

Agenda Report for Decision

Meeting Date: 27 April 2023

Item Name	Annual Governance Audit 2023
Presenters	Chelsea Lucas
Purpose of Report	Decision
Item Number	5.1
Strategic Plan Reference	4. Discharging Statutory Obligations
Work Plan Reference	N/A
Confidentiality	Not Confidential (Release Immediately) – Agenda Report & Attachments 2 to 5 (inclusive). Confidential (Draft Advice or Documents) – Attachments 1, 6 and 7.
Related Decisions	N/A

Recommendation

It is recommended that the State Planning Commission (the Commission) resolves to:

1. Approve the designation of this item as:
 - Agenda Report – Not Confidential (Release Immediately)
 - **Attachment 1** – Confidential (Draft Advice or Documents)
 - **Attachment 2 to 5** (inclusive) – Not Confidential (Release Immediately)
 - **Attachments 6 & 7** – Confidential (Draft Advice or Documents).
2. Note the Internal Audit Report (Governance) and Register of Governance Documents, Policies and Procedures at **Attachment 1**.
3. Approve amendments to various documents, policies and procedures as noted in the Internal Audit Report (Governance), and as shown in mark-up in the following documents:
 - a. Governance Manual (**Attachment 2**)
 - b. Responsibilities and Functions of the State Planning Commission (**Attachment 3**)
 - c. Deputation, External Meeting and Event Policy (**Attachment 4**)
 - d. SCAP Practice & Operating Directions (**Attachment 5**)
 - e. SPC Chair Position Description (**Attachment 6**)
 - f. SPC Member Position Description (**Attachment 7**)

4. Approve publication of updated **Attachment 2 to 5** (inclusive) on the Commission's website.
5. Authorise the Chair of the Commission to sign the updated State Commission Assessment Panel (SCAP) Practice & Operating Directions (**Attachment 5**).
6. Authorise the Chair to make any minor or editorial changes to the attachments as required to finalise.
7. Note the Department is currently undertaking reviews of the:
 - a. Commission's Risk Register;
 - b. Commission's Instrument of Delegation; and
 - c. SCAP's Instrument of Sub-Delegation.
8. Note that the Department's newly updated Gifts and Benefits Policy will apply to members of the Commission and SCAP (once adopted), replacing the current SPC Gifts and Benefits Policy; and
9. Note the Department will undertake a further governance and legislative compliance audit on an annual basis in the second quarter of each year.

Background

Several documents, policies and procedures which have previously been adopted by the Commission contemplate review on an annual basis. To formalise this review process, the Department has undertaken a comprehensive Internal Governance Audit of the Commission's documents, policies and procedures relating to the Commission's governance and corporate management.

The Internal Audit Report (Governance) at **Attachment 1** provides the findings and recommendations of the Department's audit.

Discussion

The Internal Audit Report has recommended that several documents are amended to reflect current practice, including minor editorial and procedural updates, and to ensure consistency between various documents. These documents include:

- a. Governance Manual
- b. Responsibilities and Functions of the State Planning Commission
- c. Deputation, External Meeting and Event Policy
- d. SCAP Practice & Operating Directions
- e. SPC Chair Position Description
- f. SPC Member Position Description

The previous Governance Audit noted amendments to various documents would be required following the machinery of government changes, including updates to the Governance Manual. This has now been addressed. The Governance Manual has also been updated to include a section on the Deputation, External Meeting and Event Policy. Following consultation within the Department, minor procedural amendments have also been made to this policy.

The SPC Gifts and Benefits Policy, previously adopted by the Commission, was reviewed as part of the audit. In addition, the Department also recently updated their Gifts and Benefits Policy and Procedure. Following consideration of the documents, it is recommended the SPC Policy be revoked, and the Department's newly updated Gifts and Benefits Policy will apply to members of

the Commission, SCAP and all other committees established by the Commission (once adopted). It is the intention that revoking the Commission's Gifts and Benefits Policy and adopting the Department's Policy will avoid any potential confusion amongst members of their responsibilities regarding gifts and benefits.

The SCAP Practice & Operating Directions provide for a minimum level of attendance required by members. For consistency and to ensure accountability from all members, the SPC Chair Position Description and SPC Member Position Description have both been revised to include this same minimum level of attendance. Further, a provision has been added to all three documents to enable a review of the SPC Chair and a members (SPC and SCAP) ongoing role, in the event attendance is below the minimum required.

The Department recommends that the Commission notes the Internal Audit Report (Governance) at **Attachment 1** and approves the various recommendations in that Report, including amendments to the documents as shown in mark-up in **Attachments 2 to 7** (inclusive).

It is recommended that the Commission also note that the Department is undertaking further separate reviews into several documents which were the subject of the audit, including the Commission's Risk Register, Instrument of Delegation and the SCAP's Sub-Delegations.

To ensure the Commission's suite of documents, policies and procedures remains up-to-date and relevant, and that recommended changes are appropriately adopted, it is also recommended that the Department continues to undertake a further full internal governance audit on an annual basis, or earlier (if appropriate or required in response to legislative change or other urgent operational matters).

Attachments:

1. Internal Audit Report (Governance) (#20000481) and Register of Governance Audit Documents (Appendix A) (#20000476).
2. Governance Manual (#12409242).
3. Responsibilities and Functions of the State Planning Commission (#11610957).
4. Deputation, External Meeting and Event Policy (#17631522).
5. SCAP Practice & Operating Directions (#12296371).
6. SPC Chair Position Description (#11611334).
7. SPC Member Position Description (#11611395).

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Endorsed by: Chelsea Lucas and Kate Southcott

Date: 13 April 2023



State Planning Commission Governance Manual

1. State Planning Commission Governance Manual

- 1.1 Purpose of the State Planning Commission Governance Manual
- 1.2 The role of the Commission
- 1.3 Relationships with the Minister and the Department
- 1.4 Contents of the Manual
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2. Our Strategy

- 2.1 Commission's Strategic Plan
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- 3.3 Transparency
- 3.4 Conflicts of Interest Policy
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1. State Planning Commission Governance Manual

1.1 Purpose of the State Planning Commission Governance Manual

The purpose of this Governance Manual is to provide a governance framework for the Commission's operations.

1.2 The role of the Commission

The Commission's role is to act as the State's principal planning advisory and development assessment body established under the *Planning, Development and Infrastructure Act 2016* (the *Act*). The Commission is accountable to the Minister for Planning for the administration of the *Act* and to further the *Act's* objects and principles.

The Commission's functions and powers are set out in section 22 and 23 of the *Act*. A table outlining other areas of Commission responsibility under the *Act* is available on [the Commission's Website](#).

At its core, the Commission's role is to act in the best interests of all South Australians in promoting the objects of the *Act*, to encourage state-wide economic growth, to support liveability in ways that are ecologically sustainable, and to meet the needs and expectations, and reflect the diversity, of the State's communities by creating an effective, efficient and enabling planning system.

As a statutory authority, the Commission exists for a public purpose, and is required to both comply with and to implement government policy and existing legislation. This brings with it the highest requirements for transparency, reporting and integrity.

1.3 Relationships with the Minister and the Department

The role of the Commission intersects with those of two other main parties – the Minister and the Chief Executive of the Department for Trade and Investment (the Department). Clarity of understanding and agreement on governance by those parties is necessary to ensure functionality. For the Commission to perform its duties properly, it is essential for these interrelationships to be governed well.

The Minister has overarching responsibility for the planning system, and is ultimately accountable to Parliament and the community for furthering the objects of the *Act*. While under the *Act* the Minister has powers of general control and direction over the Commission, the Minister has no specific powers to direct the Commission in relation to its recommendations or advice, nor the exercise of its discretion in relation to granting a development authorisation.

The Commission has a duty to keep the Minister informed of its activities, and the Minister has access to and the ability to request information from the Commission.

The Minister may approve provision of as many staff as are required to assist the Commission but it is intended for the most part that the Chief Executive will provide the resources necessary to support the Commission's functions under the *Act*. The Chief Executive is to work with and be responsible to the Commission to manage its business efficiently and effectively, and supervise any staff appointed to support the Commission.

Thus the Minister relies on the Commission and the Department to administer the *Act*, and the Commission, in turn, relies on the Department to provide services and support to enable it to do its work.

A Service Level Agreement between the Commission and the Chief Executive, as well as the Commission's Strategic Plan (and underlying Work Plan) are in place to provide greater clarity and detail on the responsibilities of the respective parties, in order to help navigate these complex inter-relationships.

For these arrangements to work properly, there must also be a commitment from all parties to be open, frank and respectful in keeping each other fully informed on matters of substance and allowing each to fulfil to the best of their abilities their roles and functions under the *Act*.

The *ex officio* member's presence on the Commission helps to ensure the relationship between the Commission and the Department is sound. Likewise, the Chair's regular interaction with the Minister and senior departmental officers will support these relationships. In particular, the *ex officio* has an important role in ensuring that the advice of the Commission is informed but not unduly influenced by the Department's perspective. The Commission's autonomy in certain functions, and independence in its advice to the Minister, is vital.

1.4 Contents of the Manual

Commission Strategy

The Commission's Strategic Plan guides a detailed Work Plan and its Communications and Engagement Plan ensures well organised external engagement.

Commission Policies

A series of policies aimed at good governance.

Commission Meeting Procedures

Support for the activities of the Commission.

1.5 Review of the Governance Manual

The Commission will review this Manual on an annual basis.

2. Our Strategy

2.1 Commission's Strategic Plan

The Commission's Strategic Plan frames the way the Commission will conduct its business and describes the emphasis that it will give to its detailed Work Plan over a 12 to 18 month period.

The Strategic Plan will be revised each year to ensure the proposed actions are contemporary and respond to changing circumstances.

A copy of the Commission's current Strategic Plan is available at www.saplanningcommission.sa.gov.au/about_the_commission/strategic_direction.

2.2 Performance Measures

Performance measures established in relation to Strategic Plan delivery are:

2.2.1 Satisfactory progress against the Commission's Work Plan

2.2.2 Fulfilment of Statutory Obligations

2.2.3 Evaluation through benchmark survey of stakeholder confidence

2.2.4 Satisfactory annual review by the Minister

Performance measure review will be undertaken between July and September annually.

3. Our Policies

3.1 Governance Policies

The Department maintains a register of policies on behalf of the Commission. From time to time the Commission may develop further governance policies and these will also be noted in this Manual as required. For some matters the Commission will rely on whole of government and/or Departmental policy.

3.2 Delegations

In order to manage its workload, the Commission delegates some of its functions and powers under the Act, so as to authorise others to act on its behalf. The Commission is also required under the Act to delegate all of its functions and powers as a relevant authority (with respect to determining whether or not to grant planning consent), either to an Assessment Panel or a person occupying a particular office or position.

Delegating powers or functions to the Chair, a Commission Member, an Assessment Panel or Committee appointed by the Commission, or to officers of the Department, does not absolve the Commission from accountability for the exercise of those powers or functions.

The Commission therefore carefully considers which powers and functions are suitable for delegation (and to whom), prior to formally delegating the functions and powers by resolution recorded in the minutes of the relevant Commission

meeting. The Commission requires the Department to maintain an accurate and up to date register of delegations, including any sub-delegations and that the ex officio report to the Commission includes a report on the exercise of delegations on a regular basis. Thus the Commission is kept aware how often delegations are being used, and can confirm that they are being applied as intended.

3.3 Transparency

3.3.1 Public meetings

The Commission may conduct meetings with members of the public in relation to any matter which the Commission considers requires community engagement and input. This may occur in addition to requirements for community engagement and input under the *Act* or *Planning, Development and Infrastructure (General) Regulations 2017* (the *Regulations*).

3.3.2 Confidentiality

As public officials, Commission Members are required to comply with requirements for members of South Australian Government Boards and Committees. Commission Members will be careful to use information gained through their position only for the purpose for which it has been provided, and to comply with departmental and Governmental directions regarding the use of such information. The Commission will consult with relevant parties regarding the release of any information confidential to those parties, and will only release information after obtaining consent or as permitted or required by law.

3.4 Conflicts of Interest Policy

Any actual or perceived conflicts of duty or interest must be declared and managed in the public interest of the Commission, not the individual member.

A copy of the approved Conflict of Interest Policy is available on the Commission's website.

All declared conflicts on interests are recorded in a register which will be present at every Commission meeting and may be inspected by a member of the public on request. Commission Members are required to notify the Department of any specific conflicts likely to arise as a result of agenda items for each meeting.

In addition, section 28 and Schedule 1 of the *Act* set out provisions relating to disclosure of financial interests of members of the Commission and other designated entities under the *Act*. Regulation 8 of the *Regulations* sets out the requirements for the Primary and Ordinary Returns.

A Primary Return must be provided within 60 days of appointment of a Commission Member. An Ordinary Return must be provided on an annual basis by every Commission Member within 60 days of 30 June. The Department will maintain a record of Returns provided by Commission Members and other Committee Members appointed by the Commission.

3.5 Deputation, External Meeting and Event Policy

The Commission is committed to transparency in relation to hearing from parties to inform its decision-making process and inform itself as a Commission.

The objective of the Deputation, External Meeting and Event Policy is to provide further detail in relation to transparency and confidentiality to assist in the Commission's consistent management of deputations, external meetings and events.

A copy of the approved Deputation, External Meeting and Event Policy is available on the Commission's website.

3.6 Risk Register

The Commission is responsible for:

- identifying and understanding the risks and liabilities arising from Commission activities
- monitoring and managing those risks
- bringing these to the attention of the Minister and the Department where required.

The Department maintains a register of risks on behalf of the Commission, and supports the Commission in establishing systems and processes to manage those risks.

4. Commission's Meeting Procedures

4.1 Statutory Requirements and Procedures

The Commission membership requirements are set out in section 18 of the *Act*. Sections 19 and 20 of the *Act* also provide additional member provisions and the conditions of membership of the Commission. The Chair is appointed by the Minister under section 18(4) of the *Act*.

Provisions relating to Commission proceedings are set out in Section 27 of the *Act* and include:

- quorum requirements
- decision and voting requirements
- ability to conduct meetings by telephone or audio-visual equipment provided members have prior notice and concur to the arrangements
- disclosure and non-participation requirements relating to any direct or indirect personal or pecuniary interest in a matter
- a requirement to keep accurate minutes.

Under section 15(2)(d) of the *Act* Commission Members are bound by the Minister's Code of Conduct approved under Schedule 3 of the Act. A copy is available at: www.saplanningcommission.sa.gov.au/about_the_commission/strategic_direction.

4.2 Meeting procedures

Subject to specific requirements set out in the *Act*, section 27(9) permits the Commission to determine its own procedures. Procedures established by the Commission, include:

- Commission Members will review the agenda papers, attend all meetings and formal functions of the Commission wherever possible.
- Commission Meetings will ordinarily be held in camera unless otherwise determined by the Chair.
- Commission Members, staff and visitors will not use mobile phones during a meeting.
- No electronic recording or photography will be permitted in meetings other than with the express and prior permission of the Chair.
- Advance notice of a member's inability to attend a meeting or function of the Commission is required.
- In the absence of the Chair, another Commission Member will be chosen by those Commission Members present to preside over the meeting.
- Conflicts or potential conflicts of interest should be identified as soon as practicable.
- Items may be added to the meeting agenda by prior agreement with the Chair. In addition, motions may be put informally at the discretion of the Chair so long as they are clearly communicated to all Commission Members present.
- Deliberations of the Commission and business discussed in meetings is confidential and will not be discussed with other persons outside of the meeting.

4.3 Agenda

Meeting agendas will be prepared in a form agreed to by the Chair and the *ex officio* member. Commission Members will have the opportunity to propose additional items for inclusion in an upcoming agenda with the agreement of the Chair.

The Chair, each of the Commission Members, and the *ex officio* each report relevant information and activities via standing items at Commission meetings. This ensures amongst other things that all Commission Members are kept fully apprised of:

- Commission Members' relevant activities since the previous meeting
- complaints submitted to the Chair regarding the operation of assessment panels under the *Act* (reported via the Chair's report)
- departmental updates (reported via the *ex officio* report).

The Agenda also includes strategic topics for discussion, matters for decision and those for information or noting and an item requiring members to declare any potential conflicts of interest, gifts or benefits.

Agendas, including all documentation for the meetings, are made available electronically to members on the Friday afternoon before the scheduled meeting.

Meeting agendas are publicly available on the Commission's website.

4.4 Agenda Reports

Agenda reports provided to the Commission must comprise accurate, digestible information including sufficient detail to support informed decision-making. The Commission is obliged to take suitable measures to ensure it is properly informed, and to seek advice to help in that process if required.

Chairs of Committees established by the Commission should also provide reports to the Commission including the minutes of their meetings and any recommendations made by the Committee/s for the Commission's consideration and to answer any questions.

Agenda Reports for all items which are not deemed as confidential (in accordance with the criteria listed for confidential items below) will be made available to the public on the Commission's Website.

Agenda Reports for items deemed as "Not Confidential (Release Delayed)" (as described below) will be maintained in confidence while the matter or advice is pending a decision. These items will be published on the Commission's Website following a decision being made or project being completed, or until another identified publication "trigger" is reached.

4.5 Minutes

Not Confidential

The minutes of meetings will be kept and prepared in a form approved by the Chair.

Commission meeting minutes will record:

- the names of the Commission Members present and any apologies received
- the names of all departmental staff in attendance
- the names of all persons appearing before the Commission
- the factual basis for decision and the decision of the Commission in relation to all matters before it (with the exception of confidential matters described below)
- any disclosure of conflict of interest, gift or benefit made by a member of the Commission or departmental staff.

As decisions of the Commission are carried by a majority of the votes cast, the minutes will record the decision as a resolution of the majority of the Commission and not the individual votes for or against as these are irrelevant once the majority is determined.

Minutes will be approved by the Commission at the end of each meeting where possible. Alternatively, draft minutes will be sent within three working days to Commission Members for endorsement, and then noted at the Commission's next meeting.

Minutes will be made available to the public on the Commission website once agreed by the Commission.

Not Confidential (Release Delayed)

Agenda Items which are designated by the Commission as “Not Confidential (Release Delayed)” may be maintained in confidence while the matter or item is pending a decision. These items will be published by the Commission following a decision being made or project being completed. These items will generally include matters relating to the decision making functions of the Commission, the Minister or the Chief Executive.

Confidential Minutes

In addition to the standard minutes, separate confidential minutes will be prepared and kept for the following confidential matters:

- 4.5.1 **Cabinet in Confidence** – matters that have been or are expected to be considered by Cabinet.
- 4.5.2 **Legal Obligations** - matters which must be considered in confidence to ensure the Commission does not breach any law, order or direction of court or tribunal or other legal obligation or duty.
- 4.5.3 **Legal Advice or Litigation** - matters involving legal advice, or actual or potential litigation including (without limitation) compliance or enforcement matters.
- 4.5.4 **Complaints** – matters involving complaints received by the Commission in relation to assessment panels under the *Act*.
- 4.5.5 **Security and Safety** – matters which, if released publically, may affect the safety or security of any person or property.
- 4.5.6 **Personal Information** – matters which would involve the unreasonable disclosure of personal information.
- 4.5.7 **Commercial in Confidence** – matters which are provided as or considered to be commercial in confidence and where there is a *public interest* in maintaining these documents in confidence.
- 4.5.8 **Draft Advice or Documents** – matters which involve preliminary, draft, incomplete, work-in-progress or formative reports, advice, plans, presentations or other documents.

The confidential minutes follow the same format and processes as the standard minutes where relevant, but are not made available to the public.

4.6 Decision Register

The Commission’s decisions, achieved by resolution in its meetings or out of session in accordance with the Commission’s procedures, will be recorded on a register of decisions maintained by the Department. A register of decisions made out of session will be available to the public and decisions made by the Commission in its meetings will be published in the Commission’s Minutes (noting that confidential matters will be recorded in a manner that will not breach confidentiality).



Responsibilities and Functions OFFICIAL

Item	Responsibility	Leg Ref	Limitations/conditions in exercising function	Related actions
Planning Regions				
Create regions	Must advise Minister on proclamation of regions	s5		
Create sub-regions	Must advise Minister on proclamation of sub-regions	s6		
Environment Food Production Area				
Principles for decision making	In making any decision under section 7 -	s7(3)	Must ensure that areas of rural, landscape, environmental or food production significance within Greater Adelaide are protected from urban encroachment - Commission may only vary an environment and food production area if the Commission is satisfied of specified criteria	Variation of EFPA under section 7(8)
Creation of additional lots	Additional allotments – May concur with a Council to grant approval	s7(5)(a)	Must have reference to the objectives set out in s7(6). Must not be for residential purposes.	If it is for residential purposes, it must be refused.
	Additional allotments – May approve	s7(5)(b)	Must have the concurrence of the Council. Must not be for residential purposes.	If it is for residential purposes, it must be refused.
Vary an area	May vary an environment and food production area	s7(8) and (9)	Conduct an inquiry and report to the Minister.	Publish in the GG and planning portal
5 yearly review	Must review on a five yearly basis	s7(10)		Assess matters set out under s7(3)(a)
State Planning Commission				
Must have regard to.	Must, in the performance of its functions, take into account government policy, or principle or matter specified by the Minister	s17(6)		

OFFICIAL

Item	Responsibility	Leg Ref	Limitations/conditions in exercising function	Related actions
Specialist members	May appoint additional (Specialist) members	s17(19)(1) s17(19)(2)(a)	1 or 2 persons from a list established by the Minister.	
	Must appoint additional (Specialist) members	s17(19)(2)(d)	Where prescribed.	
	Advise the Minister on expertise required of members on the list.	s17(19)(2)(b)		
Function and role	Perform the functions and roles as set out	s22(1) and (2)	Act on its own initiative, or on request – s22(3)	
Inquiry	In the conduct of an Inquiry	s22(4)	May – receive submissions, request information, and collect information.	
			May retain information confidentially.	
			Must report to the Minister	
Receive assistance	Request the assistance of an agency.	s22(5)		
Assistance at the direction of the Minister	Advise the Minister when directing an agency to assist.	s22(7)		
Powers of the Commission	Powers as set out.	s23		
Minister to be kept informed	Keep the Minister reasonably informed.	s24		
Minister to have access to information	Provide access to information to the Minister	s25	As required or requested, and subject to confidentiality.	
Meeting proceedings	Meeting proceedings – conference – determine manner of giving notice of conference for the purposes of achieving a quorum.	s27(4)		
	May determine its own procedures	s27(9)	Subject to the Act	
Commission Assessment Panel(s)	Must establish	s29(1)(a)		

Item	Responsibility	Leg Ref	Limitations/conditions in exercising function	Related actions
Committees	Must establish as required	s29(1)(b)	By regulation or by the Minister – to assist the Commission	
	May establish as required	s29(1)(c)	With the approval of the Minister – to assist the Commission	
	May determine the procedures for a committee	s29(3)		
Delegations	May delegate functions and powers	s30(1)	To a person, conditions, further delegation, revoke - s30(2)	Commission to develop a delegation policy
	Must delegate planning assessment functions	s30(3)	To a delegate as described in s30(3)(a)-(c) May delegate by class of development and vary from time to time - s30(4) May be further delegated - s30(5)	
Staff and facilities	Staff and facilities – may use department staff etc	s31(3)(a)	By arrangement	
	Staff and facilities – may use or engage other persons etc	s31(3)(b)	Approval of the Minister	
Annual report	Annual report to the Minister	s32	By 30 September Contain information required by the regulations	
General functions				
Planning Agreements	Provide advice to the Minister before entering into a planning agreement.	s35(1)		
Joint Planning Boards	Provide advice to the Minister before appointing an administrator.	s41(2)(b)		
Practice directions	May issue, vary, revoke. Envisaged for: establishment of regional plans preparation of designated instruments	s42(1) and (4) s64(5) and s73(13)		Publish in the GG and planning portal

Item	Responsibility	Leg Ref	Limitations/conditions in exercising function	Related actions
	Must prepare a practice direction to ensure controls under the Act do not conflict with or duplicate other licensing or regulatory regimes.	s42(3)		Publish in the GG and planning portal
	Must prepare a practice direction in relation to assessment of restricted development.	s109		Publish in the GG and planning portal
Practice Guidelines	May make in relation to interpretation, use and application of the Planning Rules and Building Rules.	s43(1)	Approval of Minister	Publish in the GG and planning portal
	May vary, revoke	s43(4)(b)	-	Publish in the GG and planning portal
Community Engagement Charter	Establish and maintain	s44(2)		
	Adopt any alternative way of achieving the charter	s44(10)		
	May direct an entity to comply with the charter, or take an action required by its direction	s44(12)		
	Amend	s45	Own initiative or request by Minister	Consult. Report to Minister.
	Amend form or correction	s45(6) and (8)	Own initiative	Publish on the portal. Report to the Minister.
	Review every 5 years	s45(7)	prescribed	Publish on the portal. Report to the Minister.
On-line planning services	May prepare and publish standards and specifications in relation to the SA Portal, Planning Database, on-line atlas.	s51(1)	Matters to be included – s51(2)	
	May determine other matters to be considered by a standard or specification	s51(2)(f)		

Item	Responsibility	Leg Ref	Limitations/conditions in exercising function	Related actions
	Advice to the Minister on prohibiting or restricting access to information on the portal	s54(1)		
State Planning Policies	Must prepare	s58(1)		
	Determine any other matter appropriate to a spp.	s58(3)(b)	s58(2), (3)(a),(c)	
	The extent or manner to which any other matter may be the subject of a spp.	s58(3)(c)		
	Specific policies the Commission must prepare	s59 – 62A		
	Must establish a SPP with respect to certain special legislative schemes	s63(1)	Consult with the relevant Minister – s63(3)	Publish in the GG
	May amend a special legislative scheme SPP after seeking the advice of the Minister	s63(2)	Consult with the relevant Minister – s63(3)	Publish in the GG
Regional Plans	Must prepare a plan for each region	s64	Other than where a joint planning board exists – s64(2) In accordance with s64(3)	
	May prepare a practice direction for regional plans	s64(5)		
Planning and Design Code	Must prepare and maintain	s65(1)	In accordance with s66, s67, s68	
Design Standards	May prepare	s69	Must relate to the public realm or infrastructure	
Designated Instruments	May prescribe any matter or thing to be determined, dispensed with or regulated by a designated instrument.	s71(e)		
	May initiate a proposal to prepare/amend	s73(1) and (2)(a)	Own initiative or at the request of the Minister	
	Must advise the Minister when the Minister approves another body to initiate a proposal to amend	s73(2)(b)		

Item	Responsibility	Leg Ref	Limitations/conditions in exercising function	Related actions
	Must specify a person or body to be consulted by a designated entity when preparing a proposal	s73(6)(e)		
	Must advise the Minister if required (when assessing a designated instrument)	s73(10)(e)		
	Must prepare a report when an instrument is referred to the ERD Ctte	s74(3)		
	Must advise the Minister before the Minister makes an amendment in response to the ERD Committee	s74(10)		
	Must advise the Minister in relation to initiating an amendment to the Planning and design Code.	s75(1)		
	Must advise the Minister in relation to making to a designated instrument.	s76(4)		
Early commencement	Must advise the Minister in relation to bringing in to operation early a regional plan or the Planning and Design Code or standard.	s78(3)		
Building Related Instruments	Must advise the Minister before the Minister publishes a Ministerial building standard.	s80(4)		
	Must advise the Minister before the Minister varies or revokes Ministerial building standard.	s80(1)		
Assessment Panels	Must advise the Minister before the Minister directs a Council to substitute existing members of a panel.	s83(1)(i)		
	Must make a recommendation to the Minister before the Minister constitutes a local assessment panel under s86.	s84(1)(d)	The Commission must conduct an enquiry as set out under s86.	

Item	Responsibility	Leg Ref	Limitations/conditions in exercising function	Related actions
	Must request a relevant authority to provide information, and adopt or continue to assess an application - where the Minister has called in a development for assessment.	s94(3)		
Delegations	May delegate functions and powers	s100(1)	As set out under s100	
Development Assessment	Must assess development	s102(1)	As set out under s102 to 105, s119, s120, s125, s126, s127, s128	
Impact assessed development	Must publish a practice direction in relation to restricted development and impact assessed development	s109(1)	Matters contained in s109(2)	
Restricted Development	Relevant authority to assess	s110	Prescribed	Procedural matters – s110
Impact Assessment by Minister	Determine level of detail required in EIS	s112	Practice direction. Views of persons prescribed by regs.	
	Prepare an assessment report	s113(9)	Prescribed	s113(10)-(12) Notify, public notice, publish, Councils
Building Consent	Concur in granting building consent for variations to the Building Code	s118(2)(a)	s118(5)	
	Provide an opinion on whether a proposed building work complies with a code or standard	s118(4)		
	Must provide advice in relation to a variation from the code or standard before a relevant authority makes a decision in relation to a State heritage Place.	s118(7)	s118(9)	
	Must accept a decision of a private certifier.	s118(8)		
	May refuse to grant building consent	s118(10)		

Item	Responsibility	Leg Ref	Limitations/conditions in exercising function	Related actions
	May grant building consent.	s118(11)	s118(11)(a) and (b)	
Design review	Must determine the form of an application for design review	s121(3)		
	Must act, and have regard to referral advice	s121(7) and s122		
Design standards	Recommend the Minister adopt a standard infrastructure design	s129(2)		
Essential Infrastructure	Must assess an application for essential infrastructure.	s130	As prescribed s130	
Crown development	Must assess an application for Crown development	s131(2)	As prescribed s131	
Land Division Certificate	Must issue when satisfied prescribed conditions have been met	s138		
Uncompleted development	May apply to the court if development has not been completed	s141(1)		
	May cause work to be undertaken where work has failed to be undertaken by Court order – recover costs	s141(5) and (6)		
Completed development	May serve a notice where development has not been completed.	s142(1)		
	May cause work to be undertaken where work has failed to be undertaken in accordance with a notice – recover costs	s142(2) and (3)		
Cancellation of a development authorisation	May cancel an authorisation on application by a person with the benefit of the authorisation.	s143		
Inspection Policies	Must issue a practice direction requiring Council to carry out inspections.	s144(1)	s144(2) and (3)	

Item	Responsibility	Leg Ref	Limitations/conditions in exercising function	Related actions
Swimming Pools	May issue a practice direction that requires a council to carry out swimming pool inspections.	s156(5)		
Initiation of General Infrastructure Scheme	Must advise the Minister in relation to the Minister initiating a general infrastructure scheme.	s164(4)	s164(5)	
	Must advise the Minister before the Minister significantly varies a general infrastructure scheme.	s167(7)		
	Establish an arrangement to be kept informed about the operation of a scheme.	s167(12)		
	Funding arrangements – the Commission must consult with parties prior to the Minister making a recommendation	s169(9)	s169(a)(i) and (ii) and s169(10)	
Open space contribution	May require an open space contribution, or enter into an agreement	s198(1)(b) and (2)(c) and (d), and s199(1)	s198(4), (6), (10) and (12) and s199(4)	
Disputes – application to an assessment panel	Procedures to be adopted on application for review – cause action in notice not complied with – recover costs	s203(2) – (4)		
Civil enforcement	Actions to be undertaken where a breach of the Act has been committed.	s213	s213	
Civil penalties	Commence civil penalty proceedings	s225(1)	s225	Publish information about proceedings on the portal
Recovery of economic benefit	Receive payments and pay into the P&D fund	s229(1) and (4)		
Enforceable voluntary undertakings	May accept where a person has contravened the Act	s230(1)		s230(13) - Publish on portal
	May apply to Court if undertaking is contravened	s230(4)		

Item	Responsibility	Leg Ref	Limitations/conditions in exercising function	Related actions
	Agree to a variation of an undertaking	s230(7)		s230(13) - Publish on portal
	May accept undertaking before any proceedings have been finalised	s230(11)		s230(12) - Must seek proceedings be discontinued.
	Authorise a council to be a designated entity	s230(14)		s230(15) - May impose conditions on the Council
Regulation of advertisements	Form an opinion and order removal of an advertisement	s231(1)	s231(2)	As prescribed
	May remove advertisement of order not complied with	s231(3)		As prescribed
Copyright	Must publish information	s238(1)	s238(2) – (4)	
Inquiries	Must undertake certain inquiries and furnish reports to the Minister	s245(1) and (4)	s245(2) and (3)	
Disclosure of Financial Interest	Must submit returns as prescribed	Schedule 1		
Performance targets	Must advise the Minister on the setting of performance targets	Schedule 4		

This table is advisory only and is not intended to supersede or replace the provisions of the PDI Act.

Deputation, External Meeting and Event Policy

Classification	State Planning Commission Policy
Policy Name	Deputation, External Meeting and Event Policy
First Issued	7 February 2022
Next Review	June 2023
Responsible Officer	Senior Governance Officer

1. Principles

- 1.1. The State Planning Commission is committed to transparency in relation to hearing from parties to inform its decision-making process and inform itself as a Commission.

2. Objective

- 2.1. The objective of this document is to outline the policy of the State Planning Commission for the purposes of consistent management of deputations and external meetings or events.

3. Interpretation

In this policy, unless the contrary intention appears:

Chair means Chair of the State Planning Commission.

Commission means the State Planning Commission in South Australia.

Department means staff of Planning and Land Use Services who provide executive assistance to the Commission.

deputation means an opportunity for an interested party or an external party to make a verbal presentation at a Commission meeting.

external meeting or event means a meeting or event, including a site visit, that is held in a place other than the Commission's usual place of meeting.

external party includes Local Council, industry groups, interest groups, state agency and other stakeholders.

host council means a Local Council area where an external meeting or event is to be held.

interested party includes Designated Entity, Proponent and/or Consultant.

Minister means the Minister responsible for the administration of the *Planning, Development and Infrastructure Act 2016*.

transparency and confidentiality designation means a categorisation of a deputation pursuant to the Commission's transparency and confidentiality policy.

4. Deputation

4.1. A deputation may be requested by:

- (a) an interested party
- (b) an external party
- (c) the Commission
- (d) the Chair of the Commission.

4.2. A request for a deputation must:

- (a) Be made in writing via the Commission's email address:
saplanningcommission@sa.gov.au.
- (b) Contain sufficient particulars to consider the request, including:
 - i. The party requesting the deputation.
 - ii. The subject matter of the proposed deputation.
 - iii. The purpose of the deputation.
 - iv. The time to be allocated to the deputation.
 - v. The relevance to the Commission's agenda, powers or purpose.
- (c) Be made not less than three weeks before the proposed date of the deputation.

4.3. If the external party requesting a deputation is an association, organisation or other body, a copy of the constitution and rules of that organisation, association or other body must be provided with the request for a deputation (unless the external party is a local council or Government agency).

4.4. A request for a deputation will be considered by the Chair, and the Chair may consider the following as part of the request:

- (a) The party requesting the deputation.
- (b) The subject matter of the proposed deputation.
- (c) The purpose of the proposed deputation.

- (d) The time to be allocated to the deputation.
 - (e) The relevance to the Commission's agenda, powers or purpose.
 - (f) Any particular matters of procedural fairness, conflicts of interest and/or equity.
 - (g) The size and extent of the meeting's agenda.
- 4.5. A request for a deputation may be approved, declined or deferred.
- 4.6. If a request for a deputation is approved, the Chair will indicate the matters the Commission wants to be informed about.
- 4.7. The decision of the Chair under clause 4.5 will be reported through the Chair's Report to the first available Commission meeting following the decision.
- 4.8. If the Chair refuses to allow a deputation under clause 4.5, the Commission may resolve to allow the deputation.
- 4.9. If a deputation is approved under clause 4.5, the Department will:
- (a) Liaise with the interested party and/or the external party to determine the transparency and confidentiality categorisation for the deputation.
 - (b) Liaise with the interested party and/or external party to schedule the time and location for the deputation to occur.
 - (c) Ensure that deputation arrangements comply with the COVID-19 requirements in force for the time the deputation is scheduled to occur.
- 4.10. If a deputation is approved under clause 4.5, the deputation may have (unless otherwise approved by the Chair):
- (a) A time allocated of no longer than 15 minutes in total: 10 minutes for the for the deputation or presentation and five minutes for questions.
 - (b) Up to two persons speak during the time allocated to the deputation.
 - (c) Presentation aides to assist the deputation if provided to the Department by midday the day before the scheduled deputation.
- 4.11. If a request for deputation is declined or deferred under clause 4.5, the Governance Team will advise the person who made the request as early as practicable.

5. Deputations by a Designated Entity or proposed Designated Entity

- 5.1. If a request for a deputation is in support of a Proposal to Initiate a Code Amendment, the Chair may approve the request where:
- (a) The Commission does not support the Proposal to Initiate.

- (b) The Commission requires further information to inform its advice to the Minister, or that the matter is complex or a matter of significance.
 - (c) The relevant Council's Administration has raised substantive issues in relation to the Code Amendment proposal in response to preliminary consultation undertaken pursuant to clause 7 of the Commission's *Practice Direction 2 – Preparation and Amendment of Designated Instruments*.
- 5.2. Should the Commission agree to hear from the Designated Entity, a senior representative from the relevant council administration will be invited to attend and be heard.
- 5.3. If a Council requests to be heard in relation to a Code Amendment, the Commission will hear from a representative of the relevant council, and the Designated Entity will also be invited to attend and be heard.
- 5.4. If a State Agency requests to be heard in relation to a Code Amendment, the Commission will hear from a representative of the Agency, and the Designated Entity will also be invited to attend and be heard.

6. Deputations by Proponents of Impact Assessed Development

Impact Assessed Development (by Minister)

- 6.1. If a request for a deputation is received by a proponent in relation to a development application categorised as Impact Assessed Development (declared by Minister) under section 108(1)(c) of the Act, the Chair may approve the request where either:
- (a) A development application has been lodged by the proponent in accordance with section 111 of the Act.
 - (b) The level of detail in the form of assessment requirements for an Environmental Impact Statement (EIS) has been determined by the Commission under section 112 and referred to the proponent, and the proponent wishes to be heard in relation to that determination.
 - (c) The Commission is in the process of preparing an Assessment Report in accordance with section 113 of the Act.
- 6.2. In relation to the Commission's determination on the level of detail for an EIS, or in the preparation of an Assessment Report, if the substantive issue is in relation to a matter of State interest, a senior representative of the relevant State Agency may be invited to attend and be heard by the Commission.
- 6.3. If a council requests to be heard in relation to an Impact Assessed Development (by Minister), the Commission may hear from a representative of the council.

Impact Assessed Development (Restricted) (the Commission)

6.4. With respect to developments categorised as Impact Assessed Development (Restricted) under section 108(1)(a) of the Act, if a request for review is lodged by a proponent under section 110(15) of the Act in relation to a refusal to proceed to an assessment by the Commission (or their delegate), the Chair may approve a request:

- (a) By the proponent to be heard before the Commission in support of the review.

In the above circumstances, this Deputation, External Meeting and Event Policy will apply.

7. External Meeting or Event

7.1. An external meeting or event may be requested by:

- (a) an interested party
- (b) an external party
- (c) the Commission.

7.2. A request for an external meeting or event must:

- (a) Be made in writing via the Commission's email address:
saplanningcommission@sa.gov.au.
- (b) Contain sufficient particulars to consider the request, including:
 - i. The party requesting the external meeting or event.
 - ii. The subject matter of the proposed external meeting or event.
 - iii. The purpose of the external meeting or event.
 - iv. The time to be allocated to the external meeting or event.
 - v. The relevance to the Commission's agenda, powers or purpose.
- (c) Be made not less than three weeks before the proposed date of the external meeting or event.

7.3. If the external party requesting an external meeting or event is an association, organisation or other body, a copy of the constitution and rules of that organisation, association or other body must be provided with the request for an external meeting or event (unless the external party is a local council or Government agency).

7.4. A request for an external meeting or event will be considered by the Chair, and the Chair may consider the following as part of the request:

- (a) The party requesting the external meeting or event.
- (b) The subject matter of the proposed external meeting or event.

- (c) The purpose of the external meeting or event.
 - (d) The time to be allocated to the external meeting or event.
 - (e) The relevance to the Commission's agenda, powers or purpose.
 - (f) Demand on resources within the Department to support the external meeting or event.
 - (g) The size and extent of the Commission's meeting agenda.
- 7.5. Where an external meeting or event requires a formal presentation by the Commission, the Chair will liaise with the Ex Officio member of the Commission regarding any resourcing constraints.
- 7.6. Where an external meeting or event is a site visit, a meeting for Commission deliberations will be held directly following the site visit at a location that may be a place other than the Commission's usual place of meeting.
- 7.7. The Chair may approve, decline or defer a request for an external meeting or event.
- 7.8. The decision of the Chair under clause 7.7 will be reported in the Chair's Report to the first available Commission meeting following the decision.
- 7.9. If the Chair refuses to allow an external meeting or event under clause 7.7, the Commission may resolve to allow the external meeting or event.
- 7.10. If an external meeting or event is approved under clause 7.7, the Department may invite an external party to make a presentation to that meeting of no longer than 30 minutes (unless otherwise approved by the Chair).
- 7.11. If the external party is a host council, the topic of the presentation may be either:
- (a) As requested by the Commission.
 - (b) As agreed through consultation with the host council and the Commission.
- 7.12. If the external meeting or event is approved under clause 7.7, the Department will:
- (a) Liaise with the interested party, external party and/or the Commission to determine the transparency and confidentiality categorisation for the external meeting or event.
 - (b) Liaise with the interested party, external party and/or the Commission to schedule the time and location for the external meeting or event to occur.
 - (c) Ensure that the external meeting or event arrangements comply with the COVID-19 requirements in force at the time the external meeting or event is scheduled to occur.
- 7.13. If a request for an external meeting or event is declined or deferred under clause 7.7, the Governance Team will advise the person who made the request as early as practicable.

8. Minutes of Meetings

8.1. Where a deputation is made at a Commission meeting, the Minutes of the meeting will record:

- (a) The transparency and confidentiality categorisation of the deputation.
- (b) The name or the person or persons making a deputation.
- (c) If relevant, the organisation or body the person represents.
- (d) A brief summary of the subject matter of the deputation.
- (e) Whether a presentation was made as part of the deputation, and if a presentation is made, that presentation will be included as part of the minutes in line with the subject Agenda Report confidentiality designation.

8.2. Where the Commission holds an external meeting or event, the Minutes will record:

- (a) The transparency and confidentiality categorisation of the external meeting or event.
- (b) The location and purpose of the external meeting or event.
- (c) Names of the person or persons present at the external meeting or event and the organisation or body they represent.
- (d) A brief summary of the subject matter of the external meeting or event.
- (e) Whether a presentation was made as part of the external meeting or event.

9. Review

9.1. The Commission will review the Deputation, External Meeting and Event Policy after six months of operation and update as required.

Version	Produced By	Endorsed By	Approved by	Review Due
3.0	Kate Southcott, Senior Governance Officer, Planning and Land Use Services	State Planning Commission – 18 August 2022	Craig Holden, Chair, State Planning Commission – 22 August 2022	June 2023
4.0	Brittany Anderson, A/Governance Officer, Planning and Land Use Services	Chelsea Lucas, Manager, Governance and Legislation – 13 April 2023	State Planning Commission – 27 April 2023	June 2024



State Commission Assessment Panel (SCAP) Practice and Operating Directions

Preamble

The State Planning Commission (Commission) established the State Commission Assessment Panel (SCAP) as a committee, pursuant to section 29(1)(a) of the *Planning, Development and Infrastructure Act 2016* (the PDI Act).

These Practice and Operating Directions to be observed in relation to the conduct of the SCAP business are determined by the Commission pursuant to section 29(3)(a) of the Act.

Objective

1. The objectives of the SCAP are to:

- 1.1. Discharge the development assessment functions, powers and duties of the Commission, as required by the *Development Act 1993* and the PDI Act, as delegated to the SCAP by Instrument of Delegation from the Commission.

Principles

2. The SCAP will support the Commission by:

- 2.1. Working with purpose and collaboratively to achieve good decisions.
- 2.2. Creating an environment where all Members can participate in honest, open and robust discussions.
- 2.3. Acting with integrity and providing informed and considered advice.
- 2.4. Being professional on all fronts, including in the respectful recognition of differing views and opinions.
- 2.5. Recognising that communication, information sharing and consultation are the keys to facilitating effective cooperation and a spirit of trust.
- 2.6. Providing regular updates to the Commission.

Membership

3. SCAP Composition

- 3.1. The Commission will appoint the Presiding Member, Deputy Presiding Member and five ordinary Members to the SCAP. The Commission will, in appointing the members of the SCAP, seek to ensure that, as far as is practicable, the members of the SCAP collectively have qualifications, knowledge, expertise and experience in the following areas:
 - 3.1.1. Urban and regional planning or a related discipline;
 - 3.1.2. Building and engineering;
 - 3.1.3. Public administration, including state and local government;
 - 3.1.4. Urban or regional development, commerce or industry;
 - 3.1.5. Environmental conservation or management, or the management of natural resources;
 - 3.1.6. The provision of facilities for the benefit of the community;
 - 3.1.7. Urban design, building design or landscape design.
- 3.2. Each Member appointed to the SCAP must be registered under the PDI Act as an Accredited Professional Level 2 – Planning to ensure they have expertise relevant to development assessment.
- 3.3. Each Member will be appointed for a term not exceeding three years, and on conditions determined by the Commission. On the expiration of a term of appointment, Members may be eligible for reappointment as determined by the Commission.
- 3.4. Membership must, as far as practicable, comprise equal numbers of women and men.
- 3.5. An act or proceeding of the SCAP is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

4. Occasional Members appointed to the SCAP

- 4.1. From time to time, the Commission may appoint members, selected from a pool of occasional members established by the Commission, for a specified period for a purpose including to supplement the membership of the SCAP, to meet quorum requirements and/or to provide specialist expertise in the consideration of particular matters referred to the SCAP.

5. Commission Members appointed to SCAP

- 5.1. Section 29(2) provides that the SCAP may consist of members of the Commission.
- 5.2. A Commission member may be appointed to the SCAP from time to time to supplement the membership of the SCAP, to meet quorum requirements and/or to provide specialist expertise in the consideration of particular matters referred to the SCAP.

- 5.3. Commission members appointed to the SCAP must have relevant development assessment expertise or must complete a Development Assessment Induction module determined by the Commission prior to considering any matters.

6. Remuneration

- 6.1. Appointed Members of the SCAP are entitled to fees, allowances and expenses in accordance with the Department of the Premier and Cabinet *Circular PD016 – Remuneration for Government Appointed Part-Time Boards and Committees*, and the *Boards and Committees – Remuneration Framework*.

Responsibilities

7. Conduct of Members

- 7.1. The members of the SCAP are bound by the Minister's Code of Conduct for Assessment Panel Members at **Appendix A**.
- 7.2. Members will not conduct private business matters during the course of the formal meeting.
- 7.3. Members will devote the time and attention as necessary to diligently carry out their duties.
- 7.4. Members will attend a minimum of 75 per cent of regular scheduled meetings. If a members attendance drops below 75 per cent within a 12 month period, a review of their ongoing role will be conducted.

8. Conflict of Interest

- 8.1. SCAP Members must, within 60 days of appointment, submit a Primary Return identifying any financial or other interests as required by the *Planning, Development and Infrastructure (General) Regulations 2017* (the Regulations).
- 8.2. SCAP Members must, within 60 days of 30 June annually, submit an Ordinary Return identifying any financial or other interests as required by the Regulations.
- 8.3. SCAP Members must, as soon as they become aware of an actual or potential conflict of interest, or the potential for a perceived conflict of interest, disclose the nature and extent of the interest to the Presiding Member and the SCAP Secretariat.
- 8.4. If a Member declares a conflict of interest, that Member must not take part in any hearings conducted by the SCAP, or in any deliberations or decision of the SCAP, on the matter and must be absent from the meeting when any deliberations are taking place or a decision is being made.
- 8.5. If a conflict of interest has been declared by a SCAP Member, the general nature of the interest must be recorded in the minutes.

9. Public Officer Responsibilities

- 9.1. In accordance with the *Independent Commission Against Corruption Act 2012*, members of the SCAP are classified as 'public officers' because they are a person to whom a function or power of a public authority or a public officer is delegated in accordance with an Act.
- 9.2. In accordance with the OPI: Directions and Guidelines for Public Officers, all SCAP members have an obligation to report a matter that is reasonably suspected of involving corruption in public administration to the OPI. The process for reporting such a matter to the OPI is outlined in the Directions and Guidelines document on the OPI website at www.publicintegrity.sa.gov.au.
- 9.3. In accordance with Ombudsman SA: Directions and Guidelines for Public Officers, SCAP members may report a matter that is reasonably suspected of involving misconduct or maladministration in public administration to Ombudsman SA. The process for reporting such a matter to Ombudsman SA is outlined in the Directions and Guidelines document on the Ombudsman SA website at www.ombudsmansa.gov.au.

Helpful Reference: www.icac.sa.gov.au/opi/reporting-obligations

10. Confidentiality

- 10.1. SCAP Members must ensure that any confidential information remains confidential and is not disclosed improperly to others.
- 10.2. The SCAP decision making process includes an allocation of time to allow for honest, open and robust debate of applications and associated impact issues. This will occur in confidence in order to achieve the environment stated in item 2.2 of this document.
- 10.3. SCAP Members must not disclose any information relating to deliberations and/or advice considered by the SCAP.

11. Media

- 11.1. All media enquiries should be directed to the Department's Media team on 0422 007 069. The Media team will coordinate the preparation and provision of all responses to media outlets. Individual SCAP Members and associated departmental staff will not provide direct advice to media outlets if approached personally.
- 11.2. The use of electronic recording devices is not permitted in meetings in order to maintain a respectful and non-threatening environment for those providing verbal submissions.
- 11.3. Requests for live or pre-recorded interviews with SCAP Members will not be permitted unless authorised by the Chair of the Commission.

12. Website

- 12.1. The SCAP website is linked from the Commission website - www.saplanningcommission.sa.gov.au/scap.
- 12.2. The website and its content are managed by Department staff on behalf of the SCAP.

- 12.3. The website provides the following information:
- the role and function of the SCAP;
 - background and qualifications of the SCAP Members;
 - applications on public notification;
 - details of Hearings of Verbal Representations;
 - agendas and minutes of SCAP meetings;
 - contact and address details for the SCAP Secretariat; and
 - links to other relevant websites and resources.

13. Departmental Services

- 13.1. The Department will support the SCAP in accordance with a Service Level Agreement between the Commission and the Department. In general, this will include the following:
- 13.1.1. Provision of professional, independent planning advice including the provision of assessment reports and recommendations;
 - 13.1.2. Facilitation of the provision of related professional and technical advice to the SCAP as required;
 - 13.1.3. The provision of a suitable venue to accommodate hearings of verbal representations and for the purpose of general meetings;
 - 13.1.4. Provision of administrative support through the SCAP Secretariat;
 - 13.1.5. Provision of appropriate electronic equipment, a suitable email address and software for accessing SCAP agendas and documentation;
 - 13.1.6. Provision of agenda material in electronic form and printed as required;
 - 13.1.7. Maintenance of a register of all applications accessible to Members and the public;
 - 13.1.8. Reporting on Development Application lodgement, completion and timeline statistics;
 - 13.1.9. Reporting on the use of delegations;
 - 13.1.10. Provision of a written response to policy or legislative issues raised by the SCAP with the Commission;
 - 13.1.11. Facilitate the provision of legislative or legal advice as it relates to the development assessment function;
 - 13.1.12. Reporting on appeals that are or have been active during the reporting period;
 - 13.1.13. Reporting on enforcement proceedings that are or have been active during the reporting period;
 - 13.1.14. Reporting on all Ministerial decisions in relation to Crown Development or Public Infrastructure applications made during the reporting period.

Meetings & Proceedings

14. Meeting Schedule

- 14.1. Regular meetings of the SCAP will be held twice each month. Alterations to the scheduled meeting arrangements or additional meetings will be negotiated as far ahead as practical with all SCAP Members and at the direction of the Presiding Member.
- 14.2. A schedule of regular meetings will be published at the commencement of each term of the SCAP.
- 14.3. When required, meetings and/or site inspections may need to be held in a regional location and could require an overnight stay. The arrangements for these will be negotiated as far ahead as practical with SCAP Members.
- 14.4. Where possible, Members will provide advance notice (at least 10 business days) of a Member's inability to attend a meeting or function of the SCAP.
- 14.5. The SCAP will work with the Commission and the Department to ensure that sufficient Members are available for a meeting to form a quorum for the purpose of making a decision. Where a quorum cannot be achieved, that item or meeting will be cancelled and rescheduled.

15. Site Visits

- 15.1. Where practical, members will endeavour to view the site of the development prior to the meeting, bearing in mind they cannot engage in any communication or trespass.
- 15.2. Where group site inspections are to be undertaken, these will be pre-arranged in consultation with the SCAP Members and Department staff.

16. Agendas and supporting documentation

- 16.1. All SCAP business will be conducted on secure government emails to support confidentiality and the provisions of the *State Records Act 1997* and *Freedom of Information Act 1991*. All agenda information, supporting documentation and correspondence will be provided to Members via the secure email account provided by the Department.
- 16.2. Notice of meeting dates, times and venue, and a copy of the meeting agenda and any associated papers for prior reading will be distributed to SCAP Members five working days prior to the next scheduled meeting.
- 16.3. Meeting agendas will be prepared in a form agreed to by the Presiding Member and the SCAP Secretariat and will be made available on the SCAP website 4 business days prior to the meeting.
- 16.4. Agenda item materials issued by the Department will contain the staff report and recommendation, all supporting application documentation, written public representations, Agency comments and advice, and applicant responses.

- 16.5. SCAP Members are required to read the relevant agenda item materials prior to meetings to ensure they are suitably informed and able to participate in the discussion and decision-making process.

17. General Proceedings

- 17.1. The SCAP may conduct meetings (including public hearings) online or by telephone or audio-visual equipment provided members have prior notice and concur to the arrangements. Any such meetings may occur notwithstanding the clauses of these Practice & Operating Directions where in-person meetings are implied. In addition, any clauses in these Practice & Operating Directions where in-person meetings are implied will be read as permitting meetings conducted online or by telephone or audio-visual equipment.
- 17.2. The Presiding Member will preside over meetings of the SCAP. The Deputy Presiding Member will preside over meetings if the Presiding Member is absent. In the absence of both the Presiding and Deputy Presiding Members, another member of the SCAP will be chosen by those members present to preside over the meeting.
- 17.3. A quorum of the SCAP will be 4 members (and no business may be transacted at a meeting of the SCAP unless a quorum is present). For the purpose of forming a quorum, a SCAP member may include the Presiding Member, the Deputy Presiding Member, an Ordinary Member and any Occasional Member appointed to a particular meeting or item.
- 17.4. Each member has one vote, and the Presiding Member has a casting vote, if required to address an even vote.
- 17.5. Meetings will generally commence at 9.30am and finish by 5.00pm. The precise timeframe of meetings will be determined to ensure all business is able to be conducted on the scheduled meeting day.
- 17.6. The Presiding Member will facilitate the meeting in a manner which promotes healthy, orderly, constructive, respectful and expeditious discussion and not allow repetitious or irrelevant discussion having regard to the function of the SCAP.
- 17.7. Motions may be put informally at the discretion of the Presiding Member, so long as they are clearly communicated to all members present.
- 17.8. The Presiding Member will allow any SCAP Member to ask relevant questions of any person appearing before it, and may refuse to allow any questions, comment or debate that in his/her opinion is not relevant to the subject matter or beyond the scope of the decision.
- 17.9. Unless otherwise resolved by the SCAP, all parties, other than Departmental Assessment staff, will be required to leave the meeting immediately prior to the SCAP's final deliberations.

18. Order of Business

- 18.1. The meeting will be run in accordance with the running sheet. Items will be addressed at times specified on the running sheet as far as is reasonably practicable.

19. Minutes

- 19.1. Minutes of meetings will be kept and prepared in a form agreed to by the Presiding Member and the SCAP Secretariat.
- 19.2. As decisions of the SCAP are carried by the majority of votes cast, the minutes will only record the decision and not the votes for or against, as these are irrelevant once the majority is determined.
- 19.3. SCAP meeting minutes will record:
 - 19.3.1. The names of the SCAP members present;
 - 19.3.2. Any apologies received from SCAP members;
 - 19.3.3. The names of all Departmental staff in attendance;
 - 19.3.4. The name of all persons appearing before the SCAP;
 - 19.3.5. The decision of the SCAP in relation to all matters before it;
 - 19.3.6. If an application is approved, a short explanation as to why it was approved, and relevant reserved matters and conditions;
 - 19.3.7. If an application is refused, the reasons for refusal;
 - 19.3.8. If an application is deferred, the reasons for deferral;
 - 19.3.9. Any disclosure of interest made by a member of the SCAP or Departmental staff.
- 19.4. Minutes of the meeting will be finalised at the end of the meeting and will be made available on the SCAP website by midday the following business day. Hard copies will be made available upon request.

20. Advisory Agendas and Minutes

- 20.1. There are a number of matters for which the SCAP is not the decision maker and there are some circumstances where matters need to be discussed in confidence due to legal proceedings. Therefore, in addition to the standard meeting agenda and minutes above, separate meeting agendas and minutes will be prepared and kept for the following:
 - 20.1.1. Recommendations for Crown development applications. It is noted that the final decision from the Minister in the form of a Decision Notification Form is made available on the SCAP public register.
 - 20.1.2. Matters such as (but not limited to) legal advice, consideration of compromise proposals arising from court appeals, other court matters, internal staff briefings and compliance or enforcement matters.
- 20.2. As with general matters, the SCAP agenda for Crown developments will be made available on the SCAP website 4 business days prior to the meeting.
- 20.3. These meeting agendas and minutes will follow the same format and processes as the standard meeting agendas and minutes, where relevant.

Attendance at Meetings

21. General

- 21.1. SCAP meetings (with the exception of SCAP deliberations and the items listed at 20.1 of this document) are open to members of the public and the media to attend.
- 21.2. Third party representors that have expressed a desire to be heard will be heard at a "Hearing of Verbal Representations", as required by the *Development Act 1993*, the PDI Act and the SCAP Practice and Operating Directions. This is described in more detail in the Section "Hearing of Verbal Representations".
- 21.3. Government Agencies and Councils that have provided a written representation or referral response and expressed a desire to be heard will also be given an opportunity to be heard at the Hearing.
- 21.4. In relation to Category 2 representations under the *Development Act 1993*, the SCAP will hear only representors who the SCAP, in its absolute discretion in accordance with section 38(10) of the *Development Act 1993*, decides to allow to be heard in support of their representation.
- 21.5. In relation to performance assessed development that has been publicly notified under the PDI Act, the SCAP will hear only representors who the SCAP, in its absolute discretion in accordance with regulation 50(5) of the PDI Act, decides to allow to be heard in support of their representation.
- 21.6. In relation to Category 3 representations under the *Development Act 1993*, third party representors will be heard as required by section 38(1)(b) of the *Development Act 1993*.
- 21.7. In relation to representations concerning Crown development under the *Development Act 1993*, third party representors will be heard as required by section 49(7d)(b) of the *Development Act 1993*.
- 21.8. In relation to representations concerning Electricity Infrastructure development under the *Development Act 1993*, third party representors will be heard as required by section 49A(7d)(b) of the *Development Act 1993*.
- 21.9. In relation to development that is classified by the Planning and Design Code as restricted development, third party representors will be heard as required by section 110(3) of the PDI Act.
- 21.10. In relation to representations concerning Crown development under the PDI Act, third party representors will be heard as required by section 131(13)(b) of the PDI Act.
- 21.11. In relation to representations concerning Essential Infrastructure development under the PDI Act, third party representors will be heard as required by section 131(13)(b) of the PDI Act.
- 21.12. Government Agency and Council representatives may be invited by the SCAP to attend a meeting to provide technical advice.
- 21.13. Other specialist advice may be sought by the SCAP and those individuals may also be invited by the SCAP to attend a meeting to provide specialist advice.

- 21.14. The SCAP can provide a telephone or online audio-visual link for applicants, representors, Councils, and agencies in regional areas.
- 21.15. Members, staff, and visitors will not use mobile phones during the meeting.
- 21.16. The Presiding Member may ask any person attending a meeting of the SCAP, who is behaving in a disorderly manner or otherwise causing a disruption, to leave the meeting.
- 21.17. In relation to Concurrence items, the SCAP will not hear verbal representations from Councils, Agencies, applicants, or representors.

22. Applicants

- 22.1. The SCAP provides the opportunity for applicants to attend the meeting, even when there are no representors to be heard. Applicants may appoint a representative to attend a meeting with suitable authority to speak on their behalf.
- 22.2. Applicants may make verbal and visual representations to assist with the decision-making process. Such presentations will be no more than 10 minutes.
- 22.3. Presentations must be confined to addressing matters relevant to the specific application and the development assessment decision making task.
- 22.4. Applicants are advised to bring relevant technical team members as appropriate.
- 22.5. The Presiding Member may agree to allocate additional time for presentations provided that there is a sound justification that the information to be provided will assist the decision making process.

Hearing of Verbal Representations

23. Hearing of Verbal Representations

- 23.1. The primary purpose of a hearing of verbal representations is for the representor to be heard in support of their representation. This requires the attendance of the representor (or their nominated representative) to enable two-way communication.
- 23.2. The hearing does not enable debate between representors and the applicant.
- 23.3. When a representor is advised of a hearing, it is essential that every effort is made to notify the SCAP of attendance as soon as possible, and prior to the nominated date. This enables the SCAP to allocate sufficient time to hear the verbal representations. Representors may make their submissions via a phone, video, or web link; however, this must be arranged in advance.
- 23.4. Only the person who made the written submission can speak at a hearing, unless a representative of this person has been nominated to attend and speak at the hearing. This nomination must be made by the valid representor, in writing and prior to the hearing.
- 23.5. Pre-recorded verbal submissions will not be accepted.

- 23.6. Verbal submissions of representors must be limited to no more than 5 minutes and relevant visual representations may be provided. It is recommended that representors highlight those issues of greatest concern and are encouraged to elaborate on issues or raise new issues, rather than re-read their written submissions.
- 23.7. The Presiding Member will allow any SCAP Member to ask relevant questions of any person appearing before it, and may refuse to allow any questions, comment or debate that in his or her opinion is not relevant to the subject matter or beyond the scope of the decision.
- 23.8. The Hearing will generally be conducted in the following way:
- 23.8.1. An outline of the project context and philosophy will be provided by the applicant, particularly highlighting updates and changes made in response to public and agency comments (maximum 10 minutes);
 - 23.8.2. Individual hearing of representors (maximum 5 minutes per presentation);
 - 23.8.3. SCAP Members may ask questions of representors at the end of their presentation;
 - 23.8.4. Hearing from State Agencies and Council (as appropriate) (maximum 5 minutes per presentation);
 - 23.8.5. SCAP Members may ask questions of the Agencies/Council at the end of their presentation;
 - 23.8.6. Applicant's response (as required to respond to the issues raised);
 - 23.8.7. SCAP Members may ask questions of the applicant at the end of their response;
- 23.9. Hearings generally commence on time. Members of the public and media who attend to observe hearings will not be admitted to a meeting if they arrive more than 5 minutes after the commencement of the meeting to avoid disruption and distraction for representors.

24. Attendance at the Hearing of Verbal Representations by members of the public and the Media

- 24.1. Members of the public, including journalists, must arrive at the nominated time of the agenda item they wish to attend.
- 24.2. The Presiding Member will endeavour to create an environment conducive to the respectful sharing of information. This will include:
- 24.2.1. All information and interactions being directed to the SCAP Members;
 - 24.2.2. Respectful verbal interactions between all parties;
 - 24.2.3. Avoiding an intimidating environment for representors (electronic recording of verbal submissions will not be permitted);
 - 24.2.4. Addressing any inappropriate interaction between representors, applicants, members of the public and media.

- 24.3. Unless otherwise directed, Members of the public and media who attend SCAP meetings should:
- 24.3.1. Sit in the seating towards the rear of the meeting room.
 - 24.3.2. Enter and leave quietly.
 - 24.3.3. Avoid talking and eating.
 - 24.3.4. Turn mobile phones on silent mode and any other electronic equipment (no recording devices are allowed).

25. Security Procedures at the Hearings of Verbal Representations

- 25.1. A security guard may be employed for SCAP meetings on a case-by-case basis determined by the Manager, Development Assessment and Presiding Member.
- 25.2. Information regarding attendance at SCAP meetings is available on the SCAP website.
- 25.3. The Presiding Member will be provided a copy of the attendance sheet with the names of all visitors attending the meeting, and at the commencement of each agenda item will outline the requirements and obligations of those attending.
- 25.4. If a visitor of a meeting becomes disruptive or behaves inappropriately in any way:
 - 25.4.1. The Presiding Member will interrupt the meeting and warn the person (once only), to stop the behaviour or they will be asked to leave the meeting.
 - 25.4.2. If a person continues to cause a nuisance or again disrupts the meeting, the Presiding Member will immediately adjourn the meeting and all SCAP Members will vacate the room.
 - 25.4.3. If, in the opinion of the most senior staff member at the meeting, that the behaviour warrants police intervention, the staff member will contact the police for immediate assistance.

Review

26. These Practice and Operating Directions will be reviewed:

- 26.1. By the SCAP Presiding Member, in consultation with the SCAP Members and the Commission, following the appointment of a new Presiding Member or every two years (whichever occurs first).

27. Terms

	State Planning Commission
	Department for Trade and Investment
	Minister for Planning
	State Commission Assessment Panel

Adopted by the State Planning Commission on 27 April 2023

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Date: 1/05/2023

Chair, State Planning Commission

APPENDIX A – Minister’s Code of Conduct for Assessment Panel Members (#17543498)

