

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 12 APRIL 2023  
63 MOUNT BARKER ROAD, STIRLING  
AND  
ZOOM VIRTUAL MEETING ROOM**

*[Please Note: These minutes are unconfirmed until 10 May 2023]*

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**In Attendance**

**Presiding Member**

Geoff Parsons

**Members**

Ross Bateup

Paul Mickan

Myles Somers

Leith Mudge

**In Attendance**

Deryn Atkinson

James Booker

Marie Molinaro

Mike O'Donnell

Karen Savage

Assessment Manager  
Team Leader Statutory Planning  
Statutory Planner  
ICT Support Officer  
Minute Secretary

**1. Commencement**

The meeting commenced at 6.30pm

**2. Opening Statement**

“Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kurna 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”.

**3. Apologies/Leave of Absence**

**3.1 Apologies**

Nil

**3.2 Leave of Absence**

Nil

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**4. Previous Minutes**

4.1 Meeting held 8 March 2023

**The minutes were adopted by consensus of all members (4)**

**That the minutes of the meeting held on 8 March 2023 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**

Nil

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

7.1 Matters Lying on the Table

Nil

7.2 Matters Deferred

Nil

**8. Development Assessment Applications – Planning, Development and Infrastructure Act**

**8.1 Development Application 22028767 by Damian Stam and Linda Stam for change of use to include tourist accommodation comprising one self-contained unit at 35 Jacobs Lane, Mylor**

**8.1.1 Representations**

<b>Name of Representor</b>	<b>Address of Representor</b>	<b>Nominated Speaker</b>
Kevin Brogan	10 Jacobs Lane, Mylor	Kevin Brogan

The representor, Kevin Brogan, addressed the Panel, and answered questions from the Panel.

**ADELAIDE HILLS COUNCIL  
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The applicant, Damian Stam, addressed the Panel, and answered questions from the Panel.

**8.1.2 Decision of Panel**

**The following was adopted by consensus of all members (5)**

**The Council Assessment Panel resolved that:**

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and**
- 2) Development Application Number 22028767 by Damian Stam and Linda Stam for change of use to include tourist accommodation comprising one self-contained unit at 35 Jacobs Lane, Mylor is granted Planning Consent subject to the following conditions:**

**RESERVED MATTER**

**The following matter is reserved pursuant to Section 102(3) of the Planning, Development and Infrastructure Act 2016 to be addressed prior to Development Approval being granted to the reasonable satisfaction of the Assessment Manager:**

- 1) A detailed landscaping plan shall be prepared by a suitably qualified professional and submitted with further details regarding plant species and plant locations including additional screening north of the tourist accommodation access.**

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

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

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**CONDITIONS**

**Planning Consent**

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.
- 2) The person(s) having the benefit of this consent shall refrain from permitting the use of the tourist accommodation building 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 one (1) month stay per occupancy.

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

- 3) External colours and materials shall be as follows:  
ROOF: Colorbond 'Monument' or similar  
WALLS: Weathertex cladding in Colorbond 'Monument' colour or similar
- 4) All external light shall be directed away from residential development and shielded if necessary to prevent light spill causing nuisance to the occupiers of adjacent residential properties.
- 5) The vehicle access point and cross over shall be constructed in accordance with Adelaide Hills Council standard engineering detail SD24 – piped entrance prior to occupation/use of the development. The newly constructed access must not alter road stormwater flow or path.

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

- 6) Prior to occupation, the on-site wastewater system must be installed in accordance with the "*Aerobic with Surface Sprays for Proposed Accommodation Area Report 2032 35 Jacobs Lane Mylor*", prepared by Archer Environmental, dated 2 August 2022, and include:
  - a. The installation of an Ozzi Kleen RP10 system.
  - b. The construction of an 80m<sup>2</sup> irrigation area which is:

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- i. located more than 50m from the nearest watercourse, dam or bore; and
  - ii. more than 1.2m from the seasonal groundwater table; and
  - iii. on a slope less than 20%; and
  - iv. not in the 10% annual exceedance probability flood zone.
- c. Vegetating the irrigation area with a woodlot.
  - d. Bunding to direct surface runoff away from the irrigation area and creating a bund downhill to prevent any runoff (from over-irrigation) moving off site.

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

- 7) The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 3.2) details the mandatory requirements for extensions to buildings, outbuildings and other ancillary structures are sited and constructed using materials to minimise the threat of fire spread to residential and tourist accommodation (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) in the event of bushfire.

Outbuildings and other ancillary structures shall be sited no closer than 6m from the habitable building, unless built to relevant building standards for associated structures in Bushfire Prone Areas.

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

A clear and unobstructed vehicle or pedestrian pathway shall be provided; no greater than 60 metres in length between the most distant part of the habitable building and the nearest part of the formed public access way.

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 12 APRIL 2023  
63 MOUNT BARKER ROAD, STIRLING  
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---

- 9) **Water Supply & Access (to dedicated water supply)**  
Ministerial Building Standard MBS008 “Designated bushfire prone areas - additional requirements” 2020, as published under the *Planning, Development and Infrastructure Act 2016*, provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with MBS008.

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

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 4.3) details the mandatory requirements for the site to provide a dedicated hardstand area in a location that allows fire fighting vehicles to safely access the dedicated water supply.

SA CFS has no objection to the proposed location for the dedicated water supply as detailed on drawing named SERVICES PLAN dated at last revision 07/02/2023, providing the outlet is positioned to comply with the following conditions:

- The water supply outlet shall be easily accessible and clearly identifiable from the access way and is no greater than 60m path of travel to the furthest point of the building, to enable fire services to reach all parts of the building with no more than two lengths of hose from the hardstand area.
- The dedicated water supply and its location should be identified with suitable signage (i.e. blue sign with white lettering “FIRE WATER”).
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- Provision shall be made adjacent the water supply for a nominally level hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
- SA CFS appliance’s 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 above ground tank to provide adequate access.

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 12 APRIL 2023  
63 MOUNT BARKER ROAD, STIRLING  
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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.
  - The minimum water supply required may be combined with domestic use, providing the outlet for domestic use is located above the dedicated fire water supply (in order for it to remain as a dedicated supply).
  - Where access to the habitable building is not required due to proximity to the public road, but the hardstand adjacent the outlet is located more than 6m within the boundary of the allotment, the access to the outlet shall:
    - be connected to a formed, all-weather public road; and
    - have a gradient of not more than 16 degrees (1-in-3.5) at any point; and
    - provide overhead clearance of not less than 4.0m horizontally and vertically between the driveway surface and overhanging branches or other obstructions, including building and/or structures; and
    - shall not include guest car parking space/s within the minimum dimensions.
  - The all-weather access to the hardstand shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either:
    - A loop road around the building, OR
    - A turning area with a minimum radius of 12.5 metres, OR
    - A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres (for each 'leg') and minimum internal radii of 9.5 metres OR
    - A 'U' shaped 'drive-through' option.
- 10) Maintain an Asset Protection Zone (APZ) - Vegetation Management**  
The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 4.2) details the mandatory requirements to establish and maintain an asset protection zone. As such, landscaping shall include bushfire protection features that will prevent or inhibit the spread of bushfires and minimise the risk to life and/or damage to buildings and property and maintain a fuel reduced zone for safe movement of occupants and fire fighters.

SA CFS has no objection to the location and extent of the asset protection zone as detailed on drawing named PLANTING ZONES dated at last revision 01/02/2023, providing it complies with the following conditions:

**ADELAIDE HILLS COUNCIL  
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- **Vegetation management shall be established and maintained within 20 metres of the habitable building (or to the property boundaries – whichever comes first) as follows:**
  1. **The number of trees and understorey plants existing and to be established within the APZ 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%’.**
  2. **Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.**
  3. **Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.**
  4. **Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.**
  5. **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.**
  6. **Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.**
  7. **No understorey vegetation shall be established within 2 metres of the habitable building (understorey is defined as plants and bushes up to 2 metres in height).**
  8. **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.**
  9. **The APZ shall be maintained to be free of accumulated dead vegetation.**

#### **ADVISORY NOTES**

##### **Planning Consent**

- 1) **No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.**



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MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
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- 2) **Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.**
- 3) **This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.**
- 4) **Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).**
- 5) **Separate Development approval is required for any signs or advertisements associated with the development herein approved.**
- 6) **The operators shall follow the advice of SA Health regarding the Safe Drinking Water Act (2011) requirements for potable water supply to the tourist accommodation units. An exemption may be required from SA Health to provide water via the existing water storage tank.**

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

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

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
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More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: [www.epa.sa.gov.au](http://www.epa.sa.gov.au).

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

**BUILDING CONSIDERATIONS**

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

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

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

Category of BAL 19.

9.     **Development Assessment Applications – Development Act**  
Nil
10.    **Development Assessment Applications – Review of Decisions of Assessment Manager**  
Nil
11.    **ERD Court Appeals**  
The Assessment Manager provided the Panel with a verbal update on current ERD Court Appeals.
12.    **Policy Issues for Advice to Council**  
Nil

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ZOOM VIRTUAL MEETING ROOM**

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---

**13. Other Business**

- 13.1 The Assessment Manager foreshadowed the need for a Special meeting in May, and a placeholder for Wednesday 24 May 2023 was agreed by the Panel.

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

**15. Confidential Item**  
Nil

**16. Next Meeting**  
The next ordinary Council Assessment Panel meeting will be held on Wednesday 10 May 2023.

**17. Close meeting**  
The meeting closed at 7.19pm.