



Minutes of Meeting

Meeting No. 167

Date	Thursday, 1 August 2024
Venue	9.02 Inparri Kuu Seminar Room, Level 9, 83 Pirie Street and Microsoft Teams
Members	Craig Holden (Chair), Stephanie Johnston, Stuart Moseley, Lisa Teburea, David O'Loughlin and Sally Smith (Ex Officio)
Apologies	John Stimson
DTI Staff	Kate Southcott, Marc Voortman, Hayley Pasut, Nick Buick, Ben Sieben, Jessica Koop, Tyler Johns, Tom Victory, Brett Steiner, Cherie Gill, Clare Ashmeade, Peter Douglass
External	Malcolm Griffin, PSA Consulting

1 GENERAL BUSINESS

1.1 Acknowledgement of Country

The Chair acknowledged the traditional custodians of the land on which the Commission meets, and paid respect to Elders past, present and emerging.

1.2 Welcome and Apologies

The Chair welcomed all in attendance to the meeting and noted the apology.

1.3 Declaration of Conflict of Interest / Gifts and Benefits

Stuart Moseley confirmed his previously declared potential perceived bias in relation to the Outer North Land Supply Region part of Item 5.5 Draft Greater Adelaide Regional Plan (GARP) – Approval for Statutory Engagement. Mr Moseley will leave the meeting for the Commission's deliberation and decision making in relation to the Outer North Land Supply Region.

David O'Loughlin confirmed his previously declared conflict of interest in relation to the Outer North Land Supply Region part of Item 5.5 Draft Greater Adelaide Regional Plan (GARP) – Approval for Statutory Engagement. Mr O'Loughlin will leave the meeting for the Commission's deliberation and decision making in relation to the Outer North Land Supply Region.

The Commission noted John Stimson previously declared a conflict of interest in relation to GARP Investigations Workshop – Outer North and Ratification of GARP Investigations Workshop – Outer North but was an apology for this meeting.

1.4 Chair's Report

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Release Immediately).
- 2) Note the Chair's report as read.

1.5 Member Updates

The Commission noted the Member updates.

1.6 SPC Confidential Minutes for Adoption – 18 July 2024

The Commission formally adopted the SPC Confidential Minutes of the 18 July 2024 meeting.

1.7 Code Amendment Initiation Advice

The Commission noted the Code Amendment Initiation Advice.

1.8 Register of SCAP Appeals

The Commission noted the Register of SCAP Appeals.

1.9 Register of Complaints

The Commission noted the Register of Complaints.

2 CORRESPONDENCE

Nil

3 ADDITIONAL RESOURCES

Nil

4 MATTERS FOR ADVICE TO MINISTER

Nil

5 MATTERS FOR DECISION

5.1 Delegations under the PDI Act – 2024 Review and Update

Hayley Pasut and Nick Buick addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of the item as Not Confidential (Release Delayed), with the meeting papers for the item to be released following final adoption of the updated delegations by the Commission and the State Commission Assessment Panel (SCAP).
- 2) Approve the draft Instrument of Delegation at **Attachment 1**, with the instrument to be effective from the date of signing by the Chair, subject to:
 - a. The inclusion of a condition noting that delegates will exercise discretion in the use of all delegations in sensitive circumstances or in circumstances where the Commission requests, after considering reporting from PLUS, that they not be exercised.

- b. The removal of the proposed delegation under section 112 of the *Planning, Development and Infrastructure Act 2016* (PDI Act).
 - c. Conditioning the delegation under section 113(9) of the PDI Act to limit it to variations or amendments that are within the scope of the existing declaration and which do not significantly alter the existing scale and nature of the approval.
- 3) Authorise the Chair to sign the Instrument of Delegation as approved, including accepting all mark-up and making any amendments as required to finalise.

5.2 Civil Penalties and Enforceable Voluntary Undertakings (Authorisations under sections 225 and 230)

Hayley Pasut and Nick Buick addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Release Immediately).
- 2) Pursuant to sections 225(17)(b) and 230(14)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act), authorise the following councils to utilise the enforcement tools available under sections 225 and 230 of that Act on an ongoing basis (as per **Attachment 1**):
 - Adelaide Hills Council
 - Alexandrina Council
 - City of Adelaide
 - City of Burnside
 - City of Charles Sturt
 - City of Holdfast Bay
 - City of Marion
 - City of Mitcham
 - City of Mount Gambier
 - City of Norwood Payneham & St Peters
 - City of Onkaparinga
 - City of Playford
 - City of Port Adelaide Enfield
 - City of Salisbury
 - City of Unley
 - City of Victor Harbor
 - City of West Torrens
 - Coorong District Council
 - District Council of Grant
 - District Council of Loxton Waikerie
 - District Council of Robe
 - District Council of Yankalilla
 - Kingston District Council
 - Mount Barker District Council
 - Port Augusta City Council
 - Wattle Range Council
- 3) Further to Resolution 2 and pursuant to sections 225(18)(a) and 230(15)(a) of the Act, grant the authorisation to the councils subject to the following conditions:

- (a) The Council must provide details (date of commencement of proceedings, alleged offender, details of the breach and the outcome once known) to the Commission regarding the commencement of proceedings under section 225 of the Act as soon as practicable after the proceedings are commenced.
 - (b) The Council must provide to the Commission a copy of any enforceable voluntary undertaking that is given, varied or withdrawn under section 230 of the Act.
 - (c) Where the Council is proposing to take enforcement action under the relevant sections and the Council was not the relevant authority that granted development authorisation, it must notify the relevant authority that did grant development authorisation indicating that it proposes to take enforcement action under the relevant sections.
 - (d) Enforcement action under the relevant sections may only be commenced or undertaken by an authorised officer appointed by the Council under the Act.
 - (e) The Council must, to the best of their ability, make use of the enforcement tools available under the relevant sections in a consistent manner that is proportionate to the alleged offence or breach of the Act.
 - (f) In granting authorisation to the Council, the Council acknowledges and agrees that the Commission will not be liable for any costs associated with entering into (or subsequently enforcing) proceedings initiated or undertakings given under the relevant sections.
- 4) Authorise the Chair of the Commission to make any minor amendments as required and sign the draft letter to the councils (**Attachment 2**).
 - 5) Approve and authorise the Chair to extend authorisations under sections 225 and 230 of the PDI Act to all councils.

5.3 Confidential

This item was considered in confidence and is included in the Commission's confidential minutes of the 1 August 2024 meeting.

5.4 Draft Minor Variations Practice Direction – Release for Industry Consultation

This item was considered in confidence and is included in the Commission's confidential minutes of the 1 August 2024 meeting.

5.5 Draft Greater Adelaide Regional Plan – Approval for Statutory Engagement

This item was considered in confidence and is included in the Commission's confidential minutes of the 1 August 2024 meeting.

6 MATTERS FOR NOTING

6.1 Ex Officio Quarterly Report: 1 April 2024 to 30 June 2024

This item was considered in confidence and is included in the Commission's confidential minutes of the 1 August 2024 meeting.

7 OTHER BUSINESS

Nil

8 MEETING FINALISATION

8.1 Next Meeting

Thursday, 15 August 2024.

8.2 Confirmation of Minutes and Confidential Minutes

The Commission resolved that the Confidential Minutes of the meeting held today, 1 August 2024, be confirmed as a true and accurate record.

8.3 Meeting Close

The Chair thanked all in attendance and declared the meeting closed at 3.47pm.

Confirmed 01/08/2024

A handwritten signature in black ink, appearing to read 'Craig Holden', with a long horizontal flourish extending to the right.

Craig Holden

Chair