

Agenda Report for Decision

Meeting Date: 2 February 2023

Item Name	Delegation – Building Envelope Plans (State Planning Commission as Assessing Authority)
Presenters	Margaret Smith and Brett Miller
Purpose of Report	Decision
Item Number	5.6
Strategic Plan Reference	4. Discharging Statutory Obligations
Work Plan Reference	4.3 Ensure the State Commission Assessment Panel continues to operate effectively
Confidentiality	Not Confidential (Release Immediately)
Related Decisions	N/A

Recommendation

It is recommended that the State Planning Commission (the Commission) resolves to:

1. Approve the designation of this item as Not Confidential (Release Immediately).
2. Approve the delegation for the assessment of Building Envelope Plans, where the Commission is the designated authority, to staff who are classified at a PO4 level, or above, within the State Assessment Directorate of Planning and Land Use Services, pursuant to Regulation 19A of the *Planning, Development and Infrastructure (General) Regulations 2017*.

Background

Regulation 19A of the *Planning, Development and Infrastructure (General) Regulations 2017* (the Regulations) enables a designated authority to approve a Building Envelope Plan (BEP) if the plan is prepared in accordance with the relevant Practice Direction. The Commission has issued two versions of *Practice Direction 15 – Building Envelope Plans 2021*, with the most recent dated 27 May 2021 (**Attachment 1**).

There have been a number of BEPs approved and published by the Chief Executive on the SA Planning Portal; however, none have been where the Commission is the designated authority. Should a BEP be approved and published, it opens an Accepted Development Classification pathway for the future dwellings on the sites, providing a more efficient assessment process.

On review of the delegations, it has been noted that a delegation does not exist from the Commission.

The Commission, by virtue of section 30(1) of the *Planning, Development and Infrastructure Act 2016* (the Act) can delegate any of its functions or powers. Such a delegation can be made, pursuant to section 30(2)(a) of the Act, to a person, body or a person occupying a particular office or position.

Discussion

The Commission, through its delegate, has assessed and approved a land division for 96 allotments in Oakden for which the applicant is applying for a BEP. The proposal is the first stage of a broader greenfield development over the former SA Health site at the corner of Grand Junction and Fosters Road, Oakden. The application relevant authority is the Commission in accordance with Schedule 6(1)(b) of the *Planning, Development and Infrastructure (General) Regulations 2017* (the Regulations). As the development will be undertaken in partnership with the Urban Renewal Authority, both the planning and subsequent land division consent requires the Commission to assess the application. Schedule 6(1)(b) of the Regulations states:

(b) development undertaken by the Urban Renewal Authority established under the Urban Renewal Act 1995, either individually or jointly with other persons or bodies, other than—

The proposed BEP is under assessment by Planning and Land Use Services (PLUS). Once the assessment has been finalised, the Regulations require the designated authority to complete the 'Designated Authority Approval of Building Envelope Plan & Request for Publication' form (**Attachment 2**) and submit it to the Chief Executive of the Department for Trade and Investment.

The assessment and approval of BEPs, whilst potentially time consuming, is not considered to be a complex task that requires the assessment or approval of the State Commission Assessment Panel (SCAP). Therefore, where the Commission is the designated authority, it is considered appropriate for the Commission to delegate this function direct to PLUS staff that hold a position classification of PO4 (Team Leader level) and above. This will ensure the efficient assessment of BEPs and their timely publication on the SA Planning Portal.

Should the Commission approve this delegation, it will be incorporated into the consolidated set of delegations at the next annual delegations review scheduled for March 2023. The consolidated delegations will then be provided to the Commission for final review and endorsement. A limited number of these instances subject to this delegation request are anticipated due to the requirements of Schedule 6 determining the Commission as the relevant authority.

Attachments:

1. *Practice Direction 15 – Building Envelope Plans 2021* (#17109735).
2. Designated Authority Approval of Building Envelope Plan & Request for Publication (#18191371).

Prepared by: Brett Miller

Endorsed by: Margaret Smith

Date: 27 January 2023

This practice direction is issued by the State Planning Commission under section 42 of the *Planning, Development and Infrastructure Act 2016*.

Introduction

Section 42 of the *Planning, Development and Infrastructure Act 2016* (the Act) allows the State Planning Commission (the Commission) to issue practice directions for the purposes of the Act. Generally, practice directions specify procedural requirements or steps in connection with a matter arising under the Act. In certain cases, the Act requires a particular matter to be addressed or dealt with by a practice direction.

This practice direction is being made by the Commission to support the operation of section 71(b), 102(1)(a), 102(1)(c) and 102(1)(d) of the Act and Regulation 19A of the *Planning, Development and Infrastructure (General) Regulations 2017* (the Regulations) with respect to the assessment, approval and publication of building envelope plans referred to in the Planning and Design Code.

Practice direction

Part 1 – Preliminary

1 – Citation

This practice direction may be cited as the *State Planning Commission Practice Direction 15 (Building Envelope Plans) 2021*.

2 – Commencement of operation

This practice direction will come into operation on the day on which it is published on the SA Planning Portal.

3 – Object of practice direction

The object of this practice direction is to specify the criteria for assessment, approval and publication of a building envelope plan in accordance with the Act and the Regulations, and as referred to in the Planning and Design Code.

4 – Interpretation

In this practice direction, unless the contrary intention appears –

Act means the *Planning, Development and Infrastructure Act 2016*.

building envelope plan means a building envelope plan as that term is defined in the Regulations.

Commission means the State Planning Commission.

master planned zone means the Master Planned Neighbourhood Zone, Master Planned Township Zone or the Master Planned Renewal Zone in the Planning and Design Code.

proposed allotment means an allotment shown on a building envelope plan and which has been granted consent under section 102(1)(a) of the Act or section 33(1)(a) of the *Development Act 1993*, and which is intended to be either a torrens titled allotment approved under section 102(1)(c) of the Act or section 33(1)(c) of the *Development Act 1993* or a community titled or strata titled allotment approved under section 102(1)(d) of the Act or section 33(1)(d) of the *Development Act 1993*.

Regulations means the *Planning, Development and Infrastructure (General) Regulations 2017*.

Note: Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in an instrument made under an Act has, unless the contrary intention appears, the same meaning as in the Act under which the instrument was made.

Part 2 – Approval and publication of building envelope plans

5 – Timing for application for assessment of building envelope plans

Prior to an application for assessment of a building envelope plan being made, all proposed allotments shown on a building envelope plan:

- (1) must have been granted consent under section 102(1)(a) of the Act or section 33(1)(a) of the *Development Act 1993*;
- (2) may (or may not) have been granted land division consent under section 102(1)(c) or section 102(1)(d) of the Act or section 33(1)(c) or section 33(1)(d) of the *Development Act 1993*; and
- (3) may (or may not) have been created as allotments by means of deposit of a plan of division.

6 – Form of building envelope plans

- (1) A building envelope plan **must** include or show the following particulars:
 - a. details of consent for all proposed allotments, granted under section 102(1)(a) of the Act or section 33(1)(a) of the *Development Act 1993* (as relevant);
 - b. distance of setback of any proposed building on a proposed allotment, from the primary and secondary street boundaries, side boundaries, and the rear boundary of the proposed allotment (shown in metres to at least one decimal place);
 - c. height and length of any boundary walls for any proposed building on a proposed allotment (shown in metres to at least one decimal place);
 - d. the north point;
 - e. the scale of the plan;
 - f. the position of any existing buildings intended to be retained on a proposed allotment;
 - g. the location of any regulated tree which is either wholly or partially within a proposed allotment (including any tree protection zone applicable to such tree);

- h. existing trees and vegetation to be retained; and
 - i. all existing registered easements.
- (2) A building envelope plan **may** include or show the following particulars:
- a. building height for any proposed building on a proposed allotment (nominated in building levels and metres);
 - b. private open space (shown in square metres) for each proposed allotment;
 - c. location and width of any vehicle access point intended to service a proposed allotment (shown in metres to at least one decimal place);
 - d. location and size (shown in square metres) of land on a proposed allotment intended to be utilised or made available for stormwater management infrastructure;
 - e. finished floor levels for any proposed building on a proposed allotment;
 - f. the contours of the present surface of the ground above some known datum level sufficient to determine the intended level or gradient of all proposed allotments (and where the land is to be filled or graded, both existing contours or levels and proposed contours or levels must be shown);
 - g. where land is intended to be filled or graded, the length and height (in metres) of any retaining walls located within the relevant site;
 - h. the location of any proposed activity centre; and
 - i. location, size and/or dimensions (as necessary) of any other items relevant to the assessment of a building envelope plan under the Planning and Design Code, including (but not limited to) activity centres, public open spaces, high frequency public transit services associated with, adjacent to or servicing proposed allotments.
- (3) A building envelope plan **must** be drawn in accordance with the following rule of scale:
- a. if the area of the smallest proposed allotment is 2,000 square metres or under, a scale of not less than 1:1,000;
 - b. if the area of the smallest proposed allotment is over 2,000 square metres and under 10,000 square metres, a scale of not less than 1:2,500; or
 - c. if the area of the smallest proposed allotment is 10,000 square metres or over, a scale so that such proposed allotment will be delineated by no less than 3cm² on the building envelope plan.

7 – Criteria for assessment and approval of building envelope plans

For the purpose of an assessment under Regulation 19A, a building envelope plan must be assessed on its merits against any relevant desired outcomes or performance outcomes within any applicable zone, subzone or overlay, and any relevant general development policies, in the Planning and Design Code.

8 – Publication of building envelope plans

- (1) The Chief Executive may publish a building envelope plan on the SA planning portal in accordance with the Act and the Regulations.

- (2) Where a varied or amended building envelope plan is published by the Chief Executive in accordance with the Regulations, the latest published version of the building envelope plan will apply for the purposes of the Planning and Design Code, the Regulations and the Act.
- (3) For the purpose of the Regulations and this Practice Direction, the SA planning portal is taken to refer to the website at the address <https://plan.sa.gov.au>.

Practice Direction 15 *Building Envelope Plans* issued by the Commission on 19 March 2021 is revoked.

Issued by the State Planning Commission on 27 May 2021

Versions

- Version 2: Commenced operation on 27 May 2021
- Version 1: Commenced operation on 19 March 2021

DESIGNATED AUTHORITY APPROVAL OF BUILDING ENVELOPE PLAN & REQUEST FOR PUBLICATION

Regulation 19A of the *Planning, Development and Infrastructure (General) Regulations 2017*

TO: Chief Executive of the Department
via email to: PlanSA@sa.gov.au

IN REGARD TO:

Building Envelope Plan	Date submitted to designated authority: Click here to enter text.
Plan reference: Click here to enter text.	Plan date/version: Click here to enter text.
Number of allotments subject to Building Envelope Plan: Click here to enter text.	
Proposed allotments granted consent per Application Number: Click here to enter text.	

APPLICANT:

Name: Click here to enter text.
Postal address: Click here to enter text.
Email: Click here to enter text.
Phone: Click here to enter text.

LOCATION OF PROPOSED BUILDING ENVELOPE PLAN:

Lot no.: Click here to enter text.	Street name: Click here to enter text.	
Suburb: Click here to enter text.		
Hundred: Click here to enter text.	CT: Click here to enter text.	Plan Parcel: Click here to enter text.

DESIGNATED AUTHORITY DECISION:

BEP Decision (approved//varied)	BEP Decision date
Click here to enter text.	Click here to enter text.

I [###], being the designated authority as defined in Regulation 19A(5)(d) of the *Planning, Development and Infrastructure (General) Regulations 2017* (the Regulations) have approved the attached Building Envelope Plan (plan reference [###] dated [###]) under Regulation 19A(1). I submit the approved Building Envelope Plan to the Chief Executive of the Department for publication on the SA planning portal, under Regulation 19A(3).

FROM THE DESIGNATED AUTHORITY: Assessment Manager for the Click here to enter text. Assessment Panel/Joint Planning Board	
Date: Click here to enter text.	Signed:

PLEASE NOTE:

A building envelope plan, or a variation to a building envelope plan, does not have effect for the purposes of the Planning and Design Code until the building envelope plan, or the varied building envelope plan—

- is submitted to the Chief Executive; and
- is published by the Chief Executive on the SA planning portal.

Required Attachments

- Building Envelope Plan
- Copy of receipt of fee payment – Fee for consideration and publication of BEP
- Copy of Approved Land Division Plan and Decision Notice
- Completed Checklist (page 2)

OFFICIAL

Building Envelope Plan Checklist

A building envelope plan must include or show the following particulars:	Satisfied
a. details of consent for all proposed allotments, granted under section 102(1)(a) of the Act or section 33(1)(a) of the Development Act 1993 (as relevant)	<input type="checkbox"/>
b. distance of setback of any proposed building on a proposed allotment, from the primary and secondary street boundaries, side boundaries, and the rear boundary of the proposed allotment (shown in metres to at least one decimal place);	<input type="checkbox"/>
c. height and length of any boundary walls for any proposed building on a proposed allotment (shown in metres to at least one decimal place);	<input type="checkbox"/>
d. the north point;	<input type="checkbox"/>
e. the scale of the plan;	<input type="checkbox"/>
f. the position of any existing buildings intended to be retained on a proposed allotment;	<input type="checkbox"/>
g. the location of any regulated tree which is either wholly or partially within a proposed allotment (including any tree protection zone applicable to such tree);	<input type="checkbox"/>
h. existing trees and vegetation to be retained; and	<input type="checkbox"/>
i. all existing registered easements	<input type="checkbox"/>

A building envelope plan must be drawn in accordance with the following rule of scale:	Check appropriate
a. if the area of the smallest proposed allotment is 2,000 square metres or under, a scale of not less than 1:1,000;	<input type="checkbox"/>
b. if the area of the smallest proposed allotment is over 2,000 square metres and under 10,000 square metres, a scale of not less than 1:2,500; or	<input type="checkbox"/>
c. if the area of the smallest proposed allotment is 10,000 square metres or over, a scale so that such proposed allotment will be delineated by no less than 3cm ² on the building envelope plan.	<input type="checkbox"/>