



## Agenda Report for Decision

**Meeting Date: 20 February 2025**

<b>Item Name</b>	Appointment to Building Technical Panel	
<b>Presenters</b>	Ben Sieben	
<b>Purpose of Report</b>	Decision	
<b>Item Number</b>	5.1	
<b>Strategic Plan Reference</b>	N/A	
<b>Work Plan Reference</b>	N/A	
<b>Confidentiality</b>	Not Confidential (Release Immediately)	
<b>Related Decisions</b>	N/A	
<b>Conflicts Declared</b>	Nil	
<b>Is the Report author aware of any potential undeclared conflict?</b>		<b>NO</b>

### 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).
2. Agree to appoint Mr Vinh Tang as an Occasional Member of the Building Technical Panel commencing from the date he accepts the Terms and Conditions of Appointment until 30 September 2026.
3. Authorise the Chair to write to Mr Vinh Tang advising of his appointment as an Occasional Member of the Building Technical Panel from the date he accepts the Terms and Conditions of Appointment until 30 September 2026.
4. Approve and authorise the Chair to make any minor amendments to the attachments as required.

## Background

The Building Technical Panel (the Panel) was established to undertake the building-related statutory functions of the State Planning Commission (the Commission), summarised as follows:

- Functions under the *Development Act 1993* that were previously conferred on the Building Rules Assessment Commission (BRAC); and
- Functions under section 118 of the *Planning, Development and Infrastructure Act 2016* (the Act).

The Panel was formed by the Commission under section 29(a)(c) of the Act, with approval by the former Minister for Planning, with its Terms of Reference and Operating Directions set by the Commission.

The Panel has its own page on the Commission's website, which details the Panel members experience and qualifications [www.saplanningcommission.sa.gov.au/building-technical-panel](http://www.saplanningcommission.sa.gov.au/building-technical-panel).

## Statutory Functions

The primary statutory functions currently delegated to the Panel by the Commission are to:

- provide concurrence on applications seeking to allow a variance with the performance requirements of the Building Rules (section 118(2)(a) of the PDI Act)
- provide expert opinion, when requested by a relevant authority, on whether the performance requirements of the Building Rules have been met by a particular performance solution in relation to proposed building work (section 118(4) of the PDI Act)
- provide concurrence on applications granting consent for specific types of building work as prescribed by regulation (section 118(5) of the PDI Act).

The current fee for either concurrence or opinion is \$387.

## Current Composition

The Panel is currently comprised of ten members, including the Chair, Deputy Chair, two ordinary members and six occasional members to offer further specialist advice as necessary. The current Panel members and their primary expertise are as follows:

- Ms Miranda Centofanti – Chair – Senior Project Manager and former Architect.
- Ms Debbie Frisby –Ordinary Member–Lecturer on building surveying and fire engineering.
- Mr Jeffrey Shillabeer – Ordinary Member – Accredited Professional—Building Level 1 and Accredited Professional—Planning Level 3 (council).
- Ms Joanne Payne – Ordinary Member – Building Designer and licensed builder.
- Mr Bernie Steer – Occasional Member – Accredited Professional—Building Level 1 (council).
- Mr Brett Fennell – Occasional Member – Accredited Professional—Building Level 1 (private) with expertise in disability access.
- Mr James Cibich – Occasional Member – Civil and Structural Engineer with qualifications in law.
- Ms Leah Bertholini – Occasional Member – Country Fire Service development assessment and fire safety expert.
- Mr Nick Ingerson – Occasional Member – Architect with expertise in energy efficiency.

- Mr Peter Murton – Occasional Member – Expert in engineering for building services (electrical), fire safety and bushfire protection.

The Panel is a Category 2, Level 2 Board under the Department of the Premier and Cabinet's Remuneration Framework. Accordingly, the Chair is entitled to sessional fees of \$398 per four-hour session, while Ordinary members and Occasional members are entitled to sessional fees of \$265 per four-hour session.

In 2024, the Commission extended the existing Panel Members for a two-year term, which is due to end on 30 September 2026.

## Discussion

On 6 January 2025, Mr Vinh Tang wrote to the Chair of the Commission seeking to be appointed as a Member of the Panel and advising that he has an interest in reviewing matters from a fire safety and fire protection engineering perspective (**Appendix A**). Mr Tang highlights the following as a short summary of his qualifications and experience:

- 12 years of experience in the South Australian fire engineering design industry.
- Tertiary qualifications in Fire Safety Engineering from the University of Western Sydney as well as supporting tertiary qualifications in mechanical engineering and a Master of Business Administration (MBA).
- Chartered Professional Engineer (CPEng) in Fire Safety Engineering and registered on the Engineers Australia National Engineering Register (NER).
- Experience across a diverse range of small to large scale projects across several industries.
- Currently the sole director of Adelaide Building Engineering Group which is an Adelaide-based company offering building services engineering consulting services.
- Currently undertaking regular independent reviews of Performance Based Design Briefs (PBDBs) and Fire Engineering Reports (FERs) prepared by other consultants at the request of reputable South Australian building certifiers such as BuildSurv and KD Certifiers.

Further details on Mr Tang's qualifications and experience are contained within his CV (**Appendix B**).

Given there is a need for more engineers with a background in fire safety needed on the Panel, it is recommended that Mr Tang be appointed as a member of the Panel. Given his qualifications, knowledge and experience, it is recommended that Mr Tang be appointed as an Occasional Member (rather than as an Ordinary member), so that he can be called upon when matters relating to fire safety are to be considered by the Panel.

Given the Panel meets as required and that members of the Panel are remunerated on a sessional basis, there would be no upfront costs in appointing Mr Tang to the Panel.

Should the Commission resolve to appoint Mr Tang to the Panel, a letter of appointment (**Attachment 1**) has been prepared for the Chair to send to Mr Tang, along with the following:

- Terms and Conditions of Appointment for Mr Tang (**Attachment 2**) – these are consistent with the Terms and Conditions of Appointment for all other Occasional Members of the Panel; and
- Terms of Reference of the Panel signed 29 September 2022 (**Appendix C**) – it is anticipated that these will be reviewed as part of the Commission's annual governance review.

**Attachments:**

1. Draft Letter of Appointment to Vinh Tang (#22655603)
2. Terms and Conditions of Appointment – Occasional Member – Building Technical Panel (#22655598)

**Appendices:**

- A. Letter from Vinh Tang (#22655611)
- B. Vinh Tang – Curriculum Vitae (#22655593)
- C. Terms of Reference – Building Technical Panel – signed 29 September 2022 (#22655944)

Prepared by: Ben Sieben

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Endorsed by: Jane Trotter

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Date: 6 February 2025

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22655603

3 March 2025

Mr Vinh Tang  
Occasional Member  
Building Technical Panel

Level 10  
83 Pirie Street  
Adelaide SA 5000

GPO Box 1815  
Adelaide SA 5001

1800 752 664  
BTP@sa.gov.au

By email: [vinh@adelaidebuildingengineering.com](mailto:vinh@adelaidebuildingengineering.com)

Dear Mr Tang

### Appointment to the Building Technical Panel

I write to you in response to your correspondence of 6 January 2025 seeking to be appointed as a member of the State Planning Commission's Building Technical Panel (the Panel).

I am happy to inform you that the State Planning Commission considered your request on 20 February 2025 and agreed to appoint you as an Occasional Member of the Panel pursuant to the provisions of the *Planning, Development and Infrastructure Act 2016*. An Occasional Member is called upon by the Chair of the Panel when matters relating to their field of expertise are considered. Your appointment, should you accept, will be until 30 September 2026 to align with the appointments of current members of the Panel.

I have enclosed a copy of the Terms of Reference of the Panel for your reference (**Attachment 1**).

A copy of the Terms and Conditions of Appointment is also enclosed for your review and signature (**Attachment 2**). Please return your signed document to Ms Kate Southcott, Team Leader Governance, as soon as possible: [Kate.Southcott2@sa.gov.au](mailto:Kate.Southcott2@sa.gov.au).

I would like to thank you for your interest in becoming a Member of the Panel.

Yours sincerely



**Craig Holden**  
Chair

Att      1. Terms of Reference – Building Technical Panel – Signed 29 September 2022  
            2. Terms and Conditions of Appointment – Occasional Member – Building Technical Panel

6 January 2025

Craig Holden  
State Planning Commission  
GPO Box 1815  
Adelaide SA 5001

## Building Technical Panel – Fire Safety Engineering Representative

Dear Craig,

I have been referred to you by Jodie Evans of the Department of Housing and Urban Development (DHUD) as I am seeking membership to the Building Technical Panel (BTP). Specifically, I would like to be involved in BTP review matters from a fire safety and fire protection engineering perspective.

Please refer below to the short summary of my professional history with further detail available within the enclosed CV.

- Circa 12 years of experience in the South Australian fire engineering design industry.
- Tertiary qualifications in Fire Safety Engineering from the University of Western Sydney as well as supporting tertiary qualifications in mechanical engineering and a Master of Business Administration (MBA).
- Chartered Professional Engineer (CPEng) in Fire Safety Engineering and registered on the Engineers Australia National Engineering Register (NER).
- Experience across a diverse range of small to large scale projects across several industries.
- Currently the sole director of Adelaide Building Engineering Group which is an Adelaide-based company offering building services engineering consulting services.
- Currently undertaking regular independent reviews of Performance Based Design Briefs (PBDBs) and Fire Engineering Reports (FERs) prepared by other consultants at the request of reputable South Australian building certifiers such as BuildSurv and KD Certifiers.

The general consensus in the industry is there exists a general shortage of experienced and qualified fire safety and fire protection engineers in South Australia. As such, the need for experienced and competent fire engineers on the BTP is critical to assist the BTP with determining whether the minimum level of fire safety has been met through the fire protection design and fire and life safety strategy as prescribed by the Planning Development and Infrastructure (PDI) Act 2016 (Section 134 and 157) and PDI Regulations 2017 (Regulation 45).

I believe I can provide value to the BTP through advice in the following areas of expertise:





Adelaide Building Engineering

ACN 646 699 505

- Fire protection services system design and installation.
- Fire and life safety Performance Solutions involving deviation to the Deemed to Satisfy provisions of the National Construction Code (NCC).
- Building fire safety strategies in association with the above Performance Solutions.

Can you please review the above and advise whether I can be of any assistance to the BTP. I am more than happy to discuss in further detail with either yourself or a member of your team. Please do not hesitate to contact me through either of the below means as required.

- Email: [vinh@adelaidebuildingengineering.com](mailto:vinh@adelaidebuildingengineering.com)
- Phone: 0423 862 300

Warm regards,

**Vinh Tang**

PRINCIPAL

ENCL. VINH TANG CV





## **BUILDING TECHNICAL PANEL**

### **Terms of Reference**

#### **1. PURPOSE**

The Building Technical Panel (Panel) is a statutory entity established by the State Planning Commission (the Commission) under section 29(1)(c) of the *Planning, Development and Infrastructure Act 2016* (PDI Act) to support the operation of the South Australian planning and development system under both this Act and the *Development Act 1993* (the Development Act) (until the repeal of the Development Act).

##### **1.1. Delegated functions**

The Panel is responsible for exercising delegated functions under both the Development Act and the PDI Act, as the transition to the PDI Act takes place.

###### *Development Act 1993*

The functions, powers and duties of the former Building Rules Assessment Commission (BRAC) under the Development Act have been delegated by the Commission to the Panel, following these powers being assumed by the Commission by operation of clause 6(1) of Schedule 8 of the PDI Act.

These delegated functions, powers and duties enable the Panel to concur in the granting of a consent that is at variance with the Building Rules, provide an opinion on compliance with the Building Rules, and concur in the granting of a building rules consent for development of a private bushfire shelter.

###### *Planning, Development and Infrastructure Act 2016*

The Commission's functions with respect to sections 118(2)(a), 118(4), 118(5) and 118(7) under the PDI Act have been delegated to the Panel. These sections largely replicate the functions under the Development Act:

- Section 118(2)(a) requires that a development that is at variance with the Building Rules must not be granted a building consent unless the variance is with the performance requirements of the Building Code or a Ministerial Building Standard and the Panel concurs in the granting of the consent.
- Section 118(4) states that a relevant authority may, at the request or with the agreement of the applicant, refer proposed building work to the Commission for an opinion on whether or not it complies with the performance requirements of the Building Code or a Ministerial Building Standard.



- Under section 118(5), regulations made for purposes of this subsection may provide that building work of a prescribed class must not be granted a building consent unless the Panel concurs in the granting of the consent.
  - Under Regulation 45(6) of the *Planning, Development and Infrastructure (General) Regulations 2017* (for the purposes of section 118(5) of the PDI Act), a building work comprising or including the construction or installation of a private bushfire shelter must not be granted a building consent unless the Panel concurs in the granting of the consent.
- Section 118(7) states that a relevant authority must seek and consider the advice of the Panel before imposing or agreeing to a requirement in relation to an inconsistency exists between the Building Rules and the Planning Rules in relation to a State heritage place or a local heritage place, that would be at variance with the performance requirements of the Building Code or a Ministerial Building Standard.

## **2. PRINCIPLES**

The Panel and its Members will operate consistently with the following principles:

- act lawfully
- act impartially
- remain open, acting with integrity and providing frank and fearless advice
- work with purpose and alignment to achieve quality outcomes and the delivery of results
- maintain the confidence of the Commission, Government, Parliament and the community
- maintain appropriate confidentiality of Panel discussions and advice.

## **3. MEMBERSHIP**

The Panel will have two types of membership: core membership and specialist membership.

### **3.1. Core membership**

The core membership of the Panel is to be no more or less than four persons.

One core member will be appointed by the Commission as Chair of the Panel, and one core member will be appointed as Deputy Chair of the Panel.

Core members will be appointed for a term not exceeding two years, and on conditions determined by the Commission. On the expiration of this term, members may be eligible for reappointment as determined by the Commission.

Core membership must, as far as practicable, comprise equal numbers of women and men.

In making appointments to the core membership Panel, the Commission should consider that the members collectively have qualifications, knowledge and expertise in the following areas, and have proven ability in interpreting the requirements of the Building Rules in relation to:

- design, building and construction
- structural engineering
- building engineering services (mechanical, hydraulic, electrical, HVAC etc.)
- building surveying; and
- building fire safety and/or fire-fighting operations.

In considering appointments, the Commission should also note the need for the Panel to have sufficient collective expertise in disability access, to enable the Panel to consider and make appropriate decisions as required under the *Disability Discrimination Act 1992* (Cth), Regulation 80A of the *Development Regulations 2008* (until repealed), and *Ministerial Building Standard 006 – Modifications to the application of the Building Code* (MBS 006), operational under the PDI Act.

### **3.2. Specialist membership**

Noting the complexity of building issues that the Panel may have to consider, when undertaking its assessment functions, the Panel may draw on specialist technical membership to assist it to discharge these functions.

The specialist membership of the Panel is to comprise no more than six persons.

The pool of specialist members will be determined by the Commission, and a register of both core and specialist members of the Panel will be published and maintained on the PlanSA Portal by Planning and Land Use Services (PLUS).

Specialist members will be appointed to the pool for a term not exceeding two years, and on conditions determined by the Commission. On the expiration of this term, specialist members may be eligible for reappointment as determined by the Commission.

#### **4. REMUNERATION**

Sessional fees will be paid to core Panel Members in line with a determination of Cabinet or the Chief Executive, Department of the Premier and Cabinet in accordance with Department of the Premier and Cabinet Circular *PC016 – Remuneration for Government Appointed Part-Time Boards and Committees (September 2016)*, and the *Boards and Committees – Remuneration Framework* (approved by Cabinet on 10 December 2007).

Specialist Panel Members who are required to attend a Panel meeting will be remunerated at the same sessional rate as core Panel Members.

#### **5. ROLES AND RESPONSIBILITIES**

##### **5.1. State Planning Commission**

The Commission delegates functions to the Panel that the Panel will exercise on behalf of the Commission.

##### **5.2. Chair**

The primary role and function of the Chair (or the Deputy Chair if acting as Chair) is to lead and manage the processes and practices of the Panel, and to ensure the effective delivery of the Panel's functions.

The Chair will also act as the primary conduit between the Panel, the Department for Trade and Investment, the Commission and other relevant authorities as required.

##### **5.3. Department for Trade and Investment**

The Department will support the Panel in accordance with a Service Level Agreement between the Commission and the Department.

A Governance Officer shall be assigned to support the Panel. The Governance Officer will ensure agendas, minutes, an actions register, and any other relevant documentation is prepared and distributed.

The Building Policy and Programs Team within PLUS will provide additional support as necessary on building related matters.

#### **6. GOVERNANCE**

##### **6.1. Returns and Declarations**

Members must, within 60 days of appointment, submit a Primary Return identifying any financial or other interests. The register records the member's main business activities, involvement with other business organisations, vendors, business interests and other associations that might product a conflict of interest.

Members must, within 60 days of 30 June annually, submit an Ordinary Return identifying any financial or other interests.

Members must also submit a Pecuniary Interest declaration at the end of each financial year to identify the nature of any transaction entered into by the Department with any Panel Member or with any firm, trust or company in which a Panel Member has either a direct or indirect financial interest.

The Department will maintain a register which records the Member's main business activities, involvement with other business organisations, vendors, business interests and other associations that might produce a conflict of interest with the activities of the Panel.

## **6.2. Conflicts of Interest**

Members must, as soon as he or she becomes 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 Chair of the Panel.

If a Member declares a conflict of interest, that Member must not take part in any discussion or decision on the matter and must be absent from the meeting when any deliberations are taking place or a decision is being made.

If a conflict of interest has been declared by a Member, the general nature of the interest must be recorded in the minutes of the meeting of the Panel.

## **6.3. Independent Commission Against Corruption**

In accordance with the *Directions and Guidelines for Public Officers* (Directions and Guidelines) published by the Independent Commissioner Against Corruption (ICAC), Panel Members are classified as 'public officers'.

In accordance with the Commissioner's Directions and Guidelines all 'public officers' have an obligation to report a matter that is reasonably suspected of involving corruption, misconduct or maladministration in public administration to the Office for Public Integrity (OPI). The process for reporting such a matter to the OPI is outlined in the Directions and Guidelines document and on the ICAC website at [www.icac.sa.gov.au](http://www.icac.sa.gov.au).

## **6.4. Public Interest Disclosure Act 2018**

The *Public Interest Disclosure Act 2018* commenced on 1 July 2019. This law strengthens accountability in government and ensures public officers who make a disclosure are protected.

## **6.5. Confidentiality**

Members must ensure that any confidential information remains confidential and is not disclosed improperly to others.

Members must refer all enquiries from all external parties (including media) directly to the Governance Officer for action.

## **7. MEETINGS AND PROCEDURES**

### **7.1. Applications**

Applications are to be submitted to the Panel on standard forms available on the PlanSA Portal, accompanied by any relevant documentation: [https://saplanningcommission.sa.gov.au/building-technical-panel/role\\_of\\_the\\_panel/Application\\_forms](https://saplanningcommission.sa.gov.au/building-technical-panel/role_of_the_panel/Application_forms).

Applications must be accompanied by payment of the scheduled fee as prescribed in the *Development Regulations 2008* or, following the repeal of these Regulations, as prescribed in the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019*.

An initial administrative check will be carried out by the Department to ensure that all relevant information has been provided with the application and that the relevant fees have been paid.

The Department will ensure that the documentation provided is adequate for the Panel to consider and make a determination. If additional information is required, this must be provided prior to a hearing being called.

The Chair will then be notified of the application and a hearing will be called to consider the matter.

The Chair will determine if it is appropriate for any relevant specialist members to be called upon to be part of the Panel, depending on the nature and complexity of the matter to be considered.

### **7.2. Meeting schedule**

A date and time for a hearing to consider an application will be agreed through consultation between the Chair, the applicant, and the Members required (core and specialist). Following a decision, the applicant will be advised of the date, time and place of the hearing.

Under Regulation 41 of the *Development Regulations 2008*, the time within which a building rules decision must be made by a relevant authority can be extended by two weeks if an application is referred to the Panel. This Regulation does not apply to matters referred to the Panel under the PDI Act; however, the Panel should seek to meet and deal with the matters promptly.

### **7.3. Agenda and meeting papers**

An agenda and any associated meeting papers for prior reading will be distributed by the Governance Officer no less than five working days prior to the meeting.

#### **7.4. Attendance**

The Chair will preside over meetings of a Panel to which they are appointed and presiding.

The Deputy Chair will preside over meetings if the Chair is absent.

In the absence of both the Chair and Deputy Chair, another member of the Panel will be chosen by those members present to chair the meeting.

A quorum of the Panel consists of a number ascertained by dividing the total number of appointed Members by half, ignoring any fraction resulting from the division, and adding one (and no business may be transacted at a meeting of the Panel unless a quorum is present).

Where an opinion is sought from the Panel on disability access matters, an access panel consisting of at least one third of members suitably qualified in access must be convened to consider the application.

Where an application for concurrence has been referred to the Panel after a referral to a fire authority has been made under either the Development Act or PDI Act, and the relevant authority is of the view to not include any or all of the fire authority's recommendations, one representative from the relevant fire authority may attend the hearing in order to present their argument for the inclusion of their recommendations. Where both fire authorities have been referred to under the Development Act or PDI Act, one representative from each fire authority may attend.

#### **7.5. Proceedings**

The Chair 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 Panel.

Meetings of the Panel convened to hear an application will be conducted as follows:

- a) The Chair will outline the matter before the Panel and ensure that members understand the matter to be considered before inviting the applicant to join the meeting.
- b) The applicant (or relevant authority) will present the case to the Panel and give reasons for seeking an opinion or concurrence from the Panel.
- c) Members of the Panel can then ask questions of the applicant to clarify matters pertaining to the case and the applicant may refer some of those questions to their advisor(s).
- d) Rules of natural justice prevail – all parties involved in the assessment must be given the opportunity to be heard and to respond to opposing views.
- e) Decisions must be made based on the documents before the Panel.

- f) Once the Panel has considered the matter, the Chair will thank the applicant for attending the meeting and advise that the Panel will consider the matter in camera, before making its determination.
- g) The applicant should be advised that they can generally expect to receive the Panel's determination within five working days after the decision has been made.
- h) All decisions of the Panel shall be made on the basis of a majority decision of the members present.
  - i. Decisions of the Panel are carried by the majority of votes cast.
  - ii. Each member has one vote, and the Chair has a casting vote, if required to address an even vote.
- i) The Panel may, for the purposes of making a determination, request additional information or clarification during the course of the hearing. Where this occurs, the decision will be deferred until such time as the additional information or clarification has been provided.
- j) A second hearing may be necessary to consider any additional information, or a determination may be made out-of-session
- k) The Panel may, in the interim between the close of the hearing and making its final determination, discuss or clarify with each other, via email, any issues pertinent to the application prior to making its formal decision.

#### **7.6. Proxy**

Proxy Members will not be appointed to the Panel. Members are encouraged to attend via online or teleconference facilities if they are not available to attend in person, otherwise an apology is to be tendered.

#### **7.7. Determination of decision and minutes**

Agendas and minutes of Panel hearings will be confidential.

The Governance Officer will minute the meeting. The minutes will be concise and record only:

- names of Members present
- apologies received from Members
- names of Department staff in attendance
- any disclosure of interest or conflicts made by a Member or Department staff
- the determination (which may include a brief summary of how the Panel reached its decision if deemed necessary).

The minutes shall only record the decision and not the votes for or against.

The minutes, including the determination, of the meeting will be confirmed at the end of each meeting by those Members present.

A letter will then be sent to the applicant notifying of the Panel's opinion, concurrence or otherwise, signed by the Chair.

The minutes will be included in the agenda of the next Commission meeting for noting.

#### **7.8. Attendance of external parties**

Applicants are permitted to bring experts to support the provision of evidence to the Panel at a meeting.

If a party has made a written submission to a forthcoming agenda item which has been put out for public comment, that party may also be invited to attend for that particular item.

Panel meetings are not open to members of the general public or media.

### **8. REVIEW**

These Terms of Reference shall be reviewed by the Panel Chair in consultation with the State Planning Commission following the appointment of a new Panel Chair or every two years (whichever occurs first).

Adopted by the State Planning Commission on 29 September 2022.



**Craig Holden**  
**Chair, State Planning Commission**  
29 / 09 / 2022



**Debbie Frisby**  
**Chair, Building Technical Panel**  
03 / 10 / 2022