

ITEM NO: 5.2  
 REPORT NUMBER: 281/21

<b>DEVELOPMENT NO.:</b>	21002556
<b>APPLICANT:</b>	Steven Roennfeldt
<b>ADDRESS:</b>	UNIT 1-3 524 ANZAC HWY GLENELG EAST SA 5045
<b>NATURE OF DEVELOPMENT:</b>	Change of use from bulky goods outlet to distillery
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Employment</li> <li>• Housing Diversity Neighbourhood</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Advertising Near Signalised Intersections</li> <li>• Affordable Housing</li> <li>• Building Near Airfields</li> <li>• Future Road Widening</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• Key Railway Crossings</li> <li>• Major Urban Transport Routes</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Traffic Generating Development</li> <li>• Urban Tree Canopy</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Maximum Building Height (Metres)</li> <li>• Minimum Frontage</li> <li>• Minimum Site Area</li> <li>• Maximum Building Height (Levels)</li> </ul>
<b>LODGEMENT DATE:</b>	1 Jul 2021
<b>RELEVANT AUTHORITY:</b>	Assessment panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	2021.7
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Alexander Stamatopoulos Development Planner
<b>REFERRALS STATUTORY:</b>	Nil
<b>REFERRALS NON-STATUTORY:</b>	Nil

**CONTENTS:**

APPENDIX 1: Relevant P&amp;D Code Policies

ATTACHMENT 5:

Acoustic Report

ATTACHMENT 1: Proposal Plan

ATTACHMENT 2: Representations

ATTACHMENT 3: Response to Representations

ATTACHMENT 4: Traffic Report

ITEM NO: 5.2

REPORT NUMBER: 281/21

**DETAILED DESCRIPTION OF PROPOSAL:**

Threefold Distilling currently operates in Stepney and create small-batch, handcrafted spirits and liqueurs which are purchased on site or distributed to retailers. The application by Threefold proposes a change of land use from a bulky goods outlet to a distillery which will incorporate a loading area, cellar door for tastings, internal seating areas for the public and an associated outdoor area to the east of the building.

The number of patrons within the proposed development to be no more than 150. The figure below shows how patrons will be distributed throughout the tenancy.



The operational hours are as follows:

- Monday to Thursday: 4pm to 10pm
- Friday: 4pm to midnight
- Saturday: 12pm to midnight
- Sunday: 12pm to 10pm

**ITEM NO:** 5.2  
**REPORT NUMBER:** 281/21

A summary of the gin production process that will occur on site is shown below:

### **GIN PRODUCTION**

- Dilute neutral spirit and water into the still (100L per run)
- Add botanicals and heat still
- Run duration = 3-4 hours
- Add collected spirit to bulk 1000L vats
- Remove approximately 300L of blended still strength gin into smaller vat
- Dilute over several weeks to reach bottling strength
- Rest for minimum of 1 month
- Fill bottles, label and box
- Rest for minimum of 1 month

The tasting room will act like a cellar door where groups of people will organise a tasting via a pre-arranged booking. The remainder of the facility will act as a conventional retail front with a bar. This will allow for patrons to visit the site and enjoy the products of offer by sitting and consuming on premises. Bottles and merchandise of the products produced by the company will also be available for purchase. Loading and unloading from the site will occur via the eastern side roller door where deliveries will be unloaded in the warehouse component of the tenancy and stacked in the pallet racking.

### **BACKGROUND**

The application was subject to notification as a distillery is not listed as class of development that is excluded from notification in Table 5 – Procedural Matters – Notification in both the Employment Zone and Housing Diversity Zone. A total of 3 representations were received opposing the development all of which do not wish to be heard before the Council Assessment Panel.

Prior to the notification process Council officers visited the site with the applicant in order to discuss the proposal and become familiar with the tenancy. The applicant was made aware about the potential impacts of interface to the residential dwellings to the west and also the potential parking issues. As a result the applicant supplied the Council with an acoustic report prepared by Sonus Consulting and a parking impact appraisal produced by GTA Consultants.

When the application was initially lodged 30 outdoors seats were proposed to the northern outdoor area. Sonus recommended that a 2.4m high barrier be installed in order to mitigate noise emissions to the western neighbouring dwellings. The applicant did not provide full details of the barrier as part of the application as the barrier itself requires development approval. Therefore, the outdoor seating to the northern outdoor area has been removed from the application.

The Environmental Protection Authority were contacted during the verification process of the application in order to determine whether a referral was required subject to Part 9 – Referrals of the Planning and Design Code. It was confirmed that a referral was not required as the proposal will not process more than 50 tonnes of grapes or other produce on site per year. To reiterate, alcohol is delivered to site and no processing of produce to make the alcohol itself occurs on site. The only produce that is handled as part of the process is the botanicals which are mixed into the alcohol to produce the gin.

### **SUBJECT LAND & LOCALITY:**

#### **Site Description:**

**Location reference:** UNIT 1-3 524 ANZACHWY GLENELG EAST SA 5045

**Title ref.:** CT 5971/73 **Plan Parcel:** D71184 AL12 **Council:** CITY OF HOLDFAST BAY

**ITEM NO:** 5.2  
**REPORT NUMBER:** 281/21

The subject site is located on the Corner of Anzac Highway and Morphett Road and is bound by the City to Glenelg tram line which is located to the south. The subject land contains two separate buildings. A number of different tenancies operate out of the two-storey building which houses a medical clinic, gym, pharmacy, and various consulting rooms. The single storey building currently contains a fitness warehouse where the distillery is proposed and a bakery which operates at the rear. Undercroft car parking is located beneath the two-storey building and on-grade parking surrounds the site.

Below is a photo of the bulky goods outlet where the distillery is proposed and the two-storey building located on the corner of Morphett Road and Anzac Highway:



**ITEM NO:** 5.2  
**REPORT NUMBER:** 281/21

The aerial image below shows the subject site and its relevant zoning.



The site contains two zones that are span over the property being the Housing Diversity Zone and the Employment Zone. The tenancy where the distillery is proposed is marked blue and solely located in the Housing Diversity Zone. As this is the case the relevant assessment provisions of the Housing Diversity Zone will be applicable during the planning assessment.

### Locality

The locality contains a mixture of different land uses in a location that is subject to high volumes of traffic that commute along Anzac Highway and Morphett Road. The site is bound by the Sturt River to the west, Anzac Highway to the north, Morphett Road to the east and the City to Glenelg tram line to the south. The aerial image below shows an aerial of the locality highlighted in red.





**ITEM NO:** 5.2  
**REPORT NUMBER:** 281/21

Directly to the west of the subject land are residential land uses in the form of residential flat buildings and group dwellings located in the Housing Diversity Zone. To the east is a fast-food outlet located in the Urban Neighbourhood Zone along with the Morphettville racecourse and to the south is the tram depot located in the Infrastructure Zone. North of the site are playing grounds associated with a local soccer and football club. The amenity of the locality is considered to be low to moderate.

**CONSENT TYPE REQUIRED:**

Planning Consent

**CATEGORY OF DEVELOPMENT:**

- **PER ELEMENT:** Change of use: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:** Code Assessed - Performance Assessed
- **REASON:** P&D Code

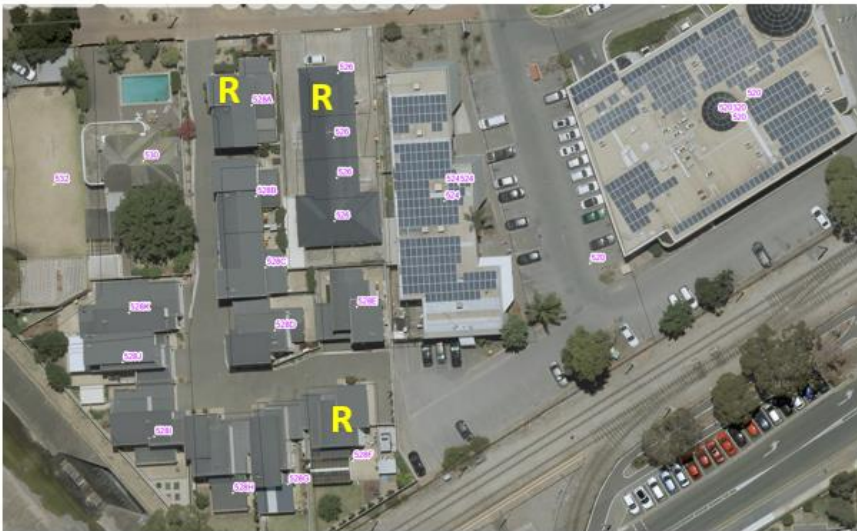
**PUBLIC NOTIFICATION**

- **REASON:** A distillery is not listed in Table 5 - Procedural Matters (PM) - Notification and is, therefore, a notifiable application.

**LIST OF REPRESENTATIONS:**

- Irene Walker of 528a Anzac Highway, Glenelg East
- Richard Williams of 528f Anzac Highway Glenelg East
- Rod and Marion Marshall of 60 Gaylard Crescent Redwood Park owners of 526 Anzac Highway.

The location of the representors are shown on the aerial below marked "R".



**SUMMARY**

Attachment 5 of this report contains the detailed representations however a summary of the main points raised are shown below:

- Increased parking demand for the site and the surrounding locality;
- Noise emissions that will impact amenity;
- Increase in rubbish and bottles to the local area;
- Flammable liquids and vapours that will result from the distillation process;
- The site is susceptible to vehicle accidents.

**ITEM NO:** 5.2  
**REPORT NUMBER:** 281/21

The applicant provided a response addressing each of the representations individually. The response to the representations are shown in attachments 3 to 3.3.

#### AGENCY REFERRALS

Nil

#### INTERNAL REFERRALS

Nil

#### PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One. The subject site in whole is located in two zones however the tenancy where the distillery is proposed is solely located in the housing Diversity Zone and therefore the relevant provisions of that zone will be referenced during the assessment.

#### Land Use and Intensity

The relevant Assessment provisions relating to land use and intensity are shown below:

Desired Outcome	
DO 1	Medium density housing supports a range of needs and lifestyles, located within easy reach of a diversity of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
PO 1.1  Diverse range of medium density housing and accommodation complemented by a range of compatible non-residential uses supporting an active, convenient, and walkable neighbourhood.	DTS/DPF 1.1  Development comprises one or more of the following: (a) Ancillary accommodation (b) Consulting room (c) Community facility (d) Dwelling (e) Educational establishment (f) Office (g) Place of Worship (h) Pre-school (i) Recreation area (j) Residential flat building (k) Retirement facility (l) Shop (m) Supported accommodation.

**ITEM NO:** 5.2  
**REPORT NUMBER:** 281/21

<p>PO 1.3</p> <p>Non-residential development located and designed to improve community accessibility to services, primarily in the form of:</p> <p>(a) small-scale commercial uses such as offices, shops and consulting rooms</p> <p>(b) community services such as educational establishments, community centres, places of worship, pre-schools and other health and welfare services</p> <p>(c) services and facilities ancillary to the function or operation of supported accommodation or retirement facilities</p> <p>(d) open space and recreation facilities.</p>	<p>DTS/DPF 1.3</p> <p>None are applicable.</p>
<p>PO 1.5</p> <p>Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.</p>	<p>DTS/DPF 1.5</p> <p>None are applicable.</p>

The Housing Diversity Zone is open to commercial land uses being established however in anticipation that they are low intensity and will not impact on residential amenity. DPF 1.1 lists anticipated land uses in the zone including commercial land uses that the zone deems suitable. A distillery was not listed as an anticipated land use. The subject site has been historically used as a commercial tenancy despite being located in a Neighbourhood Zone and given the circumstances of the site a commercial land use will be better suited to the tenancy as opposed to a residential one.

The subject site is located in a locality that is not considered to be of high amenity as the buildings identified in the locality map are located in close proximity to two major arterial roads, commercial land uses and the tram line including a gated crossing located over Morphett Road. The appropriateness of the application will be determined by examining whether residential amenity will be impacted as stated in DO 1 and also if the land use will exacerbate the impacts of a locality which does not contain a high amenity value.

The following sections of the report will focus on amenity issues such as traffic impacts along with considering impacts of noise between the site and the residential land use to the west. The applicant has provided a report by Sonus Acoustics and GTA traffic consultants which support the proposal subject to conditions and modifications to the site.

### Traffic Impact, Access and Parking

The relevant Assessment provisions relating to traffic impact and parking are shown below:

Desired Outcome	
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.



**ITEM NO:** 5.2  
**REPORT NUMBER:** 281/21

Vehicle Parking Rates	
<p>PO 5.1</p> <p>Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:</p> <ul style="list-style-type: none"> <li>(a) availability of on-street car parking</li> <li>(b) shared use of other parking areas</li> <li>(c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared</li> <li>(d) the adaptive reuse of a State or Local Heritage Place.</li> </ul>	<p>DTS/DPF 5.1</p> <p>Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:</p> <ul style="list-style-type: none"> <li>(a) Transport, Access and Parking Table 1 – General Off-Street Car Parking Requirements</li> <li>(b) Transport, Access and Parking Table 2 – Off-Street Vehicle Parking Requirements in Designated Areas</li> <li>(c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.</li> </ul>

The existing site has a total of 133 off-street car parking spaces which includes 50 undercover car parking spaces for the Morphettville Medical Centre and 83 car parking spaces that is shared between the medical centre and the three tenants of 524 Anzac Highway, Glenelg East.

The car parking rates applicable to new developments are provided within the SA Planning and Design Code, as set out in Part 4 – General Development Polices: Transport, Access and Parking Table – 1: General Off Street Car Parking Requirement. The proposed distillery use is not directly outlined within the Planning and Design Code. Due to the nature of the proposed development, the site could be considered to be operated similar to a restaurant or a lounge bar within a hotel.

GTA conducted an assessment of the development based on a Restaurant and a Lounge Bar which are summarised in the table below:

**Table 2: Car parking requirements**

Land Use	Parking Rate Guide	Seats / GFA	Parking Requirements
Shop (in the form of a restaurant or involving a commercial kitchen)	0.4 spaces per seat	148 seats <sup>[1]</sup>	59 spaces
Lounge Bar	1 space per 6m <sup>2</sup> GFA	311.5m <sup>2</sup> GFA	52 spaces

[1] Available seating calculated based on average of 2.1m<sup>2</sup> GFA per seat adopted from RTA Guide to Traffic Generating Developments

Table 2 indicates that the development could generate a Planning and Design Code parking requirement of between 52 and 59 car parking spaces, based on a Lounge Bar use or a Restaurant use.

GTA completed an empirical assessment at the existing location of the distillery located at 8A Union Street, Stepney to gain an understanding of the parking occupancy levels as a benchmark. The areas that were surveyed are shown in the attached report prepared by GTA. Across the entire survey period, patrons were observed to access the site by private vehicle and parked within the study areas during the surveyed period, where the highest volume of visitors occurred between 4:00pm and 4:30pm. The maximum cumulative parking demand occurred between 8:30pm and 9:00pm with 17 vehicles parked within the study areas, with an increasing trend occurring from 4:00pm.

**ITEM NO:** 5.2  
**REPORT NUMBER:** 281/21

Based on the empirical parking assessment, the proposed development is anticipated to generate a peak parking requirement of 36 car parking spaces. Based on the nature of the proposed development, the peak parking demand is anticipated to occur after 4:00pm, as illustrated in empirical surveys of the current location of the distillery.

The minimum parking vacancy observed at the existing site is 67 car parking spaces, which occurred on the surveyed Friday at 1pm. During the anticipated proposed development peak period, the existing parking occupancy is 89 car parking spaces. The analysis of the parking demand shows patrons of the off-street car park at 524 Anzac Highway, Glenelg East stayed on site for short periods, thus generating a relatively high parking turnover.

It is noted that if the Planning and Design Code rates were applied to the development based on a shop or lounge bar or based on the empirical surveys, there would be adequate parking available on the site to accommodate the peak parking demand of the proposed development. Therefore, the anticipated peak parking demand of the development will be able to be accommodated within the existing parking available on the Anzac Highway site based on the various parking impact assessment rate methodologies applied by GTA.

**Interface Between Land Uses**

The relevant Assessment provisions relating to interface between land uses are shown below:

Desired Outcome	
DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.

**ITEM NO:** 5.2  
**REPORT NUMBER:** 281/21

Hours of Operation									
<p>PO 2.1</p> <p>Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:</p> <ul style="list-style-type: none"> <li>(a) the nature of the development</li> <li>(b) measures to mitigate off-site impacts</li> <li>(c) the extent to which the development is desired in the zone</li> <li>(d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.</li> </ul>	<p>DTS/DPF 2.1</p> <p>Development operating within the following hours:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Class of Development</th> <th style="text-align: center;">Hours of operation</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Consulting room</td> <td>7am to 9pm, Monday to Friday 8am to 5pm, Saturday</td> </tr> <tr> <td style="text-align: center;">Office</td> <td>7am to 9pm, Monday to Friday 8am to 5pm, Saturday</td> </tr> <tr> <td style="text-align: center;">Shop, other than any one or combination of the following:  (a) restaurant (b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone</td> <td>7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday</td> </tr> </tbody> </table>	Class of Development	Hours of operation	Consulting room	7am to 9pm, Monday to Friday 8am to 5pm, Saturday	Office	7am to 9pm, Monday to Friday 8am to 5pm, Saturday	Shop, other than any one or combination of the following:  (a) restaurant (b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone	7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday
Class of Development	Hours of operation								
Consulting room	7am to 9pm, Monday to Friday 8am to 5pm, Saturday								
Office	7am to 9pm, Monday to Friday 8am to 5pm, Saturday								
Shop, other than any one or combination of the following:  (a) restaurant (b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone	7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday								
Activities Generating Noise or Vibration									
<p>PO 4.1</p> <p>Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).</p>	<p>DTS/DPF 4.1</p> <p>Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria.</p>								
<p>PO 4.5</p> <p>Outdoor areas associated with licensed premises (such as beer gardens or dining areas) are designed and/or sited to not cause unreasonable noise impact on existing adjacent sensitive receivers (or lawfully approved sensitive receivers).</p>	<p>DTS/DPF 4.5</p> <p>None are applicable.</p>								

The assessment provisions that apply to the proposal regarding potential interface issues are related to noise emissions and traffic operations. The application is not considered to cause nuisance with respect to the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants, vibration, electrical interference, light spill, glare or traffic impacts. The proposal directly abuts residential land uses which are located to the west of the site. The se land uses include a block of units which directly adjoin the site along with a series of group dwellings which are located further west.

**ITEM NO:** 5.2  
**REPORT NUMBER:** 281/21

The first three units directly adjoining the site benefit from having an access driveway that abuts the subject land which will provide an ideal spatial buffer to the living areas. The western side of the distillery is a strip of land that will be used for storage which is not an area that is not consistently 'active', see aerial below.



The majority of land use will operate from inside the building and the outdoor dining area to the east of the site which is well away from the residential land uses. Threefold distilling attracts the type of clientele that appreciate the quality of the products they produce and the intention for the use is not to entrain a party atmosphere where potential impacts to amenity may arise. Further, there is no processing on site as the alcohol is delivered to the site and the botanicals are mixed in to create the finished product which will not result in unreasonable emissions of smell.

Notwithstanding the above, the applicant engaged Sonus Acoustic engineers who provided a report in support of the application subject to building measures being imposed on the site in order to meet the relevant noise criteria. The assessment produced by Sonus took into consideration the hours of operation, the existing gym on the site which attracts traffic 24/7, deliveries and dispatch via a forklift, patrons inside and in the outdoor area and the operation of mechanical plant to the closest dwellings.

The recommended building measures to be applied to the site are shown below:

In order to achieve the assessment criteria, the following treatments are recommended:

- Restrict all delivery and dispatch activity to occur prior to 10pm.
- Ensure that the existing fence is sealed airtight at all junctions, including between panels and the ground.
- Ensure that the existing North-Western roller door (closest to Anzac Highway) is fully covered over by the use of internal plasterboard;

**ITEM NO:** 5.2  
**REPORT NUMBER:** 281/21

- Ensure the new access to outside adjacent the North Western roller door is constructed as recommended in the Sonus report.
- Construct an air-lock door arrangement around the existing South-Western roller door such that the doors open inward. Ensure that the plasterboard is sealed air-tight to the door frame and to the existing façade.
- Ensure that the South-Western door arrangement remains closed when not in use and access through the door is via hand trolley only. Restrict the use of the door to the day time period only.
- Ensure that the fence shown in figure 1 is a minimum of 2.4m high.
- The fence should be constructed from a minimum of 0.42 BMT sheet steel (“Colorbond” or similar) or a material with the same or greater surface density (kg/m<sup>2</sup>).
- Ensure that the fence is sealed airtight at all junctions, including between panels, to the building and at the ground.

A condition has been placed on the recommendation for consent enforcing that the suggested building measures be applied to the existing building. With the support of Sonus and the imposed building measures the proposed distillery is not considered to adversely impact the amenity of the adjoining residential land uses to the west of the site. The reference to the fence shown in ‘red’ in figure 1 of Sonus report will not need to be implemented on the site as the northern outdoor dining area has been removed from the application.

## **CONCLUSION**

In conclusion, the application is considered to be an appropriate land use for the site which despite being located in a residential zone currently operates as a commercial premises. The supporting documentation produced by GTA Traffic consultants and Sonus Acoustic Engineers provides sufficient data that the site can accommodate traffic and that the emissions of noise will not be of nuisance to the western residential properties.

The proposed land use is considered to satisfy the intentions of the zone where commercial land uses are anticipated if they are of low intensity and nature that will not affect adjoining residential amenity. The site contains a long-standing history of accommodating commercial land uses and the introduction of the proposed distillery is not of a nature that will adversely disrupt the amenity of the locality.

## **RECOMMENDATION**

Planning consent

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 21002556, by Steven Roennfeldt is granted Planning Consent subject to the following conditions

**ITEM NO:** 5.2  
**REPORT NUMBER:** 281/21  
**CONDITIONS**

Planning Consent

1. The development granted approval shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
2. That the development herein approved shall operate between the hours of 4pm to 10pm Monday to Thursday, 4pm to midnight Friday's, 12pm to midnight Saturday's and 12pm to 10pm Sunday's inclusive unless written approval to vary the times is given by council.
3. That the building treatments recommended in the Environmental Noise Assessment report S6908C2 produced by Sonus be applied to the site in order to reduce the impact of noise emissions.
4. No music to be played in the outdoor areas after 9pm.
5. No use of western outdoor area after 7pm every day.
6. No use of the eastern outdoor area after 10pm every day.

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).

**OFFICER MAKING RECOMMENDATION**

**Name:** Alexander Stamatopoulos  
**Title:** Development Planner  
**Date:** 11/08/2021