

CITY OF WEST TORRENS



Notice of Panel Meeting

Notice is Hereby Given that a Meeting of the

COUNCIL ASSESSMENT PANEL

will be held in the George Robertson Room, Civic Centre
165 Sir Donald Bradman Drive, Hilton

on

WEDNESDAY, 20 JANUARY 2021
at 5.00pm

Hannah Bateman
Assessment Manager

City of West Torrens Disclaimer

Council Assessment Panel

Please note that the contents of this Council Assessment Panel Agenda have yet to be considered and deliberated by the Council Assessment Panel therefore the recommendations may be adjusted or changed by the Council Assessment Panel in the process of making the formal Council Assessment Panel decision.

Note: The plans contained in this Agenda are subject to copyright and should not be copied without authorisation.

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1 MEETING OPENED**1.1 Evacuation Procedures****2 PRESENT****3 APOLOGIES****4 CONFIRMATION OF MINUTES****RECOMMENDATION**

That the Minutes of the meeting of the Special Council Assessment Panel held on 16 December 2020 be confirmed as a true and correct record.

5 DISCLOSURE STATEMENTS

In accordance with section 7 of the *Assessment Panel Members – Code of Conduct* the following information should be considered by Council Assessment Panel members prior to a meeting:

A member of a Council Assessment Panel who has a direct or indirect personal or pecuniary interest in a matter before the Council 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.

If an interest has been declared by any member of the panel, the Assessment Manager will record the nature of the interest in the minutes of meeting.

6 REPORTS OF THE ASSESSMENT MANAGER

6.1 Appointment of Deputy Presiding Member

Brief

This report seeks the appointment of the Deputy Presiding Member to the Council Assessment Panel.

RECOMMENDATION

It is recommended to the Council Assessment Panel that it appoints as its Deputy Presiding Member pursuant to Section 83(1)(b)(vi) of the *Planning, Development and Infrastructure Act 2016* for the period 20 January 2021 to 31 December 2022.

Introduction

At its 8 December 2020 meeting, pursuant to the requirements of the *Planning, Development and Infrastructure Act 2016* (the Act), Council established its Council Assessment Panel (CAP) for the period 1 January 2021 to 31 December 2022.

Consequently, this report seeks the appointment of the Deputy Presiding Member of the CAP.

Discussion

Section 83(1)(b)(vi) of the Act requires Council to determine the procedures for appointing a Deputy Presiding Member of the CAP to act in the absence of the Presiding Member. There is no restriction on which member of the CAP can be appointed as the Deputy Presiding Member.

The CAP's Terms of Reference, approved by the Council, requires the CAP to appoint its Deputy Presiding Member at its first meeting.

The CAP's Terms of Reference provide for situations in which neither the Presiding Member nor Deputy Presiding Member are in attendance at the commencement of a meeting. In these circumstances the Assessment Manager is to open the meeting and the present CAP members nominate a Presiding Member for the meeting from the members present.

Conclusion

The Council Assessment Panel is required to appoint a Deputy Presiding Member at its first meeting.

Attachments

Nil

6.2 4 Wood Street, KURRALTA PARK

Application No 211/394/2020

Appearing before the Panel will be:

Representor: **Carlo Cocci** on behalf of Carmela Cocci of 6 Wood Street, Kurralta Park wishes to appear in support of the representation.

Michael Underwood of 37A Mortimer Street, Kurralta Park wishes to appear in support of the representation.

Applicant: **Adam Williams** from Access Planning on behalf of the applicant, Ms Wei Chao, wishes to appear in response to the representations.

DEVELOPMENT APPLICATION DETAILS

DESCRIPTION OF DEVELOPMENT	Combined Land division - Community Title; SCAP No. 211/C038/20; Create four (4) additional allotments and common property; and construction of a two-storey residential flat building comprising five (5) dwellings, alfresco and fencing and retaining combined to a maximum total height of 3.0 metres
APPLICANT	Ms Wei Chao
LODGEMENT DATE	19 May 2020
ZONE	Residential Zone
POLICY AREA	Medium Density Policy Area 18
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 2
REFERRALS	Internal <ul style="list-style-type: none"> City Assets External <ul style="list-style-type: none"> State Commission Assessment Panel (SCAP) South Australian Water Corporation (SA Water)
DEVELOPMENT PLAN VERSION	Consolidated 7 May 2020
DELEGATION	<ul style="list-style-type: none"> The relevant application is for a merit, Category 2 or Category 3 form of development, representations have been received and one or more representors wish to be heard on their representation.
RECOMMENDATION	Support with conditions
AUTHOR	Sonia Gallarello

BACKGROUND

This application was initially lodged with a design that had the driveway positioned on the northern side of the allotment. It was recommended that the driveway switch to the southern side of the allotment for an improvement in the design to achieve private open space oriented to the north and lesser impact on the adjacent southern dwellings.

There were also concerns raised about the proximity of the driveway to the existing stobie pole and Telstra pit. Written advice from Decon Technologies, who act on behalf of Telstra, has confirmed that the lid can be made trafficable and therefore the crossover can be located over the lid. There is also sufficient distance from the stobie pole to the proposed crossover on the southern side.

SUBJECT LAND AND LOCALITY

The subject land is formally described as Allotment 73 in Deposited Plan 1983 in the area named Kurralta Park, Hundred of Adelaide, Volume 5741, Folio 583, more commonly known as 4 Wood Street, Kurralta Park. The subject site is rectangular in shape with an 18.3 metre (m) wide frontage to Wood Street and a site area of 903 square metres (m²).

The site currently contains a neatly preserved single storey dwelling with a stone front and tudor style front entrance, a red tiled roof and a more recent addition to the rear. In the front yard there is a low cream picket fence with a large portion obscured with an informal hedge and a neatly presented garden behind this. There is a carport with roller door attached to the northern side of the dwelling and singular concrete covered driveway and crossover on the northern side of the subject land with a number of outbuildings to the rear.

It is noted that there are no encumbrances or Land Management Agreements on the Certificate of Title.

The site has approximately a half metre fall towards the rear. There are no regulated trees on the subject site, however a significant tree on the land at 9 Daly Street is close to the rear of the subject development and is taken into consideration in the assessment of this development.

The locality is bound by an area from Anzac Highway, to include the Kurralta Park shopping centre and including dwellings within the southern end of Daly Street and Wood Street and a small section of Mortimer Street. The locality north of Mortimer Street consists of a mix of residential development in terms of density, for example Wood Street contains a large number of allotments of around 900m² and rectangular in shape. The locality, including along Wood Street, has experienced relatively recent change (within 10 years) with a fairly high degree of medium density developments now evident, similar to the development being proposed and subdivisions of one allotment into two. This is evident along Gray Street, Daly Street, Wood Street and Warwick Street.

In this locality, the opposite side of Mortimer Street is zoned District Centre Zone and contains the Kurralta Park shopping centre consisting of a supermarket, discount department store, motor repair station and specialty shops including takeaway and restaurant food premises that serves a wider population. The rear of the shopping centre faces Mortimer Street and is 25m from the subject land.

Anzac Highway, a primary arterial road, is 145m to the south of the subject land and has a high volume of traffic and frequent public transport.

The amenity of the locality is considered moderate with a number of well-preserved dwellings with traditional materials such as stone fronts, use of pre-coloured sheet metal and render ranging from 1920's to 1950's construction and located on large allotments. The setbacks of the dwellings are generous with established lawn and mature plantings around the dwellings. It is evident that in the past 10 years there have been quite a number of two storey residential flat buildings and smaller dwellings replacing older dwelling stock to create more of a medium density character. Dwelling styles have also changed, with more contemporary/modern building styles, materials and colours. The established street trees positively add to the amenity of the streetscape.

The subject land is fully contained within the flood affected area overlay of 0-0.1m.



Figure 1: View of 4 Wood Street, Kurralta Park from street looking southwest

SUBJECT LAND
4 Wood Street,
KURRALTA PARK

□ = subject land
□ = locality

RELEVANT APPLICATIONS

Nil

PROPOSAL

Land Division

The applicant proposes the division of the existing allotment to create four additional allotments along with common property in the form of driveway access and landscaping. The dimensions of the proposed allotments are as follows:

Allotment	Allotment Area	Allotment Frontage
1	136m ²	10.2m
2	103m ²	N/A
3	103m ²	N/A
4	103m ²	N/A
5	127m ²	N/A
Common property	331m ²	8.1m
Average allotment size including common property	180.6m ²	N/A

Residential Flat Building comprising Dwellings

The residential component of the combined application consists of a two storey residential flat buildings, comprising five dwellings.

Each dwelling comprises a ground floor with a single carport, kitchen, living, dining, laundry and alfresco area. The upper level provides for three (3) bedrooms, two (2) bathroom areas, a retreat and a balcony area extending off Bedroom 2.

The design of the proposed residential flat building is modern with each dwelling having a 25 degree pitched roof with 450mm eave overhang. Viewed from the internal common driveway, the dwelling facades have a balcony with an obscure glass balustrade, and feature render cladding around the upper level window to Bedroom 1. Materials include pre-coloured sheet metal in 'monument' for the roof, gutters and fascia. The wall render is to be in 'surfmist' with feature render in 'monument'; matrix feature cladding in 'windspray', 'surfmist' coloured panel lift door; aluminium windows and doors in 'monument'. The colour palette displays neutral tones of grey and brown of various shades.

Vehicular access to each dwelling is to be gained via a common driveway from Wood Street. The development incorporates a mix of landscaping along the paved driveway within landscape beds ranging from 300mm across the southern and rear boundaries to 1000mm strip in front of dwellings 2 and 3. Additional lawn areas are provided in the rear private open spaces and additional plantings to the front of the development. A retaining wall to a height of 1m is proposed to the rear and a new Colorbond® fence to a maximum height of 1.75m is proposed on top of this. The fence to the southern boundary is proposed to be a height of 2m with retaining walls to a maximum height of 1m to the rear and tapered down to nil to the front of the site. The northern boundary has fencing to a proposed height of 1.8m atop of a retaining wall also the entire length with a maximum height of 1m to the rear and tapering down to nil toward the front of the site. The maximum height of the combined retaining and fencing is therefore in the rear southern corner where the fence is 2m and retaining is 1m. Additional retaining is required at the rear given the natural fall over the site.

The applicant proposes a public kerbside waste collection.

A copy of the plans and supporting documents are contained in **Attachment 2**.

PUBLIC NOTIFICATION

The application is a Category 2 form of development pursuant to Schedule 9, Part 2 18 (a) of the *Development Regulations 2008*.

Properties notified	Ten properties were notified during the public notification process.
Representations	<p>Three representations were received:</p> <ul style="list-style-type: none"> • S & L McCormick • C Cocci • M Underwood
Persons wishing to be heard	<p>Two representors wish to be heard:</p> <ul style="list-style-type: none"> • Carmela Cocci (or representative) of 6 Wood Street; and • Michael Underwood of 37A Mortimer Street
Summary of representations	<p>Concerns were raised regarding the following matters:</p> <ul style="list-style-type: none"> • conflicting information regarding fence height • demand and supply of on street parking • overlooking • density • overshadowing
Applicant's response to representations	<p>Summary of applicant's response:</p> <ul style="list-style-type: none"> • The plans have been updated to increase the fencing height to 2m to match existing fence on the southern side. • Parking permits are managed by Council. • Windows are to be fixed and obscure to a height of 1.7m. This is notated on the plan. • The development site is within Medium Density Policy Area 18. The policy allows for residential development up to 3 storeys and allows 150m² minimum site area per dwelling which equates to 6 dwellings for a block size of 902m². Reducing the number of dwellings to 2 is not financially viable. • Kurralta Park is within a medium density policy area that allows buildings up to 3 storeys and this is 2 storeys. The shadow diagram notes the winter solstice to capture the worst case scenario. The rear of 37A Mortimer Street would still have solar access most of the year. If single storey dwellings were proposed there would still be overshadowing at winter solstice.

A copy of the representations and the applicant's response is contained in **Attachment 3**.

INTERNAL REFERRALS

Department	Comments
City Assets	<ul style="list-style-type: none"> Finished floor levels need to be a minimum of 99.83. The driveway needs to be clear of verge infrastructure or conflicts resolved with respect to Telstra pit, stobie pole, stormwater connection and street trees. The stormwater connection through the verge needs to be updated. Redundant crossovers should be shown on the plans. There needs to be a 5.5m wide x 5m deep access at the entrance of the site and 300mm flaring on both sides. The manoeuvrability into and out of the vehicle spaces took time to resolve and this was finally resolved upon demonstration by Phil Weaver and Associates that it works. The parking spaces satisfy the minimum requirements. 3,000L stormwater collection and reuse tanks are to be provided and conditioned to plumb to service all toilets and laundry.

EXTERNAL REFERRALS

Department	Comments
SA Water	<ul style="list-style-type: none"> Did not raise any concerns and imposed the standard suite of conditions with respect to the land division component.
SCAP	<ul style="list-style-type: none"> Did not raise any concerns and imposed the standard suite of conditions with respect to the land division component.

A copy of the relevant referral responses are contained in **Attachment 4**.

RELEVANT DEVELOPMENT PLAN PROVISIONS

The subject land is located within the Residential Zone and, more specifically, Medium Density Policy Area 18 as described in the West Torrens Council Development Plan.

The relevant Desired Character statements are as follows:

Residential Zone - Desired Character
<p><i>This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i></p>

*Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a **Historic Conservation Area**.*

Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.

Objectives	1, 2, 3, 4
Principles of Development Control	1, 5, 6, 7, 9, 10, 11, 12, 13, 14

Medium Density Policy Area 18 - Desired Character

Allotments in this policy area will be at medium density, accommodating a range of dwelling types including residential flat buildings, row dwellings, group dwellings, semi-detached dwellings and some detached dwellings on small allotments. Allotment amalgamation to create larger development sites will occur to maximise the density of development while also achieving integrated design outcomes, particularly within a comfortable walking distance of centre zones. Vehicle access will occur from side streets and new rear public and private laneways wherever possible, also supporting the retention of existing street trees.

New buildings will contribute to a highly varied streetscape. Buildings will be up to 3 storeys and provide a strong presence to streets, other than in the part of the policy area in Underdale, Ashford (other than allotments adjacent to Residential Character Ashford Policy Area 22) and allotments bounded by Anzac Highway, Morphett Road and Cromer Street in Camden Park where buildings will be up to 4 storeys. Parking areas and garages will be located behind the front facade of buildings.

Buildings on the edge of the policy area which adjoin residential policy areas at lower densities will pay particular attention to managing the interface with adjoining dwellings, especially in terms of the appearance of building height and bulk, and overshadowing.

Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.

Objectives	1
Principles of Development Control	1, 5, 6

Additional provisions of the Development Plan which relate to the proposed development are contained in **Attachment 1**.

BUILDING HEIGHT <i>Medium Density Policy Area 18</i> PDC 5	3 storeys or 12.5m (all other allotments)	2 storeys or 6.8m Satisfies
INTERNAL FLOOR AREA <i>Residential Development</i> PDC 9	3+ Bedroom, 100m ² (min.)	Dwelling 1 = 104m ² Dwelling 2-4 = 106m ² Dwelling 5 = 106m ² Satisfies
PRIVATE OPEN SPACE <i>Residential Development</i> PDC 19	<300m ² - 24m ² (min.), of which 8m ² may comprise balconies, roof patios and the like, provided they have a minimum dimension of 2m. - Minimum dimension 3m (excl. balconies). - 16m ² (min.) at the rear of side of dwelling, directly accessible from a habitable room.	Dwelling 1 = 40m ² (including balcony) Min. dimension <2.3m (excluding balcony) Dwelling 2-4 = 25m ² (inc. balcony) Min. dimension <2.3m (excluding balcony) Dwelling 5 = 69m ² (including balcony) Min. dimension <2.3m Partially satisfies
STORAGE <i>Residential Development</i> PDC 31	8m ³ (min.)	8.7m ³ Satisfies
LANDSCAPING <i>Landscaping, Fences and Walls</i> PDC 31	10% (min.)	100/903m ² 11% Satisfies
CARPARKING SPACES <i>Transportation and Access</i> PDC 34	Group dwellings and Residential Flat Buildings - 2 car-parking spaces required, 1 of which is covered + an additional 0.25 spaces per dwelling	2 spaces provided for each dwelling and one visitor space Satisfies

ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development is discussed under the following sub headings:

Land Division

The land division component of the application to create 4 additional parcels for 5 dwellings and common property is considered to be orderly and appropriate within the policy area as it would utilise existing infrastructure and therefore meet Objective 1 of the Land Division module of the Development Plan.

The shape and size of the parcels reflect the built form and common property allows for around 300m² and includes service areas, manoeuvring areas and landscaping

Land Use

Residential development and residential flat buildings are envisaged within Medium Density Policy Area 18 as described in PDC 1. The land division and land use are considered to be an appropriate and orderly form of medium density development within this policy area.

Desired Character and Pattern of Development

The Desired Character statement for the policy area seeks medium density residential development accommodating a range of dwelling types (including residential flat buildings) on generally smaller allotments. Such development should incorporate sufficient landscaping to enhance the streetscape appearance of buildings, improve the transitional space between the public and private realms and mitigate heat loads.

The proposal is generally consistent with the desired character. The proposed average site areas exceed PDC 6 of Medium Density Policy Area 18 and are deemed appropriate given the prevailing allotment pattern in the locality. The site is also in close proximity to a District Centre Zone and a primary arterial road, therefore it is highly accessible to a variety of facilities (including high frequency public transport services) where smaller site areas are considered appropriate.

While the proposed landscaping to the front and sides of the site and along the driveway meet the general intent of the desired character in terms of contributing positively to the built form, additional detail about the landscaping should be provided to acknowledge and ensure a positive contribution to mitigate the impact of the urban heat loads. This will be discussed in more detail in the landscaping section below.

Accordingly, the proposed development is considered to be generally in accordance with Objective 1 and PDC 1 (Form and Character) of Medium Density Policy Area 18.

Built Form

From the street, the development presents as a modern building with a mix of materials and colours with a common driveway and landscaped areas provided. The driveway elevation demonstrates a building with a variety of depth in built form and different window elements that create some visual interest.

The side (southern and northern) elevations demonstrate the mass of the building being broken up with five 'independent' 25 degree roof pitches, eaves, vertical and horizontal elements with different window and material treatments. The proposed colours and materials are considered to be appropriate and consistent with the more modern style of development occurring in the locality. Articulation is provided via protruding elements, setback variations of the different built form elements to create shade and this contributes to visual interest. There is a clear front entrance to Wood Street for Dwelling 1.

The design has integrated landscaping about the perimeter and also within the driveway and common space where the manoeuvring is not required. This will assist to some degree in breaking up the hard paved surface of the development. There is an opportunity for an improved landscaping plan with more detail.

Accordingly, the development is considered to meet PDCs 4, 5, 6 and 8 of the Residential Development section of the Development Plan.

Setbacks

The development meets the front setback requirement with a minimum setback of 3m to the main wall, although there are some elements such as upper level balcony that is setback 1.8m and porch that is setback 2.1m to the street. The porch and the balcony are narrow and visually unobtrusive. The porch is an open structure with a narrow ledge above the access door and the balcony contains glass panels with a narrow dimension of 1.2m x 4m width. There is indicative landscaping proposed about the front and side areas of Dwelling 1 that will result in a softening of the front of the building which will positively contribute to the street. A reserved matter to provide more detail about the landscaping will ensure that this area presents well to the street.

The rear of the complete building is setback in accordance with the Development Plan provisions. The individual dwellings do not achieve the rear setback requirements, with the closest part of the building to the north side being 0.9m for the five carports and 2.3m for the main wall. The carports are open at the rear and have a space between the fence and the end of the carport for individual bin storage. The main wall is staggered with the closest portion of the lower level (toilet) setback and upper level (bedroom 3) setback at 2.3m. The design of the building is then setback further - 4.8m to the living / meals area and 2.9m to the bathroom and retreat of the upper level. The variety in the setbacks of the built form to the north means that the bulk on this side is less obtrusive toward the adjacent neighbour offering practical areas for services such as bins, shed, water tanks and functional spaces for private open space. While the minimum setback here is not achieved, there is considered to be adequate separation between the built form to this boundary and an improvement to if the plan were reversed due to a reduced degree of overshadowing to the southern properties.

The side setbacks, to north and south of the development site essentially meet PDC 11 of the Residential Zone other than a 100mm shortfall due to the siting of the open carports to the northern boundary. These structures are open at the rear and have a height of 2.4m. They will not cause undue visual impacts or overshadowing given their orientation, siting and design.

Overall the setbacks are deemed acceptable.

Landscaping

The development meets the quantitative landscaping requirement of a minimum of 10% as per PDC 4 of the Landscaping, Fences and the Walls module. Areas of 'soft' landscaping are nominated to the front of the building, along the perimeter of the southern boundary, the western rear boundary with an internal area in the driveway adjacent Dwellings 2 and 3 and along the front of Dwelling 4 and side of Dwelling 1. The rear yards have lawn proposed. The plan does nominate a range of screen shrubs, small shrubs and border plants. Some of the species include taller species such as *pittosporum tenuifolium*, *hebe* and *buxus japonica*.

Despite the landscaping meeting the minimum area in terms of percentage of the site to be landscaped, it does contain a narrow width of 0.3m along the southern driveway. This is not ideal but if more detail is provided for this section and nominated areas are enhanced with more specific landscaping detail, this aspect would be considered to be adequately addressed. It is suggested that in order for the application to better meet Objective 1 and PDC 1 and 2 of the Landscaping, Fences and Walls module that an improved and more detailed landscaping plan is provided.

The nominated area of landscaping is deemed to meet the minimum quantitative requirements, however more detail is required to satisfy the qualitative provisions via a reserved matter.

Parking and Access

Access to the site requires a new crossover on the southern side that is adjacent a Telstra pit and stobie pole. Telstra via the service provider Decon Technologies have agreed to alter the existing pit to make a trafficable lid. This will be at the applicant's expense and they have also agreed to cover any related costs.

The development provides one undercover and one visitor space per dwelling. In addition, one visitor space is provided at the rear or west of Dwelling 5 within the common property. The 0.25 space shortfall is considered to be minor and satisfactory given there are 11 on-site car parks provided. There remains opportunity for one to two on-street car parks.

The manoeuvring of vehicles into and out of the carports has been demonstrated to work but it is acknowledged it is tight. City Assets raised concerns about this. In response, the applicant provided the relevant diagrams from a traffic engineer which has demonstrated the manoeuvring does work. This aspect is therefore deemed to be acceptable. The development meets a variety of transport provisions including Objective 2 and PDC 44 and 45 of the Transportation and Access module.

Private open space

The total area of the private open space for each of the five dwellings is met. The minimum dimensions of 3m are not met for the entire area of private open space, however each dwelling has access to a wider functional space combining the alfresco and adjacent lawns areas. Dwelling 1 has a portion of its private open space in the front yard that is formalised with a colorbond® prepainted sheet metal fence extending from the front of the dwelling along a portion of the front boundary for a length of 4.9 metres. Dwellings 2-5 have areas of private open space toward the rear with dwelling 5 having additional space adjacent the visitor park. Each of the dwellings have a north facing sizeable alfresco area adjacent internal living spaces on the ground level and balcony on the upper level with a minimum dimension of 2m which means they are useable and functional. Solar access to these balconies are limited due to their solar orientation. These are accessed from bedroom 2 not a living area.

Overall the private open space is deemed acceptable and partially satisfies PDC 19 of the Residential Development module.

Overlooking

Overlooking was raised by a number of representors as a concern. The dwellings have been designed to minimise opportunity for overlooking towards adjacent dwellings and their private open space areas. All dwellings have been designed with upper level windows with sill heights set at a minimum height of 1.7m or fixed obscure glazing to a height of at least 1.7m. The development also ensures that the residents to the south are protected with the balconies facing this direction treated with 1.8m high fixed obscure glazing.

A balcony to the front has restricted views to the south given the solid panel shown on elevation 1 and is open to the street and to the north. This is deemed to be over public space and provides opportunity for casual surveillance.

The development meets PDC 27 of the Residential Development module and addressed representors concerns and will be reinforced by condition should the panel be minded to support the development.

Overshadowing

One representor, owner of 37A Mortimer Street raised overshadowing as a concern. In response the applicant provided an overshadowing diagram and commentary. The response from the applicant noted that there will be overshadowing to that dwelling, however winter solstice is the worst case scenario and there will be access to more sunlight at other times of the year.

It is evident that the development will cause a significant but varying degree of overshadowing over the solar panels of 2 Wood Street and the rear private open space areas of 2 Wood Street, 37A and 37 Wood Mortimer Street. Most of the solar panels on the northern face of the dwelling at 2 Wood Street will have access to sunlight at 12pm during winter solstice and this will increase throughout the year. It is unlikely that the full extent of the solar panels will receive at least 2 hours access to sunlight as prescribed in PDC 14 of the Residential Zone. Partial satisfaction of this provision is met.

It appears that 37 Mortimer Street and 2 Wood Street will receive sufficient access to sunlight for more than 2 hours during winter solstice. The rear north facing private open space and internal living area of 37A Mortimer Street will suffer also from the development in terms of access to sunlight during winter solstice. The private open space area will not receive more than 2 hours of sunlight during winter solstice. It is worthwhile to acknowledge that 37A Mortimer Street currently has limited access to private open space and experiences limited access to north facing sunlight due to vegetation and fencing to its northern boundary. If the subject allotment was redeveloped in an alternative arrangement, for example even with only one additional dwelling to the rear yard or a garage on the southern boundary, this would also possibly have similar overshadowing consequences.

While the overshadowing does not entirely meet PDC 10-13 of the Residential Development section, it partially meets it for the adjacent properties. As described earlier it is also a better outcome compared with if the design were flipped, and as originally proposed. As also described, the height and density of the development is met for the medium density provisions therefore this aspect needs to be considered carefully as to the degree of detriment and amenity to the adjacent occupants.

This aspect of the development is the most inadequately addressed of all provisions. While there is overshadowing to the south on the adjacent solar panels, private open space areas and living areas, there are times of the year that provides sufficient access to sunlight which deem this aspect acceptable.

Significant tree

There is a significant tree (*Eucalyptus camaldulensis* or River red gum) in the rear yard of 9 Daly Street. Part of the canopy extends into the subject site. An arborist report was provided by the applicant from Arborman Tree solutions. The tree is in good overall condition with no health or structural concerns. The encroachment of the development is deemed to be 7% of the Tree Protection Zone (TPZ) and it is deemed that the development will not impact on the structural root zone and is considered to be 'minor'.

The tree may need some minor pruning in the north western corner however the assessment advised that the development will not impact on the tree or cause a level of risk of the tree to be elevated. It has been suggested that the tree be protected during the construction phase of the development to ensure the ongoing health and vigour of the tree and to provide adequate protection to the trees TPZ. A condition has been imposed within the recommendation to this effect.

The development is consistent with Objectives 1 and 2 and PDC 1, 2, 3, 4 of the Significant Tree module.

Waste management

There is space for domestic waste bins to be stored to the rear of each of the carports where there is adequate space and is a practical location in terms of accessibility. This location is considered to be a satisfactory position in terms of impact on the adjacent dwelling at 6 Wood Street and a condition is included in the recommendation to mitigate any potential amenity impacts. There is sufficient verge space for bin presentation for all bins.

SUMMARY

While this development falls short in some of the qualitative requirements with respect to landscaping and also in terms of overshadowing in particular to the south, it is a form and density of development envisaged within Medium Density Policy Area 18. The degree of departure in this case is deemed acceptable when weighed up against all of the relevant provisions of the Development Plan.

Having considered all the relevant provisions of the Development Plan, the proposal is not considered to be seriously at variance with the Development Plan.

On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 7 May 2020 and warrants Development Plan Consent and Land Division Consent.

RECOMMENDATION

The Council Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent and Land Division Consent for Application No. 211/394/2020 by Ms Wei Chao to undertake a Combined Land division - Community Title; SCAP No. 211/C038/20; create four (4) additional allotments and common property; and construction of a two-storey residential flat building comprising five (5) dwellings, alfresco and fencing and retaining combined to a maximum total height of 3 metres at 4 Wood Street, Kurralta Park (CT5741/583) subject to the following reserved matters and conditions of consent (and any subsequent or amended condition that may be required as a result of the consideration of reserved matters under Section 33(3) of the *Development Act 1993*):

Reserved matter:

The following information shall be submitted for further assessment and approval by the City of West Torrens as reserved matters under Section 33(3) of the *Development Act 1993*:

1. A more detailed landscaping plan that includes a suitable mix of plant species along the street frontage, common driveway, private open space areas and around the curtilage of the building to soften the built form and paved areas and to assist in minimizing heat loads.

Pursuant to Section 42(1) of the *Development Act 1993*, the Council reserves its decision on the form and substance of any further conditions of Development Plan Consent that it considers appropriate to impose in respect of the reserved matter outlined above.

Development Plan Consent Conditions:

1. The development must be undertaken, completed and maintained in accordance with the plans and information detailed in this Application prior to occupation of the development except where varied by any conditions listed below:

- Survey Plan by Carmelo Castelanelli Ref No 2 11 20;
- Site Plan, Floor plans, Elevations by TK Building Design, Sheets 1 to 9, Revision G;
- Arborist report by Arborman Tree Solutions, Reference No ATS5973-004WooStDIR;
- Sitework plan by Anzas and Associates Pty Ltd Drawing 1-2, Ref ZS/5366;
- Letter from Decon Technologies dated 24 November 2020.

Reason: To ensure the proposal is developed in accordance with the plans and documents lodged with Council.

2. All stormwater design and construction will be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and, for this purpose, stormwater drainage will not at any time:

- a) Result in the entry of water into a building; or
- b) Affect the stability of a building; or
- c) Create unhealthy or dangerous conditions on the site or within the building; or
- d) Flow or discharge onto the land of an adjoining owner; or
- e) Flow across footpaths or public ways.

Reason: To ensure that adequate provision is made for the collection and dispersal of stormwater.

3. All driveways, parking and manoeuvring areas will be formed, surfaced with concrete, bitumen or paving, and be properly drained prior to occupation, and shall be maintained in good condition at all times to the satisfaction of Council.

Reason: To minimise the spread of dust and soil and to ensure safe and convenient vehicle manoeuvring on-site.

4. All landscaping shall be planted in accordance with the approved plans within three (3) months of the occupancy of the development or next available planting season. Any person(s) who have the benefit of this approval will cultivate, tend and nurture the landscaping and shall replace any plants which may become diseased or die.

Reason: To enhance the amenity of the site and locality and to mitigate against heat loading.

5. All wall cladding, roofing materials and external building finishes and colours used on the dwellings shall be natural and non-reflective, and shall be maintained in good condition to the satisfaction of Council.

Reason: To maintain the amenity of the locality.

6. The upper level southern (excluding Bedroom 2 sliding door for Dwellings 1 to 5), western and northern windows of all dwellings shall be installed with fixed obscure glass to a minimum height of 1.7 metres from the upper floor level prior to occupation of the dwelling, and shall be maintained in good condition at all times to the satisfaction of Council. Where upper level windows have a sill height greater than 1.7 metres, these windows may contain clear glazing.

Reason: To maintain the impact on privacy to residents of adjoining dwellings.

7. The southern facing balconies for Dwellings 1-5 shall have fixed obscure glass balustrades installed to a minimum height of 1.7 metres from the upper floor level prior to occupation of the dwelling, and shall be maintained in good condition at all times to the satisfaction of Council.

Reason: To maintain the impact on privacy to residents of adjoining dwellings.

8. No above-ground structures such as letterboxes, service metres or similar shall be installed within the common driveway entrance and passing area.

Reason: To avoid conflict between services and vehicle manoeuvring areas.

9. The bin storage area shall be kept clean and tidy at all times with bins cleaned regularly to minimise odour.

Reason: To minimise odour and to maintain the amenity of neighbouring properties.

10. Prior to the occupancy of the dwellings, the 3000 litre stormwater connection and reuse tank and associated plumbing to service all toilets and laundry is to be installed and operational.

Reason: To ensure that adequate provision is made for the collection and reuse of stormwater.

11. All stormwater management measures for each dwelling, including harvest tanks and supply mechanisms, must be installed and operational prior to occupancy. A minimum of 90 percent of the roof area of each dwelling must be plumbed to direct stormwater runoff to the rainwater tank for that dwelling.

Reason: To ensure that adequate provision is made for the collection and reuse of stormwater.

12. The significant tree located at 9 Daly Street identified for retention on the approved plans herein granted consent shall be protected during the entire construction period of the development.

The area in which the tree's branches and roots are located shall be protected by the erection of a secure fence prior to the commencement of any building work on the subject land. The following requirements shall be complied with to the reasonable satisfaction of Council:

- The fence shall consist of a 1.8 metre high solid, chain mesh, steel or similar fabrication.
- A clearly legible sign displaying the words "Tree Protection Zone - Keep Out" shall be positioned on each side of the fence.
- The fence shall not be erected closer to the tree than 15 metres, except when working on the construction of the development where it shall be temporarily shifted.
- The applicant or the person(s) having the benefit of this consent shall ensure that the fence is maintained in good order and remains in place around the tree throughout the course of the construction of the development.
- Any work required to be undertaken within the Tree Protection Zone shall be conducted using non-destructive excavation methods (hand digging or Hydro Vac set at a pressure no greater than 700psi).
- Any paving within the Tree Protection Zone should be constructed of permeable paving.
- No materials, soil or vehicles shall be stored within the Tree Protection Zone.
- At each service installation by SA Water, Gas contractors, Telstra NBN and the like, notification must be given to Council's Arboriculture staff (ph. 8416 6332) of the proposed installation date and method of the service.
- All personnel and contractors should be briefed regarding the purpose of the Tree Protection Zone and activities prohibited within the Tree Protection Zone.

Reason: To ensure that the health of the significant tree is not adversely affected during the course of development.

13. The redundant crossover on Wood Street shall be closed and reinstated to Council's kerb and gutter standards.

Reason: To ensure clear access to the site and maintain the amenity of the locality.

Land Division Consent Conditions Council Requirements

Nil

State Assessment Planning Commission Requirements

14. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.

On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees.

The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

Reason: To satisfy the requirements of the SA Water Corporation.

15. Payment of \$30464 into the Planning and Development Fund (4 allotment(s) @ \$7616/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department for Planning, Infrastructure and Transport and marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.

Reason: To satisfy the requirements of the State Commission Assessment Panel.

16. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel (SCAP) for Land Division Certificate purposes.

Reason: To satisfy the requirements of the State Commission Assessment Panel.

Note:

1. The noise level of any fixed noise sources, such as air conditioning, pool pumps or water pumps should be in accordance with the Local Nuisance and Litter Control Act 2016. This specifies that the noise level generated from fixed machinery should be maintained at levels where no adverse impact on an amenity value of an area is caused by noise, and has avoided travelling to a habitable room or an outdoor courtyard or entertainment area, on neighbouring premises, at such a level that it should not constitute an unreasonable interference with the enjoyment of the neighbouring premises by persons occupying those premises.
2. Alteration to the Telstra pit shall be at the applicant's expense.

Attachments

1. **Relevant Development Plan provisions**
2. **Proposal plans and details**
3. **Representations and response to representations**
4. **Internal and external referrals**

General Section		
Crime Prevention	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	1, 2, 3, 6, 7, 8
Design and Appearance	<i>Objectives</i>	1, 2
	<i>Principles of Development Control</i>	1, 2, 3, 5, 9, 10, 11, 12, 13, 14, 15, 16
Energy Efficiency	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	1, 2
Infrastructure	<i>Objectives</i>	3
	<i>Principles of Development Control</i>	1, 5, 6, 8, 12, 16
Land Division	<i>Objectives</i>	1, 2, 3, 4
	<i>Principles of Development Control</i>	1, 2, 4, 5, 6, 8, 12, 16, 17
Landscaping, Fences and Walls	<i>Objectives</i>	1, 2
	<i>Principles of Development Control</i>	1, 2, 3, 4, 6
Orderly and Sustainable Development	<i>Objectives</i>	1, 2, 3, 4, 5
	<i>Principles of Development Control</i>	1
Residential Development	<i>Objectives</i>	1, 2, 3, 4
	<i>Principles of Development Control</i>	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 27, 28, 29, 30, 31
Significant Trees	<i>Objectives</i>	1, 2
	<i>Principles of Development Control</i>	1, 2, 3, 4
Transportation and Access	<i>Objectives</i>	2
	<i>Principles of Development Control</i>	1, 8, 10, 11, 14, 24, 32, 34, 35, 36, 37, 40, 43, 44, 45



Product Register Search (CT 5741/583)
Data/Time 19/05/2020 02:27PM
Customer Reference
Order ID 20200519008581



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5741 Folio 583

Parent Title(s) CT 1478/73

Creating Dealing(s) CONVERTED TITLE

Title Issued 08/03/2000 Edition 2 Edition Issued 06/02/2020

Estate Type

FEE SIMPLE

Registered Proprietor

CHAO WEI
OF 69 ADDISON ROAD WARRADALE SA 5046

Description of Land

ALLOTMENT 73 DEPOSITED PLAN 1983
IN THE AREA NAMED KURRALTA PARK
HUNDRED OF ADELAIDE

Easements

NIL

Schedule of Dealings

NIL

Notations

Dealings Affecting Title NIL

Priority Notices NIL

Notations on Plan NIL

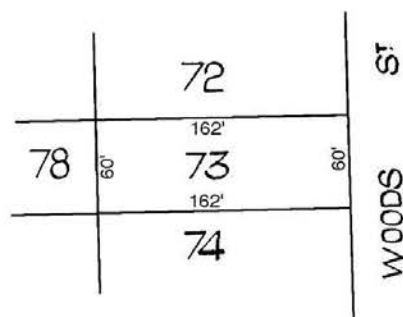
Registrar-General's Notes NIL

Administrative Interests NIL

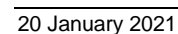


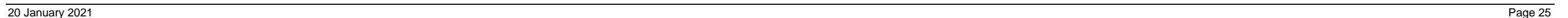
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Data/Time
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Order ID

Register Search (CT 5741/583)
19/05/2020 02:27PM
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DISTANCES ARE IN FEET AND INCHES
FOR METRIC CONVERSION
1 FOOT = 0.3048 METRES
1 INCH = 0.0254 METRES







OVERSHADOWING DIAGRAM
SCALE 1:500



PLANNING DRAWINGS FOR CHAO AND TING		BUILDERS & DESIGNERS		DATE: 27/04/2020	AMENDMENTS	DATE	
		392 GOODWOOD RD CUMBERLAND PARK SA PHONE: (08) 8272 0400 FAX: (08) 8272 0522 tkbuildingdesign.com.au		SCALE: AS SHOWN	Rev D Council amendments	08.10.20	
4 WOOD STREET KURRALTA PARK		FILE NO. :2018 REV 6	DRAWN: 6.C. A3	SHEET: 2 OF 9	Rev E Council amendments	30.10.20	
					Rev F Council amendments	23.11.20	
				Rev G Council amendments			4.12.20
				© ALL DRAWINGS ARE COPYRIGHT AND PROPERTY OF TK BUILDING DESIGN			

- GENERAL NOTES
- M/H

PERSONAL ACCESS HATCH TO BE TRIMMED ON SITE (POSITION IS NOMINAL)
- SA

DENOTES SELF CONTAINED SMOKE ALARM TO COMPLY WITH AS 3786 AND SHALL BE CONNECTED TO CONSUMER MAINS POWER AND SHALL HAVE A BATTERY BACK UP
- DP

STANDARD DOWNPIPE 90mm (AS SELECTED)

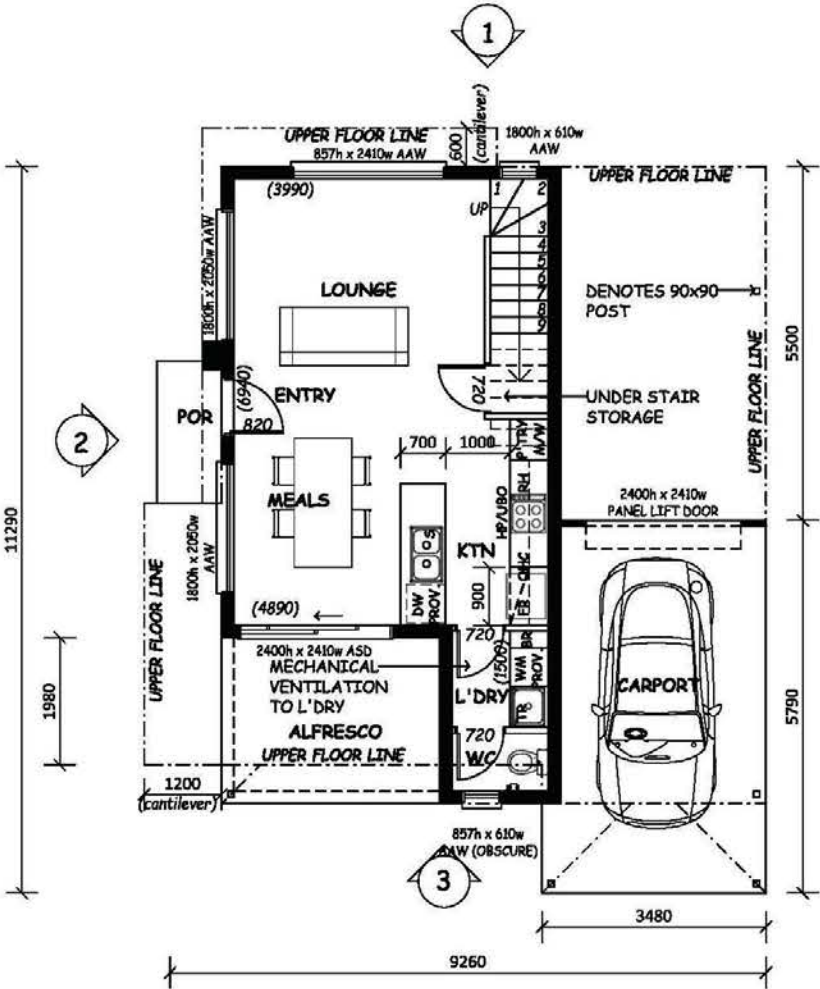
- HP SELECTED HOTPLATE
- UBO UNDER BENCH OVEN (AS SELECTED)
- RHO RANGE HOOD OVER
- FR FRIDGE
- S SINK
- TR SELECTED LAUNDRY TROUGH
- SHR SHOWER
- HB HAND BASIN (AS SELECTED)
- TRH TOWEL ROLL HOLDER
- OHC OVERHEAD CUPBOARD
- WM WASHING MACHINE PROVISION
- DR DRYER PROVISION
- MW MICROWAVE PROVISION
- DW DISHWASHER PROVISION
- BIR BUILT IN ROBE

NOTE:

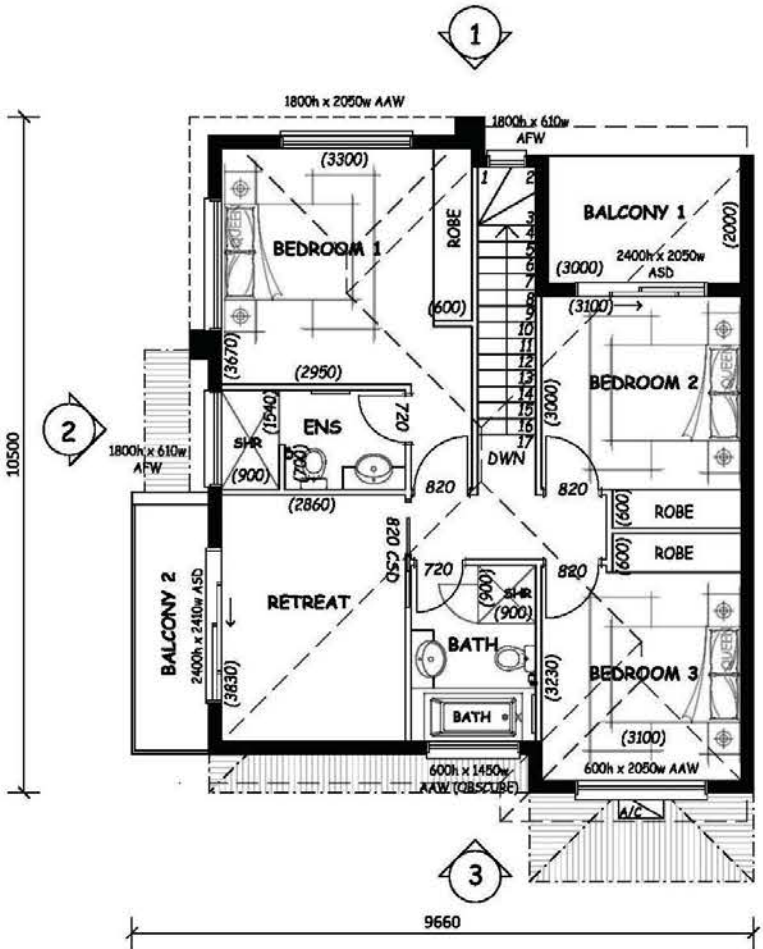
-WC DOOR SHALL HAVE LIFT OFF HINGES

-ALL GLAZING TO COMPLY WITH AS1288-2010

-STRUCTURE TO BE PROTECTED AGAINST TERMITES ATTACK IN ACCORDANCE WITH AS 3660.1, AND A NOTICE SHALL BE FIXED IN METER BOX INDICATING METHOD AND DATE OF PROTECTION AND THE NEED TO INSPECT AND MAINT THE SYSTEM.

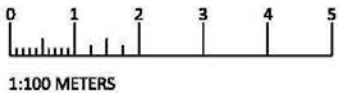


GROUND FLOOR PLAN
SCALE 1:100



UPPER FLOOR PLAN
SCALE 1:100

AREAS RES 1		
GROUND FLOOR	43.42	sqM
UPPER FLOOR	75.31	sqM
BALCONY 1	5.42	sqM
BALCONY 2	4.87	sqM
ALFRESCO	8.74	sqM
CARPORT	18.86	sqM
PORCH	2.30	sqM
TOTAL		
158.92 sqM		



PLANNING DRAWINGS FOR
CHAO AND TING

4 WOOD STREET
KURRALTA PARK



BUILDERS & DESIGNERS
392 GOODWOOD RD
CUMBERLAND PARK SA
PHONE: (08) 8272 0400
FAX: (08) 8272 0522
tkbuildingdesign.com.au

DATE: 27/04/2020
SCALE: AS SHOWN
FILE NO.: 2018 REV 6
DRAWN: G.C. A3
SHEET: 3 OF 9

AMENDMENTS	DATE
Rev D Council amendments	08.10.20
Rev E Council amendments	30.10.20
Rev F Council amendments	23.11.20
Rev G Council amendments	4.12.20
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PLANNING DRAWINGS | RES 1

GENERAL NOTES

- W/H

PERSONAL ACCESS HATCH TO BE TRIMMED ON SITE (POSITION IS NOMINAL)
- SA

DENOTES SELF CONTAINED SMOKE ALARM TO COMPLY WITH AS 3786 AND SHALL BE CONNECTED TO CONSUMER MAINS POWER AND SHALL HAVE A BATTERY BACK UP
- DP

STANDARD DOWNPIPE 90mm (AS SELECTED)

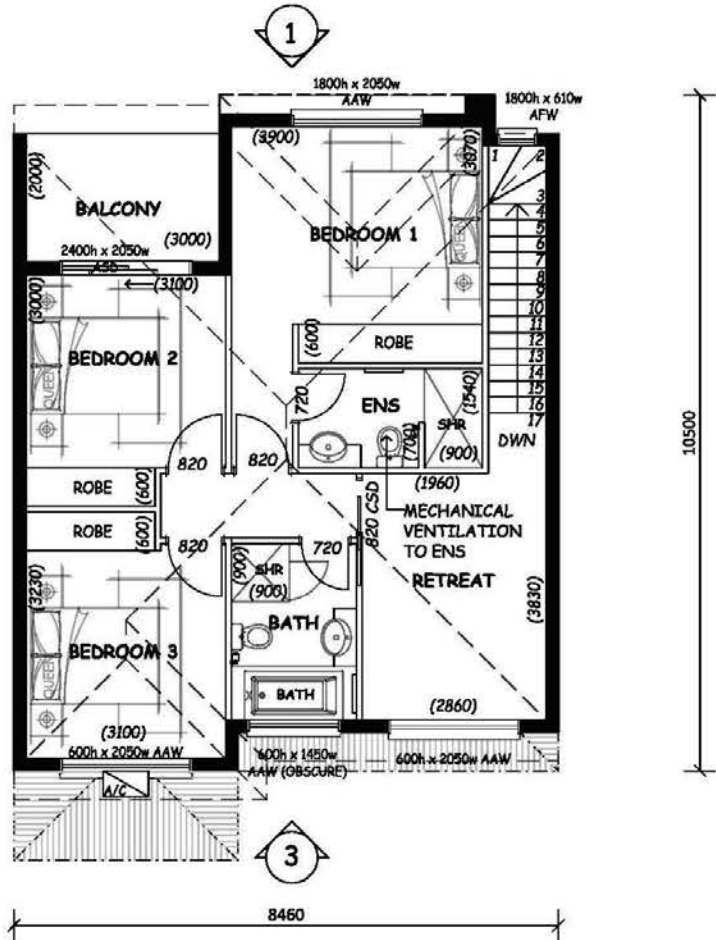
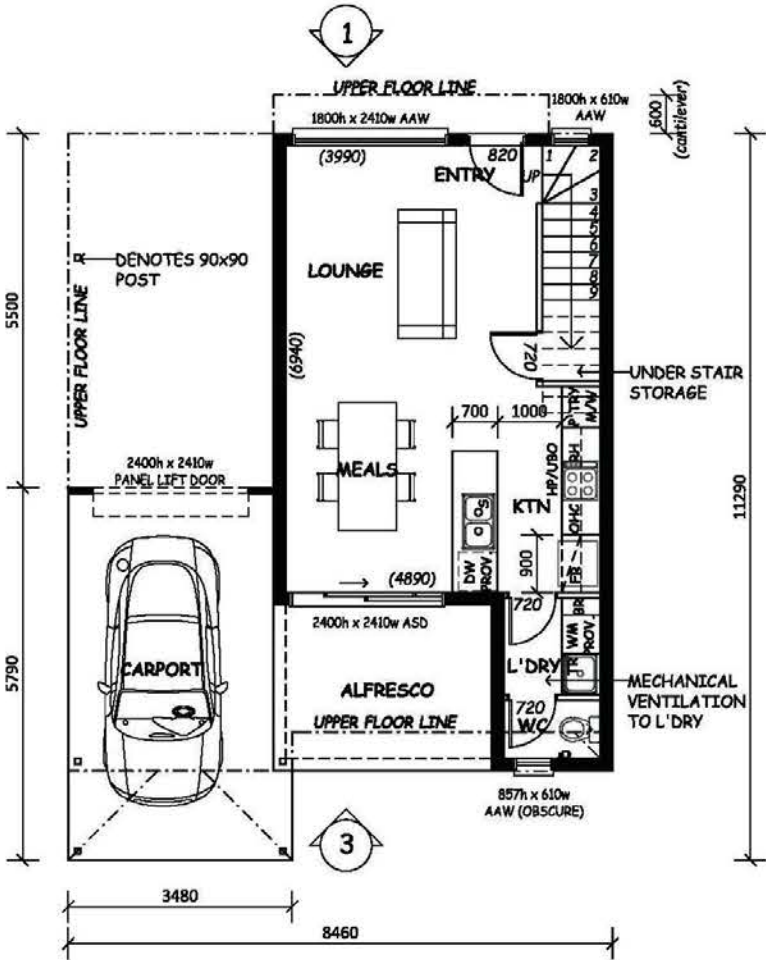
- HP SELECTED HOTPLATE
- UBO UNDER BENCH OVEN (AS SELECTED)
- RHO RANGE HOOD OVER
- FR FRIDGE
- S SINK
- TR SELECTED LAUNDRY TROUGH
- SHR SHOWER
- HB HAND BASIN (AS SELECTED)
- TRH TOILET ROLL HOLDER
- OHC OVERHEAD CUPBOARD
- WM WASHING MACHINE PROVISION
- DR DRYER PROVISION
- MW MICROWAVE PROVISION
- DW DISHWASHER PROVISION
- BIR BUILT IN ROBE

NOTE:

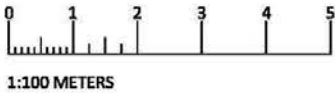
-WC DOOR SHALL HAVE LIFT OFF HINGES

-ALL GLAZING TO COMPLY WITH AS1288-2010

-STRUCTURE TO BE PROTECTED AGAINST TERMITES ATTACK IN ACCORDANCE WITH AS 3660.1, AND A NOTICE SHALL BE FIXED IN METER BOX INDICATING METHOD AND DATE OF PROTECTION AND THE NEED TO INSPECT AND MAIN THE SYSTEM.



AREAS RES 2-4		
GROUND FLOOR	43.42	sqM
UPPER FLOOR	74.18	sqM
BALCONY	5.42	sqM
ALFRESCO	8.74	sqM
CARPORT	18.86	sqM
TOTAL	150.62 sqM	



PLANNING DRAWINGS FOR
CHAO AND TING

4 WOOD STREET
KURRALTA PARK



BUILDERS & DESIGNERS

392 GOODWOOD RD
CUMBERLAND PARK SA
PHONE: (08) 8272 0400
FAX: (08) 8272 0522
tkbuildingdesign.com.au

DATE: 27/04/2020	AMENDMENTS	DATE
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DRAWN: G.C. A3	Rev F Council amendments	23.11.20
SHEET: 4 OF 9	Rev G Council amendments	4.12.20
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PLANNING DRAWINGS | RES 2 & 4

- GENERAL NOTES
- PERSONAL ACCESS HATCH TO BE TRIMMED ON SITE (POSITION IS NOMINAL)

DENOTES SELF CONTAINED SMOKE ALARM TO COMPLY WITH AS 3786 AND SHALL BE CONNECTED TO CONSUMER MAINS POWER AND SHALL HAVE A BATTERY BACK UP

STANDARD DOWNPIPE 90mm (AS SELECTED)

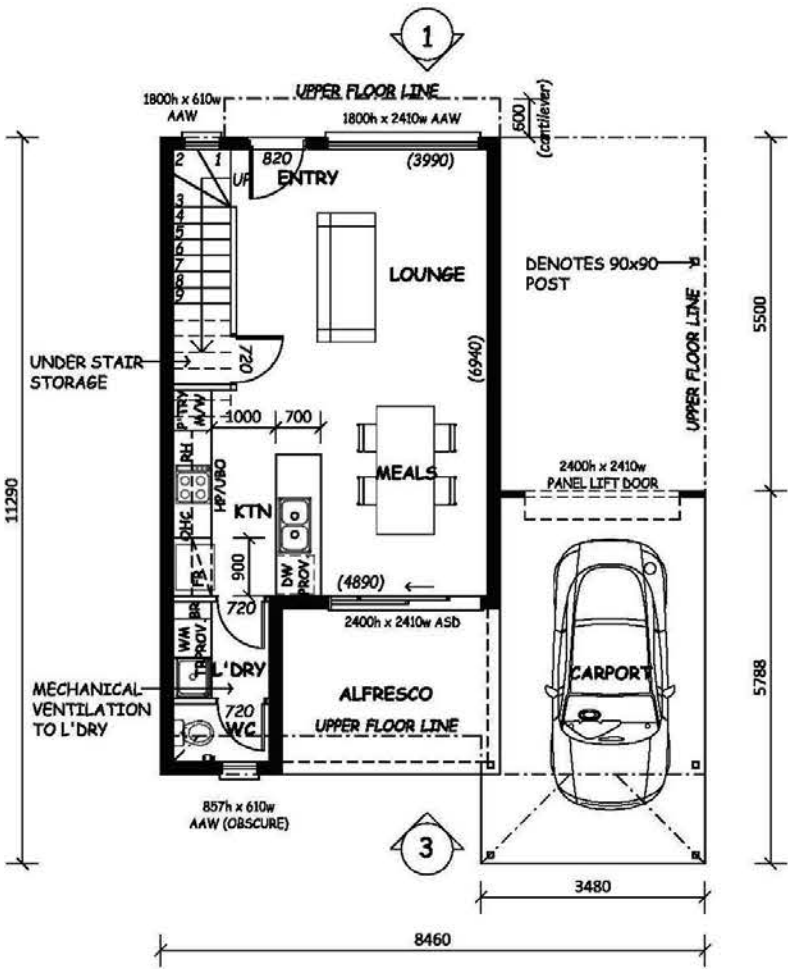
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- MW MICROWAVE PROVISION
- DW DISHWASHER PROVISION
- BIR BUILT IN ROBE

NOTE:

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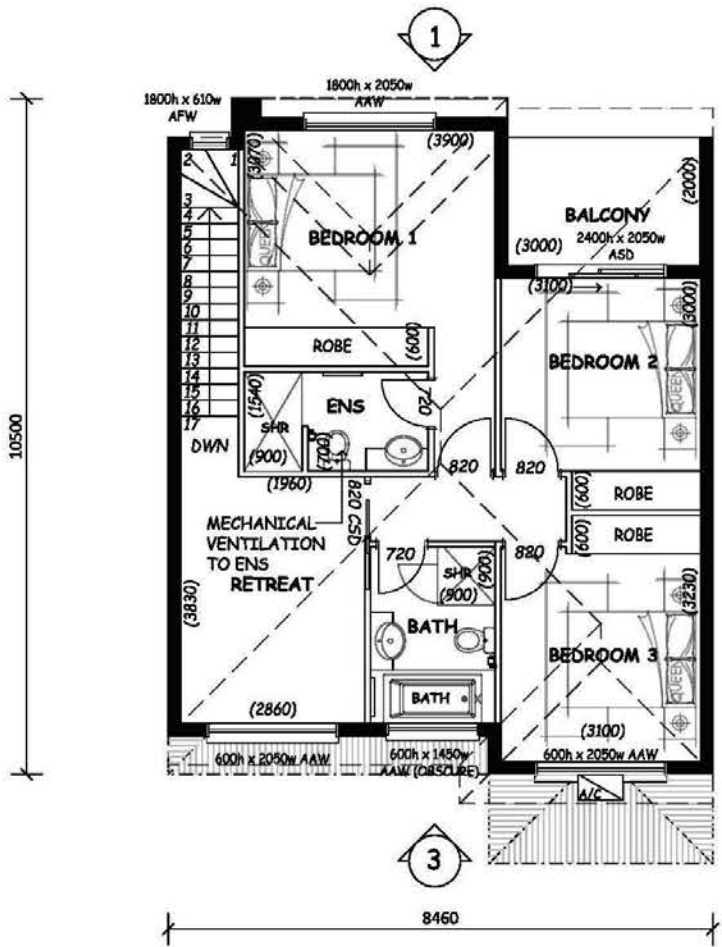
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GROUND FLOOR PLAN

SCALE 1:100

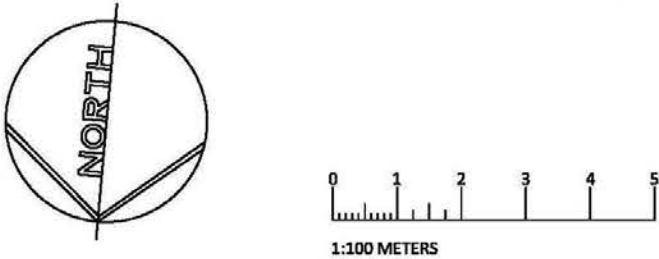


UPPER FLOOR PLAN

SCALE 1:100

AREAS RES 2-4		
GROUND FLOOR	43.42	sqM
UPPER FLOOR	74.18	sqM
BALCONY	5.42	sqM
ALFRESCO	8.74	sqM
CARPORT	18.86	sqM
TOTAL	150.62 sqM	

PLANNING DRAWINGS | RES 3



PLANNING DRAWINGS FOR CHAO AND TING

4 WOOD STREET KURRALTA PARK



BUILDERS & DESIGNERS

392 GOODWOOD RD CUMBERLAND PARK SA

PHONE: (08) 8272 0400 FAX: (08) 8272 0522

tkbuildingdesign.com.au

DATE:	27/04/2020	AMENDMENTS	DATE
SCALE:	AS SHOWN	Rev D Council amendments	08.10.20
FILE NO.:	2018 REV 6	Rev E Council amendments	30.10.20
DRAWN:	G.C. A3	Rev F Council amendments	23.11.20
SHEET:	5 OF 9	Rev G Council amendments	4.12.20
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GENERAL NOTES

- W/H

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- SA

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- DP

STANDARD DOWNPIPE 90mm (AS SELECTED)

- HPSELECTED HOTPLATE
- UBOUNDER BENCH OVEN (AS SELECTED)
- RHORANGE HOOD OVER
- FRFRIDGE
- S
- TRSELECTED LAUNDRY TROUGH
- SHRSHOWER
- HBHAND BASIN (AS SELECTED)
- TRHTOILET ROLL HOLDER
- OHC
- WMWASHING MACHINE PROVISION
- DR
- MWMICROWAVE PROVISION
- DWDISHWASHER PROVISION
- BIRBUILT IN ROBE

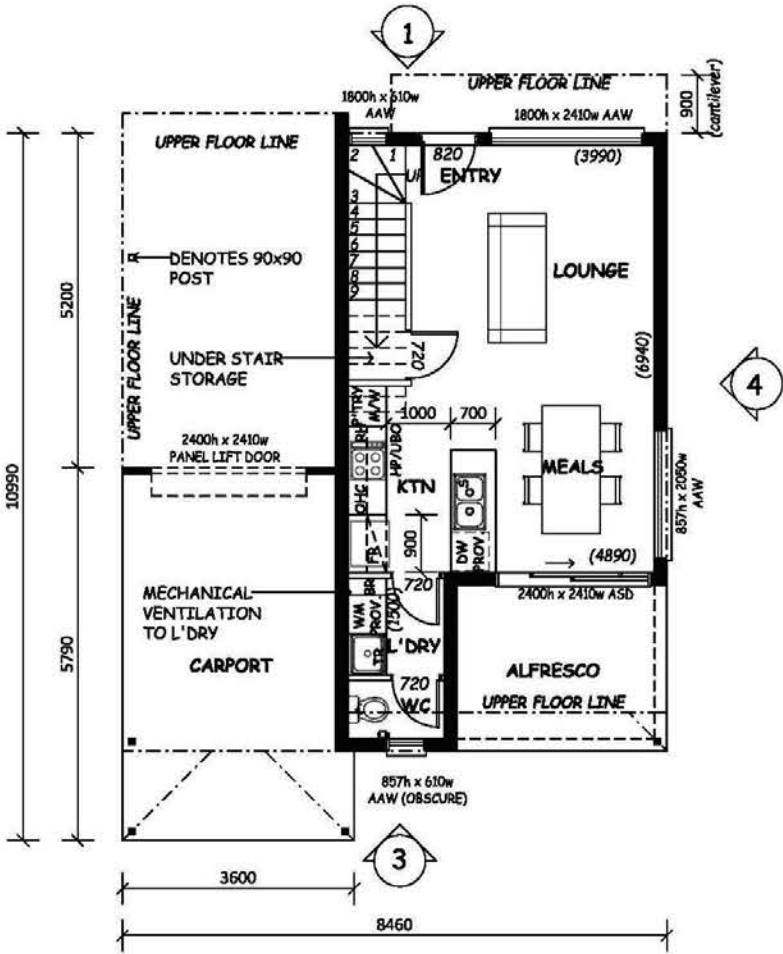
NOTE:

-WC DOOR SHALL HAVE LIFT OFF HINGES

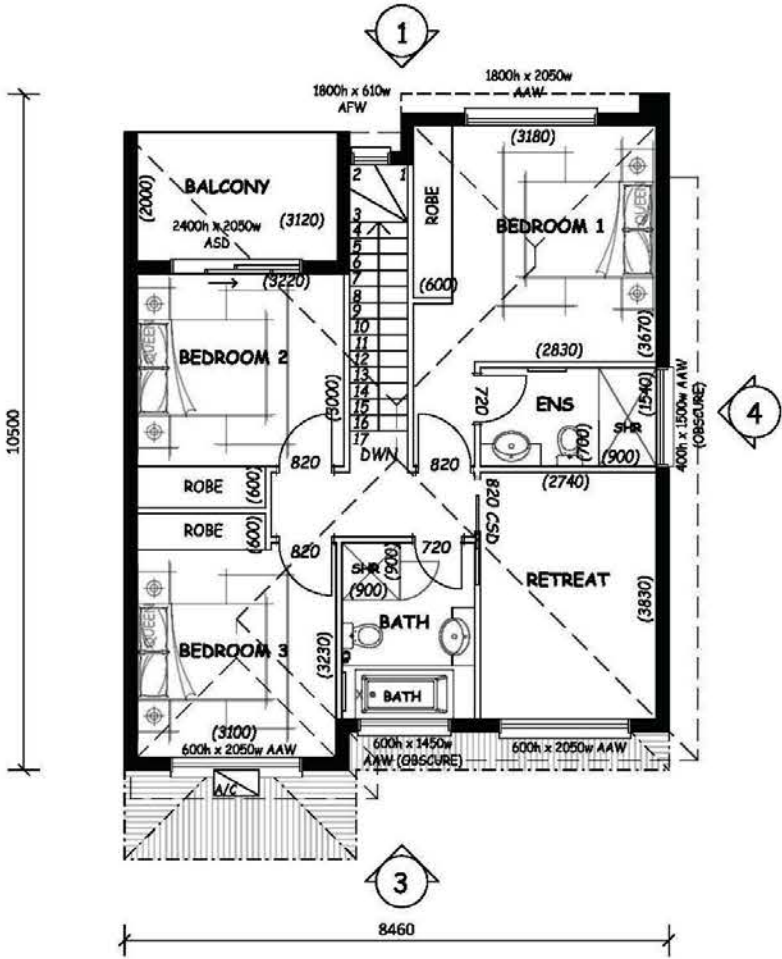
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AREAS RES 5		
GROUND FLOOR	41.06	sqM
UPPER FLOOR	76.02	sqM
BALCONY	7.00	sqM
ALFRESCO	8.43	sqM
CARPORT	19.56	sqM
TOTAL		
152.07 sqM		

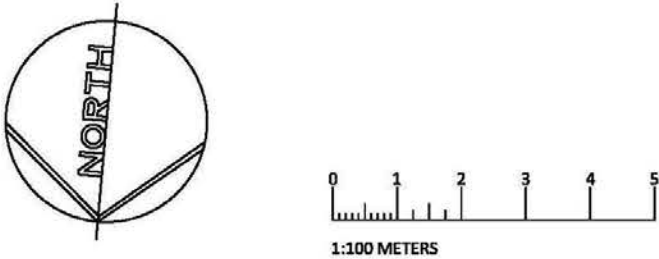


GROUND FLOOR PLAN
SCALE 1:100



UPPER FLOOR PLAN
SCALE 1:100

PLANNING DRAWINGS | RES 5



PLANNING DRAWINGS FOR
CHAO AND TING

4 WOOD STREET
KURRALTA PARK

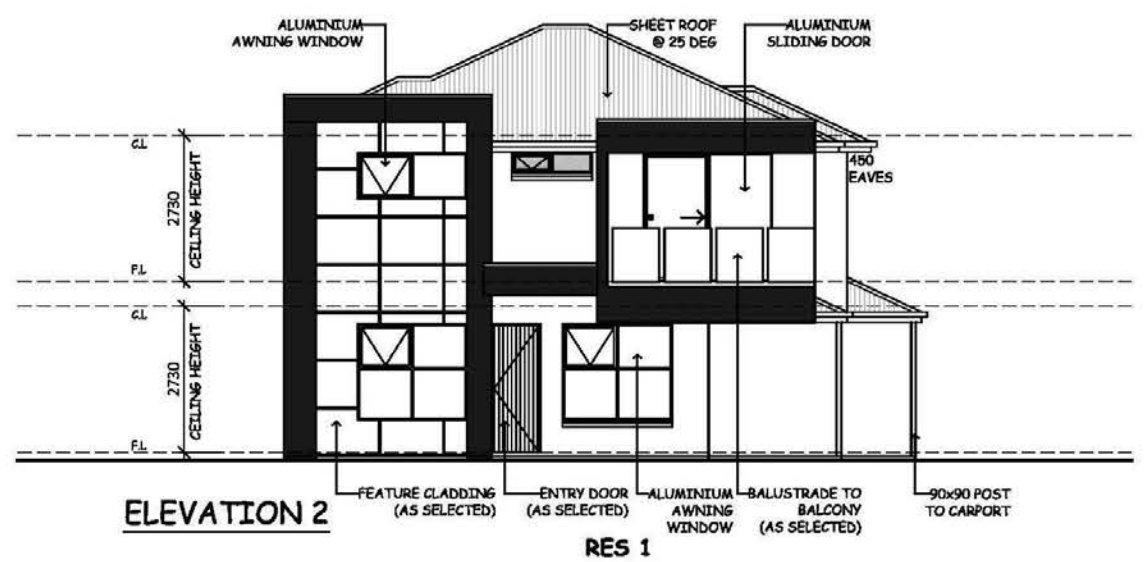
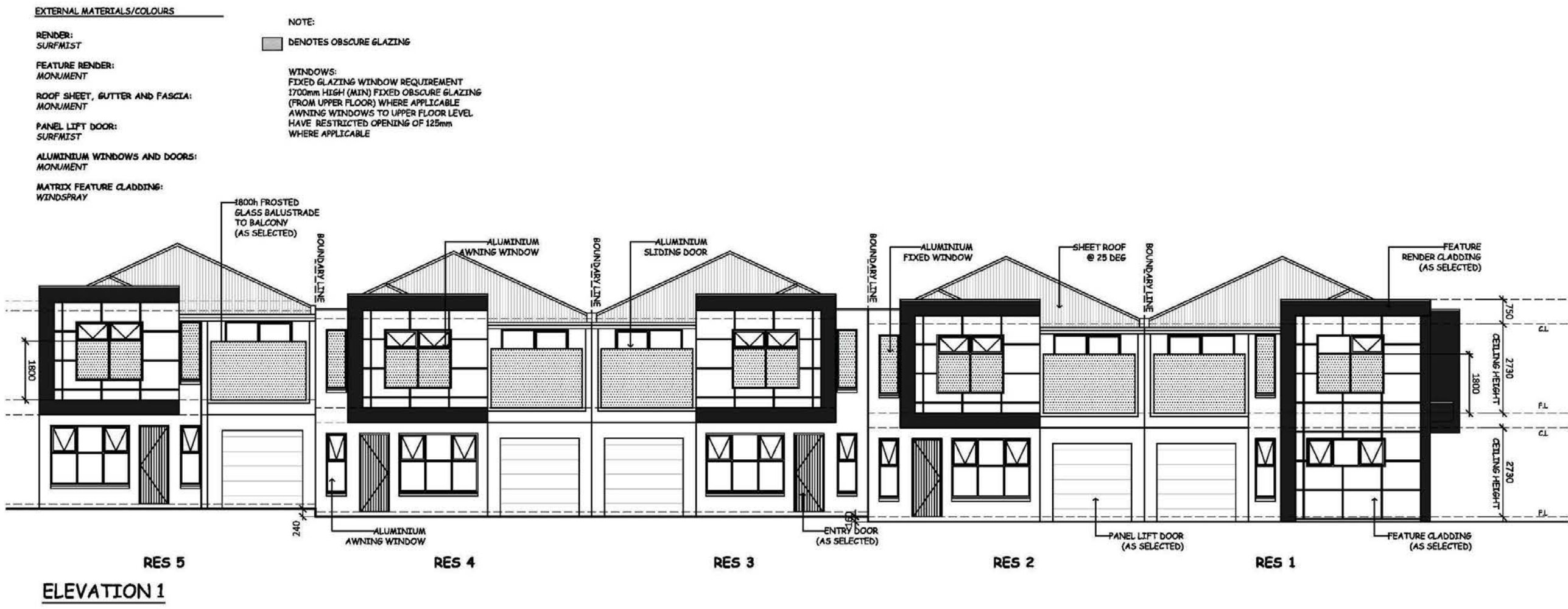



BUILDERS &
DESIGNERS

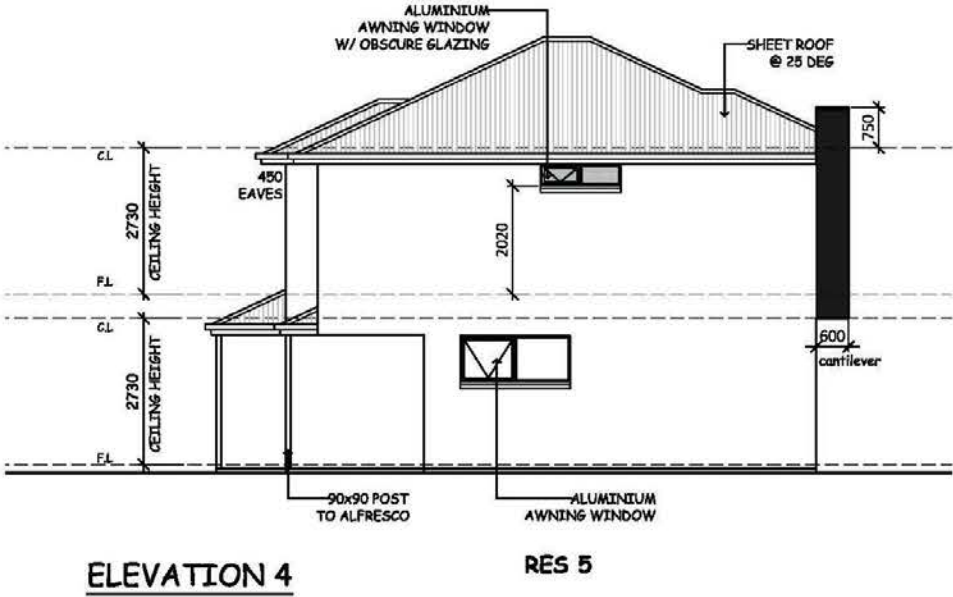
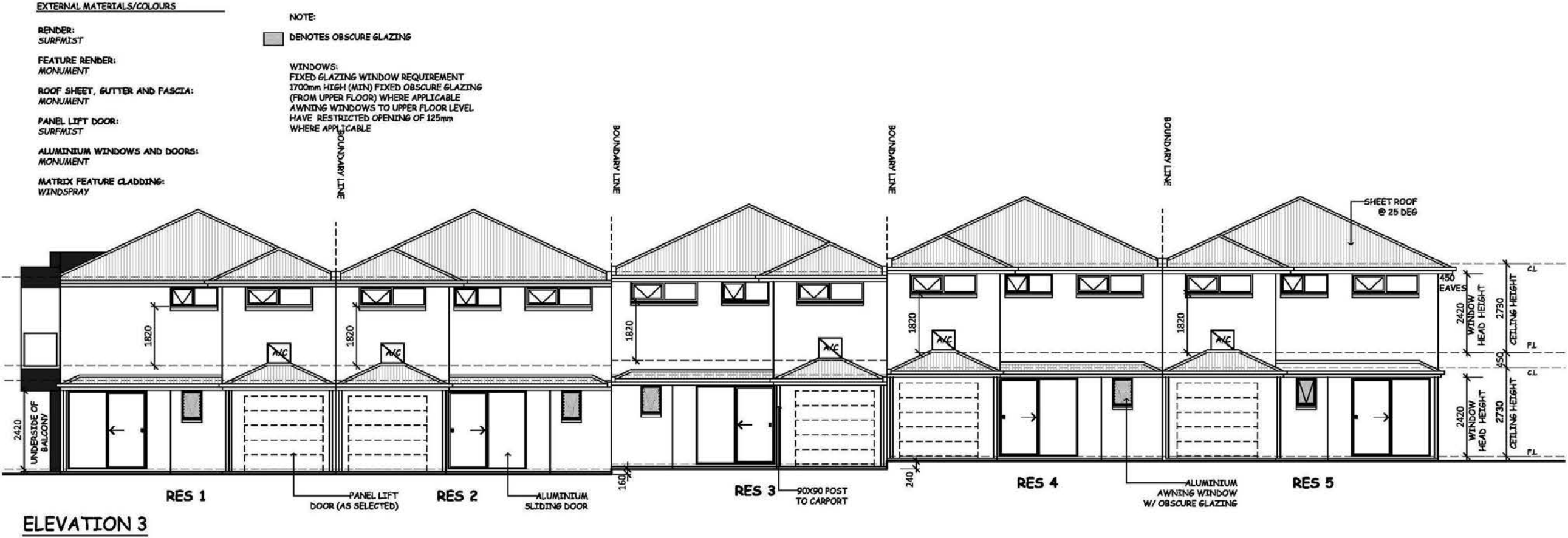
392 GOODWOOD RD
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FAX: (08) 8272 0522

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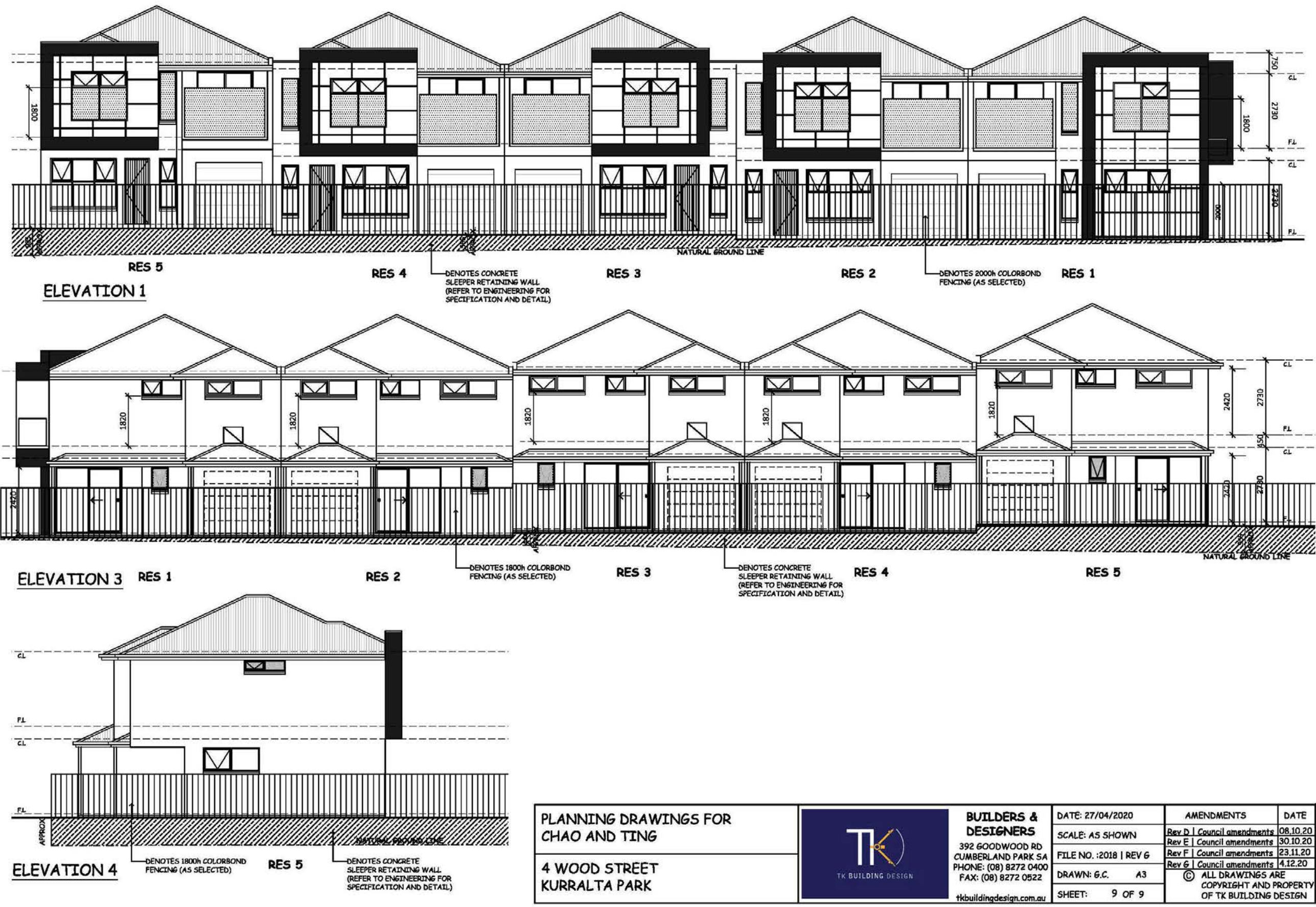
DATE:	27/04/2020	AMENDMENTS	DATE
SCALE:	AS SHOWN	Rev D Council amendments	08.10.20
FILE NO.:	2018 REV 6	Rev E Council amendments	30.10.20
DRAWN:	G.C.	Rev F Council amendments	23.11.20
SHEET:	6 OF 9	Rev G Council amendments	4.12.20
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PLANNING DRAWINGS FOR CHAO AND TING		BUILDERS & DESIGNERS 392 GOODWOOD RD CUMBERLAND PARK SA PHONE: (08) 8272 0400 FAX: (08) 8272 0522 tkbuildingdesign.com.au	DATE: 27/04/2020	AMENDMENTS	DATE
4 WOOD STREET KURRALTA PARK			SCALE: AS SHOWN	Rev D Council amendments	08.10.20
			FILE NO. :2018 REV 6	Rev E Council amendments	30.10.20
				Rev F Council amendments	23.11.20
				DRAWN: G.C. A3	Rev G Council amendments
			SHEET: 7 OF 9	© ALL DRAWINGS ARE COPYRIGHT AND PROPERTY OF TK BUILDING DESIGN	



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4 WOOD STREET KURRALTA PARK			SCALE: AS SHOWN	Rev D Council amendments	08.10.20
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			SHEET: 8 OF 9	Rev G Council amendments	4.12.20
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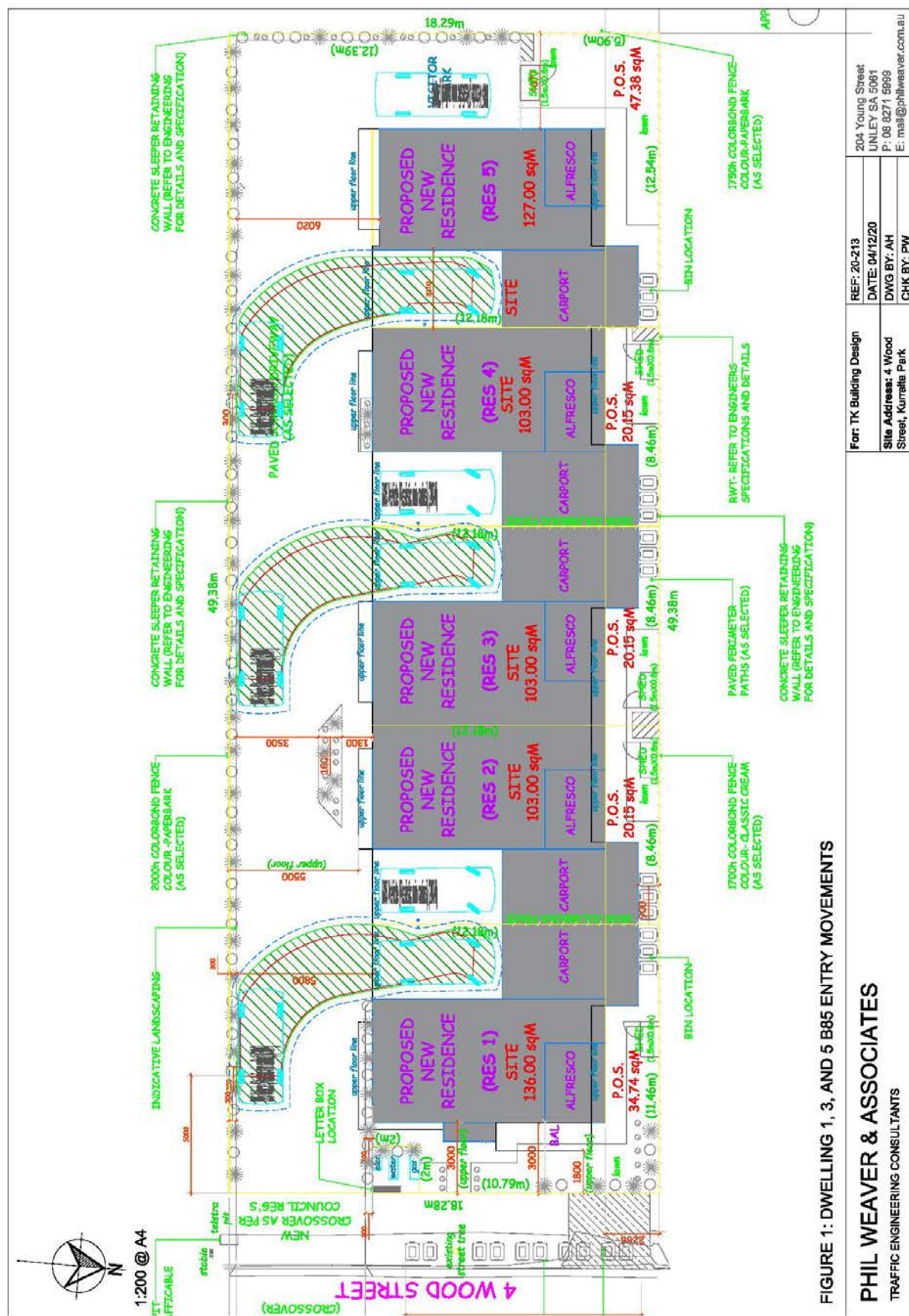


FIGURE 1: DWELLING 1, 3, AND 5 B85 ENTRY MOVEMENTS

PHIL WEAVER & ASSOCIATES

TRAFFIC ENGINEERING CONSULTANTS

For: TK Building Design	REF: 20-213	204 Young Street UNLEY SA 5081 P: 08 8271 5999 E: mail@philweaver.com.au
Site Address: 4 Wood Street, Kurralta Park	DATE: 04/12/20	
	DWG BY: AH	
	CHK BY: PW	

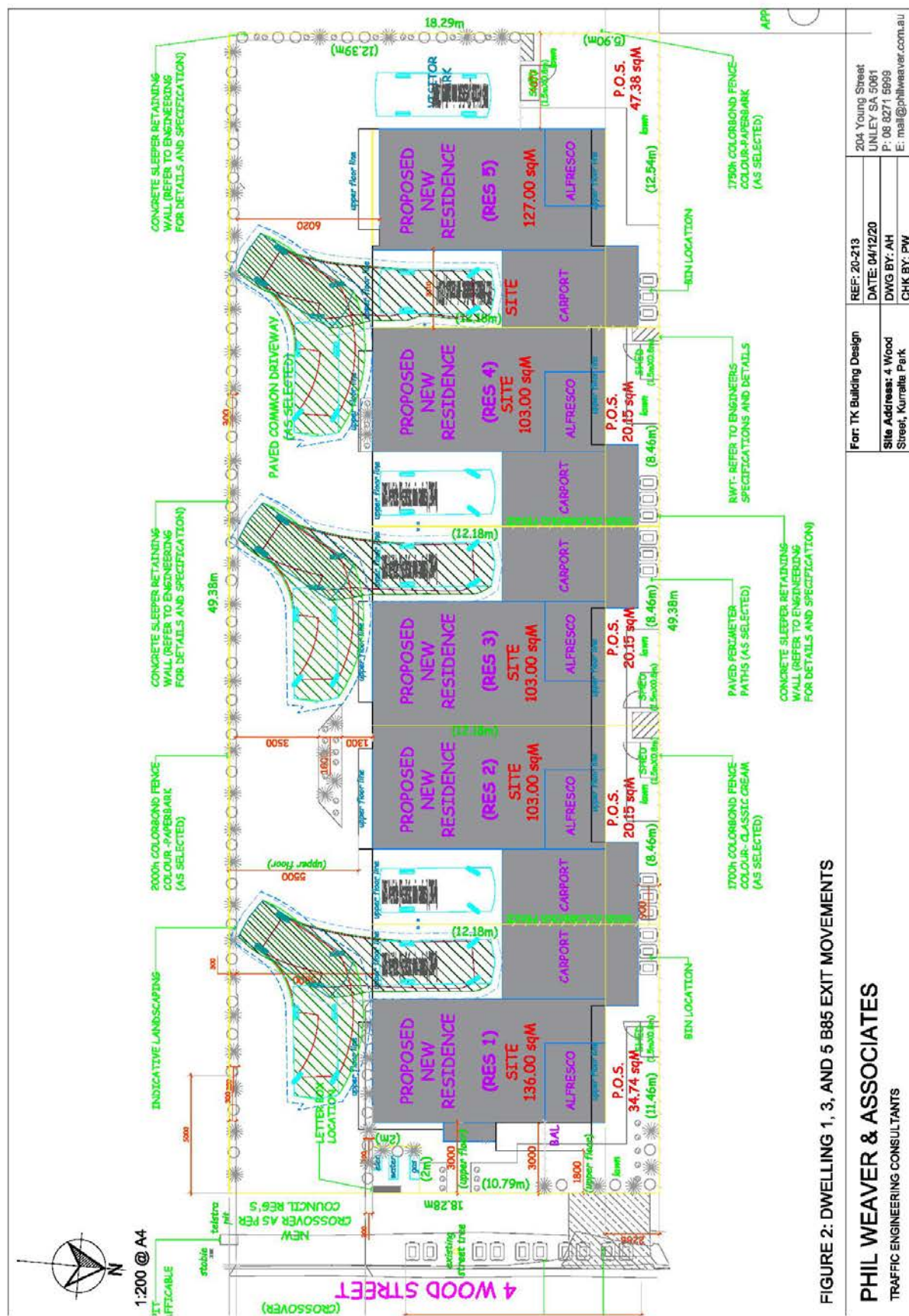


FIGURE 2: DWELLING 1, 3, AND 5 B85 EXIT MOVEMENTS

PHIL WEAVER & ASSOCIATES

TRAFFIC ENGINEERING CONSULTANTS

For: TK Building Design	REF: 20-213	204 Young Street UNLEY SA 5081
Site Address: 4 Wood Street, Kurralta Park	DATE: 04/12/20	P: 08 8271 5999
	DWG BY: AH	E: mail@phillwaver.com.au
	CHK BY: PW	

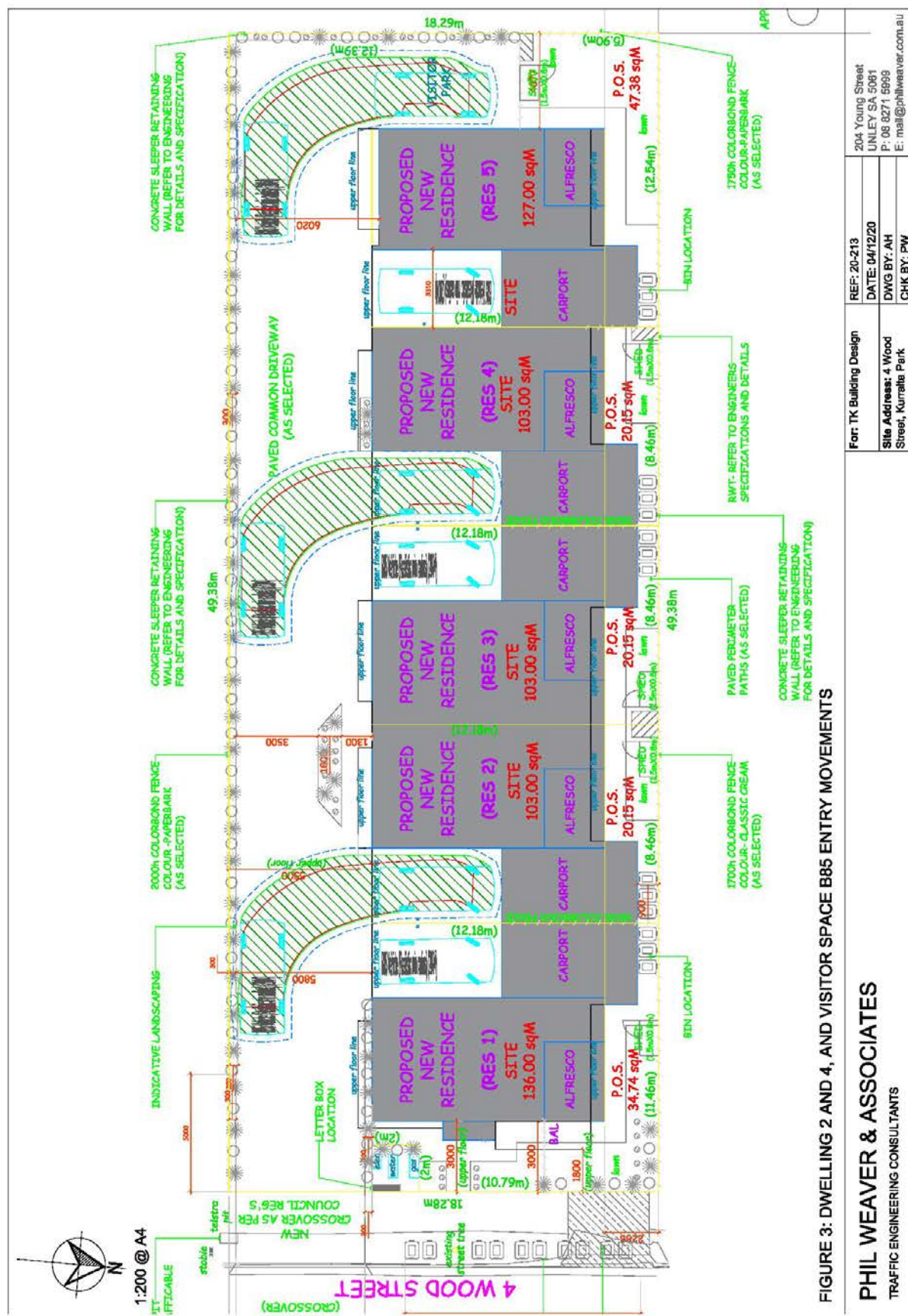


FIGURE 3: DWELLING 2 AND 4, AND VISITOR SPACE B85 ENTRY MOVEMENTS

PHIL WEAVER & ASSOCIATES

TRAFFIC ENGINEERING CONSULTANTS

For: TK Building Design	REF: 20-213	204 Young Street UNLEY SA 5081 P: 08 8271 5999 E: mail@philweaver.com.au
Site Address: 4 Wood Street, Kurralta Park	DATE: 04/12/20 DWG BY: AH CHK BY: PW	

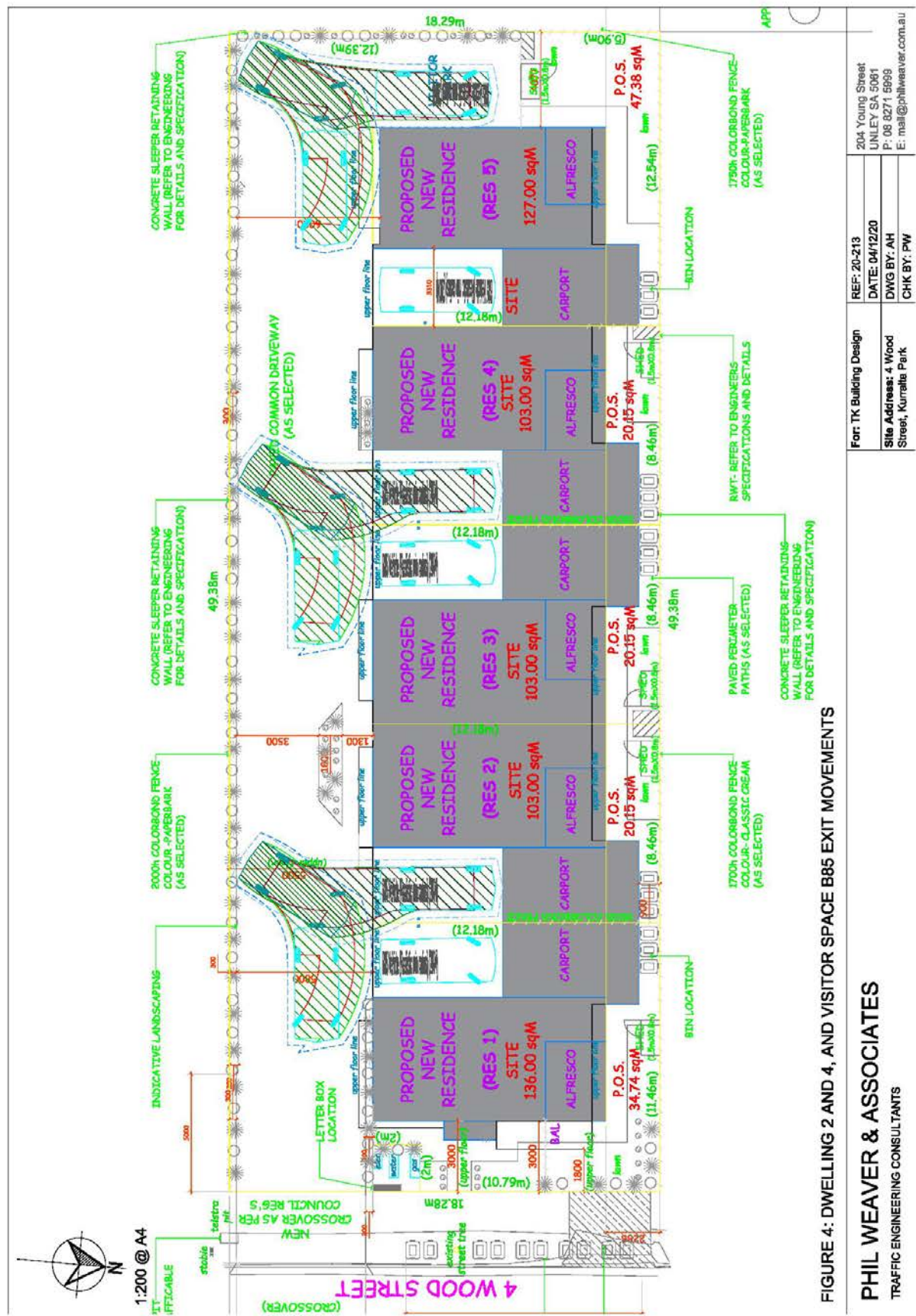


FIGURE 4: DWELLING 2 AND 4, AND VISITOR SPACE B85 EXIT MOVEMENTS

PHIL WEAVER & ASSOCIATES

TRAFFIC ENGINEERING CONSULTANTS

For: TK Building Design	REF: 20-213	204 Young Street UNLEY SA 5061
	DATE: 04/12/20	P: 08 8271 5999 E: mail@hillweaver.com.au
Site Address: 4 Wood Street, Kurralta Park	DWG BY: AH	
	CHK BY: PW	

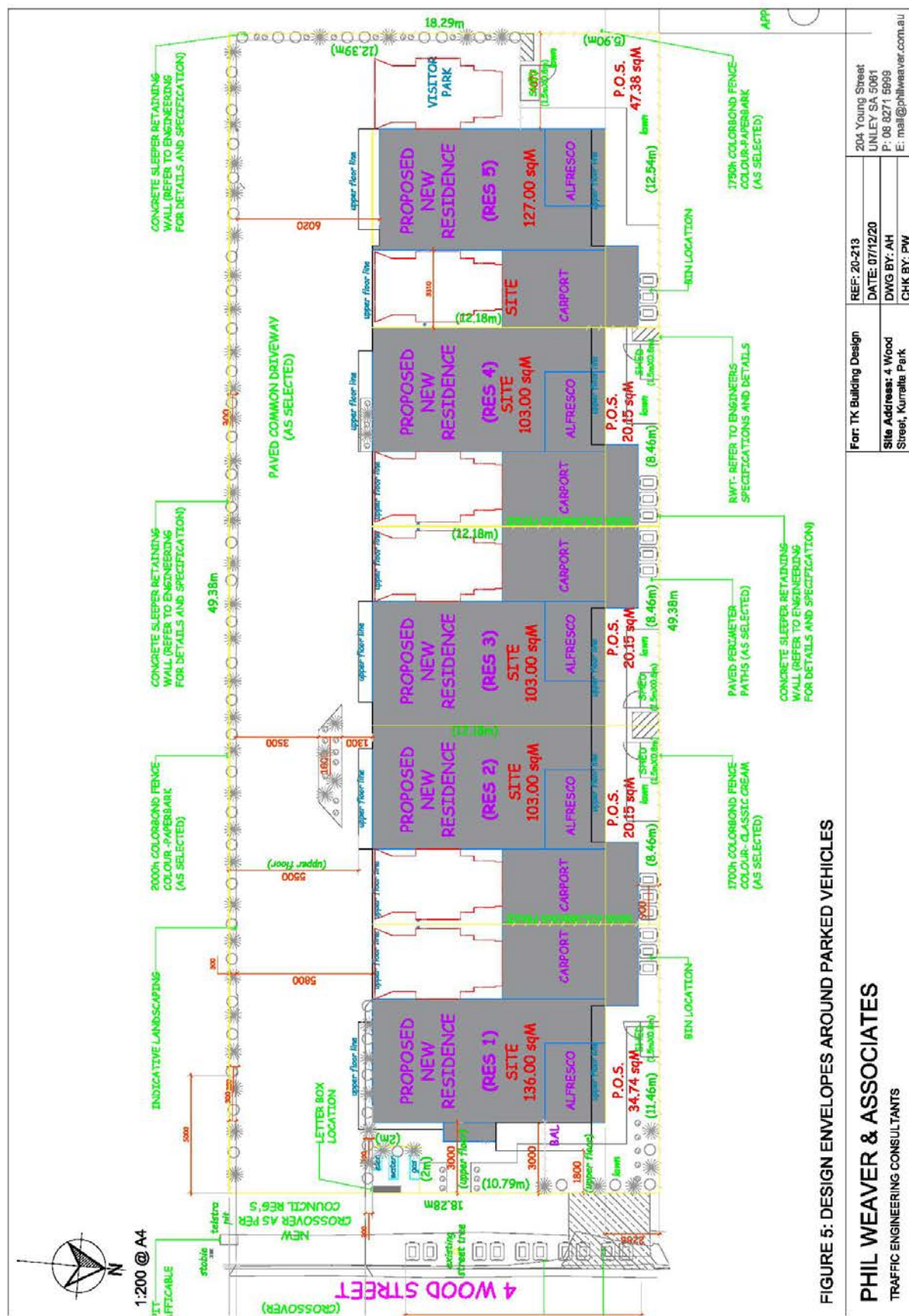


FIGURE 5: DESIGN ENVELOPES AROUND PARKED VEHICLES

PHIL WEAVER & ASSOCIATES

TRAFFIC ENGINEERING CONSULTANTS

For: TK Building Design	REF: 20-213	204 Young Street UNLEY SA 5081
Site Address: 4 Wood Street, Kurralta Park	DATE: 07/12/20	P: 08 8271 5999
	DWG BY: AH	E: mail@phillwaver.com.au
	CHK BY: PW	



Reference Number:
ATS5973-004WooStDIR

Tuesday, 1 September 2020

TK Building Design
Attn: Gabriella Collicelli
392 Goodwood Road,
Cumberland Park SA 5041

Dear Gabriella,

Re: 4 Wood Street, Kurralta Park – *Eucalyptus camaldulensis* (River Red Gum)

Arborman Tree Solutions has assessed the Significant Tree in the rear garden of the neighbouring property to the north west of 4 Wood Street, Kurralta Park. The assessment has identified the potential impacts to the trees from the proposed development and supporting infrastructure and recommended mitigation strategies where appropriate.

This tree has a trunk circumference greater than three metres and is not subject to any exemption from regulation and therefore it is identified as a Significant Tree as defined in the *Development Act 1993*. The tree is identified as a mature *Eucalyptus camaldulensis* (River Red Gum) which is good overall condition with no identified health or structural factors of concern. The tree is growing in a garden area that whilst unirrigated is to be maintained as a garden into the foreseeable future.

The encroachment has been calculated to be 7% of the total Tree Protection Zone (TPZ) area and does impact upon the tree's Structural Root Zone, this type of encroachment is recognised as 'Minor' under AS4970-2009 (See Appendix C - Mapping). This level of encroachment results in a Low impact and additional root investigations are not required, warranted and have not been recommended in this instance.

Additionally a Risk Assessment has been undertaken as concerns were raised regarding the branch overhanging the subject land. Using the International Society of Arboriculture (ISA) Tree Risk Assessment methodology the subject tree was identified as having a Low Risk Rating. This methodology considers the Likelihood of Failure and Impact and the Consequences of such an event happening. In this case the following has been considered: -

Likelihood of Failure –	Possible	A failure that is likely to result in moderate monetary damage to the dwelling is not expected in the next 36-60 months under normal weather conditions however it may occur in extreme weather conditions. The likelihood of the south eastern limb failing is classified as Improbable.
Likelihood of Impact –	Low	There is a slight chance a failure will impact a target, the proposed dwelling in the vicinity of the tree is not below the crown however it is close enough that if a branch were broken off in a strong wind or the whole of the south eastern limb were to fail it could impact the building. The likelihood of impacting a person is Low or possibly Very Low due to the infrequent use of the area and the time the area is used for when it is occupied.

Arborman Tree Solutions Pty Ltd – Professionals in Arboriculture
23 Aberdeen Street
Port Adelaide SA 5015

ATS5973-004WooStDIR – Tuesday, 1 September 2020

Phone: 0418 812 967
Email: arborman@arborman.com.au
Website: www.arborman.com.au



When combined in the Likelihood of Failure and Impact matrix a rating of **Unlikely** is achieved. The area around the tree is also weather affected and in storm conditions, when a failure is most likely, it is less likely that a person will be in the vicinity of this tree.

Consequence of Failure – Significant The consequences of an impact will potentially result in an injury to a person requiring medical attention or serious damage to a building. If the failure were to impact the existing infrastructure the consequence is likely to be Minor i.e. of moderate monetary damage to a fence, and therefore this does not increase this rating.

A Likelihood of Failure and Impact of **Unlikely** and a Consequence of **Significant** when combined in the Risk matrix achieve a **Low Risk Rating**.

In order to achieve a Risk Rating of High the Likelihood of a Failure and Impact would have to raise to Likely or Very Likely, this would require the Likelihood of Failure to be raised to Probable or Imminent and/or the Likelihood of Impact raised to Medium or High either of which would be inappropriate and unreasonable.

Given the findings of this assessment the subject tree is not likely to be impacted by the proposed development nor will the development cause the risk level of the tree to be elevated. The proposed development does not constitute substantial damage to the tree and as such is considered to be acceptable from an arboricultural perspective.

Thank you for the opportunity to provide this report. Should you have any questions or require further information, please contact me and I will be happy to be of assistance.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M. Lodge', written over a light blue horizontal line.

MARCUS LODGE
Senior Consulting Arboriculturist
Australian Arborist License AL11
Diploma in Arboriculture
International Society of Arboriculture – Tree Risk Assessment
Quantified Tree Risk Assessment (QTRA) License – 5780
VALID Tree Risk Assessment (VALID) – 2018
Native Vegetation Council Trained Arborist 2019





Appendix A - Tree Assessment Methodology



Tree Assessment Form (TAF©)

Record	Description
Tree	In botanical science, a tree is a perennial plant which consists of one or multiple trunks which supports branches and leaves. Trees are generally taller than 5 metres and will live for more than ten seasons, with some species living for hundreds or thousands of seasons.
Genus and Species	Botanical taxonomy of trees uses the binominal system of a genus and species, often there are subspecies and subgenus as well as cultivars. When identifying tree species, identification techniques such as assessing the tree's form, flower, stem, fruit and location are used. Identifying the right species is critical in assessing the tree's legalisation and environmental benefit. All efforts are made to correctly identify each tree to species level, where possible. Genus is the broader group to which the tree belongs e.g. <i>Eucalyptus</i> , <i>Fraxinus</i> and <i>Melaleuca</i> . Species identifies the specific tree within the genus e.g. <i>Eucalyptus camaldulensis</i> , <i>Fraxinus griffithii</i> or <i>Melaleuca styphelioides</i> . Trees will also be assigned the most commonly used Common Name. Common Names are not generally used for identification due to their nonspecific use, i.e. <i>Melia azedarach</i> is commonly known as White Cedar in South Australia but is also called Chinaberry Tree, Pride of India, Bead-tree, Cape Lilac, Syringa Berrytree, Persian Lilac, and Indian Lilac; equally similar common names can refer to trees from completely different Genus e.g. Swamp Oak, Tasmanian Oak and English Oak are from the <i>Casuarina</i> , <i>Eucalyptus</i> and <i>Quercus</i> genus's respectively.
Height	Tree height is estimated by the arborist at the time of assessment. Tree height is observed and recorded in the following ranges; <5m, 5-10m, 10-15m and >20m.
Spread	Tree crown spread is estimated by the arborist at the time of assessment and recorded in the following ranges <5m, 5-10m, 10-15m, 15-20m, >20m.
Health	Tree health is assessed using the Arborman Tree Solutions - Tree Health Assessment Method that is based on international best practice.
Structure	Tree structure is assessed using Arborman Tree Solutions - Tree Structure Assessment Method that is based on international best practice.
Tree Risk Assessment	Tree Risk is assessed using Tree Risk Assessment methodology. The person conducting the assessment has been trained in the International Society of Arboriculture Tree Risk Assessment Qualification (TRAQ), Quantified Tree Risk Assessment (QTRA) and/or VALID Tree Risk Assessment (VALID). Refer to the Methodology within the report for additional information.
Legislative Status	Legislation status is identified through the interpretation of the <i>Development Act 1993</i> , the <i>Natural Resource Management Act 2004</i> , the <i>Native Vegetation Act 1991</i> and/or any other legislation that may apply.
Mitigation	Measures to reduce tree risk, improve tree condition, remove structural flaws, manage other conditions as appropriate may be recommended in the form of pruning and is listed in the Tree Assessment Findings (Appendix B). Tree pruning is recommended in accordance with AS4373-2007 <i>Pruning amenity trees</i> where practicable. Where measures to mitigate risk is not possible and the risk is unacceptable, then tree removal or further investigation is recommended.



Useful Life Expectancy (ULE)

ULE Rating	Definition
Surpassed	The tree has surpassed its Useful Life Expectancy. Trees that achieve a surpassed ULE may do so due to poor health, structure or form. Additionally, trees that are poorly located such as under high voltage powerlines or too close to structures may also achieve a surpassed ULE. Trees that achieve this status will be recommended for removal as there are no reasonable options to retain them.
<10 years	The tree displays either or both Poor Health and/or Structure and is considered to have a short Useful Life Expectancy of less than ten years. Some short-lived species such as <i>Acacia sp.</i> may naturally achieve a short ULE.
>10 years	The tree displays Fair Health or Structure and Good Health or Structure and is considered to have a Useful Life Expectancy of ten years or more. Trees identified as having a ULE of >10, will require mitigation such as pruning, stem injections or soil amelioration to increase their ULE.
>20 years	The tree displays Good Health and Structure and is considered to have an extended Useful Life Expectancy of more than twenty years.

Maturity (Age)

Age Class	Definition
Senescent	The tree has surpassed its optimum growing period and is declining and/or reducing in size. May be considered as a veteran in relation to its ongoing management. Tree will have generally reached greater than 80% of its expected life expectancy.
Mature	A mature tree is one that has reached its expected overall size, although the tree's trunk is still expected to continue growing. Tree maturity is also assessed based on species; as some trees are much longer lived than others. Tree will have generally reached 20-80% of its expected life expectancy.
Semi Mature	A tree which has established but has not yet reached maturity. Normally tree establishment practices such as watering will have ceased. Tree will generally not have reached 20% of its expected life expectancy.
Juvenile	A newly planted tree or one which is not yet established in the landscape. Tree establishment practices such as regular watering will still be in place. Tree will generally be a newly planted specimen up to five years old; this may be species dependant.

Tree Health Assessment (THA©)

Category	Description
Good	Tree displays normal vigour, uniform leaf colour, no or minor dieback (<5%), crown density (>90%). When a tree is deciduous, healthy axillary buds and typical internode length is used to determine its health. A tree with good health would show no sign of disease and no or minor pest infestation was identified. The tree has little to no pest and/or disease infestation.
Fair	Tree displays reduced vigour abnormal leaf colour, a moderate level of dieback (<15%), crown density (>70%) and in deciduous trees, reduced axillary buds and internode length. Minor pest and/or disease infestation potentially impacting on tree health. Trees with fair health have the potential to recover with reasonable remedial treatments.
Poor	Tree displays an advanced state of decline with low or no vigour, chlorotic or dull leaf colour, with high crown dieback (>15%), low crown density (<70%) and/or in deciduous trees, few or small axillary buds and shortened internode length. Pest and or disease infestation is evident and/or widespread. Trees with poor health are highly unlikely to recover with any remedial treatments; these trees have declined beyond the point of reversal.
Dead	The tree has died and has no opportunity for recovery.



Tree Structural Assessment (TSA©)

Category	Description
Good	Little to no branch failure observed within the crown, well-formed unions, no included bark, good branch and trunk taper present, root buttressing and root plate are typical. Trees that are identified as having good health display expected condition for their age, species and location.
Fair	The tree may display one or more of the following a history of minor branch failure, included bark unions may be present however, are stable at this time, acceptable branch and trunk taper present, root buttressing and root plate are typical. Trees with fair structure will generally require reasonable remediation methods to ensure the tree's structure remains viable.
Poor	History of significant branch failure observed in the crown, poorly formed unions, unstable included bark unions present, branch and/or trunk taper is abnormal, root buttressing and/or root plate are atypical.
Failed	The structure of the tree has or is in the process of collapsing.

Tree Form Assessment (TFA©)

Category	Description
Good	Form is typical of the species and has not been altered by structures, the environment or other trees.
Fair	The form has minor impacts from structures, the environment or adjacent trees which has altered its shape. There may be slight phototropic response noted or moderate pruning which has altered the tree's form.
Poor	The tree's form has been substantially impacted by structures, the environment, pruning or other trees. Phototropic response is evident and unlikely to be corrected.
Atypical	Tree form is highly irregular due to structures or other trees impacting its ability to correctly mature. Extreme phototropic response is evident; or the tree has had a substantially failure resulting in its poor condition, or extensive pruning has altered the tree's form irreversibly.

Priority

Category	Description
Low	Identified works within this priority should be carried out within 12 months.
Medium	Identified works within this priority should be carried out within 6 months.
High	Identified works within this priority should be carried out within 3 months.
Urgent	Identified works within this priority should be carried out immediately. Works within this priority rating will be brought to attention of the responsible person at the time of assessment.



Tree Retention Rating (TRR)

The Tree Retention Rating is based on a number of factors that are identified as part of the standard tree assessment criteria including Condition, Size, Environmental, Amenity and Special Values. These factors are combined in a number of matrices to provide a Preliminary Tree Retention Rating and a Tree Retention Rating Modifier which combine to provide a Tree Retention Rating that is measurable, consistent and repeatable.

Preliminary Tree Retention Rating

The Preliminary Tree Retention Rating is conducted assessing Tree Health and Structure to give an overall Condition Rating and Height and Spread to give an overall Size Rating. The following matrices identify how these are derived.

Condition Matrix				
Structure	Health			
	Good	Fair	Poor	Dead
Good	C1	C2	C3	C4
Fair	C2	C2	C3	C4
Poor	C3	C3	C4	C4
Failed	C4	C4	C4	C4

Size Matrix					
Spread	Height				
	>20	15-20	10-15	5-10	<5
>20	S1	S1	S1	S2	S3
15-20	S1	S1	S2	S3	S3
10-15	S1	S2	S2	S3	S4
5-10	S2	S3	S3	S4	S5
<5	S3	S3	S4	S5	S5

The results from the Condition and Size Matrices are then placed in the Preliminary Tree Retention Rating Matrix.

Preliminary Tree Retention Rating				
Size	Condition			
	C1	C2	C3	C4
S1	High	Moderate	Low	Low
S2	Moderate	Moderate	Low	Low
S3	Moderate	Moderate	Low	Low
S4	Moderate	Moderate	Low	Low
S5	Low	Low	Low	Low

The Preliminary Tree Retention Rating gives a base rating for all trees regardless of other environmental and/or amenity factors and any Special Value considerations. The Preliminary Tree Retention Rating can only be modified if these factors are considered to be of high or low enough importance to warrant increasing or, in a few cases, lowering the original rating.



Tree Retention Rating Modifier

The Preliminary Tree Retention Rating is then qualified against the recognised Environmental and Amenity benefits that trees present to the community thereby providing a quantitative measure to determine the overall Tree Retention Rating. Data is collected in relation to Environmental and Amenity attributes which are compared through a set of matrices to produce a Tree Retention Rating Modifier.

Environmental Matrix				
Origin	Habitat			
	Active	Inactive	Potential	No Habitat
Indigenous	E1	E1	E2	E3
Native	E1	E2	E3	E3
Exotic	E2	E3	E3	E4
Weed	E3	E3	E4	E4

Amenity Matrix				
Character	Aesthetics			
	High	Moderate	Low	None
Important	P1	P1	P2	P3
Moderate	P1	P2	P3	P3
Low	P2	P3	P3	P4
None	P3	P3	P4	P4

Tree Retention Rating Modifier				
Amenity	Environment			
	E1	E2	E3	E4
P1	High	High	Moderate	Moderate
P2	High	Moderate	Moderate	Moderate
P3	Moderate	Moderate	Moderate	Moderate
P4	Moderate	Moderate	Moderate	Low

Tree Retention Rating

The results of the Preliminary Tree Retention Rating and the Tree Retention Rating Modifier matrices are combined in a final matrix to give the actual Tree Retention Rating.

Tree Retention Rating Matrix			
Tree Retention Rating Modifier	Preliminary Tree Retention Rating		
	High	Moderate	Low
High	Important	High	Moderate
Moderate	High	Moderate	Low
Low	Moderate	Low	Low



Special Value Trees

There are potentially trees that have Special Value for reasons outside of normal Arboricultural assessment protocols and therefore would not have been considered in the assessment to this point; to allow for this a Special Value characteristic that can override the Tree Retention Rating can be selected. Special Value characteristics that could override the Tree Retention Rating would include factors such as the following:

Cultural Values

Memorial Trees, Avenue of Honour Trees, Aboriginal Heritage Trees, Trees planted by Dignitaries and various other potential categories.

Environmental Values

Rare or Endangered species, Remnant Vegetation, Important Habitat for rare or endangered wildlife, substantial habitat value in an important biodiversity area and various other potential categories.

Where a tree achieves one or more Special Value characteristics the Tree Retention Rating will automatically be overridden and assigned the value of Important.

Tree Retention Rating Definitions

- | | |
|------------------|--|
| Important | These trees are considered to be important and will in almost all instances be required to be retained within any future development/redevelopment. It is highly unlikely that trees that achieve this rating would be approved for removal or any other tree damaging activity. Protection of these trees should as a minimum be consistent with Australian Standard AS4970-2009 <i>Protection of trees on development sites</i> however given the level of importance additional considerations may be required. |
| High | These trees are considered to be important and will in most instances be required to be retained within any future development/redevelopment. It is unlikely that trees that achieve this rating would be approved for removal or any other tree damaging activity. Protection of these trees should be consistent with Australian Standard AS4970-2009 <i>Protection of trees on development sites</i> . |
| Moderate | These trees are considered to be suitable for retention however they achieve less positive attributes than the trees rated as Important or High and as such their removal or other tree damaging activity is more likely to be considered to be acceptable in an otherwise reasonable and expected development. The design process should where possible look to retain trees with a Moderate Retention Rating. Protection of these trees, where they are identified to be retained, should be consistent with Australian Standard AS4970-2009 <i>Protection of trees on development sites</i> . |
| Low | These trees are not considered to be suitable for retention in any future development/redevelopment; trees in this category do not warrant special works or design modifications to allow for their retention. Trees in this category are likely to be approved for removal and/or other tree damaging activity in an otherwise reasonable and expected development. Protection of these trees, where they are identified to be retained, should be consistent with Australian Standard AS4970-2009 <i>Protection of trees on development sites</i> . |



Development Impact Assessment

Potential development impacts were determined in accordance with Australian Standard 4970-2009 *Protection of trees on development sites*. The identification of the impact of development considers a number of factors including the following:

- a. The extent of encroachment into a tree's Tree Protection Zone by the proposed development as a percentage of the area.
- b. Results of any non-destructive exploratory investigations that may have occurred to determine root activity.
- c. Any required pruning that may be needed to accommodate the proposed development.
- d. Tree species and tolerance to root disturbance.
- e. Age, vigour and size of the tree.
- f. Lean and stability of the tree.
- g. Soil characteristics and volume, topography and drainage.
- h. The presence of existing or past structures or obstacles potentially affecting root growth.
- i. Design factors incorporated into the proposed development to minimise impact.

The impacts on a tree can be varied and are not necessarily consistent with or directly correlated to a particular level of encroachment, to assist in providing consistency the levels of impact have been classified into the following categories: -

- No Impact - no encroachment into the TPZ has been identified.
- Low <10% - the identified encroachment is less than 10% of the TPZ area and not expected to impact tree viability.
- Low >10% - the identified encroachment is greater than 10% of the TPZ area however there are factors that indicate the proposed development will not negatively impact tree viability.
- High >10% - the identified encroachment is greater than 10% of the TPZ area and factors are present that indicate the proposed development will negatively impact tree viability. The impact is likely to lead to the long-term decline of the tree however it is unlikely to impact on its short-term stability.
- Conflicted - the identified encroachment is greater than 10% of the TPZ area and in most cases will also impact the SRZ and/or the trunk. There are factors present that indicate the proposed development will negatively impact tree viability to the point where its removal is required as part of the development.

Trees with calculated encroachments greater than 10% and with an Impact identified as 'Low' have features or considerations identified in clauses in AS4970-2009 3.3.4 *TPZ encroachment considerations* which indicate these trees should be sustainable.

Trees with calculated encroachments greater than 10% and with an Impact identified as 'High' do not have any features or considerations identified in clauses in AS4970-2009 3.3.4 and therefore alternative design solutions, additional root investigations and/or tree sensitive construction measures are required if the tree is to be retained. Where alternative protection methodologies are not available tree removal may be required to accommodate the development.

Trees with an Impact identified as 'Conflicted' are impacted over the majority of their root zone and/or over the SRZ or on the trunk, additional root investigations or tree sensitive construction measures are not available and the only option is alternative designs or tree removal.



Appendix B - Tree Assessment Findings

Eucalyptus camaldulensis

Tree No: 1

River Red Gum

Inspected:	19 August 2020
Height:	>20 metres
Spread:	>20 metres
Health:	Good
Structure:	Good
Form:	Good
Trunk Circumference:	>3 metres
Useful Life Expectancy:	>20 years
Tree Protection Zone:	15.00 metres
Structural Root Zone:	3.92 metres

Observations

The health and structure of this tree indicate it is in good overall condition and has adapted to its local environment.

The tree is located in the rear garden of the neighbouring property to the north west.

The crown slightly overhangs the subject land however this is minimal and not expected to impact on the new dwellings.

**Legislative Status****Significant**

This tree has a trunk circumference greater than three metres and is not subject to any exemption from regulation and therefore it is identified as a Significant Tree as defined in the Development Act 1993.

Retention Rating**Moderate**

This tree has a Moderate Retention Rating and is worthy of protection.

Development Impact**Low**

The identified encroachment is less than 10% of the TPZ area and not expected to impact tree viability.

Recommendation**Apply TPZ**

This tree should be protected in accordance with AS4970-2009; the existing boundary fence will act as a suitable protection fence and additional fencing should be required.



Published 1/09/2020

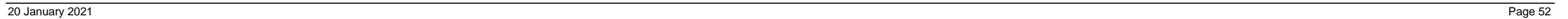
Development Impact Report

Page 1 of 1

ATS5973-004WooStDIR - 4 Wood Street, Kurralt Park



Appendix C - Mapping





Appendix D - Tree Assessment Summary



Tree Assessment Summary

Tree No.	Botanic Name	Legislative Status	Retention Rating	Development Impact	TPZ Radius	Observations	Recommendation
1	<i>Eucalyptus camaldulensis</i>	Significant	Moderate	Low	15.00 metres	The identified encroachment is less than 10% of the TPZ area and not expected to impact tree viability.	Apply TPZ



Appendix E - Tree Protection Zone Guidelines

Tree Protection Zone General Specifications and Guidelines

The Tree Protection Zone(s) is identified on the site plan. The TPZ is an area where construction activities are regulated for the purposes of protecting tree viability. The TPZ should be established so that it clearly identifies and precludes development/construction activities including personnel.

If development activities are required within the TPZ then these activities must be reviewed and approved by the Project Arborist. Prior to approval, the Project Arborist must be certain that the tree(s) will remain viable as a result of this activity.

Work Activities Excluded from the Tree Protection Zone:

- a) Machine excavation including trenching;
- b) Excavation for silt fencing;
- c) Cultivation;
- d) Storage;
- e) Preparation of chemicals, including preparation of cement products;
- f) Parking of vehicles and plant;
- g) Refuelling;
- h) Dumping of waste;
- i) Wash down and cleaning of equipment;
- j) Placement of fill;
- k) Lighting of fires;
- l) Soil level changes;
- m) Temporary or permanent installation of utilities and signs, and
- n) Physical damage to the tree.

Protective Fencing

Protective fencing must be installed around the identified Tree Protection Zone (See Figure1). The fencing should be chain wire panels and compliant with AS4687 - 2007 *Temporary fencing and hoardings*. Shade cloth or similar material should be attached around the fence to reduce dust, other particulates and liquids entering the protected area.

Temporary fencing on 28kg bases are recommended for use as this eliminates any excavation requirements to install fencing. Excavation increase the likelihood of root damage therefore should be avoided where possible throughout the project.

Existing perimeter fencing and other structures may be utilised as part of the protective fencing.

Any permanent fencing should be post and rail with the set out determined in consultation with the Project Arborist.

Where the erection of the fence is not practical the Project Arborist is to approve alternative measures.

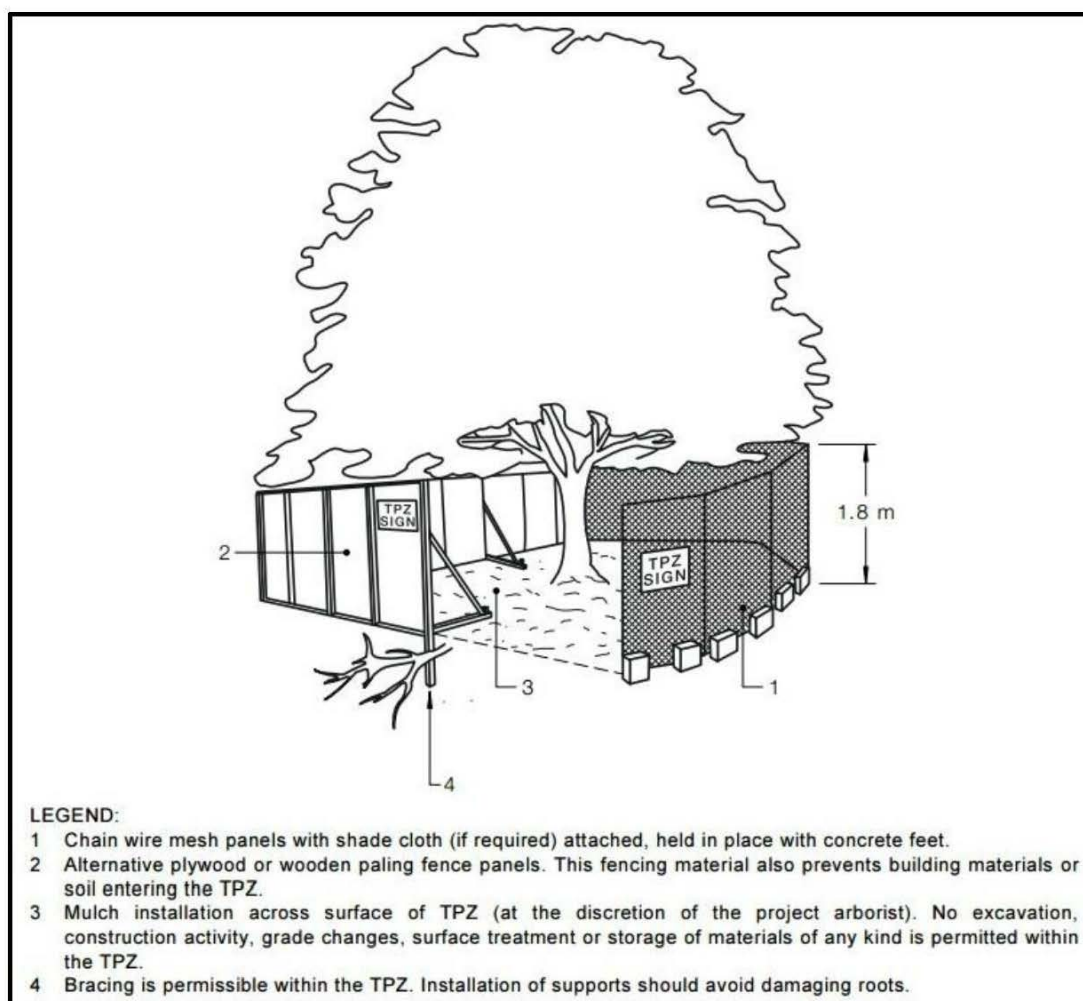


Figure 1 Showing example of protection fencing measures suitable.

Other Protection Measures

General

When a TPZ exclusion area cannot be established due to practical reasons or the area needs to be entered to undertake construction activities then additional tree protection measures may need to be adopted. Protection measures should be compliant with AS4970-2009 and approved by the Project Arborist

Installation of Scaffolding within Tree Protection Area.

Where scaffolding is required within the TPZ branch removal should be minimised. Any branch removal required should be approved by the Project Arborist and performed by a certified Arborist and performed in accordance with AS4373-2007. Approval to prune branches must be documented and maintained.

Ground below scaffold should be protected by boarding (e.g. scaffold board or plywood sheeting) as shown in Figure below. The boarding should be left in place until scaffolding is removed.

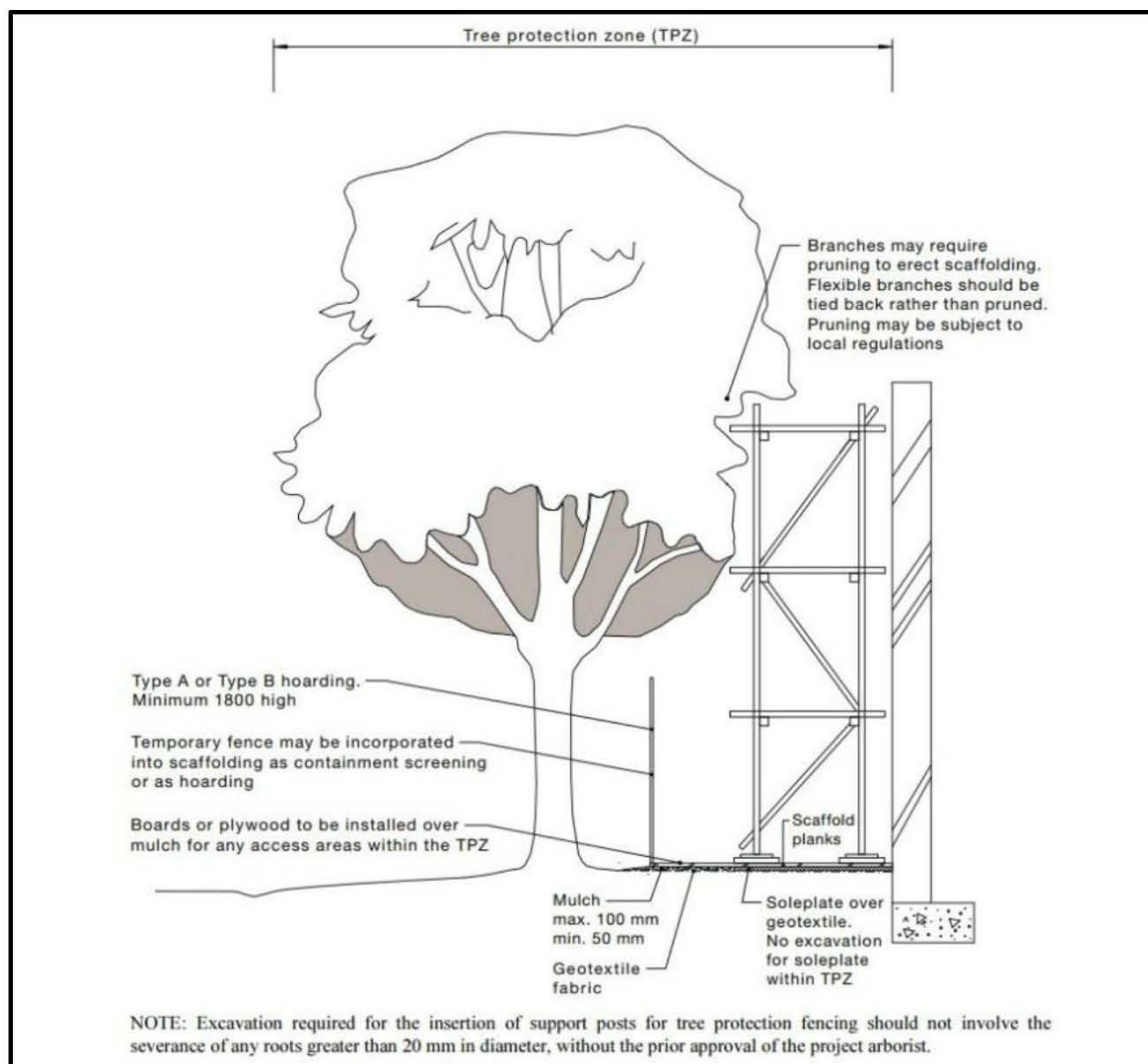


Figure 2 – Showing scaffold constructed within TPZ.

Ground Protection

Where access is required within the TPZ ground protection measures are required. Ground protection is to be designed to prevent both damage to the roots and soil compaction.

Ground protection methods include the placement of a permeable membrane beneath a layer of non-compactable material such as mulch or a no fines gravel which is in turn covered with rumble boards or steel plates.

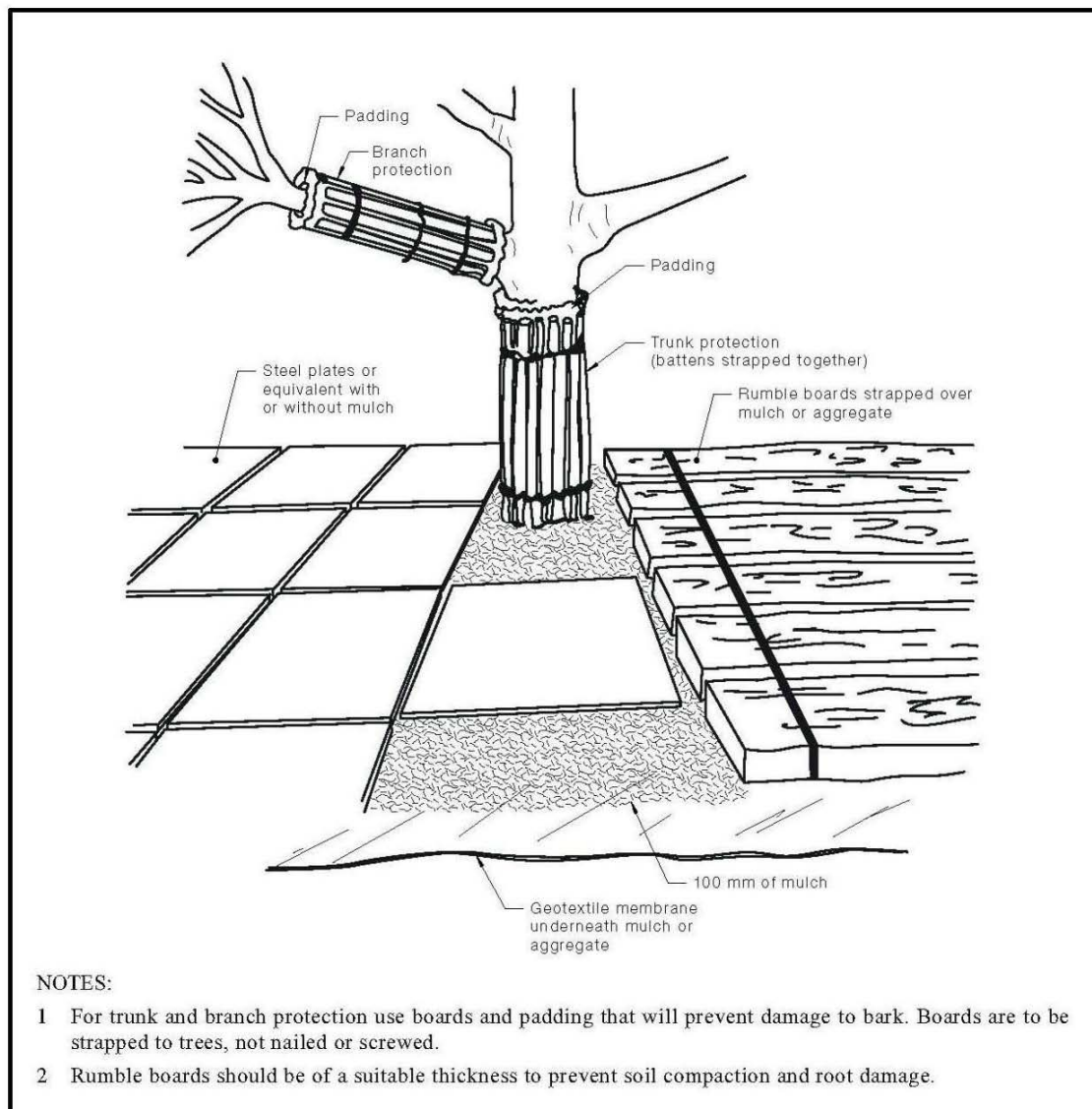


Figure 3 – Ground protection methods.

Document Source:

Diagrams in this document are sourced from AS4970-2009 Protection of trees on development sites. Further information and guidelines are available in within that document.

Paving Construction within a Tree Protection Zone

Paving within any Tree Protection Zone (TPZ) must be carried out above natural ground level unless it can be shown with non-destructive excavation (AirSpade® or similar) that no or insignificant root growth occupies the proposed construction area.

Due to the adverse effect filling over a Tree Protection Zone (TPZ) can have on tree health; alternative mediums other than soil must be used. Available alternative mediums include structural soils or the use of a cellular confinement system such as Ecocell®.

Ecocell®

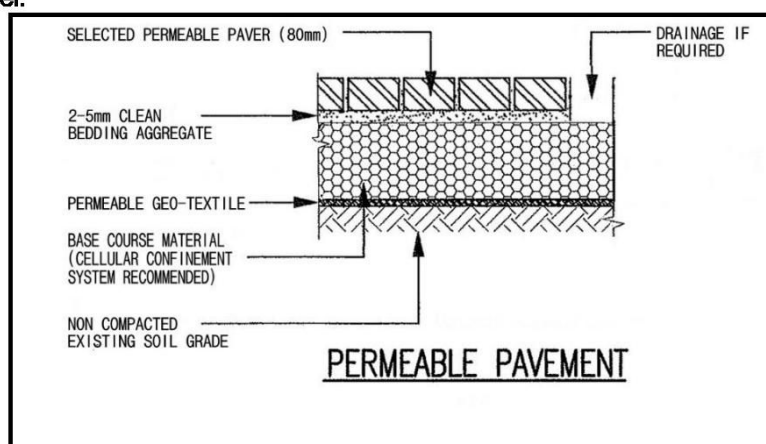
Ecocell® systems are a cellular confinement system that can be filled with large particle sized gravels as a sub-base for paving systems to reduce compaction to the existing grade.

Site preparation

- Clearly outline to all contracting staff entering the site the purpose of the TPZ's and the contractors' responsibilities. No fence is to be moved and no person or machinery is to access the TPZ's without consent from the City of Unley and/or the Project Arborist.
- Fence off the unaffected area of the TPZ with a temporary fence leaving a 1.5 metre gap between the work area and the fence; this will prevent machinery access to the remaining root zone.

Installation of Ecocell® and EcoTrihex Paving®

- Install a non-woven geotextile fabric for drainage and separation from sub base with a minimum of 600mm overlap on all fabric seams as required.
- Add Ecocell®, fill compartments with gravel and compact to desired compaction rate.
- If excessive groundwater is expected incorporate an appropriate drainage system within the bedding sand level.
- Add paving sand to required depth and compact to paving manufacturer's specifications.
- Lay EcoTrihex Paving® as per manufactures specifications and fill gaps between pavers with no fines gravel.
- Remove all debris, vegetation cover and unacceptable in-situ soils. No excavation or soil level change of the sub base is allowable for the installation of the paving.
- Where the finished soil level is uneven, gullies shall be filled with 20 millimetre coarse gravel to achieve the desired level.



This construction method if implemented correctly can significantly reduce and potentially eliminated the risk of tree decline and/or structural failure and effectively increase the size of the Tree Protection Zone to include the area of the paving.

Certificates of Control

Stage in development	Tree management process	
	Matters for consideration	Actions and certification
Development submission	Identify trees for retention through comprehensive arboricultural impact assessment of proposed construction. Determine tree protection measures Landscape design	Provide arboricultural impact assessment including tree protection plan (drawing) and specification
Development approval	Development controls Conditions of consent	Review consent conditions relating to trees
Pre-construction (Sections 4 and 5)		
Initial site preparation	State based OHS requirements for tree work Approved retention/removal Refer to AS 4373 for the requirements on the pruning of amenity trees Specifications for tree protection measures	Compliance with conditions of consent Tree removal/tree retention/transplanting Tree pruning Certification of tree removal and pruning Establish/delineate TPZ Install protective measures Certification of tree protection measures
Construction (Sections 4 and 5)		
Site establishment	Temporary infrastructure Demolition, bulk earthworks, hydrology	Locate temporary infrastructure to minimize impact on retained trees Maintain protective measures Certification of tree protection measures
Construction work	Liaison with site manager, compliance Deviation from approved plan	Maintain or amend protective measures Supervision and monitoring
Implement hard and soft landscape works	Installation of irrigation services Control of compaction work Installation of pavement and retaining walls	Remove selected protective measures as necessary Remedial tree works Supervision and monitoring
Practical completion	Tree vigour and structure	Remove all remaining tree protection measures Certification of tree protection
Post construction (Section 5)		
Defects liability/maintenance period	Tree vigour and structure	Maintenance and monitoring Final remedial tree works Final certification of tree condition

Document Source:

This table has been sourced from AS4970-2009 Protection of trees on development sites. Further information and guidelines are available in within that document.

Tree Protection Zone



NO ACCESS

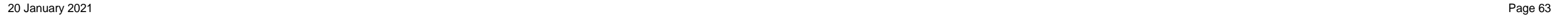
Contact: Arborman Tree Solutions

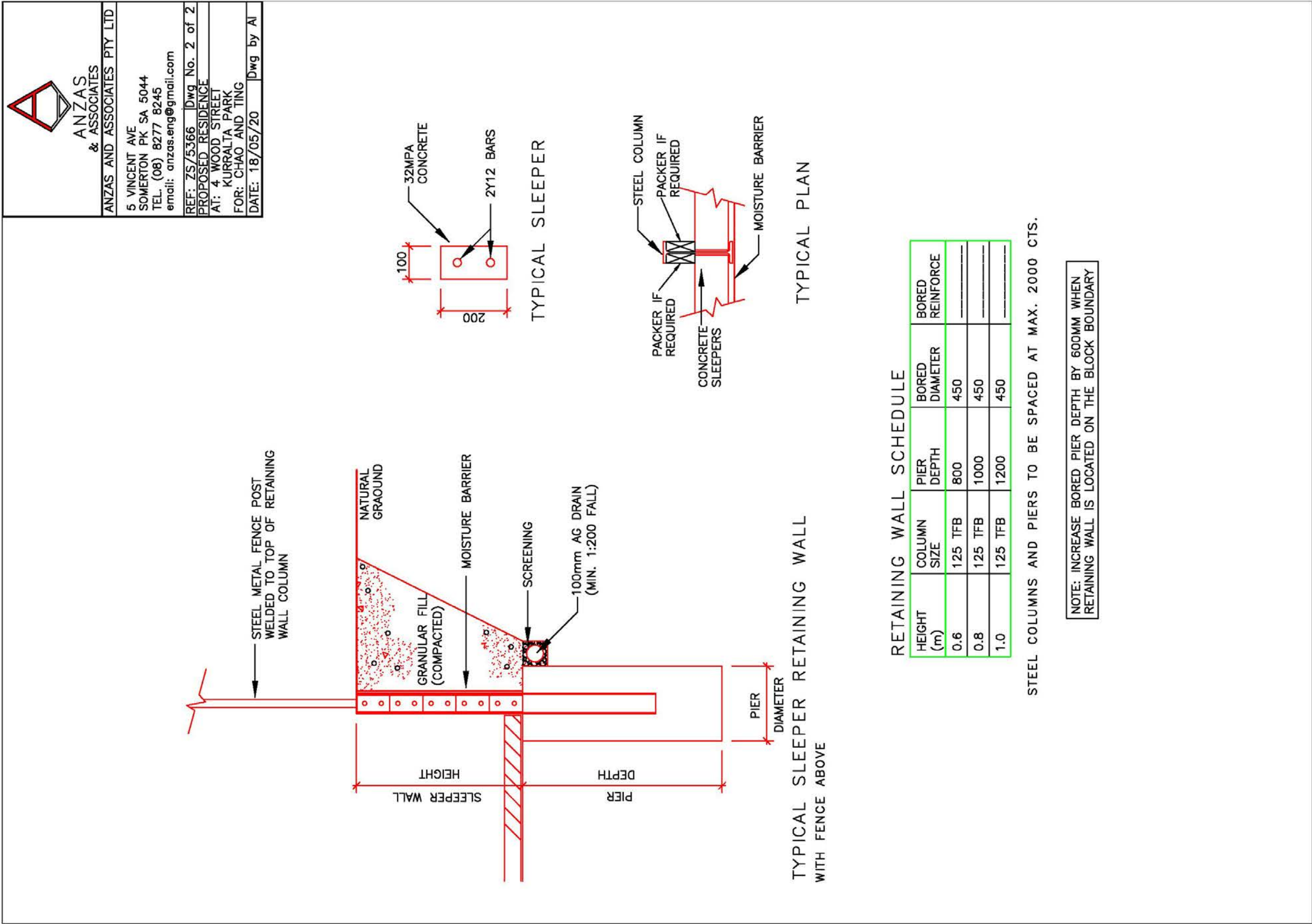
Ph. 8240 5555

m: 0418 812 967

e: arborman@arborman.com.au







5 VINCENT AVENUE
BRIGHTON SA 5048
T: 0402231610
E: anzas.eng@gmail.com
ABN: 97 144 898 304
ACN: 144 898 304

ANZAS
& ASSOCIATES
CONSULTING ENGINEERS
www.anzas.com.au



Date: 18/05/20

Ref: ZS/5366

Calculations

CLIENT: CHAO AND TING

SITE: 4 WOOD STREET KURRALTA PARK

A handwritten signature in black ink, appearing to read 'Joe Z. Said'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Joe Z. Said. MIE.Aust

STORMWATER DESIGN

Site: 4 WOOD STREET
KURRALTA PARK

Date: 5/18/2020
Job No.: 5366

Total Site Area = 903 m²

Predevelopment - 1:5 ARI 82.8 mm/hr (5 minute)
(as per council requirements)

Pre development Flow

Impervious Area (Roof + paving) (Ai) = 250 m² Ci = 0.35

Pervious Area (Landscaping) (Ap) = 653 m² Cp = 0.35

(as per councils requirements)

$$C_n = [(C_i \times A_i) + (C_p \times A_p)] / A$$

No. Dwellings = 5

$$C_n = 0.35$$

(as per councils requirements)

Flow Rate - $Q_2 = (C_n \times i \times A) / 3600$

$$Q_2 = 7.27 \text{ Ltr / s}$$

New Development

Note: 100% of roof water to be diverted to tank

Roof Area (Ar) = 455 m² --> 455 m² to tank
0 m² direct to street

Paving Area (Ap) = 250 m²

Landscaping (Al) = 198 m²

Undetained Runoff

$$Q_{\text{outflow}} = \left[\begin{array}{ccc} 250 \times 0.9 & + & 198 \times 0.1 \\ \text{Paving} & & \text{Landscape} \end{array} + \begin{array}{c} 0 \times 1 \\ \text{Roof} \end{array} \right] \times i / 3600$$

$$Q_{\text{outflow}} = 0.07 \text{ l}$$

Undetained flow rate using 1:5 ARI 5 minute event = 5.63 Ltr / s (I=82.8mm/hr)

Outflow = Predevelopment - Undetained flow rate - 1ltr/s (pump output)

Outflow = 1.64 Ltr / s

Outflow per tank = 0.33 Ltr / s

Size orifice off Q per tank allowed

Qout = 0.33 ltr/s

C = 0.65 g = 9.81 H = 1.2

$$2gH = 23.544$$

$$Q_{\text{out}} = CA \times (2gH)^{0.5}$$

$$A = Q_{\text{out}} / (C \times (2gH)^{0.5})$$

$$A = 103.9176$$

$$A = \pi \times \text{radius}^2$$

$$\text{Rad} = (A / \pi)^{0.5}$$

$$\text{Rad} = 5.751433 \text{ mm}$$

Adopt 11mm orifice

$$\text{Diam} = 11.50287 \text{ mm}$$

Stormwater Detention Design

20% AEP - 5 Year Event

Storm Duration	Intensity	Q		Required Roof
		Outflow	Inflow	
5	82.8	1.64	10.47	529.58
10	60.6	1.64	7.66	722.45
15	48.4	1.64	6.12	806.13
20	41.1	1.64	5.19	853.40
25	36.0	1.64	4.55	873.38
30	32.2	1.64	4.07	875.15
45	24.7	1.64	3.12	800.85
60	20.7	1.64	2.62	703.80
120	10.0	1.64	1.26	-545.26
180	6.2	1.64	0.78	-1852.56
360	6.1	1.64	0.77	-3748.80

Note: Intensities taken from design rainfall data system 2016

Website: <http://www.bom.gov.au/water/designRainfalls/revised-ifd/>

Roof Runoff to tank

$$Q_{\text{roof}} = \left[455 \times 1.0 \right] \times I / 3600$$

$$Q_{\text{roof}} = 0.13 \times \text{intensity}$$

Roof Storage :

Outflow = Predevelopment - Undetained flow rate calculated on page 1

Inflow = Q_{roof} (calculated above) \times intensity

Required roof storage = (Inflow rate - Outflow rate) \times duration \times 60seconds

Max storage required (from table above) = 875.15 Ltr

Therefore adopt 1000 ltr detention tank and 1000 Ltr retention tank

Critical Storm event = 10 minutes

Predevelopment flow: $Q_2 = 7.27 \text{ Ltr / s}$

Postdevelopment flow: Undetained + Outflow + output pump (1ltr/s)
= 6.96 Ltr / s

Underground storage design

Outflow is 0Ltr/S as per council requirements

Runoff into sump (areas shown on page 1)

$$Q_{inflow} = \left[\begin{array}{l} 250 \times 0.9 + 198.0 \times 0.1 + 455 \\ \text{Paving} \quad \text{Landscaping} \quad \text{Roof overflow} \end{array} \right] \times 0.25 \times 1/3600$$

$$Q_{inflow} = 0.0996 \text{ l}$$

1% AEP - 100 Year Event

Storm Duration	Intensity	Q		Required Undergro
		Outflow	Inflow	
10	127.0	5.63	12.65	4211.07

Note: Intensities taken from design rainfall data system 2016

Website: <http://www.bom.gov.au/water/designRainfalls/revised-ifd/>

Required underground Storage :

Outflow = 0 (as per council requirements)

Inflow = $Q_{inflow} \text{ (calculated above)} \times \text{intensity}$

Required Underground storage = (Inflow rate - Outflow rate) \times duration \times 60seconds

Max storage required (from table above) = 4211.07 Ltr

Size orifice off Q per tank allowed

$Q_{out} = 5.63 \text{ ltr/s}$

$C = 0.65$ $g = 9.81$ $H = 0.5$

$2gH = 9.81$

$Q_{out} = CA \times (2gH)^{0.5}$

$A = Q_{out} / (C \times (2gH)^{0.5})$

$A = 2765.613$

$A = \pi \times \text{radius}^2$

$\text{Rad} = (A / \pi)^{0.5}$

$\text{Rad} = 29.67066 \text{ mm}$

$\text{Diam} = 59.34131 \text{ mm}$

Adopt 60mm orifice

Concrete Sleeper Retaining wall with fence**Wind analysis**

VR =	45.00	m/s	Md=	1
Vsite, B=	31.75	kpa	Mt=	1
qz =	0.60	kpa	Ms=	0.85
Cp=	1.22		Mz=	0.83
ka =	0.35			
y =	18.00	kN/m ³		
Q=	5.00	kpa		
Spacing of columns =	2.00	m		
Wall Height=	0.6	m		
Fence Height=	1.8	m		

$$P_e = 1/2 \times k_a \times \text{wallheight}^2 \times y \times \text{column spacing}$$

$$= 2.268 \text{ kN}$$

$$\text{Total P} = 7.02 \text{ kN}$$

$$H \text{ eq} = 0.38 \text{ m}$$

$$P_s = k_a \times Q \times \text{wallheight} \times \text{column spacing}$$

$$= 2.1 \text{ kN}$$

$$P_{\text{wind}} = q_z \times c_p \times \text{Fence height} \times \text{column spacing}$$

$$= 2.66 \text{ kN}$$

$$\text{Mult base} = 1.5 \times (P_e \times \text{wallheight} / 3 + P_s \times \text{wallheight} / 2) + (P_{\text{wind}} \times (\text{fence height} / 2))$$

$$= 4.02 \text{ kNm}$$

$$\text{Try } 125\text{TFB} \quad L_e = 1.2$$

$$\phi M_b = 24 \text{ kNm}$$

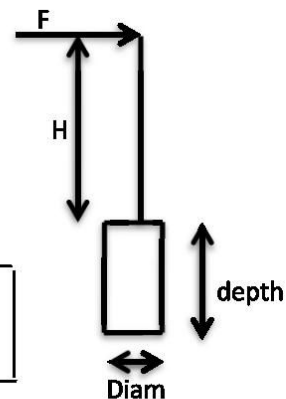
Bored Pier Calculation

$$q_b = \text{Soil Bearing (kpa)} = 0.15$$

$$F = \text{Racking Force (kN)} = 4.37$$

$$H = \text{Height (mm)} = 381.1512$$

$$\text{Bored Diam (mm)} = 450$$

**Bored Pier Depth D**

$$D = \left[8 + \left[\frac{72 + 80 \times \text{Diam} \times q_b \times H}{F \times 1000} \right]^{0.5} \right] \times \left[\frac{9 \times F \times 1000}{40 \times \text{Diam} \times q_b} \right]$$

$$D = 455.8259$$

Adopt: Diam = 450 mm
 Depth = 455.8259 mm
 with columns 125TFB

Concrete Sleeper Retaining wall with fence**Wind analysis**

VR =	45.00	m/s	Md=	1
Vsite, B=	31.75	kpa	Mt=	1
			Ms=	0.85
			Mz=	0.83
qz =	0.60	kpa		
Cp=	1.22			
ka =	0.35			
y =	18.00	kN/m ³		
Q=	5.00	kpa		
Spacing of columns =	2.00	m		
Wall Height=	0.80	m		
Fence Height=	1.80	m		

$$Pe = 1/2 \times ka \times wallheight^2 \times y \times column \text{ spacing}$$

$$= 4.032 \text{ kN}$$

$$Total P = 9.49 \text{ kN}$$

$$H_{eq} = 0.46 \text{ m}$$

$$Ps = ka \times Q \times wallheight \times column \text{ spacing}$$

$$= 2.8 \text{ kN}$$

$$P_{wind} = qz \times cp \times Fence \text{ height} \times column \text{ spacing}$$

$$= 2.66 \text{ kN}$$

$$Mult \text{ base} = 1.5 \times (Pe \times wallheight / 3 + Ps \times wallheight / 2) + (P_{wind} \times (fence \text{ height} / 2))$$

$$= 5.68 \text{ kNm}$$

$$\text{Try } 125\text{TFB} \quad Le = 1.6$$

$$\phi Mb = 24 \text{ kNm}$$

Bored Pier Calculation

$$qb = \text{Soil Bearing (kpa)} = 0.15$$

$$F = \text{Racking Force (kN)} = 6.83$$

$$H = \text{Height (mm)} = 455.313$$

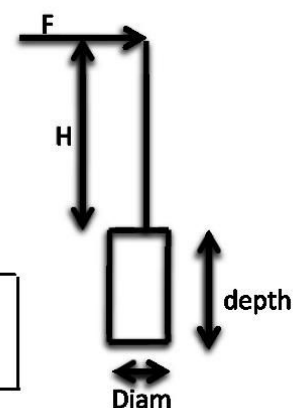
$$\text{Bored Diam (mm)} = 450$$

Bored Pier Depth D

$$D = \left[8 + \left[\frac{72 + 80 \times \text{Diam} \times qb \times H}{F \times 1000} \right]^{0.5} \right] \times \left[\frac{9 \times F \times 1000}{40 \times \text{Diam} \times qb} \right]$$

$$D = 655.455$$

Adopt: Diam = 450 mm
 Depth = 655.455 mm
 with columns 125TFB



Concrete Sleeper Retaining wall with fence**Wind analysis**

VR =	45.00	m/s	Md=	1
Vsite, B=	31.75	kpa	Mt=	1
qz =	0.60	kpa	Ms=	0.85
Cp=	1.22		Mz=	0.83
ka =	0.35			
y =	18.00	kN/m ³		
Q=	5.00	kpa		
Spacing of columns =	2.00	m		
Wall Height=	1.00	m		
Fence Height=	1.80	m		

$$P_e = 1/2 \times k_a \times \text{wallheight}^2 \times y \times \text{column spacing}$$

$$= 6.3 \text{ kN}$$

$$\text{Total P} = 12.46 \text{ kN}$$

$$H_{eq} = 0.52 \text{ m}$$

$$P_s = k_a \times Q \times \text{wallheight} \times \text{column spacing}$$

$$= 3.5 \text{ kN}$$

$$P_{wind} = q_z \times c_p \times \text{Fence height} \times \text{column spacing}$$

$$= 2.66 \text{ kN}$$

$$\text{Mult base} = 1.5 \times (P_e \times \text{wallheight} / 3 + P_s \times \text{wallheight} / 2) + (P_{wind} \times (\text{fence height} / 2))$$

$$= 8.17 \text{ kNm}$$

$$\text{Try } 125\text{TFB} \quad L_e = 2$$

$$\phi M_b = 24 \text{ kNm}$$

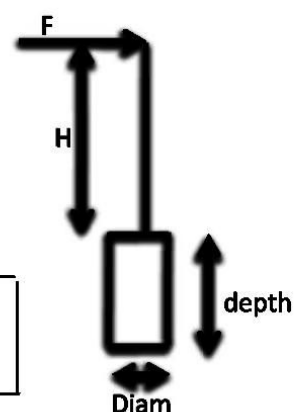
Bored Pier Calculation

$$q_b = \text{Soil Bearing (kpa)} = 0.15$$

$$F = \text{Racking Force (kN)} = 9.80$$

$$H = \text{Height (mm)} = 522.3196$$

$$\text{Bored Diam (mm)} = 450$$

**Bored Pier Depth D**

$$D = \left[8 + \left[\frac{72 + 80 \times \text{Diam} \times q_b \times H}{F \times 1000} \right]^{0.5} \right] \times \left[\frac{9 \times F \times 1000}{40 \times \text{Diam} \times q_b} \right]$$

$$D = 880.9751$$

Adopt: Diam = 450 mm
 Depth = 880.9751 mm
 with columns 125TFB



ABN: 35 854 383 231
 Address: 207-209 Colchester Road
 Kilsyth, Victoria, 3137
 Telephone: 03 8720 8100
 Email: Telstra-NI@deconcorp.com.au

For the Attention of: -
Toufic Kaissi

Date	Tuesday, 24 November 2020
Decon Reference No.	RW013148
Telstra Reference No.	AN336826-1
Address	4 Wood Street
Suburb	Kurralta Park
Postcode	5037
Project Description	Replace ACM Telstra pit with a new P5 pit. Concrete base to be installed to make this suitable for traffic. Vac Truck included due to proximity to Gas infrastructure, APA will need to be engaged before construction, which will dictate construction start date. (Customer to provide pit levels before works commence)

As discussed, please find attached the quotation for the above named project.

All activities detailed in the scope of works have been considered including;

NOTE: -

- * All works to be completed in normal business hours;
- * Any requested revised by the customer will involve additional costs.

Decon Total Quote	\$2,575.92 EX GST
Telstra NIS Fees 15%	\$386.39 EX GST
Total GST	\$296.23 GST
Total INC GST	\$3,258.54 INC GST

Page 1 of 2



Included in our quotation is:

1. All works in accordance with Telstra processes and practices
2. One establishment only to site, with full access and continuity of work.

Excluded from our quotation is:

1. After hours work unless agreed to prior
2. Any Asbestos encountered during works(unless allowed for in quote)
3. Return visit to site due to design issues or faulty equipment
4. Liability of 3rd party free issued equipment delivered to our premises.

Note:

Our quotation is subject to Industry standard Terms and Conditions.

This Quotation has been populated using Telstra's field visit and investigation using available plans.

Project Variation costs may apply if additional information comes to light during construction.

This Quotation is valid for 30 days.

Please note that works will not proceed until payment in full is received for the works outlined above.

Payment in full is deemed to be full acceptance of this quote. Our bank details are as follows:

Account: Decon Technologies

BSB: 063 109

Account: 13219393

Bank: Commonwealth Bank

Please quote Decon Reference 'RW013148' as listed at the start of this quote

Remittances should be sent to Technologies.SA.Telstra@deconcorp.com.au

We trust the above meets your expectations and look forward to your response.

Kind Regards

Matt Press

Matt Press

Senior Supervisor

Page 2 of 2



STATEMENT OF REPRESENTATION
Pursuant to Section 38 of the Development Act 1993

TO Chief Executive Officer
 City of West Torrens
 165 Sir Donald Bradman Drive
 HILTON 5033

DEVELOPMENT No. 211/394/2020
 PROPERTY ADDRESS: 4 Wood Street, KURRALTA PARK SA 5037

YOUR FULL NAME	SHANE & LISA MCCORMICK
YOUR ADDRESS	2 WOOD ST, KURRALTA PARK
YOUR PHONE No	
YOUR EMAIL	
NATURE OF INTEREST	ADJOINING RESIDENT <small>(eg. Adjoining resident, owner of land in the vicinity etc.)</small>
REASON/S FOR REPRESENTATION PLEASE SEE ATTACHED	
MY REPRESENTATIONS WOULD BE OVERCOME BY (state action sought)	

Please indicate in the appropriate box below whether or not you wish to be heard by Council in respect to this submission:

I DO NOT WISH TO BE HEARD



I DESIRE TO BE HEARD PERSONALLY



I DESIRE TO BE REPRESENTED BY _____
(PLEASE SPECIFY)



SIGNED

DATE


 21/9/2020

EMKIL 17 5m.

Responsible Officer: Sonia Gallarelo
 Ends: Tuesday 29 September 2020

If space insufficient, please attach sheets

REASONS FOR REPRESENTATION

PLEASE NOTE: Current plans have conflicting information re the southern fence height as per planning drawings: Rev C dated 25-8-20

- Sheet 1 Of 9: 2000h colour bond fence
- Sheet 9 of 9: 1800h colour bond fence

Our preference is for a 2000h fence to maintain security and privacy as the driveway over looks our bedroom/kitchen and backyard areas, the driveway will be a high traffic area with direct access to Wood street.

The existing southern fence bordering 37 Mortimer street, 2 and 4 Wood street has recently been replaced at 1800 high at a cost to the bordering residents. In addition, the recently built properties at 37 Mortimer street that share a fence with 2 wood street and 4 Wood street have had the fence height adjusted to 2000h using a 200mm sleeper wall.

Parking will also be an issue in front of our property as seen with other properties in the area. The following 3 properties with adjoining fences surrounding our property have increased to 15 with excess vehicles required to park on the street.

- 1 daily street – 9 properties
- 37 Mortimer street – 2 properties
- 4 Wood street – 5 properties

MY REPRESENTATION WOULD BE OVERCOME BY

My preference to rectify the fence height would be to add a 200mm sleeper wall to the exciting fence consistent with the 37 Mortimer street fence backing onto 4 Wood street. This fence would continue at the same height and continuing the length of my property at 2000h.

Alternatively, the fence to be replaced to a height of 2000mm and both options would be at the applicant's expense. Temporary fencing would have to be utilised by the contractor in the construction to contain our pet dog from escaping the property.

Parking is increasingly a big issue in Kurralta Park, our preference would to be Issued with a council parking permit for 1 vehicle space for the use solely of residents at 2 Wood Street.

 - - 29/9/2020

STATEMENT OF REPRESENTATION
Pursuant to Section 38 of the Development Act 1993

TO Chief Executive Officer
 City of West Torrens
 165 Sir Donald Bradman Drive
 HILTON 5033

DEVELOPMENT No. 211/394/2020
 PROPERTY ADDRESS: 4 Wood Street, KURRALTA PARK SA 5037

YOUR FULL NAME	Carmela Cacci
YOUR ADDRESS	6 Wood Street, Kurralta Park SA 5037
YOUR PHONE No	
YOUR EMAIL	
NATURE OF INTEREST	Representative of adjoining resident <small>(eg. Adjoining resident, owner of land in the vicinity etc.)</small>
REASON/S FOR REPRESENTATION I do not approve this application	
MY REPRESENTATIONS WOULD BE OVERCOME BY <small>(state action sought)</small> - no overhanging windows - maximum of two dwellings	

Please indicate in the appropriate box below whether or not you wish to be heard by Council in respect to this submission:

I DO **NOT** WISH TO BE HEARD

I DESIRE TO BE HEARD PERSONALLY

I DESIRE TO BE REPRESENTED BY _____

(PLEASE SPECIFY)

☐
☒
☐

SIGNED

DATE

Carmela Cacci
 28/9/2020

Responsible Officer: Sonia Gallarelo
 Ends: Tuesday 29 September 2020


Statement of Representation



Submission date: 27 September 2020, 4:02PM

Receipt number: 11

Related form version: 2

Question	Response
Development No.	211/394/2020
Property address	4 Wood Street Kurrallta Park
First name	Michael
Last name	Underwood
Address	PO Box 6263 Linden Park 5065 No coordinates found
Contact number	
Email address	
Nature of interest	Adjoining owner , rear of my property adjoins the subject property
Reason/s for representation	Rear of my property is shaded by the proposed development . We are very concerned by this as the northerly aspect of our house is very much enjoyed in the winter months .
My representation would be overcome by:	Single level homes or any other alternative which allow us to enjoy what we currently have in terms of solar access
Please indicate whether or not you wish to be heard by Council in respect to this submission:	I desire to be heard personally
Signature	 Link to signature
Today's date	27/09/2020



t (08) 8272 0400
f (08) 8272 0522
a 392 Goodwood Rd
Cumberland Park SA 5041
pa P.O. Box 603
Goodwood SA 5034
w tkbuildingdesign.com.au

Friday, 30 October 2020

Sonia Gallarello
City of West Torrens
165 Sir Donald Bradman Drive
Hilton SA 5033

**Re: Development number 211/394/2020
4 Wood Street
Kurralta Park SA 5037**

Dear Sonia,

We are writing to you in response to the submission made in respect to the above application. The items raised are:

A. Shane and Lisa McCormick

Owners of
2 Wood Street,
Kurralta Park, SA 5037

1) Southern Fence Height-

As requested, we have updated the Architectural drawings to increase the fencing height to 2m high to match the existing fence height. There is retaining under the fence, however we will use 2m high sheeting to increase the height.

2) Parking -

Parking is a matter that needs to be discussed with council as we have no authority over street parking issues and the granting of parking permits.

B. Carmela Cocci

Owners of
6 Wood Street,
Kurralta Park, SA 5037

1) Overseeing Windows -

As per council development plan, any windows on upper level overlooking habitable rooms or private open space of dwellings, will have obscure glazing up to 1.7m above finished floor level, this can be seen on the elevations prepared.

2) Number of Dwellings -

As per West Torrens Council Zone, the development is classified within a Medium Density Policy Area 18. According to this policy, the development can be up to 3 storeys and allows 150sqm min site area per dwelling (the overall block size for 4 Wood Street, Kurralta Park is approx. 902sqm therefore 6 dwellings can be constructed on site). The development application is for 5 dwellings at 2 storey construction. We are well within the council guidelines and to reduce the number of dwellings to 2 is financially not viable as our clients have paid for the land based on its development potential.



t (08) 8272 0400
f (08) 8272 0522
a 392 Goodwood Rd
Cumberland Park SA 5041
pa P.O. Box 603
Goodwood SA 5034
w tkbuildingdesign.com.au

C. **Michael Underwood**
Owners of
37A Mortimer Street,
Kurralta Park, SA 5037

1) Overshadowing -

Kurralta Park is within a medium density policy area that allows buildings to be up to 3 storey high, the application we have submitted is for 2 storey dwellings. The shadow diagram notes the winter solstice to capture the worst-case scenario. The rear of 37A Mortimer Street Kurralta Park would have solar access most of the other months of the year. If single storey dwellings were to be constructed on 4 Wood Street Kurralta Park, overshadowing would still occur during the winter solstice.

If you have any further queries, please don't hesitate to contact me on 8272 0400

Yours Sincerely,

Gabriella Collicelli

Architectural Draftsperson

Preliminary Traffic, Flooding & Stormwater Assessment

Development Application No: 211/394/2020

Assessing Officer: Sonia Gallarello
Site Address: 4 Wood Street, KURRALTA PARK SA 5037
Certificate of Title: CT-5741/583
Description of Development: Combined Land division - Community Title; SCAP No. 211/C038/20; Create four (4) additional allotments and common property; and construction of a two-storey residential flat building comprising five (5) dwellings

TO THE TECHNICAL OFFICER - CITY ASSETS

Please provide your comments in relation to:

- ☐ Site drainage and stormwater disposal
- ☐ Required FFL
- ☐ On-site vehicle parking and manoeuvrability
- ☐ New Crossover
- ☐ Your advice is also sought on other aspects of the proposal as follows:

.....
.....

PLANNING OFFICER - Sonia Gallarello

DATE 5 June, 2020



Memo

To Sonia Gallarello
From Richard Tan
Date 05-Jun-2020
Subject 211/394/2020, 4 Wood Street, KURRALTA PARK SA 5037

Sonia Gallarello,

The following City Assets Department comments are provided with regards to the assessment of the above development application:

1.0 FFL Consideration – Finished Floor Level (FFL) Requirement

- 1.1 Based on the survey information provided on 'Proposed Residence' (AA, Ref: ZS/5366-1/2, dated 18/05/20) a minimum FFL of 99.83 would be required.

It is recommended that revised plans indicating the required minimum FFL be provided to Council.

2.0 Verge Interaction

- 2.1 In association with new development, driveways and stormwater connections through the road verge need to be located and shaped such that they appropriately interact with and accommodate existing verge features in front of the subject and adjacent properties. Any new driveway access shall be constructed as near as practicable to 90 degrees to the kerb alignment (unless specifically approved otherwise) and must be situated wholly within the property frontage.

New driveways and stormwater connections are typically desired to be located a minimum 1.0 metre offset from other existing or proposed driveways, stormwater connections, stobie poles, street lights, side entry pits and pram ramps, etc. (as measured at the kerb line, except for driveway separation which will be measured from property boundary). An absolute minimum offset of 0.5m from new crossovers and stormwater connections to other existing road verge elements is acceptable in cases where space is limited.

These new features are also desired to be located a minimum of 2.0 metres from existing street trees, although a lesser offset may be acceptable in some circumstances. If an offset less than the desired



2.0 metres is proposed or if it is requested for the street tree to be removed, then assessment for the suitability of such will be necessary from Council's Technical Officer (Arboriculture).

2.1.1 Proposed stormwater connection is less than 1m offset from proposed crossover

It is recommended that revised plans indicating satisfaction to the above requirements should be provided to Council.

2.1.2 The provided survey plan has indicated a Telstra pit next to the property's northern boundary. It is unclear whether this is a manhole pit as Telstra generally will not support a manhole pit to be made trafficable and requires a 2m offset for any verge features.

It is recommended that the applicant seek approval from Telstra regarding the minimum offset of a verge features (ie. Crossover) from the Telstra pit.

2.2 It should also be nominated for the stormwater connection through the road verge area to be constructed of shape and material to satisfy Council's standard requirements

- 100 x 50 x 2mm RHS Galvanised Steel or
- 125 x 75 x 2mm RHS Galvanised Steel or
- Multiples of the above.

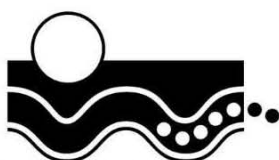
It is recommended that revised plans clearly and accurately indicating satisfaction of the above criteria be provided to Council.

2.3 It is noted that portion of the existing crossover will be made redundant. This portion of crossover should be reinstated to vertical kerb prior to the completion of any building works at the applicant's expense. It should also be indicated on revised plans that any redundant crossovers will be reinstated.

It is recommended that revised plans showing the reinstatement of redundant crossovers be provided to Council.

3.0 Traffic Requirements

3.1 As the access driveway will service more than one property at the rear, the driveway corridor to the site will require widening to a minimum of 5.5m wide pavement width (+ 300mm offset from

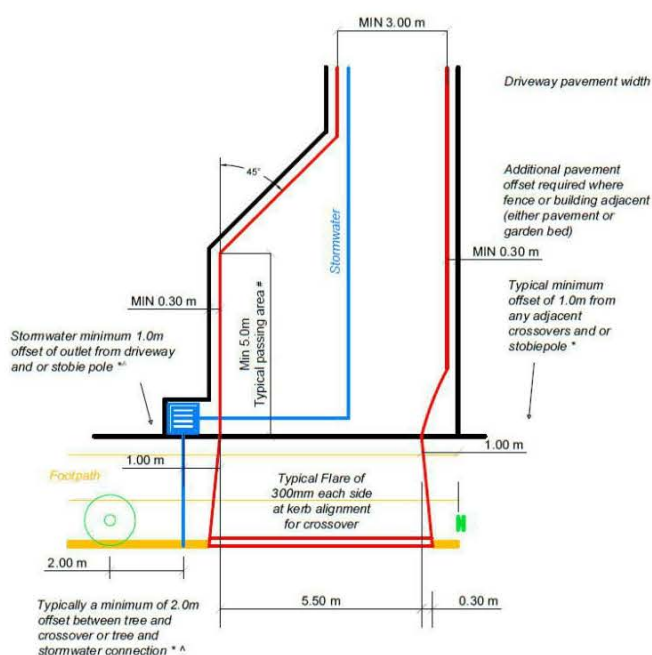


City of **West Torrens**

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fences/walls/boundary) for the first 5.0m into the site to permit the passing of entering and exiting traffic. The proposed driveway shortfall of this requirements. Please refer to the attached sketch for a typical layout.

ACCESS ARRANGEMENT SERVICING REAR CAR PARK OFF LOW VOLUME ROAD



NOTES:

- * Distance as measured along alignment of front property boundary
- ^ Must be deemed to comply by Council's Technical Officer (Amenity)
- # No aboveground structure(s) such as letterboxes, service meters or similar are to be installed within the common driveway entrance and passing area.
- Stormwater connection through the road verge area to be constructed of shape and material to satisfy Council's standard requirements.
 - 100 x 50 x 2mm RHS Galvanised Steel or
 - 125 x 75 x 2mm RHS Galvanised Steel or
 - Multiples of the above.

Please note that the 300mm offset on either side of the 5.5m wide driveway access can be pavement or landscape. To satisfy landscape requirements this offset in some cases may be larger than 300mm.

It should be noted that the driveway crossover's location should depend on the issue as mentioned in dot point 2.1.2

It is recommended that the driveway servicing the rear of the subject site be revised to the required dimensions indicated above. Revised



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plans showing a driveway that satisfies the above provisions should be provided to Council.

- 3.2 It is also important to ensure that the functionality of this driveway entrance and passing area is not compromised by the ultimate installation of letterboxes, above ground service metres or similar.

It is recommended that plan should be updated to include the location of the above mentioned services.

It is recommended that any approval associated with this development included a condition of similar wording to the following;

"No aboveground structure(s) such as letterboxes, service meters or similar are to be installed within the common driveway entrance and passing area."

- 3.3 The plan has indicated that the garage is a carport. However, it is highly unlikely that there is no wall/fence between two neighbouring carport. It is also unclear if there is a wall in between the car park space in front of the garage/car port which should be clarified.

It is recommended that further clarification to the above should be provided by the applicant

- 3.4 Elements of the vehicle manoeuvrability within this development appear to be unsatisfactory in consideration of the requirements of the relevant parking standards.

Internal manoeuvre has indicated that there will not have sufficient turning space for safe and convenient manoeuvre to enter/exit the parking space.

In the revision of the traffic manoeuvrability design, it is required that information be provided to clearly demonstrate that satisfactory access can be provided to the garages.

It is recommended that the applicant seek advice from someone suitably experienced in traffic design, to assist them in producing a vehicle manoeuvrability design for this site which complies with the Australian Standard requirements, preferably through the use of either "AutoTrack" or "AutoTURN" demonstration. Reports and drawings should then be submitted to Council.



- 3.5** Provided parking space for each dwelling and 1 visitor car park space have been assessed as satisfying minimum requirements.

4.0 Waste Management

- 4.1** Due to the nature of this application, it is recommended that further assessment from Council's Waste Management Team is required.

It should be noted that there is approximately 12.6m wide kerb space between the southern boundary and the southern edge of proposed crossover for the presentation of 10 bins. However, it should be noted that dot point 2.1.2 should be sorted out prior as if the Telstra pit is a manhole, then the kerb space will be reduced to close or less than 10m.

It is recommended that further assessment from Council's Waste Management Team is required.

5.0 Stormwater Management

- 5.1** For this scale and nature of proposed development, Council's City Assets Department would consider acceptable an alternate approach to the provision of conventional stormwater detention calculations and implementation.

This alternate solution would provide improved sustainable supply to water to the ultimate homeowner and at the same time, collect and use the majority of the roof stormwater generated by the properties.

In this alternate stormwater management proposal, the following arrangements should be notated for each dwelling within the development.

- Installation of a 3,000 litre rainwater tank (no detention element).
- Rainwater tank plumbed to deliver recycled water all toilets and laundry cold water outlet. (Can also be connected to Hot Water Service if desired).
- A minimum of 90% of the dwelling roof area is to have its stormwater runoff directed to the rainwater tank.
- Mains water backup, pump and plumbing arrangements as typically required to support such an installation are to be compliant with the standard Building Code requirements associated with a compulsory rainwater tank installation.
- The stormwater collection and re-use system is to be installed and operational prior to occupancy of the dwelling.



In association with a development where the applicant has nominated this approach, it is recommended that a condition similar to the following be included with any approval;

- Prior to occupancy of a dwelling, the 3000 litre stormwater collection & reuse tank and associated plumbing to service all toilets and laundry is to be installed and operational.

Should the applicant not desire to utilise the above alternate arrangement for stormwater management, then the applicant would be requested to demonstrate through satisfactory calculations and design for conventional stormwater detention. These works to limit the peak discharge rate for the site critical 20 year ARI storm event to equivalent to a predevelopment arrangement with a 0.25 runoff coefficient.

It is recommended that revised plans and supporting calculations (if necessary) clearly and accurately indicating satisfaction of the above criteria be provided to Council.

Regards
Richard Tan
Civil Engineer

-----Original Message-----

From: Richard Tan

Sent: 10 December 2020 10:11

To: Sonia Gallarello

Subject: RE: 4 Wood Street, Kurralta Park

Hi Sonia

Please find my comments in the following:

Proximity of Proposed Crossover to Telstra Pit

The applicant has provided correspondence from Telstra regarding the relocation/changing the pit to trafficable lid and Telstra has arranged for quote to be sent to the applicant. Given that the applicant has forwarded the quote to Council as part of assessment, it would not be unreasonable to assume that the applicant is well aware of the cost associated with the pit lid upgrade or potential pit relocation. Under such context, this issue has been assessed as satisfying minimum requirements.

Vehicle manoeuvrability design

Based on the vehicle manoeuvrability design provided by Phil Weaver and Associates (Ref: 20-213, Figure 1-4 dated 4/12/2020 and Figure 5 dated 7/12/2020), the provided vehicle manoeuvrability design has been assessed as satisfying minimum requirements.

Regards,

Richard Tan

Development Engineer

City of West Torrens



27 May 2020

Our Ref: H0098354

The Chairman
State Commission Assessment Panel
50 Flinders St
ADELAIDE SA 5000

Dear Sir/Madam

PROPOSED LAND DIVISION APPLICATION NO: 211/C038/20 AT KURRALTA PARK

In response to the abovementioned proposal, I advise that pursuant to Section 33 of the Development Act it is necessary for the developer to satisfy this Corporation's requirements, which are listed below.

The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.

On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees.

The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

Yours faithfully

ANN BOND

for MANAGER LAND DEVELOPMENT & CONNECTIONS

SA Water
Level 6, 250 Victoria Square
ADELAIDE SA 5000
Ph (08) 7424 1119
Inquiries ANN BOND
Telephone 7424 1119

Contact Planning Services
Telephone 7109 7018
Email didplupdc Clearanceletters@sa.gov.au



27 May 2020

The Chief Executive Officer
City of West Torrens

Dear Sir/Madam

**Re: Proposed Application No. 211/C038/20 (ID 67949)
for Land Division
(Community Title Plan) by Ms Wei Chao**

In accordance with Section 33 of the Development Act 1993 and Regulation 29 (1) of the Development Regulations 2008, and further to my advice dated 21 May 2020, I advise that the State Commission Assessment Panel (SCAP) has consulted with SA Water Corporation (only) regarding this land division application. A copy of their response has been uploaded in EDALA for your consideration. The Commission has no further comment to make on this application, however there may be local planning issues which Council should consider prior to making its decision.

I further advise that the State Commission Assessment Panel has the following requirements under Section 33(1)(d) of the Development Act 1993 which must be included as conditions of land division approval on Council's Decision Notification (should such approval be granted).

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.
On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees.
The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.
2. Payment of \$30464 into the Planning and Development Fund (4 allotment(s) @ \$7616/allotment).
Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure and marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel (SCAP) for Land Division Certificate purposes.

The SA Water Corporation will, in due course, correspond directly with the applicant/agent regarding this land division proposal.

PURSUANT TO REGULATION 60(4)(b)(II), SHOULD THIS APPLICATION BE APPROVED, COUNCIL MUST PROVIDE THE STATE COMMISSION ASSESSMENT PANEL WITH:

- (a) the date on which any existing building(s) on the site were erected (if known),
- (b) the postal address of the site

It is recommended that this information be incorporated into the Decision Notification Form.

PLEASE UPLOAD THE DECISION NOTIFICATION FORM (VIA EDALA) FOLLOWING COUNCIL'S DECISION.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Biljana B.'.

Biljana Prokic
Land Division Coordinator - Planning Services
as delegate of
STATE COMMISSION ASSESSMENT PANEL

6.3 183 Holbrooks Road, UNDERDALE

Application No 211/466/2020

DEVELOPMENT APPLICATION DETAILS

DESCRIPTION OF DEVELOPMENT	Demolition of existing building and construction of a single storey commercial building comprising offices, coffee shop, signage and associated car parking and landscaping (Non-Complying)
APPLICANT	Ferrone Architects
APPLICATION NUMBER	211/466/2020
LODGEMENT DATE	10 June 2020
ZONE	Residential Zone
POLICY AREA	Low Density Policy Area 21
APPLICATION TYPE	Non-Complying
PUBLIC NOTIFICATION	Category 3
REFERRALS	<p>Internal</p> <ul style="list-style-type: none"> • City Assets • Waste Management • Environmental Health <p>External</p> <ul style="list-style-type: none"> • Department for Infrastructure and Transport (DIT)
DEVELOPMENT PLAN VERSION	Consolidated 21 May 2020
DELEGATION	<ul style="list-style-type: none"> • The relevant application proposes a non-complying form of development and the application is to be determined after a full merit assessment against the Development Plan, except where the relevant development application proposes a change of use to office in a Commercial Zone.
RECOMMENDATION	Support with conditions
REPORT AUTHOR	Brendan Fewster

SUBJECT LAND AND LOCALITY

The subject land comprises a single allotment that is commonly known as 183 Holbrooks Road, Underdale. The land is formally described as Allotment 14 in Deposited Plan 45832 in the area named Underdale Hundred of Adelaide, Volume 6213 Folio 83.

The subject site is rectangular in shape with a frontage of 17.96 metres (m), a depth of 56.51m and a total site area of approximately 1015 square metres (m²).

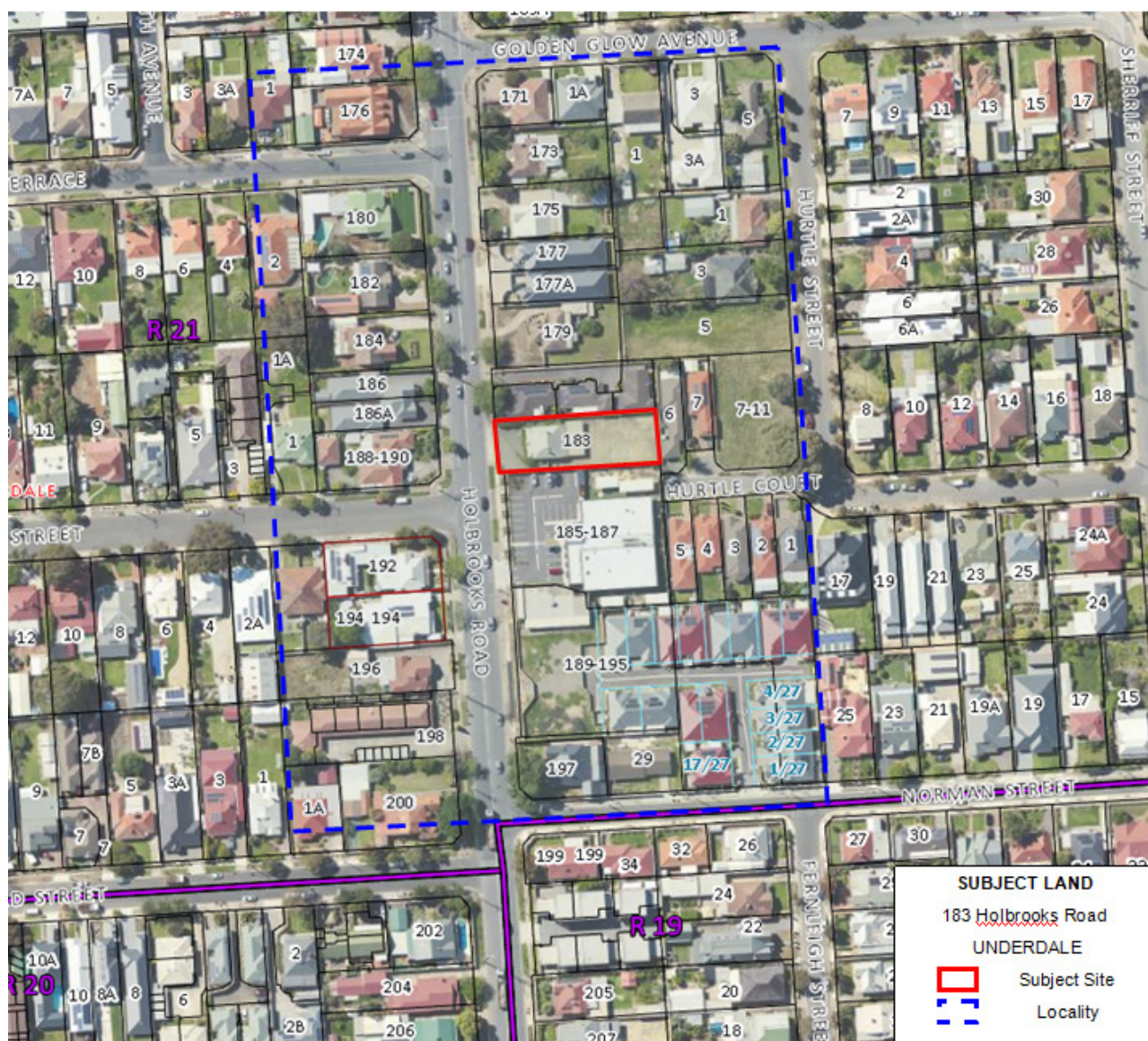
While there are no encumbrances or Land Management Agreements on the Certificate of Title, there is an easement for sewerage purposes adjacent to the northern side boundary.

The site currently contains a single storey building that most recently was used as a shop but has also been used as offices. There is a bitumen car parking area in front of the building. The land is naturally flat and there are no Regulated trees on the site or on adjoining land that would be affected by the development.

The locality comprises an established residential area that includes several commercial uses such as a childcare care immediately to the south and vacant buildings associated with the former Underdale Bowling Club. Residential development comprising of predominately detached dwellings, group dwellings and residential flat buildings surrounds the subject land. The Urban Corridor Zone is approximately 230 metres to the north while Henley Beach Road is 400 metres to the south.

The amenity of the locality is low to moderate due to the mixed built form character and the high volume and frequency of traffic along Holbrooks Road, which is an arterial road.

The subject land and locality is shown on the aerial imagery below.



RELEVANT APPLICATIONS

DA Number	Description of Development	Decision	Decision Date
211/8/1996	Alterations to wine shop and offices	Approved	1996
211/204/1995	Land division to create 9 allotments	Approved	02/04/1996
9476/1982	Alterations to shop	Approved	07/05/1982

PROPOSAL

The proposal is seeking to demolish the existing building and construct a new single storey building that is to be used for offices and a small coffee shop.

The offices will have a total floor area of 371m² that includes a main office space, lunch room, foyer, store and toilet facilities. The proposed coffee shop will have a floor area of 27m².

The operational hours are as follows:

- Offices - 8.30am to 5.00pm Monday to Friday; and
- Coffee shop - 7.00am to 9.00pm Monday to Saturday and 7.00am to 5.00pm Sunday and Public Holidays.

A car park is proposed at the front of the site with provision for 15 vehicles, including one disabled space.

Landscaping will be provided along the road frontage and adjacent to side and rear boundaries comprising a mix of trees and small to medium size shrubs.

A small sign measuring 1.8m by 400mm is to be attached to the fascia of the front entrance.

The relevant plans and documents are contained in **Attachment 2**.

NON-COMPLYING

The application is a non-complying form of development as it comprises an office with a total floor area greater than 100m² and on a site that fronts an arterial road. An advertisement display is also a non-complying form of development.

The applicant has provided a Statement of Effect pursuant to Regulation 17 of the *Development Regulations 2008* (refer **Attachment 3**). This document highlights a number of social, economic and environmental impacts associated with the proposed development as follows:

- The proposal will not result in any detrimental effect on the living conditions of residents within the locality.
- The proposal has been carefully designed to provide for an orderly and architecturally designed development that is considerate of the character and amenity of its locality.
- As a non-complying development this application will be publicly advertised, which permits the opportunity for the local community to comment.

- The proposed development is orderly and economic as it utilises existing services without detrimentally affecting the amenity of the locality or the uses of other land in the locality.
- Employment opportunities during the construction of the proposal along with the increase in jobs to service the office and coffee shop.
- Wastewater and stormwater disposal can be reasonably managed via the existing connections.
- Waste materials generated on the site will be stored and managed on-site in a secured location and disposed of accordingly.
- Increased landscaping to manage stormwater and provide screening and shade in the car park breaking up hardstand appearance

Should the CAP resolve to approve the application, the concurrence of the State Commission Assessment Panel (SCAP) is not required in this instance given the recent amendments to Section 35 of the *Development Act 1993* under the *COVID-19 Emergency Response (Further Measures) Amendment Act 2020*.

Alternatively, should the CAP refuse the application, no appeal rights are afforded to the applicant. As the Administration resolved, under delegation, to proceed with an assessment of the proposal, the application is now presented to the Panel for a decision.

PUBLIC NOTIFICATION

The application is a Category 3 form of development pursuant to Section 38 of the *Development Act 1993*. No representations were received during the notification period.

INTERNAL REFERRALS

Department	Comments
City Assets	<ul style="list-style-type: none"> • It is recommended that appropriate site and adjacent road verge survey information be provided to correctly assess the required minimum FFL for this proposal. • A Civil Plan should be provided with all existing and proposed verge features that comply with Council requirements. • It should also be nominated for the stormwater connection through the road verge area to be constructed of shape and material to satisfy Council's standard requirements: <ul style="list-style-type: none"> - 100 x 50 x 2mm RHS Galvanised Steel or - 125 x 75 x 2mm RHS Galvanised Steel or - Multiples of the above. • It is recommended that further clarification including the manoeuvrability for the largest service vehicle should be provided for further assessment. • Being a dead end car park, one of the end spaces would need to be made into a turnaround space to comply with the parking standard. The parking provision would be reduced to 16 spaces. • The car parking requirement has been estimated at up to 19 spaces. As only 15 parking spaces would be possible on-site, the parking shortfall of 4 spaces would be excessive. I leave this to the planner's consideration on whether to replace the parking shortfall with 2 bicycle rails at the footpath area adjacent to the building entrance

	<ul style="list-style-type: none"> • Due to the nature of this application, it is recommended that further assessment from Council's Waste Management Team is required. • It is strongly encouraged that the applicant explore the stormwater collection and re-use option. • It is recommended that an indication of how the storage is to be provided and calculations supporting the nominated volume be submitted to Council. • An indication of how the water quality requirements are to be met should be provided on revised site plans prior to the finalisation of the planning assessment for this development. <p>Initial concerns raised by City Assets have been resolved by way of amendments to the car park, the provision of a detailed stormwater management plan and the inclusion of a reserved matter for the provision of bicycle parking.</p>
Waste Management	<ul style="list-style-type: none"> • No issues. The Waste Management Plan is acceptable.
Environmental Health	<ul style="list-style-type: none"> • The proposal is at planning stage only - no detail to assess. • Standard Food Standard Code clauses to apply. • Should the development proceed, the proprietor is strongly encouraged to contact the City of West Torrens Environmental Health Department to arrange a pre-opening / fit-out advice inspection.

EXTERNAL REFERRALS

Department	Comments
DIT	<ul style="list-style-type: none"> • The Department for Infrastructure and Transport (DIT) supports the proposal, noting that simultaneous two-way vehicle movements should be achieved and that the location of the proposed access on Holbrooks Road will comply with <i>AS/NZS 2890.1:2004</i>, Figure 3.1 'Prohibited Locations of Access Driveways'. The redundant portions of crossover should be closed and reinstated to Council's kerb and gutter standards. • DIT has reviewed the Statement of Effect prepared by Ben Green & Associates (dated 25 November 2020) and concurs that any increase in vehicle movements resulting from this development should be easily accommodated within the adjacent road network. • Council should ensure that all on-site vehicle manoeuvring areas remain clear of any impediments and that the proposed development provides sufficient off-street car parking, designed in accordance with <i>AS/NZS 2890.1:2004</i> and <i>AS/NZS 2890.6:2009</i>. • It is recommended that any proposed signage is consistent with DIT's publication '<i>Advertising Signs: Assessment Guidelines for Road Safety</i>'.

A copy of the relevant referral responses is contained in **Attachment 4**.

RELEVANT DEVELOPMENT PLAN PROVISIONS

The subject land is located within the Residential Zone and, more specifically, is within Low Density Policy Area 21 as described in the West Torrens Council Development Plan.

The relevant Desired Character statements are as follows:

Residential Zone - Desired Character

This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.

Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.

Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a Historic Conservation Area.

Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.

Low Density Policy Area 21 - Desired Character

This policy area will have a low density character. In order to preserve this, development will predominantly involve the replacement of detached dwellings with the same (or buildings in the form of detached dwellings).

There will be a denser allotment pattern and some alternative dwelling types, such as semi-detached and row dwellings, close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. Battleaxe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage. In the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park, where the consistent allotment pattern is a significant positive feature of the locality, subdivision will reinforce the existing allotment pattern.

Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings. Buildings in the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park will be complementary to existing dwellings through the incorporation of design features such as pitched roofs, eaves and variation in the texture of building materials.

Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings.

Additional provisions of the Development Plan which relate to the proposed development are contained in **Attachment 1**.

QUANTITATIVE STANDARDS

The proposal is assessed for consistency with the prescriptive requirements of the Development Plan as outlined in the table below:

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
LANDSCAPING <i>Module: Landscaping, Fences and Walls</i> PDC 4	10% minimum	110m ² (18%) Satisfied
CARPARKING SPACES <i>Module: Transportation and Access</i> PDC 34	Office - 4 spaces per 100m ² of total floor area Restaurant - 1 per 3 seats or 1 per 15m ² of total floor area (greater)	15 spaces (office - 15 spaces) (Restaurant - 2 spaces) Shortfall - 2 spaces Not Satisfied (refer to assessment below)

ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development is discussed under the following sub headings:

Land Use Suitability

The subject land is situated within the Residential Zone and has direct frontage to an arterial road. The Residential Zone extends to Ashley Street to the north and to Henley Beach Road to the south.

The site has longstanding use rights for non-residential purposes, with the existing building on the land most recently used as a shop. The building has also been used as offices. The site adjoins other non-residential uses that include a recently developed child care centre and a vacant building and land associated with the former Underdale Bowling Club.

While the Objectives for the Residential Zone generally seek different kinds of residential development, the Development Plan provisions do not preclude non-residential uses within residential areas or zones, particularly if such uses are demonstrated to be small scale and low impact. The existing or previous use of the land is also a material consideration in determining the suitability of non-residential land uses. As recognised in PDC 1 and 3 of the Residential Zone, the main tests for non-residential development are whether the scale and nature of the development is such that it:

- (a) serves the needs of the local community;
- (b) is consistent with the character of the locality; and
- (c) does not detrimentally impact on the amenity of nearby residents.

PDC 1 and 3 of the Residential Zone and PDC 1 of Low Density Policy Area 21 envisage “*small scale non-residential uses that serve the local community*”. Offices and small shops are generally identified as suitable non-residential uses. The proposed offices have a gross floor area of 371m² of which the ancillary areas such as the lunch room, foyer and toilets comprise 71m². The proposed coffee shop will have a floor area of only 27m². These floor areas are relatively small and of low-intensity, noting that PDC 1 of the Policy Area supports a shop with a floor area of 250m² or less and more intensive uses such as a child care centre, school and health service.

The proposed offices and shop are considered small-scale, less intensive than the previous use of the land and are of a size and nature that would primarily serve a local catchment. The service/business function of nearby centres therefore would not be undermined and nor would the proposal cause undue nuisance to surrounding sensitive land uses.

As considered in more detail below, offices and small shops are typically non-invasive land uses as they generate minimal noise and odour and similarly in this instance traffic generation would not be significant due to the small size and controlled operation of the business.

For these reasons, the proposed development would not entrench an incompatible land use within the locality or undermine the Objectives of the Zone and Policy Area. On balance, the proposal is considered to be an orderly and appropriate form of development.

Built Form

The proposed building is of a simple modern design that incorporates a front projecting entrance for the offices, a smaller single-door entrance for the coffee shop and a pitched roof. The building design is of a reasonable standard and is not dissimilar to a single storey dwelling in terms of its form, proportions, scaling and detailing.

The building will be setback at least 23.8 metres from the road frontage, which is considerably greater than the adjoining dwellings to north while consistent with the adjoining child care centre to the south. The front setback allows for the provision of on-site car parking and a two metre landscape buffer adjacent to the Holbrooks Road frontage. The siting of the building satisfies PDC 20 and 21 of the General Section (Design and Appearance).

The proposed building is of single storey scale with an eave and roof height of 3 metres and 6.2 metres respectively. The building height and scale is consistent with existing residential and non-residential development within the locality.

The design and appearance of the proposal is acceptable when considered against the existing site conditions and the intent of the Residential Zone and would respond positively to the surrounding built form character. Objective 1 and PDC 1 of the General Section (Design and Appearance) are therefore satisfied.

Interface and Operational Considerations

The subject land interfaces with residential properties to the north and to the rear (east) and adjoins a recently developed child care centre on the southern side. There are also several residential properties on the opposite side of Holbrooks Road to the west. The site is exposed to significant noise that is caused by the high volume and frequency of traffic on Holbrooks Road, which is a busy arterial road.

While it is anticipated that the proposal would generate some traffic, the overall amount of noise and disturbance is not expected to be significant given the small scale and non-invasive nature of the proposed land use. Offices and shops generally do not involve noise generating activities and the proposed coffee shop would not produce any odour.

From an operational perspective, the offices would operate within the normal business hours of between 8.30am to 5.00pm Monday to Friday while the coffee shop would operate between 7.00am and 9.00pm Monday to Saturday and 7.00am to 5.00pm Sunday and Public Holidays. A 9.00pm close for the coffee shop is reasonable in this instance given that it would be such a low traffic generating land use with a floor area of only 27m² and bench seating for four people. A condition of consent has been included to restrict deliveries and waste collection to between the hours of 7.00am and 7.00pm Monday to Friday. These operating conditions further reinforce that the proposal is 'low-impact' and would be more than capable of meeting the goal noise levels of *Environment Protection (Noise) Policy 2007* at all times.

It is also noted that PDC 1 of the Residential Zone identifies small-scale child care centres, schools and shops as envisaged uses. Even if such uses are of scale small, the impacts associated with these uses would be far more significant than any impacts associated with the proposed offices and shop. Child care centres, schools and shops, no matter how small, typically generate noise and traffic during peak periods.

The proposal includes landscaping along the northern and eastern boundaries, which will provide a vegetated buffer between the building and the neighbouring residences. As the proposed bin storage area would be located adjacent to the rear yard of an adjoining dwelling, a condition of consent is recommended to ensure all bins are cleaned regularly and for the bin storage area to be kept clean and tidy at all times. These measures would sufficiently minimise odour and associated amenity impacts.

It should be noted that no representations were received from adjoining or adjacent property owners.

Accordingly, the proposal would not adversely impact upon the amenity of nearby sensitive uses by way of noise, odour or traffic. The proposal is considered to satisfy Objectives and Principle of Development Control 1 and 2 of the General Section (Interface between Land Uses).

Vehicle Access and Car Parking

The Development Plan provisions seek to ensure that new development provides safe and convenient access for vehicles and pedestrians and sufficient on-site car parking for patrons and staff.

There is an existing crossover that extends across most of the site frontage. A new access will be located in the middle of the frontage with the existing crossover to be reinstated to kerb and gutter. Council's City Assets Department and DIT consider the proposed access arrangements to be safe and convenient, as required by PDC 24 of the General Section (Transportation and Access).

A bitumen car park is to be provided at the front of the site with parking for 15 vehicles. PDC 34 of the General Section (Transportation and Access) recommends that car parking be provided at a rate of 4 spaces per 100m² of total floor area for offices and 1 per 3 seats or 1 per 15m² of total floor area, whichever is greater, for a restaurant/coffee shop. Based on these car parking rates, the proposal would have a car parking demand for 17 spaces. While Council's City Assets Department considers there to be a parking shortfall of four spaces, the shortfall has been calculated at only two spaces. As recommended by City Assets, the parking shortfall should be offset by the provision of on-site bicycle parking. A Reserved Matter has been included that requires the provision of two bicycle rails adjacent to the building entrance. On this basis, the proposed car parking provision is adequate and would satisfy the intent of PDC 34 of the General Section (Transportation and Access).

Furthermore, the DIT is satisfied that any additional traffic generated by the proposed development would not cause any traffic capacity issues along Holbrooks Roads as the traffic volumes would be well within the capabilities of this arterial road.

Given the above considerations, the proposal would sufficiently meet the anticipated car parking demand generated by the development during peak periods. Accordingly, the proposal would not lead to conditions detrimental to the free flow and safety of pedestrian and vehicular traffic on the surrounding road network.

Landscaping and Trees

A landscape plan has been provided that proposes a mix of trees, shrubs and ground covers along the road frontage and adjacent to side and rear boundaries. The amount of proposed landscaping would exceed the minimum landscaping requirement of 10 percent of the site and the selection of plants would enhance the street appearance of the development, provide screening to neighbouring dwellings and minimise heat loads.

The proposed landscaping would therefore satisfy PDC 1, 4 and 5 of the General Section (Landscaping, Fences and Walls).

There are no Regulated Trees on the site or on adjoining land that would be impacted by the development and similarly there are no street trees at the front of the site that would be impacted.

Waste Management

The applicant has provided a Waste Management Plan (WMP) prepared by Rawtec Pty Ltd. The WMP confirms that 3 x 660L bins will be required to meet the estimated waste volumes, with collection to take place up to 5 times a week. The bins will be stored in a designated area on the northern side of the building and wheeled out to the car park for collection.

Council's Team Leader Waste Management has reviewed the WMP and is satisfied with the proposed waste management arrangements. A condition of consent has been included to ensure that waste collection takes place between 7.00am and 7.00pm Monday to Saturday, with off peak times to be encouraged to minimise traffic conflicts. A further condition will require the bin storage area to be kept clean and tidy and bins to be cleaned regularly to minimise odour given that the bin storage area is located adjacent to a residential property.

The proposal is considered to satisfy PDC 2, 5 and 6 of the General Section (Waste).

Stormwater Management

The proposed development includes a new engineered stormwater management system designed by Triaxial Consulting for the on-site management of stormwater runoff from the new building and car park. The stormwater system includes two rainwater tanks with a total capacity of 6,000 litres (3,000L retention and 3,000L detention).

Although some initial concerns were raised by Council's City Assets Department, these matters have been adequately addressed. The proposed stormwater management for the development is acceptable.

Advertising

A small sign measuring 1.8m by 400mm is to be attached to the fascia of the front entrance. The sign would be professionally prepared and is considered to be of suitable size and located appropriately so as not to overwhelm the streetscape or cause distraction to motorists or endanger public safety.

PDC 1, 2, 4 and 14 of the General Section (Advertisements) have been satisfied.

SUMMARY

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is considered to be not seriously at variance with the Development Plan.

In particular, the proposal:

- is an orderly form of development within the Residential Zone given the low intensive nature and small scale of the proposed uses and the characteristics of the site and surrounding land;
- would not prejudice existing or future business activities within nearby centres;
- has a built form that is small-scale and appropriately designed to contribute positively to the surrounding built form character;
- would not significantly impact upon the amenity of nearby residential properties or the locality as the intensity of the proposed uses would be low, the development would be appropriately managed and traffic generation would be minimal;
- provides sufficient on-site car parking and safe and convenient access so as not to lead to conditions detrimental to the free flow and safety of pedestrian and vehicular traffic within the site and on the adjacent road network;
- includes landscaping that would enhance the overall appearance of the development and assist with the screening of surrounding residential properties; and
- provides advertising that is coordinated and complementary to the respective business and designed and located to avoid visual clutter and driver distraction.

For all of the above reasons, the proposal would achieve the Objectives and Desired Character for the Residential Zone and sufficiently accords with the relevant provisions of the West Torrens Council Development Plan. Accordingly, the application warrants the granting of Development Plan Consent subject to a Reserved Matter and conditions.

RECOMMENDATION

The Council Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/466/2020 by Ferrone Architects for demolition of existing building and construction of a single storey commercial building comprising offices, coffee shop, signage and associated car parking and landscaping (Non-Complying) at 183 Holbrooks Road, UNDERDALE (CT 6213/83) subject to the following Reserved Matter and conditions of consent (and any subsequent or amended condition that may be required as a result of the consideration of reserved matters under Section 33(3) of the *Development Act 1993*):

Reserved Matters:

The following information shall be submitted for further assessment and approval by the City of West Torrens as reserved matters under Section 33(3) of the *Development Act 1993*:

1. Details for the provision of two bicycle parking rails adjacent to the front entrance.

Pursuant to Section 42(1) of the *Development Act 1993*, the Council reserves its decision on the form and substance of any further conditions of Development Plan Consent that it considers appropriate to impose in respect of the reserved matters outlined above.

Development Plan Consent Conditions

1. The development must be undertaken, completed and maintained in accordance with the plans and information detailed in this Application except where varied by any conditions listed below:
 - Proposed Site Layout prepared by Ferrone Architects, Drawing No. PD.100, Rev C dated 15/10/20
 - Ground Floor Plan prepared by Ferrone Architects, Drawing No. PD.200, Rev C dated 15/10/20
 - South & West Elevations prepared by Ferrone Architects, Drawing No. PD.300, Rev B dated 20/07/20
 - North & East Elevations prepared by Ferrone Architects, Drawing No. PD.301, Rev B dated 20/07/20
 - External Colour Selections South & West Elevations prepared by Ferrone Architects, Drawing No. PD.302, Rev A dated 15/10/20
 - External Colour Selections North & East Elevations prepared by Ferrone Architects, Drawing No. PD.303, Rev A dated 15/10/20
 - Proposed Landscape Documentation prepared by LSC Landscapes, Drawing No. LS.079.20.001 dated 23/09/20
 - Proposed Landscape Plan prepared by LSC Landscapes, Drawing No. LS.079.20.002 dated 23/09/20
 - Civil & Stormwater Management Plan prepared by Triaxial Consulting, Drawing No. C3.00 dated October 2020
 - Stormwater Calculation Package prepared by Triaxial Consulting dated 15/10/20
 - Waste Management Plan prepared by Rawtec Pty Ltd dated 09/09/20
 - Statement of Effect prepared by Ben Green & Associates dated September 2020

2. The operation of the development approved herein shall be between the following hours:
 - Offices - 8.30am to 5.00pm Monday to Friday; and
 - Coffee shop - 7.00am to 9.00pm Monday to Saturday and 7.00am to 5.00pm Sunday and Public Holidays.

Reason: To ensure minimal disturbance to surrounding properties.

3. Waste collection and the delivery of goods shall take place between the hours of 7.00am and 7.00pm Monday to Saturday with vehicles to access the site during off peak times.

Reason: To ensure traffic safety and to maintain the amenity of the locality.

4. All driveways, parking and manoeuvring areas will be formed, surfaced with concrete, bitumen or paving, and be properly drained prior to occupation, and shall be maintained in reasonable condition at all times to the satisfaction of Council.

Reason: To ensure safe and convenient vehicle access and to suppress dust.

5. All car parking areas shall be marked in a distinctive fashion to delineate the parking spaces, prior to the occupation of the development.

Reason: To ensure usable and safe car parking.

6. The proposed car parking layout and access areas and vehicle head clearances shall conform to Australian Standard AS 2890.1:2004- Off-street Car parking and Australian Standard 2890.6:2009 - Off-Street Parking for People with Disabilities.

Reason: To provide adequate, safe and efficient off-street parking for users of the development.

7. Driveway, car parking spaces, manoeuvring areas and landscaping areas shall not be used for storage or display of materials or goods.

Reason: To ensure the development proceeds in an orderly manner.

8. All stormwater design and construction will be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and, for this purpose, stormwater drainage will not at any time:
- a) Result in the entry of water into a building; or
 - b) Affect the stability of a building; or
 - c) Create unhealthy or dangerous conditions on the site or within the building; or
 - d) Flow or discharge onto the land of an adjoining owner; or
 - e) Flow across footpaths or public ways.

Reason: To ensure that adequate provision is made for the collection and dispersal of stormwater.

9. All stormwater management measures for the development approved herein, including harvest tanks and supply mechanisms shall be installed and operational prior to the occupation of the development.

Reason: To ensure that adequate provision is made for the management of stormwater.

10. All landscaping shall be planted in accordance with the approved plans (Proposed Landscape Documentation prepared by LSC Landscapes, Drawing No. LS.079.20.001 dated 23/09/20 & Proposed Landscape Plan prepared by LSC Landscapes, Drawing No. LS.079.20.002 dated 23/09/20) prior to occupation of the development. Any person(s) who have the benefit of this approval will cultivate, tend and nurture the landscaping and shall replace any plants which may become diseased or die.

Reason: To enhance the amenity of the site and locality and to mitigate against heat loading

11. The bin storage area shall be kept clean and tidy at all times with bins cleaned regularly to minimise odour.

Reason: To minimise odour and to maintain the amenity of neighbouring properties

12. Floodlighting within car park and around the building shall be restricted to that necessary for access and security purposes only and be directed and shielded in such a manner as to cause no light overspill nuisance of nearby properties.

Reason: To maintain visual amenity and public safety in the locality.

13. The advertising display approved herein shall not be internally illuminated or contain any elements that flash, scroll or move.

Reason: To maintain visual amenity and traffic safety.

Department for Infrastructure and Transport Conditions

14. All vehicular access shall be gained in accordance with the existing accesses in Site Plan produced by Ferrone, Drawing No. PD.100, Rev. C, dated 15 October 2020.
 15. All vehicles shall enter and exit the site in a forward direction.
 16. The redundant portions of crossover on Holbrooks Road shall be closed and reinstated to Council's kerb and gutter standards.
 17. The access and all on-site vehicle manoeuvring areas shall remain clear of any impediments.
 18. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Holbrooks Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.
-

Attachments

1. **Relevant Development Plan Provisions**
2. **Proposal Plans and Documents**
3. **Statement of Effect**
4. **Internal and External Referral Responses**

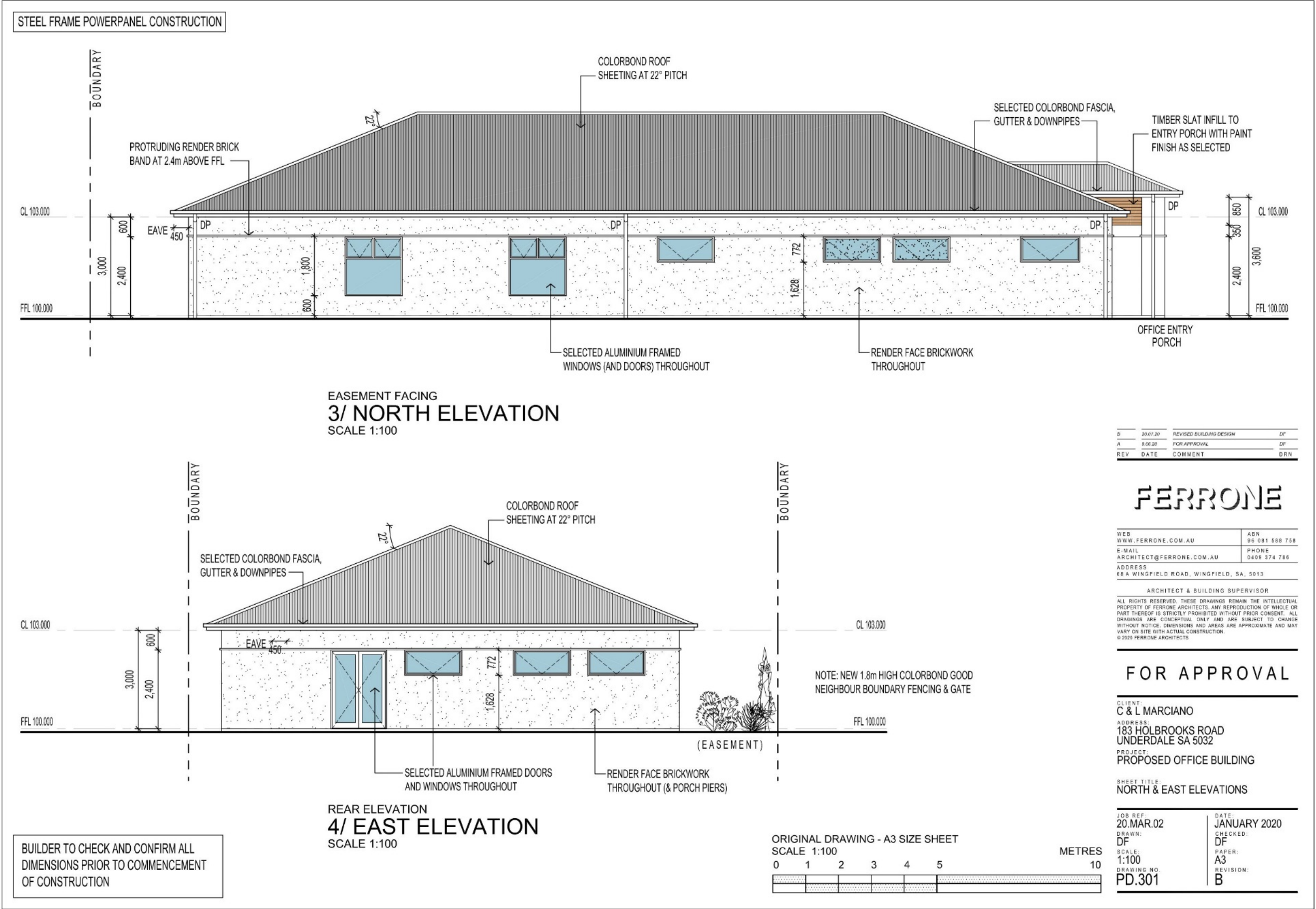
General Section		
Crime Prevention	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6, 7, 8 & 10
Design and Appearance	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 & 25
Interface between Land Uses	<i>Objectives</i>	1, 2 & 3
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 11 & 12
Landscaping, Fences and Walls	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5 & 6
Orderly and Sustainable Development	<i>Objectives</i>	1, 2, 3, 4 & 5
	<i>Principles of Development Control</i>	1, 3, 5, 6, 7 & 8
Transportation and Access	<i>Objectives</i>	1, 2, 3, 4 & 5
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 & 43
Waste	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5 & 6

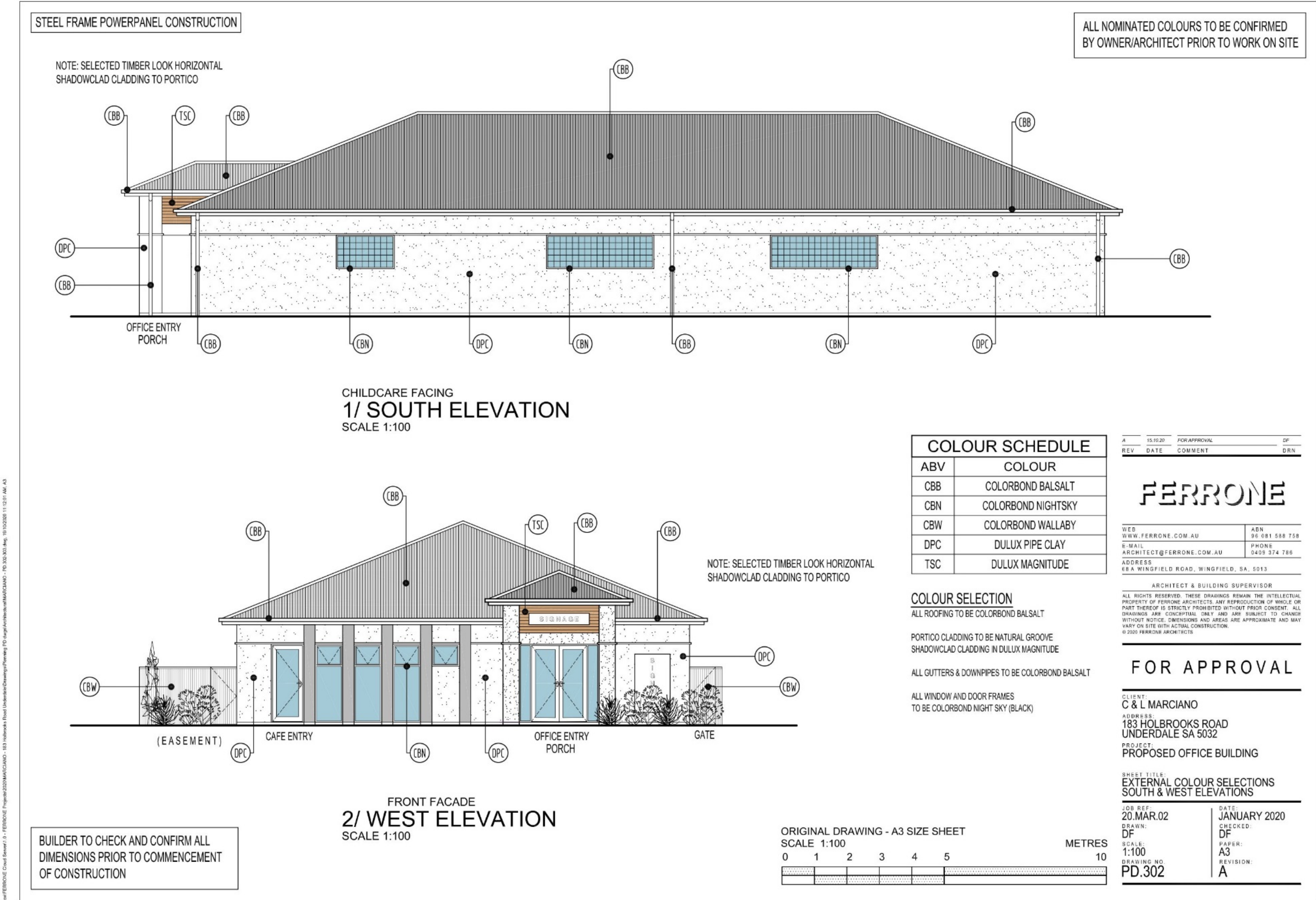


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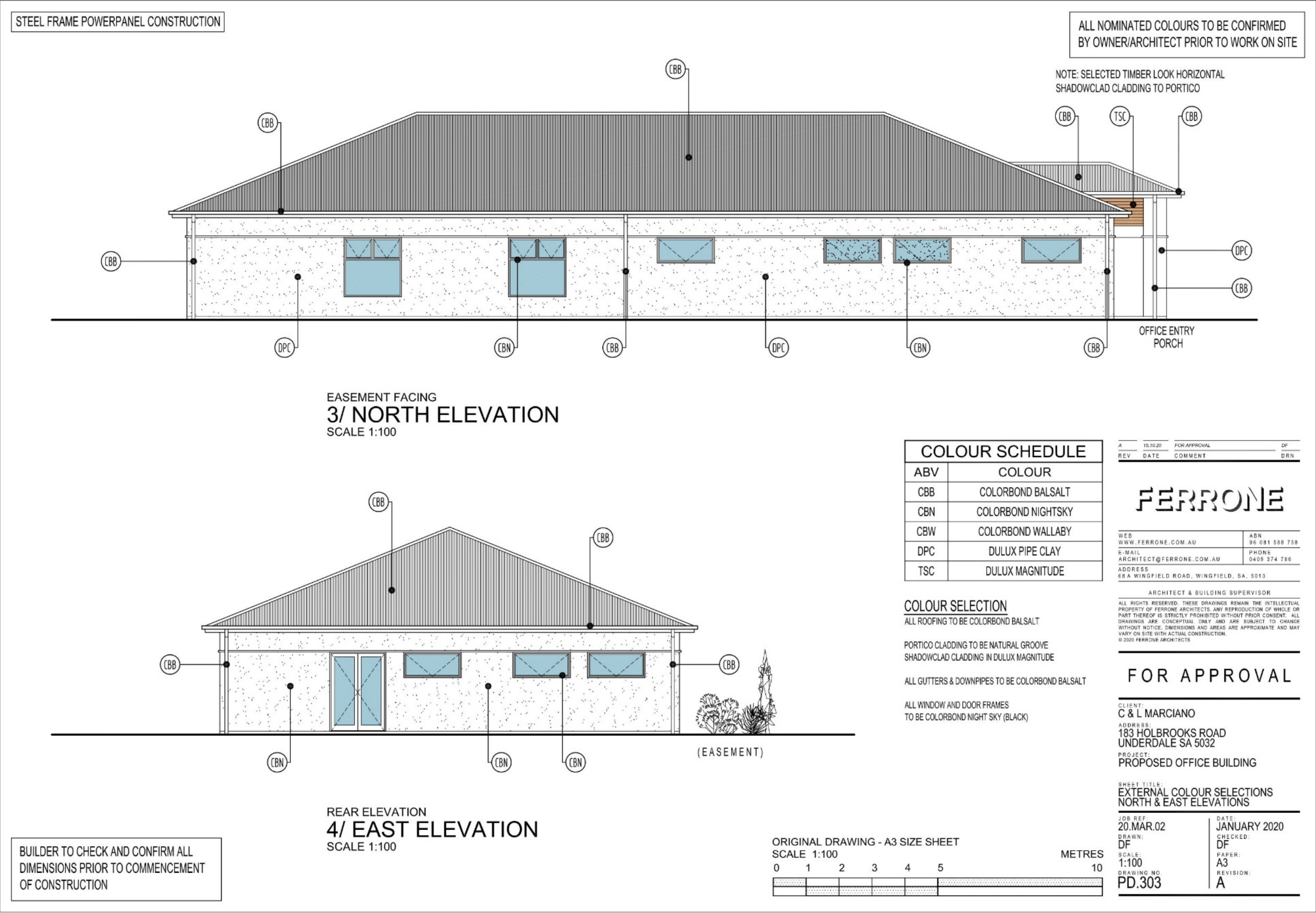








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183 HOLBROOKS ROAD UNDERDALE

PROPOSED LANDSCAPE DOCUMENTATION



LOCATION/CONTEXT PLAN

NOT TO SCALE



PLANTING SCHEDULE

No.	SPECIES	COMMON NAME	POT SIZE	INDICATIVE SIZE (Height x Width)
GRASSES & GROUND COVERS				
01	Angioanthos flavidus 'Amber Velvet'	Kangaroo Paw	140mm	500mm x 500mm
02	Dianella 'Emerald Erch'	Tasmanian Flax-lily	140mm	500mm x 500mm
03	Lomandra 'Tanika'	Mat-rush	140mm	600mm x 600mm
04	Scasivola serrula 'Mauve Clusters'	Fairy Fan-flower	140mm	500mm x 1m
05	Trachelospermum asiaticum	Flat Mat	140mm	300mm x 2m
SHRUBS				
06	Artemisia 'Powis Castle'	Wormwood	200mm	600mm x 900mm
07	Viburnum odoratissimum	Sweet Viburnum	200mm	4m x 2m
TREES				
08	Lagerstroemia tuscadoria	Crepe Myrtle	45L	6m x 3m
09	Prunus cerasifera 'Crimson Spire'	Ornamental Plum	45L	7m x 2m
10	Zelkova serrata 'Mushashino'	Japanese Elm	45L	9m x 3m

Note:
Trees will be approximately 1500mm in height at time of planting. Variation is expected & dependant on availability.

PLANT IMAGES



Project:

183 HOLBROOKS ROAD UNDERDALE

Drawing:

PROPOSED LANDSCAPE DOCUMENTATION

Scale: NTS

Drawn: DF

Checked: KE

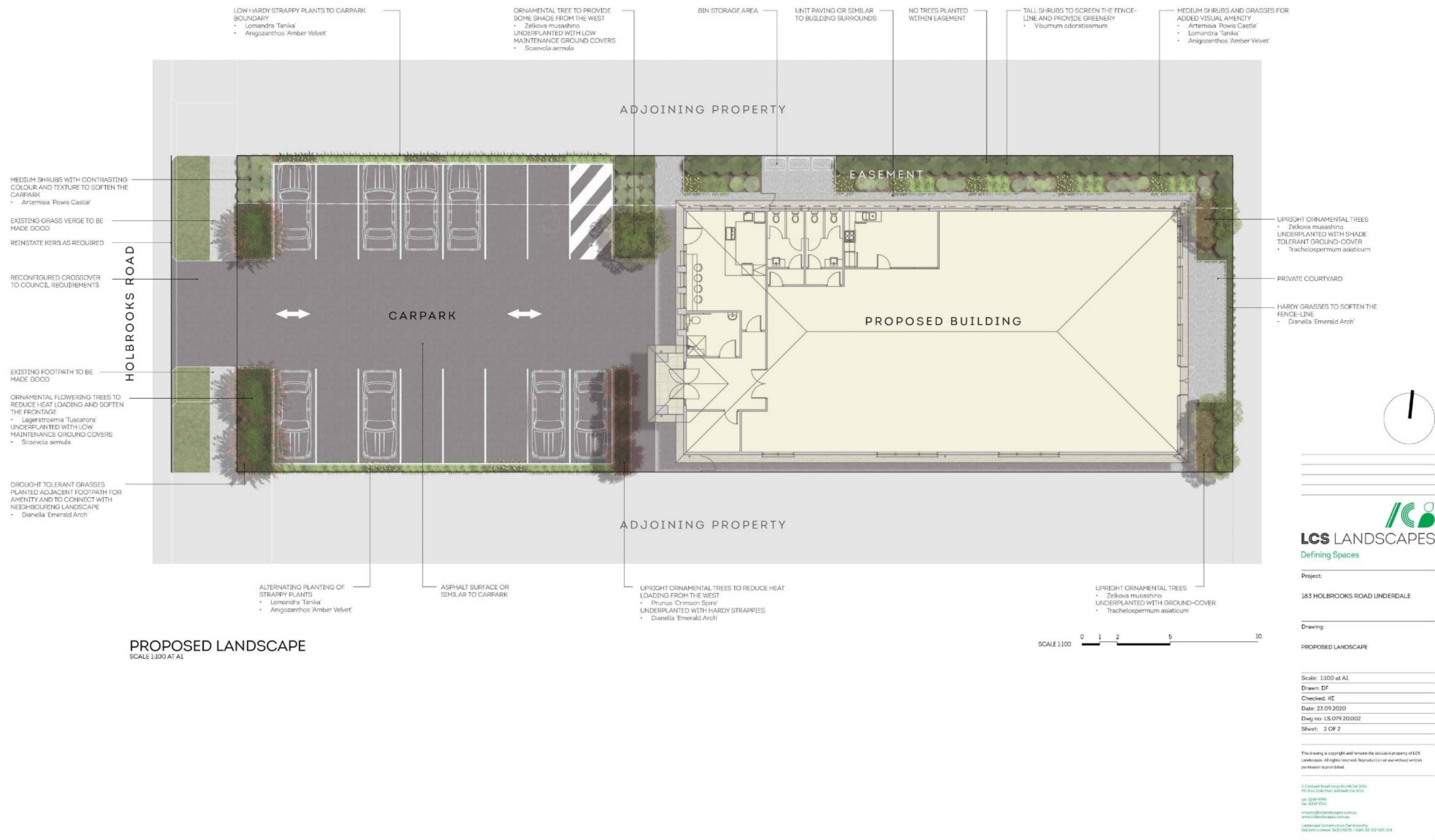
Date: 23.09.2020

Dwg no: LS 079.20.001

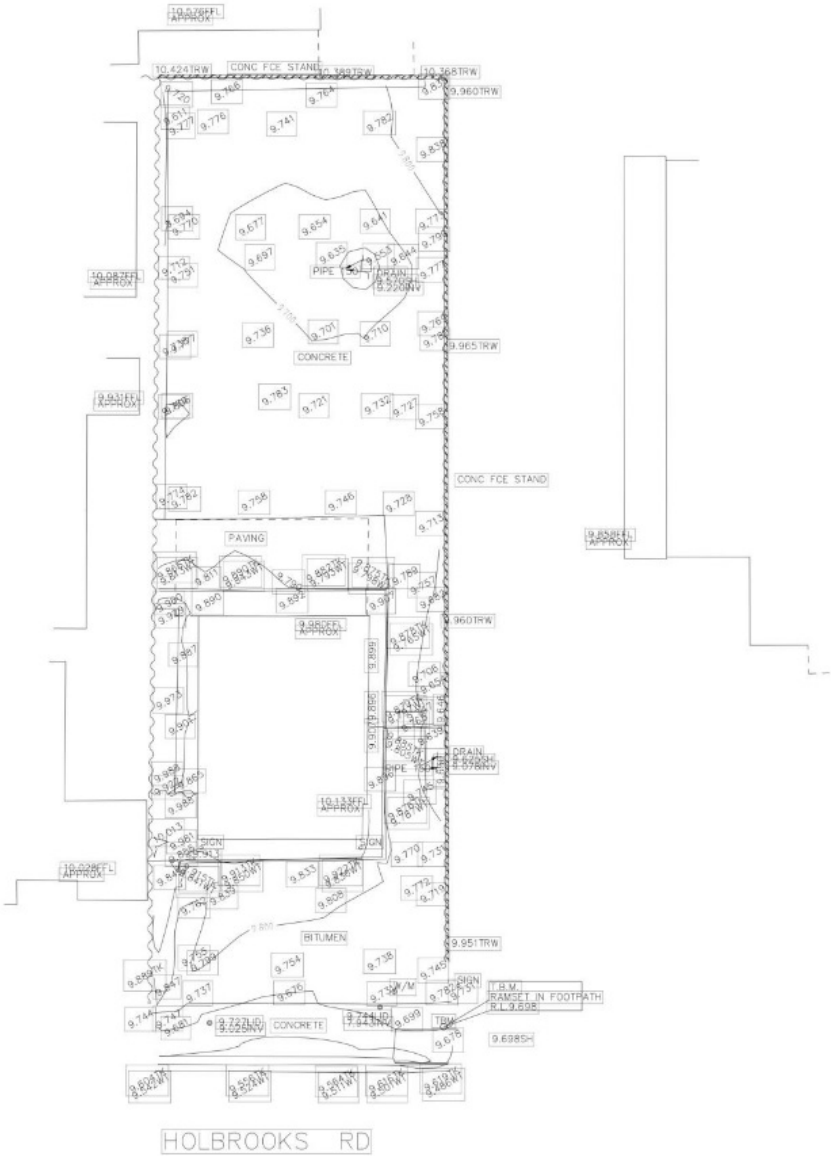
Sheet: 1 OF 2

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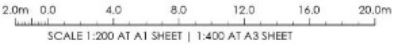
1 Chiswell Road, Long North SA 5036
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tel: 08 849 8769
fax: 08 849 8765
enquiries@lcslandscapes.com.au
www.lcslandscapes.com.au
Landscape Construction Services Pty
Business License: 01207870 / ABN: 66 022 505 389



NOTE:
1. THIS IS AN ENGINEERING SURVEY PLAN AND SHALL NOT BE TAKEN AS A
CADASTRAL OR IDENTIFICATION SURVEY. BOUNDARY DATA IF SHOWN,
SHOULD BE TAKEN AS A GUIDE ONLY.
2. REFER TO THE CERTIFICATE OF TITLE FOR EASEMENT DETAILS (IF ANY).
3. CONTOUR INTERVAL 0.1m
4. TBM 9.698 - RAMSET IN FOOTPATH



EXISTING SITE PLAN
SCALE 1:200 AT A1



ISSUED FOR APPROVAL
AMENDMENTS
NOT FOR CONSTRUCTION

08/10/20
DATE
A
J.M.
ISSUE
BY

CLIENT
FERRONE
68A WINGFIELD ROAD
WINGFIELD SA 5013

PROJECT
TX15101.00
183 HOLBROOKS ROAD
UNDERDALE SA 5032

DESIGNED
J.A.M.
DRAWN
J.A.M.
DATE
OCT 20
SIZE
A1
CAD REF
TX15101.00 - C01



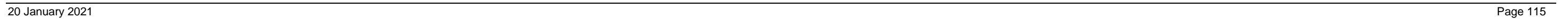
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1300 874 294 | TRIAXIAL.COM.AU
71 GLEN OSMOND ROAD, EASTWOOD SA 5063

TO BE PRINTED IN COLOUR

DRAWING TITLE
EXISTING SITE PLAN

PROJECT No.
TX15101.00 - C2.00
DRAWING No.
A
ISSUE





ABN. 24156426274

Adelaide Office

71 Glen Osmond Rd, Eastwood SA 5063
PO Box 474, Tanunda SA 5352e. admin@triaxialconsulting.com.au
www.triaxialconsulting.com.au

STORMWATER CALCULATION PACKAGE

Project: PROPOSED DEVELOPMENT
 Address: 183 HOLBROOKS ROAD, UNDERDALE SA 5032
 Job No: TX15101.00

CONTENTS	PAGES
Section I Stormwater Detention & Orifice Calculations	1 to 5

NOTES

These calculations are to be read in conjunction with the relevant associated Civil and Structural Drawings, Construction Report and / or details.

All work to comply with relevant SAA Standards

AS/NZS 3500 - Plumbing and Drainage
 Australian Rainfall and Runoff
 Australian Runoff Quality
 Storm Drainage Design in small urban catchments: A handbook for ,
 Water Sensitive Urban Design (WSUD) Engineering Procedure: Storm

Revision	By	Date
A	J.A.M	15/10/2020

TX15101.00 Calculations Cover





71 Glen Osmond Road, Eastwood SA 5063

STORMWATER DETENTION CALCULATIONS

TX15101.00

15/10/2020

JA.M

DC 1

SITE LOCATION:

183 Holbrooks Road, Underdale SA 5032

Duration	AVERAGE RETURN INTERVAL (YEARS)							
	1	1.44	4.48	5	10	20	50	100
	Annual Exceedance Probability (AEP)							
	63%	50%#	20%*	18.13%	10%	5%	2%	1%
1	76	87.1	125	128	155	187	234	274
2	66.7	76.3	110	112	136	164	207	243
3	59.5	68.1	98.1	100	121	146	184	216
4	53.8	61.6	88.8	90.6	110	132	166	195
5	49.3	56.5	81.4	83.0	100	121	152	178
10	35.8	41	59.1	60.0	72.9	87.9	110	129
15	28.8	33	47.5	48.4	58.7	70.8	88.5	104
20	24.4	28	40.3	41.1	49.8	60.1	75.2	88
25	21.4	24.5	35.3	36.0	43.7	52.6	65.9	77.2
30	19.1	21.9	31.6	32.2	39.1	47.1	59	69.2
45	14.8	17	24.5	25.1	30.3	36.6	45.8	53.7
60	12.4	14.1	20.4	20.8	25.2	30.4	38.1	44.6
90	9.5	10.9	15.6	15.9	19.3	23.2	29.1	34.1
120	7.86	8.99	12.9	13.2	15.9	19.1	23.9	28
180	6.01	6.86	9.8	10.0	12.1	14.5	18.1	21.1
270	4.58	5.22	7.42	7.58	9.1	10.9	13.5	15.8
360	3.77	4.29	6.07	6.20	7.43	8.87	11	12.7
540	2.85	3.23	4.55	4.64	5.54	6.6	8.09	9.33
720	2.33	2.64	3.69	3.77	4.48	5.32	6.48	7.44
1080	1.74	1.96	2.73	2.78	3.3	3.9	4.7	5.36
1440	1.4	1.58	2.19	2.23	2.63	3.1	3.72	4.21
1800	1.19	1.34	1.83	1.87	2.2	2.59	3.09	3.48
2160	1.03	1.16	1.59	1.62	1.9	2.23	2.65	2.97
2880	0.827	0.926	1.26	1.28	1.5	1.75	2.07	2.31
4320	0.602	0.671	0.9	0.918	1.07	1.24	1.44	1.6
5760	0.48	0.533	0.709	0.723	0.834	0.962	1.12	1.23
7200	0.403	0.448	0.589	0.601	0.689	0.789	0.911	1
8640	0.351	0.389	0.508	0.518	0.59	0.671	0.772	0.849
10080	0.313	0.346	0.449	0.458	0.518	0.585	0.672	0.738

Note:

The 50% AEP IFD **does not** correspond to the 2 year Average Recurrence Interval (ARI) IFD. Rather it corresponds to the 1.44 ARI.

* The 20% AEP IFD **does not** correspond to the 5 year Average Recurrence Interval (ARI) IFD. Rather it corresponds to the 4.48 ARI.



71 Glen Osmond Road, Eastwood SA 5063

STORMWATER DETENTION CALCULATIONS**TX15101.00****15/10/2020****JA.M****DC 2****DETENTION TANK STORAGE**

Using AR&R 1987: equation 7.43

$$Q_p = I_p \left[I - \frac{S_{max}}{V_i} \right]$$

Q_p = peak discharge of the inflow hydrograph (m³/s)
 I_p = peak discharge of the outflow hydrograph (m³/s)
 V_i = volume of the inflow flood (m³)
 S_{max} = maximum Storage (m³)

CATCHMENT DETAILS**Pre-Development**

1 in 20 ARI Storm event

	C ₁₀	F _y	C	Area (m ²)	C*A
Roof	0.25	1.05	0.263	0	0.0
Pavement	0.25	1.05	0.263	0	0.0
Grass / Open Space	0.25	1.05	0.263	0	0.0
Other	0.25	1.05	0.263	1015	266.4
Total				1015	266.4

time of concentration: 5 Mins
 rainfall intensity: 121 mm/hr

Pre development flow: 9.0 L/s



71 Glen Osmond Road, Eastwood SA 5063

STORMWATER DETENTION CALCULATIONS

TX15101.00

15/10/2020

J.A.M

DC 3

CATCHMENT DETAILS - ROOF

Post-Development

1 in 20 ARI Storm event

	C ₁₀	F _y	C	Area (m ²)	C*A
Roof Area	0.90	1.05	0.945	439	414.855

Tank outflow: 5.1 L/s

Time of concentration (mins)	Rainfall Intensity (mm/hr)	Inflow (L/s)	Storage (L)
5	121.00	13.94	2644
10	87.90	10.13	3000
15	70.80	8.16	2726
20	60.10	6.93	2156
30	47.10	5.43	537
60	30.40	3.50	-5854
120	19.10	2.20	-21084
180	14.50	1.67	-37351
270	10.90	1.26	-62747
360	8.87	1.02	-88716
540	6.60	0.76	-141549

Roofwater Tank Storage Volume: 3000 L

OUTLET ORIFICE

Outlet Coefficient	C _d	0.6	
Orifice diameter	Dia.	43.5 mm Diameter	
Orifice area	A = π*(Dia./2) ²	0.001486 m	
Head	H	2.075 m	(above mid-height of outlet)
Blockage factor	B	0.90	(between 0.10 and 1.00)

$$Q_o = C_d * A * \text{SQRT}(2 * g * H) * B = 5.1 \text{ L/s}$$



71 Glen Osmond Road, Eastwood SA 5063

STORMWATER DETENTION CALCULATIONS

TX15101.00
15/10/2020
J.A.M
DC 4

CATCHMENT DETAILS - SURFACE STORAGE

Post-Development

1 in 20 ARI Storm event

	C ₁₀	F _y	C	Area (m ²)	C*A
Roof	0.90	1.05	0.945	439	414.9
Pavement	0.90	1.05	0.945	453	428.1
Grass / Open Space	0.10	1.05	0.105	123	12.9
Other	0.00	1.05	0.000	0	0.0
Total				1015	855.9

Surface storage outflow: 9.0 L/s

Time of concentration (mins)	Rainfall Intensity (mm/hr)	Inflow (L/s)	Storage (L)
5	121.00	28.77	5930
10	87.90	20.90	7138
15	70.80	16.83	7049
20	60.10	14.29	6346
30	47.10	11.20	3955
60	30.40	7.23	-6382
120	19.10	4.54	-32106
180	14.50	3.45	-59970
270	10.90	2.59	-103820
360	8.87	2.11	-148851
540	6.60	1.57	-240762

Surface Storage Volume: 7138 L

Available Storage

Detention basin/swale	1080 L
450SQ Pits	200 L
Surface Ponding	2200 L
96m of 100mm Pipe	720 L
Detention Tank	3000 L
Total	7200 L

OUTLET ORIFICE

Outlet Coefficient	C _d	0.6	
Orifice diameter	Dia.	81.5 mm Diameter	
Orifice area	$A = \pi * (Dia./2)^2$	0.005217 m	
Head	H	0.52 m	(above mid-height of outlet)
Blockage factor	B	0.90	(between 0.10 and 1.00)
$Q_o = C_d * A * \sqrt{2 * g * H} * B$			
	=	9.0 L/s	



71 Glen Osmond Road, Eastwood SA 5063

STORMWATER DETENTION CALCULATIONS

TX15101.00

15/10/2020

J.A.M

DC 5

CATCHMENT DETAILS - UNDETAINED

Undetained Flow

1 in 20	ARI Storm event
---------	-----------------

	C ₁₀	F _y	C	Area (m ²)	C*A
Roof	0.90	1.05	0.95	0	0.0
Pavement	0.90	1.05	0.95	0	0.0
Grass / Open Space	0.10	1.05	0.11	0	0.0
Other	0.00	1.05	0.00	0	0.0
Total				0	0.0

time of concentration:	5 Mins
rainfall intensity:	121 mm/hr

Undetained flow:	0.0 L/s
------------------	---------

SUMMARY

Pre development flow:	9.0 L/s
-----------------------	---------

Tank outflow:	5.1 L/s
---------------	---------

Surface storage outflow:	9.0 L/s
--------------------------	---------

Undetained flow:	0.0 L/s
------------------	---------

Total outflow:	9.0 L/s
----------------	---------

Total outflow < allowable outflow therefore OK

Marciano - 183 Holbrooks Rd Underdale

Waste Management Plan



Document verification

Date	Version	Title	Prepared by	Approved by
08/09/20	V1.0	Marciano - 183 Holbrooks Rd Underdale Waste Management Plan DRAFT	K. Le Gallou	M. Allan
09/09/20	V1.1	Marciano - 183 Holbrooks Rd Underdale Waste Management Plan	K. Le Gallou	M. Allan

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Document summary

Rawtec prepared this waste management plan (WMP) to support the planning application of the development. We consulted the client, project manager, project architect and traffic consultant and considered all relevant policy requirements (see Appendix 1).

This WMP includes a high-level proposal for a waste management system, with a preliminary design to show how waste can be managed at the site. If land uses and waste management arrangements for the development change during detailed design, this WMP will need to be updated.

The WMP is aligned with the *South Australian Better Practice Guide - Waste Management in Residential or Mixed Use Developments* (Green Industries SA, 2014).

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1. Development summary

Project	183 Holbrooks Road, Underdale SA
Client	Marciano
Architect	Ferrone Architects

1.1. Land use and occupancy

Table 1 lists the tenancy/land uses that will generate waste and recycling at the development, based on the latest architectural plans.

Table 1: Tenancy/land use and occupancy overview

Level	Tenancy/land use	Waste resource generation category	Estimated size (m ²)
Ground	Office	Offices or Consulting Rooms	300 m ²
	Cafe	Café/Restaurant	27 m ²

1.2. Waste management considerations

The client and project architect identified design choices and other elements that could affect waste management at the site (Table 2). We have included these in the design of the waste management system.

Table 2: Development waste management considerations

Consideration	Description
Combined waste area	To reduce the number of bins required, the café and offices will share the bulk bins. This will also help to reduce the number of collections and truck movements for the site.

1.3. Recommended services

To manage waste and recycling effectively, the development needs to include the services listed in Table 3.

Table 3: Recommended waste management services

Required/recommended waste and recycling collection services		
Land use	Commercial	Commercial
Development land uses	Café	Office Space
Routine collection (rear lift)	General waste	X
	Comingled recycling	X
	Organics recycling	X
	Paper recycling	NS
	Confidential paper recycling	X
On-call or external drop-off	Hard waste	X
	E-waste	X
	CFL/Lighting	X
	Printer Cartridges	X
	Batteries	X

X = Required/Desired

NS = Not serviced as separate service not required

2. Waste management analysis

2.1. Waste and recycling volumes

The development will generate about 2,800 litres of waste and recycling per week (Table 4).¹

The metrics from the SA Guide tend to be conservative and we anticipate that the waste generation for the café, which is mostly a coffee shop, will likely be lower during operation.

Table 4: Estimated volume of waste and recycling generated at the development

Estimated waste generation volumes (litres per week)			
Land use type	Commercial	Commercial	Total
Development land use	Café	Office Space	
WRGR classification	Café/Restaurant	Offices or Consulting Rooms	
Waste stream	General waste	500	1,100
	Comingled recycling	200	600
	Organics recycling	80	900
	Paper recycling	200	200
	Confidential paper recycling	30	30
Total site volume		1,000	2,800

*Totals have been rounded and may not equate

NE = Not Estimated as Not Required

¹ Estimates are based on the proposed land-use data provided by the client/architect and metrics from the *South Australian Better Guide Practice Guide - Waste Management for Residential and Mixed Use Developments*. Some metrics have been further developed by Rawtec based on industry knowledge and experience.

2.2. Bin size and collection details

Based on the estimated volumes of waste and recycling in Table 4, the development needs 3 bulk bins and 5 collections per week (see Table 5). The number of regular collections may be less when the building is operational.

Table 5: Estimated bin requirements and collections per week

	Combined waste area		
	Bin size (L)	Number of bins required	Collections per week
General waste	660	1	2
Comingled recycling	660	1	1
Organics recycling	660	1	2
Paper recycling	240	1	On Call
Confidential paper recycling	240	1	On Call
Total		5	5

*Totals have been rounded and may not equate

The following irregular waste streams will be managed as they occur onsite:

- **Electronic waste** (E-waste such as batteries, printer cartridges, lighting) will be stored at the development. E-waste will be collected by a certified collection contractor or taken to a licensed facility (e.g. recycling depot or participating retailer).
- **Hard waste** (during tenancy fit-out or in residential developments) will be stored at the development and managed via a pull-in/pull-out collection service. This must be arranged by tenants and the building manager, so hard waste can be collected from the loading area at a suitable time.

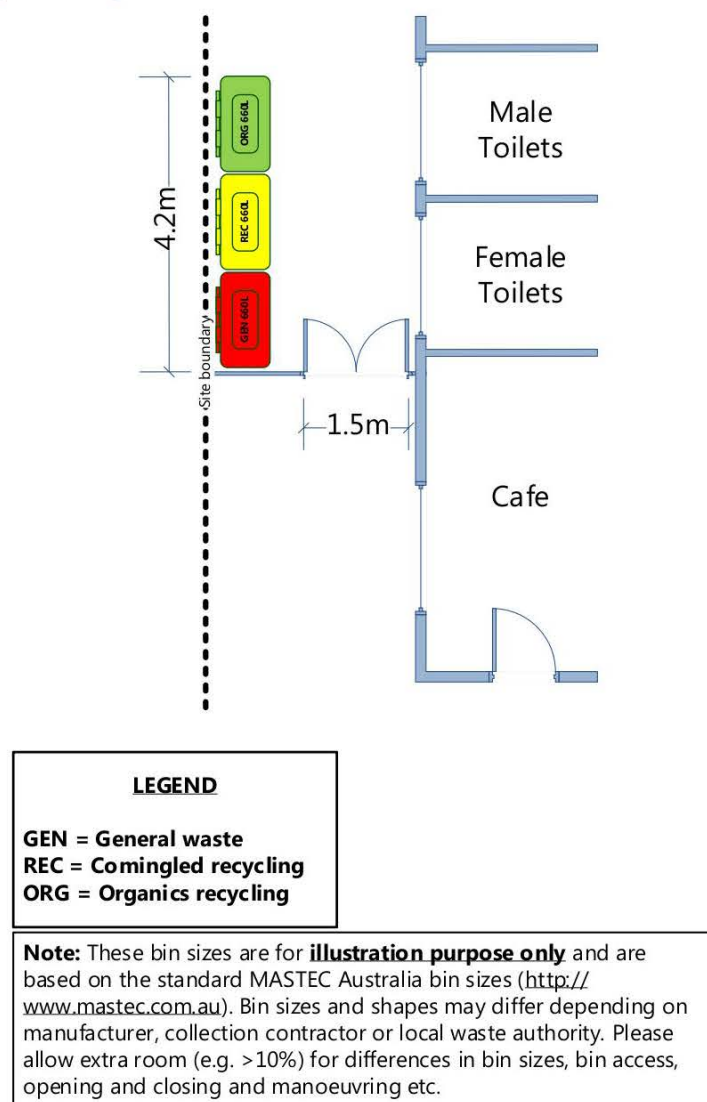
Other advice

- **Bins and signage** must meet the Australian Standard for Mobile Waste Containers (AS 4123.7-2006 Mobile Waste Containers).
- **E-waste/hard waste collection:** Provide a central and accessible storage point for E-waste and hard waste. If hard waste is collected from individual locations, the building manager and tenant may need to be present for collection and costs may increase.

2.3. Waste storage area

The waste storage area houses the bulk bins. Figure 1 shows how this area could be designed. When planning the waste storage area, consider the additional waste management design advice listed in Section 5.

Figure 1: Waste storage area design



3. Waste management system

The waste management system (WMS) explains how to manage the waste and recycling generated at the development (Table 6). It covers each land use and considers the relevant waste management policies (see Appendix 1).

When planning the WMS, consider the waste management design advice in Section 5.

If land uses and waste management arrangements for the development change during detailed design, this WMP will need to be updated.

Table 6: Proposed waste management system for the development

Proposed waste management system	
Waste/recycling services	<ul style="list-style-type: none"> • General waste • Comingled recycling • Organics recycling
WMS step	WMS notes
1. User storage	<p>Offices</p> <p>Staff will only have a paper recycling under-desk bin, not a general waste bin. Waste and recycling bin stations will be placed in key areas such as kitchens and printing/utility rooms:</p> <ul style="list-style-type: none"> • general waste will be collected using black bin liners • organics will be collected using compostable bin liners • comingled recycling and cardboard will be collected loose • paper and confidential paper will be collected loose <p>Café</p> <p>Small bins will be used behind the café counter:</p> <ul style="list-style-type: none"> • general waste will be collected using black bin liners • organics will be collected using compostable bin liners • comingled recycling and cardboard will be collected loose
2. Transfer pathways	<ul style="list-style-type: none"> • Cleaners/office staff will collect waste and recycling from the bin stations to the bulk bins. They should always keep the streams separate. • Retail staff will transfer waste and recycling from the café directly to the bulk bins. • Transfer routes must be at least 1.25 metres wide, free of obstructions and steps and with a slope of no more than 1:10.
3. Aggregation and storage	<ul style="list-style-type: none"> • All waste and recycling will be placed into the appropriate bulk bins. • Paper and confidential paper will be stored in the 240 litre bins in the printing/utility room.
4. Bin collection	<ul style="list-style-type: none"> • The waste collection vehicle will enter the development in a forward direction, collect the bins, turn around within the carpark and exit the development in a forward direction. • Note collection will need to take place off-peak so the carpark is empty.

4. Collection requirements

4.1. Vehicle movements per week

The development will need about 5 regular collections per week. This is based on the waste and recycling volumes and collection service frequency in Table 5. However, this may be less when the building is operational.

We recommend that the waste collection takes place in off peak times. This will encourage the collection vehicle to enter the development in a forward direction, collect the bins, turn around within the carpark and exit the development in a forward direction. The collection contractor will need to confirm this is possible.

Other advice

- **Collection times:** Schedule waste collection timing and frequency to reduce the impact of noise and traffic on residents, neighbours and the public.
- **Peak periods:** More waste is usually generated during holiday periods like Easter, Christmas and public holidays. Extra collections may be needed at these times.

4.2. Collection vehicle

Table 7 lists approximate truck dimensions to help the traffic consultant's analysis. Please note:

- Vehicle dimensions and operating conditions can differ between waste collection contractors.
- Rawtec does not guarantee that the collection area can accommodate waste collection vehicles. The client must confirm with the preferred waste collection contractor that it can service the development before collection can begin.

Table 7: Approximate collection vehicle dimensions

Collection vehicle dimensions		
Vehicle type	Rear lift	Pan-tech/Flat bed
Collection type	Collection of bins up to 1,100 L	At call waste streams
Dimensions	3.4m minimum to 4m (h) × 2.5m (w) × 8.8 m minimum to 11m (l)	Up to 4.5 m (h) × 2.5 m (w) × 8.8m (l)
Rear loading space required	2 m	-
Operational vehicle height	Up to 4 m	Up to 4.5 m
Vehicle turning circle	18-25 m	10 m

Note: Vehicle width dimensions are based on Australian MRV standard specifications – AS 2890.2-2002. Vehicle length and heights are based on common collection vehicles operating in the South Australian market. Waste and recycling collection vehicles are custom designed and may differ from these specifications.

5. Other waste management and design advice

Table 8 lists advice on designing developments to encourage good waste management practices, based on the *South Australian Better Practice Guide – Waste Management for Residential and Mixed Use Developments*.

Table 8: Other waste management and design advice

Area	To consider
Bin transfer routes	<ul style="list-style-type: none"> Transfer routes should be at least 1.25 m wide, free of obstructions and steps, and with a slope of no more than 1:10. Transfer routes should not pass through living areas or dwellings.
Bin washing	<ul style="list-style-type: none"> A bin washing station must: <ul style="list-style-type: none"> slope to a drain connected to the sewer have a tap and a hose with mains supply be at least 2 m × 2 m be slip resistant. Note: <ul style="list-style-type: none"> Line marking and bunding are not required. Bins can be stored on top of the bin wash area. During washing, other bins can be placed outside the room. The bin wash area can be installed outside the waste room. The waste contractor may provide this service (either onsite or offsite).
Container deposit scheme (10-cent) containers	<ul style="list-style-type: none"> Businesses with large volumes of 10-cent refund drink containers (e.g. restaurants, cafes, hotels) could organise a collection service with a business that shares the revenue from the containers (e.g. Scouts SA).
Education and training	<ul style="list-style-type: none"> The building manager should educate and train tenants to use the waste management system correctly. Consider including better practice waste management requirements in strata or commercial lease agreements.
Health and amenity	<ul style="list-style-type: none"> Effective WMS design should: <ul style="list-style-type: none"> reduce and stop odour and noise consider and preserve visual amenity for residents/tenants, neighbours and the public prevent waste spreading beyond the defined location specify washable services enabling periodic cleaning provide adequate ventilation.
Lid within a lid bin	<ul style="list-style-type: none"> A 'lid within a lid' system can make it easier to dispose of waste and recycling into bulk bins (e.g. 1,100 litre bins): <ul style="list-style-type: none"> The smaller, lighter lid reduces the weight and risk for people disposing of materials. The large lid can be locked, stopping oversize items being put into the bin.
Waste storage area	<ul style="list-style-type: none"> Secure the storage area to stop people interfering with bins and equipment.
Waste streams	<ul style="list-style-type: none"> Locate the disposal point for all three streams together (general waste, comingled recycling and food organics).

6. Appendix 1: Waste policies

This WMP is based on the following policies, design and operational requirements:

- The South Australian Environment Protection (Waste to Resources) Policy 2010, Government of South Australia, version 1.6.2019:
 - Waste is subject to resource recovery processes, which can include source separation, before disposal to landfill.
- *South Australian Better Practice Guide – Waste Management in Residential or Mixed Use Developments*, Green Industries SA, 2014.



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**CONSTRUCTION OF A SINGLE STOREY OFFICE BUILDING,
INCORPORATING A COFFEE SHOP, SIGNAGE AND ASSOCIATED
CAR PARK (NON-COMPLYING)**

DA 211/466/2020

183 HOLBROOKS ROAD, UNDERDALE

**PREPARED FOR –
FERRONE ARCHITECTS**

**PREPARED BY –
BEN GREEN & ASSOCIATES**

STATEMENT OF EFFECT

SEPTEMBER 2020



1.0 INTRODUCTION

This report has been prepared in respect of the proposed construction of a single storey building that incorporates an office, coffee shop, signage and associated car park by Ferrone Architects, the applicant at 183 Holbrooks Road, Underdale

The land subject of this application is situated within the Residential Zone – Low Density Policy Area 21 of the West Torrens Council Development Plan.

Within the subject Residential Zone, the construction of an office, coffee shop, signage and associated car park do not meet certain criteria and as such, defaults to a non-complying form of development. As required in these matters, this report sets out the nature of the subject land and its locality, along with an assessment of the proposal against the relevant provisions of the Development Plan.

The social, economic and environmental consequences of the proposal are also considered in accordance with the requirements of a Statement of Effect, as prescribed under the *Development Regulations 2008*.

This Statement, which sets out the professional opinions and considerations of the writer, has been prepared in accordance with Section 39(2)(d) of the *Development Act 1993* and Regulation 17(5) of the *Development Regulations 2008*.

2.0 BACKGROUND

Pursuant to Regulation 17 of the *Development Regulations 2008*, the City of West Torrens confirmed via letter dated 19 August 2020 that the proposal has sufficient merit to proceed to further assessment and public notification.

In addition to the matters prescribed in Regulation 17(5) of the *Development Regulations 2008*, Council has requested that the following details also be provided together with this Statement:

- A civil / stormwater plan
- A waste management plan
- A detailed landscaping schedule
- A schedule of colours and materials

3.0 SUBJECT LAND AND LOCALITY

The subject land is described as 183 (Allotment 14) Holbrooks Road, Underdale and has a Certificate of Title Book Referenced Volume 6213 and Folio 83.

The subject land retains a 17.90 metre frontage to Holbrooks Road, has a depth of 56.54 metres and an overall site area of 1,015 square metres. Located on the eastern side of Holbrooks Road, the subject land is sited midway between Golden Glow Avenue and Norman Street and directly adjoining the Holbrooks Rd/Hinton Street intersection to the south-west.

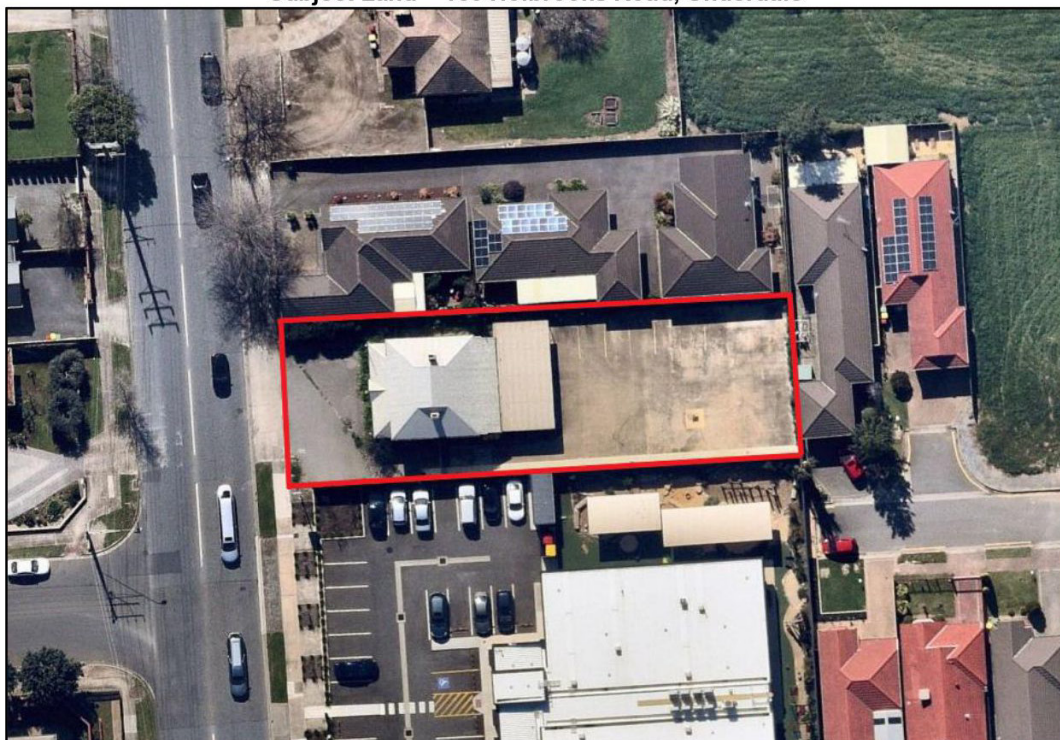
The subject land contains an existing single storey building that has been used in recent years for a number of non-residential land uses. In 1996, Council issued Development Approval for a wine store and offices with the building being more recently used by a business for the sale of pool paints.

Apart from the main building and rear addition, the remainder of the land does not contain any built form. A small landscaping bed is present along the edge of the northern boundary, immediately adjoining the Holbrooks Road frontage, however there are no trees of Regulated or Significant status on the subject land. The vast majority of the land is covered in hardstand areas, comprising bitumen and concrete.



A 3.0-metre-wide easement runs along the northern boundary with no other encumbrances or Land Management Agreements applying over the subject land.

Subject Land – 183 Holbrooks Road, Underdale



Source: Nearmap

The locality consists of predominantly single storey detached and semi-detached detached dwellings with a number of other dwelling forms and non-residential land uses found scattered throughout the area.

To the north, east and west of the subject land are residential land uses, with single storey detached to the east (rear), single storey detached and semi-detached to the west and single storey groups to the immediate north. Further to the north are single storey detached and semi-detached dwellings.

A notable exception to the residential land use in the locality is the childcare centre located to the immediate south of the subject land. Further south is the former Underdale Bowling Club that has been demolished (majority of) to make way for the Acacia on Holbrooks retirement village.

The subject land is for all intents and purposes flat, without any notable changes in site levels.



Locality – 183 Holbrooks Road, Underdale



Source: Nearmap

4.0 THE PROPOSAL

The proposed development involves the construction of a single storey commercial building to accommodate an office, coffee shop, signage and associated car parking. The proposed development will incorporate the following attributes:

- Demolition of existing building
- Construction of a single storey commercial building – incorporating 300m² of office space, coffee shop (27m²), foyer and store, lunch room and amenities
- 15 off-street car parks
- Signage attached to the main façade of the building
- Perimeter landscaping
- Bin storage area

The proposed building will be 13.90 metres wide and have a depth of 28.155 metres with an entry porch protruding further forward of the main façade of the building. Setback 23.755 metres from the Holbrooks Road frontage, the proposed building will be of a residential scale with a maximum wall height of 3.0 metres (from the finished floor level) and a roof pitch of 22 degrees.



The external façade of the proposed building will consist of rendered face brickwork, rendered banding, aluminium framed windows and doors and colorbond roof sheeting. Timber slat infill will be installed to the fascia of the front entry porch with glass-block windows to be installed along the southern façade to ensure consistency with the Building Code of Australia and the relevant fire rating requirements. Perimeter fencing gates will consist of 1.8 metre high colorbond good neighbour fencing.

Signage will be provided to the front façade of the building, located on the fascia of the office entry porch and the front wall closest to the southern boundary.

Vehicular access will be obtained from Holbrooks Road with alterations proposed to the existing crossover. Fifteen (15) off-street car parks, including 1 disabled car parking will be provided at the front of the allotment. Landscaping is proposed along the Holbrooks Road frontage (to align with the child care front landscaping) and immediately adjoining the front façade of the proposed building. Landscaping is also proposed within the easement separating the proposed development from the adjoining residential property to the north.

5.0 PLANNING ASSESSMENT

The subject land is located within the Residential Zone – Low Density Policy Area 21 as depicted on Maps WeTo/4 of the West Torrens Council Development Plan as consolidated on 21 May 2020.

5.1 Nature and Form of development

In the Procedural Matters section of the Residential Zone, it outlines various forms of development as non-complying, apart from some listed exceptions. The proposed office, coffee shop and signage do not meet the exception criteria and as such the proposed would default to a non-complying form of development for assessment purposes.

I note that the *Development Act 1993* and *Development Regulations 2008* sets out an assessment process for non-complying kinds of development. Although non-complying developments are not generally considered appropriate in a particular zone, there are numerous circumstances where non-complying forms of development can be appropriate. Non-complying forms of development can be approved however are required to go through a more rigorous assessment process including public notification.

Despite being a 'non-complying' form of development for assessment purposes, in my view, the proposed development is acceptable when balanced against all the relevant provisions of the Development Plan and the overall intent of the Zone.

5.2 Development Plan Context

The following Development Plan provisions are considered to be the most relevant in the assessment of this proposal:

General Section	
Advertisements <i>Objectives:</i> 1, 2, 3 <i>Principles:</i> 1, 2, 4, 5, 6, 7, 8, 11, 14	Crime Prevention <i>Objectives:</i> 1 <i>Principles:</i> 1, 2, 3, 6
Design and Appearance <i>Objectives:</i> 1, 2	Hazards



<i>Principles:</i> 1, 2, 3, 12, 13, 14, 15, 19, 20, 21	<i>Objectives:</i> 1, 2, 4 <i>Principles:</i> 1, 2, 3, 4, 13
Interface Between Land Uses <i>Objectives:</i> 1, 2, 3 <i>Principles:</i> 1, 2, 3, 5, 6, 7, 8, 10, 12	Landscaping, Fences and Walls <i>Objectives:</i> 1, 2 <i>Principles:</i> 1, 2, 3, 4, 6
Natural Resources <i>Objectives:</i> 5, 6, 7 <i>Principles:</i> 1, 5, 7	Orderly and Sustainable Development <i>Objectives:</i> 1, 3, 4, 5 <i>Principles:</i> 1, 3
Transportation and Access <i>Objectives:</i> 2 <i>Principles:</i> 8, 10, 11, 12, 14, 24, 28, 30, 23, 25, 36, 37, 41, 42, 43	
Zone Section	
Residential Zone <i>Objectives:</i> 2 <i>Principles:</i> 1, 2, 3, 5, 8,	

An assessment of the proposed development against the relevant provisions of the Development Plan has been undertaken and is summarised under the headings below.

5.2.1 Intent of the Zone

The Residential Zone anticipates development primarily of a residential form at very low to medium residential densities. The Residential Zone does however acknowledge that there will be some small-scale non-residential activities such as offices, shops and consulting rooms that are complementary to surrounding dwellings.

Small scale non-residential land uses that serves the local community are an envisaged land use with a number of Principles of Development Control prescribing a range of criteria to ensure that non-residential development does not have a detrimental impact upon on the amenity of nearby residents.

To ensure consistency with the intent of the Residential Zone, the proposed development has been designed to ensure that the existing residential amenity is to be retained. The single storey building conveys a built form design and proportions that are typical with residential development within the locality. The modest floor to ceiling height, conventional pitched roof, large setbacks and minimal signage ensure the building exudes a form that is not typically commercial in nature.

It is acknowledged that the adjoining allotment to the south has recently been developed to accommodate a child care centre. This land use has the potential to create greater noise impacts upon adjoining residential allotments than that of the proposed office and small coffee shop. The 27 square metre area proposed for the coffee shop has been designed to front onto Holbrooks Road and will not impact upon residential allotments to the rear.



The 'office' land use is also considered to be a low noise generating activity that is not considered to have any potential impacts upon the adjoining allotments. No doors are proposed along the northern and southern building façades to minimise the potential for noise transfer between properties, and minimal windows are also proposed.

It is recognised that allotments located on main arterial roads experience higher vehicle volumes than that afforded to typical residential streets. Given the increased vehicular traffic and noise, the level of residential amenity is considered to be less. Notwithstanding this, it is considered that the office and small-scale coffee shop have been designed to ensure that it will not have a detrimental impact upon the amenity of nearby residents.

It is proposed that the office will operate during standard business hours, and closed on both Sundays and public holidays. A tenant has yet to be established for the proposed coffee shop, however it is anticipated that it will operate standard hours associated with a small business of this nature – possibly 7am till 9pm (Monday to Saturday) and 7am till 5pm (Sundays and public holidays). These hours are considered to be appropriate for commercial operations seeking to establish on a busy arterial road.

As such, it is considered that the proposal satisfies the following provisions with the Development Plan and will result in an outcome that will benefit the local community.

Residential Zone

- Objectives 4
- Principles of Development Control 1, 3, 5

Design and Appearance

- Objectives 1
- Principles of Development Control 1, 2, 4,

Interface between Land Uses

- Objectives 1, 2, 3
- Principles of Development Control 1, 2, 8, 10, 12

Orderly and Sustainable Development

- Objectives 1, 3, 4
- Principles of Development Control 1

5.2.2 Built Form Design

The proposal is of a contemporary, high-quality design that is both functional and visually appealing that will be complementary to the existing built form found within the locality. The minimal scale of the built form and the proposed large setbacks will ensure that adjoining residential activities to the north and east of the subject land will not be adversely impacted upon.

The proposed built form is to be setback 23.75 metres from Holbrooks Road, 3.0 metres from the northern and eastern boundaries and 1.0 metres from the southern boundary. These setbacks provide a suitable separation from adjoining land uses, and in particular the residential allotments to the north and east.

Given the single storey nature of the proposal, no overshadowing or potential overlooking into adjoining private open spaced areas will apply. This reduced scale and mass of the proposed built form will ensure that it retains a more 'residential' scale and not be an intrusive development within this residential area.

Landscaping is proposed throughout the allotment to assist in softening the visual impact. 2.0 metre wide landscaping is proposed immediately adjoining the front boundary to ensure consistency with the landscaping found at the adjoining non-residential land use to the south (child care centre). Landscaping is also proposed immediately adjoining the front façade of the building to ensure that the



building presents an attractive façade to Holbrooks Road. Landscaping is also proposed along the northern and eastern boundaries to assist in the transition to the adjoining residential allotments. A detailing landscaping schedule has been provided as part of this application illustrating the range of landscaping proposed.

Two (2) advertising signs are proposed to be fixed to the front facade of the building; one on the fascia of the front entry porch and the larger fixed to the front rendered wall. Neither are proposed to be illuminated. The proposed signage is anticipated to be of a scale that will not be visually obtrusive or detract from the character of the locality and is considered to be appropriate for a commercial development along a busy arterial road.

As such, it is my opinion, that the proposal is consistent with the following provisions of the Residential Zone and other related provisions within the Development Plan:

Residential Zone

- Objectives 4
- Principles of Development Control 1, 4

Advertisements

- Objectives 1, 3
- Principles of Development Control 1, 2, 5, 6, 7, 8

Crime Prevention

- Objectives 1
- Principles of Development Control 1, 2, 6, 7

Design and Appearance

- Objectives 1
- Principles of Development Control 1, 2, 9, 10, 12, 13, 14, 15, 19, 20

Transportation and Access

- Objectives 2
- Principles of Development Control 8, 14, 23, 24

5.2.3 Car Parking, Traffic and Access

Table WeTo/2 – Off Street Vehicle Parking Requirements provides the car parking requirements within the City of West Torrens:

Restaurant (traditional)	Greater of 1 per 3 seats or 1 per 15 square metres of total floor area
Office	4 per 100 square metres of total floor area

The proposed development has been designed to accommodate 15 off-street car parks, including a designated disabled car park. In calculating the anticipated car parking demands, the gross leasable areas, storage areas and foyer have been included with the lunch room and amenities excluded. Utilising the office and restaurant requirements, the proposed development would generate an off-street car parking requirement of 15 off-street car parks.

With regards to access arrangements, the general section of the Development Plan suggests that new developments should provide safe and convenient access that minimises the risk of traffic conflict and adverse impacts to neighbouring properties. To ensure the most appropriate access, a new 6.0 metre wide crossover will be built to replace the access arrangements – this will result in the reinstatement of the majority of kerbing along the allotment frontage.



Offices generate reduced traffic volumes when compared to other non-residential land uses, such as the existing retail store (selling of pool paints), and it is considered that the generation of additional traffic to and from the site will not be of a volume that would be noticeable in the context of existing traffic volumes along Holbrooks Road. The anticipated hours of operation will also assist in ensuring that the proposed will not adversely impact the residents of adjoining dwellings.

A six-bin enclosure is to be provided for the two tenancies, to be situated adjoining the northern boundary and sited behind a proposed fence/gated area. Waste generated by the proposed development will be of minimal volume and can be serviced by existing waste collection services.

It is considered that the proposed development provides adequate off-street car parking that meets the relevant Australian Standards and will result in minimal increase in traffic visiting the site or locality. It is my opinion, that the proposal is consistent with the following provisions contained within the Development Plan:

Residential Zone

- Principles of Development Control 3

Design and Appearance

- Principles of Development Control 15, 19

Transportation and Access

- Objectives 2
- Principles of Development Control 8, 14, 23, 24, 28, 30, 34, 35, 36, 37, 40

5.2.4 Additional Details

Council has sought confirmation on the following issues associated with the proposed development:

- A civil / stormwater plan
- A waste management plan
- A detailed landscaping schedule
- A schedule of colours and materials

Details pertaining to the above have been included in the documentation provided as part of the formal lodgement of this Statement of Effect. It is considered that the information provided enables Council to undertake its assessment prior to commencing the formal public consultation period.



6.0 SOCIAL ECONOMIC AND ENVIRONMENTAL IMPACTS

There are considered to be no adverse impacts of any consequence stemming from the proposal.

6.1 Social

- ☐ The proposal will not result in any detrimental effect on the living conditions of residents within the locality.
- ☐ The proposal has been carefully designed to provide for an orderly and architecturally designed development that is considerate of the character and amenity of its locality.
- ☐ As a non-complying development this application will be publicly advertised, which permits the opportunity for the local community to comment.

6.2 Economic

- ☐ The proposed development is orderly and economic as it utilises existing services without detrimentally affecting the amenity of the locality or the uses of other land in the locality.
- ☐ Employment opportunities during the construction of the proposal along with the increase in jobs to service the office and coffee shop.

6.3 Environmental

- ☐ There are no significant environmental impacts associated with the proposal.
- ☐ Wastewater and stormwater disposal can be reasonably managed via the existing connections.
- ☐ Waste materials generated on the site will be stored and managed on-site in a secured location and disposed of accordingly.
- ☐ Increase landscaping to manage stormwater and provide screening and shade in the car park breaking up hardstand appearance



7.0 CONCLUSION

It is my opinion that the proposed construction of a single storey building that incorporates an office, coffee shop, signage and associated car park represents an appropriate form of development in the context and intent of the Residential Zone – Low Density Policy Area along with the other relevant Objectives and Principles of Development Control within the West Torrens Council Development Plan.

To ensure consistency with the intent of the Residential Zone, the proposed development has been designed to ensure that the existing residential amenity is to be retained. The architectural design of the building has been carefully designed to ensure the proposal is sympathetic to the existing residential built form within the locality taking strategic cues from the non-residential development next door and noting the non-residential history of uses on the subject land.

Its minimal bulk and scale, pitched roof, large setbacks and minimal signage ensure that adjoining residential land uses will not be adversely impacted upon.

For the above reasons, I conclude:

- the proposal will not have a detrimental impact upon adjoining residential allotments;
- the proposal contributes to the economic activity within the community;
- the proposal does not threaten the attainment of the objectives and principles of the Residential Zone and does not prejudice the residential amenity of the locality.

As such, the proposal suitably accords with, and is not seriously at variance with, the overall intent of the West Torrens Council Development Plan, and therefore this application merits, in my view, Development Plan Consent pursuant to Section 33 (1)(a) of the *Development Act 1993*.

Should you require further information or clarification of any aspect of the information provided, please do not hesitate contacting me on 0410 147 541.

Yours faithfully

Ben Green & Associates

Ben Green, CPP MP/IA

bengreen@bengreen.com.au

cc: Ferrone Architects

Preliminary Traffic, Flooding & Stormwater Assessment

Development Application No: 211/466/2020

Assessing Officer: Jordan Leverington
Site Address: 183 Holbrooks Road, UNDERDALE SA 5032
Certificate of Title: CT-6213/83
Description of Development: Construction of a two-story office building, incorporating a coffee shop, signage and associated car park (Non-complying)

TO THE TECHNICAL OFFICER - CITY ASSETS

Please provide your comments in relation to:

- ☐ Site drainage and stormwater disposal
- ☐ Required FFL
- ☐ On-site vehicle parking and manoeuvrability
- ☐ New Crossover
- ☐ Your advice is also sought on other aspects of the proposal as follows:

.....
.....

PLANNING OFFICER - Jordan Leverington **DATE** **24 June, 2020**



Memo

To Jordan Leverington
From Richard Tan
Date 24-Jun-2020
Subject 211/466/2020, 183 Holbrooks Road, UNDERDALE SA 5032

Jordan Leverington,

The following City Assets Department comments are provided with regards to the assessment of the above development application:

1.0 FFL Consideration – Finished Floor Level (FFL) Requirement

- 1.1 Council seeks to ensure that the FFL of all new development is protected from inundation when considering a 350mm stormwater flow depth in the adjacent street water table.

This is typically achieved through establishing the FFL of new development a minimum of 350mm above the highest adjacent street water table.

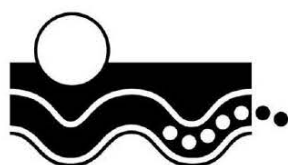
In association with the above proposed development, no site or road verge level information has been provided and as such it is impossible to determine if the proposal will satisfy the above consideration.

Simply conditioning that a development satisfy this consideration can have its complications with regards to the ultimately required level of the development in relation to neighbouring properties and the related planning considerations this brings about. It may also bring about the necessity for alterations to the design of the development which are outside of the expectations of the applicant (for example; requiring step(s) up from existing buildings to additions).

It is recommended that appropriate site and adjacent road verge survey information be provided to correctly assess the required minimum FFL for this proposal.

2.0 Verge Interaction

- 2.1 In association with new development, driveways and stormwater connections through the road verge need to be located and shaped such that they appropriately interact with and accommodate existing



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verge features in front of the subject and adjacent properties. Any new driveway access shall be constructed as near as practicable to 90 degrees to the kerb alignment (unless specifically approved otherwise) and must be situated wholly within the property frontage.

New driveways and stormwater connections are typically desired to be located a minimum 1.0 metre offset from other existing or proposed driveways, stormwater connections, stobie poles, street lights, side entry pits and pram ramps, etc. (as measured at the kerb line, except for driveway separation which will be measured from property boundary). An absolute minimum offset of 0.5m from new crossovers and stormwater connections to other existing road verge elements is acceptable in cases where space is limited.

These new features are also desired to be located a minimum of 2.0 metres from existing street trees, although a lesser offset may be acceptable in some circumstances. If an offset less than the desired 2.0 metres is proposed or if it is requested for the street tree to be removed, then assessment for the suitability of such will be necessary from Council's Technical Officer (Arboriculture).

2.1.1 Civil Plan should be provided with all existing and proposed verge features complying with the above offset requirements.

It is recommended that revised plans indicating satisfaction to the above requirements should be provided to Council.

2.2 It should also be nominated for the stormwater connection through the road verge area to be constructed of shape and material to satisfy Council's standard requirements

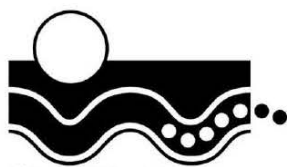
- 100 x 50 x 2mm RHS Galvanised Steel or
- 125 x 75 x 2mm RHS Galvanised Steel or
- Multiples of the above.

It is recommended that revised plans clearly and accurately indicating satisfaction of the above criteria be provided to Council.

2.3 The redundant kerb has been indicated to be reinstated on plans.

3.0 Traffic Requirements

3.1 It is unclear what is the largest service vehicle servicing the site, including the frequency of delivery.



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It is recommended that further clarification including the manoeuvrability for the largest service vehicle should be provided for further assessment.

3.2 **Proposed crossover width is generally acceptable, however, it is recommended that this will be finalised once issue in dot point 3.1 has been finalised.**

3.3 Being a dead end car park, one of the end spaces would need to be made into a turnaround space to comply with the parking standard. The parking provision would be reduced to 16 spaces.

It is recommended that revised plans indicating satisfaction of the above criteria be provided to Council.

3.4 Based on the provided plan, the following parameters have been adopted when calculating the parking requirements:

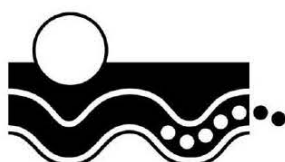
- Office - 440m² @ 4 space per 100m² total floor area
- Café - 28m² & 4 seats @ greater of 1 space per 3 seat or 1 seat per 15m²

The office land use would require 18 parking spaces. Given that there is limited frequent public transport services and given the location of the subject site, the ability to discount the parking requirement is limited.

There may also be a parking demand generated by the cafe, which seems to be a standalone type facility. That is, external patrons could make use of this facility. Based on 28m², the parking required would be 2 spaces. However, it would be likely that the office staff and parents would be the main patrons of the cafe (shared parking opportunity). For the purpose of this assessment, I assume that 1 parking space would be associated with external patrons.

In total, the parking requirement estimated above would be up to 19 spaces. As only 15 parking spaces would be possible on-site, the parking shortfall of 4 spaces would be excessive. I leave this to the planner's consideration on whether to replace the parking shortfall with 2 bicycle rail at the footpath area adjacent to the building entrance should the planner decided to encourage development.

4.0 Waste Management



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- 4.1** Due to the nature of this application, it is recommended that further assessment from Council's Waste Management Team is required.

It is recommended that further assessment from Council's Waste Management Team is required.

5.0 Stormwater Management

5.1 Stormwater Harvest and Re-use

For developments of this nature, City Assets typically strongly encourages the inclusion of stormwater collection and active re-use, particularly with the development as an office area with possible high demand of water reuse and hence a high volume of reduction of stormwater runoff from the site can be simply achieved.

Collection and active re-use of stormwater in developments of this nature can go a long way towards the achieving the other stormwater management measures if water quality and detention, as well as the sustainability benefits which area achieve through water conservation considerations.

It is strongly encourage that the applicant explore the stormwater collection and re-use option as above.

5.2 Stormwater Detention

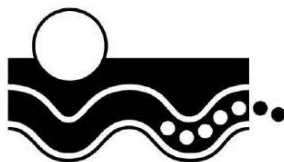
Stormwater detention measures will be required to be undertaken to limit the peak discharge rate for the site critical 20 year ARI storm event to equivalent to a predevelopment arrangement with a 0.25 runoff coefficient.

In calculating the stormwater detention requirements, runoff from any existing structures and buildings to be maintained must be taken into consideration.

It is recommended that an indication of how the storage is to be provided and calculations supporting the nominated volume be submitted to Council.

5.3 Stormwater Quality

Council typically requests the implementation of stormwater quality measures for development of this nature to address the removal of stormwater pollutants from the stormwater flow exiting the site.



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The following table outlines current recommended practice for the targeted improvement of stormwater quality from new developments of scale, as outlined in the State Government's Water Sensitive Urban Design Policy - 2013. The targets being;

Parameter	Target
Reduction Litter/Gross Pollutant	90%*
Reduction in Average Annual Total Suspended Solids (TSS)	80%*
Reduction in Average Annual Total Phosphorous (TP)	60%*
Reduction in Average Annual Total Nitrogen (TN)	45%*

* Reduction as compared to an equivalent catchment with no water quality management controls.

Although these measures are often addressed through the installation of proprietary devices, Council encourages the use of Water Sensitive Urban Design measures to improve the quality of site discharge flows which may also provide other added benefits to the development, such as permeable pavers or raingardens.

I have noted that semi permeable pavement has been indicated in provided site plan but there is no further information regarding how that will contribute to the stormwater quality.

An indication of how the water quality requirements are to be met should be provided on revised site plans prior to the finalisation of the planning assessment for this development.

Regards
Richard Tan
Civil Engineer

Environmental Health Assessment

Development Application No: 211/466/2020

Assessing Officer: Jordan Leverington

Site Address: 183 Holbrooks Road, UNDERDALE SA 5032

Certificate of Title: CT-6213/83

Description of Development Construction of a two-story office building, incorporating a coffee shop, signage and associated car park (Non-complying)

TO THE ENV HEALTH OFFICER - REGULATORY SERVICES

Please provide your comments in relation to:

☐ Any aspect that you feel needs further attention or detail

Note that proposal is at planning stage only - no detail to assess, standard Food Standard Code clauses to apply

The following needs to be taken into consideration during fit out and set-up of the premises to ensure compliance with the *Food Safety Standards* 3.2.2 & 3.2.3 is achieved:

1. Design & construction of food businesses

The design and construction of a food business must be appropriate and provide adequate space for the activities for which the premises is used. The design and construction of a food premises must allow for effective cleaning. A food premises must be designed and constructed to exclude dirt, dust, fumes, smoke and other contaminants, not allow pests to enter or provide pest harbourage.

Food Safety Standard 3.2.3 3 a, b, c & d (i), (ii), (iii)

2. Floors, Walls & Ceilings.

Floors, walls and ceilings must be constructed and designed in a way that is appropriate for the activities to be conducted. These surfaces must be able to be effectively cleansed, impervious, sealed to prevent the entry of dirt, dust and contaminants, and unable to harbour vermin. The construction materials used for the floors, walls and ceilings have not been identified on the floor plan provided.

Food Safety Standard 3.2.3 11(1) (2) (3) a, b & c (4) a & b

Food Safety Standard 3.2.3 10(1) (2) a, b, c & d

3. Fixtures, fittings and equipment

Food premises must have adequate fixtures, fittings and equipment for the production of safe and suitable food. The materials to be used for work bench tops, shelving, appliances etc. have not been specified.

Food Safety Standard 3.2.3 12(1) a & b (2) a, b, c & d (3) a, b & c

4. Hand washing facilities

Food premises must provide hand washing facilities that are located where they can be easily accessed by food handlers both within areas where food is handled or prepared and adjacent to toilets located on the premises. Hand washing facilities must be permanent fixtures, supplied with warm running potable water, suitably sized for effective hand washing and clearly designated for the sole purpose of hand washing.

Specific details have not been provided on the plan indicated hand was facilities in the food preparation area

Food Safety Standard 3.2.3 14(1) a & b, 14(2) a, b, c & d

5. Ventilation

Food premises must have sufficient natural or mechanical ventilation to effectively remove fumes, smoke, steam and vapours from the food premises.

Food Safety Standard 3.2.3 7

6. Equipment Washing Facilities (Sinks)

In addition to hand washing requirements a food premises must have sufficient sink facilities for food preparation, washing and sanitising. The number required will depend on the type of activities being carried out by the business. Most food businesses will require a food preparation sink for the washing of fruit and vegetables and a double bowl sink for the proper cleaning and sanitising of equipment.

General Requirements Food Safety Standards Chapter 3

8. Chemical Storage / Storage facilities

Food Premises must have adequate storage facilities for the storage of items that are likely to be the source of contamination of food, including chemicals, clothing and personal belongings. Storage facilities must be located where there is no likelihood of stored items contaminating food or food contact surfaces.

Food Safety Standard 3.2.3 15

9. Sewage and waste water disposal

Food Premises must have a sewage and waste water disposal system that will effectively dispose of all sewage and waste water and is constructed and located so that there is no likelihood of the waste water polluting the water supply or contaminating food.

Food Safety Standard 3.2.3 5

10. Storage of Garbage and Recyclable Matter

Food premises must have facilities for the storage of garbage and recyclable matter that adequately contains the volume and type of waste material on the premises and is enclosed as necessary to keep pests and animals away from it. Waste storage facilities must also be designed and constructed in such a way that they be easily and effectively cleaned.

Food Safety Standard 3.2.3 6

11. Food Business Notification

Before commencing food handling operations a food business must notify the Council of its contact details, location and the nature of business.

Food Safety Standard 3.2.2 4(1) a, b & c

A food business must notify Council of any proposed change to its activity or information previously supplied before the commencement of such changes. Examples include change of business name, address and introduction high risk foods for sale.

Food Safety Standard 3.2.2 4(3)

Should the development proceed the proprietor is strongly encouraged to contact the City of West Torrens Environmental Health Department to arrange a pre-opening / fit-out advice inspection.

Should you require further information, please contact me on 8416 6333 or email ajennings@wtcc.sa.gov.au

Regards

Anthony Jennings
Environmental Health Officer

In reply please quote: 2020/00289, Process ID: 647535
Enquiries to: Daniel Sladic
Telephone: 7109 7872
E-mail: dpti.luc@sa.gov.au



Government of South Australia
 Department for Infrastructure
 and Transport

**TRANSPORT PLANNING AND
 PROGRAM DEVELOPMENT**

Transport Assessment

GPO Box 1533
 ADELAIDE SA 5001

ABN 92 366 288 135

27 November 2020

Mr Brendan Fewster
 City of West Torrens
 165 Sir Donald Bradman Drive
 HILTON SA 5033

Dear Mr Fewster

SCHEDULE 8 - REFERRAL RESPONSE

Development No.	211/466/20
Applicant	Ferrone Architects
Location	183 Holbrooks Road, Underdale
Proposal	Construction of an office building and coffee shop with associated car parking

I refer to the above development application forwarded to the Commissioner of Highways (CoH) in accordance with Section 37 of the *Development Act 1993*. The proposed development involves development adjacent a main road as described above.

The following response is provided in accordance with Section 37(4)(b) of the *Development Act 1993* and Schedule 8 of the *Development Regulations 2008*.

CONSIDERATION

The subject site abuts Holbrooks Road, an arterial road under care, control and management of the CoH. At this location, Holbrooks Road carries approximately 23,100 vehicles per day (5.5% of commercial vehicles) and has a posted speed of 60km/h.

The site has an existing crossover on Holbrooks Road which extends along the entire frontage. It is proposed to retain a 6.0 metre wide centrally located two-way access as part of this development.

The Department for Infrastructure and Transport (DIT) supports the proposal, noting that simultaneous two-way vehicle movements should be achieved and that the location of the proposed access on Holbrooks Road will comply with *AS/NZS 2890.1:2004*, Figure 3.1 'Prohibited Locations of Access Driveways'. The redundant portions of crossover should be closed and reinstated to Council's kerb and gutter standards.

DIT has reviewed the Statement of Effect prepared by Ben Green & Associates (dated 25 November 2020) and concurs that any increase in vehicle movements resulting from this development should be easily accommodated within the adjacent road network.

Council should ensure that all on-site vehicle manoeuvring areas remain clear of any impediments and that the proposed development provides sufficient off-street car parking, designed in accordance with *AS/NZS 2890.1:2004* and *AS/NZS 2890.6:2009*.

#16354576

It is recommended that any proposed signage is in consistent with DIT's publication *'Advertising Signs: Assessment Guidelines for Road Safety'*.

ADVICE

The Department supports the proposed development. The planning authority is advised to attach the following conditions to any approval:

1. All vehicular access shall be gained in accordance with the existing accesses in Site Plan produced by Ferrone, Drawing No. PD.100, Rev. C, dated 15 October 2020.
2. All vehicles shall enter and exit the site in a forward direction.
3. The redundant portions of crossover on Holbrooks Road shall be closed and reinstated to Council's kerb and gutter standards.
4. The access and all on-site vehicle manoeuvring areas shall remain clear of any impediments.
5. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Holbrooks Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

Yours sincerely



MANAGER, TRANSPORT ASSESSMENT
for **COMMISSIONER OF HIGHWAYS**

A copy of the decision notification form should be forwarded to dpti.developmentapplications@sa.gov.au

#16354576

6.4 588-592 Henley Beach Road, FULHAM

Application No 211/1002/2020

DEVELOPMENT APPLICATION DETAILS

DESCRIPTION OF DEVELOPMENT	Construction of signage in association with an existing child care centre (Non-Complying)
APPLICANT	S Urban
LODGEMENT DATE	21 October 2020
ZONE	Residential Zone
POLICY AREA	Low Density Policy Area 21
APPLICATION TYPE	Non-Complying
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none"> • Nil External <ul style="list-style-type: none"> • Nil
DEVELOPMENT PLAN VERSION	Consolidated 21 May 2020
DELEGATION	<ul style="list-style-type: none"> • The relevant application proposes a non-complying form of development and the application is to be determined after a full merit assessment against the Development Plan, except where the relevant development application proposes a change of use to office in a Commercial Zone.
RECOMMENDATION	Support with conditions
REPORT AUTHOR	Steven Burke

SUBJECT LAND AND LOCALITY

The subject land is formally described as Allotment 36 Filed Plan 119254 in the area named Fulham, Hundred of Adelaide, Volume 5584 Folio 849, more commonly known as 588-592 Henley Beach Road, Fulham. The subject site is rectangular in shape with a 41 metre (m) wide frontage to Henley Beach Road and a site area of 1570 square metres (m²).

It is noted that there are no encumbrances or Land Management Agreements on the Certificate of Title.

The site currently contains an under construction two-storey building and ancillary storage buildings, along with a car park, approved for use as a child care centre. The site is relatively flat and currently contains no vegetation but will be landscaped in accordance with the approval for the child care centre. Access to the site is obtained via a single crossover to Henley Beach Road near the western boundary of the land.

The locality has been defined largely based on visibility of the proposed signs, extending approximately 75 metres to the east, south and west, and as far north as the rear boundary of the subject site. The locality consists primarily of residential land uses of one to two storeys high. Single-storey detached dwellings constructed in the mid-20th century are predominant in the locality, with some examples of dwellings constructed more recently on slightly smaller allotments.

Directly east of the subject land is a two-storey mixed-use building fronting Henley Beach Road. The ground floor comprises a hair salon, takeaway shop and a few other shops typically found in a local centre. The upper level contains 'shop-top' apartments. The western extent of the locality also contains a two-storey mixed-use building containing several local shops and personal service establishments on the ground floor with 'shop-top' apartments above.

The locality itself is dominated by Henley Beach Road, which physically divides the locality due to its width. The median strip and verge are landscaped with mature Eucalypts to the west, with no landscaping to the east.

The amenity of the locality is considered moderate, with generally good condition of the dwelling stock despite its relatively old age along with well landscaped front yards. Existing signage that is observed is in association with the commercial type uses and is not visually dominating. The width and traffic noise generated by Henley Beach Road negatively impacts the amenity of the locality, as does the inconsistent setback pattern of buildings along this road.

The site and locality are shown on the aerial imagery and maps below:



RELEVANT APPLICATIONS

DA Number	Description of Development	Decision	Decision Date
211/1544/2017	Construction of a childcare centre (pre-school), two (2) ancillary storage buildings and acoustic fencing with associated car parking, landscaping and fencing - STAGED DEVELOPMENT - Stage 1 site works and footings, Stage 2 (Final) superstructure and remaining civil works	Development Approval Granted	29 August 2019

PROPOSAL

The application proposes the construction of three signs.

The first sign (Sign 1) comprises acrylic lettering with the logo of the associated child care centre, a circular icon with the name of the business within, and is sited on the western wall of the building. The sign is to be 3.5 metres above ground level, with a height and width of 1.5 metres.

The second sign (Sign 2) is an aluminium composite panel and contains the logo, along with the slogan, and is sited on the front wall of the building. The sign is to be 3.5 metres above ground level also, spanning a total length of 6.9 metres with a height of 1 metre.

The third sign (Sign 3) is to be a freestanding sign of steel frame and aluminium composite panel construction setback 0.7 metres from the front property boundary adjacent to the entrance to the car park. The sign has a height of 2.2 metres and a width of 1 metre, along with a negligible depth of 0.1 metres. It is orientated parallel to Henley Beach Road to face north-south, with the thinner edge orientated east-west. This sign comprises the logo, slogan and business contact information.

All signs will be in the corporate colours of the child care operator, consisting of light blues and greens.

None of the signs are proposed to be illuminated, or to flash, scroll or otherwise move in any way.

The relevant plans and documents are contained in **Attachment 2**.

NON-COMPLYING

The application is a non-complying form of development pursuant to the Procedural Matters of the Residential Zone. The zone lists '*Advertisement and/or advertising hoarding*' as a non-complying form of development.

A Statement of Effect has not been provided pursuant to Regulation 17(6)(a) of the *Development Regulations 2008* which provides:

- (6) A statement of effect is not required if the proposed development consists (wholly or substantially) of—
- (b) the construction of a new building which is to be used in a manner which is ancillary to, or in association with, the use of an existing building and which would facilitate the better enjoyment of the existing use of the existing building;

Section 4 of the *Development Act 1993* defines a building as:

Building means a building or structure or a portion of a building or structure (including any fixtures or fittings which are subject to the provisions of the Building Code of Australia), whether temporary or permanent, moveable or immovable, and includes a boat or pontoon permanently moored or fixed to land, or a caravan permanently fixed to land

The proposed signs are structures, and can therefore be considered buildings in accordance with Section 4.

The proposed signs are in association with an existing child care centre and therefore support the operations of that land use given they assist customers in finding the business.

Should the CAP resolve to approve the application, the concurrence of the State Commission Assessment Panel is no longer required as a result of the *COVID-19 Emergency Response (Further Measures) Amendment Act 2020 (COVID-19 Amendment Act)* which amended Section 35 of the *Development Act 1993* and which was passed by both Houses of Parliament on 14 May 2020.

Alternatively, should the CAP refuse the application, no appeal rights are afforded to the applicant.

As the Administration has resolved under delegation to proceed with an assessment of the proposal, the application is now presented to the CAP for a decision.

PUBLIC NOTIFICATION

The application is a Category 1 form of development pursuant to Schedule 9, Part 1 Clause 3(a) of the *Development Regulations 2008* which provides that:

- 3 Any development classified as non-complying under the relevant Development Plan which comprises—
- (b) the construction of a building to be used as ancillary to or in association with an existing building and which will facilitate the better enjoyment of the purpose for which the existing building is being used, and which constitutes, in the opinion of the relevant authority, development of a minor nature only

The proposed signs are to be erected ancillary to the existing child care building and are considered to facilitate the better enjoyment of the purpose for which the building is to be used. The signage will clearly identify the child care centre and will not result in any visual clutter or proliferation of signage on the site or building.

The signage proposed is considered to be of a minor nature for the following reasons:

- The signage is small and ancillary in comparison to the two-storey child care centre to which they are associated;
- The signage is not illuminated, and therefore will not create any light spill impacts;
- The signs are not of a size which makes them visually dominating in the context of surrounding development in the locality;
- More than 50 metres from the nearest intersection (excluding Hadley Street directly to the south, which is left-in-left-out only) and therefore are unlikely to have any impact on traffic safety;
- The signage is a reasonably expected form of development in association with a child care centre; and
- Each sign is designed, sited/positioned in a way which would unreasonably interfere with advertising opportunities on adjacent land.

As the proposal is Category 1, public notification was not required to be undertaken.

INTERNAL REFERRALS

Nil.

EXTERNAL REFERRALS

Nil.

RELEVANT DEVELOPMENT PLAN PROVISIONS

The subject land is located within the Residential Zone and, more specifically, Low Density Policy Area 21 as described in the West Torrens Council Development Plan.

The relevant Desired Character statements are as follows:

Residential Zone - Desired Character:	
<i>This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</i>	
<i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i>	
<i>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a Historic Conservation Area.</i>	
<i>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i>	
Objectives	4
Principles of Development Control	1, 2, 3 & 5

Low Density Policy Area 21 - Desired Character:	
<i>This policy area will have a low density character. In order to preserve this, development will predominantly involve the replacement of detached dwellings with the same (or buildings in the form of detached dwellings).</i>	
<i>There will be a denser allotment pattern and some alternative dwelling types, such as semi-detached and row dwellings, close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. Battleaxe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage. In the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park, where the consistent allotment pattern is a significant positive feature of the locality, subdivision will reinforce the existing allotment pattern.</i>	
<i>Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings. Buildings in the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park will be complementary to existing dwellings through the incorporation of design features such as pitched roofs, eaves and variation in the texture of building materials.</i>	
<i>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings.</i>	
<i>Objectives</i>	1
<i>Principles of Development Control</i>	1 & 2

Additional provisions of the Development Plan which relate to the proposed development are contained in **Attachment 1**.

QUANTITATIVE STANDARDS

The proposal is assessed for consistency with the quantitative requirements of the Development Plan as outlined in the table below:

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
ADVERTISEMENTS/HOARDINGS <i>Advertisements PDC 8</i>	Total advertisement area on the surfaces of buildings should not exceed: (a) 20 per cent of the sides of the building (b) in relation to the front wall of a building, 20 per cent of the area above 3.7 metres or above a canopy.	4.6 per cent of southern façade, 1.3 per cent of western facade Satisfies 16 per cent of southern façade above 3.7 metres Satisfies
FREE STANDING ADVERTISEMENTS <i>Advertisements PDC 16</i>	Free standing advertisements limited to one per site or complex.	One free standing sign Satisfies

FREE STANDING ADVERTISEMENTS <i>Advertisements PDC 17</i>	<p>Advertisement area: 6m² + 0.1m² per metre of frontage to a public road</p> <p>Maximum height: 6 metres.</p>	<p>2.2m² Satisfies</p> <p>2.2 metres Satisfies</p>
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ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development is discussed under the following sub headings:

Land Use

Advertising is listed as a non-complying form of development in the Procedural Matters of the Residential Zone, with PDC 2 of the Zone considering non-complying development as generally inappropriate.

Neither the Zone nor the Policy Area contemplate advertising as an envisaged form of development, however, both commonly list small scale non-residential land uses which serve the local community as envisaged. A child care facility is given as a specific example. As with any commercial land use, it is reasonably expected that some signage is required in order to allow for easy identification of the business. The Desired Character of the Zone also envisages small scale non-residential land uses which will increase walkability and convenience through close proximity to shops and services in appropriate locations.

While non-complying forms of development are generally inappropriate, the proposed signs are considered to be an orderly form of development in association with an existing child care centre and therefore support the operations of the business which in turn assists in creating a walkable neighbourhood without detrimentally impacting on the character of the locality.

Advertisement Size

As demonstrated in the above Quantitative Standards table, all of the proposed signs are well within the maximum size considered in Advertisements PDCs 8, 16 and 17. This results in the child care centre remaining as the prominent feature of the site, with the signage being subordinate. The two attached signs are of a size and placement which is co-ordinated and does not compromise the architectural form and design of the child care centre building, therefore in accordance with Advertisements PDC 1.

In terms of the free standing sign, its height is less than half the total height of the associated child care centre building. This assists in maintaining the prominence of the child care centre when viewing the site from the streetscape, and in ensuring the sign does not disfigure the amenity of the locality as a result of its visual prominence and overall scale. This is in accordance with Advertisements Objective 3.

Amenity

Objectives 1 and 3 of the Advertisements module seek to ensure that the development of signage enhances the appearance of buildings and the locality more broadly, and does not disfigure the urban landscape. As observed in the Subject Land and Locality section above, the amenity of the locality is moderate as a result of the inconsistent building setback pattern in the locality as well as the width and traffic impacts associated with Henley Beach Road such as noise and vehicle fumes.

While the impacts to the amenity associated with Henley Beach Road cannot be ameliorated by the development of signage, the setback of the freestanding sign can be considered. Design and Appearance PDC 21 desires that buildings are setback from primary road frontages at least the average of the building setback of buildings on adjacent allotments. This would result in a front setback of the freestanding sign of approximately 4.25 metres given the adjacent dwelling to the west has a setback of approximately 8.5 metres. This would be unreasonable and would severely restrict visibility of the sign, defeating its purpose. The proposed setback of the sign of 0.7 metres does not protrude forward of the child care centre building, and the flat side is sited parallel to Henley Beach Road. This somewhat lessens any visual impacts as opposed to having the flat side of the sign orientated towards motorists and pedestrians travelling east.

The design and setback of all the proposed signs are not considered to be visually intrusive or dominating so as to unreasonably restrict advertising opportunities on adjacent land, especially if the residential land to the west was to be redeveloped for commercial uses. The colour scheme and messaging is simple using softer colours that reflect the corporate colour scheme of the child care centre.

Additionally, none of the proposed signs will be illuminated, and therefore will not create any light spill of visual discomfort for people in the locality, especially at night.

While the proposed advertising may not specifically enhance the appearance of the locality, its design and siting, coupled with previously approved landscaping along the front of the site, assists in reducing visual impacts such that the urban landscape is not unduly disfigured.

Safety

PDC 14(b) and (c) of the Advertisements module desires that advertisements do not create a hazard for drivers or distract drivers from driving by being able to be misinterpreted as official traffic signs and traffic control devices. The largest sign in terms of its area is Sign 2, and given its long, narrow design, it's siting parallel to Henley Beach Road and attachment to the child care centre building, it is unlikely that a driver would mistake this as an official road safety sign. Sign 3 is somewhat taller and is not positioned atop any poles as with other traffic signs such as 'Give way' and road names. This assists in differentiating the sign from an official traffic sign.

No sign will be illuminated, therefore not creating any discomfort for drivers or pedestrians in terms of the brightness of the signs. Advertisements PDC 14(a) is therefore considered met.

SUMMARY

Despite its non-complying nature, the proposed application demonstrates significant merit when assessed on its merits against the West Torrens Development Plan. The size of the proposed signs are relatively small in comparison to the child care centre to which they are in association. The respective PDCs relating to the maximum size of advertisements is easily achieved. While it is acknowledged that there will be some visual impacts to the locality given that advertisements are designed to capture attention, the amenity of the locality will not be detrimentally impacted as a result of the simple design and siting of the sign and their lack of illumination. Safety is not considered an issue given the signs are distinctly identified as separate from traffic control devices.

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is not considered to be seriously at variance with the Development Plan.

On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 21 May 2020 and warrants Development Plan Consent.

RECOMMENDATION

The Council Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/1002/2020 by S Urban to construct signage in association with an existing child care centre at 588-592 Henley Beach Road, Fulham (CT 5584/849) subject to the following conditions of consent:

Development Plan Consent Conditions

1. The development must be undertaken, completed and maintained in accordance with the plans and information detailed in this Application except where varied by any condition(s) listed below:

- Plan Set by WASP, job number Q15411, dated 8 October 2020.

Reason: To ensure the proposal is developed in accordance with the approved plans and documentation.

2. The signage approved herein shall not be internally illuminated, and shall not move or flash.

Reason: To ensure the development does not cause undue distraction to motorists.

3. The signage approved herein shall be maintained in good condition at all times to the satisfaction of Council.

Reason: To ensure the development does not negatively impact on the locality.

4. The signage approved herein shall only display advertising in relation to the approved use of the land.

Reason: To ensure the development is not used as third-party advertising.

Attachments

1. Relevant Development Plan Provisions
2. Plan Set

General Section		
Advertisements	<i>Objectives</i>	1, 2 & 3
	<i>Principles of Development Control</i>	1, 2, 4, 5, 6, 7, 8, 10, 11, 12, 14, 16 & 17
Design and Appearance	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	1, 2, 3, 12, 20, 21 & 22
Interface between Land Uses	<i>Objectives</i>	1, 2 & 3
	<i>Principles of Development Control</i>	1 & 2
Orderly and Sustainable Development	<i>Objectives</i>	1, 3, & 4
	<i>Principles of Development Control</i>	1



Product Register Search (CT 5584/849)
Date/Time 12/10/2020 05:10PM
Customer Reference Nido Fulham
Order ID 20201012011789



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5584 Folio 849

Parent Title(s) CT 3119/85
Creating Dealing(s) CONVERTED TITLE
Title Issued 13/10/1998 **Edition** 5 **Edition Issued** 09/07/2018

Estate Type

FEE SIMPLE

Registered Proprietor

THE TRUST COMPANY LTD. (ACN: 004 027 749)
 OF CARE LEVEL 14 357 COLLINS STREET MELBOURNE VIC 3000

Description of Land

ALLOTMENT 36 FILED PLAN 119254
 IN THE AREA NAMED FULHAM
 HUNDRED OF ADELAIDE

Easements

NIL

Schedule of Dealings

Dealing Number	Description
13035272	MORTGAGE TO ANZ FIDUCIARY SERVICES PTY. LTD. (ACN: 100 709 493)

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL

Registrar-General's Notes

PLAN FOR LEASE PURPOSES VIDE G206/1998
 PLAN FOR LEASE PURPOSES VIDE G213/1998
 PLAN FOR LEASE PURPOSES VIDE G219/1998

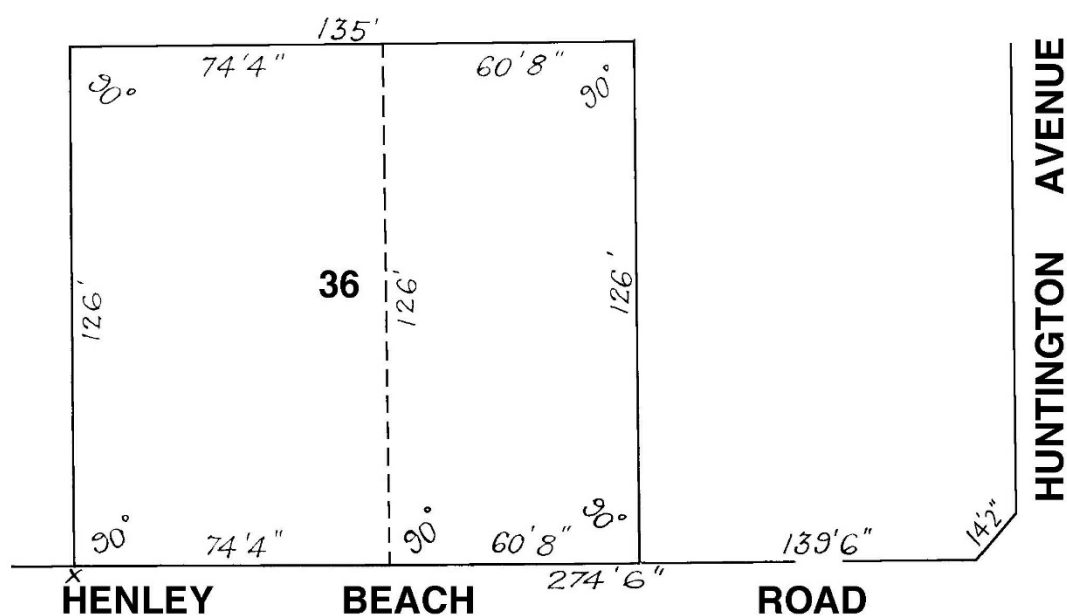
Administrative Interests NIL



Product Register Search (CT 5584/849)
Date/Time 12/10/2020 05:10PM
Customer Reference Nido Fulham
Order ID 20201012011789

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 3119/85

LAST PLAN REF: DP 691

**DP 691**

50 25 0 50 FT

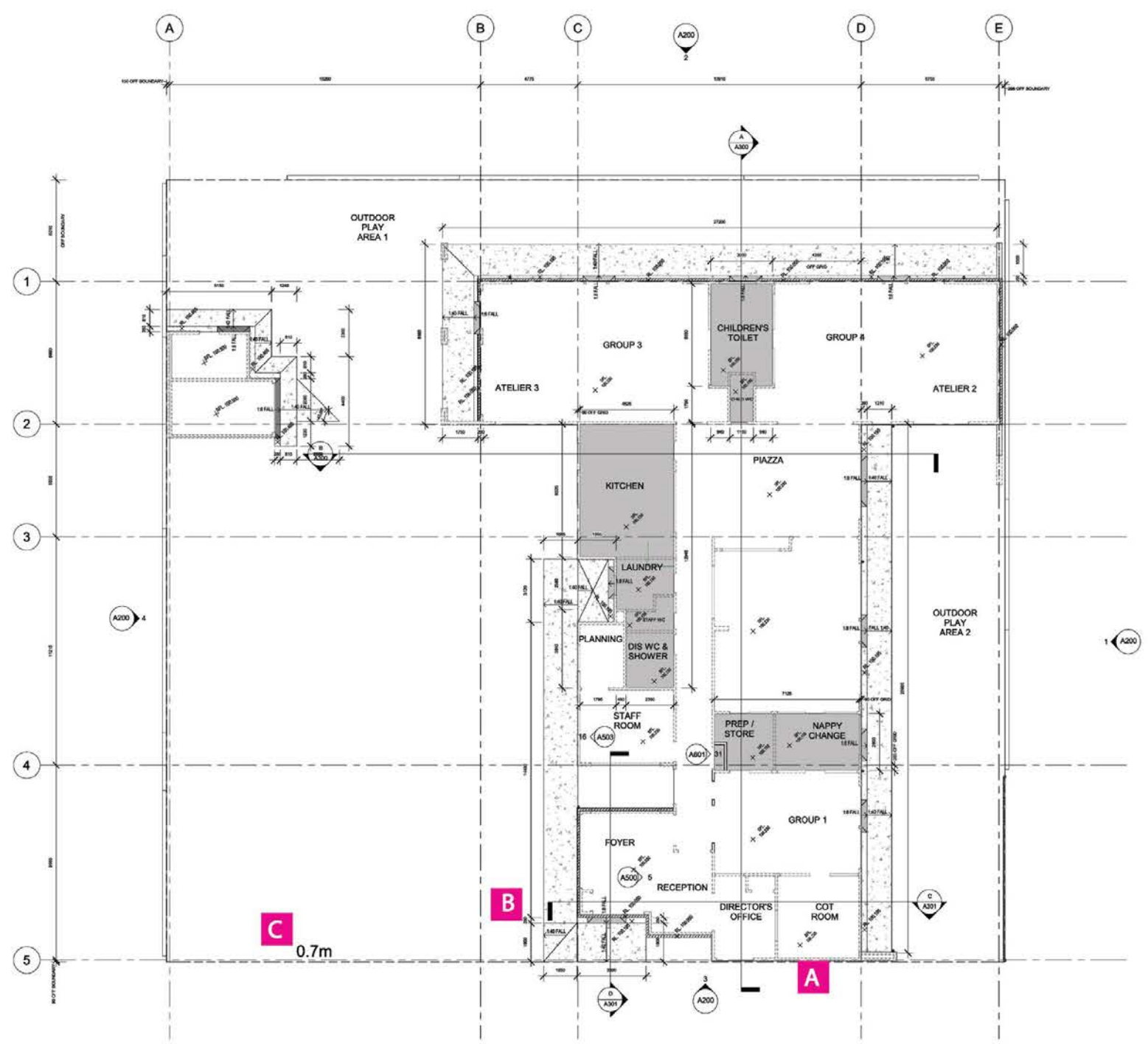
DISTANCES ARE IN FEET AND INCHES
FOR METRIC CONVERSION

1 FOOT = 0.3048 METRES

1 INCH = 0.0254 METRES

NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION

EXAMPLE GRAPHIC ONLY,
NOT FOR FABRICATION.
ALL ARTWORK REMAINS
PROPERTY OF WASP.



CLIENT:
CRUSH
PROJECT:
FULHAM SA
JOB NO:
Q15411
DATE:
08-10-20

08 9204 2622

08 9204 2499

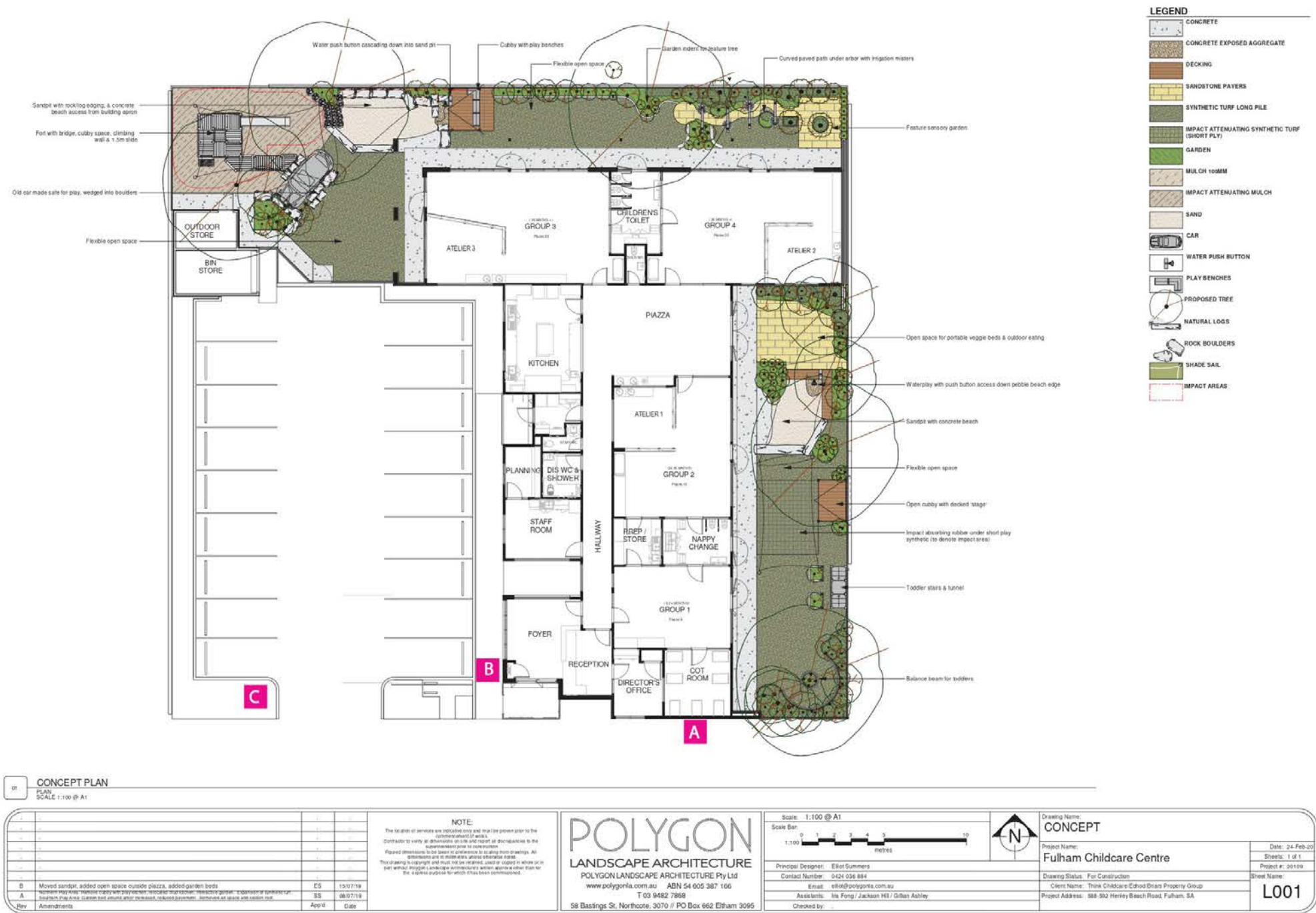
info@wasponline.com.au

P.O. Box 1527 Osborne Park WA 6916
U3 / 15 Walters Drive, Osborne Park WA 6017

NIDO

wasp
w.a. sign & print management

EXAMPLE GRAPHIC ONLY,
NOT FOR FABRICATION.
ALL ARTWORK REMAINS
PROPERTY OF WASP.



CLIENT:
CRUSH

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FULHAM SA

JOB NO:
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DATE:
08-10-20

08 9204 2622
08 9204 2499
info@wasponline.com.au
P.O. Box 1527 Osborne Park WA 6916
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NIDO

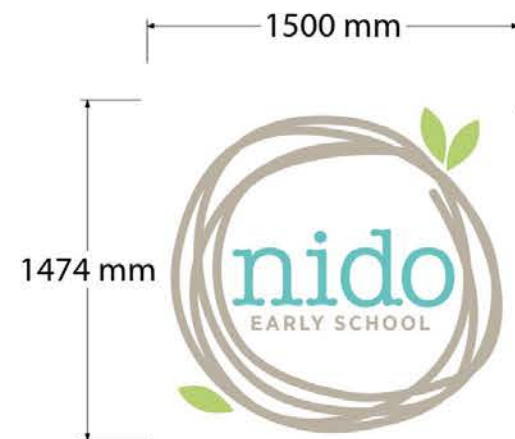
WASP
w.a. sign & print management

EXAMPLE GRAPHIC ONLY,
NOT FOR FABRICATION.
ALL ARTWORK REMAINS
PROPERTY OF WASP.



Sign Type A - Wall Sign East Elevation

ACM panned signbox over 50 x 50 shs aluminium frame fixed to the wall with suitable mechanical fixings. Digital print with gloss uv laminate to face of acm and side returns.



Sign Type B - South Elevation

Individual 20mm white acrylic letters & logo with 2pk painted finish pinned & adhered direct to masonry wall.



Sign Type C - Pylon - Double Sided Non Illuminated

100mm deep shs frame clad with White ACM with ali corner edge beading. Digital SAV print to the face & side returns of acm - wrapped edges.

Phone number tbc

CLIENT:

CRUSH

PROJECT:

FULHAM SA

JOB NO:

Q15411

DATE:

08-10-20

08 9204 2622
08 9204 2499
info@wasponline.com.au
P.O. Box 1527 Osborne Park WA 6916
U3 / 15 Walters Drive, Osborne Park WA 6017

NIDO

WASP
w.a. sign & print management

[illegible]

4 West Elevation
1 : 100

08-10-20



wasp
w.a. sign & print management

6.5 1 Iluka Street, GLENELG NORTH

Application No 211/1011/2020

Development Application Details

DESCRIPTION OF DEVELOPMENT	Land division - Community Title; SCAP No. 211/C125/20; Create one (1) additional allotment and common property
APPLICANT	T J Shephard
APPLICATION NUMBER	211/1011/2020
LODGEMENT DATE	23 October 2020
ZONE	Residential Zone
POLICY AREA	Low Density Policy Area 21
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none"> • Nil External <ul style="list-style-type: none"> • State Commission Assessment Panel (SCAP) • South Australian Water Corporation (SA Water)
DEVELOPMENT PLAN VERSION	Consolidated 21 May 2020
DELEGATION	<ul style="list-style-type: none"> • The relevant application proposes a merit form of development which does not meet the minimum site area requirements in the relevant Zone or Policy Area by 7.5% or more.
RECOMMENDATION	Support with conditions
REPORT AUTHOR	Brendan Fewster

SUBJECT LAND AND LOCALITY

The subject land is formally described as Allotment 191 in Deposited Plan 4695 in the area named Glenelg North Hundred of Adelaide, Volume 5611 Folio 773, and is more commonly known as 1 Iluka Street, Glenelg North. The subject site is an irregular shape, with a 19.56 metre (m) wide frontage to Iluka Street, a secondary frontage to Alkira Street of 19.56m and a site area of 738 square metres (m²).

It is noted that there are no easements, encumbrances or Land Management Agreements on the Certificate of Title.

The site currently contains a single storey dwelling, a garage and a shade structure. The land is relatively flat and there are no Regulated trees on the site or on adjoining land that would be affected by the development.

The locality comprises an established residential area with predominantly detached dwellings at low densities. A mix of conventional and modern dwelling styles of up to two storeys has resulted in a diverse built form character. The original allotment pattern remains largely intact.

The amenity of the locality is considered moderate to high, which is attributed to the large allotments with wide frontages, modest scale dwellings, vegetated front yards and open style fencing.

The subject site and locality are shown on the following aerial image:



RELEVANT APPLICATIONS

Nil

PROPOSAL

The application is for a Community Title land division to create one additional allotment (one allotment into two). The proposed allotments will be 369m² in area and have a frontage of at least 15.13m to Alkira Street and 15.25m to Iluka Street. The proposed allotments are being created for residential purposes (i.e. detached dwelling).

The common property is being provided for the respective water meters.

The relevant plans and documents are contained in **Attachment 2**.

Indicative dwellings have also been provided for each resultant allotment to support the assessment of the division and are contained in **Attachment 4**.

PUBLIC NOTIFICATION

The application is a Category 1 form of development pursuant to Schedule 9 of the *Development Regulations 2008*. As the proposal is Category 1, public notification was not required to be undertaken.

EXTERNAL REFERRALS

Department	Comments
SCAP	<ul style="list-style-type: none"> No concerns with the proposal. Standard conditions of consent have been included in the recommendation.
SA Water	<ul style="list-style-type: none"> No concerns with the proposal. The developer will be required to meet the requirements of SA Water for the provision of water and sewerage services. Standard conditions of consent have been included in the recommendation.

A copy of the relevant referral responses is contained in **Attachment 3**.

RELEVANT DEVELOPMENT PLAN PROVISIONS

The subject land is located within the Residential Zone and, more specifically, Low Density Policy Area 21 as described in the West Torrens Council Development Plan.

The relevant Desired Character statements are as follows:

Residential Zone - Desired Character
<p><i>This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i></p> <p><i>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a Historic Conservation Area.</i></p> <p><i>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i></p>

Low Density Policy Area 21 - Desired Character

This policy area will have a low density character. In order to preserve this, development will predominantly involve the replacement of detached dwellings with the same (or buildings in the form of detached dwellings).

There will be a denser allotment pattern and some alternative dwelling types, such as semi-detached and row dwellings, close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. Battleaxe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage. In the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park, where the consistent allotment pattern is a significant positive feature of the locality, subdivision will reinforce the existing allotment pattern.

Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings. Buildings in the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park will be complementary to existing dwellings through the incorporation of design features such as pitched roofs, eaves and variation in the texture of building materials.

Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings.

Additional provisions of the Development Plan which relate to the proposed development are contained in **Attachment 1**.

QUANTITATIVE STANDARDS

The proposal is assessed for consistency with the quantitative requirements of the Development Plan as outlined in the table below:

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
Site Area Low Density PA 20 PDC 6	Site Area - 420m ² (min)	Lot 1 & 2 - 369m ² Does Not Satisfy
Site Frontage Low Density PA 20 PDC 6	Frontage - 12m (min)	Lot 1 - 15.13m Lot 2 - 16.94m Satisfies

ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development is discussed under the following sub headings:

Suitability of Land for Intended Purpose

Principle of Development Control (PDC) 2 of the General Section (Land Division) seeks to ensure that when land is divided it is suitable for the purpose for which it is to be used or developed. The proposed division of land would create two allotments that are intended to accommodate a detached dwelling.

The Desired Character for Low Density Policy Area 21 envisages that *"....development will predominantly involve the replacement of detached dwellings with the same (or buildings in the form of detached dwellings)"*.

"There will be a denser allotment pattern and some alternative dwelling types, such as semi-detached and row dwellings, close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones".

The proposal will create two 'detached' dwelling allotments at relatively low densities that are within a short walk of Golflands Reserve to the north and with reasonable access links to Tapleys Hill Road and Anzac Highway. The proposed division of land is therefore desirable within the policy area.

Furthermore, the size and configuration of the proposed allotments are such that a detached dwelling could reasonably be designed to meet the quantitative requirements of the Development Plan, such as building height and form, boundary setbacks, private open space, site coverage and vehicular access and car parking. This has been demonstrated by the 'indicative' dwelling plans provided by the applicant that show a two storey dwelling for each allotment.

A copy of the indicative dwelling plans is contained in **Attachment 4**.

Allotment Size

PDC 6 of Low Density Policy Area 21 prescribes a minimum allotment area of 420m² and a frontage width of 12m unless the land division is combined with an application for dwellings, in which case the allotments should have a minimum site area of 350m². As the proposed land division is not combined with a dwelling proposal for the site, the proposed allotments are 51m² or 12% less than the minimum site area requirement. Although this shortfall is not of a minor nature, the wide frontages of at least 15.13m to Alkira Street would ensure that the site area shortfalls are not readily perceivable from the street.

The intent of minimum allotment sizes is to achieve a residential density that is consistent with the desired character for the area. The desired character for Low Density Policy Area 21 is seeking allotments at low densities with a *"denser allotment pattern and some alternative dwelling types, such as semi-detached and row dwellings, close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones"*.

The proposed allotments are considered low-density and the subject land is located relatively close to shopping facilities and high frequency public transport services along nearby arterial roads. The proposal would therefore contribute positively to the desired character.

The proposed frontages are well in excess of the minimum width of 12 metres and therefore the future development of the allotments would maintain the existing development pattern and streetscape character.

Allotment Layout and Pattern

The proposed allotments are regular in shape and orientated north to south (front to back), which would provide optimal energy efficiency for future dwellings. The size and the configuration of the proposed allotments would not detract from the existing allotment pattern.

The proposed allotments would require new access points onto Alkira Street, and while there are several street trees and a stobie pole along the road frontage, the frontages are wide enough for safe and convenient access to be provided. Discussions with Council's City Operations Department have confirmed that a small street tree could be removed and replaced if required.

Services and Infrastructure

PDC 1 of the Land Division module requires new allotments to be capable of being serviced economically and conveniently with public utilities and formed all-weather public roads.

As required by Section 33 of the *Development Act 1993* and Regulation 54 of the *Development Regulations 2008*, the applicant will be required to provide all necessary road, sewer, electricity and stormwater infrastructure prior to Council issuing clearance to the State Commission Assessment Panel.

Existing road, sewer, electricity and stormwater services are readily accessible to the proposed allotments. The proposal therefore satisfies PDC 1 of the Land Division module.

SUMMARY

The proposed division of land is considered to be an orderly and desirable form of development within Low Density Policy Area 21 of the Residential Zone.

While the site area of the proposed allotments would be less than the minimum quantitative standard, the overall allotment density and layout would not be at odds with the existing and desired character for the Policy Area.

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is not considered to be seriously at variance with the Development Plan.

On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 21 May 2020 and warrants Development Plan Consent, Land Division Consent and Development Approval

RECOMMENDATION

The Council Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent, Land Division Consent and Development Approval for Application No. 211/1011/2020 by T J Shephard for a Land division - Community Title; SCAP No. 211/C125/20; Create one (1) additional allotment and common property at 1 Iluka Street, Glenelg North (CT5611/773) subject to the following conditions of consent:

Development Plan Consent Conditions:

1. The development must be undertaken, completed and maintained in accordance with the plans and information detailed in this Application except where varied by any conditions listed below:

Land Division Consent Conditions Council Requirements

Nil

SCAP Requirements

2. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services. On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees. The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.
 3. Payment of \$7761.00 into the Planning and Development Fund (1 allotment(s) @ \$7761.00/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to Department, Planning, Transport and Infrastructure and marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.
 4. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.
-

Attachments

1. **Relevant Development Plan Provisions**
2. **Plan of Division**
3. **External Referral Responses**
4. **Indicative Dwelling Plans**

<u>General Section</u>		
<i>Land Division</i>	<i>Objectives</i>	1, 2, 3 & 4
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6, 8, 12 & 16
<i>Orderly and Sustainable Development</i>	<i>Objectives</i>	1, 2, 3, 4 & 5
	<i>Principles of Development Control</i>	1, 3, 5, 6, 7 & 8
<i>Residential Development</i>	<i>Objectives</i>	1, & 2
	<i>Principles of Development Control</i>	1 & 3
<i>Transportation and Access</i>	<i>Objectives</i>	1, 2, 3 & 4
	<i>Principles of Development Control</i>	1, 8, 9, 10, 11, 23, 24, 25, 30, 32, 33, 34 & 44



Product	Register Search (CT 5611/773)
Date/Time	20/10/2020 10:36AM
Customer Reference	19134
Order ID	20201020003346



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5611 Folio 773

Parent Title(s)	CT 2619/86				
Creating Dealing(s)	CONVERTED TITLE				
Title Issued	07/01/1999	Edition	4	Edition Issued	13/09/2017

Estate Type

FEE SIMPLE

Registered Proprietor

TOM JAMES SHEPHARD
OF 1 ILUKA STREET GLENELG NORTH SA 5045

Description of Land

ALLOTMENT 191 DEPOSITED PLAN 4695
IN THE AREA NAMED GLENELG NORTH
HUNDRED OF ADELAIDE

Easements

NIL

Schedule of Dealings

Dealing Number	Description
12791124	MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD. (ACN: 005 357 522)

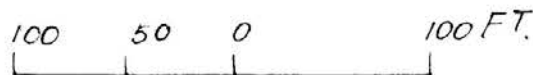
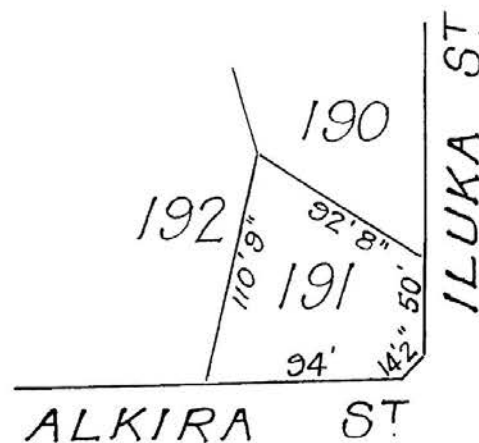
Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL

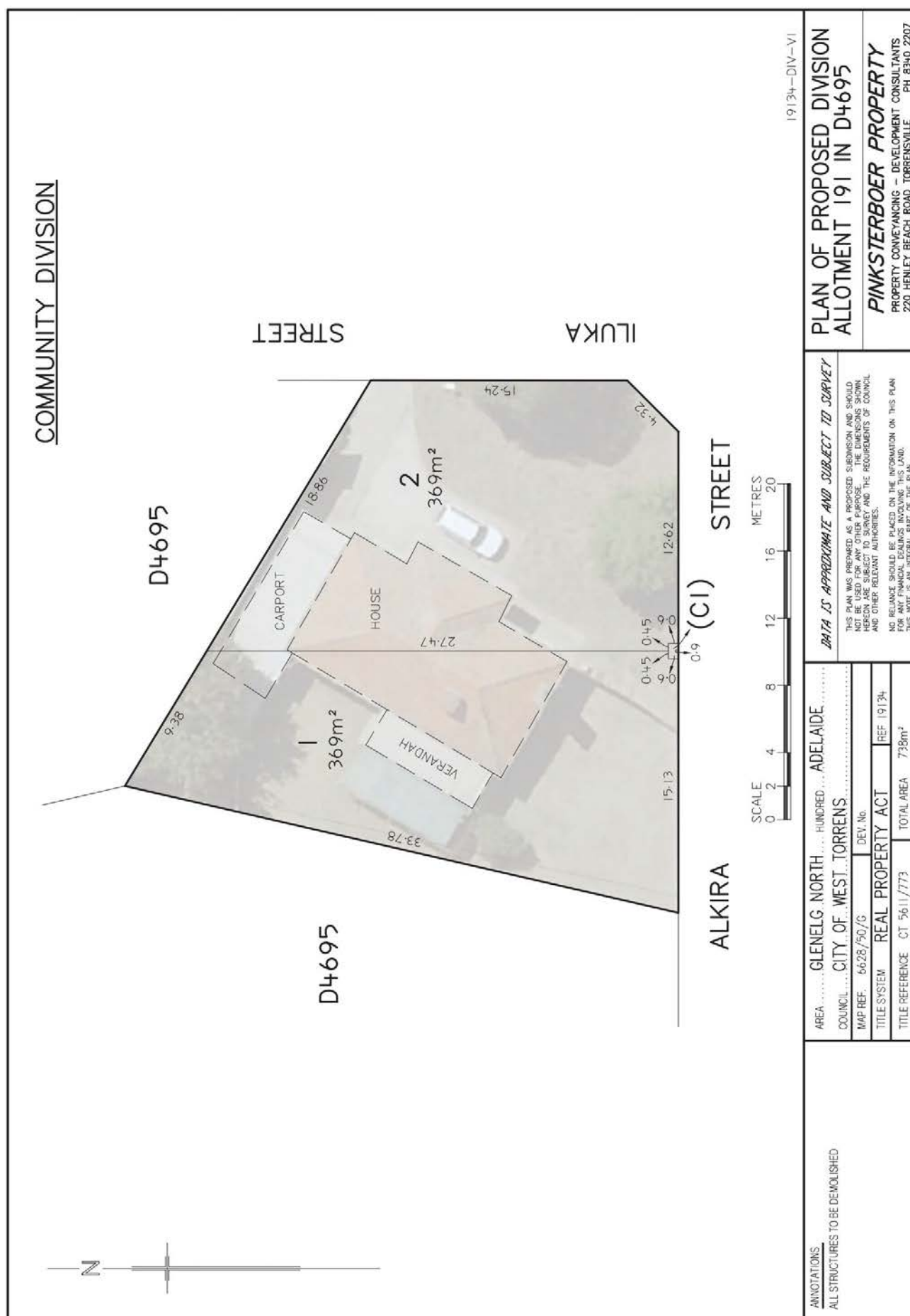


Product
Date/Time
Customer Reference
Order ID

Register Search (CT 5611/773)
20/10/2020 10:36AM
19134
20201020003346



DISTANCES ARE IN FEET AND INCHES
FOR METRIC CONVERSION
1 FOOT = 0.3048 METRES
1 INCH = 0.0254 METRES



Contact Planning Services
Telephone 7109 7018
Email dldptpdclearanceletters@sa.gov.au



23 October 2020

The Chief Executive Officer
City of West Torrens

Dear Sir/Madam

**Re: Proposed Application No. 211/C125/20 (ID 69532)
for Land Division
(Community Title Plan) by Mr Tom Shephard**

In accordance with Section 33 of the Development Act 1993 and Regulation 29 (1) of the Development Regulations 2008, and further to my advice dated 21 October 2020, I advise that the State Commission Assessment Panel (SCAP) has consulted with SA Water Corporation (only) regarding this land division application. A copy of their response has been uploaded in EDALA for your consideration. The Commission has no further comment to make on this application, however there may be local planning issues which Council should consider prior to making its decision.

I further advise that the State Commission Assessment Panel has the following requirements under Section 33(1)(d) of the Development Act 1993 which must be included as conditions of land division approval on Council's Decision Notification (should such approval be granted).

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.
On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees.
The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.
2. Payment of \$7761 into the Planning and Development Fund (1 allotment(s) @ \$7761/allotment).
Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure and marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel (SCAP) for Land Division Certificate purposes.

The SA Water Corporation will, in due course, correspond directly with the applicant/agent regarding this land division proposal.

PURSUANT TO REGULATION 60(4)(b)(ii), SHOULD THIS APPLICATION BE APPROVED, COUNCIL MUST PROVIDE THE STATE COMMISSION ASSESSMENT PANEL WITH:

- (a) the date on which any existing building(s) on the site were erected (if known),
- (b) the postal address of the site

It is recommended that this information be incorporated into the Decision Notification Form.

PLEASE UPLOAD THE DECISION NOTIFICATION FORM (VIA EDALA) FOLLOWING COUNCIL'S DECISION.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Biljana B.", is written over a light blue circular stamp.

Biljana Prokic
Land Division Coordinator - Planning Services
as delegate of
STATE COMMISSION ASSESSMENT PANEL



23 October 2020

Our Ref: H0104717

The Chairman
State Commission Assessment Panel
50 Flinders St
ADELAIDE SA 5000

Dear Sir/Madam

PROPOSED LAND DIVISION APPLICATION NO: 211/C125/20 AT GLENELG NORTH

In response to the abovementioned proposal, I advise that pursuant to Section 33 of the Development Act it is necessary for the developer to satisfy this Corporation's requirements, which are listed below.

The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.

On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees.

The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

Yours faithfully

ANN BOND

for MANAGER LAND DEVELOPMENT & CONNECTIONS

SA Water
Level 6, 250 Victoria Square
ADELAIDE SA 5000
Ph (08) 7424 1119
Inquiries ANN BOND
Telephone 7424 1119

DWELLING 1 :

AREAS:	
L.LIVING	: 123.43
U.LIVING	: 81.50
GARAGE	: 38.99
ALFRESCO	: 17.50
POR.	: 1.55
TOTAL	: 262.97 sq.m
SITE AREA : 369 sq.m	
PRIVATE OPEN SPACE : 82.53 sq.m	

DWELLING 2 :

AREAS:	
L.LIVING	: 119.83
U.LIVING	: 87.96
GARAGE	: 40.67
ALFRESCO	: 17.08
POR.	: 4.51
TOTAL	: 270.05 sq.m
SITE AREA : 369 sq.m	
PRIVATE OPEN SPACE : 86.26 sq.m	

NOTE:

NOT FOR CONSTRUCTION







PLANNING APPROVAL ONLY.

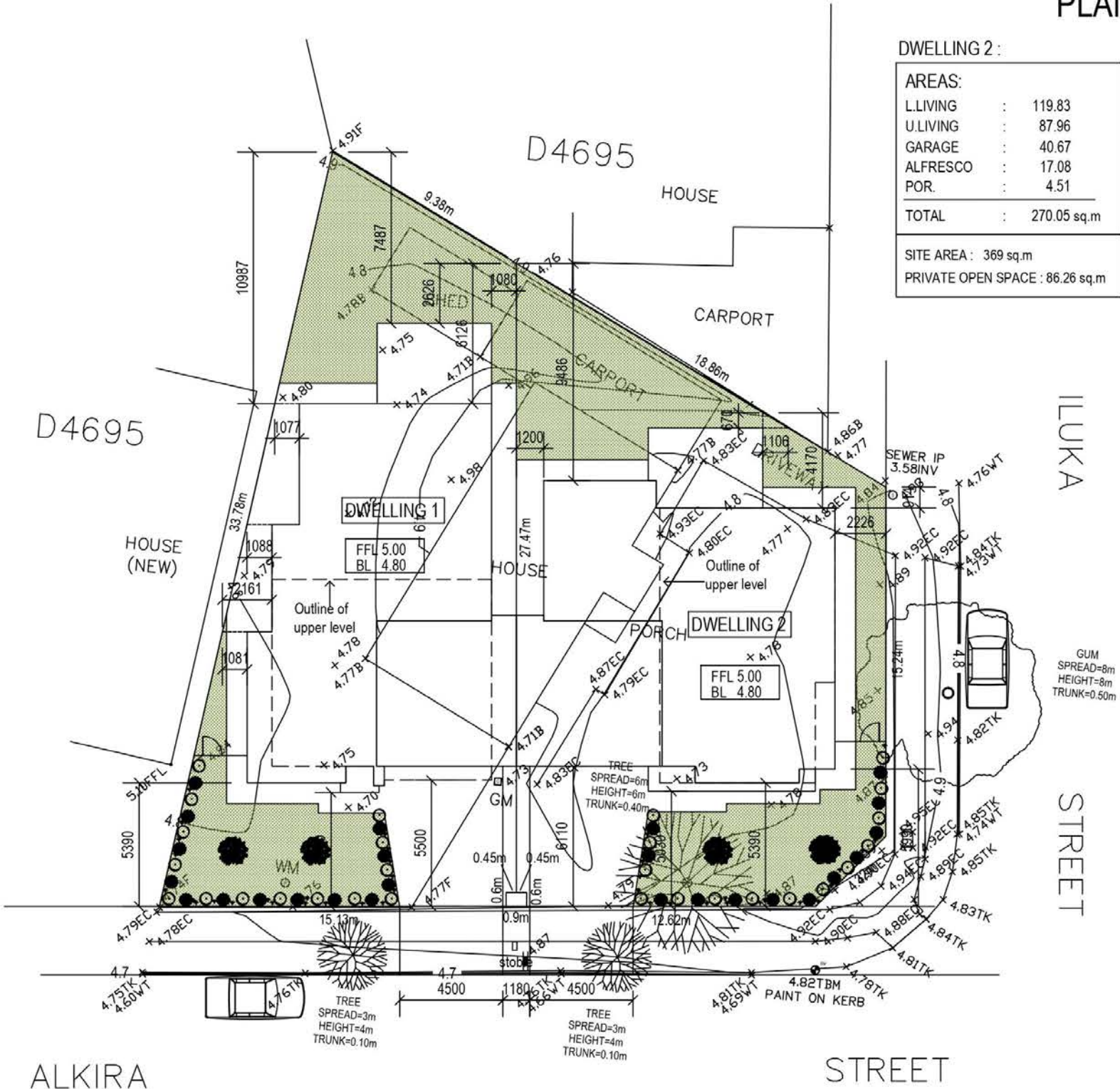
IF THIS DEVELOPMENT IS NON COMPLYING PLAN MAYBE SUBJECT TO CHANGE BY COUNCIL & AT CLIENT COST.


ALL SITE BOUNDARIES ARE TO BE CONFIRMED BY A LICENCE SURVEYOR PRIOR TO COMMENCEMENT. PLANS MAY BE SUBJECT TO CHANGE AT CLIENTS COST.

THIS SITE / PLAN IS SUBJECT TO WRITTEN CONFIRMATION FROM COUNCIL AND ANY INFRASTRUCTURE LOCATED ON OR NEAR THE PROPOSED SITE.

LANDSCAPING SCHEDULE

	Manchurian Pear - (3-5m)
	White fan flower - (Ground cover)
	Japanese box- 0.5-1.0m)
	Murraya Hedge (0.5m)
	Lawn
	RWT
Denotes 2000lt Rainwater detention tank 1000lt storage plumbed to WC	

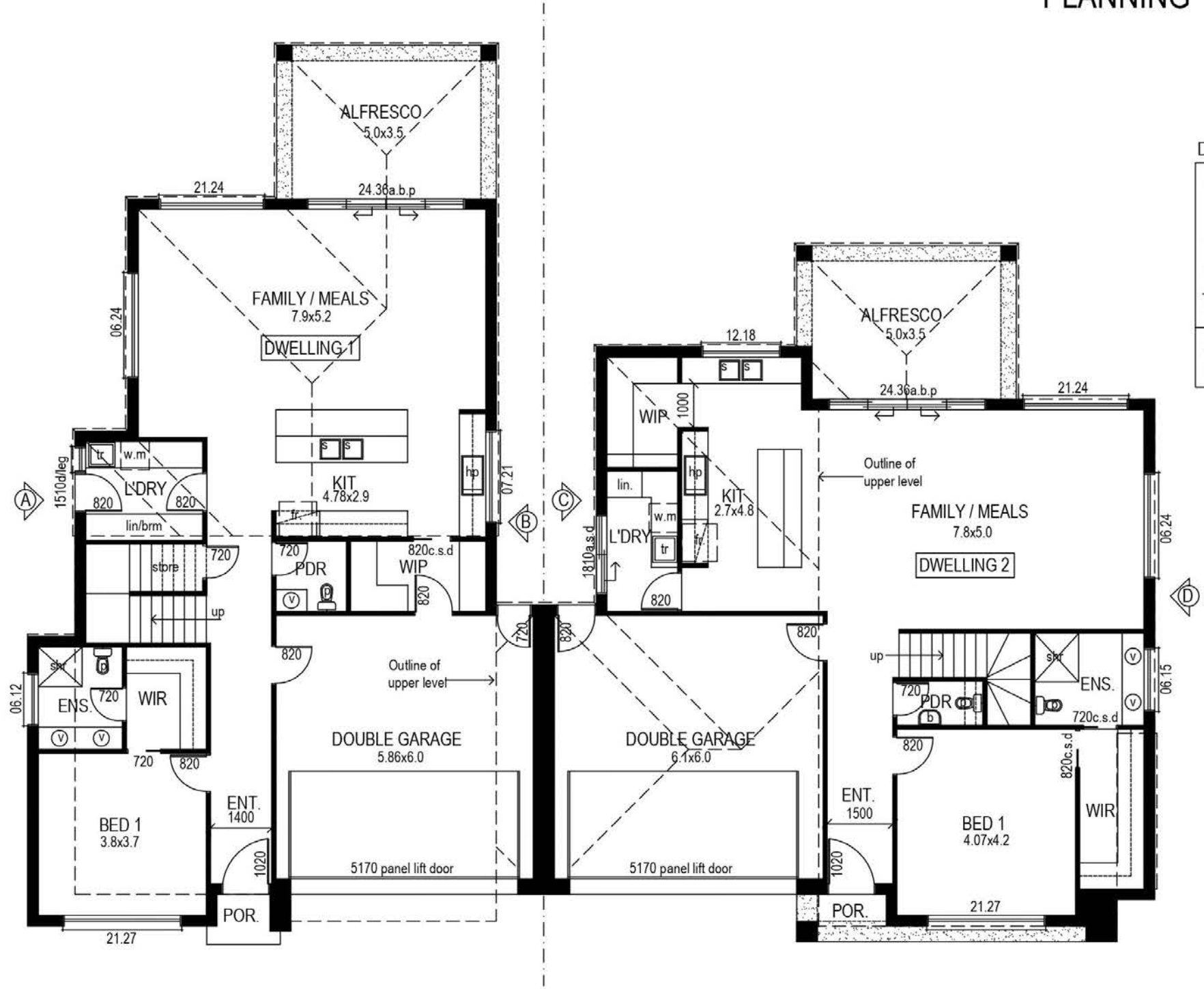


 <div>183 OG RD MARDEN 5070 M. 0414 652 498</div>	Project No. 1387.20	CLIENT APPROVAL <div>I CONFIRM THAT THE PLANS AND DETAILS DRAWN ARE TO MY SATISFACTION AND HAVE MY APPROVAL (CLIENT MUST SIGN & DATE PAGE PRIOR PRIOR TO BUILDING APPROVAL AND CONSTRUCTION)</div> <div>DATE :</div> <div>SIGNED:</div> <div>© COPYRIGHT 2014</div> <div>THIS PLAN REMAINS THE EXCLUSIVE PROPERTY OF DIMENSION DESIGN AND IS PROTECTED BY COPYRIGHT LAWS. LEGAL ACTION WILL BE TAKEN AGAINST ANY INFRINGEMENT WHETHER IT BE IN PART OR FULL UNLESS AUTHORITY IS GIVEN BY THE OWNER.</div>	DATE	TYPE	NOTE: FOOTING DIMENSIONS SHALL BE TAKEN AS PREFERENCE OVER SCALED DRAWINGS. VERIFY DIMENSIONS & LEVELS PRIOR TO COMMENCEMENT OF ANY BUILDING WORKS. WALL STUDIES TO VERT AREAS TO BE SPACED AT 450mm MAX CENTRES WHERE CARPORTS ARE PROVIDED THE CHAIRS ADDITIONAL EDGE THAT THE FOOTINGS HAVE NOT BEEN DESIGNED FOR FUTURE ENCLOSURES. COMPLY WITH THE BUILDING CODE OF AUSTRALIA, BUILDING ACT & REGULATIONS & RELEVANT AUSTRALIAN STANDARDS. GLAZING NOTE: GLASS DOORS, SIDELIGHTS, LOUNGHITS, GLAZING SCREENS IN VERT AREAS & WINDOWS NEAR A SHOWER/BATH SHALL BE OF SAFETY GLASS WHERE REQUIRED BY AS1288-1984. SMOKE ALARM SELF CONTAINED SMOKE ALARMS HARDWIRED IN COMPLIANCE WITH AS3786 TERMITE PROTECTION TO COMPLY WITH AS 366.1a WITH DURABLE NOTICE ON METER BOX. ○ DENOTES CONTROL JOINTS IN ACCORDANCE WITH ENGINEERS' DETAILS	PROPOSED RESIDENCE FOR: PAGE BUILT AT: 1 ILUKA STREET, GLENELG NORTH
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	Scale: 1:200_A3		24.11.20	PLANNING PLANS		
	Sheet No. 1 of 5		04.12.20			

PLANNING APPROVAL ONLY

DWELLING 1 :

AREAS:	
L.LIVING	: 123.43
U.LIVING	: 81.50
GARAGE	: 38.99
ALFRESCO	: 17.50
POR.	: 1.55
TOTAL	: 262.97 sq.m
SITE AREA : 369 sq.m	
PRIVATE OPEN SPACE : 82.53 sq.m	



DWELLING 2 :

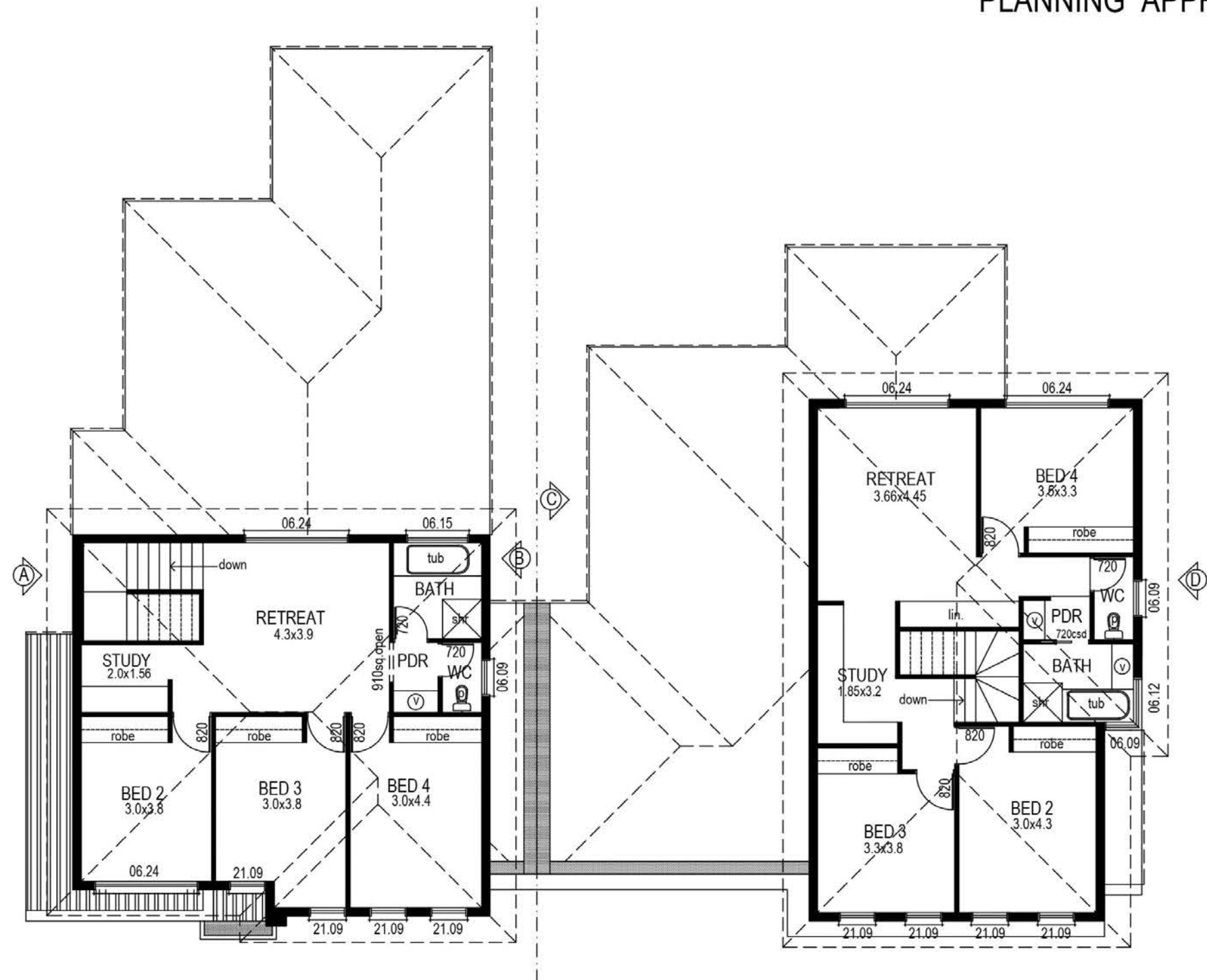
AREAS:	
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U.LIVING	: 87.96
GARAGE	: 40.67
ALFRESCO	: 17.08
POR.	: 4.51
TOTAL	: 270.05 sq.m
SITE AREA : 369 sq.m	
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<div><div><div></div><div>Dimension Design Studio</div><div>Residential & Commercial Building Design</div></div><div>183 OG RD MARDEN 5070 M. 0414 652 498</div></div>	Project No. 1387.20	CLIENT APPROVAL <div>I CONFIRM THAT THE PLANS AND DETAILS DRAWN ARE TO MY SATISFACTION AND HAVE MY APPROVAL (CLIENT MUST SIGN & DATE PAGE PRIOR TO BUILDING APPROVAL AND CONSTRUCTION)</div> <div>DATE : _____</div> <div>SIGNED: _____</div> <div>© COPYRIGHT 2014</div> <div>THIS PLAN REMAINS THE EXCLUSIVE PROPERTY OF DIMENSION DESIGN AND IS PROTECTED BY COPYRIGHT LAWS. LEGAL ACTION WILL BE TAKEN AGAINST ANY INFRINGEMENT WHETHER IT BE IN PART OR FULL UNLESS AUTHORITY IS GIVEN BY THE OWNER.</div>	DATE	TYPE	<div>NOTE:</div> <div>FOOTING DIMENSIONS SHALL BE TAKEN AS PREFERENCE OVER SCALED DRAWINGS. VERIFY DIMENSIONS & LEVELS PRIOR TO COMMENCEMENT OF ANY BUILDING WORKS. WALL STUDS TO WET AREAS TO BE SPACED AT 450mm MAX CENTRES WHERE CARPOUTS ARE PROVIDED THE CHAIRS ADDITIONAL EDGE THAT THE FOOTINGS HAVE NOT BEEN DESIGNED FOR FUTURE ENCLOSURES. COMPLY WITH THE BUILDING CODE OF AUSTRALIA, BUILDING ACT & REGULATIONS & RELEVANT AUSTRALIAN STANDARDS.</div> <div>GLAZING NOTE:</div> <div>GLASS DOORS, SIDELIGHTS, LOWLIGHTS, GLAZING SCREENS IN WET AREAS & WINDOWS NEAR A SHOWER/BATH TILL BE OF SAFETY GLASS WHERE REQUIRED BY AS1288-1984.</div> <div>SMOKE ALARM</div> <div>SELF CONTAINED SMOKE ALARMS HARDWIRED IN COMPLIANCE WITH AS3786.</div> <div>TERMITE PROTECTION</div> <div>TO COMPLY WITH AS 366.1a WITH DURABLE NOTICE ON METER BOX.</div> <div>⊖ DENOTES CONTROL JOINTS IN ACCORDANCE WITH ENGINEER'S DETAILS</div>
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	Sheet No. 2 of 5				

PROPOSED RESIDENCE FOR: PAGE BUILT

AT: 1 ILUKA STREET, GLENELG NORTH

PLANNING APPROVAL ONLY



<div><div><div></div><div>Dimension Design Studio</div><div>Residential & Commercial Building Design</div></div><div>183 OG RD MARDEN 5070 M. 0414 652 498</div></div>	Project No. 1387.20	CLIENT APPROVAL I CONFIRM THAT THE PLANS AND DETAILS DRAWN ARE TO MY SATISFACTION AND HAVE MY APPROVAL (CLIENT MUST SIGN & DATE PAGE PRIOR TO BUILDING APPROVAL AND CONSTRUCTION) DATE : SIGNED: © COPYRIGHT 2014 <small>THIS PLAN REMAINS THE EXCLUSIVE PROPERTY OF DIMENSION DESIGN AND IS PROTECTED BY COPYRIGHT LAWS. LEGAL ACTION WILL BE TAKEN AGAINST ANY INFRINGEMENT WHETHER IT BE IN PART OR FULL UNLESS AUTHORITY IS GIVEN BY THE OWNER.</small>	DATE	TYPE	NOTE: FOOTING DIMENSIONS SHALL BE TAKEN AS PREFERRED OVER SCALED DRAWINGS. VERIFY DIMENSIONS & LEVELS PRIOR TO COMMENCEMENT OF ANY BUILDING WORKS. WALL STUDS TO WET AREAS TO BE SPACED AT 450mm MAX CENTRES WHERE CARRIAGES ARE PROVIDED THE CHAIRS AROUND EDGE THAT THE FOOTINGS HAVE NOT BEEN DESIGNED FOR FUTURE ENCLOSURES. COMPLY WITH THE BUILDING CODE OF AUSTRALIA, BUILDING ACT & REGULATIONS & RELEVANT AUSTRALIAN STANDARDS. GLAZING NOTE: GLASS DOORS, SIDELIGHTS, LUNGLIGHTS, GLAZING SCREENS IN WET AREAS & WINDOWS NEAR A SHOWER/BATH TUB USE OF SAFETY GLASS WHERE REQUIRED BY AS1288-1984. SMOKE ALARM SELF CONTAINED SMOKE ALARMS HARDWIRED IN COMPLIANCE WITH AS1846 TERMITE PROTECTION TO COMPLY WITH AS 366.1a WITH DURABLE NOTICE ON METER BOX. ⊖ DENOTES CONTROL JOINTS IN ACCORDANCE WITH ENGINEER'S DETAILS	PROPOSED RESIDENCE FOR: PAGE BUILT AT: 1 ILUKA STREET, GLENELG NORTH
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	Sheet No. 3 of 5					

6.6 Code of Conduct and Complaints Handling Process

Brief

This report provides information regarding the Code of Conduct and complaints handling process from the State Planning Commission.

RECOMMENDATION

It is recommended to the Council Assessment Panel that the report be received.

Introduction

Clause 1(1)(c) of Schedule 3 to the *Planning, Development and Infrastructure Act 2016* (PDI Act) provides for the Minister for Planning to adopt a code of conduct to be observed by members of an assessment panel.

The powers of the State Planning Commission (the Commission) in dealing with a complaint are set out in regulation 11 of the *Planning, Development and Infrastructure (General) Regulations 2017* (PDI (General) Regulations). Regulation 11 of the PDI (General) Regulations allows a person to make a complaint to the Commission alleging a breach by an assessment panel member of the Code of Conduct.

Discussion

The Minister for Planning has adopted an Assessment Panel Member Code of Conduct (**Attachment 1**). PlanSA has recently published a factsheet providing advice relating to Elected Members on Council Assessment Panels (**Attachment 2**).

This Code of Conduct is in addition to the following codes of conduct:

- the "Accredited Professionals Scheme Code of Conduct" adopted by the Minister for Planning required to be observed by independent members as Accredited Professionals; and
- the "Code of Conduct for Council Members" published by the Minister for Planning under section 63(1) of the *Local Government Act 1999* required to be observed by elected members.

The Commission has published a Complaints Handling Procedure for Assessment Panels (**Attachment 3**). This procedure sets out the Commission's approach to dealing with complaints and only concerns complaints made in respect of individual assessment panel members under the Code of Conduct.

Conclusion

The Assessment Panel Members Code of Conduct and complaints handling process is provided to the Council Assessment Panel for its information.

Attachments

1. **Assessment Panel Member - Code of Conduct**
2. **Fact Sheet - Elected Members on Council Assessment Panels**
3. **State Planning Commission - Complaints Handling Procedure for Assessment Panels**



CODE OF CONDUCT

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 manger 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.



FACT SHEET

Elected Members on Council Assessment Panels

What does membership on a Council Assessment Panel mean for a local elected member?

Purpose

This Fact Sheet aims to provide guidance to Council Assessment Panel (CAP) members who are also local government elected members, regarding their obligations under Codes of Conduct applying to them. This includes how to best manage interactions with the public, making public statements and media comments as well as undertaking site visits where development is proposed.

Background

- CAPs can include one elected member from the relevant council.
- CAP members have a number of obligations under the Minister's Code of Conduct established for CAP Members under the Planning, Development and Infrastructure Act 2016 (PDI Act) (the CAP Code of Conduct - extracts shown in Appendix A).
 - Elected Members also have additional obligations under the separate Minister's Code of Conduct established under the Local Government Act 1993 (the LG Act) (the LG Code of Conduct - extracts shown in Appendix B).

Interactions with the Public

The CAP Code of Conduct restricts CAP members from engaging in consultation outside of the CAP process, or giving advice or discussing a development application outside of CAP meetings.

On the other hand, the LG Act Code of Conduct also outlines principles requiring elected members to consider all relevant information and opinions, giving each due weight, in line with the council's community consultation obligations.

For obligations to co-exist under both Codes of Conduct, an elected member may need to avoid or forgo discussions or consultation with members of the public, media engagements or public statements (which they would ordinarily participate in). This is particularly so where those discussions or statements relate to a development application or proposal which is or is likely to come before the CAP.

Example

The Council is landowner of community playing fields, leased to a community sporting club. The sporting club lodges a development application to upgrade their clubroom facilities. Where the development application is to be assessed by the CAP:

- if approached by a representative from the sporting club, the member should:
 - advise that they are unable to discuss the matter, as a result of their position on the CAP
 - disclose any conversations or interactions with the sporting club at any meeting of the CAP and the Council involving the development. Depending on the nature and context of the interactions, the member may also need to excuse themselves from any deliberations at the CAP and Council meetings
- if the CAP member is also a member of the sporting club, they should not be present for determination of the development application by the CAP. They may also need to excuse themselves for consideration of lease arrangements by the Council (as landlord).

Media and Public Statements

Under the CAP Code of Conduct, a CAP member must not:

- 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
- express an opinion on a proposed development outside of a CAP meeting
- engage in any other act or omission which may give rise to a reasonable presumption that the CAP member has prejudged a development proposal.

Under the LG Code of Conduct, an elected member may make public statements provided that in doing so, they clearly indicate that the views expressed are their own, and not the views of the relevant Council.

A CAP member should not make public statements on a development proposal, even if they stipulate that the views being expressed are their personal views (and not the views of the CAP). This means that a CAP member forfeits their ability to make public statements regarding certain development proposals, which they would otherwise be able to do if they did not hold a position on a CAP.

Example

An elected member has a strong view on a certain type of development which they consider to be of concern to their local community (for example, telecommunication towers). The member makes public statements against such developments in their campaign for election as a member of the Council, and also makes broad statements on social media against those types of development.

In this scenario, the member:

- should not make any public comments regarding a specific development application before the CAP as this would put them in breach of the CAP Code of Conduct
- if public comments are made regarding a specific development application, should declare a conflict and should excuse themselves from the relevant CAP meeting where that development application is considered
- may also be required to excuse themselves from any future CAP meetings regarding that type of development more broadly, if the previous public statements are sufficient to give rise to a reasonable presumption that the CAP member has prejudged those types of development.

Site Visits

Under the CAP Code of Conduct, a CAP member should not enter the site of a proposed development, even if invited by the land owner or a neighbouring property owner or any other person (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).

In comparison, under the LG Code of Conduct, elected members are required to discharge their duties conscientiously, to the best of their ability, and to also consider all relevant information and opinions in assessing a matter.

An elected member who is also a member of a CAP may be restricted in the places they can visit in their local area, where particular sites are subject of a proposed development which may be considered by the CAP.

Example

An elected member may be invited to a constituent's home to view the area of a proposed development on the neighbouring property, and discuss the impact the development may have on the constituent and their property. In this scenario, where the elected member is also a member of the CAP the elected member:

- should not visit the site of the proposed development (or neighbouring properties) to discuss the proposed development
- may also need to declare a conflict of interest and excuse themselves from the CAP meeting if they have had discussions or provided their views or advice to a constituent regarding the proposed development.

Appendix A – Minister’s Code of Conduct – *Planning, Development and Infrastructure Act 2016* (Extracts Only)

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.
-
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.
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.
-
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.

Appendix B – Minister’s Code of Conduct – *Local Government Act 1993* (Extracts Only)

PART 1—PRINCIPLES

Higher principles—Overarching Statement

Council members in South Australia have a commitment to serve the best interests of the people within the community they represent and to discharge their duties conscientiously, to the best of their ability, and for public, not private, benefit at all times.

As representatives of open, responsive and accountable government, Council members are committed to considering all relevant information and opinions, giving each due weight, in line with the Council’s community consultation obligations.

In the performance of their role, Council members will take account of the diverse current and future needs of the local community in decision-making, provide leadership and promote the interests of the Council.

.....

PART 2—BEHAVIOURAL CODE

Behavioural Code

Council members must:

- 2.5 Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.
-

PART 3—MISCONDUCT

Member duties

Council members must:

- 3.6 Ensure that relationships with external parties cannot amount to interference by improper influence, affecting judgement, decisions and/or actions.
- 3.13 Council members must be committed to making decisions without bias and in the best interests of the whole community and comply with the relevant conflict of interest provisions of the *Local Government Act 1999*.



Complaints Handling Procedure for Assessment Panels

1. Introduction

- 1.1. A complaint may be lodged with the Commission alleging a breach by an assessment panel member of the Code of Conduct adopted by the Minister under clause 1(1)(c) of schedule 3 to the PDI Act. The powers of the Commission in dealing with a complaint are set out in regulation 11 of the PDI Regulations. Regulation 11 also sets out requirements on the Commission and investigators in dealing with complaints.
- 1.2. This procedure sets out the Commission's approach to dealing with complaints. This procedure supplements regulation 11 of the PDI Regulations. If there is any inconsistency between this procedure and regulation 11, the regulation will prevail to the extent of the inconsistency.
- 1.3. Powers and functions of the Commission under regulation 11 of the PDI Regulations may be undertaken by the Commission or a delegate of the Commission. References to the 'Commission' in this procedure include a reference to a delegate of the Commission appointed under section 30 of the PDI Act.
- 1.4. This policy only concerns complaints made in respect of individual assessment panel members under the Code of Conduct. Any concerns regarding the assessment and/or determination of a development application, should be raised with the relevant development assessments staff and/or where available, pursued through the appeal process under the PDI Act.
- 1.5. The Commission may consult with, or provide a report to, the Minister at any stage regarding a complaint made under regulation 11 of the PDI Regulations. Where the assessment panel member who is the subject of the complaint was appointed by a joint planning board or a council, the Commission may consult with, or provide a report to, that entity at any time in relation to that complaint.

2. Defined terms

- 2.1. The following table sets out definitions for capitalised terms used in this procedure.

Term	Definition
Assessment Panel Member	A member of a panel established under section 29(1)(a) or Part 6 – Division 2 of the PDI Act
Code of Conduct	Assessment Panel Members – Code of Conduct adopted by the Minister under clause 1(1)(c) of schedule 3 (gazetted 29 September 2017, as amended from time to time)

Term	Definition
Complainant	A person who makes a complaint against an Assessment Panel Member under the Code of Conduct
Commission	State Planning Commission established under section 17 of the PDI Act (or its delegate)
Investigator	A person appointed by the Commission for the purpose of investigating a complaint against an Assessment Panel Member
Minister	Minister for Planning
OPI	Office for Public Integrity
PDI Act	Planning, Development and Infrastructure Act 2016
PDI Regulations	Planning, Development and Infrastructure (General) Regulations 2017

3. Receipt of a complaint

Form and content of a complaint

- 3.1. A person may lodge a complaint with the Commission alleging that an assessment panel member has breached the Code of Conduct. A complaint is only validly made if the complaint:
 - (a) is in writing;
 - (b) contains particulars of the allegations on which the complaint is based; and
 - (c) is verified by a statutory declaration.
- 3.2. Complaints may be addressed to the State Planning Commission, GPO Box 1815, Adelaide, SA, 5001.
- 3.3. If a person attempts to lodge a complaint with the Commission which does not satisfy these requirements, then a letter will be sent to the person indicating the requirements for a lodging a valid complaint.
- 3.4. The Commission may require the person lodging a complaint to provide further information to the Commission. The Commission may require this further information to be verified by statutory declaration.
- 3.5. When a person makes a complaint to the Commission, they are encouraged to keep the details confidential so that it can be investigated and determined thoroughly and properly.

Timing of a complaint

- 3.6. A complaint is required to be lodged within 6 months of the day on which the complainant first became aware of the matters alleged in the complaint, unless the Commission approves otherwise.

- 3.7. If a person lodges a complaint with the Commission in regard to circumstances which occurred more than 6 months before lodging the complaint, then the Commission will determine whether to approve the lodging of the complaint. The Commission's decision will be advised by letter to the person who lodged the complaint.
- 3.8. If a person lodges a complaint with the Commission and it is unclear whether the circumstances occurred within the 6 months prior to lodging the complaint, then further information will be sought from the complainant. If this further information indicates that the matters alleged in the complaint occurred more than 6 months prior to the lodging of the complaint, then the Commission will determine whether to approve the lodging of the complaint. The Commission's decision will be advised by letter to the person who lodged the complaint.

Acknowledgement

- 3.9. If a complaint satisfies the form, content and timing requirements, then the Commission will acknowledge the receipt of the complaint by letter to the complainant.

4. Initial assessment of a complaint

- 4.1. Once a complaint has been received, the Commission will make an initial assessment of the complaint.
- 4.2. If on the basis of information contained in a complaint, a member of the Commission or any other public officer has a reasonable suspicion of corruption, serious or systemic misconduct or serious or systemic maladministration, then a report will be made by that member or public officer to the OPI (see part 9 of this procedure).
- 4.3. The Commission may refuse to entertain a complaint if it appears to the Commission that:
 - (a) the complainant does not have a sufficient interest in the matter to which the complaint relates;
 - (b) the matter raised by the complaint is trivial;
 - (c) the complaint is frivolous or vexatious or is not made in good faith; or
 - (d) there is some other good reason not to proceed (or further proceed) with considering the complaint.
- 4.4. The Commission will undertake an initial assessment of the complaint to determine if any of the circumstances listed in paragraph 4.3 exist. The Commission may base its assessment on the information provided by the complainant and further information, if any, gathered by the Commission either directly or through an investigator (see part 6 of this procedure). The Commission or investigator may request further information from the complainant, seek information from persons with direct knowledge of the matters alleged in the complaint or refer the complaint to the assessment panel member to whom the complainant relates for a response.
- 4.5. If the Commission determines that a circumstance listed in paragraph 4.3 exists, then the Commission will determine whether or not it will refuse to entertain the complaint. If the Commission determines to refuse to entertain the complaint, then the Commission will notify the complainant of this decision by letter.

5. Consideration of the complaint

- 5.1. If the Commission determines to entertain a complaint, then the Commission may request further information from the complainant, seek information from persons with direct knowledge of the matters alleged in the complaint or refer the complaint to the assessment panel member to whom the complainant relates for a response.
- 5.2. The Commission could determine on the basis of this information that the complaint:
 - (a) has been substantiated;
 - (b) has not been substantiated; or
 - (c) requires further investigation.
- 5.3. For the Commission to determine that a complaint has been substantiated, the Commission must be reasonably satisfied that the facts alleged in the complaint have been established on the information available to the Commission and that these established facts constitute a breach of the Code of Conduct. Where an allegation to be determined will have serious consequences, then the Commission should ensure that the evidence supports the findings of fact to its reasonable satisfaction. The level of proof required to attain reasonable satisfaction is determined by the seriousness of the consequences of the complaint being made out.
- 5.4. If the Commission determines that the complaint has been substantiated then the Commission will consider the action to be taken in response to the complaint. See part 8 of this procedure.
- 5.5. If the Commission determines that the complaint has not been substantiated, then the Commission will inform the complainant of its determination by letter.
- 5.6. If the Commission determines that the complaint requires further investigation, the Commission will either seek further information itself or will appoint an investigator (see part 6 of this procedure).

6. Appointing an investigator

Terms of appointment

- 6.1. The Commission may at any time after the receipt of a complaint determine to appoint an investigator. The appointment of the investigator will be in writing. The Commission will provide the investigator with a copy of the information received by the Commission in relation to the complaint.
- 6.2. The terms of an investigator's appointment will provide that the investigator:
 - (a) must investigate the complaint as soon as practicable after the appointment has been made;
 - (b) must give the member of the assessment panel to whom the complaint relates a reasonable opportunity to make representations to the investigator about the complaint;
 - (c) may require the complainant or the assessment panel member to provide any documentation or other information relevant to the investigation of the complaint;

- (d) may require any information provided by a complainant or the relevant assessment panel member to be verified by statutory declaration;
 - (e) may investigate in such manner as the investigator thinks fit (including by undertaking other consultations and inquiries), provided that the investigator must comply with the rules of natural justice; and
 - (f) may following consultation with the Commission, investigate circumstances of which the investigator is satisfied which would be the basis of another complaint against the assessment panel member.
- 6.3. The Commission may direct the investigator to undertake the investigation in a particular manner provided that any direction is not inconsistent with the terms set out above.

Informing the assessment panel member of the investigator's appointment

- 6.4. The Commission must inform the assessment panel member of the appointment of an investigator and provide formal notification of the nature of the complaint.
- 6.5. The Commission may require an investigator to gather information regarding the complaint and provide an interim report to the Commission, so that the Commission is able to provide formal notification of the nature of the complaint to the assessment panel member.
- 6.6. Once the Commission is in a position to provide formal notification of the nature of the complaint to the assessment panel member, then the Commission will provide this notification as soon as practicable by letter. The letter will also inform the assessment panel member that:
- (a) he or she will be provided with:
 - (i) a reasonable opportunity to make representations to the investigator regarding the complaint; and
 - (ii) a copy of the investigator's final report to the Commission in relation to the complaint;
 - (b) the information provided by the assessment panel member to the investigator will need to be verified by statutory declaration; and
 - (c) aside from investigating the notified complaint, the investigator is permitted to investigate other circumstances if satisfied that these would be the basis of another complaint against the assessment panel member.

Interim and final reports of the investigator

- 6.7. If on the basis of information contained in an interim report or final report of the investigator, a member of the Commission or any other public officer has a reasonable suspicion of corruption, serious or systemic misconduct or serious or systemic maladministration then a report will be made by that member or public officer to the OPI (see part 9 of this procedure).

6.8. The Commission may also use information in an interim report from an investigator in order to determine whether to refuse to further entertain a complaint due to one of the circumstances listed in paragraph 4.3, or otherwise to take no further action in respect of a complaint. If the Commission determines not to proceed with a complaint, then the Commission will by letter notify:

- (a) the assessment panel member of the appointment of the investigator and the nature of the complaint (if this has not already occurred) and the Commission's determination not to proceed further with the complaint; and
- (b) the complainant of the Commission's determination not to proceed further with the complaint.

7. Following an investigation

7.1. At the conclusion of an investigation, the Commission will consider the investigator's final report.

7.2. The final report will be provided by the Commission to the assessment panel member. The Commission may invite the assessment panel member to provide a response to the report to the Commission. The Commission should invite a response from the assessment panel member, if this is required to satisfy the rules of natural justice. If the Commission invites a response from the assessment panel member, then this response should be considered in the Commission's final determination of the complaint.

7.3. The Commission could determine on the basis of the investigator's report and any response from the assessment panel member, that the complaint:

- (a) has been substantiated;
- (b) has not been substantiated; or
- (c) requires further investigation.

7.4. For the Commission to determine that a complaint has been substantiated, the Commission must be reasonably satisfied that the facts alleged in the complaint have been established on the information available to the Commission and that these established facts constitute a breach of the Code of Conduct (see paragraph 5.3 of this procedure).

7.5. The Commission may:

- (a) decide to take no further action on the complaint;
- (b) undertake any consultation or further inquiry as the Commission thinks fit;
- (c) take action to have the assessment panel member removed from office; or
- (d) take such other action as the Commission thinks fit.

8. Consequences of breaching the Code of Conduct

- 8.1. The Commission may take action in regard to an assessment panel member who has breached the Code of Conduct. In determining the appropriate action, the Commission will consider the severity of the breach. Repeated minor breaches of the Code of Conduct by an assessment panel member may be considered to be a serious breach of the Code of Conduct.
- 8.2. Assessment panel members are appointed either by a joint planning board or council (a 'designated authority') under section 83 of the PDI Act or the Minister under section 84 of the PDI Act. Sanctions in regard to a breach of the Code of Conduct cannot be imposed by the Commission, but can (subject to the terms of an assessment panel member's appointment) be imposed by the designated authority or the Minister (as relevant).
- 8.3. If the Commission forms the view that the assessment panel member should be removed from office as a consequence of the breach of the Code of Conduct, then the Commission will consult with the Minister or designated authority (as relevant to the assessment member) with respect to removing the assessment panel member from office.
- 8.4. If the Commission determines that another sanction is appropriate in respect of the breach of the Code of Conduct, then the Commission will consult with the Minister or designated authority (as relevant to the assessment member) with respect to the Commission's recommendation. Recommendations of the Commission could include that the assessment panel member:
 - (a) undergo training in regard to the Code of Conduct;
 - (b) issue a public or private apology to the complainant; or
 - (c) be reprimanded.

9. Report to the Office for Public Integrity

- 9.1. The members of the Commission are public officers for the purposes of the *Independent Commissioner Against Corruption Act 2012*.
- 9.2. If at any stage during the handling of a complaint, a member of the Commission or another public officer has a reasonable suspicion of corruption in public administration, serious or systemic misconduct in public administration or serious or systemic maladministration in public administration in relation to the circumstances of the complaint, then a report will be made by that member or public officer to the OPI in accordance with *Directions and Guidelines for Public Officers* issued by the Independent Commissioner Against Corruption.
- 9.3. The Commission will follow any directions of the Independent Commissioner Against Corruption or OPI regarding the continuation or suspension of any inquiries or investigations initiated by the Commission in regard to the relevant complaint.

7 PLANNING REFORM IMPLEMENTATION

7.1 Standing Referral for Building Rules Assessment

Brief

This report presents a standing referral for Building Rules assessment from the Council Assessment Panel (CAP) to Council for endorsement.

RECOMMENDATION

It is recommended to the Council Assessment Panel that:

1. The City of West Torrens Council Assessment Panel determines to act under Section 99(1)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act) in relation to all development applications received by it that involve the performance of building work.
2. Pursuant to Section 99(1)(c) of the Act, where the City of West Torrens Council Assessment Panel has determined to act under Section 99(1)(b) of the Act, the City of West Torrens Council Assessment Panel refers the assessment of the development in respect of the Building Rules to the City of West Torrens.

Introduction

The *Planning Development and Infrastructure Act 2016* (the Act) introduces changes to the statutory functions of assessment panels.

The Council Assessment Panel (CAP) is designated as a relevant authority in its own right under the Act. The implication of this change is that the CAP will also be the relevant authority for building consent, where the applicant has not nominated a building certifier (Accredited Professional).

The Local Government Association (LGA) has provided advice for CAPs to consider referring the building consents to Council (**Attachment 1**).

Discussion

Section 93 of the Act prescribes relevant authorities. The Council Assessment Panel is designated as the relevant authority where development is to be undertaken within the area of Council, subject to prescribed exclusions. The exclusions include where:

- Another Panel has been appointed (e.g. Local, Combined Regional or Panel under a Planning Agreement).
- The regulations prescribe that an Assessment Manager or Accredited Professional acts the relevant authority.
- The State Planning Commission or Minister for Planning is assigned the relevant authority.

Section 99 of the Act prescribes that where the applicant does not nominate a building certifier for the building assessment, the CAP will be the relevant authority. This will require the CAP to implement a series of administrative measures to for the building assessment to comply with the requirements of regulation 26 of the *Planning Development and Infrastructure (General) Regulations 2017* to obtain the advice of an Accredited Professional of the relevant building level prior to making a decision. This may involve seeking advice of Accredited Professionals on any assessment against the Building Rules or delegating the decision to accredited City of West Torrens staff.

There does not appear to be any particular reason that CAPs have been assigned the relevant authority in respect to building consent, given CAPs are essentially established as authorities to assess planning matters – as reflected in the skills and experience requirements for CAP Members to obtain accreditation.

On this basis, CAP has four options regarding assessment of development in respect of the Building Rules, being:

1. delegate the assessment to Council staff that hold the appropriate accredited professional status;
2. obtain the advice of Council staff that hold the appropriate accredited professional status to inform the assessment;
3. refer the assessment to the council; or
4. require that the assessment be undertaken by a building certifier.

Section 99(1)(c) of the Act enables CAP to refer Building Rules assessments to the Council, at which point the Council becomes the relevant authority for building consent. The City of West Torrens has building officers in its employ at the relevant Accredited Professional building levels capable of undertaking Building Rules assessments under delegation from Council.

If CAP does not propose to take an active role in any Building Rules assessments it may put in place a standing referral in relation to all future Building Rules applications, effectively enabling Council to undertake the building assessment.

The LGA has prepared a resolution that will provide for a standing referral for all building rules assessments to Council. It is recommended that CAP consider referring all proposed development which involves the assessment of the Building Rules to the Council.

Conclusion

CAP may consider how to carry out its functions as a relevant authority for building rules assessment under the *Planning Development and Infrastructure Act 2016*. It is recommended that CAP refer the assessment of the development in respect of the Building Rules to the Council.

Attachments

- 1. LGA Information Sheet - Standing Referral for Building Rules Assessments**

Draft

Information Sheet

Draft wording for a standing referral for Building Rules assessments from Panels to councils

As many councils will be aware, where an applicant does not nominate a private building certifier to determine their building consent, the relevant authority will not be the council, but the relevant assessment panel.

However, Section 99(1) of the Act enables assessment panels to refer Building Rules assessments on to the relevant council, at which point the council becomes the relevant authority for building consent.

For panels that do not propose to take an active role in *any* Building Rules assessments, a standing referral can be made in relation to all future Building Rules applications. Draft wording for such a referral is set out below.

Should any panel prefer to approach Building Rules assessment referrals on a case-by-case basis, this is also possible. Amendments to the below wording would be required.

Standing referral for CAPs:

1. The [insert name of Panel] determines to act under Section 99(1)(b) of the *Planning, Development and Infrastructure Act 2016 (the Act)* in relation to all development applications received by it that involve the performance of building work.
2. Pursuant to Section 99(1)(c) of the Act, where the Panel has determined to act under Section 99(1)(b) of the Act, the [insert name of Panel] refers the assessment of the development in respect of the Building Rules to the [insert name of the Council]

Standing referral or RAPs:

- 1) The [insert name of Panel] determines to act under Section 99(1)(b) of the *Planning, Development and Infrastructure Act 2016 (the Act)* in relation to all development applications received by it that involve the performance of building work.
- 2) Pursuant to Section 99(1)(c) of the Act, where the Panel has determined to act under Section 99(1)(b) of the Act, the [insert name of Panel] refers the assessment of the development in respect of the Building Rules to the council for the area in which the proposed development is to be undertaken.

Advice provided to the LGA by Norman Waterhouse Lawyers on 3 March 2020.

Further Information

Contact: Stephen Smith, Planning Reform Partner, LGA
Email: Stephen.smith@lga.sa.gov.au
Telephone: mobile 0409 286 734

March 2020

7.2 Delegations under the Planning, Development and Infrastructure Act 2016

Brief

This report provides information and seeks the Council Assessment Panel's (CAP) decision on the approach to the delegation of powers and functions under the *Planning, Development and Infrastructure Act 2016*.

RECOMMENDATION

It is recommended to the Council Assessment Panel that the instrument for delegations under the *Planning, Development and Infrastructure Act 2016* be presented to a future meeting of the Council Assessment Panel that includes granting power to the Assessment Manager and Chief Executive Officer of the City of West Torrens to:

- a. Perform the various duties and responsibilities for the efficient processing of development applications.
- b. Assess and determine development applications where no valid representations are received, valid representations are withdrawn, or where no valid representor wishes to be heard in support of their representation, except where the relevant application is for:
 - i. Demolition of a building (except an ancillary building), one or more new dwellings and/or land division creating one or more new allotments in an Historic Area Overlay; or
 - ii. Residential development of three or more storeys above finished ground level; or
 - iii. Mixed use development including residential development of three or more storeys above finished ground level.
- c. Grant planning consent for development applications which are subject to a deemed consent notice.
- d. Commence applications to the Environment, Resources and Development Court seeking orders quashing deemed consent notices in situations where the Council Assessment Panel will not meet before the application is required to be commenced, either alone or in consultation with the Presiding Member.
- e. Refuse planning consent, and not hear representors if applicable, for development applications which are nearing the end of the prescribed timeframe for determining the application, where the Council Assessment Panel will not have met before 'time' expires, and where the applicant has not agreed to extend the statutory timeframe for the Council Assessment Panel to consider the development application, either alone or in consultation with the Presiding Member.

Introduction

The *Planning Development and Infrastructure Act 2016* (the Act) introduces changes to the statutory functions of the Council Assessment Panel (CAP).

The CAP is designated as a relevant authority in its own right under the Act. In the exercise of its duties, the CAP will need to consider delegations to Council Administration staff to undertake specific duties or exercise powers on its behalf.

Delegations enhance decision making processes and allow nominated matters to be resolved efficiently and effectively without the need for the CAP's consideration, in much the same way as current delegations from Council to the Administration staff (via the Chief Executive Officer) and CAP under the *Development Act 1993*.

This report provides information for the CAP to consider delegations under the Act. It is proposed that the CAP consider its preferred delegations framework and that a report be presented at the next meeting of the CAP to formalise the delegations.

The CAP is able to consider delegations ahead of the new legislative system becoming live. The Local Government Association (LGA) advises that delegations simply sit as an 'empty vessel' until the relevant power is received by the CAP on the "Go Live" date (yet to be nominated).

Discussion

The Act establishes the relevant authorities for the assessment and determination of development applications. The various relevant authorities are outlined in the Relevant Authority Overview in **Attachment 1**.

The Act provides that an Assessment Panel will be a relevant authority for both planning and building consent in relation to a proposed development that is to be undertaken within the area of a council, unless another authority is prescribed by section 93 of the Act or the regulations.

The Assessment Panel is designated the relevant authority for:

- Performance assessed development under section 107 of the Act where notice of the application must be given under section 107(3) of the Act.
- Development which involves the assessment of the Building Rules under section 99 of the Act where a building certifier has not been nominated. (Refer to separate report item in this agenda regarding building rules assessment).

Section 100 of the Act provides for relevant authorities (including CAP) to delegate any functions or powers of the relevant authority and specifies that:

(2) A delegation—

(a) may be made—

(i) to a particular person or body; or

(ii) to the person for the time being occupying a particular office or position;
and

(b) may be made subject to conditions or limitations specified in the instrument of delegation; and

(c) if the instrument of delegation so provides, may be further delegated by the delegate; and

(d) is revocable at will and does not derogate from the power of the relevant authority to act in any matter.

CAP may delegate its powers to a particular person, body or person for the time being occupying a particular office or position. If the CAP allows, the delegate may further delegate the powers to other persons or person occupying a role. For purposes of continuity of operation, recommended that CAP delegate its powers to the Chief Executive Officer of the City of West Torrens as the employee directly appointed by the elected body of Council, and the Assessment Manager of the City of West Torrens Council Assessment Panel, as the person being responsible for managing the staff and operations of the CAP.

It is further recommended that the Chief Executive Officer and the Assessment Manager may further sub-delegate to the Council Administration staff accordingly to ensure the efficient and effective processing of development applications.

Delegations templates and advice about the use of delegations have been prepared by the LGA for the consideration of CAP (Refer to **Attachment 3 and 4**). The delegations provide for:

- Tasks to be delegated to Council Administration staff to assist in the timely processing of applications.
- Determination of prescribed development applications by Council Administration staff.

Administrative Tasks

Delegations are necessary for an effective and efficient development assessment system to the achieve outcomes described under the Act. Tasks delegated to Council Administration staff facilitate the assessment process in a similar way to those tasks currently delegated to staff by Council. These types of delegations include, but are not limited to:

- Verification of the development application, information and fees.
- Undertaking statutory referrals.
- Undertaking public notification.

It is recommended that these continue to be delegated by the CAP to the Chief Executive Officer and Assessment Manager for efficiency purposes.

Performance Assessed Applications

The Act assigns the assessment and determination of all performance assessed development applications that undergo public notification to the CAP for assessment.

By comparison, under the current *Development Act 1993*, the Council assigns the determination of specific types of development applications to the CAP and all other development applications are delegated to staff. This includes both publically notified and not publically notified classes of development, as indicated in the table overleaf.

The public notification requirements under the new legislative scheme are intended to exclude from notification developments that are ordinarily expected in the zone and also those developments identified in the 'Accepted' or 'Deemed to Satisfy' assessment pathways.

The Draft Planning and Design Code recently published for public consultation identifies development that is excluded from notification in Table 5 – Procedural Matters (PM) – Notification. A review of the draft notification provisions for the various Neighbourhood Zones (that will replace the existing Residential Zone) has identified that there will be some changes to notification requirements in the current system, including:

- dwellings exceeding one storey within the former Residential (Character and Conservation) Policy Areas 22-33 will no longer be notified
- dwellings exceeding the maximum building height (typically 9m) in the former Residential Zone will be notified
- land division applications in the former Residential Zone will not be notified

A table summarising the classes of development subject to public notification in the current Residential Zone and proposed in the Draft Planning and Design Code Neighbourhood Zones is enclosed in **Attachment 2**.

The Planning and Design Code is yet to be published in its final form and so it is still subject to change prior to the "Go Live" date. In particular, it is understood that the Planning Reform Planning and Design Code team are currently contemplating additional development types requiring notification including boundary development that exceeds the maximum length for the boundary development standard and multi-storey developments in the Urban Corridor Zones.

Although the public notification requirements in the new Planning and Design Code will somewhat differ to the current system, the number of Category 2 and 3 publically notified development applications Council currently receives is still of some relevance. Over the past two years, the City of West Torrens received 58 applications in 2019 and 66 applications in 2020 requiring public notification. Until the public notification requirements in the Planning and Design Code are finalised, it is challenging to estimate with any accuracy how many applications CAP is likely receive each year as a relevant authority.

Delegation of Determination of Applications

In 2020, the CAP determined 46 applications as Council's delegate, with the Council's delegations to allowing all other applications to be assessed and determined by the Administration.

In the current system, the Council places conditions the delegations it issues to CAP and the Administration on which types of applications that may be determined by the delegate. This allows some applications to be determined under staff delegation while the more complex applications are presented to CAP for determination.

The CAP may wish to continue the Council's practice of placing conditions on which applications may be determined by staff under delegation. In considering potential conditions, CAP may wish to consider the conditions the Council uses to allocate applications to the CAP under the *Development Act 1993*. Each delegation condition and its applicability under the Draft Planning and Design Code is considered in turn below:

Current Council conditions limiting decision to CAP only	Recommendation based on Draft Planning and Design Code
A variation to, or is similar in nature to, a merit development application which was refused by the CAP or the former Development Assessment Panel within the past 5 years	<p>This condition is rarely triggered in the current framework. The new planning system introduces significant policy changes and previous determinations and assessments against the Development Plan are unlikely to be of substantial relevance under the Planning and Design Code.</p> <p>No equivalent condition is recommended.</p>
Merit form of development which does not meet the minimum site area requirement in the relevant Zone or Policy Area by 7.5% or more	<p>The Council delegates developments that not meet the minimum site area requirement by 7.5% or more to the CAP due to the significant community interest in infill development.</p> <p>The Draft Planning and Design Code nominates land division within any of the Neighbourhood Zones in the City of West Torrens as a class of development excluded from public notification. Further, the Draft Planning and Design Code does not list development unable to satisfy the minimum site area as a trigger for public notification. Therefore all of the land division applications currently presented to CAP for decision will instead be determined by the Assessment Manager as the relevant authority.</p> <p>While the Assessment Manager may choose to delegate applications to the CAP for assessment and determination, these applications are not afforded the additional 20 business days of assessment timeframe that applies where CAP is the relevant authority. Therefore there would likely be a risk of a deemed consent notice being issued by the applicant if these applications were delegated to the CAP for a decision.</p>

Current Council conditions limiting decision to CAP only	Recommendation based on Draft Planning and Design Code
	<p>The Assessment Manager intends to implement internal controls to ensure appropriate quality control and consistency in decision making for these types of applications.</p> <p>No equivalent condition is recommended.</p>
Non-complying form of development and the application is to be determined after a full merit assessment against the Development Plan	<p>Non-complying applications are the most equivalent to the 'restricted' development assessment pathway in the new planning system and sit with the State Planning Commission for decision under the Act.</p> <p>No equivalent condition is recommended.</p>
Merit form of development and in the opinion of the delegate, should be refused	<p>Norman Waterhouse Lawyers indicate that this is not a valid form of delegation limitation.</p> <p>It is recommended that this condition should not be contemplated by CAP.</p>
Proposes one or more new dwellings and/or land division creating one or more new allotments in Residential Zone Conservation Policy Areas 29-33	<p>The Residential Zone Conservation Policy Areas 29-33 is replaced by the Established Neighbourhood Zone and Historic Area Overlay in the Draft Planning and Design Code.</p> <p>In the Established Neighbourhood Zone the Draft Planning and Design Code nominates the demolition of a State or Local Heritage Place or demolition of a building (except an ancillary building) in a Historic Area Overlay as publically notified CAP-assessed developments. Whereas new dwellings in the Established Neighbourhood Zone are not publically notified unless they exceed the building height standard.</p> <p>It is noted that this condition is rarely likely to be evoked as the assessment of most new dwellings and land divisions in the Established Neighbourhood Zone and Historic Area Overlay sit with the Assessment Manager as non-notified applications.</p> <p>It is recommended that a modified condition is considered by the CAP to allow the CAP to consider all applications for demolition of buildings (except an ancillary building), new dwellings and/or land division creating one or more new allotments in Historic Area Overlay.</p>
Residential development of three or more storeys above finished ground level or Mixed use development including residential development of three or more storeys above finished ground level	<p>In the various Neighbourhood Zones and Urban Corridor Zones in the Draft Planning and Design Code dwellings are publically notified if they exceed the building height standard. This requirement will generally mean all 3+ storey residential development will sit with CAP, except development in the Urban Corridor Zones that allow a higher building height.</p> <p>Council's submission to the State Planning Commission in the most recent public consultation seeks multi-storey residential development in the Urban Corridor Zones to be publically notified. It is also noted that the assessment of 5+ storey development in the Urban Corridor Zone sits with the State Planning Commission under the <i>Planning, Development and Infrastructure (General) Regulations 2017</i>, which is consistent with the current planning system.</p>

Current Council conditions limiting decision to CAP only	Recommendation based on Draft Planning and Design Code
	It is recommended that an equivalent condition is retained by the CAP to allow the CAP to consider these types of applications directly.
Merit, Category 2 or Category 3 form of development, representations have been received and one or more representors wish to be heard on their representation	<p>In the current system Category 3 representors have a right to be heard on their representation by CAP. Whereas, the new system allows CAP the discretion whether to hear representors or not. The current condition allows for staff to determine applications where representations received do not wish to be heard.</p> <p>It is recommended that an equivalent condition for applications where representations have been received and one or more representors wish to be heard on their representation be retained by the CAP. This will retain the existing approach to the delegation of applications with representations.</p> <p>Alternatively CAP may wish to consider determining all applications where representations have been received, not just those where representors wish to be heard on their representation.</p>

In summary, the above table demonstrates that some of the Council's current conditions are not relevant to the CAP's powers in the new Planning System, while others continue to be applicable and appropriate (with some adjustment).

Alternatively, the CAP may wish to contemplate retaining the power to determine all applications including those where no valid representation is received or all valid representations are withdrawn. This goes beyond the framework set out in the Council's current delegations to CAP and it would mean that no applications would be delegated to staff. It is recommended that this approach not be contemplated by CAP.

Finally, the CAP may consider in determining which applications it wishes to retain for its own determination that an increase of development applications before the CAP has implications for customer service levels, assessment timeframes and resourcing. It should also be considered that CAP will have an additional workload associated with its new powers associated with the Review of Decisions of Assessment Manager (refer to separate report in this agenda). There potentially may be a need to also consider an increased meeting cycle in order to assess development applications within the prescribed timeframe.

It is noted that the delegate is not required to exercise their delegation. In some circumstances, where appropriate, the Assessment Manager may still choose to present an application to the CAP, this has previously occurred for contentious applications or where Council is the applicant.

Deemed Consent

Section 125 of the Act provides that in the event a relevant authority fails to determine an application for planning consent within the time stipulated by regulations, the applicant can choose to serve a “deemed consent notice” on the relevant authority. Upon service of a deemed consent notice, the application is taken to have been granted planning consent. The relevant authority can then:

- Take no action, in which case the development authorisation will remain, subject to standard conditions set out in Practice Direction 11;
- Within 10 business days, issue its own planning consent, including with its own conditions; or
- Within one month, appeal the deemed consent notice.

Norman Waterhouse Lawyers, via the LGA, has recommended that CAP (should they wish to avoid special meetings being convened from time to time), grant power to the Assessment Manager to grant planning consent within 10 days for development applications which are subject to a deemed consent notice (refer **Attachment 4**).

This is because it is considered that the standard conditions in Practice Direction 11 may prove inadequate in some circumstances and it has been suggested that the enforceability of some conditions may prove difficult down the track. Accordingly, in such situations it is preferable to issue a planning consent subject to appropriate conditions for the development.

In addition, there may be circumstances where a decision may be required to refuse a development application within the prescribed timeframe which will expire prior to the next scheduled CAP meeting. In these circumstances the applicant will be requested to agree to extend the timeframe for the CAP to consider the development application. However if the applicant does not agree to extend the timeframe there will be a risk of the applicant issuing a deemed consent notice on CAP. It is recommended that the power to determine any application in this circumstance also be delegated to the Chief Executive Officer and Assessment Manager, either alone or in consultation with the Presiding Member.

In the event a deemed consent notice has been issued, it is proposed that the Assessment Manager provides a report to the CAP on the outcome of the notice. The CAP may, at this time, consider if it wishes to lodge an application with the Environment, Resources and Development Court seeking an order to quash the deemed consent notice.

Where such an application to quash a deemed consent notice must be lodged by a due date before the CAP is next due to meet, it is recommended that the power to lodge the application be delegated to the Chief Executive Officer and Assessment Manager, either alone or in consultation with the Presiding Member.

Summary of recommended delegations under the Act

In summary, it is recommended that the administration functions and decisions for all applications that sit with the CAP as the relevant authority be delegated to the Chief Executive Officer and Assessment Manager with specific conditions in place to require some applications to be presented to CAP. It is recommended to CAP that conditions are drafted to require the following types of applications to be presented to the CAP for a decision:

- Where a valid representor wishes to be heard;
- The relevant application is for:
 - Demolition of a building (except an ancillary building), one or more new dwellings and/or land division creating one or more new allotments in an Historic Area Overlay;
 - Residential development of three or more storeys above finished ground level; or

- Mixed use development including residential development of three or more storeys above finished ground level.

Further it is also recommended that the CAP consider conditions which allow the Chief Executive Officer and Assessment Manager to act to determine applications in the following circumstances:

- Where it is nearing the end of the prescribed timeframe for determining the application where the applicant has not agreed to extend the assessment timeframe and a CAP meeting cannot be convened within the required time, refuse planning consent, and not hear representors if applicable, either alone or in consultation with the Presiding Member; or
- Where a deemed consent notice has been served on the CAP under Section 125(2) of the Act.

Finally it is also recommended that the CAP consider conditions which allow the Chief Executive Officer and Assessment Manager to commence applications to the Environment, Resources and Development Court seeking orders quashing deemed consent notices in situations where the Council Assessment Panel will not meet before the application is required to be commenced, either alone or in consultation with the Presiding Member.

It is proposed that the Assessment Manager provides advice to the CAP listing all the applications determined under delegated authority. This could be by way of a regular meeting agenda item of the CAP, or another mechanism as determined by the CAP. This will provide the CAP the opportunity to review the performance / outcomes of the delegation framework and delegated decisions. A recommendation to this effect is included in a separate report on meeting procedures included in this agenda.

Lastly, it is suggested that the CAP review its delegation of powers following the finalisation and publication of the Planning and Design Code and also after a period of operation of the Planning and Design Code within the new planning system.

Assessment Manager's powers and delegations

The Assessment Manager is a relevant authority in their own right under the Act for deemed-to-satisfy and non-notified performance assessed development applications in the City of West Torrens. The Assessment Manager intends to delegate many of their powers to the Council Administration staff to ensure efficient and effective decision-making.

The Assessment Manager also intends to delegate some of their powers to the Council Assessment Panel. This is to allow for rare circumstances in which the Assessment Manager is of the opinion that the application should be determined by CAP under delegation. Applications where the Assessment Manager is the nominated relevant authority have a shorter assessment timeframe (20 days less than applications where CAP is the relevant authority) and therefore it is anticipated that CAP will rarely be called upon to exercise these delegations.

Development Act 1993 powers and delegations

The Council has delegated powers to the CAP under the *Development Act 1993*. As part of the transition to the new planning system under the new Act, CAP will continue to consider and determine applications lodged prior to the nominated "Go Live" date under its existing delegations from the Council under the *Development Act 1993*.

Conclusion

A level of delegation to the Chief Executive Officer and Assessment Manager is proposed that will allow the CAP to continue to consider more complex applications and those where representors wish to be heard but will also allow for the efficient and effective processing of development applications under the *Planning, Development and Infrastructure Act 2016*.

A further report to the CAP formalising proposed delegations will be presented at a future CAP meeting.

Attachments

- 1. Role of Relevant Authorities in Development Assessment**
- 2. Comparison of notified developments in City of West Torrens residential areas in current and new planning system**
- 3. Instrument C - Powers of an Assessment Panel**
- 4. LGA Information Sheet - PDI Delegations - Summary of Changes (July 2020)**



THE ROLE OF RELEVANT AUTHORITIES IN DEVELOPMENT ASSESSMENT

CONSENT TYPE (SECTION OF PDI ACT)

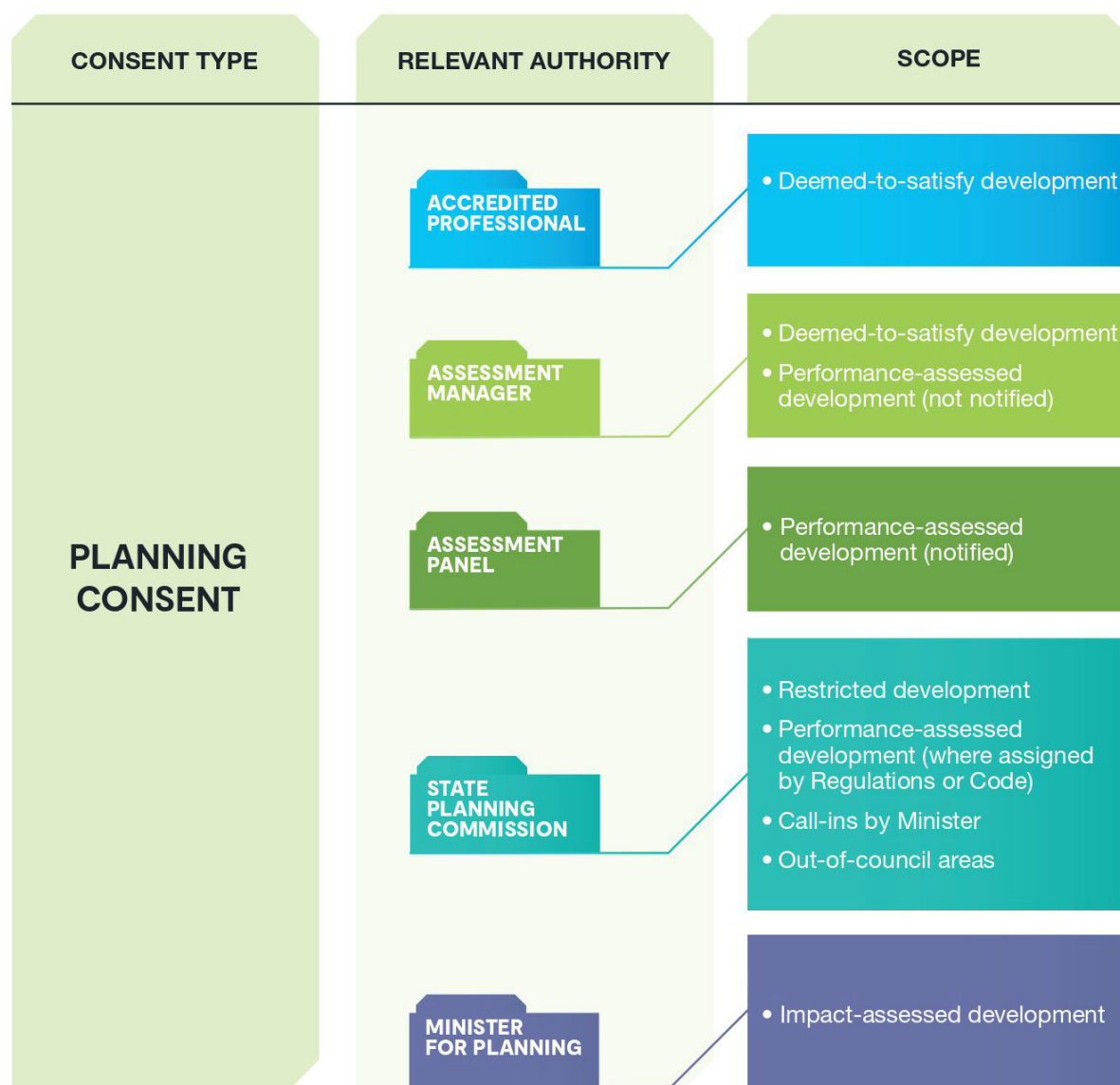
**PLANNING
CONSENT**
s102(1)(a)

**BUILDING
CONSENT**
102(1)(b)

**LAND
DIVISION**
s102(1)(c)(d)
(e)(f)

**DEVELOPMENT
APPROVAL**

**CROWN
DEVELOPMENT
APPROVAL**
s131(19)(a)





THE ROLE OF RELEVANT AUTHORITIES IN DEVELOPMENT ASSESSMENT

CONSENT TYPE (SECTION OF PDI ACT)

**PLANNING
CONSENT**
s102(1)(a)

**BUILDING
CONSENT**
102(1)(b)

**LAND
DIVISION**
s102(1)(c)(d)
(e)(f)

**DEVELOPMENT
APPROVAL**

**CROWN
DEVELOPMENT
APPROVAL**
s131(19)(a)

CONSENT TYPE	RELEVANT AUTHORITY	SCOPE
BUILDING CONSENT	ACCREDITED PROFESSIONALS (BUILDING CERTIFIER)	<ul style="list-style-type: none"> Decisions limited by accreditation level (decision-making authority in their own right)
	COUNCIL	<ul style="list-style-type: none"> Where application referred to the council under s99(1) Option to refer application to building certifier under s99(1) Must seek advice of an accredited professional before issuing consent – this could be a member of staff or private accredited professional
	ASSESSMENT PANEL	<ul style="list-style-type: none"> Must seek advice of an accredited professional before issuing consent – this could be a member of staff or private accredited professional Option to refer application to building certifier or relevant council under s99(1)
	STATE PLANNING COMMISSION	<ul style="list-style-type: none"> Must seek advice of an accredited professional before issuing consent – this could be a member of staff or private accredited professional Option to refer application to building certifier or relevant council under s99(1)
	MINISTER FOR PLANNING	<ul style="list-style-type: none"> Option to refer application to building certifier or relevant council under s99(1)

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Government of South Australia
Department of Planning,
Transport and Infrastructure



THE ROLE OF RELEVANT AUTHORITIES IN DEVELOPMENT ASSESSMENT

CONSENT TYPE (SECTION OF PDI ACT)

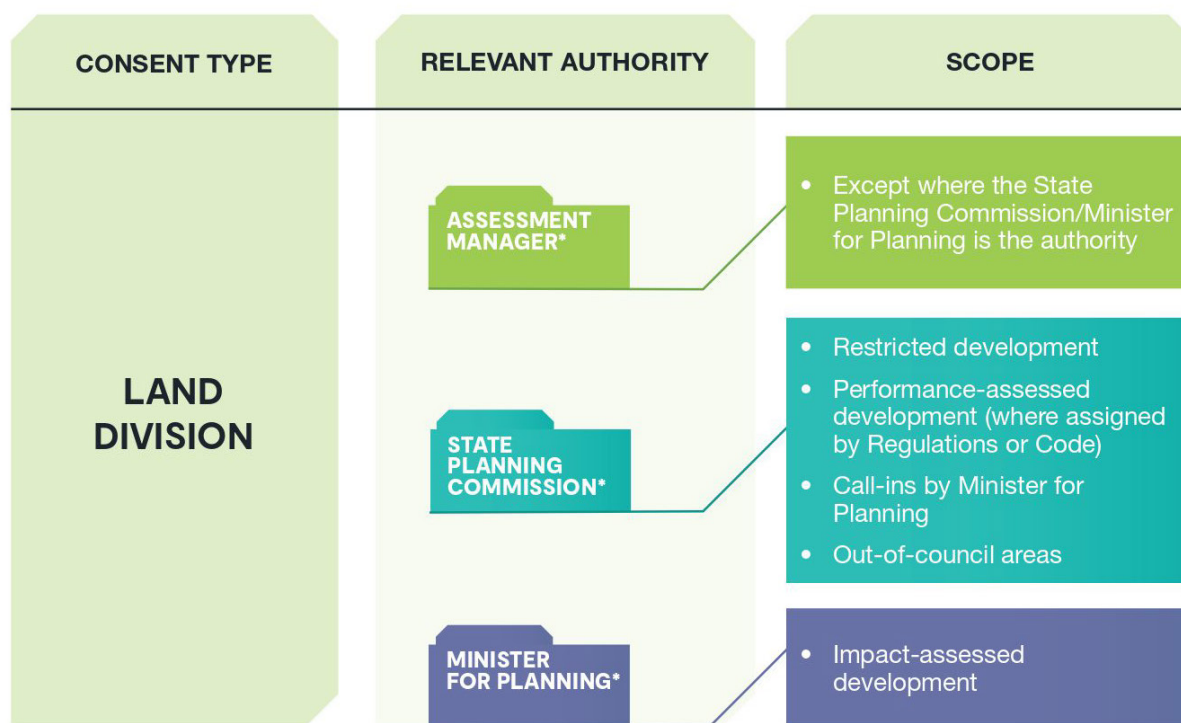
**PLANNING
CONSENT**
s102(1)(a)

**BUILDING
CONSENT**
102(1)(b)

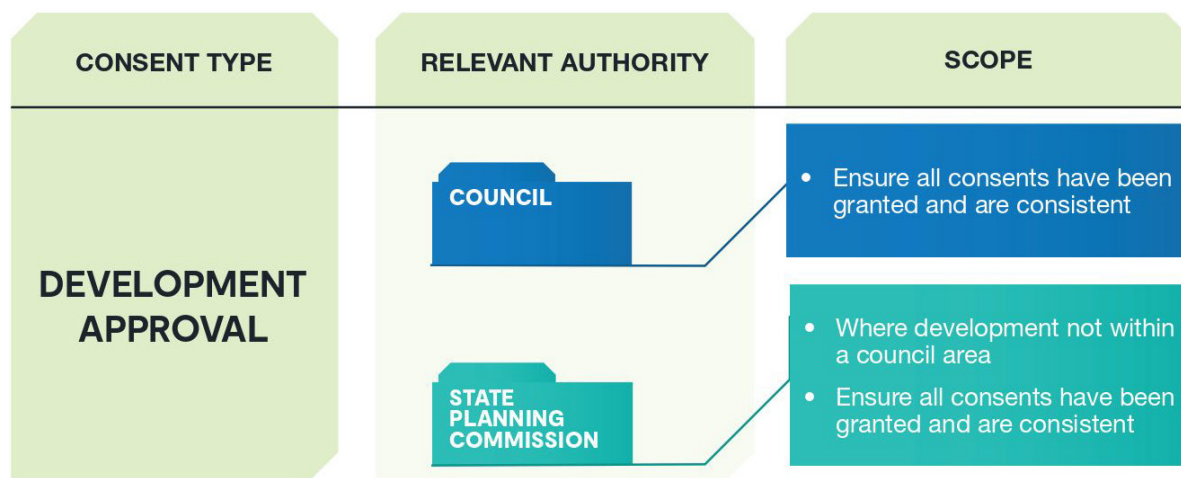
**LAND
DIVISION**
s102(1)(c)(d)
(e)(f)

**DEVELOPMENT
APPROVAL**

**CROWN
DEVELOPMENT
APPROVAL**
s131(19)(a)



*State Planning Commission provides 'Statement of Requirements', including consultation with the relevant council where new public roads/reserves are proposed.





THE ROLE OF RELEVANT AUTHORITIES IN DEVELOPMENT ASSESSMENT

CONSENT TYPE (SECTION OF PDI ACT)

**PLANNING
CONSENT**
s102(1)(a)

**BUILDING
CONSENT**
102(1)(b)

**LAND
DIVISION**
s102(1)(c)(d)
(e)(f)

**DEVELOPMENT
APPROVAL**

**CROWN
DEVELOPMENT
APPROVAL**
s131(19)(a)

CONSENT TYPE	RELEVANT AUTHORITY	SCOPE
CROWN DEVELOPMENT APPROVAL	MINISTER FOR PLANNING	<ul style="list-style-type: none"> State agency development and essential infrastructure development initiated or supported by a state agency Assessed by the State Planning Commission - report to the Minister for Planning Proponent responsible for ensuring building work is certified before building work is undertaken No consents under s102 required

A comparison of public notification requirements in City of West Torrens residential areas under current and proposed assessment pathways

Current: Residential Zone Development Plan and Development Regulations	Proposed: Neighbourhood Zones in Draft Planning and Design Code
Cat 2: 1 or more buildings of 2 storeys comprising dwellings	Notified only where building height exceeds 9 metres
Cat 2: 2 or more dwellings on the same site where at least 1 of those dwellings is 2 storeys high, but no residential building is to be more than 2 storeys high.	Notified only where building height exceeds 9 metres
Cat 2: Land division where the division will, in the opinion of the relevant authority, change the nature or function of an existing road	Not notified
Cat 2: Tree-damaging activity undertaken by Council	Not notified
Cat 2: Dwelling exceeding one storey within Residential Policy Areas 22-33	Notified only where building height exceeds 9 metres
Cat 2: Demolition of all or part of a Contributory Item or Local Heritage Places.	Notified where demolition of a local heritage place
Cat 3: Demolition of all or part of State Heritage Place.	Notified where demolition of a state heritage place
Cat 1: Demolition of a non-listed building in Historic Conservation Area	Notified where demolition of a building in Historic Area Overlay (<i>Established Neighbourhood Zone only</i>)
Cat 1 or 3 (Non-Complying): Advertisements <i>Note: Cat 1 or 3 depending on if it is ancillary to an existing building and considered to be minor in nature</i>	Notified (unless minor)
Cat 3 (Non-Complying): Shop or group of shops where the gross leasable area is 250m ² or greater.	Notified only where use exceeds DTS floor area (generally over 100m ² in residential areas unless adjacent to an arterial road or existing centre and doesn't exceed 200m ²)
Cat 3 (Non-Complying): Consulting room where the total floor area is greater than 100m ² or the site fronts an arterial road	Notified only where use exceeds DTS floor area (generally over 100m ² in residential areas unless adjacent to an arterial road or existing centre and doesn't exceed 200m ²)

Current: Residential Zone Development Plan and Development Regulations	Proposed: Neighbourhood Zones in Draft Planning and Design Code
Cat 3 (Non-Complying): Office where the total floor area is greater than 100m ² or the site fronts an arterial road	Notified only where use exceeds DTS floor area (generally over 100m ² in residential areas unless adjacent to an arterial road or existing centre and doesn't exceed 200m ²)
Cat 1 or 3: Alterations to existing educational establishments, community facilities or pre-schools <i>Note: Cat 1 or 3 depending on scope of works proposed and whether considered to be of a minor nature only and will not unreasonably impact on owners/occupiers of land in the locality of the site of the development.</i>	Notified (<i>Established Neighbourhood Zone only</i>) Notified only where setback to residential land use is less than 3m, building height exceeds 1m and car parking not achieved. (<i>other Neighbourhood Zones</i>)
Cat 3 (possibly Non-Complying): Other commercial, industrial uses	Notified

Note: This summary of the public notification requirements for the Draft Planning and Design Code is subject to change. PlanSA staff have indicated there will be changes prior to the final Planning and Design Code being published.

Note: The public notification performance assessed pathway is most comparable to the public notification 'merit' assessment process under the *Development Act 1993* and does not include the additional assessment steps associated with the 'non-complying' process under the *Development Act 1993* and only affords appeal rights to the applicant (not to third parties or representors).

INSTRUMENT C

INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS, PLANNING AND DESIGN CODE AND PRACTICE DIRECTIONS OF POWERS OF AN ASSESSMENT PANEL

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Assessment Panel decision to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Environment and Food Production Areas – Greater Adelaide
1.1 The power pursuant to Section 7(5)(a) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to seek the concurrence of the Commission in the granting of the development authorisation to the development.
1.2 The power pursuant to Section 7(5)(d) of the PDI Act in relation to a proposed development in an environment and food production area that involves a division of land that would create one or more additional allotments, to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.
2. Appointment of Additional Members
2.1 The power pursuant to Section 85(1) of the PDI Act to appoint 1 or 2 members to act as additional members of the assessment panel for the purposes of dealing with a matter that the assessment panel must assess as a relevant authority under the PDI Act.
3. Relevant Authority – Commission
3.1 The power pursuant to Section 94(3)(a) of the PDI Act, if the Minister acts under Section 94(1)(h) of the PDI Act to, at the request of the Commission, provide the Commission with a report relating to any application for development authorisation that has been under consideration by the relevant

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INSTRUMENT C

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE
ACT 2016, REGULATIONS, PLANNING AND DESIGN CODE AND PRACTICE DIRECTIONS OF
POWERS OF AN ASSESSMENT PANEL**

authority.	
4.	Relevant Provisions
4.1	The power pursuant to Section 99(1) of the PDI Act, if a proposed development involves the performance of building work to determine to act under Section 99(1) of the PDI Act to:
4.1.1	refer the assessment of the development in respect of the Building Rules to the council for the area in which the proposed development is to be undertaken; or
4.1.2	require that the assessment of the development in respect of the Building Rules be undertaken by a building certifier.
5.	Matters Against Which Development Must Be Assessed
5.1	The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):
5.1.1	-
5.1.1.1	the relevant provisions of the Planning Rules; and
5.1.1.2	to the extent provided by Part 7 Division 2 of the PDI Act – the impacts of the development, (planning consent);
5.1.2	the relevant provisions of the Building Rules (building consent);
5.1.3	in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) - the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under the PDI Act):
5.1.3.1	requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied;
5.1.3.2	any relevant requirements set out in a design standard has been satisfied;
5.1.3.3	the requirements of a water industry entity under the Water Industry Act 2012 identified under the regulations relating to the provision of water supply and sewerage services are

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INSTRUMENT C

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE
ACT 2016, REGULATIONS, PLANNING AND DESIGN CODE AND PRACTICE DIRECTIONS OF
POWERS OF AN ASSESSMENT PANEL**

	satisfied;
5.1.3.4	where land is to be vested in a council or other authority - the council or authority consents to the vesting;
5.1.3.5	requirements set out in regulations made for the purposes of Section 102(1)(c) of the PDI Act are satisfied;
5.1.4	in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 - the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under the PDI Act):
5.1.4.1	requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied;
5.1.4.2	any relevant requirements set out in a design standard has been satisfied;
5.1.4.3	any encroachment of a lot or unit over other land is acceptable having regard to any provision made by the Planning and Design Code or a design standard;
5.1.4.4	where land is to be vested in a council or other authority - the council or authority consents to the vesting;
5.1.4.5	a building or item intended to establish a boundary (or part of a boundary) of a lot or lots or a unit or units is appropriate for that purpose;
5.1.4.6	the division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 is appropriate having regard to the nature and extent of the common property that would be established by the relevant scheme;
5.1.4.7	the requirements of a water industry entity under the Water Industry Act 2012 identified under the regulations relating to the provision of water supply and sewerage services are satisfied;
5.1.4.8	any building situated on the land complies with the Building Rules;
5.1.4.9	requirements set out in the regulations made for the purposes of Section 102(d) of the PDI Act are satisfied;
5.1.5	any encroachment of a building over, under, across or on a public

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INSTRUMENT C

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE
ACT 2016, REGULATIONS, PLANNING AND DESIGN CODE AND PRACTICE DIRECTIONS OF
POWERS OF AN ASSESSMENT PANEL**

	place (and not otherwise dealt with above) is acceptable having regard to any provision made by the Planning and Design Code or a design standard;
5.1.6	if relevant - requirements applying under Part 15 Division 2 of the PDI Act are satisfied;
5.1.7	such other matters as may be prescribed.
5.2	The power pursuant to Section 102(3) of the PDI Act to, in relation to granting a planning consent, on the delegate's own initiative or on application, reserve the delegate's decision on a specified matter or reserve the delegate's decision to grant a planning consent:
5.2.1	until further assessment of the relevant development under the PDI Act; or
5.2.2	until further assessment or consideration of the proposed development under another Act; or
5.2.3	until a licence, permission, consent, approval, authorisation, certificate or other authority is granted, or not granted (by the decision of another authority), under another Act.
5.3	The power pursuant to Section 102(4) of the PDI Act to allow any matter specified by the Planning and Design Code for the purposes of Section 102(4) of the PDI Act to be reserved on the application of the applicant.
6.	Performance Assessed Development
6.1	The power pursuant to Section 107(2)(c) of the PDI Act to form the opinion that the development is seriously at variance with the Planning and Design Code (disregarding minor variations).
6.2	The power pursuant to Section 107(3) of the PDI Act, if a proposed development is to be assessed under Section 107 of the PDI Act to make a decision in accordance with a practice direction.
6.3	The power pursuant to Section 107(4) of the PDI Act to limit the matters that the delegate will take into account to what should be the decision of the relevant authority as to planning consent in relation to the performance based elements of the development as assessed on its merits.
7.	Building Consent
7.1	The power pursuant to Section 118(1) of the PDI Act, if the Regulations provide that a form of building work complies with the Building Rules, to grant

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	any such building work a building consent (subject to such conditions or exceptions as may be prescribed by the regulations).
7.2	The power pursuant to Section 118(2)(a) of the PDI Act to seek the concurrence of the Commission to grant a building consent in respect of a development that is at variance with the performance requirements of the Building Code or a Ministerial building standard.
7.3	The power pursuant to Section 118(2) of the PDI Act, subject to Section 118(6) of the PDI Act, to grant a building consent to a development that is at variance with the Building Rules if:
7.3.1	the variance is with a part of the Building Rules other than the Building Code or a Ministerial building standard and the delegate determines that it is appropriate to grant the consent despite the variance on the basis that the delegate is satisfied:
7.3.1.1	that:
	(a) the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building work fails to conform with the Building Rules only in minor respects; and
	(b) the variance is justifiable having regard to the objects of the Planning and Design Code or the performance requirements of the Building Code or a Ministerial building standard (as the case may be) and would achieve the objects of this Act as effectively, or more effectively, than if the variance were not to be allowed; or
7.3.1.2	in a case where the consent is being sought after the development has occurred - that the variance is justifiable in the circumstances of the particular case.
7.4	The power pursuant to Section 118(4) of the PDI Act, to 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.
7.5	The power pursuant to Section 118(6) of the PDI Act if an inconsistency exists between the Building Rules and the Planning Rules in relation to a State heritage place or a local heritage place, to, in determining an application for building consent, ensure, so far as is reasonably practicable, that standards of building soundness, occupant safety and amenity are achieved

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	in respect of the development that are as good as can reasonably be achieved in the circumstances.
7.6	The power pursuant to Section 118(7) of the PDI Act to seek and consider the advice of the Commission before imposing or agreeing to a requirement under Section 18(6) of the PDI Act that would be at variance with the performance requirements of the Building Code or a Ministerial building standard.
7.7	The power pursuant to Section 118(8) of the PDI Act, to, subject to the PDI Act, accept that proposed building work complies with the Building Rules to the extent that:
7.7.1	such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the regulations; or
7.7.2	such compliance is certified by a building certifier.
7.8	The power pursuant to Section 118(10) of the PDI Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building of that classification
7.9	The power pursuant to Section 118(11) of the PDI Act, if a relevant authority decides to grant building consent in relation to a development that is at variance with the Building Rules, to, subject to the regulations, in giving notice of the relevant authority's decision on the application for that consent, specify (in the notice or in an accompanying document):
7.9.1	the variance; and
7.9.2	the grounds on which the decision is being made.
8.	Application and Provision of Information
8.1	The power pursuant to Section 119(1)(b) of the PDI Act to require an application to the relevant authority for the purposes of Part 7 of the PDI Act, to include any information as the delegate may reasonably require.
8.2	The power pursuant to Section 119(3) of the PDI Act to request an applicant:
8.2.1	to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application;

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8.2.2	to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;
8.2.3	to consult with an authority or body prescribed by the regulations;
8.2.4	to comply with any other requirement prescribed by the regulations.
8.3	The power pursuant to Section 119(6) of the PDI Act if a request is made under Section 119(3) of the PDI Act, and the request is not complied with within the time specified by the regulations, to
8.3.1	subject to Section 119(6)(b)(ii) of the PDI Act, refuse the application; and
8.3.2	refuse the application in prescribed circumstances (including, if the regulations so provide, in a case involving development that is deemed-to-satisfy development).
8.4	The power pursuant to Section 119(7) of the PDI Act to, in dealing with an application that relates to a regulated tree, consider that special circumstances apply.
8.5	The power pursuant to Section 119(9) of the PDI Act to:
8.5.1	permit an applicant:
8.5.1.1	to vary an application;
8.5.1.2	to vary any plans, drawings, specifications or other documents that accompanied an application,
	(provided that the essential nature of the proposed development is not changed);
8.5.2	permit an applicant to lodge an application without the provision of any information or document required by the regulations;
8.5.3	to the extent that the fee is payable to the relevant authority waive payment of whole or part of the application fee, or refund an application fee (in whole or in part);
8.5.4	if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the

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	applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed.
8.6	The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit.
8.7	The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages.
8.8	The power pursuant to Section 119(14) of the PDI Act to if an applicant withdraws an application to determine to refund the application fee.
9.	Outline Consent
9.1	The power pursuant to Section 120(1) of the PDI Act and subject to Section 120 of the PDI Act, to on application, grant a consent in the nature of an outline consent.
9.2	The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to:
9.2.1	grant any consent contemplated by the outline consent; and
9.2.2	not impose a requirement that is inconsistent with the outline consent.
10.	Design Review
10.1	The power pursuant to Section 121(7) of the PDI Act, to in acting under the PDI Act, take into account any advice provided by a design panel (insofar as may be relevant to the assessment of proposed development by the delegate).
11.	Referrals to Other Authorities or Agencies
11.1	The power pursuant to Section 122(1) of the PDI Act, where an application for consent to, or approval of, a proposed development of a prescribed class is to be assessed by a relevant authority, to:
11.1.1	refer the application, together with a copy of any relevant information provided by the applicant, to a body prescribed by the regulations (including, if so prescribed, the Commission); and
11.1.2	not make a decision until the relevant authority has received a

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	response from that prescribed body in relation to the matter or matters for which the referral was made
	where the regulations so provide, subject to Section 122 of the PDI Act.
11.2	The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:
11.2.1	to refuse the application; or
11.2.2	consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body)
	where the regulations so provide.
11.3	The power pursuant to Section 122(7) of the PDI Act, if the relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the PDI Act, to apply for the relevant authority to be joined as a party to the proceedings.
11.4	The power pursuant to Section 122(10) of the PDI Act to, if requested by an applicant, defer a referral under Section 122 of the PDI Act to a particular stage in the process of assessment.
12. Preliminary Advice and Agreement	
12.1	The power pursuant to Section 123(2) of the PDI Act, if:
12.1.1	a proposed development is referred to a prescribed body under Section 123(1) of the PDI Act; and
12.1.2	the prescribed body agrees to consider the matter under Section 123 of the PDI Act after taking into account any matter prescribed by the regulations; and
12.1.3	the prescribed body agrees, in the manner prescribed by the regulations, that the development meets the requirements (if any) of the prescribed body (including on the basis of the imposition of conditions),
	to, subject to Section 123(4) of the PDI Act if an application for planning consent with respect to the development is lodged with the relevant authority within the prescribed period after the prescribed body has indicated its agreement under Section 123(2)(c) of the PDI Act, form the opinion and be satisfied that the application accords with the agreement indicated by the

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	prescribed body (taking into account the terms or elements of that agreement and any relevant plans and other documentation).
12.2	The power pursuant to Section 123(4) of the PDI Act to determine an agreement under Section 123 of the PDI Act is no longer appropriate due to the operation of Section 132 of the PDI Act.
13.	Proposed Development Involving Creation of Fortifications
13.1	The power pursuant to Section 124(1) of the PDI Act, if the delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police (the Commissioner).
13.2	The power pursuant to Section 124(5) of the PDI Act, if the Commissioner determines that the proposed development involves the creation of fortification, to:
13.2.1	if the proposed development consists only of the creation fortifications - refuse the application; or
13.2.2	in any other case - impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications
13.3	The power pursuant to Section 124(6) of the PDI Act, if the relevant authority acting on the basis of a determination of the Commissioner under Section 124(2) of the PDI Act refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 124 of the PDI Act.
13.4	The power pursuant to Section 124(7) of the PDI Act, if a refusal or condition referred to in Section 124(5) of the PDI Act is the subject of an appeal under the PDI Act to apply to the Court to be joined as a party to the appeal.
14.	Time Within Which Decision Must be Made
14.1	The power pursuant to Section 125(6) of the PDI Act to form the opinion and consider that the relevant application for planning consent should have been refused and apply to the Court for an order quashing the consent.
14.2	The power pursuant to Section 125(7) of the Act to apply to the Court for an extension of time to make an application under Section 125(6) of the Act.
15.	Determination of Application

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15.1	The power pursuant to Section 126(1) of the PDI Act to, on making a decision on an application under Part 7 of the PDI Act, give notice of the decision in accordance with the regulations (and, in the case of a refusal, to include in the notice the reasons for the refusal and any appeal rights that exist under the PDI Act).
15.2	The power pursuant to Section 126(3) of the PDI Act to, on the delegate's own initiative or on the application of a person who has the benefit of any relevant development authorisation, extend a period prescribed under Section 126(2) of the PDI Act.
16.	Conditions
16.1	The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such conditions (if any) as the delegate thinks fit to impose in relation to the development.
16.2	The power pursuant to Section 127(2)(c) of the PDI Act to vary or revoke a condition in accordance with an application under Part 7 of the PDI Act.
16.3	The power pursuant to Section 127(4) of the PDI Act, subject to Sections 127(6) and (8) of the PDI Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).
16.4	The power pursuant to Section 127(6) of the PDI Act to, on the application of the applicant, determine that a payment of an amount calculated in accordance with the regulations be made into the relevant fund in lieu of planting 1 or more replacement trees under Section 127(4) of the PDI Act.
16.5	The power pursuant to Section 127(8)(b) of the PDI Act to:
16.5.1	determine that it is appropriate to grant an exemption under Section 127(8)(b) of the PDI Act in a particular case after taking into account any criteria prescribed by the regulations and provided the Minister concurs in the granting of the exemption;
16.5.2	to seek the Minister's concurrence to grant an exemption under Section 127(8)(b) of the PDI Act.
17.	Variation of Authorisation

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17.1	The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for a variation to a development authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation remains operative.
18. Requirement to Up-grade	
18.1	The power pursuant to Section 134(1) of the PDI Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition.
18.2	The power pursuant to Section 134(1) of the PDI Act, if:
18.2.1	an application for a building consent relates to:
18.2.1.1	building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of Section 134(1) of the PDI Act; or
18.2.1.2	a change of classification of a building; and
18.2.2	the building is, in the opinion of the delegate, unsafe, structurally unsound or in an unhealthy condition,
	to require that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.
18.3	The power pursuant to Section 134(2) of the PDI Act, when imposing a requirement under Section 134(1) of the PDI Act, to specify (in reasonable detail) the matters under Section 134(1)(b) of the PDI Act that must, in the opinion of the delegate, be addressed.
18.4	The power pursuant to Section 134(3) of the PDI Act to impose a requirement under Section 134(1) of the PDI Act:
18.4.1	subject to Section 134(3)(b) of the PDI Act - on the basis that the relevant matters must be addressed as part of the application before the relevant authority will grant building consent; and
18.4.2	in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed
18.5	The power pursuant to Section 134(4) of the PDI Act if:

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18.5.1	an application is made for building consent for building work in the nature of an alteration of a class prescribed by the regulations; and
18.5.2	the delegate is of the opinion that the affected part of the building does not comply with the performance requirements of the Building Code or a Ministerial building standard in relation to access to buildings, and facilities and services within buildings, for people with disabilities,
	to require that building work or other measures be carried out to the extent necessary to ensure that the affected part of the building will comply with those performance requirements of the Building Code or the Ministerial building standard (as the case may be).
18.6	The power pursuant to Section 134(5) of the PDI Act to impose a requirement under Section 134(4) of the PDI Act:
18.6.1	subject to Section 134(5)(b) of the PDI Act - on the basis that the building work or other measures to achieve compliance with the relevant performance requirements must be addressed before the relevant authority will grant building consent; and
18.6.2	in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed.
19. Cancellation of Development Authorisation	
19.1	The power pursuant to Section 143(1) of the PDI Act to, on the application of a person who has the benefit of the authorisation, cancel a development authorisation previously given by the relevant authority.
19.2	The power pursuant to Section 143(2) of the PDI Act to make a cancellation under Section 143(1) of the PDI Act subject to such conditions (if any) as the delegate thinks fit to impose.
20. Professional Advice to be Obtained in Relation to Certain Matters	
20.1	The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.
20.2	The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be

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sought.	
21.	General Transitional Schemes for Panels
21.1	The power pursuant to Clause 12(7) of Schedule 8 of the PDI Act, to
21.1.1	adopt any findings or determinations of a council development assessment panel under the repealed Act that may be relevant to an application made before the relevant day under the repealed Act; and
21.1.2	adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application made before the relevant day under the repealed Act; and
21.1.3	deal with any matter that is subject to a reserved decision under the repealed Act before the relevant day; and
21.1.4	deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act; and
21.1.5	deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act.
<u>(Only applicable to assessment panels appointed by a council or a joint planning board)</u>	
22.	Regional Assessment Panels
22.1	The power pursuant to Clause 13(5) of Schedule 8 of the PDI Act to:
22.1.1	adopt any findings or determinations of a council development assessment panel or a regional development assessment panel under the repealed Act that may be relevant to an application made before the relevant day under the repealed Act; and
22.1.2	adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application made before the relevant day under the repealed Act; and
22.1.3	deal with any matter that is subject to a reserved decision under the repealed Act before the relevant day; and
22.1.4	deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant

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	day under the repealed Act; and
22.1.5	deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act.
<u>(Relevant to regional assessment panels only)</u>	
23. Continuation of Processes	
23.1	The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to:
23.1.1	adopt any findings or determinations of a relevant authority under the repealed Act that may be relevant to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and
23.1.2	adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and
23.1.3	deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and
23.1.4	deal with any requirement or grant any variation imposed or proposed in connection with an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and
23.1.5	take any other step or make any other determination authorised by the regulations, or that is reasonably necessary to promote or ensure a smooth transition on account of the transfer of functions, powers or duties under Clause 18 of Schedule 8 of the PDI Act.

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24. Accredited Professionals	
24.1	The power pursuant to Regulation 25(7)(c) of the Planning, Development and Infrastructure (General) Regulations 2017 (the General Regulations) to form the opinion and be satisfied, on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or other relevant registration or accreditation authority, that a person has engineering or other qualifications that qualify the person to act as

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a technical expert under Regulation 25 of the General Regulations.	
25. Verification of Application	
25.1	The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:
25.1.1	determine the nature of the development; and
25.1.2	if the application is for planning consent - determine:
25.1.2.1	whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and
25.1.2.2	the category or categories of development that apply for the purposes of development assessment; and
25.1.3	determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and
25.1.4	if the relevant authority is the correct entity to assess the application (or any part of the application):
25.1.4.1	check that the appropriate documents and information have been lodged with the application; and
25.1.4.2	confirm the fees required to be paid at that point under the <i>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</i> ; and
25.1.4.3	provide an appropriate notice via the SA planning portal; and
25.1.5	if the relevant authority is not the correct entity to assess the application (or any part of the application):
25.1.5.1	provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any

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	practice direction; and
	25.1.5.2 provide an appropriate notice via the SA planning portal.
26.	Application and Further Information
26.1	The power pursuant to Regulation 33(4) of the General Regulations to seek clarification about any document or information that has been provided by the applicant.
27.	Amended Applications
27.1	The power pursuant to Regulation 35(3) of the General Regulations if an application is varied following referral under Division 2 or giving of notice under Division 3, to, if the variations are not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.
27.2	The power pursuant to Regulation 35(4) of the General Regulations if a variation would change the essential nature of a proposed development (as referred to in Section 119(9)(a) of the PDI Act), to agree with the applicant to proceed with the variation on the basis that the application (as so varied) will be treated as a new application under the General Regulations.
28.	Withdrawing/Lapsing Applications
28.1	The power pursuant to Regulation 38(1) of the General Regulations if an application is withdrawn by the applicant under Section 119(14) of the PDI Act, to notify:
28.1.1	any agency to which the application has been referred under Division 2 of the General Regulations; and
28.1.2	any person who has made a representation in relation to the application under Division 3 of the General Regulations,
	of the withdrawal.
28.2	The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations, to:
28.2.1	take reasonable steps to notify the applicant of the action under consideration; and
28.2.2	allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and form determined by the delegate)

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about the proposed course of action.	
29. Court Proceedings	
29.1	The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by notice in writing to the applicant, decline to deal with the application until any proceedings under the PDI Act have been concluded.
30. Additional Information or Amended Plans	
30.1	The power pursuant to Regulation 42(1) of the General Regulations if a delegate has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.
31. Building Matters	
31.1	The power pursuant to Regulation 45(1) of the General Regulations to, if in assessing an application for building consent, the delegate considers that:
31.1.1	a proposed performance solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for the intervention of a fire authority; or
31.1.2	the proposed development is at variance with a performance requirement of the Building Code which provides for the intervention of a fire authority; or
31.1.3	special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code,
	refer the application to the relevant fire authority for comment and report unless the fire authority indicates to the delegate that a referral is not required.
31.2	The power pursuant to Regulation 45(2) of the General Regulations, if a report is not received from the fire authority on a referral under Regulation 45(1) of the General Regulations within 20 business days, to presume that the fire authority does not desire to make a report.
31.3	The power pursuant to Regulation 45(3) of the General Regulations to have regard to any report received from a fire authority under Regulation 45 of the

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General Regulations.	
31.4	The power pursuant to Regulation 45(4) of the General Regulations, if, in respect of an application referred to a fire authority under Regulation 45 of the General Regulations, the fire authority:
31.4.1	recommends against the granting of building consent; or
31.4.2	concurs in the granting of consent on conditions specified in its report,
but the delegate:	
31.4.3	proposes to grant building consent despite a recommendation referred to in Regulation 45(4)(a) of the General Regulations; or
31.4.4	does not propose to impose the conditions referred to in Regulation 45(b) of the General Regulations, or proposes to impose the conditions in varied form, on the grant of consent,
to:	
31.4.5	refer the application to the Commission; and
31.4.6	not grant consent unless the Commission concurs in the granting of the consent.
31.5	The power pursuant to Regulation 45(5) of the General Regulations to provide to the Commission a copy of any report received from a fire authority under Regulation 45(1) of the General Regulations that relates to an application that is referred to the Commission under the PDI Act.
32. Preliminary Advice and Agreement (Section 123)	
32.1	The power pursuant to Regulation 46(6) of the General Regulations, if:
32.1.1	the delegate permits an applicant to vary an application under Section 119(9) of the PDI Act; and
32.1.2	the delegate determines that the application no longer accords with the agreement indicated by the prescribed body,
to refer the application (unless withdrawn) to the prescribed body:	
32.1.3	to obtain a variation to the agreement under Section 123 of the PDI Act; or

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32.1.4	to obtain a response from the prescribed body for the purposes of Section 122 of the PDI Act.
32.2	The power pursuant to Regulation 46(7) of the General Regulations if:
32.2.1	an application is withdrawn by the applicant; and
32.2.2	the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application,
	to notify relevant prescribed body of the withdrawal.
32.3	The power pursuant to Regulation 46(8) of the General Regulations, if:
32.3.1	an application is lapsed by a relevant authority under Regulation 38 of the General Regulations; and
32.3.2	the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application,
	to notify the relevant prescribed body of the lapsing.
32.4	The power pursuant to Regulation 46(9) of the General Regulations, if:
32.4.1	an applicant seeks to rely on an agreement under Section 123 of the PDI Act in connection with the application; and
32.4.2	a notice of a decision on the application is issued by the delegate under Regulation 57 of the General Regulations,
	to provide a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under Regulation 57 of the General Regulations.
33.	Notification of Application of Tree-damaging Activity to Owner of Land
33.1	The power pursuant to Regulation 48 of the General Regulations, if an owner of land to which an application for a tree-damaging activity in relation to a regulated tree relates is not a party to the application, to:
33.1.1	give the owner notice of the application within 5 business days after the application is made; and
33.1.2	give due consideration in the delegate's assessment of the application to any submission made by the owner within 10 business days after the giving of notice under Regulation 48 of the General

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Regulations.	
34. Public Inspection of Applications	
34.1	The power pursuant to Regulation 49(3) of the General Regulations to request a person verify information in such manner as the delegate thinks fit.
35. Representations	
35.1	The power pursuant to Regulation 50(5) of the General Regulations to, if the delegate considers that it would assist the delegate in making a decision on the application, allow a person:
35.1.1	who has made a representation under Regulation 50(1) of the General Regulations in relation to development being assessed under Section 107 of the PDI Act; and
35.1.2	who has indicated an interest in appearing before the delegate,
	an opportunity (at a time determined by the delegate) to appear personally or by representative before the delegate to be heard in support of the representation that has been made under Regulation 50(1) of the General Regulations.
36. Response by Applicant	
36.1	The power pursuant to Regulation 51(1) of the General Regulations to allow a response to a representation by the applicant to be made within such longer period as the delegate may allow.
37. Notice of Decision (Section 126(1))	
37.1	The power pursuant to Regulation 57(4)(a) of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication.
38. Consideration of Other Development Authorisations	
38.1	The power pursuant to Regulation 60 of the General Regulations, to, in deciding whether to grant a development authorisation, take into account any prior development authorisation that relates to the same proposed development under the PDI Act, and any conditions that apply in relation to that prior development authorisation.
39. Certificate of Independent Technical Expert in Certain Cases	
39.1	The power pursuant to Regulation 61(4)(c) of the General Regulations to form

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	the opinion and be satisfied on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or another relevant registration or accreditation authority, that a person has engineering or other qualifications, qualify the person to act as a technical expert under this regulation.
40. Urgent Work	
40.1	The power pursuant to Regulation 63(1) of the General Regulations to,
40.1.1	determine a telephone number determined for the purposes of Regulation 63(1)(a) of the General Regulations; and
40.1.2	determine the email address for the purposes of Regulation 63(1)(b) of the General Regulations.
40.2	The power pursuant to Regulation 63(2) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.
40.3	The power pursuant to Regulation 63(3) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.
41. Variation of Authorisation (Section 128)	
41.1	The power pursuant to Regulation 65(1) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation.
42. Advice from Commission	
42.1	The power pursuant to Regulation 76(2) of the General Regulations, if a report is not received from the Commission within 20 business days from the day on which the application is lodged under Regulation 29 of the General Regulations or within such longer period as the Commission may require by notice to the relevant authority, to presume that the Commission does not desire to make a report.
43. Underground Mains Area	
43.1	The power pursuant to Regulation 78(3) of the General Regulations, if an application relates to a proposed development that involves the division of land within, or partly within, an underground mains area (even if the area is declared as such after the application is lodged with the relevant authority), to

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	require, as a condition on its decision on the application, that any electricity mains be placed underground.
44.	Plans for Residential Alterations, Additions and New Dwellings
44.1	The power pursuant to Clause 2(d)(ii)(B) of Schedule 8 of the General Regulations to form the belief that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land.
44.2	The power pursuant to Clause 2(d)(ii)(D) of Schedule 8 of the General Regulations to be satisfied a site contamination audit report (within the meaning of the Environment Protection Act 1993) is not required.
45.	Plans for Building Work
45.1	The power pursuant to Clause 4(3) of Schedule 8 of the General Regulations, in relation to an application for building consent for development consisting of or involving an alteration to a building, if:
45.1.1	the applicant is applying for a change in the classification of the building to a classification other than Class 10 under the Building Code; or
45.1.2	the building was erected before 1 January 1974 and the applicant is applying for a classification other than Class 10 under the Building Code to be assigned to the building,
	to require the application to be accompanied by such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the delegate reasonably requires to show that the entire building will, on completion of the building work, comply with the requirements of the PDI Act and the General Regulations for a building of the classification applied for or with so many of those requirements as will ensure that the building is safe and conforms to a proper structural standard.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND
CONTRIBUTIONS) REGULATIONS 2019**

46.	Calculation or Assessment of Fees
46.1	The power pursuant to Regulation 5(1) of the PDI (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged with the council under a related set of

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regulations (including via the SA planning portal):	
46.1.1	to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and
46.1.2	to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the assessment panel is not a relevant authority).
46.2	The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate is acting under Regulation 5(1) of the Fees Regulations, or as the delegate of a relevant authority, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.
46.3	The power pursuant to Regulation 5(3) of the Fees Regulations to, at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of regulations.
47. Waiver or Refund of Fee	
47.1	The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:
47.1.1	waive the payment of the fee, or the payment of part of the fee; or
47.1.2	refund the whole or a part of the fee.

PLANNING AND DESIGN CODE

48. Procedural Matter

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- 48.1 The power pursuant to and in accordance with the Planning and Design Code (**the PD Code**) to form the opinion development is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development and therefore is excluded from the operation of Sections 107(3) and (4) of the PDI Act.
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49. Procedural Referrals

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- 49.1 The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature and would not warrant a referral when considering the purpose of the referral.
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49.2	The power pursuant to and in accordance with the PD Code to form the opinion and deem:
49.2.1	alteration to an existing access or public road junction;
49.2.2	development that changes the nature of vehicular movements or increases the number or frequency of movements through an existing access,
	to be minor.
49.3	The power pursuant to and in accordance with the PD Code to form the opinion an alteration or extension of an existing dwelling is minor.
49.4	The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature or like for like maintenance and would not warrant a referral when considering the purpose of the referral.
50.	Referral Body: Minister Responsible for the Administration of the Aquaculture Act 2001
50.1	The power pursuant to and in accordance with Part 9.4 of the PD Code to form the opinion that aquaculture development which involves an alteration to an existing or approved development is minor in nature.

**STATE PLANNING COMMISSION PRACTICE DIRECTION 3 (NOTIFICATION OF
PERFORMANCE ASSESSED DEVELOPMENT APPLICATIONS) 2019**

51.	Responsibility to Undertake Notification
51.1	The power pursuant to clause 6(4) of the State Planning Commission Practice Direction 3 (Notification of Performance Assessed Development Applications) 2019 (PD3), should the applicant request the relevant authority to place the notice on the land and pay the relevant fee, to (either personally or by engagement of a contractor) give notice of the application to members of the public by notice placed on the relevant land in accordance with Section 107(3)(a)(ii) of the PDI Act.
52.	Preparing for Notification
52.1	The power pursuant to clause 8 of PD3, if the applicant has confirmed they accept responsibility to place a notice on the land as per clause 6(3)(a) of PD3, to, at least 4 business days prior to the commencement of the notification period:
52.1.1	give notice of the anticipated commencement date and of the

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	notification period to the applicant; and
52.1.2	provide the applicant with a copy of the content of the notice to be placed on the relevant land in PDF format; and
52.1.3	advise the applicant of the position and number of notice(s) to be erected on the land in accordance with clause 10 of PD3.
53. Notice on Land	
53.1	The power pursuant to clause 10(2) of PD3, in relation to clause 10(2) of PD3, to determine the most appropriate position for the notice on the land in order to provide for maximum visibility from a public road, and in cases where the relevant land has more than 1 frontage to a public road, to determine that more than 1 notice must be erected on each of the public road frontages to ensure that notice of the development is reasonably apparent to members of the public.

**STATE PLANNING COMMISSION PRACTICE DIRECTION (APPOINTMENT OF
ADDITIONAL MEMBERS TO ASSESSMENT PANEL) 2019**

54. Qualifications and Experience of Additional members	
54.1	The power pursuant to clause 4(6) of the State Planning Commission Practice Direction (Appointment of Additional Members to Assessment Panel) 2019 (PD5) where the delegate forms the view that additional expert advice is required for an application which requires assessment of a matter listed in Column 1 of PD5, to engage an additional assessment panel member provided that person maintains both the minimum experience detailed in Column 2 of PD5, as well as the minimum qualification listed in Column 3 of PD5.
54.2	The power pursuant to clause 4(7) of PD5 to be satisfied of the minimum experience and qualifications of an additional assessment panel member.

**STATE PLANNING COMMISSION PRACTICE DIRECTION (SCHEME TO AVOID
CONFLICTING REGIMENS) 2019**

55. Scheme Provisions	
55.1	The power pursuant to clause 5(1) of the State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019 (PD6), to in undertaking a planning assessment or imposing controls, including through the imposition of conditions of planning consent, ensure that such assessment or controls do not conflict or duplicate matters dealt with or

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addressed under licencing or regulatory regimens under another Act.	
55.2	The power pursuant to clause 5(3) of PD6 to, where the delegate is uncertain whether a matter conflicts with, or duplicates a matter dealt with under a licencing or regulatory regime under another Act, to seek the advice of that authority or agency.

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SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

[Instructions for use: any conditions or limitations which apply to delegations under this Act should be inserted here – DELETE this note once conditions/limitations are entered. If no conditions apply insert 'NIL']

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

Information Sheet

PDI Delegations – Summary of Changes (July 2020)

In collaboration with the LGA, Norman Waterhouse has amended the 4 instruments of delegation under the *Planning, Development and Infrastructure Act 2016* and its Regulations to incorporate:

- Recent amendments to the *Planning, Development and Infrastructure (General) Regulations 2017 (General Regs)*. These have been incorporated into the existing delegations in each of Instruments A to D under the General Regs;
- The Planning and Design Code (**Code**). New delegations have been incorporated into Instruments C and D, located below the delegations under the Regulations; and
- Practice Directions 2, 3, 5, 6, 9 and 10 issued by the State Planning Commission. New delegations have been incorporated into Instruments A, C and D, located after the new Code delegations (for Instruments C and D), or after the Regulations (for Instrument A).

These amendments are available in both 'clean' and 'track changed' versions.

Summary of amendments

Instrument A: Delegations of a Council as a Council, Designated Authority and Designated Entity

Changes to delegations under the General Regs:

- Changes to Item 11 relating to amendments to the Code;
- New delegations relating to rights of indemnity for CAP and RAP members and Assessment Managers;
- New delegations relating to the setting of fees to place public notification signs on land;
- Minor changes to language in item 76.2; and
- New delegation relating to the power to determine that building work will be inspected.

Practice Directions – a new section delegating the Council's powers and functions under:

- Practice Direction 2 – Preparation and amendment of designated instruments;
- Practice Direction 3 – Notification of performance assessed development;
- Practice Direction 9 – Council inspections; and
- Practice Direction 10 – Staged occupation of multi-storey buildings.

Instrument B: Delegations of a Council as a relevant authority (for building consent and development approval)

One minor amendment has been made to amend the 'old' language of "Building Rules consent" to the 'new' language of "building consent".

Instrument C: Delegations of a CAP or RAP

Changes to delegations under the General Regs:

- A minor amendment to amend the 'old' language of "Building Rules consent" to the 'new' language of "building consent".
- An minor amendment to the regulation reference in Item 42.1;

The Code – a new section delegating the forming of opinions regarding:

- whether an application for performance assessed development is 'minor' and does not require notification; and
- whether the application requires referral.

Practice Directions – a new section delegating the CAP/RAP's powers and functions under:

- Practice Direction 3 – Notification of performance assessed development;
- Practice Direction 5 – Appointment of additional panel members; and
- Practice Direction 6 – Scheme to avoid conflicting regimens.

Instrument D: Delegations of an Assessment Manager

Changes to delegations under the General Regs:

- New delegation relating to the power for an Assessment Manager to act as a relevant authority in prescribed circumstances (relating to notification of performance assessed development);
- A minor amendment to the regulation reference in Item 37.1;

The Code – a new section delegating the forming of opinions regarding:

- whether an application for performance assessed development is 'minor' and does not require notification (this is related to the new power in new Item 22); and
- whether the application requires referral.

Practice Directions – a new section delegating the Assessment Manager's powers and functions under Practice Direction 6 – Scheme to avoid conflicting regimens.

Recommendations

In relation to deemed planning consents, Norman Waterhouse have advised that they have identified an important limitation or exclusion which they strongly encourage all Panels (instrument C) and Assessment Managers (Instrument D) to consider adopting to enable delegates to issue a consent (subject to conditions developed by them, rather than the standard conditions in PD 11) within 10 business days after a deemed consent notice is received. Below, an explanation of this, as well as recommended text is provided below.

Instruments C and D - Important limitations and exceptions to the power to grant planning consent – deemed planning consents

The power to grant planning consent pursuant to Section 102(1)(a)(i) of the PDI Act is found in:

- item 5.1.1.1 of Instrument C (CAP); and

- item 4.1.1.1 of Instrument D (Assessment Manager).

It is anticipated that many Panels and some Assessment Managers may wish to delegate this power in *part only* - i.e. for a Panel, it may be that the delegation is limited to applications in relation to which:

- No valid representations are received; or
- All valid representations are withdrawn; or
- No representor wishes to be heard.

This is an entirely appropriate course of action. However, unless an *exception* is made to these limitations, delegates will not be able to 'deal with' deemed approvals.

To recap the concept of deemed approvals, pursuant to Section 125 of the PDI Act, if a relevant authority fails to determine an application within the time stipulated in Regulation 53 of the PDI (General) Regulations, the applicant can choose to serve a "deemed consent notice" on the relevant authority. Upon service of a deemed consent notice, the application is taken to have been granted planning consent. The relevant authority can then:

- Take no action, in which case the development authorisation will remain, subject to standard conditions set out in Practice Direction 11;
- Within 10 business days, issue its own planning consent, including with its own conditions; or
- Appeal the deemed consent notice.

In relation to the standard conditions in PD 11, due to the difficult nature of drafting conditions to 'cover the field' for all possible development types, it is likely that the conditions in this practice direction may prove inadequate in some circumstances, and that enforceability may prove difficult down the track. Accordingly, in situations in which a relevant authority does not intend to appeal a deemed consent notice, it may be preferable to issue their own consent, subject to their own conditions.

However, this power (which is not a specific power under Section 125, but part of the 'ordinary' power to grant a planning consent under Section 102(1)(a) of the Act (as reflected in Item 5.1.1.1 of Instrument C and 4.1.1.1 of Instrument D) must be exercised within 10 business days.

Accordingly, it will be important for Panels in particular (should they wish to avoid special meetings being convened from time to time), that the power to grant planning consent to applications which are subject to a deemed consent notice is delegated, even where the application itself would not otherwise have been delegated (i.e. where a representation had been received; a representor did wish to be heard, etc).

To achieve this, we recommend that Panels in particular consider:

- where the power in Section 102(1)(a) (as reflected in Item 5.1.1.1 of Instrument C and 4.1.1.1 of Instrument D) is being delegated with limitations, that the following exception be included following the limitation:

Except in cases where a deemed consent notice has been served on the [CAP/RAP/Assessment Manager], in which case the limitation does not apply, and the [insert position – for CAP/RAP this may be the Assessment Manager] is

delegated the power pursuant to Section 102(1)(a)(i) of the PDI Act to grant consent in respect of the relevant provisions of the Planning Rules without limitation.

- Where the power in Section 102(1)(a) is not proposed to be delegated at all in normal circumstances, the panel nonetheless delegates the power in Section 102(1)(a) with the following limitation:

The delegation of the power to grant or refuse planning consent pursuant to Section 102(1)(a)(i) of the Act is limited to applications in relation to which a deemed consent notice has been served on the [CAP/RAP/Assessment Manager]

Should you need advice in working through these delegations it is recommended that you contact Norman Waterhouse for advice.

It is also strongly recommended that, wherever possible, all Phase 2 Councils, CAPs, RAPs and Assessment Managers revoke their existing delegations under the PDI Act and Regulations and consider and adopt these amended delegations **before 31 July 2020**. This may require a special meeting be convened.

Should this not be possible, it is strongly recommended that a meeting of the Council, CAP or RAP occur at the earliest opportunity after 31 July 2020, and that all staff are cognisant of any powers or functions not yet the subject of a delegation until this occurs.

The material contained in this publication was provided by Norman Waterhouse Lawyers to the Local Government Association of South Australia and is of general nature only. This advice is based on the law and guidelines as of the date of publication. It is not, nor is it intended to be, legal advice. If you wish to take any action based on the content of this publication, we recommend that you seek professional advice.

Further Information

Contact Stephen Smith, Planning Reform Partner, LGA

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Telephone: 0409 286 734

7.3 Policy for Council Assessment Panel Review of Decisions of the Assessment Manager

Brief

This report introduces the new Council Assessment Panel review of a decision of the Assessment Manager under the *Planning Development and Infrastructure Act 2016* and presents a proposed policy approach for the Council Assessment Panel's consideration.

RECOMMENDATION

It is recommended to the Council Assessment Panel that:

1. The Local Government Association 'simplified' template *Policy for Assessment Panel Review of Decision of Assessment Manager* in **Attachment 2** of the Agenda report, with the exception of the draft resolutions, be adapted for the consideration of the Council Assessment Panel.
2. The Policy be presented to a future meeting of the Council Assessment Panel for endorsement.

Introduction

The *Planning Development and Infrastructure Act 2016* (the Act) introduces changes to the planning and development system. The changes include some statutory functions of the Council Assessment Panel (CAP).

The Act provides that where an application is made to an Assessment Manager, a person who has applied for the development authorisation may apply to the relevant Assessment Panel for a review of a prescribed matter.

A prescribed matter is defined in Section 201 of the Act as:

- a) *any assessment, request, decision, direction or act of a relevant authority under this Act that is relevant to any aspect of the determination of the application; or*
- b) *a decision to refuse to grant the authorisation; or*
- c) *the imposition of conditions in relation to the authorisation; or*
- d) *subject to any exclusion prescribed by the regulations, any other assessment, request, decision, direction or act of a relevant authority under this Act in relation to the authorisation.*

The review does not apply to applications that have been delegated from the CAP to the Assessment Manager, instead only those applications assigned by the regulations directly to the Assessment Manager as the relevant authority.

The Local Government Association (LGA) has prepared template policies for CAPs to adopt for this function. The policies are presented in this report for the CAP's consideration and adoption.

Discussion

New Decision Review Process

This new statutory function will become available to applicants on the 'designated day', being the day that the Planning and Design Code is *turned on* in the metropolitan Adelaide area. Last year, the Minister for Planning advised that this date will be sometime in early 2021.

A person that has the benefit of this review may also still apply to the Environment Resources and Development Court for a full hearing of the matter. The person may also appeal against the review decision of the CAP.

The Act sets out some prescribed legislative requirements for the review process. CAP may establish their own policies and procedures for matters that are not prescribed.

The prescribed legislative requirements include:

- The application must be made in a prescribed manner and form (**Attachment 1**) and pay a fee of \$511.
- The application must be made within 1 month after the applicant receives the notice of the decision and the CAP may provide additional time for a review.
- The CAP may adopt a procedure for a review of a decision.
- The CAP is not bound by the rules of evidence, may inform itself as it thinks fit and draw any conclusions of fact it considers proper.
- The Assessment Manager must provide the CAP all relevant documentation for the application and relevant material requested by the CAP, including a report on the matter if requested by the CAP.
- The CAP may, on a review affirm the decision, vary the decision or set aside the decision and substitute its own decision.

LGA Model Policy Templates

For the CAP's consideration, the LGA has produced a *simplified* policy template (**Attachment 2**) and a *prescriptive* policy template (**Attachment 3**) informed by advice from Norman Waterhouse Lawyers. The templates provide CAP some discretion for how it sets its policy relating to the review of a decision of the Assessment Manager. The LGA has also published guidance on amending the templates (**Attachment 4**).

The templates provide the following recommended key clauses:

- That the Presiding Member be provided the task to determine if an extension of time should be granted, for practical expediency.
- That the Assessment Manager provides the CAP all the material which was considered in the application, for procedural fairness.
- That the Assessment Manager provides the CAP a report setting out all the relevant details and reasons for the decision.
- That the CAP considers the prescribed matter afresh, rather than a narrower approach to consider whether errors were made during the decision.

The prescriptive policy template includes the following additional matters:

- Repeats the *prescribed matters* meaning from the Act and how an application may be lodged.
- Prescribes a detailed process for an applicant to submit additional information for the review.

The prescriptive policy template provides considerable scope for new information to be considered by the CAP, and associated administrative steps, particularly for the Presiding Member. This is information which was not available to the Assessment Manager made their decision. Any additional information that may materially influence the decision that was made by the Assessment Manager should be considered in a new development application. It is recommended that the review process should only consider information that was before the Assessment Manager when they made their decision.

In considering the appropriate process, it is noted that this new legislative process is intended as a review of prescribed matters and applicants have the opportunity to lodge a full appeal to the Environment Resources and Development Court.

On balance, the simplified policy template is considered an appropriate policy for this step in the legislative process. Furthermore, the CAP is able to review this policy after an initial period of operation.

Additional considerations

Meeting in Confidence

Both LGA model policy templates are silent as to whether the CAP will deliberate in public or in confidence. The Act does not prescribe as to whether the hearings are held in public or private, though regulation 13(2)(b) of the *Planning, Development and Infrastructure (General) Regulations 2017* allows such hearings to be in private if that is the decision taken by the CAP. The CAP may wish to hold these review in public, for reasons of openness and transparency in accordance with the Guiding Principles in CAP's *Procedures at Council Assessment Panel Meetings* which state:

- (a) *procedures should be fair and contribute to open, transparent and informed decision-making;*
- (b) *procedures should encourage appropriate community participation in the affairs of the CAP;*
- (c) *procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;*
- (d) *procedures should be sufficiently certain so as to give the community and decision-makers confidence in the deliberations undertaken at the meeting.*

Alternatively, if CAP wish to hold these reviews in private then it is suggested that suitable clauses effect this decision are included in the *Policy for Assessment Panel Review of Decision of Assessment Manager* to be adopted.

Draft resolutions

Both LGA model policy templates include wording for draft resolutions CAP may consider in determining its reviews. It is proposed that the draft resolutions not be adopted in the *Policy for Assessment Panel Review of Decision of Assessment Manager*, rather the draft resolutions may be included in the Assessment Manager's report to the CAP.

A report template for the presentation of applications for review to CAP will be prepared by the Administration and when applications are presented to the CAP for consideration the recommendations will be tailored to the specific application under review. Omitting the draft resolutions in the CAP's policy will reduce the length of the policy and allow for the resolutions to be adapted to incorporate potential future learnings from this new process.

Conclusion

The *Planning, Development and Infrastructure Act 2016* sets out a new function for CAP as a review body for decisions of the Assessment Manager. The legislation provides some procedural guidance for the review process. The CAP may determine its own policy to govern further procedural matters for the review of the decision of the Assessment Manager.

A further report to the CAP formalising a policy for the CAP's review of decisions of the Assessment Manager will be presented at a future CAP meeting.

Attachments

1. **Application to Assessment Panel - Decision Review Request**
2. **LGA Information Sheet - Policy for Assessment Panel review of Decision of Assessment Manager - Simplified**
3. **LGA Information Sheet - Policy for Assessment Panel review of Decision of Assessment Manager - Prescriptive**
4. **LGA Amendment Guide - Policy for Assessment Panel Review of Decision of Assessment Manager**

Application to Assessment Panel¹

DECISION REVIEW REQUEST

Prescribed form pursuant to section 203(1) for review of a decision of an Assessment Manager under section 202(1)(b)(i)A) of the *Planning, Development and Infrastructure Act 2016* (Act)

Applicant details:	Name: Click here to enter text. Phone: Click here to enter text. Email: Click here to enter text. Postal address: Click here to enter text.
Development Application Number:	Click here to enter text.
Subject Land:	Click here to enter text. <i>[street number, street name, suburb, postcode]</i> <i>[lot number, plan number, certificate of title number, volume and folio]</i>
Date of decision of the Assessment Manager:	Click here to enter text.
Decision (prescribed matter²) for review by Assessment Panel:	Click here to enter text.
Reason for review:	Click here to enter text. <i>[Briefly state the facts, circumstances and other relevant matters upon which this application is based. Attach additional pages as necessary]</i>
Do you wish to be heard by the Assessment Panel?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Date:	Click here to enter text.
Signature:	 <input type="checkbox"/> <i>If being lodged electronically please tick to indicate agreement to this declaration.</i>

¹ This application must be made through the relevant facility on the SA planning portal. To the extent that the SA planning portal does not have the necessary facilities to lodge this form, the application may be lodged—

- (i) by email, using the main email address of the relevant assessment panel; or
- (ii) by delivering the application to the principal office or address of the relevant assessment panel.

² **Prescribed matter**, in relation to an application for a development authorisation, means—

- (a) any assessment, request, decision, direction or act of the Assessment Manager under the Act that is relevant to any aspect of the determination of the application; or
- (b) a decision to refuse to grant the authorisation; or
- (c) the imposition of conditions in relation to the authorisation; or
- (d) subject to any exclusion prescribed by the regulations, any other assessment, request, decision, direction or act of the assessment manager under the Act in relation to the authorisation.

This form constitutes the form of an application to an assessment panel under section 202(1)(b)(i)(A) of the *Planning, Development and Infrastructure Act 2016*, determined by the Minister for Planning pursuant to regulation 116 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

First Published: 1 July 2019 Last amended: 31 July 2020

INFORMATION SHEET

POLICY FOR ASSESSMENT PANEL REVIEW OF DECISION OF ASSESSMENT MANAGER

(Simplified)

1. LEGISLATIVE FRAMEWORK

- 1.1 This Policy applies in addition to the statutory requirements for the review by the Council Assessment Panel/Regional Assessment Panel (**Panel**) of A decision of an Assessment Manager as set out in Part 16, Division 1 of the *Planning, Development and Infrastructure Act 2016 (Act)*.

Commented [jfc1]: As relevant to each Council

2. COMMENCING A REVIEW

- 2.1 An application for review must relate to a prescribed matter, as defined in Section 201 of the Act, for which an Assessment Manager was the relevant authority.
- 2.2 An application for review must be:
- 2.2.1 made using the [Application to Assessment Panel for Assessment Manager's Decision Review](#) (the Form);
 - 2.2.2 lodged in a manner identified on the Form; and
 - 2.2.3 lodged within one month of the applicant receiving notice of the Prescribed Matter, unless the Presiding Member in his or her discretion grants an extension of time.
- 2.3 In determining whether to grant an extension of time, the Presiding Member may consider:
- the reason for the delay;
 - 2.3.1 the length of the delay;
 - 2.3.2 whether any rights or interests of other parties would be affected by allowing the review to be commenced out of time;
 - 2.3.3 the interests of justice;
 - 2.3.4 whether the applicant has, or is within time to, appeal the prescribed matter to the ERD Court; and
 - 2.3.5 any other matters the Presiding Member considers relevant.

Commented [jfc2]: We have nominated the Presiding Member for this role for reasons of practical expediency. However, if preferred, it could be a decision of the Panel.

The Panel could also choose to delegate this function, in which case the last portion of clause 2.2.3 should read "unless an extension of time has been granted".

Commented [jfc3]: Or Panel (refer comment [jfc2])

If the power to grant an extension of time in 2.2.3 is delegated, this clause may be deleted (or it could be retained, as the delegation does not mean that the panel could not also choose to exercise the power from time to time).

3. MATERIALS FOR REVIEW HEARING

- 3.1 The Assessment Manager shall collate for the Panel:

Commented [jfc4]: While 3.1 need only occur upon request (see s 203(3)(a)), to ensure procedural fairness, etc, we strongly recommend that the policy require all materials which were before the Assessment Manager (or delegate) be before the Panel.



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- 3.1.1 all materials which were before the Assessment Manager (or delegate) at the time of the decision on the Prescribed Matter, including but not limited to:
 - 3.1.1.1 application documents, reports, submissions, plans, specifications or other documents submitted by the applicant;
 - 3.1.1.2 internal and/or external referral responses; and
 - 3.1.1.3 any report from Council staff or an external planning consultant written for the Assessment Manager;
 - 3.1.2 any assessment checklist used by the Assessment Manager or delegate when making the decision on the Prescribed Matter;
 - 3.1.3 any other information requested by the Presiding Member.
 - 3.2 The Assessment Manager (or delegate) must prepare a report to the Panel setting out the details of the relevant development application, the prescribed matter the subject of the review and the reasons for the Assessment Manager (or delegate's) decision on the Prescribed Matter.
4. **REVIEW HEARING**
- 4.1 The Assessment Manager must advise the applicant of the time and date of the Panel meeting at which the review application will be heard.
 - 4.2 On review, the Panel will consider the Prescribed Matter afresh.
 - 4.3 Information, materials and submissions which were not before the Assessment Manager at the time of the decision on the Prescribed Matter will not be considered by the Panel.
 - 4.4 The Panel will not receive submissions or addresses from any party.
 - 4.5 The Presiding Member may permit Panel members to ask questions or seek clarification from the applicant and/or the Assessment Manager, in his or her discretion.
 - 4.6 The Assessment Manager must be present at the Panel meeting to respond to any questions or requests for clarification from the Panel.
 - 4.7 Where the decision on the Prescribed Matter was made by a delegate of the Assessment Manager, the delegate may appear in place of the Assessment Manager.
 - 4.8 The Presiding Member will invite all Panel Members to speak on any matter relevant to the review.
 - 4.9 The Panel may resolve to defer its decision if it considers it requires additional time or information to make its decision.
5. **OUTCOME ON REVIEW HEARING**
- 5.1 The Panel may, on a review:
 - 5.1.1 affirm the Assessment Manager's decision on the Prescribed Matter;

Commented [jfc5]: While 3.2 need only occur upon request (see s 203(3)(b)), we prefer to include it as a requirement. Panels are generally assisted by reports, and it would likely cause more work for the Panel to not have a report before it.

However, the Panel could decide to delete the clause (in which case no reports would be provided unless specifically requested), or amend it from "must" to "must, on the request of the Assessment Manager". If it becomes "must, upon request", there will need to be a process (which need not be captured in the policy) by which reviews are flagged to the Presiding Member at an early stage, so that he or she can determine which ones will require reports.

Commented [jfc6]: While there is no right to be heard by the Panel at the review, the applicant should be informed of when it will occur. This remains the case whether or not the Panel will conduct its deliberations in confidence.

Commented [jfc7]: While this is not mandatory, i.e. a Panel could choose to only review alleged errors in the Assessment Manager's decision-making, we consider it a more robust process for this review to be heard afresh.

Commented [jfc8]: An alternative model would be to delete clauses 4.3 and 4.4. This would mean there's no prescription as to whether additional information or submissions will be received or not. However, we caution against this approach, as it may lead to ad-hoc decisions being made as to whether to permit additional information in different cases, which may lead to claims the Panel is treating different applicants differently. Should Panels wish to consider additional information or submissions, these provisions can be inserted from the comprehensive review policy.

Commented [jfc9]: If the Panel wishes to make its decision on the papers only, clause 4.5 may be deleted.

Commented [jfc10]: If the Panel considers it unlikely that clarification will be required, clauses 4.6 and 4.7 can be deleted.

Commented [jfc11]: This is discretionary. It may be deleted if the Panel would prefer to hear from the Assessment Manager in all cases.



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- 5.1.2 vary the Assessment Manager's decision on the Prescribed Matter; or
- 5.1.3 set aside the Assessment Manager's decision on the Prescribed Matter and substitute its own decision.
- 5.2 An applicant should be advised in writing of the Panel's decision by the Assessment Manager.

6. DRAFT RESOLUTIONS

Draft resolution 6.1 below may be adopted by Panels in order to adopt this Policy and delegate to the Presiding Member administrative decisions regarding the manner in which reviews will proceed.

Commented [jfc12]: The wording of these resolutions are suggestions only, and can be amended as appropriate for each Panel.

- 6.1 *The Panel resolves to adopt the Policy for Assessment Panel Review of Decision of Assessment Manager dated January 2020 (the Policy).*

Draft resolutions 6.2 to 6.5 below are intended to provide guidance to Panels as to how they might word resolutions to give effect to the decisions they make on review. Panels may adopt this wording, or amend it as appropriate.

- 6.2 Resolution to affirm a decision of the Assessment Manager:

*The Panel resolves to affirm the decision of the Assessment Manager
[insert description of decision, for example:]*

- *that the application is not seriously at variance with the Planning and Design Code (disregarding minor variations) and that planning consent be granted to DA No [insert] for [insert nature of development] subject to the [insert number] of conditions imposed by the Assessment Manager*
- *that DA No [insert] is classified as code assessed (performance assessed) development*
- *that the application is not seriously at variance with the Planning and Design Code (disregarding minor variations), but that DA No. [insert] does not warrant planning consent for the following reasons:*

- 6.3 Resolution to vary a decision of the Assessment Manager:

The Panel resolves to vary the decision of the Assessment Manager in relation to DA No [insert] by deleting condition [insert number] of planning consent and replacing it with the following condition:

[insert varied condition]

- 6.4 Resolution to set aside a decision of the Assessment Manager:

The Panel resolves to set aside the decision of the Assessment Manager to [insert description of decision being reversed, for example, refuse planning consent to DA No [insert]] and substitute the following decision:

- *DA No [insert] is not seriously at variance with the Planning and Design Code (disregarding minor variations) and that*



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planning consent is granted to the application subject to the following conditions:

6.5 Resolution to defer review hearing:

The Panel resolves to defer its decision in relation to its review of the decision of the Assessment Manager to [insert description of the decision] in relation to DA No [insert] until:

- *the next ordinary meeting of the Panel;*
- *the next ordinary meeting of the Panel after [insert additional information which has been requested by the Panel] is provided*
- *until the next ordinary meeting of the Panel after [insert date (i.e. giving an applicant 2 months to provide information)]*

(etc).

The material contained in this publication was provided by Norman Waterhouse Lawyers to the Local Government Association of South Australia and is of general nature only. This advice is based on the law and guidelines as of the date of publication. It is not, nor is it intended to be, legal advice. If you wish to take any action based on the content of this publication, we recommend that you seek professional advice.

Further Information

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Telephone: 0409 286 734

INFORMATION SHEET

POLICY FOR ASSESSMENT PANEL REVIEW OF DECISION OF ASSESSMENT MANAGER

(Prescriptive)

1. LEGISLATIVE FRAMEWORK

- 1.1 This Policy applies in addition to the statutory requirements for the review by the Council Assessment Panel/Regional Assessment Panel (**Panel**) of a decision of an Assessment Manager as set out in Part 16, Division 1 of the *Planning, Development and Infrastructure Act 2016 (Act)*.

Commented [jfc1]: As relevant to each Council

2. COMMENCING A REVIEW

- 2.1 An application for review in relation to a development application or development authorisation may only be commenced by the applicant for the development authorisation.
- 2.2 An application for review must relate to a Prescribed Matter in relation to which the Assessment Manager was the relevant authority.
- 2.3 A "Prescribed Matter" means:
- 2.3.1 any assessment, request, decision, direction or act of the Assessment Manager under the Act that is relevant to any aspect of the determination of the development application; or
 - 2.3.2 a decision to refuse to grant development authorisation to the application; or
 - 2.3.3 the imposition of conditions in relation to a grant of development authorisation; or
 - 2.3.4 subject to any exclusion prescribed by the *Planning, Development and Infrastructure (General) Regulations 2017*, any other assessment, request, decision, direction or act of the Assessment Manager under the Act in relation to the grant of development authorisation.
- 2.4 An application for review must be:
- 2.4.1 made using the [Application to Assessment Panel for Assessment Manager's Decision Review \(MS Word Document, 63.4 KB\)](#) (the **Form**);
 - 2.4.2 lodged in a manner identified on the Form; and
 - 2.4.3 lodged within one month of the applicant receiving notice of the Prescribed Matter, unless the Presiding Member, in his or her discretion, grants an extension of time.

Commented [jfc2]: We have included information in this Part which is also contained in the Act (so that an applicant does not need to also consult the Act).

Commented [jfc3]: The Act identifies this as a decision of the Panel. We have recommended the Panel nominate the Presiding Member to undertake this task for reasons of practical expediency, but it need not, and could remain a decision of the Panel. If so, subsequent amendments will need to be made to Clauses 2.5

Alternatively, the Panel could choose to delegate this function, in which case the last portion of clause 2.4.3 should read "unless an extension of time has been granted", and clause 2.5 deleted.



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- 2.5 In determining whether to grant an extension of time, the Presiding Member may consider:
- 2.5.1 the reason for the delay;
 - 2.5.2 the length of the delay;
 - 2.5.3 whether any rights or interests of other parties would be affected by allowing the review to be commenced out of time;
 - 2.5.4 the interests of justice;
 - 2.5.5 whether the applicant has, or is within time to, appeal the Prescribed Matter to the ERD Court; and
 - 2.5.6 any other matters the Presiding Member considers relevant.

- 2.6 An application for review should, upon receipt by the Panel, be notified to the Assessment Manager within 2 business days.

3. APPLICANT'S DOCUMENTS

Written submission

- 3.1 An applicant may provide a written submission in support of his or her application for review.
- 3.2 Such a submission must be received by the Presiding Member within one month of the lodgement of the application for review, or such longer period as is requested by the applicant and granted by the Presiding Member, in his or her discretion.
- 3.3 A written submission should be marked to the attention of the Presiding Member and lodged in a manner specified in Clause 7.
- 3.4 The Presiding Member should provide a copy of any written submission to the Assessment Manager within 2 business days of its receipt.

Additional information

- 3.5 An applicant may request the opportunity to place additional information and/or materials before the Panel, by application to the Presiding Member lodged in a manner specified in Clause 7.
- 3.6 Any such application must be received by the Presiding Member within one month of the lodgement of the application for review, or such longer period as is requested by the applicant and granted by the Presiding Member, in his or her discretion and either attach the additional information and/or materials, or set out the nature of the information and/or materials and by whom it has been or will be prepared.
- 3.7 The Presiding Member will determine, in his or her discretion, whether to permit the additional information and/or materials to be put before the Panel within 5 business days.
- 3.8 In making this decision, the Presiding Member may consider:

Commented [jfc4]: This need not be the Assessment Manager if there are concerns about the Assessment Manager receiving applications to review his or her own decisions. However, each Panel will need to determine a mechanism by which Council staff are advised of the review in order to commence compiling the relevant documents for the Panel.

Commented [jfc5]: We have nominated 2 business days for all notifications. However, 2 days is not prescribed, and these timeframes can be amended as each Panel sees fit, or removed altogether.

Commented [jfc6]: The Act does not grant an applicant a right to provide a written submission. This option can be deleted if a Panel would prefer.

Commented [jfc7]: This timeframe can be amended at the discretion of each Panel. The ability to grant an extension of time can be deleted if a Panel does not wish to offer additional time.

Commented [jfc8]: There is no obligation for a Panel to consider new information. If a Panel determines that it will not consider additional information, Clauses 3.5 to 3.13, 4.1.5, 4.5.3 and 4.5.4 can be deleted.

Commented [jfc9]: We have nominated the Presiding Member for this role, but it need not be. The application could be made to the Panel instead. If so, amendments will be required to reflect this change in Clauses 3.6 to 3.13.

Commented [jfc10]: This timeframe can be amended at the discretion of each Panel, but should be consistent with the timeframe to provide a written submission in Clause 3.2. The ability to grant an extension of time can be deleted if a Panel does not wish to offer additional time.

Commented [jfc11]: We have nominated 5 business days for all decisions of the Presiding Member (or Panel). This is not prescribed, and can be amended as appropriate for each Panel, or deleted altogether.



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- 3.8.1 the relevance of the information and/or materials to the review application;
- 3.8.2 the amount of time the Panel would need to consider the additional information and/or materials;
- 3.8.3 whether the information and/or materials relate to a matter which has been the subject of a referral to a referral agency;
- 3.8.4 the reasons the additional information and/or materials were not put before the Assessment Manager;
- 3.8.5 the interests of justice;
- 3.8.6 whether the information and/or materials would cause prejudice to any party; and
- 3.8.7 any other matters the Presiding Member considers relevant.
- 3.9 The Presiding Member should advise the applicant of his or her decision within 2 business days. If the decision is to allow the provision of additional information and/or materials, the Presiding Member should also advise the applicant of the time within which the information and/or materials is to be provided.
- 3.10 Additional information provided in accordance with Clause 3.7 should be marked to the attention of the Presiding Member and lodged in a manner specified in Clause 7.
- 3.11 Upon receipt of additional information and/or materials, the Presiding Member should provide a copy to the Assessment Manager within 2 business days.
- 3.12 Within 5 business days of the receipt of additional information, the Presiding Member should determine, in his or her discretion, whether to provide a referral agency which provided a response on the application with the opportunity to review and respond to the additional information and/or materials, in such manner and within such time as is determined by the Presiding Member.
- 3.13 Where a response is received from a referral agency, the Presiding Member should provide a copy to the applicant and Assessment Manager within 2 business days.

4. MATERIALS FOR REVIEW HEARING

- 4.1 Within the time prescribed in clause 4.5, the Assessment Manager should collate for the Panel:
 - 4.1.1 all materials which were before the Assessment Manager (or delegate) at the time of the decision on the Prescribed Matter, including but not limited to:
 - 4.1.1.1 application documents, reports, submissions, plans, specifications or other documents submitted by the applicant;
 - 4.1.1.2 internal and/or external referral responses; and
 - 4.1.1.3 any report from Council staff or an external planning consultant written for the Assessment Manager;

Commented [jfc12]: Clauses 4.1.1 to 4.1.3 are discretionary. A Panel can choose to require all information in all cases (as this Policy does), or can delete or amend clauses 4.1.1 to 4.1.3 as it sees fit.



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- 4.1.2 any assessment checklist used by the Assessment Manager or delegate when making the decision on the Prescribed Matter;
- 4.1.3 a report prepared by the Assessment Manager (or delegate) setting out the details of the relevant development application; the Prescribed Matter; an assessment of any additional information and/or materials provided by the applicant pursuant to clause 3.7 (including, where appropriate, whether the additional information and/or materials changes the Assessment Manager's original decision on the Prescribed Matter); and the reasons for the Assessment Manager (or delegate's) decision on the Prescribed Matter;
- 4.1.4 any written submission prepared by the applicant pursuant to clause 3.1;
- 4.1.5 such additional information or materials as the Presiding Member has permitted to be placed before the Panel pursuant to clause 3.7; and
- 4.1.6 any further information requested by the Presiding Member.
- 4.2 After the completion of the requirements in Clause 4.1, the Assessment Manager should assign the review application to the next available Panel meeting.
- 4.3 The documents identified in Clause 4.1 will be included as Annexures to the agenda item.
- 4.4 The Assessment Manager should advise the applicant in writing of the time and date of the Panel meeting at which the review application will be heard not less than 5 business days before the meeting.
- 4.5 The Assessment Manager should comply with Clause 4.1 within the following period of time:
 - 4.5.1 one month from the lodgement of the application for review; plus
 - 4.5.2 where the applicant is granted an extension of time to provide a written submission pursuant to clause 3.2, the period of time granted by the Presiding Members; plus
 - 4.5.3 where the applicant requests the opportunity to put additional information and/or materials before the Panel, the time taken by the Presiding Member to determine that request and advise the applicant; plus
 - 4.5.4 where the Presiding Member determines to allow an applicant to put additional information and/or materials before the Panel;

Commented [jfc13]: Or Panel

Commented [jfc14]: To provide flexibility, the policy does not dictate that an application will be assigned to a Panel meeting after a prescribed period of time, but only once all necessary procedural steps have been completed.

Commented [jfc15]: It is not intended that a review application will always be heard at the next in time Panel meeting (which could be a matter of days away). If the agenda for the next meeting has closed or is full, or if there would be insufficient time for the Panel members to consider the information provided to them, it is intended that the review would be assigned to and heard at the meeting *after* the next in time meeting.

Commented [jfc16]: This timeframe can be amended as each Panel considers appropriate



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the time allowed by the Presiding Member for those materials to be provided; plus

the time taken to determine whether to provide those materials to a referral agency; plus

the time allowed for the referral agency to respond; plus

- 4.5.5 any additional period of time granted by the Presiding Member, in his or her discretion, upon the request of the Assessment Manager.

5. REVIEW HEARING

- 5.1 On review, the Panel will consider the Prescribed Matter afresh.
- 5.2 The Panel will not hear from any party other than the applicant and the Assessment Manager.
- 5.3 The Panel will hear from the applicant (or his or her representative), where he or she requests to be heard.
- 5.4 An applicant will be allowed five minutes to address the Panel. The Presiding Member may allow additional time at his or her discretion.
- 5.5 Where an applicant is heard by the Panel, the Assessment Manager will be allowed five minutes to respond to any issues raised by the applicant. The Presiding Member may allow additional time at his or her discretion.
- 5.6 Panel members may ask questions and seek clarification from the applicant and/or Assessment Manager at the conclusion of their addresses.
- 5.7 Whether or not the applicant chooses to be heard by the Panel, the Assessment Manager should be present at the Panel meeting to respond to any questions or requests for clarification from the Panel.
- 5.8 Where the Decision was made by a delegate of the Assessment Manager, the delegate may appear in place of the Assessment Manager.
- 5.9 Following any addresses from the applicant and/or Assessment Manager, the Presiding Member will invite all Panel Members to speak on any matter relevant to the review.
- 5.10 The Panel may resolve to defer its decision if it considers it requires additional time, or additional information from the applicant or the Assessment Manager (including legal or other professional advice), to make its decision.
- 5.11 The deferral will be to the next ordinary meeting of the Panel, or such longer period of time as is determined by the Panel to enable the information sought to be obtained and considered.
- 5.12 Where an applicant is to provide further information to a Panel pursuant to Clause 5.9, the information must be provided within the time specified by the Panel and in a manner specified in Clause 7.
- 5.13 Where an Assessment Manager is to provide further information to a Panel pursuant to Clause 5.9, a copy of the information must also be provided to the

Commented [jfc17]: This can be deleted at the discretion of each Panel, in which case the Assessment Manager will simply respond to questions raised by the Panel in Clause 5.7 below. If so, also delete from Clause 5.6 the words "and/or Assessment manager"

Commented [jfc18]: This is discretionary. It may be deleted if the Panel would prefer to hear from the Assessment Manager in all cases.

applicant not less than 5 business days before the meeting at which it will be considered by the Panel.

Commented [jfc19]: Or such other period of time as is preferred by the Panel

6. OUTCOME ON REVIEW HEARING

6.1 The Panel may, on a review:

- 6.1.1 affirm the Assessment Manager's decision on the Prescribed Matter;
- 6.1.2 vary the Assessment Manager's decision on the Prescribed Matter; or
- 6.1.3 set aside the Assessment Manager's decision on the Prescribed Matter and substitute its own decision.

6.2 An applicant should be advised in writing of the Panel's decision (including its reasons) by the Assessment Manager (or delegate) within 2 business days of the Panel's decision.

7. LODGING WRITTEN MATERIALS & DOCUMENTS WITH THE PANEL

7.1 All documents and written communications with the Panel must be lodged via:

- 7.1.1 the SA Planning Portal (to the extent the Portal is able to receive such a submission);
- 7.1.2 email to: [insert relevant email address]; or
- 7.1.3 hand-delivery or post to [insert address of principal office/address of CAP]

8. DRAFT RESOLUTIONS

Draft resolution 8.1 below may be adopted by Panels in order to adopt this Policy and delegate to the Presiding Member administrative decisions regarding the manner in which reviews will proceed.

Commented [jfc20]: The wording of these resolutions are suggestions only, and can be amended as appropriate for each Panel.

8.1 *The Panel resolves to adopt the Policy for Assessment Panel Review of Decision of Assessment Manager dated January 2020 (the Policy).*

Draft resolutions 8.2 to 8.5 below are intended to provide guidance to Panels as to how they might word resolutions to give effect to the decisions they make on review. Panels may adopt this wording, or amend it as appropriate.

8.2 Resolution to affirm a decision of the Assessment Manager:

*The Panel resolves to affirm the decision of the Assessment Manager
[insert description of decision, for example:]*

- *that the application is not seriously at variance with the Planning and Design Code (disregarding minor variations) and that planning consent be granted to DA No [insert] for [insert nature of development] subject to the [insert number] of conditions imposed by the Assessment Manager*
- *that DA No [insert] is classified as code assessed (performance assessed) development*



The voice of local government.

- that the application is not seriously at variance with the Planning and Design Code (disregarding minor variations), but that DA No. [insert] does not warrant planning consent for the following reasons:

8.3 Resolution to vary a decision of the Assessment Manager:

The Panel resolves to vary the decision of the Assessment Manager in relation to DA No [insert] by deleting condition [insert number] of planning consent and replacing it with the following condition:

[insert varied condition]

8.4 Resolution to set aside a decision of the Assessment Manager:

The Panel resolves to set aside the decision of the Assessment Manager to [insert description of decision being reversed, for example, refuse planning consent to DA No [insert]] and substitute the following decision:

- DA No [insert] is not seriously at variance with the Planning and Design Code (disregarding minor variations) and that planning consent is granted to the application subject to the following conditions:

8.5 Resolution to defer review hearing:

The Panel resolves to defer its decision in relation to its review of the decision of the Assessment Manager to [insert description of the decision] in relation to DA No [insert] until:

- the next ordinary meeting of the Panel;
- the next ordinary meeting of the Panel after [insert additional information which has been requested by the Panel] is provided
- until the next ordinary meeting of the Panel after [insert date (i.e. giving an applicant 2 months to provide information)]

(etc).

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Further Information

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AMENDMENT GUIDE: POLICY FOR ASSESSMENT PANEL REVIEW OF DECISION OF ASSESSMENT MANAGER

Legislative framework

- We do not recommend deletion of clause 1.1. It provides guidance regarding the legislative basis of the policy and provides context for applicants.

Commencing a review

- Clauses 2.1, 2.2 and 2.3 repeat matters set out in Sections 201 and 203 of the PDI Act. They can be deleted. However, if deleted, we recommend the following clause be inserted in their place:

An application for review must relate to a prescribed matter, as defined in Section 201 of the Act, for which an Assessment Manager was the relevant authority.

- We recommend the retention of clause 2.4, although it does repeat material in Section 203 of the PDI Act, and can be deleted.
 - If deleted, the Panel will be deleting the referral of the power to extend time to lodge a review application to the Presiding Member. The Panel could separately address this issue if it so chose (either in this policy, or in its delegations).
- If clause 2.4 is deleted, clause 2.5 may also be deleted. However, we do not recommend its retention as it provides applicants with an assurance that decisions regarding extensions of time will be made having regard to the principles of natural justice.

Applicant's documents

- The review application form affords an applicant the opportunity to set out the reasons they are requesting review.
- There is no requirement in the PDI Act or General Regs that an applicant be afforded any additional opportunities in this regard, such as through providing written submissions or additional information to the Panel. Permitting each of these matters (in clause 3) is at the discretion of the Panel. Panels can 'pick and choose' which (if any) of these opportunities they wish to afford to applicants:

Written submissions

- Where a Panel does not wish to provide an applicant the opportunity to make written submissions, clauses 3.1 to 3.4 and 4.1.4 can be deleted.
- Where a Panel wishes to provide an applicant the opportunity to make written submissions, but in a more informal manner than the current policy, clauses 3.2 to 3.4 may be amended to suit the preferences of the Panel. However, we do recommend the retention of:

- Details as to how an applicant is to nominate that they intend to provide a written submission; and
 - A mechanism for a copy of any such submission to be provided to the Assessment Manager, for collating with all other relevant documents and information.

Additional Information

- Where a Panel does not wish to provide an applicant the opportunity to present additional information, delete clauses **3.5 to 3.13** and **4.1.5**, and delete the words "*an assessment of any additional information and/or materials provided by the applicant pursuant to clause 3.7*" from clause **4.1.3**.
- Where a Panel wishes to provide an applicant the opportunity to make written submissions, but in a more informal manner than the current policy, clauses **3.5 to 3.13** may be amended to suit the preferences of the Panel (this includes the amendment or deletion of all timeframes within these clauses). However we do recommend the retention of, at least:
 - a timeframe within which an applicant should request to provide additional information;
 - the factors the Presiding Member (or Panel) may consider when determining whether to permit the application to provide additional information;
 - the requirement that if additional information is provided, the Presiding Member (or Panel or delegate) consider whether to provide a referral agency with the opportunity to review and respond to the additional information; and
 - ensuring that a copy of any further information is provided to the Assessment Manager, for consideration in the writing of his or her report, and for collating with all other relevant documents and information.

Materials for review hearing

- **Clause 4.1:** We recommend the retention clause 4.1, which sets out what materials must be collated by the Assessment Manager. While the PDI Act provides that it is at the discretion of each Panel as to what materials they wish to have before them (Section 203(3)), to ensure integrity in the review process, we strongly recommend that the policy require all materials which were before the Assessment Manager (or delegate) be before the Panel (as well as any additional materials the Panel has permitted).
- **Clauses 4.2 and 4.5:** There is no prescribed time within which a review application should come before a Panel for determination, although panels should seek to conduct reviews in a timely manner. We recommend the retention of clause **4.2** for this reason - it seeks to have reviews put to the next available panel meeting after the relevant materials have all been collated (i.e. the next meeting for which the agenda has not yet been finalised, not necessarily the next in time meeting). However, this is not a requirement, and clause 4.2 can be deleted. Clause **4.5**, which sets out times within which various steps are to be completed, may be deleted (there is no prescribed time in the PDI Act or PDI (General) Regulations (**General Regs**) within which these steps must be completed).

- We strongly recommend the retention of clause **4.4**, which requires the applicant to be advised of the time and date of the Panel meeting at which the review will be heard. We consider this requirement should remain, even if the Panel will not hear from the applicant, and/or will hear the matter in confidence (see Deliberations below).

Review hearing

- The PDI Act and General Regs do not specify how the review hearing is to proceed. Subject to common law requirements of procedural fairness, this is entirely at the discretion of the Council.

Nature of review hearing

- We have recommended in clause **5.1** that the Panel consider the Prescribed Matter the subject of the review afresh. This means that the Panel will make its own decision on the matter on the materials before it, rather than considering whether there was an *error* in the decision made by the Assessment Manager. However, this is not required. A panel could choose to take a narrower approach and only consider whether errors were made during the Assessment Manager's decision-making.

Site view

- The policy is silent on whether a site view is undertaken by the Panel. There is no requirement that the Panel view a site, but if Panels do routinely view sites the subject of development applications, they may wish to continue this practice for review applications (at least those in which the review is of a decision to grant or refuse planning consent). Presumably, the manner in which such site visits presently occur in relation to applications for planning consent are contained within either (or both) the Panel's Terms of Reference or Meeting Procedures. The procedure for a site view in relation to review hearings could either refer back to those documents, or copy them and follow the same procedures.

Hearing from applicant

- An applicant for review does not have a right to be heard before the Panel. If a Panel does not wish to hear from applicants, clauses **5.3 to 5.6** can be deleted; and references to hearing from parties removed from clauses **5.2, 5.7 and 5.8** (or, alternatively, clauses **5.7 and 5.8** can be deleted).
- We recommend that if Panels decide that they will not hear from applicants, that this is specified in the policy. Without such specificity, it will remain open for applicants to request to be heard. Such a clause may be:

The Panel will not hear addresses from any party.

- Where a Panel wishes to permit applicants to address the Panel, but in a more informal manner than the current policy, clauses **5.2 to 5.8** can be amended as the Panel sees fit. For example, a Panel may not wish to allow applicants to address the Panel, but may wish to ask them questions.

Deferrals

- Clauses **5.9 to 5.12** relate to deferring a decision on an application in order to have further time, or receive further information. Should Panels not wish to permit

additional information in any circumstances (i.e. even at the Panel's request), clauses **5.10 to 5.12** can be deleted, and the words "*or additional information from the applicant or the assessment manager*" deleted from clause **5.9**.

Deliberations

- The draft policy is silent as to whether the Panel will deliberate in public or in confidence. This is a decision for each panel to make. We note that the ability for a Panel to determine review applications in confidence is found in Regulation 13(2)(b) of the General Regs.
- We understand some panels wish to hold these reviews in public, for reasons of openness and transparency in decision-making, while others will prefer to go into confidence, as the Panel's decision may be appealed to the ERD Court. Either approach is suitable.
- The policy is also silent on how decisions are made (i.e. majority vote, etc) and recorded (minuted, etc). This is because such matters should be part of each Panel's meeting procedures (as these reviews are conducted as part of Panel meetings). Having said that, we encourage all Panels to review their meeting procedures to incorporate references to review hearings, where appropriate. The LGA model meeting procedures have been updated to incorporate these references.

Outcome of review hearing

- Clause **6.1** repeats Section 203(4) of the PDI Act. However, we recommend its retention for clarity for applicants.
- Clause **6.2** is discretionary, although we strongly recommend written notification be provided to the applicant. The timeframe in clause 6.2 may be deleted.

Lodging written materials & documents with the panel

- Clause **7** is not required. We recommend its inclusion where panels will permit applicants to lodge written submissions and/or additional information.

Draft resolutions

- Clause **8** includes draft text for Panel resolutions, both to adopt the review policy (8.1), and when making decisions on review applications (to be minuted, as per clause 6.3). This text is for guidance only and can be amended as appropriate for each Panel.

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Further Information

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7.4 Procedures at Council Assessment Panel Meeting

Brief

This report presents potential changes to the *Procedures at Council Assessment Panel Meetings* for the Council Assessment Panel's consideration.

RECOMMENDATION

It is recommended to the Council Assessment Panel that a revised *Procedures at Council Assessment Panel Meetings*, that includes changes as described within the contents of this report, be presented to a future meeting of the Council Assessment Panel.

Introduction

The *Planning, Development and Infrastructure (General) Regulations 2017* (Regulations) stipulate the statutory procedures to be undertaken during the operation of Council Assessment Panel (CAP) meetings. In accordance with the Regulations, CAP may adopt meeting procedures for its meetings and may determine its own procedures so long as they are not inconsistent with the Planning, Development and Infrastructure Act or Regulations.

At its 2 April 2020 meeting, the CAP endorsed the current *Procedures at Council Assessment Panel Meetings* (Meeting Procedures) to accommodate changes in response to the COVID-19 public health State Emergency. A copy of the current Meeting Procedures are enclosed **Attachment 1**.

Clause 14(1) of the Meeting Procedures states that CAP should review the operation of its Meeting Procedures at least once in every financial year. This review is timely given the impending implementation of the new functions of CAP and the Planning and Design Code scheduled to occur in early 2021.

Discussion

This report identifies potential amendments to the Meeting Procedures for CAP's consideration to address new information and prepare for the implementation of the Planning Reform.

Notice of Meetings

The CAP's Terms of Reference endorsed by Council on 8 December 2020 includes the following clause:

- 6.2 *The CAP will meet on the second Tuesday of each month at 5:00pm and in January of each year when it will meet on the third Tuesday of the month at 5:00pm.*

It is proposed that the Meeting Procedures be updated to be consistent with the Terms of Reference.

Reporting

The Act allows CAP to delegate various matters to the Assessment Manager and Chief Executive Officer for the efficient and effective processing of development applications. The CAP is considering a separate report on the recommended delegations. The CAP has the opportunity to introduce clauses in the Meeting Procedures to support these delegations, including regular reporting on applications where CAP that have been determined under delegated authority or where a deemed consent notice has been received.

Appeals to external bodies

The Act assigns the CAP a relevant authority in its own right. The implication of this change is that the CAP will be the respondent to appeals against their decisions to external bodies, rather than the Council. The Council will however be responsible for funding the cost of the appeals.

The Local Government Association (LGA) has provided advice for CAPs to consider assigning authority to progress and resolve appeals under the Act (**Attachment 2**).

The advice provided by the LGA is that all relevant authorities should consider how they will either:

1. Consult with relevant council staff before decisions as to the conduct or resolution of appeals are made; or
2. Assign their decision-making powers to relevant staff.

At a minimum, it is recommended that the CAP:

1. Authorise the Chief Executive Officer and/or Assessment Manager to make decisions as to the conduct of appeals, so that they can proceed in a timely manner.
2. Require updates be provided to the CAP, and for the CAP to be consulted before an appeal is resolved by way of compromise (unless a decision must be made urgently).

In considering this procedure, it should be noted that the Assessment Manager is bound by conditions of appointment and financial delegations by the Chief Executive Officer.

Remote Access Meetings

The current Meeting Procedures allow for electronic meetings to be held during the State Emergency declared under the *Emergency Management Act 2004*.

The current Meeting Procedures currently specify the retention of CAP recordings under the *State Records Act 1997*. Further advice on this matter has been obtained and confirmed that the recording are in fact not required to be retained under the *State Records Act 1997*. CAP may consider amending these clauses in the Meeting Procedures.

No further changes are proposed to the remote access meeting procedures at this stage and it is suggested that this matter be revisited at the conclusion of the State Emergency.

Additional Members

The current Meeting Procedures contemplate the appointment of Additional Members, however these clauses were drafted prior to the State Planning Commission publishing *Practice Direction 5 - Appointment of additional members to an Assessment Panel* (**Attachment 3**).

The purpose of the Practice Direction is to provide a list of the qualifications and experience which a person must hold to be appointed as an additional member. The Meeting Procedures are proposed to be changed to include reference to the Practice Direction.

Summary of Proposed Changes

It is recommended that amendments be made to the *Procedures at Council Assessment Panel Meetings* as follows:

Page	Clause	Proposed Amendment
5	4(1) - <i>Notice of Meetings</i>	Add a clause to the effect of referencing meetings held in January of each year on the third Tuesday of the month at 5:00pm.
6	6 - <i>Additional Members</i>	Add reference to <i>Practice Direction 5 - Appointment of additional members to an Assessment Panel</i> .
13	14(12) - <i>Discretionary Procedures - Remote Access to Meetings</i>	Amend clauses to the effect of: <ol style="list-style-type: none"> Delete clause 14(12)(i) that states "Recordings of CAP Meetings constitute an official record for the purposes of the State Records Act 1997." Amend clause 14(12)(j) to provide for the publication of any recordings of meetings where the live stream failed on the Council's website for a period of six (6) months.
New	<i>Reporting</i>	Add clauses to the effect of: <ol style="list-style-type: none"> The Assessment Manager will present to the CAP a regular summary report of: <ol style="list-style-type: none"> applications that have been determined under delegated authority and CAP is the relevant authority; applications that are currently under appeal and CAP is the relevant authority; applications previously deferred by CAP and yet to be returned to CAP for decision; and applications under assessment where SCAP is the relevant authority. Following receipt of a deemed consent notice on an application where CAP is the relevant authority, the Assessment Manager will present a report at the next available CAP meeting.
New	<i>Appeals to external bodies</i>	Add clauses to the effect of: <ol style="list-style-type: none"> The Chief Executive Officer of the City of West Torrens and/or Assessment Manager are authorised to make decisions as to the conduct of appeals, subject to consulting with the Presiding Member. When the Chief Executive Officer of the City of West Torrens and/or Assessment Manager has acted on a matter under appeal, a report will be provided to the CAP at the next meeting. Any proposed compromise arising from an appeal shall be presented to the CAP for decision. In the event of an urgent matter, that the CAP may determine the matter by meeting held via remote access in accordance with its <i>Procedures at Council Assessment Panel Meetings</i>.

It is recommended that CAP consider incorporating the proposed amendments above to its Meeting Procedures. A revised Meeting Procedures will be presented to CAP for consideration at a future meeting.

Conclusion

This report comprises a review of the *Procedures at Council Assessment Panel Meeting* and contemplates proposed changes in preparation for the processing of development applications under the *Planning, Development and Infrastructure Act 2016*.

It is recommended that a further report to the CAP formalising proposed changes to the *Procedures at Council Assessment Panel Meetings* be presented at a future CAP meeting

Attachments

1. **Procedures at Council Assessment Panel Meetings**
2. **LGA Information Sheet - Assigning authority for processing and resolving appeals**
3. **Practice Direction 5 - Appointment of additional members to an Assessment Panel**

CITY OF WEST TORRENS



Procedures at Council Assessment Panel Meetings

Classification:	Meeting Procedures
First Issued:	10 October 2017
Dates of Review:	2017, 2018, 2020
Version Number:	4
Next Review Due:	2021
Objective ID:	A2115959
Applicable Legislation:	<ul style="list-style-type: none"> • Planning, Development and Infrastructure Act 2016 (SA) • Planning, Development and Infrastructure (General) Regulations 2017 (SA) • Assessment Panel Members - Code of Conduct
Related Policies or Corporate Documents:	<ul style="list-style-type: none"> • Terms of Reference - Council Assessment Panel
Associated Forms:	<ul style="list-style-type: none"> • Council Assessment Panel Member Conflict of Interest Declaration Form
Note:	
Responsible Manager:	Assessment Manager
Endorsed by CAP:	Council Assessment Panel Minutes Date 2 April 2020

City of West Torrens - - Procedures at Council Assessment Panel Meetings

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City of West Torrens - - Procedures at Council Assessment Panel Meetings

Procedures at Council Assessment Panel Meetings

(1) Introduction

The *Planning, Development and Infrastructure (General) Regulations 2017* (Regulations) stipulate certain statutory procedures to be observed at or undertaken during meetings of the Council Assessment Panel (CAP). Otherwise, the CAP determines its own meeting procedures so long as they are not inconsistent with the Regulations.

The combined document is the City of West Torrens' Procedures at CAP Meetings (Meeting Procedures) adopted by the CAP.

These Meeting Procedures operate at CAP meetings. They are also available to the public to assist their understanding of the procedures associated with the operation of CAP meetings. These Meeting Procedures are reviewed annually.

The CAP may, at any time by resolution, alter or substitute these Meeting Procedures.

(2) Interpretation

Act means the *Planning, Development and Infrastructure Act 2016*;

Additional Member - a person who holds a qualification, or has expertise or experience recognised by a practice direction for the purposes of section 85 of the Act. An Additional Member is not able to vote on any matter arising for determination by the CAP.

Assessment Manager means a person appointed by the Chief Executive Officer pursuant to section 87 of the Act. The Assessment Manager is responsible for overseeing the operations of and providing advice to the CAP.

Member means a member of the Council Assessment Panel and includes a Deputy Member.

Presiding Member means the person who is formally appointed by Council as the presiding member of the CAP and includes any person who is presiding at a particular meeting of the CAP;

Representor means a member of the public who wishes to present information to the CAP in relation to a proposed development being considered by the CAP;

State Emergency means a major emergency declaration, identified major incident declaration, disaster declaration, public health emergency or any other emergency as so declared under the *Emergency Management Act 2004 (SA)*.

Written notice includes a notice given in a manner or form determined by the CAP.

- (1) In the calculation of "**clear days**" in relation to the giving of notice before a meeting -
 - (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
 - (b) Saturdays, Sundays and public holidays will be taken into account.

City of West Torrens - - Procedures at Council Assessment Panel Meetings

- (2) For the purposes of the calculation of clear days, if a notice is given after 5 pm on a day, the notice will be taken to have been given on the next day.

City of West Torrens -- Procedures at Council Assessment Panel Meetings

(3) Guiding Principles

The following principles (the **Guiding Principles**) should be applied with respect to the procedures to be observed at a meeting of the CAP:

- (a) procedures should be fair and contribute to open, transparent and informed decision-making;
- (b) procedures should encourage appropriate community participation in the affairs of the CAP;
- (c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
- (d) procedures should be sufficiently certain so as to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

(4) Notice of Meetings

- (1) Subject to this clause, clause (11) and clause (14) of these Meeting Procedures, the CAP will meet at 165 Sir Donald Bradman Drive, Hilton SA 5033 at 5pm on the second Tuesday of each month.
- (2) Notice of a CAP meeting must:
 - (a) be in writing;
 - (b) set out the time, date and place of the meeting;
 - (c) be signed by the Assessment Manager to the CAP;
 - (d) contain or be accompanied by the agenda and any documents and/or reports that are to be considered at the meeting (in so far as practicable);
 - (e) be provided electronically to CAP Members a minimum of three (3) clear days before the meeting; and
 - (f) be displayed at the Civic Centre, Hamra Centre Library and on Council's website a minimum of three (3) clear days before the meeting.
- (3) The Assessment Manager may vary the meeting place, date and time in consultation with the Presiding Member but must ensure that a minimum of three (3) clear days' notice of the new meeting date is provided and the meeting is notified according to clause (4)(2) of these Meeting Procedures. NOTE: this clause is subject to clauses (11) and (14) of these Meeting Procedures during a State Emergency.
- (4) The Assessment Manager may vary the meeting place and/or time in consultation with the Presiding Member without the requirement for three (3) clear days' notice during a declared State Emergency.
- (5) Special meetings of the CAP may be required in special circumstances to expedite decisions on applications before the CAP and will be called at the discretion of the Assessment Manager in consultation with the Presiding Member. Members of the CAP, applicants, representors and the public must be given a minimum of four (4) hours' notice before the commencement of the special meeting.

(5) Deputy Members

- (1) If a CAP Member is unable to attend a meeting, s/he must notify the Assessment Manager as soon as reasonably practicable.
- (2) The Assessment Manager may request the Deputy Member to the Elected Member attend a meeting in the place of the CAP Elected Member for all or part of a meeting.
- (3) The Assessment Manager may request that the Deputy Independent Member or Members attend a meeting in lieu of an Independent CAP Member or Members for all or part of a meeting.

(6) Additional Members

- (1) The CAP may, by resolution, appoint up to two Additional Members to assist the CAP in dealing with a particular matter.
- (2) Such Additional Members must hold a qualification, or have expertise or experience, recognised by a practice direction conferred under the Act or Regulations.
- (3) The Assessment Manager may request in writing for an Additional Member to attend a CAP meeting and this request must be accompanied by the notice for the meeting in accordance with clause 4(2), highlighting the item(s) the Additional Member is required to consider.
- (4) Additional Members appointed by the CAP are not entitled to vote at meetings.
- (5) Additional Members will be remunerated accordingly.

(7) Quorums (Regulation 15)

A quorum at a meeting of the CAP is the minimum number of voting Members in order for the meeting to occur and/or continue. The quorum is derived by dividing the total number of voting members of the CAP by 2, ignoring any fraction resulting from the division, and adding 1 i.e. as the CAP is constituted of 5 members, quorum is three (3).

City of West Torrens -- Procedures at Council Assessment Panel Meetings

(8) Commencement of Meetings

- (1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- (2) If the number of apologies received by the Assessment Manager indicates that a quorum will not be present at a meeting, the Assessment Manager may adjourn the meeting to a specified day and time.
- (3) If, at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the Presiding Member or, in the absence of the Presiding Member, the Deputy Presiding Member, or in the absence of both members, the Assessment Manager, will adjourn the meeting to a specified day and time.
- (4) If a meeting is adjourned for want of a quorum, the Assessment Manager will record in the minutes the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.
- (5) The Presiding Member may, with the leave of the meeting, adjourn the meeting to a future date and time.
- (6) If a meeting is adjourned to another day, the Assessment Manager must:
 - (a) give notice of the adjourned meeting to each Member setting out the date, time and place of the meeting;
 - (b) give notice of the adjourned meeting to applicants and representors setting out the date, time and place of the meeting; and
 - (c) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the Council and on the Council's website.

(9) Order of Business

- (1) Prior to the commencement of business the Presiding Member will read the Fire Evacuation Statement if members of the public are present.
- (2) If any Members or the public are attending the CAP meeting remotely, prior to the commencement of business, the Presiding Member will explain the particulars relating to remote access.
- (3) If both the Presiding Member and the Deputy Presiding Member are absent from a meeting, or for any agenda item at the meeting, a Member will be chosen from those present to preside at the meeting until the Presiding Member or the Deputy Presiding Member is present. That Member presiding will have all the powers and duties of the Presiding Member at that meeting.
- (4) The Presiding Member may alter the order of business listed in the agenda with the leave of the meeting, e.g. if the majority of the representors are interested in a particular item.
- (5) Members are required to make any disclosure of a conflict of interest, pursuant to the Act and/or the Code of Conduct adopted by the Minister, prior to the commencement of the items of business before the meeting.

City of West Torrens - - Procedures at Council Assessment Panel Meetings

(10) Voting (Regulation 16)

- (1) Each Member of the CAP who is present at a meeting of the CAP is entitled to 1 vote on a matter arising for decision and, if the votes are equal, the Presiding Member will have an additional, casting vote.
- (2) Sub-regulation (1) does not apply to a person who is taken to be a Member of the CAP under section 85 of the Act*.

*Section 85 precludes additional members from voting.

(11) Public Access to Meetings (Regulation 13)

- (1) In connection with the conduct of the proceedings of the CAP, members of the public are entitled to attend a meeting of the CAP other than as set out in sub-regulation (2).

- (1) The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by any person (including a Member, applicant, representor or other member of the public) to a specified date and time.
- (2) The Presiding Member may ask a member of the public (including an applicant, representor or other member of the public) to leave a meeting where they are, in the opinion of the Presiding Member:
 - (a) behaving in a disorderly manner; or
 - (b) causing an interruption or disruption to the meeting.
- (3) In the event that that the member of public refuses to leave the meeting, a senior member of staff will contact SAPOL for assistance.
- (4) In the event of a declared State Emergency, public access to meetings may be facilitated via telephone or online platforms to be determined by the Assessment Manager in consultation with the Presiding Member.
- (5) If it is determined that public access will be facilitated via telephone and/or online platforms, the Presiding Member must ensure that the public are able to hear the meeting if they are accessing the meeting via telephone, and hear and see the meeting if they are accessing via online platform.
- (6) The Presiding Member may cause the broadcast to be muted if appropriate and required to facilitate the proper carrying out of the meeting.

- (2) The CAP may exclude the public from attendance at a meeting:
 - (a) during so much of the meeting as is necessary to receive, discuss or consider in confidence any of the following matters:
 - i. information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
 - ii. information the disclosure of which:
 - A. could unreasonably be expected to confer a commercial advantage on a person, or to prejudice the commercial position of a person; and

City of West Torrens - - Procedures at Council Assessment Panel Meetings

- B. would, on balance, be contrary to the public interest;
 - iii. information the disclosure of which would reveal a trade secret;
 - iv. commercial information of a confidential nature (not being a trade secret) the disclosure of which:
 - A. could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - B. would, on balance, be contrary to the public interest;
 - v. matters affecting the safety or security of any person or property;
 - vi. information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
 - vii. matters that should be considered in confidence in order to ensure that the assessment panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
 - viii. legal advice;
 - ix. information relating to actual litigation, or litigation that the assessment panel believes on reasonable grounds will take place;
 - x. information the disclosure of which:
 - A. would divulge information provided on a confidential basis by or to a Minister of the Crown, the Commission, or another public authority or official; and
 - B. would, on balance, be contrary to the public interest;
- (b) during so much of the meeting that consists of its discussion or determination of any application or other matter that falls to be determined by the assessment panel.

- (1) If the public have been excluded from attendance at a meeting, the CAP must resolve whether or not to retain, (in confidence), the reports and documents which have been considered by it in confidence.
- (2) If the CAP orders, by resolution, that the information is to remain confidential it must also determine the circumstances in which that the confidential order will cease to apply or a period after which the order is to be reviewed. Any order exceeding a twelve (12) month period will be reviewed at least once in every twelve (12) month period.
- (3) At the end of each financial year the Assessment Manager will undertake a review of the reports and documents which remain in confidence.
- (4) The annual review will be presented to CAP and will identify which confidentiality orders have expired and which remain in place.
- (5) The outcome of the annual review will also be presented to Council for information and included within the Annual Report.
- (6) If public access to the meeting is being facilitated via telephone and/or online platform, the Presiding Member must ensure that any broadcast ceases at the time the meeting enters into confidence

(12) Minutes and Other Documents (Regulation 14)

- (1) The Assessment Manager must ensure that accurate minutes are kept of the proceedings of the CAP.
 - (2) Any disclosure by a Member of a direct or indirect pecuniary interest in any aspect of a development or any body associated with any aspect of a development required under the Act must be recorded in the minutes of the CAP.
 - (3) Members of the public are entitled to reasonable access to:
 - (a) the agendas for meetings of the CAP; and
 - (b) the minutes of meetings of the CAP.
 - (4) However, the CAP may, before it releases a copy of any minutes under sub-regulation (3), exclude from the minutes information about any matter dealt with on a confidential basis by it.
 - (5) Minutes must be available under sub-regulation (3) within 5 business days after being adopted by the CAP.
- (6) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
 - (7) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
 - (8) On the confirmation of the minutes, the Presiding Member will:
 - (a) initial each page of the minutes, which pages are to be consecutively numbered; and
 - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.
 - (9) The minutes of proceedings of a meeting must include:
 - (a) the names of all Members present;
 - (b) the names of all Members from whom apologies have been received;
 - (c) any disclosure by a Member pursuant to regulation 14(2) of the Regulations;
 - (d) the name and time that a Member enters or leaves the meeting, once the meeting has commenced;
 - (e) the name of every person who makes a representation;
 - (f) in relation to each application determined by the CAP:
 - i. the determination of the CAP as to whether the proposal is seriously at variance with the Development Plan;
 - ii. the reasons for granting or refusing Development Plan consent and for the imposition of any conditions;
 - (g) if an application is not determined by the CAP, the deferral of the application and the reasons for the deferral;
 - (h) a decision to exclude the public from attendance pursuant to the Regulations; and
 - (i) if a meeting is adjourned by the Presiding Member, the reason for the adjournment and the date and time to which the meeting is adjourned.

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- (10) All minutes must be confirmed by the Assessment Manager in conjunction with the Presiding Member as being accurate prior to, or at the commencement of, the subsequent CAP meeting.
- (11) If Members, applicants or representors are attending the meeting remotely (either via telephone and/or by online platform), the method of their attendance at the meeting must be accurately recorded in the minutes.

(13) Validity of Proceedings (Regulation 17)

A proceeding of the CAP (and any decision made by it) is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a Member.

(14) Discretionary Procedures (Regulation 18)

Except insofar as a procedure is not prescribed by the Act or Regulations, the procedures of the CAP in relation to the conduct of its business will be as determined by the CAP.

- (1) The CAP should, at least once in every financial year, review the operation of its Meeting Procedures.
- (2) The CAP may, at any time, by resolution supported by the majority of the Members entitled to vote on the resolution, alter or substitute the Meeting Procedures.
- (3) The CAP must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.
- (4) A person is entitled to inspect (without charge) the Meeting Procedures of the CAP at the principal office of the Council during ordinary office hours. These Meeting Procedures are also published and available for public access on Council's website.
- (5) A person is entitled, on payment of a fee fixed by Council, to a copy of these Meeting Procedures.
- (6) The Presiding Member may, at her/his discretion, exclude:
 - (a) a representation or response to representation(s) which is received out of time;
 - (b) a representation in relation to a Category 2 development from a person who was not entitled to be given notice of the application; or
 - (c) a representation or response to representation(s) which is otherwise invalid.
- (7) The Presiding Member may, at her/his discretion, accept and allow to be considered by the CAP any new or additional material submitted by an applicant for a Category 1 development. The CAP may defer consideration of the application to enable full and proper assessment of the further information.
- (8) For Category 2 and/or 3 developments, any new or additional material must be submitted to the Assessment Manager at least three (3) clear days before the relevant meeting. This material must be provided to the applicant and/or representor(s) (as the case may be) and those parties be provided with an opportunity to respond, either in writing or verbally, at the discretion of the Presiding Member.
- (9) In relation to each application it considers, the CAP must:
 - (a) determine whether the proposal is seriously at variance with the Development

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- Plan and provide reasons for its determination;
- (b) if refusing Development Plan consent, provide reasons for refusing; and
 - (c) if granting Development Plan consent provide reasons for the imposition of any conditions.
- (10) If the CAP determines that a proposal is seriously at variance with the Development Plan, it must refuse Development Plan consent to the application.
- (11) In relation to each application to be considered and determined by the CAP:
- (a) a person who has lodged a representation in relation to a Category 2 or 3 application which has not been excluded pursuant to clause 11 of these Meeting Procedures, and who has indicated that they wish to be heard on their representation, is entitled to appear before the CAP and be heard in support of their representation, in person or by an agent;
 - (b) where one or more representors are heard by the CAP, the applicant is entitled to appear before the CAP to respond to any relevant matter raised by a representor, in person or by an agent;
 - (c) unless otherwise determined by the Presiding Member, representors will not be entitled to a right of reply;
 - (d) where no representors appear at the meeting, the Presiding Member may, at his or her discretion, allow an applicant to be heard to answer questions of the CAP, in person or by an agent;
 - (e) representors and applicants will be allowed five minutes each to address the CAP. The Presiding Member may allow a party additional time at his or her discretion;
 - (f) Members may question and seek clarification from a representor or applicant who has addressed the CAP at the conclusion of their address;
 - (g) following addresses from representors and the applicant, the Presiding Member will invite all Members to speak on any matter relevant to the application; and
 - (h) for Category 2 or 3 applications that are deferred by the CAP, the Assessment Manager shall inform representors of the date and time of the meeting when the deferred application is re-presented to the CAP (noting that these representors are not entitled to make any further representation(s)).
- (12) Remote Access to Meetings
- (a) During a State Emergency the Assessment Manager may determine that some or all members may attend the meeting remotely.
 - (b) Remote access may be by either telephone and/or online platform.
 - (c) Where remote access is granted to Members, public streaming via online platform of the meeting should also be facilitated.
 - (d) If a Member has been granted remote access to the meeting, their participation must be captured on any live stream and/or recording.
 - (e) If multiple Members are participating in the meeting remotely, the Presiding Member must ensure that it is clear as to which Member is making a contribution.
 - (f) During a State Emergency the Assessment Manager may determine that any applicant or representor that is entitled to appear at the meeting is provided with a reasonable opportunity to appear personally or by representative before the CAP via telephone or online platform, as relevant.

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- (g) While every effort will be made to ensure that live streaming and recording of CAP meetings occur, Council does not accept responsibility for instances when this cannot occur due to technical difficulties associated with the live streaming software or hardware or Council's website.
- (h) All live streams meetings will be recorded. Should the live stream fail during a meeting, public access to the meeting will be facilitated by a recording of that live stream to be published on the Council's website.
- (i) Recordings of CAP Meetings constitute an official record for the purposes of the *State Records Act 1997*.
- (j) Any recordings of meetings pursuant to this section will be accessible on Council's website for a period of two (2) years. Recordings of meetings will be retained for a total period of seven (7) years.

Information Sheet

What should be the mechanism by which Panels and Assessment Managers assign authority for determining how to progress and resolve appeals?

Under the PDI Act, both Panels and Assessment Managers are relevant authorities in their own right, rather than delegates of the council. One consequence of this new arrangement is that Panels and Assessment managers will be the respondent to appeals against their decisions, rather than the respondent being the council.

This raises interesting questions about decision-making around appeals, as the body funding the appeal is not the decision-maker. As set out below, often the council will be the body responsible for funding the appeal (either directly or indirectly):

- For councils with CAPs, the council is directly responsible for the costs associated with appeals, as it is responsible for all costs and other liabilities associated with the activities of both its Assessment Manager and its CAP (Sections 83(1)(h)(ii) and 87(f)).
- For councils who are members of RAPs:
 - The Gazette notice constituting the panel will set out how the costs associated with the activities of the panel (which should include appeals against decisions of the panel) are to be shared between the member councils (Section 84(1)(i)).
 - Section 87(f) provides that the costs and liabilities of the Assessment Manager are to be borne by the *Minister*, as the designated authority who appointed the RAP. It is understood that the Minister intends to establish a scheme in the case of each RAP by which these costs and liabilities will be borne by the constituent councils to the RAP pursuant to Section 84(1)(i) of the Act.
- For councils who have entered into planning agreements under which joint planning boards have been established:
 - The joint planning board is responsible for all costs and other liabilities associated with the activities of its panel and its Assessment Manager (Sections 83(1)(h) and 87(f)), but the member councils are responsible for the costs and liabilities of the board (as agreed to in the planning agreement: Section 35(3)(e)). It is noted that boards may also receive some development assessment fees under the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019*.

As the relevant council will, ultimately, be responsible for funding court proceedings, all relevant authorities should consider how they will either consult with relevant council staff (CEO, managers, etc) before decisions as to the conduct or resolution of appeals are made, or how they will assign certain of their decision-making powers to relevant staff.

For example, out of administrative necessity, assessment panels will need to authorise their Assessment Manager or a member of council staff (i.e. the CEO) to make decisions as to the conduct of appeals, so that they can proceed in a timely manner. It is recommended such authorisations be made to the CEO and be subject to limitations requiring regular updates be

provided to the panel, and for the panel to be consulted before an appeal is resolved by way of compromise (unless a decision must be made urgently).

In the case of appeals against decisions of Assessment Managers, it is anticipated that most Assessment Managers would, as a matter of course, consult relevant staff (be it the CEO and/or a relevant manager) regarding financial decisions around the conduct of appeals (including the engagement of legal representation and expert witnesses, and whether to resolve the appeal by compromise, or proceed to a hearing). Such informal processes could continue. In the event of an Assessment Manager being absent, and/or should Assessment Managers desire more formal decision-making processes around the funding of appeals, Assessment Managers may also choose to authorise other member(s) of staff (i.e. the CEO) to make decisions on their behalf regarding the conduct and settling of appeals. A more formal process might be appropriate, for example, in the case of an Assessment Manager who is not a member of the relevant council's staff.

In these situations, it is recommended that the Assessment Manager authorise the CEO to make all necessary decisions regarding the conduct and resolution of appeals, but with the limitation that the CEO will consult with the Assessment Manager before agreeing to settle an appeal by way of compromise.

A similar process should also be followed regarding decisions to commence appeals against deemed consent notices under Section 125(6) of the Act (as only the relevant authority may commence such an appeal).

Finally, it is recommended that councils review their financial delegations, to ensure that delegations have been made to necessary relevant authorities (Assessment Manager, CAP, etc; noting that a delegation to the Manager of Planning is not a delegation to the assessment Manager, even if the same individual occupies both roles) and that the financial limit on such delegations reflects the role and functions of that relevant authority under the PDI Act.

Advice provided to the LGA by Norman Waterhouse Lawyers on 3 March 2020.

Further Information

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March 2020



**STATE
PLANNING
COMMISSION**

Practice Direction 5

Appointment of additional members to an Assessment Panel 2019

This practice direction is issued by the State Planning Commission under section 42 of the *Planning, Development and Infrastructure Act 2016*.

Introduction

Section 42 of the *Planning, Development and Infrastructure Act 2016* allows the State Planning Commission (the “Commission”) to issue practice directions for the purposes of the Act. Generally, practice directions specify procedural requirements or steps in connection with a matter arising under the Act. In certain cases, the Act requires a particular matter to be addressed or dealt with by a practice direction.

This practice direction is being made by the Commission to support the operation of section 85 of the Act.

Section 85 allows an assessment panel to appoint 1 or 2 additional expert members to the assessment panel where necessary.

Practice direction

Part 1 – Preliminary

1 – Citation

This practice direction may be cited as the *State Planning Commission Practice Direction (Appointment of Additional Members to an Assessment Panel) 2019*.

2 – Commencement of operation

This practice direction will come into operation on the day on which it is published on the SA planning portal.

3 – Object of practice direction

The object of this practice direction is to provide a list of the qualifications and experience which a person must hold to be appointed as an additional member of an assessment panel pursuant to Section 85 of the Act.

4 – Interpretation

In this practice direction, unless the contrary intention appears –

Act means the *Planning, Development and Infrastructure Act 2016*.

Note: Section 14 of the Acts Interpretation Act 1915 provides that an expression used in an instrument made under an Act has, unless the contrary intention appears, the same meaning as in the Act under which the instrument was made.

Part 2 – Appointment of additional members to an Assessment Panel

5 – Purpose and operation of section 85

- (1) Section 85 of the Act stipulates that an assessment panel appointed or constituted under the Act may appoint 1 or 2 members to act as additional members of that panel for the purposes of dealing with a matter that it must assess as a relevant authority.
- (2) However, a person is not eligible to be appointed as an “additional member” unless the person holds a qualification, or has expertise or experience, recognised by a practice direction.
- (3) This practice direction lists the qualifications and experience which a person must hold in order to be eligible to be appointed as an additional member of an assessment panel.
- (4) Additional members may be required on an assessment panel in circumstances where a development application requires expert assessment in a particular field of expertise that is not possessed by the existing assessment panel members.

4 – Qualifications and experience of additional members

- (5) The below table lists the various assessment considerations which may require the appointment of additional assessment panel members to provide the necessary expert advice.
- (6) Where the assessment panel forms the view that additional expert advice is required for an application which requires assessment of a matter listed in Column 1, the assessment panel may engage an additional assessment panel member provided that person maintains both the minimum experience detailed in Column 2, as well as the minimum qualification listed in Column 3.
- (7) Satisfaction of the minimum experience and qualifications will be to the satisfaction of the assessment panel (or its delegate).
- (8) The appointment of additional members to an assessment panel is at the discretion of the assessment panel (or its delegate). The below table does not mandate the appointment of additional members where the relevant assessment consideration may exist.

Column 1: Matter requiring expert consideration	Column 2: Minimum experience	Column 3: Minimum qualifications
Arboriculture (regulated trees)	2 years' experience in a role providing Arboricultural assessments and advice	Australian Qualification Framework (AQF) Level 5 qualified Arborist
Engineering (including traffic or civil matters)	2 years' experience in a role providing advice and assessment of relevant engineering issues	Relevant qualification in engineering or relevant discipline

Column 1: Matter requiring expert consideration	Column 2: Minimum experience	Column 3: Minimum qualifications
Native flora/fauna, biodiversity, or general environmental issues	2 years' experience in a role involving environmental assessment	Relevant qualification in horticulture, conservation, land management environmental science, natural environmental management or relevant discipline
Acoustic impacts	2 years' experience in noise and vibration monitoring and assessment	Qualification in an engineering, science or relevant discipline
Heritage	2 years' experience in the assessment or provision of advice regarding the development or conservation of heritage items	Relevant qualification in planning, archaeology, anthropology, history, earth sciences, geography, environmental science, surveying or relevant discipline
River Murray Floodplain Area	2 years' relevant experience in analysis or conservation of the River Murray	Relevant qualification in planning, conservation, land management environmental science, natural environmental management or relevant discipline
Marina Parks and Coast	2 years' relevant experience in coastal conservation	Relevant qualification in conservation, land management, biology, environmental science, natural environmental management or relevant discipline
Site contamination	2 years' relevant experience in site contamination assessment	Relevant qualification in science, engineering or relevant discipline
Urban design	2 years' relevant experience in urban design matters	Relevant qualification in planning, urban design, architecture, arts, science, environmental design/studies or relevant discipline

Issued by the State Planning Commission on 1 July 2019

8 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

Nil

9 SUMMARY OF COURT APPEALS

9.1 Summary of SCAP and ERD Court Matters - January 2021

Brief

This report presents information in relation to:

1. any planning appeals before the Environment, Resources and Development (ERD) Court;
2. any matters being determined by the State Commission Assessment Panel (SCAP);
3. any matters determined by the Minister of Planning (Section 49);
4. any matters determined by the Governor of South Australia (Section 46); and
5. any deferred items previously considered by the Council Assessment Panel.

RECOMMENDATION

The Council Assessment Panel receive and note the information.

Development Application appeals before the ERD Court

Reason for referral	DA number	Address	Description of development	Status
SCAP	211/M015/19	1 Glenburnie Terrace, PLYMPTON	Six-storey residential flat building (32 dwellings) & associated car parking	Appeal lodged - compromise proposal has been tabled at SCAP in confidence - decision unknown at this stage.
SCAP	211/M022/17	79 Port Road, THEBARTON	Multi-storey mixed use development, incorporating commercial tenancy, 2 storey car park, 9-storey residential flat building, four x 3-storey residential flat buildings and car parking	Appeal lodged - compromise plans have been received and Council comments provided to SCAP 09/11/2020.

Matters pending determination by SCAP

Reason for referral	DA number	Address	Description of development
Schedule 10	211/M030/18	192 ANZAC Highway, GLANDORE	Eight-storey residential flat building (40 dwellings) & removal of regulated tree

Matters pending determination by the Minister of Planning

Reason for referral	DA number	Address	Description of development
Section 49	211/V103/20	West Beach Parks Golf Park, Military Road, West Beach	Construction of a storage shed for golfers buggies and equipment Approval Granted - Decision date 17/12/2020
Section 49	211/V040/20	240-246 Marion Road Netley	Alterations & additions to existing building including enclosure of existing wash bay EPA request for further information - application held in abeyance

Matters pending determination by the Governor of South Australia

Nil

Deferred Council Assessment Panel Items

Nil

Conclusion

This report is current as at 7 January 2021.

Attachments

Nil

10 OTHER BUSINESS**11 MEETING CLOSE**