



Minutes of Meeting

Meeting No. 107

Date	Thursday, 25 November 2021 at 9.30am
Venue	Kardi Munaintya Room or via Microsoft Teams
Members	Craig Holden (Chair), Stuart Moseley (Teams), Elinor Walker, Noelle Hurley, Sally Smith (Ex Officio)
In Attendance	Kate Southcott (AGD)
Presenters	AGD Staff: Anita Allen, Brett Steiner, Nadia Gencarelli, Rhiannon Hardy, Ameya Sawant.
External	Brendan Hewitt (SA Health)

1 GENERAL BUSINESS

1.1 Acknowledgement of Country

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

1.2 Welcome and Apologies

The Chair welcomed all in attendance to the meeting.

1.3 Declaration of Conflict of Interest / Gifts and Benefits

Stuart Moseley declared that if Item 1.9 row 3 is before the Commission for discussion, he will declare a conflict of interest (due to previous involvement in preparing an EIS for the Buckland Park Project) and leave the meeting.

Stuart Moseley declared a conflict of interest (due to previously providing advice in relation to a retail proposal on or near the subject land) and left the meeting when Agenda Item 3.4 Strathalbyn Code Amendment was discussed.

1.4 Action Register

The Commission noted the status of the Action items.

1.5 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.

1.6 Members Updates

The Commission noted the Members updates.

1.7 SPC Confidential Minutes for Adoption – 11 November 2021

The Commission formally adopted the SPC confidential minutes of the 11 November 2021 meeting.

1.8 SCAP Minutes and Confidential Minutes – 10 November 2021

The Commission noted the SCAP Minutes and Confidential Minutes of 10 November 2021.

1.9 Code Amendments Initiation Advice

The Commission noted the Code Amendments Initiation Advice.

1.10 SPC Forward Planner

The Commission noted the SPC Forward Planner.

2 CORRESPONDENCE

2.1 Future Living Code Amendment (Campbelltown City Council)

The Commission noted the correspondence.

2.2 Regional Planning for Greater Adelaide (City of Adelaide)

The Commission noted the correspondence.

3 MATTERS FOR ADVICE TO MINISTER

3.1 Miscellaneous Technical Enhancement Code Amendment

This Item was considered in confidence, and is included in the SPC Confidential Minutes of 25 November 2021.

3.2 Riverbank Precinct Code Amendment

This Item was considered in confidence, and is included in the SPC Confidential Minutes of 25 November 2021.

3.3 Bedford Park Code Amendment

This Item was considered in confidence, and is included in the SPC Confidential Minutes of 25 November 2021.

3.4 Strathalbyn Code Amendment

Stuart Moseley declared a conflict in relation to Item 3.4 and left the meeting when this Item was discussed.

This Item was considered in confidence, and is included in the SPC Confidential Minutes of 25 November 2021.

4 MATTERS FOR DECISION

4.1 Complaint regarding a Council Assessment Panel Member

This Item was considered in confidence, and is included in the SPC Confidential Minutes of 25 November 2021.

4.2 Civil Penalties and Enforceable Undertakings

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 for the period 25 November 2021 to 30 September 2024 (as per Attachment 1):
 - o Alexandrina Council
 - o District Council of Robe
 - o District Council of Loxton Waikerie
 - o District Council of Yankalilla
 - o District Council of Grant
 - o Coorong District Council
 - o Kingston District Council
 - o Mount Barker District Council
 - o Adelaide Hills Council
 - o City of Adelaide
 - o City of Marion
 - o City of Charles Sturt
 - o City of Port Adelaide Enfield
 - o City of Unley
 - o City of Onkaparinga
 - o City of West Torrens
 - o City of Mount Gambier
 - o City of Playford.
- 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) Request that each council report on the effectiveness of the enforcement tools prior to 31 August 2022 to assist the Commission with granting future authorisations.
 - 5) Authorise the Chair of the Commission to make any minor amendments as required and sign the draft letter to the councils (Attachment 3) and to the Local Government Association (LGA) of South Australia (Attachment 4).

5 MATTERS FOR NOTING

5.1 PlanSA Update – October 2021

This Item was considered in confidence, and is included in the SPC Confidential Minutes of 25 November 2021.

5.2 Interconnector Assessment Report

This Item was considered in confidence, and is included in the SPC Confidential Minutes of 25 November 2021.

6 ANY OTHER BUSINESS

Nil

7 MEETING FINALISATION

7.1 Next Meeting

Thursday, 9 December 2021 at 9:30am in the Kardi Munaintya Room.

7.2 Confirmation of Minutes and Confidential Minutes

The Commission resolved that the Confidential Minutes of the meeting held today, 25 November 2021 be confirmed as a true and accurate record.

7.3 Meeting close

The Chair thanked all in attendance and declared the meeting closed at 3.29pm.

Confirmed 25/11/2021



Craig Holden
Chair