

CAP MEETING – 9 AUGUST 2023**ITEM 8.1**

DEVELOPMENT NO.:	23008954
APPLICANT:	Construction Services Australia
ADDRESS:	6 ONKAPARINGA ST, LOBETHAL SA 5241
NATURE OF DEVELOPMENT:	Single storey detached dwelling
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none">• Township <p>Overlays:</p> <ul style="list-style-type: none">• Hazards (Bushfire - Medium Risk)• Hazards (Flooding - Evidence Required)• Mount Lofty Ranges Water Supply Catchment (Area 2)• Native Vegetation• Prescribed Water Resources Area• Regulated and Significant Tree• Traffic Generating Development <p>Local Variation</p> <ul style="list-style-type: none">• Minimum Site Area (Minimum site area for a detached dwelling is 1,000 sqm; semi-detached dwelling is 1,000 sqm; row dwelling is 500 sqm; group dwelling is 500 sqm; residential flat building is 500 sqm)
LODGEMENT DATE:	5 April 2023
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	2023.5
CATEGORY OF DEVELOPMENT:	Code Assessed – Performance Assessed
NOTIFICATION:	No
RECOMMENDING OFFICER:	Sebastien Paraskevopoulos Statutory Planner
REFERRALS STATUTORY:	N/A
REFERRALS NON-STATUTORY:	<ul style="list-style-type: none">• Council Engineering

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ATTACHMENT 2: Subject Land Map

ATTACHMENT 3: Zoning Map

ATTACHMENT 4: Relevant P & D Code Policies

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DETAILED DESCRIPTION OF PROPOSAL:

The application proposes the construction of a single storey detached dwelling with retaining walls (not exceeding 1m) and associated earthworks. The proposed floor plan features four bedrooms (including a master bedroom with an en-suite), a second bathroom, open plan kitchen and dining area, living room, laundry, al fresco and double car garage under the main roof.

The proposal has a combined internal floor area of 249.50m², which includes the al fresco and garage. This corresponds to a total site coverage of 35.1% (including the roofed area). The proposal features 2.7m ceiling heights, with a maximum building height of 5.27m above the finished floor level (FFL).

The proposal is located centrally within the property, although closer to the front boundary than the rear. To achieve a level site area, excavation up to 1m is anticipated to the east of the building envelope, with fill below 0.9m anticipated to the western side. Batters and a retaining wall on the south boundary (maximum height of 0.9m) will be utilised to support the earthworks.

The proposal has a similar orientation as the neighbouring dwellings to the east of Onkaparinga Street, albeit at a moderate angle with the front boundary due to its alignment with the southside boundary. It has a 5.50m setback from the west front boundary, 10.54m setback from the east rear boundary, and 1.00m and 1.78m setbacks from the south side and north side boundaries respectively.

The walls of the proposed dwelling will be finished using PGH bricks in their 'Oyster' colour, and the piers at the front of the building will be rendered in Colorbond 'Gully'. Corrugated iron in Colorbond 'Monument' is detailed for the roof.

BACKGROUND:

The subject allotment was owned by the SA Housing Trust prior to its sale to the current landowners last year. There is no record of any previous development applications while in state ownership, including that of the recently demolished 1960's-era dwelling.

The landowners currently also have an application for a shed to the rear of the dwelling lodged, although it is on hold as of the writing of this report.

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
TBD	23007983	Outbuilding

SUBJECT LAND & LOCALITY:

Location reference: 6 Onkaparinga Street, Lobethal SA 5241

Title ref.: 5611/902 **Plan Parcel:** DAP prefill **Council:** delete this

Site Description:

The subject land has four boundaries, with a primary street frontage to Onkaparinga Street. It has a total site area of 775m², and a frontage width of 14.48m, which extends to the rear to a maximum depth of 45.77m. The allotment frontage and coverage are of a similar size as other residential allotments in the locality. The site is currently vacant, following the demolition of the previous dwelling on site.

The land is evenly sloping, ascending west to east from the front of the allotment to the rear, at a gradient of approximately 1:13.6.

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There are no trees or other vegetation on site.

The land is connected to SA Water and Sewer Mains.

Locality:

The property and its residential neighbours are situated either side of Onkaparinga Street, within the Township Zone of the Planning and Design Code. The subject land abuts a zone boundary, and to its south is the Lobethal Recreation Ground Sports Club, which is located in the Productive Rural Landscape Zone.

Residential allotments in the locality are of a moderate size, typically ranging from 600-1000 m² in total area. Dwellings are highly visible from the roadside as most dwellings have a 5m-10m front boundary setback, and limited dense, mature vegetation in the road reserve or in private front gardens. Directly neighbouring the north side of the subject land is an existing single storey detached dwelling, at 8 Onkaparinga Street. To the south side is the Lobethal Recreation Ground, which accommodates sporting and recreational activities on a 12.8ha allotment.

There are no Local or State Heritage listed places in direct proximity of the subject land or the greater locale.

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:**
Detached dwelling: Code Assessed – Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Detached dwelling: Code Assessed – Performance Assessed
- **REASON**
The Planning and Design Code provides no 'Accepted' or 'Deemed to Satisfy' pathway for the above element – nor is it categorised as 'Restricted' under Table 4 of the zone. Therefore, as per sections 105 (b) and 107 of the Planning Development & Infrastructure Act 2016, the development is categorised as Code Assessed – Performance Assessed.

PUBLIC NOTIFICATION

- **REASON**
The proposal is excluded from public notification, as dwellings are listed in Table 5 – 2 (g) of the Township Zone. Neither of the exceptions under Column B, relating to the height and number of dwellings, are applicable.

One of the landowners of the subject land is a Council staff member. In accordance with Council Delegation Instrument D, the Assessment Manager has determined that delegation to the Council Assessment Panel be exercised.

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AGENCY REFERRALS

Not Applicable

INTERNAL REFERRALS

- Council Engineering

The application was also referred to Council Engineering, who provided comment on the proposal regarding the requirements for a stormwater management plan and calculations to be provided. These details were later provided, and upon their review, no objections were had.

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 4 – Relevant P&D Code Policies**.

Township Zone

Desired Outcomes	
DO 1	A township supporting a range of residential, community, retail, business, commercial and light industry uses and facilities.
DO 2	Development contributes to and enhances streetscapes and the settlement patterns comprising the township.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO 1.1 & DPF 1.1, PO 2.1 & DPF 2.2, PO 2.2 & DPF 2.2, PO 2.3 & DPF 2.3, PO 2.4 & DPF 2.4, PO 2.5 & DPF 2.5, PO 2.6 & DPF 2.6, PO 2.7 & DPF 2.7, PO 3.1 & DPF 3.1, PO 5.1 & DPF 5.1	

The private residential use of the building as a dwelling directly satisfies DPF 1.1, while aligning with DO 1 of the Zone itself.

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The proposed dwelling is of a dimension and a design which is complementary of the existing built form and overall streetscape of the locality. It has a limited site coverage of 35.1%, which, in combination with the single storey profile of the building, is considered to satisfy PO 2.1. The height of the building also directly satisfies DPF 2.2.

Like the preceding dwelling on the land, the proposal is at a moderate angle with the front street boundary owing to its alignment with the southside boundary. This results in a minimum primary street setback of 5.5m, and a maximum setback of 10.5m. While this is the case, the angle is not at such a significant degree to prevent the dwelling from adequately presenting its frontage to the street view, and its setback will not prejudice the existing streetscape character, which satisfies the intended outcome of PO 2.3.

The 10.5m rear boundary setback of the proposal directly meets DPF 2.5, while the minimum 1m side boundary setbacks also meet DPF 2.6.

Overlays

The Planning and Design Code does not draw upon any assessment provisions for a detached dwelling from the following Overlays: *Prescribed Water Resources Area* and *Regulated and Significant Trees*. As such, they are not included among the overlays below.

Hazards (Bushfire - Medium Risk)

Desired Outcomes	
DO 1	Development, including land division responds to the medium level of bushfire risk and potential for ember attack and radiant heat by siting and designing buildings in a manner that mitigates the threat and impact of bushfires on life and property taking into account the increased frequency and intensity of bushfires as a result of climate change.
DO 2	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1; PO 2.1; PO 3.1; PO 3.2 & DPF 3.2; PO 3.3; PO 5.2 & DPF 5.2; PO 5.3;	

The proposed dwelling is located well within 60m of the roadside, allowing CFS vehicle access from the street and negating the requirement to accommodate on-site fire-fighting vehicle manoeuvring. There is clear pedestrian access to the rear of the proposed dwelling, along with a 5,000L water tank available as an on-site fire-fighting provision. The topography of the land is only moderately sloping, while the design of the building would not be prone to trapping flammable debris. The proposal is not deemed at variance with any relevant provisions of the Code for bushfire hazard.

Hazards (Flooding - Evidence Required)

Desired Outcomes	
DO 1	Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1 & DPF 1.1	

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There is no flood mapping on or in proximity of the subject land, nor the greater locality.

Mount Lofty Ranges Water Supply Catchment (Area 2)

Desired Outcomes	
DO 1	Safeguard Greater 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 Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1; PO 2.1 & DPF 2.1; PO 2.4 & DPF 2.4; PO 2.5 & DPF 2.5; PO 3.1; PO 3.2; PO 3.3; PO 3.9 & DPF 3.9; PO 4.1	

Council Engineering has determined that the property has the ability to manage stormwater runoff created by the proposed dwelling and there are no concerns regarding wastewater management or harmful impacts on water quality in association with the residential use. Although the proposed earthworks exceed 750mm in height (at variance with DPF 3.9), these will not be left unmanaged. A retaining wall and appropriately treated batters (see recommended condition 6) will mitigate detrimental impacts on storm water quality.

Native Vegetation

Desired Outcomes	
DO 1	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 Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1 & DPF 1.1; PO 1.2; PO 1.4	

The entirety of the subject land is absent of native vegetation and the applicant has submitted a Native Vegetation Declaration, which complies with DTS/DPF1.1.

Traffic Generating Development Overlay

Desired Outcomes	
DO 1	Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users.
DO 2	Provision of safe and efficient access to and from urban transport routes and major urban transport routes.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1 & DPF 1.1; PO 1.2 & DPF 1.2; PO 1.3 & DPF 1.3	

The subject land does not abut or gain access from any State Maintained Road. As such the proposal is not at variance with any of the applied polices of this Overlay.

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General Development Policies

Clearance from Overhead Powerlines

Desired Outcomes	
DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1 & DPF 1.1	

A declaration was made by the applicant upon submission of the application that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996. On this basis the proposal is in accordance with the above provisions.

Design

Desired Outcomes	
DO 1	Development is: (a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing 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 Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 6.1 & DPF 6.1; PO 8.1 & DPF 8.1; PO 8.2 & DPF 8.2; PO 8.3; PO 8.4; PO 8.5; PO 10.1 & DPF 10.1; PO 10.2 & DPF 10.2; PO 11.1 & DPF 11.1; PO 11.2 & DPF 11.2; PO 12.1; PO 14.1 & PO 14.1; PO 15.1; PO 17.1 & DPF 17.1; PO 19.1 & DPF 19.1; PO 19.1 & DPF 19.1; PO 19.2 & DPF 19.2; PO 19.3 & DPF 19.3; PO 19.4 & DPF 19.4; PO 19.5 & DPF 19.5; PO 19.6 & DPF 19.6; PO 20.1; PO 21.1 & DPF 21.1; PO 22.2; PO 23.3; PO 22.4 & DPF 22.4; PO 24.4 & DPF 24.4	

With regard to PO/DPF 6.1, the locality is sewered, which includes the subject land. As such, parking upon existing or future effluent dispersal areas could not occur.

The extent of filling or excavation does not exceed 1m in height, which aligns with DPF 8.1. The driveway which provides vehicle access to the dwelling will be constructed of an all-weather trafficable surface at a maximum gradient of 23%, which directly satisfies DPF 8.2.

The proposal is of a single storey profile and as such, overlooking from upper-level windows is not a consideration. There is no deck or similar element included with the proposal.

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Although the frontage of the dwelling would be at a moderate angle with the front boundary, the front door and two windows would be clearly legible from the street vantage, which would meet DPF 11.1 and 11.2. The garage under the main roof also meets all the criteria (regarding siting, setback, and width) prescribed by DPF 14.1.

The proposal is located centrally within the site with a front boundary setback that is consistent with the existing streetscape. It does not infringe upon any of the rear or side boundary setback minimums directed by the Township Zone and would be constructed with appropriate materials finished in well-fitting colours within the streetscape context. The proposal would meet 'amenity' PO 22.2.

Finally, there is adequate private open space to the side and rear of the proposed dwelling, along with soft landscaping, car parking and access, and waste storage, ensuring the remaining relevant assessment criteria of the Design general development provisions are met.

Infrastructure and Renewable Energy Facilities

Desired Outcomes	
DO 1	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 and residential amenity.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 11.1 & DPF 11.1; PO 12.1 & DPF 12.1; PO 12.2 & DPF 12.2	

Council mapping indicates that there is an existing SA Water meter on site, along with SA water sewer infrastructure available. No on-site waste control system will be located on the subject land.

Interface between Land Uses

Desired Outcomes	
DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 3.1 & DPF 3.1; PO 3.2 & DPF 3.2; PO 3.3	

As the proposed dwelling is of a single storey height with even cut and fill of the land, there would be no risk of the type of overshadowing which would be significantly detrimental to any neighbouring occupants.

Site Contamination

Desired Outcomes	
DO 1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1 & DPF 1.1	

While the subject land is currently vacant, it very recently contained a detached dwelling which was inhabited for a number of decades.

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Transport, Access and Parking

Desired Outcomes	
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 5.1 & DPF 5.1; PO 10.1	

The proposal includes off-street undercover parking for at least two vehicles, along with space for at least one additional vehicle outside cover.

CONCLUSION

The proposal is for a single storey detached dwelling with associated earthworks and retaining walls at 6 Onkaparinga Street, Lobethal. The subject land is located in the Township Zone, among existing residential land uses.

The proposal is considered a good example of dwelling development in the Township Zone, meeting its obligations in relation to boundary setbacks, building height, design (colour/materials selection), and overall character within the context of the locality.

Similarly, the proposal satisfies the other applicable provisions of the relevant overlays and general development policies of the Planning & Design Code, with no major departures of note.

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 23008954 by Construction Services Australia for a single storey detached dwelling at 6 Onkaparinga Street, Lobethal is granted Planning Consent subject to the following conditions:

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.
- 2) The external finishes to the dwelling herein approved shall be as follows:
WALLS: PGH bricks in 'Oyster' with render in Colorbond 'Gully' or similar
ROOF: Colorbond 'Monument' or similar

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- 3) The driveway cross-over shall be a maximum of 4m wide, and shall be constructed in accordance with Council Standard SD13. Joins between new concrete works and bitumen are to be crack sealed to avoid seepage.
- 4) The existing driveway cross-over shall be closed and reinstated in accordance with Council Standard Detail Drawing SD01 within three (3) months of the completion of building work.
- 5) Prior to commencement of work, straw bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during construction.
- 6) All exposed excavations and fill as shown on the siteworks and drainage plan shall be:
 - rounded off and battered to match and blend with the natural contours of the land;
 - covered with approximately 100mm of topsoil; and
 - seeded to avoid erosion and visual concerns.

All works must be completed prior to occupation of the approved development to the reasonable satisfaction of Council.

- 7) All roof runoff generated by the development hereby approved shall be directed to a rainwater tank with overflow to the street (via a pump if necessary) or a Council drainage easement to the satisfaction of Council within one month of the roof cladding being installed. All roof and hard surface runoff shall be managed to prevent trespass onto adjoining properties and into the effluent disposal area where an on-site waste control system exists.
- 8) A supply of water independent of reticulated mains supply shall be available at all times for fire-fighting purposes:
 - a minimum supply of 2,000 (two thousand) litres of water shall be available for fire-fighting purposes at all times; and
 - the water supply shall be located such that it provides the required water; and
 - the water supply shall be fitted with domestic fittings (standard household taps that enable an occupier to access a supply of water with domestic hoses or buckets for extinguishing minor fires); and
 - the water supply outlet shall be located at least 400mm above ground level for a distance of 200mm either side of the outlet; and
 - a water storage facility connected to mains water shall have an automatic float switch to maintain full capacity; and
 - where the water storage facility is an above-ground water tank, the tank (including any support structure) shall be constructed of non-combustible material.

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.

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- 3) This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

Planning Notes

- 1) The applicant is reminded of their general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes, or may cause, environmental harm.
- 2) Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.
- 3) The onus of ensuring that any development is located in the approved position on the correct allotment is the responsibility of the land owner/applicant. This may necessitate a boundary survey being undertaken by a licensed land surveyor prior to the work commencing and when building work is complete.
- 4) The granting of this consent does not remove the need for the beneficiary of this consent to obtain all other consents which may be required by any other legislation.

The Applicant's attention is particularly drawn to the requirements of the Fences Act 1975 regarding notification of any neighbours affected by new boundary development or boundary fencing. Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission.

OFFICER MAKING RECOMMENDATION

Name: Sebastien Paraskevopoulos
Title: Statutory Planner

COUNCIL ASSESSMENT PANEL MEETING

9 August 2023

AGENDA – 9.1

Applicant: The Mount Lofty Golf Estate Pty Ltd	Landowner: The Mount Lofty Golf Estate Pty Ltd
Agent: Matthew King-URPS	Originating Officers: Doug Samardzija & James Booker
Development Application:	21/444/473
Application Description: Redevelopment of the Stirling Golf Club – which includes: <ul style="list-style-type: none"> a) the construction of tourist accommodation in a new hotel building and private retreats (pods); b) new clubhouse facility and pro-shop, administration areas and change rooms; c) retention and improvements to the 18-hole golf course; d) conservation works and adaptive reuse of a local heritage place to accommodate a multipurpose café, retail and function space; e) car parking in the order of 200 spaces in two parking areas; f) tree removal (including native vegetation) and associated landscaping; and g) subdivision of the one allotment into 3 allotments 	
Subject Land: Lot:53 DP:59212 CT:5891/805	General Location: 35 Golflinks Road Stirling Attachment – Locality Plan
Assessment: GUIDELINES set by State Planning Commission, March 2022	Zone/Policy Area: Recreation Zone under the PDI Act Public Purpose Zone and Recreation and Sports Policy Area under the Development Act 1993.
Form of Development: Major Development	Site Area: 39.9 hectares
Public Notice: Formal public consultation occurs between 05 July 2023 and 16 August 2023. Notice was published in both The Mount Barker Courier and The Advertiser on 05 July 2023.	Representations Received: N/A Representations to be Heard: N/A

1. EXECUTIVE SUMMARY

The application involves the redevelopment of the Stirling Golf Club – which includes:

- a) the construction of tourist accommodation in a new hotel building and private retreats (pods);
- b) new clubhouse facility and pro-shop, administration areas and change rooms;
- c) retention and improvements to the 18-hole golf course;
- d) conservation works and adaptive reuse of a local heritage place to accommodate a multipurpose café, retail and function space;
- e) car parking in the order of 200 spaces in two parking areas;
- f) tree removal (including native vegetation) and associated landscaping; and
- g) sub-division of the one allotment into 3 allotments.

The subject land is located within the Recreation Zone as identified in the Planning and Design Code. It was previously located within the Public Purpose Zone and Recreation and Sports Policy Area as identified in the revoked Adelaide Hills Development Plan. On 17 December 2020, the Minister for Planning and Local Government declared that the proposed development is to be assessed as a Major Development pursuant to Section 46 of the *Development Act 1993*.

The Major Development assessment pathway is considered the most rigorous level of development assessment in South Australia and is reserved for major projects of economic, social or environmental importance to the State. Major Developments cannot be properly considered under existing assessment pathways (such as an assessment under the Development Plan or the Planning and Design Code), due to the nature, scale and extent of their potential impacts; where the effects of those impacts are unknown or more uncertain, or in situations where the environment is considered sensitive. The State Planning Commission (SPC) is responsible for setting the level of assessment required with the potential for it to fall within 3 different categories. These categories are Environmental Impact Statement (EIS), Public Environmental Report (PER) or Development Report (DR). In this instance SPC determined that the proposal's best fit was within the Development Report assessment pathway due to nature and scale of the issues which needed to be considered.

The Department for Trade and Investment - Planning and Land Use Services have advised that the public consultation period for the development is between 5th of July 2023 and 16 August 2023. Adelaide Hills Council has also been invited to provide comments on the Development Report (DR) Pursuant to Section 46D(5)(a) of the *Development Act 1993* and Section 63E(b) of the *Development Regulations 2008*, with comments due within the same timeframe allowed for notification.

Council's administration has undertaken a thorough review of the documentation provided and formally consulted with all the relevant departments and stakeholders within Council. The report below has been structured to provide commentary on the following matters:

- General description of the proposal.
- Description of the subject land and the locality.
- Planning commentary which includes outlining the role of planning policies in the process, describing the relevant zoning policies under the revoked Adelaide Hills Council Development Plan and the current Planning and Design Code policies, including relevant policies of the Recreation Zone.
- Detailed review and comments/concerns from relevant Council Departments which include Open Space Team, Community Waste Management, Economic Development/Community Capacity, Local Heritage, Community & Cultural Development, Engineering Department and Sports and Recreation.
- A list of matters still to be adequately addressed and recommended conditions that relevant department deemed appropriate should the proposal be approved.

2. DESCRIPTION OF THE PROPOSAL

The purpose of this application is construction of a 5 level tourist accommodation (hotel) building comprising 56 hotel suites, 15 two bedroom serviced apartments, 15 three bedroom serviced apartments and 2 penthouse serviced apartments, 17 private retreats (pods), 5 level golf course and guest facilities building (ancillary bar, gymnasium, multipurpose function rooms, restaurant, café and wellness centre), together with associated car parking, landscaping, subdivision of land (1 into 3), tree and native vegetation removal & retention of the 18-hole golf course with improvements.

A more detailed breakdown of the proposal includes:

- Construction of tourist accommodation (hotel) building ranging between 3 and 5 storeys in height and comprising 56 hotel suites, 15 two-bedroom serviced apartments, 15 three bedroom serviced apartments and 2 penthouse serviced apartments with back-of-house, plant storage and maintenance areas, function room, restaurant and external terrace, sports bar, gallery, café and wellness centre and associated carparking.
- 17 private retreats (pods) and 1 back of house service pod.
- Adaptive reuse of the Local Heritage Perfumery building as a retail, café and multipurpose function space.
- Construction of golf course facility building ranging between 2 and 5 storey in height and comprising function facilities, cart storage and clubhouse, pro-shop, administrative area, gym and change rooms and associated carparking.
- Two large on-site carparking areas incorporated within the two buildings to provide a combined 200 parking spaces.
- Retention of the 18-hole golf course with improvements and reconfigurations.
- Stormwater detention basin, creek, and lake restoration activities.
- Construction of entry wall and new entry signage at the existing Golflinks Road entry.
- Subdivision of existing allotment 53 of 39.9 hectares into 3 allotments for the development as follows:
 - Proposed allotment 531 of 38.4 hectares will contain the 18-hole golf course,
 - Proposed allotment 532 of 9924m² will contain the tourist accommodation building and pods and
 - Proposed allotment 533 of 5056m² will contain the golf club and associated facilities.
 - Subdivision is proposed to occur as a very last stage of the proposal once all the construction work has been completed.
- Native Vegetation removal

3. THE SUBJECT LAND AND PHYSICAL CHARACTERISTICS

The subject land is an undulating irregular shaped allotment of approximately 39.9 hectares identified as 35 Golflinks Road, Stirling or Allotment 53 in Deposited Plan 59212 contained in Certificate of Title Volume 5891 Folio 805.

The site has multiple road frontages which include Old Carey Gully Road, Golflinks Road, Range View Drive as well as the unmade Davenport Road, all of which are under care and control of the Council. The primary access to the site is gained via the eastern portion of Golflinks Road near the intersection with Hoylake Avenue.

The site currently features an 18-hole golf course with associated Stirling Golf Club facilities and car parking and a five room motel. The site also includes a local heritage listed place described as the cottage and previously used as the Scent Factory. Cox Creek runs west to east through the middle of the property. Additionally, the allotment accommodates a large dam and a dense cover of native vegetation. Part of the allotment, along with the unmade Davenport Road also forms part of the Heysen Trail.

The land is located approximately 2.5km north-east of the township of Stirling.

The land has an Open Space Proclamation registered on the Title to preserve the land as open space and to prohibit the land being diving into allotments for any purpose not in keeping with its character as an open space. The proclamation was made by the Governor of South Australia on 10 July 1975 under section 61 part VI of the revoked *Planning and Development Act 1967*. Even though the Proclamation predates current legislation it remains in force under legislative transitional provisions. Pursuant to S61(2) of the revoked *Planning and Development Act 1967* the owner of land can make application to vary or revoke the existing Proclamation. There is a separate defined statutory process to vary or revoke an open space proclamation and State Assessment staff advise it is a matter for the Minister for Planning to consider and action subject to Cabinet and Executive Council deliberations but only once there is a decision on the proposal.

Statement Assessment staff have advised that the Proclamation was noted at the time the major development declaration was made, but it was considered it did not prevent the major development assessment being undertaken, nor a decision being made on the proposal. Furthermore, they advise that many golf courses in the 1960s and 1970s have this Proclamation but no new proclamations have been made since 1980. It is understood that one of the main purposes of the proclamations on private land and the restriction of further sub-division was for the assessment of rates and taxes that are based upon land valuation. There is a layer in SAPPA to map their locations to assist with the assessment of facilities as they are redeveloped.

4. THE LOCALITY

The locality is defined by a mixture of allotment sizes and patterns with varying land uses. Both the immediate and the wider locality are separated into three different zones all with varying envisaged uses. Immediately to the south of the subject land along Golflinks Road and Old Carey Gully Road is a cluster of residential allotments ranging in size between 800m² and 7000m². These allotments are in a Rural Neighbourhood Zone under the current Planning and Design Code (formerly known as the Country Living Zone under the revoked Adelaide Hills Council Development Plan). This zone predominantly anticipates residential uses. Immediately to the west and the north are allotments in the Productive Rural Landscape Zone (formerly known as the Watershed Primary Production Zone). These allotments vary in sizes and uses but are predominantly used for either rural residential or primary production related activities. That being said, the allotment immediately to the north and directly on the opposite side of Old Carey Gully Road contains the Scouts SA Woodhouse complex. All the land immediately to the east of the subject land is Council owned land which forms part of the Mount George Conservation Park and is located in the Recreation Zone (formerly known as the Public Purpose Zone). All of these properties are

predominantly serviced by low volume Council owned roads, constructed and maintained at a standard appropriate for the rural living zone and its uses.

The immediate locality is also defined by natural features which include water courses and dense native vegetation, located on private allotments as well as Council road reserves and within the Mount George Conservation Park.

Within the wider locality to the west and south-west of the subject land is the suburb of Crafers. Immediately to the south adjacent to the freeway is the suburb of Stirling. The majority of the properties in these areas are of residential nature with a mix of commercial uses predominantly in town centres and along the main streets of Crafers and Stirling. Further north of the subject land is the suburb of Piccadilly whilst to the east is the suburb of Mount George. The majority of these properties are used for rural residential or primary production related activities.

Other notable elements of the locality include the small cluster of local and state heritage listed buildings on allotments immediately opposite the subject land on Old Carey Gully Road as well as the South Eastern Freeway, which is approximately 375m south of the subject land.

5. PLANNING OVERVIEW

5.1 The role of planning policies in the process:

The *Development Act 1993* requires the DR to state the consistency of the expected impacts of the proposed development with the relevant Planning Policy and specific assessment guidelines endorsed by the independent State Planning Commission (SPC). As a point of clarification, it's important to outline that at the time when the proposal was declared Major Development by the Minister, the *Development Act 1993* and Adelaide Hills Council Development Plan were in effect. Since then, the *Planning, Development and Infrastructure Act 2016* as well as the Planning and Design Code came into effect.

To provide context of the locality and what is envisaged, the below commentary provides a summary and a breakdown of the zoning policies under the revoked Adelaide Hills Council Development Plan as well as the current Planning and Design Code for clarity on what the zoning used to envisage under the previous planning system and how those policies transferred across into current system.

5.2 Policy and zone intent under revoked Adelaide Hills Council Development Plan:

Under the revoked Adelaide Hills Council Development Plan the subject land was located in a Public Purpose Zone and within the Recreation and Sport Policy Area. In the order of hierarchy for assessment the policy area provisions were of higher priority than the zone provisions, and provided more specific policies for that particular locality whilst, the zone policies considered a wider locality. In this instance, the policy area objectives were seeking to accommodate development for a range of sporting, recreational, entertainment, cultural and exhibition events and associated spectator facilities with car parking within a landscaped setting. A multipurpose sporting facility was envisaged for the policy area, which minimised impacts on nearby residents and the locality.

Some of the envisaged uses for the Policy Area included childcare facilities, clubrooms associated with sporting facilities, facilities for the use of tourists and visitors, indoor and outdoor recreation facility, shop associated with the community club or services, spectator and administrative facilities ancillary to recreation development, and playground along with a range of other uses

associated with community or recreational facilities. Notably the Policy Area excluded tourist accommodation as an envisaged land use.

All the provisions of the policy area associated with uses envisaged encourages these to be primarily for public and private recreational and community purposes. High emphasis is placed on active multipurpose recreational activities with associated spectator facilities. All structures designed for those uses were required to exhibit a standard of design which would enhance the visual attractiveness of the zone whilst ensuring the preservation of native fauna habitats. Buildings were generally envisaged to a height of 6m whilst buildings associated with active indoor recreational activities were anticipated to the height of 10m. Although the buildings proposed do not include active indoor recreational uses, the 10m provision could be used as a guide. The proposed building has a maximum height of 20.9m, well above the 10m provision for the Policy Area. Despite this, the development provides generous setbacks, is located on the footprint of existing buildings and includes significant variation of building height which adds visual interest.

The Public Purpose Zone envisaged development being primarily for public use or in the case of private, being of social benefit to the community, whilst being sensitive to the natural environment. Development was generally sought to be integrated in function whilst also being of a scale compatible with existing buildings and the surrounding area whilst exhibiting high architectural standard with associated landscaping to enhance the amenity of the locality. The general uses envisaged included education facilities, community centres, recreation reserves, conservation park tourist facilities, research facilities as well as facilities for the aged within certain parts of the zone.

From a built form perspective, the Zone provisions envisaged development designed in such a way that it was of a scale and situated in a location which was unobtrusive and did not detract from the natural character. To achieve this, it was anticipated that buildings were located below the ridge line and within a valley, were set well back from public roads and clustered where possible to ensure that the majority of the site remained open in appearance. To further reduce the mass of buildings, incorporation of variations in wall and roof lines and external materials of natural colours to blend in with the natural and rural landscape were sought. High emphasis was also placed on conserving natural features and on the inclusion of appropriate landscaping in the design. As the proposed built form has generous set-backs provided, it is considered that the general intent of the Appearance of Land and Buildings section of the zone is achieved.

It is also noted that the design of the buildings have been assisted by advice provided by the Government Architect.

5.3 Policy and zone intent under the current Planning and Design Code:

Under the Planning and Design Code the subject land is located within the Recreation Zone. The intent of the Zone is very similar to that of the Recreation and Sport Policy Area of the Development Plan described above. The Desired Outcome of the Recreation Zone simply seeks a provision of a range of accessible recreational facilities. This is further summarised by the first Zone Performance Outcome which seeks development that is associated with or ancillary to the primary purpose of structured, unstructured, active and or passive recreational facilities with the corresponding Designated Performance Feature providing a list of specific envisaged uses that fall within the sphere of recreational uses.

From a land use perspective, it is evident from other policies in the zone that it is envisaged for properties to be used for a variety of different recreational purposes with emphasis also put on allowing uses which could be subordinate to the principle recreational purpose(s). These uses range from a restaurant, office and tourist accommodation whilst also encouraging complementary activities such as horse breeding and keeping, sales and training activities as well as storage and maintenance of racing vehicles associated with motorsport racing which is also one of the envisaged uses which fall under the ambit of recreation facilities.

From a built form perspective, the zoning provides lot more flexibility for building heights than what was envisaged under the Development Plan, especially for larger allotment sites such as the subject land. The Recreation Zone does not provide guidance on building height, nor does it provide a Technical and Numeric Variation (TNV) in relation to building height.

5.4 Development in reference to Recreation Zone under Planning and Design Code:

As outlined in the above paragraph, the Desired Outcome of the Recreation Zone in the Planning and Design Code seeks a range of accessible recreational facilities. The existing use of the land is predominantly an 18-hole golf course with associated golf club facilities all which fit in the ambit of recreational use of land. The proposed development is seeking to continue the use of the land by retaining and upgrading the 18-hole golf course including its reconfiguration. The proposal also involves further intensification through construction of a golf course facility ranging from 2 to 5 storeys in height and comprising function facilities, cart storage and clubhouse, pro-shop, administrative area, gym and change rooms. It is therefore considered that this proposed element of the development fits within the Desired Outcome of the Zone.

As outlined in the description of the proposal, there are a number of different elements to this project. Apart from the continued and increased recreational use, the construction of a large tourist accommodation facility with added function room, restaurant, sports bar, café, wellness centre along with the adaptive reuse of an existing Local Heritage building as a separate multipurpose café and function space are additional uses proposed in association with the recreational facility. Performance Outcome 1.1 in the Zone seeks development which is associated with or ancillary to the primary purpose of the structured, unstructured, active and/or passive recreational facilities. The corresponding DPF provides a broad list of some of those envisaged uses with tourist accommodation and shops both specifically listed. Whilst not all the proposed uses such as a function venue is listed, it is not uncommon for those activities to be associated with large scale tourist accommodation use or a recreational facility. On balance, the proposal satisfies the intent of the Performance Outcome 1.1 by providing integrated and compatible recreational and commercial land uses, albeit at a large scale.

As mentioned earlier in the report, the proposal will include extensive building work. The two largest proposed buildings are the golf club facility building and the tourist accommodation (hotel) building. The tourist accommodation facility is a stepped design ranging between 3 and 5 storeys in scale with a combined overall height of 20.9m. The building features accommodation rooms, with back-of-house, plant storage and maintenance areas, function room, restaurant and external terrace, sports bar, gallery, café, wellness centre and associated carparking with a combined floor area of 11,024m². The golf club facilities building is similar in nature and design ranging from 2 to 5 storey in scale with a combined overall height of 20.2m. It features function facilities, cart storage and clubhouse, pro-shop, an administrative area, gym, change rooms and associated carparking, with a total combined floor area of 8839m². The two buildings combined have a total proposed floor area of 19863m².

Both buildings are proposed to be nestled within the allotment and clustered primarily in the area where the existing clubrooms and associated facilities are located. The structures are proposed to be well separated from all allotment boundaries with the setback from Golflinks Road in the order of 180m. Whilst numerically the buildings appear large in bulk and scale, they will not present significant visual impacts from public realm or any of the neighbouring properties. Additionally, the proposed tourist pods and café within the Local Heritage Place are of a small scale and will have no visibility from outside of the site. Considering the levels of the land where the buildings are proposed relative to Golflinks Road, the distance of the buildings from the boundaries and vegetation cover, the overall bulk and scale of the buildings will present minimal visual amenity impacts for the locality. The proposed development is therefore considered to satisfy the built form requirements envisaged for the Zone. Additionally, the design adequately addresses the mass and scale of the buildings from an interface perspective with nearby residential properties in the adjacent Rural Neighbourhood Zone.

6. REFERRAL RESPONSES FROM COUNCIL DEPARTMENTS

6.1 Open Space Team:

Council's Open Space Team have reviewed the relevant documents, inspected the locality, and provided detailed comments in relation to the project. The Open Space team have identified a list of concerns with the proposal and have also advised that the level of information provided is lacking and does not adequately address impacts on vegetation. Below is a summary of the comments provided along with the list of recommendations.

6.1.1 Commentary:

- The landscape drawings only provide approximate locations of the proposed vehicle crossovers to Council roads. No measurements or formal design specifications have been provided that enable impacts to the existing vegetation within the road reserves to be fully established.
- Based upon the approximate vehicle crossover locations provided, minimal impacts to Council managed vegetation of value appear likely in the following locations:
 - Existing Old Carey Gully Road crossover (north of hole 8)
 - New western crossover location on Golf Links Road
 - Existing eastern main entry crossover location on Golf Links Road
- A variety of Council managed mature native trees are situated to either side of the central, new proposed vehicle crossover location on Golf Links Road. Careful consideration is required to ensure the design of this crossover does not adversely impact tree health or sustainability.
- The scope of the Arboriculture report only provides information regarding recommendations to tree management directly around the building works within the centre of the Golf Links itself. While the report is comprehensive, and controls recommended are sufficient to ensure trees are substantially maintained. The scope of the report is constrained to the main development site.
- No formal assessment appears to have been undertaken of development impacts to trees throughout the remainder of the impacted land parcel or within the impacted road reserve areas.
- No information has been provided regarding the required underground service provisions that would likely need to traverse through the road reserves or other area of private land.

- The road verge reflects native tree species of note *Eucalyptus dalrympleana* - Candlebark (Conservation Status - Rare), the understory unfortunately is degraded with notable weed infestation in several places.
- At a landscape scale the loss of the trees would contribute to environmental amenity loss and diminish ecological habitat value, which is obviously a concern, particularly clearance into the adjoining Mount George Conservation Park.
- Post development, what steps or measures are going to be taken to ensure the clearances are to specified standard? Is there a level of subsequent monitoring and evaluation? The Mount Lofty Golf Estate road reserve offers a level of scrutiny with blackberry clearly evident in several places.
- With a development complete, long-term changes in the environment are often found in the edge effect clearances. Council has specific concerns around any weed incursion into the cleared zones adjacent Mount George.
- Whilst the native vegetation offset is noted. What portion of this fund is attributed to the long-term ecological management of the surrounding natural environment? This is in addition to any NRM Levy payment.
- Golflinks Road has a potential listing under the Native Vegetation Marker System (NVMS), based on the Candle barks present. Currently this is heavily dependent on controlling the Blackberry along this road reserve which from observation occurs from within the Mount Lofty Golf Estate property.

6.1.2 Recommendations:

The following recommendation have been proposed by Council's Open Space Team. These recommendations have also been adopted into recommended conditions:

- Council requires that a suitably qualified project arborist must be employed by the applicant to oversee the development activities throughout the duration of the project and to provide periodical reports to Council's development assessment team regarding compliance checks undertaken after installation of tree protection zones prior to commencement of any work, during demolition and bulk earthworks, driveway construction, construction of footings, superstructure, installation of underground services and at completion.
- Council requires that all tree protection zone guidelines are enforced as per the recommendations of the report.
- Consideration should also be given, and advice received regarding the impacts to neighbouring vegetation directly surrounding the areas of mass tree clearance.
- Council requests for applicant to demonstrate through the provision of an Arboriculture impact assessment report that the location of supporting infrastructure has been established with intent to minimise impacts to vegetation to the lowest possible level.
- Tree management advice should be provided around the following new or modified assets to ensure the placement and installation methods used do not adversely impact upon tree health or compromise tree sustainability through the development actions:
 - All buildings / Structures / outbuildings
 - Upgraded or new roadways
 - Upgraded or new walking paths
 - New fencing locations
 - Other supporting infrastructure (such as light poles)
 - Vehicle road reserve cross-overs locations
 - Main service provision of underground infrastructure to the buildings

- Underground service provision in between all accommodation and supporting infrastructure required as part of this development
- The road reserve and primarily the Mount Lofty Golf Estate boundary has several weeds species (in large numbers), clearly visible mainly Blackberry, Gorse, Ivy and Broom. The real concern is the land to be cleared along the perimeter, Mount George Conservation Park in particular. In time this boundary is likely to reflect the scenario already in place along the Council property. Council considers that this should be recorded and the fence line is inspected for several years post development ensuring weed incursion is controlled. Otherwise, the weed and ecological risk to surrounding properties from the Mount Lofty Golf Estate could be a future problem based on the evidence. Council considers that this requires a long-term bond with a management plan and reporting.











6.2 Trails:

Council advises that the Pioneer Women's trail and Heysen trail bisect the site using the Davenport Road reserve. Upon inspection it is evident that these trails use the corridor and as such should remain untouched as part of the development. However, if they were to be altered, then consultation with Council and the community groups that plan these trails (National Trust of SA and Friends of Heysen Trail, respectively) should be undertaken.

From traffic management and information provided demonstrates management within the site, and briefly describe access required from local roads and the impact this may have. Consideration must be given to the opportunities that exist in providing safer pedestrian access to and from the site for people moving from the south and the north via the local road networks. Should any work outside of the site be proposed that impacts Golflinks or Old Carey Gully Road a shared path should be considered to allow for safe and unrestricted shared travel for pedestrians and cyclists wishing to use the site. Alternatively, the developer may consider the use of their land for community access (shared use path) should road widening not allow for additional pedestrian/cycle infrastructure. This will also benefit the broader trail linkages that exist within the locality – existing local trails, the Heysen, Pioneer Women's and connection to Mount George Conservation Park.

6.3 Community Wastewater Management System (CWMS):

Council's current CWMS pump station located at Golflinks Rd, Stirling will need to be upgraded to accommodate the wastewater produced by the Mount Lofty Golf Estate development. The works to upgrade the station will need to include the following:

- Installation of a balance tank is on the subject site for collection of waste-water before entering Councils CWMS pump station. This will ensure that the wastewater enters in a controlled manner.
- Upgrade of pump capacity.
- Emergency storage capacity to increase.
- Back up diesel generator in case of power failure.
- Any trade waste generated will need to be managed onsite before entry into CWMS infrastructure.

The developer is also advised that they will need to seek approval from SA Water to dispose of the extra wastewater generated by the development into the Heathfield WWTP and will be responsible for all augmentation costs.

As a different approach, it is also advised for the developer to consider an alternate wastewater disposal method such as an indirect SA Water sewer connection from the proposed development along Old Carey Gully Rd to the SA Water Heathfield WWTP. There is an existing SA Water pressure sewer line that connects Woodhouse on Spring Gully Rd to the Heathfield WWTP.



6.4 Economic Development/Community Capacity:

Council understands that Economic Impact was a requirement of the Guidelines developed for this development. This analysis was undertaken by BDO who have the experience and expertise to undertake the economic impact analysis.

While the purpose of economic impact analysis is to quantify and describe the pertinent impacts such as the number of jobs or the amount of income generated, they do not in themselves indicate the magnitude of the benefits and costs and whether the project is desirable from a public viewpoint. In fact, even a negative event such as a bushfire will provide a positive economic impact using the approach taken in this assessment. Economic impact analysis is therefore an attempt to predict, but not evaluate the full effects of the project.

It is therefore considered that a Benefit Cost Analysis would have provided a far more systematic assessment of the development where every potential cost and benefit associated with a project would have been considered and even the less-than-obvious factors like indirect or intangible costs be uncovered. For example, as mentioned elsewhere, Council considers that there are significant native vegetation impacts associated with this development. A Benefit Cost Analysis would have enabled these impacts to be costed and compared with the expected benefits of the development.

Consistent with Treasurer's Instructions 17, Council encourages the State Planning Commission to seriously consider this approach for future Major Development assessments.

6.5 Local Heritage:

Council's Local Heritage advisory reviewed the proposal and consider the direct works to the local heritage place (LHP) and the design of the new five storey buildings. The comments are summarised below:

6.5.1 Works to a local heritage listed places:

Generally, the proposed works are supported, as they will see the refurbishment of the heritage building, and removal of non-significant later additions to the stone structure. The following aspects of the proposed works to the LHP should be reviewed and amended:

- Existing stone walls should NOT be sandblasted, this will damage the stone and mortar. If the walls require cleaning this should be done with low pressure water and stiff bristle brush. Organic growth can be removed with a weak biocide, applied and removed in accordance with the supplier's recommendations, and paint can be stripped with a chemical stripper such as 'Peelaway'.
- A moisture barrier should be provided between the stone walls and the new polished concrete floor internally.
- The roof can be replaced in either a red Colorbond to reference the original roof colour; alternately a galvanised sheet metal would be an appropriate material.

The proposed steel and glazed doors to the main entry to the proposed gift shop are acceptable to provide some visual connection with the inside of the building, however it would be preferred if all other doors and windows are retained as timber framed glazed windows, which better reflects the construction methodology of the original building.

The proposed redesign for the grounds of the heritage place includes a new modern glass, sandstone and metal building situated adjacent to the local heritage place. This is a contemporary design and is located at some distance from the LHP. No heritage issues with the proposed new building and associated landscape and paving works, however it is recommended the black roof be substituted for a lighter colour, as typically black or very dark roofs are not supported in a heritage context.

6.5.2 Comment on design of new facilities:

Whilst located at some distance from the Local Heritage Place, we provide the following comments on the design of the main structures proposed as part of the development:

- The Hotel and Facilities Buildings are located well within the golf club site, and will not be highly visible from adjacent roads.
- The scale of the development is extensive, with the both the Facilities and Hotel Buildings rising to 5 storeys from ground, albeit cut into the slope of the ground so that they primarily read as 3 to 4 storeys.
- The form of the buildings is also very contemporary, with flat roofs, strong vertical and horizontal articulation of building materials, and curved corners.
- Car parking appears to be largely contained within the building footprints, which is contributing to the scale of the buildings.
- The proposed material palette appears very stark, with concrete, metal cladding and glass in dark and grey tones – this could potentially be reviewed to better reflect the natural setting of the surrounding area.

6.6 Community & Cultural Development:

- Developer needs to be aware of their obligations under the Aboriginal Heritage Act whilst undertaking development works. Council is satisfied that this has been thoroughly addressed in the Cultural Heritage Management Plan provided as part of the submission documents.
- Council considers that there is an opportunity to recognise First Nations and add value to the visitor experience.
- Council considers that there is opportunity to engage with Adelaide Hills artists through the gallery/café.

6.7 Engineering Department:

Adelaide Hills Council was consulted at the start of the year by The Department for Trade and Investment - Planning and Land Use Services to provide preliminary comments on the draft Development Report and the level of information that was provided. At that time Council's Engineer Department provided clear feedback raising concerns, queries, and comments in relation to the proposal and the level of information. At that time, it was expected that this feedback would be considered by the applicant and addressed in the finalised submission. However, after reviewing the finalised documents as part of the formal referral process, Council's Engineer Department have advised that the original comments provided have not been addressed at all and as such are reiterating the same comments as originally provided. Additionally, given that the original comments have not been addressed, Council is of the opinion that it has not been afforded the opportunity to provide clear and most accurate feedback on the proposal and therefore reaffirms its concerns.

Accordingly, the following comments were provided:

- Applicant proposes some upgrades to Golflinks Rd, but does not provide detail of what is proposed.
- Applicant claims increase in operational traffic on Golflinks Rd is within acceptable levels, but doesn't clearly articulate what is considered acceptable for Golflinks Rd specifically.
- Applicant's updated traffic report details acceptable level of service for traffic volumes at key intersections, but does not address pavement strength or road geometry and their ability to cope with the increase in large and heavy vehicles accessing the site.
- Applicant proposes additional formal accesses off Golflinks and Carey Gully Rd, but does not provide detail of what is proposed at those locations.
- Applicant proposes to manage the majority of waste water onsite, and acknowledges that some 'augmentation' (upgrade) of the Golflinks Rd pump station may be required, the details of which are yet to be confirmed.

Council considers Golflinks Rd to be a minor local, low volume road, constructed and maintained at a standard appropriate for the rural living zone it is located in. It is not suitable to service a major commercial development of this nature. The developer needs to upgrade Golflinks Rd to meet an appropriate standard for an urban road, which would include at a minimum road widening and edge treatment. The design and construction of this upgrade must be undertaken to Council's satisfaction, and an Infrastructure Agreement including bond needs to be entered into. The developer's Arboriculture Pre Development Impact Assessment Report needs to be extended to cover roadside vegetation impacted by the road upgrade to ensure development generated by road construction does not adversely impact tree health or sustainability. These concerns also relate to the intersection of Golflinks Rd and Old Carey Gully Rd and the required upgrades in this location.

Council would like to advise that it supports the use of access from Old Carey Gully Road during the construction process. Additionally, the measures implemented to improve water quality and water course health is positive and would support Council's Aldgate, Bridgewater, Crafers and Stirling Stormwater Management Plan.

Council would also like to reaffirm that it is not satisfied with the level of information provided. Additionally, the developer is advised that Council will not approve any works on Council owned land or to Council owned infrastructure without first receiving appropriate details which are to Council's satisfaction.

6.8 Sports and Recreation:

- Golf is an important recreational activity in the Adelaide Hills region, & Council is therefore supportive of improvements proposed from a recreational perspective that will improve the quality & accessibility of the activity.
- Refurbishments to changerooms, (that we assume will provide, more accessible and equitable provision) are a welcome addition.
- Space for the community to gather is also an important consideration, so we are pleased to see that refurbishments to the clubhouse have also been included.

7. CONCLUSION

Council is aware of the positive economic impact such a development would have on the region and are supportive of such a proposal in principle. The upgrade of this facility is welcomed and will provide much needed recreation and accommodation options in the region.

Despite the benefits of such a proposal, Council is concerned of the lack of clarity supplied in the assessment documents. Further details allowing Council staff to review matters including but not limited to road upgrades, waste management and biodiversity impact would have been beneficial in order for staff to provide more informed comments.

In particular, Golflinks Road is currently a minor local road which is suited to the current intensity of the golf course. Council hold substantial concerns regarding increased traffic flows on Golflinks Road and hold the view that significant upgrades are required to this road should the development proceed. Upgrades to this road need to be reviewed including impacts that a road upgrade will have to vegetation on the road verge and impacts to Community Wastewater Management System infrastructure.

The extent of vegetation removal, details of off-site public road upgrades, waste management and impact upon the existing Community Wastewater Management System are serious concerns that require further investigation.

Should the application be successful, Council invites further discussion with the applicant in order to resolve the infrastructure issues that this proposal presents.

8. RECOMMENDED CONDITIONS

Should this development be granted consent, the Council Assessment Panel recommends the following conditions:

- 1) Site work and building work shall be carried out only between the hours of 7.00am to 5.00pm Monday to Saturday. No works are permitted on Sundays other than those necessary for dust control, emergency works or works that cannot be carried out at any other time without causing unnecessary disruption, as may be approved by Council on written application as per EPA requirements for work of this nature.**
- 2) Prior to Building Consent being issued, a Construction Environment Management Plan (CEMP) including a Soil, Erosion and Drainage Management Plan (SEDMP) must be prepared and submitted to Council with the civil design drawings submission for Council approval. The CEMP and SEDMP shall be implemented prior to construction commencing to prevent soil sediment and pollutants leaving the site or entering watercourses during development of the site. The CEMP should also include details of underground service connections on site and within road reserves.**

NOTE: The EPA Guideline Construction environmental management plans (CEMP) and Code of Practice for the building and construction industry provides useful information on the preparation of CEMPs and SEDMPs.

- 3) As-built" drawings of the approved and installed infrastructure shall be submitted to the Council along with certification from a professional engineer that the works for that stage have been completed in accordance with the approved design.**

- 4) All trenches or excavation are to be reinstated to the satisfaction of Council. All excavation, trenching of underground services and reinstatement in existing road pavements and verge areas shall be done to satisfaction of Council.
- 5) All approved works and infrastructure required for construction shall be constructed for the relevant stage to the satisfaction of the Council. All costs for the construction of all approved infrastructure shall be borne by the owner/applicant. Following agreement by Council that Practical Completion has been achieved the developer shall be responsible for all maintenance for a period of 12 months or such other period of time as agreed.
- 6) An asset register of the infrastructure constructed on Council land shall be provided in digital format to the satisfaction of Council.
- 7) Any costs associated with any vegetation clearance within Council Land including costs associated with Native Vegetation Significant Environmental Benefit payments is to be the responsibility of the applicant.
- 8) Proposed new (or modifications to existing) vehicle driveway connection points to Golflinks Rd and Old Carey Gully Road needs to be designed and constructed to meet relevant Australian Standards and to Council's satisfaction. The design needs to be approved by Council before any construction at the site is permitted to occur (NB especially as one proposed connection seems unlikely to meet relevant standards for sight distance).
- 9) The applicant shall provide an expanded Arboriculture Pre-development Impact Assessment report detailing tree management advice for any tree including impacted trees within the road verg (outside of the provided reports geographical area of scope) that could be impacted directly or indirectly by this development. Tree management advice should be provided around the following new or modified assets:

All buildings / Structures / outbuildings, upgraded or new roadways, upgraded or new walking paths, new fencing locations, other supporting infrastructure (such as light poles), vehicle road reserve cross-overs locations, main service provision of underground infrastructure to the buildings and underground service provision in between all dwellings and supporting infrastructure required as part of this development.
- 10) Prior to any civil works or earthworks commencing on-site, tree protection zone (TPZ) measure shall be implemented in accordance with the recommendations stipulated in the Arboricultural Impact Assessment and Development Impact Report prepared by Arborman Tree Solutions. The works in relation to the tree(s), outlined in the Arborist's Report are to be undertaken simultaneously with any building works on the site.
- 11) All works are required to be supervised by the suitably qualified project arborist throughout the duration of the project. If any tree roots are discovered during the works, the project arborist is to assess and address accordingly.

NOTE MANDATORY NOTIFICATION: Provide at least 48hours notice for Council to be present at excavation in tree protection zones of any Council owned trees.

- 12) The vegetation along the fence line of the Mount Lofty Golf Estate and in particular along Mount George shall be recorded and inspected for at least 3 years post development ensuring weed incursion is controlled. A long-term bond with a management plan and reporting shall be undertaken.**
- 13) Council shall be provided with reporting updates at each stage of construction.**
- 14) Existing stone walls of the Local Heritage Place should NOT be sandblasted, this will damage the stone and mortar. If the walls require cleaning this should be done with low pressure water and stiff bristle brush. Organic growth can be removed with a weak biocide, applied and removed in accordance with the supplier's recommendations, and paint can be stripped with a chemical stripper such as 'Peelaway'.**
- 15) In regards to the Local Heritage Place, a moisture barrier should be provided between the stone walls and the new polished concrete floor internally.**
- 16) The roof of the Local Heritage Place shall be replaced in either a red Colorbond to reference the original roof colour; or alternately galvanised sheet metal.**

9. ATTACHMENTS

Locality Plan
Development Report
Development Report Guidelines
Detail Survey
Plan of Sub Division
Architectural Drawings
Landscape Plan
Economic Analysis
Tree Impact Assessment
Sustainability Strategy Report
Traffic and Access Impact Statement
Waste Management and Minimisation Plan
Geotechnical Investigations
Design Statement
Environmental Heritage Impact Assessment Report
Cultural Heritage Management Plan Framework
Ecological Flora and Fauna Assessment
Hazard Management Plan
Bushfire Survival Plan
Environmental Noise Assessment Report
Services Infrastructure Summary
Construction Environmental Management Plan
Stormwater Management Plan
Bushfire Attack Level (BAL) Assessment
Letters of Support
Operational Environment Management Plan

Bushfire Management Strategy
Native Vegetation Clearance Data Report
Renders of the Proposed Development
Heritage Impact Statement
Certificate of Title
Integrated Water Management Plan
Perfumery Landscape Plans
Perfumery Detail Survey
Local Heritage Comments

Respectfully submitted

Concurrence

James Booker
Team Leader Statutory Planner

Deryn Atkinson
Assessment Manager

COUNCIL ASSESSMENT PANEL MEETING

9 August 2023

AGENDA

BUSINESS ITEM – 12.1

Originating Officer: Deryn Atkinson, Assessment Manager

Subject: Delegations Review 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 or by a council, an assessment panel constituted by the Minister, an assessment manager, an accredited professional and a council. 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 13 April 2022.

Delegations are reviewed each 12 months unless there are significant amendments that necessitate an earlier review.

The amendments include new delegations in relation to:

- Determining variations of a development authorisation previously given under the PDI Act (including the variation of a condition).
- State Heritage Areas – forming an opinion that a building, structure or landscape feature (or part thereof) does not contribute to the building or features of identified heritage value or demonstrate the historic characteristics expressed in the Historic Area Statement.
- Procedural Matters Public Notification - adding the power to determine that the variation to one or more corresponding exclusions prescribed in Column B of Table 5 is minor in nature and does not require notification.
- Procedure Matters Referrals – adding the power to form the opinion that the variation to an application is minor in nature or would not warrant a referral when considering the purpose of the referral.
- Procedure Matters Referrals – adding the power to form the opinion development materially affects the context within which the State Heritage Place is situated

- Power to use money distributed from the Urban Tree Canopy Off-set Scheme

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 9 August 2023) are hereby delegated this 9th day of August 2023 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.

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 4% 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 96% of development applications.

AMENDMENTS TO DELEGATIONS FROM CAP (INSTRUMENT C)

Delegations from the Council Assessment Panel to staff were last reviewed by CAP on 13 April 2022.

Since adoption of the amendments to Instrument C under the *Planning, Development and Infrastructure Act 2016* and Regulations recent amendments have been made.

The amendments include new delegations in relation to:

- Determining variations of a development authorisation previously given under the PDI Act (including the variation of a condition).
- State Heritage Areas – forming an opinion that a building, structure or landscape feature (or part thereof) does not contribute to the building or features of identified heritage value or demonstrate the historic characteristics expressed in the Historic Area Statement.
- Procedural Matters Public Notification - adding the power to determine that the variation to one or more corresponding exclusions prescribed in Column B of Table 5 is minor in nature and does not require notification.
- Procedure Matters Referrals – adding the power to form the opinion that the variation to an application is minor in nature or would not warrant a referral when considering the purpose of the referral.
- Procedure Matters Referrals – adding the power to form the opinion development materially affects the context within which the State Heritage Place is situated.
- Power to use money distributed from the Urban Tree Canopy Off-set Scheme.

The entire set of delegations in Instrument C is included as **Attachment 1** of this report for the consideration of CAP with the “new provisions” highlighted in red text. The “new

Provisions” are also included separately as **Attachment 2** for ease of reference. The changes are found easily in **Attachment 1** by searching by the ID reference in the word document. It is recommended that delegation of the new provisions be made by CAP to the Assessment Manager. If this occurs the Assessment Manager will initiate further sub-delegations to staff.

Aligned with good governance practice, it is recommended that the existing delegations by CAP in Instrument C be revoked in their entirety and the updated delegations in Instrument C in **Attachment 1** be adopted 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 with the new provisions delegated to the Assessment Manager 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 13 April 2022 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) New provisions for 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
New provisions for Delegations under the Planning, Development and
Infrastructure Act 2016 and General Regulations - Powers of an
Assessment Panel (Instrument C)***
