

The Hon Vickie Chapman MP



21MPL1469

12 May 2021

Mr Paul Sutton
Chief Executive Officer
City of Charles Sturt

By email: jtagliaferri@charlessturt.sa.gov.au

**Government
of South Australia**

Deputy Premier

Attorney-General

Minister for Planning
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Dear Mr Sutton

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 Albert Park Mixed Use Code Amendment.

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

I also advise that the Commission has, under section 73(6)(e) of the Act, specified that the Designated Entity must undertake preliminary consultation with the Environment Protection Authority (EPA) in order to determine whether the land can be appropriately remediated to accommodate more sensitive land uses.

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

- The Designated Entity must obtain the approval of the Commission to undertake public consultation following preliminary consultation with the EPA.
- 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 (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.

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

- SA Health (Department for Health and Wellbeing)
- 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:

- Completion of the interim audit report into site contamination to demonstrate the appropriateness (or otherwise) of the land for sensitive land uses.
- Consideration of potential interface issues between the employment / commercial activities and residential development, with particular regard to noise, air quality and vehicle movements along Port Road.
- Exploration of the opportunity for increased open space provision.

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

Notes

1. In accordance with sections 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.
2. 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

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

Please contact Ms Nadia Gencarelli, A/Team Leader, Code Amendments, from the Attorney-General's Department on 7109 7036 or email nadia.gencarelli@sa.gov.au if you would like to discuss further.

Yours sincerely



VICKIE CHAPMAN MP
DEPUTY PREMIER
MINISTER FOR PLANNING AND LOCAL GOVERNMENT