

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 14 AUGUST 2019  
63 MOUNT BARKER ROAD, STIRLING**

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**Present****Presiding Member**

Geoff Parsons

**Members**

Ross Bateup

Piers Brissenden

David Brown

Linda Green – joined the meeting at 6.27pm

**In Attendance**

Marc Salver (Item 8.3 only)

Deryn Atkinson

Sam Clements

Marie Molinaro

Damon Huntley

Sarah Davenport

Karen Savage

Director Development &amp; Regulatory Services

Assessment Manager

Team Leader Statutory Planning

Statutory Planner

Statutory Planner

Statutory Planner

Minute Secretary

**1. Commencement**

The meeting commenced at 6.06pm

**2. Apologies/Leave of Absence****2.1 Apologies**

Nil

**2.2 Leave of Absence**

Nil

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**3. Previous Minutes**

3.1 Meeting held 10 July 2019

**The minutes were adopted by consensus of all members (33)**

**That the minutes of the meeting held on 10 July 2019 be confirmed as an accurate record of the proceedings of that meeting.**

**4. Delegation of Authority**

Decisions of this Panel were determined under delegated authority as adopted by Council on 28 November 2017.

**5. Presiding Member's Report**

Nil

**6. Declaration of Interest by Members of Panel**

Piers Brissenden declared an interest relating to agenda item 8.3. He has on occasions liaised with James Levinson from Botten Levinson Lawyers, who are acting for the representor, Terramin Exploration Pty Ltd. Piers does not believe this professional relationship represents a conflict of interest and will remain in the meeting during consideration of this matter.

David Brown declared an interest relating to agenda item 8.3 as he sits on a Committee with Garth Heynen, Heynen Planning Consultants, at the City of Campbelltown. David does not believe this represents a conflict of interest and will remain in the meeting during consideration of this matter.

**7. Matters Lying on the Table/Matters Deferred**

7.1 Matters Lying on the Table

Nil

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7.2 Matters Deferred

**7.2.1 Development Application 13/30/473 by Mark Musolino for filling of land to a maximum depth of 6.2 metres (non-complying) at 24 & 28 Emmett Road, Crafers West**

Deferred from meeting 8 May 2019

*“At the request of Council staff, that a decision on the matter be deferred to enable Council administration to repeat the public notification process in order to comply with the requirements of Regulation 22(5) of Development Regulations 2008.”*

Deferred from meeting 10 July 2019

*“That a decision on the matter be deferred to enable the applicant to:*

- *Provide clean fill certificates or undertake soil samples, surface and ground water testing and analysis by a suitably experienced and qualified site contamination consultant to provide evidence that the fill placed on the site is not contaminated and suitable for a private open space area associated with a dwelling, and that there is no risk of pollution to surface or underground waters.*
- *Provide clarification of the pre 2010 land form, the existing land form with the fill in situ and the final form of the land proposed following the landscaping shown in the landscape concept plan”.*

**7.2.2 Development Application 18/668/473 by Shu-Mu Tseng for a change of use of existing grazing land to include horticulture comprising a tree and flower plantation (8 hectares) at Lot 17 Mount Barker Road, Bridgewater**

Deferred from meeting 12 June 2019

*“That a decision on the matter be deferred to enable further discussion between the applicant and Council staff regarding:*

- *Buffer Distances;*
- *Plant Species;*
- *External Professional Input; and*
- *CFS Advice*

*And the preparation of a detailed landscape plan by a qualified Landscape Designer with planting allocations, buffers, plant species and plant numbers”.*

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**8. Development Assessment Applications**

**8.1 Development Application 19/404/473 by Dan Edwards for two (2) frost fans associated with horticulture (maximum height 13.7m) at Lot 19 Forreston Road, Forreston**

**8.1.1 Representations**

<b>Name of Representor</b>	<b>Address of Representor</b>	<b>Nominated Speaker</b>
Christopher Pinchbeck	1 Norsworthy Road Forreston	Did Not Attend
Brett Graham	74 Norsworthy Road Forreston	Brett Graham
Gary & Judith Smith	18 Norsworthy Road Forreston	Gary Smith
Andrew & Lisa Tilley	404 Forreston Road Forreston	Andrew Tilley
Michelle Sanders	480 Forreston Road Forreston	Andrew Tilley

The applicant's representatives, Adam Williams (Access Planning) and Alex Morabito (Marshall Day Acoustics), addressed the Panel.

**8.1.2 Decision of Panel**

**The following was adopted by consensus of all members (34)**

**The Council Assessment Panel DEFERS consideration of Development Application 19/404/473 by Dan Edwards for two (2) frost fans associated with horticulture (maximum height 13.7m) at Lot 19 Forreston Road Forreston to enable the applicant to review the assessment and weather data that the Acoustic Report is based upon, and for the Council to engage an Acoustic Engineer to undertake a peer review of the revised or original Noise Assessment Report.**

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- 8.2 **Development Application 18/697/473 by Anthony Donato for demolition of existing dwelling and construction of replacement two storey detached dwelling, attached decks (maximum height 2.7m), removal of native vegetation including 1 Significant Tree (SA Blue Gum) and associated earthworks (non-complying) at 44 Teringie Drive, Teringie**

8.2.1 **Representations**

<b>Name of Representor</b>	<b>Address of Representor</b>	<b>Nominated Speaker</b>
Sarah Shelton & Anthony Shirley	45 Teringie Drive Terlingie	Sarah Shelton & Anthony Shirley by Telephone

The owner, Graham Goodwin, addressed the Panel.

8.2.2 **Decision of Panel**

**The following recommendation was adopted by consensus of all members (35)**

**The Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and seeks the CONCURRENCE of the State Commission Assessment Panel to GRANT Development Plan Consent to Development Application 18/697/473 by Anthony Donato for Demolition of existing dwelling & construction of replacement two storey detached dwelling, attached decks (maximum height 2.7m), removal of native vegetation including 1 Significant Tree (SA Blue Gum) & associated earthworks (non-complying) at 44 Teringie Drive Teringie subject to the following conditions:**

**(1) Development In Accordance With The Plans**

**The development herein approved shall be undertaken in accordance with the following plans, details and written submissions accompanying the application, unless varied by a separate condition:**

- **Letter to Council relating to development application details written by Anthony Donato dated 19 September 2018 (received by Council dated 19 September 2018);**
- **Amended Overall Site Plan drawn by LC of Anthony Donato Architects Sheet No. SK01a Rev 3 dated June 18 (received by Council dated 15 July 2019);**
- **Amended Site Plan drawn by LC of Anthony Donato Architects Sheet No. SK01 Rev 5 dated June 18 (received by Council dated 15 July 2019);**
- **Amended Floor Plan drawn by LC of Anthony Donato Architects Sheet No. SK02 dated June 18 (received by Council dated 09 May 2019), and;**
- **Amended Elevation Plans drawn by LC of Anthony Donato Architects Sheet No. SK03 Rev 2 dated June 18 (received by Council dated 09 May 2019).**

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*REASON: To ensure the proposed development is undertaken in accordance with the approved plans.*

**(2) External Finishes**

The external finishes to the building herein approved shall be as follows:

**WALLS:** Terrain or similar with White contrast

**ROOF:** Colorbond© Monument or similar

*REASON: The external materials of buildings should have surfaces which are of a low light-reflective nature and blend with the natural rural landscape and minimise visual intrusion.*

**(3) Residential Lighting**

All external lighting shall be directed away from residential development and, shielded if necessary to prevent light spill causing nuisance to the occupiers of those residential properties.

*REASON: Lighting shall not detrimentally affect the residential amenity of the locality.*

**(4) Soil Erosion Control**

Prior to construction of the approved development 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 periods of rainfall.

*REASON: Development should prevent erosion and stormwater pollution before, during and after construction.*

**(5) CFS Access Requirements**

Private roads and access tracks shall provide safe and convenient access and egress for bushfire fighting vehicles as follows:

- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire-fighting vehicles
- The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either:
  - i. A loop road around the building, OR
  - ii. A turning area with a minimum radius of 12.5 metres, OR
  - iii. A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres
- Private access shall have minimum internal radii of 9.5 metres on all bends
- Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres

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*REASON: To provide safe access to properties in the event of a bushfire.*

**(6) CFS Access To Dedicated Water Supply**

A supply of water shall be available at all times for fire-fighting purposes:

- Water supply outlet shall be easily accessible and clearly identifiable from the access way. Stand alone tanks shall be identified with the signage 'WATER FOR FIRE FIGHTING' and the tank capacity written in 100mm lettering on the side of each tank and repeated so that the sign is visible from all approaches to the tank. The sign shall be in fade-resistant lettering in a colour contrasting with that of the background (ie blue sign with white lettering)
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres
- Provision shall be made adjacent to the water supply for a flat hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet
- SA CFS appliance inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing
- A gravity fed water supply outlet may be remotely located from the tank to provide adequate access
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level
- All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting
- Ideally a remote water supply outlet should be gravity fed, where this is not possible the following dimensions shall be considered as the maximum capability in any hydraulic design for draughting purposes:

The dedicated water supply outlet for draughting purposes shall not exceed 5 metre maximum vertical lift (calculated on the height of the hardstand surface to the lowest point of the storage) and no greater than 6 metre horizontal distance.

The suction outlet pipework from the tank shall be fitted with an inline non return valve of nominal internal diameter not less than that of the suction pipe and be located from the lowest point of extract from the tank. All fittings shall be installed to allow for easy maintenance.

*REASON: To minimise the threat and impact of bushfires on life and property.*

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**(7) CFS Water Supply**

A supply of water independent of reticulated mains supply shall be available at all times for fire-fighting purposes:

- A minimum supply of 22,000 litres of water shall be available at all times for bushfire fighting purposes
- The minimum requirement of 22,000 litres may be combined with domestic use, providing the outlet for domestic use is located above the 22,000 litres of dedicated fire water supply in order for it to remain as a dedicated supply
- The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a compliant SA CFS fire service adapter, which shall be accessible to bushfire fighting vehicles at all times
- The water storage facility (and any support structure) shall be constructed of non-combustible material
- The dedicated fire-fighting water supply shall be pressurised by a pump that has:
  - i. a minimum inlet diameter of 38mm AND
  - ii. is powered by a petrol or diesel engine with a power rating of at least 3.7kW (thp) OR
  - iii. a pumping system that operates independently of mains electricity and is capable of pressuring the water for fire-fighting purposes
- The dedicated fire-fighting water supply pump shall be located at or adjacent to the dwelling to ensure occupants safety when operating the pump during a bushfire. An "Operations Instruction Procedure" shall be located with the pump control panel
- The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation
- All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level
- A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (ie at opposite ends of the dwelling)
- All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water
- All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221



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- All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and maximum length of 36 metres
- All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221
- All fire-fighting hoses shall be readily available at all times

*REASON: To minimise the threat and impact of bushfires on life and property.*

**(8) CFS Vegetation**

Landscaping shall include bushfire protection features which will prevent or inhibit the spread of bushfire and minimise the risk of life and/or damage to buildings and property.

This shall be achieved by establishing and maintaining a Vegetation Management Zone (VMZ) within 20 metres of the dwelling (or to the property boundaries - whichever comes first) as follows:

- i. The number of trees and understorey plants existing and to be established within the VMZ shall be maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'.
- ii. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
- iii. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
- iv. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
- v. Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height from the trees' lowest branches.
- vi. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
- vii. No understorey vegetation shall be established within 1 metre of the dwelling (understorey is defined as plants and bushes up to 2 metres in height).
- viii. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves.
- ix. The VMZ shall be maintained to be free of accumulated dead vegetation.

*REASON: To minimise the threat and impact of bushfires on life and property.*

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**(9) Stormwater Roof Runoff To Be Dealt With On-Site**

All roof runoff generated by the development hereby approved shall be managed on-site to the satisfaction of Council using design techniques such as:

- Rainwater tanks
- Grassed swales
- Stone filled trenches
- Small infiltration basins

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

*REASON: To minimise erosion, protect the environment and to ensure no ponding of stormwater resulting from development occurs on adjacent sites.*

**(10) CFS Conditions To Be Completed Prior To Occupation**

The Country Fire Service Bushfire Protection Conditions [four (4) conditions] shall be substantially completed prior to the occupation of the building and thereafter maintained in good condition.

*REASON: To minimise the threat and impact of bushfires on life and property.*

**NOTES**

**(1) Development Plan Consent**

This Development Plan Consent is valid for a period of twelve (12) months commencing from the date of the decision (or if an appeal has been commenced, the date on which the appeal is determined, whichever is later). Building Rules Consent must be applied for prior to the expiry of the Development Plan Consent, or a fresh development application will be required. The twelve (12) month period may be further extended by written request to, and approval by, Council. Application for an extension is subject to payment of the relevant fee.

**(2) Section 221 - Road Alteration Authorisation Required**

Prior to the undertaking of any works or tree pruning within the road reserve, associated with the development herein approved, separate Council authorisation must be obtained for the works.

**(3) Erosion Control During Construction**

Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.

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**(4) EPA Environmental Duty**

The applicant is reminded of his/her 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.

**(5) CFS Bushfire Attack Level**

Compliance with the fire protection requirements is not a guarantee the dwelling will not burn, but its intent is to provide a “measure of protection” from the approach, impact and passing of a bushfire.

The Bushfire hazard for the area has been assessed as BAL FZ (Flame Zone).

The buildings shall incorporate the construction requirements for buildings in Bushfire Prone areas in accordance with the Building Code of Australia Standard AS3959 “Construction of buildings in bushfire prone areas”.

**(6) Department of Environment and Water (DEW) – Native Vegetation Council**

The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land or the Council road reserve (unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991), requires the approval of the Native Vegetation Council. The clearance of native vegetation includes the flooding of land, or any other act or activity that causes the killing or destruction of native vegetation, the severing of branches or any other substantial damage to native vegetation.

For further information visit:

[www.environment.sa.gov.au/Conservation/Native\\_Vegetation/  
Managing\\_native\\_vegetation](http://www.environment.sa.gov.au/Conservation/Native_Vegetation/Managing_native_vegetation)

Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council Secretariat on 8303 9777. This must be sought prior to Full Development Approval being granted by Council.

**(7) Tree Removal Or Pruning Not Included In This Application**

This consent does not convey any approval for the pruning or removal of any regulated/significant trees that may be present on the subject land unless included in the description.

For criteria on regulated/significant trees please refer to the following:

[http://www.ahc.sa.gov.au/webdata/resources/files/Protecting\\_Reg\\_and\\_Sig\\_Trees\\_Comm\\_Info.pdf](http://www.ahc.sa.gov.au/webdata/resources/files/Protecting_Reg_and_Sig_Trees_Comm_Info.pdf)

Please be advised that a separate Development Application must be lodged for such works.

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8.3 **Development Application 18/828/473 by Bird in Hand Pty Ltd for expansion to existing mixed use development comprising cellar door, restaurant & function facility (400 person capacity), including building alterations & 4 storey additions with an additional restaurant, ancillary bars, viewing deck and underground cellar, construction of sewer pumping main, associated car parking, combined fence and retaining walls & earthworks and Variation to Development Authorisation 473/65/10 to vary Conditions 2 & 3 relating to hours of operation and overall capacity of the premises (excluding outdoor concerts) and to delete Conditions 9 & 10 relating to other operational restrictions (non-complying) at 150 Pfeiffer Road, Woodside**

8.3.1 **Representations**

<b>Name of Representor</b>	<b>Address of Representor</b>	<b>Nominated Speaker</b>
Terramin Exploration Pty Ltd (Richard Taylor, CEO)	Glen Osmond Road Fullarton	James Levinson Botten Levinson Lawyers

The applicant's representatives, Garth Heynen (Heynen Planning Consultants) and Dimitty Andersen (Grieve Gillett Andersen) addressed the Panel.

8.3.2 **Decision of Panel**

**The following was adopted by consensus of all members** (36)

**The Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and seeks the CONCURRENCE of the State Commission Assessment Panel to GRANT Development Plan Consent to Development Application 18/828/473 by Bird in Hand Pty Ltd for Expansion to existing mixed use development comprising cellar door, restaurant & function facility (400 person capacity), including building alterations & 4 storey additions with an additional restaurant, ancillary bars, viewing deck and underground cellar, construction of sewer pumping main, associated car parking & earthworks and Variation to Development Authorisation 473/65/10 to vary conditions 2 & 3 relating to hours of operation & overall capacity of the premises (excluding outdoor concerts) and to delete conditions 9 & 10 relating to other operational restrictions (non-complying) at 150 Pfeiffer Road Woodside subject to the following conditions:**

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**(1) Reserved Matter**

The Council Development Assessment Panel requires the following matters which are reserved pursuant to Section 33(3) of the Development Act 1993 to be addressed to the reasonable satisfaction of the Assessment Manager:

- Submission of a revised car parking plan that clearly demonstrates the location of car parking areas to be allocated for the existing winery and office uses, noting that 37 car park spaces were approved within DA 17/674 in the headland area (main car park) now proposed to be utilised by patrons. The car parks detailed only provide for the 400 person capacity for the cellar door, restaurant and function centre uses
- That due to the informal nature of the car park, a revised car parking design be submitted to provide a more generous vehicle aisle width (e.g., minimum 6.5m) and provide wider car parking spaces to enhance manoeuvrability and accommodation of pedestrian movement in the same space
- Submission of revised site plan that demonstrates a suitably sealed pathway of at least 1.5m in width to link the three parking spaces for people with a disability with the building access ramps
- Submission of a lighting plan for the car parking areas, pedestrian pathways and driveways to demonstrate that vehicle and pedestrian safety will be addressed, and amenity impacts from light spill are minimised (low level lighting is recommended)

**NOTE:** Council reserves the right to attach further conditions in relation to these matters.

***REASON:** To demonstrate adequate provision of on-site car parking and lighting and that the stormwater plan and SEDMP that gives due regard to the watercourse on the site.*

**(2) Development In Accordance With The Plans**

The development herein approved shall be undertaken in accordance with the following plans, details and written submissions accompanying the application, unless varied by a separate condition:

- Statement of effect (22 pages) prepared by Garth Heynen of Heynen Planning Consultants received by Council 20 June 2019
- Correspondence (5 pages) prepared by Garth Heynen of Heynen Planning Consultants received by Council 09 April 2019
- Pumping line plan prepared by Grieve Gillet Andersen dated 22 May 2019, received by Council 20 June 2019
- Correspondence prepared by David Pennington (AWE) titled Re: Bird In Hand Winery- 2nd revision of Stormwater Management for the Proposed Car Parking, dated 13 June 2018, received by Council 4 October 2018

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- Gama Consulting report titled Sewerage Pump System Design & Documentation, Rev 1, dated 11 July 2018, received by Council 4 October 2018
- Amended site plan (DA01) prepared by Grieve Gillett Andersen received by Council 20 June 2019
- Amended location plan (DA00 Revision D) prepared by Grieve Gillett Andersen received by Council 13 August 2019
- Demolition/Existing plan DA11), Floor plans (DA21, 22 & 23), elevations (DA31 & 32) and site section (DA 32) prepared by Grieve Gillett Andersen received by Council 4 October 2018
- Photomontages titled scenes 1 to 7 (SP02-08) prepared by Grieve Gillett Andersen received by Council 09 April 2019
- Car parking plans (01C\_SH01 and SH02) prepared by CIRQA dated 29/03/18 received by Council 4 October 2018
- Stormwater management plans (Sheet 1 Revision E dated 12 August 2019, and Sheets 2 & 3, Revision D dated 23 May 2018) prepared by Australian Water Environments and received by Council 12 August 2019
- Environmental Noise Assessment report prepared by BECTEC Pty Ltd dated 20 March 2019, received by Council 9 April 2019
- Architectural statement (11 pages) prepared by Grieve Gillett Andersen dated July 2019, received by Council 26 July 2019

*REASON: To ensure the proposed development is undertaken in accordance with the approved plans.*

**EPA Conditions**

- (3) **EPA Requirement- Construction of Stormwater Management Infrastructure**  
Prior to Building Rules Consent, the detailed design of the stormwater management system (including sedimentation basin, swale and bio-retention system must be prepared and approved by the Council is consultation with the EPA. This detailed design is to be prepared in accordance with the treatment train specified in the letter from David Pennington (AWE) to Garth Heynen (Heynen Planning Consultants), titled *Re: Bird In Hand Winery- 2<sup>nd</sup> revision of Stormwater Management for the Proposed Car Parking*, dated 13 June 2018, and must:
- a. Ensure groundwater resources are not impacted
  - b. Mitigate flood risk
  - c. Ensure the stormwater management is adequately maintained

The stormwater management system must be established and operational upon occupation of the approved development and thereafter maintained to the reasonable satisfaction of the Council.

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*REASON: EPA directed condition. To ensure stormwater is appropriately managed to mitigate floor risk to maintain water quality.*

**(4) EPA Requirement- Implementation of Soil, Erosion & Drainage Management Plan**

The Soil, Erosion and Drainage Management Plan (SEDMP) (Drawing No. D03 of 3 Rev E, Project No. P17386) prepared by Australian Water Environments and dated 4 December 2017 must be implemented during the construction process to prevent soil and pollutants leaving the site or entering watercourses during the development of the site.

*REASON: Development should prevent erosion and stormwater pollution before, during and after construction.*

**(5) EPA Requirement- Wastewater Management**

Upon occupation of the approved development and thereafter, all wastewater (sewerage) generated at the site (not including wastewater generated from the wine manufacturing process) must be collected and delivered as detailed in the Gama Consulting Report titled *Sewerage Pump System Design & Documentation, Rev 1* to the SA Water sewerage network.

*REASON: To ensure the efficient management of wastewater is achieved upon occupation of the development and that water quality impacts are minimised.*

**Amenity**

**(6) External Lighting**

Flood lighting and any external lighting shall be restricted to that necessary for safety and security purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties to the reasonable satisfaction of Council.

*REASON: Lighting shall not detrimentally affect the amenity of the locality.*

**(7) External Finishes**

All external materials and finishes shall be of subdued colours which blend with the natural features of the landscape and are of a low-light reflective nature to the reasonable satisfaction of Council.

**NOTE: Browns, greys, greens and beige are suitable and galvanised iron and zincalume are not suitable.**

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*REASON: The external materials of buildings should have surfaces which are of a low light-reflective nature and blend with the natural rural landscape and minimise visual intrusion.*

**(8) Plant and Equipment**

All plant and equipment shall be located within the existing or proposed building additions or if on the ground should be concealed by screens or similar to the reasonable satisfaction of Council.

*REASON: To maintain the visual amenity of the locality.*

**(9) Noise Protection**

Noise within the habitable rooms (windows closed) of the adjacent residential properties shall not exceed 47 dB(A) between the 'day' hours of 7.00am to 10.00pm and 40 dB(A) between the 'night' hours of 10.00pm to 7.00am.

*REASON: Noise emission that results from the development should not detrimentally affect the amenity of the adjacent residential properties and be in accordance with the recommendations of the approved Acoustic Engineering Report and Environment Protection (Noise) Policy 2007.*

**(10) Noise Control- Operational Restrictions**

The following operational restrictions shall be adhered to:

- All deliveries shall occur between the hours of 8.30am to 5.00pm Monday to Friday
- The roof terrace shall be restricted to 150 persons at any one time
- The upper level restaurant doors to the roof terrace (viewing and sitting deck) shall be fixed with automatic door closers to ensure the doors are kept closed when music is being played and/or function is taking place inside the restaurant
- The doors of the ground level restaurant, function and cellar door spaces shall be fixed with automatic door closers to ensure doors are kept closed when music is being played and/or a function is taking place
- Amplified music shall be restricted to within the cellar door and function centre space on the ground level (former barrel hall)
- External speakers outside the proposed restaurant (Level 1) and bar (Level 2) shall only play low level background music to permit persons in these areas to be able to have a conversation at normal voice level

*REASON: The business operations of the approved development are undertaken in accordance with the requirements of the approved Acoustic Report to ensure the amenity of the locality is maintained by minimising noise impacts.*



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**(11) Noise Control- Construction Requirements**

The following construction requirements for acoustic attenuation shall be adhered to:

- Appropriate vibration isolators will be specified by a suitably qualified Acoustic Engineer and installed on all engineering plant
- The construction of the following building envelope elements or elements that possess the same acoustic attenuation properties:
  - Façade – profiled metal sheet cladding to the external side of steel frame and 1 layer of 13mm plasterboard to the internal side with cavity infill of 50mm, 12kg/m<sup>3</sup> glasswool
  - Glazing – 10.38mm laminated glass
  - Roof – profiled metal sheet roof deck over 75mm, 14kg/m<sup>3</sup> glasswool and ceiling of perforated/ slotted timber with 10% open area overlaid with 75mm, 32kg/m<sup>3</sup> polyester
- Notwithstanding the above, the sound transmission through the building envelope elements shall be re-assessed by a suitably qualified Acoustic Engineer once the architectural design is finalised

*REASON: To ensure the construction is undertaken in accordance with the approved Acoustic Report to ensure the amenity of the locality is maintained by minimising noise impacts.*

**(12) Odour Control- Restaurant**

The restaurant kitchen shall be fitted with an exhaust duct and stack (chimney) that is capable of discharging exhaust emissions.

*REASON: To minimise amenity impacts (vapour, fumes or odour) to adjacent properties.*

**(13) Odour Control & Sewer Pumping**

The sewer pumping from the pump pit shall occur in accordance with the recommendations of the Gama Consulting report dated July 2018, namely:

- Pumping to empty the pit shall occur daily
- Both pits shall be activated simultaneously at least once a week to aid in the cleansing of the rising main (private pipeline)

*REASON: To ensure wastewater is managed efficient, in accordance with the approval documentation, and to minimise odour to adjacent properties and to properties adjacent the rising main.*

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**General Operational Restrictions**

**(14) Hours of Operation**

The approved cellar door, function centre and restaurant uses shall be restricted to the following hours of operation:

- Sunday to Thursday - 9.00am to 10.00pm
- Friday and Saturday - 9.00am to 12.00am

*REASON: To ensure the development operates in accordance with the approval.*

**(15) Operation of Bars**

The bars shown on the approval plan, namely on the first and second level shall only be operated in association with the additional restaurant (first level) herein approved. Specifically, the bars shall only be operated when the first level restaurant is open.

*REASON: To ensure the bars are an ancillary component of the restaurant use and that the development operates in accordance with the approval.*

**(16) Capacity of Site For The Cellar Door, Function Centre & Restaurant Uses**

The licensed premises overall capacity (excluding the operation of outdoor concerts) shall be restricted to a maximum capacity of 400 persons at any one time.

*REASON: For efficient wastewater management (sizing of sewer pumping pit) and ensure to there is sufficient on-site car parking.*

**(17) Number of Functions**

The number of functions/special events shall be restricted to the following:

- One function per week of up to 150 persons
- Four functions per calendar year of up to 400 persons

*REASON: To maintain the current number of functions/special events on the site (as authorised in 10/65/473). To minimise amenity impacts associated with hosting of large special events.*

**(18) Restriction On Display/Sale of Non-Beverage/Non-Food Items In Cellar Door**

A maximum area of 25m<sup>2</sup> shall be used for the display and sale of any non-beverage or non-food item within the cellar door and on the site.

*REASON: To ensure the sampling of wine and the retail sale of such is the predominant activity within the cellar door.*

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**Car Parking & Vehicle Movements**

**(19) Turning Area For Service Vehicles**

All vehicles shall enter and exit the site in a forward direction.

*REASON: For safe and convenient movement of vehicles.*

**(20) Gravel Car Parking Designed In Accordance With Australian Standard AS 2890.1:2004.**

Upon occupation on the approved development, all car parking spaces, driveways and manoeuvring areas shall be designed, constructed, and suitably delineated in accordance with Australian Standard AS 2890.1:2004.

Delineation and directional signage shall be clearly visible and maintained in good condition at all times. Driveways, vehicle manoeuvring and parking areas shall be constructed of compacted gravel prior to commencement of the use and maintained in good condition at all times to the reasonable satisfaction of the Council.

*REASON: To provide adequate, safe and efficient off-street parking for users of the development.*

**(21) Unloading And Storage Of Materials And Goods**

All materials and goods shall at all times be loaded and unloaded within the confines of the subject land. Materials and goods shall not be stored on the land in areas delineated for use as car parking.

*REASON: To provide safe and efficient movement of people and goods.*

**(22) Tractor Movements**

Tractor movements shall not occur within the vineyard areas that in close proximity to the approved car park areas (eastern portion of the site) within the hours of operation of the development herein approved.

*REASON: Noting that the car parking areas are located within the headland areas of the vineyard. To ensure there is no conflict between vehicle and tractor movements.*

**Stormwater Management**

**(23) Stormwater Roof Runoff To Be Dealt With On-Site**

Within three (3) months of completion of the roof installation, all roof water must be directed to the onsite dam or the sedimentation basin.

Stormwater overflow management shall be designed so as to not permit trespass into the effluent disposal areas (winery wastewater dam).

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Stormwater should be managed on site with no stormwater to trespass onto adjoining properties.

*REASON: To minimise erosion, protect the environment and to ensure no ponding of stormwater resulting from development occurs on adjacent sites.*

**(24) Stormwater Water Quality**

The vegetated swales and sedimentation basin shall be suitably planted in accordance with the approved report prepared by David Pennington (AWE) titled *Re: Bird In Hand Winery- 2<sup>nd</sup> revision of Stormwater Management for the Proposed Car Parking*, dated 13 June 2018, upon occupation of the approved development.

*REASON: Development should minimise the risk of pollution of water catchment areas.*

**Solid Waste Management**

**(25) Removal Of Solid Waste**

All solid waste including food, leaves, papers, cartons, boxes and scrap material of any kind shall be stored in a closed container or bin that has a close fitting lid. The containers/bins shall be stored in a screened area so that they are not visible from public roads.

*REASON: To maintain the amenity of the locality.*

**(26) Regular Removal Of Solid Waste From The Site**

All waste shall be removed from the subject land at least once weekly. Collection of waste shall be carried out only between hours of 9am and 7pm on a Sunday or public holiday and 7am to 7pm any other day.

*REASON: To maintain the amenity of the locality.*

**NOTES**

**(1) Development Plan Consent**

This Development Plan Consent is valid for a period of twelve (12) months commencing from the date of the decision (or if an appeal has been commenced, the date on which the appeal is determined, whichever is later). Building Rules Consent must be applied for prior to the expiry of the Development Plan Consent, or a fresh development application will be required. The twelve (12) month period may be further extended by written request to, and approval by, Council. Application for an extension is subject to payment of the relevant fee.

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- (2) **Section 221- Road Alteration Authorisation Required**  
Prior to any works within the road reserves of the Pfeiffer and Riverview Roads being undertaken associated with the laying of a private sewer line an authorisation under Section 221 of Local Government Act must be obtained.
- (3) **Erosion Control During Construction**  
Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.
- (4) **Obligations Under The Environment Protection (Water Quality) Policy 2015**  
The application is reminded of its obligation as required by Clause 11 of the Environment Protection (Water Quality) Policy 2015, to not discharge a class 2 pollutant (which included green waste such as lawn clipping) into any water or cavity in the land. As such, it recommended that any mowing of the sale occur in such way that all cut grass is removed and none if left to be washed in to the creek during a rain event.
- (5) **Maintenance of Bio-Retention System**  
Maintenance of the bio-retention system should occur in accordance with the recommendations in the letter from David Pennington (AWE) to Garth Heynen (Heynen Planning Consultants) titled *Re: Bird In Hand Winery- 2<sup>nd</sup> revision of Stormwater Management for the Proposed Car Parking*, dated 13 June 2018.
- (6) **EPA Information Sheets**  
Any information sheets, guideline documents, codes of practice, technical bulletins, are referenced in this decision and can be accessed on the following web site:<http://www.epa.sa.gov.au/pub.html>
- (7) **EPA Environmental Duty**  
The applicant is reminded of his/her 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.
- (8) **Department of Environment and Water (DEW) – Native Vegetation Council Note**  
The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. The clearance of native vegetation includes the flooding of land, or any other act or activity that causes the killing or destruction of native vegetation, the severing of branches or any other substantial damage to native vegetation. For further information visit:

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[www.environment.sa.gov.au/Conservation/Native\\_Vegetation/Managing\\_native\\_vegetation](http://www.environment.sa.gov.au/Conservation/Native_Vegetation/Managing_native_vegetation)

Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council Secretariat on 8303 9777. This must be sought prior to Full Development Approval being granted by Council.

- 8.4 **Development Application 18/751/473 by Urban Habitats for two storey detached dwelling with access via free and unrestricted right(s) of way over Section 1140 & Section 1139, attached deck (maximum height 1.7m) & verandah, domestic outbuilding (shipping container), water storage tanks (2 x 22,000L) and associated earthworks at Section 1492 Scott Creek Road, Scott Creek**

8.4.1 **Representations**

Name of Representor	Address of Representor	Nominated Speaker
Jean Clayton	813 Scott Creek Road Scott Creek	Jean Clayton

The Landowner, Andrew Nathan (Nathan Pastoral Pty Ltd), addressed the Panel.

8.4.2 **Decision of Panel**

**The following recommendation was adopted by consensus of all members (37)**

The Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and GRANTS Development Plan Consent to Development Application 18/751/473 by Urban Habitats for Two storey detached dwelling with access via free and unrestricted right(s) of way over Section 1140 & Section 1139, attached deck (maximum height 1.7m) & verandah, domestic outbuilding (shipping container), water storage tanks (2 x 22,000L) & associated earthworks at Section 1492 Scott Creek Road Scott Creek subject to the following conditions:

(1) **Development In Accordance With The Plans**

The development herein approved shall be undertaken in accordance with the following plans, details and written submissions accompanying the application, unless varied by a separate condition:

- Amended location plan (s1, Rev D) prepared by Urban Habitats received by Council 9 July 2019
- Amended elevations (s4 & 5, Rev C) prepared by Urban Habitats received by Council 9 July 2019
- 3D images (s6, Rev C) prepared by Urban Habitats received by Council 23 May 2019

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- Amended vegetation clearance plan (s7, Rev B) prepared by Urban Habitats received by Council 9 July 2019
- Amended floor plans (s3, Rev B) prepared by Urban Habitats received by Council 23 May 2019
- Amended site plan (s2, Rev C) prepared by Urban Habitats received by Council 23 May 2019
- Amended site works plan (s8, Rev A) prepared by Urban Habitats received by Council 23 May 2019

*REASON: To ensure the proposed development is undertaken in accordance with the approved plans.*

**(2) External Finishes**

The external finishes to the buildings herein approved shall be as follows:

Dwelling:

WALLS: Monument Colorbond or similar

ROOF: Monument Colorbond or similar

Water Storage tanks: Woodland Grey Colorbond or similar

Outbuilding (shipping container): Monument or similar

The outbuilding shall be painted within six (6) months of the Development Approval and maintained the reasonable satisfaction of Council.

*REASON: The external materials of buildings should have surfaces which are of a low light-reflective nature and blend with the natural rural landscape and minimise visual intrusion.*

**(3) Vehicle Turning Area**

A vehicle turning area shall be provided within the surveyed property boundaries, to facilitate the forward entry and exit of vehicles to and from the land. This turning area shall be substantially completed prior to occupation of the development.

*REASON: To reduce interference with the free flow of traffic on adjoining roads.*

**(4) Soil Erosion Control**

Prior to construction of the approved development 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 periods of rainfall.

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*REASON: Development should prevent erosion and stormwater pollution before, during and after construction.*

**(5) CFS Access Requirements**

Private roads and access tracks shall provide safe and convenient access and egress for bushfire fighting vehicles as follows:

- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire-fighting vehicles
- The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either:
  - i. A loop road around the building, OR
  - ii. A turning area with a minimum radius of 12.5 metres, OR
  - iii. A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres
- Private access shall have minimum internal radii of 9.5 metres on all bends
- Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres
  - The all-weather road is to be constructed such that it is protected from water erosion of the traffic surface. The road surface shall be profiled to manage storm water runoff to appropriate drains, at one or both sides of the traffic surface
  - The accumulated volumes of water shall be directed via:
    - i. open drains, or
    - ii. culverts and pipes under the traffic surface, and / or away from same, without causing further soil erosion, silting of adjacent areas or water courses or instability of any embankment or cutting.
    - iii. Solid crossings over waterways shall be provided to withstand the weight of large bushfire appliances (GVM 21 tonnes)

*REASON: To provide safe access to properties in the event of a bushfire.*

**(6) CFS Access To Dedicated Water Supply**

A supply of water shall be available at all times for fire-fighting purposes:

- Water supply outlet shall be easily accessible and clearly identifiable from the access way. Stand alone tanks shall be identified with the signage 'WATER FOR FIRE FIGHTING' and the tank capacity written in 100mm lettering on the side of each tank and repeated so that the sign is visible from all approaches to the tank. The sign shall be in fade-resistant lettering in a colour contrasting with that of the background (ie blue sign with white lettering.)
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres



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- Provision shall be made adjacent to the water supply for a flat hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet
- SA CFS appliance inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing
- A gravity fed water supply outlet may be remotely located from the tank to provide adequate access
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level
- All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting
- Ideally a remote water supply outlet should be gravity fed, where this is not possible the following dimensions shall be considered as the maximum capability in any hydraulic design for draughting purposes:

The dedicated water supply outlet for draughting purposes shall not exceed 5 metre maximum vertical lift (calculated on the height of the hardstand surface to the lowest point of the storage) and no greater than 6 metre horizontal distance.

The suction outlet pipework from the tank shall be fitted with an inline non return valve of nominal internal diameter not less than that of the suction pipe and be located from the lowest point of extract from the tank. All fittings shall be installed to allow for easy maintenance.

*REASON: To minimise the threat and impact of bushfires on life and property.*

**(7) CFS Water Supply**

A supply of water independent of reticulated mains supply shall be available at all times for fire-fighting purposes:

- A minimum supply of 22,000 litres of water shall be available at all times for bushfire fighting purposes
- The minimum requirement of 22,000 litres may be combined with domestic use, providing the outlet for domestic use is located above the 22,000 litres of dedicated fire water supply in order for it to remain as a dedicated supply
- The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a compliant SA CFS fire service adapter, which shall be accessible to bushfire fighting vehicles at all times

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- The water storage facility (and any support structure) shall be constructed of non-combustible material
- The dedicated fire-fighting water supply shall be pressurised by a pump that has:
  - i. a minimum inlet diameter of 38mm AND
  - ii. is powered by a petrol or diesel engine with a power rating of at least 3.7kW (thp) OR
  - iii. a pumping system that operates independently of mains electricity and is capable of pressuring the water for fire-fighting purposes
- The dedicated fire-fighting water supply pump shall be located at or adjacent to the dwelling to ensure occupants safety when operating the pump during a bushfire. An "Operations Instruction Procedure" shall be located with the pump control panel
- The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation
- All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level
- A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (ie at opposite ends of the dwelling)
- All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water
- All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221
- All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and maximum length of 36 metres
- All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221
- All fire-fighting hoses shall be readily available at all times

*REASON: To minimise the threat and impact of bushfires on life and property.*

**(8) CFS Vegetation**

Landscaping shall include bushfire protection features which will prevent or inhibit the spread of bushfire and minimise the risk of life and/or damage to buildings and property.

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This shall be achieved by establishing and maintaining a Vegetation Management Zone (VMZ) within 20 metres of the dwelling (or to the property boundaries - whichever comes first) as follows:

- i. The number of trees and understorey plants existing and to be established within the VMZ shall be maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'.
- ii. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
- iii. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
- iv. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
- v. Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height from the trees' lowest branches.
- vi. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
- vii. No understorey vegetation shall be established within 1 metre of the dwelling (understorey is defined as plants and bushes up to 2 metres in height).
- viii. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves.
- ix. The VMZ shall be maintained to be free of accumulated dead vegetation.

*REASON: To minimise the threat and impact of bushfires on life and property.*

**(9) CFS Conditions To Be Completed Prior To Occupation**

The Country Fire Service Bushfire Protection Conditions [four (4) conditions] shall be substantially completed prior to the occupation of the building and thereafter maintained in good condition.

*REASON: To minimise the threat and impact of bushfires on life and property.*

**(10) Stormwater Roof Runoff To Be Dealt With On-Site**

All roof runoff generated by the development hereby approved shall be managed on-site to the satisfaction of Council using design techniques such as:

- Rainwater tanks
- Grassed swales
- Stone filled trenches
- Small infiltration basins

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

*REASON: To minimise erosion, protect the environment and to ensure no ponding of stormwater resulting from development occurs on adjacent sites.*

**NOTES**

**(1) Development Plan Consent**

This Development Plan Consent is valid for a period of twelve (12) months commencing from the date of the decision (or if an appeal has been commenced, the date on which the appeal is determined, whichever is later). Building Rules Consent must be applied for prior to the expiry of the Development Plan Consent, or a fresh development application will be required. The twelve (12) month period may be further extended by written request to, and approval by, Council. Application for an extension is subject to payment of the relevant fee.

**(2) Erosion Control During Construction**

Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.

**(3) EPA Environmental Duty**

The applicant is reminded of his/her 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.

**(4) CFS Bushfire Attack Level**

Compliance with the fire protection requirements is not a guarantee the dwelling will not burn, but its intent is to provide a “measure of protection” from the approach, impact and passing of a bushfire.

The Bushfire hazard for the area has been assessed as BAL FZ (Flame Zone).

The buildings shall incorporate the construction requirements for buildings in Bushfire Prone areas in accordance with the Building Code of Australia Standard AS3959 “Construction of buildings in bushfire prone areas”.

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8.5 **Development Application 18/1038/473 (18/D067/473) by Stirling and Districts Hospital Inc for Land Division – boundary realignment (non-complying) at 20 Milan Terrace and 1/6-8 Bilney Road, Stirling**

8.5.1 **Representations**  
Nil

8.5.2 **Decision of Panel**

**The following recommendation was adopted by consensus of all members (38)**

The Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and seeks the CONCURRENCE of the State Commission Assessment Panel to GRANT Development Plan Consent and Land Division Consent to Development Application 18/1038/473 (18/D067/473) by Stirling and Districts Hospital Inc for Land Division - boundary realignment (non-complying) at 20 Milan Terrace and 1/6-8 Bilney Road, Stirling SA 5152 subject to the following conditions:

**Planning Conditions**

- (1) The development herein approved shall be undertaken in accordance with the following plans, details and written submissions accompanying the application, unless varied by a separate condition:
- Plan of division prepared by Andrew Davidson Property Development Consultants, reference 3581-PT101.v1, dated 1 November 2018

*REASON: To ensure the proposed development is undertaken in accordance with the approved plans.*

**Planning Notes**

- (1) **Development Plan Consent**

This Development Plan Consent (DPC) is valid for a period of twelve (12) months commencing from the date of the decision (or if an appeal has been commenced the date on which it is determined, whichever is later). Building Rules Consent must be applied for prior to the expiry of the DPC, or a fresh development application will be required. The twelve (12) month time period may be further extended by Council agreement following written request and payment of the relevant fee.

**Council Land Division Statement of Requirements**

Nil

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**Council Land Division Notes**

**(1) Land Division Development Approval Expiry**

This development approval is valid for a period of three (3) years from the date of the decision notification. This time period may be further extended beyond the 3 year period by written request to, and approval by, Council prior to the approval lapsing. Application for an extension is subject to payment of the relevant fee. Please note that in all circumstances a fresh development application will be required if the above conditions cannot be met within the respective time frames.

**SCAP Land Division Statement of Requirements**

**(1) SA Water Requirements**

The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services. (SA Water H0080043).

On approval of the application, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

SA Water Corporation further advise that an investigation will be carried out to determine if the water and/or sewer connection/s to your development will be costed as standard or non-standard.

*REASON: To ensure requirements of SA Water Corporation are met.*

**(2) Requirement For Certified Survey Plan**

A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

*REASON: Statutory requirement in accordance with Section 51 of the Development Act 1993.*

**9. Policy Issues for Advice to Council**

With regard to Frost Fan development applications, that Council staff consider obtaining a peer review of the noise assessment report submitted by the applicant on a case by case basis where noise is a significant concern to representors, or the scope and scale of the proposal warrant such an approach.

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10. **Other Business**  
Nil

11. **Order for Exclusion of the Public from the Meeting to debate Confidential Matters**

**The following was adopted by consensus of all members** (39)

Pursuant to Regulation 13(2)(a)(vii) and (ix) of the *Planning, Development and Infrastructure (General) Regulations 2017*, the Council Assessment Panel orders that all members of the public, except:

- Presiding Member, Geoff Parsons
- Independent Member, Ross Bateup
- Independent Member, Piers Brissenden
- Independent Member, David Brown
- Independent Member, Linda Green
- Director Development & Regulatory Services, Marc Salver
- Assessment Manager, Deryn Atkinson
- Team Leader Statutory Planning, Sam Clements
- Statutory Planner, Marie Molinaro
- Minute Secretary, Karen Savage

be excluded from attendance at the meeting for Agenda Item 12.1 (Compromise Proposal – Development Application 18/498/473) in confidence.

The Council Assessment Panel is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable the Panel to consider the report at the meeting on the following grounds:

- vii. Matters that should be considered in confidence in order to ensure that the assessment panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty; and
- ix. Information relating to actual litigation

Accordingly, on this basis the principle that meetings of the Council Assessment Panel should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

9:50pm The Panel went into 'closed' session in order to allow for discussion and determination of the matter

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 14 AUGUST 2019  
63 MOUNT BARKER ROAD, STIRLING**

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**12. Confidential Item**

- 12.1 **Compromise Proposal – Development Application 18/498/473 by Frost Protection Australia Pty Ltd for Frost Fan (maximum height 13.3m) at 106 Buckleys Road, Lobethal – CONFIDENTIAL ITEM**

**13. Next Meeting**

The next ordinary Council Assessment Panel meeting will be held on Wednesday 11 September 2019.

**14. Close meeting**

The meeting closed at 9.59pm.