

**ADELAIDE HILLS COUNCIL  
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 11 AUGUST 2021  
63 MOUNT BARKER ROAD, STIRLING  
AND  
ZOOM VIRTUAL MEETING ROOM**

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**In Attendance**

**Presiding Member**

Geoff Parsons

**Members**

Ross Bateup

David Brown

Paul Mickan

John Kemp

**In Attendance**

Melissa Bright

Deryn Atkinson

Vanessa Nixon

Melanie Scott

Sarah Davenport

Damon Huntley

Doug Samardzija

Karen Savage

Acting Director Development & Regulatory Services

Assessment Manager

Team Leader Statutory Planning

Senior Statutory Planner

Statutory Planner

Statutory Planner

Statutory Planner

Minute Secretary

**1. Commencement**

The meeting commenced at 6.04pm

**2. Opening Statement**

“Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kaurna people. We pay our respects to Elders past, present and emerging as the Custodians of this ancient and beautiful land. Together we will care for this country for the generations to come”.

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**3. Apologies/Leave of Absence**

3.1 Apologies  
Nil

3.2 Leave of Absence  
Nil

**4. Previous Minutes**

4.1 Meeting held 14 July 2021

**The minutes were adopted by consensus of all members**

**(39)**

**That the minutes of the meeting held on 14 July 2021 be confirmed as an accurate record of the proceedings of that meeting.**

**5. Presiding Member's Report**  
Nil

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

John Kemp acknowledged that one of the representors in relation to Item 8.1 is known to him although he has not seen him in quite a few years. He does not believe there is any conflict and will remain in the meeting.

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

7.1 Matters Lying on the Table  
Nil

7.2 Matters Deferred  
Nil

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**8. Development Assessment Applications – Development Act**

- 8.1 Development Application 20/366/473 by Cartwheel Resources Pty Ltd for change of use of detached dwelling to tourist accommodation facility with associated functions (maximum 12 per year for a maximum of 40 persons) together with alterations & additions to the building), construction of a new detached dwelling, in-ground swimming pool, demolition of ground mounted solar array, alterations and additions to Local Heritage Place (revegetating Silver Lake), demolition of farm building and construction of 2 outbuildings, associated car parking, landscaping and earthworks (non-complying) at 118 Silver Lake Road, Mylor**

**8.1.1 Representations**

<b>Name of Representor</b>	<b>Address of Representor</b>	<b>Nominated Speaker</b>
Phillip Allen	137 Silver Lake Road Mylor	Phillip Allen
Colleen Heppner	137 Silver Lake Road Mylor	Colleen Heppner
Ian Hobbs	6 Pillinda Lane, Mylor	Ian Hobbs
Frauke Hobbs	6 Pillinda Lane, Mylor	Frauke Hobbs
Poppy Kentish	99 Silver Lake Road Mylor	Nick Kentish
Alexandra Kentish	99 Silver Lake Road Mylor	Nick Kentish

The applicant's representative, Ian Hannaford (Hannaford Consulting), addressed the Panel.

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**8.1.2 Decision of Panel**

Moved Ross Bateup  
S/- David Brown

Carried  
(40)

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 20/366/473 by Cartwheel Resources Pty Ltd for change of use of detached dwelling to tourist accommodation facility with associated functions (maximum 12 per year for a maximum of 40 persons) together with alterations & additions to the building, construction of a new detached dwelling, in-ground swimming pool, demolition of ground mounted solar array, alterations and additions to Local Heritage Place (re-vegetating Silver Lake), demolition of farm building and construction of 2 outbuildings, associated car parking, landscaping & earthworks (non-complying) at 118 Silver Lake Road Mylor 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:

- Proposed Site Plan, prepared by Hannaford Consulting, drawing no. 1817 DA 1.1, Revision C, received by Council 11 August 2021
- Proposed Fire Management Plan, prepared by Hannaford Consulting, drawing no. 1817 DA 5.3, Revision A, received by Council 9 June 2021
- Proposed Landscaping Maintenance Areas, prepared by Hannaford Consulting, drawing no. 1817 DA 6.1, Revision B, received by Council 11 August 2021
- Proposed Part Site Plan, prepared by Hannaford Consulting, drawing no. 1817 DA 1.2, Revision B received by Council 11 August 2021
- Proposed Part Site Plan (Impacted Trees & Reference Plan) , prepared by Hannaford Consulting, drawing no. 1817 DA 1.3, Revision B received by Council 11 August 2021
- Proposed Site Section 1, prepared by Hannaford Consulting, drawing no. 1817 DA 1.4, received by Council 20 April 2020
- Proposed Site Section 2, prepared by Hannaford Consulting, drawing no. 1817 DA 1.5, Revision A received by Council 11 August 2021
- Proposed Site Section 3, , prepared by Hannaford Consulting, drawing no. 1817 DA 1.5, received by Council 6 August 2020
- Proposed Ground Floor, prepared by Hannaford Consulting, drawing no. 1817 DA 2.2, dated 25 February 2020 received by Council 20 April 2020

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- Proposed First Floor, prepared by Hannaford Consulting, drawing no. 1817 DA 2.3, dated 25 February 2020 received by Council 20 April 2020
- Proposed Elevations, prepared by Hannaford Consulting, drawing no. 1817 DA 2.4, dated 25 February 2020 received by Council 20 April 2020
- Proposed New Dwelling Floor Plan, prepared by Hannaford Consulting, drawing no. 1817 DA 3.1, Revision B, dated 11 August 2021 and received by Council 11 August 2021
- Proposed New Dwelling Elevations, prepared by Hannaford Consulting, drawing no. 1817 DA 3.2, Revision A, dated 11 August 2021 and received by Council 11 August 2021
- Sheds Floor Plan, prepared by Hannaford Consulting, drawing no. 1817 DA 4.1, dated 14 April 2020, received by Council 20 April 2020
- Sheds Elevations, prepared by Hannaford Consulting, drawing no. 1817 DA 4.2, dated 14 April 2020, received by Council 20 April 2020
- Proposed Function Area Plan, prepared by Hannaford Consulting, drawing no. 1817 DA2.2, dated 2 August 2021, received by Council 2 August 2021

**(2) Stormwater Runoff to be Dealt With On-Site**

All roof run-off generated by the development hereby approved shall be managed on-site in accordance with the Stormwater Management Plan 'Silver Lake Development – Stormwater Quality Issues Report by Barrie Ormsby', dated 22 February 2021, to the satisfaction of Council

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

**(3) Prior to Building Rules Consent Being Granted - Requirement for Soil Erosion And Drainage Management Plan (SEDMP)**

Prior to Building Rules Consent being granted the applicant shall prepare and submit to Council a Soil Erosion and Drainage Management Plan (SEDMP) for the site for Council's approval. The SEDMP shall comprise a site plan and design sketches that detail erosion control methods and installation of sediment collection devices that will prevent:

- a) soil moving off the site during periods of rainfall;
- b) erosion and deposition of soil moving into the remaining native vegetation; and
- c) soil transfer onto roadways by vehicles and machinery.

The works contained in the approved SEDMP shall be implemented prior to construction commencing and maintained to the reasonable satisfaction of Council during the construction period.

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**(4) Access Upgrade**

The vehicle access point(s) and cross-over shall be constructed at a maximum width of 6 metres with splays. Any existing crossing places not providing vehicle access shall be considered redundant and shall be closed off.

**(5) Maximum Number of Guests for Tourist Accommodation**

The tourist accommodation (bed and breakfast) shall accommodate a maximum number of 14 guests at any given time.

**(6) Tourist Accommodation not to be used as Second Dwelling**

The person(s) having the benefit of this consent shall refrain from permitting the use of the building (or any part thereof) for provision of long term accommodation or as a separate dwelling. The tourist accommodation unit shall be used and operated on a short term rental arrangement with a maximum of a 28 day per occupancy.

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

**(7) Timeframe For Landscaping To Be Planted**

Landscaping, detailed in Landscape Development Maintenance Report, prepared by Barrie Ormsby, dated 22 February 2021, shall be planted in the planting season following occupation and maintained in good health and condition at all times. Any such vegetation shall be replaced in the next planting season if and when it dies or becomes seriously diseased.

**(8) External Materials and Finishes**

All external materials and finishes of the new approved buildings shall be of subdued colours which blend with the natural features of the landscape and are of a low-light reflective nature.

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

**(9) Restriction On Number Of Functions**

Functions shall be held in association with the tourist accommodation only and the number of functions in a calendar year shall not exceed 12. Such functions shall have a maximum capacity of 40, including accommodation guests staying on-site. Any increase in the number of functions/capacity will require separate development approval.

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**(10) Restriction on Hours of Functions**

Functions shall only take place between the hours of 9.00am and 10.00pm.

**(11) Entertainment**

Entertainment in the form of live music shall not be provided on the premises. Music shall only be played through a sound system and be limited to internal areas only to maintain the amenity of the area to the reasonable satisfaction of Council.

**EPA Conditions**

**(12) Wastewater System in accordance with Plans**

The on-site wastewater systems (including the new irrigation area) must be constructed and operational in accordance with the manufacturer's specifications and the report 'Site and Soil Assessment, On-Site Wastewater Management System Design – Upgrade to facilitated the proposed Silver Lake development by RFE Consulting', dated 1 March 2021, prior to occupation of the converted tourist accommodation building, the new dwelling and functions occurring on the site.

**(13) Pool Backwash Disposal**

Pool backwash water must be disposed of via the proposed soakage trench proposed in the Site and Soil Assessment, On-Site Wastewater Management System Design – Upgrade to facilitate the proposed Silver Lake development by RFE Consulting dated 1 March 2021.

**(14) Aquaponics Systems Closure**

The aquaponics/hydroponics systems must be closed and recirculating with any resultant wastewater not being discharged on site.

**(15) Stormwater Management Design**

Detailed design of the stormwater management system (including rainwater tanks, permeable paving and swales) must be established in accordance with the treatment train in the report 'Silver Lake Development – Stormwater Quality Issues Report by Barrie Ormsby', dated 22 February 2021 and construction of these elements must occur prior to occupation of the converted tourist accommodation building, the new dwelling and functions occurring on the site.

**(16) Wetland System**

The design, operation and maintenance of the wetland system must be in accordance with the report 'Silver Lake Development – Stormwater Quality Issues Report by Barrie Ormsby', dated 22 February 2021.

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**(17) Wetland System Construction Prior To Occupation Of Buildings**

The construction of the wetland must occur prior to occupation of the converted tourist accommodation building, the new dwelling and functions occurring on the site.

**CFS Conditions**

**(18) Access to Habitable Building**

- Access to the habitable buildings 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.

**(19) Access to Dedicated Water Supply**

- The water supply outlet shall be easily accessible and clearly identifiable from the access way and at a distance of no greater than 30 metres from the proposed habitable buildings.
- The dedicated water supply and its location should be identified with suitable signage (i.e. blue sign with white lettering "FIRE WATER").
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- Provision shall be made adjacent 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.



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- 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.

SA CFS notes that a remote outlet from one of the dedicated tanks will need to be provided within 30m of the existing dwelling to comply with the above conditions.

**(20) Water Supply**

- A minimum supply of 22,000 litres of water for each dwelling shall be available at all times for bushfire fighting purposes.

SA CFS notes that additional water will be required to operate sprinkler systems.

- 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 (5hp), OR
  - iii. A pumping system that operates independently of mains electricity and is capable of pressurising the water for fire-fighting purposes.

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- 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 (i.e., 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 a 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.

**(21) Vegetation Management**

A vegetation management zone (VMZ) shall be established and maintained within 20 metres of each 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 reduced and 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%'.

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SA CFS notes that coverage of vegetation within 20m to the east and west of the proposed new dwelling is currently greater than 30%. SA CFS notes that the implementation of proposed landscaping within the above mentioned report will result in the removal of existing hazardous vegetation.

- 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 or 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.

**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 Consent must be applied for prior to the expiry of the DPC and lodged through the PlanSA portal unless a private certifier was engaged prior to 19 March 2021.

Further details in relation to the Planning Reforms can be found [https://www.saplanningportal.sa.gov.au/planning\\_reforms](https://www.saplanningportal.sa.gov.au/planning_reforms)

**(2) Works On Boundary**

The development herein approved involves work within close proximity to the boundary. The onus of ensuring development is in the approved position on the correct allotment is the responsibility of the land owner/applicant. This may necessitate a survey being carried out by a licensed land surveyor prior to the work commencing.

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**(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) 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) Tourist Accommodation – Bushfire Survival Plan**

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

SA CFS recommends that the Bushfire Planning Recommendations, as outlined in the report called Silver Lake Bushfire Management & Vegetation Review For Planning Purposes (Author: Environments by Design), dated March 2020, are implemented and reviewed on a regular basis.

**(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, 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.

- 8.2 Development Application 19/1064/473 by Susan Bastian and Brian West for tourist accommodation, comprised of two separate self-contained villas, water storage tanks (2 x 22,000L), associated landscaping and earthworks (non-complying) at 11 Onkaparinga Valley Road, Balhannah

8.2.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Andrew & Kate Cowling	38 Spoehr Road Balhannah	Michael Grant

The applicants' representative, Graham Burns (MasterPlan), addressed the Panel.

8.2.2 Decision of Panel

The following was adopted by consensus of all members (41)

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 19/1064/473 by Susan Bastian & Brian West for tourist accommodation, comprised of two separate self-contained villas, water storage tanks (2 x 22,000L), associated landscaping & earthworks (non-complying) at 11 Onkaparinga Valley Road Balhannah 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 State of Effect prepared by Graham Burns of MasterPlan pp 1-13 dated 25 May 2021 (received by Council dated 25 May 2021)
- Amended Site Plan prepared by MasterPlan dated Dec 2019 (received by Council dated 25 May 2021)

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- Amended Enlargement Plan prepared by MasterPlan dated March 2020 (received by Council dated 25 May 2021)
- Amended Elevations (Tourist Accommodation Villas) (received by Council dated 25 May 2021)
- Amended Floor Plan (Tourist Accommodation Villas) (received by Council dated 25 May 2021)
- Amended System Design Schematic Layout - Overall Drawing Sheets Plan & Locations prepared by Land Energy Drawing No. 12269.LOC.1 Sheet 1 of 1 dated 17 April 2021 (received by Council dated 25 May 2021)
- Amended West Villa, Main Drains & Pump Station Plan prepared by Land Energy Drawing No. 12269.LAY.1C Sheet 1 of 4 dated 30 April 2021 (received by Council dated 25 May 2021)
- Amended East Villa, Pumped Sewer Rising Main Plan prepared by Land Energy Drawing No. 12269.LAY.1C Sheet 2 of 4 dated 30 April 2021 (received by Council dated 25 May 2021)
- Amended Main Residence Wastewater Inflow Point Plan prepared by Land Energy Drawing No. 12269.LAY.1C Sheet 3 of 4 dated 30 April 2021 (received by Council dated 25 May 2021)
- Amended Bridge Crossing & Sewer Connection Plan prepared by Land Energy Drawing No. 12269.LAY.1C Sheet 4 of 4 dated 30 April 2021 (received by Council dated 25 May 2021)
- Amended Detailed Plumbing Layout Plans West Villa & East Villa prepared by Land Energy Drawing No. 12269.DET.1B Sheet 1 of 1 dated 07 September 2020 (received by Council dated 25 May 2021)
- Amended Entrance Enlargement Plan prepared by MasterPlan dated March 2021 (received by Council dated 30 March 2021)
- E-mail written by Graham Burns of MasterPlan relating to proposed number of days for accommodation booking dated 23 July 2021 (received by Council dated 23 July 2021).

**(2) External Materials and Finishes**

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

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

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- (3) **Gravel Car Parking Designed In Accordance With Australian Standard AS 2890.1:2004**  
All car parking spaces, driveways and manoeuvring areas shall be designed, constructed, and line-marked in accordance with Australian Standard AS 2890.1:2004. Line marking and directional arrows 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 occupation and maintained in good condition at all times to the reasonable satisfaction of the Council.
- (4) **Car Parking Directional Signage**  
Directional signs indicating the location of car parking spaces shall be provided on the subject land and maintained in a clear and legible condition at all times.
- (5) **Tourist Accommodation to be Connected to SA Water Sewer Network**  
Prior to the issue of a certificate of occupancy, the two accommodation villas must be connected to SA Water network in accordance with the wastewater management system and sewer connection plans prepared by Land Energy Pty Ltd referenced in Condition 1.
- (6) **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.
- (7) **Timeframe For Landscaping To Be Planted**  
Landscaping detailed in Enlargement Plan (prepared by Masterplan dated March 2020) shall be planted in the planting season following occupation and maintained in good health and condition at all times. Any such vegetation shall be replaced in the next planting season if and when it dies or becomes seriously diseased.
- (8) **CFS Access Requirements**  
Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.3.1 describes the mandatory provision that 'Private' roads and driveways to buildings shall provide safe and convenient access/egress for large bushfire fighting vehicles, where the furthest point to the building from the nearest public road is more than 30 metres:
- Access to the building sites 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.

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- 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.
- Vegetation to be established along the access road shall be carefully selected and designed in accordance with the following:
  - i. No Understorey vegetation shall be established within 3 metres either side of the access road (understorey is defined as plants and bushes up to 2 metres in height);
  - ii. Grasses shall be reduced to a maximum height of 10cm for a distance of 3 metres (or to the property boundary, whichever comes first); and
  - iii. Mature trees with a single stem habit, are permitted within this fuel reduced zone, providing they are maintained to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.

**(9) CFS Water Supply**

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.4.1 prescribes the mandatory provision of a dedicated and accessible water supply to be made available at all times for fire-fighting.

Minister's Specification SA78 provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with Minister's Specification SA78:

- A minimum supply of 22,000 litres of water for each building 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.



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- 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 noncombustible 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 (5hp), OR
  - iii. A pumping system that operates independently of mains electricity and is capable of pressurising 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 (i.e. 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 a 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.

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

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.4.1 requires a dedicated and accessible water supply to be made available at all times for fire-fighting:

- The water supply outlet shall be easily accessible and clearly identifiable from the access way.
- The dedicated water supply and its location should be identified with suitable signage (i.e. blue sign with white lettering "FIRE WATER").
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- Provision shall be made adjacent 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.

**(11) CFS Vegetation / Landscaping**

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.5 mandates that landscaping shall include Bushfire Protection features that will prevent or inhibit the spread of bushfire and minimise the risk to life and/or damage to buildings and property. A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the buildings (or to the property boundaries – whichever comes first) as follows:

- i. The number of trees and understorey plants existing and to be established within the VMZ shall be maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'.
- ii. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
- iii. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
- iv. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the buildings.
- v. Shrubs must not be planted under trees or 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.

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- vii. No understorey vegetation shall be established within 1 metre of the buildings (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 buildings such as windows, decks and eaves.
- ix. The VMZ shall be maintained to be free of accumulated dead vegetation.

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

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

**(13) Prior to Building Rules Consent Being Granted – Requirement for Soil Erosion And Drainage Plan (SEDMP)**

Prior to Building Rules Consent being granted the applicant shall prepare and submit to Council a Soil Erosion and Drainage Management Plan (SEDMP) for the site for Council's approval. The SEDMP shall comprise a site plan and design sketches that detail erosion control methods and installation of sediment collection devices that will prevent:

- a) soil moving off the site during periods of rainfall;
- b) erosion and deposition of soil moving into the remaining native vegetation; and
- c) soil transfer onto roadways by vehicles and machinery.

The works contained in the approved SEDMP shall be implemented prior to construction commencing and maintained to the reasonable satisfaction of Council during the construction period.

**(14) 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 should be managed on site with no stormwater to trespass onto adjoining properties.

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**(15) Maximum Number of Guests for Tourist Accommodation**

Each tourist accommodation villa shall accommodate a maximum of four (4) guests at any given time.

**(16) Tourist Accommodation**

The person(s) having the benefit of this consent shall refrain from permitting the use of the building (or any part thereof) for the provision of long term accommodation or, as a separate dwelling. The tourist accommodation shall be used and operated on a short term rental arrangement with a maximum stay per occupancy not exceeding 28 days. Accommodation bookings for periods between 7 days and 28 days shall not exceed 10 percent of the total number of bookings per accommodation unit in any calendar year.

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

**(17) Removal of Redundant Crossovers**

Any existing crossing places along Spoehr Road shall be considered redundant and shall be closed off prior to the occupation of the development herein-approved.

**(18) Sealing of Vehicle Access**

The vehicle and cross-over as detailed on Entrance Enlargement Plan (dated 1 March 2021) shall be sealed in Hotmix bitumen, concrete, brick paving or similar material, from the edge of the sealed carriageway of Spoehr Road to the property boundary prior to the occupation of the development herein-approved.

NOTE: The access shall be constructed to ensure no construction materials are deposited onto the carriageway of Spoehr Road.

**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 Consent must be applied for prior to the expiry of the DPC and lodged through the PlanSA portal unless a private certifier was engaged prior to 19 March 2021. The time period may be further extended by Council agreement following written request and payment of the relevant fee.

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**(2) Water Storage Tanks**

A water storage tank (and any supporting structure) which:

- a) is not part of a roof drainage system; or
- b) has a total floor area exceeding ten (10) square metres; or
- c) is not wholly above ground; or
- d) has a part higher than four (4) metres above the natural surface of the ground, will require Council approval.

**(3) EPA Information Sheets**

Any information sheets, guideline documents, codes of practice, technical bulletins, are referenced in this decision can be accessed on the following web site: <http://www.epa.sa.gov.au/pub.html>

**(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) EPA Sewer Pump Station Requirements**

The pipeline and automatic control system of the sewer pump station should be designed and constructed to minimise any potential overflow/discharge of sewerage to the environment.

**(6) 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.

**(7) 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, 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. 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.

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**(8) Bushfire Survival Plan – Tourist Accommodation**

A BUSHFIRE SURVIVAL PLAN (BSP) shall be displayed in the accommodation. This BSP shall be designed specifically for the purpose of any guests that may be in residence during a bushfire event, especially during the Fire Danger Season:

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

**(9) 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 19 (applicable for Tourist Accommodation Villa's 1 & 2).

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".

8:26pm The meeting was adjourned for a short break
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8:32pm The meeting resumed in open session
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- 8.3      **Development Application 21/327/473 by Woodforde JV Stage 3A Pty Ltd for five storey residential flat building comprising of 57 dwellings, associated car parking, swimming pool & associated safety barriers, fencing (maximum height 2m), landscaping, associated communal facilities and associated earthworks at pieces 6031, 6032 and 6033 Buchanan Drive, Kintyre Road and Macintosh Crescent, Woodforde (now created Lot 228 Macintosh Crescent, Woodforde)**

8.3.1    **Representations**  
None to be heard

The applicant's representatives, Fabian Barone (Future Urban) and Enzo Caroscio (Architect) via telephone, were invited to answer questions from the Panel.

8.3.2    **Decision of Panel**

**The following was adopted by consensus of all members** (42)

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 21/327/473 by Woodforde JV Stage 3A Pty Ltd for five storey residential flat building comprising of 57 dwellings, associated car parking, swimming pool & associated safety barriers, fencing (maximum height 2m), landscaping, associated communal facilities & associated earthworks at pieces 6031, 6032 and 6033 Buchanan Drive, Kintyre Road and Macintosh Crescent, Woodforde (now created Lot 228 Macintosh Crescent, Woodforde) 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 site selection plan prepared by Enzo Caroscio Architecture, drawing number A01.02 [A1] dated 15/03/21 and date stamped by Council 26/05/2021
- Amended site analysis plan prepared by Enzo Caroscio Architecture, drawing number A01.04 [A1] dated 15/03/21 and date stamped by Council 26/05/2021
- Site survey plan prepared by McMahon Services dated July 2019 and date stamped by council 26/05/2021
- Amended ground floor plan prepared by Enzo Caroscio Architecture, drawing number A02.00 [A2] dated 12/05/21 and date stamped by Council 26/05/2021

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- Amended level 1 floor plan prepared by Enzo Caroscio Architecture, drawing number A02.01 [A2] dated 12/05/21 and date stamped by Council 26/05/2021
- Amended level 2 floor plan prepared by Enzo Caroscio Architecture, drawing number A02.02 [A2] dated 12/05/21 and date stamped by Council 26/05/2021
- Amended level 3 floor plan prepared by Enzo Caroscio Architecture, drawing number A02.03 [A3] dated 12/05/21 and date stamped by Council 26/05/2021
- Amended level 4 floor plan prepared by Enzo Caroscio Architecture, drawing number A02.04 [A2] dated 12/05/21 and date stamped by Council 26/05/2021
- Amended roof plan prepared by Enzo Caroscio Architecture, drawing number A02.05 [A2] dated 12/05/21 and date stamped by Council 26/05/2021
- Amended elevation 01 drawings prepared by Enzo Caroscio Architecture, drawing number A03.00 [A2] dated 12/05/21 and date stamped by Council 26/05/2021
- Amended elevation 02 drawings prepared by Enzo Caroscio Architecture, drawing number A03.01 [A2] dated 12/05/21 and date stamped by Council 26/05/2021
- Amended elevation-site context 01 drawings prepared by Enzo Caroscio Architecture, drawing number A03.02 [A2] dated 12/05/21 and date stamped by Council 26/05/2021
- Amended elevation-Macintosh Crescent drawing prepared by Enzo Caroscio Architecture, drawing number A03.10 [A2] dated 15/03/21 and date stamped by Council 26/05/2021
- Amended elevation east drawing prepared by Enzo Caroscio Architecture, drawing number A03.11 [A2] dated 15/03/21 and date stamped by Council 26/05/2021
- Amended elevation north drawing prepared by Enzo Caroscio Architecture, drawing number A03.12 [A2] dated 15/03/21 and date stamped by Council 26/05/2021
- Amended elevation west drawing prepared by Enzo Caroscio Architecture, drawing number A03.13 [A2] dated 15/03/21 and date stamped by Council 26/05/2021
- Amended swimming pool elevation drawing prepared by Enzo Caroscio Architecture, drawing number A03.14 [A2] dated 12/05/21 and date stamped by Council 26/05/2021
- Amended section AA drawing prepared by Enzo Caroscio Architecture, drawing number A03.20 dated 15/03/21 and date stamped by Council 26/05/2021



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- Amended ground floor setback plan prepared by Enzo Caroscio Architecture, drawing number A04.00 [A2] dated 12/05/21 and date stamped by Council 26/05/2021
- Amended level 2 to 4 setback plan prepared by Enzo Caroscio Architecture, drawing number A04.01 [A2] dated 12/05/21 and date stamped by Council 26/05/2021
- Amended apartment plans prepared by Enzo Caroscio Architecture, drawing numbers A05.00 [A2], A05.01 [A2] and A05.02 [A2] dated 12/05/21 and date stamped by Council 26/05/2021
- Amended 3D perspective drawings prepared by Enzo Caroscio Architecture, drawing number A06.00 [A1] and A07.01 [A1] dated 22/04/21 and date stamped by Council 26/05/2021
- Camera location view plan prepared by Enzo Caroscio Architecture, drawing number A07.00 [A1] dated 22/04/21 and date stamped by Council 26/05/2021
- Comparison view drawings prepared by Enzo Caroscio Architecture, drawing number A07.01 [A1], A07.02 [A1] and A07.03 [A1] dated 22/04/21 and date stamped by Council 26/05/2021
- Perspective drawings prepared by Enzo Caroscio Architecture, drawing number A07.10 [A1] and A07.11 [A1] dated 22/04/21 and date stamped by Council 26/05/2021
- Material and finishes drawing prepared by Enzo Caroscio Architecture, drawing number A08.00 [A1] dated 15/03/21 and date stamped by Council 26/05/2021
- Amended shadow diagrams prepared by Enzo Caroscio Architecture, drawing number A09.00 [A2] dated 15/03/21 and date stamped by Council 26/05/2021
- Landscaping plan prepared by Landskap and date stamped by Council 26/05/2021
- Tree species plan prepared by Landskap and date stamped by Council 26/05/2021

**(2) Vehicle Access Point(s) Line Of Sight**

The vehicle access point(s) and cross-over(s) shall be kept free of any obstructions that may obscure the line of sight of a driver e.g. vegetation, letterboxes, fences.

**(3) Sealing Of Vehicle Access**

The vehicle and cross-over shall be sealed in Hotmix bitumen or concrete, from the edge of the sealed carriageway of Macintosh Crescent to the property boundary.

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NOTE: The access shall be constructed to ensure no construction materials are deposited onto the carriageway of Macintosh Crescent.

- (4) **Residential Lighting**  
All external lighting shall be directed away from adjacent residential development and, shielded if necessary to prevent light spill causing nuisance to the occupiers of those residential properties.
- (5) **External Finishes**  
The external finishes to the building herein approved shall be in accordance with the Materials and Finishes Plan, drawing number A08.00[A1] prepared by Enzo Caroscio Architecture.
- (6) **Car Parking Designed In Accordance With Australian Standard AS 2890.1:2004**  
All car parking spaces, driveways and manoeuvring areas shall be designed, constructed, drained and line-marked in accordance with Australian Standard AS 2890.1:2004. Line marking and directional arrows shall be clearly visible and maintained in good condition at all times. Driveways, vehicle manoeuvring and parking areas shall be constructed of bitumen or concrete prior to occupation of the use and maintained in good condition at all times to the reasonable satisfaction of the Council.
- (7) **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.
- (8) **Car Parking Directional Signage**  
Directional signs indicating the location of car parking spaces shall be provided on the subject land and maintained in a clear and legible condition at all times.
- (9) **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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- (10) **Prior To Building Consent Being Granted- Requirement for Construction Environment Management Plan (CEMP)**  
Prior to Building Consent being granted a Construction Environment Management Plan (CEMP) shall be prepared in accordance with current industry standards and submitted to Council. The industry standards include the EPA publications “Handbook for Pollution Avoidance on Commercial and Residential Building Sites – Second Edition” and, where applicable, “Environmental Management of On-site Remediation” – to minimise environmental harm and disturbance during construction. The plan shall be implemented prior to the commencement of construction.
- (11) **Installation of Automatic Watering System**  
An automatic watering system shall be installed that provides sufficient water supply to ensure the on-going growth and survival of the landscape plantings established in accordance with the approved plans.
- (12) **Timeframe For Landscaping To Be Planted**  
Landscaping, detailed in the landscaping plan shall be planted prior to occupation and maintained in good health and condition at all times. Any such vegetation shall be replaced in the next planting season if and when it dies or becomes seriously diseased.
- (13) **Planting of Trees Along The Rear Boundary**  
Mature non-deciduous trees shall be planted along the rear boundary prior to occupation of the apartments. The trees shall be a mixture of *Tristanopsis laurina* ‘Luscious’ (Kanooka Gum) and *Corymbia citriodora* ‘Scentuous’ (Lemon Scented Gum).
- (14) **Prior to Building Consent Being Granted - Requirement For Stormwater Calculations**  
Prior to Building Consent being granted all hydrological and hydraulic stormwater calculations shall be provided together with the final stormwater management drainage plan to the reasonable satisfaction of Council.
- (15) **Stormwater Overflow Directed To Street**  
All roof runoff generated by the development hereby approved shall be directed to the street (via a pump if necessary) to the reasonable satisfaction of Council within one month of the roof cladding being installed. All roof and hard paved water runoff shall be managed to prevent trespass onto adjoining properties to the reasonable satisfaction of Council.

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**NOTES**

**(1) Development Plan Consent Expiry**

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

Building Consent must be applied for prior to the expiry of the DPC and lodged through the PlanSA portal unless a private certifier was engaged prior to 19 March 2021.

Further details in relation to the Planning Reforms can be found  
[https://www.saplanningportal.sa.gov.au/planning\\_reforms](https://www.saplanningportal.sa.gov.au/planning_reforms)

**(2) Footpath and Kerb Alterations**

The footpath and kerb alterations shall be reinstated in a manner so as to ensure no road water runoff enters the crossover point and to the satisfaction of Council in order to prevent scouring or flooding on the footpath or road verge area.

**(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) 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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**9. Development Assessment Applications – Planning, Development and Infrastructure Act**

**9.1 Development Application 21009955 by Ulrich Schade and Mang Chun Alfred Teng for variation to existing Development Approval 19/580/473 – changes to retaining wall at 39 Emmett Road, Crafers West**

**9.1.1 Representations**

<b>Name of Representor</b>	<b>Address of Representor</b>	<b>Nominated Speaker</b>
Richard & Julie Arbery	37 Emmett Road Crafers West	Richard Arbery
Scott Hochwald	43 Emmett Road Crafers West	Scott Hochwald
David Shaw	3 Myrtle Avenue Myrtle Bank (Lot 4 Emmett Road)	David Shaw
Jarred & Sarah Sutton	27 Emmett Road Crafers West	Jarred Sutton
Tim Oosterbaan	78 Emmett Road Crafers West	Tim Oosterbaan

The applicants' representative, Werner Weber, addressed the Panel via audio/visual link, and the applicant, Ulrich Schade, was invited to answer further questions from the Panel.

**9.1.2 Decision of Panel**

**The following was adopted by consensus of all members (43)**

**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 at variance with the provisions of the Planning and Design Code; and**

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- (2) Development Application Number 21009955, by Ulrich Schade and Mang Chun Alfred Teng for Variation to existing Development Approval 19/580/473 - Changes to retaining wall at 39 Emmett Road Crafers West is REFUSED Planning Consent on the following grounds:

The proposal is at variance with the following Performance Outcomes of the Planning and Design Code:

**General Development Policies - Design**

Performance Outcomes 8.4 and 8.5 as the proposal does not keep the filling of the land to a minimum.

**Hills Face Zone**

Performance Outcome 2.1 as the proposed retaining wall is not unobtrusive and sited and designed in such a way as to:

- a) Preserve and enhance or assist in the re-establishment of the natural character of the zone; and
- b) Limit the visual intrusion of development in the Zone particularly when viewed from roads within the zone or from the Adelaide Plains.

Performance Outcome 2.5 as the proposed retaining wall is not sited in an unobtrusive location and does not utilise existing vegetation and natural features of the land to assist in obscuring it from sight when viewed from roads within the zone and from the Adelaide Plains.

Performance Outcome 2.8 as the proposed retaining wall is not sited and designed to reduce its vertical profile.

Performance Outcome 2.9 as the proposed retaining wall does not comprise materials that are of a low light reflective nature nor uses colours that are unobtrusive and blend with a natural and rural landscape.

Performance Outcome 3.1 as the proposal does not keep filling of the land to a minimum.

Designated Performance Feature 3.2 as the filling of land is 3.8 metres in height and is significantly greater than 1 metre envisaged, and in close proximity to the boundary.

**ADELAIDE HILLS COUNCIL  
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AND  
ZOOM VIRTUAL MEETING ROOM**

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Performance Outcome 10.4 as the proposed retaining wall will result in a loss of amenity to adjoining land and surrounding locality from the visual impact of the structure.

Performance Outcome 10.5 as the proposed retaining wall is on land where the slope poses an unacceptable risk of soil movement, land slip and erosion.

Performance Outcome 11.2 as the proposed retaining wall is not screened by locally indigenous plant species.

Performance Outcome 12.1 as the proposed retaining wall is not a series of stepped low walls.

- 10. Development Assessment Applications – Review of Decisions of Assessment Manager**  
Nil
- 11. ERD Court Appeals**  
The Assessment Manager provided the Panel with an update on current ERD Court Appeals.
- 12. Policy Issues for Advice to Council**  
Nil
- 13. Other Business**
  - 13.1 David Brown suggested some minor administrative changes to the Agenda, new PDI CAP Report and order of pages in the Attachments.
  - 13.2 The Assessment Manager provided the Panel with a brief update on Development Application statistics.
- 14. Order for Exclusion of the Public from the Meeting to debate Confidential Matters**  
Nil
- 15. Confidential Item**  
Nil

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**16. Next Meeting**

The next ordinary Council Assessment Panel meeting will be held on Wednesday 8 September 2021.

**17. Close meeting**

The meeting closed at 10.58pm.