

5.2.2 SUMMARY DETAILS

Application No.	580/1032/20
Applicant	Southern Cross Care (SA, NT & VIC) Inc.
Subject Land	Lot 692 in D120995, CT 6223/774; 19 Hawthorn Road MOUNT BARKER
Ward	Central
Proposal	Communal Facility and associated car parking, earthworks and infrastructure in association with a Retirement Village
Development Plan	Mount Barker District Council – Consolidated 20 August 2020
Zone	Residential Zone
Form of Assessment	Merit
Public Notification	Category 3
Representations	2
Persons to be heard	Nil
Agency Consultation	Nil
Responsible Officer	Derek Henderson
Recommendation	Development Plan Consent

1. BACKGROUND

Stages 1, 1A and 2 of the Retirement Village approved in DA 580/499/16 and varied in DA 580/137/19 has been constructed. The completed work includes the creation of an internal access road (driveway) to Hawthorn Road and Collins Street, a stormwater detention basin and the creation of a public reserve and landscaping along the watercourse.

The approved retirement village will ultimately deliver 192 independent living dwellings on the subject land. In addition, an 80 bed Aged Care Facility has been constructed by Southern Cross Care on the northern side of the watercourse on a separate allotment.

The proponent has now determined that it is an appropriate time to deliver an on-site communal facility for the increasing residential population and staff of the retirement village, as anticipated by the original masterplan.

The land owner has entered into Infrastructure Deeds with Council for contribution/delivery of infrastructure items, including those identified in the Development Plan (Concept Plan Map MtB/1 in Figure 1). Several elements have already been delivered (including the landscaped reserve area now vested to Council) and contributions to infrastructure upgrades for external infrastructure (in particular Hawthorn Road upgrades, including intersection treatment at Adelaide Road). In addition, a Wastewater Commitment Deed has been entered into in relation to commitment to connect to Council's Sewerage network (that has been upgraded to the property boundary to service the entirety of the development, including this proposal).



In summary, the proposal involves the construction of a single storey communal facility including associated car parking, earthworks, infrastructure and landscaping to operate in association with an existing retirement village.

- A single storey building of contemporary design featuring flat and low pitched roofing, expansive glazing, and walls clad with a combination of render/brick/stone. The building will provide:
 - a multipurpose room and integrated resident dining and lounge
 - café
 - library

- games room
 - craft room
 - allied health consulting rooms
 - gym
 - offices for the management/administration of the retirement village.
- A car park containing 54 spaces, including 2 spaces for people with a disability.
- Filling up to an approximate height of 2.17 metres in order to level the land.
- A stormwater drainage system comprising downpipes and underground pipes, which will connect to the existing stormwater system on the northern side of the site.
- A small waste storage area containing 3 bins which will be collected by a private contractor twice per week, using a medium rigid vehicle up to 8.8 metres long.
- Landscaping within the curtilage of the building and carpark.
- Operating hours between 8:30am and 12:00am seven days a week, broken down as follows:
 - Gym, Monday – Friday, 8:30 am – 4:30 pm
 - Function centre, Monday – Sunday, 12:00 pm – 12:00 am
 - Café, Monday – Friday, 10:00 am – 3:00 pm.

Page 4 of the applicant's planning report suggests that

"The communal building, its facilities and associated activities will be ancillary and subordinate to the primary use of the land [as it only exists due to the retirement village...]. The integrated communal facility will be owned and managed by Southern Cross Care for the benefit of their existing and future retirement village residents."

Refer to **Attachment One (1)** for details of the proposal page **683**.

3. SUBJECT LAND AND LOCALITY

The address of the subject allotment is 19 Hawthorn Road, Mount Barker. It is formally described as Allotment 692 in the Hundred of Macclesfield, held in Certificate of Title Volume 6223 Folio 774.

The development is located near the centre of an existing Retirement Village. The map below identifies the site of the development relative to allotment boundaries, the Retirement Village, Aged Care Facility, and the landscaped reserve which has been vested to Council. The site is vacant land that is bound by internal access roads. There is a gentle grade in the land generally falling in a north-easterly direction. The developments locality is contained entirely within the bounds of the surrounding retirement village, aged care facility and public reserve.

The retirement village comprises conventionally designed single storey independent living units (group dwellings) at various stages of construction, including occupancy. The area within the retirement village directly south of the subject site has yet to be constructed, however full development approval has been issued for additional independent living units to be constructed in the next stage.

The existing Aged Care Facility (also operated by Southern Cross Care) is located approximately 50 metres north of the proposed development, across the public reserve area. The aged care facility is orientated such that it does not directly face the proposed development, although the proposed building will be visible from the facility.

On a broader scale, surrounding allotments include large rural living properties (to the north, located within the Residential Neighbourhood Zone), low density suburban sites containing 1-2 storey dwellings, and the Mount Barker Primary School to the south-east.

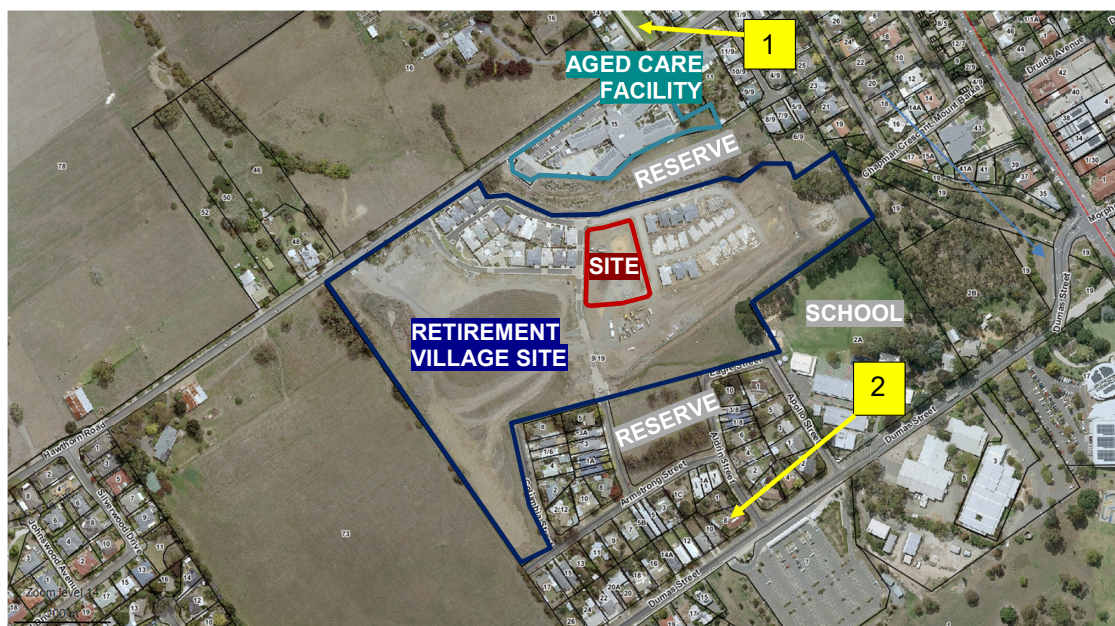


Figure 2. Aerial imagery of subject site and locality (taken March 2020). Representors residences identified in yellow (corresponding to the number in the representor table).



Figure 3. Aerial imagery of subject site in proximity to retirement village units and public reserve (taken March 2020)

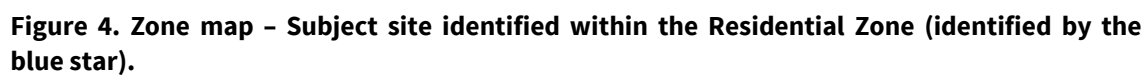


Figure 4. Zone map - Subject site identified within the Residential Zone (identified by the blue star).



Photo 1. Subject land on the left, looking south from the northwest corner of the site



Photo 2. Subject land looking southeast from the northwest corner of the site



Photo 3. Subject land to the right looking east from the northwest corner of the site



Photo 4. Land to the north of the subject site – public reserve area and aged care facility

4. PROCEDURAL MATTERS

A community centre, restaurant and hall are each determined to be non-complying forms of development in the Residential Zone. Of these, Schedule 1 of the Development Regulations 2008 provides the following definitions:

community centre means land used for the provision of social, recreational or educational facilities for the local community, but does not include a pre-school, primary school, educational establishment or indoor recreation centre;

restaurant means land used primarily for the consumption of meals on the site;

The proposal is for a “communal facility” for the exclusive use of the residents and staff of the Oakfield Lodge retirement village. Staff will perform their administrative functions from the building. The building therefore does not provide a service to the local community as it is not open to the public; hence it is determined not to satisfy the definition of a “community centre”. Similarly, the restaurant is not the primary use of the land/building, and instead it forms part of the broader use of the land as a retirement village. While assembly will occur, the building is not considered to be a hall as it does not serve a function for the wider community. The building is proposed to serve multiple other functions as an integral part of the retirement village.

In summary, the allotment retains its dominant land use characterisation as a retirement village. The proposed facility is a unique communal use within the retirement village and will only be available to residents, their guests and staff. On this basis the proposal is determined to be an on-merit development.

This application underwent Category 3 public notification as this type of development is not assigned to Category 1 or 2 by the Development Regulations or the Development Plan.

5. GOVERNMENT AGENCY SUBMISSIONS

No statutory/agency referrals were required under Schedule 8 of the Regulations.

6. COUNCIL DEPARTMENT COMMENTS

6.1. Planning Engineer

Council’s Planning Engineer has commented on the following matters:

- Stormwater management generally matches what was proposed and, in part delivered for the overall masterplan for the retirement village site, noting that the stormwater detention and water quality infrastructure that would service the entire site has already been delivered. No internal stormwater lines will be affected and connections can be made to surrounding networks within the site. No amendments to detention are therefore required.
- Vehicle swept paths have been checked for the route of expected vehicles (7.7 metre 25 seater mini bus) from Hawthorn Road to this site and appear reasonable. Forward movements for vehicles entering/exiting the site have been catered for with turnaround areas incorporated into the design.

- The GTA traffic report submitted by the applicant mentions that the proposed parking layout is consistent with off-street car parking requirements AS/NZS2890.1:2004 and AS/NZS2890.6:2009. This is reasonable.
- No fundamental change to traffic movements beyond the site.

6.2. Sewer Infrastructure Team

A sewer connection point, with capacity for the whole development, is available to service the development. There is a wastewater commitment deed enacted on the land which ensures obligations of the land owner and Council are satisfied in relation to provision of wastewater services for development on the land.

7. PUBLIC NOTIFICATION

The application was advertised in accordance with Part 4 of the Development Act 1993 (Category 3 Notification).

Adjoining land owners were notified and a notice placed in the Courier on 28 October 2020.

Pursuant to Part 4, Section 38(10)(b) of the Development Act 1993 the Council Assessment Panel must allow a person who made a written representation to appear personally or by representative before it to be heard in support of the representation.

7.1. Representations

Two (2) representations were received as a result of public notification, summarised and mapped as follows.

	Representor	Address	Nature of Representation	Request to be heard (Cat 3)
1	Paul and Terri Pamment	10 Hawthorn Rd, Mount Barker	In support. Acknowledges the need for a communal space for the retirement village, including those residents unable to drive to facilities in the wider community.	No
2	Roger Grillett	8 Dumas St, Mount Barker	Conditionally in support, noting reservations about traffic numbers entering Dumas and Aldrin Streets.	No

Refer to **Attachment Two (2)** for a copy of the representations received and page **749** and Figure 1 on page 670 for the location of the representors' residences.

7.2. Response to Representations

A response to the representations has been presented by the applicant. In summary, the applicant has stated that the traffic management for the retirement village, including use of the southern access onto Collins Street to facilitate access to the town centre through Dumas Street has previously been determined to be suitable.

Refer to **Attachment Three (3)** for a copy of the applicant's response to the representations, page **753**.

8. ASSESSMENT

8.1. Classification of Development

The proposed development is neither complying nor non-complying in the Zone, and accordingly is required to be assessed on merit having regard to the relevant provisions of Council's Development Plan.

8.2. Relevant Development Plan Provisions

The development application is required to be assessed against the Development Plan in effect at the time of lodgement, being the Mount Barker District Council Development Plan Consolidated – 20 August 2020.

Zone

Residential Zone: Objectives 1, 2, 4, 5, 6 Principles of Development Control (PDCs) 1, 4, 5, 6, 9, 10, 24

General Section

Community Facilities: Objectives 1, 2 PDCs 1, 2, 3

Design and Appearance: Objectives 1 PDCs 1, 2, 3, 4, 5, 6, 7, 9, 12, 13, 18, 19, 20

Energy Efficiency: Objective 1 PDCs 1, 2

Hazards: Objectives 4, 5, 8 PDCs 1, 2, 4, 5, 6, 7, 9, 10, 11, 13, 23, 31, 32

Infrastructure: Objectives 1, 2, 3, 5 PDCs 1, 4

Landscaping, Fences and Walls: Objective 2 PDCs 1, 6

Natural Resources: PDCs 21, 54

Residential Development: Objectives 1, 5 PDCs 6, 14, 15, 16, 45, 49

Supported Accommodation and Housing for Seniors: Objective 1 PDCs 1, 2, 4, 5, 6

Sloping Land: Objective 1 PDCs 1, 2, 3, 4, 5, 7

Transportation and Access: Objective 2 PDCs 8, 18, 29, 36, 38, 39, 42, 44, 46, 47

Waste: Objectives 1, 2 PDC 5

While all of the above provisions are considered applicable, only the most relevant to this site and application are discussed in detail below.

8.3. Suitability of land use within the Zone

The existing retirement village is a form of “supported accommodation”, which is envisaged in the Zone (Zone PDC 1 and Supported Accommodation PDC 1).

The Development Plan suggests that Supported Accommodation should include internal communal areas, useable recreation areas for residents and visitors, and spaces to accommodate social needs and activities including social gatherings (Supported Accommodation PDC 2).

Supported Accommodation should also be within walking distance of essential facilities such as convenience shops (e.g. café), health and community services, and transport services (Supported Accommodation PDC 1(a)).

The proposed communal facility therefore supports an existing and envisaged use in the zone, and it will provide many of the services which are expressly anticipated within retirement villages.

The proposal is a form of social infrastructure which is coordinated with the delivery of the retirement village development. The proposal therefore accords with Zone Objective 4 and Infrastructure Objective 2 which seek the coordinated and orderly provision of infrastructure in advance of need, including social infrastructure.

Some of the purposes provided by the proposed building are anticipated within the zone (as standalone land uses) such as consulting rooms, indoor recreation, active recreation and convenience shops. Further, the zone anticipates “limited non-residential development” where it results in minimal adverse impacts on residential amenity and character, and which only serves the local community (Residential Zone Objective 4 and PDC 6). The proposal principally serves the retirement village community and is considered to be low scale and low impact as discussed in the following sections of this report.

8.4. Interface between land uses

The “Interface between Land Uses” section of the Development Plan contains provisions which seek development located and designed to minimise adverse conflict between land uses, to protect community health and amenity and to protect desired land uses from incompatible development.

This application does not change the primary use of the land as a retirement village. The proposal involves an appropriate and expected form of development within the Residential Zone for the reasons discussed in the preceding section. Therefore, in principle, the proposal does not involve a development which is “incompatible” with sensitive, desired uses.

The proposal is unlikely to impair the locality (within the retirement village site) in terms of light spill, glare, odour, effluent, smoke, fumes, dust, vibration, electrical interference, overshadowing, and overlooking (IBLU PDC 1 and 3). Furthermore, due to the siting centrally within the village, no unreasonable impacts to adjoining land owners is anticipated for these matters.

Therefore the primary consideration in regard to the interface to adjoining land uses is in relation to traffic, operating hours and noise as detailed below:

- Traffic impact
The applicant's traffic consultant states "As the proposal is ancillary to the existing retirement village land use and is to be utilised by existing and future retirement village residents [i.e. there will be some 192 dwellings]. Therefore, the proposal is not anticipated to result in a notable increase in traffic volumes to the subject site". This is considered to be a reasonable statement, although occasional function events held within the building may draw additional traffic to the site (e.g. a celebration for a resident that may attract family and friends). This is anticipated to be infrequent and within the capacity of the local road network. It is noted that any guests accessing the facility would enter via Hawthorn Road (the main entrance) as opposed to Collins Street which is a controlled access (key card/pad). This further limits any additional traffic impact to the south beyond the traffic volumes of the residences. Hawthorn Road is designated for upgrades to cater for the township growth to the west and north.
- Operating hours and related noise impacts
The main activities within the building will occur between 8:30am and 4:30pm, including the gym and café. These activities fall comfortably within the "daylight" period defined by the Environmental Protection (Noise) Policy. The function room is anticipated to operate up to 12 am on the infrequent occasion of a special event. Further, the proposed building and car parking are a significant distance from the nearest sensitive land uses (external sites), being approximately 50 metres from the closest corner of the aged care facility to the north and over 100 metres from adjacent dwellings to the south. Realistically, the applicant is unlikely to allow the function room to impact the residents within the surrounding retirement village (e.g. by noise), let alone external residences at a much greater distance away.
- Other noise
Other noise generated by the proposal will primarily relate to traffic and parking, including waste truck movements and collection. A secondary noise source may include mechanical plant such as air conditioning. Within the public road network, additional traffic (and therefore noise) is anticipated to be minimal. Within the site, traffic movements and noise will be confined to the approved internal road network. The waste collection area is on the eastern side of the building, which provides a substantial separation distance from the nearest adjacent dwellings. Waste will be collected twice weekly by a private contractor. Based on these factors, the proposal is considered to result in reasonable and low levels of noise from traffic, waste collection and mechanical plant.

In summary, it is considered that the proposal suitability addresses relevant Development Plan provisions in relation to the interface to residences both within the retirement village itself and external to the village.

8.5. Design and appearance

The proposed single storey building corresponds with the predominant building height of dwellings in the retirement village and beyond. The proposed materials are sympathetic to this residential setting and will not be highly reflective (smooth render, brick, stone, timber-style panelling and glass). The roof form is partially hipped/pitched which recognises that local roof forms are typically conventional.

The Development Plan seeks cutting/filling to be limited to a maximum height 1.5 metres (Sloping Land PDC 7). The proposal includes up to approximately 2.1 metres of fill in response to the natural land form, however it is predominately less than this height. For a larger footprint such as this building, this extent of fill is required and, with the generous curtilage, can be suitably retained, graded and landscaped back to meet natural ground level without unduly impacting on the amenity of the locality.

The proposal is considered to be of a high architectural standard which responds to the positive aspects of the surrounding environment (Design and Appearance Objective 1). Furthermore, the “form, scale and siting” of the development is “responsive to the prevailing character of existing dwellings in the locality and the land form” (Zone Desired Character).

Non-residential buildings should be compatible with nearby residential buildings and have elements that present a residential scale/design “to the street frontage” such as verandas, porches and varied setbacks of the front façade (Zone PDC 24). This provision has little application to this building as it will be sited some 100 metres from the nearest public road frontages. Regardless, the proposed building addresses the internal roads, provides a complementary single storey scale/height, is located within a landscaped open space setting, provides varied setbacks to each frontage, and incorporates ‘residential’ design elements such as hipped roofing, materials, and extruding canopies.

8.6. Traffic and car parking

As discussed previously, the proposal does not result in an appreciable change in traffic associated with the overall retirement village use. The applicant engaged GTA Consultants (GTA) to provide a report into traffic and parking matters. GTA confirms that the design, layout and line marking of the car park will meet relevant standards (Transportation and Access PDCs 36 and 47).

Turn path diagrams have also been prepared in support of all anticipated vehicle movements including passenger vehicles, minibuses and 8.8 metre Medium Rigid Vehicles which will undertake waste collection (Transportation and Access PDC 8).

GTA suggests the proposed supply of 54 car parking spaces is adequate as the building will be “ancillary” to the retirement village and will not generate additional parking demand – instead, GTA suggests the car parking is proposed for the convenience of any residents and staff who wish to drive to the building.

For the sake of a comparison (albeit with limitations), a maximum parking requirement of 100 spaces would apply if the proposal was a “community centre” open to the public. This is based on Table MtB/2 which seeks 1 space per 10m² Gross Leasable Area. Again, this proposal is not for a community centre as it is purely associated with the retirement village, it is not open to the general public and most village residents are likely to walk to the facility. A provision of 54 car parking spaces is considered to be fit for purpose as proposed by the applicant.

8.7. Landscaping

A Landscaping Plan has been submitted with the proposal (refer Page XXX in Attachment XX). In consideration of comments by Council's Landscape Technical Officer to the original concept, the plan has been updated with enhancements, particularly in relation to optimising opportunities for planting larger trees within the landscaped areas. The overall plan is considered to result in a high level of amenity and ultimately shading that is fit for purpose for retirement village residents.

9. CONCLUSION

The proposal involves the construction of a single storey communal facility including associated car parking, earthworks and infrastructure which will operate in association with an existing retirement village.

The proposed communal facility/social infrastructure supports an existing and envisaged use in the Residential Zone, and it incorporates many of the services which are expressly anticipated within retirement villages.

The proposal is considered to result in low impacts on adjacent sites given its ancillary nature, scale and being well separated from adjacent sensitive land uses.

The design and appearance of the proposed building is appropriate in this residential location, being single storey, having varied setbacks, comprising residential materials, incorporating pitched/hipped roofing element with canopies/verandahs, and being of low visibility to the public realm.

The proposal is likely to result in a negligible increase to traffic in the context of the overall retirement village development. Further, the proposal will rely on existing and approved public road access points and internal roads. The design and layout of the proposed carparking and driveway areas complies with relevant standards. Swept path diagrams confirm that the proposal caters to the anticipated vehicle types. The proposal includes 54 new car parking spaces is considered sufficient to meet the needs of this development.

Taking all relevant planning matters into consideration, the subject proposal sufficiently meets the applicable planning provisions to warrant Development Plan consent being granted.

10. RECOMMENDATION

It is recommended that the Council Assessment Panel:

RESOLVE that the proposed development is not seriously at variance with the policies in the Mount Barker District Council Development Plan – Consolidated 20 August 2020.

RESOLVE to GRANT Development Plan Consent to the application by Southern Cross Care (SA, NT & VIC) Inc. for a Communal Facility and associated car parking, filling and infrastructure in association with a Retirement Village at 19 Hawthorn Road, Mt Barker in Development Application 580/1032/20 subject to the following conditions and advisory notes:

DEVELOPMENT PLAN CONSENT

The following condition(s) apply:

- (1) The development herein consented is to be carried out in accordance with the plans and details accompanying this application including but not limited to the following:
 - Architectural Plans of CUBE Architects titled Retirement Village Plan of Cube Architects Ref: 19004 dated April 2020.
 - Planning Report of Masterplan titled “Construction of a building to accommodate integrated communal facilities associated with an existing retirement village 15 Hawthorn Road, Mount Barker for Southern Cross Care” dated September 2020.
 - Traffic Impact Assessment of GTA titled “Re: Communal Facility, Oakfield Retirement Village, Mt Barker” Ref: S133347 dated 31 August 2020.
 - Stormwater Management Plan of WGA titled “Oakfield Centre, Mt Barker” Project No. 191134 Rev A dated 09 April 2020.
 - Landscaping Plan Dwg No. BOLA_2020_3_WD01 and accompanying cover letter of Masterplan dated 17 December 2020

except where amended by the following conditions:

- (2) All scarring or physical disturbances of the land surface during any excavation work shall be restricted to only that which is required for building work and/or access purposes. All resultant exposed faces shall be covered in topsoil and planted with suitable ground cover to prevent soil erosion.
- (3) Lighting shall be provided to the pedestrian areas, manoeuvring areas and car parks in accordance with AS 1158.1 Public Lighting Code and AS 2890.1 Parking facilities – Off-street car parking.
- (4) Stormwater infrastructure is to be constructed in general accordance with the stamped plans and maintained in good condition to provide effective management of stormwater associated with the development.

- (5) Traffic management, parking and construction of vehicle manoeuvring and car parking areas is to be in accordance with the submitted plans, including:
- i. Car parks and any traffic control devices must be designed and constructed in accordance with AS 2890, in particular AS 2890.1 and AS 2890.2 –Off-Street Car parking along with AS 1742 Manual of Uniform Traffic Control Devices, Notice to Council (Part 1 and 2) under the Road Traffic Act 1961 from the Minister for Transport and Urban Planning (December 1999) and any other relevant Australian Standards and codes.
 - ii. The driveways and car parking areas shall be paved or surfaced, drained and marked to accepted engineering standards prior to the occupation of the development and shall be maintained in good condition at all times.
- (6) Landscaping is to be undertaken in general accordance with the submitted plans and maintained in good condition, with any losses replaced in a timely manner. Landscaping is to be completed within 3 months of the occupation of the facility.
- (7) Effective measures shall be implemented during the construction of the development in accordance with this consent to:
- i. Prevent silt run-off from the land to adjoining properties, roads and drains;
 - ii. Control dust arising from the construction and other activities, so as not to, in the opinion of Council, be a nuisance to residents or occupiers on adjacent or nearby land;
 - iii. Ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site;
 - iv. Ensure that all litter and building waste is contained on the subject site in a suitable bin or enclosure; and
 - v. Ensure that no sound is emitted from any device, plant or equipment or from any source or activity to become an unreasonable nuisance, in the opinion of Council, to the occupiers of adjacent land.

Notes

- (1) The land is subject to an Infrastructure Agreement with Council for the provision of infrastructure and requirements as per Concept Plan Map MtB/1 in the Mount Barker Council Development Plan. All obligations in regards to this agreement should be coordinated with the undertaking of the retirement village development.
- (2) Any connection to Council's Community Wastewater Management System (CWMS)/Sewer must be provided in accordance with Council's current standards, Australian Standards and relevant codes to the reasonable satisfaction of the Council and all work must be undertaken by the applicant at the applicant's expense, including associated augmentation fees. Approval shall be sought from the SA Health and Council prior to construction.
- (3) The applicant/owner is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act 1993 (enforced by the Environment Protection Authority), to take all reasonable and practical measures to ensure that its activities on the whole site do not pollute the environment in a way which causes, or may cause environmental harm (including an environmental nuisance such as dust).

Attachment One (1)

Mount Barker District Council

Received

20 September 2020

DEVELOPMENT APPLICATION FORM

COUNCIL: MOUNT BARKER DISTRICT COUNCIL

APPLICANT: SOUTHERN CROSS CARE (SA, NT & VIC) INC.

Postal Address: C/- MASTERPLAN SA
33 CARRINGTON STREET, ADELAIDE SA 5000

OWNER: SOUTHERN CROSS CARE (SA, NT & VIC) INC.

Postal Address: 25 CONYNGHAM STREET
GLENSIDE SA 5065

BUILDER: TBA

Postal Address: _____
Licence No: _____

CONTACT PERSON FOR FURTHER INFORMATION:

Name: GREG VINCENT - MASTERPLAN SA PTY LTD
Telephone: 8193 5600
Email: GREGV@MASTERPLAN.COM.AU
Mobile: 0413 832 603

EXISTING USE:

RETIREMENT VILLAGE

FOR OFFICE USE

Development No: _____				
Previous Development No: _____				
Assessment No: _____				
<input type="checkbox"/> Complying	Application forwarded to DA			
<input type="checkbox"/> Non-complying	Commission/Council on: _____			
<input type="checkbox"/> Notification Cat 2	/ /			
<input type="checkbox"/> Notification Cat 3	Decision: _____			
<input type="checkbox"/> Referrals/Concurrence	Type: _____			
<input type="checkbox"/> DA Commission	Date: / /			
	Decision	Fees	Receipt No	Date
Planning:	YES			
Building:				
Land Division:				
Additional:				
Dev Approval:				

DESCRIPTION OF PROPOSED DEVELOPMENT: INTEGRATED COMMUNAL FACILITIES ANCILLARY AND SUBORDINATE TO AN EXISTING RETIREMENT VILLAGE

LOCATION OF PROPOSED DEVELOPMENT:

House No: 15 Lot No: 692 Street: HAWTHORN ROAD Town/Suburb: MOUNT BARKER
Section No (full/part): 120995 Hundred: MACCLESFIELD Volume: 6223 Folio: 774
Section No (full/part): _____ Hundred: _____ Volume: _____ Folio: _____

LAND DIVISION: n/a

Site Area (m²): _____ Reserve Area (m²): _____ No of Existing Allotments: _____
Number of Additional Allotments - (Excluding Road and Reserve): _____ Lease: YES: ☐ NO: ☐

BUILDING RULES CLASSIFICATION SOUGHT: n/a

If Class 5, 6, 7, 8 or 9 classification is sought, state the proposed number of employees: Female: _____ Male: _____
If Class 9a classification is sought, state the number of persons for whom accommodation is required: _____
If Class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises: _____

DOES EITHER SCHEDULE 21 OR 22 OF THE DEVELOPMENT REGULATIONS 2008 APPLY?

YES: ☐ NO: ☒

HAS THE CONSTRUCTION INDUSTRY TRAINING FUND ACT 1993 LEVY BEEN PAID?

YES: ☐ NO: ☒

DEVELOPMENT COST (Do not include any fit-out costs): \$ 4.25 MILLION

I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Development Regulations 2008.

SIGNATURE: _____

Dated: 31 AUGUST 2020



Product Register Search (CT 6223/774)
Date/Time 31/05/2019 17:40
Customer Reference 51477
Order ID 20200821005018

Mount Barker District Council
Received
23 September 2020



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 6223 Folio 774

Parent Title(s) CT 6181/339
Creating Dealing(s) RTC 13107825
Title Issued 31/05/2019 Edition 2 Edition Issued 31/05/2019

Estate Type

FEE SIMPLE

Registered Proprietor

SOUTHERN CROSS CARE (SA & NT) INC.
OF 151 GREENHILL ROAD PARKSIDE SA 5063

Description of Land

ALLOTMENT 692 DEPOSITED PLAN 120995
IN THE AREA NAMED MOUNT BARKER
HUNDRED OF MACCLESFIELD

Easements

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED B ON D120995 TO DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000) (T 2072265)

SUBJECT TO SERVICE EASEMENT(S) OVER THE LAND MARKED D ON D120995 FOR DRAINAGE PURPOSES TO THE COUNCIL FOR THE AREA (223LG RPA)

Schedule of Dealings

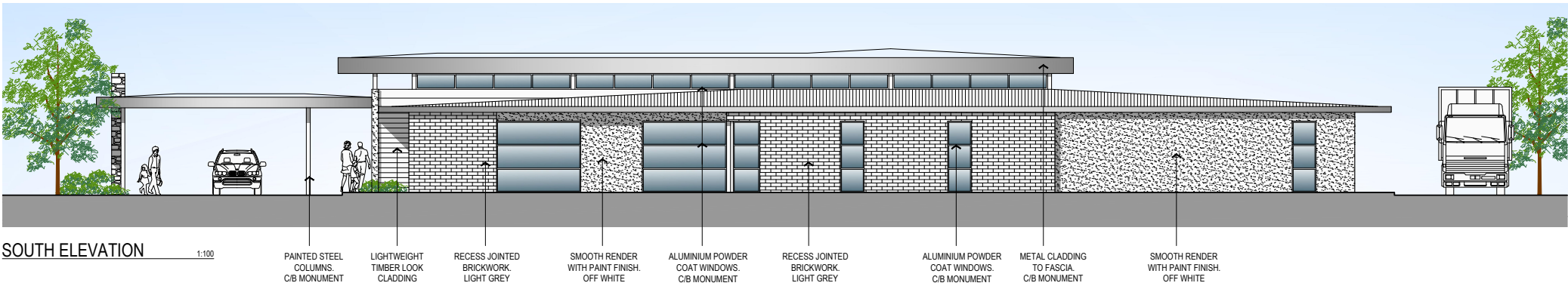
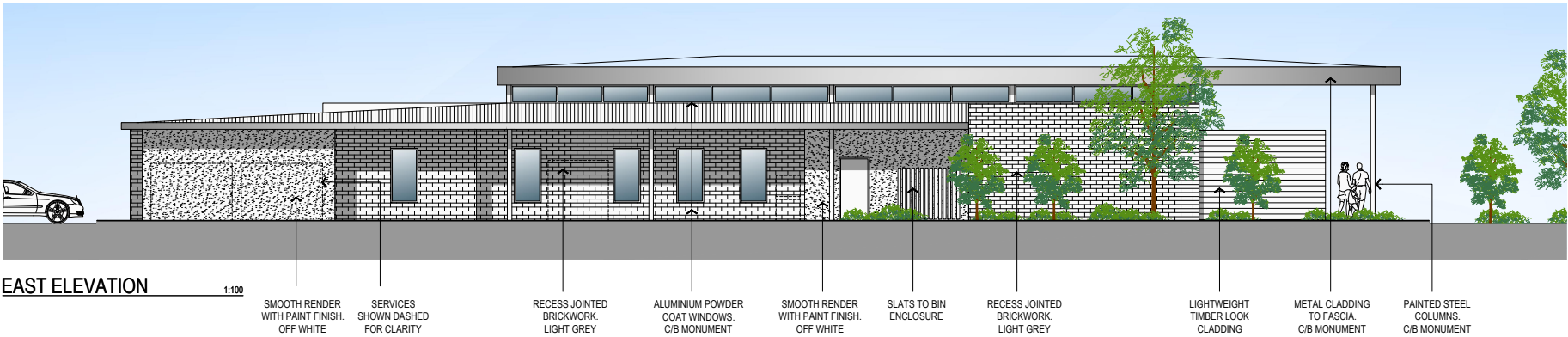
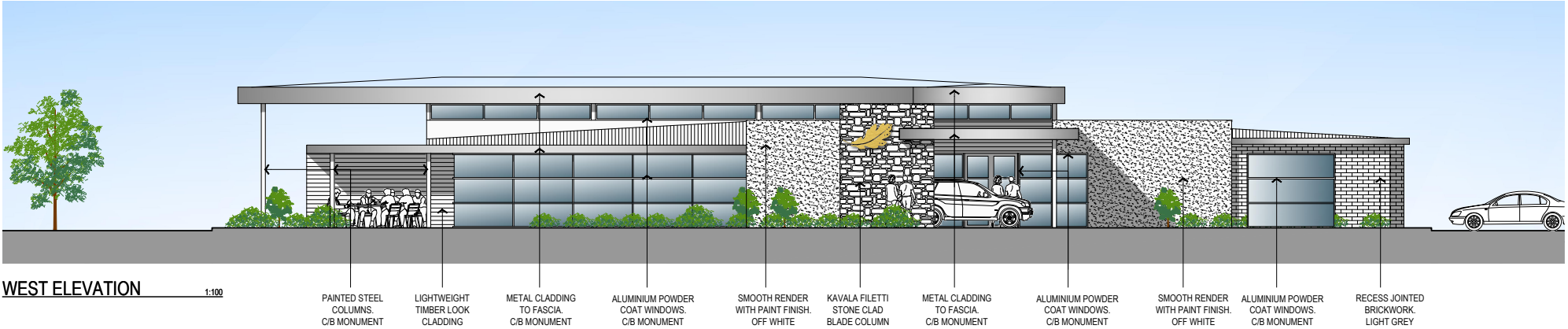
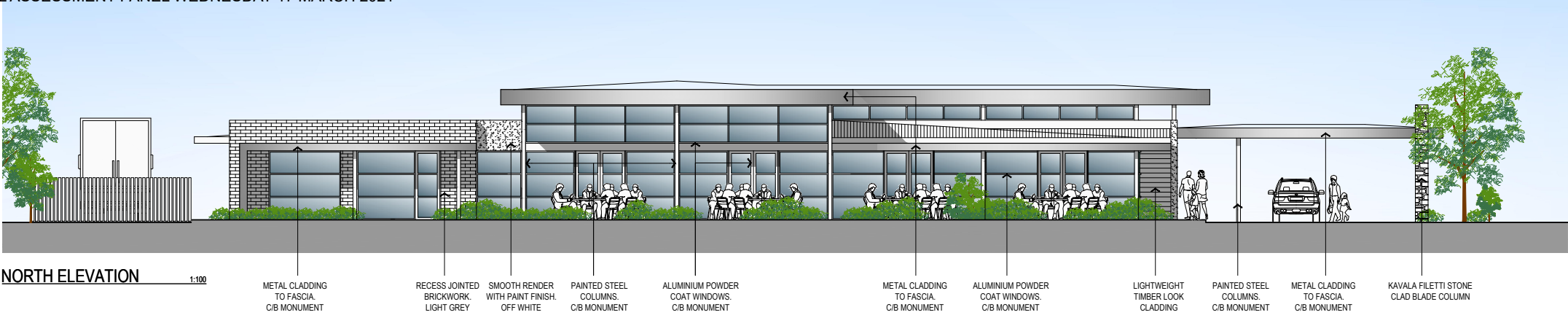
Dealing Number	Description
13075344	APPLICATION PURSUANT TO RETIREMENT VILLAGES ACT, 1987 THE LAND IS TO BE USED AS A RETIREMENT VILLAGE
13130763	AGREEMENT UNDER DEVELOPMENT ACT, 1993 PURSUANT TO SECTION 57(2)

Notations

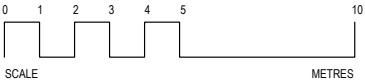
Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



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OAKFIELD RETIREMENT VILLAGE, MT BARKER
SOUTHERN CROSS CARE (SA, NT & VIC) INC

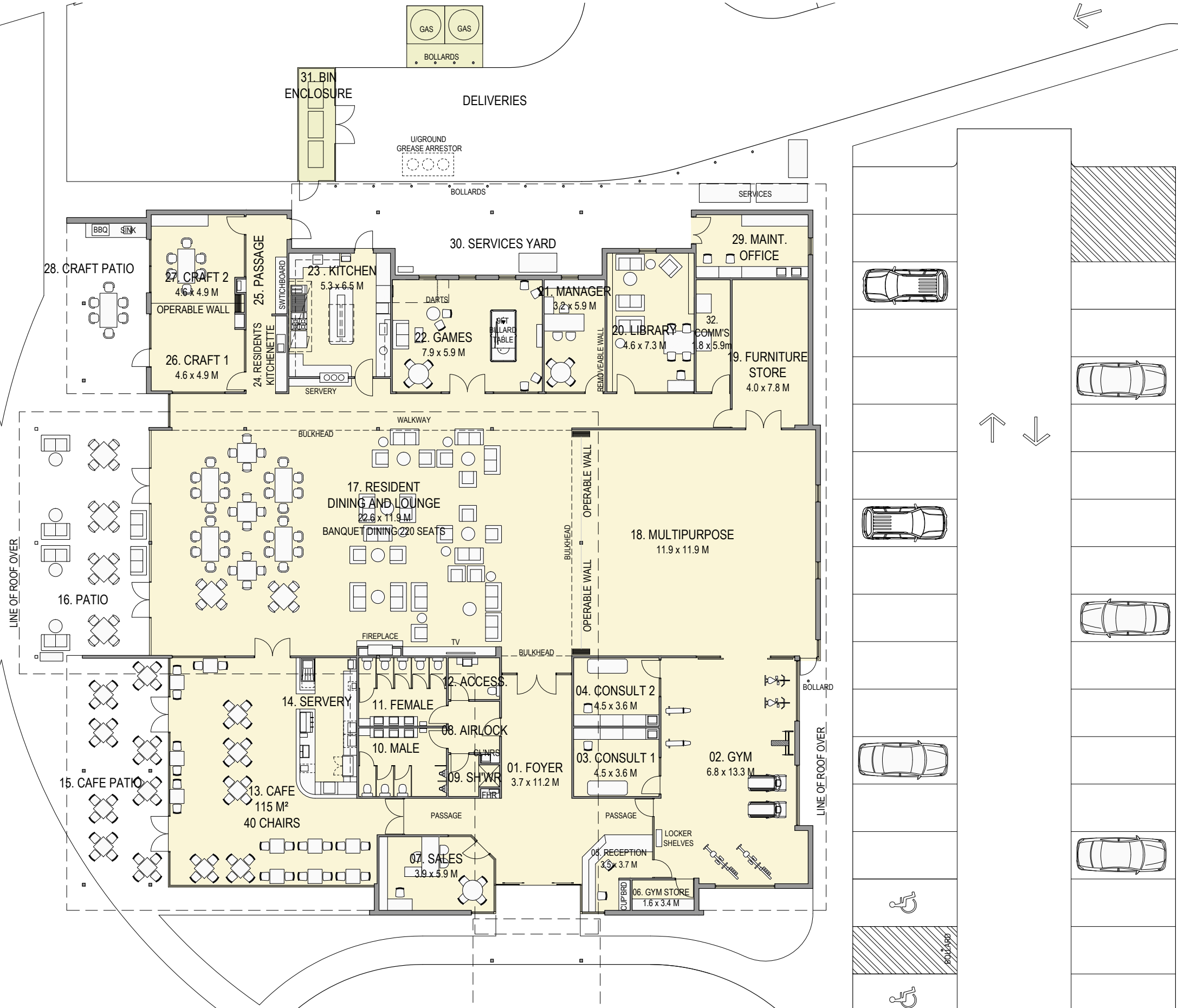


OAKFIELD CENTRE
BUILDING ELEVATIONS
SCALE 1:100 @ A1

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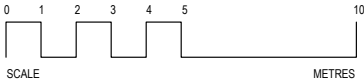
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APRIL 2020
19004 PL05A



OAKFIELD RETIREMENT VILLAGE. MT BARKER
SOUTHERN CROSS CARE (SA, NT & VIC) INC

OAKFIELD CENTRE
BUILDING ENVELOPE 1188 M²



OAKFIELD CENTRE
FLOOR PLAN
SCALE 1:100 @ A1

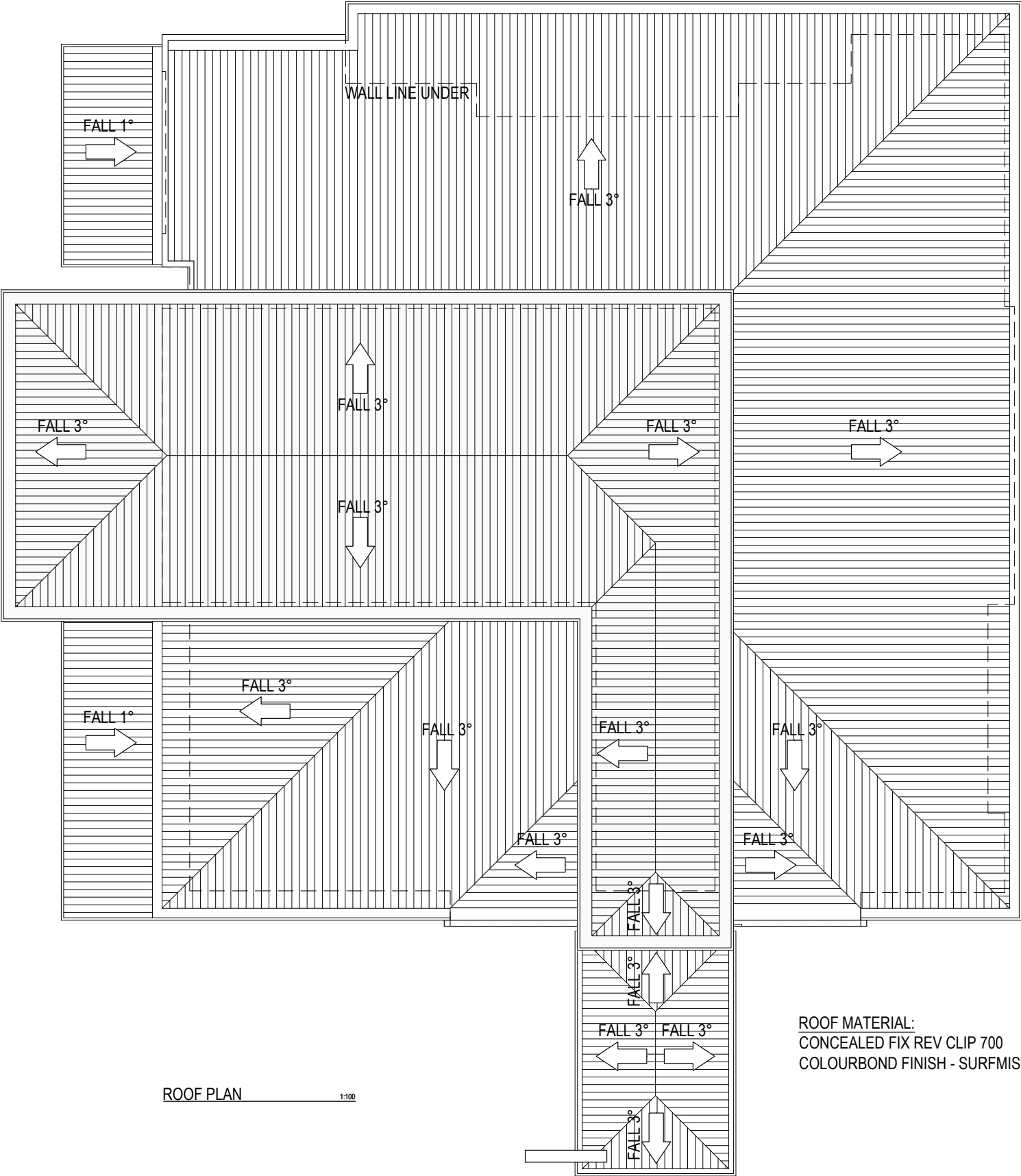


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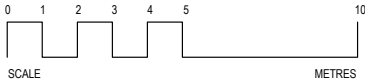
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ROOF PLAN 1:100

ROOF MATERIAL:
CONCEALED FIX REV CLIP 700
COLOURBOND FINISH - SURFMIST



OAKFIELD CENTRE
ROOF PLAN
SCALE 1:100 @ A1



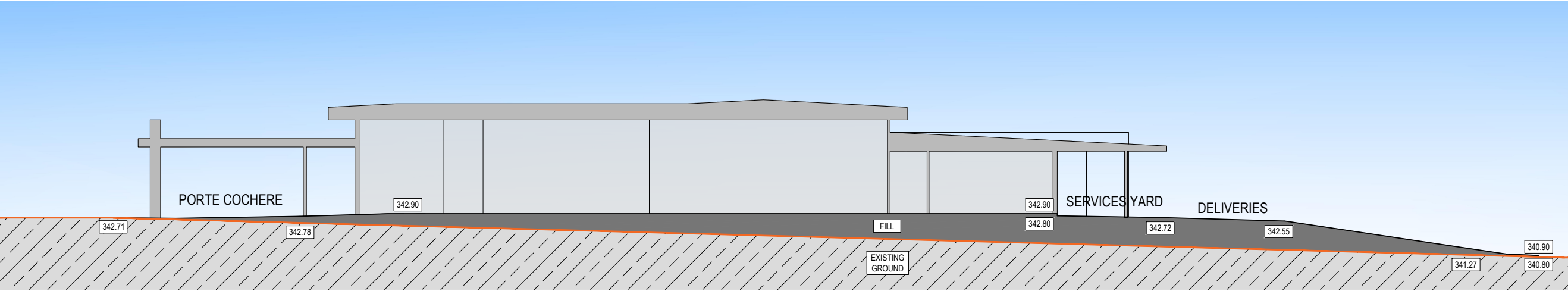
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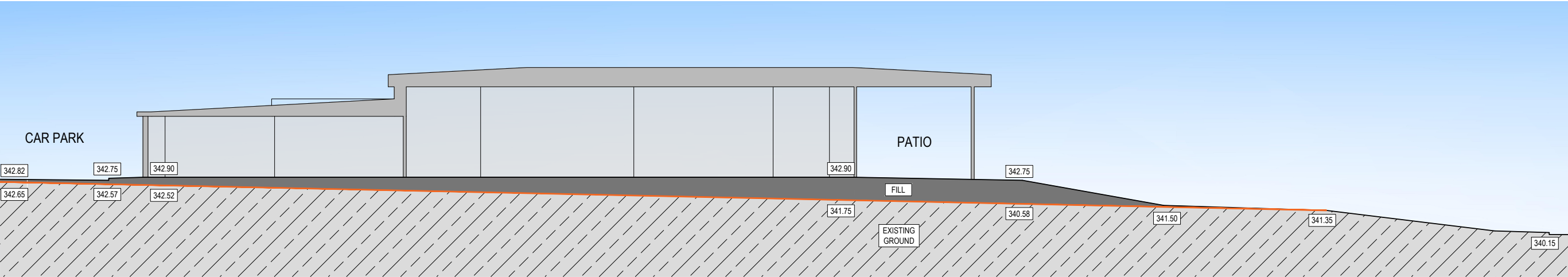
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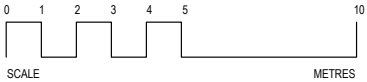
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SOUTHERN CROSS CARE (SA, NT & VIC) INC



SITE SECTION EAST - WEST 1:100



SITE SECTION NORTH - SOUTH 1:100



OAKFIELD CENTRE
SITE SECTIONS
SCALE 1:100 @ A1

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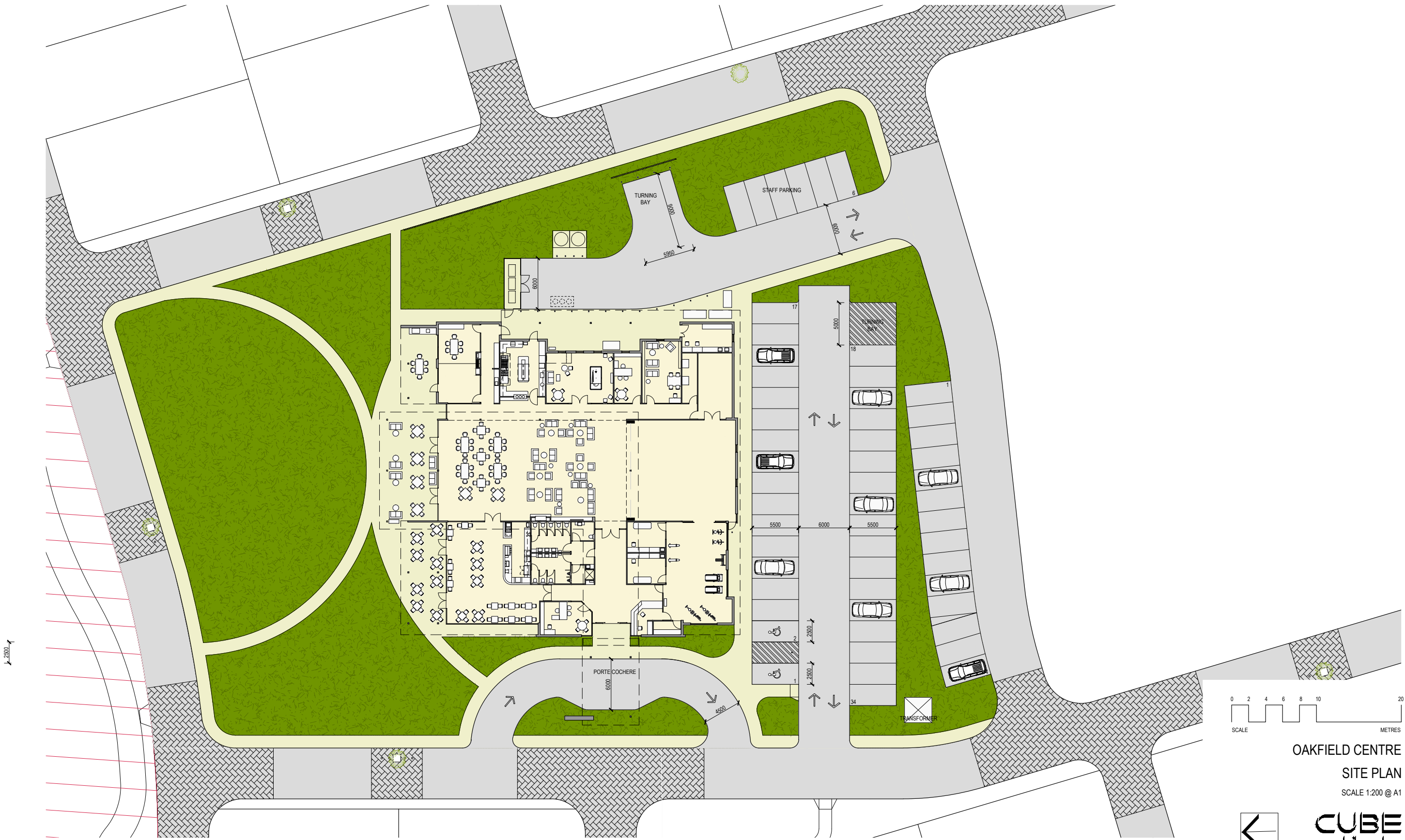
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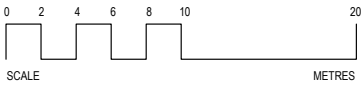
OAKFIELD RETIREMENT VILLAGE. MT BARKER
SOUTHERN CROSS CARE (SA, NT & VIC) INC



OAKFIELD RETIREMENT VILLAGE. MT. BARKER
SOUTHERN CROSS CARE (SA, NT & VIC) INC



OAKFIELD RETIREMENT VILLAGE. MT BARKER
SOUTHERN CROSS CARE (SA, NT & VIC) INC



OAKFIELD CENTRE
SITE PLAN
SCALE 1:200 @ A1



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APRIL 2020
19004 PL02A



17 December 2020

Development Services – Planning
Mount Barker District Council
PO Box 54
MOUNT BARKER SA 5251

Attention: Derek Henderson

Dear Derek

Re: DA 580/1032/20
Response to Council Request for Additional Information

We act for Southern Cross Care (SA, NT & VIC) Inc, the applicant, for the above Development Application.

We are in receipt of the advice provided by Council, dated 11 November 2020 regarding the above application at 19 Hawthorn Road.

Council have made comment on the proposals lack of large tree planning within the grounds of the communal facility and have requested that the applicant consider opportunities for inclusion of landscaping adjacent the communal facility.

Following more detailed design, the applicant has engaged BOLA to prepare a landscaping plan which details the proposed landscaping adjacent the communal facility. The landscape plan illustrates the extent to which the land surrounding the communal facility will be vegetated. Garden beds are proposed along each façade of the building, and incorporate trees, shrubs, strappy leaf plants and ground covers. The location and extent of these plants are illustrated on the **attached** Landscape Plan.

Of particular interest to Council was the extent of tree coverage which would be provided by the proposal. The below table provides further detail regarding both the the height and crown of the trees at the time of planting, but also the expected height and crown at maturity.

Table 1: Characteristics of the Proposed Trees

BOTANICAL NAME	SIZE AT TIME OF PLANTING	MATURE SIZE	QUANTITY
Acer Buergerianum	2.0 - 2.5 metre height	6.0 metre height 6.0 metre crown	10
Lagerstoemia 'Natchez'	2.0 - 2.5 metre height	8.0 metre height 6.0 metre crown	4



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51472LET03



BOTANICAL NAME	SIZE AT TIME OF PLANTING	MATURE SIZE	QUANTITY
Pyrus 'Capital'	2.0 - 2.5 metre height	11.0 - 12.0 metre height 1.0 - 3.0 metre crown	21
Pyrus Usseriensis	2.0 - 2.5 metre height	9.0 metre height 7.0 metre crown	9
Quercus Palustris	3.0 – 5.0 metres height	25.0 - 30.0 height 20.0 metre crown	2

With regard to the proposed landscaping adjacent the communal facility, we consider the incorporation of five (5) distinct types of trees, particularly the large Quercus Palustris will provide a substantial canopy cover, reduce any heat island effect and provide a vibrant centre piece for the site to be enjoyed by residents and their guests.

We trust this information is sufficient to reassure Council that suitable landscaping is of great importance to our client and is fundamental to their desired visual outcome for the site.

Yours sincerely

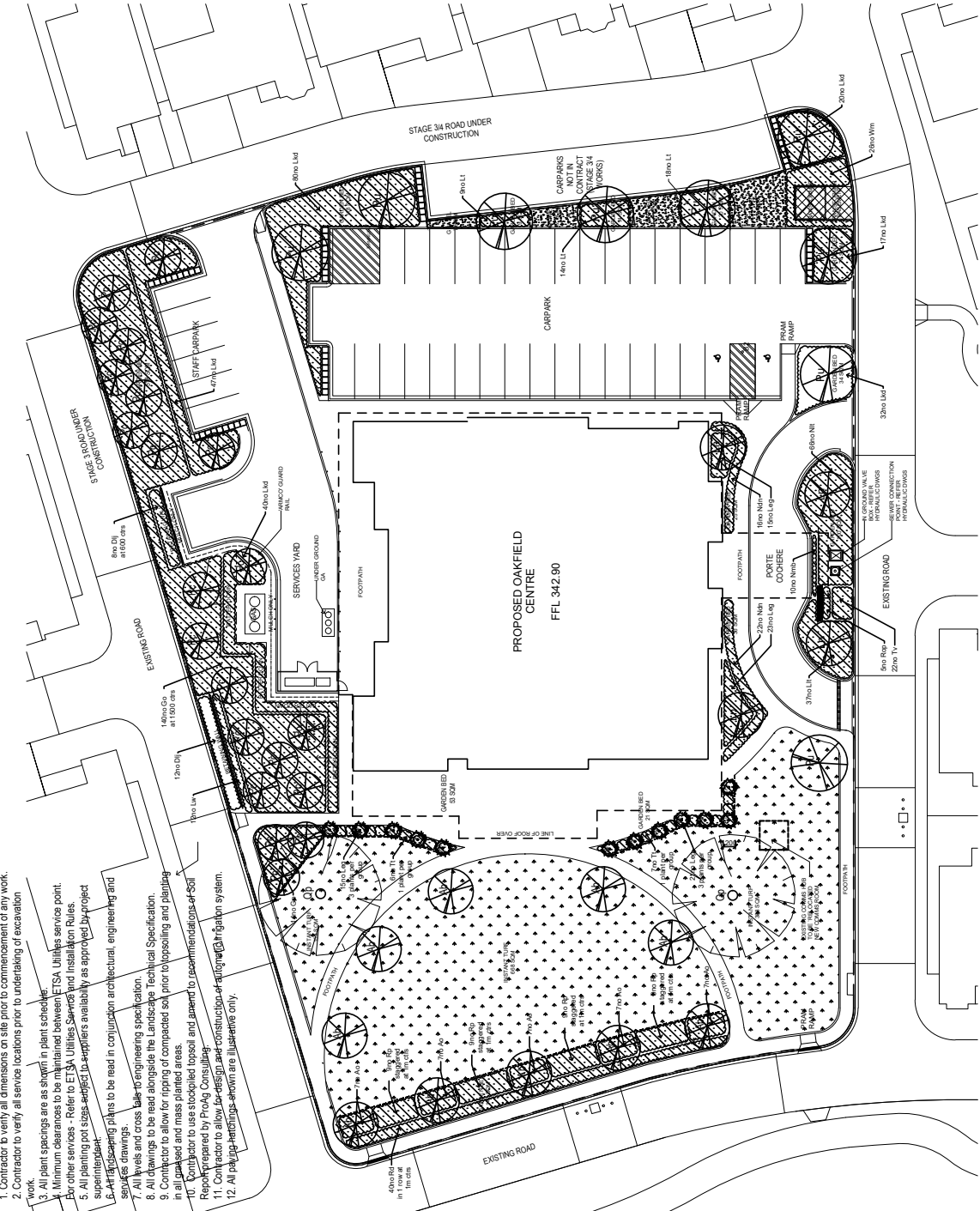
Nathan Woodward
MasterPlan SA Pty Ltd

enc: BOLA Landscape Plan.
cc: Leon Patsis, Southern Cross Care.
Greg Vincent, MasterPlan.
Mark William, Cube.
Jarrad McGaffin, Cub.

Sheet 1 of 1 - Community Centre Landscaping

NOTES

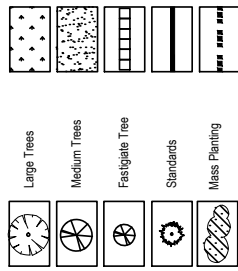
1. Contractor to verify all dimensions on site prior to commencement of any work.
2. Contractor to verify all service locations prior to undertaking of excavation work.
3. All plant spacings are as shown in plant schedule.
4. Minimum clearances to be maintained between ETSA Utilities service point.
5. All other services - Refer to ETSA Utilities Services and Installation Rules.
6. All planting pot sizes subject to suppliers availability as approved by project superintendent.
7. All landscaping plans to be read in conjunction architectural, engineering and services drawings.
8. All levels and cross falls to engineering specification.
9. Contractor to allow for ripping of compacted soil prior to topsoiling and planting in all grassed and mass planted areas.
10. Contractor to use stockpiled topsoil and amend to recommendations of Soil Report prepared by ProAg Consulting.
11. Contractor to allow for design and construction of automatic irrigation system.
12. All planting hardenings shown are illustrative only.



0 2 4 6 8 10 20
SCALE METRES

COMMUNITY CENTRE LANDSCAPING PLAN
Scale 1:200 at A1

LEGEND



PLANT SCHEDULE

Code	Botanical Name	Spacing (mm)	Size	Height (m)	Quantity
Trees					
Ab	Azot bangkaiensis	As shown	2.0 - 2.5m	10	10
Ln	Lagerströmia 'Natchez'	As shown	2.0 - 2.5m	4	4
Pc	Pyrus 'Capital'	As shown	2.0 - 2.5m	21	21
Pu	Pyrus 'Assurans'	As shown	2.0 - 2.5m	9	9
Qp	Quercus palustris	As shown	3.0 - 5.0m	2	2
Standards					
Al	Acacia 'Linealight'	As shown	1.2 - 1.5m	12	12
Shrubs					
Nin	Nandina domestica 'Irina'	600	200	38	38
Rd	Raphiolepis delacourii	1000	200	40	40
Rop	Raphiolepis 'Oriental Pearl'	1000	200	5	5
Rp	Rosmarinus prostratus	1000	200	36	36
Wm	Westringia 'Mundul'	1000	200	26	26
Strappy Leaf Plants					
AO	Agave attenuata	600	150-200	35	35
Dij	Dianella 'Little Joss'	1000	150-200	20	20
Lag	Liriodendron 'Giant'	600	150-200	74	74
Lc	Lomandra 'Wynyard'	1000	150-200	12	12
Lkd	Lomandra 'Kaituma Deluxe'	1200	150-200	80	80
Lit	Lomandra 'Line Turf'	1000	150 - 200	65	65
Tv	Tubularia violacea	1000	150 - 200	22	22
Groundcovers					
Go	Grevillea obtusifolia	1200	150	154	154
Tt	Trachyspermum tricolor	1000	150	13	13

PROJECT	Oakfield Rise Retirement Village
DRAWN	Mr. Barker
CLIENT	Community Centre Landscaping
DESIGNED	Southern Cross Care (SA & NT) Inc
DWG NO	BCA-300-1-0001
SHEET NO	Sheet 1
DATE	08/13
SCALE	1:200 @ A1
STATUS	ISSUED FOR REVIEW
REVISION	

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Mount Barker District Council
Received
23 September 2020

PLANNING REPORT

Construction of a building to accommodate integrated communal facilities associated with an existing retirement village

15 Hawthorn Road, Mount Barker for Southern Cross Care



Prepared by
MasterPlan SA Pty Ltd
ABN 30 007 755 277, ISO 9001:2015 Certified
33 Carrington Street, Adelaide SA 5000
Telephone: 8193 5600, masterplan.com.au

September 2020

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23 September 2020



1.0 INTRODUCTION

This report has been prepared on behalf of the applicant, Southern Cross Care (SA & NT) Inc, for the construction of a building to provide communal facilities exclusive to the residents of an existing retirement village at 15 Hawthorn Road, Mount Barker.

In preparing this planning report we have:

- inspected the subject site and locality;
- reviewed the site's previous Development Approvals;
- reviewed Certificate of Title Register Searches for allotments making up the subject site;
- reviewed the proposed set of plans and accompanying technical reports;
- reviewed the provisions of the Mount Barker Council Development Plan relevant to the site; and
- outlined our assessment of the proposed development against the relevant planning provisions of the Mount Barker Council Development Plan.

We have formed the opinion that the proposal is an appropriate form of development and warrants Development Plan Consent.

2.0 BACKGROUND

Mount Barker Council provided Development Plan Consent to DA 580/499/16 on 7 April 2017 at 15 Hawthorn Road, Mount Barker to construct a *"Retirement Village (180 Group Dwellings) and Associated Infrastructure and Landscaping"*.

We note that since Development Plan Consent was granted, the applicant has issued the following documentation to the Council:

- a minor variation under Regulation 47a of the Regulations was lodged against DA 580/499/16 on 21 April 2017, of which comprised changes to the finishes of Entry 1 and minor alterations to the colours and materials for each proposed unit;
- a request on 13 July 2017 was made to divide Stage 1 into two stages – Stage 1A and Stage 1B, which separated the stormwater detention basin (Stage 1B) from the balance of the works (Stage 1A) so that the relevant consent remained operational, whilst engineers continued to work through issues pertaining to the stormwater detention basin;
- additional information was provided to the Council on 3 August 2017 to resolve outstanding reserve matters associated with the respective Development Plan Consent;

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- a minor variation under Regulation 47a of the Regulations was lodged against DA 580/499/16 on 19 September 2018, which comprised changes to the associated landscaping for the approved dwellings and the inclusion of additional road and stormwater infrastructure;
- a Development Application was lodged (related to DA 580/499/16) on 19 September 2018 for six (6) advertisement banners associated with the site's primary use;
- a Development Application was lodged on 19 September 2018, for a footbridge as part of the approved shared use path in DA 580/499/16;
- an application for a variation to Stage 2 of Development Approval 580/499/16 was lodged in February 2019 to increase the number of approved dwellings, alter staging boundaries, alter dwelling designs and associated retaining walls; and
- a Development Application was lodged in March 2019 to erect four (4) temporary banner signs to the entrance of the site.

3.0 SITE AND LOCALITY

The site of the proposed development (the site) is centrally located within the external site extents of the existing approved retirement village on land set aside as part of DA 580/499/16 and identified for future development.

The allotment in which the site is located is better described in the Certificate of Title as:

- Allotment 692 Filed Plan 120995, Hundred of Macclesfield and comprised in Certificate of Title Volume 6223, Folio 774.

The allotment is subject to two (2) easements, which are as follows:

- Easement over the Land Marked B to Distribution Lessor Corporation.
- Easement over the Land Marked D for Drainage Purposes to Council.

Our review of the Certificate of Title register searches indicates that there are no registered easements or encumbrances which have the potential to impede or avert the proposal.

The site is located in the Residential Zone. The Residential Zone is adjacent to the Regional Town Centre Zone to the east and Residential Neighbourhood Zone to the north and west.

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23 September 2020



The locality is characterised largely by a mix of rural and residential land uses. The Mount Barker township is located east of the site with land to the north and south comprising largely of residential land uses. Land to the west comprises of a mix in rural and rural residential uses. Oakfield Lodge an Aged Care Accommodation Facility developed by Southern Cross Care is located to the north east of the site with frontage to Hawthorn Road located on the northern side of the land that has been vested with Council as an open space drainage reserve which has been landscaped providing public open space with a dedicated shared use path following the alignment of a water course.

4.0 PROPOSED DEVELOPMENT

4.1 Plans and Documentation

The proposed development is illustrated on the plans prepared by CUBE Architects in the following drawing schedule:

Table 1: Drawing Schedule

NO.	SHEET TITLE	REVISION	STATUS	DATE
PL01A	Location Plan			April 2020
PL02A	Site Plan			April 2020
PL03A	Floor Plan			April 2020
PL04A	Roof Plan			April 2020
PL05A	Elevations			April 2020
PL06A	Site Selections			April 2020

Please refer to **Attachment 1** for a full set of proposed plans prepared by Cube Architects.

4.2 Land Use

Southern Cross Care own and manage the adjacent Oakfield Lodge aged care accommodation facility and the Oakfield Rise retirement village, being the site of the proposed development.

The proposal comprises the construction of a building to provide integrated communal facilities for Southern Cross Care residents of the retirement village. The communal building will provide support services, facilities and activities for the residents incorporating:

- a multipurpose room and integrated resident dining and lounge;
- café;
- library;

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23 September 2020



- games room;
- craft room;
- allied health consult rooms;
- gym; and
- offices for the management of the retirement village accommodation.

The communal building, its facilities and associated activities will be ancillary and subordinate to the primary use of the land in that they would not be established on the land but for the primary use associated with the existing retirement village accommodation.

The integrated communal facility will be owned and managed by Southern Cross Care for the benefit of their existing and future retirement village residents.

4.3 Built Form

The proposed development includes the following components:

- Single storey building with associated canopies.
- A car park providing 54 car parking spaces (including two (2) disabled spaces).
- Dedicated bin storage area with vehicle and waste truck manoeuvring area.

The material and colour palette of the proposed building comprises:

North Elevation

- Metal cladding to fascia finished with monument above craft patio.
- Brickwork finished in light grey to wall of craft rooms.
- Smooth render finished with white paint to recessed section of wall to resident dining and lounge room.
- Painted steel columns and aluminium powder coat windows finished with monument under canopy for patio and café patio.
- Metal cladding to fascia finished with monument above patio and café patio.
- Lightweight timber look cladding at west corner of wall to resident dining and lounge room.

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West Elevation

- Lightweight timber look cladding at west corner of wall to resident dining and lounge room.
- Painted steel columns finished with monument under entrance canopy and canopies for patio and café patio.
- Metal cladding to fascia finished with monument.
- Aluminium powder coat windows finished with monument.
- Smooth render finished with white paint.
- Kavala Filetti Stone Clad Blade Column.
- Brickwork finished in light grey to wall of gym.

East Elevation

- Painted steel columns finished with monument under canopies for patio and service yard.
- Lightweight timber look cladding for craft patio.
- Brickwork finished in light grey to wall of craft room, games room, manager room and library.
- Slats to bin enclosure.
- Smooth render finished with white paint to wall of kitchen and maintenance office.
- Aluminium power coat windows finished with monument.
- Metal cladding to fascia finished with monument.

South Elevation

- Painted steel columns finished with monument under entrance canopy.
- Lightweight timber look cladding at corner of gym room.
- Brickwork finished in light grey to wall of gym and multipurpose room.
- Smooth render finished with white paint to wall of gym, furniture store and maintenance office.
- Aluminium power coat windows finished with monument.
- Metal cladding to fascia finished with monument.

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4.4 Access and Car Parking

The proposed car park will include 54 car parking spaces (inclusive of two (2) disability car parking spaces).

The proposed parking spaces comprise a minimum of 2.5 metres in width and 5.5 metres in length, set within a minimum 6.0 metre aisle. Disability car parking spaces and associated shared area are a minimum of 2.5 metres in width and 5.5 metres in length, set within a minimum 6.0 metre aisle.

Primary loading and unloading for deliveries will occur at the rear of the building, via the separate staff/loading crossover. Loading and refuse collection is anticipated to be undertaken by vehicles up to 8.8 metre MRV in length.

Please refer to **Attachment 2** for a Traffic Impact Assessment prepared by GTA Consulting.

4.5 Stormwater

WGA has prepared a Stormwater Management Plan and sets out the proposed management system as follows:

"Stormwater runoff from the roof will be collected by a series of downpipes which will connect to underground stormwater pipes.

Runoff from the car parking area and loading docks will also be collected by grated inlet pits and side entry pits and connect to an underground stormwater system. The site drainage system will ultimately connect to the existing stormwater system on the northern side of the site.

No detention storage is proposed."

Please refer to **Attachment 3** for a copy of WGA's Stormwater Management Plan.

4.6 Operations and Waste

The facility will operate between the hours of 8.30 am to 12 midnight seven days a week, with the various activities having different operating hours within the facilities opening times, specifically:

- | | | |
|-------------------|-----------------|---------------------|
| • Gym | Monday – Friday | 8:30 am – 4:30 pm |
| • Function centre | Monday – Sunday | 12.00 pm – 12.00 am |
| • Café | Monday – Friday | 10.00 am – 3.00 pm |

The waste storage area will comprise:

- Organic 240L bin x 1;

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- Comingled Dry Recycling 240L bin x 1; and
- General Rubbish bin x 1.

Waste will be collected by a private contractor collected twice a week.

The proposed communal facilities will be used exclusively by existing residents of the retirement village.

5.0 PROCEDURAL MATTERS

5.1 Nature of Development

The site is located in the Residential Zone (the Zone), as depicted in Map MtB/9 of the Mount Barker District Council Development Plan (consolidated 8 August 2017).

As detailed in Section 4.2, we consider the proposed integrated communal facilities and associated activities to be ancillary and subordinate to the primary use of the land in that they would not be established on the land but for the primary use associated with the existing retirement village (Supported Accommodation).

The nature of development proposed is not listed in the Zone's Procedural Matters as complying or non-complying and therefore, we have formed the view the proposal should be assessed on merit.

5.2 Public Notification

The nature of development proposed is not listed in the Zone's Procedural Matters for the purposes of public notification. In reverting to the *Development Regulations 2008* (Regulations), the nature of development proposed is not listed in Part 1 or Part 2 of Schedule 9, and therefore defaults to a Category 3 form of development for the purposes of public notification.

5.3 Statutory Referrals

Pursuant to Schedule 8 of the Regulations, we do not recognise the need for the proposed development to be referred to any prescribed agencies.

6.0 DEVELOPMENT PLAN ASSESSMENT

6.1 Land Use

The Zone envisages residential development that preserves the amenities of the localities existing landscapes and infrastructure. Whilst the ancillary retirement village facilities are not specifically discussed in the Zone, we have formed the view that the proposal will not jeopardise the intent of the Zone, nor will the existing character, landscape and amenities of the locality be compromised.

Mount Barker District Council
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23 September 2020



The Mount Barker District Council Development Plan contains the following Objectives and Principles of Development Control (PDC) relating to the Zone:

Residential Zone

Desired Character: Generally, the form, scale and siting of new development is to be responsive to the prevailing character of existing dwellings in the locality and the landform.

Development is to be characterised predominantly by single storey detached dwellings with significant front and rear boundary setbacks and reasonable separation between the sides of dwellings.

Development will retain and protect mature vegetation, both on private and public land, and the provide opportunity for landscaping to enhance the vegetated character of the township, particularly when viewed from public streets.

Objective 4: Limited non-residential development which is undertaken in a manner that minimises adverse impacts on residential amenity and character.

Objective 5: Development to occur in co-ordination with the orderly provision of infrastructure, including social infrastructure.

Objective 6: Development that contributes to the desired character of the zone.

The proposed integrated communal facilities will provide social activities for the betterment and enjoyment of the existing and future residents of the retirement village. The facility will significantly improve the amenity of the site and services offered within the retirement village. The facility will promote social interaction, recreation, and fitness opportunities for existing residents.

The proposed building will be single storey in height to integrate appropriately with surrounding single storey dwellings associated with the retirement village. The building's appearance will be sympathetic to surrounding built form with the use of soft colours and materials that are not highly reflective and will not detract from the site's existing and future residential amenity.

The proposed development will provide additional parking and safe pedestrian movement between the site and the existing retirement village. The proposed car park is designed to integrate seamlessly with the site and locality's existing state of development.

The northern area of the development will comprise open space for outdoor recreation and improved environmental amenity.

The Residential Zone encourages residential land uses and expressly lists supported accommodation as an envisaged land use within the Zone (Zone PDC 1).

PDC 1: The following forms of development are envisaged in the zone:

- supported accommodation.

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The retirement village comprising 180 group dwellings has been approved on the land noting that retirement villages are identified within the clarification of the Supported Accommodation term in the General Section of the Development Plan which includes reference to "nursing homes, hostels, retirement homes, retirement villages, residential care facilities and special accommodation houses".

The existing retirement village is considered a form of supported accommodation and is therefore development that is expressly envisaged in the Zone.

The proposed facilities will provide social services, activities and parking in association with the existing retirement village.

The proposal will provide significant improvements to the site for the social and environmental benefit of all existing and future residents of the retirement village and satisfy the development plan guidelines (General PDC 2) for 'Supported Accommodation and Housing for Seniors through the provision of convenient and comfortable living conditions' that include:

- Internal Communal Areas;
- Useable Recreational Areas; and
- Spaces to accommodate social needs and activities, including social gatherings.

In accordance with PDC 1 of the Zone, the principal uses of the site will be maintained and the proposed development is therefore ancillary to the existing principal use.

The Zone acknowledges development of a non-residential nature.

PDC 5: Non-residential development should be restricted to one of the following:

- (a) **community centres**
- (b) **consulting rooms where the maximum floor area is no greater than 50 square metres
vehicular access to the site is not gained from an arterial road or major local road and
they do not front onto an arterial road**
- (c) **schools**
- (d) **pre-schools**
- (e) **an indoor recreation centre, active recreation area, auditorium or theatre, where it is sited
within the grounds of a school**
- (f) **hospitals**
- (g) **places of worship**
- (h) **a shop in the form of a convenience store where it is located within the designated
'Subject Area' as delineated in Concept Plan Map MtB/3 - Residential (Hurling Drive,
Mount Barker) and it complies with all of the following:**

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23 September 2020



- (i) it is not a restaurant and/or premises dedicated solely to takeaway or fast food
- (ii) it has a maximum gross leasable floor area of no more than 150 square metres
- (iii) it is located more than 1000 metres from an existing convenience store or a site with a valid provisional development plan consent for a convenience store
- (i) tourist accommodation in heritage-listed buildings identified in Table MtB/8 - Local Heritage Places or Table MtB/9 - State Heritage Places

The proposal comprises multipurpose rooms and integrated resident dining and lounge, café, library, games room, craft room, allied health consult rooms, gym and offices for the management of the existing retirement village. These types of activities are acknowledged in PDC 5 of the Zone. The integration of these facilities into one building will be of a scale typical to that of a retirement village and envisaged as part of the facilities identified to satisfy General PDC 2 of the Supported Accommodation and Housing for Seniors Section.

Residential Principles of Development Control 6, 23 and 24 are also relevant to the consideration of the types and nature of activities contemplated within the Residential Zone and align with those types of activities incorporated into the integrated communal facilities for the retirement village, albeit that uses do not amount to separate and distinct land uses warrant consideration as "Non Residential Development".

PDC 6: Non-residential development such as shops, schools and consulting rooms should be of a nature and scale that:

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

PDC 23: The extension of incompatible activities or new non-residential development should not be undertaken unless it can be demonstrated that it improves the appearance of the site and achieves a significant reduction in any existing adverse impacts on the residential amenity and character.

PDC 24: The design and scale of non-residential buildings should be compatible with residential buildings in the locality and have elements that present a residential scale and design to the street frontage, such as verandas, porches and varied setbacks of the front façade.

The approved retirement village is envisaged development in the Zone and serves the local community in accordance with PDC 6. It is our respectful submission that the proposed facilities and associated activities will be subservient to the existing retirement village and offers development that will serve the community with a sympathetic design and appearance consistent with surrounding dwellings associated with the retirement village.

The proposed development will enhance the general amenities and function of the existing retirement village according with PDC 23. The colour scheme and materials for the proposed building will be

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sympathetic to the residential amenity of the locality. The proposed car park will provide additional parking for staff, residents and visitors associated with the retirement village.

The scale of the proposed building is sympathetic to surrounding single storey buildings located within the retirement village. The use of canopies, lightweight timber, painted steel columns, aluminium powder coat windows, smooth render finishes and light grey brickwork ensures the proposed colours and materials appropriately match the design characteristics of the surrounding built form.

6.2 Built Form

The General Section of the Mount Barker District Council Development Plan contains the following Objectives and PDC's relating to Design and Appearance.

General Section – Design and Appearance

Objective 1: Development of a high architectural standard that responds to and reinforces positive aspects of the local environment and built form.

PDC 1: The design of a building may be of a contemporary nature and exhibit an innovative style provided the overall form is sympathetic to the scale of development in the locality and with the context of its setting with regard to shape, size, materials and colour.

The proposed built form comprises a single storey building with various glazed elements, canopies, render finishes and brickwork.

The design and appearance of the proposal will be sympathetic to the scale, height and form of the existing retirement village dealings. The proposal comprises the use of contemporary design principles with appropriate internal zoning for pedestrian movement. The building will be adaptable to the needs of retirement village residents, including the provision of internal and external spaces to ensure visitors can interact with family and friends.

The proposed car park will be designed in accordance with Australian Standards and display a consistency with the existing car parking areas in the broader area of the locality and on adjacent land.

The proposed development will be sympathetic to the existing locality in form, height, parking, materiality and colour, thereby providing development of a high standard in accordance with the Objectives of the General Section for Design and Appearance.

6.3 Car Parking and Access

The General Section of the Mount Barker District Council Development Plan contains the following provisions relating to the Transportation and Access.

Objective 2: Development that:

- (a) provides safe and efficient movement for all transport modes

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- (b) ensures access for vehicles including emergency services, public infrastructure maintenance and commercial vehicles
 - (c) provides off-street parking
 - (d) is appropriately located so that it supports and makes best use of existing transport facilities and networks
 - (e) provides convenient and safe access to public transport stops
- PDC 4:** Roads should be sited and designed to blend with the landscape and be in sympathy with the terrain.
- PDC 8:** Development should provide safe and convenient access for all anticipated modes of transport.
- PDC 36:** Driveways, access tracks and parking areas should be designed and constructed to:
- (a) follow the natural contours of the land
 - (b) minimise excavation and/or fill
 - (c) minimise the potential for erosion from surface runoff
 - (d) avoid the removal of existing vegetation
 - (e) be consistent with Australian Standard AS: 2890 - Parking facilities
- PDC 38:** Development should be sited and designed to provide convenient access for people with a disability.
- PDC 39:** Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table MtB/2 - Off Street Vehicle Parking Requirements.
- PDC 42:** Vehicle parking areas should be sited and designed to:
- (a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development
 - (b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network
 - (c) not inhibit safe and convenient traffic circulation
 - (d) result in minimal conflict between customer and service vehicles
 - (e) avoid the necessity to use public roads when moving from one part of a parking area to another
 - (f) minimise the number of vehicle access points onto public roads
 - (g) avoid the need for vehicles to reverse onto public roads
 - (h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points

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- (i) **not dominate the character and appearance of a site when viewed from public roads and spaces**
- (j) **provide landscaping that will shade and enhance the appearance of the vehicle parking areas**
- (k) **include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles**

PDC 44: Vehicle parking areas that are likely to be used during non-daylight hours should provide floodlit entry and exit points and site lighting directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the parking area.

PDC 46: To assist with stormwater detention and reduce heat loads in summer, outdoor vehicle parking areas should include landscaping.

PDC 47: Vehicle parking areas should be line-marked to delineate parking bays, movement aisles and direction of traffic flow.

The proposed car park will include an additional 54 car parking spaces (inclusive of two (2) accessible car parking spaces). The proposed parking spaces comprise a minimum of 2.5 metres in width and 5.5 metres in length, set within a minimum 6.0 metre aisle. Disability car parking spaces and associated shared area are a minimum of 2.5 metres in width and 5.5 metres in length, set within a minimum 6.0 metre aisle.

Primary loading and unloading for service vehicles will occur at the rear of the building, via the separate staff/loading crossover. Loading and refuse collection is anticipated to be undertaken by vehicles up to 8.8 metre MRV in length.

The car park and access design ensure safe and convenient manoeuvrability for a range of vehicle types and emergency services. The proposed parking design ensures vehicles can enter and exit the car park in a forward direction. The proposed access and car park have been designed in accordance with the Australian Standards.

GTA's Traffic Impact Assessment provides swept paths for minibus access into the site, and manoeuvrability of 8.8 metre MRV's in the loading and waste storage area/access.

GTA assessed the proposed design for access, traffic movement and parking, and conclude the following:

Conclusion

Based on the analysis and discussions presented within this report, the following conclusions are made:

1. *The proposed development is proposed to be ancillary to the existing retirement village land use, therefore the proposal does not generate a Development Plan parking requirement.*
2. *The proposed parking space supply is to be provided as optional for the convenience of residents that wish to drive to the centre.*

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3. *The proposed parking layout is consistent with the dimensional requirements as set out in the Australian/New Zealand Standards for Off Street Car Parking (AS/NZS2890.1:2004 and AS/NZS2890.6:2009).*
4. *The proposed site plan can accommodate access by vehicles up to a 8.8m MRV to the designated rear loading area.*
5. *The proposal is ancillary to the existing retirement village land use. Therefore, there is not anticipated to be a notable increase in traffic volumes to the subject site.*

Given GTA's assessment, we have formed the view that the proposed arrangement for access, transport and parking accord with the General Section for Transportation and Access.

6.4 Stormwater

General Section of the Mount Barker District Council Development Plan contains the following provisions relating to the stormwater and infrastructure.

- Objective 1:** **Infrastructure provided in an economical and environmentally sensitive manner.**
- Objective 5:** **The efficient and cost-effective use of existing infrastructure.**
- PDC 1:** **Development should not occur without the provision of adequate utilities and services, including:**
- (a) **electricity supply**
 - (b) **water supply**
 - (c) **drainage and stormwater systems**
 - (d) **waste disposal**
 - (e) **effluent disposal systems**
 - (f) **formed all-weather public roads**
 - (g) **telecommunications services**
 - (h) **social infrastructure, community services and facilities**

WGA has prepared a Stormwater Management Plan and sets out the proposed management system:

Stormwater runoff from the roof will be collected by a series of downpipes which will connect to underground stormwater pipes.

Runoff from the car parking area and loading docks will also be collected by grated inlet pits and side entry pits and connect to an underground stormwater system. The site drainage system will ultimately connect to the existing stormwater system on the northern side of the site.

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No detention storage is proposed.

In addition to the assessment prepared by WGA, we confirm that the proposed building will be provided with the full suite of essential services including power, waste, water and telecommunications infrastructure.

Given the above, we have formed the view that the proposed provision for stormwater management and infrastructure accords with the General Section for Infrastructure.

6.5 Waste

General Section of the Mount Barker District Council Development Plan contains the following provisions relating to the Waste.

PDC 5: Development should include appropriately sized area to facilitate the storage of receptacles that will enable the efficient recycling of waste.

The proposed waste bin storage area is located at the rear of the building with appropriate provision for waste vehicle access and manoeuvrability. This area will store three 240 litre bins for general waste and recycling and green organics. Waste will be collected by a private contractor twice a week.

The proposed communal facilities include a café to be used exclusively by existing residents of the retirement village. The provision of three 240 litre bins is considered appropriate to manage the level of waste produced within the proposed building serving the initial 70 residents.

Given the above, we have formed the view that the proposed provision for waste management accords with the General Section for Waste.

6.6 Orderly and Sustainable Development

The Objectives of the General Section of the Development Plan for orderly development seek to ensure development creates safe, convenient and pleasant environments in which to live, that development occurs in an orderly sequence, and does not jeopardise the continuation of adjoining land uses.

The proposal is designed to appropriately service the existing residents of the retirement village. The proposal provides an orderly development that is ancillary to the site's primary use, of which compliments surrounding development on-site and in the locality. The development will not hinder or constrain the continuing use of existing or adjacent properties, particularly given the centralised location of the proposed development when viewed in context with the site boundaries. On this basis, the development is considered to comply with the Orderly and Sustainable Development provisions of the Development Plan.

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7.0 CONCLUSION

On balance, the proposal will provide for orderly development. The proposal is an appropriate form of development within the Zone and has substantial planning merit including:

- the development aligns with the intent of the Zone;
- the proposal is ancillary to an approved development that is envisaged in the Zone;
- the proposed communal facilities will be used by existing and future residents of the retirement village;
- GTA's assessment confirms that parking, traffic and access will provide safe and convenient movement for all anticipated vehicle types;
- WGA's assessment confirms that appropriate stormwater management will be achieved for the proposed development;
- the design provides a contextually appropriate building with a building height, form and scale that is sympathetic to surrounding development;
- the proposed palette of colours and materials will integrate seamlessly with existing retirement village dwellings; and
- the proposal provides orderly and sustainable development.

We consider the merits of this proposal satisfies the provisions of the Development Plan and therefore warrants planning consent.

Greg Vincent MPIA
B/A in Planning

September 2020

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Received
23 September 2020
GTA Consultants

REF: S133347

DATE: 31 August 2020

Masterplan
33 Carrington Street
ADELAIDE SA 5000

Attention: Mr. Greg Vincent

Dear Greg,

**RE: COMMUNAL FACILITY, OAKFIELD RETIREMENT VILLAGE, MT BARKER
TRANSPORT IMPACT ASSESSMENT**

GTA Consultants has completed an assessment of the proposed Communal Facility located within the Oakfield Retirement Village, Mt Barker. The assessment has been undertaken based on the proposed plans prepared by Cube Architects (19004, PL01A to PL06A, dated April 2020).

Subject Site and Surroundings

The subject site is located within the Oakfield Retirement Village on Hawthorn Road in Mount Barker. The site is located centrally (approx.) to the surrounding retirement units.

The location of the subject site and the surrounding environs is shown in Figure 1.

Figure 1: Subject Site and its Environs



(PhotoMap courtesy of Nearmap)

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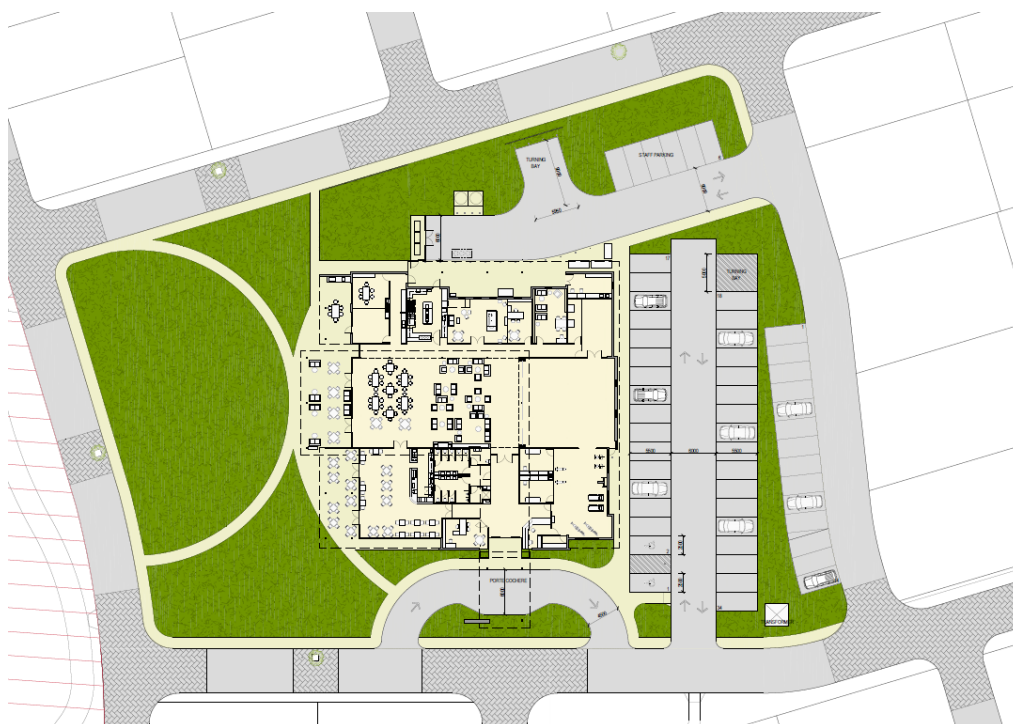
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Development Proposal

The proposal includes the provision of a mixed-use building comprising of uses such as a café, gym, resident lounge and dining facilities, multipurpose room, crafts rooms and games room. The proposed building is proposed to be an ancillary use to the retirement village (i.e. use only for the residents of the retirement village).

The proposed site plan is outlined in Figure 2.

Figure 2: Site Plan



(Source: Cube Architects)

Car Parking Assessment

Adequacy of Parking Provision

The proposed development is ancillary to the existing retirement village land use and is to be utilised by existing and future village residents. Therefore, the proposed development does not generate a Development Plan parking requirement.

While parking spaces will be provided, it is proposed to be provided to as an additional option for the residents wishing to choose the convenience of driving to and parking at the facility.

Car Parking Layout

The parking layout has been designed in accordance with Australian Standard/New Zealand Standard for Off Street Car parking (AS/NZS2890.1:2004 and AS/NZS2890.6:2009). Some of the key features are as follows:

- Parking spaces are a minimum of 2.5m in width and 5.5m in length, set within a minimum 6.0m aisle, exceeding the requirements for User Class 2.

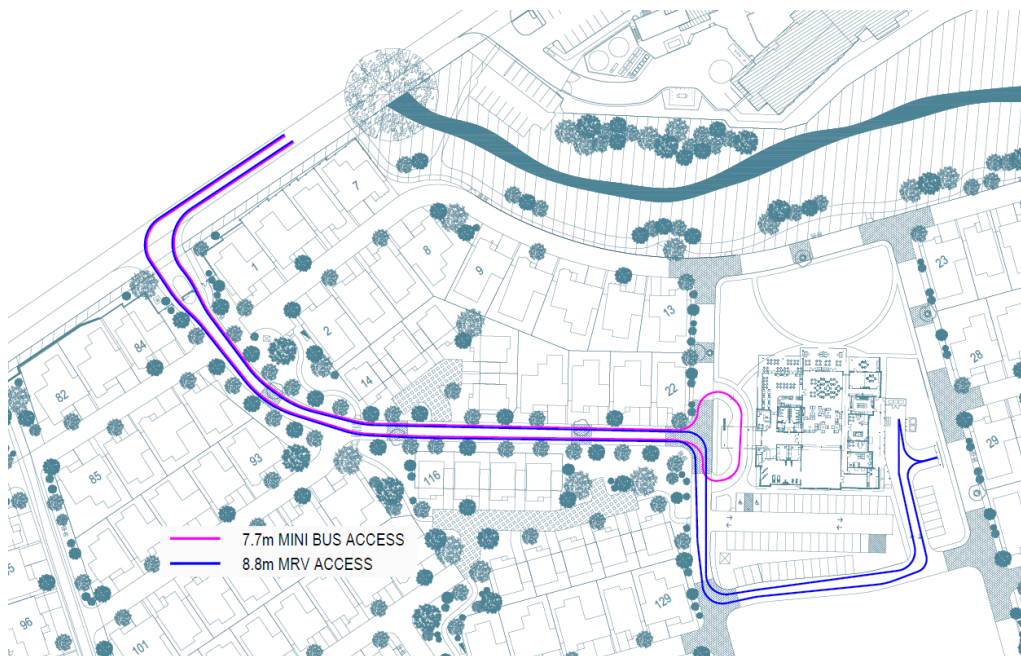
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- Disability car parking spaces and associated shared area are a minimum of 2.5m in width and 5.5m in length, set within a minimum 6.0m aisle, exceeding the requirements for User Class 4.
- 1m blind aisle extensions and turn around provision are provided.

Loading and Mini Bus Arrangements

Loading and Mini Bus vehicles are to access the site to/from Hawthorn Road, with the anticipated route through the site outlined in Figure 3.

Figure 3: Vehicle Path Through Site

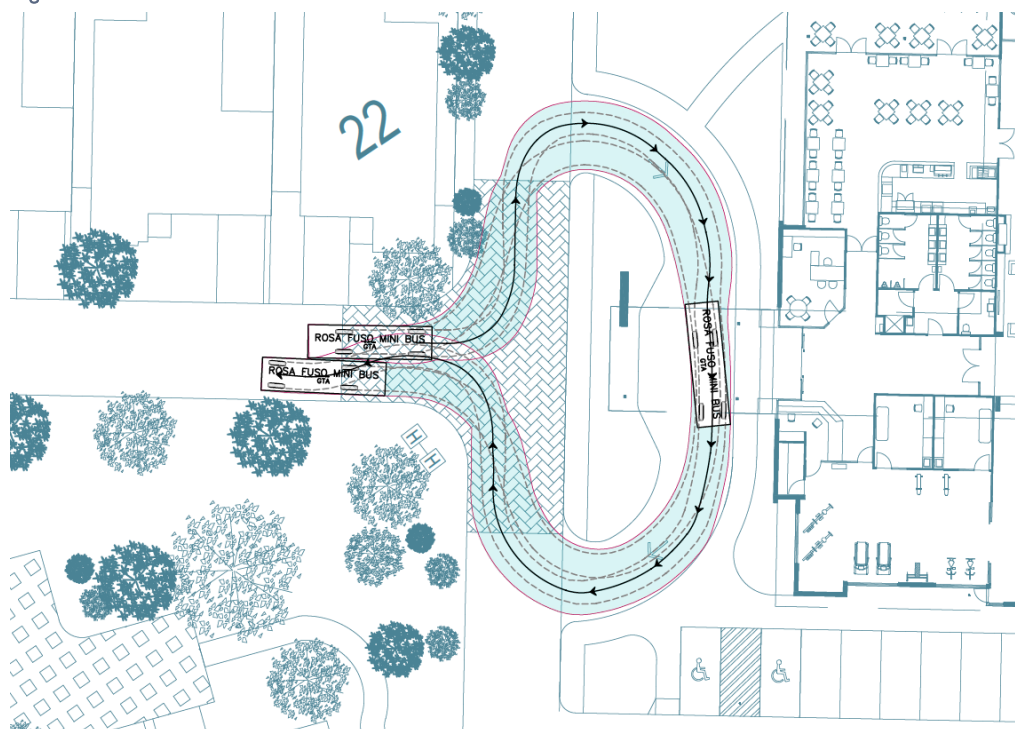


Minibus Access

A swept path assessment, shown in , has been undertaken to confirm the ability for a 7.7m 25 seater Mini Bus to access the port cochere. The vehicle can enter and exit the port cochere in a forward direction.

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Figure 4: 7.7m Mini Bus Port Cochere Access



Loading Access

Loading will be provided on site, with primary loading and unloading occurring at the rear of the building, via the separate staff/loading crossover. Loading and refuse collection is anticipated to be undertaken by vehicles up to an 8.8m MRV in length. Figure 5 and Figure 6 demonstrate the swept path entry and exit by an 8.8m MRV accessing the rear loading area.

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Figure 5: 8.8m MRV Loading Area Entry

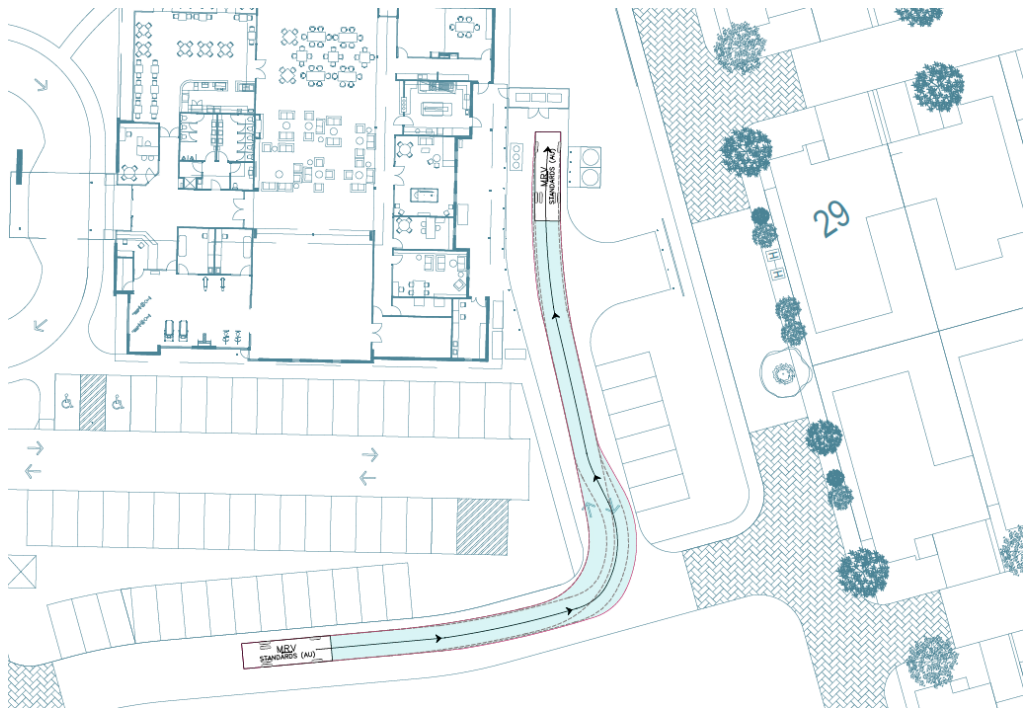
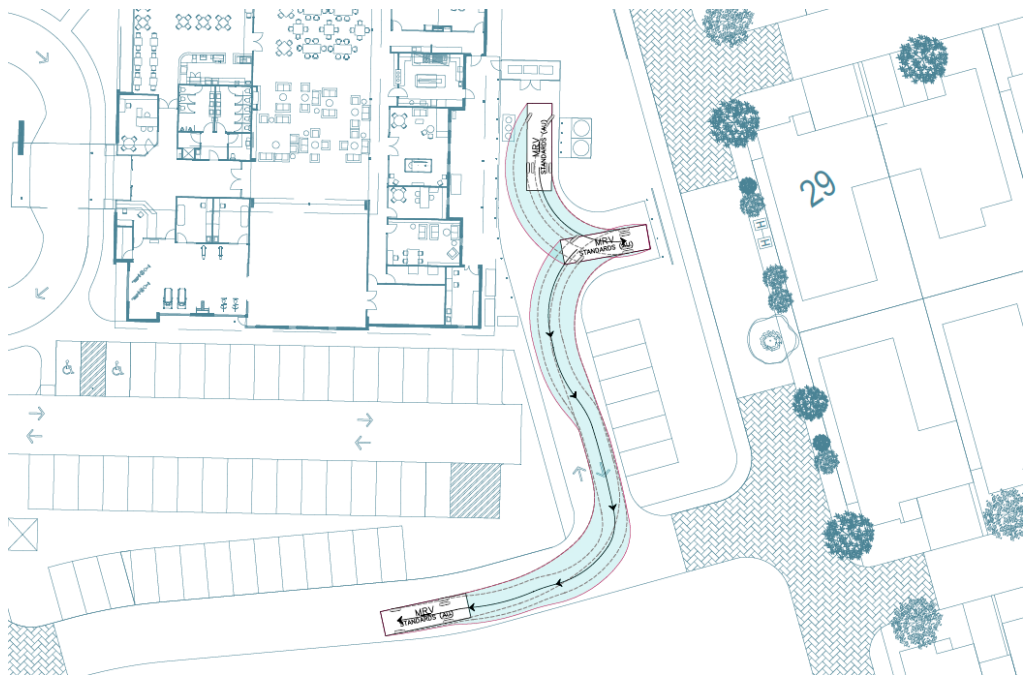


Figure 6: 8.8m MRV Loading Area Exit



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Traffic Impact Assessment

As the proposal is ancillary to the existing retirement village land use and is to be utilised by existing and future retirement village residents. Therefore, the proposal is not anticipated to result in a notable increase in traffic volumes to the subject site.

Conclusion

Based on the analysis and discussions presented within this report, the following conclusions are made:

1. The proposed development is proposed to be ancillary to the existing retirement village land use, therefore the proposal does not generate a Development Plan parking requirement.
2. The proposed parking space supply is to be provided as optional for the convenience of residents that wish to drive to the facility.
3. The proposed parking layout is consistent with the dimensional requirements as set out in the Australian/New Zealand Standards for Off Street Car Parking (AS/NZS2890.1:2004 and AS/NZS2890.6:2009).
4. The proposed site plan can accommodate access by vehicles up to a 8.8m MRV to the designated rear loading area.
5. The proposal is ancillary to the existing retirement village land use. Therefore, there is not anticipated to be a notable increase in traffic volumes to the subject site.

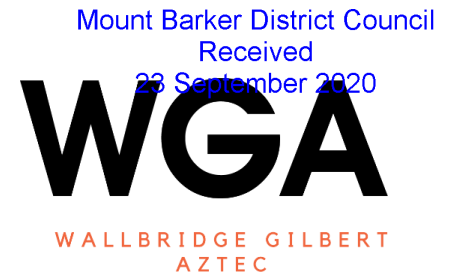
Naturally, should you have any questions or require any further information, please do not hesitate to contact me on (08) 8334 3600.

Yours sincerely

GTA CONSULTANTS



David Kwong
Associate Director



Southern Cross Care (SA, NT
& VIC) INC

**OAKFIELD
CENTRE, MT
BARKER**

**STORMWATER MANAGEMENT
PLAN**

Project No: 191134
Doc No. WGA191134-RP-CV-0001
Rev A
09 April 2020

WGA

Mount Barker District Council
Received
23 September 2020

Revision History

Rev	Date	Issue	Originator	Checker	Approver
A	9 Apr 20	Approval Issue	CH	CH	ADW

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1 Introduction.....	1
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Appendices

Appendix A Preliminary Site Plan

Appendix B Aerial Photograph

Appendix C Engineering Survey

Appendix D Existing Civil Drawing

Appendix E Preliminary Stormwater Management Plan

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1 INTRODUCTION

1.1 BACKGROUND

WGA has been engaged by Southern Cross Care to prepare a Stormwater Management Plan for the proposed development at the Oakfield Retirement Village, Mount Barker.

This report is intended to conceptually outline the stormwater management design for the proposed development and detail the stormwater management methodology. A final detailed design should be carried out to provide construction documentation and incorporate the stormwater design principles outlined in this report. The final documentation is considered to be beyond the scope of this report.

1.2 SCOPE OF THE ASSESSMENT

The preparation of the plan comprises the scope of services listed below:

- Prepare a Stormwater Management Plan detailing the proposed method of collection and the disposal of site generated stormwater runoff
- Prepare a preliminary sketch plan showing possible site drainage infrastructure and nominal design pavement levels

1.2.1 Documentation

The Client has provided a preliminary Architectural site plan for the development and an engineering survey.

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2 DETAILED REPORT

2.1 DEVELOPMENT DESCRIPTION

The proposed development is located at within the Oakfield Retirement Village (Hawthorn Road, Mount Barker). The development comprises of a Community Centre building plus car parking, loading areas and landscaping. Refer to Appendix A for Cube Architects' site plans for the proposed development.

2.2 CATCHMENT DESCRIPTION

The proposed site covers a total area of approximately 6,700m² and is currently vacant. The site is surrounding by existing residential development with new development currently under construction on the eastern side of the site.

A current aerial photograph is shown in Appendix B.

The site has significant falls from south-west to north-east (approximately 5m over 115m). A copy of the current engineering survey is attached in Appendix C.

Below are a series of photos taken in January 2020.



Photo 1 – North west corner of site looking south along existing road.

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Photo 2 – North west corner of site looking east along existing road



Photo 3 – South west corner of site looking north along existing road.

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2.3 EXISTING STORMWATER DRAINAGE

There is no existing underground drainage systems within the site. There are however side entry pits on the north-western and north-eastern corners of the site in the surrounding roads. These pits are connected to the broader stormwater drainage network for the Retirement Village.

Copies of the most recent design drawings (prepared by GHD) show the side entry pits on the north western corner of the site and it's connection to the external stormwater system. These drawings are attached in Appendix D. The other pits are shown on the engineering survey.

2.4 COUNCIL REQUIREMENTS

It is understood that the stormwater runoff from the site has been included in the overall design for the Retirement Village stormwater system. This system ultimately discharges to a large detention basin located in the north east corner of the Village. No detention storage is required as it is understood that the existing has been sized to cater for the proposed development.

2.5 STORMWATER MANAGEMENT METHODOLOGY

The following stormwater management methodology is proposed.

Stormwater runoff from the roof will be collected by a series of downpipes which will connect to underground stormwater pipes. Runoff from the car parking area and loading docks will also be collect by grated inlet pits and side entry pits and connect to an underground stormwater system.

The site drainage system will ultimately connect to the existing stormwater system on the northern side of the site.

No detention storage is proposed.

Refer to Appendix E for a preliminary Stormwater Management Plan.

2.6 SUMMARY

The preliminary sketch plan contained within this report has been prepared to demonstrate the philosophy behind the proposed treatment of the stormwater runoff from this development. The information provided is preliminary and will be subject to detailed design and documentation.

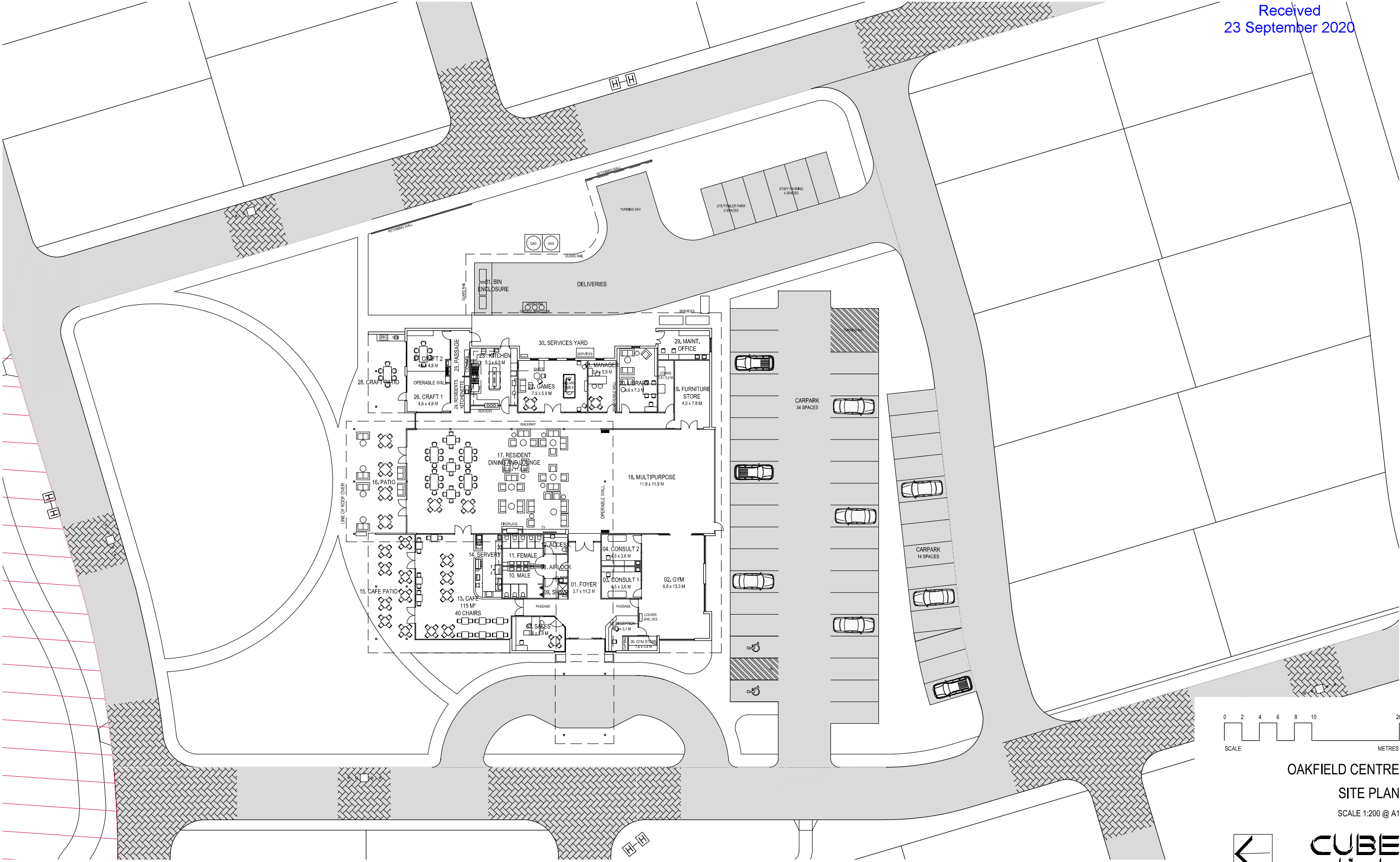
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APPENDIX A


PRELIMINARY SITE PLAN



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23 September 2020



OAKFIELD RETIREMENT VILLAGE. MT BARKER
SOUTHERN CROSS CARE (SA, NT & VIC) INC



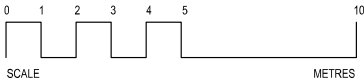
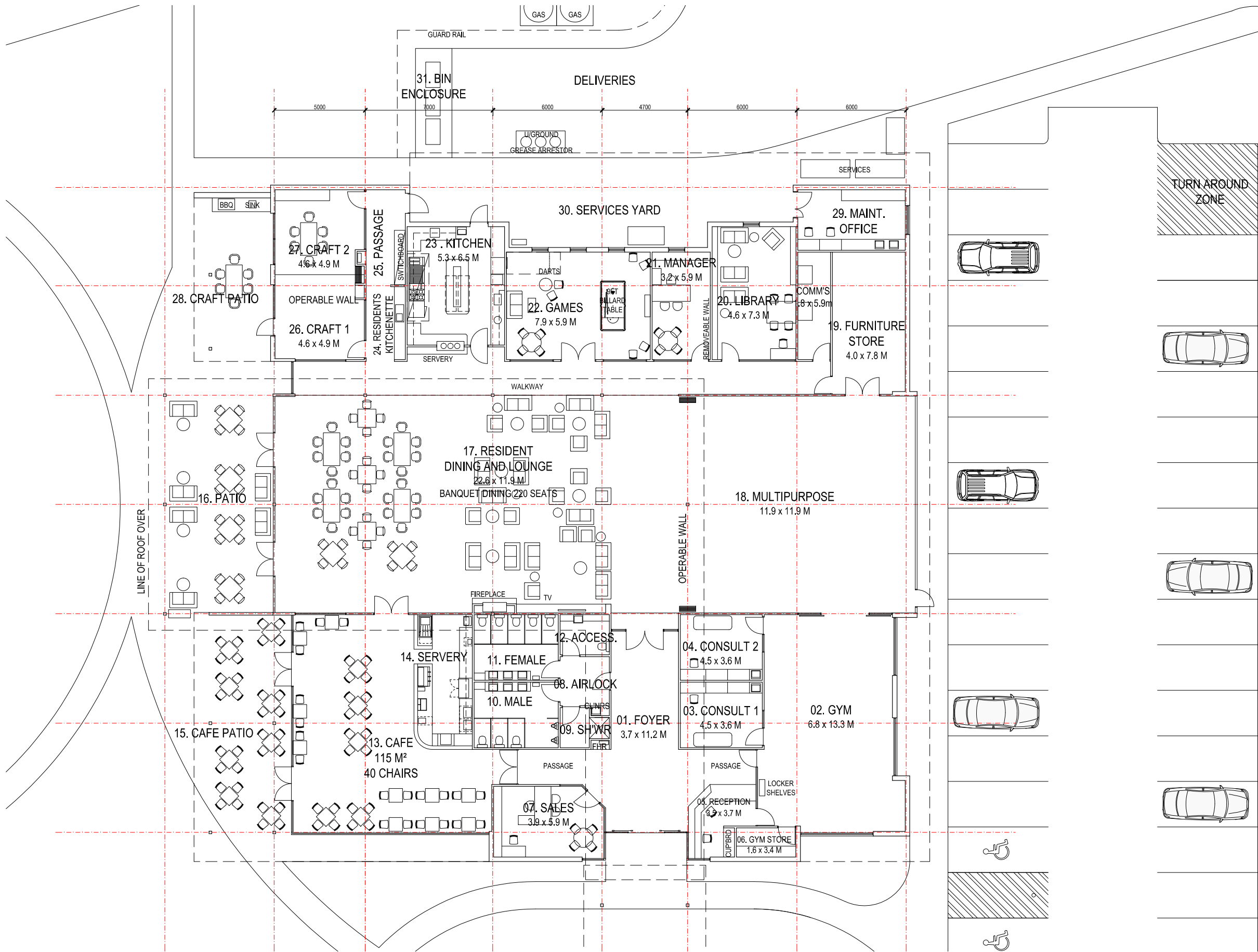
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OAKFIELD CENTRE
FLOOR PLAN
SCALE 1:100 @ A1



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NOV 2019
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OAKFIELD CENTRE
BUILDING ENVELOPE 1188 M²

OAKFIELD RETIREMENT VILLAGE. MT BARKER
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APPENDIX B

AERIAL PHOTOGRAPH



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Aerial Photograph 2020

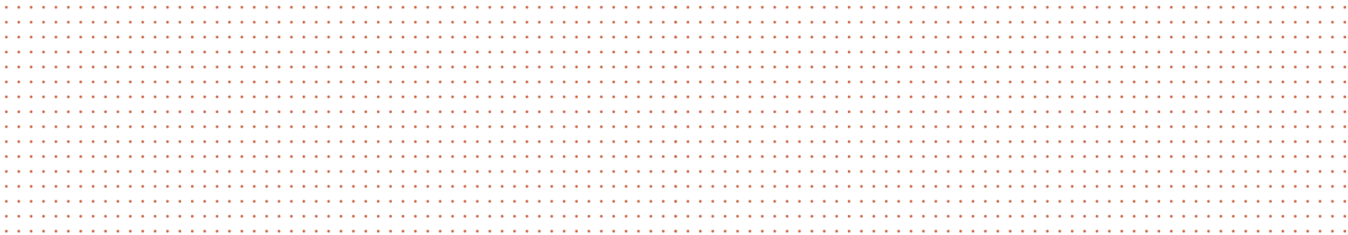
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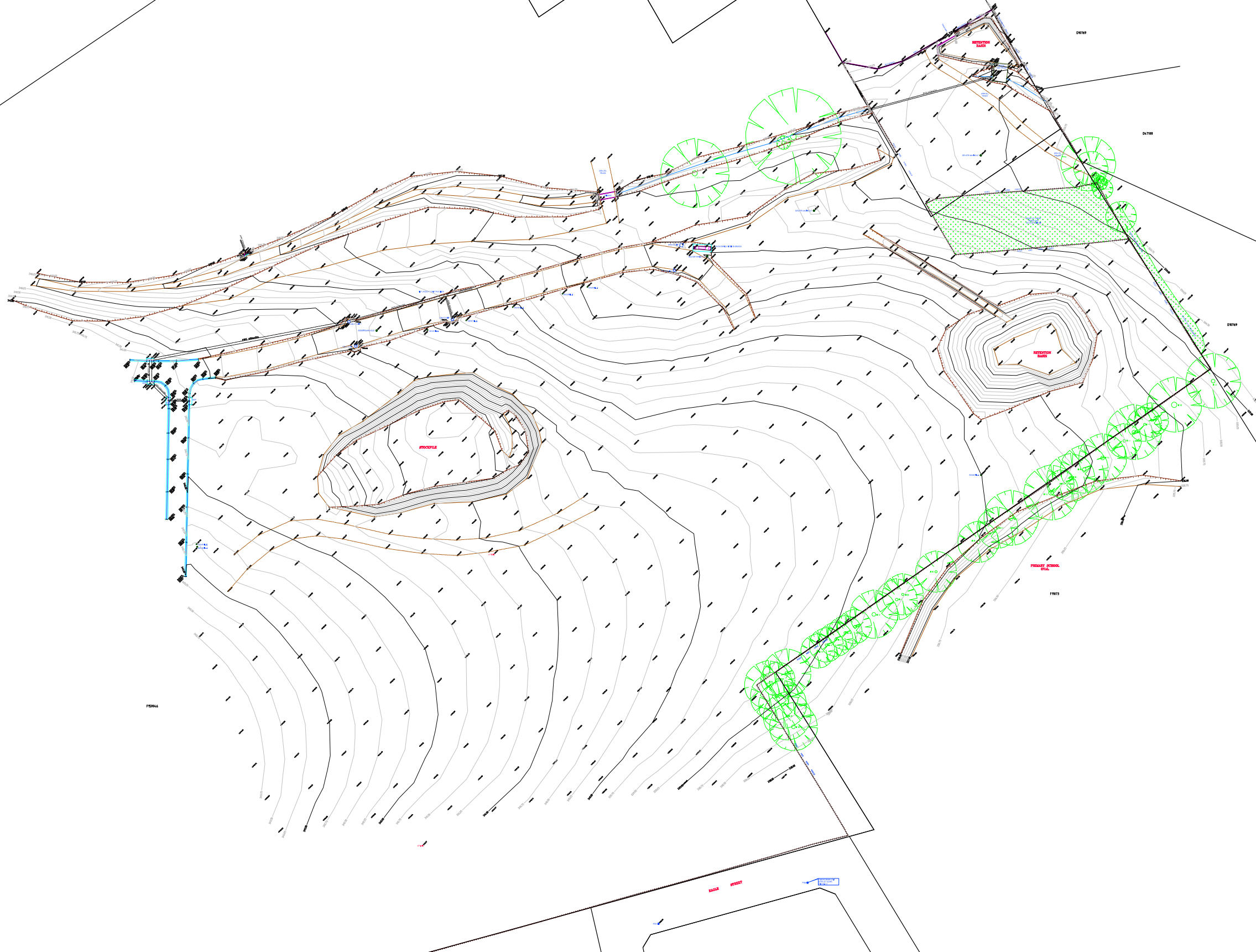
APPENDIX C

ENGINEERING

SURVEY



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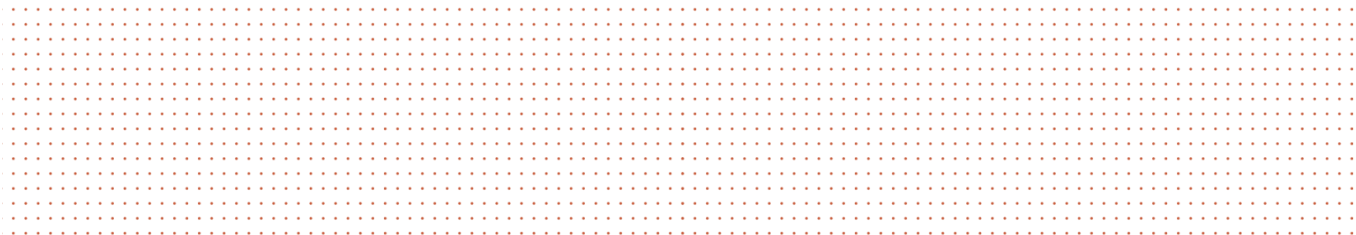
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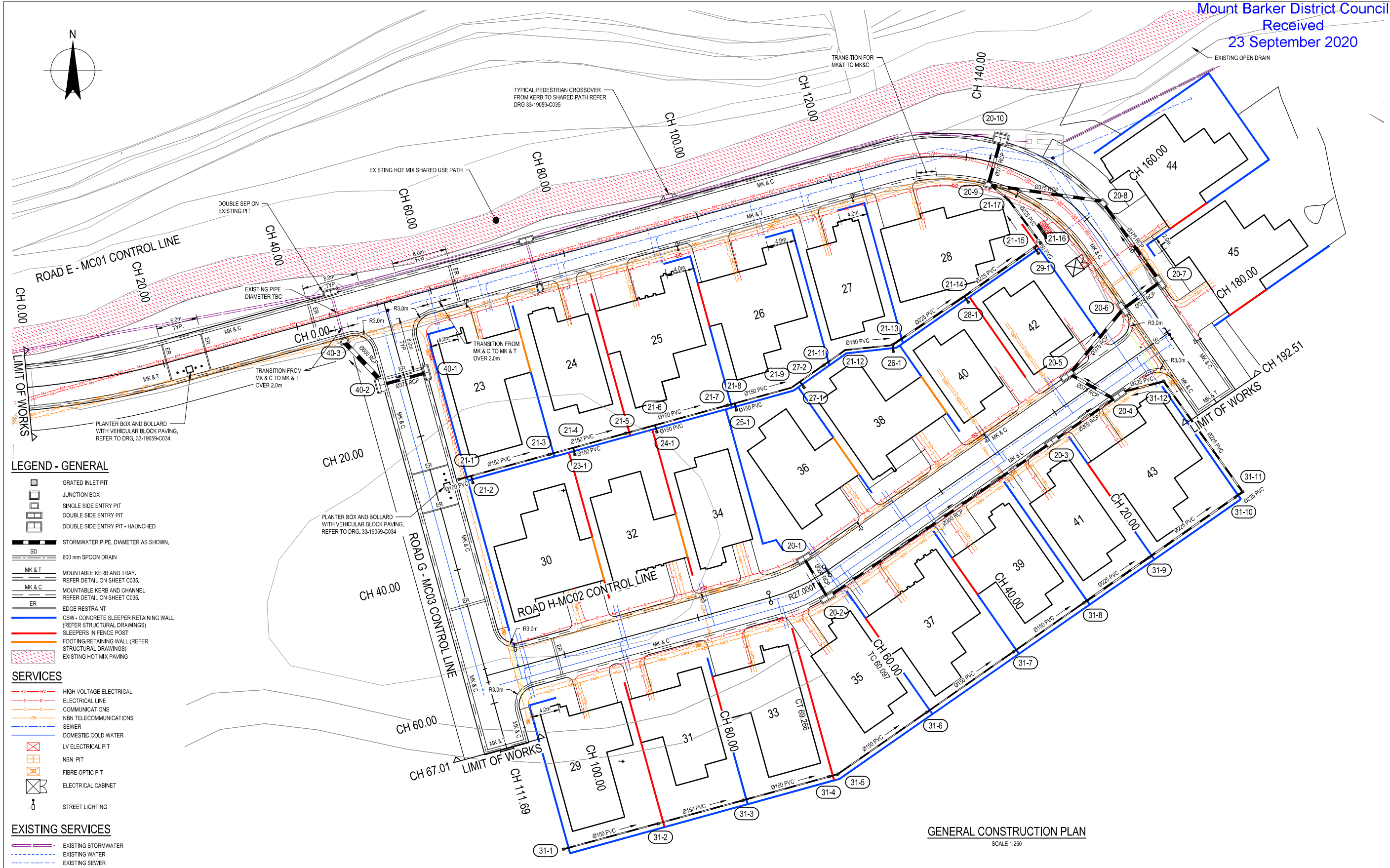
APPENDIX D

EXISTING CIVIL
DRAWING



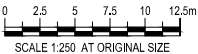
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GENERAL CONSTRUCTION PLAN
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No	Revision	Note: * indicates signatures on original issue of drawing or last revision of drawing	Drawn	Job Manager	Project Director



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Drawn C. FURLER

Drafting Check J.GOWLAND*

Approved A.SASU* (Project Director)

Date 30.08.19

Scale AS SHOWN

Designer M. GEORGE

Design Check D.KOLLE*

Client SOUTHERN CROSS CARE SA (INC)

Project OAKFIELD RISE MT. BARKER STAGE 2

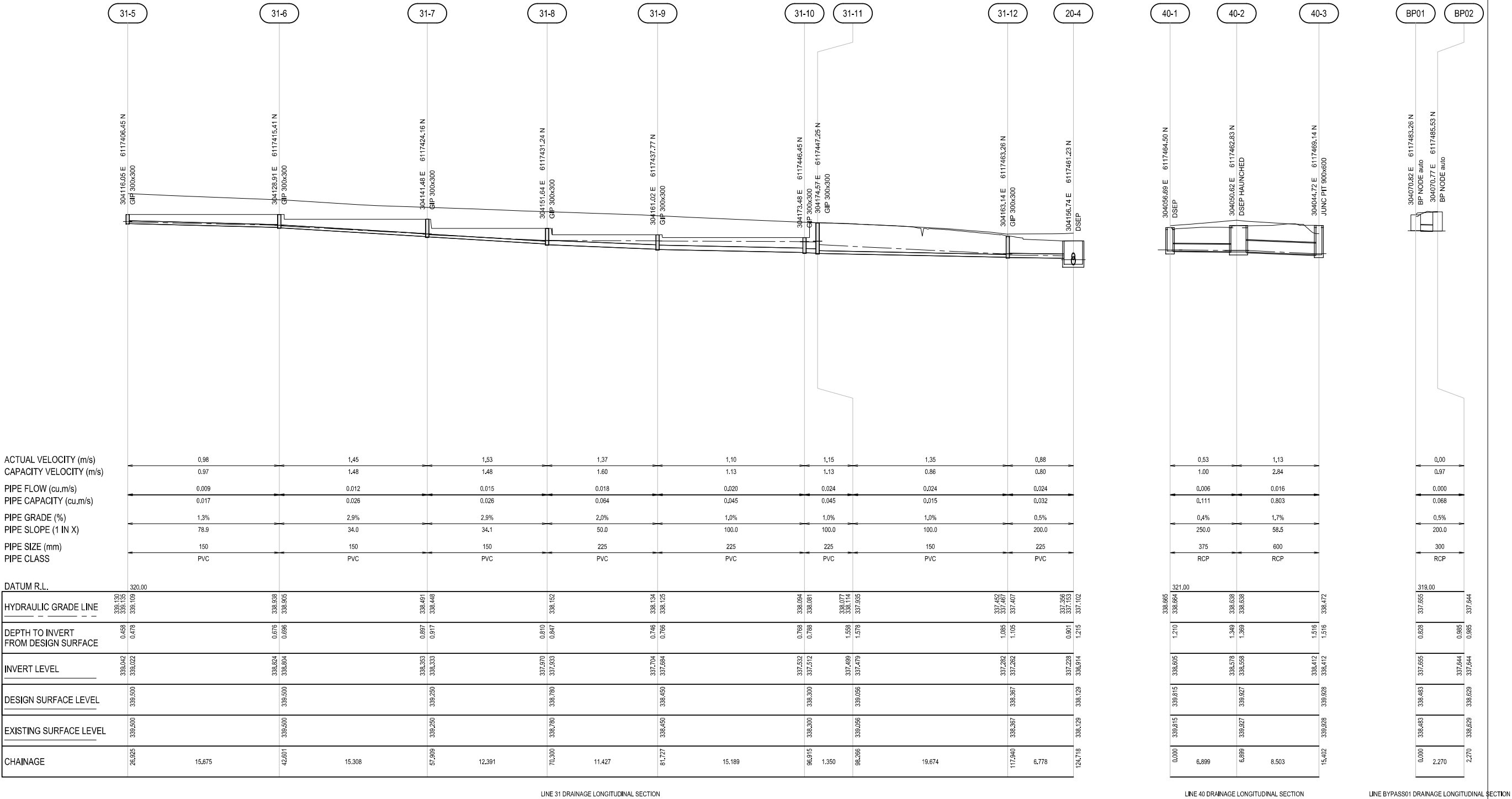
Title GENERAL CONSTRUCTION

Client SOUTHERN CROSS CARE SA (INC)
Project OAKFIELD RISE MT. BARKER STAGE 2
Title GENERAL CONSTRUCTION

Original Size A1 Drawing No: 33-19059-C003

Rev: 0

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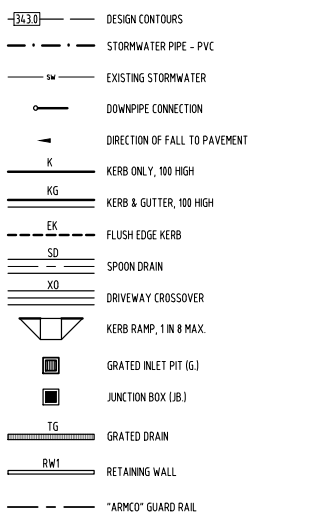
APPENDIX E

PRELIMINARY STORMWATER MANAGEMENT PLAN



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- | | |
|--------------|--------------------|
| P- PAVEMENT | TK- TOP OF KERB |
| L- LANDSCAPE | PL- PLATFORM LEVEL |
| G- GRATE | BL- BENCH LEVEL |
| INV- INVERT | TW- TOP OF WALL |



NOTES:

1. ALL DRAWINGS TO BE READ IN CONJUNCTION WITH THE ARCHITECTS DRAWINGS, OTHER CONSULTANTS DRAWINGS & THE SPECIFICATION.
2. ALL UPV'S STORMWATER PIPES ARE TO BE SEWER CLASS "SN4".
3. ALL R.C. STORMWATER PIPES ARE TO BE CLASS "2" WITH BEDDING TYPE H22. UNO.
4. ALL EXISTING SERVICES ARE TO BE LOCATED BY THE CONTRACTOR PRIOR TO COMMENCEMENT OF WORK.
5. CONTRACTOR TO CONFORM INVERTS OF ALL EXISTING PIPES & SUMPS PRIOR TO CONNECTING & LAYING OF ALL NEW PIPEWORK.
6. WALLBRIDGE GILBERT AZTEC ARE NOT RESPONSIBLE FOR DIMENSIONAL SET OUT AND THESE DRAWINGS ARE BASED ON BACKSIGHTS PRODUCED BY OTHER PARTIES. WE ACCEPT NO RESPONSIBILITY FOR ERRORS AND OMISSIONS RELATED TO DIMENSIONAL SET-OUT. SERVICES INFORMATION SHOWN ON THESE DRAWINGS ARE CONSIDERED TO BE QUALITY LEVEL XX, AS PER ASS4881. CONTRACTOR TO FAMILIARISE WITH THE LIMITATIONS AND ACCURACY OF THIS DATA BASED ON THAT STANDARD.

A	09.04.20	PRELIMINARY ISSUE, PLANNING APPROVAL	JPF	CH	
REV.	DATE	DESCRIPTION	DRAFT	ENG.	CHKD

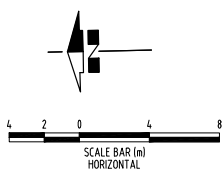


10 Wyatt Street, Adelaide
South Australia 5000
Telephone 08 8223 7433
Email adelaide@wga.com.au

PROPOSED COMMUNITY CENTRE
OAKFIELD RETIREMENT VILLAGE, MT. BARKER S.A.
SOUTHERN CROSS CARE (SA, NT & VIC) INC
CIVILWORKS PLAN

A1		DOCUMENT NUMBER		
		Project Number	Sheet No.	Rev.
Design CH	Drawn JPF	WGA191134-DR-CV-0001		A

PRELIMINARY ISSUE
NOT FOR CONSTRUCTION



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Mount Barker District Council
Received
23 September 2020



Colin Hill
CIVIL ENGINEER

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DARWIN

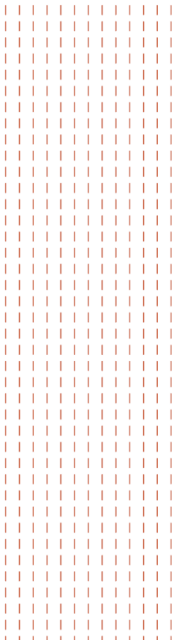
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WALLBRIDGE GILBERT AZTEC

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Attachment Two (2)

Sandra Mann

From: Paul & Terri Pamment <paulteri@tpg.com.au>
Sent: Tuesday, 10 November 2020 9:10 PM
To: DA Representations
Subject: Representation of Development No 580/1032/20

Hi Derek

We are writing in support of the development proposal No 580/1032/20

Details of the application are as follows:-	
DEVELOPMENT NO.	580/1032/20
APPLICANT ADDRESS	Southern Cross Care (SA, NT & Vic) Inc C/- Masterplan 33 Carrington Street ADELAIDE SA 5000
NATURE OF DEVELOPMENT	Communal Facility and associated carparking and infrastructure in association with a Retirement Village
SUBJECT LAND	LOT: 692 DP: 120995 CT: 6223/774 19 Hawthorn Road MOUNT BARKER
ZONE	Residential Zone.
CONTACT OFFICER	Derek Henderson Phone: 8393 6417

We are currently residents of 10 Hawthorn Road and in the past 5 years or so have watched the building of the Nursing Home and the Oakfield Rise Retirement Village.

The village is developing into a small vibrant community that will continue to grow and there is need for a communal space to enable the current and future residents to participant in activities that enhance their physical and mental well being.

We have visited the facility at the Southern Cross village at Noarlunga and were impressed with the range of facilities available including and arts and crafts room, gym and cafe. While we were there a zumba class was in progress.

We are aware that not all current residents at Oakfield Rise are able to drive and are therefore unable to easily access the number of facilities in the wider Mount Barker community and we feel that this proposed facility will help meet their needs.

We have been so impressed this facility and the services that Southern Cross offer that we will shortly be moving into stage two of the Retirement Village.

We did try to make submission using the form included in the public notice but the pdf is locked from printing, copying or filling in electronically. It would be good if these 2 submission pages could be copied or printed so they could be used.

We do not wish to be heard by the Council Assessment Panel in support of our representation.

Kind regards

Paul & Terri Pamment

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MOUNT BARKER DISTRICT COUNCIL

STATEMENT OF REPRESENTATION FOR CATEGORY 3
Pursuant to Section 38(5) of the Development Act, 1993

TO: Chief Executive Officer
District Council of Mount Barker
PO Box 54
MOUNT BARKER SA 5251

THIS SHEET PROVIDES YOU WITH THE OPPORTUNITY TO MAKE COMMENTS IN RELATION TO A PROPOSED DEVELOPMENT; IF YOU WISH TO DO SO. PLEASE FIND ATTACHED DETAILS OF THE PROPOSED DEVELOPMENT.

DEVELOPMENT NO: 580/1032/20
Communal Facility and associated carparking and infrastructure in association with a Retirement Village

YOUR DETAILS: (all fields with an asterix * must be completed to ensure that this is a valid representation as per Regulation 35 of the Development Regulation 2008).

* NAME: ROGER GILLET
* HOME ADDRESS: 8 DUMAS STREET MT BARKER
* POSTAL ADDRESS: _____
PHONE NO: 0408804589 EMAIL: _____

My interest/s are affected as: (please tick the following boxes as appropriate)

☒ The owner or the occupier of the property located at: AS ABOVE

☐ Other (please state): _____

YOUR COMMENTS:

* I/We:

☒ Support the proposal and provide the following comments.

☐ Oppose the proposal and provide the following comments.

RECEIVED
MOUNT BARKER
DISTRICT COUNCIL

5 NOV 2020

File: 1032/20

Doc: _____

(Please note that your comments should demonstrate reasonable particularity)

AS LONG AS INGRESS & EGRESS TO THE CAR PARK
REMAINS VIA HAWTHORN ROAD AND
DOESN'T "EVENTUALLY" LEAD TO EXCESSIVE TRAFFIC
FLOW FROM THE VILLAGE INTO COLLINS - ARMSTRONGS -
OR FROM

ALDRIN ST INTO DUMAS STREET WHICH IS ALREADY
CONGESTED WITH HEAVY TRAFFIC FLOW ^{FROM} TO THE
SCHOOL - TAFE - WALLIS THEATRES - LIBRARY &
PARK & RIDE FACILITY

* I/We:



Do not wish to be heard by the Council Assessment Panel in support of my representation.



Wish to be heard by the Council Assessment Panel in support of my representation, and I will be:



Appearing personally,

OR



Be represented by the following person:

Contact details:

(Please note, matters raised in your representation will not need to be repeated at the Council Assessment Panel meeting).

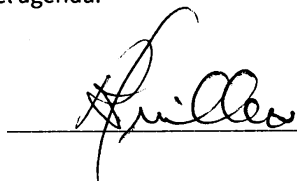
Your written representation must be received by Council no later than 11.59pm on Wednesday 11 November 2020, to ensure that it is a valid representation and taken into account.

If you make representation you will be notified by a separate letter of the date and time of the Council's Assessment Panel (CAP) meeting at which CAP will consider the application.

Representor's Declaration:

I am aware that the representation will become a public document as prescribed in the Freedom of Information Act 1991, and will be made available to the applicant, agencies and other bodies pursuant to the Development Act 1993 and may be uploaded to the Council's website as an attachment to a Council Assessment Panel agenda.

SIGNED



DATE

3.11.2020

Attachment Three (3)



17 November 2020

Planning Department
6 Dutton Road
MOUNT BARKER SA 5251

Attention: Derek Henderson

**Re: Response to Representations
DA 580/1032/20**

MasterPlan SA Pty Ltd has been engaged by Southern Cross Care, the applicant, for DA 580/1032/20 to act on their behalf for the proposed development for 'Communal Facility and associated carparking and infrastructure in association with a Retirement Village' at Hawthorn Road Mount Barker.

We have been asked to examine and respond as required to the representations received following notification of the development application.

Having reviewed the documentation forwarded by Council we note that there was one representation in support of the application, and one representation partially in support of the application.

Both representors indicated that they do not wish to be heard.

The key issue of concern in the representation that partially supports the application is as follows:

"Car park remains via Hawthorne Road and doesn't "eventually" lead to excessive traffic flow from the village into Collins-Armstrong-Aldrin Street into Dumas Street, which is already congested with heavy traffic flow from the school – TAFE – Wallis Theatre – Library and Park & Ride Facility."

The access roads depicted on the Location Plan (PL01A) were approved in a previous development application for the existing retirement village.

The potential traffic flow impact on surrounding road networks created by the retirement village development was therefore assessed and subsequently approved by the Council in the previous application. Notwithstanding this, the proposal is for communal facilities, providing services that are ancillary to the existing retirement village, and associated residents. Accordingly, the primary traffic volumes to and from the facility are likely to be generated from within the existing retirement village with minimal or potentially no increase in traffic flows in the existing adjacent residential areas.



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51472LET02



We note that this representor is generally in support of the proposal, subject to the above issue. As discussed, their concern was addressed in the previous approval for the existing retirement village. Further, the second representor is fully in support of the proposal. As such, we contend that the Council have reasonable grounds to determine the application under delegation, particularly given that no representor wishes to be heard in support of their representation.

Yours sincerely

A handwritten signature in blue ink, which appears to read 'G. Vincent', is positioned below the 'Yours sincerely' text.

Greg Vincent
MasterPlan SA Pty Ltd

cc: Southern Cross Care, Att: Leon Patsis.

5.3 CATEGORY 2 APPLICATIONS

5.3.1 SUMMARY DETAILS

Application No.	580/920/20
Applicant	AJ Hooper
Subject Land	LOT: 101 DP: 52090 CT: 6118/707; 23 Victoria Street HAHNDORF
Ward	North
Proposal	Alterations and Additions to Dwelling (including Swimming Pool, Pool Fencing, Carport and Decking), Fencing, Outbuilding, Rainwater Tanks, Demolition of non-heritage elements/buildings and restoration works to Schneemilch House (State Heritage Place - Schneemilch House and Barn ID 11588)
Development Plan	Mount Barker District Council – Consolidated 20 August 2020; Maps MtB/28 and MtB/29
Zone	Township Zone
Policy Area	Hufendorf Policy Area 20
State Heritage Area	Hahndorf
Form of Assessment	Merit
Public Notification	Category 2
Representations	2
Persons to be heard	Nil
Agency Consultation	State Heritage Unit (on behalf of the Minister for Environment and Water)
Responsible Officer	Derek Henderson
Recommendation	Development Plan Consent

1. PROPOSAL

The proposal involves the redevelopment of a State Heritage Place (Schneemilch House), comprising:

- Conservation of the c1840s-50s original cottage including:
 - Retention of original ceilings behind plasterboard;
 - New roofing;
 - New floor structures and covering; and
 - Revealing of the original timber shingles as an internal feature.
- Demolition of later additions including a circa 1890's projecting gable addition to the side of the original cottage.
- Demolition of freestanding structures at the rear and not included within the heritage listing such as sheds, toilet/smokehouse, water tanks and trees (none classified as being regulated trees due to either size or being an exempt species).
- Construction of a contemporary linked addition to the rear, consisting of reclaimed stone, weatherboard and corrugated iron roofing.
- Construction of a swimming pool and deck at the rear.
- Construction of new gravel driveway to the side of the cottage, which will provide access to a carport and shed to the side and rear of the addition.

- Retention of the State Heritage listed barn along the front boundary in its existing state, to remain visually connected to the existing dwelling without barriers.

Several of the ancillary structures (not identified in the State Heritage Listing) have already been removed and these elements are being assessed retrospectively.

The primary residence (cottage) will remain as a 'detached dwelling' as a result of this development.

It is noted that a land division application (DA 580/D029/20) has also been lodged that proposes a division of the land into two. This land division application is currently on hold. This built form application relates to the continuation of residential use over the entirety of the land and the nature of the proposal (being alterations/additions to an existing dwelling) is not reliant on the land division proposal determination. Consent for this built form application does not imply a favourable outcome or otherwise for the land division.

Refer to **Attachment One (1)** for details of the proposal page **775**.

2. SUBJECT LAND AND LOCALITY

The address of the subject land is 23 Victoria Street, Hahndorf. It is formally described as allotment 101 in the Hundred of Onkaparinga held in Certificate of Title Volume 6118 Folio 7007.

The site has a frontage of 53.34 metres to Victoria Street, a depth of 192 metres and an area of 1.134 hectares. The land falls from the street and from the northern boundary to a centrally located watercourse that traverses the site. The watercourse is subject to flooding, particularly to the low-lying area to the north of the watercourse - on the opposite side to the existing building and proposed additions. This proposal is for built form on the southern side of the watercourse, where spot levels range from 331.2 metres Australian Height Datum (AHD) at the front boundary to 329.0 metres AHD at the proposed location of the outbuilding and swimming pool/deck area.

The front portion of the land (south of the watercourse) contains separate buildings within one State Heritage Place listing, being Schneemilch House and Barn. Both buildings are intact, but in generally poor condition. It has been submitted, as confirmed by State Heritage, that the original elements of the cottage date back to the 1840s/50s, with additions and outbuildings progressively constructed through the late 1800s and 1900s. There are several trees remaining on the land, including within the watercourse. None of these trees identified for removal as a result of the siting of the proposed development are defined as being Regulated or Significant Trees due to their size or being exempt species.

The locality is entirely residential in nature, with no commercial, educational or civic land uses in the near vicinity. The allotments with frontage to the northern side of Victoria Street (including the subject site) is within the Hufendorf Policy Area and designated as the Hahndorf State Heritage Area. The allotments on the southern side of Victoria Street are located within Residential Policy Area 20. The land that abuts the northern boundary of the site is the town boundary to rural zoned land.



Figure 1. Aerial imagery of subject site and locality (taken March 2020). Representors properties identified in yellow (corresponding to the number in the representors table).



Figure 2. Aerial imagery of State Heritage Place (house and barn) and creekline.

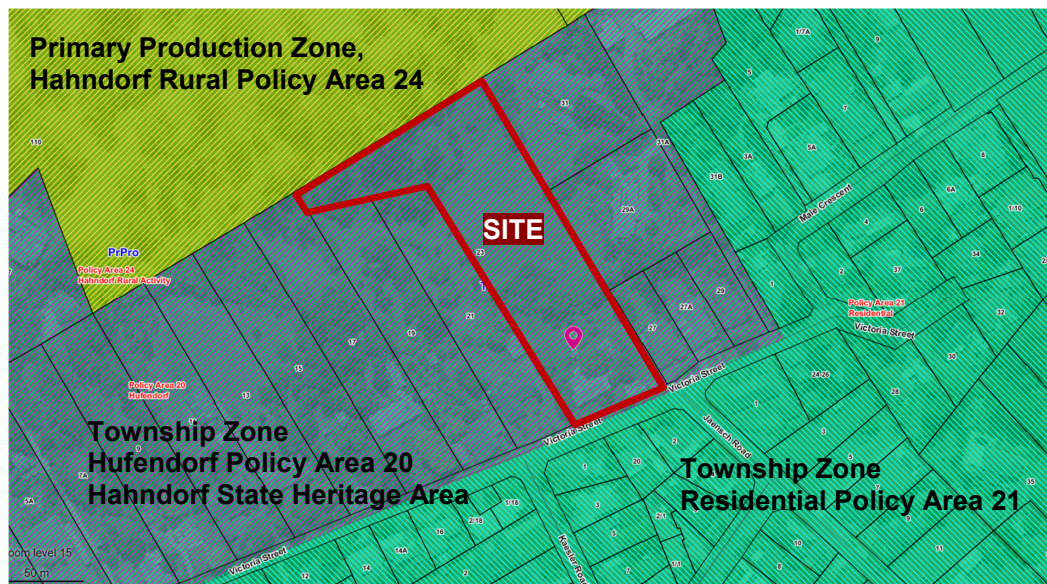


Figure 3. Zone Map.



Photo 1. View of front of Schneemilch House.



Photo 2. View of Schneemilch House from Victoria Street (western end)



Photo 3. View of Schneemilch House from Victoria Street with Schneemilch Barn to the right of the picture.



Photo 4. View of Schneemilch Barn from Victoria Street.



Photo 5. View to the rear of Schneemilch Barn (left) and Schneemilch House (right) with Victoria Street in the background.



Photo 6. View to the rear of Schneemilch House with the circa 1890s gabled addition in the foreground.



Photo 7. View to the rear of Schneemilch House looking west, being the site of the proposed dwelling additions, including outbuilding. The creek is located to the right.



Photo 8. View to the rear of Schneemilch House looking west, being the site of the proposed swimming pool/deck and outbuilding. The creek is located to the right.



Photo 9. View north across the creek. The subject land extends to the base of the hill in the background.



Photo 10. View of the rear of Schneemilch House and outbuildings (to be demolished). Outhouse/Smoking House building in the centre.

3. SUMMARY OF KEY ISSUES

The application has been presented to the Panel as there are unresolved representations.

The key issues for consideration are:

- Suitability of the proposed conservation works, demolition and additions with respect to the State Heritage Place (house and barn) and the visual link between these two elements;
- Siting and built form suitability with reference to the existing and desired character of the locality, and particularly Hufendorf Policy Area 20;
- Interface to surrounding land uses; and
- Development in proximity to the floodplain of a minor watercourse.

4. GOVERNMENT AGENCY SUBMISSIONS

4.1. Heritage South Australia

The proposed development affects a State Heritage place and is located within a State Heritage Area. In accordance with Section 37 of the Development Act 1993 and Schedule 8 of the Development Regulations 2008 the application was referred to Heritage South Australia as the delegate for the Minister for Environment and Water. Council is required to have regard to the Minister's response in making its decision on the proposal.

Heritage South Australia assessed all elements in detail, noting the importance of the listing to for the township and state.

The conservation plans submitted on behalf of the applicant by their heritage architect are intricate and it was determined that these works, new additions and removal of non-listed structures is acceptable (subject to one condition). Furthermore their response details the reasoning as to why they have come to this conclusion.

Refer to **Attachment Two (2)** for a copy of the Minister's response, page **809**.

5. COUNCIL DEPARTMENT COMMENTS

5.1. Planning Engineering

The new crossover access onto Victoria Street and controlled release of stormwater to the watercourse can be suitably provided.

6. PUBLIC NOTIFICATION

The application was advertised to adjacent owners and occupiers in accordance with Part 4 of the Development Act 1993 (Category 2 Notification).

Pursuant to Part 4, Section 38(10)(a) of the Development Act 1993 the Council Assessment Panel may at its discretion allow a person who made written representation to appear personally or by representative before it to be heard in support of the representation.

6.1. Representations

Two (2) representations were received as a result of the public notification and are summarised as follows.

	Representor	Address	Summary of Issues	Request to be heard
1	Tanya Wlochowicz	27 Victoria Street, Hahndorf	Supports the proposal subject to concerns. Opposes the demolition of the gable end section as it provides a historic example of a building addition, and contributes to street appeal.	No

2	Mike & Lynn Greenwood	29A Victoria Street, Hahndorf	Prepared to withdraw representation but has concerns. Concerned with site work already done (removal of outbuildings and vegetation). Seeks for the structure marked 'toilet' to be documented and reconstructed elsewhere on site. Seeks greater certainty over restoration/finishes.	No
---	-----------------------	-------------------------------	---	----

Refer to **Attachment Three (3)** for a copy of the representations received (original representations and further correspondence after liaison with the applicant) on page **813**. Figure 1 on page 759 identifies the location of the representors properties.

6.2. Response to Representations

The applicant has engaged with the representors to discuss their concerns and provide further details regarding the proposal. Amended, refined plans have been submitted in response to their and State Heritage's queries to clarify the details of the restorative works to be undertaken to the cottage in particular. Whilst updated responses have been received from both representors that detail general support for the proposal, there are some elements that they still have reservations about. As such, the representations remain.

The applicant's planning consultant has provided a written response to the representations, which includes commentary on:

- The buildings/structures to be demolished have been discussed with and accepted by a reputable heritage consultants (Anaglypta Architecture) and also "Heritage SA".
- The proposal retains the most significant elements of the site while creating a functional home.
- The outdoor toilet is a typical outhouse and was likely converted to a smokehouse (not vice versa). The structure is proposed to be photographed and documented prior to demolition.
- The drawings have been amended to provide more certainty/clarity to the proposed works.
- Other structures already removed were recorded/photographed but had no heritage value.

Refer to **Attachment Four (4)** for a copy of the applicants response to the representations page **819**.

7. ASSESSMENT

7.1. Classification of Development

“Demolition of a State or Local Heritage Place” is a non-complying kind of development in the Township Zone, including Hufendorf Policy Area 20.

It is considered that the proposed demolition does not include any elements of the “State Heritage Place” however. Table MtB/9 refers to the description and/or extent of the Listed Place as “Schneemilch House and Barn”. The various outbuildings are not captured by this definition and no work is proposed to the barn. Page 99 of the “Hahndorf Volume 1” heritage survey dated 1981 referred to the north-eastern (gable) side and rear portions of the dwelling as “recent additions”.

The referral response from Heritage SA also describes the rooms to the side and rear of the dwelling as “incremental” additions (including the gable section). No other structures are referenced within the heritage survey or the State Heritage Register besides the house and dwelling.

The proposed development is therefore determined to be neither complying nor non-complying in the Zone, and accordingly is required to be assessed on its merits having regard to the relevant provisions of Council’s Development Plan.

7.2. Relevant Development Plan Provisions

The development application is required to be assessed against the Development Plan in effect at the time of lodgement, being the Mount Barker (DC) Development Plan Consolidated – 20 August 2020.

Zone

Township Zone: Objectives 2, 3, 4, 5, 6 Principles of Development Control (PDCs) 1, 3, 4, 7

Policy Area

Hufendorf Policy Area 20: Objectives 1, 2, 3, 4 PDCs 1, 3, 5, 6, 7, 8, 10, 11, 12

General Section

Design and Appearance: Objectives 1, 2 PDCs 1, 2, 3, 4, 5, 7, 9

Energy Efficiency: Objectives 1, 2, 3 PDCs 1, 2, 3

Hazards: Objectives 1, 2, 4, 5 PDCs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13

Heritage Places: Objectives 1, 2, 3 PDCs 1, 3, 4, 5, 6, 7

Infrastructure: Objectives 1, 2, 5 PDCs 1, 2, 4, 5, 8, 9, 10

Interface between Land Uses: Objectives 1, 2, 3 PDCs 1, 2, 4

Landscaping, Fences and Walls: Objectives 1, 2 PDCs 1, 3, 4, 5, 6, 7

Natural Resources: Objectives 1, 2, 4, 5, 6, 7, 8, 10, 13 PDCs 1, 2, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 25, 27, 28, 41, 43, 44, 45, 46, 53

Orderly and Sustainable Development: Objectives 1, 2, 3, 4, 6, 7 PDCs: 1, 3, 5, 7, 8, 9, 10, 11, 12

Residential Development: Objectives 1, 2, 4 PDCs: 1, 6, 8, 10, 11, 13, 14, 15, 16, 24, 25, 26, 27, 28, 39, 30, 32, 33, 35, 36, 37, 38, 39, 40, 41, 45, 47, 49, 54, 55, 66, 67, 68, 69

Siting and Visibility: Objective 1 PDCs: 1, 2, 3, 4, 5, 6, 7, 8, 9

Sloping Land: Objective 1 PDCs 1, 2, 3, 4, 5, 7

Transportation and Access: Objective 2 PDCs 2, 8, 9, 14, 19, 29, 30, 36, 39, 41, 48, 49, 51

Waste: Objective 1 PDCs: 1, 2, 3, 5, 6

While all of the above provisions are considered applicable, only the most relevant to this site and application are discussed in detail below.

7.3. Land use and dwelling type

The proposal is considered to reinvigorate the historic use of the main building as a “detached dwelling”, which is an envisaged/appropriate use in the Hufendorf Policy Area. The residential use of the land is proposed to continue. Furthermore, the proposal maintains the dwelling as a single-storey form which is desired and the predominant form of dwelling within the Township and Policy Area.

The additions seek to enhance the use of the land for residential purpose within the context of due consideration of the heritage value of the State Heritage Place and State Heritage Area as anticipated in the zone and policy area.

7.4. Heritage, conservation and demolition

This section deals with the implications of the State Heritage Place (the Place), with particular reference to the sections of the Development Plan titled “Heritage Places” and “Table MtB/6 – Design Guidelines for Hahndorf State Heritage Area”. This table is included on page 797.

The proposal will allow for the adaptive re-use and enjoyment of the Heritage Place, with the plans as submitted and assessed in detail by Heritage South Australia largely conserving the fabric, setting and curtilage of the Heritage Place and restoring the visual connection of the original fabric of the cottage to the barn (through removal of a later, non-listed element being the gabled addition on the eastern side).

As explained in the “Classification of Development” section, the past additions to the building are considered to be excluded from the heritage listing. Whilst providing some amenity to the building and streetscape, they are considered to detract from the presentation of the built form which is one of the oldest remaining buildings of its type in Hahndorf and of significant importance to the heritage of the State. Removal of these elements is therefore considered to be appropriate to restore the prominence of the most important elements.

Important elements that contribute to the heritage value of the Place are proposed to be retained including the principal elevation of the cottage, views to the Place, original building materials, front and side setbacks, and the generally spacious setting/curtilage of the Place (Heritage Places PDC 3).

Original stonework is to remain unpainted and preserved and the original eastern wall to be revealed by removing the later addition. Later additions of plaster are to be removed from this stonework.

No new buildings are proposed in front of the Place (Heritage Places PDC 6), with the only structure being an open-style fence and gate.

The new additions avoid the inappropriate imitation or replication of historic detailing; being “compatible” with the Place in terms of scale, bulk, frontage width, boundary setbacks, proportions, colours, materials and textures, satisfying Heritage Places PDC 7 and Table MtB/6 in the following respects:

- Scale: The wall height, roof pitch, roof form and roof height of the addition will be similar to the original cottage.
- Bulk: Rather than continuing the original roof form, the proposal involves a “pavilion addition” to be separated and spaced from the original cottage via a linking structure between the two main forms. The addition and cottage have a comparable area, bulk and form as a result. For these reasons, and the location behind the existing cottage, the dwelling addition is considered to not dominate the original cottage.
- Frontage: The frontage width is unchanged by this application.
- Setbacks: The front and south-eastern side setbacks will be unchanged by this proposal, while the rear setback will remain substantial. The north-western side wall of the addition will be sited closer to the boundary than the cottage, however this is considered to have no bearing on the Heritage Place physically or visually as this part of the addition is approximately 17.5 metres behind the original cottage.
- Proportions: The side elevations of the addition have a high solid-to-void ratio, which reflects the proportions of the cottage. The rear elevation of the addition features more glazing, however the original cottage will not be viewed from this angle.
- Original finishes: Existing stone work is preserved and revealed. Repointing is proposed using lime mortar per clause 3.1 of Table MtB/6. All visible cement mortar will be replaced as it is not original.
- Roof and verandahs: Roofing will be clad in galvanised corrugated iron in heritage profile per clause 3.2 of the Table. The front verandah will be replaced in original style, using the existing verandah posts if possible. The slanted form of the verandah will be consistent with the illustrations in clause 4.5 of Table MtB/6.
- Gutters and downpipes: Half round gutters are proposed to the cottage per clause 3.3 of Table MtB/6
- Windows and doors: Original window and door openings are generally retained, particularly facing the street. Unoriginal window frames are proposed to be replaced (e.g. with single hinged windows facing the street). Original windows and existing doors will be salvaged and reused where possible.
- General (addition): The proposed addition maintains a complementary and subtle distinction between old and new building fabric per clause 4.1 of Table MtB/6.
- Materials for addition: The walls of the addition will be clad with horizontal weatherboard which will provide textured/domestic/traditional appearance while distinguishing itself from the stonework of the original structure. The new chimney at the rear will be clad with reclaimed stone.
- Location of addition: The plan and roof form of the original cottage remains clearly legible per clause 4.3 of Table MtB/6. As a pavilion addition, the proposal has minimal impact on the original walls, roof and interior of the original cottage.
- Scale/proportion/form of addition: Addressed above.
- Interior: Detailed plans have been prepared which outline the proposed conservation and restoration works to the interior of the original cottage. In short, the proposed internal works are considered to achieve an appropriate balance between conserving the original fabric and character of the interior while providing a modern level of comfort and amenity.

The curtilage of the State Heritage Place is proposed to be opened up through removal of some vegetation (a portion of which has already been removed) and demolition of non-heritage structures. Whilst removal of this vegetation is not development in itself, it is considered that the partial removal acts to enhance the setting and prominence of the heritage buildings on the subject site and, particularly, as viewed from the street.

There was a query through representation in relation to the status of an outdoor toilet/smokehouse. It is confirmed that this building does not form part of the heritage listing and that it is appropriate to be removed (being located within the additions site). The applicant has however agreed to document the building as a record.

A condition has been recommended by Heritage South Australia in relation to onsite assessment of the eastern end of the cottage once this has been exposed, as this may reveal additional details of the original construction that should be reviewed to ensure that the course of restorative works as proposed remains valid. This is an appropriate mechanism to ensure the integrity of the heritage elements is achieved.

In summary, the proposal is considered to conserve, reveal and improve the historic character of the State Heritage Place.

7.5. Built form, siting and desired character

This section of the report provides a broader assessment of the proposal against the provisions of the Zone, Policy Area and General Section of the Development Plan.

The proposal maintains the existing Hufendorf allotment pattern, comprising long narrow allotment with large strips of open space historically used for farming behind dwellings. In addition, it generally maintains the character of the site and locality, which is primarily derived from detached dwellings, at low densities, with low site coverage.

Additions to Dwelling

The single storey appearance and low profile of the addition is considered to be appropriate. As discussed earlier, the scale and form of the addition is essentially consistent and sympathetic with the original building.

The addition's contemporary design expression is anticipated by the Zone Desired Character which suggests a mix of old and new building styles will prevail in the Township Zone.

For the reasons given previously, the design of the addition is considered to be sympathetic to nearby development in terms of its scale, size, form/shape, height, roof, materials, colours, finishes and setbacks.

Outbuilding and carport

The proposed outbuilding complies with Policy Area PDC 8 in that it will be freestanding and will have a total floor area of less than 72m² (60m²), noting as well that only half of the floor area will be enclosed. There is however a departure from PDC 8 in that its apex height exceeds 3 metres (proposed to be approximately 3.9 metres). In the context of the large allotment size, siting within the allotment and siting of sheds on adjacent land and complementary design to the dwelling additions, the departure in overall height is considered to be acceptable with no undue impacts arising from this.

The carport is successfully integrated into the form and scale of the addition.

Fence

The proposal includes horizontal timber-rail front fencing, generally to a height of 0.8 to 1 metre with 200mm spacing between rails. While similar fencing styles have not been observed in nearby parts of the Policy Area, the proposal will be complementary to the low height, open style and timber construction of nearby fencing (PA PDC 7). Further, the proposed fencing will enable the views into the site and is considered to suit the era of the original building.

Swimming pool and deck

The swimming pool and deck are located appropriately at the rear of the dwelling. These structures are common and reasonable in a residential locality.

The swimming pool does not exceed 1.5 metres above natural ground, which complies with Residential Development PDC 67.

The deck will also be elevated up to a maximum of 1.5 metres above natural ground. Due to the central siting and generous setbacks from property boundaries in particular (being 10-12 metres from the nearest boundary), the deck is unlikely to unreasonably impact on the privacy or visual outlook of adjacent land. The proposed and adjacent sheds to the west will also provide some screening for the adjacent private open space. Based on this, the deck does not “directly overlook more than 50% of the adjacent private open space” (Residential Development PDC 47).

While not indicated on the plans, an associated pool pump is capable of being setback and attenuated to avoid noise impact in accordance with the Development Plan (i.e. within a sound attenuated structure at least 5 metres from the nearest adjacent habitable room (Residential Development PDC 49 and 69)).

7.6. Site works, drainage and protection from flooding

The floor levels of the dwelling addition will be relatively close to natural ground level. The addition is proposed to have footings which extrude above ground to build up the floor level, avoiding the need for associated retaining. The driveway/outbuilding will also require minimal earthworks or retaining as previously explained.

Development should take precautions from, and avoid, areas where the risk of flooding is likely to be harmful to safety or buildings (Hazards PDC 1, 2 and 4). Floodplains should not be interfered with or adjusted by development (Hazards PDC 3). Buildings should not be constructed within the 1-in-100 year average return interval flood plain (Hazards PDC 5 and 6).

The proposal satisfies the provisions above as the development is located outside the 100 year ARI flood plain (Upper Onkaparinga Flood Study 2004). The floodplain essentially spills north of the site's watercourse, whereas the development is located south of the watercourse. The mapping indicates the peak flood height is about 329.5 within the site, whereas the dwelling addition will have a floor level of 330.84.

Overflow from the water storage tank is proposed to be directed to the creek via a headwall. This is considered to be an appropriate mechanism for controlled release of roof water, subject to specific details to ensure that the design can mitigate erosion impact on the creek.

7.7. Interface

The Policy Area suggest that development should have minimal off-site impacts such as noise, light spill, emissions and traffic generation (PA PDC 12).

In addition, the “Interface between Land Uses” section of the Development Plan contains provisions which seek development located and designed to minimise adverse conflict between land uses, to protect community health and amenity and to protect desired land uses from incompatible development.

The Development Plan also contains provisions which seek to minimise overshadowing and overlooking by managing setbacks, siting and building height appropriately (Design and Appearance PDC 4 and Residential Development PDC 14, 15, 16, 33, 45, 46, 47, 48).

The proposal is considered to appropriately address the above provisions as it is a continuation of the residential use of land, consistent with the residential use of the surrounding properties.

The proposed addition is also suitably scaled, single storey, set back from adjacent properties, provides few side facing windows, and its floor level is close to natural ground. The relevant overshadowing and overlooking (visual privacy) provisions are considered to be satisfied accordingly. Long views from rear windows, across the valley, are not considered detrimental or unreasonable.

7.8. Bushfire

The site is located in a medium bushfire risk area, although the rear boundary abuts the high risk area. The proposal is considered to satisfy Hazards PDC 10 and 11 as these provisions deal with similar matters to the Minister’s Code through siting, access and setback from rural areas to the north.

7.9. Vehicle access and parking

The proposed additional (second) crossover is considered to be safe and acceptable for the land due to its limited width (4.5 metres), it is separated from nearby crossovers, occurs on an allotment with over 50 metres road frontage, has no impact upon street trees or infrastructure, and it has negligible impact upon the supply of on-street car parking (Residential Development PDC 54).

The proposal is considered to provide sufficient parking, with safe/convenient traffic conditions, which respect the topography of the land, and which will cause minimal impact upon on-street parking supply and traffic movements.

7.10. Servicing and infrastructure

The site has access to SA Water operated sewer mains and water mains located within Victoria Street.

8. CONCLUSION

The proposal involves the conservation and redevelopment of a State Heritage Place (detached dwelling). It is considered that the design is sympathetic to the fabric and setting of the State Heritage Place with the scale, bulk, form and materials of the addition being compatible with the Place. The State Heritage Place will retain a prominent position facing the street. The proposal has been assessed in intricate detail by Heritage South Australia and determined to be an acceptable development of the State Heritage Place and Hahndorf State Heritage Area.

The use of the land for residential purpose remains and the proposal is considered to not result in undue impacts on surrounding residences occurring and the proposal has reasonably addressed provisions in relation to access, hazards, servicing and amenity.

9. RECOMMENDATION

It is recommended that the Council Assessment Panel:

RESOLVE that the proposed development is not seriously at variance with the policies in the Mount Barker District Council Development Plan Consolidated 20 August 2020.

RESOLVE to GRANT Development Plan Consent to the application by AJ Hooper for Alterations and Additions to a Dwelling (including Swimming Pool, Pool Fencing, Carport and Decking), Fencing, Outbuilding, Rainwater Tanks, Demolition of non-heritage elements/buildings and restoration works to Schneemilch House (State Heritage Place - Schneemilch House and Barn ID 11588) at 23 Victoria Street, Hahndorf in Development Application 580/920/20 subject to the following conditions and advisory notes:

The following condition(s) apply:

- (1) The development herein approved is to be carried out in accordance with the stamped plans and details accompanying this application, except where amended by the following condition(s).
- (2) All scarring or physical disturbances of the land surface during any excavation work shall be restricted to only that which is required for building work and/or access purposes. All resultant exposed faces shall be covered in topsoil and planted with suitable ground cover to the reasonable satisfaction of Council.
- (3) All stormwater captured by structures shall be directed to the rain water tanks on the land with the overflow from the tanks disposed of to the watercourse via a headwall/scour protection outlet that results in controlled release of the roof water that does not result in erosion impact on the watercourse. The final design and location is to be submitted and approved by Council.

- (4) The applicant / owner is advised that any works within Council's road reserve shall be undertaken in accordance with the relevant Council standards and Fact Sheets for works on a public road. These documents can be found on Council's website at www.mountbarker.sa.gov.au and hard copies are available from the Council office. Any portion of Council's infrastructure damaged as a result of work undertaken must be repaired/reinstated to Council's satisfaction at the applicant / owner expense.
- (5) The applicant shall provide a dedicated water supply available at all times for fire-fighting purposes in accordance with the Minister's Specifications SA78 – Additional requirements in designated bushfire prone areas (May 2011) as to ensure appropriate measures of protection against bushfire attack. This is in addition to the 1000 litre rainwater tank required by the Building Code of Australia.
- (6) The outhouse/smokehouse structure is to be documented in accordance with the stamped plans prior to demolition of this structure occurring.
- (7) The enclosure of the pool pump filtration unit shall be enclosed to mitigate noise transmission.
- (8) Effective measures are to be implemented during the construction of the development on the land in accordance with this consent to:
 - prevent silt run-off from the land to adjoining properties or the watercourse;
 - control dust arising from the construction and other activities, so as not to, in the opinion of Council, be a nuisance to residents or occupiers on adjacent or nearby land;
 - ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site;
 - ensure that all litter and building waste is contained on the subject site in a suitable bin or enclosure; and
 - ensure that no sound is emitted from any device, plant or equipment or from any source or activity to become an unreasonable nuisance, in the opinion of Council, to the occupiers of adjacent land.

This will ensure that the activities on the whole site during construction do not pollute the environment in a way which causes or may cause environmental harm.

The following condition has been included on the recommendation of Heritage South Australia as delegate for the Minister for Environment and Water:

- (9) The end walling detail of the original 1840/50 cottage walls shall be finally resolved only following site agreement, to the satisfaction of Council in consultation with the Department for Environment and Water to ensure the detail proposed is appropriate upon revealing of the former cottage walls.

Notes:

- (1) Any person proposing to undertake building work within the District of Mount Barker is reminded of their obligation to take all reasonable measures to protect Council infrastructure. Any incidental damage to the infrastructure - pipes, footpath, verge, street trees etc., must be reinstated to a standard acceptable to Council at the applicants' expense. If you have any queries please contact Council on 8391 7200.
- (2) This Development Plan Consent is valid for a period of 24 months from the date of this authorisation and you must have obtained a Building Rules Consent and Development Approval within this period for the consent to remain valid. Should Development Approval not be achieved within this timeframe, your consent will lapse and a new development application must be lodged, unless an extension is obtained.

The following general notes have been included based on the recommendation of Heritage South Australia as delegate for the Minister for Environment and Water:

- (3) Any changes to the proposal for which planning consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department for Environment and Water, or an additional referral to the Minister for Environment and Water. Such changes would include for example (a) an application to vary the planning consent, or (b) Building Rules documentation that incorporates differences from the proposal as documented in the planning application. To ensure a satisfactory heritage outcome, the relevant planning authority is requested to consult the Department for Environment and Water in finalising any conditions or reserved matters above.
- (4) The applicant/owner is reminded of the following requirements of the Heritage Places Act 1993:
 - a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
 - b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

For further information, contact the Department for Environment and Water.

- (5) The applicant/owner is reminded of the following requirements of the Aboriginal Heritage Act 1988:
 - a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the Aboriginal Heritage Act 1988.

Attachment One (1)

Mount Barker District Council
Received
03 Sep 2020



Development application form

Development Act 1993

PO BOX 54 MOUNT BARKER SA 5251 TELEPHONE: (08) 8391 7200 www.mountbarker.sa.gov.au	OR: 6 Dutton Road MOUNT BARKER FAX: (08) 8391 7299	Office use only DEVELOPMENT NUMBER: 580 / /
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Please use BLOCK LETTERS and Black or Blue ink so that photocopies can be made of your application

PLEASE TICK AS REQUIRED

Development Plan Consent ☒ Building Rules Consent ☐ Development Approval (both) ☐

APPLICANT'S CONTACT DETAILS:

Name: Arabella Hooper Email: _____
Postal Address: 16 PO Box 1508 Phone: 0443 395 299

OWNER'S CONTACT DETAILS:

Name: K Smith + G Stark Email: _____
Postal Address: 36 Gateacre Brow onkaparinga Hills SA 5163 Phone: _____

BUILDER'S CONTACT DETAILS:

Name: TBC Email: _____
Postal Address: _____ Phone: _____

CONTACT PERSON:

Name: Peter MELINE Email: peter.meline@bigpond.com

DESCRIPTION OF DEVELOPMENT:

Proposed Development (e.g. Dwelling, Shop, Garage): ALTERATIONS AND ADDITIONS
Existing Use (e.g. Vacant, Dwelling, Grazing): DWELLING, TO EXISTING DWELLING

LOCATION OF PROPOSED DEVELOPMENT:

Assessment No: _____ Parcel No: _____
House No: 23 Lot / Section No: 101 Street: VICTORIA ST
Town: HAHNDORF Volume: 6118 Folio: 707

BUILDING RULES CLASSIFICATION SOUGHT: 1a + 10a Present classification: 1a + 10a

If Class 5, 6, 7, 8 or 9 classification is sought, state the proposed number of employees: Male: _____ Female: _____

If Class 9a classification is sought, state the number of persons for whom accommodation is provided: _____

If Class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises: _____

Does either Schedule 21 (Activities of Environmental significance) or 22 (Activities of Major Environmental significance (EPA)) of the Development Regulations, 2008 apply? ☐ Yes ☐ No

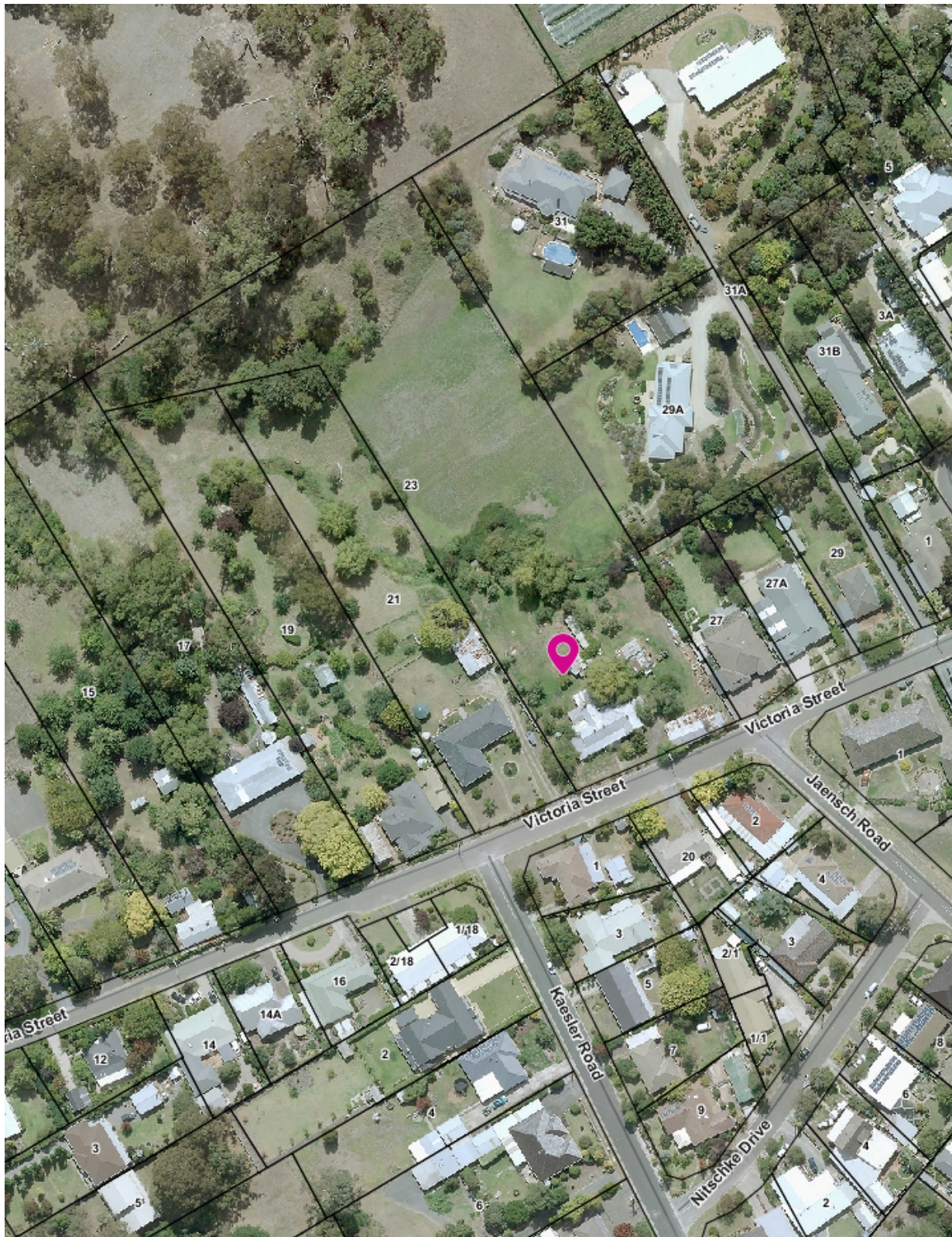
DEVELOPMENT COST (do not include shop fitout costs): \$661,000

I acknowledge that copies of this application and supporting documents may be provided to interested persons in accordance with the Development Regulations, 2008.

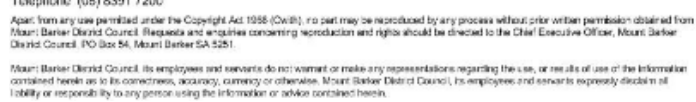
SIGNATURE: [Signature] DATE: 3/9/20

RELEVANT FEES, COPIES OF PLANS & COPIES OF ANY OTHER RELEVANT SUPPORTING DOCUMENTATION
ARE DUE ON SUBMISSION OF THIS APPLICATION

11-January-2021



50 m





Product Register Search Plus
Date/Time 03/09/2020 12:16PM
Customer Reference 2831BR
Order ID 20200903005968

Mount Barker District Council
Received
03 Sep 2020

REAL PROPERTY ACT, 1886



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 6118 Folio 707

Parent Title(s) CT 5671/539
Creating Dealing(s) SC 11985453
Title Issued 16/09/2013 Edition 2 Edition Issued 18/09/2013

Estate Type

FEE SIMPLE

Registered Proprietor

KERRY ANN SMITH
OF 17 AMARA COURT FOREST LAKE QLD 4078
GEOFFREY ALAN STARK
OF 36 GATEACRE BROW ONKAPARINGA HILLS SA 5163
AS THE EXECUTOR(S) OF
DOROTHY JEAN SCHNEEMILCH WHO DIED ON 05/02/2013

Description of Land

ALLOTMENT 101 DEPOSITED PLAN 52090
IN THE AREA NAMED HAHNDORF
HUNDRED OF ONKAPARINGA

Easements

TOGETHER WITH EASEMENT(S) OVER THE LAND MARKED B FOR WATER SUPPLY PURPOSES (RTC 8667749)

Schedule of Dealings

NIL

Notations

Dealings Affecting Title

Lodgement Date	Dealing Number	Description	Status
01/09/2020	13362612	TRANSFER	UNREGISTERED
01/09/2020	13362613	MORTGAGE	UNREGISTERED

Priority Notices NIL

Notations on Plan NIL

Registrar-General's Notes

PLAN FOR LEASE PURPOSES VIDE G229/1999

Administrative Interests

CONFIRMED IN SA HERITAGE REGISTER 01/09/1983

PROPERTY IN A STATE HERITAGE AREA 25/08/1988



Product

Date/Time

Customer Reference

Order ID

Register Search Plus

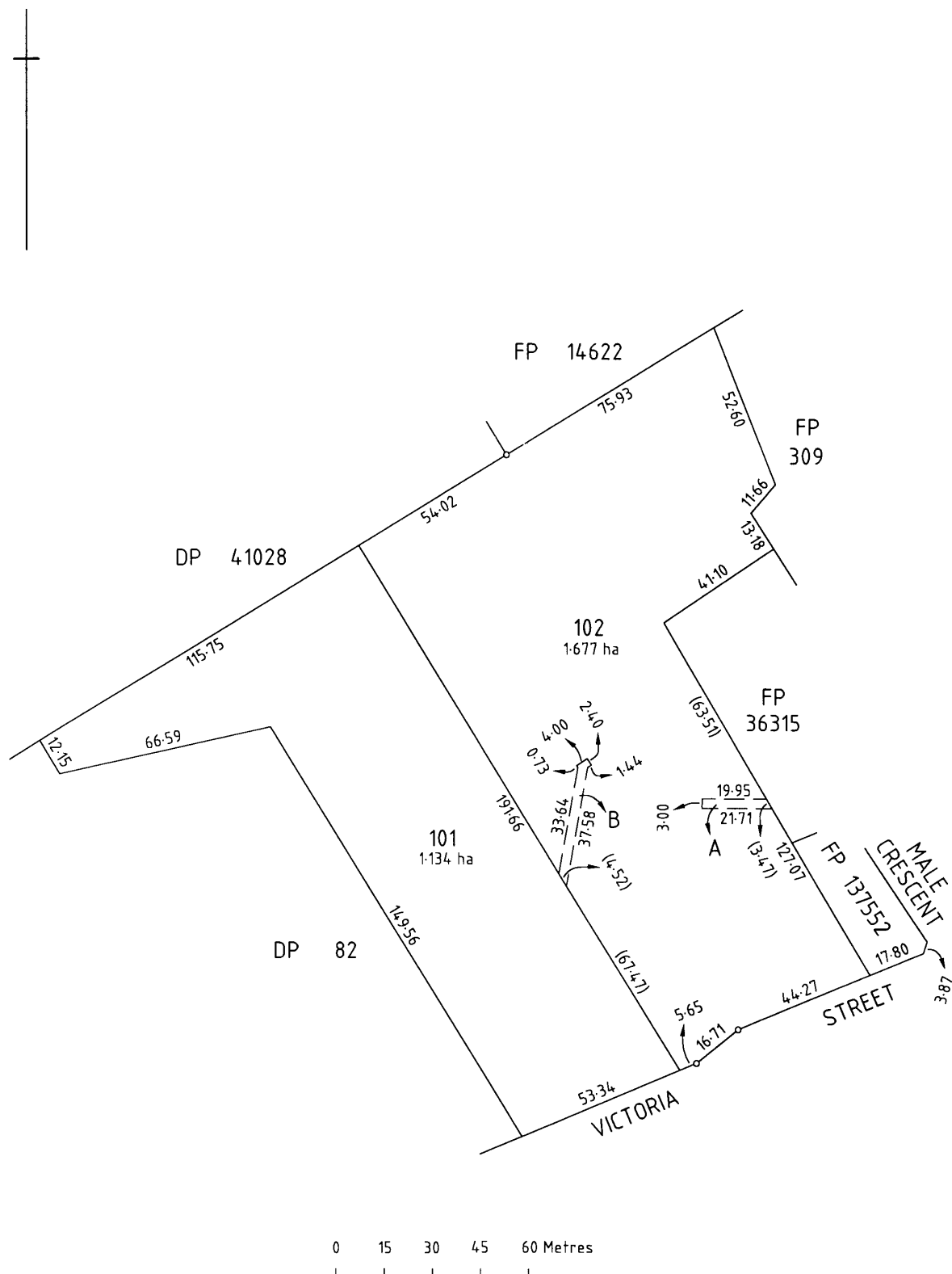
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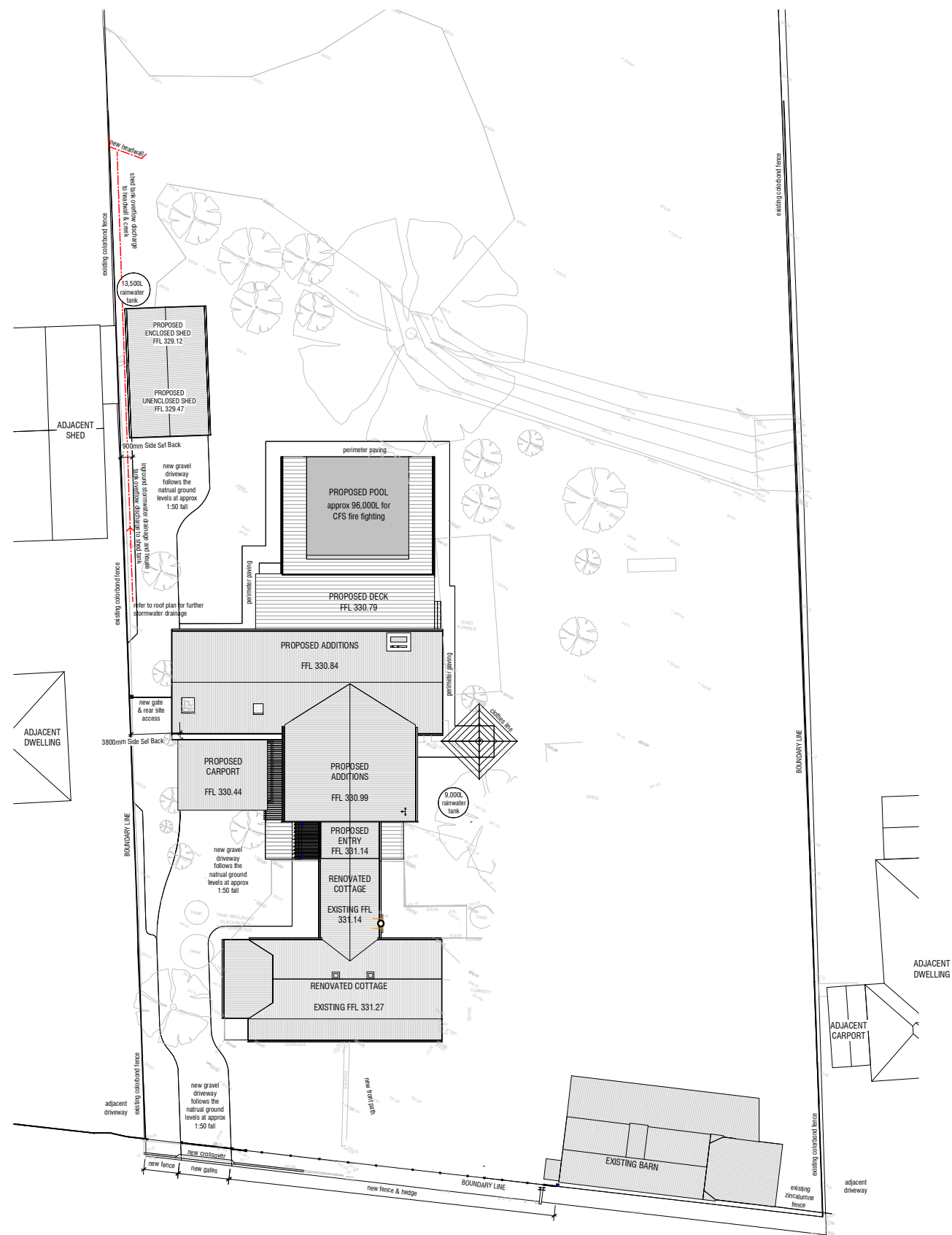
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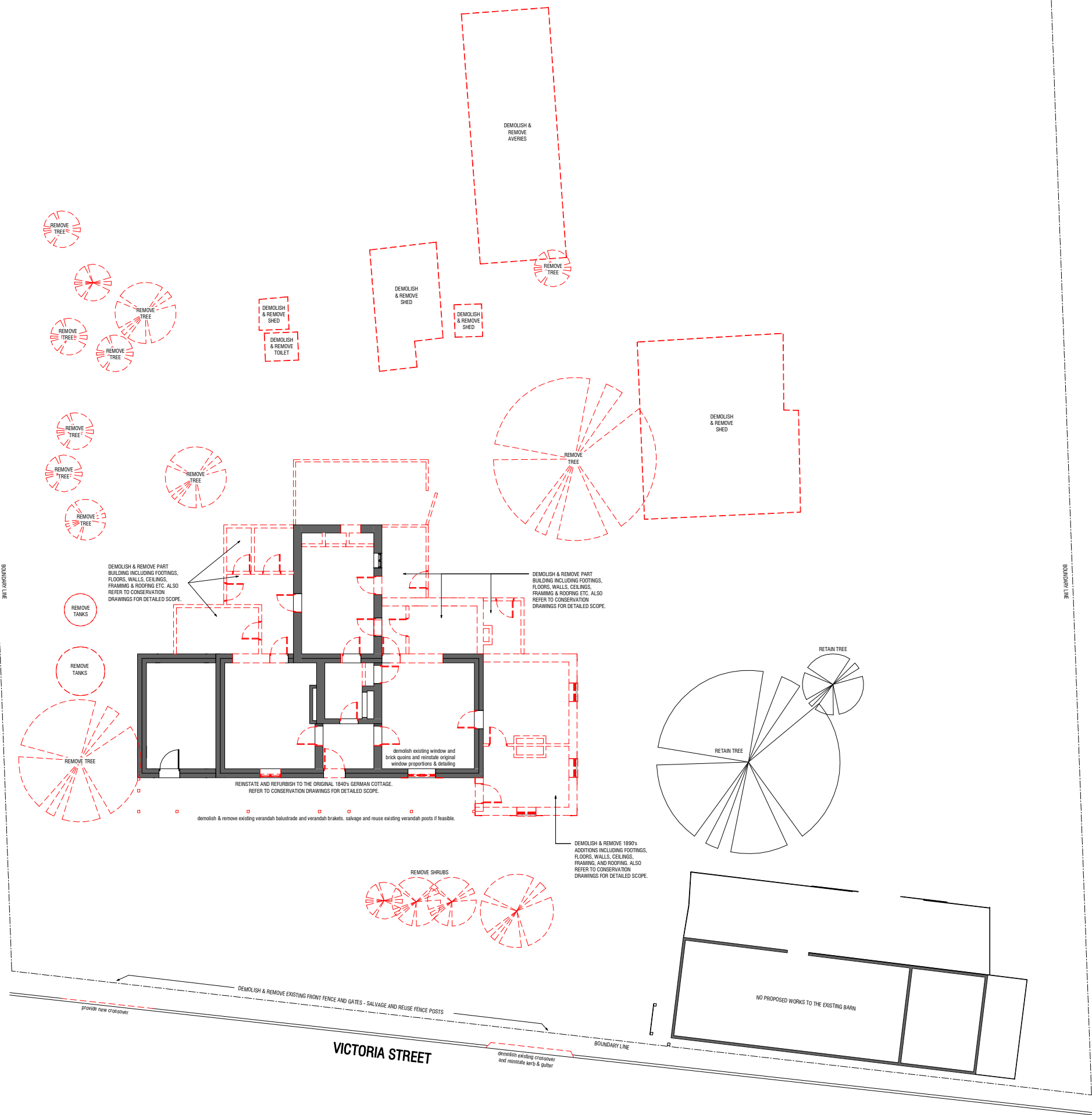
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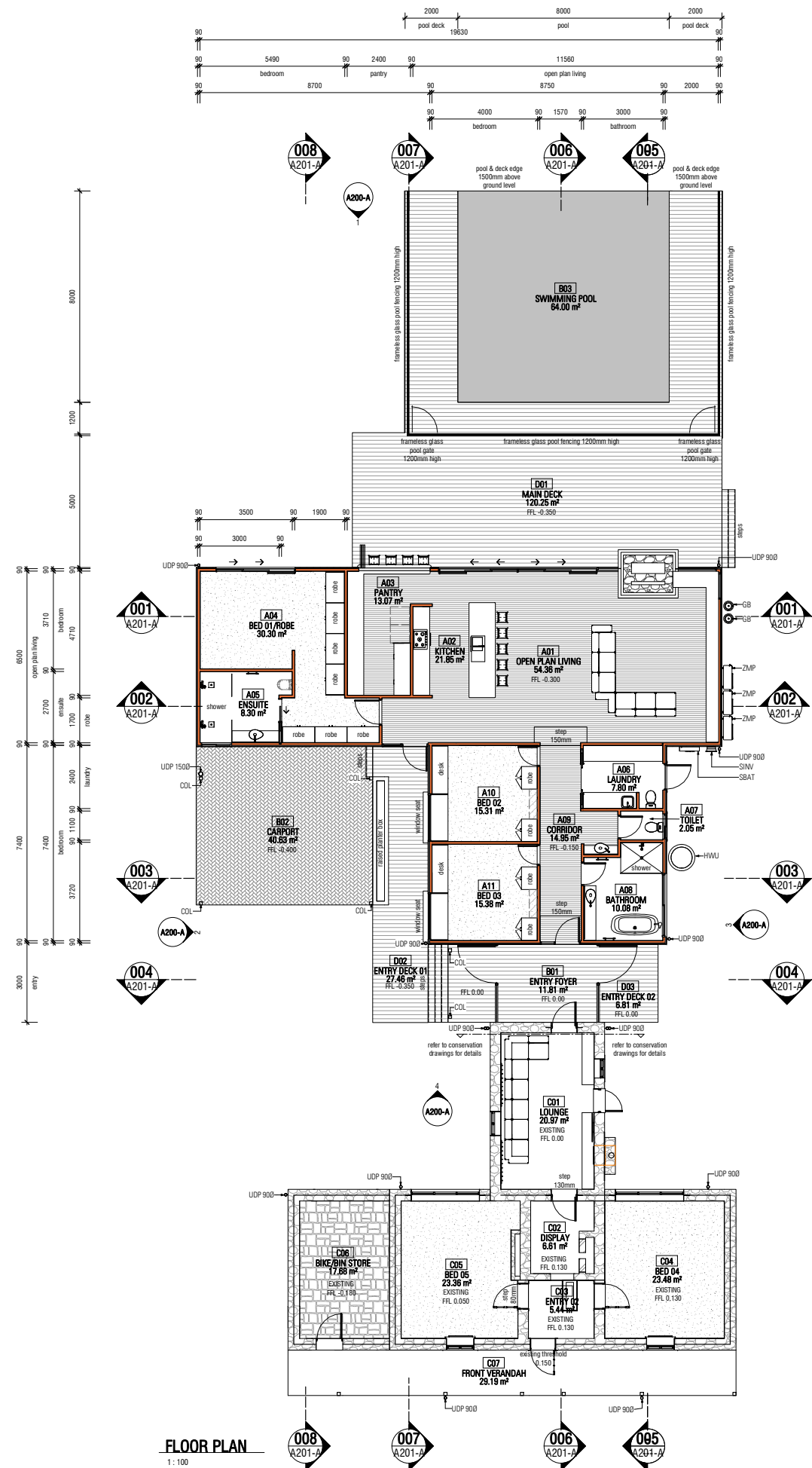
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Received
03 Sep 2020



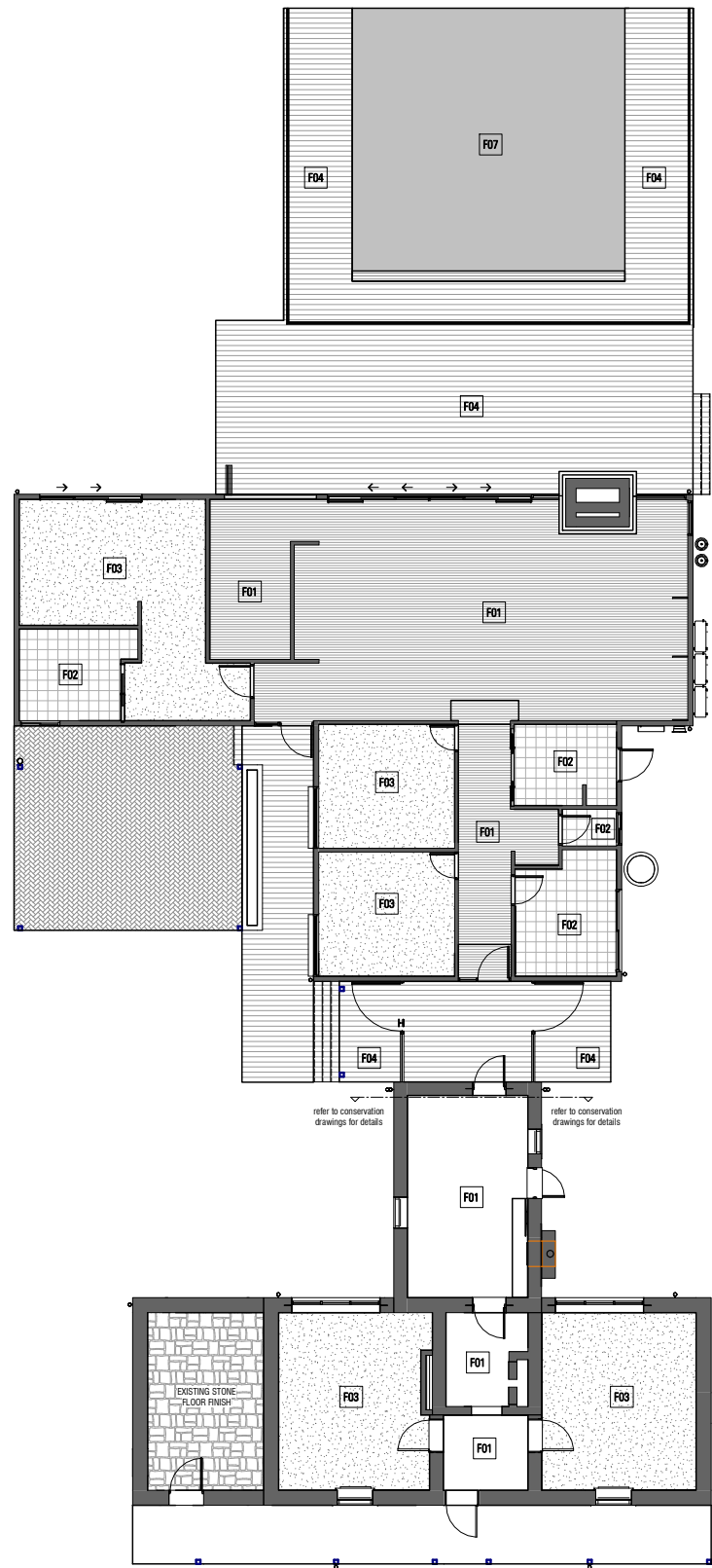








FLOOR PLAN
1: 100



FLOOR FINISHES PLAN
1: 100

Abbreviations	
ABBREV.	DESCRIPTION
COL	Column
GB	Glass Balustrade
HWU	Hot Water Unit
SBAT	Solar Battery
SNV	Solar Inverter
UDP 900	Downpipe circular 90mm diameter
UDP 1500	Downpipe circular 150mm diameter
ZMP	Mechanical plant

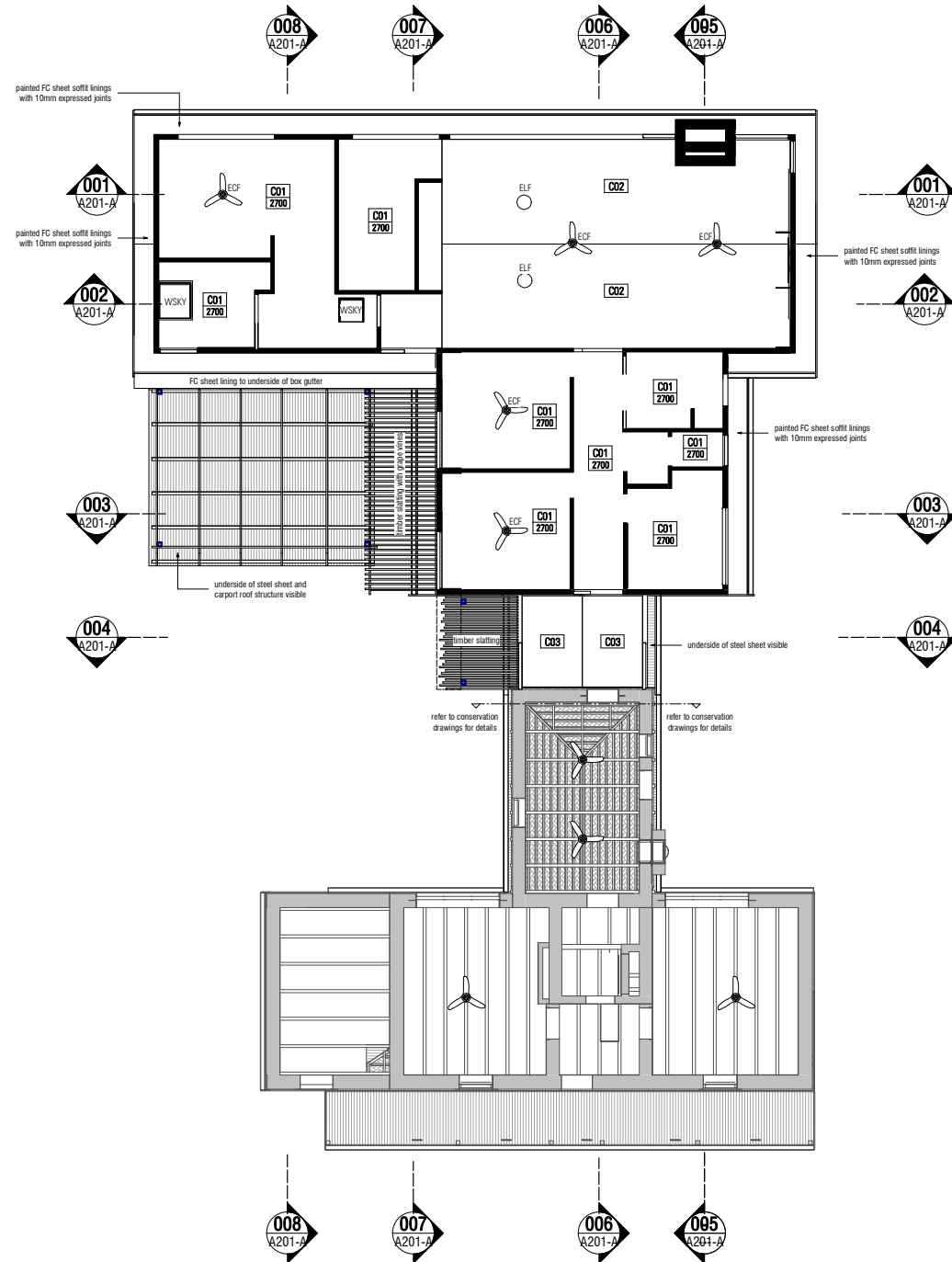
New Additions		
Number	Name	Area
A01	OPEN PLAN LIVING	54.36 m²
A02	KITCHEN	21.85 m²
A03	PANTRY	13.07 m²
A04	BED D1 ROBE	30.30 m²
A05	ENSUITE	8.30 m²
A06	LAUNDRY	7.80 m²
A07	TOILET	2.06 m²
A08	BATHROOM	10.08 m²
A09	CORRIDOR	14.95 m²
A10	BED 02	15.31 m²
A11	BED 03	15.38 m²
		190.45 m²

Outbuildings		
Number	Name	Area
B01	ENTRY FOYER	11.81 m²
B02	CARPORT	40.63 m²
B03	SWIMMING POOL	64.00 m²
		116.44 m²

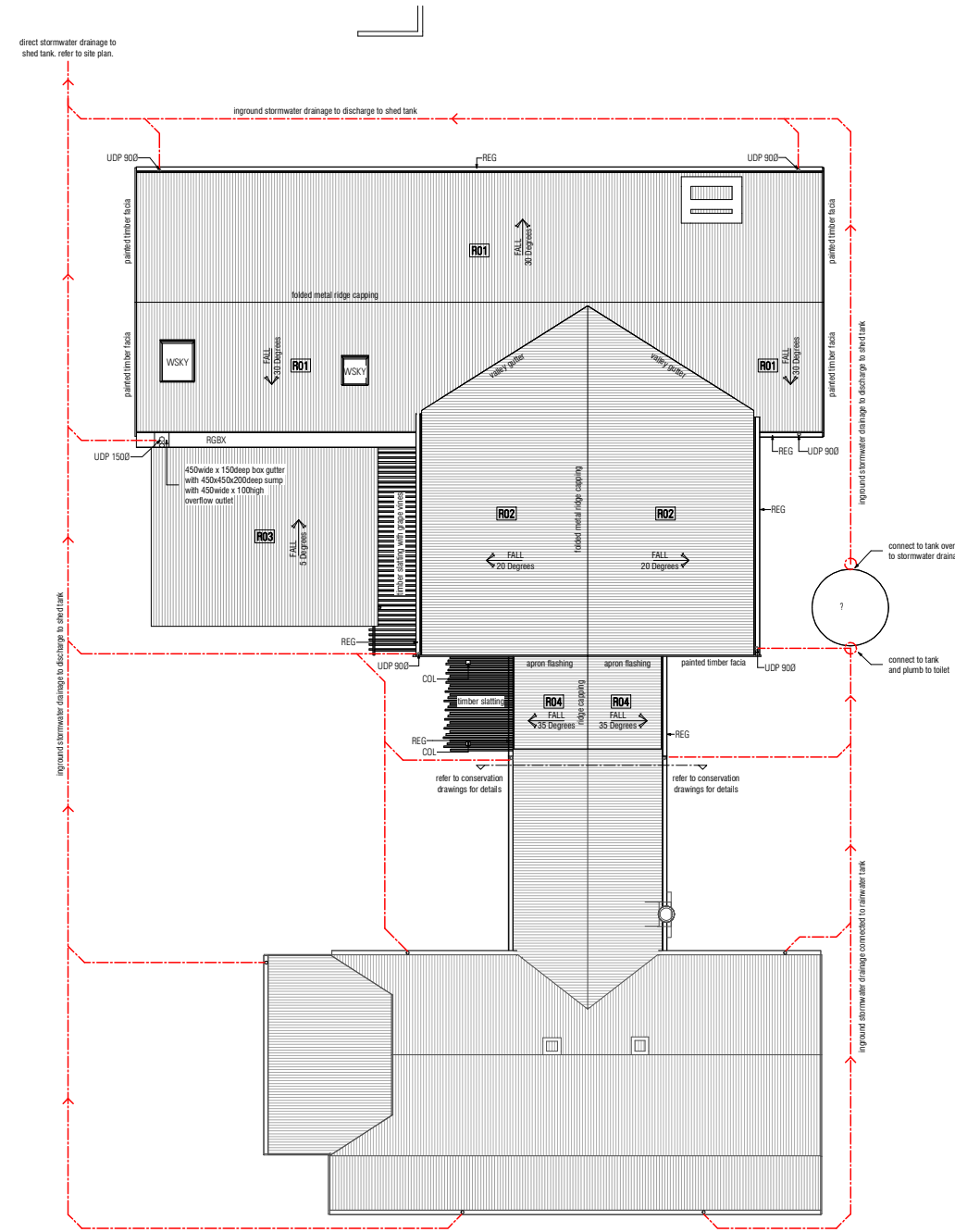
Conservation Works		
Number	Name	Area
C01	LOUNGE	20.97 m²
C02	DISPLAY	6.61 m²
C03	ENTRY 02	5.44 m²
C04	BED 04	23.40 m²
C05	BED 05	23.30 m²
C06	BIKE/BIN STORE	17.66 m²
C07	FRONT VERANDAH	28.19 m²
		128.73 m²

Decks		
Number	Name	Area
D01	MAIN DECK	120.25 m²
D02	ENTRY DECK 01	27.46 m²
D03	ENTRY DECK 02	6.81 m²
		154.53 m²

Floor Schedule	
Floor Type	Description
F01	Solid Timber Tongue & Groove Flooring
F02	Non Slip Ceramic Floor Tiles
F03	Broadloom Carpet on Underlay
F04	Solid Timber Decking
F05	Irrigated Garden Bed with Mulch
F06	Swimming Pool with Infinity Edge
F07	Waffle Pod Concrete Slab to Engineers Design
F08	Concrete Paving



REFLECTED CEILING PLAN
1 : 100



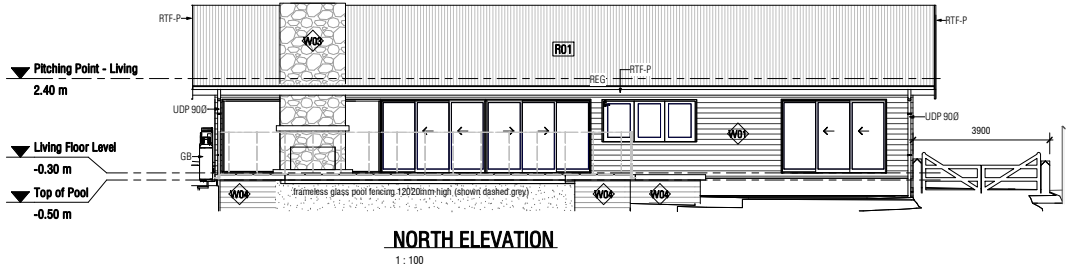
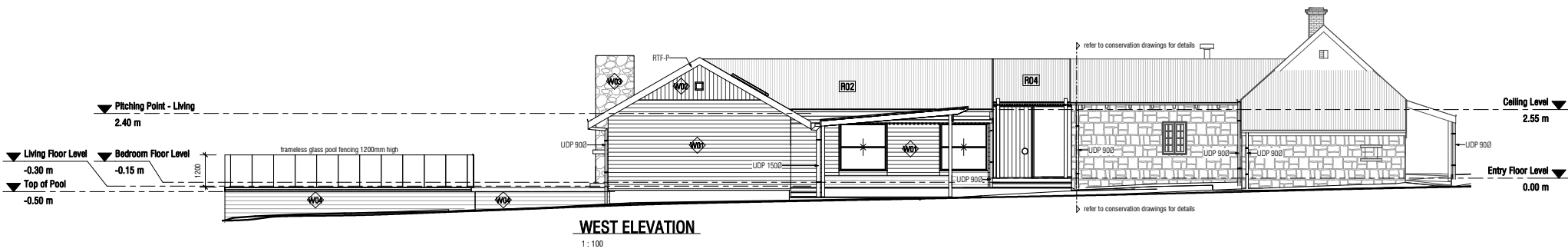
ROOF PLAN
1 : 100

Abbreviations	
ABBREV.	DESCRIPTION
COL	Column
ECF	Ceiling Fan
ELF	Lighting
REG	Row gutter
RGBX	Box gutter
UDP 900	Downpipe circular 90mm diameter
UDP 1500	Downpipe circular 150mm diameter
WSKY	Skylight: Refer to Window Schedule

Roof Schedule	
Roof Type	Description
R01	Revolution Roofing Heritage Galvanised True Oak Deep Corrugated roof sheeting, 30 Degree Pitch
R02	Revolution Roofing Heritage Galvanised True Oak Deep Corrugated roof sheeting, 20 Degree Pitch
R03	Revolution Roofing Heritage Galvanised True Oak Super 5 Corrugated roof sheeting, 5 Degree Pitch
R04	Revolution Roofing Heritage Galvanised True Oak Deep Corrugated roof sheeting, 35 Degree Pitch

Ceiling Schedule	
Ceiling Type	Description
C01	10mm flush plasterboard on concealed screw-up suspension system, Rondo P50 shadowline cornice to perimeter.
C02	30 Degree Raking Ceiling, 10mm flush plasterboard on top hats. Square set cornice to perimeter.
C03	35 Degree Raking Ceiling, 10mm flush plasterboard on top hats. Square set cornice to perimeter.





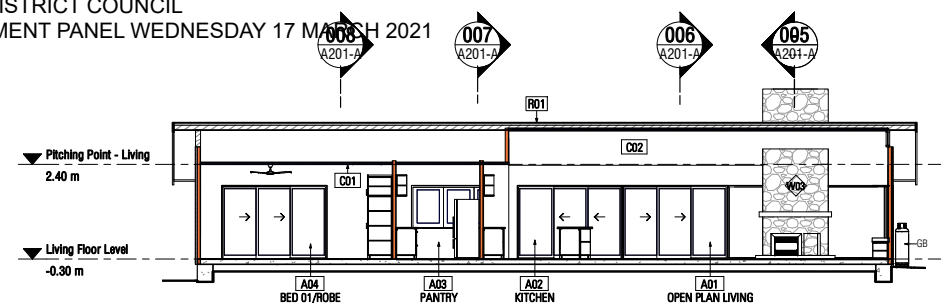
Abbreviations	
ABBREV.	DESCRIPTION
COL	Column
GB	Gas Bottle
HWU	Hot water unit
REG	Eaves gutter
RTF-P	240x45 Painted Timber Fascia
SBAT	Solar Battery
SNV	Solar Inverter
UDP 900	Downpipe circular 90mm diameter
UDP 1500	Downpipe circular 150mm diameter
WSKY	Skylight. Refer to Window Schedule
ZMP	Mechanical plant

Wall Schedule	
Wall Type	Description
W01	Painted Weatherboard Cladding. James Hardie Scyon Lines. Including trim to corners and architraves to windows and doors. Cladding painted in Dulux Antique White U.S.A. Trims painted in Dulux White on White.
W02	Radial Timbers 90x19 Tongue & Groove Secret Nail Shiplap Cladding in Silvertop Ash. Including 3 x coats of Cutex Extreme.
W03	Salvaged and Reused Stone from the demolition of the Cottage. Bring stonework to an Ashlar Coursing and point with a Lime Mortar.
W04	Radial Timbers 100x19 & 80x19 & 55x19 New Decking fixed in a random pattern in Silvertop Ash. 3 x coats of Cutex Extreme

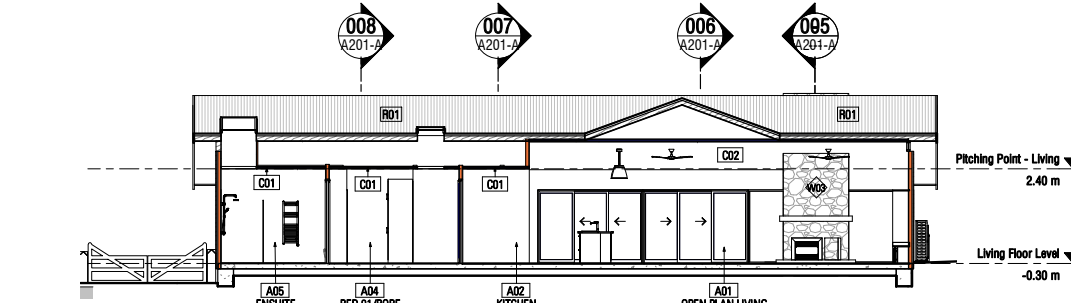
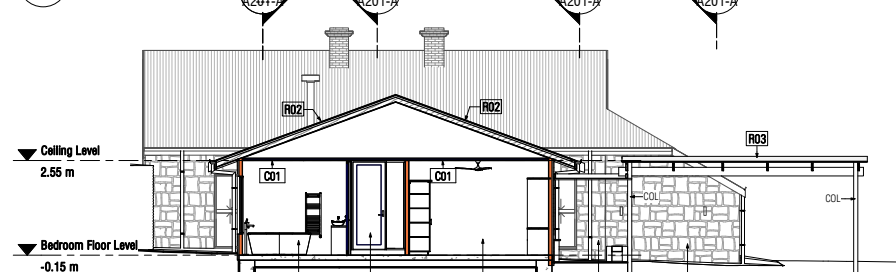
Roof Schedule	
Roof Type	Description
R01	Revolution Roofing Heritage Galvanised True Oak Deep Corrugated roof sheeting. 30 Degree Pitch
R02	Revolution Roofing Heritage Galvanised True Oak Deep Corrugated roof sheeting. 20 Degree Pitch
R03	Revolution Roofing Heritage Galvanised True Oak Super 5 Corrugated roof sheeting. 5 Degree Pitch
R04	Revolution Roofing Heritage Galvanised True Oak Deep Corrugated roof sheeting. 35 Degree Pitch

W01: Weatherboard Cladding Painted in Dulux Antique White U.S.A. Trims to windows, doors and corners painted in Dulux White on White
W02: Solid Timber Cladding in Natural Timber finish.
W03: Reused Stone from Cottage Demolition.
W04: Solid Timber Cladding in Natural Timber finish.

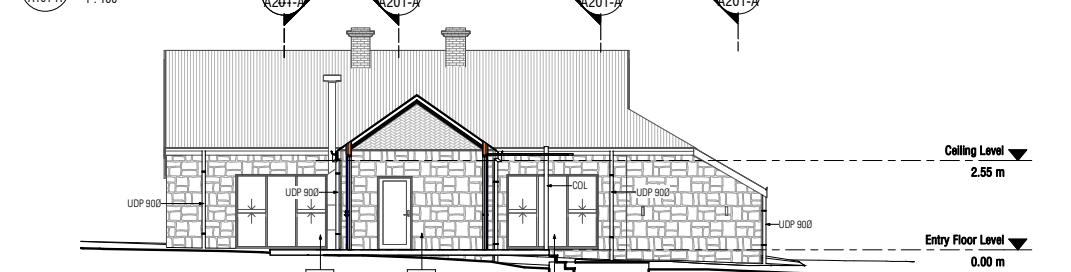
W01: Weatherboard Cladding Painted in Dulux Antique White U.S.A. Trims to windows, doors and corners painted in Dulux White on White
W02: Solid Timber Cladding in Natural Timber finish.
W03: Reused Stone from Cottage Demolition.
W04: Solid Timber Cladding in Natural Timber finish.



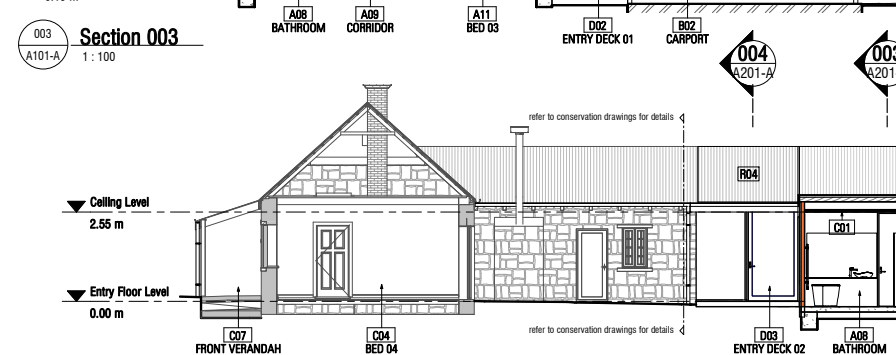
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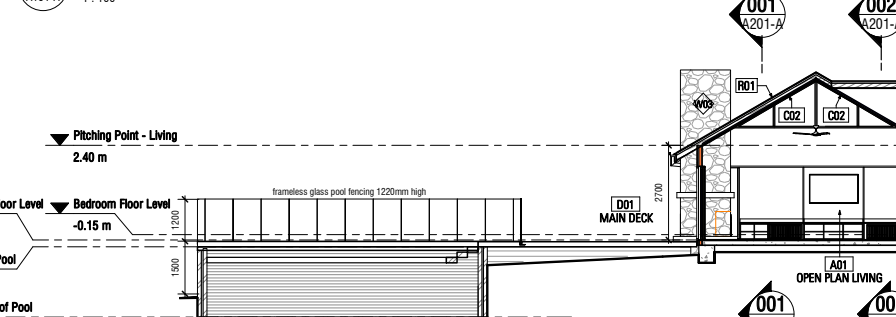
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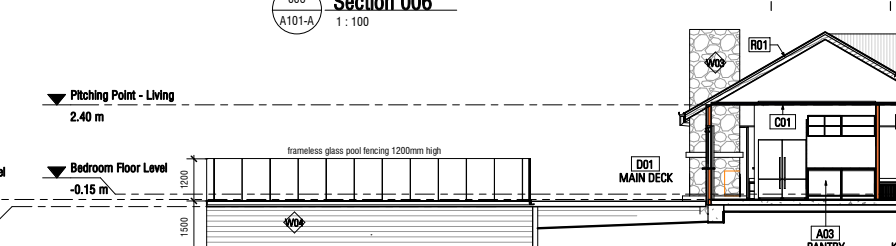
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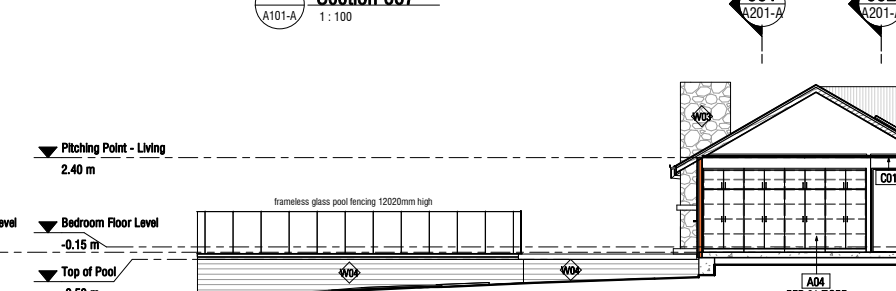
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Section 005
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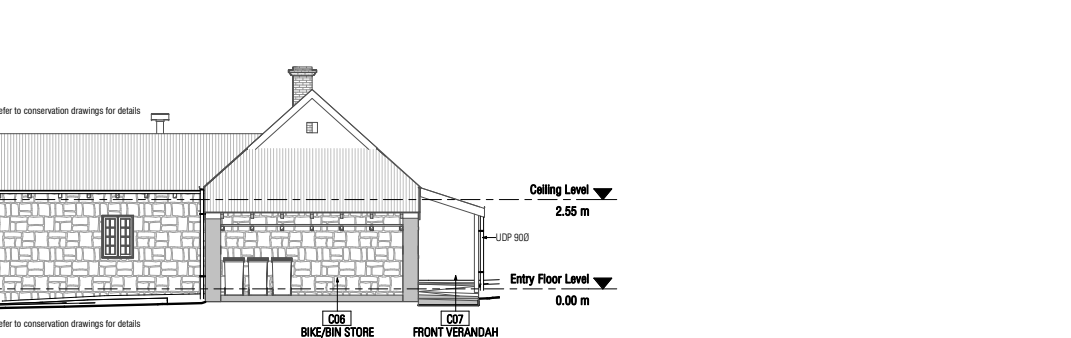
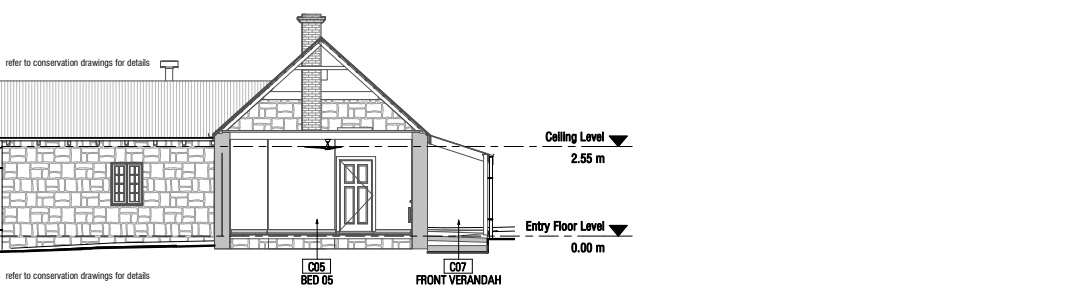
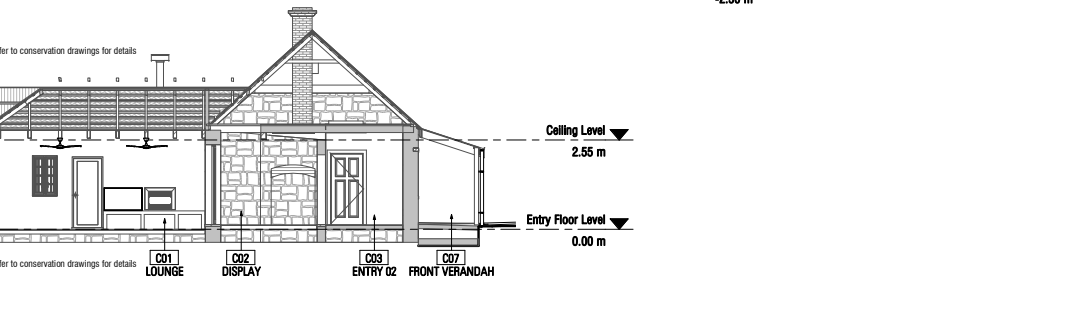
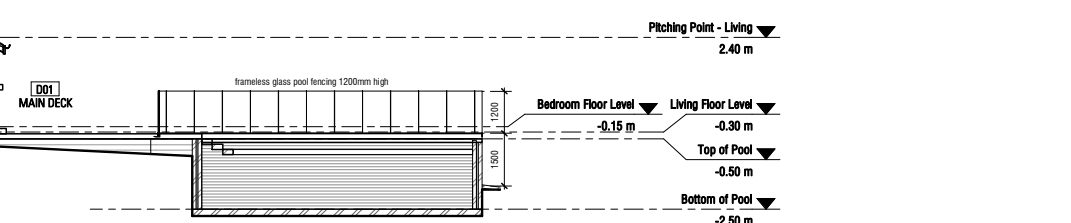
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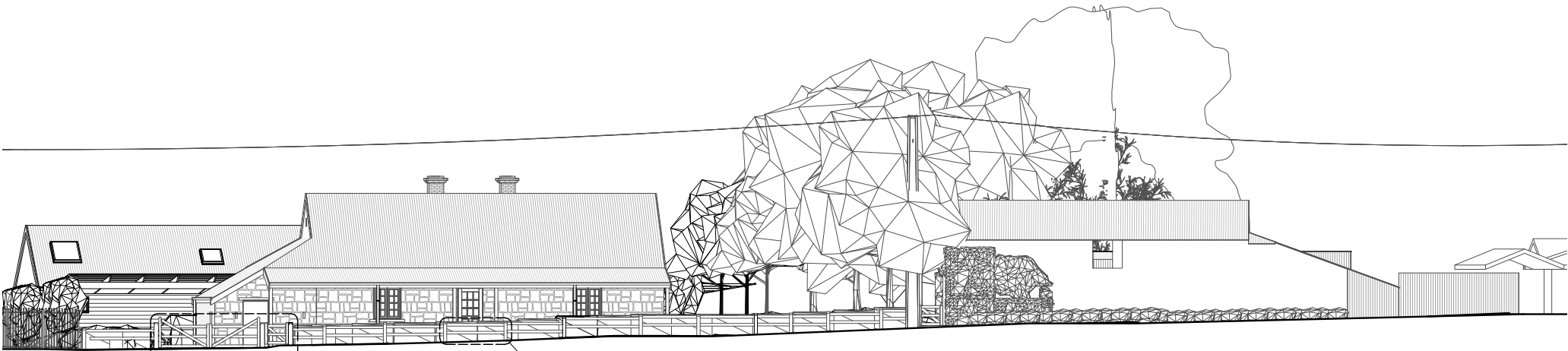
Section 007
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Section 008
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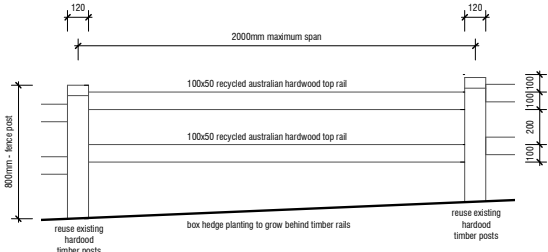


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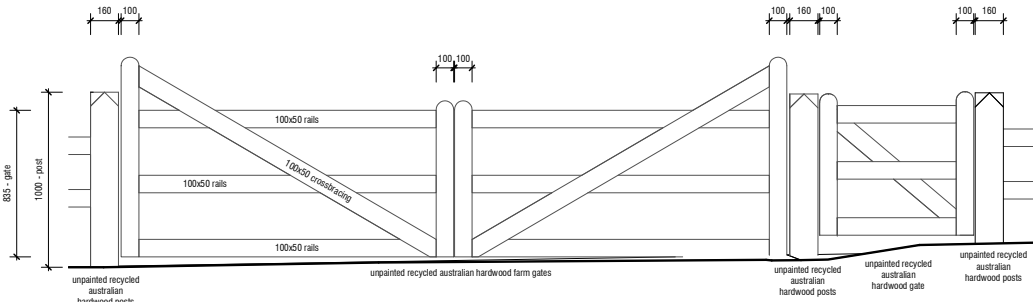
STREET FENCE - SOUTH EAST ELEVATION

1:100



FRONT FENCE DETAIL

1:20



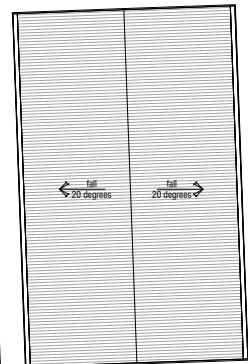
FRONT GATE DETAIL

1:20



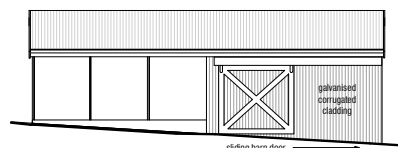
SHED - FLOOR PLAN

1:100



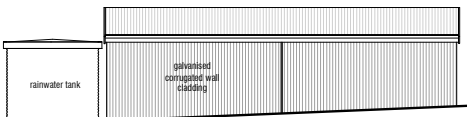
SHED - ROOF PLAN

1:100



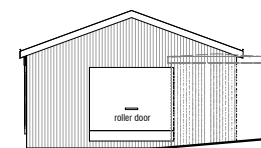
SHED - NORTH EAST ELEVATION

1:100



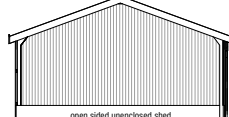
SHED - SOUTH WEST ELEVATION

1:100



SHED - NORTH WEST ELEVATION

1:100

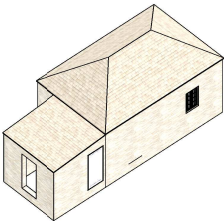


SHED - SOUTH EAST ELEVATION

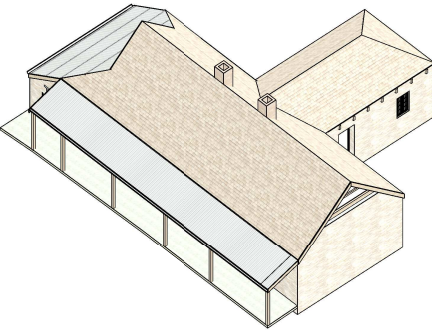
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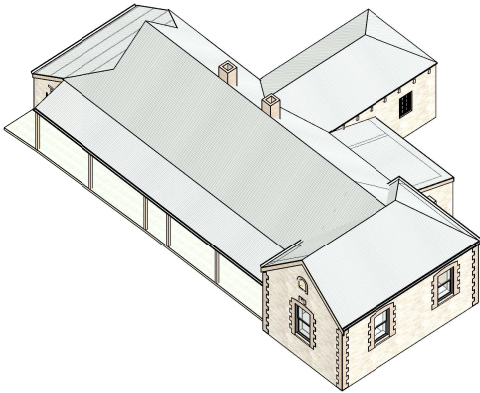
Mount Barker District Council
Received
11 Jan 2021



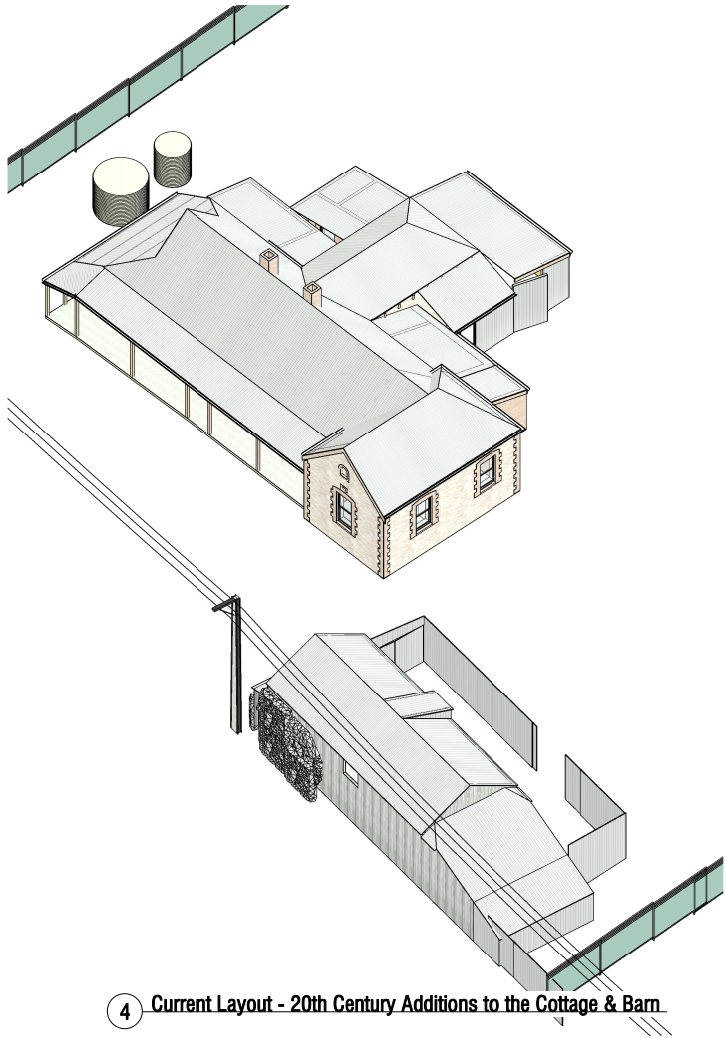
① c1840's Barn & then Cottage



② c1850's Additions to the Cottage



③ c1890's Additions to the Cottage



④ Current Layout - 20th Century Additions to the Cottage & Barn

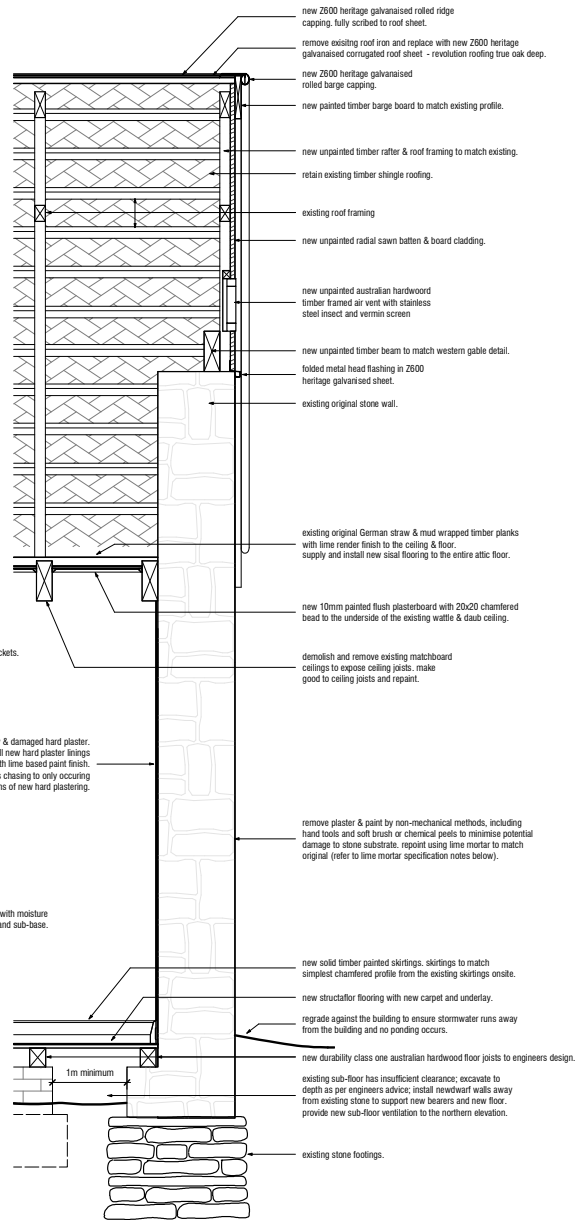


EASTERN GABLE END - PROPOSED EXTERNAL VIEW

EASTERN GABLE END - PROPOSED INTERNAL VIEW

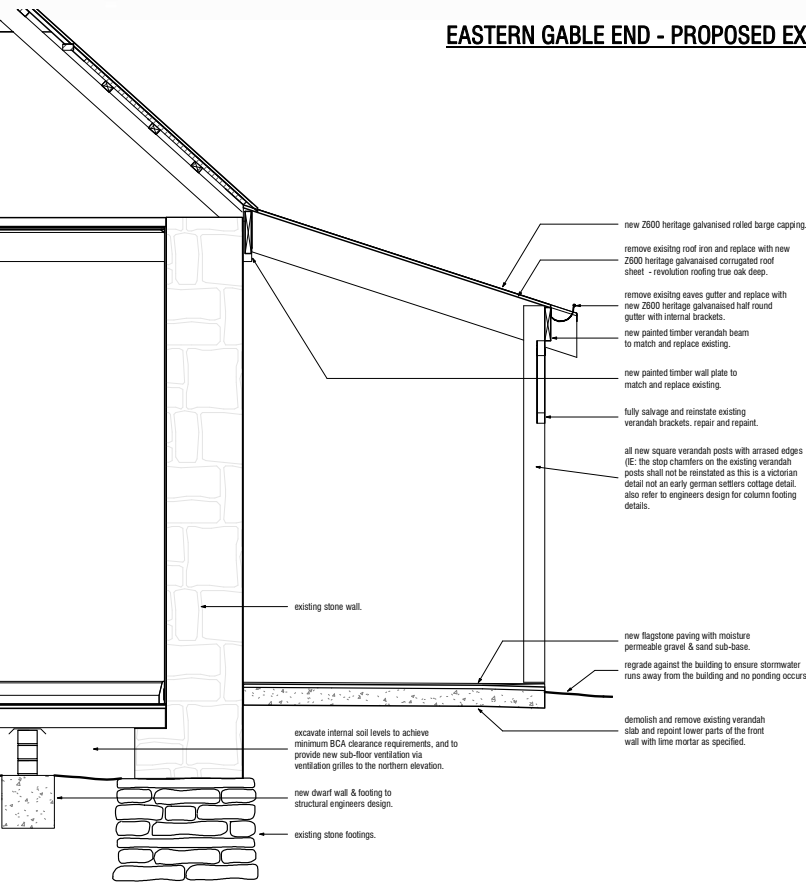
Lime Mortar Specification:

Remove all visible cement (rake out to depth of twice the width of joint, minimum 25mm) and repoint to match existing southern and eastern facades (at high level). Do not widen joints. Clean out with compressed air or low-pressure water spray. Pre-wet walls to control suction and prevent premature drying of mortar. Use only slaked lime putty and clean, sharp and well-graded sand in ratio of 1:3. Cure well by prolonged wetting (7-10 days) followed by drying and then wetting again. Protect from adverse weather conditions (too hot, too windy, too wet).



WALL SECTION DETAIL - EASTERN GABLE END

1:20



VERANDAH SECTION DETAIL

1:20



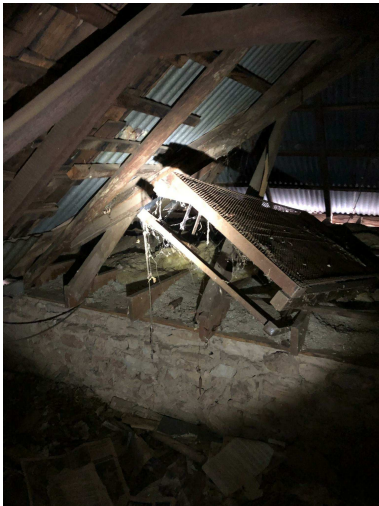
EXISTING PHOTOS OF WESTERN GABLE INSIDE ATTIC. NEW EASTERN GABLE END SHALL MATCH THIS DETAIL.



EXISTING PHOTOS OF WESTERN GABLE INSIDE ATTIC. NEW EASTERN GABLE END SHALL MATCH THIS DETAIL.



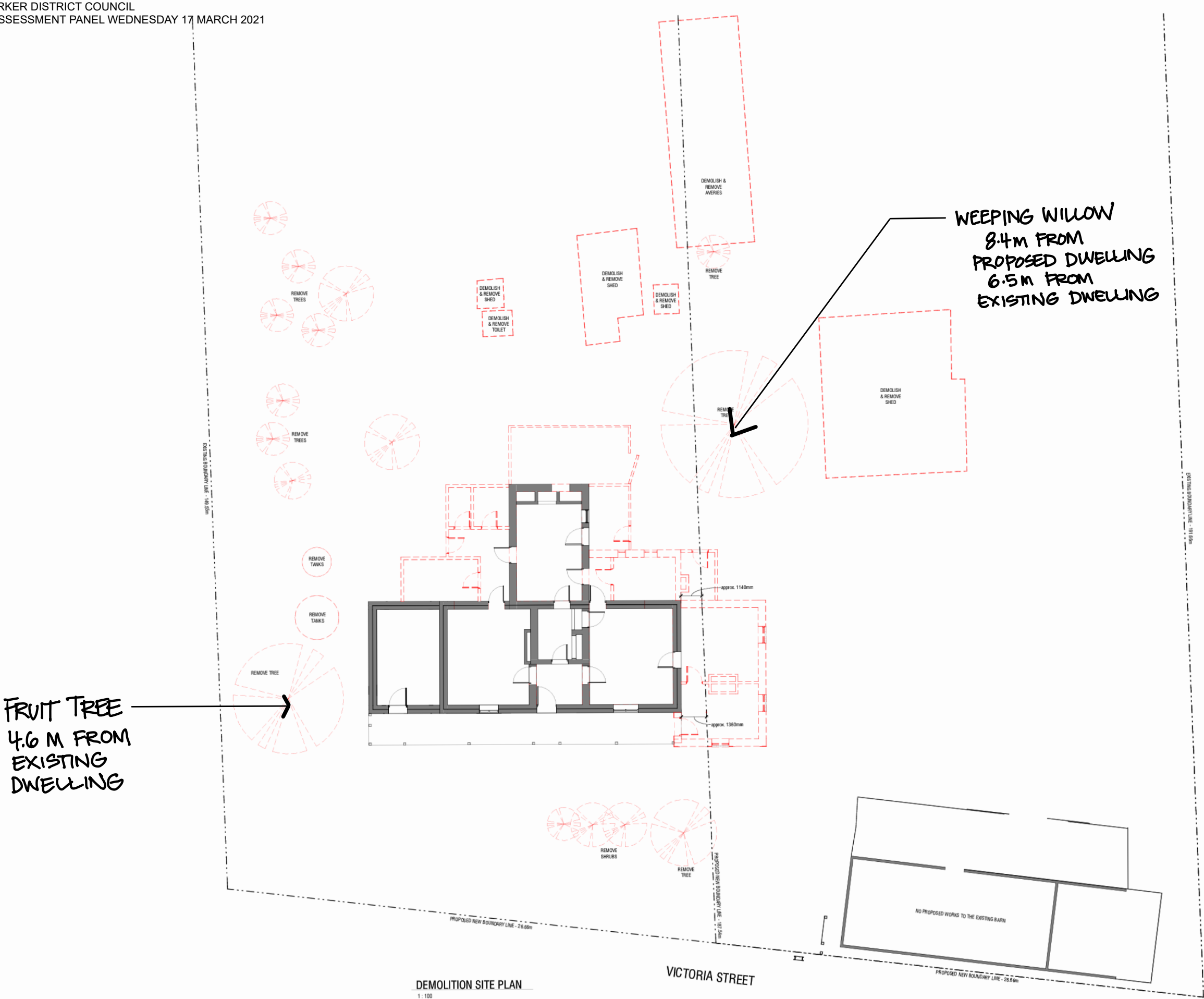
EXISTING PHOTOS OF EXISTING FRONT VERANDAH ROOF SHEET AND EXISTING TIMBER SHINGLES.



EXISTING PHOTOS OF EASTERN GABLE INSIDE ATTIC. PHOTO SHOWS THE VICTORIAN ADDITION TO BE DEMOLISHED AND SHOWS THE END OF THE TIMBER SHINGLE ROOF. THE NEW EASTERN GABLE END SHALL BE CONSTRUCTED ON TOP OF THE EXISTING STONE WALL AND MATCH THE EXISTING WESTERN GABLE END.

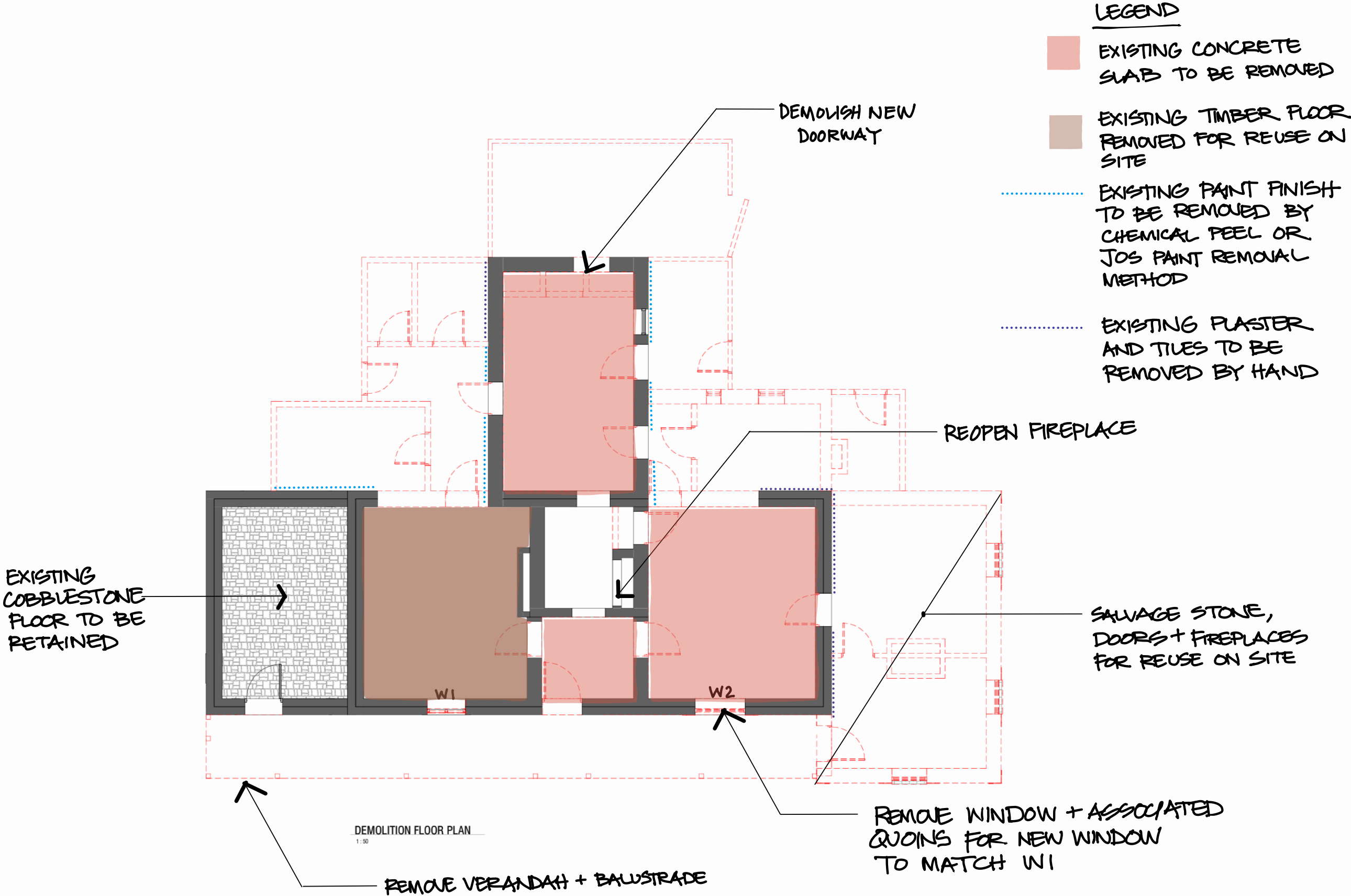


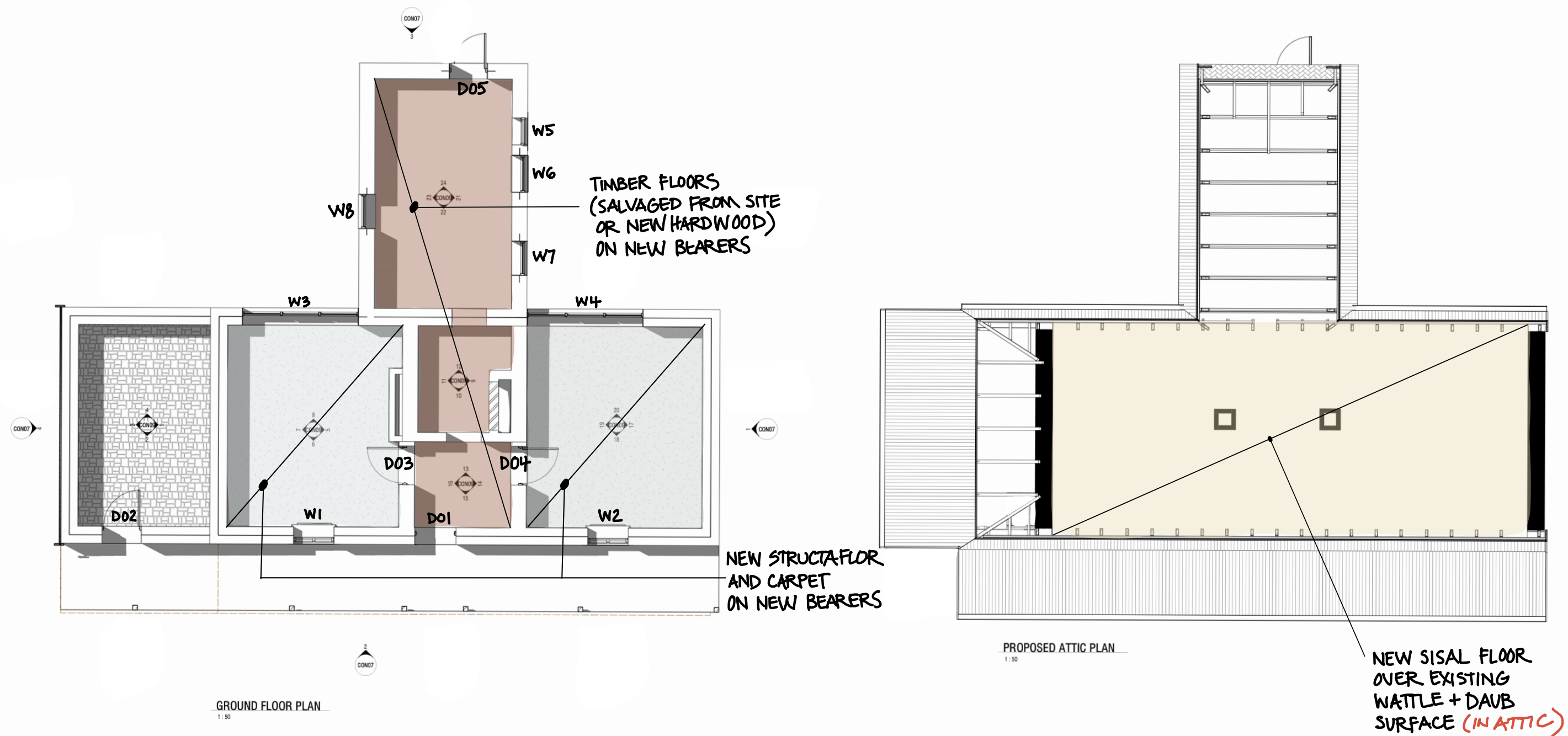
EXISTING PHOTOS OF EASTERN GABLE INSIDE ATTIC. PHOTO SHOWS THE VICTORIAN ADDITION TO BE DEMOLISHED AND SHOWS THE END OF THE TIMBER SHINGLE ROOF. THE NEW EASTERN GABLE END SHALL BE CONSTRUCTED ON TOP OF THE EXISTING STONE WALL AND MATCH THE EXISTING WESTERN GABLE END.



DEMOLITION SITE PLAN
1:100







GENERAL INTENT

FLOORS:

EXISTING FLOORS ARE IN POOR CONDITION TIMBER BOARDS ROTTEN + SUBSIDING,
CONCRETE FLOORS ARE CONTRIBUTING TO ISSUES OF RISING DAMP + SALT ATTACK.

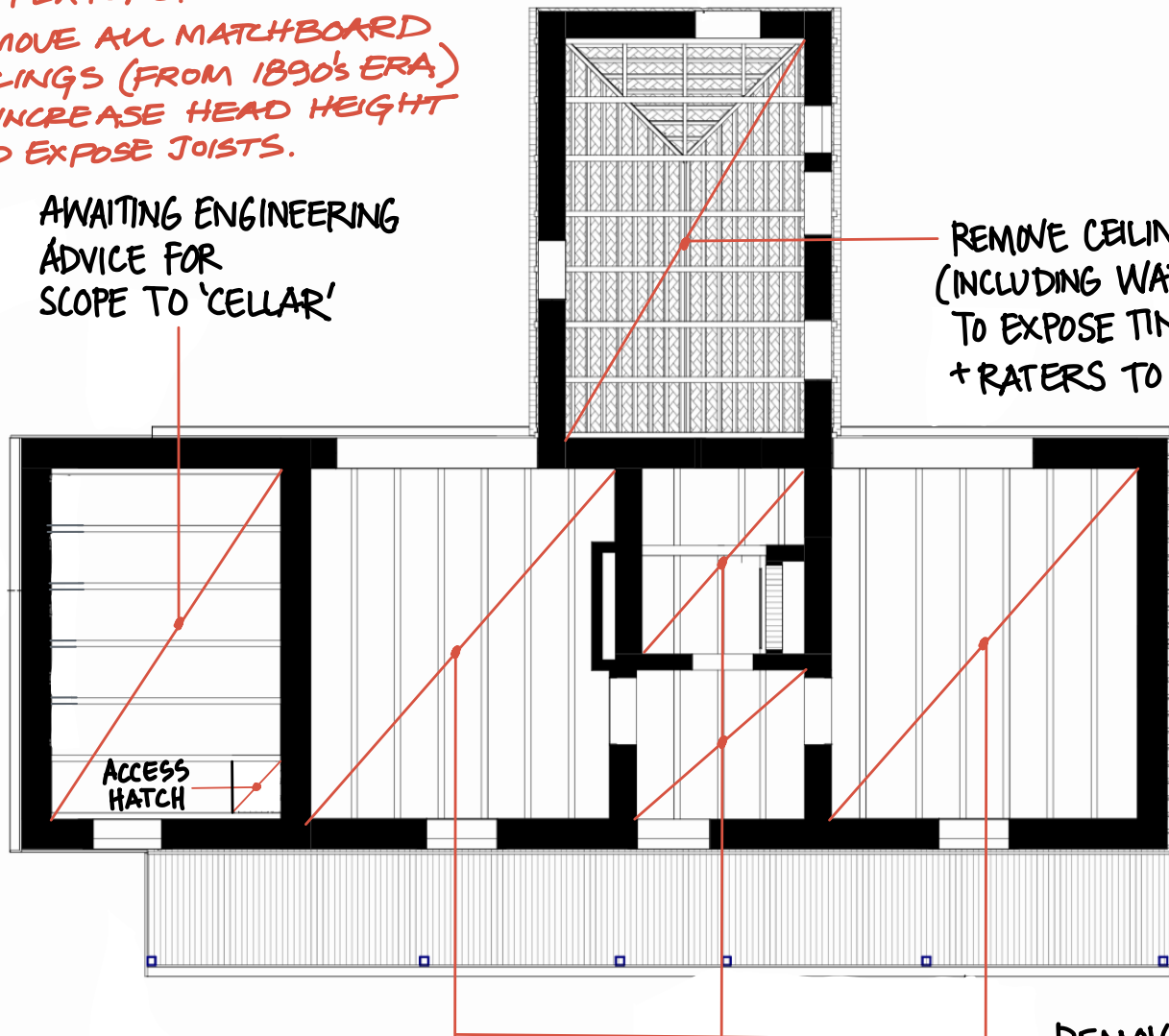
NEW FLOORS ARE INTENDED TO ALLEVIATE ISSUES AND PROVIDE A WARM + SERVICEABLE FINISH.
WITH A TRADITIONAL TIMBER FINISH TO CIRCULATION ZONES.

SISAL FLOORS TO ATTIC WILL PROTECT 'WATTLE + DAUB' INTO THE FUTURE.

CEILING DETAIL

- CEILING:**
1. RETAIN ACCESSIBLE EXAMPLE OF 'WATTLE+DAUB' CEILING TO CELLAR.
 2. RETAIN, BUT CONCEAL + PROTECT, ORIGINAL 'WATTLE+DAUB' CEILINGS TO BEDROOMS AND CIRCULATION SPACES.
 3. REMOVE 'WATTLE+DAUB' CEILINGS TO LIVING ROOM TO EXPOSE TIMBER SHINGLES AS FEATURE.
 4. REMOVE ALL MATCHBOARD CEILINGS (FROM 1890'S ERA) TO INCREASE HEAD HEIGHT AND EXPOSE JOISTS.

AWAITING ENGINEERING
ADVICE FOR
SCOPE TO 'CELLAR'

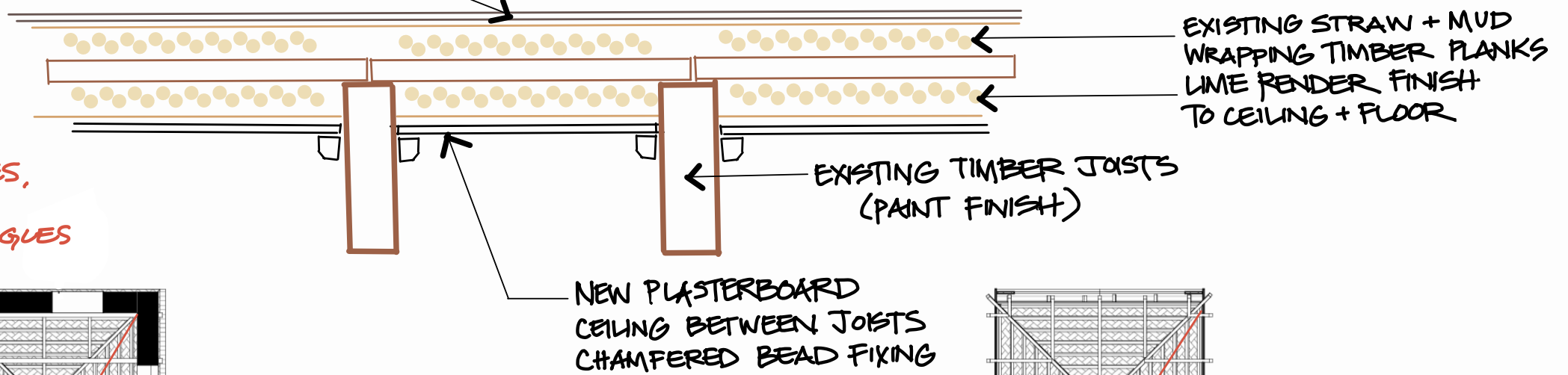


PROPOSED CEILING PLAN
1:50

REMOVE MATCHBOARD
CEILINGS TO EXPOSE
RAFTERS (REFER
DETAIL ABOVE)

NEW SISAL
FLOORING TO
ATTIC

PROPOSED CEILING DETAIL



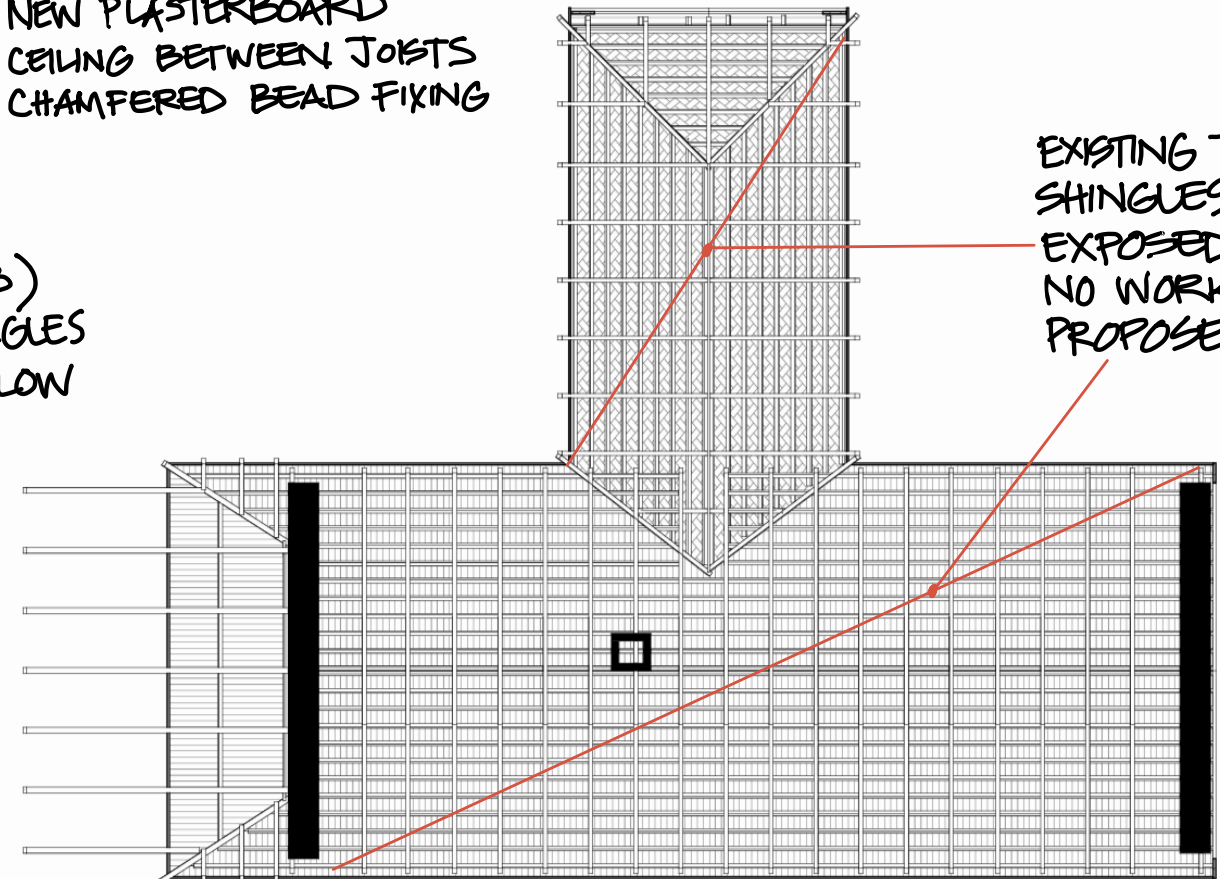
EXISTING STRAW + MUD
WRAPPING TIMBER PLANKS
LIME RENDER FINISH
TO CEILING + FLOOR

EXISTING TIMBER JOISTS
(PAINT FINISH)

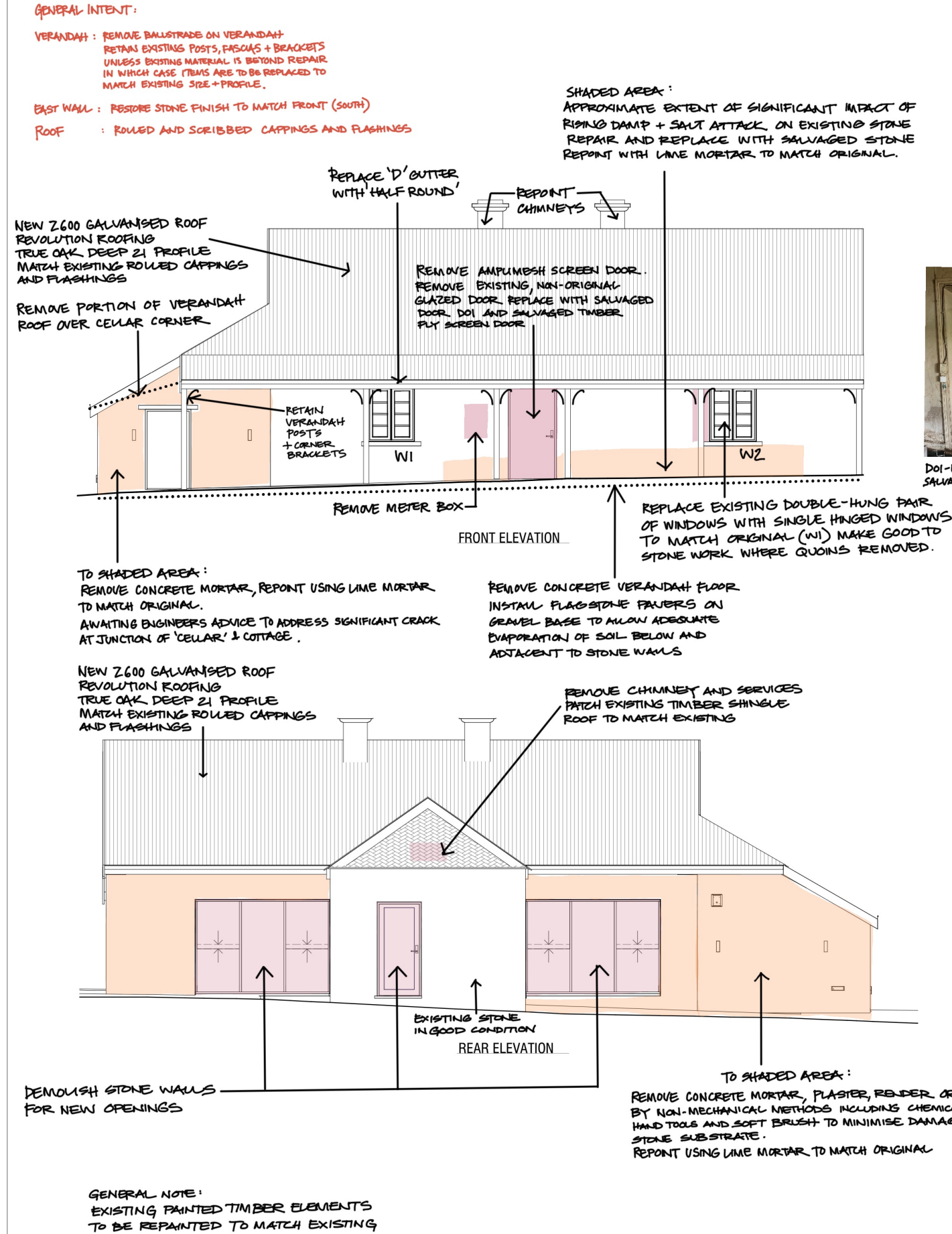
NEW PLASTERBOARD
CEILING BETWEEN JOISTS
CHAMFERED BEAD FIXING

REMOVE CEILINGS
(INCLUDING WATTLE+DAUB)
TO EXPOSE TIMBER SHINGLES
+ RATERS TO SPACE BELOW

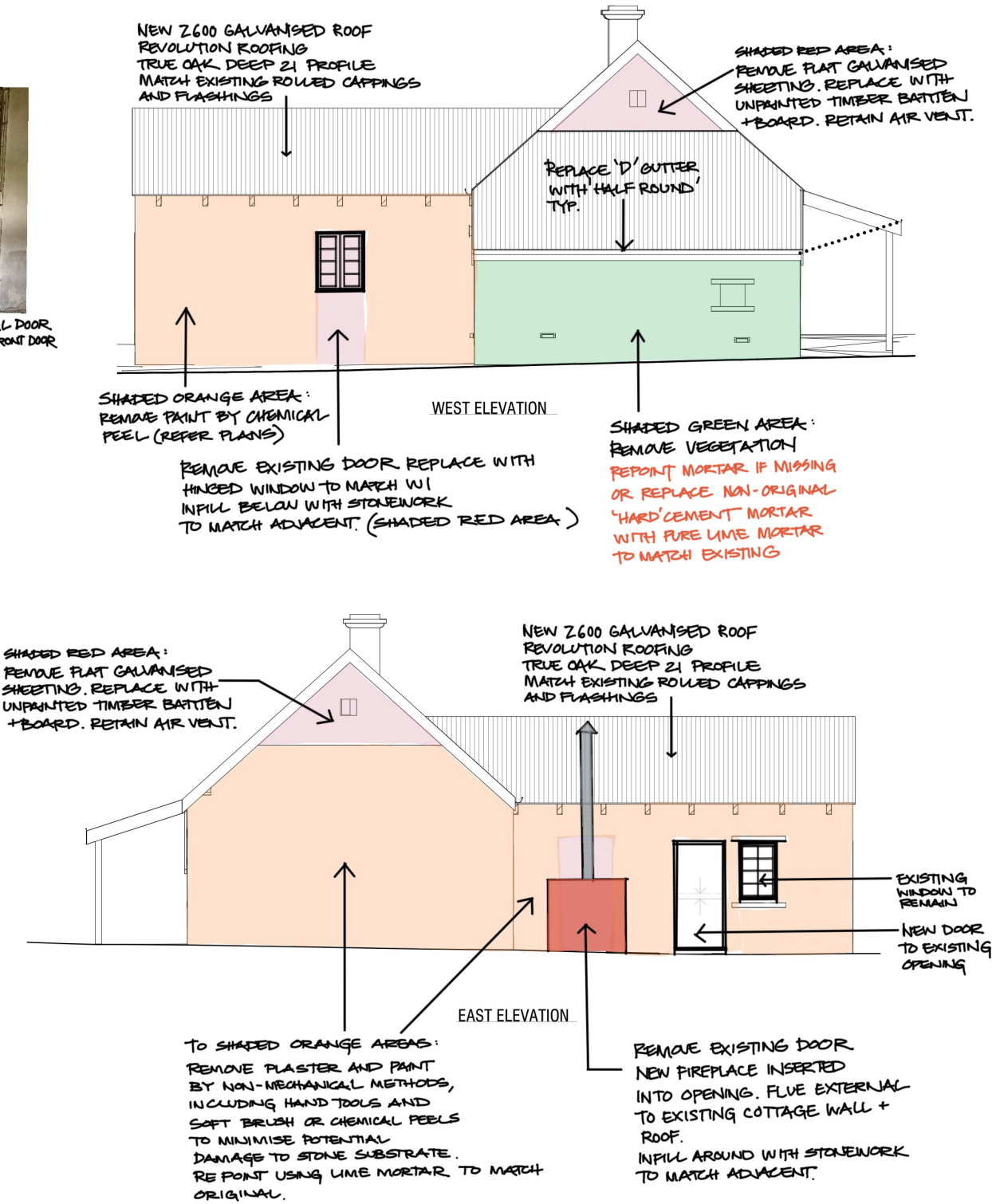
EXISTING TIMBER
SHINGLES
EXPOSED (IN ATTIC)
NO WORKS
PROPOSED

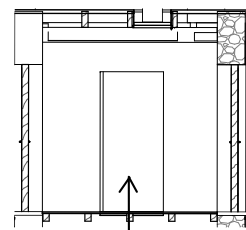


PROPOSED ROOF FRAMING PLAN
1:50

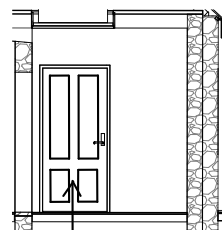


DOI-EXISTING INTERNAL DOOR SALVAGED FOR USE AS FRONT DOOR

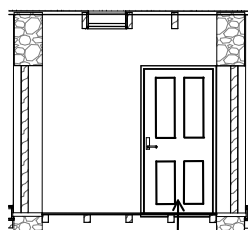




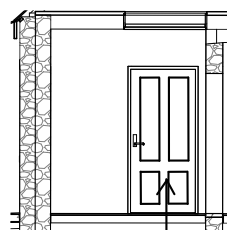
ENTRY - ELEVATION 01
1:50



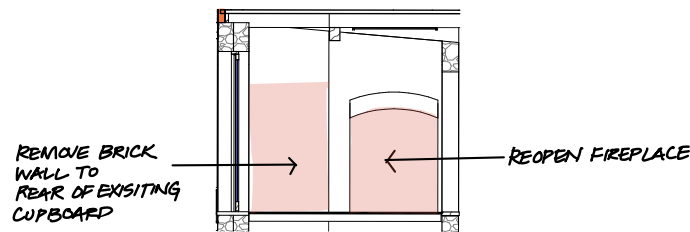
ENTRY - ELEVATION 02
1:50



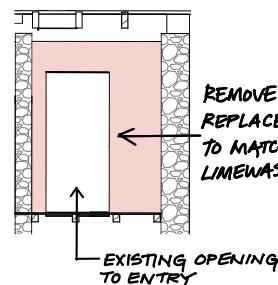
ENTRY - ELEVATION 03
1:50



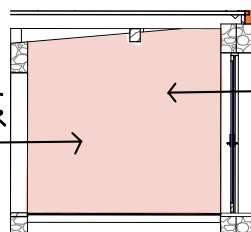
ENTRY - ELEVATION 04
1:50



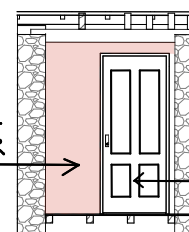
BLACK KITCHEN - ELEVATION 01
1:50



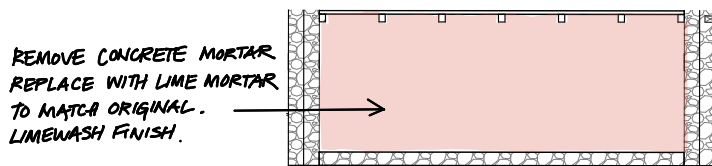
BLACK KITCHEN - ELEVATION 02
1:50



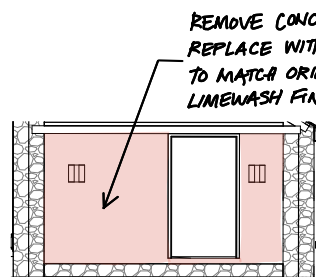
BLACK KITCHEN - ELEVATION 03
1:50



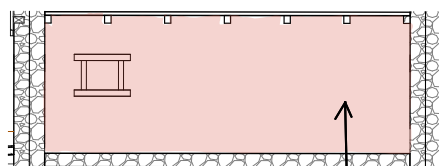
BLACK KITCHEN - ELEVATION 04
1:50



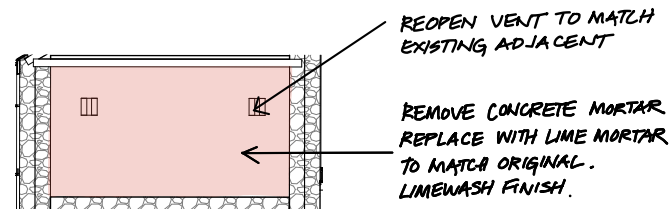
CELLAR - ELEVATION 01
1:50



CELLAR - ELEVATION 02
1:50



CELLAR - ELEVATION 03
1:50



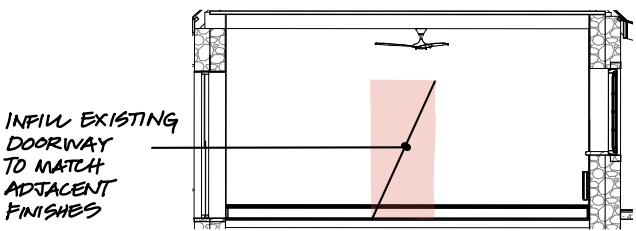
CELLAR - ELEVATION 04
1:50

GENERAL NOTES:

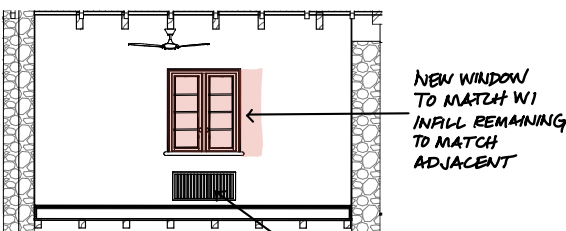
REMOVE ALL WALLPAPER REMNANTS,
DOCUMENTING EACH STYLE + LOCATION.
ALL EXISTING PLASTERED WALLS TO BE
RE-PLASTERED UNLESS OTHERWISE NOTED.
PAINT FINISH.

ALL SERVICES CHASED INTO WALLS.
NO CORNICE, SQUARE, FLUSH FINISH.
PROVIDE SKIRTINGS IN BEDROOMS + LOUNGE
SKIRTINGS TO MATCH SIMPLEST CHAMFERED
PROFILE FROM SITE EXAMPLE.

REMOVE CONCRETE MORTAR
REPLACE WITH LIME MORTAR
TO MATCH ORIGINAL.
LIMEWASH FINISH.

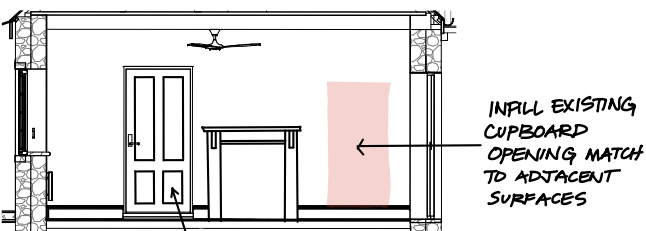


BED 4 - ELEVATION 01
1:50



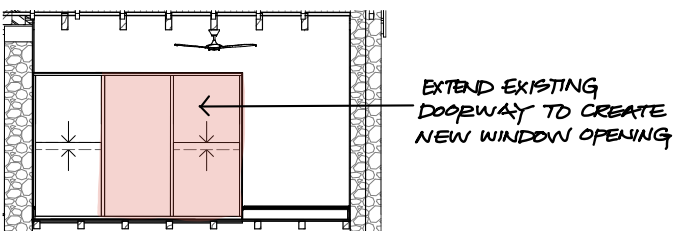
BED 4 - ELEVATION 02
1:50

NEW HYDRONIC
HEATER



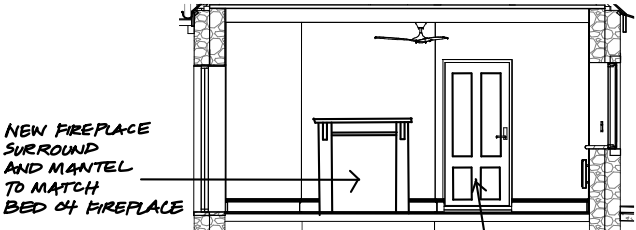
BED 4 - ELEVATION 03
1:50

NEW 4 PANEL
DOOR TO EXISTING
OPENING



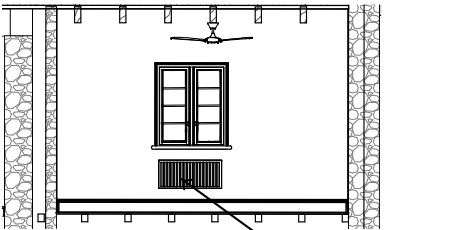
BED 4 - ELEVATION 04
1:50

EXTEND EXISTING
DOORWAY TO CREATE
NEW WINDOW OPENING



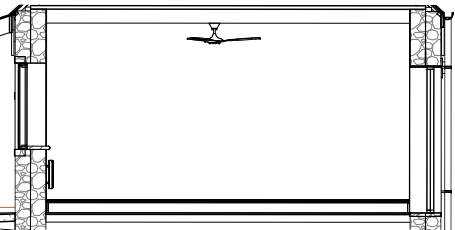
BED 5 - ELEVATION 01
1:50

NEW 4 PANEL
DOOR TO EXISTING
OPENING

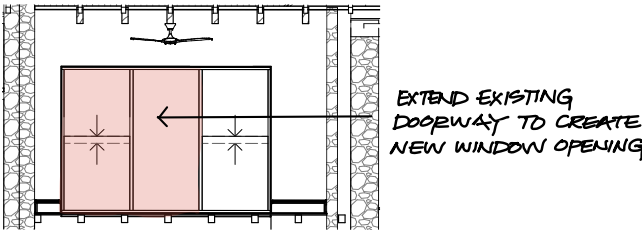


BED 5 - ELEVATION 02
1:50

NEW HYDRONIC
HEATER

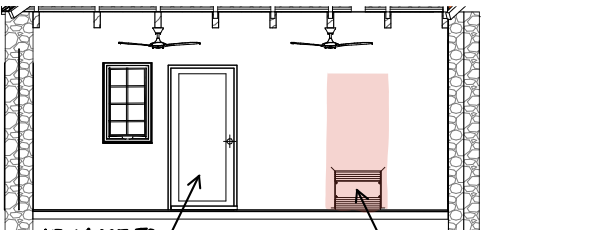


BED 5 - ELEVATION 03
1:50



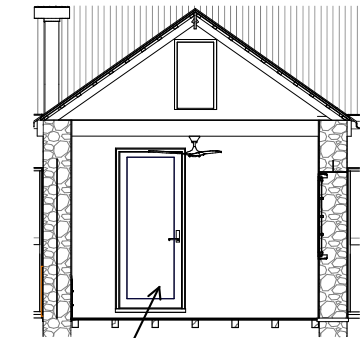
BED 5 - ELEVATION 04
1:50

EXTEND EXISTING
DOORWAY TO CREATE
NEW WINDOW OPENING



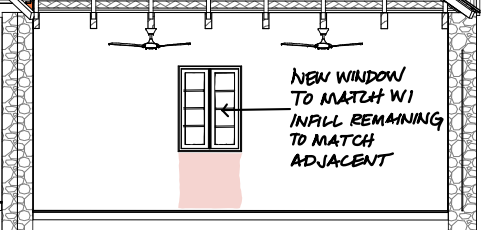
LOUNGE - ELEVATION 01
1:50

NEW COMBUSTION
HEATER TO
EXISTING OPENING
INFILL REMAINING
TO MATCH ADJACENT



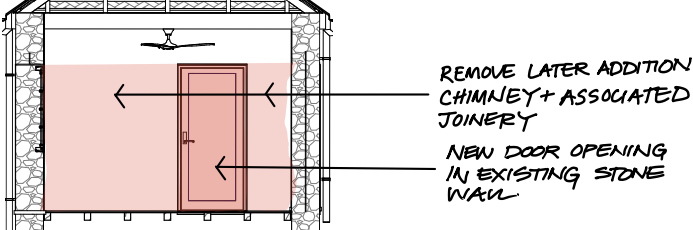
LOUNGE - ELEVATION 02
1:50

NEW DOOR TO
EXG OPENING



LOUNGE - ELEVATION 03
1:50

NEW WINDOW
TO MATCH W/1
INFILL REMAINING
TO MATCH
ADJACENT



LOUNGE - ELEVATION 04
1:50

REMOVE LATER ADDITION
CHIMNEY + ASSOCIATED
JOINERY
NEW DOOR OPENING
IN EXISTING STONE
WALL

GENERAL NOTES:

REMOVE ALL WALL PAPER REMNANTS,
DOCUMENTING EACH STYLE + LOCATION.

ALL EXISTING PLASTERED WALLS TO BE
RE-PLASTERED UNLESS OTHERWISE NOTED.
PAINT FINISH.

ALL SERVICES CHASED INTO WALLS.

NO CORNICE, SQUARE, FLUSH FINISH.

PROVIDE SKIRTINGS IN BEDROOMS + LOUNGE
SKIRTINGS TO MATCH SIMPLEST CHAMFERED
PROFILE FROM SITE EXAMPLE.

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Mount Barker District Council
Table Section
Table MtB/6 - Design Guidelines for Hahndorf State Heritage Area

Table MtB/6 - Design Guidelines for Hahndorf State Heritage Area

Component / Aspect / Issue	Guidelines for Development
1. General Clarifications and Principles	
1.1 Context	<p>These guidelines are provided for initial general information. Owners and applicants are encouraged to seek further advice from Council to discuss their specific queries and issues.</p> <p>The declaration of the Hahndorf State Heritage Area in 1988 acknowledged the town of Hahndorf as Australia's oldest (1839) surviving German settlement.</p> <p>The historic character of the State Heritage Area precinct, centred on Main Street and Victoria Street, arises from the town's unique hybrid plan, and is strengthened by a significant concentration of early nineteenth century buildings with a distinctive German (Prussian) influence.</p>
1.2 Legislation	<p>Under the Development Act (1993) 'Development' is considered to be; in relation to a State Heritage Place—the demolition, removal, conversion, alteration or painting of, or addition to, the place, or any other work that could materially affect the heritage value of the place.</p> <p>The <i>Heritage Places Act, 1993</i> sets out further provisions for the identification, recording and conservation of places (including enforcement, fines and funding). These guidelines are provided for initial general information. Owners and applicants are encouraged to seek further advice from Council to discuss their specific queries and issues.</p>
1.3 Definitions & further information	<p>For further clarification on the definitions of terms and overarching concepts articulated in these guidelines refer to <i>Australia ICOMOS Burra Charter (1999)</i>. Additional information and resources can be found at www.dcmtbarker.sa.gov.au and www.environment.sa.gov.au/heritage.</p>
2. Demolition	
2.1 General	<p>Many properties in Hahndorf have an old stone ruin, stable or galvanised iron out-building that contributes to the historic character and significance of Hahndorf. Demolition and alterations of anything within the State Heritage Area is considered Development and must first be approved through Council.</p>

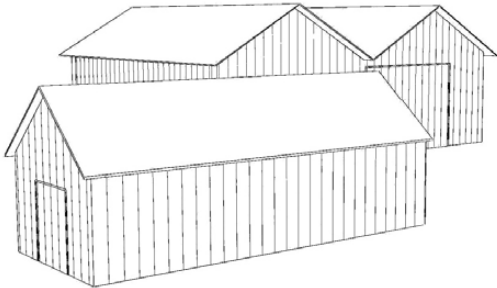
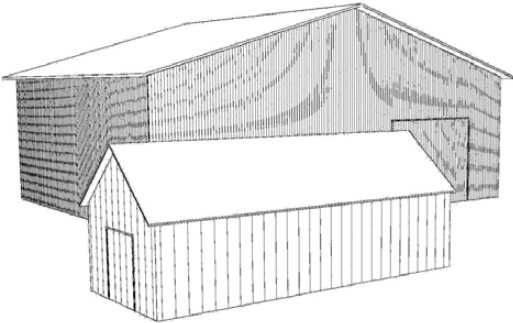
Mount Barker District Council
Table Section
Table MtB/6 - Design Guidelines for Hahndorf State Heritage Area

Component / Aspect / Issue	Guidelines for Development
3. Conservation, Restoration and Maintenance of Existing Structures	
3.1 Original finishes	<p>Original building materials should be retained where practicable and missing elements reinstated wherever possible, based on clear documentary evidence.</p> <p>Mortars for re-pointing and repairs should match the colour, texture and mixture of the original as closely as possible.</p> <p>Mortars should include high lime content.</p> <p>Replacement wall material should match the original laying pattern and pointing style of the existing.</p> <p>Paint removal should not damage masonry walls. Sand blasting shall not be used.</p> <p>The treatment of rising damp and investigation of the cause will require professional advice. Chemical injection is not the preferred course of action.</p> <p>All painted surfaces should be maintained in good repair with use of colours of a kind similar to or compatible with original colours where they can be determined from physical or archival evidence.</p> <p>Unpainted surfaces should remain unpainted (notably timber surfaces).</p>
3.2 Roof and verandas	<p>Materials closely consistent with early materials such as galvanized corrugated iron should be used.</p> <p>Evidence of original timber shingles within roof spaces should be retained. New roofing should be fixed over original material.</p> <p>Zincalume sheeting shall not be used.</p> <p>Traditional roof forms and eaves profiles should be retained.</p> <p>Verandas, including posts should be reinstated to original or appropriate form and detailing where sufficient evidence exists.</p> <p>Decorative elements such as cast iron lacework should not be installed on buildings where this never existed.</p> <p>For acceptable new roof forms refer to 4. Alterations & Additions to Existing Structures and 5. New Development in these guidelines.</p>
3.3 Gutters and downpipes	<p>The profile, finish and material of these elements should be closely consistent with the original form; for example "ogee" or ½ round gutters, round metal downpipes and rain-heads of a traditional profile.</p>
3.4 Windows and doors	<p>The original materials, configuration and finishes should be retained, specifically timber framing of windows that are highly visible to the general public.</p> <p>Materially unsound sections should be replaced in preference to total window replacement. The size, profile and finish of new timber components should be consistent with the original.</p> <p>Original doors and door hardware should be retained.</p> <p>Timber framed windows, doors and shopfronts should be retained and repaired where possible.</p> <p>Metal frame windows should not be introduced.</p>

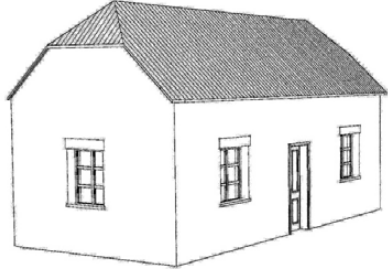
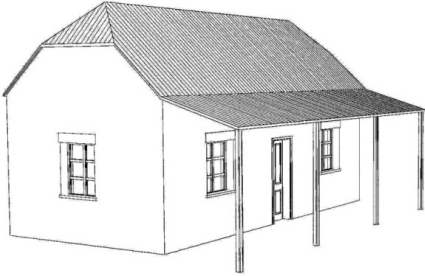
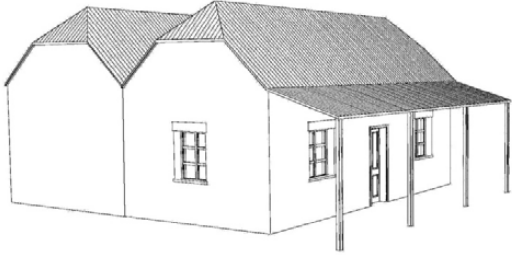
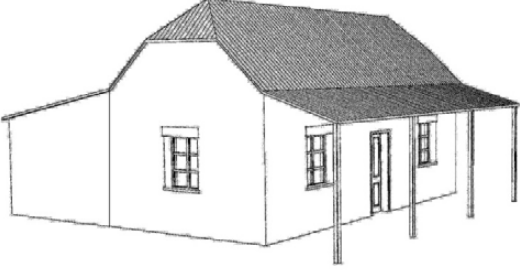
Mount Barker District Council
Table Section
Table MtB/6 - Design Guidelines for Hahndorf State Heritage Area

Component / Aspect / Issue	Guidelines for Development
4. Alterations of and Additions to Existing Structures	
4.1 General	<p>Extensions and additions should maintain and strengthen the character of the heritage place without compromising its integrity.</p> <p>Additions should maintain a complementary and subtle distinction between new work and the original building fabric. New work should be designed to permit the return of the building to its original condition at a later date.</p> <p>Building envelopes should follow the traditional forms and proportions of its neighbours in terms of height, scale, pitch, eaves lines, window and veranda heights. Materials should be complementary in colour and texture, with complementary ratios of solid walls to openings to produce a sympathetic or neutral development, which is contemporary, not a historic imitation.</p> <p>New additions should be designed so that it avoids cutting through/across historic architectural elements such as windows, quoins, door openings, fireplaces etc.</p>
4.2 Materials for extension & addition	<p>Materials used for repair or infill of original walls should match or be closely compatible with the original materials of construction, including vertical timber boards, rendered masonry, stone, brick or lightweight construction with timber or corrugated iron cladding.</p> <p>Materials used for roofs should match or be closely compatible with the original materials for construction. Generally painted or galvanised corrugated iron is the most appropriate roofing material.</p>
4.3 Location of addition	<p>The siting of the addition should respect and harmonize with the historic character of the original building. The plan and roof form of the original building should be clearly legible.</p> <p>The impact of visible change to original buildings should be minimised.</p> <p>Additions should consider the character and structure of the original building and seek to minimise the impact of change.</p> <p>The addition should be located on the side considered to be of lesser heritage significance or to maintain the principal view of the original building.</p>

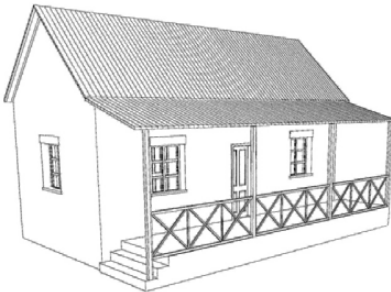
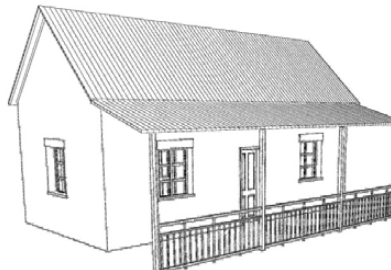
Mount Barker District Council
Table Section
Table MtB/6 - Design Guidelines for Hahndorf State Heritage Area

Component / Aspect / Issue	Guidelines for Development
4.4 Scale & proportion of new addition	<p>The scale and bulk of the new work should not dominate the significant building.</p> <p>Lean-to additions should be set out from below the gutter line of the existing roof, unless the lean-to sections of the original building are otherwise constructed. A lean-to form is generally suited to a narrow addition across the width of a building and traditionally may have involved the enclosure of a veranda.</p> <p>Additions similar in size to the original building should be proportionate with those of the original building. The eaves line and roof height of the addition must be consistent with the original building</p> <div style="text-align: center;">  <p>Appropriate</p> </div> <div style="text-align: center;">  <p>Inappropriate</p> </div>
4.5 Form of additions or alterations	<p>Additions should respect the existing building form. The most important elements are the roof, type and pitch, the veranda and spacing of support posts and proportions of windows and other openings.</p> <p>Roof form and pitch and overhang should closely resemble or match the existing building.</p> <p>Additions other than lean-to additions should continue the form and elements of the building to which they are attached; for example the shape and pitch of the roof and the height and projections of eaves and gables.</p> <p>The following examples outline various acceptable forms of proportional extensions and additions to a dwelling:</p>

Mount Barker District Council
Table Section
Table MtB/6 - Design Guidelines for Hahndorf State Heritage Area

Component / Aspect / Issue	Guidelines for Development
	 <p>Existing German style cottage</p>  <p>Front veranda added</p>  <p>Rear addition added</p>  <p>Rear skillion added</p>
4.6 New Openings	The size and proportion of window, door and other openings should complement existing openings.
4.7 Eaves and Barges	Traditional edge details should be retained.

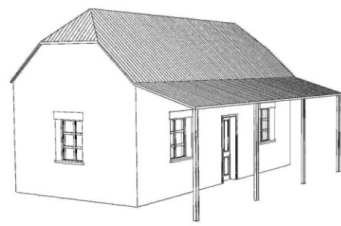
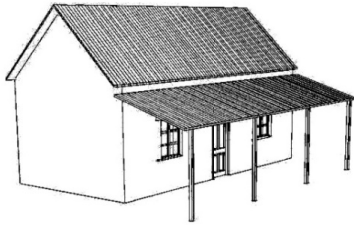
Mount Barker District Council
Table Section
Table MtB/6 - Design Guidelines for Hahndorf State Heritage Area

Component / Aspect / Issue	Guidelines for Development
4.8 Detailing	<p>Detailing of the original building can be reflected by the detailing on the new section. However, a clear visual distinction between old and new should be maintained.</p> <p>Appropriate details such skillion veranda additions, steps to veranda and colonial balustrade:</p>  <p>Appropriate</p>  <p>Inappropriate</p>

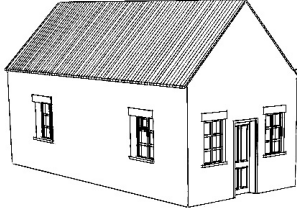
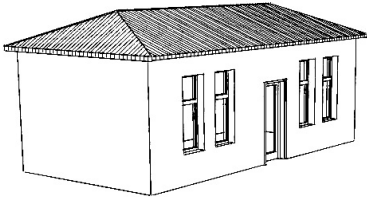
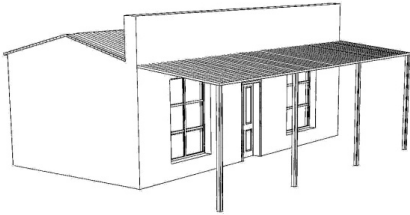
5 New Development

5.1 General	<p>These guidelines do not require new infill development to have as its predominant design characteristic the imitation or replication of buildings contributing to the historic character of the locality.</p> <p>However, it is envisaged that new development should maintain the historic integrity of the streetscape or precinct by emulating proportions and silhouettes, and through complimentary siting, style, colours and materials.</p> <p>A good infill building is considered to be one which has regard to its context, and is prepared to give prominence to its genuinely historic neighbours. It will not diminish or confuse our appreciation of Hahndorf's authentic heritage buildings or character.</p> <p>The characteristics of German building in Hahndorf derives principally from its construction technique (half timbered with wattle and daub/brick infill), timber shingle/thatched roofs, and unpretentious stone buildings with corrugated galvanized iron roofs at steep pitches (approximately 45 degrees) and half hipped roof forms. Noting timber was rarely painted but rather left to weather naturally.</p>
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Mount Barker District Council
Table Section
Table MtB/6 - Design Guidelines for Hahndorf State Heritage Area

Component / Aspect / Issue	Guidelines for Development
5.2 Siting	<p>The street edge and existing setbacks of adjacent buildings should be maintained.</p> <p>New buildings should be located to match any consistent or generally consistent set-back of existing buildings to maintain the traditional arrangement of buildings in the road concerned.</p> <p>The location of open space should also be considered. New development should not exceed 9 metres continuous street façade width and not exceed a ratio of façade width to open space frontage of 4:1.</p> <p>The orientation of new buildings should match or reinforce the placement of adjacent heritage buildings (walls generally at 90 degrees to each other and site boundaries).</p> <p>Rear yards should not be built out, the traditional footprint of all buildings on a site should generally not exceed 25 per cent of the total site area and does not extend across creek lines.</p>
5.3 Scale	<p>The height of eaves should be similar to the height of the eaves of any adjoining buildings which contribute to the historic character of the locality.</p> <p>Vertical heights and horizontal lines should be maintained along the street facade. New infill buildings should be of similar scale and massing to the prevailing historic character of the locality.</p>
5.4 Roof forms	<p>Traditional roof forms and eaves profiles should be utilized in the construction of new structures. Simple ridge lines with minimal eaves; roof pitches between 35 and 45 degrees; ½ hipped or gable ended; attics within roof spaces without dormer windows; roof areas are typically less than 100 square meters. Verandas if used were typically continuous to the main roof. Refer to the following sketches:</p> <div style="text-align: center;">  <p>Appropriate</p>  <p>Appropriate</p> </div>

Mount Barker District Council
Table Section
Table MtB/6 - Design Guidelines for Hahndorf State Heritage Area

Component / Aspect / Issue	Guidelines for Development
	 <p>Appropriate</p>  <p>Inappropriate</p>  <p>Inappropriate</p>
5.5 Roof material	Corrugated iron roofing (galvanised, pre-painted) should be used.
5.6 Wall material	Materials of a traditional kind, such as rendered masonry, timber and corrugated iron (galvanised, pre-painted or painted zinalume) should be used to complement significant stone walling.
5.7 Colour	The colours of external building materials should be closely complimentary to and where possible reinforce the traditional colours of the locality.

Mount Barker District Council
Table Section
Table MtB/6 - Design Guidelines for Hahndorf State Heritage Area

Component / Aspect / Issue	Guidelines for Development
5.8 Windows and doors	<p>Openings in walls that are viewed from public places should generally have proportions that complement adjacent significant buildings.</p> <p>Simple rendered surrounds of windows and doors are preferable to elaborate projecting quoins.</p> <p>Small casement under half hipped gables, panelled double doors and close picket fences painted white.</p> <p>Detailing of sashes and frames should be consistent with those of original windows as outlined below:</p> <div data-bbox="1002 707 1212 969" data-label="Image"> </div> <p>double hung window with dressed stone sill</p> <div data-bbox="994 1034 1225 1292" data-label="Image"> </div> <p>6 pane casement window with dressed stone sill</p>
6 Interiors	
6.1 General	<p>Interior restoration work should seek to maintain the character of the building as a whole.</p>
6.2 Internal finishes	<p>Painting, other than maintaining the existing painted surfaces in existing colours, is development in the State Heritage Area.</p> <p>Consideration should be given to the original painting colour scheme (determined by paint scrapes), especially in the most significant areas of the building.</p> <p>A matching scheme or one with similar tonal variance and contrast should be used. It is preferable to leave in place previous paint or wallpaper, painting or physical fabric of the building.</p>
6.3 Lighting and fittings	<p>The installation of lighting and fittings should cause a minimum of disturbance to the physical fabric of the building.</p> <p>Replicas should be avoided. The use of simple, unobtrusive contemporary fittings is preferable.</p> <p>Door hardware and switch ware should be retained where possible.</p>

Mount Barker District Council
Table Section
Table MtB/6 - Design Guidelines for Hahndorf State Heritage Area

Component / Aspect / Issue	Guidelines for Development
6.4 Ceilings and cornices	Ceilings beyond repair should be covered with a new ceiling, not removed.
6.5 Floors	Original flooring should be retained where possible and individual boards or components replaced with matching species and size.
6.7 New services	The impact of new services should be minimised. New services such as wiring or plumbing should be concealed by using existing cavities, conduits and fitting as far as possible.
7. Carports, garages, outbuildings and sheds	
7.1 Existing structures	Existing structures, particularly stone, corrugated iron and timber should be retained and repaired where possible.
7.2 Form	A carport, garage or shed should be designed to relate to the form and materials of the existing adjacent buildings, but they should not detract from or obscure the important views of a heritage building. Roof pitches should be consistent with adjacent significant structures.
7.3 Materials	Materials should complement adjacent structures and include stone, timber or corrugated iron (galvanised, pre-painted or painted zincalume) or rendered masonry with minimal decoration. Combinations of appropriate materials to create patterns of wall materials should be encouraged. Car park paving materials such as compacted earth, fine screenings, brick paving, concrete square edged cobblestones are the most appropriate surfaces. Provide soft, informal edges to carparking areas through ground cover plants, avoiding raised garden beds and strongly geometric layouts.
7.4 Location	The location of a new carport, garage, outbuilding or carport should preserve or enhance the setting of existing buildings. Carports, garages and sheds should be detached. Carports can be attached to the heritage building provided they are to be well set back to allow the original form of the structure to be read clearly and provided they are constructed at walls where windows will not be obstructed.
7.5 Size	The height and proportion of new sheds should be sympathetic to the adjacent significant structures.
7.6 Openings	Openings should be carefully positioned in locations to maintain a traditional appearance.
8. Landscape, Fences and Gardens	
8.1 Generally	Landscaping enhances the appearance of buildings and species selected should be appropriate to the form and scale of the heritage place.

Mount Barker District Council
Table Section
Table MtB/6 - Design Guidelines for Hahndorf State Heritage Area

Component / Aspect / Issue	Guidelines for Development
8.2 Fences	<p>Original fences and gates should be retained and reinstated where possible.</p> <p>Where evidence regarding the original fence is not available, a fence sympathetic to the style of the building on the site to be fenced should be erected.</p> <p>The fence should be compatible in height, design and materials to the existing building or other similar fencing in the street.</p> <p>Low and relatively open fencing is appropriate to enable significant buildings to be viewed from public places.</p>
8.3 Stone walls	<p>Stone walls should be retained and restored using similar size and type of stone and laying technique.</p>
8.4 Hedges	<p>Hedges provide an acceptable alternative to fence. Species that already exist in the area should be planted.</p> <p>Existing hedges should be retained.</p>
8.5 Gardens and trees	<p>Mature trees are often a landmark in the area and should be retained wherever possible.</p> <p>Established garden areas of significance should be retained.</p>
8.6 Public gardens	<p>Public spaces in Hahndorf were traditionally centred around traditional activities of German origin such as band concerts, singing and shooting festivals, community and religious ceremonies.</p> <p>Public spaces should be carefully designed, landscaped and maintained.</p> <p>Established public garden areas of significance should be retained.</p>
9. Signage & Advertising Display	
9.1 General	<p>Signs are one of the strongest visual elements in a street. Their location, scale and proportion, text and colour affect the character of the State Heritage Area.</p> <p>A development application is required for all signage.</p>
9.2 Location	<p>Signage displays can be located within the buildings street facing zone, and on one other façade. The zone between kerb and path is appropriate for Council, Transport SA and local tourism signage only.</p> <p>Traditional and historical locations such as painted on the fascia boards of verandas, on wall panels, parapets etc.</p> <p>Signage should take clues from and complement the existing structural rhythms and details of the building i.e. Signage that obscures building details or roof forms are inappropriate.</p> <p>Projecting signage displays that are more than 2.3 metres above the footpath level are permitted beyond the building boundary, only if locations meet safety requirements.</p>

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Attachment Two (2)



Government of South Australia
Department for Environment
and Water

Heritage South Australia

Environment, Heritage and
Sustainability Division

81-95
Waymouth Street
Adelaide SA 5000

GPO Box 1047
Adelaide SA 5001
Australia
DX138

Ph: +61 8 8124 4922
Fax: +61 8 8124 4980

www.environment.sa.gov.au

Ref: SH/11588D & SH/13673D

Date: 23 February 2021

Chief Executive Officer
Mount Barker District Council
PO Box 54
Mount Barker 5251

Attention: Derek Henderson

Dear Mr Henderson

**DESCRIPTION: ALTERATIONS AND ADDITIONS - SWIMMING POOL, FENCING, CARPORT, DECKING
AND RAINWATER TANKS AT 23 VICTORIA STREET ALSO WITHIN THE HAHNDORF STATE HERITAGE
AREA**

Application number: 580/920/20
Referral received: 12/01/2021
State heritage place: SH/11588 - Schneemilch House and Barn, 23 Victoria Street,
HAHNDORF
SH/13673 - Hahndorf State Heritage Area
Documentation: Additional information received (Council cc'd)

The above application has been referred to the Minister for Environment and Water in accordance with Section 37 of the *Development Act 1993* as development that directly affects a State heritage place or, in the opinion of the relevant authority, materially affects the context within which a State heritage place is situated. Please note that under Section 4 of the *Development Act*, a State heritage place includes: (b) *a place within an area established as a State Heritage Area by a Development Plan.*

Subject to the recommendation set out below, the proposed development is considered to be acceptable in relation to the above State heritage place for the following reason/s.

- The proposed development consists of the conservation of the relatively intact original cottage on the site and the construction of major contemporary linked rear additions.
- There remains a separate, but closely associated and highly significant, original, high integrity, 1840s timber slab-sided barn with loft and intact internal features immediately to the east of the dwelling. This barn would remain undisturbed awaiting further conservation and will remain visually connected to the original dwelling without physical nor visual barriers between the two original site elements.
- The barn and house are entered on the State Heritage Register together as one listing and both are also within the Hahndorf State Heritage Area
- To allow the new addition and to bring the original house back to a known level of integrity there would be some removal of later added portions including a c1890s projecting gable side addition to the front of the house and several side and rear incrementally added rooms.
- The original house research and the documentation of appropriate conservation works as proposed has been undertaken by an experienced heritage consultant architect in progressive consultation with Heritage South Australia
- The application proposes major new linked additions aligned to the rear of the original 1840/50 cottage. The overall combined floor plan incorporates the original intact dwelling in

the new floor plan. The new sections are single storey and so would not project above nor visually dominate the original house.

- A new entry between the old and new sections of the combined dwelling would utilise the earliest c1840s part of the original cottage.
- The proposal includes a narrow side driveway and a garage further back than the new additions.
- There is extensive decking and a pool proposed to the rear and well away from view from the road.
- The form, scale, materials and finishes proposed for the new additions would not adversely affect the significance of the place overall. Walling is a combination of reclaimed stone weatherboard and corrugated iron roofing.
- The original appearance and structure of the genuinely original part of the house, its principle significance, would be maintained and re-instated to a known previous and authentic state. New roofing is also proposed for the original cottage.
- New floor structure and coverings throughout the original house would alleviate existing problems and the original timber shingle roofing will be revealed as an internal feature.
- Original ceilings will be retained and thereby preserved but also concealed above plasterboard for modern amenity. Services will be concealed in replastered or modern wall linings where appropriate and as documented

Recommendation

A. The following condition/s should be incorporated into any consent or approval.

Condition 1: The end walling detail of the original 1840/50 cottage walls shall be finally resolved only following site agreement, to the satisfaction of Council in consultation with the Department for Environment and Water.

Reason for condition: To ensure the detail proposed is appropriate upon revelation of the former cottage walls.

General notes

1. Should Council not adopt the above recommendation in full, it will be necessary to obtain the concurrence of the State Commission Assessment Panel before a decision is conveyed to the applicant.
2. Any changes to the proposal for which planning consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department for Environment and Water, or an additional referral to the Minister for Environment and Water. Such changes would include for example (a) an application to vary the planning consent, or (b) Building Rules documentation that incorporates differences from the proposal as documented in the planning application.
3. To ensure a satisfactory heritage outcome, the relevant planning authority is requested to consult the Department for Environment and Water in finalising any conditions or reserved matters above.
4. In accordance with Regulation 43 of the *Development Regulations 2008*, please send the Department for Environment and Water a copy of the Decision Notification.
5. The relevant planning authority is requested to inform the applicant of the following requirements of the *Heritage Places Act 1993*.
 - (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.

3

- (b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

For further information, contact the Department for Environment and Water.

6. The relevant planning authority is requested to inform the applicant of the following requirements of the *Aboriginal Heritage Act 1988*.
- (a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

Any enquiries in relation to this application should be directed to Kevin O'Sullivan on telephone (08) 8124 4922 or e-mail DEW.StateHeritageDA@sa.gov.au.

Yours sincerely



Kevin O'Sullivan
Senior Conservation Architect
Department for Environment and Water
as delegate of the
MINISTER FOR ENVIRONMENT AND WATER

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Attachment Three (3)

DISTRICT COUNCIL OF MOUNT BARKER

STATEMENT OF REPRESENTATION FOR CATEGORY 2

Pursuant to Section 38(4) of the Development Act, 1993

TO: Chief Executive Officer
District Council of Mount Barker
PO Box 54
MOUNT BARKER SA 5251

THIS SHEET PROVIDES YOU WITH THE OPPORTUNITY TO MAKE COMMENTS IN RELATION TO A PROPOSED DEVELOPMENT; IF YOU WISH TO DO SO. PLEASE FIND ATTACHED DETAILS OF THE PROPOSED DEVELOPMENT.

DEVELOPMENT NO. 580/920/20
Alterations and Additions to Dwelling (including Swimming Pool, Pool Fencing, Carport and Decking), Fencing, Outbuilding, Rainwater Tanks, Demolition of non-heritage elements/buildings and restoration works to Schneemilch House (State Heritage Place - Schneemilch House and Barn ID 11588)

YOUR DETAILS: (all fields with an asterisk * must be completed to ensure that this is a valid representation as per Regulation 35 of the Development Regulations 2008).

* NAME: Tanya
* HOME ADDRESS: 27 Victoria Street Hahndorf
* POSTAL ADDRESS: as above
PHONE NO: E-MAIL:

My interest/s are affected as: (please tick the following boxes as appropriate)

☒ The owner or the occupier of the property located at: 27 Victoria Street Hahndorf.

☐ Other (please state):

YOUR COMMENTS:

* I/We:

☒ Support the proposal and provide the following comments.

☐ Oppose the proposal and provide the following comments.

(Please note that your comments should demonstrate reasonable particularity)

We do not believe the 1890's extension to the main

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DISTRICT COUNCIL

- 2 FEB 2021

File: 920/20
Doc:

(rel 19760)

house (looking from the road, right hand side, protruding section of the house) should be demolished.

This 130 year old section of the building gives us insight into building design of this era and provides a historic example of how an extension seamlessly integrates with the existing structure.

This 130 year old section of the building should be maintained, it is part of this historic properties 'story' and part of this properties commanding street appeal.

* I/We:



Do not wish to be heard by the Council Assessment Panel in support of my representation.



Wish to be heard by the Council Assessment Panel in support of my representation, and I will be:



Appearing personally,

OR



Be represented by the following person:

Contact details:

(Please note, matters raised in your representation will not need to be repeated at the Council Assessment Panel meeting).

Development Act 1993 - Part 4, 38 (10)(a)

In the case of a Category 2 development - the relevant authority may, in its absolute discretion, allow a person who made a representation to appear personally or by representative before it to be heard in support of the representation.

Your written representation must be received by Council no later than 11.59pm on Tuesday 2 February 2021, to ensure that it is a valid representation and taken into account.

If you make representation you will be notified by a separate letter of the date and time of the Council's Assessment Panel (CAP) meeting at which CAP will consider the application.

Representor's Declaration:

I am aware that the representation will become a public document as prescribed in the Freedom of Information Act 1991, and will be made available to the applicant, agencies and other bodies pursuant to the Development Act 1993 and may be uploaded to the Council's website as an attachment to a Development Assessment Panel agenda.

SIGNED



DATE 1 Feb 2020

DISTRICT COUNCIL OF MOUNT BARKER

STATEMENT OF REPRESENTATION FOR CATEGORY 2
Pursuant to Section 38(4) of the Development Act, 1993

TO: Chief Executive Officer
District Council of Mount Barker
PO Box 54
MOUNT BARKER SA 5251

THIS SHEET PROVIDES YOU WITH THE OPPORTUNITY TO MAKE COMMENTS IN RELATION TO A PROPOSED DEVELOPMENT; IF YOU WISH TO DO SO. PLEASE FIND ATTACHED DETAILS OF THE PROPOSED DEVELOPMENT.

DEVELOPMENT NO. 580/920/20
Alterations and Additions to Dwelling (including Swimming Pool, Pool Fencing, Carport and Decking), Fencing, Outbuilding, Rainwater Tanks, Demolition of non-heritage elements/buildings and restoration works to Schneemilch House (State Heritage Place - Schneemilch House and Barn ID 11588)

YOUR DETAILS: (all fields with an asterisk * must be completed to ensure that this is a valid representation as per Regulation 35 of the Development Regulations 2008).

* NAME: Michael and Lynn Greenwood
* HOME ADDRESS: 29A Victoria Street
Hahndorf 5245
* POSTAL ADDRESS:
PHONE NO: 08 8188 1030 E-MAIL: mike@gandt.com.au

My interest/s are affected as: (please tick the following boxes as appropriate)

☒ The owner or the occupier of the property located at: 29A Victoria Street
Hahndorf 5245

☐ Other (please state):

YOUR COMMENTS:

* I/We:

☐ Support the proposal and provide the following comments.

☒ Oppose the proposal and provide the following comments.

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- 1 FEB 2021

920/20 (19760)

(Please note that your comments should demonstrate reasonable particularity)

We appreciate that the heritage property is in need of remediation and care if it is not to decay further. We appreciate also that it is not currently in a habitable state. We therefore favour the initiative to evolve the property into a home that will be both a source of pride for the owner and an example of Hahndorf's heritage that can continue telling the story of its early settlers.

However, we have had to indicate that we oppose the proposed Development Application, given these reservations:

1. A remaining brick structure identified as 'Demolish and remove toilet' is considered by some to be a unique smokehouse and, as such, of heritage value. While not part of the heritage house and barn plan, we suggest, before precipitous action to demolish it is taken, it should be documented and recorded as part of the original story of the way early settlers lived (see next page).
2. The 'Preliminary Conservation Drawings' need to be hardened – the term 'Preliminary' may leave the Development Application subject to later inappropriate interpretation, for example "repoint using lime mortar to match original, if required" leaves ambiguity as to the requirement. The development should be carried out by adhering to ICOMOS principles. This should be particularly emphasised when addressing the original window and door joinery and internal and external finishes.
3. Almost all of the items (trees, shrubs, shed, aviaries) identified (in red) on the 'Demolition plan' have already been demolished – presumably before the plan was approved.
4. An ill-considered approach to regulation has been demonstrated by the owner in attempting to incinerate much of the vegetation without an appropriate fire permit causing the CFS to extinguish a still burning bonfire, at the rear of the property, early on Sunday morning 15th November 2020. – a total fire ban day.



Brick structure noted as 'toilet'

* I/We:



Do not wish to be heard by the Council Assessment Panel in support of my representation.



Wish to be heard by the Council Assessment Panel in support of my representation, and I will be:



Appearing personally,

OR



Be represented by the following person:

Contact details:

(Please note, matters raised in your representation will not need to be repeated at the Council Assessment Panel meeting).

Development Act 1993 - Part 4, 38 (10)(a)

in the case of a Category 2 development - the relevant authority may, in its absolute discretion, allow a person who made a representation to appear personally or by representative before it to be heard in support of the representation.

Your written representation must be received by Council no later than 11.59pm on Tuesday 2 February 2021, to ensure that it is a valid representation and taken into account.

If you make representation you will be notified by a separate letter of the date and time of the Council's Assessment Panel (CAP) meeting at which CAP will consider the application.

Representor's Declaration:

I am aware that the representation will become a public document as prescribed in the Freedom of Information Act 1991, and will be made available to the applicant, agencies and other bodies pursuant to the Development Act 1993 and may be uploaded to the Council's website as an attachment to a Development Assessment Panel agenda.

SIGNED

M/d Gm...

DATE 01/02/2021

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Attachment Four (4)

580/920/20 RESPONSE TO REPRESENTATIONS



**PETER MELINE AND
ASSOCIATES**
**TOWN AND COUNTRY
PLANNERS**
**PO BOX 1508, MT. BARKER, SA,
5251.**
MOBILE 0448 395 299
petermeline@bigpond.com

17/02/2021

Mr D Henderson,
DC Mt Barker,
6 Dutton Rd,
Mt Barker SA 5251

Dear Derek,

580/920/20
23 Victoria St, Hahndorf SA
RESPONSE TO WRITTEN REPRESENTATIONS
PURSUANT TO SECTION 38 DEVELOPMENT ACT 1993 AND
REGULATION 36 OF THE DEVELOPMENT REGULATIONS 2008

I have reviewed the written representations as sent to Council in response to the public exhibition process for the above DA as prescribed in Section 38 of the Development Act 1993 and Part 6 of the Development Regulations 2008, and I have summarised them in the table below.

REPRESENTOR	SUMMARY OF ISSUES
Tanya Wlochowicz	<ul style="list-style-type: none">• Supports the proposal with one "exception"• Would prefer it if the 1890s extension to the original dwelling was preserved
M and L Greenwood	<ul style="list-style-type: none">• Opposes the proposal• Considers that the "smokehouse" should be retained• Requests a "hardening" of the architectural plans• States that several items have already been demolished/removed• Alleges that vegetation was burnt on the site without a fire permit.

It is noted that 2 representors have been received regarding the proposal. The issues raised by the representors are addressed below in turn:

580/920/20 RESPONSE TO REPRESENTATIONS

- **PRESERVATION OF THE “1890s ADDITION”**

Advice has been taken from reputable heritage consultants (Anaglypta Architecture) and also Heritage SA which indicates that it would be appropriate to remove all elements of the building except the earliest form of the cottage & erected in circa 1868. Having due regard to this advice the proposal, as lodged, is considered to be the best reuse of this heritage item, retaining the most significant elements of the site while creating a functional home.

- **PROPOSED DEMOLITION OF THE “FORMER SMOKEHOUSE”**

The structure in question is a typical brick outhouse, it is likely that after toilet facilities were provided within the cottage the structure was then used as a smokehouse and storage room. In a discussion on site with the representor, M & L Greenwood, it was accepted that demolition of the structure was necessary, and it was determined that documenting it prior to demolition would be an appropriate way to record its location, use and appearance.

- **DEFINITION OF THE DRAWINGS**

Minor amendments have been made to the drawings removing ‘if required’ language to provide some clarity to the scope of works at the request of the applicant.

- **REMOVAL OF VARIOUS ITEMS**

Temporary structures, such as aviary’s, and an unsafe contemporary shed have been removed from the site. Photographs are available of all structures, none of which had any merit with respect to heritage.

- **ONSITE BURNING**

This is an irrelevant matter in consideration of the merit of this proposal and the allegation is disputed.

It is considered that the issues raised in the written representations are of no substantial consequence in the assessment of this proposal. The proposal is not considered to be seriously at variance with Mount Barker Council’s Development Plan, indeed it demonstrates ample merit in the pragmatic restoration of this Heritage Item.

It is therefore recommended that the application should be submitted to the Development Assessment Panel for approval subject to conditions pursuant to Section 35(3) of the Development Act 1993.

Regards,



Peter Meline
RPIA, MAIBS, JP.
Accredited Professional (Planning) Level 1 and (Building) Level 1

Derek Henderson

From: Tanya Wlochowicz <tanyawlo@hotmail.com>
Sent: Friday, 19 February 2021 10:08 AM
To: Arabella Hooper
Cc: Pippa Buckberry; Derek Henderson
Subject: Re: 23 Victoria St, Hahndorf

Thanks for your email Arabella and Pippa's and your time to meet on site the other week.

As discussed I think it's great this beautiful old home will get the love it deserves and support your plans to invigorate the house, but after much thought still feel that demolishing the end section, as called out in our submission, would be a terrible shame. Given the age and character this section adds to the house, I absolutely appreciate your comments around the cost keeping this section adds and really hope there is some way, whether via grant or partial restoration this could be mitigated.

Look forward to watching as your project comes to life.
Kind regards
Tanya

Derek Henderson

From: Mike Greenwood <mike@gandt.com.au>
Sent: Sunday, 28 February 2021 2:05 PM
To: Derek Henderson
Cc: Arabella Hooper; Pippa Buckberry; tanyawlo@hotmail.com; PETER MELINE
Subject: CM: RE: Lot 101 DP 52090 CT 6118/707 23 Victoria Street Hahndorf

Record Number: DOC/21/33167

Hi Derek,

Thank you for your time last week discussing the development application for 23 Victoria Street Hahndorf. We are pleased that the heritage buildings will be conserved and thank the owner for the detailed design work that has been commissioned to preserve the original Schneemilch house and barn.

We are prepared to withdraw our representation but noting the following concerns:

- There has already been illegal development. Structures marked for demolition on the development plan have been removed prior to development approval.
- Similarly the creek on the property was cleared with consent being granted only after the fact.
- There is recognition that the structure marked as 'toilet' on the original plan was used as a smokehouse, evidenced by the of the ventilation and hanging wires. There is a commitment by the property owner to photograph and document this brick structure before it is demolished with the aspiration that it may later be reconstructed elsewhere on the site.
- Tighter definition of wording related to restoration and finishes being undertaken 'if required' has been revised [ref. for example on 'Proposed Evaluations, Preliminary Conservation Drawings'].

We note that adherence to the specifications for the work will be overseen by Mount Barker District Council and their appointed heritage consultant.

We look forward to attending the Council Assessment Panel at 9.30 on Wednesday 17th March.

Regards

Mike and Lynn Greenwood
29A Victoria Street, Hahndorf 5245
8188 1030

5.1. CATEGORY 1 APPLICATIONS

Nil.

6. INFORMATION REPORTS

6.1 REPORT TITLE: REVIEW OF DECISION OF ASSESSMENT MANAGER POLICY

DATE OF MEETING: 17 MARCH 2021

FILE NUMBER: DOC/21/33706

ATTACHMENTS: **Attachments 1. Review of Decision of Assessment Manager Policy DOC/21/33695**
Attachment 2. Application to Commence Review Form DOC/21/33711
Attachment 3. LGA Template RE Review of Assessment Managers Decision Prescriptive DOC/21/33733

Key Contact Andy Humphries, City Development Manager, Planning and Development

Manager/Sponsor Marc Voortman, General Manager, Planning and Development

Mount Barker District Council 2020- 2035 – Community Plan:

Economic Prosperity

EP Objective 3.4

Support and facilitate quality, sustainable residential and commercial development including iconic public and private building developments in town centres.

Purpose:

To seek adoption of the Review of Decision of Assessment Manager Policy.

Summary – Key Issues:

1. The *Planning, Development and Infrastructure Act 2016* requires Mount Barker District Council to have a Review of Decision of Assessment Manager Policy.
2. To provide a clear process for a review of decision of Assessment Manager.
3. To adopt the Review of Decision of Assessment Manager Policy prior to 19 March 2021.

Recommendation:

That the Council Assessment Panel:

1. That item number 6.1 on the Council Assessment Panel Agenda of 17 March 2021 be received and noted.
2. Adopts the version of the Review of Decision of Assessment Manager Policy as attached, subject to acceptance of the tracked changes and other minor formatting changes.

Background:

Part 16, Division 1 of the *Planning, Development and Infrastructure Act 2016* states that an Applicant has a right of review with respect to a decision of an Assessment Manager to the relevant Assessment Panel for the area of a prescribed matter.

Clause 203 of the *Planning, Development and Infrastructure Regulations 2016* sets out some of the details with respect to that review, but does not provide for a comprehensive process to provide clarity for all relevant parties.

After making an application, a person who is dissatisfied with the outcome of the review may appeal to the Court against a decision of the assessment panel on the review.

Accordingly it is necessary for the Council Assessment Panel to adopt a policy which will enable clarity of process for any review requests it may receive in respect of a decision that has been made by the Assessment Manager / Delegate of the Assessment Manager.

Discussion:

The Act states that an applicant may submit a request for an review of a decision of an Assessment Manager where the Assessment Manager is the relevant authority.

With respect to what decisions can be subject to a review, the Act goes onto to state that the decision must be a prescribed matter and that is defined as follows:

A prescribed matter 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 development application; or
- (b) A decision to refuse to grant development authorization to the application; or
- (c) The imposition of conditions in relation to a grant of development authorization; or
- (d) 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.

The attached policy has been drafted based on the templates that have been provided by the Local Government Association of South Australia and authored by Norman Waterhouse Lawyers. Two template policies were provided to councils:

- A “simplified” version which contained less provisions and relied upon the content of the Act; and
- A prescriptive version, which repeated some sections of the Act and provided for additional steps that were not specified.

The attached template for the Panel’s consideration is based on the prescriptive version. This was considered appropriate to ensure:

- There is no ambiguity around the process given it is new in South Australia;
- The Panel, Presiding Member, applicant and Assessment Manager can be clear on their roles and responsibilities;
- The Policy provides for a “one-stop-shop” by providing all of the information necessary for an interested party to understand the process and their role within it, without having to refer to the Act.

The attached version of the policy is marked “draft” and contains several amendments made in tracked changes. This has been done so the Panel can easily see the changes that Council’s administration are recommending to the LGA template.

Those changes have been suggested to streamline the process where it is considered reasonable to do so and in some cases, to extend timeframes (that are not prescribed) to enable sufficient time for the relevant tasks to be undertaken.

Those changes, together with the policy itself, can be altered by the Panel should it so wish (other than sections which reflect legislation).

For the Panel’s information, also attached is the prescriptive version of the policy from the Local Government Association, so members can see the template on which the suggested policy is based.

A recommendation is listed below for endorsement of the policy as presented (subject to the tracked changes being accepted).

Policy:

No Council policy is applicable to this matter.

Statutory/Legal:

Planning, Development & Infrastructure Act 2016 and associated Regulations.

Staff Resource Requirements:

There are no impacts on resources.

Environmental:

N/A

Social:

N/A

Risk Assessment:

The primary risk to the Council Assessment Panel and Council would be to not have a suitable policy in place at the time of the “go live” date for phase 3 councils (19 March 2021).

Adoption of the policy will suitably manage that risk, however should the Panel resolve to defer consideration of this matter for further amendments to be considered to the policy, it can be presented back to the Panel at the next meeting (scheduled for 21 April 2021) which will enable sufficient time for adoption before any appeal or review requests are received.

Asset Management:

There are no asset management impacts as a result of this matter.

Conclusion:

CAP to adopt the draft **Review of Decision of Assessment Manager Policy**.

Attachment One (1)

Review of Decision of Assessment Manager Policy



REFERENCE NUMBER:	DOC/21/33695
RESPONSIBLE OFFICER/ DEPARTMENT	Andy Humphries, Manager City Development, Planning and Development
APPLICABLE LEGISLATION:	<p>Planning, Development and Infrastructure Act 2016 and associated Regulations</p> <p>Instrument A – Instrument of Delegation under the Planning, Development and Infrastructure Act 2016 or Powers of Council as:</p> <ul style="list-style-type: none">• A Council• A Designated Authority• A Designated Entity <p>Instrument B – Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges Contributions) Regulations 2019 or powers of a Council as a Relevant Authority</p> <p>Instrument C – Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges Contributions) Regulations 2019 or powers of an Assessment Panel</p> <p>Instrument D - Instrument of Delegation under the Planning, Development and</p>

	Infrastructure Act 2016, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges Contributions) Regulations 2019 or powers of an Assessment Manager
MOUNT BARKER DISTRICT COUNCIL 2020 -2035 COMMUNITY PLAN:	Economic Prosperity EP Objective 3.4 Support and facilitate quality, sustainable residential and commercial development including iconic public and private building developments in town centres.
RELATED POLICIES:	N/A
SUPPORTING PROCEDURES:	Council Assessment Panel Meeting Procedures
PREVIOUS REVIEW DATE:	N/A
ENDORSED BY COUNCIL:	N/A
MINUTE RESOLUTION NUMBER:	
NEXT REVIEW DATE:	12 Months

1. PURPOSE

The *Planning, Development and Infrastructure Act 2016* requires the Mount Barker District Council to have a Review of Decision of Assessment Manager Policy.

The Policy provides clear direction on a review of a decision of an Assessment Manager for the Council Assessment Panel, Assessment Manager, Staff Members and Applicants.

2. SCOPE

This Policy is applicable to the Mount Barker Council Assessment Panel and Assessment Manager

3. DEFINITIONS

Refer to Policy Statement

4. ROLES & RESPONSIBILITIES

Council:

- N/A

Chief Executive Officer:

- N/A

General Managers:

- Planning and Development

Others:

- Council Assessment Panel
- Assessment Manager

5. POLICY STATEMENT

1. LEGISLATIVE FRAMEWORK

- 1.1 This Policy applies in addition to the statutory requirements for the review by the Council 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**).

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 [\(website Link\)](#) **(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.
- 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 Manger within [52](#) 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.

Commented [AH1]: Suggested Deletion. The form to lodge review already provides an opportunity to specify the reasons for the review. No additional written submission is necessary

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:
 - 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;
 - 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;

Commented [AH2]: Suggest Deletion. Internal notes and checklists may not be suitable for publication on an agenda. The report provided as part of clause 4.1.3 will adequately provide all relevant information as to how the particular decision under review was arrived at.

Commented [AH3]: Unnecessary if clause 3.1 is deleted as per the recommendation above.

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

Commented [AH4]: Can be deleted if Clause 3 is deleted as per the recommendation.

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:

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 and/or Delegate.

Commented [AH5]: To allow the delegate to assist the Assessment Manager, and to support 5.8 below.

- 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 addition to 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 5.10, 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 5.10, a copy of the information must also be provided to the applicant not less than 5 business days before the meeting at which it will be considered 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;

Commented [AH6]: Both the Delegate and the Assessment Manager should have the opportunity to appear.

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: Lodgement@mountbarker.sa.gov.au *insert relevant
email address*; or

7.1.3 hand-delivery or post to [Level 1, 6 Dutton Road, Mount
Barker | PO Box 54 Mount Barker SA 5251](#) *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.

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
- 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).

Commented [AH7]: Suggested deletion – it is not necessary to have draft resolutions in the Policy. The staff will however use these templates when preparing the appropriate reports.

3. TRAINING / EDUCATION

As required

4. REVIEW

This Procedure will be reviewed (if a new Procedure in 12 months and then) every three years; or

- if aligned with a Policy at the time the policy is reviewed, or
- earlier in the event of changes to legislation earlier in the event of changes to legislation or related Policies and Procedures; or
- if deemed necessary by the Assessment Manager

5. ACCESS TO THE PROCEDURE

The Procedure is available to staff via the Policies section of the Intranet.

6. FURTHER INFORMATION

For further information on this Procedure, please contact:

Title: Manager City Development

Extension: 08 8391 7200

Email: lodgement@mountbarker.sa.gov.au

Attachment Two (2)

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

Attachment Three (3)



The voice of local government.

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

- 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.

- 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.

- 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

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 5.10, 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 5.10, 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*



Local Government Association
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- *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).*

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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6.2 REPORT TITLE:	COUNCIL ASSESSMENT PANEL DELEGATIONS TO THE ASSESSMENT MANAGER
DATE OF MEETING:	17 MARCH 2021
FILE NUMBER:	DOC/21/33882
ATTACHMENTS:	Attachment: Instrument C – Instrument of Delegation of Powers of an Assessment Panel - DOC/21/36745

Key Contact Andy Humphries, City Development Manager, Planning and Development

Manager/Sponsor Marc Voortman, General Manager, Planning and Development

Mount Barker District Council 2020- 2035 – Community Plan:

Economic Prosperity

EP Objective 3.4

Support and facilitate quality, sustainable residential and commercial development including iconic public and private building developments in town centres.

Purpose:

For the Council Assessment Panel to delegate the functions and decision making powers imposed upon it by the *Planning, Development and Infrastructure Act 2016*, to the Assessment Manager to facilitate the efficient and effective processing of Development Applications.

Summary – Key Issues:

1. The *Planning, Development and Infrastructure Act 2016* has required Mount Barker Council Assessment Panel to operate under a set of delegations as a relevant Authority.
2. For the Mount Barker Council Assessment Panel to delegate certain powers and functions to the Assessment Manager as appropriate.

Recommendation:

That the Council Assessment Panel:

1. That item number 6.2 on the Council Assessment Panel agenda of 17 March 2021 be received and noted.
2. That the Mount Barker District Council Assessment Panel determines, that in exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation (annexed to this report as Attachment One) are hereby delegated this 17th day of March 2021 to the Assessment Manager subject to conditions and/or limitation as specified in the Schedule of Conditions in the proposed Instrument of Delegation.
3. The Mount Barker District Council Assessment Panel determines, that such powers and functions may be further delegated by the Assessment Manager in accordance with Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016 as the Assessment Manager

sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

4. The Mount Barker District Council Assessment Panel (CAP) determines to act under Section 99(1)(b) of the Planning, Development & Infrastructure Act 2016 (the Act) in relation to all development applications received by it that involve the performance of building work.
5. The Mount Barker District Council Assessment Panel determines, pursuant to Section 99(1)(c) of the Act, where the CAP has determined to act under Section 99(1)(b) of the Act, CAP refers the assessment of the development in respect of the Building Rules to the Mount Barker District Council.
6. That the Mount Barker District Council Assessment Panel determines to delegate the appeal of deemed consent notice to the Assessment Manager.

Background:

Members are aware that the planning system in South Australia is undergoing a generational change. The *Development Act 1993* and *Development Regulations 2008* are being replaced with the:

- Planning, Development & Infrastructure Act 2016;
- Planning, Development & Infrastructure (Accredited Professionals) Regulations 2019;
- Planning, Development & Infrastructure (General) Regulations 2017;
- Planning, Development & Infrastructure (Fees, Charges and Contributions) Regulations 2019;
- Planning, Development & Infrastructure (Planning Agreements) Regulations 2020;
- Planning, Development & Infrastructure (Swimming Pool Safety) Regulations 2019;
- Planning & Design Code; and
- Practice Directions

Unlike the current system, the new planning system contemplates a number of additional relevant authorities for the purpose of issuing planning consent (Section 82 of the *Planning, Development & Infrastructure Act 2016*), including a Council Assessment Panel, an Assessment Manager and an Accredited Professional.

As a relevant authority, it is necessary for the Council Assessment Panel to delegate some of its functions and powers to enable the effective and efficient processing of applications to take place in accordance with the requirements of the *Act*.

Discussion:

Attached is a set of delegations which it is recommended the Council Assessment Panel adopt.

The delegations have been drafted with legal advice in conjunction with the Local Government Association of South Australia.

All delegations listed are to the Assessment Manager (which for the Mount Barker District Council is the Manager City Development).

The attached delegations would result in all powers and functions bestowed upon the Council Assessment Panel being delegated to the Assessment Manager with the exception of:

- Development Applications where there are opposing third party representors who wish to be heard in support of their representation;

- Reviews of Assessment Manager decision where allowed for in the Act.

However, it should be noted that there would be an exception to the requirement for the Panel to determine applications where there are opposing representors who wish to be heard. That exception would be necessary in circumstances where a deemed consent has been issued.

To explain, if a relevant authority does not issue a decision on a development application within the legislated timeframe, an applicant can issue a deemed consent notice. Such a notice means the application is taken to have been approved. In response, a relevant authority can:

- Take no action, in which case the development authorisation will remain, subject to 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.

Practice Direction 11 will specify the standard conditions that would be applied to a deemed consent, however due the difficult nature of drafting conditions that would cover all manner of possible development proposals, it is likely such conditions would be inadequate to suitably regulate a development and / or be enforceable.

To avoid having to call special meetings of the Panel at short notice (to consider an application for which a deemed consent notice has been issued), it is considered critical to provide delegated authority to the Assessment Manager to make a decision on an application which would otherwise be presented to the Council Assessment Panel (i.e. there are opposing representations to be heard) where a deemed consent notice has been issued.

Therefore, the delegation under item 5.1.1.1 contains the following exception (As reflected in the schedule of conditions) to the limitation:

Except in cases where a deemed consent notice has been served on the Council Assessment Panel, in which case the limitation does not apply, and 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.

Finally the Local Government Association of South Australia have recommended that Council Assessment Panels should make a 'standing' referral of all building consents to the Council, and the following draft resolutions are required to achieve this:

1. The Mount Barker District Council Assessment Panel (CAP) 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 CAP has determined to act under Section 99(1)(b) of the Act, CAP refers the assessment of the development in respect of the Building Rules to the Mount Barker District Council.

The above suggested resolutions will have the effect of ensuring that Council, through its building officers, are responsible for the assessment of development applications against the Building Rules, as opposed to the Council Assessment Panel.

In closing, I note that the Council Assessment Panel as a relevant authority can revisit these delegations at any time. It is recommended that a periodic (i.e. 12 or 24 month) review of delegations would be appropriate.

Policy:

No Council Policy is directly applicable to this matter.

Statutory/Legal:

- Planning, Development & Infrastructure Act 2016;
- Planning, Development & Infrastructure (Accredited Professionals) Regulations 2019;
- Planning, Development & Infrastructure (General) Regulations 2017;
- Planning, Development & Infrastructure (Fees, Charges and Contributions) Regulations 2019;
- Planning, Development & Infrastructure (Planning Agreements) Regulations 2020;
- Planning, Development & Infrastructure (Swimming Pool Safety) Regulations 2019;
- Planning & Design Code; and
- Practice Directions

Staff Resource Requirements:

There are no impacts on resources.

Environmental:

N/A

Social:

N/A

Risk Assessment:

The primary risk to the Council Assessment Panel and Council would be to not have a suitable policy in place at the time of the “go live” date for phase 3 councils (19 March 2021).

This risk has been mitigated by providing this explanatory report and the attached delegations package which has been drafted by solicitors and reviewed by Council administration and the local government sector generally.

Asset Management:

There are no asset management impacts as a result of this matter.

Conclusion:

The CAP to adopt the recommendation.

Attachment One (1)

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	Delegation
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.	Assessment Manager
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.	Assessment Manager

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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**

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.	Assessment Manager
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 authority.	Assessment Manager
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:	N/A
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	

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INSTRUMENT C
INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS, PLANNING AND DESIGN
CODE AND PRACTICE DIRECTIONSOFPWERS OF AN ASSESSMENT PANEL

(insofar as they are relevant to the particular development):		
5.1.1	-	
5.1.1.1	the relevant provisions of the Planning Rules; and	Assessment Manager
5.1.1.2	to the extent provided by Part 7 Division 2 of the PDI Act – the impacts of the development, (planning consent) ;	N/A
5.1.2	the relevant provisions of the Building Rules (building consent);	N/A
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):	N/A
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	

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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**

	water supply and sewerage services are 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):	N/A
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	

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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**

	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 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;	Assessment Manager
5.1.6	if relevant - requirements applying under Part 15 Division 2 of the PDI Act are satisfied;	Assessment Manager
5.1.7	such other matters as may be prescribed.	Assessment Manager
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:	Assessment Manager
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	

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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**

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.	Assessment Manager
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).	Assessment Manager
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.	Assessment Manager
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.	Assessment Manager
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 any such building work a building consent (subject to such conditions or exceptions as may be prescribed by the regulations).	N/A
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	N/A

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	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:	N/A
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	N/A

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	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 in respect of the development that are as good as can reasonably be achieved in the circumstances.	N/A
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.	N/A
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:	N/A
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	N/A
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	N/A

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	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.	Assessment Manager
8.2	The power pursuant to Section 119(3) of the PDI Act to request an applicant:	Assessment Manager
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;	
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	Assessment Manager
8.3.1	subject to Section 119(6)(b)(ii) of the PDI Act, refuse the application; and	

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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.	Assessment Manager
8.5	The power pursuant to Section 119(9) of the PDI Act to:	
8.5.1	permit an applicant:	Assessment Manager
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;	Assessment Manager
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);	Assessment Manager
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 applicant or to any other person and determine not to finalise the matter until any specified	Assessment Manager

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	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.	Assessment Manager
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.	Assessment Manager
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.	Assessment Manager
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.	Assessment Manager
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:	Assessment Manager
	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.	

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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).	Assessment Manager
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:	Assessment Manager
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 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:	Assessment Manager
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)	

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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.	Assessment Manager
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.	Assessment Manager
12. Preliminary Advice and Agreement	
12.1 The power pursuant to Section 123(2) of the PDI Act, if:	Assessment Manager
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 prescribed body (taking into account the terms or	

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	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.	Assessment Manager
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).	Assessment Manager
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:	Assessment Manager
	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.	Assessment Manager
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	Assessment Manager

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	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.	Assessment Manager
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.	Assessment Manager
15. Determination of Application		
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).	Assessment Manager
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.	Assessment Manager
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.	Assessment Manager
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.	Assessment Manager

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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).	Assessment Manager
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.	Assessment Manager
16.5	The power pursuant to Section 127(8)(b) of the PDI Act to:	Assessment Manager
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		
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.	Assessment Manager
18. Requirement to Up-grade		

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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.	N/A
18.2	The power pursuant to Section 134(1) of the PDI Act, if:	N/A
	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.	N/A
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:	N/A
	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	

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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:	N/A
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:	N/A
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.	

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19. Urgent Building Work		
19.1	The power pursuant to Section 135(2)(d) of the PDI Act to issue any direction	Assessment Manager
20. Cancellation of Development Authorisation		
20.1	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.	Assessment Manager
20.2	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.	Assessment Manager
21. Professional Advice to be Obtained in Relation to Certain Matters		
21.1	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.	Assessment Manager
21.2	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 sought.	Assessment Manager
22. General Transitional Schemes for Panels		
22.1	The power pursuant to Clause 12(7) of Schedule 8 of the PDI Act, to	N/A
22.1.1	adopt any findings or determinations of a council development assessment panel under the repealed Act that may be relevant to an application made	

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	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 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.	
23. Continuation of Processes		
23.1	The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to:	N/A
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	

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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.	

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017

Accredited Professionals		Delegation
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 a technical expert under Regulation 25 of the General Regulations.	N/A
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:	

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25.1.1	determine the nature of the development; and	Assessment Manager
25.1.2	if the application is for planning consent - determine:	Assessment Manager
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	Assessment Manager
25.1.4	if the relevant authority is the correct entity to assess the application (or any part of the application):	Assessment Manager
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):	Assessment Manager
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	

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	considers to be the correct relevant authority in accordance with any 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.	Assessment Manager
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.	Assessment Manager
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.	Assessment Manager
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:	Assessment Manager
28.1.1	any agency to which the application has been referred under Division 2 of the General Regulations; and	

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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(2) of the General Regulations to lapse an application for a development authorisation under Part 7 of the PDI Act if at least one year has passed since the date on which the application was lodged with the relevant authority.	Assessment Manager
28.3	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:	Assessment Manager
28.3.1	take reasonable steps to notify the applicant of the action under consideration; and	
28.3.2	allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and form determined by the delegate) 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.	Assessment Manager
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,	Assessment Manager

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	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:	N/A
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.	N/A
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 General Regulations.	N/A
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,	N/A

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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.	N/A
32. Preliminary Advice and Agreement (Section 123)	
32.1 The power pursuant to Regulation 46(6) of the General Regulations, if:	Assessment Manager

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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	
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:	Assessment Manager
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:	Assessment Manager
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.	

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32.4	The power pursuant to Regulation 46(9) of the General Regulations, if:	Assessment Manager
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	Assessment Manager
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 Regulations.	Assessment Manager
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.	Assessment Manager
35.	Representations	

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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:	N/A
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.	Assessment Manager
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.	Assessment Manager
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	Assessment Manager

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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 the opinion and be satisfied on the basis of advice received from the accredited 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.	N/A
40. Urgent Work		
40.1	The power pursuant to Regulation 63(1) of the General Regulations to,	Assessment Manager
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.	Assessment Manager
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.	Assessment Manager
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	Assessment Manager

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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.	Assessment Manager
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 require, as a condition on its decision on the application, that any electricity mains be placed underground.	Assessment Manager
44. Construction Industry Training Fund	

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44.1	The power pursuant to Regulation 99(4) of the General Regulations, if after assessing a proposed development against the building rules the delegate is yet to be satisfied that the appropriate levy has been paid under the <i>Construction Industry Training Fund</i> Act 1993 or is not payable, to notify the applicant that the delegate cannot issue a building consent until the delegate is satisfied that the levy has been paid or is not payable.	Assessment Manager
44.2	The power pursuant to Regulation 99(5) of the General Regulations, if a notification is given under Regulation 99(4) of the General Regulations, if satisfactory evidence is not provided to the delegate within 20 business days after the date of the notification, to, if the delegate thinks fit, determine that the application has lapsed.	Assessment Manager
45. Plans for Residential Alterations, Additions and New Dwellings		
45.1	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.	Assessment Manager
45.2	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.	Assessment Manager
46. Plans for Building Work		
46.1	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:	N/A
46.1.1	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	

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46.1.2	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.	
47. Calculation or Assessment of Fees		
47.1	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 regulations (including via the SA planning portal):	Assessment Manager
47.1.1	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	
47.1.2	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).	
47.2	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.	Assessment Manager

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47.3	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.	Assessment Manager
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PLANNING AND DESIGN CODE

48. Procedural Matter		
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.	Assessment Manager
49. Procedural Referrals		
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.	Assessment Manager
49.2	The power pursuant to and in accordance with the PD Code to form the opinion and deem:	Assessment Manager
	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.	

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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.	Assessment Manager
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.	Assessment Manager
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.	Assessment Manager
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.	Assessment Manager
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:	Assessment Manager
52.1.1	give notice of the anticipated commencement date and of the notification period to the applicant; and	

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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.	Assessment Manager
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.	Assessment Manager
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.	Assessment Manager
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	Assessment Manager

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<p>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 addressed under licencing or regulatory regimens under another Act.</p>	
<p>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.</p>	<p>Assessment Manager</p>

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SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
5.1	<p>The delegation of the power to grant or refuse planning consent pursuant to Section 102(1)(a) of the Act is limited to applications in relation to which one or more of the following apply:</p> <ul style="list-style-type: none"> a) No valid representations are received against the proposed development. b) All valid representations against the proposed development are withdrawn. c) No representor who has lodged a valid representation against the proposed development wishes to be heard. d) A deemed consent notice has been served on the Panel under Section 125(2) of the Act.

7. CONFIDENTIAL REPORTS

Nil.

8. POLICY MATTERS ARISING FROM THIS AGENDA

9. OTHER BUSINESS

10. CLOSE