

Council Assessment Panel Minutes

19 June 2023

Our Vision

*A City which values its heritage, cultural diversity,
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable
and socially cohesive, with a strong community spirit.*

City of Norwood Payneham & St Peters
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City of
Norwood
Payneham
& St Peters

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VENUE Council Chambers, Norwood Town Hall

HOUR 7.00pm

PRESENT

Panel Members Mr Terry Mosel
Mr Mark Adcock
Mr Ross Bateup
Ms Jenny Newman
Cr Christel Mex

Staff Geoff Parsons, Manager Development Assessment
Kieran Fairbrother, Senior Urban Planner
Ned Feary, Urban Planner
Tala Aslat, Planning Assistant

APOLOGIES

ABSENT

1. COMMENCEMENT AND WELCOME

2. APOLOGIES

**3. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT
PANEL HELD ON 15 MAY 2023**

Seconded and carried

4. DECLARATION OF INTERESTS

5. DEVELOPMENT APPLICATIONS – PDI ACT

5.1 DEVELOPMENT NUMBER 23005720 – PAYNEHAM NORWOOD UNION FOOTBALL CLUB – 26 ROSELLA STREET, PAYNEHAM

DEVELOPMENT NO.:	23005720
APPLICANT:	Payneham Norwood Union Football Club
ADDRESS:	26 ROSELLA ST PAYNEHAM SA 5070
NATURE OF DEVELOPMENT:	Construction of an LED Scoreboard
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • General Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy
LODGEMENT DATE:	19 Apr 2023
RELEVANT AUTHORITY:	Assessment panel/Assessment manager at City of Norwood, Payneham and St. Peters
PLANNING & DESIGN CODE VERSION:	Version applicable as at 19 April 2023
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Edmund Feary Urban Planner
REFERRALS STATUTORY:	N/A
REFERRALS NON-STATUTORY:	N/A

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DETAILED DESCRIPTION OF PROPOSAL:

The applicant proposes an electronic (LED) scoreboard for Payneham Oval. The scoreboard would be on the southern side of the oval, and would be in total 3.5m above ground, and 4.04m long. Given its electronic nature, the scoreboard would not be limited to only providing scoring information, and would also display, for example, parking provisions, community information and acknowledgement of club sponsors. It would be remote operated during game days via a computer program and a *bluetooth* or other connection to display the aforementioned information. The applicant has advised that the scoreboard will principally operate for sporting fixtures at the Oval.

BACKGROUND:

The Payneham Oval Complex is owned by the City of Norwood, Payneham & St Peters, with the Payneham Sports Association being the lessee. The Payneham Norwood Union Football Club (hereafter, "the Club") are a major part of this Association, playing their home matches at Payneham Oval.

The Club received a grant under the Federal Government's *Building Stronger Communities Programme* for the construction of a new electronic scoreboard. This grant application was supported by the Council through "in-kind" support rather than any financial contribution, nor did Council, as the landowner, instigate the grant application or the proposal in any other form.

Schedule 4 (2) (1) (e) (i) of the *Planning, Development and Infrastructure (General) Regulations 2017* exempts from the definition of development, "*The construction, reconstruction, alteration, repair or maintenance by or on behalf of a council of— ... a recreation area, or a building in a recreation area, other than ... the construction of a new building exceeding 30m² in total floor area on a recreation area.*"

As this structure (noting that the definition of building includes a structure) is less than 30m² in area, and is in a recreation area, it would be exempt from the definition of development if the works are, "by or on behalf of a council."

Given that Council did not instigate the works, and merely provided its general endorsement, it has been considered that the works do constitute works on behalf of Council, and therefore that it does constitute development.

While the applicant had tried to justify that the development did not require approval, and later that it did not require notification as it was "ancillary and subordinate" to the recreation area, it was determined that nonetheless, it required Development Approval and public notification. In the latter case because it was not deemed to be "development which involves" a recreation area.

Finally, it is worth noting that as Council has no direct involvement in the proposal, other than by its position as the landowner, no conflict of interest exists in respect of Council's administration undertaking an assessment of the proposal. The ultimate decision to grant Consent or otherwise rests with the Council Assessment Panel, a body independent of the Council.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 26 ROSELLA ST PAYNEHAM SA 5070

Title ref.:	Plan Parcel: D372	Council: THE CITY OF NORWOOD PAYNEHAM AND ST PETERS
AE117		

Location reference: 26 ROSELLA ST PAYNEHAM SA 5070

Title ref.: CT	Plan Parcel: D372	Council: THE CITY OF NORWOOD PAYNEHAM AND ST PETERS
5839/146	AL115	

Location reference: 26 ROSELLA ST PAYNEHAM SA 5070

Title ref.: CT **Plan Parcel:** D372 **Council:** THE CITY OF NORWOOD PAYNEHAM AND
5839/146 AL116 ST PETERS

Location reference: 26 ROSELLA ST PAYNEHAM SA 5070

Title ref.: CT **Plan Parcel:** D372 **Council:** THE CITY OF NORWOOD PAYNEHAM AND
5839/146 AL51 ST PETERS

Location reference: 26 ROSELLA ST PAYNEHAM SA 5070

Title ref.: CT **Plan Parcel:** D372 **Council:** THE CITY OF NORWOOD PAYNEHAM AND
5839/146 AL52 ST PETERS

Location reference: 26 ROSELLA ST PAYNEHAM SA 5070

Title ref.: CT **Plan Parcel:** D372 **Council:** THE CITY OF NORWOOD PAYNEHAM AND
5839/146 AL63 ST PETERS

Location reference: 26 ROSELLA ST PAYNEHAM SA 5070

Title ref.: CT **Plan Parcel:** D372 **Council:** THE CITY OF NORWOOD PAYNEHAM AND
5839/146 AL64 ST PETERS

Shape: Rectangular

Frontage Width: Rosella St and John St: ~257m, Ashbrook Ave and Arthur St: ~159m

Area: 40,612m²

Topography: Mostly flat

Existing Structures: Football clubrooms, existing scoreboard, two storage sheds, public toilets, shade sails, two freestanding verandahs, tennis court lights and playground equipment.

Existing Vegetation: Grass oval with surrounding trees of varying species.

The subject land is the Payneham Oval Complex, which consists of buildings associated with the Payneham Norwood Union Football Club, as well as Council run tennis courts, a Council playground, and other recreational structures such as shade sails.

Locality

While the oval complex substantially provides the context for the development, this complex sits in a residential area, being some 360m from Payneham Road, and 280m from Portrush Road. Dwellings line the opposite sides of all four road frontages, including detached, semi-detached, row and group dwellings.

Streets are generally fairly narrow with narrow verges, relatively substantial powerlines, and footpaths on both sides. Some mature street trees are notable, particularly immediately to the east of the proposed scoreboard location, however much of the tree canopy cover comes from trees located within the oval complex.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Other - Community - Electronic Scoreboard: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code; No pathway provided

PUBLIC NOTIFICATION

- **REASON**
Development is not of kind exempted under Table 5 of the General Neighbourhood Zone, and is not minor in nature
- **LIST OF REPRESENTATIONS**
Two (2) representations were received during the notification period.

Given Name	Family Name	Address	Wishes to be Heard	In Support
Tony	De Ieso	68 Ashbrook Ave, Payneham	No	Yes
Janne	Graham	64 Ashbrook Ave, Payneham	Yes	No

- **SUMMARY**

One representor was supportive of the development, simply commenting, "good luck".

The other representor was concerned by light spill from the proposed development, as well as a series of other concerns about the oval including:

- Noise;
- Traffic;
- Lack of consultation;
- Allowing dogs onto the oval; and,
- The lack of a fence surrounding the oval.

The Panel is required to limit its assessment to the development at hand and any associated considerations. Other concerns relating to the remainder of the site should be addressed via other means.

AGENCY REFERRALS

Not required

INTERNAL REFERRALS

Not required

PLANNING ASSESSMENT

As the application is not of a defined kind given a prescribed pathway under the Code, it is considered to be “all other Code assessed development”, and the Code therefore does not provide a series of relevant policies.

It was considered whether or not the development constituted an “Advertisement”, which is a kind of development considered by the Code, and which is defined in Section 3 of the *Planning, Development and Infrastructure Act 2016*:

“Advertisement means an advertisement or sign that is visible from a street, road or public place or by passengers carried on any form of public transport.”

As the proposed structure would be visible from a public place (the oval), it then becomes an issue of whether the structure is an, “advertisement or sign” in the sense of the ordinary meanings of these words.

The Cambridge English Dictionary defines “advertisement” as, “a picture, sign, etc. that is used to make a product or service known and persuade people to buy it.” There is therefore a commercial element to an advertisement which is not the primary intent of this development. Regarding a sign, the same dictionary defines a sign as, “a notice giving information, directions, a warning, etc.” Therefore, this proposal may fall into the Act’s definition of an advertisement. Nonetheless, it does have some distinctions from what would ordinarily be considered an advertisement, and therefore it has been treated as a distinct kind of development.

If the proposed development were to be considered to be an advertisement, it would not necessarily have any impact on the assessment, since despite being defined, an advertisement does not have a defined pathway within the General Neighbourhood Zone.

Regardless of whether the proposal is or is not an advertisement, the Advertisements module of the General Development Policies contained in Part 4 of the Code is considered instructive, as are the Desired Outcome and the following two Performance Outcomes from the General Neighbourhood Zone:

DO 1: Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.

PO 1.5: Expansion of existing community services such as educational facilities, community facilities and child care facilities in a manner which complements the scale of development envisaged by the desired outcome for the neighbourhood.

PO 12.1: Advertisements identify the associated business activity, and do not detract from the residential character of the locality.

Land Use

The proposed scoreboard is ancillary to the use of the land for a recreation area, which is a use envisaged by DPF 1.1 of the General Neighbourhood Zone. This is not being altered as part of this development. Nonetheless, the development does not “involve” a recreation area, as per Table 5, rather, it involves the construction of an LED scoreboard.

The following passage from the applicant’s supporting letter is notable:

The new electronic scoreboard (LED screen) provides the user Clubs and patrons (and Council) with a valuable asset for both game scoring and to display general information during games (e.g. parking provisions, community information, acknowledging sponsors etc). The scoreboard is not an advertising sign and will not be utilised for those purposes. The scoreboard is operated remotely during game days via an associated computer program and blue tooth or similar connection to provide scores of sporting games (ie.

football, cricket) which is being played on the Oval. The scoreboard will principally operate for sporting fixtures at the Oval.

As noted previously, this is not primarily an advertising display, and it is not intended to be used as a billboard. However, some messages from club sponsors may be displayed. It is important to clarify that the presence of sponsorship messages does not diminish the fact that the primary purpose of the scoreboard is to serve as a means of displaying relevant information during sporting events. While sponsorship messages may be included as part of the scoreboard's content, they are ancillary to its fundamental function. A condition is also suggested which would limit the operation of the scoreboard to times when the Oval is in use.

Given that Payneham Oval is a football oval, it is reasonable to expect that some sponsorship messages would be displayed. Football clubs often rely on the support of sponsors to sustain their operations, and it is common practice to acknowledge these contributions through various means, including through signage on scoreboards. Therefore, incorporating sponsorship messages into the scoreboard's content aligns with the nature of the venue and the expectations of those attending sporting events. It is therefore considered that, as per PO 12.1 above, the content of any such messaging on the scoreboard would be associated with the lawfully approved activities on the Oval, according with the principle of this Performance Outcome.

Therefore, the sponsorship messages are reasonably incidental to the primary nature of the scoreboard.

Building Height

The proposed structure would be a total of 3.5m above natural ground level, with the 1.92m tall board having some 1.58m of clearance above ground level. This is slightly taller than a single storey wall, noting that the Zone anticipates two storey buildings. While elaborated upon below, this height is considered reasonable and does not detract from the amenity of the locality.

Accordingly, it is considered to comply with General Neighbourhood Zone PO 4.1 in that it "contributes to a low-rise suburban character."

Setbacks, Design & Appearance

The proposed scoreboard would be 7.4m from the John Street boundary, behind a Queensland Box Tree. This is approximately 140m from the opposed representor's home, and it is unlikely that the development would read readily when viewed from their property. Any light spill would also be in the opposite direction from the representor's residence.

The sign is slightly taller than a single storey building, and is set back from the road further than the Code would generally require for a two-storey building. It is also only 4.04m long. It is a simple rectilinear design, with the screen attached to a simple metal frame.

Accordingly, the proposal is considered to accord with PO 1.5 above, in that it "complements the scale of development envisaged by the desired outcome for the neighbourhood." It also accords with PO 12.1, in that it does not, "detract from the residential character of the locality."

Heritage

There are no Heritage Places in the locality of the proposed development, and it is not considered to have any heritage impacts.

Traffic Impact, Access and Parking

As the proposed development is ancillary to an existing recreation area, and does not increase the capacity for people visiting this recreation area, it is not considered to generate any additional traffic demand. It is unlikely that the proposed development would have any impact on traffic.

Environmental Factors (Light spill)

PO 4.1 of the Advertisements module states:

Light spill from advertisement illumination does not unreasonably compromise the amenity of sensitive receivers.

When considering the potential light spill from the LED scoreboard at Payneham Oval, several factors suggest that the impact will be minimal and not unreasonably compromise the amenity of sensitive receivers. While specific details regarding light levels have not been provided, it is unlikely that the scoreboard's illumination will be excessively strong or overpowering.

It is important to note that the scoreboard is not expected to operate at all times, especially considering that the club's games primarily take place during the daytime. As a result, the duration and frequency of the scoreboard's operation will be limited, further reducing the potential for light spillage.

The proposed position of the sign should also be noted in this regard. By facing inwards towards the oval and away from the closer residences, the impact on nearby residents is minimised. This design ensures that the primary focus of the scoreboard is directed towards the sporting activities taking place on the field, rather than imposing itself on the surrounding residential area.

The presence of surrounding trees also plays a significant role in mitigating any potential light spill. The trees act as a natural barrier, effectively blocking a substantial portion of the emitted light and helping to retain it within the confines of the oval complex. This natural screening contributes to minimising any adverse impact on adjacent properties and ensures that the majority of the light remains within the immediate vicinity of the sporting field.

When an illuminated sign is proposed, a standard condition is typically applied. It is recommended that, in order to ensure that there is not an unreasonable light spill impact, a modified version of this condition be applied as follows:

"Lighting associated with the scoreboard shall be of an intensity not to cause an unreasonable light over spill nuisance to adjacent occupiers, or users of the oval complex, to the reasonable satisfaction of the Assessment Manager or their delegate."

In summary, while specific light level details are unavailable, it is reasonable to anticipate that the LED scoreboard's illumination will not be excessively strong. Combined with its limited operation, sensitive siting, the presence of surrounding trees acting as a natural barrier, and the application of relevant conditions, the potential for light spill and subsequent nuisance is expected to be minimal.

These considerations ensure that the scoreboard's presence remains in harmony with adjacent properties and the overall enjoyment of the oval complex, without causing an unreasonable impact on nearby residents or users.

CONCLUSION

The proposal seeks to construct an electronic scoreboard associated with the Payneham Oval complex. The scoreboard is relatively limited in size, and of simple form. It is reasonably separated from residences to minimise its visual impact, and it is sited so that it will primarily be visible from the oval, with mature trees screening it from the surrounding streets.

It is considered that the proposal is consistent with the Desired Outcome of the General Neighbourhood Zone, in that it enhances the existing community use without compromising residential amenity.

The application is considered to sufficiently accord with the provisions of the Planning and Design Code so as to warrant approval.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 23005720, by Payneham Norwood Union Football Club is granted Planning Consent subject to the following conditions and notes:

Conditions

1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
2. Lighting associated with the scoreboard shall be of an intensity not to cause an unreasonable light over spill nuisance to adjacent occupiers, or users of the oval complex, to the reasonable satisfaction of the Assessment Manager or their delegate.
3. The operation of the scoreboard shall be limited to times when the sporting complex is being used for organised sporting activities

Advisory Notes

1. 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.
2. Consents issued for this Development Application will remain valid for the following periods of time:
 - 1) Planning Consent is valid for 24 months following the date of issue, within which time Development Approval must be obtained;
 - 2) Development Approval is valid for 24 months following the date of issue, within which time works must have substantially commenced on site;
 - 3) Works must be substantially completed within 3 years of the date on which Development Approval is issued.

If an extension is required to any of the above-mentioned timeframes a request can be made for an extension of time by emailing the Planning Department at townhall@npsp.sa.gov.au. Whether or not an extension of time will be granted will be at the discretion of the relevant authority.

3. 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.
4. The Applicant is reminded of its responsibilities under the *Environment Protection Act 1993*, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA.
5. The granting of this consent does not remove the need for the beneficiary to obtain all other consents which may be required by any other legislation.

The Applicant's attention is particularly drawn to the requirements of the *Fences Act 1975* regarding notification of any neighbours affected by new boundary development or boundary fencing. Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission.

6. The Applicant is advised that construction noise is not allowed:
 - on any Sunday or public holiday; or
 - after 7pm or before 7am on any other day
7. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council pursuant to the *Local Government Act 1999* prior to any works being undertaken. Further information may be obtained by contacting Council's Public Realm Compliance Officer on 8366 4513.
8. The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of building work. Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.
9. The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

Ms Jansen and Ms Saunders addressed the Council Assessment Panel from 7:01pm until 7:06pm

MOVED

1. *Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and*
2. *Development Application Number 23005720, by Payneham Norwood Union Football Club is granted Planning Consent subject to the following conditions and notes:*

Conditions

1. *The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).*
2. *Lighting associated with the scoreboard shall be of an intensity not to cause an unreasonable light over spill nuisance to adjacent occupiers, or users of the oval complex, to the reasonable satisfaction of the Assessment Manager or their delegate.*
3. *The operation of the scoreboard shall be limited to times when the sporting complex is being used for organised sporting activities.*
4. *The frame and supporting structure of the LED scoreboard shall comprise a Charcoal or similar colour to the reasonable satisfaction of the Assessment Manager or their delegate.*

Advisory Notes

1. *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.*
2. *Consents issued for this Development Application will remain valid for the following periods of time:*
 - 1) *Planning Consent is valid for 24 months following the date of issue, within which time Development Approval must be obtained;*
 - 2) *Development Approval is valid for 24 months following the date of issue, within which time works must have substantially commenced on site;*
 - 3) *Works must be substantially completed within 3 years of the date on which Development Approval is issued.*

If an extension is required to any of the above-mentioned timeframes a request can be made for an extension of time by emailing the Planning Department at townhall@npsp.sa.gov.au. Whether or not an extension of time will be granted will be at the discretion of the relevant authority.

3. *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.*
4. *The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA.*
5. *The granting of this consent does not remove the need for the beneficiary to obtain all other consents which may be required by any other legislation.*

The Applicant's attention is particularly drawn to the requirements of the Fences Act 1975 regarding notification of any neighbours affected by new boundary development or boundary fencing. Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission.

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8. *The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of building work. Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.*

9. *The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.*

Seconded and carried

6. DEVELOPMENT APPLICATIONS – DEVELOPMENT ACT
7. REVIEW OF ASSESSMENT MANAGER DECISIONS
8. ERD COURT APPEALS

9. OTHER BUSINESS

The Panel expressed its thanks and appreciation to Nenad Milasinovic (Senior Urban Planner) for his service, expertise and dedication over an 18-year period, and wished him the very best for his future endeavours.

9.1 COUNCIL ASSESSMENT PANEL – UPDATED MEETING PROCEDURES

REPORT AUTHOR: Manager, Development Assessment / Assessment Manager
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4567
FILE REFERENCE: qA63668
ATTACHMENTS: 1 and 2

PURPOSE OF REPORT

This report seeks the endorsement of revised and updated Meeting Procedures for the Council Assessment Panel.

BACKGROUND

As Members will recall, the Council Assessment Panel had previously received advice that the current Terms of Reference / Meeting Procedures (which were contained within one {1} document) needed to be divided into separate documents and updated.

There were numerous reasons for this, but primarily it is because the Council (as a designated authority) must determine the constitution and establishment of the Panel (via Terms of Reference), whereas it is the Panel itself that determines its meeting procedures (insofar as they are not specified in the *Planning, Development & Infrastructure Act 2016* or the *Planning, Development & Infrastructure (General) Regulations 2017*).

On 1 May 2023 the Council endorsed and adopted updated Terms of Reference for the Council Assessment Panel. A copy of the updated Terms of Reference was provided to the Panel at its meeting held on 15 May 2023.

As the Terms of Reference have now been finalised, it is necessary for the Council Assessment Panel to consider updated and revised Meeting Procedures, hence this report.

DISCUSSION

As noted in the *Background* section above, the applicable legislation (in this case the *Planning, Development & Infrastructure (General) Regulations 2017*), clearly anticipates that the Council Assessment Panel itself will be responsible for setting its own procedures where those procedures are not specified in the legislation:

18 – Other Matters

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 (and an assessment panel is accordingly a specified body for the purposes of section 246(6)(d) of the Act).

As noted above, the Terms of Reference and Meeting Procedures were previously combined within one document. Following the review of the Terms of Reference that was conducted in April and May 2023, the parts of the documents that comprise the Terms of Reference have been separated out and now form a separate document.

Attached to this report are two (2) revised and updated versions of the Meeting Procedures for consideration.

One (1) document has the revised and updated sections of the Meeting Procedures highlighted in yellow for ease of reference (**Attachment 1**), whereas the other document is a clean version for endorsement (**Attachment 2**), should the Panel determine that to be the appropriate course of action.

The amended versions have been prepared having regard to the *Model Meeting Procedures*, prepared by Norman Waterhouse Lawyers on behalf of the Local Government Association of South Australia and the CAP Meeting Procedures of two (2) other local government entities.

The primary and significant changes that have been made to the Meeting Procedures are summarised below:

- All clauses relating to the Terms of Reference have been removed from the Meeting Procedures.
- Clause 1.7 – Notes that the attachments to the reports will be published on the public agenda. This addresses the matter previously identified by some representors and the Panel regarding access to the attachments prior to CAP Meetings.
- Clause 1.14 – Allows the Assessment Manager, in consultation with the Presiding Member, to call a special meeting should urgent or important business warrant such.
- Clause 3 – The introduction of provisions that allow for meetings (or certain persons attending meetings) to be held / appear via electronic means (noting that “electronic” is defined in Clause 10 and can mean “via phone”).
- Clause 4.1 – Clarification on the definition of a quorum.
- Clauses 5.4 / 7.3.6 / 7.3.7 – Noting the Panel will give reasons if it refuses a Development Authorisation, but not if it grants Development Authorisation or imposes conditions.
- Clause 5.6.5 – Clarifying a person representing a group of people and delivering a representation to the Panel, can have a maximum time of 15 minutes (at the discretion of the Presiding Member).
- Clauses 5.6.7 / 5.6.8 – Additional guidance for raising new material.
- Clauses 5.6.10 – 5.6.12 – Clarification on the process following the hearing of representations.
- Clause 7.3.9 – Noting that the mover and seconder will be noted in the minutes.
- Clause 7.3.10 – Noting that if a matter is decided by the casting vote of the Presiding Member, it will be noted in the minutes.
- Clause 8.3 – Noting that members of the media and public may not record a CAP meeting, unless the Assessment Manager and Presiding Member agree.
- Clause 8.4 – An applicant may not defer their item from the agenda unless agreed to by the Assessment Manager in consultation with the Presiding Member.
- Clause 8.5 – Clarification on the process a CAP Member should follow if contacted by a representor / applicant.
- Clause 8.6 – Clarification a CAP Member may request a site inspection for a particular item if they think such is warranted.
- Clause 8.7 – Providing clarification to applicants / representors that the information they submit will be published on a publicly available agenda.
- Clause 8.8 – Providing clarification that a Panel is entitled to make a decision on a matter / application before it on the presumption it has been processed correctly.
- Clause 10 – Definitions have been added to provide clarity.
- Attachment A – Additional protocols for a hearing of representations.
- Attachment B – Guidelines for presentations to the CAP.

CONCLUSION

The changes to the Meeting Procedures are primarily administrative in nature. The amended wording of the various clauses and the addition of new clauses generally reflects the "Model Meeting Procedures" as published by the Local Government Association of South Australia and provide a greater level of clarification.

Recent changes made to the *Regulations* associated with the planning system in South Australia mean that further updates to the Meeting Procedures may be required in the future. If that is the case a future report will be prepared outlining the changes accordingly.

As the Panel is responsible for adopting its own Meeting Procedures, a recommendation is listed below which allow for endorsement and finalisation of the updated Meeting Procedures.

If the recommendation is adopted, the administration will arrange for an updated version of the Meeting Procedures to be uploaded to the Council website.

RECOMMENDATION

1. That the Council Assessment Panel endorses and adopts the updated Council Assessment Panel Meeting Procedures as noted in **Attachment 2**.

MOVED

1. *That the Council Assessment Panel endorses and adopts the updated Council Assessment Panel Meeting Procedures as noted in **Attachment 2**.*

Seconded and carried

10. **CONFIDENTIAL REPORTS**
Nil

11. **CLOSURE**

The Presiding Member declared the meeting closed at 7:43pm

Terry Mosel
PRESIDING MEMBER

Geoff Parsons
MANAGER DEVELOPMENT ASSESSMENT