

CON17/137

30 November 2017

**The Secretary
State Commission Assessment Panel
GPO Box 1815
Adelaide SA 5001**

Dear Ms Gill,

APPLICATION NO	312 / V005/ 17
APPLICANT	Alinta Energy (Reeves Plains) Pty Ltd
NATURE OF DEVELOPMENT	Gas fired peaking power station with ultimate capacity of 300MW
SUBJECT LAND	Lot 1, 1629 Redbanks Road, Reeves Plains, CT: 5887/243

Further to the referral to Council of the above application, for which the Commission is undertaking an assessment, Council's Assessment Panel has considered this matter and provides the following report pursuant to Section 49(5) of the *Development Act, 1993*.

Stormwater Management

The site is undulating, and typically falls from the east to the west. There is a low point in the north-western corner, adjacent to Day Road. The stormwater management plan indicates that the majority of the stormwater in large rainfall events discharges the site at the southern boundary, approximately in the position of the overhead power transmission lines. This point of discharge was not clear from the site inspection that was undertaken, and it appeared that the north-western corner of the site was the low point. However, without a detailed geometric survey, it is difficult to accurately determine the existing stormwater discharge locations.

The stormwater management plan indicates that the regional flows head in a southerly direction, joining Templers Creek and through to Salt Creek, east of Two Wells. As this area is undulating, it is difficult to determine, and freely available topographic mapping appears to indicate that the site falls towards the west and the Light River, rather than Salt Creek.

The stormwater management report states that preliminary calculations have been undertaken, with the proposed plant area occupying a footprint of approximately 11 hectares. It also outlines the runoff coefficients that have been assumed, however detailed calculations are not provided.

The report identifies that the following measures are proposed to manage the site stormwater:

- The external drainage is to be routed around the site, to exclude it from the internal stormwater management system via diversion bunds. Level spreaders may be required at the ends of bunds to disperse concentrated flows.
- The plant will be sited above the 1% AEP.
- Stormwater discharge is proposed into the property to the south of the subject site or to Day Road. However, it is indicated that the site would require filling to discharge to Day Road, and there would need to be an outflow swale provided in the road reserve as there is no existing stormwater drainage system present.
- The roadways, hardstand and switchyard area will have stormwater runoff directed to a first flush treatment area, where the water will have the grease and oil removed. This could take place via a GPT or a sedimentation process in a basin or tank with the oil separation by gravity behind baffles. The first flush treatment area would only have a capacity to accommodate the first 15mm of rainfall.
- The first 40mm of each rainfall event would be retained on site to mimic the existing hydrology of the site with the natural depressions and evaporation.
- The site retention will be designed to provide retention for a 10% AEP, with a volume of approximately 3250m³ to be retained on site.
- Detention will also be provided such that the discharge rates are restricted to the existing outflow rates for a 1% AEP, with approximately 2500m³ being detained in a detention basin.

Generally, the principals of the stormwater management approach are supported, however there will need to be further design and investigations undertaken during the detailed design as follows:

- The stormwater management plan recommends that it may be prudent to seek further clarification during the detailed design to accurately understand the extents and inputs of the Combined Gawler / Light River flood study, so as to understand whether the 1% AEP flood extents are representative at the subject site. This should be requested as part of the detailed design stage.
- The point of discharge for the site is not clear, and the stormwater management report states that the point of discharge is shown indicatively only. Further assessment of the existing site conditions, including a detailed geometric survey should be provided. Discharging stormwater to private property is not acceptable, unless the Developer has an agreement with the adjacent land owner. Discharging stormwater to Day Road could also be problematic, as there is no drainage system along Day Road (underground or surface). Significant fill may be required to achieve discharge to Day Road, and this may have an impact on the visual amenity depending on the amount of fill required.
- The report recommends that geotechnical investigations should be undertaken to verify the soil type, permeability and groundwater levels. A geotechnical investigation is recommended to ensure that assumptions regarding infiltration rates are appropriate.
- The stormwater management plan indicates that the detention volume could be reduced if a lesser rainfall event was considered. A 1% AEP (or 100 year ARI) is considered an appropriate design rainfall event to size detention to restrict post development outflows from the site to predevelopment flow rates. This is particularly important if the outflows do eventually reach Salt Creek, as there are already stormwater management issues surrounding Salt Creek and the Two Wells Township. Any additional runoff from the site will increase the existing stormwater management problems downstream.
- Stormwater calculations should be provided at the detailed design stage, once a survey and design levels have been determined. This should also include further details on the gross pollutant trap or the first flush treatment basin.
- The bund around the eastern perimeter will divert and concentrate stormwater flows at the Day Road and Redbanks Road intersection. This is not desirable, as without drainage improvements at the intersection there will likely be stormwater issues.
- It is important to ensure that stormwater is discharged of appropriately, as concentrating flows onto Day Road could cause maintenance issues for Council due to a lack of stormwater infrastructure.

Traffic Management

The traffic impact assessment report states the expected traffic volumes for both the construction and operation phase of the proposed power station. During construction, which will take approximately 12 months, components and earthmoving equipment will be transported to the site using B-Double vehicles (approximately 600 B-Doubles over this period). Redbanks Road is gazetted for B-Double general freight; however, Day Road is not gazetted for Restricted Access Vehicles.

The review of the traffic impact assessment identified the following key points:

- The traffic impact assessment indicates that Day Road will be sealed from Redbanks Road to the access location approximately 160m along Day Road. This is endorsed and the length of seal should extend approximately 200m along Day Road, so that it is just past the site access. The intersection should be hotmixed, as should the access point unless it is sealed after construction. Spray seal is considered suitable for the remainder of the length of Day Road.
- The intersection of Day Road, Woolshed Road and Redbanks Road will be upgraded, including the construction of a sealed apron on Woolshed Road. This is supported, however the turning movements indicate that B-Doubles will still leave the sealed road area on the eastern corner of Day Road and Redbanks Road. This intersection should be upgraded to ensure that B-Doubles can undertake turning movement without leaving the sealed surface. The intersection upgrade should include drainage upgrades as required.
- The access to the site is proposed to be six metres wide, in accordance with the CFS requirements. It is recommended that the width of the access is a minimum of six metre wide, or of sufficient width to accommodate a turning B-Double and a passenger car, such that a B-Double will not be stacked along Day Road. Turning movements at the proposed access should be provided demonstrating that six metres is sufficient for this to occur.
- Day Road is not gazetted for B-Doubles. A restricted access vehicle route assessment should be provided, demonstrating that Day Road is suitable to accommodate these vehicles, and outlining any required upgrades to the intersection, including drainage. Council will then need to issue a permit for B-Doubles to use Day Road during construction.
- There will be six full time staff during operation, and staff carparking will be provided within the site. Construction traffic will also park within the site, so there should be no parking along either Day Road or Redbanks Road. This is important, however the site layouts do not show this area. Details of the parking arrangements should be requested during detailed design.
- The CFS assessment identified that two other access and egress locations should be considered. This is supported. Any access to Redbanks Road will require DPTI approval.
- It was noted on site that the high voltage power lines hang relatively low near the intersection with Day Road and Redbanks Road. The developer should confirm that they are

able to access the site under these power lines. If access is not available, over dimensional vehicles may need to access the site from Day Road to the south. This is not preferable, and if this situation does arise a dilapidation report and restricted access vehicle route assessment should be undertaken to ensure that Day Road is not damaged by OD vehicles during construction.

Generally, the additional traffic associated with the construction and operation of the proposed power station should have a minimal impact on the road network, providing the measures outlined above are addressed during the detailed design. Additional signage and traffic management will be required during construction and the contractor should provide traffic management plans to DPTI and Adelaide Plains Council.

Landscaping

It is recognised that the visual amenity of the future development is particularly important. The Landscape and Visual Impact Assessment and Landscape Concept Plan is noted, however it is requested that the Commission investigate any opportunities to also include provision for mounding treatments to provide additional screening and noise attenuation.

The planting of established/advanced trees and shrubs should also be investigated to facilitate effective screening from an early stage. The lifecycle of the landscaping proposed should also be investigated to ensure that the screening proposed is consistent with the expected life of the project.

Bushfire Risk

Being located in a General Bushfire Risk Area the Commission should be satisfied that the proposal is not subjected to, or does not create the potential for loss caused by bushfire.

Wastewater

The applicant must seek Council approval for the installation of an on-site waste control system for the disposal of sewerable wastes. This will involve the completion of an application form, provision of underfloor plumbing layouts and site plan indicating location of main drains. An application fee will also be required to be provided to Council.

Given that the proposal incorporates a significant amount of landscaping the applicant should strongly consider the use of an aerobic treatment system to enable treated effluent water to be used for irrigation purposes.

It is requested that the following be considered as a condition of any approval issued by the Minister in relation to this application:

The development must be connected to an approved effluent disposal system to the satisfaction of the Adelaide Plains Council.

Decommissioning of facility

It is requested that upon any future decommissioning of the plant that the land is returned to the state in which it existed prior to construction, including revegetation where necessary.

General

It is requested that the Commission carry out a detailed assessment of any potential health impacts on residents of the locality associated with the operation of the facility, including impacts associated with diesel operation. Lighting should also be designed to reduce impact on adjoining properties and the drivers of vehicles on public roads.

It is acknowledged that the proposal could not be easily accommodated on alternative sites within defined township, settlement or industrial zones due to the location of existing infrastructure critical to the operation of the proposal. It is also agreed that the development should not prejudice the use of the land in the locality for continued primary production purposes.

Summary

Although the proposal will result in a minor loss of primary production land, it is considered that this will be offset by an improvement to the security of the state's power supply.

Council brings the above comments/issues to the attention of the Commission, and provided the relevant issues are adequately investigated and addressed, is supportive of the development from a planning perspective as being consistent with Council's Development Plan.

Please do not hesitate to contact myself at the Two Wells Service Centre on 85270200 for further information in relation to this report.

Yours sincerely,

Rob Veitch

General Manager Development and Community

CC email scapadmin@sa.gov.au



Mace Engineering Services

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ALINTA ENERGY – REEVES PLAINS POWER STATION 1629 REDBANKS ROAD, REEVES PLAINS INFRASTRUCTURE REVIEW – PLANNING STAGE

General:

These comments have arisen as a result of the review of the Alinta Energy Reeves Plains Power Station Development Application, and in particular, the road infrastructure, traffic management and stormwater management. Mace Engineering Services has not reviewed or considered the information provided relating to various aspects of the Development Application, including compliance with the Adelaide Plains Council's Development Plan and impacts such as Amenity, Environmental Impact (including air quality), Environmental Management, Noise, Heritage and Culture, Bushfire, Contamination, Waste Management, and Aviation.

The proposed Power Station is to be located at 1629 Redbanks Road, Reeves Plains, on the corner of Day Road and Redbank Road. The operational power station will be gas fired and will have an operating capacity of 300MW. The Development Application has been prepared by Arcadis Design and Consultancy.

Stormwater Management:

The Stormwater Management Plan for the proposed Alinta Energy power station is contained in Appendix H of the Development Application documentation. The stormwater management plan for the site outlines the proposed measures that will be taken to manage the stormwater and control the discharge of stormwater from the site.

The proposed stormwater management system that is outline in the report aims to:

- Limit the risk of flooding of the site,
- Manage the quantity of stormwater flows from the site so as not to increase downstream flow rates,
- Manage nuisance surface water for site operations,
- Isolate potential pollution and spills utilising bunded areas,
- Separate wastewater streams and site runoff based on the water quality,
- Manage pollutants in stormwater discharge to comply with Environment Protection (Water Quality) policy.

The power station site will be sited on a prepared pad raised above the surrounding natural ground level. The internal stormwater infrastructure will be designed to cater for a 10% AEP (10 year ARI), and the overall site stormwater detention will be designed for a 1% AEP (100 year ARI).

The site is undulating, and typically falls from the east to the west. There is a low point in the north-western corner, adjacent to Day Road. The stormwater management plan indicates that the majority of the stormwater in large rainfall events discharges the site at the southern boundary, approximately in the position of the overhead power transmission lines. This point of discharge was not clear from the site inspection that was undertaken, and it appeared that the north-western corner of the site was the low point. However, without a detailed geometric survey, it is difficult to accurately determine the existing stormwater discharge locations.

The stormwater management plan indicates that the regional flows head in a southerly direction, joining Templers Creek and through to Salt Creek, east of Two Wells. As this area is undulating, it is difficult to determine, and freely available topographic mapping appear to indicate that the site falls towards the west and the Light River, rather than Salt Creek.

The stormwater management report states that preliminary calculations have been undertaken, with the proposed plant area occupying a footprint of approximately 11 Ha. It also outlines the runoff coefficients that have been assumed, however detailed calculations are not provided.

The following measures are proposed to manage the site stormwater:

- The external drainage is to be routed around the site, to exclude it from the internal stormwater management system via diversion bunds. Level spreaders may be required at the ends of bunds to disperse concentrated flows.
- The plant will be site above the 1% AEP.
- Stormwater discharge is proposed into the property to the south of the subject site or to Day Road. However, it is indicated that the site would require filling to discharge to Day Road, and there would need to be an outflow swale provided in the road reserve as there is no existing stormwater drainage system present.
- The roadways, hardstand and switchyard area will have stormwater runoff directed to a first flush treatment area, where the water will have the grease and oil removed. This could take place via a GPT or a sedimentation process in a basin or tank with the oil separation by gravity behind baffles. The first flush treatment area would only have a capacity to accommodate the first 15mm of rainfall.
- The first 40mm of each rainfall event would be retained on site to mimic the existing hydrology of the site with the natural depressions and evaporation.
- The site retention will be designed to provide retention for a 10% AEP, with a volume of approximately 3250m³ to be retained on site.
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Generally, the principals of the stormwater management approach are supported, however there will need to be further design and investigations undertaken during the detailed design as follows:

- The stormwater management plan recommends that it may be prudent to seek further clarification during the detailed design to accurately understand the extents and inputs of the Combined Gawler / Light River flood study, so as to understand whether the 1% AEP flood extents are representative at the subject site. **This should be requested as part of the detailed design stage.**

- The point of discharge for the site is not clear, and the stormwater management report states that the point of discharge is shown indicatively only. **Further assessment of the existing site conditions, including a detailed geometric survey should be provided. Discharging stormwater to private property is not acceptable, unless the Developer has an agreement with the adjacent land owner. Discharging stormwater to Day Road could also be problematic, as there is no drainage system along Day Road (underground or surface). Significant fill may be required to achieve discharge to Day Road, and this may have an impact on the visual amenity depending on the amount of fill required.**
- The report recommends that geotechnical investigations should be undertaken to verify the soil type, permeability and groundwater levels. **A geotechnical investigation is recommended to ensure that assumptions regarding infiltration rates are appropriate.**
- The stormwater management plan indicates that the detention volume could be reduced if a lesser rainfall event was considered. **A 1% AEP (or 100 year ARI) is considered an appropriate design rainfall event to size detention to restrict post development outflows from the site to predevelopment flow rates. This is particularly important if the outflows do eventually reach Salt Creek, as there are already stormwater management issues surrounding Salt Creek and the Two Wells Township. Any additional runoff from the site will increase the existing stormwater management problems downstream.**
- Stormwater calculations should be provided at the detailed design stage, once a survey and design levels have been determined. This should also include further details on the gross pollutant trap or the first flush treatment basin.
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- It is important to ensure that stormwater is discharged of appropriately, as concentrating flows onto Day Road could cause maintenance issues for Council due to a lack of stormwater infrastructure.

Traffic Management:

The traffic impact assessment for the proposed Reeves Plains Power Station is contained in Appendix I of the Development Application. The following relates to the traffic impact assessment report.

Redbanks Road is a sub-arterial road under the care and control of DPTI. It has a seal width of approximately 10.0m, consisting of 2 x 4.0m through lanes and a 1.0m sealed shoulder each side. There is a further 1.0m of unsealed road shoulder making the width of the road formation approximately 12.0m. Redbanks Road has a relatively straight horizontal alignment and flat vertical alignment on the approaches to the intersection. The speed limit of Redbanks Road is 100km/h and it carries approximately 1500 vehicles per day.

Day Road is a Category 1 unsealed road under the care and control of Adelaide Plains Council. It is proposed that that major access from the site will be located approximately 160m along Day Road. The unsealed road has a formation width of approximately 8.0m and the road has a straight horizontal alignment providing good sight distance to the proposed access. The vertical alignment is slightly undulating, however does not obstruct sight distance to the intersection with Redbanks Road or to the proposed site access location. Traffic volumes along Day Road are not known, but are thought to be relatively low. The rural default speed limit of 100km/h applied to Day Road as it is unsealed.

The intersection also has a fourth leg, with Woolsheds Road to the north forming a four-way cross road. The intersection is controlled with give way signs on Day Road and Woolsheds Road.

The traffic impact assessment states the expected traffic volumes for both the construction and operation phase of the proposed power station. During construction, which will take approximately 12 months, components and earthmoving equipment will be transported to site using B-Double vehicles (approximately 600 B-Doubles over this period). Redbanks Road is gazetted for B-Double general freight; however, Day Road is not gazetted for Restricted Access Vehicles.

The review of the traffic impact assessment identified the following key points:

- The traffic impact assessment indicates that Day Road will be sealed from Redbanks Road to the access location approximately 160m along Day Road. **This is endorsed and the length of seal should extend approximately 200m along Day Road, so that it is just past the site access. The intersection should be hotmixed, as should the access point unless it is sealed after construction. Spray seal is considered suitable for the remainder of the length of Day Road.**
- The intersection of Day Road, Woolshed Road and Redbanks Road will be upgraded, including the construction of a sealed apron on Woolshed Road. **This is supported, however the turning movements indicate that B-Doubles will still leave the sealed road area on the eastern corner of Day Road and Redbanks Road. This intersection should be upgraded to ensure that B-Doubles can undertake turning movement without leaving the sealed surface. The intersection upgrade should include drainage upgrades as required.**
- The access to the site is proposed to be 6.0m wide, in accordance with the CFS requirements. **It is recommended that the width of the access is a minimum of 6.0m wide, or of sufficient width to accommodate a turning B-Double and a passenger car, such that B-Double will not be stacked along Day Road. Turning movements at the proposed access should be provided demonstrating that 6.0m is sufficient for this to occur.**
- Provision will be made for School bus parking areas on Day Road.
- Day Road is not gazetted for B-Doubles. **A restricted access vehicle route assessment should be provided, demonstrating that Day Road is suitable to accommodate these vehicles, and outlining any required upgrades to the intersection, including drainage. Council will then need to issue a permit for B-Doubles to use Day Road during construction.**
- There will be 6 full time staff during operation, and staff carparking will be provided within the site. Construction traffic will also park within the site, so there should be no parking along either Day Road or Redbanks Road. **This is important, however the site layouts do not show this area. Details of the parking arrangements should be requested during detailed design.**
- The CFS assessment identified that two other access and egress locations should be considered. **This is supported. Any access to Redbanks Road will require DPTI approval.**
- It was noted on site that the high voltage power lines hang relatively low near the intersection with Day Road and Redbanks Road. The developer should confirm that they are able to access the site

under these power lines. If access is not available, over dimensional vehicles may need to access the site from Day Road to the south. **This is not preferable, and if this situation does arise a dilapidation report and restricted access vehicle route assessment should be undertaken to ensure that Day Road is not damaged by OD vehicles during construction.**

Generally, the additional traffic associated with the construction and operation of the proposed power station should have a minimal impact on the road network, providing the measures outline above are addressed during the detailed design. Additional signage and traffic management will be required during construction and the contractor should provide traffic management plans to DPTI and Adelaide Plains Council.



Michelle C Verco
DIRECTOR

MIEAust, CPEng

24/11/17



**Adelaide
Plains
Council**

7 REPORTS FOR INFORMATION

WEDNESDAY 6 December 2017

- 7.1** CAP Terms of Reference
- 7.2** CAP Code of Conduct
- 7.3** CAP Assessment Manager
- 7.4** Development Plan Amendment Update

 Adelaide Plains Council	7.1	Council Assessment Panel Terms of Reference
	Department: Report Author:	Development and Community Development Services Coordinator
Date: 6 December 2017	Container No: Document No:	CON17/174 D17/32016

OVERVIEW

At the 19 June 2017 Ordinary Council meeting, members made the following resolution:

“Determines in accordance with Section 83(1)(b) of the *Planning, Development and Infrastructure Act 2016* and Section 14C(1) of the *Acts Interpretation Act 1915* that the appointment of Independent, Council and Deputy Members to the Council Assessment Panel is subject to their compliance with and acceptance of the Terms of Reference for the Council Assessment Panel (which will include, but not be limited to, terms pertaining to Members’ conditions of appointment, remuneration and grounds and procedures for removal from office) to be adopted by Council prior to 1 October 2017”

Subsequently, on 18 September 2017 Council adopted a Terms of Reference document for the Panel (**Attachment 1**).

The Terms of Reference presented to Council for consideration were based upon a model template prepared by Norman Waterhouse Lawyers for the LGA and widely distributed throughout the South Australian local government sector. The document adopts best practice and exceeds the minimum requirements set out in the PDI Act.

The adopted Terms of Reference includes provisions relating to:

- Membership of CAP (Members, Deputy Members, Presiding Member, Acting Presiding Member, expression of interest, term of appointment);
- Membership vacancies;
- Conditions of appointment (Code of Conduct, remuneration, accreditation);
- Removal from office; and
- Document review.

RECOMMENDATION(S)

1. **“that the Council Assessment Panel, having considered Item 7.1 *Council Assessment Panel Terms of Reference*, dated 6 December 2017, receives and notes the report.”**

Attachments

1. Terms of Reference

References

Legislation

Planning, Development and Infrastructure Act 2016

 Adelaide Plains Council	Council Assessment Panel Terms of Reference	
	Adoption by Council:	18 September 2017
	Resolution Number:	2017/285
	Administered by:	General Manager Development and Community
	Last Review Date:	September 2017
	Next Review Date:	September 2019
TRIM CON: CON12/218-2 TRIM DOC: D17/21335	Strategic Outcome: 4.5 Accountable and Sustainable Governance	

1. BACKGROUND

- 1.1 The Adelaide Plains Council Assessment Panel (**CAP**) was appointed as a relevant authority under Section 82 and 83 of the *Planning, Development and Infrastructure Act 2016 (Act)* by resolution of the Adelaide Plains Council (**the Council**) on 19 June 2017.
- 1.2 The CAP is a relevant authority under the Act and, during transition to the Act, will act as a delegate of the Council for the purpose of the *Development Act 1993*.

2. MEMBERSHIP OF CAP

Appointment of Members

- 2.1 The CAP will be constituted of five (5) Members (**CAP Members**), to be appointed by the Council, comprising:
- 2.1.1 one (1) Member of the Council (**Council Member**); and
- 2.1.2 four (4) Independent Members (**Independent Members**), not being Members of the Council or State Parliament.
- 2.2 The Council may determine that the CAP will be constituted by a different number of members for different classes of development, in which case the relevant details will be specified by the Council.
- 2.3 When appointing CAP Members, the Council may have regard to the following:
- 2.3.1 the candidate's knowledge of the operation and requirements of the Act and, during transition to the Act, the *Development Act*;

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- 2.3.2 in relation to Independent Members, the candidate's qualifications or experience in a field that is relevant to the activities of the CAP;
- 2.3.3 in relation to the Council Member, the candidate's experience in local government;
- 2.3.4 that a balance of qualifications and experience among CAP Members is desirable;
- 2.3.5 that gender diversity among CAP Members is desirable; and
- 2.3.6 such other matters as the Council considers relevant.

Appointment of Deputy Members

- 2.4 The Council must appoint at least one Deputy Member to the CAP for the purpose of filling in for a CAP Member who is unable to attend a CAP meeting or part of a CAP meeting.
- 2.5 Subject to clause 2.6, a Deputy Member must not be a Member of the Council or State Parliament.
- 2.6 Where a Deputy Member appointed for the Council Member is also a member of the Council, that person may not act as a deputy for any other CAP Member (whereas a Deputy Member who is not a member of the Council may act as a deputy for any CAP Member).
- 2.7 Where more than one Deputy Member is appointed, they will be invited to attend CAP meetings as required, on a rotational basis.
- 2.8 In appointing a Deputy Member, the Council may have regard to the matters in clause 2.3, as well as to the qualifications and experience of the CAP Member or CAP Members to whom the candidate will be a deputy.
- 2.9 Unless the context otherwise requires, a reference to a CAP Member in this document includes a Deputy Member.

Expression of Interest

- 2.10 The Council will, unless it otherwise determines, call for expressions of interest for appointment of Independent Members and Deputy Members.

Presiding Member and Acting Presiding Member

- 2.11 The Council will appoint an Independent Member to be the Presiding Member of the CAP for such term and on such conditions as determined by the Council.
- 2.12 The Presiding Member will preside at any CAP meeting at which he or she is present.

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- 2.13 In the event that the Presiding Member is not present at a meeting (or part thereof) an Acting Presiding Member will be appointed by those CAP Members who are present at the meeting.
- 2.14 A Presiding Member is eligible to be reappointed as the Presiding Member at the expiry of his or her term of office as Presiding Member.
- 2.15 In the event that the Presiding Member resigns or is removed from office, the Council will appoint an Independent Member to be the Presiding Member for such term and on such conditions as determined by the Council.

Term of Appointment

- 2.16 Subject to clause 5, Independent Members will be appointed for a term of up to two (2) years and on such other conditions as determined by the Council.
- 2.17 Subject to clause 5, the Council Member will be appointed for a term of up to two (2) years and on such other conditions as determined by the Council.
- 2.18 Deputy Members will be appointed for a term of up to two (2) years and on such other conditions as determined by the Council.
- 2.19 A CAP Member is eligible for reappointment for a further term, or further terms, upon the expiry of his or her current term.
- 2.20 A CAP Member whose term of office has expired may nevertheless continue to act as a Member until the vacancy is filled or for a period of six (6) months from the expiry of the Member's term of office, whichever occurs first.

3. VACANCY IN MEMBERSHIP

- 3.1 In the event of a vacancy arising in the office of a CAP Member, the Council may appoint a person to be a CAP Member for the balance of the original CAP Member's term of office as soon as is reasonably practicable in the same manner as the original CAP Member was appointed.
- 3.2 The CAP Member appointed to fill a vacancy may be a Deputy Member in which case that person will automatically cease to be a Deputy Member.
- 3.3 In appointing a CAP Member pursuant to clause 3.1, the Council may have regard to the matters in clause 2.2 or 2.8 as the case requires.
- 3.4 A vacancy in the membership of the CAP will not invalidate any decisions of the CAP, provided a quorum is maintained during meetings.

4. CONDITIONS OF APPOINTMENT

- 4.1 At all times, CAP Members must act honestly, lawfully, in good faith, and in accordance with any code of conduct applicable to CAP Members.
- 4.2 CAP Members may be remunerated as determined by the Council for the reasonable time and costs incurred by CAP Members in attending CAP meetings.
- 4.3 Different levels of remuneration may be fixed by the Council for Independent Members, the Council Member, the Presiding Member and Deputy Members.
- 4.4 Upon the commencement of Section 83(1)(c) of the Act:
 - 4.4.1 CAP Members, excluding a Member who is a Member or former Member of the Council, must be accredited professionals under the Act; and
 - 4.4.2 CAP Members who are Members or former Members of the Council must have sufficient experience in local government to satisfy the Council that they are appropriately qualified to act as a Member of the CAP.

5. REMOVAL FROM OFFICE

- 5.1 A CAP Member will automatically lose office where:
 - 5.1.1 the CAP Member has become bankrupt or has applied to take the benefit of a law for the relief of insolvent debtors;
 - 5.1.2 the CAP Member has been convicted of an indictable offence punishable by imprisonment; and
 - 5.1.3 in the case of a Council Member, the Member ceases to be a member of the Council.
- 5.2 Subject to Clause 5.4, the Council may by resolution remove a CAP Member from office where:
 - 5.2.1 in the opinion of the Council, the behaviour of the CAP Member amounts to:
 - (a) a breach of a condition of his or her appointment as a CAP Member;
 - (b) misconduct;
 - (c) a breach of any legislative obligation or duty of a CAP Member;
 - (d) neglect of duty in attending to role and responsibilities as a CAP Member;
 - (e) a failure to carry out satisfactorily the duties of his or her office;

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- (f) a breach of fiduciary duty that arises by virtue of his or her office;
 - (g) inability to carry out satisfactorily the duties of his or her office;
 - (h) except in relation to Deputy Members, a failure without reasonable excuse to attend three consecutive CAP meetings without the CAP previously having resolved to grant a leave of absence to the CAP Member; or
 - (i) in relation to a Deputy Member, a failure without reasonable excuse on three consecutive occasions to attend a meeting of the CAP when requested to do so; or
- 5.2.2 the State Planning Commission has, subject to a Code of Conduct complaint, recommended or directed that the Member be removed from office; or
- 5.2.3 for any other reason the Council considers appropriate.
- 5.3 The removal of the CAP Member pursuant to clause 5.2 will take effect upon the Council passing a resolution to remove the CAP Member from office (unless the Council resolves otherwise), and such resolution will be confirmed in writing to the CAP Member within seven (7) days of being passed.
- 5.4 Prior to resolving to remove a CAP Member from office pursuant to clause 5.2, the Council must:
- 5.4.1 give written notice to the CAP Member of:
 - (a) its intention to remove the CAP Member from office pursuant to clause 5.2; and
 - (b) the alleged behaviour of the CAP Member falling within clause 5.2 or other reason the Council considers it appropriate to remove the CAP Member;

not less than seven (7) days before the meeting of the Council at which the matter is to be considered;
 - 5.4.2 give the CAP Member an opportunity to make submissions to the Council on its intention to remove the CAP Member from office either orally at the Council meeting at which the matter is to be considered, or in writing by such date as the Council reasonably determines; and
 - 5.4.3 have due regard to the CAP Member's submission in determining whether to remove the CAP Member from office.

6. REVIEW

- 6.1 These terms of reference are subject to review by the Council on a two (2) year basis, or as determined by Council.

NOTE: Electronic version in TRIM is the controlled version. Printed copies are considered uncontrolled.
Before using a printed copy, verify that it is the current version.

 Adelaide Plains Council	7.2	Council Assessment Panel Code of Conduct
	Department:	Development and Community
	Report Author:	Development Services Coordinator
Date: 6 December 2017	Container No:	CON17/174
	Document No:	D17/32017

OVERVIEW

A code of conduct for CAP Members (**Attachment 1**) was published by the Minister for Planning on 29 September 2017, pursuant to Clause 1(1)(c) of Schedule 3 of the *Planning, Development and Infrastructure Act 2016*.

The code took effect from 1 October 2017 and imposes conflict of interest provisions which are similar to those which existed under the *Development Act 1993*. Significantly, all code of conduct complaints against CAP members are required to be made to, and addressed by, the State Planning Commission. Therefore there is no longer a requirement for Council to have a Public Officer to investigate complaints about the conduct of a panel member, a former requirement under the *Development Act, 1993*.

RECOMMENDATION(S)

- “that the Council Assessment Panel, having considered Item 7.2 *Council Assessment Panel Code of Conduct*, dated 6 December 2017, receives and notes the report.”**

Attachments

- Code of Conduct

References

Legislation

Planning, Development and Infrastructure Act 2016

Development Act 1993

Assessment Panel Members – Code of Conduct

Introduction

Under Schedule 3 of the *Planning, Development and Infrastructure Act 2016* (PDI Act) the Minister may adopt a code of conduct to be observed by members of an assessment panel established under the PDI Act. This code of conduct sets out standards of conduct and professionalism that are to be observed by all members of assessment panels under the PDI Act. This code of conduct must be read in conjunction with the Act.

For the purposes of the PDI Act, a key requirement is that all members of assessment panels must carry out, and be seen to carry out, their functions with the highest ethical standards so as to maintain public confidence in the integrity of development assessment under the Act.

The code is the key tool to ensure that all members of assessment panels act honestly and ethically with a high degree of accountability. If a member of an assessment panel has any doubt in regard to any function they may perform under the Act they should seek the advice of the panel's assessment manager or some other appropriate person.

While some members of an assessment panel may also be bound by other codes of conduct or professional standards issued by their respective professional associations, they have no legal status under the Act. If there is a conflict between a requirement in this code of conduct and any other professional code or standard, this code prevails for the purposes of the Act.

Legislative framework

Under section 15 of the PDI Act, all members of assessment panels are subject to a statutory duty as described in the section as follows:

- (1) *It is expected that a person or body that—*
- (a) *seeks to obtain an authorisation under this Act; or*
 - (b) *performs, exercises or discharges a function, power or duty under this Act; or*
 - (c) *takes the benefit of this Act or is otherwise involved in a process provided by this Act, will—*
 - (d) *act in a cooperative and constructive way; and*
 - (e) *be honest and open in interacting with other entities under this Act; and*
 - (f) *be prepared to find reasonable solutions to issues that affect other interested parties or third parties.*

- (2) *Without limiting subsection (1), a person or body performing, exercising or discharging a function, power or duty under this Act must-*
- (a) *exercise professional care and diligence; and*
 - (b) *act honestly and in an impartial manner; and*
 - (c) *be responsible and accountable in its conduct; and*
 - (d) *comply with any code of conduct, service benchmark or other requirement that applies in relation to the person or body.*
- (3) *The Minister may, after taking into account the advice of the Commission, establish and maintain service benchmarks for the purposes of this section.*
- (4) *The principles and benchmarks under this section— (a) do not give rise to substantive rights or liabilities; but (b) may lead to action being taken on account of a breach of a code of conduct or professional standard that applies in relation to a relevant person or body.*

Code of conduct requirements

In acting as a member of an assessment panel, a member must comply with the following requirements.

General duties

1. A member of an assessment panel must in performing, exercising or discharging a function, power or duty under the PDI Act, act in accordance with the general duties as set out in section 15 of the PDI Act.

Act in the public interest

2. A member of an assessment panel must act in a manner that promotes or protects the public interest.

Procedures

3. A member of an assessment panel must ensure that the procedures specified in the Act or prescribed in the *Planning Development and Infrastructure (General) Regulations 2017* are complied with.
4. A member of an assessment panel must comply with the panel procedures in relation to public comments and communication with the media

Regard for honesty

5. A member of an assessment panel must act with integrity, good faith and equity and must not discriminate toward any person in performing their duties.
6. A member of an assessment panel must advise the assessment manger and the Commission immediately if the member:
 - a. is the subject of a formal investigation into, or have been found to have, breached any other code of conduct, ethical standards or similar, either in another State or through a professional body of which they are a member; or
 - b. has been found guilty of a breach of any Act related to planning, building or a development related matter.

Conflict of interest

7. A member of an assessment panel who has a direct or indirect personal or pecuniary interest in a matter before the council development assessment panel (other than an indirect interest that exists in common with a substantial class of persons)—
 - a. must, as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the panel; and
 - b. must not take part in any hearings conducted by the panel, or in any deliberations or decision of the panel, on the matter and must be absent from the meeting when any deliberations are taking place or decision is being made.
8. A member of an assessment panel will be taken to have an interest in a matter for the purposes of item 7 if an associate of the member (within the meaning of section 3 (7) of the PDI Act) has an interest in the matter.
9. If an interest has been declared by a member of an assessment panel the nature of the interest must be recorded in the minutes of the meeting.

Making decisions and taking action

10. A member of an assessment panel must take all reasonable steps to obtain all relevant facts and information when making a decision on a matter before the panel.
11. A member of an assessment panel must ensure that the member's decisions and actions are reasonable, fair and appropriate to the circumstances, based on consideration of all relevant facts obtained, and supported by adequate documentation.
12. A member of an assessment panel must not approach or discuss with an applicant or representor any application which is either before the panel or will come before the panel at some future time expect during the course of a panel meeting where the application forms part of the agenda and the applicant or representor has a right to be heard by the panel.
13. Except where required as part of the assessment of a particular decision such as a formal panel viewing of a site of a proposed development, you should not enter the site even if invited by the land owner or a neighbouring property owner or any other person.
14. A member of an assessment panel must not:
 - a. engage in consultation outside of the panel process with any party on a proposed development application that is likely to be heard by the panel;
 - b. give advice to an applicant or other third party on a development application after it has been lodged outside of a panel meeting;
 - c. speak at a public meeting for or against a proposal where the purpose of the meeting is to discuss either a proposed development or a development application unless required by the Act;
 - d. express an opinion on a development application or a proposed development outside of a panel meeting; and
 - e. engage in any other act or omission which may give rise to a reasonable presumption that you have prejudged a development proposal or application.

Public comment

15. Only the presiding member or another person determined by the panel is permitted to speak publicly to the media and address the public on behalf of the panel. No other panel member may make comment to the media or the public in relation to any matter before the panel or any decision of the panel.

Protection and use of information

16. A member of an assessment panel must maintain the integrity and security of confidential information in their possession and must not use confidential information gained by virtue of the member's official position for the purpose of securing a private benefit for the member or any other person.
17. A member of an assessment panel must not disclose information acquired in the course of their professional work other than if consent of the relevant person has been granted or where there is a legal or professional duty to disclose such information.

Proper exercise of power

18. A member of an assessment panel must not take advantage of the member's position, power or duties for the purpose of obtaining, either directly or indirectly, any preferential treatment or other improper advantage for the member or any other person.

Gifts and benefits

19. A member of an assessment panel must not seek or accept a gift or benefit that is intended to, is likely to or could be perceived as likely to, cause them to act in an unfair or biased manner in the course of the member's duties.
20. A member of an assessment panel must take all reasonable steps to ensure that a person related to the member does not receive gifts or benefits that could appear to be an attempt to influence or secure or have the effect of influencing or securing a favour from the member of an assessment panel. A person is related to a member of an assessment panel for the purpose of this provision if the person is spouse, de facto partner, sibling, parent or child of the member of the assessment panel.

Bias

21. A member of an assessment panel should always have regard to any affiliation, disposition or any material, pecuniary or other interest that would lead to a reasonable apprehension that they may be biased in carrying out any aspect of their role under the Act.

 Adelaide Plains Council	7.3	Council Assessment Panel Assessment Manager
	Department:	Development and Community
	Report Author:	Development Services Coordinator
Date: 6 December 2017	Container No:	CON17/174
	Document No:	D17/31993

OVERVIEW

Pursuant to Section 87(d)(ii) of the *Planning, Development and Infrastructure Act 2016* (PDI Act), the Chief Executive Officer must appoint an Assessment Manager to manage the staff and operations of the CAP and provide advice to the Panel as required. It is noted that the position responsibilities are broader than the former Public Officer position under the *Development Act 1993*. Significantly however, the position will have no responsibility for handling complaints against CAP members.

At a later date the role of the Assessment Manager will expand to include that of a relevant authority for some development applications under the PDI Act, and the person appointed will be required to be an accredited professional.

The Panel is advised that the Chief Executive Officer has appointed the Development Services Coordinator, Brendon Schulz, to this position.

RECOMMENDATION(S)

- 1. “that the Council Assessment Panel, having considered Item 7.3 *Council Assessment Panel Assessment Manager*, dated 6 December 2017, receives and notes the report.”**

References

Legislation

Planning, Development and Infrastructure Act 2016

Development Act 1993

 Adelaide Plains Council	7.4	Development Plan Amendment Update	
	Department:	Development and Community	
	Report Author:	Planning Officer	
Date: 6 December 2017	Container No:	CON17/174	
	Document No:	D17/31981	

DPA Name	Current Status
Northern Food Bowl Protection Areas DPA	<p>The DPA is intended to help implement the State Government’s priority of enabling major primary production and horticulture growth on the Northern Adelaide Plains.</p> <p>The DPA includes the expansion of Council’s existing Horticultural Policy area and two areas with a reduced minimum lot size of 4 hectares, one north of the Gawler River, to the east of Old Port Wakefield Road, and the other at Port Wakefield Road/Middle Beach Road, Two Wells (Attachment 1). The designation of two new Urban Employment Zones is proposed to accommodate a mix of business and employment activities that have a focus on food processing, packing and manufacturing. The DPA also includes updated mapping of both the Gawler River and Light River.</p> <p>In accordance with the SOI timeframe of 37 weeks for completion of the DPA, Council unanimously endorsed the DPA at its Ordinary Council meeting on 20 November 2017. The DPA has now been submitted to DPTI for assessment.</p> <p>It is hoped that approval of the DPA will be received from the Minister for Planning before the caretaker mode for the State Government election commences on 17 February 2018.</p>

RECOMMENDATION(S)

1. **“that the Council Assessment Panel, having considered Item 7.4 *Development Plan Amendment Update*, dated 6 December 2017, receives and notes the report.”**

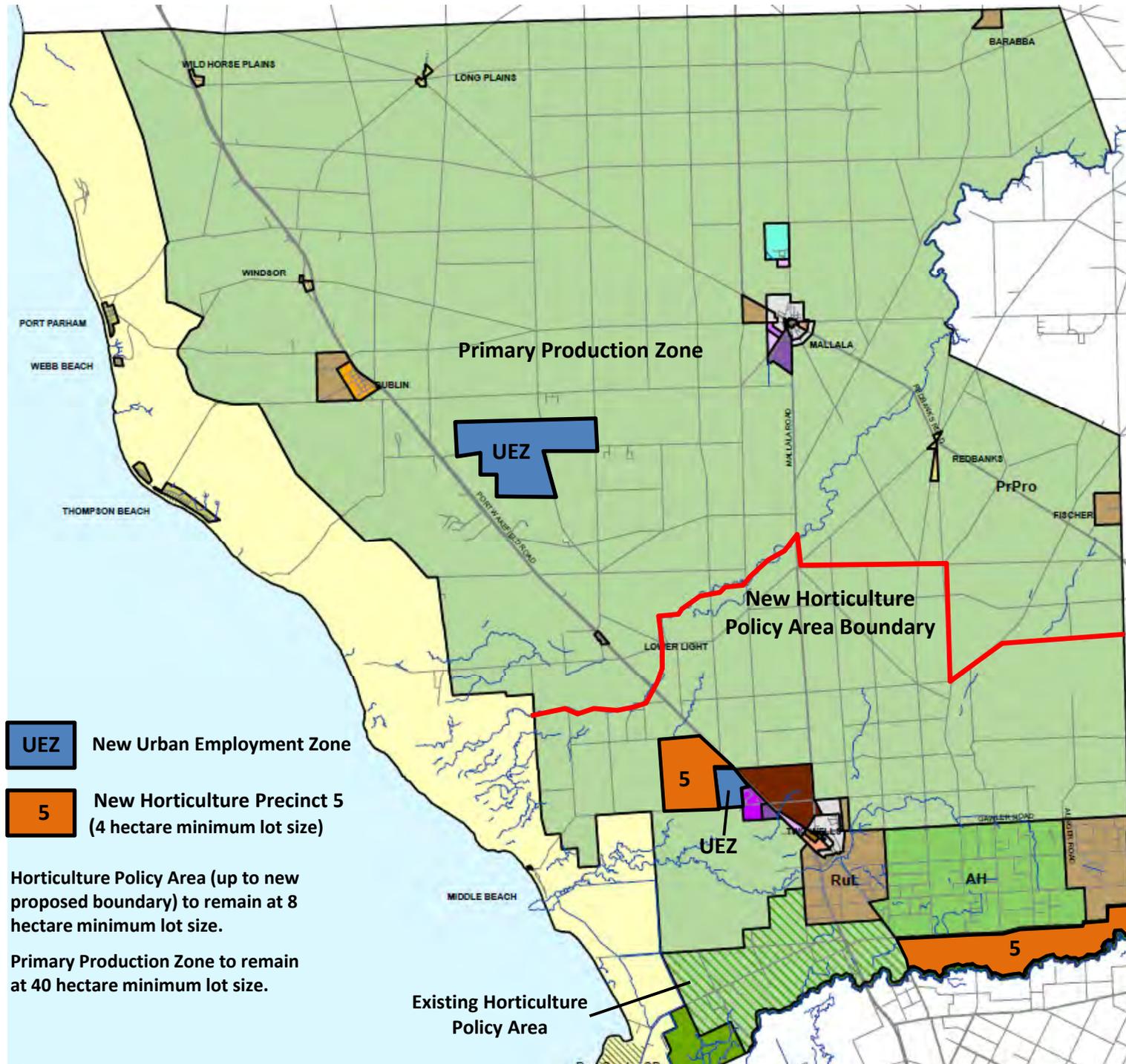
Attachments

1. Zone Map

References

Legislation

Development Act 1993



UEZ New Urban Employment Zone

5 New Horticulture Precinct 5
(4 hectare minimum lot size)

Horticulture Policy Area (up to new proposed boundary) to remain at 8 hectare minimum lot size.

Primary Production Zone to remain at 40 hectare minimum lot size.