

The Hon Josh Teague MP



Government  
of South Australia

Minister for Planning  
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Mr Tony Braxton-Smith  
Chief Executive Officer  
Department for Infrastructure and Transport

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Cc: [matthew.morrissey@sa.gov.au](mailto:matthew.morrissey@sa.gov.au)

Dear Mr ~~Braxton-Smith~~

Tony,

I write to advise that I have considered the advice of the State Planning Commission (the Commission) and have approved the Proposal to Initiate the Tunnel Corridor and Asset Protection Overlay Code Amendment, pursuant to section 73(2)(b)(ii) of the *Planning, Development and Infrastructure Act 2016* (the Act).

The initiation approval is on the basis that, under section 73(4)(a) of the Act, the Department for Infrastructure and Transport 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 Designated Entity must obtain the approval of the Minister for Planning and Local Government to undertake early commencement of the proposed Code Amendment, pursuant to section 78 of the Act.
- Should the Designated Entity seek approval to undertake early commencement, a draft Engagement Plan and an updated timetable are to be provided.
- The policy drafting for the proposed Tunnel Corridor and Asset Protection Overlay will be undertaken by staff within Planning and Land Use Services of the Attorney-General's Department (AGD-PLUS).
- AGD-PLUS obtains the approval of the Commission that the new Overlay is suitable for use prior to undertaking public consultation.

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

- 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:

- The impact of the proposed Overlay to provide assurances that the intent of the underlying zone(s), including the envisaged land uses, will not be negatively impacted.
- Any resultant changes to assessment pathways for the development types which are captured by the Overlay.
- The development types which are within the Overlay area which would maintain an Accepted or Deemed-to-Satisfy assessment pathway which can be reflected in the Overlay policy.
- The intent of, and triggers for, the proposed Referral.

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

In accordance with sections 44(6) & 73(6)(d) of the Act, consultation in writing must be undertaken with:

- The affected councils, including the City of Marion, City of West Torrens, City of Mitcham and City of Unley.
- Owners or occupiers of the land and adjacent land in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

Further, engagement must meet the Community Engagement Charter as guided by 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 Mr Daniel Clapp from AGD-PLUS on 08 7109 7015 or via email: [Daniel.Clapp@sa.gov.au](mailto:Daniel.Clapp@sa.gov.au).

Yours sincerely



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

10 / 1 / 2022