

## The Hon Josh Teague MP

2021/10942/01

Mr Theodoor De Lyster  
C/- Mr Grazio Maiorano  
Director  
URPS

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



### Government of South Australia

Minister for Planning  
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Dear Mr Maiorano

I write to advise that, under section 73(2)(b)(vii) 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 Windamere Park Code Amendment with conditions.

Whilst I am sympathetic to the needs of Windamere Park, the conditions (outlined below) have been put in place as the extent of the changes outlined in the Proposal to Initiate would have a significant impact on the delivery of infrastructure in the broader area.

The initiation approval is on the basis that under section 73(4)(a) of the Act, Mr Theodoor De Lyster 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 Code Amendment is to be limited to the removal of the Limited Land Division Overlay and amendments the Minimum Site Area Technical and Numeric Variation from the affected area. It excludes the creation of new planning rules, and is limited to the spatial application of overlays and technical and numerical variations provided for under the published Code (on the date the Amendment is released for consultation).
- Investigate an amendment to the existing Minimum Site Area Technical and Numeric Variation of 10 hectares to facilitate land division and Supported Disability Accommodation at a higher density.
- Prior to approval of the Code Amendment, the Designated Entity must demonstrate to the satisfaction of the Minister 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 (to the satisfaction of all relevant infrastructure providers).
- The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional Level 1 – Planning under the Act.

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

- SA Housing Authority
- Department of Primary Industries and Regions (PIRSA)
- 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:

- A comprehensive infrastructure analysis by an appropriately qualified expert (or experts), that identifies all future infrastructure works required in order to accommodate the development of the affected area as proposed by the Code Amendment, and provide a strategy which offers a funding and delivery solution for all required infrastructure works.
- Investigate and identify the broad extent and location of land required to accommodate flooding and stormwater management infrastructure in relation to the proposed development.
- Investigate and identify areas of Acid Sulphate Soils; determine their impact on the proposed development; and develop an appropriate policy response.

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) & 73(6)(d) of the Act, consultation in writing must be undertaken with:
  - The City of Playford
  - 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](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 Belinda Monier from the Attorney-General's Department on 8343 2719 or email [belinda.monier@sa.gov.au](mailto:belinda.monier@sa.gov.au) if you would like to discuss further.

Yours sincerely



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

31 / 01 / 2022

Att: Signed Proposal to Initiate