

Minutes of Meeting

Meeting No. 103

Date	Thursday, 30 September 2021 at 9.30am
Venue	Kardi Munaintya Room or via Microsoft Teams
Members	Helen Dyer (Chair), Craig Holden, Allan Holmes, Sally Smith (Ex Officio)
In Attendance	Jane Trotter (AGD), Chelsea Lucas (AGD), Kate Southcott (AGD)
Presenters	AGD Staff: Mike Burdett, Brett Steiner, Nadia Gencarelli, Ben Sieben, Jason Cattonar, Jaclyn Symons.
External	Rebecca Thomas (Item 4.4)

1 GENERAL BUSINESS

1.1 Acknowledgement of Country

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

1.2 Welcome and Apologies

The Chair welcomed all in attendance to the meeting.

1.3 Declaration of Conflict of Interest / Gifts and Benefits

Helen Dyer declared a conflict in relation to Item 2.4 and a potential conflict in relation to Item 2.5 due to private client interests. At the meeting, Helen Dyer indicated that she had potential conflict in relation to workshop held after the meeting and left the workshop for those matters.

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 Minutes & Confidential Minutes for Adoption – 14 September 2021

The Commission formally adopted the SPC confidential minutes of the 14 September 2021 meeting.

1.8 SCAP Minutes & Confidential Minutes for Noting – 22 September 2021

The Commission noted the SCAP minutes and confidential minutes of the 22 September 2021 meeting.

1.9 Code Amendments Initiation Advice

The Commission noted the Code Amendments Initiation Advice.

2 CORRESPONDENCE

2.1 O’Sullivan Beach Code Amendment Consultation (Future Urban)

The Commission noted the correspondence.

2.2 Lockleys Code Amendment Consultation (Future Urban)

The Commission noted the correspondence.

2.3 Riverbank Precinct Code Amendment Consultation (Attorney-General’s Department)

The Commission noted the correspondence.

2.4 Concordia Code Amendment (Concordia Land)

Helen Dyer noted a conflict of interest and left the meeting when this item was discussed.

Allan Holmes was Chair for this Item.

- 1) The Commission noted the correspondence.
- 2) The Commission authorised Allan Holmes as Chair to approve and sign a response confirming the Commission agrees to meet with the proponent.

2.5 Meeting Request (City of Playford)

Helen Dyer noted a potential conflict of interest and left the meeting when this item was discussed.

Allan Holmes was Chair for this Item.

- 1) The Commission noted the correspondence.
- 2) The Commission authorised Allan Holmes as Chair to approve and sign a response confirming the Commission will meet the Chief Executive of Playford Council.

2.6 Request to amend *Practice Direction 2 – Preparation and Amendment of Designated Instruments* (Minister)

- 1) The Commission noted the correspondence.
- 2) The Commission authorised Helen Dyer as Chair to approve and sign a response to the Minister agreeing to amend Practice Direction 2 as requested.

3 MATTERS FOR ADVICE TO MINISTER

3.1 Local Heritage in Transition Development Plan Amendment by the Town of Walkerville

Brett Steiner and Nadia Gencarelli addressed the Commission.

The Commission resolved to:

- 1) Approve the designation of the item as Not Confidential (Released Delayed), with the meeting papers for the item to be released following final decision by the Minister on the approval of the Development Plan Amendment;
- 2) Advise the Minister that the State Planning Commission (the Commission) has considered the advice of its Heritage Panel and the position of the Council regarding the Town of Walkerville Local Heritage DPA and determined to support position of the Council, given the Council's role in leading local heritage matters, and noting the Council expressed confidence in existing protections provided through the Planning and Design Code.
- 3) Authorise the Chair to approve amendments, and sign the advice of the Commission as detailed in the letter to the Minister in **Attachment 1**.

4 MATTERS FOR DECISION

4.1 Status of Commission and Chief Executive Initiated Code Amendments

This item was considered in confidence, and is included in the SPC Confidential Minutes of 30 September 2021.

4.2 Climate Change in the Planning System Status Report

This item was considered in confidence, and is included in the SPC Confidential Minutes of 30 September 2021.

4.3 Civil Penalties and Enforceable Voluntary Undertakings

Ben Sieben 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 City of Mitcham (the Council) to utilise the enforcement tools available under sections 225 and 230 of that Act for the period 30 September 2021 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; and
 - 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 the Council report on the effectiveness of the enforcement tools prior to 31 August 2022 to assist the Commission with granting future authorisations;
 - 5) Write to the Local Government Association (LGA) of South Australia requesting that it encourage Councils to use the enforcement tools available under sections 225 and 230 of the Act, on the basis of a framework for the authorisation which is consistent with the authorisation for the City of Mitcham; and
 - 6) Authorise the Chair of the Commission to make any minor amendments as required and sign the draft letter to the Council (Attachment 2) and the draft letter to the LGA (Attachment 3).

4.4 Review of the SCAP Practice and Operating Directions

This item was considered in confidence, and is included in the SPC Confidential Minutes of 30 September 2021.

5 MATTERS FOR NOTING

5.1 Building Policy Update

This item was considered in confidence, and is included in the SPC Confidential Minutes of 30 September 2021.

6 ANY OTHER BUSINESS

Nil.

7 MEETING FINALISATION

7.1 Next Meeting

Thursday, 14 October 2021 at 9:30am in the Kardi Munaintya Room.

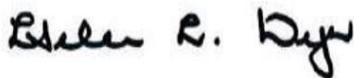
7.2 Confirmation of Minutes and Confidential Minutes

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

7.3 Meeting close

The Chair thanked all in attendance and declared the meeting closed at 3.26pm.

Confirmed 30/09/2021



Helen Dyer

Chair (all agenda Items with the exception of 2.4 and 2.5)

Confirmed 30/09/2021



Allan Holmes

Chair (agenda Items 2.4 and 2.5)