursuant to section 73(5) of the Act, the approval is subject to the following conditions:

- 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.

*The Investigations have highlighted the importance of policies that address the development of sloping land. The proponent has commenced discussions about the potential to apply a new Subzone over the land, which is being considered by the State Planning Commission for a similar rezoning proposal. The Designated Entity is seeking approval to explore the use of the Subzone in consultation with the Attorney-General's Department.*

- 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.

**Comment:** *This is satisfied in this proposal.*

- The scope of the proposed Code Amendment does not include changes to the extent of the Hills Face Zone or Environment and Food Production Area Overlay.

**Comment:** *This proposal does not affect the Hills Face Zone or EFPA.*

- Prior to approval of the Code Amendment, the Designated Entity must demonstrate to my satisfaction, as Minister for Planning and Local Government, 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, and the associated Golden Grove Commercial/Retail Code Amendment, to the satisfaction of all relevant infrastructure providers.

**Comment:** *This proposal includes a commitment to resolve infrastructure through Infrastructure Agreements prior to the lodgement of the final Amendment for approval.*

In addition, the Commission has specified under section 73(6)(e) of the Act that the Designated Entity must consult with the following stakeholders:

- Department for Infrastructure and Transport
- Department for Environment and Water
- 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.

**Comment:** *The Community Engagement Plan has been updated accordingly.*

The Commission has, under section 73(6)(f) of the Act, resolved to specify the following further investigations or information requirements in addition to that outlined in the Proposal to Initiate:

- Exploration of potential flood hazard impacts on the affected area and consideration of flood hazard mitigation strategies.
- Investigate the application of the Affordable housing Overlay, Urban Tree Canopy Overlay and Stormwater Management Overlay.
- Investigate the impacts of the associated Golden Grove Commercial/Retail Code Amendment on the provision of infrastructure in the area, particularly in relation to upgrade needs and funding mechanisms.

**Comment:** *This Initiation Proposal seeks approval to investigate the potential for a subzone currently being prepared by the Commission. Subject to reviewing its details, the subzone could be introduced within the Master Planned Neighbourhood Zone. We understand that AGD / Commission are not supportive of a Urban Tree Canopy and Stormwater Management Overlay within a Master Planned Neighbourhood Zone. However, the Affordable Housing Overlay will be included for the area affected by the Master Planned Neighbourhood Zone. The investigations include the exploration of the potential flood hazard impacts on the affected area.*

#### **Proposal to Initiate the Golden Grove Commercial/Retail Code Amendment.**

Pursuant to section 73(5) of the Act, the approval is subject to the following conditions:

- 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.
- 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.
- Prior to approval of the Code Amendment, the Designated Entity must demonstrate to my satisfaction, as Minister for Planning and Local Government, 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, and the associated Golden Grove Neighbourhood and Commercial Code Amendment, to the satisfaction of all relevant infrastructure providers.
- The Code Amendment will not be considered for approval until such time that the associated Golden Grove Neighbourhood and Commercial Code Amendment by the City of Tea Tree Gully has been approved. This condition is not to be taken as a guarantee of future considerations or approval.

**Comment:** *These conditions will be satisfied through the consolidation of the two separate Code Amendments into one.*

In addition, the Commission has specified under section 73(6)(e) of the Act that the Designated Entity must consult with the following stakeholders:

- Department for Energy and Mining
- Department for Infrastructure and Transport
- Environment Protection Authority
- 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.

**Comment:** *This consultation has been included within the Initiation Proposal and the Engagement Plan.*

Further, the Commission has, under section 73(6)(0) of the Act, resolved to specify the following further investigations or information requirements in addition to that outlined in the Proposal to Initiate:

- Investigate the impacts of the associated Golden Grove Neighbourhood and Commercial Code Amendment on the provision of infrastructure in the area, particularly in relation to upgrade needs and funding mechanisms.

**Comment:** *This condition has been satisfied through the consolidation of two separate Code Amendments into one.*

In addition, it should be noted that further investigations may be required in response to feedback or advice received through the engagement process.

Pursuant to section 44(6) and 73(6)(d) of the Act, consultation in writing must be undertaken with:

- The City of Tea Tree Gully
- Owners or occupiers of the land and adjacent land, in accordance with Regulation 20 of the Planning, Development and Infrastructure (General) Regulations 2017.

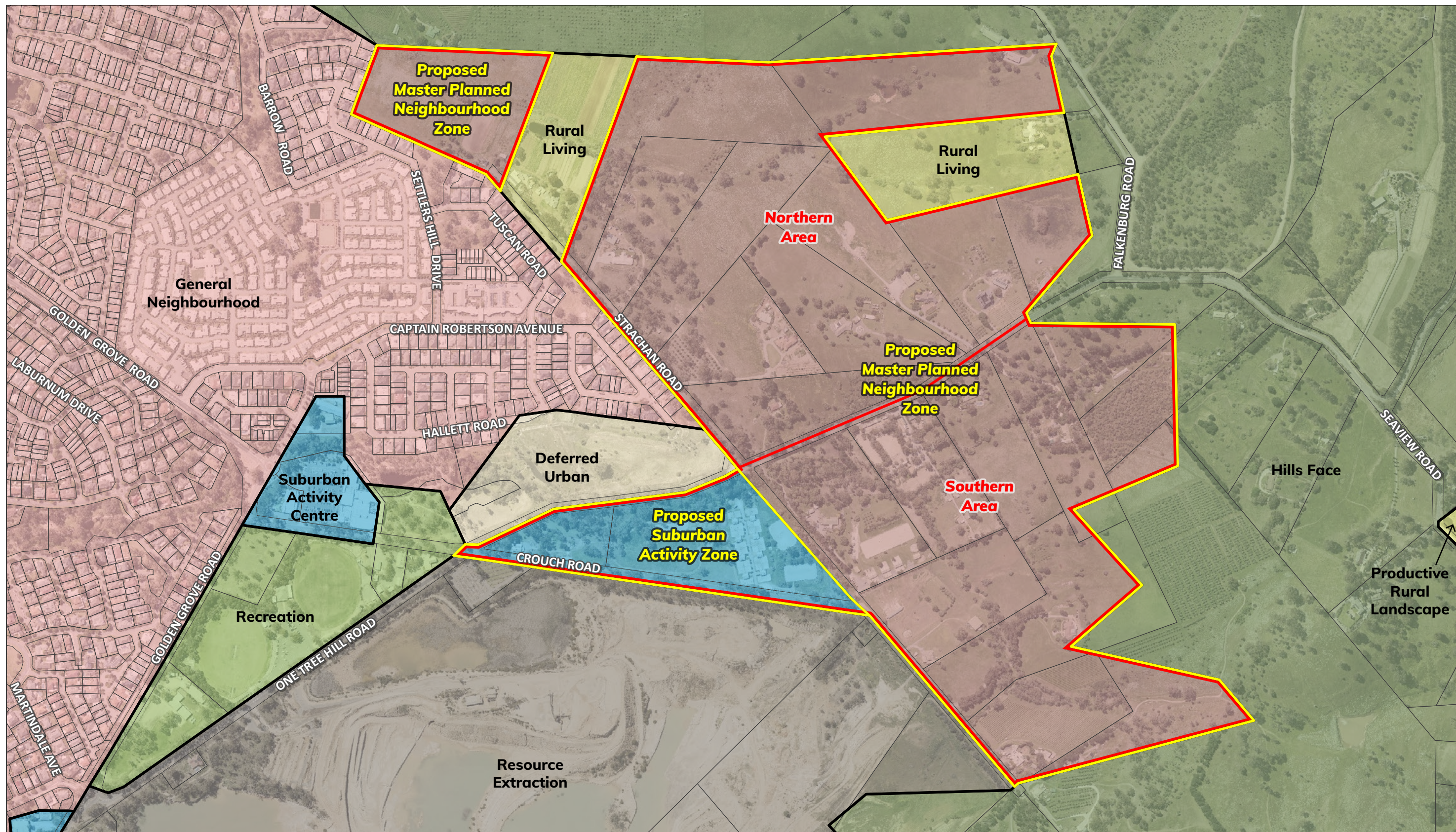
**Comment:** *Noted, this has been addressed in the Initiation Proposal.*

Full copies of letters received from the Minister are available in Attachment C.



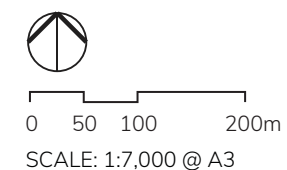
**Attachment A: Map of Affected Area**





## PROPOSED PLANNING AND DESIGN CODE ZONES Golden Grove

JOB REF. 21ADL-0124  
 PREPARED BY. MP  
 DATE. 10.03.22  
 REVISION. 2  
 DATA SOURCE. MetroMap (07.01.21)



**Legend**  
 Area Affected  
 Proposed Zone Boundary  
 Cadastre



## Attachment B: Timetable for Code Amendment by Proponent

YAS P&D is working towards having the Code Amendment and Infrastructure Deed/LMA approved by no later than mid Nov 2022.

Step	Responsibility	Timeframe
<b>Approval of the Proposal to Initiate</b>		
Review of Proposal to Initiate to confirm all mandatory requirements are met (timeframe will be put on hold if further information is required). Referral to the Minister to request advice from the Commission	AGD	2 weeks <i>(includes lodgement and allocation + referral to Government Agencies within the first week)</i>
Minister requests advice from the Commission.	Minister	2 weeks
Referral to Government Agencies for comment (where necessary)	AGD, Relevant Government Agencies	+ 2 weeks
Consideration of Proposal to Initiate and advice to the Minister	Commission (Delegate)	3 weeks
	Commission	+ 3 weeks
<b>Proposal to Initiate</b> agreed to by the Minister	Minister	2 weeks
<b>Preparation of the Code Amendment</b>		
Engagement Plan Prepared. Investigations conducted; <b>Code Amendment Report</b> prepared The Drafting instructions and draft mapping provided to AGD	Designated Entity	4 weeks
AGD prepares Amendment Instructions and Mapping and provides to Council for consultation purposes	AGD	1 week
Preparation of Materials for Consultation	Designated Entity	Per Engagement Plan
<b>Engagement on the Code Amendment</b>		
<b>Code Amendment Report</b> released for public consultation in accordance with the Community Engagement Charter and the prepared <b>Community Engagement Plan</b>	Designated Entity	Per Engagement Plan

Step	Responsibility	Timeframe
<b>Consideration of Engagement and Finalisation of Amendments</b>		
Submissions summarised; Amended drafting instructions provided, <b>Engagement Report</b> prepared and lodged with AGD	Designated Entity	6 Weeks
Assess the amendment and engagement. Prepare report to the Commission or delegate <i>Timeframe will be put on hold if further information is required, or if there are unresolved issues</i>	AGD	4 weeks
Consideration of Advice	Commission (Delegate)	2 weeks (includes 1 week to process through Minister's office)
	Commission	+ 3 weeks
<b>Decision Process</b>		
Minister considers the <b>Code Amendment Report</b> and the <b>Engagement Report</b> and makes decision	Minister	3 weeks
<b>Implementing the Amendment (operation of the Code Amendment)</b>		
Go- Live- Publish on the PlanSA Portal	AGD	2-4 weeks
<b>Parliamentary Scrutiny</b>		
Referral of approved <b>Code Amendment</b> to ERDC	AGD	8 weeks

**Attachment C: Letters from the Minister for Planning and Local Government**



21MPL2268

**Government  
of South Australia**

**Minister for Planning  
and Local Government**

GPO Exchange  
10 Franklin Street  
Adelaide SA 5000

GPO Box 464  
Adelaide SA 5001  
DX 336

Tel 08 8207 1723  
Fax 08 8207 1736

Mr John Moyle  
Chief Executive Officer  
City of Tea Tree Gully

By email: [john.moyle@cttg.sa.gov.au](mailto:john.moyle@cttg.sa.gov.au)

Dear Mr Moyle

I write to advise that under section 73(2)(b)(iv) of the *Planning, Development and Infrastructure Act 2016* (the Act), I have considered the advice of the State Planning Commission (the Commission) and approved the Proposal to Initiate the Golden Grove (Rural Living Zone to Neighbourhood-type Zone) Code Amendment.

The initiation approval is on the basis that under section 73(4)(a) of the Act, the City of Tea Tree Gully (the Council) will be the Designated Entity responsible for undertaking the Code Amendment process.

Pursuant to section 73(5) of the Act, the approval is also subject to the following conditions:

- 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.
- 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.
- The scope of the proposed Code Amendment does not include changes to the extent of the Hills Face Zone or Environment and Food Production Area Overlay.
- Prior to approval of the Code Amendment, the Designated Entity must demonstrate to my satisfaction, as Minister for Planning and Local Government, 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, and the associated Golden Grove Commercial/Retail Code Amendment, to the satisfaction of all relevant infrastructure providers.

In addition, the Commission has specified under section 73(6)(e) of the Act that the Designated Entity must consult with the following stakeholders:

- Department for Infrastructure and Transport
- Department for Environment and Water

- 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.

Further, the Commission has, under section 73(6)(f) of the Act, resolved to specify the following further investigations or information requirements in addition to that outlined in the Proposal to Initiate:

- Exploration of potential flood hazard impacts on the affected area and consideration of flood hazard mitigation strategies.
- Investigate the application of the Affordable housing Overlay, Urban Tree Canopy Overlay and Stormwater Management Overlay.
- Investigate the impacts of the associated Golden Grove Commercial/Retail Code Amendment on the provision of infrastructure in the area, particularly in relation to upgrade needs and funding mechanisms.

In addition, it should be noted that further investigations may be required in response to feedback or advice received through the engagement process.

Pursuant to section 44(6) and 73(6)(d) of the Act, consultation in writing must be undertaken with owners or occupiers of the land and adjacent land, in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

Engagement must be undertaken on the Code Amendment in accordance with the Community Engagement Charter. More information on the Community Engagement Charter is available in the Community Engagement Charter toolkit at: [https://plan.sa.gov.au/resources/learning\\_and\\_toolkits/community\\_engagement\\_charter\\_toolkit/overview](https://plan.sa.gov.au/resources/learning_and_toolkits/community_engagement_charter_toolkit/overview).

I will make a determination on whether to approve the proposed amendments at the completion of the Code Amendment process.

For further information, please contact Ms Nadia Gencarelli, A/Team Leader, Code Amendments, within the Attorney-General's Department on (08) 7109 7036 or via email [Nadia.Gencarelli@sa.gov.au](mailto:Nadia.Gencarelli@sa.gov.au).

Yours sincerely



**Hon Josh Teague MP**  
Minister for Planning and Local Government

10 / 1 / 2022



21MPL2269

**Government  
of South Australia**

**Minister for Planning  
and Local Government**

GPO Exchange  
10 Franklin Street  
Adelaide SA 5000

GPO Box 464  
Adelaide SA 5001  
DX 336

Tel 08 8207 1723  
Fax 08 8207 1736

YAS Property & Development  
C/- Mr Grazio Maiorano  
Director  
URPS

By email: [gmaiorano@urps.com.au](mailto:gmaiorano@urps.com.au)

Dear Mr Maiorano

I write to advise that under section 73(2)(b)(iv) of the *Planning, Development and Infrastructure Act 2016* (the Act), I have considered the advice of the State Planning Commission (the Commission) and approved the Proposal to Initiate the Golden Grove Commercial/Retail Code Amendment.

The initiation approval is on the basis that under section 73(4)(a) of the Act, YAS Property & Development will be the Designated Entity responsible for undertaking the Code Amendment process.

Pursuant to section 73(5) of the Act, the approval is also subject to the following conditions:

- 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.
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- Prior to approval of the Code Amendment, the Designated Entity must demonstrate to my satisfaction, as Minister for Planning and Local Government, 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, and the associated Golden Grove (Rural Living to Neighbourhood-type Zone) Code Amendment, to the satisfaction of all relevant infrastructure providers.
- The Code Amendment will not be considered for approval until such time that the associated Golden Grove (Rural Living to Neighbourhood-type Zone) Code Amendment by the City of Tea Tree Gully has been approved. This condition is not to be taken as a guarantee of future considerations or approval.

In addition, the Commission has specified under section 73(6)(e) of the Act that the Designated Entity must consult with the following stakeholders:

- Department for Energy and Mining
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- 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.



Further, the Commission has, under section 73(6)(f) of the Act, resolved to specify the following further investigations or information requirements in addition to that outlined in the Proposal to Initiate:

- Investigate the impacts of the associated Golden Grove (Rural Living Zone to Neighbourhood-type Zone) Code Amendment on the provision of infrastructure in the area, particularly in relation to upgrade needs and funding mechanisms.

In addition, it should be noted that further investigations may be required in response to feedback or advice received through the engagement process.

Pursuant to section 44(6) and 73(6)(d) of the Act, consultation in writing must be undertaken with:

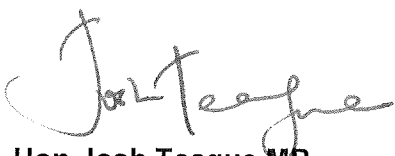
- The City of Tea Tree Gully
- Owners or occupiers of the land and adjacent land, in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

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[https://plan.sa.gov.au/resources/learning\\_and\\_toolkits/community\\_engagement\\_charter\\_toolkit/overview](https://plan.sa.gov.au/resources/learning_and_toolkits/community_engagement_charter_toolkit/overview).

I will make a determination on whether to approve the proposed amendments at the completion of the Code Amendment process.

For further information, please contact Ms Nadia Gencarelli, A/Team Leader, Code Amendments within the Attorney-General's Department on (08) 7109 7036 or via email [Nadia.Gencarelli@sa.gov.au](mailto:Nadia.Gencarelli@sa.gov.au).

Yours sincerely



**Hon Josh Teague MP**  
Minister for Planning and Local Government

10 / 1 / 2022

