



Minutes of Meeting

Meeting No. 179

Date	Thursday, 6 February 2025
Venue	9.02 Inparri Kuu Seminar Room, Level 9, 83 Pirie Street and Microsoft Teams
Members	Craig Holden (Chair), Stephanie Johnston, Lisa Teburea, John Stimson, David O'Loughlin, and Marc Voortman (Ex Officio)
Additional Member	Anne Moroney
Apologies	Nil
PLUS Staff	Kate Southcott, Troy Fountain, Cassia Byrne, Tom Victory, Sarah Lynds, Brett Steiner, James Szabo, Jessica Porter, Harriet Whittle, Grant Croft, Clare Ashmeade, Steven Murphy, Bret Woods, Nadia Gencarelli, Ben Sieben, Andy Humphries, Joel Grieger
External	Greg Stirling, Murray River, Lakes and Coorong Tourism Alliance Mayor Simone Bailey, Mid Murray Council Gary Mavrinac, Director – Development & Community Services, Mid Murray Council Ben Scales, Chief Executive Officer, Mid Murray Council Jarrod Bielby, Manager Development and Regulation, Mid Murray 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 respect 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

John Stimson confirmed a previously declared conflict of interest in relation to the Berri component of the Murray Mallee section of Item 5.1 Endorsement of Limestone Coast and Murray Mallee draft regional plans for statutory engagement and Item 5.2 Endorsement of Murray Mallee and Limestone Coast Regional Plan Engagement Plan due to business interests and will leave the meeting if required.

John Stimson confirmed a previously declared conflict of interest in relation to Item 5.3 Land Division Assessment Panel – Approval of Appointment of Members, Practice and Operating Directions, and Delegations and will leave the meeting when this item is deliberated and decided on.

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 SCAP Confidential Minutes & Minutes for Noting – 17 December 2024 & 22 January 2025

The Commission noted the SCAP Confidential Minutes & Minutes for Noting from the 17 December 2024 and 22 January 2025 SCAP Meetings.

1.7 SPC Confidential Minutes for Adoption – 23 January 2025

The Commission formally adopted the SPC Confidential Minutes of the 23 January 2025 meeting.

1.8 Code Amendment Initiation Advice

Nadia Gencarelli addressed the Commission, and the Commission noted the Code Amendment Initiation Advice.

1.9 Register of SCAP Appeals

Troy Fountain addressed the Commission, and the Commission noted the Register of SCAP Appeals.

2 CORRESPONDENCE

2.1 Correspondence from Minister for Planning – Assessment Panel Members Code of Conduct and the State Planning Commission – Code of Conduct

The Commission noted the correspondence from the Minister for Planning.

3 ADDITIONAL RESOURCES

Nil

4 MATTERS FOR ADVICE TO MINISTER

4.1 Code Amendment Initiation Advice to the Minister for Planning – Proposal to initiate the 8573 Horrocks Highway Clare Code Amendment

Nadia Gencarelli addressed the Commission.

The Commission resolved to:

1. Approve the designation of this item as Not Confidential (Release Delayed), with the meeting papers for the item to be released following final decision by the Minister for Planning (the Minister) on initiation of the Code Amendment.
2. Advise the Minister that it:
 - 2.1 Recommends the initiation of the 8573 Horrocks Highway Clare Code Amendment under section 73(2)(vii) of the *Planning, Development and Infrastructure Act 2016* (the Act), subject to the following conditions applied under section 73(5)(b) of the Act:
 - a) Prior to approval of the Code Amendment, the Designated Entity must demonstrate to the satisfaction of the Minister that all necessary agreements or deeds are fully executed as required to secure the funding and/or delivery of all infrastructure required to accommodate the development of the affected area, as proposed by the Code Amendment to the satisfaction of all relevant infrastructure providers.
 - b) The scope of the proposed Code Amendment does not include the creation of new planning rules, and is limited to the spatial application of zones, subzones, overlays or technical and numerical variations provided for under the published Planning and Design Code (the Code) on the date the Amendment is released for engagement.
 - c) The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.
 - 2.2 Recommends that Mr Malcolm Heinrich be the Designated Entity responsible for undertaking the Code Amendment process.
3. Specify that the Designated Entity consults with the following nominated individuals and entities, under section 73(6)(e) of the Act:
 - Department for Infrastructure and Transport
 - South Australian Country Fire Service
 - Department for Environment and Water
 - Native Vegetation Council
 - Utility providers including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy, NBN, and other telecommunications providers
 - State Members of Parliament for the electorates in which the proposed Code Amendment applies.
4. Specify the following further investigations or information requirements under section 73(6)(f) of the Act in addition to those outlined in the Proposal to Initiate:
 - Investigate potential interface issues with the adjoining Rural Zoned land to understand whether the rezoning for development could incur detrimental impacts on the surrounding land, or if the day-to-day activities of the adjacent

landholdings could impact the proposed development and its occupants such as from spray-drift, emissions, or noise.

- Conduct a search of the Register of Aboriginal Sites and Objects (Taa wika) to identify relevant Aboriginal heritage considerations, including any identified cultural sites and objects.
 - Recognising the scenic value of the land, investigate options to ensure the enduring retention and protection of vegetation and avoidance of development in established vegetated areas, to inform the preparation of a concept plan.
 - Consider the application of the Gateway Overlay to ensure the ongoing protection and management of the Horrocks Highway entrance into Clare.
 - Consider the use of a concept plan to identify access and linkages to the existing township, interface and landscaping buffers, open space / vegetation and the like.
 - Undertake detailed investigations to understand infrastructure capacity and upgrade needs.
5. Recommend that the Minister approve the initiation of the Code Amendment by signing the Proposal to Initiate (**Attachment 1**) and approval letter(s) with conditions (**Attachment 2**) with an additional paragraph in the letters encouraging the proponent and Council to explore options (such as policy, agreements, vesting land to the care and control of Council etc) to restrict development to the existing cleared areas and ensure the enduring retention, protection and enhancement of vegetation and scenic amenity.
 6. Approve and authorise the Chair of the Commission to sign the advice to the Minister as provided in **Attachment 3**.
 7. Authorise the Chair to finalise any minor amendments to the advice and attachments as required.

5 MATTERS FOR DECISION

5.1 Draft Limestone Coast and Murray Mallee Regional Plans – Approval for Statutory Engagement

This item was considered in confidence and is included in the Commission's confidential minutes of the 6 February 2025 meeting.

5.2 Endorsement of Murray Mallee and Limestone Coast Regional Plan Engagement Plans

This item was considered in confidence and is included in the Commission's confidential minutes of the 6 February 2025 meeting.

5.3 Land Division Assessment Panel – Approval of Appointment of Members, Practice and Operating Directions, and Delegations

John Stimson left the meeting.

Ben Sieben, Andy Humphries and Joel Greiger addressed the Commission.

The Commission resolved to:

1. Approve the designation of this item as:

- with regards to this **Agenda Report** and **Attachments 1, 3 and 5** designate as Not Confidential (Release Delayed) – to be released following finalisation of the Land Division Assessment Panel, anticipated March 2023.
 - with regards to **Attachments 2 and 4** designate as Confidential (Draft Advice or Documents).
 - with regards to **Appendices A to F** designate as Confidential (Personal Information).
2. Appoint the following Ordinary Members of the Land Division Assessment Panel (LDAP), established by the Commission on 5 December 2024 pursuant to section 29(1)(a) of the *Planning, Development and Infrastructure Act 2016* (the Act), for a period of three years and subject to the Terms and Conditions of Appointment at **Attachment 2**:
 - Ms Kate Vugts
 - Mr Chris Branford
 - Ms Emma Herriman
 - Mr David Kwong
 - Ms Cindy Oliver
 3. Appoint the following Occasional Member of the Land Division Assessment Panel (LDAP), established by the Commission on 5 December 2024 pursuant to section 29(1)(a) of the *Planning, Development and Infrastructure Act 2016* (the Act), for a period of three years and subject to the Terms and Conditions of Appointment at **Attachment 2**:
 - Ms Melissa Mellen
 4. Approve and authorise the Chair of the Commission to write to each newly appointed member of the LDAP (**Attachment 1**) enclosing the Terms and Conditions of Appointment (**Attachment 2**).
 5. Approve the final LDAP Practice and Operating Directions (**Attachment 3**).
 6. Approve the Commission's draft Instrument of Delegation (**Attachment 4**), with the instrument to be effective from the date of signing by the Chair.
 7. Authorise the Chair to approve any future amendments to the Instrument of Delegation limited to where those amendments reflect changes to the structure of Planning and Land Use Services (PLUS) or changes to the name of a position, business unit or directorate within PLUS.
 8. Approve and authorise the Chair of the Commission to sign the letter to the Minister for Planning advising that the remaining members of the LDAP have been appointed, the Practice and Operating Directions have been finalised and the LDAP will be able to commence assessing applications from March 2025 onwards (**Attachment 5**).
 9. Authorise the Chair of the Commission to make any amendments to **Attachments 1 – 5** as required to finalise.

John Stimson returned to the meeting.

6 MATTERS FOR NOTING

Nil

7 OTHER BUSINESS

7.1 Presentation 1: Dark Sky Reserve

Greg Stirling, Mayor Simone Bailey, Gary Mavrinac, Ben Scales and Jarrod Bielby addressed the Commission.

The Commission noted the Presentation and discussion.

7.2 Workshop 1: Updates to Practice Directions 8 and 9

Sarah Lynds, Cassia Byrne and Tom Victory addressed the Commission.

The Commission noted the updates to Practice Directions 8 and 9 workshop presentation and discussion.

8 MEETING FINALISATION

8.1 Next Meeting

Thursday, 20 February 2025.

8.2 Confirmation of Minutes and Confidential Minutes

The Commission resolved that the Confidential Minutes of the meeting held today, 6 February 2025, be confirmed as a true and accurate record.

8.3 Meeting Close

The Chair thanked all in attendance and declared the meeting closed at 4:00pm.

Confirmed 06/02/2025

A handwritten signature in dark ink, appearing to be 'Craig Holden', with a long, sweeping horizontal line extending to the right.

Craig Holden
Chair