

## Agenda Report for Decision

**Meeting Date: 8 July 2021**

<b>Item Name</b>	Amendments to the Phase Three (Urban Areas) Code Amendment through the Parliamentary Scrutiny process.
<b>Presenters</b>	Brett Steiner, Anita Allen
<b>Purpose of Report</b>	Decision
<b>Item Number</b>	4.1
<b>Confidentiality</b>	Not Confidential (Release Delayed). To be released following decision by the Minister (anticipated by August 2021).
<b>Related Decisions</b>	N/A

### Recommendation

It is recommended that the Commission resolves to:

1. Approve the designation of this item as Not Confidential (Release Delayed), with the papers for the item to be released following a decision by the Minister.
2. Note consultation with the Commission by the Minister for Planning and Local Government (the Minister) under section 74(10) of the of the *Planning, Development and Infrastructure Act 2016* (the Act) regarding the following amendments to the Phase Three (Urban Areas) Code Amendment (Code Amendment) proposed to be made by the Minister under section 74(9)(a) of the Act:
  - a) Remove the need to publicly notify boundary wall development where the boundary wall is within a development site, including shared boundary walls in the case of semi-detached, row or terrace housing
  - b) Amend notification tables to separate classes of development with different criteria that trigger public notification
  - c) Consider using 'element of development' in Table 5 to clarify that a relevant authority could determine a proposed 'element' to be 'minor in nature' for the purpose of determining if notification of an element is warranted.
  - d) Replace wording under the sub-heading 'Interpretation' for Table 5 to clarify that an 'element of development' may be excluded from notification.
3. Support the Amendments to the Code proposed by the Minister for Planning and Local Government and authorise the Chair to sign the draft response to the Minister as provided in **Attachment 1**.

## Background

On the 13 April 2021, the Minister referred the Phase Three (Urban Areas) Code Amendment to the Environment, Resources & Development Committee (ERDC) as required under section 74(2) of the Act.

On the 31 May 2021, the ERDC wrote to the Minister with its suggested amendments under section 74(4) of the Act (**Attachment 2**). The ERDC heard evidence and received submissions in respect of the Phase Three (Urban Areas) Code Amendment from a number of individuals and organisations prior to resolving to suggest amendments.

The Minister has now considered the issues forwarded by ERDC and has written to the Commission (**Attachment 3**) to consult on changes proposed to be adopted by the Minister, as required under section 74(10) of the Act.

## Discussion

### ERDC Recommendations

The amendments suggested by ERDC relate to the following two matters:

1. Amend the zoning applied to the Mount Compass Golf Course by changing it to the Golf Course Estate Zone (from the current Recreation Zone); and
2. Amend the notification requirements to mitigate issues identified by the Local Government Association.

The ERDC has also suggested that the Minister consider reviewing the Urban Tree Canopy Off-set scheme after periods of 6 months of operation initially and then annually thereafter. As this matter does not involve amending the Code, the Minister can address this matter separately with ERDC. Of note, however, the Urban Tree Canopy Off-set Scheme has only been used on one occasion to-date and as such it does not seem beneficial to review the scheme within 6-months of operation.

In relation to the Mount Compass Golf Course, the Minister has declined to adopt ERDC's recommendation to rezone the land as part of the Phase Three (Urban Areas) Code Amendment. Accordingly, and under section 74(10) of the Act, no further action is required from the Commission on this particular matter. The Minister has advised ERDC, the Alexandrina Council and the land owner of this decision.

Initiation documentation is currently being prepared to formalise the process and is expected to be with the Commission soon, to provide its advice to the Minister on initiation of the Code Amendment by the Chief Executive.

Each of the ERDC's recommended changes are discussed in **Attachment 4**. The table includes the Attorney-General's Department's (the Department) response and recommendations of the Minister.

### Consultation on Amendments Proposed

The Minister has written to the Commission specifically to consult on the proposal to amend the Phase Three (Urban Areas) Code Amendment, pursuant to section 74(10) of the Act, as follows:

1. Remove the need to publicly notify boundary wall development where the boundary wall is within a development site, including shared boundary walls in the case of semi-detached, row or terrace housing.
2. Amend notification tables to separate classes of development with different criteria that trigger public notification.

3. Consider using 'element of development' in Table 5 to clarify that a relevant authority could determine a proposed 'element' to be 'minor in nature' for the purpose of determining if notification of an element is warranted.
4. Replace wording under the sub-heading 'Interpretation' for Table 5 to clarify that an 'element of development' may be excluded from notification.

### Notification Tables

The recommendations of ERDC are largely related to concerns raised with operational aspects of the Phase Three (Urban Areas) Code by councils around public notification requirements for relatively minor applications which 'trip' into a performance assessed pathway.

In finalising the Phase Three Code, public notification tables for each zone (e.g. Table 5 - Procedural Matters (PM) – Notification) were altered in response to submissions, however, some changes appear to create additional burdens for relevant planning authorities over and above notifications that occurred under the former development system under the *Development Act 1993*.

This appears to be, in part, due to structural differences between the former and new development systems regarding notification. Under the *Development Act 1993*, the regulations prescribed public notification requirements and largely removed the need to notify applications for various minor ancillary residential developments (e.g. carport, garage, shed, pergola, verandah, fence, swimming pool, spa pool or outbuilding). While individual development plans could override the notification requirements contained in the regulations, many councils used and relied on the regulations.

The new system relies on a relationship between the Act and the Planning and Design Code to manage notification requirements as follows:

1. The Act does not require accepted and deemed-to-satisfy applications to be notified – these assessment pathways are determined by the development classes identified in the Code and any associated criteria to maintain the pathway.

This also means that proposals that do not meet the criteria for an accepted or deemed-to-satisfy pathway could become performance assessed (subject to a 'minor' variation decision by the relevant authority) and therefore subject to public notification.

2. All performance assessed applications under the Act require an owner or occupier of each piece of 'adjacent land' to be notified, unless otherwise exempted by the Code. Table 5 in each zone was formulated for this purpose, and allows any class of development to be excluded for notification requirements (subject to any criteria) and can also identify circumstances where the 'placement of a notice' on the subject land need not occur.

Under the Act, notification to 'adjacent land' means land that is no more than 60 metres from the other land. This changed from the old legislation, where only abutting allotments were captured plus any allotments that were within 60m and separated by a road, street, footpath, railway, thoroughfare, watercourse or reserve.

Any increase in notification requirements for applications generates additional work for relevant authorities. This is particularly apparent for minor or ancillary developments (like fences and domestic sheds) where the impacts of a development (if any) are limited to an abutting owner of land rather than all owners within 60 metres.

Concerns about unnecessary notification to adjoining landowners for these types of applications have been raised with the Department through its Customer Service Desk and well as through weekly discussions with the Council Code policy group and Accredited Professionals.

The Department has prepared a draft sample of what the ERDC amendments could mean for the Code, pending the Commission's consideration and any further advice sought by the Department. The sample is provided in **Attachment 5**.

The Commission now has the opportunity to consider these proposed amendments and provide a response to the Minister. If the Minister then decides to proceed with the amendments, they will be made by notice in the Gazette.

Attachments:

1. Draft advice from SPC to the Minister for Planning and Local Government (KNet #17288413)
2. Incoming letter from the Environment, Resources and Development Committee (KNet #17233828)
3. Incoming letter from the Minister for Planning and Local Government (KNet #17309101)
4. Table of Suggested Amendments from ERDC, Department Response and Minister's Resolution (KNet #17288244)
5. Draft Sample – Revised Table 5 (KNet #17235361)

Prepared by: David Gibson and Brett Steiner

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Endorsed by: Anita Allen

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Date: 29 June 2021

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#17288413



9 July 2021

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Hon Vickie Chapman, MP  
Minister for Planning and Local Government  
Government of South Australia  
GPO Box 464  
ADELAIDE SA 5001

Dear Minister,

**PARLIAMENTARY SCRUTINY OF PHASE THREE (URBAN AREAS) PLANNING AND DESIGN CODE AMENDMENT**

Thank you for your letter of 29 June 2021, consulting the Commission as required under section 74(10) of the *Planning, Development and Infrastructure Act 2016* (the Act) regarding your proposal to amend the Phase Three (Urban Areas) Code Amendment under section 73(9)(a) of the Act.

On 8 July 2021, the Commission resolved to formally support the amendments proposed to the Phase Three (Urban Areas) Code Amendment as outlined in your letter, in response to recommendations from the Environment, Resources and Development Committee of Parliament (ERDC).

It is acknowledged that you have not elected to support the ERDC's recommendation regarding the rezoning of the Mount Compass Golf Course via the parliamentary scrutiny avenue.

The Commission supports your suggested approach for this amendment to be considered via a separate code amendment under section 73 of the Act. The Commission acknowledges that this would also have the benefit of additional community consultation in accordance with the Community Engagement Charter.

Yours sincerely

A handwritten signature in black ink that reads "Helen R. Dyer".

**Helen Dyer**  
Chair



31 May 2021

The Hon Vickie Chapman MP  
Deputy Premier and Minister for Planning and Local Government

By email : [AttorneyGeneral@sa.gov.au](mailto:AttorneyGeneral@sa.gov.au)

cc: [saplanningcommission@sa.gov.au](mailto:saplanningcommission@sa.gov.au); [anita.allen@sa.gov.au](mailto:anita.allen@sa.gov.au); [lgasa@lga.sa.gov.au](mailto:lgasa@lga.sa.gov.au);  
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Dear Vickie,

### **Phase Three (Urban Areas) Planning and Design Code (the Code)**

Following referral of the Code by email on 13 April 2021 the Environment Resources and Development Committee heard evidence and received submissions in respect of the Code from the following individuals and organisations:

- the Environment Defenders Office,
- the National Trust SA,
- the Local Government Association,
- Community Alliance,
- Conservation SA
- Nature Conservation Society of South Australia
- Working Group on Planning and Climate Change in SA
- Yuri Poetzl
- the State Planning Commission,
- Alexandrina Council,
- Capitoline Properties,
- Flagstaff Park Holdings,
- Planning and Land Use Services, Attorney-General's Department

After consideration of the evidence the Committee resolved to suggest the following amendments to the Code in accordance with section 74(4)(b). The suggested amendments are as follows:

1. That the land owned by Capitoline Property Pty Ltd at George Francis Drive and Arthur Road Mount Compass (known as the Mount Compass Golf Course property) be zoned Golf Course Estate
2. Amendments as stated in the attached table in respect of technical issues with the notification tables raised by the Local Government Association be adopted

In addition to the above amendments to the Code the Committee resolved to suggest that a review of the Urban Tree Canopy off-set scheme to be undertaken at 6 months, 12 months and 24 months.

A copy of all of the submissions received by the Committee can be found on the Committee website <https://www.parliament.sa.gov.au/en/Committees/Committees-Detail>.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nick McBride', written in a cursive style.

Mr Nick McBride  
**Presiding Member**

Issue raised by LGA to ERDC	Potential ERDC recommendation
<p>Exception clause for Boundary walls in abutting detached / semi-detached / row dwellings.</p> <p>The exception clause for not requiring notification does not properly address where the boundary walls proposed are part of the same development (e.g. row dwellings / abutting detached dwelling etc.)</p> <p>In most cases the common or abutting boundary wall will exceed the height and length requirements and therefore the development requires notification, despite the boundary wall not affecting anyone external to the site</p>	<p>Exclude dwellings from public notification where boundary development only occurs within the development site (e.g. shared boundary walls for semi-detached, row or terrace housing).</p>
<p>Tailor notification triggers for different development types.</p> <p>In many zones, a large range of development types are listed which don't require notification unless an exclusion is met.</p> <p>It would appear that the wording within the exception column is primarily written to apply to certain types of developments such as dwellings / dwelling additions.</p> <p>It would appear this may have unintended consequences for notification triggers for other structures such as fences, retaining walls, water tanks etc.</p> <p>The issue is that, given the wording captures any boundary 'structures' it would also apply to boundary fences and retaining walls.</p> <p>Most fencing will exceed the prescribed boundary length of 8 metres and therefore most fencing may trigger public notification.</p>	<p>Amend and refine the structure of the notification table and/or wording so that different types of development have appropriately tailored notification exclusions.</p> <p>For example the criteria excluding a dwelling may be different to that of a fence or retaining wall.</p>
<p>The interpretation of side boundary</p> <p>In many of the Table 5 - Procedural Matters (PM) – Notification (Column B – exceptions) includes clauses referring to 'side boundary', see below extract (my emphasis included to highlight issue)</p> <p><i>'involves a building wall (or structure) that is proposed to be situated on a <b>side boundary</b> (not being a boundary with a primary street or secondary street)'</i></p> <p>The use of 'side boundary' has caused different interpretations as to whether this includes the 'rear' boundary as a side boundary.</p>	<p>Amend the wording to provide a consistent approach in the notification exclusion clause when a building (or structure) is on a boundary.</p> <p>The may be addressed by removing the term 'side'.</p>



<p>Councils have been advised that side should be interpreted to include rear boundary, but this is not obvious or beyond doubt.</p>	
<p>Minor Test to be applied to relevant element only</p> <p>Each public notification table includes the below clause. This allows a relevant authority to determine that a type of development which would ordinarily require public notification is 'minor' and therefore not require notification</p> <p><i>'A kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.'</i></p> <p>In some cases, a development may involve multiple elements but only one or some elements require notification.</p> <p>The 'minor' test could be misinterpreted as requiring the relevant authority to determine that the whole development (i.e. all elements) are minor, rather than only determining that the particular element(s) which trigger notification are minor.</p> <p>For example, where a development comprises a two-storey dwelling and outbuilding, but only the outbuilding triggers notification, the relevant authority should only need to form the view that the outbuilding is a minor structure, and not that the dwelling is a minor structure</p>	<p>Amend and refine wording to provide greater clarity and a more consistent interpretation of the 'minor in nature' public notification exclusion.</p>
<p>Public Notification Table Interpretation</p> <p>In every zone the Table 5 - Procedural Matters (PM) – Notification Each public notification table includes the following interpretation clause (my emphasis included to highlight issue):</p> <p><i>'A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if a <b>development</b> is excluded from notification by any clause, <b>it is</b>, for the purposes of notification excluded irrespective of any other clause.'</i></p> <p>The use of the term 'development' has meant that there might be different interpretations of this clause. This being that it could imply that if any element is excluded from notification, then the whole development is excluded from notification, even if other element(s) would by themselves require notification.</p>	<p>Amend the wording of the interpretation clause in public notification tables to provide clarity that only the element identified in the table is excluded from notification.</p>

The Hon Vickie Chapman MP



20219/00937/01

**Government  
of South Australia**

**Deputy Premier**

**Attorney-General**

**Minister for Planning  
and Local Government**

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29 June 2021

Ms Helen Dyer  
Chair  
State Planning Commission

By email: [saplanningcommission@sa.gov.au](mailto:saplanningcommission@sa.gov.au)

Dear Ms Dyer

On 31 May 2021, the Environment, Resources and Development Committee (ERDC) wrote to me suggesting amendments to the Phase Three (Urban Areas) Planning and Design Code (the Code) Amendment (Code Amendment) pursuant to section 74(4) of the *Planning, Development and Infrastructure Act 2016* (the Act).

The ERDC has suggested two sets of amendments:

1. Rezoning the land owned by Capitoline Property Pty Ltd at George Francis Drive and Arthur Road Mount Compass (known as the Mount Compass Golf Course property) to Golf Course Estate.
2. Amending the public notification tables in the Code (as detailed in the attached table) to address technical matters raised by the Local Government Association.

In relation to the Golf Course, I have written to the ERDC confirming that while there is potential merit in the proposal, I do not propose to make this change through the Parliamentary process.

Alternatively, this matter would be better considered through a separate Code Amendment process that enables a range of opinions to be expressed through genuine consultation in accordance with the Community Engagement Charter.

As per your advice, this amendment is proposed to be undertaken by the Chief Executive of the Attorney-General's Department and will be limited to the introduction of the Golf Course Estate Zone with a Concept Plan that identifies the area to be set aside for a golf course.

In relation to the Public Notification tables, I am now formally consulting the State Planning Commission (the Commission) on my proposal to make amendments pursuant to section 74 (10) of the Act. These Amendments will:

1. Remove the need to publicly notify boundary wall development where the boundary wall is within a development site, including shared boundary walls in the case of semi-detached, row or terrace housing.

2. Amend notification tables to separate classes of development with different criteria that trigger public notification.
3. Consider using 'element of development' in Table 5 to clarify that a relevant authority could determine a proposed 'element' to be 'minor in nature' for the purpose of determining if notification of an element is warranted.
4. Replace wording under the sub-heading 'Interpretation' for Table 5 to clarify that an 'element of development' may be excluded from notification.

I consider that these amendments will reduce public notification for relatively minor development applications and reduce the administrative burden for performance assessed development for planning authorities, particularly councils and the State Commission Assessment Panel.

I note that the notification requirements for minor and ancillary development appears to have become more onerous since changing to the new development system and consider there is a need for 'fine-tuning' in this regard.

On receipt of your response about potential changes to public notification requirements, I will decide whether to progress amendments by notice in the Government Gazette. I will also advise the Commission and the ERDC of my decision.

Yours sincerely



**VICKIE CHAPMAN MP**  
DEPUTY PREMIER  
MINISTER FOR PLANNING AND LOCAL GOVERNMENT

## ATTACHMENT 4

### Table of Suggested Amendments to the Phase 3 (Urban Areas) Code from the ERDC, with Planning and Land Use Services Suggested Response and Minister's Resolution.

**Table 1 – Notification Improvements to be made now in response to ERDC**

Ref	General Issues	Submitters to ERDC	ERDC Comment / Recommendation	Department Response/Recommendation	Minister's Resolution
1	<p>Exception clause for Boundary walls in abutting detached / semi-detached / row dwellings.</p> <p>The exception clause for not requiring notification does not properly address where the boundary walls proposed are part of the same development (e.g. row dwellings / abutting detached dwelling etc.)</p> <p>In most cases the common or abutting boundary wall will exceed the height and length requirements and therefore the development requires notification, despite the boundary wall not affecting anyone external to the site.</p>	LGA	<p>Exclude dwellings from public notification where boundary development only occurs within the development site (e.g. shared boundary walls for semi-detached, row or terrace housing).</p>	<p>Agree – for the purposes of notification, a boundary wall should be used to trigger notification when it affects land external to the site of the development.</p> <p>Boundary walls are used in reference to a boundary in Table 5, which has unintended implications for walls on boundaries within the same development site.</p> <p>The intent was to manage development impacts on adjoining sites or allotments outside the proposed development. A review of the wording used in Table 5 is needed to remove the need to notify a proposal where walls on a boundary do not impact a neighbour.</p> <p><u>Recommendation:</u> Amend each zone Table 5 (notification) to clarify that 'boundary' development does not include any boundary wall along a street boundary or a boundary within the same development site.</p> <p>In this regard, consider using 'allotment boundary' with the following meaning inserted under the heading 'Interpretation' of Table 5 for clarity:</p> <p><b><i>allotment boundary</i></b> does not include any of the following:</p> <ul style="list-style-type: none"> <li>(a) a boundary with a primary street or secondary street</li> <li>(b) a boundary that is internal to the development site such as in the case of development comprising semi-detached dwellings, row dwellings or dwellings in a terrace arrangement.</li> </ul> <p>(see also response to point 3 below)</p>	Support.
2	<p>Tailor notification triggers for different development types.</p> <p>In many zones, a large range of development types are listed which don't require notification unless an exclusion is met.</p> <p>It would appear that the wording within the exception column is primarily written to apply to certain types of developments such as dwellings / dwelling additions.</p>	LGA	<p>Amend and refine the structure of the notification table and/or wording so that different types of development have appropriately tailored notification exclusions.</p> <p>For example the criteria excluding a dwelling may be different to that of a fence or retaining wall.</p>	<p>Agree – the classes of development excluded from notification in Column A of Table 5 are sometimes grouped in a manner that does not recognise differences between such uses, which can result in additional notification requirements being extended unnecessarily, particularly for minor or ancillary uses where notification would not ordinarily be warranted.</p> <p><u>Recommendation</u> Amend Table 5 of each zone so that appropriate criteria can be applied to each class of development</p>	Support.

## ATTACHMENT 4

Table of Suggested Amendments to the Phase 3 (Urban Areas) Code from the ERDC, with Planning and Land Use Services Suggested Response and Minister's Resolution.

Ref	General Issues	Submitters to ERDC	ERDC Comment / Recommendation	Department Response/Recommendation	Minister's Resolution
	<p>It would appear this may have unintended consequences for notification triggers for other structures such as fences, retaining walls, water tanks etc.</p> <p>The issue is that, given the wording captures any boundary 'structures' it would also apply to boundary fences and retaining walls. Most fencing will exceed the prescribed boundary length of 8 metres and therefore most fencing may trigger public notification.</p>			(element) or similar classes of development to reduce the potential for the misapplication of criteria to an element of development.	
3	<p>The interpretation of side boundary In many of the Table 5 - Procedural Matters (PM) – Notification (Column B – exceptions) includes clauses referring to 'side boundary', see below extract (my emphasis included to highlight issue):</p> <p><i>'involves a building wall (or structure) that is proposed to be situated on a <b>side boundary</b> (not being a boundary with a primary street or secondary street)'</i></p> <p>The use of 'side boundary' has caused different interpretations as to whether this includes the 'rear' boundary as a side boundary.</p> <p>Councils have been advised that side should be interpreted to include rear boundary, but this is not obvious or beyond doubt.</p>	LGA	Amend the wording to provide a consistent approach in the notification exclusion clause when a building (or structure) is on a boundary. The may be addressed by removing the term 'side'.	<p>Agree.</p> <p>Removing reference to 'side' boundary in reference to a wall of a building situated on or abutting a property outside the development site adds clarity that notification need only occur where such walls unreasonably impact a neighbours amenity.</p> <p><u>Recommendation</u> Use an alternative wording to 'side boundary' where it appears in the Column B criteria in Table 5 (notification) to clarify meaning.</p> <p>In this regard, consider using 'allotment boundary' with the following meaning inserted under the heading 'Interpretation' of Table 5 for clarity:</p> <p><b>allotment boundary</b> does not include any of the following:</p> <p>(a) a boundary with a primary street or secondary street</p> <p>(b) a boundary that is internal to the development site such as in the case of development comprising semi-detached dwellings, row dwellings or dwellings in a terrace arrangement.</p>	Support
4	<p>Minor Test to be applied to relevant element only. Each public notification table includes the below clause, which allows a relevant authority to determine that a type of development which would ordinarily require public notification is 'minor' and therefore not require notification</p> <p><i>'A kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.'</i></p>	LGA	Amend and refine wording to provide greater clarity and a more consistent interpretation of the 'minor in nature' public notification exclusion.	<p>Agree in principle.</p> <p><u>Recommendation</u></p> <p>Pending legal review, use 'element of development' in Table 5 to clarify that a relevant authority could determine a proposed 'element' to be 'minor in nature' for the purpose of determining if notification of an element is warranted.</p> <p>For example, replace:</p>	Support

## ATTACHMENT 4

Table of Suggested Amendments to the Phase 3 (Urban Areas) Code from the ERDC, with Planning and Land Use Services Suggested Response and Minister's Resolution.

Ref	General Issues	Submitters to ERDC	ERDC Comment / Recommendation	Department Response/Recommendation	Minister's Resolution
	<p>In some cases, a development may involve multiple elements but only one or some elements require notification. The 'minor' test could be misinterpreted as requiring the relevant authority to determine that the whole development (i.e. all elements) are minor, rather than only determining that a particular element(s) is minor and might ordinarily trigger notification.</p> <p>For example, where a development comprises a two storey dwelling and outbuilding, but only the outbuilding triggers notification, the relevant authority should only need to form the view that the outbuilding is a minor structure, and not that the dwelling is a minor structure.</p>			<p><i>An <u>kind of development</u> which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.</i></p> <p>With:</p> <p><i>An <u>element of development</u> which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.</i></p>	
5	<p>Public Notification Table Interpretation</p> <p>In every zone the Table 5 - Procedural Matters (PM) – Notification Each public notification table includes the following interpretation clause (my emphasis included to highlight issue):</p> <p><i>'A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if <b>a development</b> is excluded from notification by any clause, <b>it is</b>, for the purposes of notification excluded irrespective of any other clause.'</i></p> <p>The use of the term 'development' has meant that there might be different interpretations of this clause. For example, it could imply that if any element is excluded from notification, then the whole development is excluded from notification, even if other element(s) would by themselves require notification.</p>	LGA	Amend the wording of the interpretation clause in public notification tables to provide clarity that only the element identified in the table is excluded from notification.	<p>Agree in principle.</p> <p>Notification should only be required for an element or elements for which notification is required.</p> <p>The wording used under the sub-heading 'Interpretation' in relation to Table 5 can be adjusted to clarify that an element of development listed in the table (or any combination thereof) are excluded from notification, (subject to any criteria where relevant).</p> <p><u>Recommendation</u></p> <p>Replace the existing wording under the sub-heading 'Interpretation' for Table 5 of each zone with:</p> <p><i>A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if <u>an element</u> is excluded from notification by any clause, <u>that element is</u>, for the purposes of notification excluded irrespective of any other clause.</i></p> <p>(NOTE: underlined wording is new / replacement wording)</p>	Support.

## ATTACHMENT 4

Table of Suggested Amendments to the Phase 3 (Urban Areas) Code from the ERDC, with Planning and Land Use Services Suggested Response and Minister's Resolution.

**Table 2 - Policy amendments to be actioned/considered through a new Code Amendment**

Ref	General Issues	Submitters to ERDC	ERDC Comment	Department Comments & Recommendation	Minister's Resolution
1	<p>Concerned that land comprising the Mount Compass Golf Course has changed from a residential zoning to the Recreation Zone in the operational Code.</p> <p>This change has a detrimental impact on the owner's capacity to utilize the land for residential development.</p>	Capitoline Property Pty Ltd	The land at George Francis Drive and Arthur Road Mount Compass (known as the Mount Compass Golf Course property) be amended to the Golf Course Estate Zone from the Recreation Zone.	<p>The zoning over the Mount Compass Golf Course land was initially proposed as Residential in the first draft Phase 3 Code released for consultation in 2019.</p> <p>This was amended based on a submission from the Alexandrina Council to the Recreation Zone before the draft Revised Code was re-released for consultation in November 2020.</p> <p>The second round of consultation on the Phase 3 Code Amendment also saw the introduction of the Golf Course Estate Zone in response to concerns about the zoning applied to golf course estate in the 2019 draft Code – the new zone was applied to several locations including:</p> <ul style="list-style-type: none"> <li>• Port Hughes (Copper Coast Council)</li> <li>• McCracken (Victor Harbor Council)</li> <li>• Normanville (Lady Bay) (Alexandrina Council)</li> <li>• Wirrina Cove (Alexandrina Council)</li> </ul> <p>The owner of the Mount Compass Golf Course did not make a submission on the Revised Code and would appear to have only noticed the change to the zoning of the land after the consultation period closed.</p> <p>The owner subsequently raised concerns about the zoning change with the Department prior to the draft Revised Code being provided to the SPC for its consideration for endorsement.</p> <p>The Department recommended at that stage the SPC agree to amend the zoning to Golf Course Estate Zone, supported by a concept plan similar to the one found in the former development plan that identified areas for residential development as well as the golf course (recreation).</p> <p>The SPC resolved not to support this amendment on the basis that the shift from a Recreation Zone to Golf Course Estate Zone was a significant change that warranted consultation in accordance with the Community Engagement Charter.</p> <p>The owners of the golf course raised concerns with the ERDC, reiterating concerns that the new approved zone does not convey development opportunities available under the original development plan. More</p>	Resolved not to amend the zoning applying to the Mount Compass Golf Course through the Parliamentary process.

# ATTACHMENT 4

Table of Suggested Amendments to the Phase 3 (Urban Areas) Code from the ERDC, with Planning and Land Use Services Suggested Response and Minister's Resolution.

Ref	General Issues	Submitters to ERDC	ERDC Comment	Department Comments & Recommendation	Minister's Resolution
				<p>specifically, the development plan zoning contemplated residential development as a merit-based land use notwithstanding land division creating additional allotments was a non-complying form of development (other than within a small portion of land defined on a Concept Plan)</p> <p>The Department understands that ERDC's recommendation does not extend to the inclusion of a Concept Plan, although the letter from ERDC does not seem to limit this option.</p> <p>The recommendation of ERDC is broadly in line with the Department's initial pre-approval suggestion and the views of Alexandrina Council expressed to the ERDC who were also of the view that if the current Code Recreation Zone were to be replaced by the Golf Course Estate Zone then it should be guided by a Concept Plan.</p> <p>The potential review of zoning over the Mount Compass Golf Course has been further complicated by a land division proposal submitted by the landowner on 1 March 2021 over the subject land, which sought to create 681 additional residential allotments by dividing the existing golf course land and some of the surrounding allotments.</p> <p>The land division application was lodged under the <i>Development Act 1993</i>, the Alexandrina Council was the relevant planning authority and the application was assessed against the Alexandrina Development Plan policies that applied at the time of lodgement.</p> <p>The application was non-complying and on 24 March 2021, Alexandrina Council refused the land division application on the basis that it was significantly at odds with the relevant Objectives for the Policy Area and Concept Plan Map Alex/13 - Golf Course Development (Mount Compass) and, as such, it did not display sufficient merit to proceed with an assessment.</p> <p>The proposal did not accommodate the retention or part retention of the existing golf course.</p> <p>In terms of resolving this matter, steps have already been considered (separately to the ERDC processes) to commence a new Code amendment process to review the zoning applicable to the Mount Compass Golf Course.</p>	



# ATTACHMENT 4

Table of Suggested Amendments to the Phase 3 (Urban Areas) Code from the ERDC, with Planning and Land Use Services Suggested Response and Minister's Resolution.

Ref	General Issues	Submitters to ERDC	ERDC Comment	Department Comments & Recommendation	Minister's Resolution
				<p><u>Recommendation</u></p> <p>Proceed in accordance with one of the following options:</p> <p><b>OPTION 1</b> Agree with the ERDC recommendation and rezone the golf course land to Golf Course Estate Zone.</p> <p><b>OPTION 2</b> Discuss with ERDC the rezoning of the golf course land to Golf Course Estate Zone, with the inclusion of a Concept Plan like the one that applied under the development plan.</p> <p><b>OPTION 3</b> Disagree with the ERDC recommendation and retain the current Recreation Zone over the golf course and consider reviewing the zoning via a fresh Code amendment process.</p>	

# APPENDIX C

## NOTIFICATION TABLE (EXISTING CODE)

### Part 2 - Zones and Sub Zones

#### General Neighbourhood Zone

**Table 5 - Procedural Matters (PM) - Notification**

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

#### Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if a development is excluded from notification by any clause, it is, for the purposes of notification excluded irrespective of any other clause.

<b>Class of Development (Column A)</b>	<b>Exceptions (Column B)</b>
1. A kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. All development undertaken by: (a) the South Australian Housing Trust either individually or jointly with other persons or bodies or (b) a provider registered under the Community Housing National Law participating in a program relating to the renewal of housing endorsed by the South Australian Housing Trust.	Except development involving any of the following:  1. residential flat building(s) of 3 or more building levels 2. the demolition of a State or Local Heritage Place 3. the demolition of a building (except an ancillary building) in a Historic Area Overlay.

# APPENDIX C

## NOTIFICATION TABLE (EXISTING CODE)

<b>Class of Development (Column A)</b>	<b>Exceptions (Column B)</b>
<p>3. Any development involving any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> <li>(a) air handling unit, air conditioning system or exhaust fan</li> <li>(b) ancillary accommodation</li> <li>(c) building work on railway land</li> <li>(d) carport</li> <li>(e) deck</li> <li>(f) dwelling</li> <li>(g) dwelling addition</li> <li>(h) fence</li> <li>(i) outbuilding</li> <li>(j) pergola</li> <li>(k) private bushfire shelter</li> <li>(l) residential flat building</li> <li>(m) retaining wall</li> <li>(n) retirement facility</li> <li>(o) shade sail</li> <li>(p) solar photovoltaic panels (roof mounted)</li> <li>(q) student accommodation</li> <li>(r) supported accommodation</li> <li>(s) swimming pool or spa pool</li> <li>(t) verandah</li> <li>(u) water tank.</li> </ul>	<p>Except development that:</p> <ul style="list-style-type: none"> <li>1. does not satisfy General Neighbourhood Zone DTS/DPF 4.1</li> <li>or</li> <li>2. involves a building wall (or structure) that is proposed to be situated on a side boundary (not being a boundary with a primary street or secondary street) and:               <ul style="list-style-type: none"> <li>(a) the length of the proposed wall (or structure) exceeds 11.5m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment)</li> <li>or</li> <li>(b) the height of the proposed wall (or post height) exceeds 3m measured from the top of footings (other than where the proposed wall (or post) abuts an existing wall or structure of greater height on the adjoining allotment).</li> </ul> </li> </ul>
<p>4. Any development involving any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> <li>(a) consulting room</li> <li>(b) office</li> <li>(c) shop.</li> </ul>	<p>Except development that:</p> <ul style="list-style-type: none"> <li>1. does not satisfy any of the following:               <ul style="list-style-type: none"> <li>(a) General Neighbourhood Zone DTS/DPF 1.4</li> <li>(b) General Neighbourhood Zone DTS/DPF 4.1</li> </ul> </li> <li>or</li> <li>2. involves a building wall (or structure) that is proposed to be situated on a side boundary (not being a boundary with a primary street or secondary street) and:</li> </ul>

# APPENDIX C

## NOTIFICATION TABLE (EXISTING CODE)

<b>Class of Development (Column A)</b>	<b>Exceptions (Column B)</b>
	<p>(a) the length of the proposed wall (or structure) exceeds 11.5m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) or</p> <p>(b) the height of the proposed wall (or post height) exceeds 3m measured from the top of footings (other than where the proposed wall (or post) abuts an existing wall or structure of greater height on the adjoining allotment).</p>
<p>5. Any development involving any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"><li>(a) internal building works</li><li>(b) land division</li><li>(c) recreation area</li><li>(d) replacement building</li><li>(e) temporary accommodation in an area affected by bushfire</li><li>(f) tree damaging activity.</li></ul>	<p>None specified.</p>
<p>6. Alteration of or addition to any development involving the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"><li>(a) community facility</li><li>(b) educational establishment</li><li>(c) pre-school.</li></ul>	<p>Except development that does not satisfy General Neighbourhood Zone DTS/DPF 1.5.</p>
<p>7. Demolition.</p>	<p>Except any of the following:</p> <ul style="list-style-type: none"><li>1. the demolition of a State or Local Heritage Place</li><li>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.</li></ul>

# APPENDIX C

## NOTIFICATION TABLE (EXISTING CODE)

<b>Class of Development (Column A)</b>	<b>Exceptions (Column B)</b>
<b>Placement of Notices - Exemptions for Performance Assessed Development</b>	
None specified.	
<b>Placement of Notices - Exemptions for Restricted Development</b>	
None specified.	

# APPENDIX C

AMENDED NOTIFICATION TABLE (NEW TEXT IS HIGHLIGHTED GREEN, DELETED TEXT IS STRIKEOUT)

## Part 2 - Zones and Sub Zones

### General Neighbourhood Zone

#### Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

#### Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if ~~a development~~ **an element** is excluded from notification by any clause, ~~it is~~ **that element is**, for the purposes of notification excluded irrespective of any other clause.

In this table:

**allotment boundary** does not include any of the following:

- (a) a boundary with a primary street or secondary street
- (b) a boundary that is internal to the development site such as in the case of development comprising semi-detached dwellings, row dwellings or dwellings in a terrace arrangement.

**element of development** includes building work and/or a change in the use of the land.

Class of Development (Column A)	Exceptions (Column B)
1. <del>A kind of development</del> <b>An element of development</b> which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners	None specified.

# APPENDIX C

## AMENDED NOTIFICATION TABLE (NEW TEXT IS HIGHLIGHTED GREEN, DELETED TEXT IS STRIKEOUT)

<p>or occupiers of land in the locality of the site of the development.</p>	
<p>2. All development undertaken by:</p> <p>(a) the South Australian Housing Trust either individually or jointly with other persons or bodies</p> <p>or</p> <p>(b) a provider registered under the Community Housing National Law participating in a program relating to the renewal of housing endorsed by the South Australian Housing Trust.</p>	<p>Except development involving any of the following:</p> <ol style="list-style-type: none"> <li>1. residential flat building(s) of 3 or more building levels</li> <li>2. the demolition of a State or Local Heritage Place</li> <li>3. the demolition of a building (except an ancillary building) in a Historic Area Overlay.</li> </ol>
<p>3. Any development involving any of the following elements of development (or of any combination of any of the following elements):</p> <p>(a) <del>air handling unit, air conditioning system or exhaust fan</del></p> <p>(b) ancillary accommodation</p> <p>(c) <del>building work on railway land</del></p> <p>(d) carport</p> <p>(e) <del>deck</del></p> <p>(f) dwelling</p> <p>(g) dwelling addition</p> <p>(h) <del>fence</del></p> <p>(i) outbuilding</p> <p>(j) <del>pergola</del></p> <p>(k) <del>private bushfire shelter</del></p> <p>(l) residential flat building</p> <p>(m) <del>retaining wall</del></p> <p>(n) retirement facility</p> <p>(o) <del>shade sail</del></p> <p>(p) <del>solar photovoltaic panels (roof mounted)</del></p> <p>(q) student accommodation</p> <p>(r) supported accommodation</p>	<p>Except development that where the element:</p> <ol style="list-style-type: none"> <li>1. does not satisfy General Neighbourhood Zone DTS/DPF 4.1 or</li> <li>2. involves a building wall (or structure) that is proposed to be situated on (or abut) <del>a side</del> an allotment boundary (not being a boundary with a primary street or secondary street) and:             <ol style="list-style-type: none"> <li>(a) the length of the proposed wall (or structure) exceeds 11.5m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment)</li> <li>or</li> <li>(b) the height of the proposed wall (or post height) exceeds 3m measured from the top of footings (other than where the proposed wall (or post) abuts an existing wall or structure of greater height on the adjoining allotment).</li> </ol> </li> </ol>

# APPENDIX C

## AMENDED NOTIFICATION TABLE (NEW TEXT IS HIGHLIGHTED GREEN, DELETED TEXT IS STRIKEOUT)

<p><del>(s) swimming pool or spa pool</del>          (t) verandah  <del>(u) water tank.</del></p>	
<p>4. Any <del>development involving any of the following elements of development</del> (or of any combination of any of the following elements):</p> <ul style="list-style-type: none"> <li>(a) consulting room</li> <li>(b) office</li> <li>(c) shop.</li> </ul>	<p>Except <del>development that</del> where the element:</p> <ul style="list-style-type: none"> <li>1. does not satisfy any of the following:             <ul style="list-style-type: none"> <li>(a) General Neighbourhood Zone DTS/DPF 1.4</li> <li>(b) General Neighbourhood Zone DTS/DPF 4.1</li> </ul> </li> <li>or</li> <li>2. involves a building wall (or structure) that is proposed to be situated on (or abut) an allotment boundary and:             <ul style="list-style-type: none"> <li>(a) the length of the proposed wall (or structure) exceeds 11.5m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment)</li> <li>or</li> <li>(b) the height of the proposed wall (or post height) exceeds 3m measured from the top of footings (other than where the proposed wall (or post) abuts an existing wall or structure of greater height on the adjoining allotment).</li> </ul> </li> </ul>
<p>5. Any <del>development involving any of the following elements of development</del> (or of any combination of any of the following elements):</p> <ul style="list-style-type: none"> <li>(a) air handling unit, air conditioning system or exhaust fan</li> </ul>	<p>None specified.</p>



# APPENDIX C

## AMENDED NOTIFICATION TABLE (NEW TEXT IS HIGHLIGHTED GREEN, DELETED TEXT IS STRIKEOUT)

<ul style="list-style-type: none"> <li>(b) building work on railway land</li> <li>(c) deck</li> <li>(d) fence</li> <li>(e) internal building works</li> <li>(f) land division</li> <li>(g) pergola</li> <li>(h) private bushfire shelter</li> <li>(i) recreation area</li> <li>(j) replacement building</li> <li>(k) retaining wall</li> <li>(l) shade sail</li> <li>(m) solar photovoltaic panels (roof mounted)</li> <li>(n) swimming pool or spa pool</li> <li>(o) temporary accommodation in an area affected by bushfire</li> <li>(p) tree damaging activity</li> <li>(q) water tank.</li> </ul>	
<p>6. Alteration of or addition to any development involving the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> <li>(a) community facility</li> <li>(b) educational establishment</li> <li>(c) pre-school.</li> </ul>	<p>Except development that does not satisfy General Neighbourhood Zone DTS/DPF 1.5.</p>
<p>7. Demolition.</p>	<p>Except any of the following:</p> <ol style="list-style-type: none"> <li>1. the demolition of a State or Local Heritage Place</li> <li>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.</li> </ol>
<p><b>Placement of Notices - Exemptions for Performance Assessed Development</b></p>	
<p>None specified.</p>	
<p><b>Placement of Notices - Exemptions for Restricted Development</b></p>	
<p>None specified.</p>	

## APPENDIX C

AMENDED NOTIFICATION TABLE (NEW TEXT IS HIGHLIGHTED GREEN,  
DELETED TEXT IS ~~STRIKEOUT~~)

# APPENDIX C

## DRAFT NOTIFICATION TABLE (TRACK CHANGES REMOVED)

### Part 2 - Zones and Sub Zones

#### General Neighbourhood Zone

##### Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

##### Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if an element is excluded from notification by any clause, that element is, for the purposes of notification excluded irrespective of any other clause.

Interpretation adjusted to refer to 'element'.

In this table:

*allotment boundary* does not include any of the following:

- (a) a boundary with a primary street or secondary street
- (b) a boundary that is internal to the development site such as in the case of development comprising semi-detached dwellings, row dwellings or dwellings in a terrace arrangement.

Interpretation amended to include an explanation of an 'allotment boundary' and meaning of 'element'.

*element of development* includes building work and/or a change in the use of the land.

Class of Development (Column A)	Exceptions (Column B)
1. An element of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.

# APPENDIX C

## DRAFT NOTIFICATION TABLE (TRACK CHANGES REMOVED)

<p>2. All development undertaken by:</p> <p>(a) the South Australian Housing Trust either individually or jointly with other persons or bodies or</p> <p>(b) a provider registered under the Community Housing National Law participating in a program relating to the renewal of housing endorsed by the South Australian Housing Trust.</p>	<p>Except development involving any of the following:</p> <ol style="list-style-type: none"> <li>1. residential flat building(s) of 3 or more building levels</li> <li>2. the demolition of a State or Local Heritage Place</li> <li>3. the demolition of a building (except an ancillary building) in a Historic Area Overlay.</li> </ol>	<p>Clause 2 – no change.</p>
<p>3. Any of the following elements of development (or of any combination of any of the following elements):</p> <ol style="list-style-type: none"> <li>(a) ancillary accommodation</li> <li>(b) carport</li> <li>(c) dwelling</li> <li>(d) dwelling addition</li> <li>(e) outbuilding</li> <li>(f) residential flat building</li> <li>(g) retirement facility</li> <li>(h) student accommodation</li> <li>(i) supported accommodation</li> <li>(j) verandah.</li> </ol>	<p>Except where the element :</p> <ol style="list-style-type: none"> <li>1. does not satisfy General Neighbourhood Zone DTS/DPF 4.1 or</li> <li>2. involves a building wall (or structure) that is proposed to be situated on (or abut) an allotment boundary and:             <ol style="list-style-type: none"> <li>(a) the length of the proposed wall (or structure) exceeds 11.5m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment)</li> <li>or</li> <li>(b) the height of the proposed wall (or post height) exceeds 3m measured from the top of footings (other than where the proposed wall (or post) abuts an existing wall or structure of greater height on the adjoining allotment).</li> </ol> </li> </ol>	<p>Clause 3 – refers to ‘elements’ and various minor / ancillary developments are proposed to be relocated to Clause 5.</p> <p>Criteria also amended to refer to ‘allotment boundary’ – ‘side boundary’ is removed.</p>
<p>4. Any of the following elements of development (or of any combination of any of the following elements):</p> <ol style="list-style-type: none"> <li>(a) consulting room</li> <li>(b) office</li> </ol>	<p>Except where the element:</p> <ol style="list-style-type: none"> <li>1. does not satisfy any of the following:             <ol style="list-style-type: none"> <li>(a) General Neighbourhood Zone DTS/DPF 1.4</li> </ol> </li> </ol>	<p>Clause 4 is amended to refer to ‘elements’.</p> <p>Criteria also amended to refer to ‘allotment boundary’ – ‘side boundary’ is removed.</p>

# APPENDIX C

## DRAFT NOTIFICATION TABLE (TRACK CHANGES REMOVED)

<p>(c) shop.</p>	<p>(b) General Neighbourhood Zone DTS/DPF 4.1</p> <p>or</p> <p>2. involves a building wall (or structure) that is proposed to be situated on (or abut) an allotment boundary and:</p> <p>(a) the length of the proposed wall (or structure) exceeds 11.5m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment)</p> <p>or</p> <p>(b) the height of the proposed wall (or post height) exceeds 3m measured from the top of footings (other than where the proposed wall (or post) abuts an existing wall or structure of greater height on the adjoining allotment).</p>
<p>5. Any of the following elements of development (or of any combination of any of the following elements):</p> <p>(a) air handling unit, air conditioning system or exhaust fan</p> <p>(b) building work on railway land</p> <p>(c) deck</p> <p>(d) fence</p> <p>(e) internal building works</p> <p>(f) land division</p> <p>(g) pergola</p> <p>(h) private bushfire shelter</p> <p>(i) recreation area</p> <p>(j) replacement building</p> <p>(k) retaining wall</p> <p>(l) shade sail</p> <p>(m) solar photovoltaic panels (roof mounted)</p> <p>(n) swimming pool or spa pool</p>	<p>None specified.</p>

Clause 5 list is expanded to include minor and ancillary uses from Clause 3 in the original table.

No criteria are applied in Column B criteria (pending review).

# APPENDIX C

## DRAFT NOTIFICATION TABLE (TRACK CHANGES REMOVED)

<p>(o) temporary accommodation in an area affected by bushfire</p> <p>(p) tree damaging activity</p> <p>(q) water tank.</p>	
<p>6. Alteration of or addition to any development involving the following (or of any combination of any of the following):</p> <p>(a) community facility</p> <p>(b) educational establishment</p> <p>(c) pre-school.</p>	<p>Except development that does not satisfy General Neighbourhood Zone DTS/DPF 1.5.</p>
<p>7. Demolition.</p>	<p>Except any of the following:</p> <ol style="list-style-type: none"> <li>1. the demolition of a State or Local Heritage Place</li> <li>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.</li> </ol>

Clause 6 – no change.

Clause 7 – no change.

**Placement of Notices - Exemptions for Performance Assessed Development**

None specified.

**Placement of Notices - Exemptions for Restricted Development**

None specified.