

Agenda Report for Decision

Meeting Date: 3 February 2022

Item Name	Deputation, External Meeting and Event Policy
Presenters	Chelsea Lucas
Purpose of Report	Decision
Item Number	4.3
Strategic Plan Reference	3. Enhancing Our Planning System
Work Plan Reference	3.5 Finalise the transparency review and implement transparency measures
Confidentiality	Not Confidential (Release Immediately), with the exception of Attachments 1 and 3
Related Decisions	SPC Agenda Report – 9 December 2021

Recommendation

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

1. Approve the designation of this item as Not Confidential (Release Immediately), with the exception of **Attachments 1** and **3** as Confidential (Draft Advice or Documents).
2. Approve the designation of the Deputation, External Meeting and Event Policy Agenda Report on 9 December 2021 as Confidential (Draft Documents or Advice).
3. Approve the amendments to the Deputation, External Meeting and Event Policy at **Attachment 2** and authorise the Chair of the Commission to make any minor amendments.
4. Authorise the Attorney-General's Department (the Department) to publish the Deputation, External Meeting and Event Policy once approved.

Background

The Commission considered the Deputation, External Meeting and Event Policy (the Policy) at its meeting of 9 December 2021 (as shown at **Attachment 1**). At that meeting, the Commission approved the designation as Not Confidential (Release Immediately), recommended minor amendments to the Policy and authorised the Chair to approve the final Policy following the meeting.

Discussion

It is recommended the designation of the Agenda Report from 9 December 2021 be updated to reflect the changed status of the Item. When first before the Commission the Item was designated Not Confidential (Release Immediately). Following further consideration of this Item by the Commission, the Report from December is a draft document and the designation updated to Confidential (Draft Advice or Documents).

Following the Chair's approval of the Policy, the Department considered that further amendments to the Policy could provide clarification in (now) Clauses 5 and 6. Clause 5 addresses Deputations by a Designated Entity or proposed Designated Entity and Clause 6 addresses Impact Assessed Development.

A document identifying the differences between the Policy presented to the Commission meeting on 9 December 2021 and version 2 of the draft Policy is included at **Attachment 3**. Amendments to the Policy include:

- Minor amendments to Clause 5 to ensure the Policy addresses the management of deputations from Designated Entities or proposed Designated Entities.
- Amendments to clarify the application of the Policy to Impact Assessed (by the Minister) developments (formerly known as Major Developments). The Policy will apply to permit proponents to appear before the Commission to present their proposal, either before or after the Commission makes a determination on the level of detail for an Environmental Impact Statement under section 112 of the *Planning, Development and Infrastructure Act 2016* (the Act). It is intended that this will assist the Commission in the setting of Guidelines.
- Amendments to broaden the application of the Policy to instances where a proponent has lodged a request for review by the Commission under section 110(15) of the Act. Such a review can be requested following a determination by the Commission (or its Delegate) to refuse to proceed to assessment of a development application categorised as Impact Assessed (Restricted).
- Minor amendments to rectify numbering, formatting and to include additional definitions for further assist in interpreting the Policy.

The amendments to Clause 6 of the Policy in relation to Impact Assessed Development are not considered minor amendments. As a result, the revised Policy is provided for the Commission's further approval.

Next steps

It is recommended the Commission approve the draft policy at **Attachment 2**. Following approval, the Policy will be made available on the Commission's website and on the Code Amendment webpage of the PlanSA Portal, where the Department provides procedural advice to designated entities and proponents.

Attachments:

1. Draft State Planning Commission Policy – Deputation, External Meeting and Event Policy, presented to Commission meeting on 9 December 2021 (#17631522).
2. Draft State Planning Commission Policy – Deputation, External Meeting and Event Policy, presented to Commission meeting on 3 February 2022 (#17631522).
3. Document Comparison – Draft Deputation, External Meeting and Event Policy – 9 December 2021 & 3 February 2022 meetings (#18274142).

OFFICIAL

Prepared by: Kate Southcott

Endorsed by: Chelsea Lucas

Date: 28 January 2022

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	Six (6) months after first issued date
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; or
 - (b) an external party.
- 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; and
 - v. the relevance to the Commission's agenda, powers or purpose.
- 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; and
 - (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; and
 - (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 5 minutes for questions;
 - (b) up to two persons speak during the time allocated to the deputation; and
 - (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 an 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 *State Planning Commission 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 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:
- (a) The development proposal has been lodged, but the level of detail in relation to an EIS has not yet been determined by the Commission under section 112; or
 - (b) The level of detail 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.
- 6.2. In relation to the Commission's determination on the level of detail for an EIS, 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)

- 6.4. With respect to developments categorised as Impact Assessed Development (Restricted) under section 108(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; and
 - (b) by the relevant Council to be heard the Commission in relation to the review.
- and 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; or
 - (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; and
 - v. the relevance to the Commission's agenda, powers or purpose.
- 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; and
 - (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; or
 - (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; and
 - (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; and
 - (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; and
 - (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 (6) months of operation and update as required.

Version	Produced By	Endorsed By	Approved by	Review Due
2.0	Kate Southcott, Senior Governance Officer, Planning and Land Use Services	State Planning Commission – 3 February 2022	Craig Holden, Chair, State Planning Commission – 7 February 2022	8 August 2022