



# Minutes of Meeting

Meeting No. 167

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

## 1 GENERAL BUSINESS

### 1.1 Acknowledgement of Country

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

### 1.2 Welcome and Apologies

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

### 1.3 Declaration of Conflict of Interest / Gifts and Benefits

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

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

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

#### **1.4 Chair's Report**

The Commission resolved to:

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

#### **1.5 Member Updates**

The Commission noted the Member updates.

#### **1.6 SPC Confidential Minutes for Adoption – 18 July 2024**

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

#### **1.7 Code Amendment Initiation Advice**

The Commission noted the Code Amendment Initiation Advice.

#### **1.8 Register of SCAP Appeals**

The Commission noted the Register of SCAP Appeals.

#### **1.9 Register of Complaints**

The Commission noted the Register of Complaints.

### **2 CORRESPONDENCE**

Nil

### **3 ADDITIONAL RESOURCES**

Nil

### **4 MATTERS FOR ADVICE TO MINISTER**

Nil

### **5 MATTERS FOR DECISION**

#### **5.1 Delegations under the PDI Act – 2024 Review and Update**

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

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

Hayley Pasut and Nick Buick addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of this item as Not Confidential (Release Immediately).
- 2) Pursuant to sections 225(17)(b) and 230(14)(b) of the Planning, Development and Infrastructure Act 2016 (the Act), authorise the following councils to utilise the

enforcement tools available under sections 225 and 230 of that Act on an ongoing basis (as per **Attachment 1**):

- Adelaide Hills Council
  - Alexandrina Council
  - City of Adelaide
  - City of Burnside
  - City of Charles Sturt
  - City of Holdfast Bay
  - City of Marion
  - City of Mitcham
  - City of Mount Gambier
  - City of Norwood Payneham & St Peters
  - City of Onkaparinga
  - City of Playford
  - City of Port Adelaide Enfield
  - City of Salisbury
  - City of Unley
  - City of Victor Harbor
  - City of West Torrens
  - Coorong District Council
  - District Council of Grant
  - District Council of Loxton Waikerie
  - District Council of Robe
  - District Council of Yankalilla
  - Kingston District Council
  - Mount Barker District Council
  - Port Augusta City Council
  - Wattle Range Council
- 3) Further to Resolution 2 and pursuant to sections 225(18)(a) and 230(15)(a) of the Act, grant the authorisation to the councils subject to the following conditions:
- (a) The Council must provide details (date of commencement of proceedings, alleged offender, details of the breach and the outcome once known) to the Commission regarding the commencement of proceedings under section 225 of the Act as soon as practicable after the proceedings are commenced.
  - (b) The Council must provide to the Commission a copy of any enforceable voluntary undertaking that is given, varied or withdrawn under section 230 of the Act.
  - (c) Where the Council is proposing to take enforcement action under the relevant sections and the Council was not the relevant authority that granted development authorisation, it must notify the relevant authority that did grant development authorisation indicating that it proposes to take enforcement action under the relevant sections.
  - (d) Enforcement action under the relevant sections may only be commenced or undertaken by an authorised officer appointed by the Council under the Act.
  - (e) The Council must, to the best of their ability, make use of the enforcement tools available under the relevant sections in a consistent manner that is proportionate to the alleged offence or breach of the Act.
  - (f) In granting authorisation to the Council, the Council acknowledges and agrees that the Commission will not be liable for any costs associated with entering into (or

subsequently enforcing) proceedings initiated or undertakings given under the relevant sections.

- 4) Authorise the Chair of the Commission to make any minor amendments as required and sign the draft letter to the councils (**Attachment 2**).
- 5) Approve and authorise the Chair to extend authorisations under sections 225 and 230 of the PDI Act to all councils.

### **5.3 Confidential**

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

### **5.4 Draft Minor Variations Practice Direction – Release for Industry Consultation**

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

### **5.5 Draft Greater Adelaide Regional Plan – Approval for Statutory Engagement**

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

## **6 MATTERS FOR NOTING**

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

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

## **7 OTHER BUSINESS**

Nil

## **8 MEETING FINALISATION**

### **8.1 Next Meeting**

Thursday, 15 August 2024.

### **8.2 Confirmation of Minutes and Confidential Minutes**

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

### **8.3 Meeting Close**

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

Confirmed 01/08/2024



**Craig Holden**

Chair