

BAROSSA ASSESSMENT PANEL

Notice is hereby given that a meeting of the Barossa Assessment Panel will be held at the Council Offices, 43-51 Tanunda Road, Nuriootpa on

Tuesday, 3 June 2025, commencing at 5.00 pm

Aaron Curtis
Assessment Manager



AGENDA

Due to federal copyright law restrictions, attachments associated with the proposed development are available on our website for viewing only and are locked for printing or copying.

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All meetings are recorded and the recording will be available to view on the Council's website.

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1. WELCOME**2. ATTENDANCE****2.1 Present****2.2 Apologies****2.3 Absent****3. CONFIRMATION OF MINUTES****RECOMMENDATION**

That the minutes of the Barossa Assessment Panel meeting held on Tuesday 6 May 2025 be received and confirmed.

4. BUSINESS ARISING**5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL**

The Minister's Assessment Panel Members – Code of Conduct requires that a member of an assessment panel who has a direct or indirect personal or pecuniary interest in a matter before the assessment panel (other than an indirect interest that exists in common with a substantial class of persons):

- a. must, as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the assessment panel; and
- b. must not take part in any hearings conducted by the assessment panel, or in any deliberations or decision of the assessment panel, on the matter and must be absent from the meeting when any deliberations are taking place or decision is being made.

A member of an assessment panel will be taken to have an interest in a matter if an associate of the member (within the meaning of section 3(7) of the PDI Act) has an interest in the matter.

Any member that considers that they have an interest must notify the Presiding Member and have it recorded in the minutes as to the nature and extent of the interest.

6. REPORTS – APPLICATION FOR DECISION (PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016)

6.1 23028267 - 106-108 Murray Street Tanunda

APPLICANT:	Tony Wilson (Consultant) and Sharyn Cunningham
REPRESENTORS:	Emma Hiscock

APPLICATION DETAILS

PROPOSAL	Construction of dwelling additions/alterations, decking and change of use of to a combined tourist accommodation (up to 6 guests) and dwelling use
APPLICANT	Tony Wilson and Sharyn Cunningham
OWNER	Sharyn Cunningham
APPLICATION NO	23028267
CERTIFICATE(S) OF TITLE	CT 5598/927
AREA	1,488 square metres
CURRENT USE	Residential
PLANNING AND DEVELOPMENT CODE VERSION	Version 2024.23 – 19 December 2024
PLANNING AND DESIGN CODE EXTRACT LINK	Relevant Code Extract
ZONE	Established Neighbourhood Zone
OVERLAYS	Prescribed Water Resources Area Traffic Generating Development Water Protection Area Character Preservation District (Township) Historic Area (Baro15) Hazards (Flooding - Evidence Required) Major Urban Transport Routes Native Vegetation
APPLICATION TYPE	Performance Assessed
PUBLIC NOTIFICATION	Notified – Sign Required
REFERRALS	Commissioner of Highways
PREVIOUS APPLICATIONS	967/077/1994 - Garage 960/348/1998 – Addition to Existing Office 960/2/2004 – Consulting Rooms 960/753/2017 – Change of Use – Consulting Room to Dwelling 22001376 – Demolition of existing bullnose verandah, construction of a new larger bullnose verandah 22025988 – Skillion roofed verandah to the side of the existing dwelling, including the demolition of the existing bullnose verandah, installation of a

	portable spa and associated safety barrier, and construction of a deck up to 0.68m above natural ground level
ASSESSING OFFICER	Tom Marshall – Senior Assessment Officer Planning
RECOMMENDATION	That Planning Consent be GRANTED subject to Reserved Matters and Conditions

INTRODUCTION

The applicant is seeking to obtain development approval for dwelling additions to the existing dwelling and to change of use of the existing dwelling to accommodate both tourist accommodation (with a maximum capacity of six guests) and residential uses. No other elements are proposed within the application.

The subject site is located within the Established Neighbourhood Zone where the proposed elements of dwelling additions, decking and tourist accommodation do not have an applicable Accepted, Deemed to Satisfy or Restricted Pathway. The application was therefore classified as a Performance Assessed – Code Assessed application. The application was further subject to public notification due to the tourist accommodation element not being excluded from Table 5 – Procedural Matters of the Established Neighbourhood Zone, such that the application was publicly notified in accordance with Section 107 of the *Planning, Development and Infrastructure Act 2016*.

Two representations were received during the public notification period, both in opposition to the proposed development. One of the representors has requested to be heard by the Panel.

This application is subject to decision of the Barossa Assessment Panel for the following reason:

- (1) *Representations have been received as a result of public notification and at least one of the representors have indicated a desire to be heard in support of their representation.*

This report provides a detailed assessment of the proposal against the relevant provisions of the Planning and Design Code.

The proposed development seeks to:

- Construct additions to the existing dwelling
- Construct a deck
- Change of use of part of the building to include combined tourist accommodation and dwelling use

The application is seeking to construct an addition to the existing dwelling in addition to allowing the potential for the site to provide short-term accommodation to travellers on a commercial basis in accordance with the definition of 'Tourist Accommodation' within Part 7 of the Planning and Design Code. This land use is not specifically listed as an envisaged form of development within the Established Neighbourhood Zone.

The existing dwelling has been used as tourist accommodation for approximately four years. This application is seeking retrospective development to formalise the land use

in order to be compliant with their requirements under the *Planning, Development and Infrastructure Act 2016*.

Although the proposed tourist accommodation use is not directly identified as an envisaged use within the Zone, non-residential uses are generally anticipated within the Zone. It is considered the proposed use in addition to the dwelling additions do not unreasonably impact on the residential character or amenity of the surrounding area and is a compatible form of non-residential land use that will complement the surrounding residential properties. The proposal is not expected to have adverse interface impacts and is compatible with residential amenity.

The proposal is considered to warrant the granting of Planning Consent, subject to Reserved Matters and Conditions.

SITE AND LOCALITY

The subject site comprises the entire property of 106-108 (Lot 742) Murray Street, Tanunda.

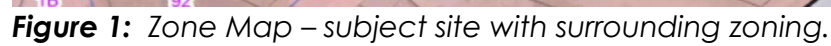
The subject site is an allotment of trapezoid shape having an area of 1,488 square metres with one public road frontage to Murray Street, a state maintained road of approximately 38 metres with vehicle access obtained via an existing single width driveway. The site contains an existing single storey detached dwelling and associated structures. The existing dwelling is setback approximately 12 metres from the property boundary, demonstrating consistent boundary setbacks with the adjoining properties. The overall dwelling presents a consistent residential appearance to the surrounding streetscape promoted by its large front setback and extent of existing mature vegetation within the front yard.

The subject site is located within the Established Neighbourhood Zone and interfaces with the Township Main Street Zone to the south (refer **Figure 1** below). The subject site fronts onto the Tanunda main street (Murray Street) and is within close proximity to a range of surrounding non-residential land uses.

The locality is determined principally by visual reference. Land uses comprise a mix of commercial (mainly office) and residential uses with majority of the residential uses being in the nature of detached dwellings on large allotments. On the opposite side of Murray Street (133 Murray Street) are offices, south of this property (131 Murray Street) is a site containing two dwellings and south of that site (129A Murray Street) is another office occupied by Ashton Hurn MP. The entrance to the Tabor Cemetery is located north of 133 Murray Street.

On the same side of Murray Street, immediately to the south (104 Murray Street) is a real estate office with car park located at the rear, properties to the north (110, 112 and 112A Murray Street) comprise dwellings on detached dwellings and the property immediately at the rear (1 Sobels Street) comprises group dwellings on a multi-residential site. The properties at 102 Murray Street, 2A and 2 Murray Street comprise detached dwellings.

Figure 1 below provides a Zone map and details of the locality of the site.



Site photos are provided in **Figure 4** to **Figure 15**.

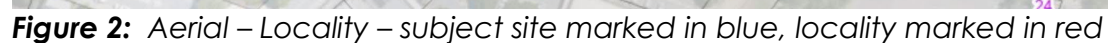




Figure 3: Aerial – Site marked in yellow outline



Figure 4: Site Photo – Front of property looking south-west along Murray Street



Figure 5: Site Photo – Front of property looking north-east along Murray Street



Figure 6: Site Photo – View from footpath in front of southern adjoining property facing north toward subject site



Figure 7: Site Photo – View from front of property looking along north side of property



Figure 8: Site Photo – Front of property looking down driveway



Figure 9: Site Photo – View of south-western corner of the subject site



Figure 10: Site Photo – View of rear yard subject to dwelling addition



Figure 11: Site Photo – South-west corner of property looking toward rear of dwelling



Figure 12: Site Photo – Western boundary of property looking toward rear of dwelling



Figure 13: Site Photo – View from rear of dwelling looking west toward rear boundary



Figure 14: Site Photo – View of north-eastern rear corner of allotment looking toward low point in ground level of the property



Figure 15: Site Photo – North-west corner of property looking toward rear of dwelling

PROPOSAL

The proposal involves the construction of dwelling additions and decking in addition to seeking a change of use to tourist accommodation with the dwelling use to be retained for the new addition portion of the proposal. This is based on the understanding the landowners are intending to use the existing dwelling area (existing three bedrooms) for short-term accommodation purposes on a commercial basis but to retain the new addition portion of the building for residential purposes.

There are no signage works proposed within the development application.

The existing dwelling consists of the following internal areas:

- Three bedrooms
- Two bathrooms
- Two storage rooms
- Combined kitchen and living areas; and
- Hallway

The proposed dwelling additions include the following:

- Removal of a storage room
- Two bedrooms each with ensuite bathrooms
- Combined kitchen, living and meals area
- Rear deck (with 1.8 metre screening)

The building additions are seeking to provide a purpose built space for the landowners to use with the existing dwelling to be formalised as short-term accommodation.

The change of use aspect of this application will result in the potential for the site to be used for short term accommodation for a maximum of six guests at any one time, independent of the building additions which are to be used for residential purposes.

The final form of the building will include five bedrooms, four bathrooms (inclusive of three separate ensuites), two kitchens, two separate living spaces and storage areas, to accommodate a maximum of up to six (6) guests at any one time.

The property is serviced by an existing single width driveway to Murray Street for access to on-site vehicle parking spaces. The proposal is seeking to widen the existing access point to be sufficient for two-way vehicle movement, thereby ensuring all vehicles can enter and exit the site in a forward direction.

The site includes no existing covered parking spaces but does have sufficient spacing and manoeuvrability for at least four vehicles as shown on the site plan (with space for additional parking within the driveway space).

The property is not impacted by any easements or Land Management Agreement.

Attachment 1 contains a copy of the application and associated documentation.

APPLICATION TYPE

The site is located within the Established Neighbourhood Zone under the Planning and Design Code.

All elements of the proposed development do not have an applicable Accepted, Deemed to Satisfy or Restricted Pathway, pursuant to Table 1, 2 and 4 of the Established Neighbourhood Zone. As the tourist accommodation element is not specifically listed within Table 3, the proposed development does not have a specified list of 'Applicable Policies'. Instead, the application is determined to be 'All Other Code Assessed Development' in accordance with Part 1 – Rules of Interpretation of the Planning and Design Code (Version 2024.23).

PUBLIC NOTIFICATION

The application was subject to public notification in accordance with Table 5 – Procedural Matters – Notification of the Established Neighbourhood Zone. Tourist Accommodation use is not excluded from public notification due to not being listed within 'Class of Development (Column A)' within Table 5.

A summary of the public notification process is contained below:

Representations: Two representations were received during the public notification period as follows:

- Emma Hiscock
- Jarome Graetz

No late representations were received.

Person wishing to be heard: Of the two representations received, one representor wishes to be heard as follows:

- Emma Hiscock

Time period for Public Consultation 7 March 2025 – 28 March 2025

An aerial view showing the representors properties is shown in **Figure 16**.

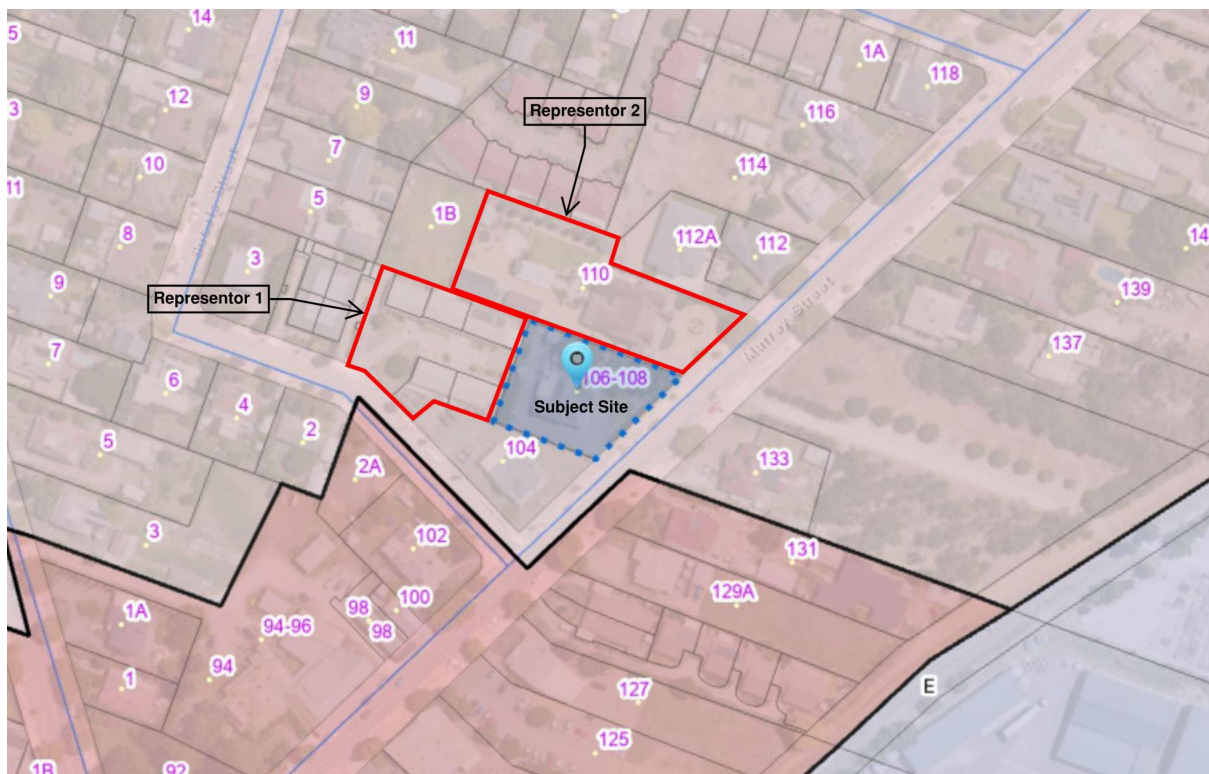


Figure 16: Aerial plan of representor locations

The table below summarises the contents of the representations and the applicant's response:

Summary of Representations

Representor/s

Applicant's Response

Proposed Use

- | | |
|---|--|
| <ul style="list-style-type: none"> - Concerns regarding clarity of proposal between the proposed tourist accommodation use and any retained residential use. | <ul style="list-style-type: none"> - Confirmation the proposed addition (two bedrooms) is to be used as a self-contained unit that allows for guest or occupation by the property owners with the existing dwelling (three bedrooms) to be used for short-term accommodation. |
| <ul style="list-style-type: none"> - Concerns whether the whole site is to be used for tourist accommodation purposes. | <ul style="list-style-type: none"> - A maximum of six guests are sought in addition to the residential component of the application. |
| <ul style="list-style-type: none"> - The proposal seeks a maximum of ten people to occupy the site for both short and long term. | <ul style="list-style-type: none"> - A maximum of six guests are sought in addition to the residential component of the application. |

- Concerns with how the building is to be used with context to combined tourist accommodation and dwelling use.

Noise

- Concerns regarding the intent to offer the dwelling to single or multiple groups of people creating nuisance concerns.
- If an approval is granted, the applicant should comply with the "Short Term Holiday Rental Accommodation Bill 2021". Specifically relating to part 2, section 4 'code of conduct' and section 5 'observance of code of conduct-implied term of short-term holiday rental accommodation arrangements'.
- Curfew range on noise levels should be applied seeking 9.00 pm -8.00 am Sunday to Thursday and 10.30 pm to 8.00 am Friday to Saturday.
- Noise is regulated under the Local Nuisance and Litter Control Act 2016 providing for legal recourse for any legitimate disturbances.
- Quiet hours will be advised to guests attending the tourist accommodation – 10.30 pm – 8.00 am Sunday to Thursday and 12.30 pm (assumed to be 12.30 am) to 8.00 am.

Privacy

- Fencing between the subject site and 1 Sobels Street should be replaced with a good neighbour fence in keeping with the surrounding fencing with the height increased to two metres from the highest point of land to allow for privacy and assist with noise levels. Replacement fencing to be the developers cost.
- The slatted screen on the decking should be replaced with solid screen from floor to roof for noise mitigation.
- Windows from the living room and bedroom two of the proposed development look directly into the neighbours backyard and swimming area. A privacy screen should be approved by the northern landowner prior to approval.
- The existing fence is a 1.5 metre good neighbour fence and meets the standard requirements under the Fences Act 1975. We are open to mutual agreement to replace fencing and sharing of costs.
- The deck area is screened by the slatted screen and existing vegetation.
- Overlooking from Bed two will be to the internal private landscape courtyard, fully enclosed within the property.
- Existing fencing and vegetation eliminate the direct line of sight to the neighbouring properties.
- No upper-level elements proposed. All windows comply with the privacy

provisions within the Design in Urban Areas provisions of the Planning and Design Code.

Stormwater

- Stormwater design and works need to ensure all stormwater runoff is directed to the kerb and water table to Murray Street and does not enter any adjoining property.
- Do not support the proposal unless the stormwater concerns are addressed and implemented.
- Longstanding stormwater issues from the subject site that have undergone some improvements in recent years but the stormwater collection and disposal is not effective and negatively impacts on neighbouring properties and assets.
- Any approved development should have an upgraded and engineered stormwater system including landscaping to reduce natural runoff impacts.
- No existing water tank in the area shown, the details are to be provided and confirmed first.
- A stormwater management system compliant with legislation and engineering requirements will be designed for the site and discharged to the street water table in Murray Street.
- A stormwater management system compliant with legislation and engineering requirements will be designed for the site and discharged to the street water table in Murray Street.

Air Emissions/Smoke

- Oppose proposed wood heater and insist on a gas heater to be used instead. There is history of existing wood heater causing smoke nuisance to neighbours, assumed to be guests not knowing how to effectively operate the wood heater.
- The wood heater is an existing fireplace and an original built-in feature of the house and is a significant part of the property character. It is used rarely due to the central heating within the house.
- When the wood heater is to be used, the landowner has it prepared in advance for guests to ensure safe and efficient operation.
- External fire pit has rarely been used with no official complaints being received to date.

- Solid fuel appliances are regulated under the Environment Protection (Air Quality) Policy 2016.
- The owners remain committed to minimise any potential for nuisance.
- Concrete water tank shown is an existing structure for many years. It is considered part of the historic character of the site and will not be removed.

Planning Officer's Comments:

Since the time of public notice, the applicant has reviewed the intended functional use of the building, in particular consideration of the interaction between the dwelling and tourist accommodation use proposed.

The applicant has clarified the application will propose tourist accommodation within the existing dwelling (three bedrooms and six guests) and the proposed building additions will comprise of residential use and will not form part of the short-term accommodation use.

Concerns regarding stormwater and privacy impact are discussed further below.

In respect to the concerns regarding the proposed use of a wood heater, this matter is not considered to be a relevant planning matter, noting there are no applicable provisions in the Planning and Design Code addressing the use of wood heaters. A wood heater does not constitute 'Development' and does not require development authorisation in its own right and are a common household item for heating a home. Instead, any smoke generated from a wood heater is a matter that can be addressed under the *Local Nuisance and Litter Control Act 2016*.

A copy of the representations are contained in **Attachment 2** and the applicant's response is contained in **Attachment 3**.

REFERRALS

External

Pursuant to Schedule 9 of the *Planning, Development and Infrastructure (General) Regulations 2017* and Part 9 of the Planning and Design Code, the application was subject to referral to the Commissioner of Highways for direction as the proposal is seeking to include an additional tourist accommodation use on the site that will intensify the vehicle volumes expected to and from the subject site. The Commissioner of Highways has provided a referral response and advises that:

Commissioner of Highways	<i>No objection to the development and has directed that Conditions of Consent be applied if application is granted Planning Consent.</i>
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A copy of the referral response is contained in **Attachment 4**.

Internal

The following internal advice has been received:

Engineering Services	• Stormwater from the proposed development is capable of being suitably managed, subject to detailed stormwater design. • The relocated septic tank is shown on the proposal plans to be trafficable within the driveway which is acceptable. • Sufficient space is available to facilitate vehicle manoeuvring in accordance with AS 2890. • The widening of the driveway access is acceptable, subject to suitable separation being achieved from the existing street tree.
Health Services	• A wastewater control system will be required for the proposed development and will be subject to assessment and compliance with the SA Public Health Act 2011 in respect to the suitability of the existing on-site wastewater system to service the land use for the number of occupants expected. This matter is recommended to be addressed subject to a Reserved Matter.
Heritage Advisor	• No concern with change of use component of the application. • Some concern with the design of the roof and its visual impact as viewed from the south when travelling along Murray Street. • The proposed roof form has awkward junctions with the existing walls and roof that may detract from the appearance of the existing dwelling. • It is suggested the proposed roofing should be lower than the adjacent dwelling, possibly with lower linking roof, then transition to greater volume. • The high point of the skillion roof is considered too close to the existing roof form. • A reviewed and modified design should be provided.

Planning Officer's Comments

The concerns raised above are acknowledged from a heritage perspective. Following receipt of these concerns, an assessment against the relevant Planning and Design Code provisions has been undertaken. The proposed additions to the rear of the dwelling are sited inset from the side wall of the existing dwelling and are sited completely behind the existing dwelling.

Whilst there will be a narrow view point from the south-east along Murray Street, the applicable provisions of the Historic Area Overlay seek to generally protect the streetscape presentation of buildings, further encouraging dwelling additions to be sited at the rear, or behind the building façade, of existing buildings. The proposal is considered to maintain the overall presentation to the street frontage with the additions sited well into the property and not being of a greater scale or height than the existing dwelling and not altering the roof form of the existing dwelling.

The subject site is also not impacted by any Local Heritage or representative building status so the overall consideration is maintaining the character of the streetscape.

On the basis and assessment of the applicable provisions of the Historic Area Overlay, the applicant has not been requested to amend the application plans given the plans provided are considered to reasonably address the applicable provisions of the Planning & Design Code to a reasonable degree.

ASSESSMENT

Please refer to the following link, the Planning and Design Code extract for this proposal, Version 2024.23 – 19 December 2024.

Planning and Design Code Extract Link	Relevant Code Extract
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Seriously at Variance

Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, it is recommended that the Panel determine that the proposed development is not Seriously at Variance with the relevant provisions of the Planning and Design Code.

The proposed building additions inclusive of the change of use aspect will result in a proposal of a size, scale and intensity that is reasonable in the context of the subject site. Similarly, while tourist accommodation is not a use that is listed within DTS/DPF 1.1 of the Established Neighbourhood Zone, the small-scale nature of the proposed tourist accommodation and characteristics of the locality (being primarily residential amongst various non-residential uses) mean that this proposal will not be out of character with existing land uses and the proposed additions will maintain the historic form of the existing building form in this locality.

Character Preservation (Barossa Valley) Act 2012

Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, having regard to the Objects of the Act, it is recommended that the Panel determine that the proposed development does not adversely impact the character values of the district.

The proposal will not diminish the visual amenity of the township landscape and will maintain the character attributes of the district by ensuring the ongoing preservation

of the existing building which has historic character with no physical building alterations sought to the frontage of the building.

Further discussion is contained under the Assessment section below in relation to the Character Preservation District Overlay.

Assessment

Detailed assessment of the proposal has taken place against the relevant provisions of the Planning and Design Code as quoted above. Commentary is provided below under headings:

Land Use

Established Neighbourhood Zone	
Desired Outcomes	
DO1	<i>A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.</i>
DO2	<i>Maintain the predominant streetscape character, having regard to key features such as roadside plantings, footpaths, front yards, and space between crossovers.</i>
Relevant Performance Outcomes/Designated Performance Features	
Land use and Intensity	
PO 1.1 <i>Predominantly residential development with complementary non-residential activities compatible with the established development pattern of the neighbourhood.</i>	DTS/DPF 1.1 <i>Development comprises one or more of the following:</i> (a) Ancillary accommodation (b) Community facility (c) Consulting room (d) Dwelling (e) Office (f) Recreation area (g) Shop
PO 1.2 <i>Commercial activities improve community access to services are of a scale and type to maintain residential amenity.</i>	DTS/DPF 1.2 <i>A shop, consulting room or office (or any combination thereof) satisfies any one of the following:</i> (a) <i>it is located on the same allotment and in conjunction with a dwelling where all the following are satisfied:</i> i. <i>does not exceed 30% of the total floor area of the associated dwelling (excluding any garage or carport) or 50m² gross leasable floor area, whichever is the lesser</i> ii. <i>does not involve the display of goods in a window or about the dwelling or its curtilage</i> (b) <i>it reinstates a former shop, consulting room or office in an existing building (or portion of a building) and satisfies one of the following:</i> i. <i>the building is a State or Local Heritage Place</i>

	ii. is in conjunction with a dwelling and there is no increase in the gross leasable floor area previously used for non-residential purposes (c) is located more than 500 metres from an Activity Centre and satisfies one of the following: i. does not exceed 100 sqm gross leasable floor area (individually or combined, in a single building) where the site does not have a frontage to a State Maintained Road ii. does not exceed 200 sqm gross leasable floor area (individually or combined, in a single building) where the site has a frontage to a State Maintained Road (d) the development site abuts an Activity Centre and all the following are satisfied: i. it does not exceed 200 sqm gross leasable floor area (individually or combined, in a single building) ii. the proposed development will not result in a combined gross leasable floor area (existing and proposed) of all shops, consulting rooms and offices that abut the Activity Centre in this zone exceeding the lesser of the following: A. 50% of the existing gross leasable floor area within the Activity Centre B. 1000 sqm.
PO 1.3 Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.	DTS/DPF 1.3 None are applicable.
PO 1.4 Non-residential development located and designed to improve community accessibility to services, primarily in the form of: (a) small-scale commercial uses such as offices, shops and consulting rooms (b) community services such as educational facilities, community centres, places of worship, child care facilities and other health and welfare services. (c) services and facilities ancillary to the function or operation of supported accommodation or retirement facilities (d) open space and recreation facilities.	DTS/DPF 1.4 None are applicable.

The proposed tourist accommodation use is not directly identified within DTS/DPF 1.1 as an envisaged form of development within the Established Neighbourhood Zone. Therefore, to determine the suitability of the proposed use, consideration to the intent of Performance Outcome (PO) 1.1 and DTS/DPF 1.1 is required. PO 1.1 seeks predominantly residential development with complementary non-residential activities that support an active, convenient and walkable neighbourhood.

The proposed development seeks to encourage a complementary commercial use that provides short-term accommodation of the existing dwelling by changing from long-term residential to short-term accommodation. The proposal is also seeking a dwelling addition to include a separate living area, bedrooms and kitchen area to allow the landowners to reside within. The application will preserve the residential use of the land with a complementary non-residential use, such that PO 1.1 is considered to be achieved.

The non-residential uses envisaged within DTS/DPF 1.1 (i.e. consulting room, office, shop etc.) are uses that may have a greater level of impact upon the existing residential use than the proposed Tourist Accommodation, which seeks to utilise the existing dwelling without compromising the character and amenity of the residential amenity of the neighbourhood, aligning with Desired Outcome (DO) 1. It is noted that this aspect of the proposal is small in scale and is complementary to existing non-residential uses in the locality.

It is difficult to draw connection to PO 1.2 in that the proposed commercial use does not directly improve community access to services as it provides accommodation for tourists instead of local residents. However, this provision does also focus on the provision of maintaining residential amenity impacts. The proposal is of a scale and type that is likely to maintain residential amenity due to being an accommodation use with limited potential parking impacts on the surrounding road network with at least four on-site parking spaces being provided. The site is also in close proximity to commercial hub of Tanunda. The frontage and overall street appearance of the site will be largely maintained resulting in the site maintaining its strong positive street presence and character.

The intent of PO 1.3 seeks to protect the residential character and amenity of the neighbourhood from non-residential land uses. The proposal does not seek any significant visual alterations of the existing dwelling when viewed from the public road frontage, thereby maintaining the existing contribution to the residential character through the retained appearance of the dwelling frontage. The amenity of the neighbourhood can be maintained through the use of predominantly on-site parking and through general law enforcement routes by SAPOL (should the guests create amenity impacts such as noise etc.).

The application does not directly achieve PO 1.4 as the proposed use is not directly related to community services. However, as discussed above, the intended use is considered reasonably consistent with the intended form of development within the zone when considering the residential amenity and character of the neighbourhood and character of non-residential uses in addition to the residential uses.

Appearance of Development

Site coverage	
PO 3.1 Building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.	DTS/DPF 3.1 Development does not result in site coverage exceeding: In instances where: (a) no value is returned (i.e. there is a blank field), then a maximum 50% site coverage applies. (b) more than one value is returned in the same field, refer to the Site Coverage Technical and Numeric Variation layer in the SA planning database to determine the applicable value relevant to the site of the proposed development.

The existing dwelling and proposed additions will result in a site coverage well below the anticipated maximum of 50%. The site area is approximately 1,484 sqm whereas the total building areas are calculated at approximately 400 sqm, thereby resulting in an approximate 27% site coverage. PO 3.1 is therefore achieved.

Building Height	
PO 4.1 Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.	DTS/DPF 4.1 Building height (excluding garages, carports and outbuildings) is no greater than: (a) the following: Maximum Building Height (Levels) Maximum building height is 1 level (b) in all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)) - two building levels up to a height of 9 metres. In relation to DTS/DPF 4.1, in instances where: (c) more than one value is returned in the same field, refer to the Maximum Building Height (Levels) Technical and Numeric Variation layer or Maximum Building Height (Meters) Technical and Numeric Variation layer in the SA planning database to determine the applicable value relevant to the site of the proposed development. (d) only one value is returned for DTS/DPF 4.1(a) (i.e. there is one blank field), then the relevant height in metres or building levels applies with no criteria for the other.
PO 4.2 Additions and alterations do not adversely impact on the streetscape character.	DTS/DPF 4.2 Additions and alterations:

	(a) are fully contained within the roof space of a building with no external alterations made to the building elevation facing the primary street or (b) meet all of the following: i. do not include any development forward of the front façade building line ii. where including a second or subsequent building level addition, does not project beyond a 45 degree angle measured from ground level at the building line of the existing building.
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The building height of the proposed additions do not exceed one building level and overall are lower than the existing dwellings' roof. The additions are considered to be complementary to the height of surrounding buildings, such that PO 4.1 is achieved.

The additions to the existing dwelling are all sited behind the existing dwelling and will not protrude closer to the primary street than the existing dwelling. The visual impact to the existing streetscape will be minimal given the siting of the additions behind the existing dwelling. Overall, the proposed streetscape of the appearance is considered to be maintained and will not be unreasonably impacted as a result of the rear building additions. PO 4.2 is achieved.

Side Boundary Setback	
PO 8.1 Buildings are set back from side boundaries to provide: separation between buildings in a way that complements the established character of the locality access to natural light and ventilation for neighbours.	DTS/DPF 8.1 Other than walls located on a side boundary in accordance with Established Neighbourhood Zone DTS/DPF 7.1, building walls are set back from the side boundary: (a) no less than: (b) in all other cases (i.e., there is a blank field), then: i. where the wall height does not exceed three metres measured from the lower of natural or finished ground level - at least 900 mm. ii. for a wall that is not south facing and the wall height exceeds 3 metres measured from the lower of natural or finished ground level - at least 900 mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3 metres from the lower of natural or finished ground level.

	iii. for a wall that is south facing and the wall height exceeds three metres measured from the lower of natural or finished ground level - at least 1.9 metres from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3 metres from the lower of natural or finished ground level.
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The proposed building additions will maintain a 7.6 metre setback to the northern side boundary and a 10.7 metre setback to the southern side boundary. The side setbacks sought within PO 8.1 substantially exceed DTS/DPF 8.1.

Rear Boundary Setback	
PO 9.1 Buildings are set back from rear boundaries to provide: (a) separation between buildings in a way that complements the established character of the locality (b) access to natural light and ventilation for neighbours (c) private open space (d) space for landscaping and vegetation.	DTS/DPF 9.1 Other than in relation to an access lane way, buildings are set back from the rear boundary at least: (a) 4 metres for the first building level (b) 6 metres for any second building level.

The proposed additions will result in a shortfall from the envisaged four metre rear setback as expressed within DTS/DPF 9.1(a). The southern portion of the addition will result in a 1.95 metre setback with the northern portion of the addition maintaining a 2.5 metre rear setback in a staggered building design that will form around an existing water tank that is to be retained.

With regard to PO 9.1(a), the existing residential development to the west of this property consists of multiple unit-type properties with limited rear setbacks, which range between 2.2 metres – 3 metres. Whilst the proposal is not of a similar form or context as the adjoining group dwellings, the buildings at the rear have their side boundaries interfacing with the rear of the subject site, with their private open space located to the north and south. The interface comprises the common area/car parking, the carport of unit 3, front portion of unit 4, a row of mature Pine Trees and a shade cloth enclosure to the verandah. As such, the proposed rear building setbacks are considered acceptable and reasonably achieve the intent of PO 9.1(a).

The proposed additions are on the south-eastern side of the subject site boundary where overshadowing to the adjoining western units is only anticipated to occur during morning hours with the midday and afternoon sun not being hindered. Considering the context of the adjoining units, the potential impact of morning overshadowing is expected to be minimal in impact due to existing trees and existing ancillary structures (associated to Unit 3) which provide shading to the properties in their existing form. Therefore, the extent of overshadowing is likely to be only for portion of the morning and is not anticipated to create any additional unreasonable negative impacts on the adjoining units. With this consideration, PO 9.1(b) is considered to be reasonably achieved.

Further in support of the proposed setbacks are:

- The reduced rear setback is offset with the large side yard of the subject site that accommodates the core private open space and recreational area for the site. PO 9.1(c) is achieved.
- The site contains a good degree of existing vegetation that is proposed to be retained along the rear boundary, reasonably achieving PO9.1(d).

With consideration to the above, the intent and outcome sought by PO 9.1 is considered to be achieved.

<i>Appearance</i>	
<i>PO 10.2</i> <i>The appearance of development as viewed from public roads is sympathetic to the wall height, roof forms and roof pitches of the predominant housing stock in the locality.</i>	<i>DTS/DPF 10.2</i> <i>None are applicable.</i>

The proposed additions are of a size and scale that complement the existing context of the dwelling. The additions are of a different form and design but are located toward the rear of the site with no portion disrupting streetscape views of the existing dwelling and no alteration to the existing roof form. This is generally supported given the dwelling provides a high degree of visual presence to the historic streetscape, although not a local heritage or representative building specifically.

Given the proposed additions are well sited behind the existing dwelling, that they do not exceed the height of the existing roofing and are substantially setback from the street frontage, the intent of PO 10.2 is considered to be achieved.

<i>External appearance</i>	
<i>PO 20.3</i> <i>The visual mass of larger buildings is reduced when viewed from adjoining allotments or public streets.</i>	<i>DTS/DPF 20.3</i> <i>None are applicable</i>

Visual massing is not considered to be unreasonable to adjoining properties.

The highest extent of the proposed additions will be the 'Bed 2' portion of the proposal. The FFL will be a maximum of one metre above the existing ground level with a three metre wall height and 500 mm of cladding along the upper section of the wall between the wall and roofing. The overall height above the existing ground level is approximately 4.5 metres. Whilst this does provide a degree of bulk, especially given the reduced rear setback (less than four metres), the building interface to the adjoining property will not result in an unreasonable impact due to the variation in rear setback, the lack of direct orientation of the units into the subject property and the orientation (ie. predominantly east) which does not result in overshadow impact. This matter has further been discussed above.

Overall, the proposal is considered to reasonably achieve PO 20.3.

In summary, the appearance of the building additions is considered to be acceptable and in alignment with the relevant provisions of the Planning and Design Code.

Cut and Fill

Earthworks and sloping land	
PO 8.1 Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.	DTS/DPF 8.1 Development does not involve any of the following: (a) excavation exceeding a vertical height of one metre (b) filling exceeding a vertical height of one metre (c) a total combined excavation and filling vertical height of two metres or more.

The proposed additions do not require any excessive cut and/or fill earthworks to occur due to the elevated floor area design that is in order of 500 mm above existing ground level. This matter is further discussed within the Character Preservation District Overlay assessment below. PO 8.1 is thereby achieved.

Character Preservation District Overlay

Character Preservation District Overlay (Township)	
Desired Outcomes	
DO1	Recognise, protect and enhance the special character of Character Preservation Districts.
DO2	The long term use of land outside of townships for primary production and associated value adding enterprises is assured and promoted.
Relevant Performance Outcomes/Designated Performance Features	
Built Form and Character	
PO 2.1 Development occurring at the edge of townships is sympathetic to the rural landscape and reinforces a clear transition between townships and rural landscape through measures including: (a) being of a low scale. (b) orientating residential development towards the rural area. (c) ensuring visual separation from the rural area through landscaping and road reserves.	DTS/DPF 2.1 None are applicable.
PO 2.2 Development contributes to and maintains the historic identity and character of townships through appropriate: (a) form (b) scale (c) siting (d) design (e) landscaping.	DTS/DPF 2.2 None are applicable.
PO 2.3 Adaptive re-use of rural structures and historic and/or character buildings supports their preservation and ongoing contribution to the	DTS/DPF 2.3 None are applicable.

landscape.	
Earthworks	
PO 4.1 Excavation and filling of land is limited to that associated with: (a) minimising the visual impact of buildings or structures or (b) construction of water storage facilities.	DTS/DPF 4.1 Excavation and/or filling of land is: (a) no greater than 1.5 metres from natural ground level (b) only undertaken in order to reduce the visual impact of buildings or structures or to construct water storage facilities.

The subject site is located central to the Tanunda township boundary having a significant separation distance from the nearest rural area identified within the *Character Preservation (Barossa Valley) Act 2012*. The subject property is separated by other residential properties and is not considered to be located at or on the edge of the township. Therefore, PO 2.1 is not impacted.

The proposal is seeking to include building additions at the rear of the existing dwelling whereby the visual appearance of the existing dwelling will not be impacted from the streetscape. The rear additions will be of a form and design that is in contrast with the historic attributes of the existing dwelling, but this is not considered to be of fundamental concern as it provides a clear separation to the historic era dwelling and the additions are of a size and scale that do not dominate the existing dwelling nor the streetscape appearance. The intent of PO 2.2 is therefore not offended.

The building subject to this application is considered to be of high historic and/or character value for its presentation to the street and its overall appearance given its design, siting and landscaping. The existing established dwelling is considered to provide a positive contribution to the streetscape character which is not proposed to be altered. This application will maintain the existing building through the tourist accommodation use proposed, meaning the proposal will not impact the existing contribution to the existing landscape or external appearance. PO 2.3 is achieved.

The addition will require some level of earthworks and the extent of earthworks proposed is considered to be minimal given the building elevations show the rear addition adopting a raised floor level approach instead of raising the ground level with retaining walls. This is considered to be an acceptable approach provided that the overlooking potential is mitigated given the proximity to a property boundary. No earthworks will exceed 1.5 metres and PO 4.1 is therefore achieved.

In summary, the proposal is considered to satisfy key provisions within the Character Preservation District Overlay.

Historic Area Overlay

Historic Area Overlay (Baro15)	
Desired Outcomes	
DO1	<i>Historic themes and characteristics are reinforced through conservation and contextually responsive development, design and adaptive reuse that responds to existing coherent patterns of land division, site configuration, streetscapes, building siting and built scale, form and features as exhibited in the Historic Area and expressed in the Historic Area Statement.</i>

Relevant Performance Outcomes/Designated Performance Features	
All Development	
PO 1.1 All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.	DTS/DPF 1.1 None are applicable.

Tanunda West Historic Area Statement (Baro15)

Baro15	Tanunda North Historic Area Statement (Baro15) The Historic Area Overlay identifies localities that comprise characteristics of an identifiable historic, economic and / or social theme of recognised importance. They can comprise land divisions, development patterns, built form characteristics and natural features that provide a legible connection to the historic development of a locality. These attributes have been identified in the below table. In some cases State and/or Local Heritage Places within the locality contribute to the attributes of an Historic Area. The preparation of an Historic Impact Statement can assist in determining potential additional attributes of an Historic Area where these are not stated in the below table. <table> <tr> <td>Eras, themes and context</td><td>Nineteenth century development.</td></tr> <tr> <td>Allotments, subdivision and built form patterns</td><td>[Not stated]</td></tr> <tr> <td>Architectural styles, detailing and built form features</td><td>Range of periods of domestic architecture.</td></tr> <tr> <td>Building height</td><td>[Not stated]</td></tr> <tr> <td>Materials</td><td>[Not stated]</td></tr> <tr> <td>Fencing</td><td>[Not stated]</td></tr> <tr> <td>Setting, landscaping, streetscape and public realm features</td><td>Southwest corner incorporates the Tanunda Recreation Park and mature street plantings associated with the Park. This area extends from the eastern side of Murray Street to incorporate the northern end of Murray Street, which includes a large number of houses of similar residential quality.</td></tr> <tr> <td>Representative Buildings</td><td>[Not identified]</td></tr> </table>	Eras, themes and context	Nineteenth century development.	Allotments, subdivision and built form patterns	[Not stated]	Architectural styles, detailing and built form features	Range of periods of domestic architecture.	Building height	[Not stated]	Materials	[Not stated]	Fencing	[Not stated]	Setting, landscaping, streetscape and public realm features	Southwest corner incorporates the Tanunda Recreation Park and mature street plantings associated with the Park. This area extends from the eastern side of Murray Street to incorporate the northern end of Murray Street, which includes a large number of houses of similar residential quality.	Representative Buildings	[Not identified]
Eras, themes and context	Nineteenth century development.																
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Representative Buildings	[Not identified]																

The proposed development is not inconsistent with the intent of the Historic Area Statement due to its siting behind the existing dwelling and its lesser size and scale that and that it does not protrude above or beyond the existing extent of the dwelling. The colours and materials proposed are considered to be complementary to the general historic area requirements, utilising galvanised and light grey finishes. This proposal will not result in a negative impact to the historic streetscape as it will retain the existing streetscape appearance as currently exists. The proposed development is therefore considered to achieve PO 1.1.

Alterations and additions	
PO 3.1 <i>Alterations and additions complement the subject building, employ a contextual design approach and are sited to ensure they do not dominate the primary façade.</i>	DTS/DPF 3.1 <i>Alterations and additions are fully contained within the roof space of an existing building with no external alterations made to the building elevation facing the primary street.</i>
PO 3.2 <i>Adaptive reuse and revitalisation of buildings to support retention consistent with the Historic Area Statement.</i>	DTS/DPF 3.2 <i>None are applicable.</i>

The proposed additions are of a skillion roof design that is not consistent with the existing steep roof pitch and gable design of the existing dwelling. Instead of matching into the existing dwelling form, the additions have been sited in a way that mitigates the extent of visibility from the streetscape. The design is separated from the existing dwelling, providing a clear distinction between the old and new, whilst also being sited well behind the building and with considered side setbacks that assists the additions to recede into the property with a minimal and acceptable streetscape impact. PO 3.1 is considered to be reasonably achieved.

The proposal seeks to retain and continue to use the existing building on the site for tourist accommodation purposes which promotes the economic use of the site and provides a complementary non-residential use. PO 3.2 is considered to be reasonably achieved.

Context and Streetscape Amenity	
PO 6.1 <i>The width of driveways and other vehicle access ways are consistent with the prevailing width of existing driveways of the historic area.</i>	DTS/DPF 6.1 <i>None are applicable.</i>
PO 6.2 <i>Development maintains the valued landscape patterns and characteristics that contribute to the historic area, except where they compromise safety, create nuisance, or impact adversely on buildings or infrastructure.</i>	DTS/DPF 6.2 <i>None are applicable.</i>

There are ranging driveway widths within the surrounding historic area. The proposed widening of the driveway to six metres is not considered to be out of character and will have a minimal impact on the site appearance overall, given the main thoroughfare of Murray Street. PO 1.1 is reasonably achieved.

The existing landscaping within the property, especially the front yard, will be maintained as no alterations are sought to the front yard with the exception of a small portion of the front hedging to be removed for the widened driveway which is considered to be minor given the extent to be retained. PO 6.2 is achieved.

Interface between Land Uses

Interface between Land Uses	
Desired Outcomes	
DO1	<i>Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.</i>

Relevant Performance Outcomes/Designated Performance Features	
General Land Use Compatibility	
PO 1.2 Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.	DTS/DPF 2.1 None are applicable.

The proposed land use is not expected to adversely impact on the adjoining sensitive receivers (dwellings) due to the property being used as a residence and for short-term accommodation. The residence portion of the building is the new additions with the existing dwelling portion to be used as short-term accommodation. This essentially results in the residence portion interfacing with residential development at the rear, whereas the short-term accommodation portion interfacing with the main street and surrounding non-residential uses. Overall, there is a low risk of adverse and negative impacts to surrounding properties as a result of this proposed development, also having regard to the low scale of the proposal and intended target market for guests.

The use itself is not expected to give rise to nuisance impacts. Any issues associated to behaviour of the guests is not considered within the applicable policy and, should the situation arise, will be a matter for SAPOL. The potential nuisance impacts are not expected to be any different to the occupation of an existing dwelling within a Neighbourhood-type Zone, thereby achieving the intent of DO 1.

Overlooking / Visual Privacy (low rise buildings)	
PO 10.1 Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.	DTS/DPF 10.1 Upper level windows facing side or rear boundaries shared with a residential use in a neighbourhood-type zone: (a) are permanently obscured to a height of 1.5 metres above finished floor level and are fixed or not capable of being opened more than 125 mm (b) have sill heights greater than or equal to 1.5 metres above finished floor level (c) incorporate screening with a maximum of 25% openings, permanently fixed no more than 500 mm from the window surface and sited adjacent to any part of the window less than 1.5 metres above the finished floor level.

The proposal will not result in unreasonable overlooking concerns subject to the appropriate obscuring measures to be implemented to the 'ENS 1' window. Although the proposed dwelling additions are seeking an elevated floor level above the existing ground level, the extent of windows facing the adjoining properties are limited to a bathroom and ensuite windows that will be obscured and have restricted visibility. Therefore, direct overlooking will not occur, thereby satisfying PO 10.1.

Decks	
Design and Siting	
PO 45.1 Decks are designed and sited to:	DTS/DPF 45.1 Decks:

- (a) complement the associated building form
- (b) minimise impacts on the streetscape through siting behind the building line of the principal building (unless on a significant allotment or open space)
- (c) minimise cut and fill and overall massing when viewed from adjacent land.

(a) where ancillary to a dwelling:

- i. are not constructed, added to or altered so that any part is situated:
 - 1. in front of any part of the building line of the dwelling to which it is ancillary
 - (b) or
 - 2. within 900 mm of a boundary of the allotment with a secondary street (if the land has boundaries on two or more roads)
- ii. are set back at least 900 mm from side or rear allotment boundaries
- iii. when attached to the dwelling, has a finished floor level consistent with the finished ground floor level of the dwelling
- iv. where associated with a residential use, retains a total area of soft landscaping for the entire development site, including any common property, with a minimum dimension of 700 mm in accordance with (1) or (2), whichever is less:

- 1. a total area is determined by the following table:

Site area (or in the case of residential flat building or group dwelling(s), average site area) (m ²)	Minimum percentage of site
<150	10%
150–200	15%
>200–450	20%
>450	25%

- 2. the amount of existing soft landscaping prior to the development occurring.

(b) where in association with a non-residential use:

- i. are set back at least two metres from the boundary of an allotment used for residential purposes.
- ii. are set back at least two metres from a public road.
- iii. have a floor area not exceeding 25 sqm

	<i>(c) in all cases, has a finished floor level not exceeding one metre above natural ground level at any point.</i>
<i>PO 45.2 Decks are designed and sited to minimise direct overlooking of habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones through suitable floor levels, screening and siting taking into account the slope of the subject land, existing vegetation on the subject land, and fencing.</i>	<i>DTS/DPF 45.2 Decks with a finished floor level/s 500 mm or more above natural ground level facing side or rear boundaries shared with a residential use in a neighbourhood-type zone incorporate screening with a maximum of 25% transparency/openings, permanently fixed to the outer edge of the deck not less than 1.5 metres above the finished floor level/s.</i>

The proposed deck is a small addition off 'Bed 2' and provides for a small outdoor space onto the rear of the property. It will achieve a 2.5 metre setback from the western rear boundary and will have an FFL matching that of the dwelling addition, thereby resulting in the deck being approximately 0.8 metres - 1 metre above the existing ground level. The decking area includes a 1.8 metre slatted screen to provide privacy to the rear adjoining properties. The extent of overlooking is considered to be reasonably addressed. PO 45.1 and 45.2 are considered to be achieved.

Residential Design

<i>All residential development</i>	
<i>Outlook and Amenity</i>	
<i>PO 18.1 Living rooms have an external outlook to provide a high standard of amenity for occupants.</i>	<i>DTS/DPF 18.1 A living room of a dwelling incorporates a window with an external outlook of the street frontage, private open space, public open space, or waterfront areas.</i>

The proposed living room of the dwelling extension will consist of multiple windows to areas of private open space thereby providing for natural light and views within the property and ultimately promoting the desirable amenity of the site for the residents, consistent with PO 18.1.

<i>Private Open Space</i>	
<i>PO 21.1 Dwellings are provided with suitable sized areas of usable private open space to meet the needs of occupants.</i>	<i>DTS/DPF 21.1 Private open space is provided in accordance with Design in Urban Areas Table 1 - Private Open Space.</i>
<i>PO 21.2 Private open space is positioned to provide convenient access from internal living areas.</i>	<i>DTS/DPF 21.2 Private open space is directly accessible from a habitable room.</i>

There is sufficient private open space provided for within the property due to the large size of the allotment and the extent of private open space. The internal living room has access to the southern side of the property where the predominant extent of open private space is to be accessible for the occupants of the short-term accommodation component of this application. Whilst the proposed residential component of this application only has direct access to the southern side of the property, the extent of area beyond the carparking areas satisfies the direct private open space requirement as it could be altered to provide space for enjoyment by the residents, albeit being currently gravelled. In general, the proposal is considered to reasonably achieve the PO 21.1 and 21.2.

Landscaping											
PO 22.1 Soft landscaping is incorporated into development to: (a) minimise heat absorption and reflection (b) contribute shade and shelter (c) provide for stormwater infiltration and biodiversity (d) enhance the appearance of land and streetscapes.	DTS/DPF 22.1 Residential development incorporates soft landscaping with a minimum dimension of 700 mm provided in accordance with (a) and (b): (a) a total area for the entire development site, including any common property, as determined by the following table: <table border="1"> <thead> <tr> <th>Site area (or in the case of residential flat building, co-located housing or group dwelling(s), average site area) (m²)</th><th>Minimum percentage of site</th></tr> </thead> <tbody> <tr> <td><150</td><td>10%</td></tr> <tr> <td>150-200</td><td>15%</td></tr> <tr> <td>>200-450</td><td>20%</td></tr> <tr> <td>>450</td><td>25%</td></tr> </tbody> </table> (b) at least 30% of any land between the primary street boundary and the primary building line.	Site area (or in the case of residential flat building, co-located housing or group dwelling(s), average site area) (m ²)	Minimum percentage of site	<150	10%	150-200	15%	>200-450	20%	>450	25%
Site area (or in the case of residential flat building, co-located housing or group dwelling(s), average site area) (m ²)	Minimum percentage of site										
<150	10%										
150-200	15%										
>200-450	20%										
>450	25%										

The subject site comfortably achieves the 25% minimum soft landscaping with the majority of the front and northern side yard of the property being a well established garden. PO 22.1 is therefore achieved.

Major Urban Transport Routes Overlay

Major Urban Transport Routes Overlay	
Desired Outcomes	
DO1	Safe and efficient operation of Major Urban Transport Routes for all road users.
DO 2	Provision of safe and efficient access to and from Major Urban Transport Routes.
Relevant Performance Outcomes/Designated Performance Features	
Access - Safe Entry and Exit (Traffic Flow)	
PO 1.1 Access is designed to allow safe entry and exit to and from a site to meet the needs of development and minimise traffic flow interference associated with access movements along adjacent State Maintained Roads.	DTS/DPF 1.1 An access point satisfies (a), (b) or (c): (a) where servicing a single (1) residential dwelling/residential allotment: - it will not result in more than one access point - vehicles can enter and exit the site in a forward direction - vehicles can cross the property boundary at an angle between 70 degrees and 90 degrees - passenger vehicles (with a length up to 5.2 metres) can enter and exit the site wholly within the kerbside lane of the road

	v. have a width of between 3 metres and 4 metres (measured at the site boundary). (b) where the development will result in two and up to six dwellings: i. it will not result in more than one access point servicing the development site ii. entry and exit movements are left turn only iii. vehicles can enter and exit the site in a forward direction iv. vehicles can cross the property boundary at an angle between 70 degrees and 90 degrees; v. passenger vehicles (with a length up to 5.2 metres) can enter and exit the site wholly within the kerbside lane of the road vi. have a width of between 5.8 metres to 6 metres (measured at the site boundary) and an access depth of 6 metres (measured from the site boundary into the site). (c) where the development will result in over seven dwellings, or is a non-residential land use: i. it will not result in more than one access point servicing the development site ii. vehicles can enter and exit the site using left turn only movements iii. vehicles can enter and exit the site in a forward direction iv. vehicles can cross the property boundary at an angle between 70 degrees and 90 degrees v. have a width of between 6 metres and 7 metres (measured at the site boundary), where the development is expected to accommodate vehicles with a length of 6.4 metres or less vi. have a width of between 6 metres and 9 metres (measured at the site boundary), where the development is expected to accommodate vehicles with a length from 6.4 metres to 8.8 metres vii. have a width of between 9 metres and 12 metres (measured at the site boundary), where the development is expected to accommodate vehicles with a length from 8.8 metres to 12.5 metres viii. provides for simultaneous two-way vehicle movements at the access;
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	1. with entry and exit movements for vehicles with a length up to 5.2 metres vehicles being fully within the kerbside lane of the road and 2. with entry movements of 8.8 metres vehicles (where relevant) being fully within the kerbside lane of the road and the exit movements of 8.8 metres vehicles do not cross the centreline of the road.
PO 8.2 <i>Driveways and access tracks designed and constructed to allow safe and convenient access on sloping land.</i>	DTS/DPF 8.2 <i>Driveways and access tracks on sloping land (with a gradient exceeding 1 in 8) satisfy (a) and (b):</i> (a) <i>do not have a gradient exceeding 25% (1-in-4) at any point along the driveway</i> (b) <i>are constructed with an all-weather trafficable surface.</i>

As mentioned earlier, the application was referred to the Commissioner of Highways for formal assessment in respect to the likely increased traffic flows to the site. The Commissioner of Highways has not raised concerns and has directed that Conditions of Consent be attached should a decision be made in support.

The proposed development is considered to be a non-residential use, such that the provisions identified within DTS/DPF 1.1(c) apply. The proposed development will not result in more than one access point as the existing access is proposed to be widened to support the safe and efficient movement of vehicles accessing/egressing the site.

Vehicles can enter and exit the site in a forward direction with suitable sight lines able to be achieved (as is conditioned within the referral response). Whilst left movements only is not sought, the extent of right movements to and from the site is not considered to be unreasonable given the low speed environment and the adequate sight lines. The access driveway is close to 90 degrees to the street frontage.

The width of the existing crossover is proposed to be extended to six metres in width to allow for adequate and safe movements in event of simultaneous movements of vehicles entering and exiting the site. There is an adjacent street tree, however, the site plan indicates the street tree will be setback at least two metres from the widened driveway crossover.

Overall, with consideration to the proposed increased crossover width and with the assessment and conditions imposed by the external referral, the proposed development is considered to achieve PO 1.1 and the general intent of the Major Urban Transport Routes Overlay.

Transport, Access and Parking

Transport, Access and Parking	
Desired Outcomes	
DO1	<i>A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.</i>

Relevant Performance Outcomes/Designated Performance Features	
Vehicle Access	
PO 3.1 Safe and convenient access minimises impact or interruption on the operation of public roads.	DTS/DPF 3.1 The access is: (a) provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land. Or (b) not located within 6m of an intersection of two or more roads or a pedestrian activated crossing.
PO 3.5 Access points are located so as not to interfere with street trees, existing street furniture (including directional signs, lighting, seating and weather shelters) or infrastructure services to maintain the appearance of the streetscape, preserve local amenity and minimise disruption to utility infrastructure assets.	DTS/DPF 3.5 Vehicle access to designated car parking spaces satisfy (a) or (b): (a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of an application for the division of land. (b) where newly proposed, is set back: 0.5 metres or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner. - Two metres or more from the base of the trunk of a street tree unless consent is provided from the tree owner for a lesser distance. - Six metres or more from the tangent point of an intersection of two or more roads. - outside of the marked lines or infrastructure dedicating a pedestrian crossing.
Access for People with Disabilities	
PO 4.1 Development is sited and designed to provide safe, dignified and convenient access for people with a disability.	DTS/DPF 4.1 None are applicable.
Vehicle Parking Rates	
PO 5.1 Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as: (a) availability of on-street car parking. (b) shared use of other parking areas. (c) in relation to a mixed-use development, where the hours of operation of	DTS/DPF 5.1 Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant: (a) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas if the development is a class of development listed in Table 2 and the site is in a Designated Area.

commercial activities complement the residential use of the site, the provision of vehicle parking may be shared. (d) the adaptive reuse of a State or Local Heritage Place.	(b) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements where (a) does not apply. (c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.
Vehicle Parking Areas	
PO 6.2 Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced, and the like.	DTS/DPF 6.2 None are applicable.

Table 1 - General Off-Street Car Parking Requirements

Vehicle Parking Rates	
Tourist accommodation other than a caravan and tourist park	One car parking space per accommodation unit/guest room.
Detached Dwelling	Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - two spaces per dwelling, one of which is to be covered.

Design in Urban Areas**Relevant Performance Outcomes/Designated Performance Features****All Development****Safety**

PO 2.3 Buildings are designed with safe, perceptible and direct access from public street frontages and vehicle parking areas.	DTS/DPF 2.3 None are applicable. (c)
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Car parking, access and manoeuvrability

PO 23.2 Uncovered car parking space are of dimensions to be functional, accessible and convenient.	DTS/DPF 23.2 Uncovered car parking spaces have: (a) a minimum length of 5.4 metres (b) a minimum width of 2.4 metres (c) a minimum width between the centre line of the space and any fence, wall or other obstruction of 1.5 metres.
PO 23.4 Vehicle access is safe, convenient, minimises interruption to the operation of public roads and does not interfere with street infrastructure or street trees.	DTS/DPF 23.4 Vehicle access to designated car parking spaces satisfy (a) or (b): (a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of an application for the division of land (b) where newly proposed, is set back: i. 0.5 metres or more from any street furniture, street pole, infrastructure services pit, or other stormwater or

	utility infrastructure unless consent is provided from the asset owner ii. Two metres or more from the base of the trunk of a street tree unless consent is provided from the tree owner for a lesser distance iii. Six metres or more from the tangent point of an intersection of two or more roads iv. outside of the marked lines or infrastructure dedicating a pedestrian crossing.
--	---

As mentioned above, the proposed development will be accessed via an existing lawful access point to Murray Street, which satisfies both PO 3.1 and 3.5. The internal driveway and gravel area will be predominantly utilised for vehicles of the guests staying at the site and the occupants of the dwelling.

The property consists of a gradually sloped gravel driveway, thereby providing the potential for disabled access if required. This matter shall be further assessed as part of Building Consent, if Planning Consent is granted. The existing driveway has a gradual slope, not exceeding 1 in 8 consistent with PO 2.3.

The proposal seeks to utilise the three existing bedrooms for short-term accommodation and the residential use will occupy the two new bedrooms within the building addition, meaning the site should be served by five vehicle spaces on the property (two for the dwelling and three for the accommodation). The parking rates for the tourist accommodation component do not require that these spaces to be covered, however one covered space is envisaged for the dwelling element.

The subject site can accommodate five parking spaces completely on-site within the parking and driveway areas. The plans provided demonstrate four parking spaces but it is noted the driveway space can accommodate further parking spaces should it be required. There is ample space for a covered parking space to be provided should one be required in future.

Overall, the proposal provides for sufficient on-site car parking spaces, consistent with the above mentioned POs.

Hazards (Flooding – Evidence Required) Overlay

Hazards (Flooding – Evidence Required) Overlay	
Desired Outcomes	
DO1	Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.
Relevant Performance Outcomes/Designated Performance Features	
Flood Resilience	
PO 1.1 Development is sited, designed and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.	DTS/DPF 1.1 Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished floor level at least 300 mm above: (a) the highest point of top of kerb of the primary street

	or (b) the highest point of natural ground level at the primary street boundary where there is no kerb.
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Concerns have been raised through the public notification process in relation to the existing flow path of water through the subject site into the property adjoining to the north. It is intended that any stormwater management plan pursuant to the Reserved Matter will need to address the stormwater drainage from the site to the street water table. The existing conditions of the site are likely to improve due to the addition of roof areas that will collect and dispose of stormwater appropriately, subject to a detailed Stormwater Management Plan being submitted and reviewed by Council's Engineering Services Team.

The existing stormwater outlet to Murray street for the subject site is identified at a level of 100.19, however, the lowest point of top of kerb in front of the site frontage is 99.70. The existing dwelling has a finished floor level (FFL) of 99.90, whereas the proposed FFL of the building addition will be 99.80 (0.1 metres below the existing dwelling FFL).

While the proposed addition does not achieve a 300 mm freeboard above the street water table, it is noted that the site falls away from the road meaning the existing dwelling is unable to achieve a FFL of 300 mm above top of kerb. Notwithstanding, there is a small amount of fall and the proposed addition is of comparable FFL.

Further, the proposed building addition will have an FFL that is elevated sufficiently above the existing ground levels, thereby ensuring there will be a low risk for the entry of potential flood waters into the proposed additions. The site levels for example in the area of the additions are some 500 mm or so lower than the FFL.

Engineering Services are satisfied with the level of detail proposed within the development to enable a Planning Consent, subject to confirmation of stormwater details being further assessed pursuant to a Reserved Matter to address the technical details of any existing or proposed stormwater system to be implemented.

Overall, the intent of PO 1.1 is considered to be achieved.

Native Vegetation

Native Vegetation Overlay	
Desired Outcomes	
DOI	Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.
Relevant Performance Outcomes/Designated Performance Features	
Environmental Protection	
PO1.1 Development avoids, or where it cannot be practically avoided, minimises the clearance of native vegetation taking into account the siting of buildings, access points, bushfire protection measures and building maintenance.	DTS/DPF 1.1 An application is accompanied by: (a) a declaration stating that the proposal will not, or would not, involve clearance of native vegetation under the Native Vegetation Act 1991, including any clearance that may occur:

	i. in connection with a relevant access point and / or driveway. ii. within 10 metres of a building (other than a residential building or tourist accommodation). iii. within 20 metres of a dwelling or addition to an existing dwelling for fire prevention and control. Or (b) a report prepared in accordance with Regulation 18(2)(a) of the Native Vegetation Regulations 2017 that establishes that the clearance is categorised as 'Level 1 clearance'.
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No native vegetation clearance is required as part of this application and a clearance declaration has been provided such that PO 1.1 is achieved.

Clearance from Overhead Powerlines

General Development Policies	
Clearance from Overhead Powerlines	
Desired Outcomes	
DO1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
Relevant Performance Outcomes/Designated Performance Features	
PO 1.1 Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.	DTS/DPF 1.1 One of the following is satisfied: (a) a declaration is provided by or on behalf of the applicant to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996. (b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.

The applicant has provided an electricity declaration and therefore PO 1.1 is achieved.

Infrastructure and Renewable Energy Facilities

Infrastructure and Renewable Energy Facilities	
Desired Outcomes	
DO1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.
Relevant Performance Outcomes/Designated Performance Features	
General	
PO1.1 Development is located and designed to minimise hazard or nuisance to adjacent development and land uses.	DTS/DPF 1.1 None are applicable.

Water Supply	
PO 11.1 Development is connected to an appropriate water supply to meet the ongoing requirements of the intended use.	DTS/DPF 11.1 Development is connected, or will be connected, to a reticulated water scheme or mains water supply with the capacity to meet the on-going requirements of the development.
Wastewater Services	
PO 12.1 Development is connected to an approved common wastewater disposal service with the capacity to meet the requirements of the intended use. Where this is not available an appropriate on-site service is provided to meet the ongoing requirements of the intended use in accordance with the following: (a) it is wholly located and contained within the allotment of the development it will service. (b) in areas where there is a high risk of contamination of surface, ground, or marine water resources from on-site disposal of liquid wastes, disposal systems are included to minimise the risk of pollution to those water resources. (c) septic tank effluent drainage fields and other wastewater disposal areas are located away from watercourses and flood prone, sloping, saline or poorly drained land to minimise environmental harm.	DTS/DPF 12.1 Development is connected, or will be connected, to an approved common wastewater disposal service with the capacity to meet the requirements of the development. Where this is not available it is instead capable of being serviced by an on-site waste water treatment system in accordance with the following: (a) the system is wholly located and contained within the allotment of development it will service; and (b) the system will comply with the requirements of the South Australian Public Health Act 2011.

The proposed development will introduce an additional use in the nature of short-term accommodation for guests on a commercial basis along with a retained residential use of the site. A consideration for this proposal is the loading from the additional occupy within the building upon the Council's CWMS system. Council's Environmental Health team advise that a wastewater control system will be required for the proposed development and will be subject to assessment and compliance with the SA Public Health Act 2011 in respect to the suitability of the existing on-site wastewater system to service the land use for the number of occupants expected. This matter is subject to a recommended Reserved Matter and Condition of Consent. Should it be determined that the capacity of the on-site wastewater system is inadequate or that augmentation charges apply, this will be addressed as part of the wastewater application.

Other Overlays

The following Overlays have been considered in the assessment of the proposed development but are not applicable to the proposed development given that:

Prescribed Water Resources Area

The site is serviced by mains water and will not be impact surface water, watercourses or wells.

Traffic Generating Development Overlay

The proposal does not involve large scale development that could impact the surrounding road and/or traffic networks.

Water Protection Area

The proposal does not involve activities with the potential to harm or impact on water supply.

CONCLUSION

The proposed development involves the "*Construction of dwelling additions/alterations, decking and change of use of to a combined tourist accommodation (up to 6 guests) and dwelling use*" at 106-108 Murray Street, Tanunda.

The application was subject to Performance Assessment and public notification. The application was notified in accordance with Section 107 of the *Planning, Development and Infrastructure Act 2016* and was subject of two representations both in objection with one electing to be heard by the Panel in support of their representation.

This report has provided a detailed assessment of the proposal against the relevant provisions of the Planning and Design Code.

The proposal is considered to be reasonably consistent with the Desired Outcome and Performance Outcomes of the Established Neighbourhood Zone. Whilst the proposed tourist accommodation land use is not directly identified as an envisaged use, the proposed development does not unreasonably impact the residential character or amenity of the locality, having regard to the small scale of the proposed facility, the shared use of residential and tourist accommodation and the nature of uses in the locality which include both residential and non-residential uses.

With the consideration to the assessment within this report, this application is considered to warrant Planning Consent subject to Reserved Matters and Conditions.

RECOMMENDATION 1**Not Seriously at Variance**

The Barossa Assessment Panel, having considered the application, resolves that the development proposal has sufficient merit, and is not Seriously at Variance with the Planning and Design Code.

RECOMMENDATION 2**Character Preservation**

Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Barossa Assessment Panel has had regard to the objects of that Act and, in determining this application, has resolved that there are no significant impacts on the character values of the district.

RECOMMENDATION 3

Granting of Planning Consent

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Planning, Development and Infrastructure Act 2016* resolves to GRANT Planning Consent for Application No. 23028267 by Mr Tony Wilson and Ms Sharyn Cunningham to undertake "Construction of dwelling additions/alterations, decking and change of use of to a combined tourist accommodation (up to 6 guests) and dwelling use" at 106-108 Murray Street, Tanunda subject to the following reserved matters, conditions and advisory notes:

Reserved Matters

- (1) The applicant shall lodge and have approved by the relevant authority an application to install a wastewater system pursuant to the provisions of the *South Australian Public Health Act 2011* and South Australian Public Health (Wastewater) Regulations 2013.
- (2) The applicant shall provide a Stormwater Management Plan demonstrating the following to the reasonable satisfaction of the Assessment Manager:
 - (a) A detailed drainage design is required for the proposed development; and
 - (b) The plan shall include the existing contours, features, existing stormwater infrastructure, proposed site works details, levels and grading, proposed stormwater drainage system (including details of any sump and pump), details of detention facility including volumes and discharge controls, proposed building floor levels, proposed paving and connection details; and
 - (c) Detention shall be provided to limit the 5% AEP post-development peak discharge to the 5% AEP pre-development peak discharge from the site. The maximum point discharge to kerb and gutter up to a 10% AEP event shall be 12L/s; 1% AEP event shall be 20L/s. Post-development peak rate of runoff from the site must not exceed the pre-development peak rate of runoff from the site or the maximum acceptable discharge to Councils infrastructure, whichever is the lesser; and
 - (d) The controlled discharge from the site shall be connected to the stormwater discharge point to Murray Street; and
 - (e) Supporting calculations to support the above requirements.

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 23028267 except where varied by any condition(s) listed below:
 - Email confirming use from Tony Wilson dated 19/05/2025;
 - Site Plan by Tony Wilson Building Design, drawing no. 1383.07.23, sheet no. 01, dated February 2024;
 - Existing Floor Plan by Tony Wilson Building Design, drawing no. 1383.07.23, sheet no. 02, February 2024;

- Proposed Floor Plan by Tony Wilson Building Design, drawing no. 1383.07.23, sheet no. 03, August 2024;
 - East and West Elevations by Tony Wilson Building Design, drawing no. 1383.07.23, sheet no. 04, August 2024;
 - North and South Elevations by Tony Wilson Building Design, drawing no. 1383.07.23, sheet no. 05, August 2024;
- (2) Prior to occupation, the building authorised herein shall be connected and remain connected to an approved wastewater system.
- (3) The tourist accommodation use shall be restricted to a maximum of six (6) guests at any one time.
- (4) The tourist accommodation use shall be limited to the three (3) bedrooms shown on the 'Existing Floor Plan' by Tony Wilson Building Design, drawing no. 1383.07.23, sheet no. 02, dated February 2024.
- (5) Stormwater disposal systems must be fully installed at the completion of the construction of the building in accordance with the Reserved Matter with adequate measures deployed during construction to ensure the temporary disposal of surface or roof water does not affect neighbouring properties, to the satisfaction of Council.
- (6) All external building materials shall be:
- (a) Muted and non-reflective in nature; and
 - (b) Where metal cladding is used, it shall have a pre-colour treated finish; and
 - (c) In accordance with the approved plans; and
 - (d) New materials and maintained in good condition at all times.
- (7) Prior to commencement of use, the screening to the decking area as shown on the West Elevation plan by Tony Wilson Building Design (drawing no. 1383.07.23, sheet no. 04, dated August 2024) shall be installed with a maximum 25% transparency/openings fixed to a minimum height of 1.7 metres above the finished floor level, to the reasonable satisfaction of Council.
- (8) The extended driveway crossovers to Murray Street shall be located a minimum of one metre from any existing non-trafficable street infrastructure including (but not limited to) water meters, light poles or stormwater pits and 1.5 metres from any street tree.
- (9) Prior to commencement of use, the widening of the access driveway between the property boundary and the kerb line must be constructed in accordance with the Council's Standards and Requirements for the Design, Construction and Development of Infrastructure Assets. The driveway must be sealed with an approved durable material such as concrete, bricks, pavers or asphalt and match into existing footpath and road verge levels, to the satisfaction of Council.
- (10) Prior to occupation of the dwelling herein approved, permanent obscure glazing to the 'ENS 1' window within 'Proposed Floor Plan' by Tony Wilson Building Design, drawing no. 1383.07.23, sheet no. 03, August 2024 shall be

installed to a minimum height of 1.5 metres above the finished floor level, to the reasonable satisfaction of Council.

Conditions imposed by Commissioner of Highways

- (11) All access to/from the development shall be gained in accordance with the Site Plan produced by Tony Wilson, Drawing No. 1383.07.23, Sheet 01 of 06, uploaded to the portal on 17/04/2025.
- (12) Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.
- (13) All vehicles shall enter and exit the site in a forward direction. All on-site vehicle manoeuvring areas shall remain clear of any impediments.
- (14) All off-street car parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2022.
- (15) Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

Advisory Notes

- (1) The applicant is reminded of the requirements of the Short Term Holiday Rental Accommodation Bill 2021 through the operation of the tourist accommodation use.
- (2) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- (3) This consent or approval will lapse at the expiration of two years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
- (4) Where an approved development has been substantially commenced within two years from the operative date of approval. The approval will then lapse three years from the operative date of the approval (unless the development has been substantially or fully completed within those three years, in which case the approval will not lapse).
- (5) Any variation of this approved development and/or the conditions of consent will require a separate request and approval by the relevant authority. Approval of this application does not necessarily imply that future requests for variations would be approved. Any future request will be assessed by having regard to the relevant rules and requirements in force at the time any request is lodged.

- (6) Any portion of Council's infrastructure damaged as a result of work undertaken within the development site or associated with the development shall be repaired/reinstated to Council's satisfaction at the developer's expense.
- (7) Appeal rights - General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- (8) The applicant is reminded of its general environmental duty, as required by Section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that the activities on the whole site including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
- (9) The applicant is advised that this consent does not permit anyone to clear, remove limbs or trim native vegetation. Any proposal to clear, remove limbs, or trim native vegetation will require approval or confirmation of exemption from the Native Vegetation Council. An interactive guide is available to help owners and others determine the requirements that apply under the *Native Vegetation Act 1991*, <https://www.environment.sa.gov.au/topics/native-vegetation/interactive-guide> . Any specific queries regarding the clearance, removal, or trimming of native vegetation should be directed to the South Australian Native Vegetation Council.

The applicant is advised that any proposal to clear, remove limbs or trim native vegetation should be undertaken after first notifying the Native Vegetation Council of intended works.

- (10) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the Environment Protection (Noise) Policy 2007, and such that any resulting noise is not considered a nuisance, to the satisfaction of Council, including any existing infrastructure.
- (11) You are advised that construction or alteration of any footpath, kerb, gutter or crossover on Council land will require a permit, under the *Local Government Act 1999* from Council's Works and Engineering Services. It is illegal to undertake work on Council land without permission.

If the existing entranceway (driveway cross-over) is to be removed it must be re-instated with kerb and gutter, including appropriate restoration of the footpath and verge, to Council's standard specification. Please contact Council's Works and Engineering Services to confirm the required standards.

Driveway cross-overs which affect a pedestrian footpath should maintain the level of the footpath or be consistent with the proposed footpath levels in instances where the footpath has not been constructed. When final Development Approval is applied for this should be shown on the plans.

Please note that construction is to be in accordance with the Disability Discrimination Act and relevant Australian Standards.

Further enquiries should be directed to the Works and Engineering team on 8563 8444.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Application and Associated Documentation
- Attachment 2 Representations Received
- Attachment 3 Applicants Response to Representations
- Attachment 4 Commissioner of Highways Referral Response

Development Locations

Location 1

Location reference

106-108 MURRAY ST TANUNDA SA 5352

Title Ref

CT 5598/927

Plan Parcel

F172193 AL742

Additional Location Information**Council**

THE BAROSSA COUNCIL

Zone Overlays

Zones

- Established Neighbourhood

Sub-zones

(None)

Overlays

- Prescribed Water Resources Area
- Traffic Generating Development
- Water Protection Area
- Character Preservation District
- Historic Area
- Hazards (Flooding - Evidence Required)
- Major Urban Transport Routes
- Native Vegetation

Variations

- Minimum Frontage (Minimum frontage for a detached dwelling is 15m; semi-detached dwelling is 12m; row dwelling is 10m; group dwelling is 25m; residential flat building is 25m)
- Minimum Site Area (Minimum site area for a detached dwelling is 500 sqm; semi-detached dwelling is 400 sqm; row dwelling is 350 sqm; group dwelling is 400 sqm; residential flat building is 400 sqm)
- Maximum Building Height (Levels) (Maximum building height is 1 level)

Application Contacts

Applicant(s)

Stakeholder info

Mr Tony Wilson

[REDACTED]

Stakeholder info

Ms Sharyn Cunningham

[REDACTED]

[REDACTED]

Contact

Stakeholder info

Mr Tony Wilson

[REDACTED]

Invoice Contact

Stakeholder info

Ms Sharyn Cunningham

[REDACTED]

Invoice sector type

Land owners

Stakeholder info

Ms Sharyn Cunningham

[REDACTED]

Nature Of Development

Nature of development

Bed and Breakfast Accommodation additions to rear of the existing building and storage shed to driveway side, rear of the existing building.

Development Details

Current Use

bed and breakfast accommodation

Proposed Use

bed and breakfast accommodation and shed

Development Cost

\$200,000.00

Proposed Development Details

Bed and Breakfast Accommodation additions to rear of the existing building and storage shed to driveway side, rear of the existing building.

Element Details

You have selected the following elements

Carport or garage - \$10,000.00

Dwelling alteration or addition - \$183,000.00

Deck - \$7,000.00

Alteration or addition

Please clarify the details of the alteration or addition:

Timber framed Bed and Breakfast additions to the rear of the existing building, including parking and a deck. With a steel framed shed to the driveway side of the proposed dwelling.

Septic/Sewer information submitted by applicant

Does this development require a septic system, i.e. septic tank and/or waste water disposal area?

Yes

Certificate of Title information submitted by applicant

Does the Certificate of Title (CT) have one or more constraints registered over the property?

No

Consent Details

Consent list:

- Planning Consent
- Building Consent

Have any of the required consents for this development already been granted using a different system?

No

Planning Consent

Apply Now?

Yes

Who should assess your planning consent?

Assessment panel/Assessment manager at The Barossa Council

If public notification is required for your planning consent, who would you like to erect the public notification sign on the land?

Applicant

Building Consent

Do you wish to have your building consent assessed in multiple stages?

No

Apply Now?

No

Consent Order

Recommended order of consent assessments

1. Planning Consent

Do you have a pre-lodgement agreement?

No

Declarations**Electricity Declaration**

In accordance with the requirements under Clause 6(1) of Schedule 8 of the Planning, Development and Infrastructure (General) Regulations 2017, the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996.

Native Vegetation Declaration

The proposed development will not or would not, involve the clearance of Native Vegetation under the Native Vegetation Act 1991, including any clearance that may occur in connection with a relevant access point and/or driveway, and/or within 10m of a building (other than a residential building or tourist accommodation), and/or within 20m of a dwelling or addition to an existing dwelling for fire prevention and control, and/or within 50m of residential or tourist accommodation in connection with a requirement under a relevant overlay to establish an asset protection zone in a bushfire prone area.

Submission Declaration

All documents attached to this application have been uploaded with the permission of the relevant rights holders. It has been acknowledged that copies of this application and supporting documentation may be provided to interested persons in accordance with the Act and Regulations.

Documents

Document	Document Type	Date Created
Cunningham Additions- Site Plan 3.01.pdf	Site Plans	25 Sep 2023 11:20 AM
Cunningham Additions- Existing Floor Plan 3.01. pdf	Floor Plans	25 Sep 2023 11:20 AM
Cunningham Additions- Proposed Floor Plan 3.01. pdf	Floor Plans	25 Sep 2023 11:20 AM
Cunningham Additions- North and East Elevations 3.01.pdf	Elevations	25 Sep 2023 11:20 AM
Cunningham Additions- South and West Elevations 3.01.pdf	Elevations	25 Sep 2023 11:20 AM
Cunningham Additions- Shed Plan and Elevations 3.01.pdf	Elevations	25 Sep 2023 11:20 AM

Application Created User and Date/Time**Created User**

anthgony.wilson

Created Date/Time

25 Sep 2023 11:20 AM

Tom Marshall

From: Tony Wilson <tonywilson19@bigpond.com>
Sent: Monday, 19 May 2025 3:03 PM
To: Tom Marshall
Subject: [EXTERNAL] RE: 23028267 - Site inspection - 106-108 Murray St Tanunda
Attachments: Cunningham Additions-Site Plan 12.01.pdf; Cunningham Additions-Existing Floor Plan 12.01.pdf; Cunningham Additions-Proposed Floor Plan 9.01.pdf; Cunningham Additions-East and West Elevations 12.01.pdf; Cunningham Additions-North and South Elevations 12.01.pdf

CAUTION: This Message originated outside your organization. Treat all attachments and hyperlinks with suspicion.

Hi Tom,
I spoke to Sharyn about the use of the parts of the building and the front (existing) will be used for Tourist accommodation and the rear (Additions) will be for private use.
Please find attached the amended drawings with the outbuilding (shed) removed.
Cheers
Tony

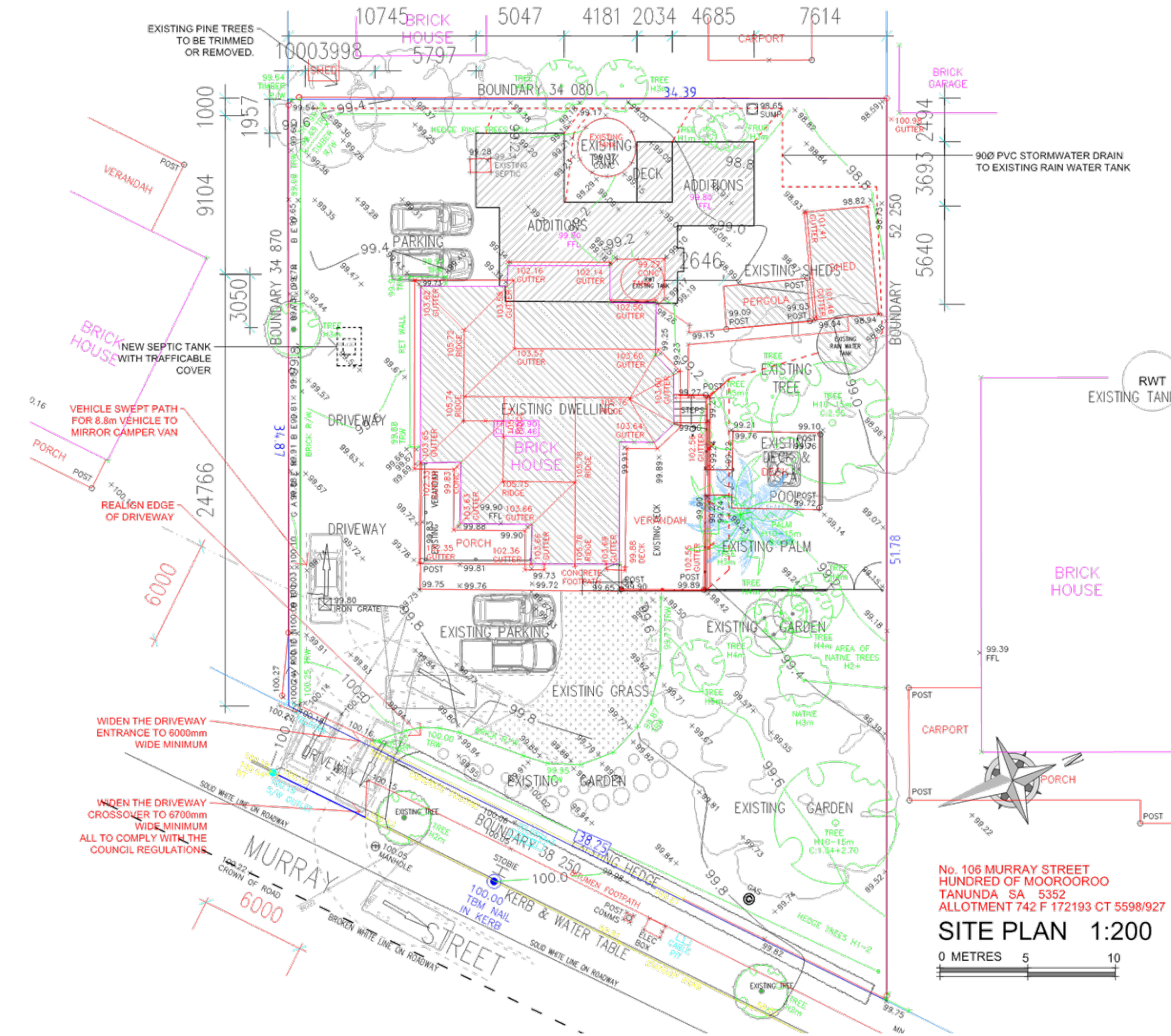
Tony Wilson

PO Box 55

Kapunda, S.A. 5373

Mb 0411 579 392

E: tonywilson19@bigpond.com



Do not scale off this drawing
contractors to verify all dimensions
on site before commencing construction
All written dimensions take preference
over scale.
All steel framing to comply with AS1538
All timber framing to comply with AS1684
All glass to comply with AS 1288
Smoke detectors to comply with AS3786

BRUSH FENCES
THERE ARE NO BRUSH FENCES WITHIN 3 METRES
OF THE BUILDING WORKS AS PER MINISTERS
SPECIFICATION SA76c

DWELLING IS IN AN AREA
OF RETICULATED GAS SUPPLY

HOT WATER SERVICE - EXISTING
RHEEM GLAS-QUICK RECOVERY
GAS HOT WATER SERVICE
HOT WATER SERVICE - EXISTING
GAS RATING 5, 3 STAR RATING (AAA)
OR EQUIVALENT

ABOVE GROUND 2000 LITRE (MINIMUM)
RAIN WATER TANK
CONNECT TO WC CISTERN

OVERFLOW FROM RAIN WATER TANK TO BE
CONNECTED TO THE EXISTING STORMWATER
DISPOSAL SYSTEM TO THE STREET WATER TABLE

MAINTAIN ALL STORMWATER CONNECTIONS.

ANY ALTERATION TO DOWNPIPES OR OTHER
STORMWATER DISPOSAL SYSTEMS SHOULD BE
REPAIRED OR REINSTATED TO MAINTAIN RUNOFF TO
RAIN WATER TANKS OR STREET WATER TABLES.

FLOOR AREAS

LIVING - ADDITIONS	97.74 m²
DECK	7.01 m²
PROPOSED SHED	36.39 m²
TOTAL	141.14 m²
ALLOTMENT	1484.52 m²

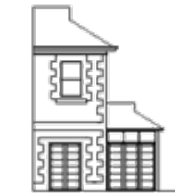
AMENDED FEB 24 - SURVEY PLAN

SHEET NO. 01 of 05

DRAWING NO. 1383.07.23

PROPOSED ADDITIONS
106 MURRAY STREET
TANUNDA SA 5352

Ms SHARYN CUNNINGHAM



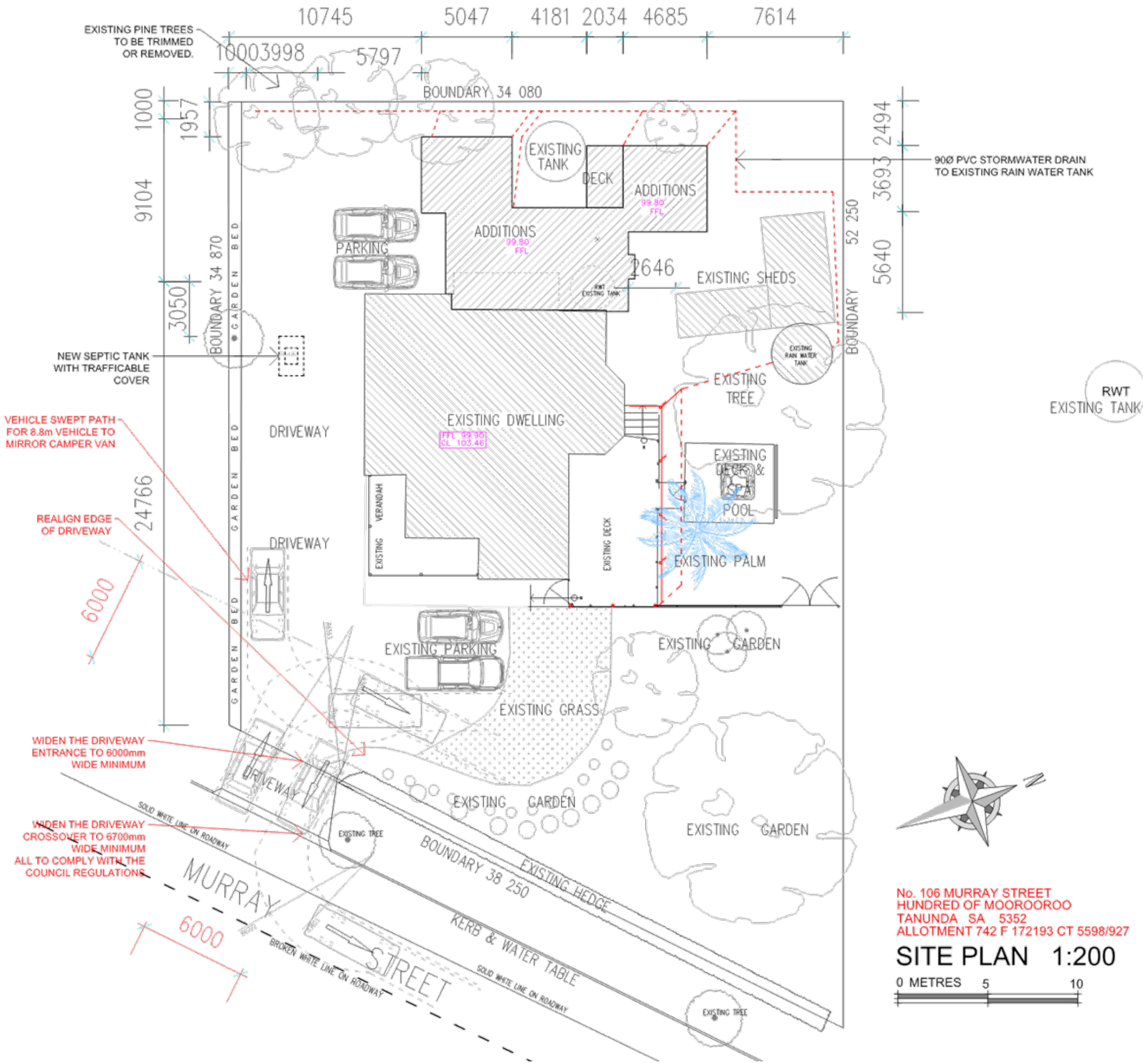
Tony Wilson
Design & Building

P.O. Box 55
Kapunda S.A. 5373
Ph 0411 579 392

No. 106 MURRAY STREET
HUNDRED OF MOOROOROO
TANUNDA SA 5352
ALLOTMENT 742 F 172193 CT 5598/927

SITE PLAN 1:200





Do not scale off this drawing
contractors to verify all dimensions
on site before commencing construction
All written dimensions take preference
over scale.
All steel framing to comply with AS1538
All timber framing to comply with AS1684
All glass to comply with AS 1288
Smoke detectors to comply with AS3786

BRUSH FENCES
THERE ARE NO BRUSH FENCES WITHIN 3 METRES
OF THE BUILDING WORKS AS PER MINISTERS
SPECIFICATION SA76c

DWELLING IS IN AN AREA
OF RETICULATED GAS SUPPLY

HOT WATER SERVICE - EXISTING
RHEEM GLAS-QUICK RECOVERY
GAS HOT WATER SERVICE
HOT WATER SERVICE - EXISTING
GAS RATING 5, 3 STAR RATING (AAA)
OR EQUIVALENT

ABOVE GROUND 2000 LITRE (MINIMUM)
RAIN WATER TANK
CONNECT TO WC CISTERN

OVERFLOW FROM RAIN WATER TANK TO BE
CONNECTED TO THE EXISTING STORMWATER
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FLOOR AREAS

LIVING - ADDITIONS	97.74 m²
DECK	7.01 m²
PROPOSED SHED	36.39 m²
TOTAL	141.14 m²
ALLOTMENT	1484.52 m²

AMENDED FEB 24 - SURVEY PLAN

SHEET NO. 01 of 05

DRAWING NO. 1383.07.23

PROPOSED ADDITIONS

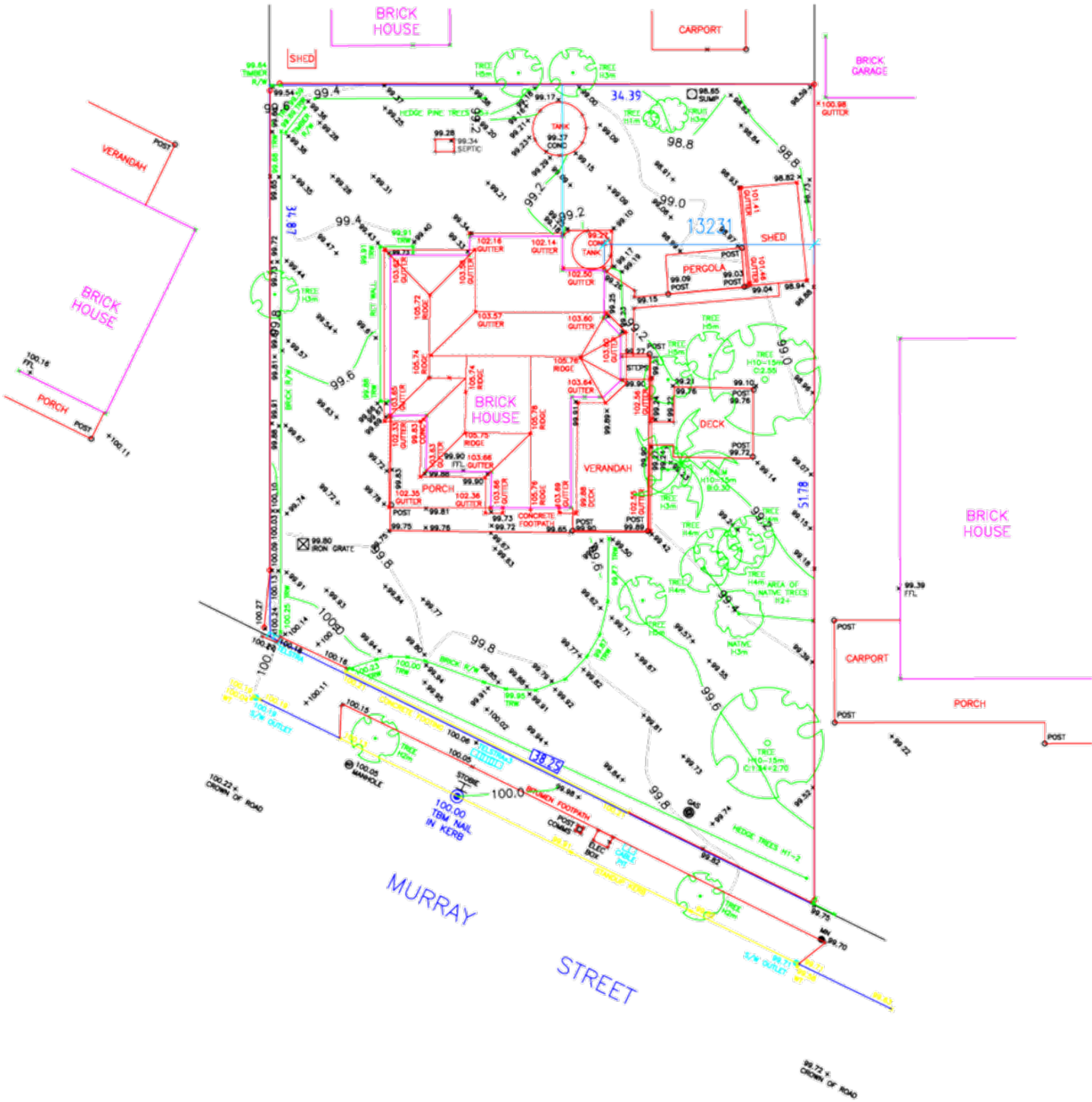
106 MURRAY STREET

TANUNDA SA 5352

Ms SHARYN CUNNINGHAM

Tony Wilson
Design . Building

P.O. Box 55
Kapunda S.A. 5373
Ph 0411 579 392



MATTSSON & MARTYN
SURVEYING & PLANNING CONSULTANTS

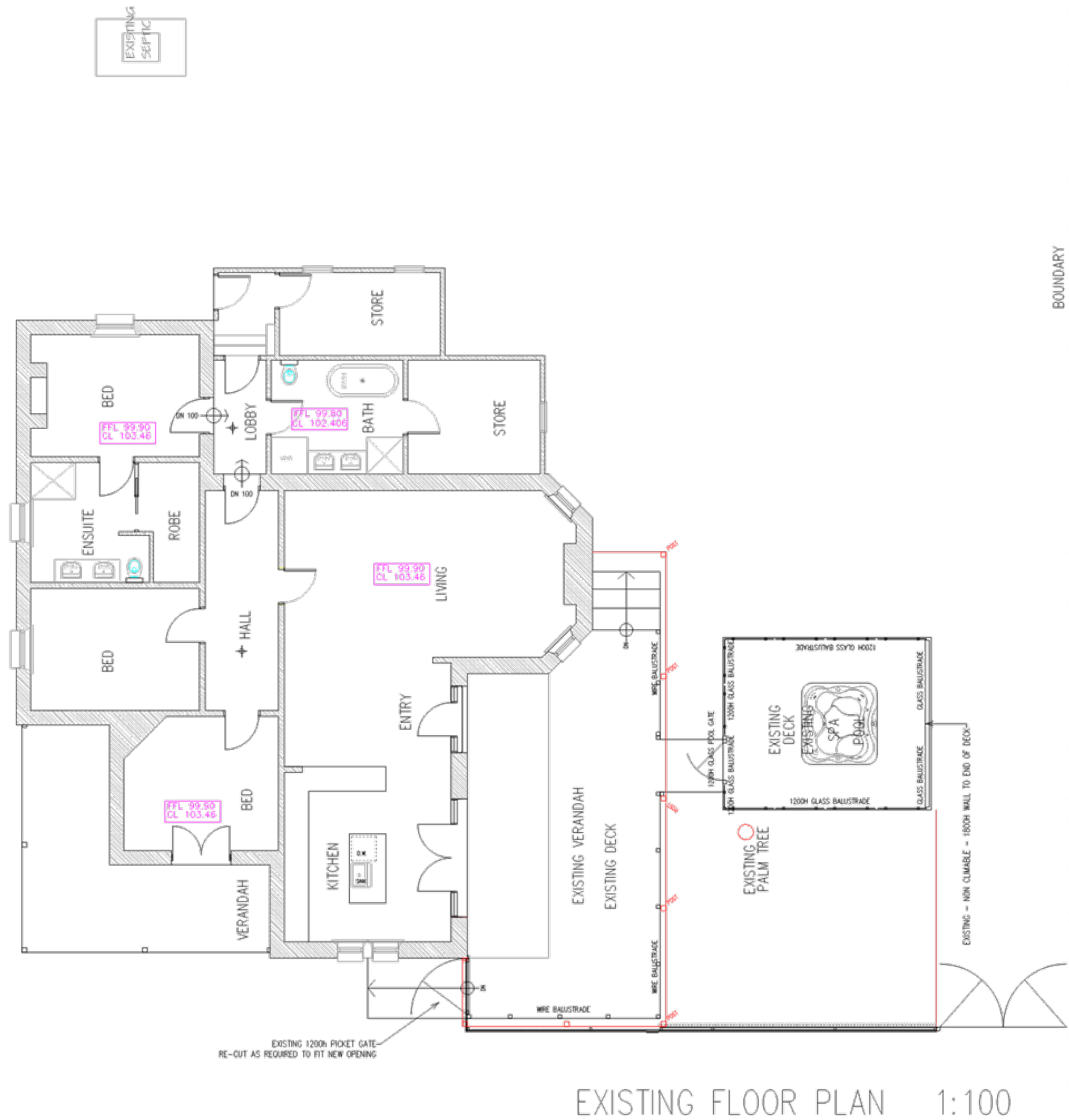
PO BOX 248 MARDEN SA 5070
PHONE: 0491 188 518
EMAIL: admin@mmsurvey.com.au
WEBSITE: mattssonmartyn.com.au

CONTOUR SURVEY SITE DETAILS:
**106-108 MURRAY STREET
TANUNDA**

THIS IS NOT A BOUNDARY SURVEY, THEREFORE THE RELATIONSHIP BETWEEN OCCUPATION & THE PLOTTED BOUNDARY IS INDICATIVE ONLY. WHILE EVERY PRECAUTION IS TAKEN BY MATTSSON & MARTYN TO ENSURE TREE POSITIONS & DIMENSIONS ARE SHOWN ACCURATELY, THESE MEASUREMENTS ARE ESTIMATES & SHOULD BE USED AS A GUIDE ONLY.

TREE DIMENSIONS ARE NOTED AS: H: TREE HEIGHT S: TREE CANOPY SPREAD
B: TRUNK DIAMETER C: TRUNK CIRCUMFERENCE

PROJECT REF: 18407/11/23	DATE DRAWN: 15/12/23	DRAWN BY: SA	A2
TBM: NAIL IN STANDUP KERB RL 100.00		CONTOUR INTERVAL: 0.200	
TEMPORARY BENCH MARK	CABLE PIT	GI FENCE	BRUSH FENCE
STOBIE	PIN/SPIKE/NAIL	TF FENCE	RETAINING WALL
WATER METER	PEG FOUND		
SEWER IP	PSM		
ELECTRICITY	GAS		
		0 2 4 6 8 10	
		SCALE: 1:200	m



Do not scale off this drawing
contractors to verify all dimensions
on site before commencing construction
All written dimensions take preference
over scale.
All steel framing to comply with AS1538
All timber framing to comply with AS1684
All glass to comply with AS 1288
Smoke detectors to comply with AS3786

AREAS	
PROPOSED VERANDAH	48.21 m ²
ALOTMENT	676.30 m ²

TEAM POLY RAIN WATER TANK
2570Ø x 2300h ON COMPACTED BASE
CONNECT TO DWELLING TO WC CISTERN

CHEMICAL TERMITE BARRIERS TO ALL
NEW AND AFFECTED WORKS TO COMPLY
WITH AS 3660.1-1995

ALL PAINTING TO OWNERS SELECTION

DWELLING IS NOT IN AN AREA
OF RETICULATED GAS SUPPLY

HWS "RINNAI INFINITY"
GAS RATING 5, 3 STAR RATING (AAA)
OR EQUIVALENT

BRUSH FENCES
THERE ARE NO BRUSH FENCES WITHIN 3
METRES OF THE BUILDING WORKS AS PER
MINISTERS SPECIFICATION SA76c

ALL DEMOLITION TO COMPLY WITH AS 2601-1991

AMENDED FEB 24 - SURVEY PLAN

SHEET NO. 02 of 05

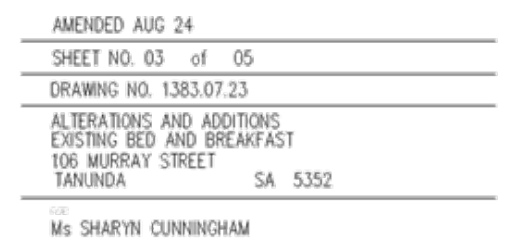
DRAWING NO. 1383.07.23

ALTERATIONS AND ADDITIONS
106 MURRAY STREET
TANUNDA SA 5352

Ms SHARYN CUNNINGHAM

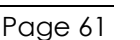
Tony Wilson
Design . Building

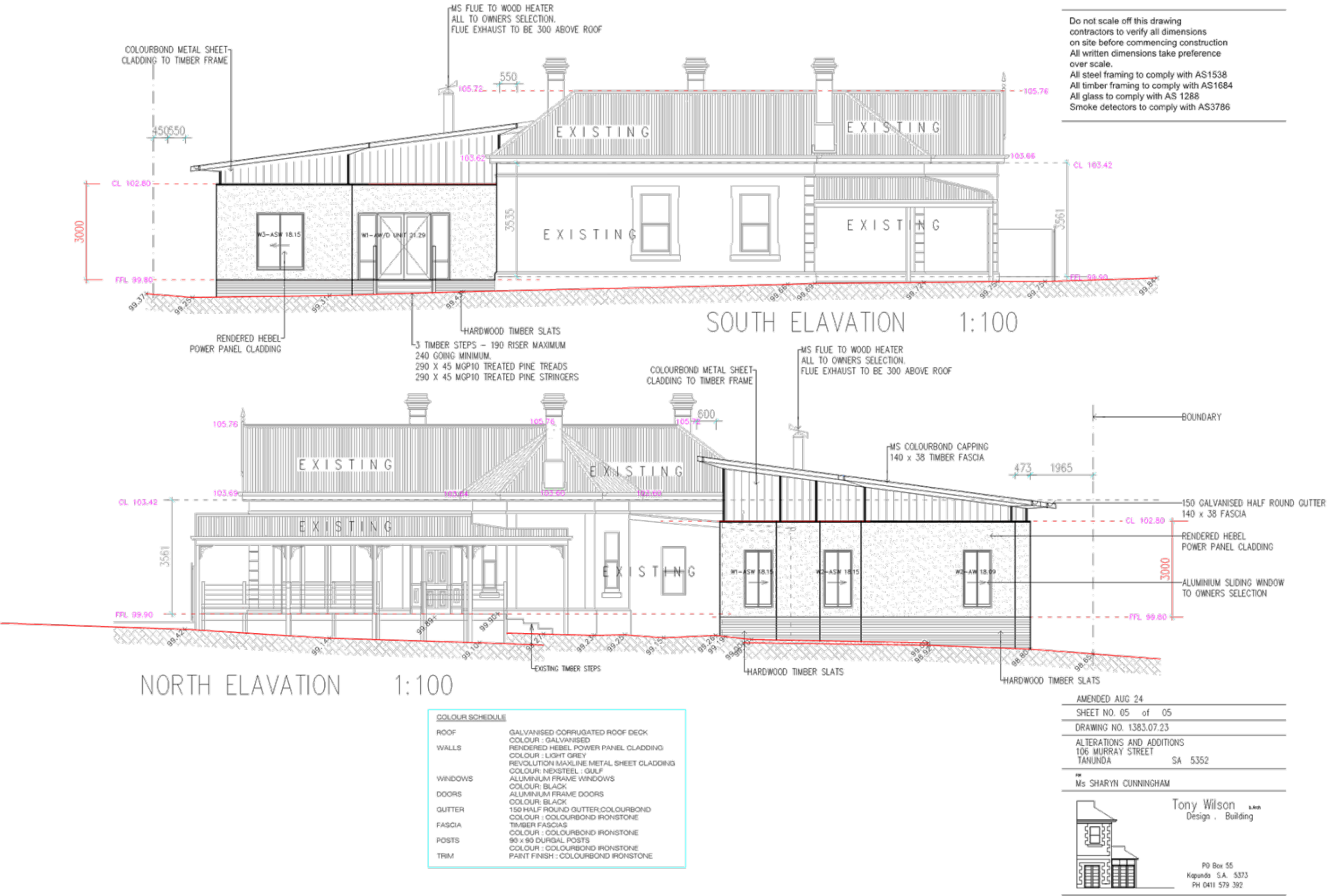
P.O. Box 55
Kapunda S.A. 5373
PH 0411 579 392



PROPOSED FLOOR PLAN 1:100







Details of Representations

Application Summary

Application ID	23028267
Proposal	Change of use to tourist accommodation involving the construction of building additions/alterations, decking and an outbuilding (measuring 4m x 9.1m x 3.25m wall height)
Location	106-108 MURRAY ST TANUNDA SA 5352

Representations

Representor 1 - Emma Hiscock

Name	Emma Hiscock
Address	
Submission Date	24/03/2025 07:16 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

The specific reasons we believe that consent should be refused are: We have serious concerns that the change of use to tourist accommodation will result in increased nuisance noise levels that will have a direct negative impact on the residents. These concerns are outlined as follows. Change of use to tourist accommodation • Does the change in use apply to the whole site? • Please confirm the definition of the term tourist accommodation and maximum length in duration of stay. • If the change in use applies to the whole site, we seek confirmation that there will be no long-term accommodation or permanent residency. • If it does not apply to the whole site, the maximum of 10 people includes both long term and short-term accommodation. Submitted plans • The submitted plans indicate a second self-contained dwelling is being built at the rear of the existing property. The plans show two bedrooms, two bathrooms, living area, meal area, and kitchen. • Are the owners planning to continue to offer one half of the building as tourist accommodation and the other half for long-term accommodation or permanent residence? • Is the intent for the dwelling to be let to a single group or multiple groups of persons? • If the dwelling is to be let to a single group, there are concerns over the nuisance noise levels. • If the dwelling is to be let to multiple groups, concerns over nuisance noise levels remain however, multiple groups will result in a significant increase in noise levels. Noise concerns and minimisation • To help minimise nuisance noise concerns and any negative impact, we request that if Barossa Council approves this development, compliance with the 'Short term rental holiday accommodation Bill 2021' is to be adhered to. Drawing attention to the occupant's responsibility as per part 2, section 4 'code of conduct' and section 5 'observance of code of conduct-implied term of short-term holiday rental accommodation arrangements'. • A curfew range on nuisance noise levels (ie no nuisance noise) to be applied and enforced as follows: 2100-0800hrs (9pm to 8am) Sunday to Thursday, and 2230-0800hrs (10.30pm to 8am) Friday and Saturday. • In addition to the nuisance noise curfew, the fence between 106-108 Murray Street and 1 Sobels Street will need to be replaced with a good neighbourhood fence. This is to be in keeping with the surrounding fencing, and the height increased significantly to at least 2000mm (2 meters), from the highest point of land, to allow for privacy and to assist with minimising noise levels. Replacement of the fence will be at the cost of the

Attachment 2

owners at 106-108 Murray Street. • Finally, the slated screen on the proposed new deck is to be replaced with a solid screen from floor to roof as part of the noise minimisation plan. Stormwater • If Council approves this development, the designs and works need to ensure that all stormwater runoff is directed to the 'kerb and water table' located in Murray Street and prevented from entering the adjacent properties. Application submitted by Ms Emma Hiscock (owner) on behalf of the property owners at [REDACTED] [REDACTED] [REDACTED] – Mrs Ruth McIntyre [REDACTED] – Mr Jason Nicholas [REDACTED] – Mr Elliott and Mrs Dawn Nuttall [REDACTED] Ms Michelle Othams [REDACTED] Ms Emma Hiscock Thank you for considering our submission. We look forward to hearing from you.

Attached Documents

FINAL_Representation-on-Application_Emma_Hiscock-1485412.pdf

REPRESENTATION ON APPLICATION

Planning, Development and Infrastructure Act 2016

Applicant:	Mr Tony Wilson and Ms Sharyn Cunningham
Development Number:	23028267
Nature of Development:	Change of use to tourist accommodation involving the construction of building additions/alterations, decking and an outbuilding (measuring 4m x 9.1m x 3.25m wall height)
Zone/Sub-zone/Overlay:	Established Neighbourhood, Zone ID Z1506 as per SAPPA link SAPPA the South Australian Property and Planning Atlas
Subject Land:	106-108 Murray Street, Tanunda, 5352. <i>Title CT5598/927, no other details provided on application site [lot number, plan number, certificate of title number, volume & folio]</i>
Contact Officer:	Assessment panel/ assessment manager at The Barossa Council <i>[relevant authority name]</i>
Phone Number:	08 8563 8444]
Close Date:	28 th March 2025

My name*: Ms Emma Hiscock	My phone number: [REDACTED]
My postal address*: [REDACTED]	My email: [REDACTED]

* Indicates mandatory information

My position is:	☐ I support the development ☐ I support the development with some concerns (detail below) ☒ I oppose the development
Application submitted by Ms Emma Hiscock (owner) on behalf of the property owners at [REDACTED] Tanunda [REDACTED] Mrs Ruth McIntyre [REDACTED] Mr Jason Nicholas [REDACTED] Mr Elliott and Mrs Dawn Nuttall [REDACTED] Ms Michelle Othams [REDACTED] Ms Emma Hiscock	



Government of South Australia
 Department for Trade
 and Investment

The specific reasons we believe that consent should be refused are:

We have serious concerns that the change of use to tourist accommodation will result in increased nuisance noise levels that will have a direct negative impact on the residents. These concerns are outlined as follows.

Change of use to tourist accommodation

- Does the change in use apply to the whole site?*
- Please confirm the definition of the term tourist accommodation and maximum length in duration of stay.*
- If the change in use applies to the whole site, we seek confirmation that there will be no long-term accommodation or permanent residency.*
- If it does not apply to the whole site, the maximum of 10 people includes both long term and short-term accommodation.*

Submitted plans

- The submitted plans indicate a second self-contained dwelling is being built at the rear of the existing property. The plans show two bedrooms, two bathrooms, living area, meal area, and kitchen.*
- Are the owners planning to continue to offer one half of the building as tourist accommodation and the other half for long-term accommodation or permanent residence?*
- Is the intent for the dwelling to be let to a single group or multiple groups of persons?*
- If the dwelling is to be let to a single group, there are concerns over the nuisance noise levels.*
- If the dwelling is to be let to multiple groups, concerns over nuisance noise levels remain however, multiple groups will result in a significant increase in noise levels.*

Noise concerns and minimisation

- To help minimise nuisance noise concerns and any negative impact, we request that if Barossa Council approves this development, compliance with the 'Short term rental holiday accommodation Bill 2021' is to be adhered to. Drawing attention to the occupant's responsibility as per part 2, section 4 'code of conduct' and section 5 'observance of code of conduct-implied term of short-term holiday rental accommodation arrangements'.*
- A curfew range on nuisance noise levels (ie no nuisance noise) to be applied and enforced as follows: 2100-0800hrs (9pm to 8am) Sunday to Thursday, and 2230-0800hrs (10.30pm to 8am) Friday and Saturday.*
- In addition to the nuisance noise curfew, the fence between 106-108 Murray Street and 1 Sobels Street will need to be replaced with a good neighbourhood fence. This is to be in keeping with the surrounding fencing, and the height increased significantly to at least 2000mm (2 meters), from the highest point of*

land, to allow for privacy and to assist with minimising noise levels. Replacement of the fence will be at the cost of the owners at 106-108 Murray Street.

- Finally, the slated screen on the proposed new deck is to be replaced with a solid screen from floor to roof as part of the noise minimisation plan.

Stormwater

- If Council approves this development, the designs and works need to ensure that all stormwater runoff is directed to the 'kerb and water table' located in Murray Street and prevented from entering the adjacent properties.

Thank you for considering our submission. We look forward to hearing from you.

[attach additional pages as needed]

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why consent should be granted or refused; and
- comment only on the performance-based elements (or aspects) of the proposal, which does not include the:
 - Outbuilding (proposed shed) [list any accepted or deemed-to-satisfy elements of the development].

I: ☒ wish to be heard in support of my submission*
☐ do not wish to be heard in support of my submission

By: ☒ appearing personally
☒ being represented by the following person: Mr Elliott and Mrs Dawn Nuttall

*You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission

Signature: Ms Emma Hiscock



Date: 24th March 2025

Return Address: [redacted] [relevant authority postal address] or

Email: [redacted] [relevant authority email address] or

Complete online submission: plan.sa.gov.au/have_your_say/notified_developments

Representations

Representor 2 - Jarome Graetz

Name	Jarome Graetz
Address	
Submission Date	28/03/2025 10:37 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

We do not support the development unless the following stormwater and privacy concerns are addressed and implemented: There is a long term and ongoing issue with stormwater from the property (106-108 Murray St) entering the northern neighbouring property and affecting subsequent properties to the west (due to natural fall of the land). There have been some improvements made to the stormwater in recent years, but the stormwater collection and disposal is not effective and negatively impacts the neighbours' property and assets. Any approved developments must include an upgraded and sufficiently engineered stormwater controlled system where all roof gutters and downpipes are plumbed into the stormwater disposal system, and the disposal system correctly sized, proven, witnessed and signed off. Landscaping must ensure that any natural run off is intercepted, collected and disposed to the street water table. The proposed plans show an "Existing Rain Water Tank" on the northern boundary, but there is no existing tank in this location. If a tank is going to be located in this area, the dimensions and exact location of this tank needs to be confirmed and shared with the neighbours before approval is provided. The windows of the living room and bedroom 2 of the proposed development look directly into the neighbour's backyard and swimming pool area. A sufficient privacy screen must be included to provide privacy to the neighbour's swimming area, from the B&B's guests. The colour, configuration and material of the privacy screen to be approved by the northern neighbour prior to development approval. We opposed the proposed wood heater and insist it be replaced with a gas heater, as there is a history of the existing wood heater causing a smoke nuisance to the neighbours, assumed to be guests not knowing how to effectively operate the wood heater.

Attached Documents

20221113_171635-1486870.jpg

20221113_171641-1486871.jpg

20221113_171007-1486872.jpg





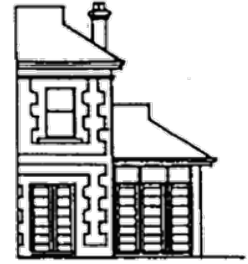


**TONY WILSON
BUILDING DESIGN**

P.O.Box 55
Kapunda S.A. 5373

Mb: 0411 579 392

Email: tonywilson19@bigpond.com.au



Barossa Council
PO Box 867
Tanunda SA 5355
Attention Tom Marshall

27th February 2025

**RE Additions to bed and breakfast
106-108 Murray Street, Tanunda SA 5352
ID 23028267**

Dear Tom,

Response to Representations

Development Application 23028267 – 106–108 Murray Street, Tanunda

Applicant: Mr Ray Winter and Ms Sharyn Cunningham

Prepared by: Tony Wilson (Draftsman), on behalf of the property owners

Lodged under: *Planning, Development and Infrastructure Act 2016 (SA)*

Thank you for the opportunity to respond to public representations received in relation to Development Application 23028267, concerning the proposed **change of use to tourist accommodation**, together with **additions/alterations, decking, and an outbuilding** at 106–108 Murray Street, Tanunda.

This response addresses the concerns raised by neighbouring properties and outlines how the development aligns with the *Planning and Design Code* and relevant legislation under the *Planning, Development and Infrastructure Act 2016 (SA)*.

1. Land Use – Change of Use to Tourist Accommodation

The property has been used as **short-term visitor accommodation** (bed and breakfast) for over four years. The current application seeks to **formalise this use** under the appropriate planning pathway.

Relevant Provisions:

- Within the *Established Neighbourhood Zone*, the *Planning and Design Code* supports low-scale tourist accommodation that complements existing residential character and contributes to local tourism.

The proposed addition is a **self-contained unit** that allows for flexible use—either for guest accommodation or for **occupation by the property owners**. As the lawful owners, Mr Ray

Winter and Ms Sharyn Cunningham retain the **unrestricted right to reside at the property** at any time, whether permanently or intermittently.

No permanent tenancy arrangements or long-term leasing of the entire site are proposed.

2. Noise and Amenity Impacts

Concerns were raised about potential increases in noise associated with short-term visitors.

Response:

- The property has operated as short-term accommodation for **over four years without any recorded noise complaints**.
- Noise is regulated under the *Local Nuisance and Litter Control Act 2016 (SA)*, which provides recourse for any legitimate disturbances.
- Nonetheless, in the interest of maintaining a peaceful neighbourhood, guests will be **formally advised of quiet hours**:
 - **Sunday to Thursday: 10:30pm – 8:00am**
 - **Friday and Saturday: 12:30pm – 8:00am**
- These guidelines will be included in booking confirmations and displayed in the accommodation.
- numbers of visitors staying at any one time will be limited to 6 maximum

3. Fencing and Privacy

Concerns were raised by the owners of 1 Sobels Street regarding potential privacy issues and fencing height.

Response:

- The existing boundary is already fenced with a **1.5m good neighbour fence**, which meets standard requirements under the *Fences Act 1975 (SA)*. Plantings on the property also provide screenings.
- The owners are **open to replacing the fence with a 2m high good neighbour fence**, subject to mutual agreement and shared cost, as per legislation.
- The new rear deck is located near the centre of the property and screened by fencing and existing vegetation. Additional fencing, as proposed, would provide enhanced privacy.

4. Stormwater Management

Stormwater concerns were raised by neighbouring residents, particularly regarding runoff to northern and western properties.

Response:

- All new roof areas and hard surfaces will be connected to a compliant **stormwater drainage system**.
- The system will be designed in line with:
 - *Ministerial Building Standard MBS 010*;
 - The *Stormwater Management Overlay* in the *Planning and Design Code*; and
 - Council's engineering requirements.
- Water will be **discharged to the street kerb in Murray Street**, avoiding any impact on adjoining land.

It is noted that the neighbouring property to the north appears to have limited or no guttering, which may also contribute to localised pooling of stormwater.

5. Privacy – Window Placement

Concerns were raised that the new development may overlook neighbouring backyards.

Response:

- Bedroom 2 in the new addition opens into a **private landscaped courtyard**, fully enclosed within the property.
- The existing fence and proposed vegetation eliminate any direct line of sight to neighbouring properties.
- There are **no upper-storey elements**, and all windows comply with the *Design in Urban Areas – Privacy* provisions of the *Planning and Design Code*.

6. Wood Heater

One representor objected to the existing wood heater due to previous smoke concerns.

Response:

- The fireplace is an **original built-in feature** of the house and a significant part of the property's character. It is rarely used due to the house being centrally heated.
- When a fire has been requested (for ambience), it has been prepared by the owners in advance to ensure safe and efficient operation.
- The external fire pit has seen **very limited use** and has not resulted in any official complaint.
- Solid fuel appliances are regulated under the *Environment Protection (Air Quality) Policy 2016*.
- The owners remain committed to minimising any potential for nuisance.

7. Rainwater Tank

One representor questioned the existence of a rainwater tank on the northern boundary.

Clarification:

- The concrete tank shown on plans is an **existing structure**, and has been in place for many years.
- It is considered part of the historic character of the site and will **remain in its current position**. No new tank is proposed in this location.

Summary and Commitment

The proposed development:

- Aligns with the objectives and performance outcomes of the *Planning and Design Code*;
- Formalises an existing use that has operated without issue for several years;
- Is designed to minimise impacts on adjoining residents through appropriate setbacks, screening, and noise mitigation; and
- Complies with all stormwater and amenity-related obligations.

The owners are committed to **responsible management**, neighbourly conduct, and full compliance with all relevant legislation.

Kind regards,



Tony Wilson

Building Design

On behalf of the property owners:

Mr Tony Wilson & Ms Sharyn Cunningham

[Email]

[Phone]

Response to Representations

Development Application 23028267 – 106–108 Murray Street, Tanunda

Applicant: Mr Tony Wilson and Ms Sharyn Cunningham

Respondents: Ms Sharyn Cunningham and Ray Winter (Property Owners)

Dear Assessment Manager,

Thank you for the opportunity to respond to the representations received regarding our development application for 106–108 Murray Street, Tanunda.

I appreciate the feedback from neighbouring property owners and would like to address the concerns raised, clarify our intentions, and outline the measures we are taking to minimise any potential impacts.

1. Use of the Property – Tourist Accommodation

The property has operated as **short-term visitor accommodation** for the past four years. The current application seeks to **formalise this existing use** and provide improved management of the accommodation by introducing an onsite manager.

Under the *Planning and Design Code*, short-term visitor accommodation is **envisaged within the Established Neighbourhood Zone** where it:

- complements existing character and land use patterns;
- supports local tourism; and
- does not unreasonably impact residential amenity.
- numbers of guests staying will be limited to 6 maximum

We confirm that the use is for **tourist accommodation only**, defined by Council as stays of **less than 3 months**.

- As the owner, I retain the legal right to occupy the premises if required, but there is **no intention to offer permanent rentals** to others.
-

2. Noise and Guest Behaviour

We are committed to maintaining a peaceful environment and have operated without any **noise complaints** during the past four years.

The *Local Nuisance and Litter Control Act 2016 (SA)* governs nuisance noise and provides mechanisms for neighbours to address legitimate disturbances.

To support neighbour concerns and maintain good relationships, we will implement the following:

- Guests will be advised in writing of a **quiet time curfew**:
 - **Sunday to Thursday: 10:30pm–8:00am**
 - **Friday and Saturday: 12:30pm–8:00am**
 - We will include guest expectations in the booking confirmation and guest handbook to ensure understanding and compliance.
 - The proposed **onsite manager's presence** will ensure compliance and provide immediate intervention in the unlikely event of disturbance.
-

3. Fencing and Privacy

I acknowledge the concerns around noise and privacy. To address these:

- I am agreeable to installing a **"good neighbour" fence** along the shared boundary with 1 Sobels Street.
 - In line with **government fencing regulations**, I propose costs be **shared equally** with the adjoining owners.
 - A fence height of **up to 2 metres** can be explored, subject to Council approval.
 - The deck on the addition is located in a **private section of the yard**, already screened by fencing. Further solid screening is not considered necessary, but can be discussed if required.
-

4. Stormwater Management

Stormwater runoff from the site will be **professionally managed** in accordance with Council regulations:

- All new and existing roof areas will be connected to a **compliant stormwater disposal system**, directed to the **Murray Street kerb and water table**.
- Landscaping will be designed to ensure **natural runoff is captured and redirected**, preventing any flow onto neighbouring properties.

Regarding the concerns about an "existing" tank:

- The **concrete tank** referenced is an existing, solid structure that has been on the property for many years. It is not a new addition and will **remain in its current location**.
-

5. Privacy Screening

The proposed windows and openings are designed to:

- Face into **private landscaped areas** within our property.
- Be **screened by existing and proposed fencing and plantings**.
- Avoid direct line-of-sight into neighbouring properties or pool areas.

Should Council recommend additional screening, we are happy to explore suitable options in consultation with neighbours, provided they are reasonable and consistent with the development's character.

6. Wood Heater

The existing wood fireplace is an original feature of the house and has not caused any reported nuisance in the four years of guest use.

- To minimise any risk of smoke nuisance, the fireplace is **set and prepared by us prior to guest arrival**.
 - External use (e.g. fire pit) has been rare—used no more than twice in the past year—making any long-term issue unlikely.
-

Summary

We take our responsibilities as both owners and neighbours seriously. This development reflects our commitment to improving the property and guest experience while maintaining respect for the community around us.

We hope that this response provides reassurance that we are acting in good faith and within all relevant planning and compliance frameworks.

Thank you for your consideration. I am happy to speak further at the hearing or provide any additional information required.

Warm regards,

Ms Sharyn Cunningham and Ray Winter

Owners – 106–108 Murray Street, Tanunda

[REDACTED]

[REDACTED]

Phone: [REDACTED]

[REDACTED]

Tony Wilson (Draftsman)

Tonywilson19@bigpond.com

Referral Snapshot

Development Application number:
23028267

Consent:
Planning Consent

Relevant authority:
The Barossa Council

Consent type for distribution:

Referral body:
Commissioner of Highways

Response type:
Schedule 9 (3)(7) Development Affecting Transport Routes and Corridors

Referral type:
Direction

Response date:
14 May 2025

Advice:
With comments, conditions and/or notes

Condition 1

All access to/from the development shall be gained in accordance with the Site Plan produced by Tony Wilson, Drawing No. 1383.07.23, Sheet 01 of 06, uploaded to the portal on 17/04/2025.

Condition 2

Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in *AS/NZS 2890.1:2004*, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.

Condition 3

All vehicles shall enter and exit the site in a forward direction. All on-site vehicle manoeuvring areas shall remain clear of any impediments.

Condition 4

All off-street car parking shall be designed in accordance with *AS/NZS 2890.1:2004* and *AS/NZS 2890.6:2022*.

Condition 5

Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

7. REPORTS – REVIEW OF ASSESSMENT MANAGER DECISIONS (PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016)

Nil.

8. REPORTS – PANEL UPDATES

Nil.

9. REPORTS – OTHER BUSINESS

9.1 The Barossa Assessment Panel Operating and Meeting Procedures

INTRODUCTION

Section 18 of the *Planning, Development and Infrastructure (General) Regulations 2017* outlines that except insofar as a procedure is prescribed by the Act or these Regulations, the procedures of an Assessment Panel in relation to the conduct of its business will be as determined by the Assessment Panel.

The Operating Procedures were last amended by the Panel on 6 June 2023. A copy of the Operating Procedures is contained in **Attachment 1**.

The members of the previous two terms of the Panel have provided feedback in relation to their experience working with the Operating and Meeting Procedures. A report was presented to the Panel for discussion at the BAP meeting on 4 October 2022 and a further report was presented to the BAP on 6 June 2023.

A copy of the two reports are contained in **Attachments 2 and 3** respectively.

This report briefly discusses some observations of working with the current Operating and Meeting Procedures and seeks to promote discussion and feedback from members to inform possible amendments to the Operating Procedures as part of overall business improvement and good governance.

It should also be noted that the Operating and Meeting Procedures can be amended by the BAP from time to time.

DISCUSSION

The Operating and Meeting Procedures have largely been successful in promoting good governance and meeting procedures for the Panel. Improvements made to the Operating Procedures over the past two terms of the Panel have also improved the operations of the Panel. The changes made to the Operating Procedures are referenced in the two previous reports referred above.

Recent experience working with the Operating Procedures has identified some possible areas for review and these are summarised as follows:

- A Deputy Presiding Member is presently not required to be appointed as a standing member under the Operating and Meeting Procedures. It is considered that introduction of a new clause that requires the appointment of a standing Deputy Presiding Member is a good idea to enable a clear mandate for the appointed standing member to act as the Presiding Member in the case of an apology by the Presiding Member. The current clause 2.12 requires that an Acting Presiding Member be appointed for the meeting. The limitation of not having a standing Acting Presiding Member is that it then creates uncertainty which member should fulfill the role of Acting Presiding Member prior to and at the commencement of the meeting.
- Updates to relevant position titles, for example Clause 17.3, reference to Director – Development and Environmental Services should be amended to Director – Development and Community Services.

- In Clause 10.1, the Panel may allow a representor an opportunity to appear personally before the Panel. It may be prudent to qualify the delegation to determine that this discretion will be afforded to any representor that requests to be heard. In practice, this is what presently occurs in that any representor of a development application that has requested to be heard will be afforded the opportunity to present to the Panel, notwithstanding that Regulation 50(5) does not automatically grant this right but rather provides that the Panel may afford such opportunity at its discretion.
- Meetings are now being live recorded as per the Condition of Appointment of members to the BAP. The Operating and Meeting Procedures are recommended to be amended to acknowledge this procedure and include a new clause that requires the live recording to be mentioned at the commencement of the meeting and in relation to cessation of the live recording in event of a confidential item.

CONCLUSION

This information report has been presented to identify possible areas for amendment to the Operating and Meeting Procedures of the BAP. It is proposed that feedback received from the BAP will be considered and following consultation with Governance Services, will be incorporated into a draft amended version of the Operating and Meeting Procedures for decision at a subsequent BAP meeting.

RECOMMENDATION

That the report be received.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1	Barossa Assessment Panel Operating and Meeting Procedures
Attachment 2	Operating and Meeting Procedures - Report presented to the 4 October 2022 Barossa Assessment Panel
Attachment 3	Review of the Barossa Assessment Panel Operating and Meeting Procedures - Report presented to the 6 June 2023 Panel Meeting

BAROSSA ASSESSMENT PANEL OPERATING AND MEETING PROCEDURES



Document Owner:	The Barossa Council	Previous Approval	07/06/2022
Document Control Officer:	DDES	Current Approval Date:	06/06/2023
HPE Content Manager	CD/23/18	Next Review Date:	06/06/2027

1. APPLICATION

- 1.1. These Operating and Meeting Procedures apply to the Barossa Assessment Panel ("the Panel") established under section 83 of the *Planning, Development and Infrastructure Act 2016* ("the PDI Act") and having regard to the Terms of Reference for the Panel as adopted by the Council.
- 1.2. The Panel is a relevant authority pursuant to section 93 of the PDI Act.
- 1.3. The following principles should be applied with respect to the procedures to be observed at a Panel meeting:
 - 1.3.1. procedures should be fair and contribute to open, transparent and informed decision-making;
 - 1.3.2. procedures should encourage appropriate community participation as may be required under the PDI Act and the *Planning, Development and Infrastructure (General) Regulations 2017* ("the PDI Regulations");
 - 1.3.3. procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
 - 1.3.4. procedures should be sufficiently certain to give applicants, representors and the general community confidence in the deliberations at the meeting.
- 1.4. Interactions between Members of the Panel, the public, Council staff and elected Members of the Council are to be courteous and respectful.

2. MEETING NOTICE, TIMES AND VENUE

- 2.1. Scheduled meetings of the Panel will be held on the first Tuesday of each month (excluding the first Tuesday meeting in January) at 5pm, in person at the Council Offices, 43-51 Tanunda Road, Nuriootpa, or via online platform,

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electronic or other means as determined by the Panel in consultation with the Assessment Manager unless there are no matters to be considered.

- 2.2. For the sake of clarity, if an in person meeting is convened, then individual Panel members may, with the prior permission of the Presiding Member, attend the meeting via online platform, electronic or other means.
- 2.3. Written notice of a meeting of the Panel must be given to each member of the Panel by the Assessment Manager at least three (3) business days before the date of the meeting.
- 2.4. The notice must set out the date, time and place of the meeting or, alternatively, long-in or other details for a meeting held via online platform, electronic or other means, and contain or be accompanied by the agenda for the meeting. The notice may be given to a Member of the Panel:
 - 2.4.1. personally; or
 - 2.4.2. by delivering the notice (whether by post or otherwise) to the usual place of residence of the Member or to another place authorised in writing by the Member; or
 - 2.4.3. by leaving the notice for the Member at an appropriate place at the principal office of the Council, if authorised in writing by the Member to do so; or
 - 2.4.4. by a means authorised in writing by the Member as being an available means of giving notice (e.g. email or facsimile transmission).
- 2.5. A notice that is not given in accordance with clause 2.4 of this document is taken to have been validly given if the Assessment Manager considers it impracticable to give the notice in accordance with that clause and takes action the Assessment Manager considers reasonably practicable in the circumstances to bring the notice to the attention of the Member.
- 2.6. Special meetings (being additional meetings or alternative meetings) of the Panel may be required in special circumstances to expedite decisions on applications before the Panel, and will be called at the discretion of the Presiding Member in consultation with the Assessment Manager. Members of the Panel, applicants, representors and the public shall be given five (5) clear business days' notice of a special meeting of the Panel.
- 2.7. Public notice of a scheduled meeting will be provided at the Council office and on the Council's website.
- 2.8. A copy of the Agenda and reports from the Administration for every meeting of the Panel shall be available for viewing by the public at the Council office at least three (3) business days before the meeting.

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- 2.9. A copy of the Agenda and reports from the Administration for every meeting of the Panel shall be available for viewing on the Council's web site at least three (3) business days before the meeting.
- 2.10. A meeting of the Panel will commence as soon after the time specified in the notice of the meeting, as a quorum is present in accordance with clause 4.1 and 4.2 of these Operating and Meeting Procedures.
- 2.11. If a meeting is adjourned to another day, the Assessment Manager must:
 - 2.11.1. give notice of the adjourned meeting to each Member setting out the date, time and place of the meeting; and
 - 2.11.2. give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place/platform of the meeting together with access details (as relevant) to be placed on display at the principal office of the Council and/or the Council's website as determined by the Assessment Manager.
- 2.12. In the event the Presiding Member is not present, then the Panel shall appoint one of its members as the acting Presiding Member.

3. PUBLIC ACCESS TO MEETINGS

- 3.1. Members of the public are entitled to attend a meeting of the Panel other than as set out in sub-section 3.2 of these Operating and Meeting Procedures. Where a meeting is to occur in person, attendance may occur by attending the place of the meeting and observing the meeting from the public gallery. Where a meeting is to occur via online platform, electronic or other means, the meeting will be livestreamed or otherwise made accessible in a manner deemed appropriate by the Assessment Manager such that members of the public can hear and see the meeting as they would if located in the public gallery of an in person meeting.
- 3.2. The Panel may exclude the public from attendance at a meeting—
 - 3.2.1. during so much of the meeting as is necessary to receive, discuss or consider in confidence any of the following matters:
 - (i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
 - (ii) information the disclosure of which—
 - (A) could unreasonably be expected to confer a commercial advantage on a person, or to prejudice the commercial position of a person; and

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- (B) would, on balance, be contrary to the public interest;
- (iii) information the disclosure of which would reveal a trade secret;
- (iv) commercial information of a confidential nature (not being a trade secret) the disclosure of which—
 - (A) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (B) would, on balance, be contrary to the public interest;
- (v) matters affecting the safety or security of any person or property;
- (vi) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
- (vii) matters that should be considered in confidence in order to ensure that the Panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
- (viii) legal advice;
- (ix) information relating to actual litigation, or litigation that the Panel believes on reasonable grounds will take place;
- (x) information the disclosure of which—
 - (A) would divulge information provided on a confidential basis by or to a Minister of the Crown, the State Planning Commission, or another public authority or official; and
 - (B) would, on balance, be contrary to the public interest;

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3.2.2. during so much of the meeting that consists of its discussion or determination of any application or other matter that falls to be determined by the Panel.

3.3. For the sake of clarity, where a meeting is convened via online platform, electronic or other means, and the Panel resolves to exclude the public from the meeting as per clause 3.2 above, exclusion of the public will occur, as relevant, through the livestream being paused, audio and video feeds being disabled or other means as determined by the Assessment Manager, for the duration of the confidential item.

3.4. The Panel is committed to transparency in decision making. Accordingly, the Panel's powers to enter into confidence as detailed at clause 3.2 above must be used sparingly and in extenuating circumstances and only in consultation with or on the advice of the Assessment Manager.

4. QUORUM

4.1. A quorum at a meeting of the Panel is a number obtained by dividing the total number of Members of the Panel for the time being in office by two (2), ignoring any fraction resulting from the division, and adding one (1).

4.2. The Panel comprises five (5) members and therefore a quorum at a meeting is three (3) members.

4.3. If the number of apologies received by the Presiding Member or the Council, indicate that a quorum will not be present at a meeting, the Presiding Member, may adjourn the meeting to a specified day and time.

4.4. Should a quorum not be reached within 30 minutes of the scheduled commencement time of the meeting and there is no apparent prospect of achieving a quorum within a reasonable time thereafter, the meeting will be cancelled and the business on the agenda will be considered at the next meeting of the Panel.

4.5. If a meeting is adjourned for want of a quorum, the Assessment Manager will record in the minutes the reason for the adjournment, the names of any Members present, and the date and time to which the meeting is adjourned.

4.6. In the event the Presiding Member is not present, then the Panel shall appoint one of its members as the acting Presiding Member.

5. DEPUTY MEMBERS

5.1. If a Member is, on reasonable grounds, unable to attend a meeting or part of a meeting, he or she must use his or her best endeavours to notify the Presiding Member or Assessment Manager at his or her earliest opportunity.

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- 5.2. If notification pursuant to sub-section 5.1 is given, the Assessment Manager may request a Deputy Member attend the meeting in place of the Member for the meeting or part of the meeting.
- 5.3. Unless the context otherwise requires, a reference to a Member in these Operating and Meeting Procedures includes a Deputy Member.

6. DEPUTY MEMBERS ATTENDING THE PANEL MEETING

- 6.1. If a Member provides sufficient notice, in advance of a meeting, that they are unavailable to attend a meeting, the relevant Deputy Member is to be notified by the Assessment Manager to attend and participate in that entire meeting.
- 6.2. If a Member has a conflict of interest in relation to an item on the meeting agenda and there is a risk that a quorum will not be achieved for that item, the Deputy Member is to be notified by the Assessment Manager to attend the meeting and participate for that item only.
- 6.3. The Assessment Manager will undertake all reasonable measures to ensure that Deputy Members are notified as required by clauses 6.1 and 6.2 above as soon as possible.
- 6.4. For clarity, if the Council Member appointed to the Panel is unavailable to attend a meeting, the Deputy Member who will be notified to attend the meeting will be the Deputy Member (Council member). If an independent Member of the Panel is unavailable to attend a meeting, the Deputy Member who will be notified to attend the meeting will be the Deputy Member (Independent Member), who is not an elected Member of the Council.

7. VOTING

- 7.1. Each Member of the Panel present at a meeting of the Panel is entitled to one (1) vote on a matter arising for decision and, if the votes are equal, the member presiding at the meeting is entitled to a second or casting vote.
- 7.2. Clause 7.1 does not apply to a person who is appointed as an 'additional member' of the Panel under Section 85 of the PDI Act.
- 7.3. All Members (other than additional members) of the Panel will participate in the decision of the Panel by a vote.
- 7.4. All decisions of the Panel shall be made on the basis of a majority consensus decision of the Members present. Where a meeting is held in-person, voting may occur by show of hands. In meeting is convened via online platform, electronic or other means, the Presiding Member will determine how voting should occur.

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- 7.5. Minutes shall record the decision of the Panel on each development application and record a mover and seconder for items decided by vote.
- 7.6. A majority vote of the Panel shall be recorded in the minutes as the decision of the Panel and the vote or views of individual Members shall not be recorded in the minutes.
- 7.7. Members of the Panel cannot submit any notice of motion to revoke or amend previous decisions of the Panel.
- 7.8. A member or members cannot abstain from voting in relation to a matter arising for decision.

8. CONDUCT

- 8.1. Members of the Panel must act at all times in accordance Section 15(2) of the PDI Act and with the Assessment Panel Member - Code of Conduct ("the Code of Conduct") adopted by the Minister under Schedule 3 of the PDI Act.
- 8.2. The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by a Member, an applicant, a representor or any person or persons present at the meeting of the Panel until such time as the disruption or disturbance ceases, or failing that, order a persons or persons to leave the meeting. Where a meeting is convened via online platform, electronic or other means, the Presiding Member may mute or disconnect a person from the meeting where they are causing disruption or disturbance.
- 8.3. As specified in the Assessment Panel Members – Code of Conduct, Members of the Panel must not initiate individual discussions with applicants, representors or government agencies regarding a matter that is or is likely to be before the panel for determination, and, if placed in a situation where such discussion is unavoidable, should not express an opinion that could be constructed as having made a decision in relation to the proposal before the panel has collectively assessed and determined the development application.
- 8.4. Members of the Panel must carefully consider all agenda reports and recommendations prior to and during meetings. If a Member of the Panel does not agree with a recommendation made, the Member must articulate their reasons. Where the Panel departs from a recommendation, it must provide sufficient reasons for its decisions to comply with the requirements of the Act and so that appropriate minutes can be recorded.
- 8.5. In circumstances where a Member of the Panel has a question arising from an agenda report, they should raise their question with the Assessment Manager no later than 24 hours prior to the meeting so that the Assessment Manager can thoroughly consider the question, communicate it to other Members of the Panel and prepare an appropriate response.

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9. CONFLICT OF INTEREST

- 9.1. If a Member of the Panel is of the view that they have a conflict of interest in relation to a matter before the Panel, the Member must:
 - 9.1.1. as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the Panel; and
 - 9.1.2. make a disclosure clearly stating the nature of that interest in writing to the Presiding Member, and then in the Panel meeting when the relevant agenda item is reached, make a verbal disclosure to the assessment Panel and remove themselves from the meeting in accordance with clause 7(b) of the Code of Conduct.
- 9.2. If an interest is declared by a Member at a Panel meeting the nature of the interest must be recorded in the minutes of that meeting.

10. HEARING OF REPRESENTATIONS

- 10.1. Pursuant to Regulation 50(5) of the PDI Regulations, where a person has:
 - 10.1.1. made a written representation in accordance with Regulation 50(1) of the PDI Regulations; and
 - 10.1.2. indicated an interest in appearing before the Panel,the Panel may, if it considers that it would assist the Panel in making its decision on an application, allow a representor an opportunity to appear personally or by a representative before the Panel in support of their representation.
- 10.2. For the sake of clarity, appearance before the Panel includes appearance by online platform, electronic or other means where a meeting is not held in person.
- 10.3. Pursuant to Regulation 50(6) of the PDI Regulations, if the Panel determines to hear representors in accordance with clause 10.1, it must:
 - 10.3.1. give notice to the applicant of the place and time where the representor has been invited to appear; and
 - 10.3.2. if the applicant appears, allow the applicant, either personally or by representative, a reasonable opportunity, on request, to respond to any relevant matter
- 10.4. Hearing of representations by the Panel will take place at the commencement of the consideration of the relevant agenda item.
- 10.5. Persons making representations will be allocated five (5) minutes to address the Panel, unless otherwise determined by the Presiding Member, acting

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reasonably. Additional time may be provided in accordance with clause 13.3.

- 10.6. The applicant is allocated ten (10) minutes to respond to the representations made to the Panel, unless otherwise determined by the Presiding Member, acting reasonably. Additional time may be provided in accordance with clause 13.3.
- 10.7. Representors and applicants will not be allowed a further opportunity to address the Panel after the conclusion of the hearing of representations, unless the members of the Panel wish to question or seek clarification on a matter under consideration of the Panel.
- 10.8. Only representors (or their representative) who have made representation in accordance with Regulation 50 of the PDI Regulations, and with the consent of the Panel, will be entitled to be heard by the Panel.
- 10.9. Representors must be personally present (or represented) at the meeting scheduled to hear their verbal representation. If a representor (or their representative) is not present at the relevant time, the opportunity to be heard in support of their representation is forfeited.
- 10.10. Where no representors appear at the hearing of representations an applicant may only be heard (at the discretion of the Presiding Member) where their written response to representations requires explanation or where the Panel will otherwise benefit from hearing from them.
- 10.11. Members of the Panel may question and seek clarification from representors and the applicant at the conclusion of their address to the Panel.
- 10.12. Where a meeting is to be held via online platform, electronic or other means, the hearing of representations and the application will occur in a manner which allows the representors and applicant to interact with the Panel as per clauses 10.1 – 10.11 above.
- 10.13. Pursuant to regulation 50(6) of the PDI Regulations, a representor must indicate on their written representation whether they wish to appear personally or by representative to be heard on their representation. Elected members of the Council may, in their personal capacity and not in their capacity as elected members, make representations on development applications or act as the representative of a representor and be heard at a meeting of the Panel. Where this occurs, elected members of the Council can be treated no differently to other representors or representatives of representors and the Panel must have regard to sections 93, 98 and 99 of the PDI Act and the capacity of the Panel as an independent relevant authority and that it does not act at the direction of the Council.

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10.14. Individual elected members of The Barossa Council do not have a right to be heard by the Panel otherwise than in accordance with clause 10.13 above.

10.15. In determining to hear representors in accordance with clause 10.1, the Panel delegates the power to exercise discretion to the Assessment Manager.

11. MINUTES AND OTHER DOCUMENTS

11.1. The Panel must ensure that accurate minutes are kept of its proceedings.

11.2. The minutes of the proceedings of a meeting will record:

11.2.1. how the meeting was convened and when it commenced;

11.2.2. the names of the members of the Panel present;

11.2.3. the name and time of Members of the Panel entering or leaving the meeting;

11.2.4. the name of a person who has made a verbal representation to the Panel at the meeting;

11.2.5. the name of a person who appears in relation to an application for review of an Assessment Manager decision (including the Assessment Manager or delegate);

11.2.6. the decision of the Panel;

11.2.7. the decision of the panel to exclude public attendance including reasons.

11.2.8. a disclosure by a member of the Panel of a direct or indirect pecuniary interest in any aspect of a development or anybody associated with any aspect of a development required under the PDI Act.

11.3. Members of the public are entitled to reasonable access to:

11.3.1. the agendas for meetings of the Panel; and

11.3.2. the minutes of meetings of the Panel.

11.4. The Panel may, before it releases a copy of any minutes under clause 11.3, exclude from the minutes information about any matter dealt with on a confidential basis by the Panel.

11.5. Minutes must be available under clause 11.3 within five (5) business days after their adoption by the Members of the Panel.

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- 11.6. Minutes shall not be formal minutes until adopted by the Panel at the next meeting of the Panel. However, this does not preclude the issue of a Decision Notification advising of the determination of the Panel immediately after a meeting at which the Panel made its determination.
- 11.7. Upon adoption of the minutes, the Presiding Member shall authorise the minutes by signature and date of adoption on the last page of the minutes.

12. SITE INSPECTIONS AND LOCALITY VISITS

- 12.1. Formal site visits may be arranged on request from a Member of the Panel. A Member of the Panel may request attendance of a Council Officer to provide relevant information. The Panel will not hear deputations at a formal site visit.
- 12.2. Locality visits by one or more Members of the Panel must be undertaken in accordance with the Code of Conduct.

13. INFORMATION RECEIVED AFTER MEETING AGENDA IS FINALISED

- 13.1. At the discretion of the Presiding Member (in consultation with Members of the Panel), any new or additional material submitted to the Panel by an applicant or representor, in accordance with clause 13.2 above may be:
 - 13.1.1. accepted and considered; or
 - 13.1.2. not accepted and not considered,the Presiding Member's determination in this regard is final.
- 13.2. In determining whether to accept and consider the information pursuant to clause 13.4.1, the Presiding Member should consider the following:
 - a) The content of the information and whether it is relevant to the matter of whether Planning Consent should be granted;
 - b) The time available for the information to be properly considered by the applicant, the representors (as relevant) and the Panel;
 - c) The reasons why the information was not provided within the application (or representation as relevant);
 - d) Prejudice that may be suffered on the other party (applicant or representor/s as relevant) by accepting or not accepting the information.
- 13.3. Whenever new or additional information or material provided by the applicant is accepted and considered by the Panel, representors may be provided with five additional minutes to their hearing time to address the

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Panel on the additional information. The applicant will be provided with five (5) additional minutes to respond to the representors' comments.

- 13.4. Whenever new or additional information or material provided by a representor is accepted and considered by the Panel, the representor who provided the information or material may be provided with five (5) additional minutes to their hearing time to address the Panel on the additional information. The applicant will be provided with five additional minutes to respond to the representor's comments

14. FORM OF DEBATE AND MOTIONS

- 14.1. In order to ensure informed decision making and to facilitate comprehensive consideration of issues, debate and discussion by the Panel of matters before it shall be, as far as practicable, informal within the bounds of professional meeting procedures and the principles of natural justice and procedural fairness.
- 14.2. In the interests of informality, during hearings of representations the Presiding Member will be referred to as "Presiding Member", and Members of the Panel will be referred to by their first name (not by title or position). In subsequent discussion of items during in the meeting of the Members (including the Presiding Member) may refer to each other by their first names and address Council staff by their first names.
- 14.3. At the conclusion of debate and discussion of matters, the Presiding Member will call for a motion enabling the Panel to determine the matter.
- 14.4. A motion will lapse if it is not seconded at the appropriate time.
- 14.5. The Presiding Member, in the absence of comment/discussion in relation to the matter requiring determination, will either move a motion or will request a motion to be moved and seconded.
- 14.6. Voting in favour or against a motion, as requested by the Presiding Member, shall be by show of hand.
- 14.7. The Presiding Member will request each Member to vote on a motion and then declare the outcome.

15. DECISION MAKING

- 15.1. The Panel must have regard to the Planning and Design Code as the basis for its decisions along with any written and verbal representations.
- 15.2. The Panel will make decisions in accordance with the timeframes set out in section 125 of the PDI Act.
- 15.3. To ensure that timeframes are met for making decisions the Panel will make a decision to either grant or refuse Planning Consent, and will generally not

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defer applications for the purpose of requesting further information or amendments, unless the Panel determines that a deferral is the most appropriate resolution given the circumstances under consideration by the Panel as the case may be.

15.4. In making a decision, the Panel:

15.4.1. must state whether the proposal is seriously at variance with the Planning and Design Code, in doing so must refuse to grant Planning Consent and provide reasons for the decision;

15.4.2. if the proposal is not seriously at variance with the Planning and Design Code, the Panel must determine whether Planning Consent is granted or refused.

(a) Where Planning Consent is granted subject to conditions, reasons why the conditions have been imposed must be provided.

(b) Where Planning Consent is refused, the reason for refusal must be provided.

15.5. All agenda reports will contain a recommendation which accords with the assessing officer's assessment of the development application. In circumstances where the assessment of a development application is considered by administration to be finely balanced, an alternative recommendation may be provided. Alternative recommendations may require further detail to be inserted by the Panel. Members of the Panel are expected to thoroughly consider recommendations before they are adopted. If the Panel determines a development application contrary to a recommendation, the Panel must ensure that the decision is thorough and contains adequate, clear and understandable reasons. Where a Member of the Panel wishes to move a recommendation which differs from that made by administration, the Member should contact the Assessment Manager for advice on their recommendation at least twenty four (24) hours prior to the meeting.

16. ASSESSMENT PANEL REVIEW OF DECISIONS OF ASSESSMENT MANAGER

16.1. This clause applies to reviews commenced by applicants pursuant to section 203 of the PDI Act ("Application for Review"). For clarity, this process applies to applications assessed and determined by the Assessment Manager as the relevant authority pursuant to section 96 of the PDI Act. No representations are permitted for the original applications or the review process.

16.2. Applications for Review:

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- 16.2.1. may, pursuant to section 201 of the PDI Act, relate to:
- (a) any assessment, request, decision, direction or act of the Assessment Manager that is relevant to any aspect of the determination of the relevant application;
 - (b) a decision to grant or refuse a development authorisation; or
 - (c) the imposition of conditions in relation to a development authorisation; or
 - (d) subject to any exclusion prescribed by the PDI Regulations, any other assessment, request, decision, direction or act of a relevant authority under this Act in
- 16.2.2. must be submitted using the [Application to Assessment Panel for Assessment Manager's Decision Review](#) ("the Form");
- 16.2.3. lodged in a manner identified on the Form; and
- 16.2.4. lodged within one month of the applicant receiving notice of the reviewed matter pursuant to clause 16.2.1 above, unless the Presiding Member in their discretion, grants an extension of time.
- 16.3. In determining whether to grant an extension of time, the Presiding Member may consider:
- 16.3.1. the reasons for the delay;
 - 16.3.2. the length of the delay;
 - 16.3.3. whether any rights or interests of other persons would be affected by allowing the review to be commenced out of time;
 - 16.3.4. the interests of justice;
 - 16.3.5. whether the applicant has, or is within time to, appeal the prescribed matter to the ERD Court;
 - 16.3.6. any other matters the Presiding Member considers relevant; and
 - 16.3.7. consultation with the Assessment Manager.
- 16.4. The Assessment Manager must ensure that the following documents are provided on the relevant Agenda for an Application for Review:
- 16.4.1. a report to the Panel containing all of the details of the relevant development application and the details of the reviewed decision;
 - 16.4.2. all materials which were before the Assessment Manager (or their delegate) at the time of the reviewed decision including (as relevant):

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- (a) application documents, reports, submissions, plans, specifications or other documents submitted by the applicant;
 - (b) internal and/or external referral responses; and
 - (c) any report from administration or an external planning consultant provided to the Assessment Manager (or their delegate);
- 16.4.3. any assessment checklist used by the Assessment Manager (or their delegate) when making the reviewed decision;
- 16.4.4. any other information requested by the Presiding Member.
- 16.5. The Assessment Manager must advise the applicant of the time and date of the Panel meeting at which the review application will be heard.
- 16.6. The applicant will be provided with five (5) minutes to address the Panel on their review and why they believe the Panel should reach a different decision to that made by the Assessment Manager or their delegate.
- 16.7. On review, the Panel will consider the reviewed decision afresh on the information provided to it and on the submissions of the applicant.
 - 16.7.1. Information, materials, plans, details, specifications and other documents which were not before the Assessment Manager at the time of the decision on the Prescribed Matter will not be considered by the Panel.
 - 16.7.2. In addition to clause 16.6 above, the Presiding Member may permit Panel members to ask questions or seek clarification from the applicant and/or the Assessment Manager, in his or her discretion.
- 16.8. The Assessment Manager must be present at the Panel meeting to respond to any questions or requests for clarification from the Panel.
- 16.9. Where the decision was made by a delegate of the Assessment Manager, the delegate may appear in place of the Assessment Manager.
- 16.10. The Presiding Member will invite all Panel Members to speak on any matter relevant to the review.
- 16.11. The Panel may resolve to defer its decision if it considers it requires additional time or information to make its decision.
- 16.12. The Panel may, on a review:
 - 16.12.1. affirm the Assessment Manager's decision on the Prescribed Matter;
 - 16.12.2. vary the Assessment Manager's decision on the Prescribed Matter; or

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16.12.3.set aside the Assessment Manager's decision on the Prescribed Matter and substitute its own decision.

16.13.The Assessment Manager will advise the applicant, in writing, of the Panel's decision within five (5) business days of the meeting or otherwise prescribed by the PDI Regulations.

17. PLANNING APPEALS

17.1. Should an appeal be lodged in relation to a decision of the Panel, the Panel will determine whether any "compromise proposal" is appropriate or the matter proceed to a hearing in the Environment, Resources and Development Court.

17.2. Should the Panel not make a decision in respect of an application within the time prescribed in the PDI Act and the Panel receives a deemed consent notice from the applicant in accordance with section 125(2) of the PDI Act, the Panel to decide whether to apply to the Court to have deemed consent notice quashed.

17.3. The Assessment Manager/Director, Development and Environmental Services/CEO is authorised to make decisions as to the conduct of appeals (including Judicial Review) subject to consulting with the Presiding Member.

17.4. Any compromise arising from an appeal shall be presented to the Panel for a decision.

17.5. In the event of an urgent matter, that the Panel may determine by electronic meeting in accordance with its General Operating Procedures.

18. QUARTERLY REPORTING

18.1. The Assessment Manager will prepare:

18.1.1. A quarterly report of the development applications determined under delegated authority of the Barossa Assessment Panel for the previous period;

18.1.2. A report at the next meeting of the Panel for any development application delegated by the Panel where a deemed consent notice has been received.

19. VALIDITY OF PROCEEDINGS

19.1. A proceeding of the Panel (and any decision made by the Panel) is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

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20. COMPLAINTS

- 20.1. A person may make a complaint to the State Planning Commission ("the Commission") if the person believes that a Member of the Panel has acted in contravention of the Code of Conduct.
- 20.2. A complaint must:
 - 20.2.1. be in writing; and
 - 20.2.2. contain particulars of the allegation on which the complaint is based; and
 - 20.2.3. be verified by statutory declaration.
- 20.3. Except with the approval of the Commission, a complaint must not be lodged with the Commission more than six (6) months after the day on which the complainant first had notice of the matters alleged in the complaint.

21. MISCELLANEOUS MATTERS

- 21.1. An applicant may not defer matters from the meeting agenda after the agenda has been sent to Members of the Panel, unless agreed at the meeting or by the Presiding Member prior to the meeting. The applicant must make this request in writing to the Assessment Manager, including reason(s) for their request to defer.
- 21.2. Should a Member of the Panel receive by direct post, fax, e-mail or other means, information in relation to a development application being assessed by Council development assessment officers which may be referred for decision by the Panel at a future time, then the Member of the Panel should immediately forward the information received to the Assessment Manager. The Member of the Panel should not acknowledge receipt of the information nor enter into discussion with the sender in relation to any matters contained within the information received. If a Member of the Panel receives such information, he or she must disclose this fact at the relevant Panel meeting, and confirm that the information will not be taken into account for the purposes of making a decision on the relevant application.
- 21.3. Should a request be made for public comment on the operations or decisions made by the Panel then the matter should be referred to the Presiding Member. Comment may be made at the discretion of the Presiding Member.
- 21.4. A Member of the Panel at a meeting may request independent expert advice on any relevant matter before the Panel. Such requests are to be referred to the Assessment Manager for approving of and authorising the engagement of any independent experts. If the Assessment Manager

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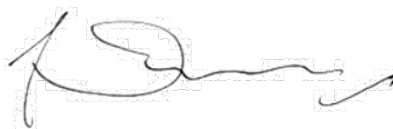
decides not to engage such advice the Panel must be advised of the decision and the reason as soon as reasonably possible.

21.5. The role of the Panel is not one of mediator or arbitrator for parties expressing divergent views but as is a decision maker charged with the responsibility of assessing each development application against the Planning and Design Code. It is a role that is inquisitorial rather than adversarial. The Panel does not therefore have a role as a mediator or arbitrator at its meetings or otherwise between an applicant and representors.

22. OTHER MATTERS

22.1. Except insofar as a procedure is not prescribed by the PDI Act or PDI Regulations under the PDI Act, the procedures of the Panel in relation to the conduct of its business will be as determined by the Panel.

22.2. The Panel will review these Operating and Meeting Procedures on an annual basis.

Signed**Dated:**

21 June 2023
Presiding Member

11. REPORTS – OTHER BUSINESS

11.1 Barossa Assessment Panel Operating and Meeting Procedures - Discussion Paper for Feedback

PURPOSE

To seek feedback regarding the operation of the Barossa Assessment Panel Operating Procedures to inform future changes under subsequent report.

BACKGROUND

The current membership of the Barossa Assessment Panel was formed on the 15 June 2021, following implementation of the *Planning, Development and Infrastructure Act 2016 (PDI Act)*. Section 18 of the *Planning, Development and Infrastructure (General) Regulations 2017* outlines that except insofar as a procedure is prescribed by the Act or these Regulations, the procedures of an Assessment Panel in relation to the conduct of its business will be as determined by the Assessment Panel.

The Operating Procedures were last amended by the Panel at its meeting on 7 June 2022. A copy of the Operating Procedures is contained in **Attachment 1**. The recent changes were in respect to:

- a) New Section 18 regarding quarterly reporting of the development applications determined under delegated authority of the Barossa Assessment Panel and any development application delegated by the Panel where a deemed consent notice has been received;
- b) Amend *Section 13 – Information provided following preparation of the meeting agenda*, to provide greater clarity in relation to when circumstances of this kind shall apply and be dealt with.

As part of the PDI Act implementation, the Local Government Association in partnership with Norman Waterhouse lawyers developed Model Meeting Procedures to act as a template for Council Assessment Panels. The Model Procedures were last updated in July 2022 and the most recent changes reflect the adoption of Section 39 of the *Legislation Interpretation Act 2021* which allows for meetings to be conducted via audio visual or audio means. This change has meant that meetings of Assessment Panels can continue to be conducted via electronic means, despite the repeal of Section 17 of the *Covid-19 Emergency Response Act 2020*. A copy of the most recent version of the Model Procedures is contained in **Attachment 2**.

Recognising that the current term of the Panel will conclude on 31 December 2022, it is timely that the Panel is invited to provide feedback on the general performance and mechanics of the the Operating and Meeting Procedures, to inform future changes that may be presented to the Panel for consideration when the new Panel is formed on 1 January 2023.

DISCUSSION

The Operating and Meeting Procedures have not been modelled on the LGA's Model Meeting Procedures and therefore the contents of the Barossa Assessment Panel Operating and Meeting Procedures differ in certain respects although there are many common clauses within the document. The Model Procedures do provide a model structure and appropriate expression to guide the Panel's operations and may offer

example of how certain clauses within the current Procedures might be amended, should there be desire to amend them.

The Panel is requested to offer feedback on the operations of the Procedures and this report provides some discussion in respect to some key elements of the Operating and Meeting Procedures, under headings below:

Clause 8.5 – Questions raised by Panel Members prior to meeting

8.5 *In circumstances where a Member of the Panel has a question arising from an agenda report, they should raise their question with the Assessment Manager no later than 24 hours prior to the meeting so that the Assessment Manager can thoroughly consider the question, communicate it to other Members of the Panel and prepare an appropriate response.*

This clause seeks to ensure that any questions posed by Panel members can be properly considered and a response provided to all Panel members, prior to the meeting. While this is appropriate, at times there may be instances where a late question is posed and the current construction of this clause may discourage Panel members from raising genuine issues at a late stage. There is benefit in any issues/questions being flagged with the Assessment Manager, even if a complete response is unable to be provided to all members prior to the meeting.

Clauses 10.1 and 10.3 – Hearing of Representations

10.1 *Pursuant to Regulation 50(5) of the PDI Regulations, where a person has:*

- 10.1.1 made a written representation in accordance with Regulation 50(1) of the PDI Regulations; and*
- 10.1.2 indicated an interest in appearing before the Panel,*

The Panel may, if it considers that it would assist the Panel in making its decision on an application, allow a representor an opportunity to appear personally or by a representative before the Panel in support of their representation.

10.3 *Pursuant to Regulation 50(6) of the PDI Regulations, if the Panel determines to hear representors in accordance with clause 10.1, it must:*

- 10.3.1 give notice to the applicant of the place and time where the representor has been invited to appear; and*
- 10.3.2 if the applicant appears, allow the applicant, either personally or by representative, a reasonable opportunity, on request, to respond to any relevant matter.*

Representors may request to be heard but Regulation 50(5) of the PDI Regulations gives discretion to the Panel to determine if a representor is afforded an opportunity to appear personally if it considers that it would assist the Panel in making its decision on an application. Unlike the previous Category 3 process under the Development Act 1993, representors are not given an automatic right to appear

Regulation 50(5) and (6) are constructed in a way that requires the discretion to be exercised prior to the meeting, however, the practice has been that representors are afforded this opportunity without a decision being made by the Panel (ie. for every

time a representor requests to be heard), such that administration grant this right and inform the representors of the place and time the person will be invited to appear.

Given the practice that representors will generally be afforded an opportunity to be heard and that representors must be informed of their opportunity to speak, the place and time for the meeting, in advance of the meeting, Clause 10.1 could be amended to better reflect the current practice and to provide explicit delegation to the Assessment Manager to exercise this discretion, rather than the current construction of Clauses 10.1 and 10.3 which refers to the Panel.

Clauses 10.5 and 10.6 – Allocation of time for address to the Panel

10.5 *Persons making representations will be allocated five (5) minutes to address the Panel, unless otherwise determined by the Presiding Member, acting reasonably.*

10.6 *The applicant is allocated ten (10) minutes to respond to the representations made to the Panel, unless otherwise determined by the Presiding Member, acting reasonably.*

In the previous matter of the Nexus tourist development, presented to the Panel on 5 April 2022, a representor was nominated as the spokesperson on behalf of two other representor. After consideration, the Presiding Member afforded the representor fifteen minutes in which to address the Panel. This decision was made at discretion of the Presiding Member, recognising that under normal circumstances, each representor that had requested to be heard, would have been afforded their five minutes under Clause 10.5.

Upon reflection of this meeting, the Presiding Member acknowledged that it might be appropriate to allow a representor, who is speaking on behalf of another representor, to be afforded an additional five minutes in which to speak, or where the spokesperson is speaking on behalf of two or more persons, up to not more than fifteen minutes in which to address the Panel. Should such a clause be adopted, the applicant would need to be afforded the same additional period of time in which to respond to the representors.

Clause 15.3 – Panel will make a decision

15.3 *To ensure that timeframes are met for making decisions the Panel will make a decision to either grant or refuse Planning Consent and will not defer applications for the purpose of requesting further information or amendments.*

This clause differs from the clauses within the Model Procedures which do contemplate deferral as an appropriate course of action for the Panel to take in some circumstances. The current construction of clause 15.3 may place the Panel in an awkward situation in an instance where the Panel is uncomfortable to support an application but is not necessarily of a mind to refuse the application, where appropriate amendments may be possible for example to address deficiencies with an application, especially where the applicant is receptive to changes. In this instance, it is suggested the clause would be best modified to reflect that the Panel is not obligated to make a decision if it is not comfortable with what is presented to enable greater flexibility for deferral if needed.

Barossa Assessment Panel Meeting

4 October 2022

Appointment of a Deputy Presiding Member

The Operating and Meeting Procedures do not contemplate the appointment of a Deputy Presiding Member but it is open for the Procedures to contemplate the appointment of a Deputy Presiding Member to stand in for the Presiding Member in instance where the Presiding Member is absent.

Procedure should an electronic meeting be terminated

Given that electronic meetings are contemplated form of meeting within the Operating and Meeting Procedures, it may be appropriate for the Procedures to outline the procedure to be followed in scenario that the meeting is terminated unexpectedly due to an IT connection issue or power outage.

CONCLUSION

The Panel is invited to provide feedback on the performance and mechanics of the Operating and Meeting Procedures and this feedback will be taken into consideration when the Procedures are next reviewed, upon commencement of the new Panel from 1 January 2022.

RECOMMENDATION

That the report be received.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Operating and Meeting Procedures adopted at 7 June 2022 BAP meeting [!\[\]\(098e47036f78288d477e334896a43770_img.jpg\)](#) 
- Attachment 2 Local Government Association - Model Procedures [!\[\]\(85c10fe0ae97c3e2f0e940987ab0a900_img.jpg\)](#) 

BAROSSA ASSESSMENT PANEL OPERATING AND MEETING PROCEDURES



Document Owner:	The Barossa Council	Previous Approval	NEW
Document Control Officer:	DDES	Current Approval Date:	07/06/22
HPE Content Manager	20/71161	Next Review Date:	07/06/2024

1. APPLICATION

- 1.1 These Operating and Meeting Procedures apply to the Barossa Assessment Panel ("the Panel") established under section 83 of the *Planning, Development and Infrastructure Act 2016* ("the PDI Act") and having regard to the Terms of Reference for the Panel as adopted by the Council.
- 1.2 The Panel is a relevant authority pursuant to section 93 of the PDI Act.
- 1.3 The following principles should be applied with respect to the procedures to be observed at a Panel meeting:
 - 1.3.1 procedures should be fair and contribute to open, transparent and informed decision-making;
 - 1.3.2 procedures should encourage appropriate community participation as may be required under the PDI Act and the *Planning, Development and Infrastructure (General) Regulations 2017* ("the PDI Regulations");
 - 1.3.3 procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
 - 1.3.4 procedures should be sufficiently certain to give applicants, representors and the general community confidence in the deliberations at the meeting.
- 1.4 Interactions between Members of the Panel, the public, Council staff and elected Members of the Council are to be courteous and respectful.

2. MEETING NOTICE, TIMES AND VENUE

- 2.1 Scheduled meetings of the Panel will be held on the first Tuesday of each month (excluding the first Tuesday meeting in January) at 5pm, in person at the Council Offices, 43-51 Tanunda Road, Nuriootpa, or via online platform,

electronic or other means as determined by the Panel in consultation with the Assessment Manager unless there are no matters to be considered.

- 2.2 For the sake of clarity, if an in person meeting is convened, then individual Panel members may, with the prior permission of the Presiding Member, attend the meeting via online platform, electronic or other means.
- 2.3 Written notice of a meeting of the Panel must be given to each member of the Panel by the Assessment Manager at least three (3) business days before the date of the meeting.
- 2.4 The notice must set out the date, time and place of the meeting or, alternatively, long-in or other details for a meeting held via online platform, electronic or other means, and contain or be accompanied by the agenda for the meeting. The notice may be given to a Member of the Panel:
 - 2.4.1 personally; or
 - 2.4.2 by delivering the notice (whether by post or otherwise) to the usual place of residence of the Member or to another place authorised in writing by the Member; or
 - 2.4.3 by leaving the notice for the Member at an appropriate place at the principal office of the Council, if authorised in writing by the Member to do so; or
 - 2.4.4 by a means authorised in writing by the Member as being an available means of giving notice (e.g. email or facsimile transmission).
- 2.5 A notice that is not given in accordance with clause 2.4 of this document is taken to have been validly given if the Assessment Manager considers it impracticable to give the notice in accordance with that clause and takes action the Assessment Manager considers reasonably practicable in the circumstances to bring the notice to the attention of the Member.
- 2.6 Special meetings (being additional meetings or alternative meetings) of the Panel may be required in special circumstances to expedite decisions on applications before the Panel, and will be called at the discretion of the Presiding Member in consultation with the Assessment Manager. Members of the Panel, applicants, representors and the public shall be given five (5) clear business days' notice of a special meeting of the Panel.
- 2.7 Public notice of a scheduled meeting will be provided at the Council office and on the Council's website.
- 2.8 A copy of the Agenda and reports from the Administration for every meeting of the Panel shall be available for viewing by the public at the Council office at least three (3) business days before the meeting.

- 2.9 A copy of the Agenda and reports from the Administration for every meeting of the Panel shall be available for viewing on the Council's web site at least three (3) business days before the meeting.
- 2.10 A meeting of the Panel will commence as soon after the time specified in the notice of the meeting, as a quorum is present in accordance with clause 4.1 and 4.2 of these Operating and Meeting Procedures.
- 2.11 If a meeting is adjourned to another day, the Assessment Manager must:
- 2.11.1 give notice of the adjourned meeting to each Member setting out the date, time and place of the meeting; and
 - 2.11.2 give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place/platform of the meeting together with access details (as relevant) to be placed on display at the principal office of the Council and/or the Council's website as determined by the Assessment Manager.
- 2.12 In the event the Presiding Member is not present, then the Panel shall appoint one of its members as the acting Presiding Member.

3. PUBLIC ACCESS TO MEETINGS

- 3.1 Members of the public are entitled to attend a meeting of the Panel other than as set out in sub-section 3.2 of these Operating and Meeting Procedures. Where a meeting is to occur in person, attendance may occur by attending the place of the meeting and observing the meeting from the public gallery. Where a meeting is to occur via online platform, electronic or other means, the meeting will be livestreamed or otherwise made accessible in a manner deemed appropriate by the Assessment Manager such that members of the public can hear and see the meeting as they would if located in the public gallery of an in person meeting.
- 3.2 The Panel may exclude the public from attendance at a meeting—
- 3.2.1 during so much of the meeting as is necessary to receive, discuss or consider in confidence any of the following matters:
 - (i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
 - (ii) information the disclosure of which—
 - (A) could unreasonably be expected to confer a commercial advantage on a person, or to prejudice the commercial position of a person; and

- (B) would, on balance, be contrary to the public interest;
 - (iii) information the disclosure of which would reveal a trade secret;
 - (iv) commercial information of a confidential nature (not being a trade secret) the disclosure of which—
 - (A) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (B) would, on balance, be contrary to the public interest;
 - (v) matters affecting the safety or security of any person or property;
 - (vi) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
 - (vii) matters that should be considered in confidence in order to ensure that the Panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
 - (viii) legal advice;
 - (ix) information relating to actual litigation, or litigation that the Panel believes on reasonable grounds will take place;
 - (x) information the disclosure of which—
 - (A) would divulge information provided on a confidential basis by or to a Minister of the Crown, the State Planning Commission, or another public authority or official; and
 - (B) would, on balance, be contrary to the public interest;
- 3.2.2 during so much of the meeting that consists of its discussion or determination of any application or other matter that falls to be determined by the Panel.
- 3.3 For the sake of clarity, where a meeting is convened via online platform, electronic or other means, and the Panel resolves to exclude the public from the meeting as per clause 3.2 above, exclusion of the public will occur, as relevant, through the livestream being paused, audio and video feeds being

disabled or other means as determined by the Assessment Manager, for the duration of the confidential item.

- 3.4 The Panel is committed to transparency in decision making. Accordingly, the Panel's powers to enter into confidence as detailed at clause 3.2 above must be used sparingly and in extenuating circumstances and only in consultation with or on the advice of the Assessment Manager.

4. **QUORUM**

- 4.1 A quorum at a meeting of the Panel is a number obtained by dividing the total number of Members of the Panel for the time being in office by two (2), ignoring any fraction resulting from the division, and adding one (1).
- 4.2 The Panel comprises five (5) members and therefore a quorum at a meeting is three (3) members.
- 4.3 If the number of apologies received by the Presiding Member or the Council, indicate that a quorum will not be present at a meeting, the Presiding Member, may adjourn the meeting to a specified day and time.
- 4.4 Should a quorum not be reached within 30 minutes of the scheduled commencement time of the meeting and there is no apparent prospect of achieving a quorum within a reasonable time thereafter, the meeting will be cancelled and the business on the agenda will be considered at the next meeting of the Panel.
- 4.5 If a meeting is adjourned for want of a quorum, the Assessment Manager will record in the minutes the reason for the adjournment, the names of any Members present, and the date and time to which the meeting is adjourned.
- 4.6 In the event the Presiding Member is not present, then the Panel shall appoint one of its members as the acting Presiding Member.

5. **DEPUTY MEMBERS**

- 5.1 If a Member is, on reasonable grounds, unable to attend a meeting or part of a meeting, he or she must use his or her best endeavours to notify the Presiding Member or Assessment Manager at his or her earliest opportunity.
- 5.2 If notification pursuant to sub-section 5.1 is given, the Assessment Manager may request a Deputy Member attend the meeting in place of the Member for the meeting or part of the meeting.
- 5.3 Unless the context otherwise requires, a reference to a Member in these Operating and Meeting Procedures includes a Deputy Member.

6. DEPUTY MEMBERS ATTENDING THE PANEL MEETING

- 6.1 If a Member provides sufficient notice, in advance of a meeting, that they are unavailable to attend a meeting, the relevant Deputy Member is to be notified by the Assessment Manager to attend and participate in that entire meeting.
- 6.2 If a Member has a conflict of interest in relation to an item on the meeting agenda and there is a risk that a quorum will not be achieved for that item, the Deputy Member is to be notified by the Assessment Manager to attend the meeting and participate for that item only.
- 6.3 The Assessment Manager will undertake all reasonable measures to ensure that Deputy Members are notified as required by clauses 6.1 and 6.2 above as soon as possible.
- 6.4 For clarity, if the Council Member appointed to the Panel is unavailable to attend a meeting, the Deputy Member who will be notified to attend the meeting will be the Deputy Member (Council member). If an independent Member of the Panel is unavailable to attend a meeting, the Deputy Member who will be notified to attend the meeting will be the Deputy Member (Independent Member), who is not an elected Member of the Council.

7. VOTING

- 7.1 Each Member of the Panel present at a meeting of the Panel is entitled to one (1) vote on a matter arising for decision and, if the votes are equal, the member presiding at the meeting is entitled to a second or casting vote.
- 7.2 Clause 7.1 does not apply to a person who is appointed as an 'additional member' of the Panel under Section 85 of the PDI Act.
- 7.3 All Members (other than additional members) of the Panel will participate in the decision of the Panel by a vote.
- 7.4 All decisions of the Panel shall be made on the basis of a majority consensus decision of the Members present. Where a meeting is held in-person, voting may occur by show of hands. In meeting is convened via online platform, electronic or other means, the Presiding Member will determine how voting should occur.
- 7.5 Minutes shall record the decision of the Panel on each development application and record a mover and seconder for items decided by vote.
- 7.6 A majority vote of the Panel shall be recorded in the minutes as the decision of the Panel and the vote or views of individual Members shall not be recorded in the minutes.

- 7.7 Members of the Panel cannot submit any notice of motion to revoke or amend previous decisions of the Panel.

8. CONDUCT

- 8.1 Members of the Panel must act at all times in accordance Section 15(2) of the PDI Act and with the Assessment Panel Member - Code of Conduct ("the Code of Conduct") adopted by the Minister under Schedule 3 of the PDI Act.
- 8.2 The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by a Member, an applicant, a representor or any person or persons present at the meeting of the Panel until such time as the disruption or disturbance ceases, or failing that, order a persons or persons to leave the meeting. Where a meeting is convened via online platform, electronic or other means, the Presiding Member may mute or disconnect a person from the meeting where they are causing disruption or disturbance.
- 8.3 As specified in the Assessment Panel Members – Code of Conduct, Members of the Panel must not initiate individual discussions with applicants, representors or government agencies regarding a matter that is or is likely to be before the panel for determination, and, if placed in a situation where such discussion is unavoidable, should not express an opinion that could be constructed as having made a decision in relation to the proposal before the panel has collectively assessed and determined the development application.
- 8.4 Members of the Panel must carefully consider all agenda reports and recommendations prior to and during meetings. If a Member of the Panel does not agree with a recommendation made, the Member must articulate their reasons. Where the Panel departs from a recommendation, it must provide sufficient reasons for its decisions to comply with the requirements of the Act and so that appropriate minutes can be recorded.
- 8.5 In circumstances where a Member of the Panel has a question arising from an agenda report, they should raise their question with the Assessment Manager no later than 24 hours prior to the meeting so that the Assessment Manager can thoroughly consider the question, communicate it to other Members of the Panel and prepare an appropriate response.

9. CONFLICT OF INTEREST

- 9.1 If a Member of the Panel is of the view that they have a conflict of interest in relation to a matter before the Panel, the Member must:
- 9.1.1 as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the Panel; and

9.1.2 make a disclosure clearly stating the nature of that interest in writing to the Presiding Member, and then in the Panel meeting when the relevant agenda item is reached, make a verbal disclosure to the assessment Panel and remove themselves from the meeting in accordance with clause 7(b) of the Code of Conduct.

9.2 If an interest is declared by a Member at a Panel meeting the nature of the interest must be recorded in the minutes of that meeting.

10. HEARING OF REPRESENTATIONS

10.1 Pursuant to Regulation 50(5) of the PDI Regulations, where a person has:

10.1.1 made a written representation in accordance with Regulation 50(1) of the PDI Regulations; and

10.1.2 indicated an interest in appearing before the Panel,

the Panel may, if it considers that it would assist the Panel in making its decision on an application, allow a representor an opportunity to appear personally or by a representative before the Panel in support of their representation.

10.2 For the sake of clarity, appearance before the Panel includes appearance by online platform, electronic or other means where a meeting is not held in person.

10.3 Pursuant to Regulation 50(6) of the PDI Regulations, if the Panel determines to here representors in accordance with clause 10.1, it must:

10.3.1 give notice to the applicant of the place and time where the representor has been invited to appear; and

10.3.2 if the applicant appears, allow the applicant, either personally or by representative, a reasonable opportunity, on request, to respond to any relevant matter

10.4 Hearing of representations by the Panel will take place at the commencement of the consideration of the relevant agenda item.

10.5 Persons making representations will be allocated five (5) minutes to address the Panel, unless otherwise determined by the Presiding Member, acting reasonably. Additional time may be provided in accordance with clause 13.3.

10.6 The applicant is allocated ten (10) minutes to respond to the representations made to the Panel, unless otherwise determined by the Presiding Member, acting reasonably. Additional time may be provided in accordance with clause 13.3.

- 10.7 Representors and applicants will not be allowed a further opportunity to address the Panel after the conclusion of the hearing of representations.
- 10.8 Only representors (or their representative) who have made representation in accordance with Regulation 50 of the PDI Regulations, and with the consent of the Panel, will be entitled to be heard by the Panel.
- 10.9 Representors must be personally present (or represented) at the meeting scheduled to hear their verbal representation. If a representor (or their representative) is not present at the relevant time, the opportunity to be heard in support of their representation is forfeited.
- 10.10 Where no representors appear at the hearing of representations an applicant may only be heard (at the discretion of the Presiding Member) where their written response to representations requires explanation or where the Panel will otherwise benefit from hearing from them.
- 10.11 Members of the Panel may question and seek clarification from representors and the applicant at the conclusion of their address to the Panel.
- 10.12 Where a meeting is to be held via online platform, electronic or other means, the hearing of representations and the application will occur in a manner which allows the representors and applicant to interact with the Panel as per clauses 10.1 – 10.11 above.
- 10.13 Pursuant to regulation 50(6) of the PDI Regulations, a representor must indicate on their written representation whether they wish to appear personally or by representative to be heard on their representation. Elected members of the Council may, in their personal capacity and not in their capacity as elected members, make representations on development applications or act as the representative of a representor and be heard at a meeting of the Panel. Where this occurs, elected members of the Council can be treated no differently to other representors or representatives of representors and the Panel must have regard to sections 93, 98 and 99 of the PDI Act and the capacity of the Panel as an independent relevant authority and that it does not act at the direction of the Council.
- 10.14 Individual elected members of The Barossa Council do not have a right to be heard by the Panel otherwise than in accordance with clause 10.13 above

11. MINUTES AND OTHER DOCUMENTS

- 11.1 The Panel must ensure that accurate minutes are kept of its proceedings.
- 11.2 The minutes of the proceedings of a meeting will record:
- 11.2.1 how the meeting was convened and when it commenced;

- 11.2.2 the names of the members of the Panel present;
- 11.2.3 the name and time of Members of the Panel entering or leaving the meeting;
- 11.2.4 the name of a person who has made a verbal representation to the Panel at the meeting;
- 11.2.5 the name of a person who appears in relation to an application for review of an Assessment Manager decision (including the Assessment Manager or delegate);
- 11.2.6 the decision of the Panel;
- 11.2.7 the decision of the panel to exclude public attendance including reasons.
- 11.2.8 a disclosure by a member of the Panel of a direct or indirect pecuniary interest in any aspect of a development or anybody associated with any aspect of a development required under the PDI Act.
- 11.3 Members of the public are entitled to reasonable access to:
 - 11.3.1 the agendas for meetings of the Panel; and
 - 11.3.2 the minutes of meetings of the Panel.
- 11.4 The Panel may, before it releases a copy of any minutes under clause 11.3, exclude from the minutes information about any matter dealt with on a confidential basis by the Panel.
- 11.5 Minutes must be available under clause 11.3 within five (5) business days after their adoption by the Members of the Panel.
- 11.6 Minutes shall not be formal minutes until adopted by the Panel at the next meeting of the Panel. However, this does not preclude the issue of a Decision Notification advising of the determination of the Panel immediately after a meeting at which the Panel made its determination.
- 11.7 Upon adoption of the minutes, the Presiding Member shall authorise the minutes by signature and date of adoption on the last page of the minutes.
- 12. SITE INSPECTIONS AND LOCALITY VISITS**
 - 12.1 Formal site visits may be arranged on request from a Member of the Panel. A Member of the Panel may request attendance of a Council Officer to provide relevant information. The Panel will not hear deputations at a formal site visit.
 - 12.2 Locality visits by one or more Members of the Panel must be undertaken in accordance with the Code of Conduct.

13. INFORMATION RECEIVED AFTER MEETING AGENDA IS FINALISED

13.1 At the discretion of the Presiding Member (in consultation with Members of the Panel), any new or additional material submitted to the Panel by an applicant or representor, in accordance with clause 13.2 above may be:

13.1.1 accepted and considered; or

13.1.2 not accepted and not considered,

the Presiding Member's determination in this regard is final.

13.2 In determining whether to accept and consider the information pursuant to clause 13.4.1, the Presiding Member should consider the following:

a) The content of the information and whether it is relevant to the matter of whether Planning Consent should be granted

b) The time available for the information to be properly considered by the applicant, the representors (as relevant) and the Panel;

c) The reasons why the information was not provided within the application (or representation as relevant);

d) Prejudice that may be suffered on the other party (applicant or representor/s as relevant) by accepting or not accepting the information.

13.3 Whenever new or additional information or material provided by the applicant is accepted and considered by the Panel, representors may be provided with five additional minutes to their hearing time to address the Panel on the additional information. The applicant will be provided with five (5) additional minutes to respond to the representors' comments.

13.4 Whenever new or additional information or material provided by a representor is accepted and considered by the Panel, the representor who provided the information or material may be provided with five (5) additional minutes to their hearing time to address the Panel on the additional information. The applicant will be provided with five additional minutes to respond to the representor's comments

14. FORM OF DEBATE AND MOTIONS

14.1 In order to ensure informed decision making and to facilitate comprehensive consideration of issues, debate and discussion by the Panel of matters before it shall be, as far as practicable, informal within the bounds of professional meeting procedures and the principles of natural justice and procedural fairness.

- 14.2 In the interests of informality, during hearings of representations the Presiding Member will be referred to as "Presiding Member", and Members of the Panel will be referred to by their first name (not by title or position). In subsequent discussion of items during in the meeting of the Members (including the Presiding Member) may refer to each other by their first names and address Council staff by their first names.
- 14.3 At the conclusion of debate and discussion of matters, the Presiding Member will call for a motion enabling the Panel to determine the matter.
- 14.4 A motion will lapse if it is not seconded at the appropriate time.
- 14.5 The Presiding Member, in the absence of comment/discussion in relation to the matter requiring determination, will either move a motion or will request a motion to be moved and seconded.
- 14.6 Voting in favour or against a motion, as requested by the Presiding Member, shall be by show of hand.
- 14.7 The Presiding Member will request each Member to vote on a motion and then declare the outcome.

15. DECISION MAKING

- 15.1 The Panel must have regard to the Planning and Design Code as the basis for its decisions along with any written and verbal representations.
- 15.2 The Panel will make decisions in accordance with the timeframes set out in section 125 of the PDI Act.
- 15.3 To ensure that timeframes are met for making decisions the Panel will make a decision to either grant or refuse Planning Consent, and will not defer applications for the purpose of requesting further information or amendments.
- 15.4 In making a decision, the Panel:
- 15.4.1 must state whether the proposal is seriously at variance with the Planning and Design Code, in doing so must refuse to grant Planning Consent and provide reasons for the decision;
- 15.4.2 if the proposal is not seriously at variance with the Planning and Design Code, the Panel must determine whether Planning Consent is granted or refused.
- (a) Where Planning Consent is granted subject to conditions, reasons why the conditions have been imposed must be provided.

- (b) Where Planning Consent is refused, the reason for refusal must be provided.

15.5 All agenda reports will contain a recommendation which accords with the assessing officer's assessment of the development application. In circumstances where the assessment of a development application is considered by administration to be finely balanced, an alternative recommendation may be provided. Alternative recommendations may require further detail to be inserted by the Panel. Members of the Panel are expected to thoroughly consider recommendations before they are adopted. If the Panel determines a development application contrary to a recommendation, the Panel must ensure that the decision is thorough and contains adequate, clear and understandable reasons. Where a Member of the Panel wishes to move a recommendation which differs from that made by administration, the Member should contact the Assessment Manager for advice on their recommendation at least twenty four (24) hours prior to the meeting.

16. ASSESSMENT PANEL REVIEW OF DECISIONS OF ASSESSMENT MANAGER

16.1 This clause applies to reviews commenced by applicants pursuant to section 203 of the PDI Act ("Application for Review"). For clarity, this process applies to applications assessed and determined by the Assessment Manager as the relevant authority pursuant to section 96 of the PDI Act. No representations are permitted for the original applications or the review process.

16.2 Applications for Review:

16.2.1 may, pursuant to section 201 of the PDI Act, relate to:

- (a) any assessment, request, decision, direction or act of the Assessment Manager that is relevant to any aspect of the determination of the relevant application;
- (b) a decision to grant or refuse a development authorisation; or
- (c) the imposition of conditions in relation to a development authorisation; or
- (d) subject to any exclusion prescribed by the PDI Regulations, any other assessment, request, decision, direction or act of a relevant authority under this Act in

16.2.2 must be submitted using the [Application to Assessment Panel for Assessment Manager's Decision Review](#) ("the Form");

16.2.3 lodged in a manner identified on the Form; and

- 16.2.4 lodged within one month of the applicant receiving notice of the reviewed matter pursuant to clause 16.2.1 above, unless the Presiding Member in their discretion, grants an extension of time.
- 16.3 In determining whether to grant an extension of time, the Presiding Member may consider:
- 16.3.1 the reasons for the delay;
 - 16.3.2 the length of the delay;
 - 16.3.3 whether any rights or interests of other persons would be affected by allowing the review to be commenced out of time;
 - 16.3.4 the interests of justice;
 - 16.3.5 whether the applicant has, or is within time to, appeal the prescribed matter to the ERD Court;
 - 16.3.6 any other matters the Presiding Member considers relevant; and
 - 16.3.7 consultation with the Assessment Manager.
- 16.4 The Assessment Manager must ensure that the following documents are provided on the relevant Agenda for an Application for Review:
- 16.4.1 a report to the Panel containing all of the details of the relevant development application and the details of the reviewed decision;
 - 16.4.2 all materials which were before the Assessment Manager (or their delegate) at the time of the reviewed decision including (as relevant):
 - (a) application documents, reports, submissions, plans, specifications or other documents submitted by the applicant;
 - (b) internal and/or external referral responses; and
 - (c) any report from administration or an external planning consultant provided to the Assessment Manager (or their delegate);
 - 16.4.3 any assessment checklist used by the Assessment Manager (or their delegate) when making the reviewed decision;
 - 16.4.4 any other information requested by the Presiding Member.
- 16.5 The Assessment Manager must advise the applicant of the time and date of the Panel meeting at which the review application will be heard.

- 16.6 The applicant will be provided with five (5) minutes to address the Panel on their review and why they believe the Panel should reach a different decision to that made by the Assessment Manager or their delegate.
- 16.7 On review, the Panel will consider the reviewed decision afresh on the information provided to it and on the submissions of the applicant.
- 16.7.1 Information, materials, plans, details, specifications and other documents which were not before the Assessment Manager at the time of the decision on the Prescribed Matter will not be considered by the Panel.
- 16.7.2 In addition to clause 16.6 above, the Presiding Member may permit Panel members to ask questions or seek clarification from the applicant and/or the Assessment Manager, in his or her discretion.
- 16.8 The Assessment Manager must be present at the Panel meeting to respond to any questions or requests for clarification from the Panel.
- 16.9 Where the decision was made by a delegate of the Assessment Manager, the delegate may appear in place of the Assessment Manager.
- 16.10 The Presiding Member will invite all Panel Members to speak on any matter relevant to the review.
- 16.11 The Panel may resolve to defer its decision if it considers it requires additional time or information to make its decision.
- 16.12 The Panel may, on a review:
- 16.12.1 affirm the Assessment Manager's decision on the Prescribed Matter;
- 16.12.2 vary the Assessment Manager's decision on the Prescribed Matter;
- or
- 16.12.3 set aside the Assessment Manager's decision on the Prescribed Matter and substitute its own decision.
- 16.13 The Assessment Manager will advise the applicant, in writing, of the Panel's decision within five (5) business days of the meeting or otherwise prescribed by the PDI Regulations.

17. PLANNING APPEALS

- 17.1 Should an appeal be lodged in relation to a decision of the Panel, the Panel will determine whether any "compromise proposal" is appropriate or the matter proceed to a hearing in the Environment, Resources and Development Court.

17.2 Should the Panel not make a decision in respect of an application within the time prescribed in the PDI Act and the Panel receives a deemed consent notice from the applicant in accordance with section 125(2) of the PDI Act, the Panel to decide whether to apply to the Court to have deemed consent notice quashed.

17.3 The Assessment Manager/Director, Development and Environmental Services/CEO is authorised to make decisions as to the conduct of appeals (including Judicial Review) subject to consulting with the Presiding Member.

17.4 Any compromise arising from an appeal shall be presented to the Panel for a decision.

17.5 In the event of an urgent matter, that the Panel may determine by electronic meeting in accordance with its General Operating Procedures.

18. QUARTERLY REPORTING

18.1 The Assessment Manager will prepare:

18.1.1 A quarterly report of the development applications determined under delegated authority of the Barossa Assessment Panel for the previous period;

18.1.2 A report at the next meeting of the Panel for any development application delegated by the Panel where a deemed consent notice has been received.

19. VALIDITY OF PROCEEDINGS

19.1 A proceeding of the Panel (and any decision made by the Panel) is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

20. COMPLAINTS

20.1 A person may make a complaint to the State Planning Commission ("the Commission") if the person believes that a Member of the Panel has acted in contravention of the Code of Conduct.

20.2 A complaint must:

20.2.1 be in writing; and

20.2.2 contain particulars of the allegation on which the complaint is based; and

20.2.3 be verified by statutory declaration.

- 20.3 Except with the approval of the Commission, a complaint must not be lodged with the Commission more than six (6) months after the day on which the complainant first had notice of the matters alleged in the complaint.

21. MISCELLANEOUS MATTERS

- 21.1 An applicant may not defer matters from the meeting agenda after the agenda has been sent to Members of the Panel, unless agreed at the meeting or by the Presiding Member prior to the meeting. The applicant must make this request in writing to the Assessment Manager, including reason(s) for their request to defer.
- 21.2 Should a Member of the Panel receive by direct post, fax, e-mail or other means, information in relation to a development application being assessed by Council development assessment officers which may be referred for decision by the Panel at a future time, then the Member of the Panel should immediately forward the information received to the Assessment Manager. The Member of the Panel should not acknowledge receipt of the information nor enter into discussion with the sender in relation to any matters contained within the information received. If a Member of the Panel receives such information, he or she must disclose this fact at the relevant Panel meeting, and confirm that the information will not be taken into account for the purposes of making a decision on the relevant application.
- 21.3 Should a request be made for public comment on the operations or decisions made by the Panel then the matter should be referred to the Presiding Member. Comment may be made at the discretion of the Presiding Member.
- 21.4 A Member of the Panel at a meeting may request independent expert advice on any relevant matter before the Panel. Such requests are to be referred to the Assessment Manager for approving of and authorising the engagement of any independent experts. If the Assessment Manager decides not to engage such advice the Panel must be advised of the decision and the reason as soon as reasonably possible.
- 21.5 The role of the Panel is not one of mediator or arbitrator for parties expressing divergent views but as is a decision maker charged with the responsibility of assessing each development application against the Planning and Design Code. It is a role that is inquisitorial rather than adversarial. The Panel does not therefore have a role as a mediator or arbitrator at its meetings or otherwise between an applicant and representors.

22. OTHER MATTERS

- 22.1 Except insofar as a procedure is not prescribed by the PDI Act or PDI Regulations under the PDI Act, the procedures of the Panel in relation to the conduct of its business will be as determined by the Panel.

Barossa Assessment Panel Meeting

4 October 2022

Attachment 1

Barossa Assessment Panel Operating and Meeting Procedures

7/6/2022

22.2 The Panel will review these Operating and Meeting Procedures on an annual basis.

Signed Dated:
Presiding Member



The voice of local government.

Council Assessment Panel

Model Meeting Procedures

[July 2022](#)18-February-2021

e Changed

d: English (United States), Do not check spelling or

d: English (United States), Do not check spelling or

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[COUNCIL] Council Assessment Panel

Meeting Procedures

Adopted by the CAP on **[insert date]**

These Meeting Procedures are to be read in conjunction with:

- the meeting procedures contained within the *Planning, Development and Infrastructure (General) Regulations 2017 (Regulations)*; and
- the CAP's Policy for Assessment Panel Review of Decision of Assessment Manager (**Assessment Manager Review Policy**).

1. CAP MEETINGS

Ordinary Meetings

- 1.1 Subject to clause **1.21-2**, ordinary meetings of the **[COUNCIL]** Council Assessment Panel (**CAP**) will be held at such times and places as determined by the CAP.
- 1.2 The time and place of the first meeting of the CAP following its establishment will be determined by the Assessment Manager. The Assessment Manager must give notice of the first CAP meeting to the CAP and the public in accordance with clauses **1.41-4** and **1.61-6**.
- 1.3 Notice of an ordinary meeting will be given to all CAP Members by the Assessment Manager not less than **[insert]** clear days prior to the holding of the meeting in accordance with clause **1.41-4**.
- 1.4 Notice of a meeting of the CAP must:
 - 1.4.1 be in writing;
 - 1.4.2 set out the date, time and place of the meeting;
 - 1.4.3 be signed by the Assessment Manager;
 - 1.4.4 contain or be accompanied by the agenda and any documents and/or reports that are to be considered at the meeting (in so far as practicable); ~~and~~
 - 1.4.5 be given to a CAP Member personally, by post to a place authorised in writing by the Member or by other means authorised by the Member as being an available means of giving notice;
 - 1.4.6 where attendance at the meeting is able to occur by electronic means (in whole or in part), include details of how to connect to the meeting; and

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~~4.4.5~~ ~~1.4.7~~ where the meeting is to be live streamed for viewing by members of the public, include details of how to access and/or connect to the live stream.

- 1.5 A notice that is not given in accordance with clause ~~1.4.4~~ is taken to have been validly given if the Assessment Manager considers it impracticable to give the notice in accordance with that clause and takes action the Assessment Manager considers reasonably practicable in the circumstances to bring the notice to the attention of the Member.
- 1.6 A copy of the agenda for all meetings of the CAP will be available for viewing by the public on the Council's website and at the Council's offices as soon as practicable after the time that notice of the meeting has been given to CAP Members.
- 1.7 The Assessment Manager may, with leave or at the request of the Presiding Member, include in the agenda an item to be considered at the meeting to which the agenda relates after notice of the meeting has been given to CAP Members. In such instance, the Assessment Manager shall provide an updated agenda and any documents and/or reports relating to that item to be considered at the meeting to Members as soon as practicable. The Assessment Manager will also make an updated agenda available to the public.
- 1.8 The Presiding Member may adjourn a CAP Meeting to a future date and time, unless the CAP resolves to continue the meeting.
- 1.9 A meeting will break for ~~[insert time period]~~ once every ~~[insert time period]~~, or more or less often as determined by the Presiding Member.

Special Meetings

- 1.10 The Presiding Member, or two or more CAP Members, may by delivering a written request to the Assessment Manager require a special meeting of the CAP to be held. The written request must be accompanied by the agenda for the special meeting.
- 1.11 On receipt of a request pursuant to clause ~~1.10.4-10~~, the Assessment Manager must determine the date, time and place of the special meeting and give notice to all CAP Members at least 4 hours before the commencement of the special meeting.

2. DEPUTY MEMBERS

- 2.1 If a CAP Member is unable or unwilling to attend a meeting or part of a meeting, he or she must use his or her best endeavours to notify the Presiding Member or Assessment Manager at his or her earliest opportunity.
- 2.2 If notification pursuant to clause ~~2.12.4~~ is given, the Assessment Manager may request a Deputy Member attend the meeting in place of the CAP Member for the meeting or part of the meeting.

Commented [p1]: May be replaced with the Presiding Member

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2.3 Unless the context otherwise requires, a reference to a Member in these Meeting Procedures includes a Deputy Member.

2.2.1

3. **ADDITIONAL MEMBERS**

3.1 The CAP may appoint up to two Additional Members in accordance with Section 85 of the *Planning, Development and Infrastructure Act 2016 (Act)*.

3.2 Where the CAP has appointed Additional Member(s), the Presiding Member, in consultation with the Assessment Manager, may invite one or both Additional Members to attend any meeting (or part thereof) where he or she considers the Additional Member(s) will, by virtue of their qualifications, expertise or experience, assist the CAP in dealing with a matter that it must assess under the Act (or, during the transition to the Act, the *Development Act 1993 (D Act)*).

3.3 A request that an Additional Member attend a meeting must be made in writing and be accompanied by the notice for the meeting in accordance with clause 1.44-4, highlighting the item(s) the Additional Member is required to consider.

3.4 Unless the context otherwise requires, a reference to a Member in these Meeting Procedures includes an Additional Member, save that an Additional Member is not able to vote on any matter arising for determination by the CAP.

Commented [p2]: Clause 3 may be deleted if Additional Members are not appointed to the CAP.

4. **ELECTRONIC MEETINGS**

4.1 One or more CAP Members may attend a meeting via electronic means.

4.2 A CAP Member attending a meeting via electronic means is taken to be present at the meeting provided that the CAP Member:

4.2.1 can hear and, where possible, see all other CAP Members who are present at the meeting;

4.2.2 can hear and, where possible, see all representors (or their representatives) and applicants (or their representatives) who speak at the meeting;

4.2.3 can be heard and, where possible, seen by all other CAP Members present at the meeting; and

4.2.4 can be heard and, where possible, seen by the person recording the minutes of the meeting.

4.3 Where a meeting occurs via electronic means, it will (to the extent that the public is not able to physically attend the meeting) be live streamed.

Commented [NM3]: Section 39 of the Legislation Interpretation Act 2021 allows electronic meetings to occur via audio connection only. Panels may wish to encourage audio and visual connections, where possible. Where a Panel is satisfied with audio connection only, the text "where possible, see" may be deleted.

Commented [NM4]: As above.

Commented [NM5]: As above.

Commented [NM6]: As above.

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4.4 Where a meeting is being live streamed, the live stream must be disconnected only during those parts of the meeting during which the public has been excluded from attendance pursuant to Regulation 13(2) of the Regulations.

4.5 Where the public has been excluded from attendance pursuant to Regulation 13(2) of the Regulations, the Assessment Manager or a person nominated by the Assessment Manager must ensure that all parties except for the CAP Members disconnect from or are disconnected from the meeting.

4.5. COMMENCEMENT OF MEETINGS

4.15.1 Subject to a quorum being present, a meeting of the CAP will commence as soon as possible after the time specified in the notice of a meeting.

4.25.2 If the number of apologies received by the Assessment Manager or Presiding Member indicates that a quorum will not be present at a meeting, the Presiding Member may adjourn the meeting to a specified day and time.

4.35.3 If at the expiration of thirty minutes from the commencement time specified in the notice of the meeting a quorum is not present, the Presiding Member may adjourn the meeting to a specified date and time.

4.45.4 In the event that the Presiding Member is absent from a meeting, the Assessment Manager, or such other person as nominated by the Assessment Manager, will preside at the meeting until such time as the meeting appoints an Acting Presiding Member.

5.6. ASSESSMENT OF DEVELOPMENT APPLICATIONS

The procedures in Part 6 of these Meeting Procedures relate only to the CAP's assessment of development applications under Part 7 of the Act and Part 4 of the D Act. NB: The procedures for determining an application for review of an Assessment Manager's decision are contained in the Assessment Manager Review Policy.

5.16.1 The Assessment Manager may in his or her discretion exclude:

5.1.16.1.1 a representation or response to representation(s) which is received out of time;

5.1.26.1.2 a representation in relation to Category 2 development from a person who was not entitled to be given notice of the application; or

5.1.36.1.3 a representation or response to representation(s) which is otherwise invalid.

Commented [p7]: May be replaced with the Presiding Member

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5.26.2 The **Assessment Manager** may in his or her discretion accept and allow to be considered by the CAP any new or additional material submitted by a representor or applicant. The CAP may defer consideration of the application to enable full and proper assessment of the further information.

Commented [p8]: May be replaced with the Presiding Member

5.36.3 Any material to be considered by the CAP pursuant to clause **6.26.2** must be provided to the applicant and/or representor(s) (as the case may be) in a manner directed by the **Assessment Manager** and those parties be provided with an opportunity to respond, either in writing or verbally, at the discretion of the **Assessment Manager**.

Commented [jfc9]: May be replaced with the Presiding Member

Commented [p10]: May be replaced with the Presiding Member

5.46.4 In relation to each application it considers, the CAP must:

5.4.16.4.1 determine whether the proposal is seriously at variance with the Development Plan or the Planning Rules (as relevant) and provide reasons for its determination; and

5.4.26.4.2 provide reasons for granting or refusing development authorisation and for the imposition of any conditions.

5.56.5 If the CAP determines that a proposal is seriously at variance with the Development Plan or the Planning Rules (as relevant), it must refuse development authorisation to the application.

5.66.6 In relation to each application to be considered and determined by the CAP:

5.6.16.6.1 a person who has lodged a representation in relation to a Category 2 or 3 application under the D Act or an application for which notice must be given under the Act, which has not been excluded pursuant to clause **6.16.4** and who has indicated that they wish to be heard on their representation is entitled to appear before the CAP and be heard in support of their representation, in person or by an agent;

Commented [jfc11]: Delete "2 or" if the CAP does not wish to automatically permit Category 2 representors who wish to be heard to speak

Commented [jfc12]: Delete "or an application for which notice must be given under the Act" if the CAP does not wish to automatically permit PDI Act representors who wish to be heard to speak

5.6.26.6.2 a person who has lodged a representation in relation to either a Category 2 application under the D Act or an application for which notice must be given under the Act, which has not been excluded pursuant to clause **6.16.4** and who has indicated that they wish to be heard on their representation may, at the discretion of the Presiding Member, appear before the CAP and be heard in support of their representation, in person or by an agent;

Commented [jfc13]: This paragraph can be deleted in its entirety where a CAP permits all representors who wish to be heard to be heard

5.6.36.6.3 where one or more representors are heard by the CAP, the applicant is entitled to appear before the CAP to respond to any relevant matter raised by a representor, in person or by an agent;

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~~5.6.46.6.4~~ where no representors appear at the meeting, the Presiding Member may, in his or her discretion, allow an applicant to be heard in support of his or her application, in person or by an agent;

~~5.6.56.6.5~~ representors and applicants will be allowed five minutes each to address the CAP. The Presiding Member may allow a party additional time at his or her discretion;

~~5.6.66.6.6~~ CAP members may question and seek clarification from a representor or applicant who has addressed the CAP at the conclusion of their address; and

~~6.5.7~~ following addresses from representors and the applicant, the Presiding Member will invite all Members to speak on any matter relevant to the application.

~~5.6.76.6.8~~ Clauses 6.6.1 to 6.6.4 are satisfied if a representor or applicant (as the case may be) appears via electronic means. The Presiding Member may require that any such appearance be via electronic means.

~~6.7~~ DECISION MAKING

~~6.47.1~~ Each Member present at a meeting of the CAP, including a Deputy Member who has been requested to attend the meeting or part of the meeting in place of a Member who is unable or unwilling to attend the meeting, is entitled to one vote on any matter arising for decision. If the votes are equal, the Presiding Member is entitled to a second or casting vote. Additional Members appointed to the CAP to provide expert advice and assistance are not entitled to vote.

~~6.27.2~~ Matters arising for decision at a meeting of the CAP will be decided by a majority of the votes cast by Members present at the meeting and entitled to vote.

~~6.37.3~~ The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by any person (including a CAP Member, applicant, representor or other member of the public) to a specified date and time.

~~6.47.4~~ The Presiding Member may ask a member of the public (including an applicant, representor or other member of the public) to leave or disconnect from a meeting where he or she is, in the opinion of the Presiding Member:

~~6.4.47.4.1~~ behaving in a disorderly manner; or

~~6.4.27.4.2~~ causing an interruption or disruption to the meeting.

~~6.57.5~~ Where a person is entitled or has been requested to appear before the CAP in relation to an application for review of an Assessment Manager's

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decision (including the Assessment Manager or delegate), the person may appear via electronic means. The Presiding Member may require that any such appearance be via electronic means.

7.8. MINUTES AND REPORTING

~~7.18.1~~ The CAP must ensure that accurate minutes are kept of all meetings.

~~7.28.2~~ The Assessment Manager, or a person nominated by the Assessment Manager, will take minutes of all meetings.

~~7.38.3~~ The minutes will record:

~~7.3.18.3.1~~ the names of all Members present;

~~7.3.28.3.2~~ the names of all Members from whom apologies have been received;

~~7.3.38.3.3~~ the name and time that a Member enters or leaves the meeting;

~~7.3.48.3.4~~ the name of every person who makes or responds to a representation in relation to a development application;

~~7.3.58.3.5~~ methods of attendance by all Members present and by every person who makes or responds to a representation;

~~7.3.68.3.6~~ the name of every person who appears in relation to an application for review of an Assessment Manager decision (including the Assessment Manager or delegate);

~~7.3.78.3.7~~ in relation to each development application:

~~7.3.7.18.3.7.1~~ the determination of the CAP as to whether the proposal is seriously at variance with the Development Plan or Planning Rules (as relevant); and

~~7.3.7.28.3.7.2~~ the reasons for granting or refusing development authorisation and for the imposition of any conditions; and

~~7.3.88.3.8~~ in relation to each application for review of an Assessment Manager decision:

~~7.3.8.18.3.8.1~~ the determination of the CAP as to whether the proposal is seriously at variance with the Development Plan or Planning Rules (as relevant); and

~~7.3.8.28.3.8.2~~ the reasons for the CAP's decision under Section 203(4) of the Act, including the reasons for the imposition of any new or varied conditions; and

Commented [JC14]: Delete/amend if the CAP has chosen to conduct reviews of decisions of the Assessment Manager without hearing from the applicant for review and/or the Assessment Manager (or delegate)

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~~7.3.98.3.9~~ where a decision is by majority vote, the decision and its mover and seconder, but not each Members' vote;

~~7.3.408.3.10~~ if an application is not determined by the CAP, the deferral of the application and the reasons for the deferral;

~~7.3.448.3.11~~ a decision to exclude the public from attendance pursuant to the Regulations;

~~7.3.428.3.12~~ any disclosure of a direct or indirect pecuniary interest in any aspect of a development or anybody associated with any aspect of a development made by a Member in accordance with Section 83(1)(g) of the Act, and the nature of the interest;

~~7.3.438.3.13~~ any disclosure of a conflict of interest made by a Member pursuant to the Code of Conduct adopted by the Minister under Clause 1(1)(c) of Schedule 3 of the Act (**Code of Conduct**), and the nature of the interest; and

~~7.3.448.3.14~~ if a meeting is adjourned by the Presiding Member, the reason for the adjournment and the date and time to which the meeting is adjourned.

~~7.48.4~~ All minutes must be confirmed by the Assessment Manager in conjunction with the Presiding Member as being accurate prior to, or at the commencement of, the following CAP meeting.

8-9. ADDITIONAL PROCEDURES

~~8-49.1~~ Insofar as any procedure to be followed by the CAP is not prescribed by the Act and Regulations (and, during the transition to the Act and Regulations, the D Act and *Development Regulations 2008*), the CAP's Terms of Reference, the Code of Conduct, the Assessment Manager Review Policy, or these Meeting Procedures - the CAP may by resolution determine the procedure for itself. Any such determination may be added to these Meeting Procedures.

~~8-29.2~~ The CAP may call for and consider such professional assistance from the Assessment Manager and, in consultation with the Assessment Manager, other professional advisors as it deems necessary and appropriate from time to time.

10. DEFINITIONS

The following definitions apply in relation to these Meeting Procedures:

10.1 *connect* means able to hear and/or see the meeting by electronic means, including via a live stream;

10.2 *disconnect* means to remove the connection so as to be unable to hear and see the meeting;

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10.3 *electronic* means includes a telephone, computer or other electronic device used for communication;

10.4 *live stream* means the transmission of audio and/or video from a meeting at the time the meeting is occurring.

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TEMPORARY ADDENDUM TO FACILITATE ELECTRONIC MEETINGS

On 9 April 2020, the *COVID-19 Emergency Response Act 2020* (**COVID Act**) commenced operation. The COVID Act will expire on the earlier of 31 May 2021 or the day on which all relevant declarations relating to the outbreak of COVID-19 within South Australia have ceased (**Expiry Day**).

Section 17 of the COVID Act provides (relevantly) that despite a provision of any other act, a requirement that a meeting occur that requires 2 or more persons to be physically present will be taken to be satisfied if the persons meet remotely using audio-visual or audio-only communication.

In reliance on Section 17 of the COVID Act, on **[insert date]**, the CAP adopts the following temporary amendments to the ordinary meeting procedures numbered 1 to 8 above (**Ordinary Meeting Procedures**). These amendments will operate until the Expiry Day of the COVID Act.

9. DEFINITIONS

The following definitions apply in relation to these temporary amendments:

9.1 *connect* means able to hear and/or see the meeting by electronic means, including via a live stream

9.2 *disconnect* means to remove the connection so as to be unable to hear and see the meeting

9.3 *electronic means* includes a telephone, computer or other electronic device used for communication

9.4 *live stream* means the transmission of audio and/or video from a meeting at the time the meeting is occurring

10. AMENDMENTS TO CLAUSE 1

9.1 Sub-clause 1.4 of the Ordinary Meeting Procedures is supplemented with the inclusion of the following additional paragraphs:

1.4.6 where attendance at the meeting is able to occur by electronic means (in whole or in part), include details of how to connect to the meeting; and

1.4.7 where the meeting is to be live streamed for viewing by members of the public, include details of how to access and/or connect to the live stream. 9.2 Sub-clause 1.6 of the Ordinary Meeting Procedures is amended with the deletion of the words "and at the Council's offices".

11. ADDITIONAL CLAUSE 3A

A new clause 3A is inserted into the Ordinary Meeting Procedures as follows:

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3A.1 — One or more Panel members may attend a meeting via electronic means:

3A.2 — A Member attending a meeting by electronic means is taken to be present at the meeting provided that the Member:

3A.2.1 — can hear and, where possible, see all other Members who are present at the meeting;

3A.2.2 — can hear and, where possible, see all representatives (or their representatives) and applicants (or their representatives) who speak at the meeting;

3A.2.3 — can be heard and, where possible, seen by all other Members present at the meeting; and

3A.2.4 — can be heard and, where possible, seen by the person recording the minutes of the meeting.

3A.3 — Where a meeting occurs via electronic means, it shall (to the extent that the public is not able to physically attend the meeting) be live streamed.

3A.4 — Where a meeting is being live streamed, the live stream shall be disconnected only during those parts of the meeting during which the public has been excluded from attendance pursuant to Regulation 13(2) of the Regulations.

3A.5 — Where the public has been excluded from attendance pursuant to Regulation 13(2) of the Regulations, the Assessment Manager or a person nominated by the Assessment Manager shall ensure that all parties except for CAP members disconnect from or are disconnected from the meeting.

12. AMENDMENTS TO CLAUSE 5

12.1 — Sub-clause 5.6 of the Ordinary Meeting Procedures is supplemented with the inclusion of the following additional paragraph:

5.6.8 — Clauses 5.6.1 to 5.6.4 are satisfied if a representer or applicant (as the case may be) appears via electronic means. The Presiding Member may require that any such appearance be via electronic means.

13. AMENDMENTS TO CLAUSE 6

13.1 — Sub-clause 6.4 of the Ordinary Meeting Procedures is amended with the inclusion of the words "or disconnect from" after the word "leave". As amended, sub-clause 6.4 is as follows:

Commented [jfc15]: Section 17 of the COVID Act permits audio attendance only. Panels may wish to encourage audio and visual connections, where possible. Where a Panel is satisfied with audio connection only, "where possible, see" may be deleted.

Commented [jfc16]: As above, this may be deleted. It is sufficient for a representer or applicant to appear by audio link only.

Commented [jfc17]: As above

Commented [jfc18]: As above

Commented [jfc19]: This will be 5.6.7 if the CAP has chosen to delete template clause 5.6.2 (i.e. for all CAPs which allow all Cat 2 representors to be heard as of right).

Commented [jfc20]: As per above comment, this will be 5.6.3 if the CAP has chosen to delete template clause 5.6.2 (i.e. for all CAPs which allow all Cat 2 representors to be heard as of right).

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6.4

The Presiding Member may ask a member of the public (including an applicant, representor or other member of the public) to leave or disconnect from a meeting where he or she is, in the opinion of the Presiding Member: ...²

13.2

Clause 6 of the Ordinary meeting Procedures is supplemented with the inclusion of the following additional paragraph:

6.5

Where a person is entitled or has been requested to appear before the CAP in relation to an application for review of an Assessment Manager decision (including the Assessment Manager or delegate), the person may appear via electronic means. The Presiding Member may require that any such appearance be via electronic means.

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AMENDMENTS TO CLAUSE 7

Sub-clause 7.3 of the Ordinary Meeting Procedures is supplemented with the inclusion of the following additional paragraph:

7.3.4A

methods of attendance by all Members present and by every person who makes or responds to a representation.

Commented [JC21]: If the CAP has chosen to not permit the applicant for review or the Assessment Manager to appear, these new clauses 6.5 and 6.6 can be deleted.

Commented [JC22]: If the CAP's review of decision of Assessment Manager provides the Assessment Manager a right to appear the words "or has been requested" may be deleted.

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Barossa Assessment Panel Meeting

4 October 2022

12. REPORTS – CONFIDENTIAL

Nil.

13. NEXT MEETING

Tuesday 1 November 2022 commencing at 5.00 pm

14. CLOSURE OF MEETING

The Presiding Member will declare the meeting closed.

10. REPORTS – OTHER BUSINESS

10.1 Review of The Barossa Assessment Panel Operating and Meeting Procedures

PURPOSE

To present a draft amendment to the Barossa Assessment Panel Operating Procedures based on previous feedback received from Panel Members.

BACKGROUND

Section 18 of the Planning, Development and Infrastructure (General) Regulations 2017 outlines that except insofar as a procedure is prescribed by the Act or these Regulations, the procedures of an Assessment Panel in relation to the conduct of its business will be as determined by the Assessment Panel.

The Operating Procedures were last amended by the Panel on 7 June 2022. A copy of the Operating Procedures is contained in **Attachment 1**. The changes that occurred in this iteration of the document were in nature of:

- a) New Section 18 regarding quarterly reporting of the development applications determined under delegated authority of the Barossa Assessment Panel and any development application delegated by the Panel where a deemed consent notice has been received;
- b) Amend Section 13 – *Information provided following preparation of the meeting agenda*, to provide greater clarity in relation to when circumstances of this kind shall apply and be dealt with.

The previous term of the Panel concluded on 31 December 2022. Prior to the conclusion of the previous term, the Panel were invited to provide feedback in relation to their experience working with the Operating and Meeting Procedures. A report was presented to the Panel for discussion at the meeting on 4 October 2022. A copy of the report is contained in **Attachment 2**.

At the Panel meeting on 7 February 2023, the Panel workshopped some matters contained within the Operating and Meeting Procedures and asked that staff come back with a report incorporating some recommended amendments to the Procedures. This report provides recommended changes and summarises the rationale for the changes.

DISCUSSION

A draft amended Operating and Meeting Procedures have been prepared and are contained in **Attachment 3**. The proposed changes are summarised under headings below:

Member must not abstain from voting

The Panel expressed feedback that the current Procedures do not make explicit whether a member can abstain from voting. A new clause 7.8 is recommended to make it explicit that a member or members cannot abstain from voting in relation to a matter arising for decision.

Hearing of representations

The Panel expressed feedback that it would like it made clear that a representor who desires to be heard will be afforded this opportunity to appear personally. It is noted that Clause 10.1 of the Procedures simply states the terms in Regulation 50(5) of the Planning, Development and Infrastructure (General) Regulations 2017 and it is suggested that this clause should not be amended.

A new clause 10.15 is proposed to make explicit that the discretion to determine whether a representor is allowed to appear personally will be delegated to the Assessment Manager, recognising that it is impractical for the Panel to decide each request before it, when the current practice provides that a representor will be given this right and that discretion rests with the Assessment Manager.

If the Panel would like this clause to appear as an entitlement, rather than as a discretion, then it could adopt such words, but it is not considered necessary as the Assessment Manager will afford this right to all representors that make such request.

Clause 10.7 is also proposed to be amended to make it clear that members of the Panel may question or seek clarification on a matter under consideration of the Panel. This addresses the Panel's concern that a representor or applicant could not provide a response to the Panel after the conclusion of the hearing of representations had occurred.

Hearing from applicant where there is no representation

The Panel expressed feedback that an applicant may not be afforded the opportunity to be heard where there are no representations. It is noted that Clause 10.10 does provide an applicant the opportunity to be heard, at the discretion of the Presiding Member, where their written response to representations requires explanation or where the Panel will otherwise benefit from hearing from them. It is suggested that the discretion to allow the applicant to speak is available and is presently effective to enable this outcome.

Deferral of applications

Clause 15.3 of the Operating Procedures presently precludes the Panel from deferring an application. While it is suggested that deferral is not the preferred outcome, it is suggested this clause be amended to enable circumstances where the Panel can defer an application. From time to time, it may be appropriate for the Panel to defer an application, with the consent of the applicant.

CONCLUSION

The Panel is invited to adopt the amended draft Operating and Meeting Procedures, which has been prepared based on feedback from the previous membership of the Panel and feedback received from the current Panel on 7 February 2023.

RECOMMENDATION

That the draft Operating and Meeting Procedures be endorsed.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Current Operating and Meeting Procedures [!\[\]\(4e333a6106fc298d0ae6dff272a736ef_img.jpg\)](#) 
- Attachment 2 Previous Panel report regarding Operating and Meeting Procedures presented to the 4 October 2022 Panel meeting [!\[\]\(9496824b8cff3a19f59b81b37b57d8b6_img.jpg\)](#) 
- Attachment 3 Draft Barossa Assessment Panel Operating and Meeting Procedures [!\[\]\(fad66fecb73aae330937d501057cafc9_img.jpg\)](#) 

BAROSSA ASSESSMENT PANEL OPERATING AND MEETING PROCEDURES



Document Owner:	The Barossa Council	Previous Approval	NEW
Document Control Officer:	DDES	Current Approval Date:	07/06/22
HPE Content Manager	20/71161	Next Review Date:	07/06/2024

1. APPLICATION

- 1.1 These Operating and Meeting Procedures apply to the Barossa Assessment Panel ("the Panel") established under section 83 of the *Planning, Development and Infrastructure Act 2016* ("the PDI Act") and having regard to the Terms of Reference for the Panel as adopted by the Council.
- 1.2 The Panel is a relevant authority pursuant to section 93 of the PDI Act.
- 1.3 The following principles should be applied with respect to the procedures to be observed at a Panel meeting:
 - 1.3.1 procedures should be fair and contribute to open, transparent and informed decision-making;
 - 1.3.2 procedures should encourage appropriate community participation as may be required under the PDI Act and the *Planning, Development and Infrastructure (General) Regulations 2017* ("the PDI Regulations");
 - 1.3.3 procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
 - 1.3.4 procedures should be sufficiently certain to give applicants, representors and the general community confidence in the deliberations at the meeting.
- 1.4 Interactions between Members of the Panel, the public, Council staff and elected Members of the Council are to be courteous and respectful.

2. MEETING NOTICE, TIMES AND VENUE

- 2.1 Scheduled meetings of the Panel will be held on the first Tuesday of each month (excluding the first Tuesday meeting in January) at 5pm, in person at the Council Offices, 43-51 Tanunda Road, Nuriootpa, or via online platform,

electronic or other means as determined by the Panel in consultation with the Assessment Manager unless there are no matters to be considered.

- 2.2 For the sake of clarity, if an in person meeting is convened, then individual Panel members may, with the prior permission of the Presiding Member, attend the meeting via online platform, electronic or other means.
- 2.3 Written notice of a meeting of the Panel must be given to each member of the Panel by the Assessment Manager at least three (3) business days before the date of the meeting.
- 2.4 The notice must set out the date, time and place of the meeting or, alternatively, long-in or other details for a meeting held via online platform, electronic or other means, and contain or be accompanied by the agenda for the meeting. The notice may be given to a Member of the Panel:
 - 2.4.1 personally; or
 - 2.4.2 by delivering the notice (whether by post or otherwise) to the usual place of residence of the Member or to another place authorised in writing by the Member; or
 - 2.4.3 by leaving the notice for the Member at an appropriate place at the principal office of the Council, if authorised in writing by the Member to do so; or
 - 2.4.4 by a means authorised in writing by the Member as being an available means of giving notice (e.g. email or facsimile transmission).
- 2.5 A notice that is not given in accordance with clause 2.4 of this document is taken to have been validly given if the Assessment Manager considers it impracticable to give the notice in accordance with that clause and takes action the Assessment Manager considers reasonably practicable in the circumstances to bring the notice to the attention of the Member.
- 2.6 Special meetings (being additional meetings or alternative meetings) of the Panel may be required in special circumstances to expedite decisions on applications before the Panel, and will be called at the discretion of the Presiding Member in consultation with the Assessment Manager. Members of the Panel, applicants, representors and the public shall be given five (5) clear business days' notice of a special meeting of the Panel.
- 2.7 Public notice of a scheduled meeting will be provided at the Council office and on the Council's website.
- 2.8 A copy of the Agenda and reports from the Administration for every meeting of the Panel shall be available for viewing by the public at the Council office at least three (3) business days before the meeting.

- 2.9 A copy of the Agenda and reports from the Administration for every meeting of the Panel shall be available for viewing on the Council's web site at least three (3) business days before the meeting.
- 2.10 A meeting of the Panel will commence as soon after the time specified in the notice of the meeting, as a quorum is present in accordance with clause 4.1 and 4.2 of these Operating and Meeting Procedures.
- 2.11 If a meeting is adjourned to another day, the Assessment Manager must:
 - 2.11.1 give notice of the adjourned meeting to each Member setting out the date, time and place of the meeting; and
 - 2.11.2 give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place/platform of the meeting together with access details (as relevant) to be placed on display at the principal office of the Council and/or the Council's website as determined by the Assessment Manager.
- 2.12 In the event the Presiding Member is not present, then the Panel shall appoint one of its members as the acting Presiding Member.

3. PUBLIC ACCESS TO MEETINGS

- 3.1 Members of the public are entitled to attend a meeting of the Panel other than as set out in sub-section 3.2 of these Operating and Meeting Procedures. Where a meeting is to occur in person, attendance may occur by attending the place of the meeting and observing the meeting from the public gallery. Where a meeting is to occur via online platform, electronic or other means, the meeting will be livestreamed or otherwise made accessible in a manner deemed appropriate by the Assessment Manager such that members of the public can hear and see the meeting as they would if located in the public gallery of an in person meeting.
- 3.2 The Panel may exclude the public from attendance at a meeting—
 - 3.2.1 during so much of the meeting as is necessary to receive, discuss or consider in confidence any of the following matters:
 - (i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
 - (ii) information the disclosure of which—
 - (A) could unreasonably be expected to confer a commercial advantage on a person, or to prejudice the commercial position of a person; and

- (B) would, on balance, be contrary to the public interest;
 - (iii) information the disclosure of which would reveal a trade secret;
 - (iv) commercial information of a confidential nature (not being a trade secret) the disclosure of which—
 - (A) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (B) would, on balance, be contrary to the public interest;
 - (v) matters affecting the safety or security of any person or property;
 - (vi) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
 - (vii) matters that should be considered in confidence in order to ensure that the Panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
 - (viii) legal advice;
 - (ix) information relating to actual litigation, or litigation that the Panel believes on reasonable grounds will take place;
 - (x) information the disclosure of which—
 - (A) would divulge information provided on a confidential basis by or to a Minister of the Crown, the State Planning Commission, or another public authority or official; and
 - (B) would, on balance, be contrary to the public interest;
- 3.2.2 during so much of the meeting that consists of its discussion or determination of any application or other matter that falls to be determined by the Panel.
- 3.3 For the sake of clarity, where a meeting is convened via online platform, electronic or other means, and the Panel resolves to exclude the public from the meeting as per clause 3.2 above, exclusion of the public will occur, as relevant, through the livestream being paused, audio and video feeds being

disabled or other means as determined by the Assessment Manager, for the duration of the confidential item.

- 3.4 The Panel is committed to transparency in decision making. Accordingly, the Panel's powers to enter into confidence as detailed at clause 3.2 above must be used sparingly and in extenuating circumstances and only in consultation with or on the advice of the Assessment Manager.

4. **QUORUM**

- 4.1 A quorum at a meeting of the Panel is a number obtained by dividing the total number of Members of the Panel for the time being in office by two (2), ignoring any fraction resulting from the division, and adding one (1).
- 4.2 The Panel comprises five (5) members and therefore a quorum at a meeting is three (3) members.
- 4.3 If the number of apologies received by the Presiding Member or the Council, indicate that a quorum will not be present at a meeting, the Presiding Member, may adjourn the meeting to a specified day and time.
- 4.4 Should a quorum not be reached within 30 minutes of the scheduled commencement time of the meeting and there is no apparent prospect of achieving a quorum within a reasonable time thereafter, the meeting will be cancelled and the business on the agenda will be considered at the next meeting of the Panel.
- 4.5 If a meeting is adjourned for want of a quorum, the Assessment Manager will record in the minutes the reason for the adjournment, the names of any Members present, and the date and time to which the meeting is adjourned.
- 4.6 In the event the Presiding Member is not present, then the Panel shall appoint one of its members as the acting Presiding Member.

5. **DEPUTY MEMBERS**

- 5.1 If a Member is, on reasonable grounds, unable to attend a meeting or part of a meeting, he or she must use his or her best endeavours to notify the Presiding Member or Assessment Manager at his or her earliest opportunity.
- 5.2 If notification pursuant to sub-section 5.1 is given, the Assessment Manager may request a Deputy Member attend the meeting in place of the Member for the meeting or part of the meeting.
- 5.3 Unless the context otherwise requires, a reference to a Member in these Operating and Meeting Procedures includes a Deputy Member.

6. DEPUTY MEMBERS ATTENDING THE PANEL MEETING

- 6.1 If a Member provides sufficient notice, in advance of a meeting, that they are unavailable to attend a meeting, the relevant Deputy Member is to be notified by the Assessment Manager to attend and participate in that entire meeting.
- 6.2 If a Member has a conflict of interest in relation to an item on the meeting agenda and there is a risk that a quorum will not be achieved for that item, the Deputy Member is to be notified by the Assessment Manager to attend the meeting and participate for that item only.
- 6.3 The Assessment Manager will undertake all reasonable measures to ensure that Deputy Members are notified as required by clauses 6.1 and 6.2 above as soon as possible.
- 6.4 For clarity, if the Council Member appointed to the Panel is unavailable to attend a meeting, the Deputy Member who will be notified to attend the meeting will be the Deputy Member (Council member). If an independent Member of the Panel is unavailable to attend a meeting, the Deputy Member who will be notified to attend the meeting will be the Deputy Member (Independent Member), who is not an elected Member of the Council.

7. VOTING

- 7.1 Each Member of the Panel present at a meeting of the Panel is entitled to one (1) vote on a matter arising for decision and, if the votes are equal, the member presiding at the meeting is entitled to a second or casting vote.
- 7.2 Clause 7.1 does not apply to a person who is appointed as an 'additional member' of the Panel under Section 85 of the PDI Act.
- 7.3 All Members (other than additional members) of the Panel will participate in the decision of the Panel by a vote.
- 7.4 All decisions of the Panel shall be made on the basis of a majority consensus decision of the Members present. Where a meeting is held in-person, voting may occur by show of hands. In meeting is convened via online platform, electronic or other means, the Presiding Member will determine how voting should occur.
- 7.5 Minutes shall record the decision of the Panel on each development application and record a mover and seconder for items decided by vote.
- 7.6 A majority vote of the Panel shall be recorded in the minutes as the decision of the Panel and the vote or views of individual Members shall not be recorded in the minutes.

- 7.7 Members of the Panel cannot submit any notice of motion to revoke or amend previous decisions of the Panel.

8. CONDUCT

- 8.1 Members of the Panel must act at all times in accordance Section 15(2) of the PDI Act and with the Assessment Panel Member - Code of Conduct ("the Code of Conduct") adopted by the Minister under Schedule 3 of the PDI Act.
- 8.2 The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by a Member, an applicant, a representor or any person or persons present at the meeting of the Panel until such time as the disruption or disturbance ceases, or failing that, order a persons or persons to leave the meeting. Where a meeting is convened via online platform, electronic or other means, the Presiding Member may mute or disconnect a person from the meeting where they are causing disruption or disturbance.
- 8.3 As specified in the Assessment Panel Members – Code of Conduct, Members of the Panel must not initiate individual discussions with applicants, representors or government agencies regarding a matter that is or is likely to be before the panel for determination, and, if placed in a situation where such discussion is unavoidable, should not express an opinion that could be constructed as having made a decision in relation to the proposal before the panel has collectively assessed and determined the development application.
- 8.4 Members of the Panel must carefully consider all agenda reports and recommendations prior to and during meetings. If a Member of the Panel does not agree with a recommendation made, the Member must articulate their reasons. Where the Panel departs from a recommendation, it must provide sufficient reasons for its decisions to comply with the requirements of the Act and so that appropriate minutes can be recorded.
- 8.5 In circumstances where a Member of the Panel has a question arising from an agenda report, they should raise their question with the Assessment Manager no later than 24 hours prior to the meeting so that the Assessment Manager can thoroughly consider the question, communicate it to other Members of the Panel and prepare an appropriate response.

9. CONFLICT OF INTEREST

- 9.1 If a Member of the Panel is of the view that they have a conflict of interest in relation to a matter before the Panel, the Member must:
- 9.1.1 as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the Panel; and

9.1.2 make a disclosure clearly stating the nature of that interest in writing to the Presiding Member, and then in the Panel meeting when the relevant agenda item is reached, make a verbal disclosure to the assessment Panel and remove themselves from the meeting in accordance with clause 7(b) of the Code of Conduct.

9.2 If an interest is declared by a Member at a Panel meeting the nature of the interest must be recorded in the minutes of that meeting.

10. HEARING OF REPRESENTATIONS

10.1 Pursuant to Regulation 50(5) of the PDI Regulations, where a person has:

10.1.1 made a written representation in accordance with Regulation 50(1) of the PDI Regulations; and

10.1.2 indicated an interest in appearing before the Panel,

the Panel may, if it considers that it would assist the Panel in making its decision on an application, allow a representor an opportunity to appear personally or by a representative before the Panel in support of their representation.

10.2 For the sake of clarity, appearance before the Panel includes appearance by online platform, electronic or other means where a meeting is not held in person.

10.3 Pursuant to Regulation 50(6) of the PDI Regulations, if the Panel determines to here representors in accordance with clause 10.1, it must:

10.3.1 give notice to the applicant of the place and time where the representor has been invited to appear; and

10.3.2 if the applicant appears, allow the applicant, either personally or by representative, a reasonable opportunity, on request, to respond to any relevant matter

10.4 Hearing of representations by the Panel will take place at the commencement of the consideration of the relevant agenda item.

10.5 Persons making representations will be allocated five (5) minutes to address the Panel, unless otherwise determined by the Presiding Member, acting reasonably. Additional time may be provided in accordance with clause 13.3.

10.6 The applicant is allocated ten (10) minutes to respond to the representations made to the Panel, unless otherwise determined by the Presiding Member, acting reasonably. Additional time may be provided in accordance with clause 13.3.

- 10.7 Representors and applicants will not be allowed a further opportunity to address the Panel after the conclusion of the hearing of representations.
- 10.8 Only representors (or their representative) who have made representation in accordance with Regulation 50 of the PDI Regulations, and with the consent of the Panel, will be entitled to be heard by the Panel.
- 10.9 Representors must be personally present (or represented) at the meeting scheduled to hear their verbal representation. If a representor (or their representative) is not present at the relevant time, the opportunity to be heard in support of their representation is forfeited.
- 10.10 Where no representors appear at the hearing of representations an applicant may only be heard (at the discretion of the Presiding Member) where their written response to representations requires explanation or where the Panel will otherwise benefit from hearing from them.
- 10.11 Members of the Panel may question and seek clarification from representors and the applicant at the conclusion of their address to the Panel.
- 10.12 Where a meeting is to be held via online platform, electronic or other means, the hearing of representations and the application will occur in a manner which allows the representors and applicant to interact with the Panel as per clauses 10.1 – 10.11 above.
- 10.13 Pursuant to regulation 50(6) of the PDI Regulations, a representor must indicate on their written representation whether they wish to appear personally or by representative to be heard on their representation. Elected members of the Council may, in their personal capacity and not in their capacity as elected members, make representations on development applications or act as the representative of a representor and be heard at a meeting of the Panel. Where this occurs, elected members of the Council can be treated no differently to other representors or representatives of representors and the Panel must have regard to sections 93, 98 and 99 of the PDI Act and the capacity of the Panel as an independent relevant authority and that it does not act at the direction of the Council.
- 10.14 Individual elected members of The Barossa Council do not have a right to be heard by the Panel otherwise than in accordance with clause 10.13 above

11. MINUTES AND OTHER DOCUMENTS

- 11.1 The Panel must ensure that accurate minutes are kept of its proceedings.
- 11.2 The minutes of the proceedings of a meeting will record:
- 11.2.1 how the meeting was convened and when it commenced;

- 11.2.2 the names of the members of the Panel present;
- 11.2.3 the name and time of Members of the Panel entering or leaving the meeting;
- 11.2.4 the name of a person who has made a verbal representation to the Panel at the meeting;
- 11.2.5 the name of a person who appears in relation to an application for review of an Assessment Manager decision (including the Assessment Manager or delegate);
- 11.2.6 the decision of the Panel;
- 11.2.7 the decision of the panel to exclude public attendance including reasons.
- 11.2.8 a disclosure by a member of the Panel of a direct or indirect pecuniary interest in any aspect of a development or anybody associated with any aspect of a development required under the PDI Act.
- 11.3 Members of the public are entitled to reasonable access to:
 - 11.3.1 the agendas for meetings of the Panel; and
 - 11.3.2 the minutes of meetings of the Panel.
- 11.4 The Panel may, before it releases a copy of any minutes under clause 11.3, exclude from the minutes information about any matter dealt with on a confidential basis by the Panel.
- 11.5 Minutes must be available under clause 11.3 within five (5) business days after their adoption by the Members of the Panel.
- 11.6 Minutes shall not be formal minutes until adopted by the Panel at the next meeting of the Panel. However, this does not preclude the issue of a Decision Notification advising of the determination of the Panel immediately after a meeting at which the Panel made its determination.
- 11.7 Upon adoption of the minutes, the Presiding Member shall authorise the minutes by signature and date of adoption on the last page of the minutes.
- 12. **SITE INSPECTIONS AND LOCALITY VISITS**
 - 12.1 Formal site visits may be arranged on request from a Member of the Panel. A Member of the Panel may request attendance of a Council Officer to provide relevant information. The Panel will not hear deputations at a formal site visit.
 - 12.2 Locality visits by one or more Members of the Panel must be undertaken in accordance with the Code of Conduct.

13. INFORMATION RECEIVED AFTER MEETING AGENDA IS FINALISED

13.1 At the discretion of the Presiding Member (in consultation with Members of the Panel), any new or additional material submitted to the Panel by an applicant or representor, in accordance with clause 13.2 above may be:

13.1.1 accepted and considered; or

13.1.2 not accepted and not considered,

the Presiding Member's determination in this regard is final.

13.2 In determining whether to accept and consider the information pursuant to clause 13.4.1, the Presiding Member should consider the following:

a) The content of the information and whether it is relevant to the matter of whether Planning Consent should be granted

b) The time available for the information to be properly considered by the applicant, the representors (as relevant) and the Panel;

c) The reasons why the information was not provided within the application (or representation as relevant);

d) Prejudice that may be suffered on the other party (applicant or representor/s as relevant) by accepting or not accepting the information.

13.3 Whenever new or additional information or material provided by the applicant is accepted and considered by the Panel, representors may be provided with five additional minutes to their hearing time to address the Panel on the additional information. The applicant will be provided with five (5) additional minutes to respond to the representors' comments.

13.4 Whenever new or additional information or material provided by a representor is accepted and considered by the Panel, the representor who provided the information or material may be provided with five (5) additional minutes to their hearing time to address the Panel on the additional information. The applicant will be provided with five additional minutes to respond to the representor's comments

14. FORM OF DEBATE AND MOTIONS

14.1 In order to ensure informed decision making and to facilitate comprehensive consideration of issues, debate and discussion by the Panel of matters before it shall be, as far as practicable, informal within the bounds of professional meeting procedures and the principles of natural justice and procedural fairness.

- 14.2 In the interests of informality, during hearings of representations the Presiding Member will be referred to as "Presiding Member", and Members of the Panel will be referred to by their first name (not by title or position). In subsequent discussion of items during in the meeting of the Members (including the Presiding Member) may refer to each other by their first names and address Council staff by their first names.
- 14.3 At the conclusion of debate and discussion of matters, the Presiding Member will call for a motion enabling the Panel to determine the matter.
- 14.4 A motion will lapse if it is not seconded at the appropriate time.
- 14.5 The Presiding Member, in the absence of comment/discussion in relation to the matter requiring determination, will either move a motion or will request a motion to be moved and seconded.
- 14.6 Voting in favour or against a motion, as requested by the Presiding Member, shall be by show of hand.
- 14.7 The Presiding Member will request each Member to vote on a motion and then declare the outcome.

15. DECISION MAKING

- 15.1 The Panel must have regard to the Planning and Design Code as the basis for its decisions along with any written and verbal representations.
- 15.2 The Panel will make decisions in accordance with the timeframes set out in section 125 of the PDI Act.
- 15.3 To ensure that timeframes are met for making decisions the Panel will make a decision to either grant or refuse Planning Consent, and will not defer applications for the purpose of requesting further information or amendments.
- 15.4 In making a decision, the Panel:
- 15.4.1 must state whether the proposal is seriously at variance with the Planning and Design Code, in doing so must refuse to grant Planning Consent and provide reasons for the decision;
 - 15.4.2 if the proposal is not seriously at variance with the Planning and Design Code, the Panel must determine whether Planning Consent is granted or refused.
 - (a) Where Planning Consent is granted subject to conditions, reasons why the conditions have been imposed must be provided.

- (b) Where Planning Consent is refused, the reason for refusal must be provided.

15.5 All agenda reports will contain a recommendation which accords with the assessing officer's assessment of the development application. In circumstances where the assessment of a development application is considered by administration to be finely balanced, an alternative recommendation may be provided. Alternative recommendations may require further detail to be inserted by the Panel. Members of the Panel are expected to thoroughly consider recommendations before they are adopted. If the Panel determines a development application contrary to a recommendation, the Panel must ensure that the decision is thorough and contains adequate, clear and understandable reasons. Where a Member of the Panel wishes to move a recommendation which differs from that made by administration, the Member should contact the Assessment Manager for advice on their recommendation at least twenty four (24) hours prior to the meeting.

16. ASSESSMENT PANEL REVIEW OF DECISIONS OF ASSESSMENT MANAGER

16.1 This clause applies to reviews commenced by applicants pursuant to section 203 of the PDI Act ("Application for Review"). For clarity, this process applies to applications assessed and determined by the Assessment Manager as the relevant authority pursuant to section 96 of the PDI Act. No representations are permitted for the original applications or the review process.

16.2 Applications for Review:

16.2.1 may, pursuant to section 201 of the PDI Act, relate to:

- (a) any assessment, request, decision, direction or act of the Assessment Manager that is relevant to any aspect of the determination of the relevant application;
- (b) a decision to grant or refuse a development authorisation; or
- (c) the imposition of conditions in relation to a development authorisation; or
- (d) subject to any exclusion prescribed by the PDI Regulations, any other assessment, request, decision, direction or act of a relevant authority under this Act in

16.2.2 must be submitted using the [Application to Assessment Panel for Assessment Manager's Decision Review](#) ("the Form");

16.2.3 lodged in a manner identified on the Form; and

- 16.2.4 lodged within one month of the applicant receiving notice of the reviewed matter pursuant to clause 16.2.1 above, unless the Presiding Member in their discretion, grants an extension of time.
- 16.3 In determining whether to grant an extension of time, the Presiding Member may consider:
- 16.3.1 the reasons for the delay;
 - 16.3.2 the length of the delay;
 - 16.3.3 whether any rights or interests of other persons would be affected by allowing the review to be commenced out of time;
 - 16.3.4 the interests of justice;
 - 16.3.5 whether the applicant has, or is within time to, appeal the prescribed matter to the ERD Court;
 - 16.3.6 any other matters the Presiding Member considers relevant; and
 - 16.3.7 consultation with the Assessment Manager.
- 16.4 The Assessment Manager must ensure that the following documents are provided on the relevant Agenda for an Application for Review:
- 16.4.1 a report to the Panel containing all of the details of the relevant development application and the details of the reviewed decision;
 - 16.4.2 all materials which were before the Assessment Manager (or their delegate) at the time of the reviewed decision including (as relevant):
 - (a) application documents, reports, submissions, plans, specifications or other documents submitted by the applicant;
 - (b) internal and/or external referral responses; and
 - (c) any report from administration or an external planning consultant provided to the Assessment Manager (or their delegate);
 - 16.4.3 any assessment checklist used by the Assessment Manager (or their delegate) when making the reviewed decision;
 - 16.4.4 any other information requested by the Presiding Member.
- 16.5 The Assessment Manager must advise the applicant of the time and date of the Panel meeting at which the review application will be heard.

- 16.6 The applicant will be provided with five (5) minutes to address the Panel on their review and why they believe the Panel should reach a different decision to that made by the Assessment Manager or their delegate.
- 16.7 On review, the Panel will consider the reviewed decision afresh on the information provided to it and on the submissions of the applicant.
- 16.7.1 Information, materials, plans, details, specifications and other documents which were not before the Assessment Manager at the time of the decision on the Prescribed Matter will not be considered by the Panel.
- 16.7.2 In addition to clause 16.6 above, the Presiding Member may permit Panel members to ask questions or seek clarification from the applicant and/or the Assessment Manager, in his or her discretion.
- 16.8 The Assessment Manager must be present at the Panel meeting to respond to any questions or requests for clarification from the Panel.
- 16.9 Where the decision was made by a delegate of the Assessment Manager, the delegate may appear in place of the Assessment Manager.
- 16.10 The Presiding Member will invite all Panel Members to speak on any matter relevant to the review.
- 16.11 The Panel may resolve to defer its decision if it considers it requires additional time or information to make its decision.
- 16.12 The Panel may, on a review:
- 16.12.1 affirm the Assessment Manager's decision on the Prescribed Matter;
- 16.12.2 vary the Assessment Manager's decision on the Prescribed Matter;
- or
- 16.12.3 set aside the Assessment Manager's decision on the Prescribed Matter and substitute its own decision.
- 16.13 The Assessment Manager will advise the applicant, in writing, of the Panel's decision within five (5) business days of the meeting or otherwise prescribed by the PDI Regulations.

17. PLANNING APPEALS

- 17.1 Should an appeal be lodged in relation to a decision of the Panel, the Panel will determine whether any "compromise proposal" is appropriate or the matter proceed to a hearing in the Environment, Resources and Development Court.

17.2 Should the Panel not make a decision in respect of an application within the time prescribed in the PDI Act and the Panel receives a deemed consent notice from the applicant in accordance with section 125(2) of the PDI Act, the Panel to decide whether to apply to the Court to have deemed consent notice quashed.

17.3 The Assessment Manager/Director, Development and Environmental Services/CEO is authorised to make decisions as to the conduct of appeals (including Judicial Review) subject to consulting with the Presiding Member.

17.4 Any compromise arising from an appeal shall be presented to the Panel for a decision.

17.5 In the event of an urgent matter, that the Panel may determine by electronic meeting in accordance with its General Operating Procedures.

18. QUARTERLY REPORTING

18.1 The Assessment Manager will prepare:

18.1.1 A quarterly report of the development applications determined under delegated authority of the Barossa Assessment Panel for the previous period;

18.1.2 A report at the next meeting of the Panel for any development application delegated by the Panel where a deemed consent notice has been received.

19. VALIDITY OF PROCEEDINGS

19.1 A proceeding of the Panel (and any decision made by the Panel) is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

20. COMPLAINTS

20.1 A person may make a complaint to the State Planning Commission ("the Commission") if the person believes that a Member of the Panel has acted in contravention of the Code of Conduct.

20.2 A complaint must:

20.2.1 be in writing; and

20.2.2 contain particulars of the allegation on which the complaint is based; and

20.2.3 be verified by statutory declaration.

- 20.3 Except with the approval of the Commission, a complaint must not be lodged with the Commission more than six (6) months after the day on which the complainant first had notice of the matters alleged in the complaint.

21. MISCELLANEOUS MATTERS

- 21.1 An applicant may not defer matters from the meeting agenda after the agenda has been sent to Members of the Panel, unless agreed at the meeting or by the Presiding Member prior to the meeting. The applicant must make this request in writing to the Assessment Manager, including reason(s) for their request to defer.
- 21.2 Should a Member of the Panel receive by direct post, fax, e-mail or other means, information in relation to a development application being assessed by Council development assessment officers which may be referred for decision by the Panel at a future time, then the Member of the Panel should immediately forward the information received to the Assessment Manager. The Member of the Panel should not acknowledge receipt of the information nor enter into discussion with the sender in relation to any matters contained within the information received. If a Member of the Panel receives such information, he or she must disclose this fact at the relevant Panel meeting, and confirm that the information will not be taken into account for the purposes of making a decision on the relevant application.
- 21.3 Should a request be made for public comment on the operations or decisions made by the Panel then the matter should be referred to the Presiding Member. Comment may be made at the discretion of the Presiding Member.
- 21.4 A Member of the Panel at a meeting may request independent expert advice on any relevant matter before the Panel. Such requests are to be referred to the Assessment Manager for approving of and authorising the engagement of any independent experts. If the Assessment Manager decides not to engage such advice the Panel must be advised of the decision and the reason as soon as reasonably possible.
- 21.5 The role of the Panel is not one of mediator or arbitrator for parties expressing divergent views but as is a decision maker charged with the responsibility of assessing each development application against the Planning and Design Code. It is a role that is inquisitorial rather than adversarial. The Panel does not therefore have a role as a mediator or arbitrator at its meetings or otherwise between an applicant and representors.

22. OTHER MATTERS

- 22.1 Except insofar as a procedure is not prescribed by the PDI Act or PDI Regulations under the PDI Act, the procedures of the Panel in relation to the conduct of its business will be as determined by the Panel.

22.2 The Panel will review these Operating and Meeting Procedures on an annual basis.

Signed Dated:
Presiding Member

9.2 Barossa Assessment Panel Delegations under the Planning Development and Infrastructure Act

INTRODUCTION

The Panel is assigned as a relevant authority in its own right under the *Planning, Development and Infrastructure Act 2016 (PDI Act 2016)*. In the exercise of its duties, the Panel has delegated to staff including the Assessment Manager, Senior Assessment Officer and Assessment Officers specific duties and powers on its behalf. Delegations enhance decision making processes and allow nominated matters to be resolved efficiently and effectively without the need for the Panel's consideration.

The current Barossa Assessment Panel (BAP) Delegations are dated 21 May 2025 and are contained in **Attachment 1**. The Sub-Delegations of the BAP have been largely unchanged since 2023. With the formation of the BAP for the new term from 1 January 2025, it is timely for the BAP to review the current Delegations and determine what changes, if any, may be appropriate to the Delegations.

DISCUSSION

Section 102(1) of the *PDI Act 2016* provides the power to assess a development against, and grant or refuse a consent in respect of the relevant provisions of the Planning Rules. The delegation of the power to grant or refuse planning consent has been delegated to the Assessment Manager, Senior Assessment Officer – Planning and Assessment Officer – Planning and is limited to applications in relation to which one or more of the following apply:

1. No valid representations are received;
2. All valid representations are withdrawn;
3. No representor who has lodged a valid representation wishes to be heard;
4. A deemed consent notice has been served on the Panel under Section 125(2) of the Act;
5. The applicant has not agreed to extend the statutory timeframe within which the Panel must determine the development application pursuant to Regulation 53 of the Regulations and that timeframe will expire before the next meeting of the Panel is scheduled to occur.

In addition, the following text exists within the Delegation and provides a limitation on the exercise of the power pursuant to Section 102(1)(a):

For avoidance of doubt, the delegate may not exercise the power pursuant to Section 102(1)(a) of this Act where the following apply:

- *The application is proposed by The Barossa Council unless it is a minor development such as street and park furniture, advertising signs, public toilet facilities, sheds on reserves;*
- *The application is in the nature of a frost fan; and*
- *Where the Assessment Manager determines that the nature of the application is best determined by the Panel, having regard to the type of application, the public interest and extent to which the proposed application meets the provisions of the Planning and Design Code.*

Limitations were expressed within the above Delegation for the following reasons:

- Council developments that are assessed by BAP as the Relevant Authority should be subject to the highest level of scrutiny and transparency and therefore should be determined by the BAP, except where the application is a minor development;
- Frost fans have been found to be generally contentious in respect to noise impact and the BAP was considered best placed to assess such developments. One particular application assessed by staff as delegate of the BAP in 2022 had complexities and gave rise to inclusion of this Sub-delegation.

It is suggested the existing limitation in relation to Council developments is appropriate and should be retained for the reasons mentioned above.

In relation to frost fans, experience has been in some of the cases, applications for frost fans have not attracted representation due to the absence of dwellings in the particular localities of these developments. As such, it may be appropriate that this clause can be removed, noting that discretion exists for such applications to be held by the BAP at the discretion of the Assessment Manager (see discussion below).

The explicit and express provision that the discretion exists for the Assessment Manager to decide if the application is determined under delegation of the BAP is in addition to the general principle that a Delegation does not need to be acted upon in any case. This clause simply provides further clarification for how the Assessment Manager may determine whether to exercise the Delegation or not.

Overall, the present Delegations appear to be functioning successfully. The Panel has largely determined applications in the past term in relation to applications subject to receipt of representations where a representor has requested to be heard. Notwithstanding, a number of applications have been presented to the Panel that have not been subject of a representation or that a representor has not wished to be heard but which were decided to be best determined by the BAP.

Ultimately, the BAP is charged with determining the level of Delegations it wishes to establish. In forming its opinion, it is suggested the Delegations need to consider the best use of the BAP's expertise and to balance the number of applications which are presented to the BAP. Applications of complexity, contention, public interest and/or challenges against the provisions of the Planning and Design Code are the most appropriate applications but also applications such as Council developments. In addition, the BAP should consider the efficiencies of having more straight forward applications dealt with by staff under its delegation to remove unnecessary reporting in the nature of a BAP report where the additional resources to prepare the report may not present the optimal use of resources.

CONCLUSION

The current Delegations of the BAP, dated 21 May 2025 are presented for consideration of possible changes for this new term. It is proposed that the feedback received from the BAP at the meeting will be considered and following engagement with Council's Governance Team, will be presented to the BAP for adoption within a subsequent decision report.

RECOMMENDATION

That the report be received.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Barossa Assessment Panel Delegations - Instrument C - Under the Planning Development and Infrastructure Act 2016

INSTRUMENT OF DELEGATION

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

21 MAY 2025

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument.
2. Refer to the relevant Assessment Panel decision to identify when these delegations were made, reviewed and or amended.

Delegation Sources

- State Planning Commission Practice Direction 18 Outline Consent
- 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 (Instrument C)
- Planning, Development and Infrastructure (General) Regulations 2017
- Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019
- Planning and Design Code
- State Planning Commission Practice Direction - 3 (Notification of Performance Assessed Development Applications) 2019
- State Planning Commission Practice Direction (Appointment of Additional Members to Assessment Panel) 2019
- State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019
- State Planning Commission Practice Direction 14 Site Contamination Assessment 2021
- State Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme
- Urban Tree Canopy Off-set Scheme

Positions

Abbreviation	Position	Name
Administration and Technical Support Officer (Development Services)	Administration and Technical Support Officer (Development Services)	Marie Thom and Jackie Draxler
Assessment Manager	Assessment Manager	Aaron Curtis
Assessment Officer - Building	Assessment Officer - Building	Vacant
Assessment Officer - Planning	Assessment Officer - Planning	Calvin Bacher, Peter Mugo, and Alexander Phillis
Building Surveyor	Building Surveyor	External Consultants
Cadetship Assessment Officer - Building	Cadetship Assessment Officer - Building	Eliza Wedge
Development Compliance Officer	Development Compliance Officer	Isabelle Zmuda
Director Development and Community Services	Director Development and Community Services	Jake McVicar

Abbreviation	Position	Name
Director Infrastructure and Environmental Services	Director Infrastructure and Environmental Services	Ben Clark
Executive and Project Support Officer (Development and Community Services)	Executive and Project Support Officer (Development and Community Services)	Christine Kruger
Manager Assets and Capital Delivery	Manager Assets and Capital Delivery	Benn Kromwyk
Manager Development Services	Manager Development Services	Aaron Curtis
Manager Engineering Services	Manager Engineering Services	Steve Kaesler
Manager Financial Services	Manager Financial Services	Kelly Wilksch
Not Delegated	Not Delegated	
Senior Assessment Officer (Building)	Senior Assessment Officer (Building)	Grant Hewitt
Senior Assessment Officer (Planning)	Senior Assessment Officer (Planning)	Thomas Marshall
The head delegation does not apply to The Barossa Council	The head delegation does not apply to The Barossa Council	The head delegation does not apply to The Barossa Council

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

State Planning Commission Practice Direction 18 Outline Consent			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl5(1)(b)	68. Circumstances in Which Outline Consent May be Granted 68.1 The power pursuant to clause 5(1)(b) of the State Planning Commission Practice Direction 18 Outline Consent (PD18) to provide advice to an applicant that if the application were to be for planning consent, the council would request the Minister to give notice under Section 94(1)(g) of the PDI Act.	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Assessment Officer - Building, Senior Assessment Officer (Building)	

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 (Instrument C)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s7(5)(a)	1. Environment and Food Production Areas – Greater Adelaide 1.1 The power pursuant to Section 7(5)(a) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to seek the concurrence of the Commission in the granting of the development authorisation to the development.	Director Development and Community Services, Manager Development Services, Assessment Manager	
s7(5)(d)	1. Environment and Food Production Areas – Greater Adelaide 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	Director Development and Community Services, Manager Development Services, Assessment Manager	

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 (Instrument C)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	development, refuse to grant development authorisation in relation to the proposed development.		
s85(1)	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.	Not Delegated	
s94(3)(a)	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.	Director Development and Community Services, Manager Development Services, Assessment Manager	
s99(1)	4. Relevant Provisions	Not Delegated	

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 (Instrument C)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	4.1 The power pursuant to Section 99(1) of the PDI Act, if a proposed development involves the performance of building work to determine to act under Section 99(1) of the PDI Act to: 4.1.1 refer the assessment of the development in respect of the Building Rules to the council for the area in which the proposed development is to be undertaken; or 4.1.2 require that the assessment of the development in respect of the Building Rules be undertaken by a building certifier.		Standing Referral: 1. The Barossa Assessment Panel determines, as resolved at its meeting on 2 February 2021 to act under Section 99(1)(b) of the Planning, Development and Infrastructure Act 2016 (the Act) in relation to all development applications received by it that involve the performance of building work. 2. Pursuant to Section 99(1)(c) of the Act, where the Panel has determined to act under Section 99(1)(b) of the Act, the Barossa Assessment Panel refers the assessment of the development in respect of the Building Rules to The Barossa Council.
s102(1)	5. Matters Against Which Development Must Be Assessed	Director Development and Community Services, Manager Development Services, Senior	

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 (Instrument C)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	5.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development): 5.1.1 - 5.1.1.1 the relevant provisions of the Planning Rules; and 5.1.1.2 to the extent provided by Part 7 Division 2 of the PDI Act – the impacts of the development, (planning consent);	Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Senior Assessment Officer (Building)	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: 1. No valid representations are received; 2. All valid representations are withdrawn; 3. No representor who has lodged a valid representation wishes to be heard; 4. A deemed consent notice has been served on the Panel under Section 125(2) of the Act. 5. The applicant has not agreed to extend the statutory timeframe within which the Panel must determine the development application pursuant to Regulation 53 of the Regulations, and that timeframe will expire before the next meeting of the Panel is scheduled to occur.

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 (Instrument C)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			For avoidance of doubt, the delegate may not exercise the power pursuant to Section 102(1)(a) of this Act where the following apply: • The application is proposed by The Barossa Council unless it is a minor development such as street and park furniture, advertising signs, public toilets facilities, sheds on reserves; • The application is in the nature of a frost fan; and • Where the Assessment Manager determines that the nature of the application is best determined by the Panel, having regard to the type of application, the public interest, and extent to which the proposed application meets the provisions of the Planning Design Code.
s102(1)	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	Director Development and Community Services, Manager Development Services, Building Surveyor, Assessment Manager,	

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 (Instrument C)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development): 5.1.2 the relevant provisions of the Building Rules (building consent);	Assessment Officer - Building, Senior Assessment Officer (Building)	
s102(3)	5. Matters Against Which Development Must Be Assessed 5.2 The power pursuant to Section 102(3) of the PDI Act to, in relation to granting a planning consent, on the delegate's own initiative or on application, reserve the delegate's decision on a specified matter or reserve the delegate's decision to grant a planning consent: 5.2.1 until further assessment of the relevant development under the PDI Act; or 5.2.2 until further assessment or consideration of the proposed development under another Act; or 5.2.3 until a licence, permission, consent, approval, authorisation, certificate or other authority is granted, or	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning	

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 (Instrument C)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	not granted (by the decision of another authority), under another Act.		
s102(4)	5. Matters Against Which Development Must Be Assessed 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.	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning	
s107(2)(c)	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).	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning	
s107(3)	6. Performance Assessed Development	Director Development and Community Services, Manager	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.	Development Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning	
s107(4)	6. Performance Assessed Development 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.	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning	
s118(1)	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).	Director Development and Community Services, Manager Development Services, Building Surveyor, Assessment Manager, Assessment Officer - Building, Senior Assessment Officer (Building)	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s118(2)(a)	7. Building Consent 7.2 The power pursuant to Section 118(2)(a) of the PDI Act to seek the concurrence of the Commission to grant a building consent in respect of a development that is at variance with the performance requirements of the Building Code or a Ministerial building standard.	Director Development and Community Services, Manager Development Services, Building Surveyor, Assessment Manager, Assessment Officer - Building, Senior Assessment Officer (Building)	
s118(2)	7. Building Consent 7.3 The power pursuant to Section 118(2) of the PDI Act, subject to Section 118(6) of the PDI Act, to grant a building consent to a development that is at variance with the Building Rules if: 7.3.1 the variance is with a part of the Building Rules other than the Building Code or a Ministerial building standard and the delegate determines that it is appropriate to grant the consent despite the variance on the basis that the delegate is satisfied: 7.3.1.1 that:	Director Development and Community Services, Manager Development Services, Building Surveyor, Assessment Manager, Assessment Officer - Building, Senior Assessment Officer (Building)	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	(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.		
s118(4)	7. Building Consent 7.4 The power pursuant to Section 118(4) of the PDI Act, to at the request or with the agreement of the applicant, refer proposed building work to the Commission for an opinion on whether or not it	Director Development and Community Services, Manager Development Services, Building Surveyor, Assessment Manager,	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	complies with the performance requirements of the Building Code or a Ministerial building standard.	Assessment Officer - Building, Senior Assessment Officer (Building)	
s118(6)	7. Building Consent 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.	Director Development and Community Services, Manager Development Services, Building Surveyor, Assessment Manager, Assessment Officer - Building, Senior Assessment Officer (Building)	
s118(7)	7. Building Consent 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	Director Development and Community Services, Manager Development Services, Building Surveyor, Assessment Manager, Senior Assessment Officer (Building)	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	with the performance requirements of the Building Code or a Ministerial building standard.		
s118(8)	7. Building Consent 7.7 The power pursuant to Section 118(8) of the PDI Act, to, subject to the PDI Act, accept that proposed building work complies with the Building Rules to the extent that: 7.7.1 such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the regulations; or 7.7.2 such compliance is certified by a building certifier.	Director Development and Community Services, Manager Development Services, Building Surveyor, Assessment Manager, Assessment Officer - Building, Senior Assessment Officer (Building)	
s118(10)	7. Building Consent 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	Director Development and Community Services, Manager Development Services, Building Surveyor, Assessment Manager,	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	classification would cease to conform with the requirements of the Building Rules for a building of that classification	Assessment Officer - Building, Senior Assessment Officer (Building)	
s118(11)	7. Building Consent 7.9 The power pursuant to Section 118(11) of the PDI Act, if a relevant authority decides to grant building consent in relation to a development that is at variance with the Building Rules, to, subject to the regulations, in giving notice of the relevant authority's decision on the application for that consent, specify (in the notice or in an accompanying document): 7.9.1 the variance; and 7.9.2 the grounds on which the decision is being made.	Director Development and Community Services, Manager Development Services, Building Surveyor, Assessment Manager, Assessment Officer - Building, Senior Assessment Officer (Building)	
s119(1)(b)	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	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager,	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	the purposes of Part 7 of the PDI Act, to include any information as the delegate may reasonably require.	Administration and Technical Support Officer (Development Services), Executive and Project Support Officer (Development and Community Services), Assessment Officer - Planning , Assessment Officer - Building, Cadetship Assessment Officer - Building, Senior Assessment Officer (Building)	
s119(3)	8. Application and Provision of Information 8.2 The power pursuant to Section 119(3) of the PDI Act to request an applicant: 8.2.1 to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application; 8.2.2 to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Administration and Technical Support Officer (Development Services), Executive and Project Support Officer (Development and Community Services), Assessment Officer - Planning , Assessment Officer - Building, Cadetship Assessment	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.	Officer - Building, Senior Assessment Officer (Building)	
s119(6)	8. Application and Provision of Information 8.3 The power pursuant to Section 119(6) of the PDI Act if a request is made under Section 119(3) of the PDI Act, and the request is not complied with within the time specified by the regulations, to 8.3.1 subject to Section 119(6)(b)(ii) of the PDI Act, refuse the application; and 8.3.2 refuse the application in prescribed circumstances (including, if the regulations so provide, in a case involving development that is deemed to satisfy development).	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Assessment Officer - Building, Senior Assessment Officer (Building)	
s119(7)	8. Application and Provision of Information	Assessment Manager	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.		Not to be sub-delegated further by the Assessment Manager
s119(9)	8. Application and Provision of Information 8.5 The power pursuant to Section 119(9) of the PDI Act to: 8.5.1 permit an applicant: 8.5.1.1 to vary an application;	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Assessment Officer - Building, Senior Assessment Officer (Building)	
s119(9)	8. Application and Provision of Information 8.5 The power pursuant to Section 119(9) of the PDI Act to: 8.5.1 permit an applicant:	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning ,	

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 (Instrument C)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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);	Assessment Officer - Building, Senior Assessment Officer (Building)	
s119(9)	8. Application and Provision of Information 8.5 The power pursuant to Section 119(9) of the PDI Act to: 8.5.2 permit an applicant to lodge an application without the provision of any information or document required by the regulations;	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Assessment Officer - Building, Senior Assessment Officer (Building)	
s119(9)	8. Application and Provision of Information 8.5 The power pursuant to Section 119(9) of the PDI Act to: 8.5.3 to the extent that the fee is payable to the relevant authority waive payment of whole or part of the	Manager Financial Services, Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Administration and Technical Support Officer (Development Services),	Refer to Council's Development Application Fees Policy Under the Planning Development and Infrastructure Act.

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	application fee, or refund an application fee (in whole or in part);	Executive and Project Support Officer (Development and Community Services), Assessment Officer - Planning, Assessment Officer - Building, Cadetship Assessment Officer - Building, Senior Assessment Officer (Building)	MDS, MFS, SAO-P, ATSO-DS, EPSO-DCS, AO-P, AO-B, CAO-B are limited to refunding fees where: - an error has been made in the calculation of fees or an overpayment has been made, to the extent of the error or overpayment; or - the fee has not been expended in the course of assessment (i.e. public notification or referral where not commenced). In any other circumstance, requests for refund of fees shall be determined by the CEO or Director, Development and Environmental Services, subject to financial delegation limits.
s119(9)	8. Application and Provision of Information 8.5 The power pursuant to Section 119(9) of the PDI Act to: 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	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Administration and Technical Support	ATSO-DS, EPSO-DCS, and CAO-B are limited to returning or forwarding any document to the applicant or to any other person only, and do not have the sub-delegation to determine not to

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 (Instrument C)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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 matter is resolved, rectified or addressed.	Officer (Development Services), Executive and Project Support Officer (Development and Community Services), Assessment Officer - Planning , Assessment Officer - Building, Cadetship Assessment Officer - Building, Senior Assessment Officer (Building)	finalise the matter until any specified matter is resolved, rectified or addressed.
s119(10)	8. Application and Provision of Information 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.	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Assessment Officer - Building, Senior Assessment Officer (Building)	
s119(12)	8. Application and Provision of Information 8.7 The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the	Director Development and Community Services, Manager Development Services, Building	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	undertaking of development in stages, with separate consents or approvals for the various stages.	Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Assessment Officer - Building, Senior Assessment Officer (Building)	
s119(14)	8. Application and Provision of Information 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.	Manager Financial Services, Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Administration and Technical Support Officer (Development Services), Executive and Project Support Officer (Development and Community Services), Assessment Officer - Planning , Assessment Officer - Building, Cadetship Assessment Officer - Building, Senior Assessment Officer (Building)	Refer to Council's Development Application Fees Policy Under the Planning Development and Infrastructure Act. MDS, MFS, SAO-P, ATSO-DS, EPSO-DCS, AO-P, AO-B, CAO-B are limited to refunding fees where: - an error has been made in the calculation of fees or an overpayment has been made, to the extent of the error or overpayment; or - the fee has not been expended in the course of assessment (i.e. public notification or referral where not commenced).

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			In any other circumstance, requests for refund of fees shall be determined by the CEO or Director, Development and Environmental Services, subject to financial delegation limits.
s121(7)	9. Design Review 9.1 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	Not to be sub-delegated further by the Assessment Manager
s122(1)	10. Referrals to Other Authorities or Agencies 10.1 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: 10.1.1 refer the application, together with a copy of any relevant information provided by the applicant, to a body	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Assessment Officer - Building, Senior Assessment Officer (Building)	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	prescribed by the regulations (including, if so prescribed, the Commission); and 10.1.2 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.		
s122(5)(b)	10. Referrals to Other Authorities or Agencies 10.2 The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body: 10.2.1 to refuse the application; or 10.2.2 consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body) where the regulations so provide.	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Assessment Officer - Building, Senior Assessment Officer (Building)	

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 (Instrument C)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s122(7)	10. Referrals to Other Authorities or Agencies 10.3 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.	Director Development and Community Services, Manager Development Services, Assessment Manager	
s122(10)	10. Referrals to Other Authorities or Agencies 10.4 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.	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Assessment Officer - Building, Senior Assessment Officer (Building)	

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 (Instrument C)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s123(2)	11. Preliminary Advice and Agreement 11.1 The power pursuant to Section 123(2) of the PDI Act, if: 11.1.1 a proposed development is referred to a prescribed body under Section 123(1) of the PDI Act; and 11.1.2 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 11.1.3 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	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Development Compliance Officer, Assessment Officer - Planning , Assessment Officer - Building, Senior Assessment Officer (Building)	

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 (Instrument C)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	prescribed body (taking into account the terms or elements of that agreement and any relevant plans and other documentation).		
s123(4)	11. Preliminary Advice and Agreement 11.2 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.	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Development Compliance Officer, Assessment Officer - Planning , Assessment Officer - Building, Senior Assessment Officer (Building)	
s124(1)	12. Proposed Development Involving Creation of Fortifications 12.1 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	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning ,	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police (the Commissioner).	Assessment Officer - Building, Senior Assessment Officer (Building)	
s124(5)	12. Proposed Development Involving Creation of Fortifications 12.2 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: 12.2.1 if the proposed development consists only of the creation fortifications - refuse the application; or 12.2.2 in any other case - impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Assessment Officer - Building, Senior Assessment Officer (Building)	
s124(6)	12. Proposed Development Involving Creation of Fortifications 12.3 The power pursuant to Section 124(6) of the PDI Act, if the relevant authority acting on the basis of a	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager,	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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 Officer - Planning , Assessment Officer - Building, Senior Assessment Officer (Building)	
s124(7)	12. Proposed Development Involving Creation of Fortifications 12.4 The power pursuant to Section 124(7) of the PDI Act, if a refusal or condition referred to in Section 124(5) of the PDI Act is the subject of an appeal under the PDI Act to apply to the Court to be joined as a party to the appeal.	Director Development and Community Services, Manager Development Services, Assessment Manager	
s125(6)	13. Time Within Which Decision Must be Made 13.1 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	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	refused and apply to the Court for an order quashing the consent.		
s125(7)	13. Time Within Which Decision Must be Made 13.2 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.	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager	
s126(1)	14. Determination of Application 14.1 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).	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Administration and Technical Support Officer (Development Services), Executive and Project Support Officer (Development and Community Services), Assessment Officer - Planning , Assessment Officer - Building, Cadetship Assessment	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Officer - Building, Senior Assessment Officer (Building)	
s126(3)	14. Determination of Application 14.2 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.	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Assessment Officer - Building, Senior Assessment Officer (Building)	
s127(1)	15. Conditions 15.1 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.	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Assessment Officer - Building, Senior Assessment Officer (Building)	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s127(2)(c)	15. Conditions 15.2 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.	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Assessment Officer - Building, Senior Assessment Officer (Building)	
s127(4)	15. Conditions 15.3 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	Assessment Manager	Not to be sub-delegated further by the Assessment Manager

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	maintenance to be the responsibility of the owner of the land).		
s127(6)	15. Conditions 15.4 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	Not to be sub-delegated further by the Assessment Manager
s127(8)(b)	15. Conditions 15.5 The power pursuant to Section 127(8)(b) of the PDI Act to: 15.5.1 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;	Assessment Manager	Not to be sub-delegated further by the Assessment Manager

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 (Instrument C)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	15.5.2 to seek the Minister's concurrence to grant an exemption under Section 127(8)(b) of the PDI Act.		
s128(1) and (2)	16. Variation of Authorisation 16.1 The power pursuant to Sections 128(1) and (2) of the PDI Act to determine an application seeking the variations of a development authorisation previously given under the PDI Act (including an application seeking the variation of a condition imposed with respect to the development authorisation).	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Assessment Officer - Building, Senior Assessment Officer (Building)	
s128(2)(d)	16. Variation of Authorisation 16.2 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.	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Assessment Officer - Building, Senior Assessment Officer (Building)	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s134(1)	17. Requirement to Up-grade 17.1 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.	Building Surveyor, Assessment Manager, Assessment Officer - Building, Senior Assessment Officer (Building)	
s134(1)	17. Requirement to Up-grade 17.2 The power pursuant to Section 134(1) of the PDI Act, if: 17.2.1 an application for a building consent relates to: 17.2.1.1 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 17.2.1.2 a change of classification of a building; and 17.2.2 the building is, in the opinion of the delegate, unsafe, structurally unsound or in an unhealthy condition,	Building Surveyor, Assessment Manager, Assessment Officer - Building, Senior Assessment Officer (Building)	

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 (Instrument C)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.		
s134(2)	17. Requirement to Up-grade 17.3 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.	Building Surveyor, Assessment Manager, Assessment Officer - Building, Senior Assessment Officer (Building)	
s134(3)	17. Requirement to Up-grade 17.4 The power pursuant to Section 134(3) of the PDI Act to impose a requirement under Section 134(1) of the PDI Act: 17.4.1 subject to Section 134(3)(b) of the PDI Act - on the basis that the relevant matters must be addressed	Building Surveyor, Assessment Manager, Assessment Officer - Building, Senior Assessment Officer (Building)	

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 (Instrument C)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	as part of the application before the relevant authority will grant building consent; and 17.4.2 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		
s134(4)	17. Requirement to Up-grade 17.5 The power pursuant to Section 134(4) of the PDI Act if: 17.5.1 an application is made for building consent for building work in the nature of an alteration of a class prescribed by the regulations; and 17.5.2 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,	Building Surveyor, Assessment Manager, Assessment Officer - Building, Senior Assessment Officer (Building)	

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 (Instrument C)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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).		
s134(5)	17. Requirement to Up-grade 17.6 The power pursuant to Section 134(5) of the PDI Act to impose a requirement under Section 134(4) of the PDI Act: 17.6.1 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 17.6.2 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.	Building Surveyor, Assessment Manager, Assessment Officer - Building, Senior Assessment Officer (Building)	

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 (Instrument C)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s135(2)(d)	18. Urgent Building Work 18.1 The power pursuant to Section 135(2)(d) of the PDI Act to issue any direction.	Director Development and Community Services, Manager Development Services, Building Surveyor, Assessment Manager, Assessment Officer - Building, Senior Assessment Officer (Building)	
s143(1)	19. Cancellation of Development Authorisation 19.1 The power pursuant to Section 143(1) of the PDI Act to, on the application of a person who has the benefit of the authorisation, cancel a development authorisation previously given by the relevant authority.	Director Development and Community Services, Manager Development Services, Assessment Manager	
s143(2)	19. Cancellation of Development Authorisation 19.2 The power pursuant to Section 143(2) of the PDI Act to make a cancellation under Section 143(1) of the PDI Act subject to such conditions (if any) as the delegate thinks fit to impose.	Director Development and Community Services, Manager Development Services, Assessment Manager	

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 (Instrument C)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s203	20. Application to Assessment Panel 20.1 The power pursuant to Section 203(1) of the PDI Act to allow an extension of time to make an application to the assessment panel for a review of a prescribed matter under Division 1 in a case where an assessment manager acted as a relevant authority.	Director Development and Community Services, Assessment Manager	
s235(1)	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.	Director Development and Community Services, Manager Development Services, Manager Engineering Services, Director Infrastructure and Environmental Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Administration and Technical Support Officer (Development Services), Development Compliance Officer, Executive and Project Support Officer (Development and Community Services), Assessment Officer -	

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 (Instrument C)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Planning , Assessment Officer - Building, Cadetship Assessment Officer - Building, Manager Assets and Capital Delivery, Senior Assessment Officer (Building)	
s235(2)	21. Professional Advice to be Obtained in Relation to Certain Matters 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.	Director Development and Community Services, Manager Development Services, Manager Engineering Services, Director Infrastructure and Environmental Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Development Compliance Officer, Assessment Officer - Planning , Assessment Officer - Building, Cadetship Assessment Officer - Building, Manager Assets and Capital Delivery, Senior Assessment Officer (Building)	

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 (Instrument C)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl12(7) sch8	22. General Transitional Schemes for Panels 22.1 The power pursuant to Clause 12(7) of Schedule 8 of the PDI Act, to 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 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	Director Development and Community Services, Manager Development Services, Assessment Manager	

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 (Instrument C)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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. (Only applicable to assessment panels appointed by a council or a joint planning board)		
cl13(5) sch8	23. Regional Assessment Panels 23.1 The power pursuant to Clause 13(5) of Schedule 8 of the PDI Act to: 23.1.1 adopt any findings or determinations of a council development assessment panel or a regional development assessment panel under the repealed Act that may be relevant to an application made before the relevant day under the repealed Act; and 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 made before the relevant day under the repealed Act; and	The head delegation does not apply to The Barossa Council, Not Delegated	

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 (Instrument C)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	23.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the relevant day; and 23.1.4 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 23.1.5 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. (Relevant to regional assessment panels only)		
cl18(2) sch8	24. Continuation of Processes 24.1 The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to: 24.1.1 adopt any findings or determinations of a relevant authority under the repealed Act that may be	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning ,	

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 (Instrument C)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	relevant to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and 24.1.2 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 24.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and 24.1.4 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 24.1.5 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.	Assessment Officer - Building, Senior Assessment Officer (Building)	

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 (Instrument C)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 3(6)(b)	25. Interpretation 25.1 The power pursuant to Regulation 3(6)(b) of the Planning, Development and Infrastructure (General) Regulations 2017 (the General Regulations) to require that a statement of site suitability provided to a relevant authority in connection with an application for development authorisation be issued by a site contamination auditor if the Environment Protection Authority directs the relevant authority to do so in relation to a particular application	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning	
r25(7)(c)	26. Accredited Professionals	Director Development and Community Services, Manager Development Services,	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	26.1 The power pursuant to Regulation 25(7)(c) of 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.	Manager Engineering Services, Director Infrastructure and Environmental Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Administration and Technical Support Officer (Development Services), Development Compliance Officer, Executive and Project Support Officer (Development and Community Services), Assessment Officer - Planning , Assessment Officer - Building, Cadetship Assessment Officer - Building, Manager Assets and Capital Delivery, Senior Assessment Officer (Building)	
r31(1)	27. Verification of Application 27.1 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:	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Administration and Technical Support Officer (Development Services), Executive and Project Support Officer (Development and Community Services), Assessment Officer - Planning , Assessment Officer - Building,	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	27.1.1 determine the nature of the development; and 27.1.2 if the application is for planning consent - determine: 27.1.2.1 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 27.1.2.2 the category or categories of development that apply for the purposes of development assessment; and 27.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and 27.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application): 27.1.4.1 check that the appropriate documents and information have been lodged with the application; and 27.1.4.2 confirm the prescribed fees required to be paid at that point; and 27.1.4.3 provide an appropriate notice via the SA planning portal; and	Cadetship Assessment Officer - Building, Senior Assessment Officer (Building)	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	27.1.5 if the relevant authority is not the correct entity to assess the application (or any part of the application): 27.1.5.1 provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any practice direction; and 27.1.5.2 provide an appropriate notice via the SA planning portal.		
r31(1)	27. Verification of Application 27.1 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: 27.1.2 if the application is for planning consent - determine:	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Administration and Technical Support Officer (Development Services), Executive and Project Support Officer (Development and Community Services), Assessment Officer - Planning , Assessment Officer - Building,	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	27.1.2.1 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 27.1.2.2 the category or categories of development that apply for the purposes of development assessment; and	Cadetship Assessment Officer - Building, Senior Assessment Officer (Building)	
r31(1)	27. Verification of Application 27.1 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: 27.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Administration and Technical Support Officer (Development Services), Executive and Project Support Officer (Development and Community Services), Assessment Officer - Planning, Assessment Officer - Building, Cadetship Assessment Officer - Building, Senior Assessment Officer (Building)	
r31(1)	27. Verification of Application	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	27.1 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: 27.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application): 27.1.4.1 check that the appropriate documents and information have been lodged with the application; and 27.1.4.2 confirm the prescribed fees required to be paid at that point; and 27.1.4.3 provide an appropriate notice via the SA planning portal; and	(Planning), Assessment Manager, Administration and Technical Support Officer (Development Services), Executive and Project Support Officer (Development and Community Services), Assessment Officer - Planning , Assessment Officer - Building, Cadetship Assessment Officer - Building, Senior Assessment Officer (Building)	
r31(1)	27. Verification of Application 27.1 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	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Administration and Technical Support Officer (Development Services), Executive and	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	application has been correctly lodged and can be assessed in accordance with the PDI Act: 27.1.5 if the relevant authority is not the correct entity to assess the application (or any part of the application): 27.1.5.1 provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any practice direction; and 26.1.5.2 provide an appropriate notice via the SA planning portal.	Project Support Officer (Development and Community Services), Assessment Officer - Planning , Assessment Officer - Building, Cadetship Assessment Officer - Building, Senior Assessment Officer (Building)	
r 32A(1)	28. Site Contamination – Detailed Site Investigation Report 28.1 The power pursuant to Regulation 32A(1) of the General Regulations to, for the purposes of Section 119(3)(d) of the PDI Act in relation to an application to which Schedule 8 clause 2A applies, request the applicant to provide a detailed site investigation report if:	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	28.1.1 the preliminary site investigation report indicates that site contamination is present, or is likely to be present, at the site of the proposed development; and 28.1.2 the delegate considers that there is insufficient information to determine that the site is suitable for its intended use, having regard to: 28.1.2.1 site contamination; and 28.1.2.2 if remediation is required, the extent of that remediation; and 28.1.3 the application is not required to be referred to the Environment Protection Authority under Item 9A or 9AB of the table in Schedule 9 clause 3.		
r 32A(2)	28. Site Contamination – Detailed Site Investigation Report 28.2 The power pursuant to Regulation 32A(2) of the General Regulations to require that a detailed site investigation report be prepared by a site contamination auditor if the Environment	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Protection Authority directs the relevant authority to do so in relation to a particular application.		
r 32B	29. Site Contamination – Statement of Suitability 29.1 The power pursuant to Regulation 32B of the General Regulations to, for the purposes of Section 119(3)(d) of the PDI Act, in relation to an application to which Schedule 8 clause 2A applies, require the applicant to provide a statement of site suitability that confirms that the site is suitable for its intended use before the relevant authority issues a planning consent in relation to the application.	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning	
r33(4)	30. Application and Further Information 30.1 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.	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Administration and Technical Support Officer (Development Services), Development Compliance Officer, Executive and Project Support Officer (Development and Community Services), Assessment Officer - Planning , Assessment Officer - Building, Cadetship	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Assessment Officer - Building, Senior Assessment Officer (Building)	
r35(3)	31. Amended Applications 31.1 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.	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Administration and Technical Support Officer (Development Services), Executive and Project Support Officer (Development and Community Services), Assessment Officer - Planning , Assessment Officer - Building, Cadetship Assessment Officer - Building, Senior Assessment Officer (Building)	
r35(4)	31. Amended Applications 31.2 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	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Administration and Technical Support Officer (Development Services), Executive and Project Support Officer (Development and	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	variation on the basis that the application (as so varied) will be treated as a new application under the General Regulations.	Community Services), Assessment Officer - Planning , Assessment Officer - Building, Cadetship Assessment Officer - Building, Senior Assessment Officer (Building)	
r38(1)	32. Withdrawing/Lapsing Applications 32.1 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: 32.1.1 any agency to which the application has been referred under Division 2 of the General Regulations; and 32.1.2 any person who has made a representation in relation to the application under Division 3 of the General Regulations, of the withdrawal.	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Administration and Technical Support Officer (Development Services), Executive and Project Support Officer (Development and Community Services), Assessment Officer - Planning , Assessment Officer - Building, Cadetship Assessment Officer - Building, Senior Assessment Officer (Building)	
r38(2)	32. Withdrawing/Lapsing Applications 32.2 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	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer -	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	passed since the date on which the application was lodged with the relevant authority.	Planning , Assessment Officer - Building, Senior Assessment Officer (Building)	
r38(3)	32. Withdrawing/Lapsing Applications 32.3 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: 32.3.1 take reasonable steps to notify the applicant of the action under consideration; and 32.3.2 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.	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Administration and Technical Support Officer (Development Services), Executive and Project Support Officer (Development and Community Services), Assessment Officer - Planning , Assessment Officer - Building, Cadetship Assessment Officer - Building, Senior Assessment Officer (Building)	
r40	33. Court Proceedings 33.1 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.	Director Development and Community Services, Manager Development Services, Assessment Manager	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r42(1)	34. Additional Information or Amended Plans 34.1 The power pursuant to Regulation 42(1) of the General Regulations if a delegate has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Administration and Technical Support Officer (Development Services), Executive and Project Support Officer (Development and Community Services), Assessment Officer - Planning , Assessment Officer - Building, Cadetship Assessment Officer - Building, Senior Assessment Officer (Building)	
r45(1)	35. Building Matters 35.1 The power pursuant to Regulation 45(1) of the General Regulations to, if in assessing an application for building consent, the delegate considers that: 35.1.1 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	Building Surveyor, Assessment Manager, Assessment Officer - Building, Senior Assessment Officer (Building)	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	35.1.2 the proposed development is at variance with a performance requirement of the Building Code which provides for the intervention of a fire authority; or 35.1.3 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.		
r45(2)	35. Building Matters 35.2 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.	Building Surveyor, Assessment Manager, Assessment Officer - Building, Senior Assessment Officer (Building)	
r45(3)	35. Building Matters	Building Surveyor, Assessment Manager, Assessment Officer - Building, Senior Assessment Officer (Building)	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	35.3 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.		
r45(4)	35. Building Matters 35.4 The power pursuant to Regulation 45(4) of the General Regulations, if, in respect of an application referred to a fire authority under Regulation 45 of the General Regulations, the fire authority: 35.4.1 recommends against the granting of building consent; or 35.4.2 concurs in the granting of consent on conditions specified in its report, but the delegate: 35.4.3 proposes to grant building consent despite a recommendation referred to in Regulation 45(4)(a) of the General Regulations; or 35.4.4 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,	Building Surveyor, Assessment Manager, Assessment Officer - Building, Senior Assessment Officer (Building)	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	to: 35.4.5 refer the application to the Commission; and 35.4.6 not grant consent unless the Commission concurs in the granting of the consent.		
r45(5)	35. Building Matters 35.5 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.	Building Surveyor, Assessment Manager, Assessment Officer - Building, Cadetship Assessment Officer - Building, Senior Assessment Officer (Building)	
r46(6)	36. Preliminary Advice and Agreement (Section 123) 36.1 The power pursuant to Regulation 46(6) of the General Regulations, if: 36.1.1 the delegate permits an applicant to vary an application under Section 119(9) of the PDI Act; and 36.1.2 the delegate determines that the application no longer accords with the agreement indicated by the prescribed body,	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Assessment Officer - Building, Senior Assessment Officer (Building)	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	to refer the application (unless withdrawn) to the prescribed body: 36.1.3 to obtain a variation to the agreement under Section 123 of the PDI Act; or 36.1.4 to obtain a response from the prescribed body for the purposes of Section 122 of the PDI Act.		
r46(7)	36. Preliminary Advice and Agreement (Section 123) 36.2 The power pursuant to Regulation 46(7) of the General Regulations if: 36.2.1 an application is withdrawn by the applicant; and 36.2.2 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.	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Assessment Officer - Building, Cadetship Assessment Officer - Building, Senior Assessment Officer (Building)	
r46(8)	36. Preliminary Advice and Agreement (Section 123) 36.3 The power pursuant to Regulation 46(8) of the General Regulations, if:	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Assessment	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	36.3.1 an application is lapsed by a relevant authority under Regulation 38 of the General Regulations; and 36.3.2 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.	Officer - Building, Cadetship Assessment Officer - Building, Senior Assessment Officer (Building)	
r46(9)	36. Preliminary Advice and Agreement (Section 123) 36.4 The power pursuant to Regulation 46(9) of the General Regulations, if: 36.4.1 an applicant seeks to rely on an agreement under Section 123 of the PDI Act in connection with the application; and 36.4.2 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.	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Assessment Officer - Building, Senior Assessment Officer (Building)	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r48	37. Notification of Application of Tree-damaging Activity to Owner of Land 37.1 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: 37.1.1 give the owner notice of the application within 5 business days after the application is made; and 37.1.2 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	Not to be sub-delegated further by the Assessment Manager
r49(3)	38. Public Inspection of Applications 38.1 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.	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Administration and Technical Support Officer (Development Services), Development Compliance Officer, Executive and Project Support Officer (Development and Community	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Services), Assessment Officer - Planning , Assessment Officer - Building, Cadetship Assessment Officer - Building, Senior Assessment Officer (Building)	
r50(5)	39. Representations 39.1 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: 39.1.1 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 39.1.2 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.	Director Development and Community Services, Manager Development Services, Assessment Manager	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r51(1)	40. Response by Applicant 40.1 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.	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning	
r57(2)(b)	41. Notice of Decision (Section 126(1)) 41.1 The power pursuant to Regulation 57(2)(b) of the General Regulations to provide notice via the SA Planning Portal and to determine if necessary to give notice to the applicant in some other way determined to be appropriate by the delegate.	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Administration and Technical Support Officer (Development Services), Executive and Project Support Officer (Development and Community Services), Assessment Officer - Planning, Assessment Officer - Building, Cadetship Assessment Officer - Building, Senior Assessment Officer (Building)	
r57(4)(a)	41. Notice of Decision (Section 126(1))	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	41.2 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.	(Planning), Assessment Manager, Administration and Technical Support Officer (Development Services), Executive and Project Support Officer (Development and Community Services), Assessment Officer - Planning , Assessment Officer - Building, Cadetship Assessment Officer - Building, Senior Assessment Officer (Building)	
r60	42. Consideration of Other Development Authorisations 42.1 The power pursuant to Regulation 60 of the General Regulations, to, in deciding whether to grant a development authorisation, take into account any prior development authorisation that relates to the same proposed development under the PDI Act, and any conditions that apply in relation to that prior development authorisation.	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Assessment Officer - Building, Senior Assessment Officer (Building)	
r61(4)(c)	43. Certificate of Independent Technical Expert in Certain Cases 43.1 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 accreditation authority under the	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Assessment	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.	Officer - Building, Senior Assessment Officer (Building)	
r63(1)	44. Urgent Work 44.1 The power pursuant to Regulation 63(1) of the General Regulations to, 44.1.1 determine a telephone number determined for the purposes of Regulation 63(1)(a) of the General Regulations; and 44.1.2 determine the email address for the purposes of Regulation 63(1)(b) of the General Regulations.	Director Development and Community Services, Manager Development Services, Building Surveyor, Assessment Manager, Assessment Officer - Building, Senior Assessment Officer (Building)	
r63(2)	44. Urgent Work 44.2 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.	Director Development and Community Services, Manager Development Services, Building Surveyor, Assessment Manager, Assessment Officer - Building, Senior Assessment Officer (Building)	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r63(3)	44. Urgent Work 44.3 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.	Director Development and Community Services, Manager Development Services, Building Surveyor, Assessment Manager, Assessment Officer - Building, Senior Assessment Officer (Building)	
r65(1)(a)	45. Variation of Authorisation (Section 128) 45.1 The power pursuant to Regulation 65(1)(a) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation.	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Assessment Officer - Building, Senior Assessment Officer (Building)	
r76(2)	46. Advice from Commission 46.1 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	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	the relevant authority, to presume that the Commission does not desire to make a report.		
r78(3)	47. Underground Mains Area 47.1 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.	Director Development and Community Services, Manager Development Services, Manager Engineering Services, Director Infrastructure and Environmental Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Manager Assets and Capital Delivery	
r99(4)	48. Construction Industry Training Fund 48.1 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 Construction Industry Training Fund 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.	Director Development and Community Services, Manager Development Services, Assessment Manager, Assessment Officer - Building, Senior Assessment Officer (Building)	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r99(5)	48. Construction Industry Training Fund 48.2 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.	Director Development and Community Services, Manager Development Services, Assessment Manager, Assessment Officer - Building, Senior Assessment Officer (Building)	
cl 2(1)(b)	49. New Dwellings 49.1 The power pursuant to clause 2(1)(b) of Schedule 6B 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, other than a previous use or activity that was for residential purposes.	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning	
cl4(3)	50. Plans for Building Work 50.1 The power pursuant to Clause 4(3) of Schedule 8 of the General Regulations, in relation to an application for building	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	consent for development consisting of or involving an alteration to a building, if: 50.1.1 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 50.1.2 the building was erected before 1 January 1974 and the applicant is applying for a classification other than Class 10 under the Building Code to be assigned to the building, to require the application to be accompanied by such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the delegate reasonably requires to show that the entire building will, on completion of the building work, comply with the requirements of the PDI Act and the General Regulations for a building of the classification applied for or with so many of those requirements as will ensure that the building is safe and conforms to a proper structural standard.	(Planning), Assessment Manager, Assessment Officer - Planning , Assessment Officer - Building, Senior Assessment Officer (Building)	

Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r5(1)	51. Calculation or Assessment of Fees 51.1 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): 51.1.1 to require the applicant to provide such information as the delegate may reasonably require to calculate a prescribed fee; and 51.1.2 to make any other determination for the purposes of the Fees Regulations or a related set of regulations or a fee notice (even if the assessment panel is not a relevant authority).	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Administration and Technical Support Officer (Development Services), Executive and Project Support Officer (Development and Community Services), Assessment Officer - Planning , Assessment Officer - Building, Cadetship Assessment Officer - Building, Senior Assessment Officer (Building)	
r5(2)	51. Calculation or Assessment of Fees 51.2 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 a prescribed fee on the basis of estimates made by the delegate.	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Administration and Technical Support Officer (Development Services), Executive and Project Support Officer (Development and Community Services), Assessment Officer - Planning , Assessment Officer - Building,	

Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Cadetship Assessment Officer - Building, Senior Assessment Officer (Building)	
r5(3)	51. Calculation or Assessment of Fees 51.3 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.	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Administration and Technical Support Officer (Development Services), Executive and Project Support Officer (Development and Community Services), Assessment Officer - Planning , Assessment Officer - Building, Cadetship Assessment Officer - Building, Senior Assessment Officer (Building)	

Planning and Design Code			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
PD Code	54. Administrative Terms and Definition 54.1 The power pursuant to and in accordance with Part 8 of the PD Code to for the purposes of Table 5 – Procedural Matters (PM) – Notification and the definition of ‘Excluded Building’, form the opinion that: 54.1.1 the building, structure or landscape feature (or part thereof) does not contribute to the building or features of identified heritage value within the State Heritage Area; 54.1.2 the building (or part thereof) does not demonstrate the historic characteristics as expressed in the Historic Area Statement.	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning	
PD Code	52 Procedural Matter 52.1 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	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning	

Planning and Design Code			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	development and therefore is excluded from the operation of Sections 107(3) and (4) of the PDI Act.		
PD Code	52. Procedural Matter 52.2 The power pursuant to and in accordance with the PD Code to determine that the variation to one or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning	
PD Code	53. Procedural Referrals 53.1 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.	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning	
PD Code	53. Procedural Referrals 53.2 The power pursuant to and in accordance with the PD Code to form the opinion and deem: 53.2.1 alteration to an existing access or public road junction;	Director Development and Community Services, Manager Development Services, Manager Engineering Services, Director Infrastructure and Environmental Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer -	

Planning and Design Code			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	53.2.2 development that changes the nature of vehicular movements or increases the number or frequency of movements through an existing access, to be minor.	Planning , Manager Assets and Capital Delivery	
PD Code	53. Procedural Referrals 53.3 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.	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning	
PD Code	53. Procedural Referrals 53.4 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.	Director Development and Community Services, Manager Development Services, Manager Engineering Services, Director Infrastructure and Environmental Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Manager Assets and Capital Delivery	

Planning and Design Code			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
PD Code	53. Procedural Referrals 53.5 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.	Director Development and Community Services, Manager Development Services, Manager Engineering Services, Director Infrastructure and Environmental Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Manager Assets and Capital Delivery	
PD Code	53. Procedural Referrals 53.6 The power pursuant to and in accordance with the PD Code to form the opinion alterations to an existing access or public road junction are minor.	Director Development and Community Services, Manager Development Services, Manager Engineering Services, Director Infrastructure and Environmental Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Manager Assets and Capital Delivery	
PD Code	53. Procedural Referrals 53.7 The power pursuant to and in accordance with the PD Code to form the opinion development that changes the nature of vehicular	Director Development and Community Services, Manager Development Services, Manager Engineering Services, Director Infrastructure and Environmental Services,	

Planning and Design Code			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	movements or increase the number or frequency of movements through an existing access is minor.	Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Manager Assets and Capital Delivery	
PD Code	55. Referral Body: Minister Responsible for the Administration of the Aquaculture Act 2001 55.1 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.	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning	
PD Code	53. Procedural Referrals 53.9 The power pursuant to and in accordance with the PD Code to form the opinion development materially affects the context within which the State Heritage Place is situated.	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning	
PD Code	53. Procedural Referrals 53.8 The power pursuant to and in accordance with the PD Code to form the opinion the variation to an application is minor in nature or	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning),	

Planning and Design Code			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	would not warrant a referral when considering the purpose of the referral.	Assessment Manager, Assessment Officer - Planning	
PD Code	53. Procedural Referrals 53.10 The power pursuant to and in accordance with the PD Code to form the opinion the development is minor in nature and would not warrant a referral when considering the purpose of the referral.	Assessment Manager	

State Planning Commission Practice Direction - 3 (Notification of Performance Assessed Development Applications) 2019			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl6(4)	56. Responsibility to Undertake Notification 56.1 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	Director Development and Community Services, Manager Development Services, Assessment Manager	

State Planning Commission Practice Direction - 3 (Notification of Performance Assessed Development Applications) 2019			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	members of the public by notice placed on the relevant land in accordance with Section 107(3)(a)(ii) of the PDI Act.		
cl8	57. Preparing for Notification 57.1 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: 57.1.1 give notice of the anticipated commencement date and of the notification period to the applicant; and 57.1.2 provide the applicant with a copy of the content of the notice to be placed on the relevant land; and 57.1.3 advise the applicant of the position and number of notice(s) to be erected on the land in accordance with clause 10 of PD3.	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Administration and Technical Support Officer (Development Services), Development Compliance Officer, Executive and Project Support Officer (Development and Community Services), Assessment Officer - Planning , Assessment Officer - Building, Cadetship Assessment Officer - Building, Senior Assessment Officer (Building)	
cl10(1)(a)	58. Notice on Land 58.1 The power pursuant to clause 10(2) of PD3, in relation to clause 10(1)(a) 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	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Administration and Technical Support Officer	

State Planning Commission Practice Direction - 3 (Notification of Performance Assessed Development Applications) 2019			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.	(Development Services), Development Compliance Officer, Executive and Project Support Officer (Development and Community Services), Assessment Officer - Planning , Assessment Officer - Building, Cadetship Assessment Officer - Building, Senior Assessment Officer (Building)	

State Planning Commission Practice Direction (Appointment of Additional Members to Assessment Panel) 2019			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl4(6)	59. Qualifications and Experience of Additional members 59.1 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	Director Development and Community Services, Manager Development Services, Assessment Manager	The sub-delegate must present his/her recommendation to the Barossa Assessment Panel for approval and appointment of the additional member.

State Planning Commission Practice Direction (Appointment of Additional Members to Assessment Panel) 2019			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	both the minimum experience detailed in Column 2 of PD5, as well as the minimum qualification listed in Column 3 of PD5.		
cl4(7)	59. Qualifications and Experience of Additional members 59.2 The power pursuant to clause 4(7) of PD5 to be satisfied of the minimum experience and qualifications of an additional assessment panel member.	Not Delegated	

State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl5(1)	60. Scheme Provisions 60.1 The power pursuant to clause 5(1) of the State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019 (PD6), to in undertaking a planning assessment or imposing controls, including through the imposition of conditions of planning consent, ensure that such assessment or controls do not	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Assessment Officer - Building, Senior Assessment Officer (Building)	

State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	conflict or duplicate matters dealt with or addressed under licencing or regulatory regimens under another Act.		
cl5(3)	60. Scheme Provisions 60.2 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.	Director Development and Community Services, Manager Development Services, Building Surveyor, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning , Assessment Officer - Building, Senior Assessment Officer (Building)	

State Planning Commission Practice Direction 14 Site Contamination Assessment 2021			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl 12	61. Change of Use Where Remediation is Required After the Issue of Planning Consent – Section 127(1)(b) of Act 61.1 The power pursuant to clause 12 of the State Planning Commission Practice Direction (Site Contamination Assessment) 2021 (PD14) to be	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning),	

State Planning Commission Practice Direction 14 Site Contamination Assessment 2021			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	satisfied that a site is suitable for its intended use subject to remediation being undertaken and to issue a planning consent without the remediation work having been carried out, subject to Condition A, B or C in PD14 as relevant.	Assessment Manager, Assessment Officer - Planning	
cl 13	62. Land Division Where Remediation is Required After the Issue of Planning Consent – Section 127(1)(b) of Act 62.1 The power pursuant to clause 13 of PD14 to be satisfied in relation to proposed land division that a site is suitable for its intended use subject to remediation being undertaken and to issue a planning consent without the remediation work having been carried out subject to the consent being subject to the following condition: A land division certificate under Section 138 of the Planning, Development and Infrastructure Act 2016 must not be issued until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning	

State Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl 6(2)	63. Reserved Matter 63.1 The power pursuant to clause 6(2) of State Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme (PD16) to where an applicant has elected to reserve consideration of the DTS/DPF Policy in the Overlay, as provided for in the Code and under Section 102(4) of the PDI Act, to require the applicant to provide documents which are considered by the delegate as sufficient to confirm whether the relevant development site includes a Designated Soil Type.	Director Development and Community Services, Manager Development Services, Assessment Manager	Not applicable in the Council area
cl 7	64. Process for Payments to the Fund 64.1 The power pursuant to clause 7 of PD16 where an applicant has elected to make a payment into the Fund, in lieu of planting a tree (or trees) as provided in the DTS/DPF Policy in the Overlay, to verify the payment as being correct in accordance with the Scheme, prior to the granting of development authorisation under the PDI Act.	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning	Not applicable in the Council area
cl 8(3)	65. Development within Council Fund Designated Areas 65.1 The power pursuant to clause 8(3) of PD16, where a development application relates to a site which is located both within a Council Fund	Director Development and Community Services, Manager Development Services, Senior	

State Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Designated Area and within the Overlay to impose a condition requiring payment into a Council Fund, irrespective of an election by the applicant to plant a tree or make a payment into the Fund as provided under the Scheme.	Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning	Not applicable in the Council area.

Urban Tree Canopy Off-set Scheme			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl 6(4)	67. Payment into Fund 66.1 The power pursuant to clause 6(4) of the Urban Tree Canopy Off-set Scheme (UTCOS) where an applicant has elected to make a contribution to the fund under this scheme to impose a condition on the relevant development authorisation for planning consent requiring that payment of the amount specified in clause 6(1) of the UTCOS be made into the fund before the issue of development approval for the subject development application.	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning	Not applicable in the Council area

Urban Tree Canopy Off-set Scheme			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl 9	67. Use of Money from Fund 67.1 The power pursuant to clause 9 of the UTCOS to use money distributed from the fund for any of the following purposes (and for no other purpose): 67.1.1 to provide for the planting, establishment and maintenance of trees within reserves or public land anywhere within a designated local government area; or 67.1.2 the purchase of land within a designated local government area to ensure: 67.1.2.1 the preservation of trees; or 67.1.2.2 that trees can be established in an area with a low urban tree canopy level or a demonstrated urban tree canopy loss.	Director Development and Community Services, Manager Development Services, Senior Assessment Officer (Planning), Assessment Manager, Assessment Officer - Planning	Not applicable in the council area

10. REPORTS – CONFIDENTIAL

Nil.

11. NEXT MEETING

Tuesday 1 July 2025 commencing at 5.00 pm

12. CLOSURE OF MEETING

The Presiding Member will declare the meeting closed.