



Agenda Report for Decision

Meeting Date: 6 February 2025

Item Name	Land Division Assessment Panel – Approval of Appointment of Members, Practice and Operating Directions, and Delegations	
Presenters	Andy Humphries, Ben Sieben & Joel Grieger	
Purpose of Report	Decision	
Item Number	5.1	
Strategic Plan Reference	N/A	
Work Plan Reference	N/A	
Confidentiality	Not Confidential (Release Delayed) – to be released following finalisation of the Land Division Assessment Panel, anticipated March 2023	
Related Decisions	5 December 2024, 5.1, “Establish a Land Division Assessment Panel”.	
Conflicts Declared	John Stimson	
Is the Report author aware of any potential undeclared conflict?		NO

Recommendation

It is recommended that the State Planning Commission (the Commission) resolves 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.

Background

The establishment of a Land Division Assessment Panel (LDAP) was one of the State Government's priorities announced as part of the Housing Roadmap on 25 June 2024, to assess applications where Councils do not meet their statutory timeframes in assessing land division applications.

Established as a sub-committee of the State Planning Commission (the Commission) under section 29(1)(a) of the *Planning, Development and Infrastructure Act 2016* (the Act), the LDAP will undertake the Commission's powers as a relevant authority in relation to the assessment of applications for land division.

On 5 December 2024 the Commission resolved to:

1. *Approve the designation of this item as follows:*
 - *Agenda Report, Attachment 1, 2 and 4 – Not Confidential (Release Delayed) – to be released following finalisation of the Land Division Assessment Panel, anticipated March 2025;*
 - *Attachment 3 – Confidential (Draft Advice or Documents).*
2. *Establish a committee pursuant to section 29(1)(a) of the Planning, Development and Infrastructure Act 2016 (the Act) to be known as the Land Division Assessment Panel (LDAP).*
3. *Appoint Mr John Stimson as Chair of the LDAP for a period of three years, subject to the Terms and Conditions of Appointment at Attachment 2.*

4. *Approve and authorise the Chair of the Commission to write to the Chair of the LDAP (Attachment 1) enclosing Terms and Conditions of Appointment (Attachment 2).*
5. *Note the draft LDAP Practice and Operating Directions (Attachment 3), and that the Practice and Operating Directions will return to the Commission for final approval on 30 January 2025 following consultation with the Chair of the LDAP, once appointed.*
6. *Approve and authorise the Chair of the Commission to sign the letter to the Minister for Planning advising of the establishment of the LDAP (Attachment 4).*
7. *Authorise the Chair of the Commission to make any amendments to Attachments 1, 2 and 4 as required to finalise.*

This Agenda Report provides the further report as noted in resolution 5 above.

Discussion

Membership of LDAP

On 5 December 2025, the Commission resolved to appoint Mr John Stimson as Chair of the LDAP for a period of 3 years, subject to the Terms and Conditions of appointment approved by the Commission at the meeting. Mr Stimson has accepted his appointment as Chair of the LDAP.

It is recommended that the Commission now appoint the following five Ordinary Members and one Occasional Member of the LDAP, each for a period of 3 years and subject to the Terms and Conditions of Appointment (**Attachment 2**).

All proposed members have indicated they are interested in being appointed to the LDAP.

Ordinary Members

Ms Kate Vugts

It is recommended that the Commission appoint Ms Kate Vugts as an Ordinary Member of the LDAP. Ms Vugts CV is provided at **Appendix A**.

It is recommended that Ms Vugts be appointed for a period of three years, consistent with the terms of members of other committees established by the Commission, and that the appointment be subject to the Terms and Conditions of Appointment at **Attachment 2**.

A draft letter (to be addressed and sent) to the proposed Member, LDAP is included at **Attachment 1**, with Terms and Conditions of Appointment (**Attachment 2**) enclosed.

Mr Chris Branford

It is recommended that the Commission appoint Mr Chris Branford as an Ordinary Member of the LDAP. Mr Branford's CV is provided at **Appendix B**.

It is recommended that Mr Chris Branford be appointed for a period of three years, consistent with the terms of members of other committees established by the Commission, and that the appointment be subject to the Terms and Conditions of Appointment at **Attachment 2**.

A draft letter (to be addressed and sent) to the proposed Member, LDAP is included at **Attachment 1**, with Terms and Conditions of Appointment (**Attachment 2**) enclosed.

Ms Emma Herriman

It is recommended that the Commission appoint Ms Emma Herriman as an Ordinary Member of the LDAP. Ms Herriman's CV is provided at **Appendix C**.

It is recommended that Ms Emma Herriman be appointed for a period of three years, consistent with the terms of members of other committees established by the Commission, and that the appointment be subject to the Terms and Conditions of Appointment at **Attachment 2**.

A draft letter (to be addressed and sent) to the proposed Member, LDAP is included at **Attachment 1**, with Terms and Conditions of Appointment (**Attachment 2**) enclosed.

Mr David Kwong

It is recommended that the Commission appoint Mr David Kwong as an Ordinary Member of the LDAP. Mr Kwong's CV is provided at **Appendix D**.

It is recommended that Mr David Kwong be appointed for a period of three years, consistent with the terms of members of other committees established by the Commission, and that the appointment be subject to the Terms and Conditions of Appointment at **Attachment 2**.

A draft letter (to be addressed and sent) to the proposed Member, LDAP is included at **Attachment 1**, with Terms and Conditions of Appointment (**Attachment 2**) enclosed.

Ms Cindy Oliver

It is recommended that the Commission appoint Ms Cindy Oliver as an Ordinary Member of the LDAP. Ms Oliver's CV is provided at **Appendix E**.

It is recommended that Ms Cindy Oliver be appointed for a period of three years, consistent with the terms of members of other committees established by the Commission, and that the appointment be subject to the Terms and Conditions of Appointment at **Attachment 2**.

A draft letter (to be addressed and sent) to the proposed Member, LDAP is included at **Attachment 1**, with Terms and Conditions of Appointment (**Attachment 2**) enclosed.

Occasional Member

Ms Melissa Mellen

It is recommended that the Commission appoint Ms Melissa Mellen as an Occasional Member of the LDAP. Ms Mellen's CV is provided at **Appendix F**.

It is recommended that Ms Melissa Mellen be appointed for a period of three years, consistent with the terms of members of other committees established by the Commission, and that the appointment be subject to the Terms and Conditions of Appointment at **Attachment 2**.

A draft letter (to be addressed and sent) to the proposed Member, LDAP is included at **Attachment 1**, with Terms and Conditions of Appointment (**Attachment 2**) enclosed.

LDAP Practice and Operating Directions

As a subcommittee of the Commission, the Commission is responsible for setting the operating procedures of the LDAP. It is recommended that, where possible, this be consistent with the existing Practice and Operating Directions of the State Commission Assessment Panel (SCAP). Not only have these procedures previously received approval from the Commission – as they exist in their current application to SCAP – but by largely replicating these procedures, the Department for Housing and Urban Development (the Department) is further able to streamline the governance of the LDAP.

Review of operating procedures and delegations would be incorporated into the Commission's annual governance review. As the LDAP will operate in a very similar way to the SCAP and utilise the same planning and administrative resources from the Department, the case management and pre-lodgment services currently offered by the Department would also apply to development assessed by the LDAP (if applicable).

It is recommended that the Commission approve and adopt (as final) the LDAP Practice and Operating Directions at **Attachment 3**, as prepared by the Department with the input of the Chair of the LDAP.

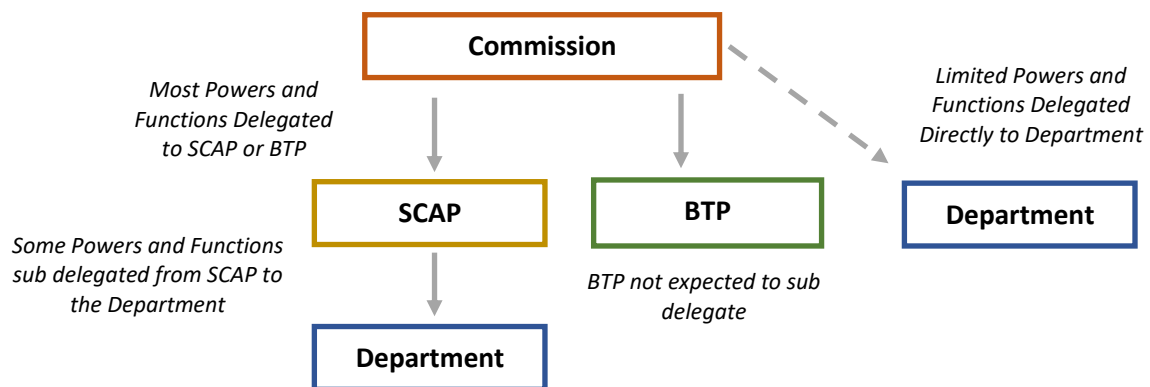
Delegations

The current Instrument of Delegation from the Commission under the *Planning, Development and Infrastructure Act 2016* (the Act) was executed by the Chair of the Commission on 20 September 2024.

The current arrangements delegate most development assessment functions from the Commission directly to the SCAP and the Building Technical Panel (BTP). The Commission's intention was that SCAP would manage its procedural and administrative arrangements with the Department through its Instrument of Further Delegation, as well as its Delegations Policy.

As a result, a limited number of powers and functions have traditionally been delegated directly to the Department by the Commission, and these primarily relate to policy matters (for example, powers relating to Code Amendments, Practice Directions and Practice Guidelines).

The current structure of the Commission's delegations is shown in the flowchart below:



For the LDAP to be able to undertake the Commission's powers as a relevant authority in relation to the assessment of applications for land division, the Commission additionally needs to delegate its development assessment functions to the LDAP. The LDAP would then need to subdelegate to staff within the Department.

Given the powers and functions that the LDAP would be subdelegating to the Department are already in place for SCAP, it is recommended that the sub delegations for SCAP be removed, and the Commission revert to delegating those powers and functions to SCAP, LDAP and the Department directly to avoid the maintenance and review of multiple instruments that delegate the same powers and functions. The SCAP Delegations Policy would remain in place to manage the powers and functions that would be exercised by SCAP and those that would be exercised by the Department.

A draft instrument of Delegation has been included at **Attachment 4** for the Commission's consideration. The proposed key amendments to the Instrument include:

- The inclusion of LDAP to be able to undertake the Commission's powers as a relevant authority in relation to the assessment of applications for land division.
- Incorporating the sub delegations that currently exist from SCAP to the Department, to be delegated directly from the Commission.
- Amendments to 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.
- Clarifying the current limitation that allows the Department to finalise the report provided to the Environment, Resources and Development Committee following the adoption of an amendment to the Planning and Design Code.
- Incorporation of the existing delegations under the *Roads (Opening and Closing Act) 1991* that currently exist in a standalone Instrument into this Instrument.

It is recommended that the Commission approve the draft instrument of delegation (**Attachment 4**), with the Instrument to be effective from the date of signing by the Chair.

Further, it is recommended that the Commission 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. This allows the Department to ensure that the Instrument of Delegation accurately reflects PLUS' structure and reporting lines.

Letter to Minister

It is recommended that the Commission approve and authorise the Chair of the Commission to sign the letter to the Minister for Planning at **Attachment 5**, advising that the remaining members of the LDAP have been appointed, the Practice and Operating Directions have been finalised, and that the LDAP will be able to commence assessing applications from March 2025 onwards.

Attachments:

1. Draft Letter to proposed LDAP Member (#22658216).
2. Draft Terms and Conditions of Appointment – Members – LDAP (#22670313).
3. Draft LDAP Practice and Operating Directions (#22366965).
4. Draft LDAP Delegations (#22601649).
5. Draft Letter from SPC Chair to the Minister for Planning (#22668316).

Appendices:

- A. CV – Ms Kate Vugts (#22739960).
- B. CV – Mr Chris Branford (#22739953).
- C. CV – Ms Emma Herriman (#22740320).
- D. CV – Mr David Kwong (#22745544).
- E. CV – Ms Cindy Oliver (#22740371).
- F. CV – Ms Melissa Mellen (#22751919).

Prepared by: Joel Grieger

Endorsed by: Ben Sieben and Andy Humphries

Date: 31 January 2025

22658216



STATE
PLANNING
COMMISSION

Level 10
83 Pirie Street
Adelaide SA 5000

GPO Box 1815
Adelaide SA 5001

1800 752 664
saplanningcommission@sa.gov.au

20 February 2025

By email: [REDACTED]

Dear [REDACTED]

The State Government announced the establishment of a Land Division Assessment Panel (LDAP) as part of the Housing Roadmap on 25 June 2024. The LDAP is established as a committee of the State Planning Commission (the Commission) under section 29(1) of the *Planning, Development and Infrastructure Act 2016*.

I am pleased to advise the Commission approved your appointment as an inaugural Member of LDAP for a period of three years, commencing on 1 March 2025 and concluding on 29 February 2028.

I encourage you to familiarise yourself with the obligations under the 'Code of Ethics for the South Australian Public Sector', which can be accessed via the following link:

https://www.publicsector.sa.gov.au/data/assets/pdf_file/0017/218141/Code-of-Ethics.pdf.

Please find enclosed the Terms and Conditions of Appointment, constituting the agreement for your appointment as a Member of the LDAP. It would be appreciated if you could please complete this document and return to Kate Southcott via email Kate.Southcott2@sa.gov.au at your earliest convenience.

I would like to congratulate you on your appointment and thank you for your assistance in this important work.

Yours sincerely

Craig Holden
Chair

Enc Terms and Conditions of Appointment
 State Planning Commission (SPC) – Land Division Assessment Panel — draft 'Practice and Operating Procedures'

Land Division Assessment Panel (LDAP)

Practice and Operating Directions

Preamble

The State Planning Commission (Commission) established the Land Division Assessment Panel (LDAP) as a committee, pursuant to section 29(1)(a) of the *Planning, Development and Infrastructure Act 2016* (the PDI Act).

These Practice and Operating Directions to be observed in relation to the conduct of the LDAP business are determined by the Commission pursuant to section 29(3)(a) of the Act.

Objective

1. The objectives of the LDAP are to:

- 1.1. Undertake land division assessment functions, powers and duties of the Commission, as required by the PDI Act, as delegated to the LDAP by Instrument of Delegation from the Commission.

Principles

2. The LDAP will support the Commission by:

- 2.1. Working with purpose and collaboratively to achieve good decisions.
- 2.2. Creating an environment where all Members can participate in honest, open and robust discussions.
- 2.3. Acting with integrity and providing informed and considered advice.
- 2.4. Being professional on all fronts, including in the respectful recognition of differing views and opinions.
- 2.5. Recognising that communication, information sharing and consultation are the keys to facilitating effective cooperation and a spirit of trust.
- 2.6. Providing regular updates to the Commission.

Membership

3. LDAP Composition

- 3.1. The Commission will appoint the Chair and up to five ordinary Members to the LDAP. The Commission will, in appointing the members of the LDAP, seek to ensure that, as far as is practicable, the members of the LDAP collectively have qualifications, knowledge, expertise and experience in the following areas:
 - 3.1.1. Urban and regional planning or a related discipline;
 - 3.1.2. Building and engineering;
 - 3.1.3. Public administration, including state and local government;
 - 3.1.4. Urban or regional development, commerce or industry;
 - 3.1.5. Environmental conservation or management, or the management of natural resources;
 - 3.1.6. The provision of facilities for the benefit of the community;
 - 3.1.7. Urban design, building design or landscape design.
- 3.2. Each Member appointed to the LDAP must be accredited under the PDI Act as an Accredited Professional Level 2 – Planning to ensure they have expertise relevant to land division assessment.
- 3.3. Each Member will be appointed for a term not exceeding three years, and on conditions determined by the Commission. On the expiration of a term of appointment, Members may be eligible for reappointment as determined by the Commission.
- 3.4. Membership must, as far as practicable, comprise equal numbers of women and men.
- 3.5. An act or proceeding of the LDAP is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

4. Occasional Members appointed to the LDAP

- 4.1. From time to time, the Commission may appoint members, selected from a list of occasional members established by the Commission, for a specified period or purpose including to supplement the membership of the LDAP, to meet quorum requirements and/or to provide specialist expertise in the consideration of particular matters referred to the LDAP.

5. Commission Members appointed to LDAP

- 5.1. Section 29(2) provides that the LDAP may, but need not, consist of or include members of the Commission.
- 5.2. Commission members appointed to the LDAP must have relevant land division assessment expertise.

6. Remuneration

- 6.1. Appointed Members of the LDAP are entitled to fees, allowances and expenses in accordance with the Department of the Premier and Cabinet *Circular PC 016 – Remuneration for Government Appointed Part-Time Boards and Committees*, and the *Boards and Committees – Remuneration Framework*.

Responsibilities

7. Conduct of Members

- 7.1. The members of the LDAP are bound by the Minister's Code of Conduct for Assessment Panel Members at **Appendix A**.
- 7.2. Members will not conduct private business matters during the course of the formal meeting.
- 7.3. Members will devote the time and attention as necessary to diligently carry out their duties.
- 7.4. Members will attend a minimum of 75 per cent of scheduled meetings. If a members attendance drops below 75 per cent within a 12 month period, a review of their ongoing role will be conducted.

8. Conflict of Interest

- 8.1. LDAP Members must, within 60 days of appointment, submit a Primary Return identifying any financial or other interests as required by the *Planning, Development and Infrastructure (General) Regulations 2017* (the Regulations).
- 8.2. LDAP Members must, within 60 days of 30 June annually, submit an Ordinary Return identifying any financial or other interests as required by the Regulations.
- 8.3. LDAP Members must, as soon as they become 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, LDAP and the LDAP Secretariat.
- 8.4. If a Member declares a conflict of interest, that Member must not take part in any hearings conducted by the LDAP, or in any deliberations or decision of the LDAP, on the matter and must be absent from the meeting when any deliberations are taking place or a decision is being made.
- 8.5. If a conflict of interest has been declared by a LDAP Member, the general nature of the interest must be recorded in the minutes.

9. Public Officer Responsibilities

- 9.1. In accordance with the *Independent Commission Against Corruption Act 2012*, members of the LDAP are classified as 'public officers' because they are a person to whom a function or power of a public authority or a public officer is delegated in accordance with an Act.

- 9.2. In accordance with the OPI: Directions and Guidelines for Public Officers, all LDAP members have an obligation to report a matter that is reasonably suspected of involving corruption in public administration to the OPI. The process for reporting such a matter to the OPI is outlined in the Directions and Guidelines document on the OPI website at www.publicintegrity.sa.gov.au.
- 9.3. In accordance with Ombudsman SA: Directions and Guidelines for Public Officers, LDAP members may report a matter that is reasonably suspected of involving misconduct or maladministration in public administration to Ombudsman SA. The process for reporting such a matter to Ombudsman SA is outlined in the Directions and Guidelines document on the Ombudsman SA website at www.ombudsmansa.gov.au.

Helpful Reference: www.icac.sa.gov.au/opi/reporting-obligations

10. Confidentiality

- 10.1. LDAP Members must ensure that any confidential information remains confidential and is not disclosed improperly to others.
- 10.2. The LDAP decision making process includes an allocation of time to allow for honest, open and robust debate of applications and associated impact issues. This will occur in confidence in order to achieve the environment stated in item 2.2 of this document.
- 10.3. LDAP Members must not disclose any information relating to deliberations and/or advice considered by the LDAP.

11. Media

- 11.1. All media enquiries should be directed to the Department's Media team who will coordinate the preparation and provision of all responses to media outlets. Individual LDAP Members and associated department staff will not provide direct advice to media outlets if approached personally.
- 11.2. The use of electronic recording devices is not permitted in meetings in order to maintain a respectful and non-threatening environment for those providing verbal submissions.
- 11.3. Requests for live or pre-recorded interviews with LDAP Members will not be permitted unless authorised by the Chair of the Commission.

12. Website

- 12.1. The LDAP website is linked from the Commission website.
- 12.2. The website and its content are managed by Department staff on behalf of the LDAP.
- 12.3. The website provides the following information:
- the role and function of the LDAP;
 - background and qualifications of the LDAP Members;
 - applications on public notification;
 - details of Hearings of Verbal Representations;

- agendas and minutes of LDAP meetings;
- contact and address details for the LDAP Secretariat; and
- links to other relevant websites and resources.

13. Department Services

- 13.1. The Department will support the LDAP in accordance with a Service Level Agreement between the Commission and the Department. In general, this will include the following:
 - 13.1.1. Provision of professional, independent planning advice including the provision of assessment reports and recommendations;
 - 13.1.2. Facilitation of the provision of related professional and technical advice to the LDAP as required;
 - 13.1.3. The provision of a suitable venue to accommodate hearings of verbal representations and for the purpose of general meetings;
 - 13.1.4. Provision of administrative support through the LDAP Secretariat;
 - 13.1.5. Provision of appropriate electronic equipment, a suitable email address and software for accessing LDAP agendas and documentation;
 - 13.1.6. Provision of agenda material in electronic form and printed as required;
 - 13.1.7. Maintenance of a register of all applications accessible to Members and the public;
 - 13.1.8. Reporting on Development Applications assessed by the LDAP;
 - 13.1.9. Reporting on the use of delegations by the LDAP;
 - 13.1.10. Provision of a written response to policy or legislative issues raised by the LDAP with the Commission;
 - 13.1.11. Facilitate the provision of legislative or legal advice as it relates to the development assessment function;
 - 13.1.12. Reporting on appeals that are or have been active during the reporting period;
 - 13.1.13. Reporting on enforcement proceedings that are or have been active during the reporting period;
 - 13.1.14. Reporting on all Ministerial decisions in relation to Crown Development or Public Infrastructure applications made during the reporting period.

Meetings & Proceedings

14. Meeting Schedule

- 14.1. Meetings of the LDAP will be held as required.
- 14.2. When required, meetings and/or site inspections may need to be held in a regional location and could require an overnight stay. The arrangements for these will be negotiated as far ahead as practical with LDAP Members.
- 14.3. Where possible, Members will provide advance notice (at least 10 business days) of a Member's inability to attend a meeting or function of the LDAP.
- 14.4. The LDAP will work with the Commission and the Department to ensure that sufficient Members are available for a meeting to form quorum for the purpose of making a decision. Where a quorum cannot be achieved, that item or meeting will be cancelled and rescheduled.

15. Site Visits

- 15.1. Where practical, members will endeavour to view the site of the development prior to the meeting, bearing in mind they cannot engage in any communication or trespass.
- 15.2. Where group site inspections are to be undertaken, these will be pre-arranged in consultation with the LDAP Members and Department staff.

16. Agendas and supporting documentation

- 16.1. All LDAP business will be conducted on secure government emails to support confidentiality and the provisions of the *State Records Act 1997* and *Freedom of Information Act 1991*. All agenda information, supporting documentation and correspondence will be provided to Members via the secure email account provided by the Department.
- 16.2. Notice of meeting dates, times and venue, and a copy of the meeting agenda and any associated papers for prior reading will be distributed to LDAP Members five working days prior to the next scheduled meeting.
- 16.3. Meeting agendas will be prepared in a form agreed to by the Chair, LDAP and the LDAP Secretariat and will be made available on the LDAP website 4 business days prior to the meeting.
- 16.4. Agenda item materials issued by the Department will contain the staff report and recommendation, all supporting application documentation, written public representations, Agency comments and advice, and applicant responses.
- 16.5. LDAP Members are required to read the relevant agenda item materials prior to meetings to ensure they are suitably informed and able to participate in the discussion and decision-making process.

17. General Proceedings

- 17.1. The LDAP may conduct meetings (including public hearings) online or by telephone or audio-visual equipment provided members have prior notice and agree with the arrangements. Any such meetings may occur notwithstanding the clauses of these Practice & Operating Directions where in-person meetings are implied. In addition, any clauses in these Practice & Operating Directions where in-person meetings are implied will be read as permitting meetings conducted online or by telephone or audio-visual equipment.
- 17.2. The Chair, LDAP will preside over meetings of the LDAP. In the absence of the Chair, LDAP, another member of the LDAP will be chosen by those members present to preside over the meeting.
- 17.3. A quorum of the LDAP will be 3 members (and no business may be transacted at a meeting of the LDAP unless a quorum is present). For the purpose of quorum, LDAP members include the Chair, LDAP, Ordinary Members and any Deputies appointed to a particular meeting or item.
- 17.4. Each member has one vote, and the Chair, LDAP has a casting vote, if required to address an even vote.
- 17.5. Meetings will generally commence at 9.00am and finish no later than 5.00pm, if a full day is required. The precise timeframe of meetings will be determined by the meeting agenda to ensure all business is able to be conducted on the scheduled meeting day.
- 17.6. The Chair, LDAP 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 LDAP.
- 17.7. Motions may be put informally at the discretion of the Chair, LDAP, so long as they are clearly communicated to all members present.
- 17.8. The Chair, LDAP will allow any LDAP Member to ask relevant questions of any person appearing before it, and may refuse to allow any questions, comment or debate that in his/her opinion is not relevant to the subject matter or beyond the scope of the decision.
- 17.9. Unless otherwise resolved by the LDAP, all parties, other than Departmental Assessment staff, will be required to leave the meeting before the LDAP's final deliberations.

18. Order of Business

- 18.1. The meeting will be run in accordance with the running sheet. Items will be addressed at times specified on the running sheet as far as is reasonably practicable.

19. Minutes

- 19.1. Minutes of meetings will be kept and prepared in a form agreed to by the Chair, LDAP and the LDAP Secretariat.
- 19.2. As decisions of the LDAP are carried by the majority of votes cast, the minutes will only record the decision and not the votes for or against, as these are irrelevant once the majority is determined.
- 19.3. LDAP meeting minutes will record:
 - 19.3.1. The names of the LDAP members present;
 - 19.3.2. Any apologies received from LDAP members;
 - 19.3.3. The names of all Department staff in attendance;
 - 19.3.4. The name of all persons appearing before the LDAP;
 - 19.3.5. The decision of the LDAP in relation to all matters before it;
 - 19.3.6. If an application is approved, a short explanation as to why it was approved, and relevant reserved matters and conditions;
 - 19.3.7. If an application is refused, the reasons for refusal;
 - 19.3.8. If an application is deferred, the reasons for deferral;
 - 19.3.9. Any disclosure of interest made by a member of the LDAP or Department staff.
- 19.4. Minutes of the meeting will be finalised at the end of the meeting and will be made available on the LDAP website by midday the following business day.

20. Advisory Agendas and Minutes

- 20.1. There are a number of matters for which the LDAP is not the decision maker and there are some circumstances where matters need to be discussed in confidence due to legal proceedings. Therefore, in addition to the standard meeting agenda and minutes above, separate meeting agendas and minutes will be prepared and kept for the following:
 - 20.1.1. Matters such as (but not limited to) legal advice, consideration of compromise proposals arising from court appeals, other court matters, internal staff briefings and compliance or enforcement matters.
- 20.2. Advisory Agendas and Minutes will follow the same format and processes as the standard meeting agendas and minutes, where relevant.

Attendance at Meetings

21. General

- 21.1. LDAP meetings (with the exception of LDAP deliberations and the items listed at 20.1 of this document) are open to members of the public and the media to attend.

- 21.2. Third party representors who have expressed a desire to be heard will be heard at a “Hearing of Verbal Representations”, as required by the PDI Act and the LDAP Practice and Operating Directions. This is described in more detail in the Section “Hearing of Verbal Representations”.
- 21.3. Government Agencies and Councils who have provided a written representation or referral response and expressed a desire to be heard will also be given an opportunity to be heard at the Hearing.
- 21.4. In relation to development that is classified by the Planning and Design Code as restricted development, third party representors will be heard as required by section 110(3) of the PDI Act.
- 21.5. Government Agency and Council representatives may be invited by the LDAP to attend a meeting to provide technical advice.
- 21.6. Other specialist advice may be sought by the LDAP and those individuals may also be invited by the LDAP to attend a meeting to provide specialist advice.
- 21.7. The LDAP can provide a telephone or online audio-visual link for applicants, representors, Councils, and agencies in regional areas.
- 21.8. Members, staff, and visitors will not use mobile phones during the meeting.
- 21.9. The Chair, LDAP may ask any person attending a meeting of the LDAP, who is behaving in a disorderly manner or otherwise causing a disruption, to leave the meeting.

22. Applicants

- 22.1. The LDAP provides the opportunity for applicants to attend the meeting, even when there are no representors to be heard. Applicants may appoint a representative to attend a meeting with suitable authority to speak on their behalf.
- 22.2. Applicants may make verbal and visual representations to assist with the decision-making process. Such presentations will be no more than 10 minutes.
- 22.3. Presentations must be confined to addressing matters relevant to the specific application and the development assessment decision making task.
- 22.4. Applicants are advised to bring relevant technical team members as appropriate.
- 22.5. The Chair, LDAP may agree to allocate additional time for presentations provided that there is a sound justification that the information to be provided will assist the decision making process.

Hearing of Verbal Representations

23. Hearing of Verbal Representations

- 23.1. The primary purpose of hearing a verbal representation is for the representor to be heard by the LDAP in support of their representation. This requires the attendance of the representor (or their nominated representative) to enable two-way communication.

- 23.2. The hearing is not for a debate between representors and the applicant.
- 23.3. When a representor is advised of a hearing, it is essential that every effort is made to notify the LDAP of attendance as soon as possible, and prior to the nominated date. This enables the LDAP to allocate sufficient time to hear the verbal representations. Representors may make their submissions via a phone, video, or web link; however, this must be arranged in advance.
- 23.4. Only the person who made the written submission can speak at a hearing, unless a representative of this person has been nominated to attend and speak at the hearing. This nomination must be made by the valid representor, in writing and prior to the hearing.
- 23.5. Pre-recorded verbal submissions will not be accepted.
- 23.6. Verbal submissions of representors must be limited to no more than 5 minutes and relevant visual representations may be provided. It is recommended that representors highlight those issues of greatest concern and are encouraged to elaborate on issues or raise new issues, rather than re-read their written submissions.
- 23.7. The Chair, LDAP will allow any LDAP Member to ask relevant questions of any person appearing before it, and may refuse to allow any questions, comment or debate that in their opinion is not relevant to the subject matter or beyond the scope of the decision.
- 23.8. The Hearing will generally be conducted in the following way:
- 23.8.1. An outline of the project context and philosophy will be provided by the applicant, particularly highlighting updates and changes made in response to public and agency comments (maximum 10 minutes);
 - 23.8.2. Individual hearing of representors (maximum 5 minutes per presentation);
 - 23.8.3. LDAP Members may ask questions of representors at the end of their presentation;
 - 23.8.4. Hearing from State Agencies and Council (as appropriate) (maximum 5 minutes per presentation);
 - 23.8.5. LDAP Members may ask questions of the Agencies/Council at the end of their presentation;
 - 23.8.6. Applicant's response (as required to respond to the issues raised);
 - 23.8.7. LDAP Members may ask questions of the applicant at the end of their response;
- 23.9. Hearings generally commence on time. Members of the public and media who attend to observe hearings will not be admitted to a meeting if they arrive more than 5 minutes after the commencement of the meeting to avoid disruption and distraction for representors.

24. Attendance at the Hearing of Verbal Representations by members of the public and the Media

- 24.1. Members of the public, including journalists, must arrive at the nominated time of the agenda item they wish to attend.
- 24.2. The Chair, LDAP will endeavour to create an environment conducive to the respectful sharing of information. This will include:
 - 24.2.1. All information and interactions being directed to the LDAP Members;
 - 24.2.2. Respectful verbal interactions between all parties;
 - 24.2.3. Avoiding an intimidating environment for representors (electronic recording of verbal submissions will not be permitted);
 - 24.2.4. Addressing any inappropriate interaction between representors, applicants, members of the public and media.
- 24.3. Unless otherwise directed, Members of the public and media who attend LDAP meetings should:
 - 24.3.1. Sit in the seating towards the rear of the meeting room.
 - 24.3.2. Enter and leave quietly.
 - 24.3.3. Avoid talking and eating.
 - 24.3.4. Turn mobile phones on silent mode and any other electronic equipment (no recording devices are allowed).

25. Security Procedures at the Hearings of Verbal Representations

- 25.1. A security guard may be employed for LDAP meetings on a case-by-case basis determined by the Manager, Development Assessment and Chair, LDAP.
- 25.2. Information regarding attendance at LDAP meetings is available on the SA Planning Commission website.
- 25.3. The Chair, LDAP will be provided a copy of the attendance sheet with the names of all visitors attending the meeting, and at the commencement of each agenda item will outline the requirements and obligations of those attending.
- 25.4. If a visitor of a meeting becomes disruptive or behaves inappropriately in any way:
 - 25.4.1. The Chair, LDAP will pause the meeting and give one verbal warning to the person to stop the behaviour or they will be asked to leave the meeting.
 - 25.4.2. If a person continues to disrupt the meeting, the Chair LDAP will immediately adjourn the meeting and all LDAP Members will vacate the room.
 - 25.4.3. If, in the opinion of the most senior staff member at the meeting, that the behaviour warrants police intervention, the staff member will contact the police for immediate assistance.

Review

26. These Practice and Operating Directions will be reviewed:

- 26.1. By the Chair, LDAP in consultation with the LDAP Members and the Commission, following the appointment of a new Chair, LDAP or every two years (whichever occurs first).

27. Terms

Commission	State Planning Commission
Department	Department for Housing and Urban Development
Minister	Minister for Planning
LDAP	Land Division Assessment Panel

Adopted by the State Planning Commission on 20 February 2025



.....
Date: 20 / 02 / 2025

Chair, State Planning Commission

APPENDIX A – Minister’s Code of Conduct for Assessment Panel Members (#17543498)

APPENDIX A:

Minister's Code of Conduct for Assessment Panel Members

Assessment Panel Members – Code of Conduct

Introduction

Under Schedule 3 of the *Planning, Development and Infrastructure Act 2016* (PDI Act) the Minister may adopt a code of conduct to be observed by members of an assessment panel established under the PDI Act. This code of conduct sets out standards of conduct and professionalism that are to be observed by all members of assessment panels under the PDI Act. This code of conduct must be read in conjunction with the Act.

For the purposes of the PDI Act, a key requirement is that all members of assessment panels must carry out, and be seen to carry out, their functions with the highest ethical standards so as to maintain public confidence in the integrity of development assessment under the Act.

The code is the key tool to ensure that all members of assessment panels act honestly and ethically with a high degree of accountability. If a member of an assessment panel has any doubt in regard to any function they may perform under the Act they should seek the advice of the panel's assessment manager or some other appropriate person.

While some members of an assessment panel may also be bound by other codes of conduct or professional standards issued by their respective professional associations, they have no legal status under the Act. If there is a conflict between a requirement in this code of conduct and any other professional code or standard, this code prevails for the purposes of the Act.

Legislative framework

Under section 15 of the PDI Act, all members of assessment panels are subject to a statutory duty as described in the section as follows:

- (1) *It is expected that a person or body that—*
- (a) *seeks to obtain an authorisation under this Act; or*
 - (b) *performs, exercises or discharges a function, power or duty under this Act; or*
 - (c) *takes the benefit of this Act or is otherwise involved in a process provided by this Act, will—*
 - (d) *act in a cooperative and constructive way; and*
 - (e) *be honest and open in interacting with other entities under this Act; and*
 - (f) *be prepared to find reasonable solutions to issues that affect other interested parties or third parties.*

- (2) *Without limiting subsection (1), a person or body performing, exercising or discharging a function, power or duty under this Act must-*
- (a) *exercise professional care and diligence; and*
 - (b) *act honestly and in an impartial manner; and*
 - (c) *be responsible and accountable in its conduct; and*
 - (d) *comply with any code of conduct, service benchmark or other requirement that applies in relation to the person or body.*
- (3) *The Minister may, after taking into account the advice of the Commission, establish and maintain service benchmarks for the purposes of this section.*
- (4) *The principles and benchmarks under this section— (a) do not give rise to substantive rights or liabilities; but (b) may lead to action being taken on account of a breach of a code of conduct or professional standard that applies in relation to a relevant person or body.*

Code of conduct requirements

In acting as a member of an assessment panel, a member must comply with the following requirements.

General duties

1. A member of an assessment panel must in performing, exercising or discharging a function, power or duty under the PDI Act, act in accordance with the general duties as set out in section 15 of the PDI Act.

Act in the public interest

2. A member of an assessment panel must act in a manner that promotes or protects the public interest.

Procedures

3. A member of an assessment panel must ensure that the procedures specified in the Act or prescribed in the *Planning Development and Infrastructure (General) Regulations 2017* are complied with.
4. A member of an assessment panel must comply with the panel procedures in relation to public comments and communication with the media

Regard for honesty

5. A member of an assessment panel must act with integrity, good faith and equity and must not discriminate toward any person in performing their duties.
6. A member of an assessment panel must advise the assessment manager and the Commission immediately if the member:
 - a. is the subject of a formal investigation into, or have been found to have, breached any other code of conduct, ethical standards or similar, either in another State or through a professional body of which they are a member; or
 - b. has been found guilty of a breach of any Act related to planning, building or a development related matter.

Conflict of interest

7. A member of an assessment panel who has a direct or indirect personal or pecuniary interest in a matter before the council development assessment panel (other than an indirect interest that exists in common with a substantial class of persons)—
 - a. must, as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the panel; and
 - b. must not take part in any hearings conducted by the panel, or in any deliberations or decision of the panel, on the matter and must be absent from the meeting when any deliberations are taking place or decision is being made.
8. A member of an assessment panel will be taken to have an interest in a matter for the purposes of item 7 if an associate of the member (within the meaning of section 3 (7) of the PDI Act) has an interest in the matter.
9. If an interest has been declared by a member of an assessment panel the nature of the interest must be recorded in the minutes of the meeting.

Making decisions and taking action

10. A member of an assessment panel must take all reasonable steps to obtain all relevant facts and information when making a decision on a matter before the panel.
11. A member of an assessment panel must ensure that the member's decisions and actions are reasonable, fair and appropriate to the circumstances, based on consideration of all relevant facts obtained, and supported by adequate documentation.
12. A member of an assessment panel must not approach or discuss with an applicant or representor any application which is either before the panel or will come before the panel at some future time expect during the course of a panel meeting where the application forms part of the agenda and the applicant or representor has a right to be heard by the panel.
13. Except where required as part of the assessment of a particular decision such as a formal panel viewing of a site of a proposed development, you should not enter the site even if invited by the land owner or a neighbouring property owner or any other person.
14. A member of an assessment panel must not:
 - a. engage in consultation outside of the panel process with any party on a proposed development application that is likely to be heard by the panel;
 - b. give advice to an applicant or other third party on a development application after it has been lodged outside of a panel meeting;
 - c. speak at a public meeting for or against a proposal where the purpose of the meeting is to discuss either a proposed development or a development application unless required by the Act;
 - d. express an opinion on a development application or a proposed development outside of a panel meeting; and
 - e. engage in any other act or omission which may give rise to a reasonable presumption that you have prejudged a development proposal or application.

Public comment

15. Only the presiding member or another person determined by the panel is permitted to speak publicly to the media and address the public on behalf of the panel. No other panel member may make comment to the media or the public in relation to any matter before the panel or any decision of the panel.

Protection and use of information

16. A member of an assessment panel must maintain the integrity and security of confidential information in their possession and must not use confidential information gained by virtue of the member's official position for the purpose of securing a private benefit for the member or any other person.
17. A member of an assessment panel must not disclose information acquired in the course of their professional work other than if consent of the relevant person has been granted or where there is a legal or professional duty to disclose such information.

Proper exercise of power

18. A member of an assessment panel must not take advantage of the member's position, power or duties for the purpose of obtaining, either directly or indirectly, any preferential treatment or other improper advantage for the member or any other person.

Gifts and benefits

19. A member of an assessment panel must not seek or accept a gift or benefit that is intended to, is likely to or could be perceived as likely to, cause them to act in an unfair or biased manner in the course of the member's duties.
20. A member of an assessment panel must take all reasonable steps to ensure that a person related to the member does not receive gifts or benefits that could appear to be an attempt to influence or secure or have the effect of influencing or securing a favour from the member of an assessment panel. A person is related to a member of an assessment panel for the purpose of this provision if the person is spouse, de facto partner, sibling, parent or child of the member of the assessment panel.

Bias

21. A member of an assessment panel should always have regard to any affiliation, disposition or any material, pecuniary or other interest that would lead to a reasonable apprehension that they may be biased in carrying out any aspect of their role under the Act.

22668316



Level 10
83 Pirie Street
Adelaide SA 5000

GPO Box 1815
Adelaide SA 5001

1800 752 664
saplanningcommission@sa.gov.au

20 February 2025

The Hon Nick Champion MP
Minister for Planning

By email: [REDACTED]

Dear Minister

Update on the Land Division Assessment Panel

I am pleased to provide a further update on the Land Division Assessment Panel, announced as part of the Housing Roadmap on 25 June 2024.

Pursuant to section 29(1)(a) of the *Planning, Development and Infrastructure Act 2016*, the State Planning Commission (the Commission) established the Land Division Assessment Panel (LDAP) on 5 December 2024, with Mr John Stimson appointed as the inaugural Chair of the LDAP.

On 30 January 2025, the Commission resolved to appoint the following remaining members of the LDAP:

- Ms Kate Vugts;
- Mr Chris Brandford;
- Ms Emma Herriman;
- Mr David Kwong;
- Ms Cindy Oliver; and
- Ms Melissa Mellen

The Commission has also now finalised and approved the LDAP's Practice and Operating Directions, as well as the necessary delegation to the LDAP of the Commission's power as a relevant authority in relation to the assessment of applications for land division.

I can confirm that the LDAP is now ready to commence assessing applications for land division against existing council requirements in March 2025.

Yours sincerely

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

Craig Holden
Chair