



Minutes of Meeting

Meeting No. 110

Date	Thursday, 20 January 2022 at 9.30am
Venue	Microsoft Teams
Members	Craig Holden (Chair), Stuart Moseley, Elinor Walker, Noelle Hurley, Sally Smith (Ex Officio)
Apology	
In Attendance	Kate Southcott (AGD)
Presenters	AGD Staff: Brett Steiner, Jason Bailey, Chris Rudd, Emma Williams, Jessica Koop, Chelsea Lucas, Ben Sieben, Robert Kleeman, Simon Neldner, Lee Webb, Kirsteen Mackay, Ellen Liebelt
External	Item 5.1: Damien Brown (Concordia Land), Richard Osborne (Concordia Land), Anne Hight (Concordia Land), Warwick Mittiga (Leyton Funds), Martin McCarthy (CEO, The Barossa Council), Mayor Bim Lange OAM (The Barossa Council), Gary Mavrillac (The Barossa Council)

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 has previously declared a conflict of interest in relation to Buckland Park which is included in Item 1.9 for noting. If this Item is before the Commission for discussion, Stuart Moseley will declare a conflict of interest (due to previous involvement in preparing an EIS for the Buckland Park Project) and leave the meeting.

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 – 16 December 2021

The Commission formally adopted the SPC Confidential Minutes of the 16 December 2021 meeting.

1.8 SCAP Minutes and Confidential Minutes – 22 December 2021

The Commission noted the SCAP Minutes and Confidential Minutes of 22 December 2021.

1.9 Code Amendments Initiation Advice

The Commission noted the Code Amendments Initiation Advice.

2 CORRESPONDENCE

2.1 Urban Heat and Tree Cover Mapping Update and links to the Regional Plan for Greater Adelaide (Green Adelaide)

The Commission noted the correspondence.

2.2 Review of the 30-Year Plan for Greater Adelaide – GAROC Issues Paper January 2022 (Greater Adelaide Regional Organisation of Councils)

The Commission noted the correspondence.

2.3 Development Referrals Review: Final Report, 11 October 2021 (South Australian Productivity Commission)

The Commission noted the correspondence.

3 MATTERS FOR ADVICE TO MINISTER

Nil

4 MATTERS FOR DECISION

4.1 Confidential: Referrals of Matters to Public Authority

This Item was considered in confidence, and is included in the SPC Confidential Minutes of 20 January 2022.

4.2 Civil Penalties and Enforceable Voluntary Undertakings (City of Burnside)

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 City of Burnside (the Council) to utilise the enforcement tools available under sections 225 and 230 of that Act for the period 20 January 2022 to 30 September 2024 (as per Attachment 1).
- 3) Further to Resolution 2 and pursuant to sections 225(18)(a) and 230(15)(a) of the Act, grant the authorisation to the Council 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 Council report on the effectiveness of the enforcement tools prior to 31 August 2022 to assist the Commission with granting future authorisations.
- 5) Authorise and approve the Chair of the Commission to make any minor amendments as required and sign the draft letter to Council (Attachment 4).
- 6) Should any further councils request to be authorised to utilise the enforcement tools available under sections 225 and 230 of the Act, authorise the Chair to issue the authorisation (subject to the same requirements of resolutions 2, 3 and 4 above) on behalf of the Commission.

5 MATTERS FOR NOTING

5.1 Concordia Code Amendment

This Item was considered in confidence, and is included in the SPC Confidential Minutes of 20 January 2022.

5.2 Land Supply, Planning and Infrastructure in Victoria

Stuart Moseley verbally addressed the Commission.

5.3 Land Supply Program Investigations

This Item was considered in confidence, and is included in the SPC Confidential Minutes of 20 January 2022.

5.4 Release of draft Practice Direction 17 & 18 for Public Consultation by the Commonwealth under the *Environment Protection and Biodiversity Conservation Act 1999*

This Item was considered in confidence, and is included in the SPC Confidential Minutes of 20 January 2022.

5.5 American River Tourism Resort – Major Development

This Item was considered in confidence, and is included in the SPC Confidential Minutes of 20 January 2022.

5.6 SPC Communications and Engagement Update

Emma Williams addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Release Immediately).
- 2) Note the Communication and Engagement report as read.

6 ANY OTHER BUSINESS

6.1 Draft Workshop and Meeting Running Sheet – 17 February 2022

This Item was considered in confidence, and is included in the SPC Confidential Minutes of 20 January 2022.

7 MEETING FINALISATION

7.1 Next Meeting

Thursday, 3 February 2022 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, 20 January 2022 be confirmed as a true and accurate record.

7.3 Meeting close

The Chair thanked all in attendance and declared the meeting closed at 4:15pm.

Confirmed 20/01/2022



Craig Holden
Chair