

DEVELOPMENT NO.:	21030805
APPLICANT:	Stimson Consulting and Anthony and Angela Mackay
ADDRESS:	12 TIERS RD WOODSIDE SA 5244 CT 6219/220
NATURE OF DEVELOPMENT:	Change of use to include tourist accommodation comprising 4 self-contained accommodation units & 1x 25,000L water storage tank
ZONING INFORMATION:	Zones: <ul style="list-style-type: none">• Productive Rural Landscape Overlays: <ul style="list-style-type: none">• Environment and Food Production Area• Hazards (Flooding)• Hazards (Bushfire - High Risk)• Hazards (Flooding - General)• Hazards (Flooding - Evidence Required)• Limited Land Division• Mount Lofty Ranges Water Supply Catchment (Area 2)• Native Vegetation• Prescribed Water Resources Area• Traffic Generating Development• Water Resources
LODGEMENT DATE:	8 October 2021
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	2021.14
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Marie Molinaro Statutory Planner
REFERRALS STATUTORY:	<ul style="list-style-type: none">- Environment Protection Authority- Country Fire Service
REFERRALS NON-STATUTORY:	<ul style="list-style-type: none">- Council Engineering- Council Environmental Health

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DETAILED DESCRIPTION OF PROPOSAL:

The proposal is to establish a tourist accommodation use. The subject land contains a dwelling and associated outbuildings which are to remain. The occupant owners of the dwelling are intending to operate the tourist accommodation facility.

The proposal consists of the following:

- Four separate and self-contained tourist accommodation buildings with identical layout comprising:
 - One bedroom
 - One bathroom
 - Open plan kitchen and living area
 - Deck attached to the living area
 - Floor area of 81 square metres each. The combined floor area of the tourist accommodation buildings is 324 square metres. This excludes the decks, which each have a floor area of 20 square metres.
- The walls of the tourist accommodation buildings will be a lightweight cladding. The wall cladding of each tourist accommodation building will be a different colour. The colours are pale blue, pale green, pale brown and light grey.
- The roof the tourist accommodation buildings will be Colorbond 'Basalt' (grey).
- The tourist accommodation buildings will be single storey in design and built on stumps with a maximum height of 5m to the roof peak, incorporating a 22.5 degree roof pitch. The underfloor of each tourist accommodation building will be fully enclosed.
- The tourist accommodation buildings are clustered together and sited forward of the dwelling on its western side. The tourist accommodation buildings are setback approximately 70m from the Tiers Road boundary and 12m from the western side boundary.
- Two of the tourist accommodation buildings labelled as 1 & 2 face towards the western side boundary and the other two tourist accommodation buildings labelled as 3 & 4 face south towards Tiers Road. There is a 12m spacing between buildings 1 & 2 and buildings 3 & 4.
- Tourist accommodation building 1 is approximately 75m south-west of the existing dwelling.
- Each tourist accommodation building will provide accommodation for a maximum of two guests. This equates to eight (8) guests total if each building is fully occupied.
- The expected maximum length of use is two (2) nights. Check in time will be 2:00pm and check-out time will be 10:00am.
- Installation of one (1) 25,000L water storage tank dedicated to fire-fighting purposes to serve all the tourist accommodation buildings.
- The tourist accommodation buildings will be served by the existing access to Tiers Road, with an extension of the existing internal driveway to provide access to each accommodation building.
- Each tourist accommodation building will be provided with space adjacent for the parking of one (1) car. The car-parking space is not covered.
- Stormwater will be directed to a swale leading into a watercourse.

- Wastewater will also be managed on-site, the four (4) tourist accommodation units will be connected to the same wastewater system. The dwelling will be serviced by an existing separate on-site waste control system.
- Landscaping will be planted around the tourist accommodation buildings and along the western side boundary. Landscaping will consist of *Prunus Domestica* (Plum) and *Banksia Marginata* (Silver Banksia) trees.
- Signage is not included as part of this proposal.

The application documents are included as **Attachment 1 – Application Documents**.

BACKGROUND:

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
27 October 1980	4-261	Dwelling addition
27 July 1981	4-307	Dwelling addition
6 December 2018	18/855	Land division – boundary re-alignment (2 allotments into 2 allotments)

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 12 TIERS RD WOODSIDE SA 5244

Title ref.: CT 6219/220 **Plan Parcel:** D120474 AL50

The subject land is a regular shaped allotment with an area of 12.8 hectares on the northern side of Tiers Road. Its current uses are grazing/cropping and residential.

Built form on the land consists of a dwelling and associated outbuildings. The dwelling and associated outbuildings are centrally located on the land.

The land is undulating, with built form contained on a higher part the land. There is a watercourse which flows west to east in front of the dwelling. The watercourse drains to the Onkaparinga River which flows through the eastern part of the land and this part of the land is flood prone.

The land is mostly cleared of vegetation, besides trees which grow both along the watercourse and banks of the Onkaparinga River. The vegetation along the watercourse is mostly exotic deciduous plant species.

The land is served by one 7m wide access point/cross-over to Tiers Road. Tiers Road is a sealed Council roadway.

There are no easements or other restrictions listed on the Certificate of Title.

Locality

The locality contains a mix of grazing/cropping and rural residential uses, with the subject land being on the fringe of the Woodside township. The access point to the land is approximately 270m west of the Township Main Street Zone boundary.

The tourist accommodation buildings are approximately 140m north of the nearest dwelling on an adjacent property being 17 Tiers Road, Woodside, situated on the southern side of the road.

The subject land is identified on **Attachment 2 – Subject Land/Representation Map**. The zoning is shown on the map in **Attachment 3 – Zoning Map**.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Tourist accommodation: Code Assessed - Performance Assessed
Water storage tank: Accepted Development
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
The proposal is not listed as Accepted, Deemed to Satisfy or Restricted in the Planning & Design Code so it defaults to being a Performance Assessed type of development.

PUBLIC NOTIFICATION

- **REASON**
Tourist accommodation is exempt from public notification per Table 5 procedural matters of the Productive Rural Landscape Zone provided DTS/DPF 6.3 & DTS/DPF6.4 are met. The proposal fails to meet all of the criteria of DTS/DPF6.3 & DTS/DPF6.4 so public notification was required. Specifically, the tourist accommodation is in new buildings where the total floor area exceeds 100 square metres, and a 40m setback to all boundaries is not achieved.

Public notification was undertaken from 12 November 2021 to 2 December 2021.

- **LIST OF REPRESENTATIONS**
Five (5) opposing representations were received during the public notification period. Three (3) of the representors wish to be heard in support of their written representation.

The representors are detailed below:

Representor Name	Representor's Property Address	Wishes to be Heard	Nominated Speaker (if relevant)
Janine Croser & Rennie Barnett	25 Tiers Road, Woodside	Y	TBA
Val & Jamie Hancock	27 Tiers Road, Woodside	Y	TBA
Kellie Wayde	17 Tiers Road, Woodside	Y	TBA
Cheryl Lierton	19 Tiers Road, Woodside	N	N/A
Kym Davis	Lot 51 Tiers Road, Woodside	N	N/A

In addition, a petition in opposition to the proposal was received during the public notification period. Petitions are not a valid form of representation so it is not included as a representation.

- **SUMMARY**

The issues contained in the representations can be briefly summarised as follows:

- Negative impact on visual amenity relative to building design, siting and external material and colour selection with overlooking potential.
- Negative impact on amenity relative to increased traffic.
- Negative impact on amenity relative to noise caused by guests.
- Potential use of the buildings for purposes other than tourist accommodation, specifically long-term rental housing and worker accommodation.
- Potential land use conflicts relative to spray drift and dust associated with grazing occurring on the adjoining allotment.
- Questions re the need for the proposal noting existing tourist accommodation uses in the Woodside area.
- Questions as to whether the proposal complies with relevant zoning and planning policies.
- Questions as to whether the proposed CFS water supply will be sufficient.

A copy of the representations are included as ***Attachment 4 – Representations*** and the applicant's response is provided in ***Attachment 5 – Response to Representations***.

AGENCY REFERRALS

- Environment Protection Authority (EPA)

The EPA referral response is discussed in the Planning Assessment Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay section of the report.

- Country Fire Service (CFS)

The CFS referral response is discuss in the Planning Assessment Hazards (Bushfire – High Risk) Overlay section of the report.

INTERNAL REFERRALS

- Council Engineering

Advised that the existing access should be upgraded so that it is bitumen sealed from the edge of Tiers Road to the property boundary. Aside from this, the existing access is satisfactory. There were no identified issues relative to an increase in traffic movement associated with the proposal.

- Council Environmental Health

Approved the wastewater application associated with the proposal, and advised that the applicant will need to comply with SA Health legislation regarding water supply for the tourist accommodation units.

The referral responses are contained in ***Attachment 6 – Referral Responses***.

PLANNING ASSESSMENT

Desired outcomes

Desired outcomes are policies designed to aid the interpretation of performance outcomes by setting a general policy agenda for a zone, subzone, overlay or general development policies module. Where a relevant authority is uncertain as to whether or how a performance outcome applies to a development, the desired outcome(s) may inform its consideration of the relevance and application of a performance outcome, or assist in assessing the merits of the development against the applicable performance outcomes collectively.

Performance outcomes

Performance outcomes are policies designed to facilitate assessment according to specified factors, including land use, site dimensions and land division, built form, character and hazard risk minimisation.

Designated performance features

In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a *designated performance feature* or DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in **Attachment 7 – Relevant P&D Code Policies**.

Productive Rural Landscape Zone

Desired Outcomes	
DO1	A diverse range of land uses at an appropriate scale and intensity that capitalise on the region's proximity to the metropolitan area and the tourist and lifestyle opportunities this presents while also conserving the natural and rural character, identity, biodiversity and sensitive environmental areas and scenic qualities of the landscape.
DO2	A zone that promotes agriculture, horticulture, value adding opportunities, farm gate businesses, the sale and consumption of agricultural based products, tourist development and accommodation that expands the economic base and promotes its regional identity.
DO3	The creation of local conditions that support new and continuing investment while seeking to promote co-existence with adjoining activities and mitigate land use conflicts.

Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria

PO1.1 & DTS/DPF1.1, PO2.1 & DTS/DPF2.1, PO2.2 & DTS/DPF2.2, PO6.3 & DTS/DPF6.3, PO6.4 & DTS/DPF6.4 & PO11.1

The Desired Outcomes for the Zone seek and promote amongst other uses tourist accommodation. However, it is also desired that such activity should be undertaken in balance with conserving the natural and rural character, sensitive environmental areas and scenic qualities of the landscape.

The proposed tourist accommodation buildings are each of a modest size and height and clustered together in a cleared area below the highest point of the land. The tourist accommodation buildings are well setback from the site boundaries, achieving a minimum 12m setback and are upslope of the watercourse and outside the flood mapped area of the Onkaparinga River on the subject land. A 26m setback to the watercourse is provided.

Representor concern was raised regarding the location of the buildings and their appearance. Alternate location and building design solutions suggested in the representations were not considered feasible by the applicant.

Specifically, the applicant advised relocating the buildings to the north of the dwelling would result in a greater visual impact as they would be on a higher part of the land. Also, the location for the buildings has been chosen for guest convenience in reducing the distance required to walk to the Woodside main street.

An alternate building design of a rectangular flat roof dark pre-colour treated steel structure as put forward in one of the representations was dismissed as being cost prohibitive.

Despite the benefits in the tourist accommodation being located on a cleared site and set well back from the site boundaries, the location of the tourist accommodation buildings is considered to be quite visible from the public realm and adjacent properties. Additional landscaping per *Council's Native Habitat Landscaping and Gardening Guide* was requested, and to some extent has been included in the amended site plan but with reservations from the applicant regarding the ability to comply with the CFS vegetation management condition. The applicant also believes that the trees along the watercourse, the road verge in front of the land and additional landscaping as proposed is sufficient but has agreed via condition to provide a more detailed landscaping plan.

The recommended reserved matter requires a detailed landscaping plan, and following acceptance of the detailed landscaping plan further conditions can be imposed regarding planting timeframe and on-going maintenance.

An amended building colour scheme was also requested by staff which better blends with the natural surrounds. In response, the applicant amended the colour scheme to wall cladding in a light blue, light brown, pale green and light grey colour with Colorbond 'Basalt' roof.

Despite objections from the applicant, it is the opinion of staff that the revised colour scheme in particular the pale green and blue colour wall colour selection could blend better with the natural surrounds and rural landscape. Recommend condition three (3) controls the external colour and material selections.

As the building design is on stumps there are minimal earthworks proposed, so as to help assist maintain the natural landform. There will be some earthworks associated with the internal driveway extension, but will be

modest and not requiring significant re-shaping of the land or retaining. The internal driveway extension will be finished in compacted gravel to blend with the existing driveway.

PO6.3, DTS/DPF6.3 and PO6.4 relate directly to tourism development.

PO6.3 seeks for tourist accommodation to be associated with the primary use of the land for primary production or a primary production related value adding industry and to provide authentic visitor experiences.

Part a) of DTS/DPF6.3 seeks for tourist accommodation to be ancillary to and located on the same allotment, or adjoining allotment used for primary production or primary production related value adding industry.

Whilst the proposed tourist accommodation use may be the resulting dominant land use, the area of land dedicated to the tourist accommodation facility is approximately 4,650 square metres. This is considered to be a modest fraction of the overall site, and that the proposal will not detract from the balance continuing to be used for cropping and grazing. Further, there should be no impact on farming occurring on the adjoining site to the west, subject to buffer planting as discussed further in the Interface Between Land Uses section of this report. The subject land is also somewhat unique in the Productive Rural Landscape Zone as it is on the fringe of a Township Main Street Zone, which is considered to be advantageous for tourism development. The Township Main Street Zone amongst other matters encourages tourism development and a welcoming environment for visitors.

Part b) of DTS/DPF6.3 seeks for tourist accommodation where in a new building to not exceed a total floor area of 100 square metres. The proposal is at variance with part b) as the area used for tourist accommodation is to be spread across four (4) buildings with a combined floor area of 324 square metres (excluding the attached 20 square metre decks). However, it is worth noting that DTS/DPF6.4 does contemplate tourist accommodation in multiple buildings.

A failure to comply with criteria b) is not considered to be fatal to the proposal. The combined floor area is modest in context of the size of the land, generous boundary setbacks are provided and there is a large 140m separation to the nearest sensitive receivers not on the subject land.

Part c) of DTS/DPF6.3 seeks for tourist accommodation to not result in more than one tourist accommodation facility being located on the same allotment.

The four (4) tourist accommodation buildings are considered to be a single integrated tourist accommodation facility. They are clustered together and share the same services being access, waste control, water supply and electricity.

PO6.4 seeks for tourist accommodation in a new building or buildings (plural) to be sited, designed and of a scale that maintains a pleasant rural character and amenity. Specifically, DTS/DPF6.4 gives guidance that tourist accommodation development should be setback at least 40m from all boundaries, and to have a building height no greater than 7m above natural ground level.

The proposal complies with the height criteria, and for the most part complies with the setback criteria. However, the tourist accommodation buildings are only 12m from the western side boundary. A reduced setback is considered acceptable as the adjoining site to the west is a large grazing and cropping allotment and only two (2) of the buildings face towards the western side boundary. The other two (2) buildings face towards the watercourse and Tiers Road.

Regarding the use of the buildings, recommended condition two (2) limits the use for tourist accommodation purposes only. Use of the buildings for other purposes such as long-term rental accommodation (dwelling) would be a change of use requiring separate development approval.

It is not a feature of the planning system to question the economic need for development as it relates to representor concern expressed about the profitability of the proposal and existing similar businesses, especially as the proposed use is desired in the Zone.

Overlays

Environment and Food Production Area

Desired Outcomes	
DO1	Protection of valuable rural, landscape, environmental and food production areas from urban encroachment.

This overlay is not considered to be directly relevant to the proposal as the only performance outcome relates to land division.

Hazards (Bushfire – High Risk) Overlay

Desired Outcomes	
DO1	Development, including land division is sited and designed to minimise the threat an impact of bushfires on life and property with regard to the following risks: Potential for uncontrolled bushfire events taking into account the increased frequency and intensity of bushfires as a result of climate change High levels and exposure to ember attack Impact from burning debris Radiant heat Likelihood and direct exposure to flames from a fire front.
DO2	Activities that increase the number of people living and working in the area or where evacuation would be difficult is sited away from area of unacceptable bushfire risk.
DO3	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO2.1, PO3.1, PO4.1 PO4.2 & DTS/DPF4.2, PO4.3, PO6.2 & DTS/DPF6.2 & PO6.3	

Per the Overlay procedural matters a referral to the Country Fire Service (CFS) was required. The applicant sought the CFS referral via a pre-lodgement agreement. The CFS have no objections to the proposal, subject to directed conditions regarding access, water supply and vegetation management. The CFS conditions are included as conditions eight (8) to ten (10).

The CFS also recommended that the applicant implement a Bushfire Survival Plan for guests. The applicant has provided a copy of the Bushfire Survival Plan. As the plan is only a recommendation its implementation is included as a recommended note – see recommended note eight (8).

Regarding water supply, the CFS have advised outside of the formal referral that in summary the arrangement of, and quantity of proposed water supply for fire-fighting is greater than what is required by MBS008. MBS008 is the relevant Ministerial Building Standard – Designated bushfire prone areas.

As the CFS have no objections to the proposal, it is considered to satisfy the relevant Hazards (Bushfire – High Risk) Overlay Desired Outcomes and Performance Objectives.

Hazards (Flooding) Overlay

Desired Outcomes	
DO1	Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment through the appropriate siting and design of development.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO2.1, PO3.4 & DTS/DPF3.4	

The development area is well outside of the mapped flood area associated with the Onkaparinga River.

The watercourse below the tourist accommodation buildings is not flood mapped, however the applicant has sought a watercourse assessment report by a qualified Engineer.

The report concludes that the watercourse flood flow is located well below and outside of the proposed building site.

The proposal is considered to be sufficiently consistent with the Hazards (Flooding) Overlay.

Limited Land Division Overlay

Desired Outcomes	
DO1	The long term use of land for primary production is maintained by minimising fragmentation through division of land.

This overlay is not considered to be relevant to the proposal.

Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay

Desired Outcomes	
DO1	Safeguard Adelaide's public water supply by ensuring development has a neutral or beneficial effect on the quality of water harvested from secondary reservoirs or diversion weir catchments from the Mount Lofty Ranges.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1, PO2.1 & DTS/DPF2.1, PO2.4 & DTS/DPF2.4, PO2.5 & DTS/DPF2.5, PO3.1, PO3.2. PO3.9 & DTS/DPF3.9 & PO4.1	

In accordance with the Overlay procedural matters a referral to the Environment Protection Authority (EPA) was required.

The EPA sought additional information regarding calculations for the wastewater system design and for erosion control measures for the drainage swale to watercourse discharge area.

The applicant provided the additional information and the EPA now have no objections to the proposal, subject to a direction condition regarding the wastewater system. The EPA condition is included as condition seven (7).

As the EPA have no objections to the proposal, it is considered to satisfy the relevant Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay Desired Outcomes and Performance Objectives.

Native Vegetation Overlay

Desired Outcomes	
DO1	Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystems services, carbon storage and amenity values.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & DTS/DPF1.1	

The development area is clear of native vegetation and the applicant has signed the native vegetation declaration, which complies with DTS/DPF1.1.

Prescribed Water Resources Overlay

Desired Outcomes	
DO1	Sustainable water use in prescribed surface water resources areas maintains the health and natural flow paths of watercourses.

This overlay is not considered to be directly relevant to the proposal as the DTS/DPF criteria relate to activities that require water allocation licences from Landscape South Australia such as horticulture, forestry and new dams or alterations to existing dams.

Water Resources Overlay

Desired Outcomes	
DO2	Maintain the conveyance function and natural flow paths of watercourses to assist in the management of flood waters and stormwater runoff.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & PO1.5 & DTS/DPF1.5	

The proposed building works and driveway areas are clear of the watercourses.

DTS/DPF1.5 seeks a 20m strip of land from the banks of watercourse to be free from development. Tourist accommodation buildings 3 & 4 are 26m north of the watercourse draining into the Onkaparinga River and it is considered that the proposal accords with this DPF.

Traffic Generating Development Overlay

Desired Outcomes	
DO1	Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users.
DO2	Provision of safe and efficient access to and from urban transport routes and major urban transport routes.

This overlay is not considered to be directly relevant to the proposal as the DTS/DPF criteria relate to impact on state maintained roads by large scale land division, commercial and education facility type developments. The development is not on a state maintained road.

General Development Policies

Clearance from Overhead Powerlines

Desired Outcomes	
DO1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & DTS/DPF1.1	

The applicant has signed the building safety near powerlines declaration, which complies with DTS/DPF1.1.

Design

Desired Outcomes	
DO1	<p>Development is:</p> <ul style="list-style-type: none"> a. contextual – by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area b. durable – fit for purpose, adaptable and long lasting c. inclusive – by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors d. sustainable – by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO3.1, PO6.1 & DTS/DPF6.1, PO7.5, PO7.7, PO8.1 & DTS/DPF8.1, PO15.1, PO20.1 & PO21.1 & DTS/DPF21.1	

With regard to DO1 part a) on balance the proposal is considered to respond positively to the natural surrounds and contribute positively to the character of the area.

The location of the tourist accommodation buildings is on a cleared and relatively level area of the site which is above the watercourse and outside of the flood affected area of the site. The positioning takes advantage of existing infrastructure being the existing access point, internal driveway, electricity and water supply connections. The buildings are on stumps so as to minimise earthworks and modification to the landscape.

Dwellings in the locality are typically single storey, brick construction incorporating articulated façade, roof pitches and muted colour schemes.

Whilst the tourist accommodation buildings will be of a light weight cladding construction the buildings are articulated in their design including a pitched roof with eaves, varying size openings, open deck and external staircases for entry. The revised roof colour from a light Colorbond 'Windspray' to darker grey Colorbond 'Basalt' is an improvement which is considered to blend better with the existing surrounds.

Regarding the external staircases the Council Building Officer advice is that as the facility comprises four (4) accommodation buildings that at least one (1) will need to be amended to have a ramp access to meet universal access requirements. Recommended note three (three) reminds the application of this requirement.

This change can be made as a minor variation during the Building Rules assessment if the Panel resolves to grant Planning Consent.

It is also considered likely that it will be of importance to the owner-operators to maintain the site to a high standard to appeal to visiting guests helping to further positively contribute to the amenity of the locality.

Proposed units 3 & 4 face south towards Tiers Road but are setback approximately 70m from the front boundary. Due to this large setback there will not be direct overlooking to the dwellings on adjacent land on the southern side of Tiers Road – 27, 25 & 17 Tiers Road. It is acknowledged that there will be views of paddocks from the proposed tourist accommodation units but this is not considered to constitute unreasonable overlooking.

Infrastructure and Renewable Energy Facilities

Desired Outcomes	
DO1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO 11. & DTS/DPF 11.1, PO 12.1 & DTS/DPF 12.1 & PO 12.2 & DTS/DPF 12.2	

PO11. & DTS/DPF11.1 relate to water supply. The tourist accommodation buildings will be connected to a large existing water storage tank for their potable water supply. Council Environmental Health have advised that mains connection is preferable, but that ultimately the operators will need to comply with SA Health legislation regarding this matter. The applicant is aware of this, and recommended note four (4) also highlights this.

PO12.1, DTS/DPF12.1 & PO12.2 & DTS/DPF12.2 relate to wastewater service.

PO 12.1 seeks for development to be connected to a common wastewater disposal service such as sewer or CWMS. This is not available to the subject land, so wastewater will be managed on-site. The new waste system will be wholly contained within the boundaries of the subject land, and it will comply with the requirements of the Public Health Act 2011 as approval for the wastewater system has been granted by Council Environmental Health.

The proposed building works do not encroach upon the existing waste control system servicing the dwelling.

For hard waste management, each tourist accommodation unit will be provided with an internal bin which will be emptied into a larger bin in one of the outbuildings on the land for collection by Council waste contractor East Waste.

The proposal is consistent with the Infrastructure and Renewable Energy Facilities policies.

Interface between Land Uses

Desired Outcomes	
DO1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO2.1, PO4.5, PO9.1, PO9.6 & PO9.7	

PO2.1 seeks for non-residential development to not unreasonably impact the amenity of sensitive receivers through its hours of operation with regard to the nature of the development, measures to mitigate off-site impacts and the extent to which the development is desired in the Zone.

The proposed check-in and check-out times are considered to be fairly standard for tourist accommodation, and the proposal small in scale accommodating a maximum of eight (8) guests at any one time. Tourist accommodation is desired in the Productive Rural Landscape Zone.

Representor concern was noted regarding possible noise impact from guest behaviour. The operators of the proposal live on the land, so will have influence in managing guest behaviour and possible noise issues.

POs 9.1, 9.6 & 9.7 relate to interface with rural activities. The adjoining land to the west is also used for cropping/grazing. The owners of this adjoining site submitted a representation with concern regarding impact on their operations resulting from the proposal.

In response, the applicant has now included as part of the proposal a landscaped buffer between the tourist accommodation buildings and the western side boundary. As noted earlier, it is recommended that a full landscaping plan be provided to the satisfaction of the Assessment Manager as a reserved matter. Following acceptance of the landscaping plan as a reserved matter further conditions can be imposed regarding planting time frame and on-going maintenance.

It is also expected that as the buildings are proposed to be used for temporary occupation there should be reduced likelihood of on-going interface issues. As the applicant noted in their response to the representations *“guests will be deliberately making the decision to come stay for a few nights in a rural area and will expect the noises and smells of a rural location.”*

The applicant advised that it was not desirable to locate the tourist accommodation buildings on the eastern side of the existing driveway as they would be more visible in this location. The eastern side of the driveway is not screened by any existing landscaping.

The applicant intends to install lighting at intervals along the driveway, and the side of each tourist accommodation unit will be fitted with a single light on the side next to the parking areas. Recommended condition four (4) ensures that external lighting be managed to not cause nuisance to adjacent residential uses.

The proposal is considered consistent with the Interface Between Land Uses policies.

Site Contamination

Desired Outcomes	
DO1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been subject to site contamination.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & DTS/DPF1.1	

The proposal is for a change of use to include tourist accommodation. However, tourist accommodation is not more sensitive than the existing residential use. Therefore DTS/DPF1.1 part b) is met and no site investigations were required.

Tourism Development

Desired Outcomes	
DO1	Tourism development is built in locations that cater to the needs of visitors and positively contributes to South Australia's visitor economy.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & PO1.2	

Tourist accommodation is a desired use in the Productive Rural Landscape Zone in which the subject land is situated. The subject land is conveniently located in close proximity to the Woodside township and its visitor attractions.

PO1.2 seeks for tourist development comprising multiple accommodation units to be clustered to minimise environmental and contextual impact. The proposal complies with PO1.2.

The proposal is consistent with the Tourism Development policies.

Transport, Access and Parking

Desired Outcomes	
DO1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.4 & DTS/DPF1.4, PO3.1 & DTS/DPF3.1 & PO5.1 & DTS/DPF5.1	

Access to the proposed tourist accommodation buildings will be via an existing 7m wide cross-over to Tiers Road. Tiers Road is a sealed Council roadway, with connection to arterial roadway Onkaparinga Valley Road. Recommended condition five (5) requires the cross-over be sealed to the edge of Tiers Road as per Council Engineering advice.

Visitor vehicles will be able to enter and exit the site in a forward motion, and the existing internal driveway could be widened if necessary to cater for two-way vehicle movements. However, due to the cross-over width, clear sightline along the driveway and expected infrequent vehicle movements it is not considered necessary to seek any modifications to the existing internal driveway.

There is no impact on the existing vehicle parking arrangement for the dwelling on the land.

Each tourist accommodation building will be provided with one (1) uncovered space adjacent for vehicle parking. This complies with Table 1 – General Off-Street Car Parking Requirements of the Planning & Design Code. Table 1 does not seek for the parking space to be covered.

Representor concern was raised regarding increased traffic movements associated with the proposal. Council Engineering has raised no concern with this. Also as noted above in the report, vehicle movements are expected to be infrequent due to the nature of the proposal. It is anticipated with tourist accommodation that guests will mostly be out during the day reducing vehicle movements relative to, or in comparison with residential development types.

The proposal is consistent with the Transport, Access and Parking policies.

CONCLUSION

The proposal is to introduce a tourist accommodation use to a grazing, cropping and residential property in the Productive Rural Landscape Zone.

Tourism development is encouraged in the Zone particularly where it is associated with, and ancillary to primary production occurring on the same or adjoining land.

Whilst tourist accommodation may not be the ancillary future use occurring on the subject land, the relatively small footprint of overall land dedicated to the tourist accommodation use should not take away from grazing and cropping occurring on the balance of the land. The adjoining land is also used for primary production.

In addition, the subject land is considered to be somewhat unique in the Zone as for tourism development it has the advantage of being on the fringe of a Township Main Street Zone. The Township Main Street Zone amongst other matters encourages tourism development and a welcoming environment for visitors.

The proposal required referrals to the Environment Protection Authority and SA Country Fire Service. Both referral agencies were satisfied with the proposal, subject to directed conditions and advisory notes.

The applicant has also agreed to conditions restricting the use of the buildings for their intended purpose for tourist accommodation. Any change to the use of the buildings for long term rental accommodation raised as a concern in the representations would require separate development approval.

Subject to further conditions relating to building appearance and landscaping the proposal is considered to maintain a pleasant scenic landscape quality as desired in the Productive Rural Landscape Zone.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- 2) Development Application Number 21030805, by Stimson Consulting and Anthony and Angela Mackay for Change of use to include tourist accommodation comprising 4 self-contained accommodation units & 1x 25,000L water storage tank at 12 Tiers Road Woodside is GRANTED Planning Consent subject to the following conditions:

RESERVED MATTERS

The Council requires the following matters which are reserved pursuant to Section 102(3) of the Planning, Development and Infrastructure Act 2016 to be addressed prior to Development Approval being granted to the reasonable satisfaction of the Assessment Manager:

- 1) A detailed Landscaping plan shall be prepared and submitted detailing plant species and locations. The landscaping plan shall be prepared by a suitably qualified professional.

Plant species detailed in the landscaping plan shall be selected from the Council's *Native Habitat Landscaping and Gardening Guide* or *Native Habitat Gardening Guide for Low Flammability Gardens*. The guides can be downloaded from: [Resident Native Habitat Gardening \(ahc.sa.gov.au\)](http://ahc.sa.gov.au)

NOTE: Further conditions may be imposed on the Planning Consent in respect of the above matter.

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
- 2) The person(s) having the benefit of this consent shall refrain from permitting the use of the tourist accommodation buildings for provision of long-term accommodation or as separate dwellings. The tourist accommodation units shall be used and operated on a short-term rental arrangement with a maximum of a one (1) month stay per occupancy.

A logbook shall be kept of all occupancies for each calendar year and made available for inspection by the Council upon request.

- 3) External colours and materials shall be as follows:
ROOF: Colorbond 'Basalt' or similar
WALLS: Light weight cladding in subdued colours which blend with the natural features of the landscape such as browns, greys and beige
- 4) All external light shall be directed away from residential development and shielded if necessary to prevent light spill causing nuisance to the occupiers of adjacent residential properties.

- 5) Prior to occupation of the tourist accommodation units the vehicle crossover shall be sealed in Hotmix bitumen from the edge of Tiers Road to the property boundary to Council satisfaction.
- 6) All roof runoff generated by the development hereby approved shall be managed on-site to the satisfaction of Council using design techniques such as:
 - Rainwater tanks
 - Grassed swales
 - Stone filled trenches
 - Small infiltration basins

Stormwater overflow management shall be designed so as to not permit trespass into the effluent disposal area. Stormwater shall be managed on site with no stormwater to trespass onto adjoining properties.

Conditions imposed by the Environment Protection Authority under Section 122 of the Act

- 7) The on-site wastewater system must be installed in accordance with that proposed in the Wastewater Engineer's Report, prepared by Archer Environmental, dated 24 January 2022, and include:
 - a) the installation of an Ozzi Kleen RP10A+ system
 - b) the construction of a 220sqm irrigation area, to be located more than 50m from the nearest watercourses and bores, more than 1.2m from the seasonal groundwater table, on a slope less than 20% and not in the 10% AEP flood zone
 - c) vegetating the irrigation area with a good quality woodlot, to be regularly maintained
 - d) bunding of the irrigation area prior to operation to prevent stormwater runoff entering the area, or runoff, from over-irrigating, leaving the area.

Conditions imposed by the South Australian Country Fire Service under Section 122 of the Act

ACCESS TO HABITABLE BUILDING

- 8) 'The Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Objective 6.2) details the mandatory requirements for 'Private' roads and driveways to facilitate safe and effective use, operation and evacuation for firefighting and emergency personnel and evacuation of residents, occupants and visitors where required. These requirements apply when the furthest point of the building is more than 60m from the nearest public road.

SA CFS has no objection to the proposed access driveway as detailed on drawing named SITE PLAN, dated at last revision 02/09/2021, with the following conditions:

- The driveway shall be connected to a formed, all-weather public road with the transition area between the road and driveway having a gradient of not more than 7 degrees (1-in-8)
- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire-fighting vehicles, to within 60m of the furthest point of the building.
- The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either – I) A loop road around the building, OR II) A turning area with a minimum radius of 12.5 metres, OR III) A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres, OR IV) A 'U' shaped drive through design. • Private access shall have minimum internal radii of 9.5 metres on all bends.
- Private access shall provide overhead clearance of not less than 4.0m horizontally and vertically between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures.

- Understorey vegetation either side of the access road shall be reduced to a maximum height of 10cm for a distance of 3 metres. Mature trees within this fuel reduced zone may remain.
- The all-weather road is to be constructed such that it is protected from water erosion of the traffic surface. The road surface shall be profiled to manage storm water run-off to appropriate drains, at one or both sides of the traffic surface. The accumulated volumes of water shall be directed via: I) open drains, or II) culverts and pipes under the traffic surface, and / or away from same, without causing further soil erosion, silting of adjacent areas or water courses or instability of any embankment or cutting.
- Solid crossings over waterways shall be provided to withstand the weight of large bushfire appliances (GVM 21 tonnes).

WATER SUPPLY & ACCESS (to dedicated water supply)

- 9) Ministerial Building Standard MBS008 “Additional requirements in designated bushfire prone areas” 2020, as published under the Planning, Development and Infrastructure Act 2016 provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with MBS008. ‘The Planning and Design Code’ Hazards (Bushfire – High Risk) Overlay (Performance Objective 4.3) details the mandatory requirements for the site to provide a dedicated hardstand area in a location that allows fire fighting vehicles to safely access the dedicated water supply.

SA CFS has no objection to the proposed location for the dedicated water supply as detailed on drawing named SITE PLAN dated at last revision 02/09/2021 providing the outlet is positioned to comply with the following conditions:

- The water supply outlet shall be easily accessible and clearly identifiable from the access way and is no greater than 60m path of travel to the furthestmost point of the building, to enable fire services to reach all parts of the house with no more than two lengths of hose from the hardstand area.
- The dedicated water supply and its location should be identified with suitable signage (i.e. blue sign with white lettering “FIRE WATER”).
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- Provision shall be made adjacent the water supply for a nominally level hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
- SA CFS appliance inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.
- A gravity fed water supply outlet may be remotely located from the tank to provide adequate access.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.

Please note that where the water supply is an above-ground water tank, the tank (including any support structure) must be constructed of non-combustible material, such as concrete or metal.

VEGETATION MANAGEMENT

- 10) 'The Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Objective 4.2) details the mandatory requirements to establish and maintain an asset protection zone. As such landscaping shall include Bushfire Protection features that will prevent or inhibit the spread of bushfire and minimise the risk to life and/or damage to buildings and property and maintain a fuel reduced zone for safe movement of occupants and fire fighters.
- A vegetation management zone (VMZ) shall be established and maintained within 20 metres of each of the habitable buildings (or to the property boundaries – whichever comes first) as follows:
 - i. The number of trees and understorey plants existing and to be established within the VMZ shall be maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'.
 - ii. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
 - iii. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
 - iv. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
 - v. Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height.
 - vi. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
 - vii. No understorey vegetation shall be established within 1 metre of the habitable building (understorey is defined as plants and bushes up to 2 metres in height).
 - viii. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves.
 - ix. The VMZ shall be maintained to be free of accumulated dead vegetation.
 - A single row of trees or shrubs are permitted closer to the building than their mature height for screening purposes, providing they are not connected to other hazardous vegetation, are not within close proximity of timber building elements, windows and doors and do not touch or overhang any part of the building. Screening plants should have low flammability characteristics, be kept in optimum health, pruned regularly and any dead vegetation removed.

ADVISORY NOTES

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or

- b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

Planning Consent

- 1) This Planning Consent is valid for a period of twenty four (24) months commencing from the date of the decision.

Building Consent must be applied for prior to the expiry of the Planning Consent.

- 2) A separate development application is required for any signs or advertisements (including flags and bunting) associated with the development herein approved.
- 3) A ramp may be required to at least one (1) of the tourist accommodation buildings to provide universal access per Building Rules assessment matters.
- 4) The operators shall follow the advice of SA Health regarding the Safe Drinking Water Act (2011) requirements for potable water supply to the tourist accommodation units. An exemption may be required from SA Health to provide water via the existing water storage tank.

Advisory Notes imposed by the Environment Protection Authority under Section 122 of the Act

- 5) The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.
- 6) The applicant is advised that, during site works, appropriate measures should be put in place to ensure no soil transport during rain events occurs. This could include removing the vegetation from only the area necessary for the building, using silt fences on the downhill side of the exposed area to capture any soil in the runoff, and appropriately managing any soil stockpiles kept on site with silt fencing, or through temporary coverage with matting or hydroseeding. Further guidance may be sought from the EPA's *Stormwater pollution prevention code of practice for the building and construction industry* http://www.epa.sa.gov.au/files/47790_bccop1.pdf and the EPA's *Handbook for Pollution Avoidance on Commercial and Residential Building Sites*.
- 7) More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au

Advisory notes imposed by the South Australian Country Fire Service Under Section 122 of the Act

TOURIST ACCOMMODATION – BUSHFIRE SURVIVAL PLAN

- 8) CFS recommends:
 - The applicants to prepare and display a BUSHFIRE SURVIVAL PLAN (BSP) designed specifically for the purpose of any guests that may be in residence during a bushfire event, especially during the Fire Danger Season.

- This BSP should give clear directions to persons that may be unfamiliar with the area/locality and unfamiliar with what protective actions they may need to take to protect their lives during a bushfire event, including when to take such protective actions.
- The BSP should address the possibility that the owners may not be present at the time of the bushfire event.
- The BSP should not expect guests to be involved in fire-fighting operations.
- The SA CFS 'Bushfire Safety and Survival for Business and Organisations' document (refer to CFS website) should be utilised as a basis for information and the drafting of the (GUEST) BSP.
- The applicant should consider reducing operating hours and restrictions on days of extreme weather or bushfire events.

BUILDING CONSIDERATIONS

- 9) Ministerial Building Standard MBS 008, Designated bushfire prone areas – additional requirements, July 2020, as published under the Planning, Development and Infrastructure Act 2016, applies to this site.

Please refer to the NCC, relevant standards and state provisions for construction requirements and performance provisions.

A site Bushfire Attack Level (BAL) assessment was conducted in accordance with the NCC and Australian Standard™3959 (AS3959) "Construction of Buildings in Bushfire Prone Areas".

Category of BAL 19.

OFFICER MAKING RECOMMENDATION

Name: Marie Molinaro
Title: Statutory Planner

DEVELOPMENT NO.:	21035577
APPLICANT:	Adelaide Hills Council
ADDRESS:	Building 10-22E 1 LOBETHAL RD LOBETHAL SA 5241
NATURE OF DEVELOPMENT:	Demolition of building 12A & B Alterations and additions to building 14 which will include a change of use to the existing offices to include accommodation (artist short term accommodation), a new bridge to building 20 and a ground floor addition (community facility including a shop, office and amenities), and Construction of a small plant & equipment compound behind building 20.
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Employment Overlays: <ul style="list-style-type: none"> • Hazards (Flooding) • Hazards (Bushfire - Medium Risk) • Heritage Adjacency • Mount Lofty Ranges Water Supply Catchment (Area 2) • Native Vegetation • Prescribed Water Resources Area • Regulated and Significant Tree • State Heritage Place • Traffic Generating Development • Urban Transport Routes • Water Resources Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> • Minimum Frontage • Minimum Site Area
LODGEMENT DATE:	22 Nov 2021
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	2021.16 4 November 2021
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Melanie Scott Senior Statutory Planner
REFERRALS STATUTORY:	State Heritage
REFERRALS NON-STATUTORY:	Council Engineering

CONTENTS:

ATTACHMENT 1: CAP Locality Map

ATTACHMENT 2: Zoning Map:

ATTACHMENT 3: Proposal Plans

ATTACHMENT 4: State Heritage Response

ATTACHMENT 5: Planning and Design Code Rules

DETAILED DESCRIPTION OF PROPOSAL:

The proposal is an addition to previous applications to make changes to the three buildings forming the Fabrik arts hub operated by Council at the former Lobethal Woollen Mills complex.

The Fabrik arts hub is to consist of artist studios, art display and workshop/performance areas with ancillary retail sales and special events within buildings 12A-12B, 20A-20F and 21 of the complex. CAP granted Development Plan Consent for the change of use on 14 October 2020.

The changes proposed in this application are listed below:

- Building 12A-12B is being demolished in favour of a new building which will connect to Building 14.
- The replacement building will be single storey and configured with a meeting space, kitchen area, display and bathroom facilities which form part of the link between the new building and building 14..
- Building 14 will have a number of internal alterations including the first floor becoming a dedicated meeting space with a physical connection/link to building 20A-20F which is an open first floor link (referred to as a bridge).
- The ground floor of Building 14 will be reconfigured with a link to the proposed new building 12, two (2) offices, a bathroom including shower and a studio for short term artist accommodation.
- Construction of a small plant & equipment compound behind building 20 (behind the existing public toilet block on the adjacent allotment).

There are no changes proposed to the use or approved operating conditions of the Fabrik arts hub. The extended works are the result of success in securing grants to fund more extensive works.

BACKGROUND:

This application was scheduled for the February 2022 CAP meeting however public notification had not been undertaken. The Council Assessment Panel resolved in February to DEFER consideration of Development Application Number 21035577 by Adelaide Hills Council for demolition of Buildings 12A & 12B, alterations and additions to Building 14 which will include a change of use to the existing offices to include accommodation (artist short term accommodation), a new bridge to Building 20 and a ground floor addition (community facility including a shop, office and amenities); and construction of a small plant and equipment compound behind Building 20 at Buildings 10-22E / 1 Lobethal Road, Lobethal to allow for further processing of the Application. The application has since been notified and there were no representations (see that section of this report).

The application is separate to the other item presented and approved at the February 2022 CAP meeting for the Fabrik arts hub and is the next stage of the works proposed in the other application. The new building will have a slightly smaller footprint than the existing building which it replaces but is considered to have a more pleasing aesthetic appearance with an increase in landscaped areas between the proposed building and building 20.

Building 12

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
14 October 2020	18/802/473	Change of use of buildings numbered 12A-12B, 20A-20F & 21, and associated building alterations (internal fitout) and car parking: Building 12A-12B – change of use from offices to offices and light industry (artist studios) with associated ancillary retail sales;

		<p>Building 20A-20F – change of use from offices and museum to light industry (artist studios), art gallery (x 2) with associated ancillary retail sales & special events (maximum 20 per year for 150 persons), and hall and associated special events (maximum 12 per year for 30 persons);</p> <p>Building 21 – change of use from group of shops (markets) to light industry (artist studio), art gallery with associated special events (maximum 8 per year for 200 persons), museum and associated ancillary retail sales at 12A-12B/1 Lobethal Road, 20A-20F/1 Lobethal Road and 21/1 Lobethal Road, Lobethal</p>
12 September 2018	17/4/473	Community title land division (6 allotments into 4), including reserve allotments and common property

Internal correspondence accepts office as the existing use.

Building 20

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
14 October 2020	18/802/473	<p>Change of use of buildings numbered 12A-12B, 20A-20F & 21, and associated building alterations (internal fitout) and car parking:</p> <p>Building 12A-12B – change of use from offices to offices and light industry (artist studios) with associated ancillary retail sales;</p> <p>Building 20A-20F – change of use from offices and museum to light industry (artist studios), art gallery (x 2) with associated ancillary retail sales & special events (maximum 20 per year for 150 persons), and hall and associated special events (maximum 12 per year for 30 persons);</p> <p>Building 21 – change of use from group of shops (markets) to light industry (artist studio), art gallery with associated special events (maximum 8 per year for 200 persons), museum and associated ancillary retail sales at 12A-12B/1 Lobethal Road, 20A-20F/1 Lobethal Road and 21/1 Lobethal Road, Lobethal</p>
28 October 2019	19/568/473	Alterations to Building 20 – internal – removal of office fit-out & replacement kitchen, removal of wall mounted computer server equipment and repair of opening & repair ceiling gaps – external – installation of 3x air-conditioning units, 2x motion sensors & 1x flood light
05 August 2019	19/567/473	Installation of 1x wall mounted air-conditioning unit to Building 20 (air-conditioning unit 4 only)

1 July 2019	19/509/473	Painting of interior walls of Building 20 – part of lower ground floor only
12 September 2018	17/4/473	Community title land division (6 allotments into 4), including reserve allotments and common property
02 March 2017	17/89/473	Repairs & maintenance works to State Heritage Listed Buildings
19 August 2008	08/559/473	Internal alterations to existing building to provide new toilet facilities Notes in the file show the building use as costume museum.

Internal correspondence shows this building was also used as offices.

Building 21

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
14 October 2020	18/802/473	Change of use of buildings numbered 12A-12B, 20A-20F & 21, and associated building alterations (internal fitout) and car parking: Building 12A-12B – change of use from offices to offices and light industry (artist studios) with associated ancillary retail sales; Building 20A-20F – change of use from offices and museum to light industry (artist studios), art gallery (x 2) with associated ancillary retail sales & special events (maximum 20 per year for 150 persons), and hall and associated special events (maximum 12 per year for 30 persons); Building 21 – change of use from group of shops (markets) to light industry (artist studio), art gallery with associated special events (maximum 8 per year for 200 persons), museum and associated ancillary retail sales at 12A-12B/1 Lobethal Road, 20A-20F/1 Lobethal Road and 21/1 Lobethal Road, Lobethal
12 September 2018	17/4/473	Community title land division (6 allotments into 4), including reserve allotments and common property
02 March 2017	17/89/473	Repairs & maintenance works to State Heritage Listed Buildings
11 November 2003	03/1040/473	Change of use from museum to market

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: Building 10-22E 1 LOBETHAL RD LOBETHAL SA 5241

Title ref.: CT 6223/762 **Plan Parcel:** C41623 FL203 **Council:** ADELAIDE HILLS COUNCIL

The subject buildings are located in the former Lobethal Woollen Mills complex on the northern side of Lobethal Road. The complex contains multiple buildings and a variety of industrial and commercial uses. There are parking areas to the north and south-west of the site, providing approximately 132 shared parking spaces. A further 28 parking spaces are available on-street directly adjacent to the site.

The largest parking area on-site is to the north and it is approximately 115m away from the proposed Fabrik buildings. The entrance to this car-park is from Main Street, which is opposite a cluster of dwellings on the eastern side of Main Street. The car-park is also in view of a cluster of residential properties along Mill Road to the west.

The complex is in the State Heritage Place Overlay and listed as a State Heritage Place.

Locality

The locality contains a mix of commercial and residential land uses. Building 21 will remain the closest building to residential property, with a separation distance of approximately 70m to 3 Lobethal Road to the west.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - Other - Community - Community Facility including shop, office, artist in residence accommodation and gallery: Code Assessed - Performance Assessed.
 - Internal building work/Demolition: Code Assessed - Performance Assessed (by virtue of being a State Heritage Place).
- External building additions – Code Assessed – Performance Assessed.
- Change of use: Code Assessed - Performance Assessed.
- **OVERALL APPLICATION CATEGORY:**
 - Code Assessed - Performance Assessed.
- **REASON**
 - In the Employment Zone internal building work is designated as Accepted development, except where the State Heritage Overlay applies. The works are not listed as Accepted development so the proposal defaults to being Performance Assessed. The new building is Performance Assessed as is the proposed change of use to include the short term artist accommodation.
- **REASON**
 - P&D Code

PUBLIC NOTIFICATION

REASON: Given the proposal involves the demolition of a building in a State Heritage Place in accordance with table 5 of the zone public notification was undertaken from 17 February – 9 March 2022. There were no representations.

AGENCY REFERRALS

- State Heritage

No issues however 3 conditions with regards to materials and finishes. The State Heritage response is included as ***Attachment 4 – STATE HERITAGE REFERRAL Response.***

INTERNAL REFERRALS

- Engineering

Notes although decreased roof area an increased impervious area so have conditioned a stormwater management plan for the impervious area prior to issue of building rules consent.

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in ***Attachment 6 – Relevant P&D Code Policies.***

Employment Zone

Desired Outcomes	
DO1	A diverse range of low-impact light industrial, commercial and business activities that complement the role of other zones accommodating significant industrial, shopping and business activities
DO2	Distinctive building, landscape and streetscape design to achieve high visual and environmental amenity particularly along arterial roads, zone boundaries and public open spaces
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & DTS/DPF1.1, PO/DPF1.2 & PO2.1, PO2.2, PO/DPF3.1, PO/DPF5.2	

The proposal enhances the existing approved activities on-site noting those activities are as envisaged in PO1.1. The proposed shop/gallery portion of the new building is considered to meet relevant elements of DPF1.2 in that it proposes a gross leasable floor area of less than 100m² and is ancillary to and located on the same allotment as an industry and primarily involves the sale by retail of goods manufactured by the industry.

The proposed works are considered to offer a distinctive building, landscape and streetscape design to improve the visual and environmental amenity particularly along an arterial road, zone boundaries and public open spaces as envisaged in PO2.1. There is a gutter overhang in a small portion of the north eastern corner of the proposed building which is proposed to be accommodated with an easement of the adjacent land plan, noting the adjacent land is a common area in relation to the whole precinct.

Proposed varied materials and the tweaking proposed by the State Heritage Conditions are in accordance with PO/DPF3.1. The proposed new building is set back from the front boundary further than building 21 and the bridge and compound are behind existing buildings on-site. The proposal therefore meets PO/DPF3.1.

The proposal does include some soft and hard landscaping forward of the new building and within the site and is considered to meet PO/DPF 5.2.

The artist accommodation whilst not envisaged in the zone is at a minor scale, being a single bed, and in a location on the site where the amenity of the locality is not adversely impacted and the proposal is considered reasonable in the context of the use of the site. A condition (refer recommended condition 2) is proposed regarding the use of the accommodation.

Overlays

There are multiple Overlays that apply. The State Heritage Overlay is most considered relevant to the proposal.

State Heritage Place Overlay

Desired Outcomes	
DO1	Development maintains the heritage and cultural values of State Heritage Places through conservation, ongoing use and adaptive reuse consistent with Statements of Significance and other relevant documents prepared and published by the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the Heritage Places Act 1993
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1, PO1.2, PO1.3, PO1.4, PO1.5, PO1.6, PO1.7, PO2.2 & PO3.2	

The proposal required a referral to State Heritage. State Heritage as the experts are satisfied with the proposal, subject to 3 conditions being imposed on any Planning Consent granted.

As State Heritage are accepting of the proposal it is considered to meet the Desired Outcome and Designated Performance Features of the State Heritage Place Overlay, including the new building maintaining the heritage value of the buildings.

General Development Policies

Clearance from Overhead Powerlines

Desired Outcomes	
DO1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & DTS/DPF1.1	

The applicant has signed the building safety near powerlines declaration, which complies with DTS/DPF1.1

Design

Desired Outcomes	
DO1	<p>Development is:</p> <ol style="list-style-type: none"> 1. contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area 2. durable - fit for purpose, adaptable and long lasting 3. inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors 4. sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.3 & DTS/DPF1.3, PO1.5, PO2.2, PO2.5, PO3.1, PO8.1 & DTS/DPF8.1, PO12.1 & DTS/DPF12.1, Transport, Access and Parking PO3.1 & DTS/DPF3.1, PO5.1 & DTS/DPF5.1	

The proposed development is considered to generally accord with the design and infrastructure requirements of the Code, acknowledging that generally the built form, scale and design of the proposed building is already substantially established by the building to be demolished. The proposed additions and alterations are generally within the existing building footprint and curtilage area. The building work is acceptably compact and concealed, addressing the Lobethal Road frontage, with existing trees, proposed landscaping and the existing community space providing a building address which is not considered dominant in the streetscape. There is a compound proposed to the rear of the new building for storage of waste receptacles and plant. Furthermore State Heritage is supportive of the proposal.

The proposed built form and landscaping features are considered to enhance the locality, in particular the adjacent Mill Square.

The development requires minimal earthworks for preparation of the building site.

The proposed development is connected to SA Water services including water and wastewater utilities and therefore presents no issues in respect of on-site wastewater management.

The proposed works are not considered to change the existing parking arrangements and requirements for the site. There are no parking changes as part of this proposal and parking is in the main located some 200 metres to the north of the proposed building. This parking is accessible via the Lobethal Road footpath and internal pathways to the rear of the site.

Importantly this application is part of a suite of applications for this site and proposes universal access compliant openings in the new building. Other applications have addressed universal access upgrades to the existing buildings and associated parking provisions.

CONCLUSION

The proposal is seeking to upgrade an existing building with a replacement building and to improve linkages between buildings on the site which are used complimentary to each other. The use of one room in building 14 for single person accommodation on an occasional basis is considered incidental to the works on the site. The proposed bridge and service enclosure are behind existing buildings on the land and considered to have minimal visual impact on the amenity of the area. Design wise the new building is considered an improvement to the functionality and amenity of the site whilst offering a more effectively designed space. It could be said public notification, which attracted no representations demonstrates neighbouring landowners and the community have no concern in relation to the proposal and its impact. The proposal does not change the way the site is to be used, but rather offers more efficient and effective spaces and amenity enhancements for waste management without changing the expected number of visitors to the site.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and**
- 2) Development Application Number 21035577 by Adelaide Hills Council for the demolition of building 12A & B, alterations and additions to building 14 which will include a change of use to the existing offices to include accommodation (artist short term accommodation), a new bridge to building 20 and a ground floor addition (community facility including a shop, office and amenities), and construction of a small plant & equipment compound behind building 20 at 1 Lobethal Road Lobethal is granted Planning Consent subject to the following conditions:**

CONDITIONS

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below:**
- 2) The person(s) having the benefit of this consent shall refrain from permitting the use of the accommodation in building 14 (or any part thereof) for provision of accommodation for more than one person, for long term accommodation or as a separate dwelling. The artist accommodation unit shall be used and operated on a short term rental arrangement with a maximum of a six weeks stay per occupancy.**

A logbook shall be kept of all occupancies for each calendar year and made available for inspection by the Council upon request.

- 3) Landscaping including plantings completed in the planting season following occupation and maintained in good health and condition at all times. Any such vegetation shall be replaced in the next planting season if and when it dies or becomes seriously diseased.**
- 4) All putrescible waste including food, leaves, papers, cartons, boxes and scrap material of any kind shall be stored in a closed container having a close fitting lid. The container shall be stored in the proposed screened area so that it is not visible to Lobethal Road and other buildings on the site.**

- 5) All roof runoff generated by the development hereby approved shall be directed to the existing stormwater connections on site or managed on-site to the satisfaction of Council using design techniques to the satisfaction of Council. Prior to issue of Building Rules Consent a stormwater management plan for the increased impervious area shall be submitted to and approved by Council.

Conditions imposed by Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act

- 1) Measured drawings (plans and elevations) and an external and internal photographic record of Buildings 12A and 12B is required, to the satisfaction of Heritage South Australia, of the Department for Environment and Water, prior to commencement of demolition works, to ensure a record of each building is maintained.
- 2) Aluminium frame colour of the proposed door/window to the upper floor of Building 20 to be confirmed, to the satisfaction of Heritage South Australia, of the Department for Environment and Water, to minimise visual dominance in the façade of the building.
- 3) Selected red brick for external facades of proposed building to be confirmed, to the satisfaction of Heritage South Australia, of the Department for Environment and Water, to ensure compatibility with existing brick walls throughout the site.

ADVISORY NOTES

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate:
 - a) until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b) if an appeal is commenced:
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

Planning Consent

Advisory Note 1

This Planning Consent is valid for a period of twenty four (24) months commencing from the date of the decision.

Building Consent must be applied for prior to the expiry of the Planning Consent.

Advisory Notes imposed by Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act

Advisory Note 2

Please note the following requirements of the *Heritage Places Act 1993*:

- a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.
- b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works. For further information, contact the Department for Environment and Water.

OFFICER MAKING RECOMMENDATION

Name: Melanie Scott
Title: Senior Statutory Planner

COUNCIL ASSESSMENT PANEL MEETING
13 April 2022
AGENDA
BUSINESS ITEM – 12.1

Originating Officer: Deryn Atkinson, Assessment Manager

Subject: Delegations Update of Powers & Functions of Council Assessment Panel (CAP) as a Relevant Authority under the Planning, Development and Infrastructure Act 2016 & General Regulations – Instrument C

For: Decision

EXECUTIVE SUMMARY

The Council Assessment Panel (CAP) was established by the Council on 26 September 2017 under Section 83 of the *Planning, Development and Infrastructure Act 2016*.

Section 100 of the *Planning, Development and Infrastructure Act 2016* (PDI Act) allows a relevant authority, other than an accredited professional, to delegate its powers and functions under this Act. The relevant authorities under the PDI Act are the Minister, the State Planning Commission, an assessment panel appointed by a joint planning board, an assessment panel appointed by a council, an assessment panel constituted by the Minister, an assessment manager, an accredited professional and a council. Thus the CAP, the Council and the Assessment Manager can all sub-delegate their powers and functions.

Delegations from the Council Assessment Panel to staff were last reviewed by CAP on 14 July 2021.

Since adoption of the amendments to Instrument C under the *Planning, Development and Infrastructure Act 2016* and Regulations by CAP on 14 July 2021, recent amendments have been made.

The amendments include new delegations in relation to:

- Procedural referrals of development applications under the Planning and Design Code and the Power to form the opinion that development is minor in nature or like-for-like development that does not warrant a referral to a State Agency.

The amendments include changed delegations in relation to:

- When undertaking verification of an application under the power pursuant to Regulation 31(1) – A consolidation of the previous delegations into one longer delegation and determination of the nature of development added, and
- When calculating fees for an application under the power pursuant to Regulation 5(1) addition of prescribed fee and fee notice.

The entire set of delegations in Instrument C is included as **Attachment 1** of this report for the consideration of CAP and the amendments only are included as **Attachment 2**.

RECOMMENDATION

1. That, having considered a review of the Council Assessment Panel Delegations as presented, the Council Assessment Panel hereby revokes all previous delegations to the Assessment Manager and Council (Elected Body) for powers and functions under Instrument C of the Planning, Development and Infrastructure Act 2016 and General Regulations 2017.
 2. In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016, the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation (Instrument C) (Attachment 1 of the Report dated 13 April 2022) are hereby delegated this 13thth day of April 2022 to the Assessment Manager and the Administration subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in in the proposed Instrument of Delegation.
 3. Such powers and functions of Instrument C may be further delegated by the Assessment Manager in accordance with Section 100(2) (c) of the Planning, Development and Infrastructure Act 2016 as the Assessment Manager sees fit, unless otherwise indicated herein or, in the Schedule of Conditions in the proposed Instrument of Delegation.
 4. That the Assessment Manager be authorised to make any formatting, nomenclature or other minor changes to Instrument C during the period of currency.
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1. GOVERNANCE

➤ Legal Implications

The Council is required to have an Assessment Panel in place which is currently comprised of independent members and up to one Council Elected Member.

The *Planning, Development and Infrastructure Act 2016* (PDI Act) was assented to by the Governor on 21 April 2016. On 1 October 2017 the operation of Council Assessment Panel (CAP) pursuant to Sections 82 and 83 of the PDI Act commenced and the *Planning, Development and Infrastructure (General) Regulations 2017* [the PDI General Regulations] came into operation.

There is a requirement under the PDI Act and Regulations for delegations. Pursuant to Section 100(2) (c) of the PDI Act the planning functions and powers related to the delegations in **Attachment 1** are recommended to be delegated to the Assessment Manager.

2. THE NEED FOR DELEGATIONS

The relevant authorities under the PDI Act are the Minister, the State Planning Commission, an assessment panel appointed by a joint planning board, an assessment panel appointed by a council, an assessment panel constituted by the Minister, an assessment manager, an accredited professional and a council. The CAP and the Assessment Manager are the relevant authorities rather than the Council.

The functions of an Assessment Manager as prescribed in Section 87 (e) of the PDI Act extend beyond acting as a relevant authority under the Act. They also include being responsible for managing the staff and operations of the CAP and providing advice to the CAP. Out of administrative necessity this requires that there are delegations to the Assessment Manager from CAP.

The CAP typically considers approximately 5% of the development applications lodged with Council and thus it is necessary for the CAP to delegate its planning functions and powers to Council staff for the assessment of the remaining 95% of development applications.

Other delegations consist are listed in Instruments A, B and D.

AMENDMENTS TO DELEGATIONS FROM CAP (INSTRUMENT C)

Delegations from the Council Assessment Panel to staff were last reviewed by CAP on 14 July 2021.

Since adoption of the amendments to Instrument C under the *Planning, Development and Infrastructure Act 2016* and Regulations by CAP on 14 July 2021, recent amendments have been made.

The amendments include new delegations in relation to:

- Procedural referrals of development applications under the Planning and Design Code and the power to form the opinion that development is minor in nature or like-for-like development that does not warrant a referral to a State Agency.

The amendments include changed delegations in relation to:

- When undertaking verification of an application under the power pursuant to Regulation 31(1) – a consolidation of the previous delegations into one longer delegation and determination of the nature of development added, and
- When calculating fees for an application under the power pursuant to Regulation 5(1) addition of prescribed fee and fee notice.

The entire set of delegations in Instrument C is included as **Attachment 1** of this report for the consideration of CAP and the “tracked change” version of Instrument C highlighting the amendments and the renumbering is included as **Attachment 2**.

Aligned with good governance practice, it is recommended that the delegations by CAP in Instrument C be revoked and readopted in their entirety for completeness and to avoid confusion.

3. SUMMARY

The PDI Act and PDI General Regulations – Powers of an Assessment Panel delegations (Instrument C) to staff have been updated as provided by the Local Government Association and outlined in this report.

It is recommended that the delegations as detailed in **Attachment 1** of this report be adopted by the CAP and the previously adopted Instrument of Delegation under the *Planning, Development and Infrastructure Act 2016* and Regulations - Powers of an Assessment Panel (Instrument C) of 14 July 2021 be revoked.

4. ATTACHMENTS

- (1) Updated Delegations under the Planning, Development and Infrastructure Act 2016 and General Regulations - Powers of an Assessment Panel (Instrument C)
- (2) Tracked Change Version of Delegations under the Planning, Development and Infrastructure Act 2016 and General Regulations - Powers of an Assessment Panel (Instrument C)

Attachment 1
Updated Delegations under the Planning, Development and Infrastructure Act
2016 and General Regulations - Powers of an Assessment Panel
(Instrument C)

Attachment 2
Tracked Change Version of Delegations under the Planning, Development and
Infrastructure Act 2016 and General Regulations - Powers of an
Assessment Panel (Instrument C)
