



## Agenda Report for Noting Meeting Date: 7 September 2023

<b>Item Name</b>	Building Envelope Plan Workshop Feedback
<b>Presenters</b>	Margaret Smith, Brett Miller and Amy Barratt
<b>Purpose of Report</b>	Noting
<b>Item Number</b>	5.2
<b>Strategic Plan Reference</b>	2. Enhancing our Planning System
<b>Work Plan Reference</b>	2.2 Implement Outline Consents to increase pathway options
<b>Confidentiality</b>	Not Confidential (Release Immediately)
<b>Related Decisions</b>	27 April 2023 - Resolution & Action - Item 5.2 Request to approve draft Practice Direction 18 – Outline Consent for Public Engagement

### 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. Note the feedback provided by workshop participants (held by PLUS staff on 10 August 2023) on Building Envelope Plans as shown in **Attachment 1**.

### Background

On 27 April 2023 the Commission resolved Item 5.2 in relation to approving draft Practice Direction 18 (Outline Consent) for public engagement. The following action was recorded when this item was discussed:

1. Building Envelope Plans: Consultants to be invited to a workshop discussion with the Commission at a future meeting.

On behalf of the Commission, PLUS staff invited a variety of stakeholders to participate in a discussion on Building Envelope Plans, and a workshop was held on 10 August 2023.

This Agenda Report provides an overview of Building Envelope Plans and feedback received during the workshop.

### Discussion

Building Envelope Plans (BEPs) are an existing planning tool used to provide certainty to assessment following the division of land.

BEPs are referenced within the Planning and Design Code (the Code) and defined in the *Planning, Development and Infrastructure (General) Regulations 2017* (the Regulations) and Practice Direction 15 – Building Envelope Plans (the Practice Direction).

What is a BEP and how is it approved?

As defined by the Regulations, a BEP provides for matters relating to buildings to be constructed on allotments created by the division of land within a master planned zone<sup>1</sup>, including –

- a) Building setbacks and envelopes, building heights and floor levels; and
- b) Other criteria relevant to determining whether such buildings fall within a particular class of development.

A BEP cannot be made until all proposed allotments shown in the BEP have been granted planning consent<sup>2</sup>.

The preparation of a BEP is optional for an applicant. An applicant may prepare a BEP and apply to a designated authority<sup>3</sup> for its approval, incurring fees as set out by a Ministerial Fee notice.

If the designated authority approves the BEP, it is submitted to the Chief Executive of the Department to determine consistency with the Practice Direction (**Appendix 1**).

The BEP only takes effect once it has been published on the SA planning portal by the Chief Executive.

Current application of BEPs

In the Code, a BEP is currently called up in master planned zones where policy requirements recognise a relevant BEP in the deemed-to-satisfy/designated performance feature criteria.

For example:

Building Height	
PO 5.1 Buildings establish a low-medium rise residential character with development above 3 building levels located close to activity centres, open space and/or public transport.	DTS/DPF 5.1 Buildings (excluding garages, carports and outbuildings) do not exceed the maximum building height nominated on a Building Envelope Plan, or where none exists:  <ul style="list-style-type: none"> <li>(a) a maximum building height of 3 building levels or 12m</li> </ul> and <ul style="list-style-type: none"> <li>(b) a maximum wall height of 10m (except where a gable end).</li> </ul>

This enables criteria (such as setbacks, height, driveway location) to be set for classes of development based on the context of a new estate, rather than applying the default criteria.

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1 A master planning zone means – the Master Planned Neighbourhood Zone, Master Planned Township Zone or Master Planned Renewal Zone under the Planning and Design Code; or any other zone identified by the Commission in a Practice Direction.

2 Planning consent granted under section 102(1)(a) of the PDI Act or section 33(1)(a) of the Development Act 1993. Allotments may or may not have been granted land division consent, or have been created by means of deposit plan of division.

3 The designated authority may be the Commission or an assessment manager depending on the circumstances and location of the proposal.

Further, master planned zones identify some dwelling types as accepted development (in Table 1) subject to meeting relevant BEP criteria. Meaning that planning consent is not required, streamlining the approval pathway.

The accepted development classification is available in the following zones, for the following development types:

Zone	Class of Development
Master Planned Neighbourhood Zone	Detached dwelling
Master Planned Renewal Zone	Detached dwelling, row dwelling, semi-detached dwelling
Master Planned Township Zone	Detached dwelling

To date, BEPs have been published<sup>4</sup> in relation to the following developments:

- Aldinga Green (Stages 1, 2, 3 & 4)
- Bluestone Mt Barker
- Aurora Sandergrove Road Strathalbyn (Stage 1 & 2)
- Oaklands Green, Oaklands Park (Stage 1 A & B)

Workshop participation and feedback

A workshop was held on 10 August 2023 to hear from industry professionals about their experience with BEPs. The workshop provided an opportunity for interested stakeholders to offer feedback about BEP’s including what works, what doesn’t and any improvements or suggestions.

The workshop was represented by various local government planning professionals, one private planning consultancy firm, one government agency and one building company. Attendance and notes of the workshop are provided in **Attachment 1**.

Key discussion points include:

- Consensus that there is an appetite for BEPs and a desire for the tool to become available in more circumstances (i.e., beyond Masterplanned Zones).
  - For example, the City of Marion has been approached to do a BEP for sites not located within the Masterplanned Zones (such as Tonsley) where there are many applications for dwellings of the same acceptable format. Without a BEP the applications are channelling through a code-assessed pathway, whereas they could be accepted development.
  - It was suggested that the existing tool could be expanded to allow BEPs within the Urban Neighbourhood Zone, or in association with applications of large or significant land division (such as >25 allotments).

Expanding the tool would require further investigation, consultation and likely require amendments to the Regulations, the Code, and the Practice Direction.

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<sup>4</sup> Published BEPs are found on the SA Planning Portal  
[https://plan.sa.gov.au/our\\_planning\\_system/instruments/planning\\_instruments/building\\_envelope\\_plans](https://plan.sa.gov.au/our_planning_system/instruments/planning_instruments/building_envelope_plans)

- Both proponents (applicants and designated authorities) are generally experiencing difficulties regarding the level of detail, time and expertise (engineering) required to apply for, and assess, large or complex Land Division Consents. Noting that the pressure is exacerbated in regional areas with significant infrastructure requirements.
  - Several variation applications inevitably follow large land divisions, and BEPs.
  - The BEP is at the end of a long and detailed process.
  - Suggestions, such as allowing for a BEP to be established at the same time as Planning Consent, were put forward in discussion (to assist with the above matter). However, it was recognised by relevant authorities that a planning consent may not provide adequate technical detail to ensure a successful BEP, and consequently may result in inappropriate accepted development or development that would not meet the BEP.
- Two main benefits were identified regarding BEPs;
  - an approved BEP assists with sales and marketing of a development and in most instances the developer has generated their own form of a BEP for sales/marketing, however these are not formal BEP documents; and
  - a BEP can reduce 'bulk' code-assessed applications for a relevant authority. However, the benefit may be countered by the resources involved in approving a BEP (more risk than reward for some, and suggestion that the fee does not adequately cover the cost to approve).

#### Accepted Development

In the context of BEPs and accepted development pathways, the Commission will note that recent amendments to the Regulations (Schedule 6A) now provide an accepted development pathway for detached dwellings within two master planned zones – without the need of a BEP.

The proposed amendments replicate the 'Homebuilder' scheme for detached dwellings within the Master Planned Neighbourhood and Master Planned Township Zones.

At the time of the workshop, the amendment to the Regulations was not discussed as it had not been published.

These recent amendments to Schedule 6A also allow the Minister to designate additional zones or areas where the accepted development pathway could apply. This presents the opportunity for the streamlined pathway to be implemented quickly, in cases where there are many applications for dwellings of the same acceptable format. However, the parameters required under the current Schedule 6A pathway would generally only accommodate two storey detached dwellings, not higher density dwellings (terraces and apartments) which may be contemplated in areas such as Tonsley.

#### **Recommendations:**

1. That this report be noted.
2. That the following matters be added to the Commission's Issues Register for further investigation:
  - a. The addition of the Urban Neighbourhood Zone as a Zone where a Building Envelope Plans can be approved.
  - b. The addition of land division applications, that involve the creation of 25 or more allotments, outside of character/heritage areas, to a use type whereby Building Envelope Plan can be approved.

#### **Attachments:**

1. BEP Workshop – Attendance and Notes 10 August 2023 (#20550254)
2. Agenda Report for Decision; Item Number 5.2; Meeting Date 27 April 2023 (#19976335)

**Appendices:**

A. Practice Direction 15 Building Envelope Plans 2021 (#20558170)

Prepared by: Amy Barratt

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Endorsed by: Margaret Smith

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Date: 24 August 2023

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## Appendix A

### *Transparency and Confidentiality*

#### **Policy Position**

The Commission has determined that the starting point for its policy on transparency and confidentiality is for all Agendas, Minutes, Decisions and Agenda Reports (including Attachments) to be made available to the public, except where there are sound reasons for not releasing or for delaying release.

The Commission intends for items which do not come within the specified criteria listed in this Attachment 1 to be treated as non-confidential by default, and will be released to the public in full.

#### **Procedure for Confidentiality**

##### *Prior to the Meeting*

1. The person responsible for preparing an Agenda Report will use this policy on confidentiality to determine the status of the Agenda Item and supporting Agenda Report (including all Attachments). The formatting of the Agenda Report must provide for its categorisation and the reason for that decision (based on the criteria shown in this **Attachment 1**).
2. The categories for all Agenda Reports will be:
  - a) **Not Confidential – Release Immediately.** These items are not confidential and will be published in full (including Agenda Report in full, with all Attachments) at the same time as the Commission’s Minutes and other meeting papers.
  - b) **Not Confidential – Release Delayed.** These items will be treated as not confidential, but release of material will be delayed for a specified period to allow for advice to be considered and a decision to be made. The person responsible for preparing the Agenda Report will be responsible for identifying the timing for release of the material, and ensuring publication has occurred, once the identified “trigger” has been reached. An anticipated date for the “trigger” should be included in the Agenda Report (where noted above). After the identified trigger date, the Governance Team will follow up the Agenda Report author to confirm whether or not publication can proceed.
  - c) **Confidential.** In this case, the criteria for confidentiality must be clearly specified in the Agenda Report. The item documentation should also identify whether or not (or how much) of the Agenda Item and the Agenda Report (and Attachments) should remain in confidence. The Agenda Report and any documentation identified as confidential are withheld for purposes of publication of the agenda.
3. The Chair and the Ex Officio will review the proposed confidentiality categorisation for each Agenda Item before the meeting. Any proposed changes to the confidentiality categorisation following the review will be addressed between the Chair and the Ex Officio Member.

##### *In the Meeting*

1. For each Agenda Item, the categorisation for confidentiality will be reviewed by exception at the meeting, allowing any Commission member to question the categorisation noted in the meeting papers. This will be the first order of business in relation to each Agenda Item.
2. For Agenda Items that are categorised as confidential, the Commission will consider and resolve to treat the matter as confidential at the meeting. Similarly, for Agenda Items which are categorised as Not Confidential – Release Delayed, the Commission should specifically resolve whether or not (or to what extent) the matter needs to remain confidential, and if so,

for how long or identify a trigger that will release the item for publication. This should be the first resolution for every Agenda Item as shown in the template resolutions above.

3. The Agenda Item is then discussed and any further resolutions made as usual.

#### *After the Meeting*

1. If the Commission resolves that the Agenda Item is not confidential, then the Agenda Item, Agenda Report (in full, including Attachments), Minutes and Decisions will be published by the Governance Team after the meeting, at the time the Minutes would ordinarily be published.
2. It is proposed that all Agenda Items, Agenda Reports, Minutes and Decisions which are published will be maintained on the Commission's website indefinitely, as a historic record of the Commission's activities and decisions.
3. For items which are designated as "Not Confidential – Release Delayed", the author of the Agenda Report will advise the Governance Team when the identified "trigger" for publication has occurred. The Governance Team will then arrange for publication of the relevant documents on the Commission's website, against the relevant Agenda Item.

#### **Criteria for Confidential Items**

It is intended that Agenda Items, Agenda Reports, Minutes and Decisions documents falling within the criteria listed below will be maintained as confidential on an ongoing basis:

- **Cabinet in Confidence** – matters that have been or are expected to be considered by Cabinet.
- **Legal Obligations** - matters which must be considered in confidence to ensure the Commission does not breach any law, order or direction of court or tribunal or other legal obligation or duty.
- **Legal Advice or Litigation** - matters involving legal advice, or actual or potential litigation including (without limitation) compliance or enforcement matters.

Where the Commission has sought legal advice to assist with its statutory functions, but the matter does not involve actual or potential litigation, the Agenda Report may still be published, with the legal advice being maintained as confidential. To avoid any waiver of legal professional privilege, parts of the Agenda Report which deal with or mention the legal advice may need to be redacted. If the legal advice is integral to the whole Agenda Item, the entire item (Agenda Report and Attachments) should be determined as confidential.

- **Complaints** – matters involving complaints received by the Commission, including in relation to assessment panel members under the Act. These items should be entirely confidential (including Agenda Report and all Attachments).
- **Security and Safety** – matters which, if released publically, may affect the safety or security of any person or property. This may or may not require an entire item to be maintained in confidence, rather a specific Attachment to an Agenda Report may be confidential under this criteria (for example, building floor plans).
- **Personal Information** – matters which would involve the unreasonable disclosure of personal information. This may or may not require an entire item to be maintained in confidence, rather a specific Attachment to an Agenda Report may be confidential under this criteria (for example, responses to public consultation, where personal details are not otherwise disclosed through the consultation process).
- **Commercial in Confidence** – matters which are provided as, marked as or otherwise considered to be commercial in confidence and where there is a public interest in maintaining these documents in confidence.

- **Draft Advice or Documents** – matters which involve preliminary, draft, incomplete, work-in-progress or formative reports, advice, plans, presentations or other documents. This may include matters relating to the decision making functions of the Commission, the Minister or the Chief Executive of the Attorney General's Department, before a final decision or advice is provided.

If an item is presented to the Commission for its final approval, but the Commission at their meeting request it be returned for further consideration, the initial Agenda Report should be determined as confidential under this criteria. The resolutions may need to be amended at the Commission meeting to accommodate this.

### **Not Confidential (Release Delayed)**

Other than in exceptional circumstances, it is intended that final reports, advice, plans or documents (including matters relating to the decision making functions of the Commission, the Minister or the Chief Executive) will be categorised as "Not Confidential – Release Delayed". The timing of release of the material will be delayed until a decision has been made by the relevant decision maker, or until another identified "trigger" is reached.

It is anticipated that the most common and reoccurring examples of these Not Confidential (Release Delayed) Items will be:

- Advice from the Commission to the Minister for Planning and Local Government on proposed Code Amendments. It is anticipated that the Commission's advice on these matters will be published following the Minister's decision being made and published on initiation of a Code Amendment.
- Adoption of Practice Directions or Practice Guidelines by the Commission under the *Planning, Development and Infrastructure Act 2016* (PDI Act). It is anticipated that this material would be published together with publication of the final Practice Direction or Practice Guideline by the Commission. Final publication of these documents can take some time following a Commission meeting, as a result of the requirement to give notice of the Practice Direction or Practice Guideline in the Gazette.
- Review of decisions relating to Restricted Development by the Commission, where the Commission's delegate (either the SCAP or the Department) has determined not to proceed to an assessment of the development application. It is anticipated that these documents would be published following determination being made by the Commission, and the applicant being advised of that determination.



## SPC | Building Envelope Plans Workshop

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**Meeting Date:** 10/08/2023 9:00 AM

**Location:** Level 9, 83 Pirie Street, Adelaide SA and online (Teams)

**DTI Staff:** Margaret Smith (Director State Assessment); Brett Miller (Team Leader Commission Assessment); Amy Barratt (Senior Planning Officer) – minute taker; and Ashleigh Robertson (EA to the Chair of the State Planning Commission).

### Attendance:

Alex Wright	<a href="mailto:alex.wright@marion.sa.gov.au">alex.wright@marion.sa.gov.au</a>	City of Marion	In person
Dianne Hockey	<a href="mailto:dianne.hockey@onkaparinga.sa.gov.au">dianne.hockey@onkaparinga.sa.gov.au</a>	Onkaparinga Council	Via Teams
Matt Atkinson	<a href="mailto:matt.atkinson@alexandrina.sa.gov.au">matt.atkinson@alexandrina.sa.gov.au</a>	Alexandrina Council	In person
Emily Nankivell	<a href="mailto:emily@futureurban.com.au">emily@futureurban.com.au</a>	Future Urban	In person
Adam Squires	<a href="mailto:ASquires@playford.sa.gov.au">ASquires@playford.sa.gov.au</a>	City of Playford	In person
Chelsea Spangler	<a href="mailto:Chelsea.spangler@gawler.sa.gov.au">Chelsea.spangler@gawler.sa.gov.au</a>	City of Gawler	Via Teams
Lisa Sapio	<a href="mailto:lsapio@light.sa.gov.au">lsapio@light.sa.gov.au</a>	Light Regional Council	Via Teams
Janine Lennon	<a href="mailto:jlennon@barossa.sa.gov.au">jlennon@barossa.sa.gov.au</a>	Barossa	In person
Tim Hicks	<a href="mailto:tim.hicks@cityofpae.sa.gov.au">tim.hicks@cityofpae.sa.gov.au</a>	City of Port Adelaide Enfield	In person
Aleck Whitham	<a href="mailto:aleckw@fairland.com.au">aleckw@fairland.com.au</a>	Fairland	In person
Christopher Izzo	<a href="mailto:Christopher.izzo@marion.sa.gov.au">Christopher.izzo@marion.sa.gov.au</a>	City of Marion	In person
Cameron Gibbons	<a href="mailto:cameron.gibbons@alexandrina.sa.gov.au">cameron.gibbons@alexandrina.sa.gov.au</a>	Alexandrina Council	In person
Michael Osborn	<a href="mailto:michael@futureurban.com.au">michael@futureurban.com.au</a>	Future Urban	In person
David Bielatowicz	<a href="mailto:David.bielatowicz@gawler.sa.gov.au">David.bielatowicz@gawler.sa.gov.au</a>	City of Gawler	Via Teams
Scott Searle	<a href="mailto:scotts@fairland.com.au">scotts@fairland.com.au</a>	Fairland	In person
Mark Mobbs	<a href="mailto:Mark.Mobbs@sa.gov.au">Mark.Mobbs@sa.gov.au</a>	Renewal SA	Via Teams
Jack Holmes	<a href="mailto:Jack.Holmes@sa.gov.au">Jack.Holmes@sa.gov.au</a>	Renewal SA	In person
Matt Dineen	<a href="mailto:MDineen@playford.sa.gov.au">MDineen@playford.sa.gov.au</a>	City of Playford	In person

Other consultants were invited but declined to attend.

### Notes:

#### 1. General Commentary

- 1.1. For developments with large allotments - the reward is not there (time and effort). Worth more for more contentious smaller allotments. In general, developments are checked in-house by an encumbrance officer before getting to Council and the Council application process is quick (good experience and relationship with the Council) without a BEP – SS
- 1.2. The infrastructure requirements associated with Land Division applications and assessments is where the time is being taken for these developments – multiple participants.

#### 2. Concerns

- 2.1. Support streamlining development for new estates. However, regional Councils face issues with infrastructure (sewer system, levels). Where a BEP has been lodged prior to the land division being finalised has created some issues that should ideally have been resolved before cementing an accepted pathway, resulting in some applications not meeting the BEP. Note also that the recent MTE Code Amendment has thrown out some BEP opportunities due to the River Murray Overlay – CG

#### 3. Timing of BEPs

- 3.1. There is an appetite for BEPs however, it often does not eventuate due to timing. The BEP is not a difficult process, but it is the last phase of a long process – MO
- 3.2. A BEP cannot be approved until the Planning Consent is approved, could they run concurrently, or intertwined with a Land Division Consent – general discussion
  - 3.2.1. Do not agree with combining with Land Division - LS

**4. Benefits of a BEP**

- 4.1. Theoretically, it should take an administrative load off of Council (at the application stage) – EN
  - 4.1.1. Not a view shared by several Councils. The Administration burden is there for the granting of development approvals, as well subsequent variation requests.
- 4.2. BEP can be used to assist in marketing and sales and are generally created by the developers as a marketing document without the formal BEP being authorised – EN
- 4.3. The accepted pathway is not the only benefit of a BEP as the Code does link BEPs to notification (height). There are different drivers for different sectors which are yet to be tested through an application – MO
- 4.4. Can provide clarity for a buyer (better development outcomes when the BEP has been done well) – TH

**5. Suggestions in relation to BEPs**

- 5.1. Variations are inevitable with large land divisions, could there be an easy mechanism documented for updated a BEP to respond to variations (which is not the same process or cost) – EN
  - 5.1.1. Allowing for a 'range' for the finished floor level might assist - MA
- 5.2. Have been approached to do a BEP for sites not located within the Masterplanned Zones. Such as Tonsley and Bowden (Urban Neighbourhood Zones), where there are lots of individual applications for dwellings (that are the same format). Benefit could also be seen in applying BEPs to larger land divisions not within the Masterplanned Zones - AW
  - 5.2.1. Suggestion - where the number of allotments > # (50 for instance)
  - 5.2.2. Suggestion – if opened up further, suggest revisiting the fee for service (it is not quicker administratively) – AS

**Acronyms:**

MO	Michael Osborne	Future Urban
EN	Emily Nankivell	Future Urban
SS	Scott Searle	Fairland
TH	Tim Hicks	City of Port Adelaide Enfield
AW	Alex Wright	City of Marion
AS	Adam Squires	City of Playford
CG	Cameron Gibbons	Alexandrina Council
MA	Matt Atkinson	Alexandrina Council
LS	Lisa Sapio	Light Regional Council



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 3cm<sup>2</sup> 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