

The Hon Vickie Chapman MP



21MPL1632


July 2021

**Government
of South Australia**

Deputy Premier

Attorney-General

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 Andrew Kemp
Chief Executive Officer
Pierce Matthews Pty Ltd

By email: andrew.kemp@matthewshospitality.com.au

Dear Mr Kemp

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 1 Walkerville Terrace, Gilberton Code Amendment.

The initiation approval is on the basis that, under section 73(4)(a) of the Act, Pierce Matthews Pty Ltd 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 (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 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
- Attorney-General's Department (Planning and Land Use Services), Office for Design and Architecture South Australia
- 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:

- Consideration of the spatial application of the Design Overlay to the Affected Area to address the design of development of 4 storeys and above and to ensure a referral to the Government Architect for advice (to the State Commission Assessment Panel) on how a particular development contributes to meeting the Office of Design and Architecture South Australia's '*Principles of Good Design*'.
- Consideration of the spatial application of the Noise and Air Emissions Overlay to the Affected Area to provide policy guidance to protect new sensitive development from noise and air emissions generated from major transport corridors and mixed use development. The Overlay is also used as the trigger for application of Ministerial Building Standard MBS 010 – *Construction requirements for the control of external sound*.

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:
 - The Corporation of the Town of Walkerville
 - 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