

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 SEPTEMBER 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 24 September 2025]

In Attendance

Presiding Member

Geoff Parsons

Members

Ross Bateup

Tim Pride

Leith Mudge

In Attendance

Deryn Atkinson

James Booker

Tim Mason

Chandhini Kumar

Tom Portas

Sarah Kimber

Assessment Manager

Team Leader Statutory Planning

Statutory Planner

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 Country of the Peramangk and Kaurna people. We pay our respects to Ancestors and Elders past and present as the Custodians of this ancient and beautiful land”.

3. Apologies/Leave of Absence

3.1 Apologies

Nil

3.2 Leave of Absence

Myles Somers

Paul Mickan

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 SEPTEMBER 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

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4. Previous Minutes

4.1 Meeting held 30 July 2025

The minutes were adopted by consensus of all members (20)

That the minutes of the meeting held on 30 July 2025 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

Leith Mudge advised that, in relation to Item 8.3, as this is an application from a Council employee there could be a perceived conflict of interest. Whilst he is aware of the name of the person, he does not believe they have met, and he has not had any discussions on this matter. Whilst there may be a perception of bias, he does not believe this to be the case and will remain in the room for the deliberations and vote on this matter.

7. Matters Lying on the Table/Matters Deferred

7.1 Matters Lying on the Table
Nil

7.2 Matters Deferred
Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 SEPTEMBER 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 24 September 2025]

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

8.1 Development Application Number 24028014 by Planning Studio Pty Ltd and David Bowley for a Variation to Development Application 21027668 - Alteration to capacity and hours of operation, change of use to include the hosting of functions (limited to 12 functions per annum) in association with an existing shop for the sale and tasting of wine at 589 Cudlee Creek Road, Cudlee Creek

8.1.1 Representations

Name of Representer	Address of Representer	Nominated Speaker
Andrew Watts	PO Box 309, Lobethal SA 5241	Erin Hoklas and Andrew Watts
Erin Hoklas	PO Box 309, Lobethal SA 5241	Greg Vincent (MasterPlan)
Jason Draper; Tamara Mieglich	632 Cudlee Creek Road, Lobethal SA 5241	Tamara Mieglich
Roger Moreton	PO Box 112, Lobethal SA 5241	Roger Moreton and Michelle Markham

The applicant's representative, Emma Barnes (Planning Studio) and the landowner/applicant, David Bowley, addressed the Panel and answered questions from the Panel.

8.1.2 Decision of Panel

The following was adopted by consensus of all members

(21)

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**

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 SEPTEMBER 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 24 September 2025]

- 2) Development Application Number 24028014 by Planning Studio Pty Ltd and David Bowley for a Variation to Development Application 21027668 - Alteration to capacity and hours of operation and change of use to include the hosting of functions (limited to 12 functions per annum) in association with an existing shop for the sale and tasting of wine at 589 Cudlee Creek Road, Cudlee Creek is granted Planning Consent subject to the following conditions and reserved matters:

RESERVED MATTERS

Pursuant to section 102(3) of the Planning, Development and Infrastructure Act of 2016, the following matters shall be served for further assessment prior to the granting of Development Approval. The Assessment Manager is delegated to undertake this further assessment:

- 1) An amended Site plan shall be provided showing internal access to the overflow car park and showing no direct access to the overflow car park via Berry Hill Road during function events.

Pursuant to section 127(1) of the PDI Act 2016, the power to impose further conditions of consent in respect of the reserved matter above is delegated to the Assessment Manager.

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 (if any).
- 2) At any one time, the overall capacity of the shop shall be limited to a maximum of 90 people. This includes any associated outdoor areas.
- 3) The maximum allowable internal music noise level must not exceed 82 dB(A) when measured as a reverberant sound pressure level not closer than 3m to any speaker as outlined in the associated Environmental Noise Assessment (dated July 2025) prepared by Sonus Pty Ltd. The sound system shall be fitted with a sound limiter by an acoustic engineer to ensure this criteria isn't exceeded.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 SEPTEMBER 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 24 September 2025]

- 4) Food and beverages other than the Licensee's own product may be provided at the 12 pre-booked functions. Individual meals may not be offered to patrons at other times, with the exception of light snacks such as platters.
- 5) The overall function capacity of the premises shall be limited to:
 - 12 functions per calendar year;
 - A maximum of 1 function per week Monday to Sunday; and
 - a maximum capacity of 90 people for each function.
- 6) The shop opening hours shall not exceed 11:00am to 6:00pm any day with the exception of pre-booked functions as defined in Condition 5. On these occasions opening hours shall be permitted between 11:00am and 11:00pm.
- 7) A register of functions shall be kept of all pre-booked functions for each calendar year and made available for inspection by the Council upon request.
- 8) Removable Signage internal to the site shall be erected within 3 months of Development Approval requesting patrons to minimise noise when leaving the site.
- 9) Except where varied by this authorisation, all other conditions, plans and details relating to Development Authorisation 21027668 continue to apply to this amended authorisation.

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

- 10) The on-site wastewater system must be installed in accordance with the Site and Soil Assessment report by RFE Consulting, dated 12 August 2024, and include:
 - a. the installation of two Ozzi Kleen RP10 systems
 - b. the establishment of a 1,120 m² irrigation area, to be located more than 50 metres from the nearest watercourse, dam or bore, more than 1.2 metres from the seasonal groundwater table, on a slope less than 20% and not in the 10% AEP flood zone
 - c. vegetating the irrigation area with shrubs and some trees

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 SEPTEMBER 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 24 September 2025]

- 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, and
- e. a high-level alarm for the balance tank.

ADVISORY NOTES

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 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).

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

- 5) The applicant/owner/operator is reminded of the 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.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 SEPTEMBER 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 24 September 2025]

- 6) More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au

8.2 Development Application Number 25012307 by Pavilions At Lenswood for Day Spa and Wellness Centre (Personal Services Establishment) with swimming pool, associated earthworks, landscaping, advertisements and carparking in association with existing Tourist Accommodation premises at 747 Swamp Rd Lenswood

8.2.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Konrad Romaniuk	PO BOX 4 CRAFTERS SA, 5152	Konrad Romaniuk - attempted to attend via Zoom but due to long deliberations on item prior provided a summary of points that was tabled at the CAP meeting in lieu of speaking.

The applicant's representative, Adam Williams (MasterPlan) addressed the Panel and the landowner, Aaron Haarsma and Sam Harnett (Civil Engineer) answered questions from the Panel.

8.2.2 Decision of Panel

The following was adopted by consensus of all members (22)

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 25012307 by Pavilions At Lenswood for Day Spa and Wellness Centre (Personal Services Establishment) with swimming pool, associated earthworks, landscaping, advertisements and carparking in association with existing Tourist Accommodation premises at 747 Swamp Rd Lenswood is GRANTED Planning Consent subject to the following conditions:**

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 SEPTEMBER 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 24 September 2025]

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.
- 2) The external finishes to the Personal Services Establishment herein approved shall be as follows.
WALLS: Colorbond 'Monument' with stonework and Aliwood features or, similar
ROOF: Colorbond 'Monument' or, similar
- 3) All car parking spaces, driveways and manoeuvring areas shall be designed, constructed, and delineated in accordance with Australian Standard AS 2890.1:2004. Delineation 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) One car parking space in the car park shall be designated as space for people with a disability and designed in accordance with Australian Standard 2890.1:2004.
- 5) All materials and goods shall be loaded and unloaded within the confines of the subject land at all times. Materials and goods shall be stored on the land in a tidy manner and shall not be located in areas delineated for use as car parking.
- 6) The opening hours of the personal services establishment shall be 10:00am to 6:00pm from Wednesday to Monday inclusive.
- 7) All exposed excavations and fill as shown on the site plan shall be:
 - rounded off and battered to match and blend with the natural contours of the land;
 - covered with approximately 100mm of topsoil;
 - seeded to avoid erosion and visual concerns ; and
 - screened with trees, shrubs and ground covers
 All works must be completed prior to occupation of the approved development to the reasonable satisfaction of Council.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 SEPTEMBER 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 24 September 2025]

- 8) Prior to commencement of work and at all times during construction the elements of the Soil Erosion and Drainage Management Plan drawn by Harnett Engineering, Sheet 1 of 1 Revision C are to be completed to prevent soil moving off the site.
- 9) Landscaping detailed in the landscaping plan 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.
- 10) A supply of water independent of reticulated mains supply shall be available at all times for firefighting purposes:
 - a minimum supply of 2,000 (two thousand) litres of water shall be available for fighting purposes at all times; and
 - the water supply shall be located such that it provides the required water; and
 - the water supply shall be fitted with domestic fittings (standard household taps that enable an occupier to access a supply of water with domestic hoses or buckets for extinguishing minor fires); and
 - the water supply outlet shall be located at least 400mm above ground level for a distance of 200mm either side of the outlet; and
 - a water storage facility connected to mains water shall have an automatic float switch to maintain full capacity; and
 - where the water storage facility is an above-ground water tank, the tank (including any support structure) shall be constructed of non-combustible material.
- 11) All roof runoff generated by the development hereby approved shall be managed on-site to the satisfaction of Council within one month of the roof cladding being installed. All Stormwater Infrastructure shall be installed prior to occupation in accordance with the Civil Plan Sheet 01 of 01 Revision K prepared by Harnett Engineering and dated 17 July 2025 so as to not permit trespass into the effluent disposal area and avoid stormwater trespass onto adjoining properties.
- 12) All solid waste including food, leaves, papers, cartons, boxes and scrap material of any kind shall be stored in a closed container having a close-fitting lid. The container shall be stored in a screened area so that it is not visible from the public realm and/or neighbouring properties.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 SEPTEMBER 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 24 September 2025]

- 13) All waste shall be removed from the subject land at least once a week. Collection of waste shall be carried out only between the hours of 7am to 6pm on any day.

ADVISORY NOTES

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 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) No spillage of waste shall occur from the storage or use of pool chemicals. Disposal of any chemicals shall only occur at the EPA Household Hazardous Waste Depot (Ph 8204 1947) or through a licensed waste contractor.
- 6) New pools or spas may only be filled under the authority of a permit from SA Water. The applicant is advised to obtain a permit to fill the pool with water from SA Water before proceeding with the installation of the swimming pool.

SA Water advises that a permit will not be granted unless proof is provided that a cover has been purchased to prevent water loss through evaporation.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 SEPTEMBER 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 24 September 2025]

- 7) The applicant is reminded of their general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes, or may cause, environmental harm.

8.3 Development Application Number 24042562 by Mr Justin Scott for Tourist accommodation and deck at 1108 Montacute Rd Montacute

8.3.1 Representations
Nil

8.3.2 Decision of Panel

The following was adopted by consensus of all members (23)

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 24042562 by Mr Justin Scott for Tourist accommodation and deck at 1108 Montacute Rd Montacute is GRANTED Planning Consent subject to the following conditions:

RESERVED MATTERS

Pursuant to section 102 (3) of the Planning, Development and Infrastructure Act of 2016, the following matters shall be reserved for further assessment prior to the granting of Development Approval. The Assessment Manager is delegated to undertake this further assessment:

- 1) A revised data report prepared in accordance with regulation 18(2)(a) of the Native Vegetation Regulations 2017, assessing the additional Native Vegetation clearance to establish a 33m Asset Protection Zone required by the South Australia Country Fire Service (CFS) as shown on Site Plan 1 C (dated 08/08/2025) prepared by Plan It Building Design.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 SEPTEMBER 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 24 September 2025]

Pursuant to Section 127(1) of the Planning, Development and Infrastructure Act 2016, the power to impose further conditions of consent in respect of the reserved matter above is delegated to the Assessment Manager.

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 (if any).
- 2) 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 shall be used and operated on a short-term rental arrangement with a maximum of a ninety (90) day stay in a 12-month period, 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) The applicant, owner and/or other person(s) making use of the subject land shall maintain the site in good condition at all times, including all buildings and structures, car parking areas, driveways and landscaping, and ensure that all activities on the site are in accordance with the approved documentation to the reasonable satisfaction of Council.
- 4) The tourist accommodation approved herein and any associated activities shall be managed and conducted at all times in a manner as to cause no undue nuisance or adverse effect to any neighbouring landowners or to other land uses within the locality.
- 5) All roof runoff generated by the development hereby approved shall be managed on-site to the satisfaction of Council within one month of the roof cladding being installed using design techniques such as:
 - Rainwater tanks
 - Grassed swales
 - Stone filled trenches
 - Small infiltration basins

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 SEPTEMBER 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 24 September 2025]

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

- 6) The subfloor area of the tourist accommodation must be appropriately treated or enclosed to minimise the risk of accumulation of burning debris underneath the structure, to the reasonable satisfaction of Council.
- 7) All external materials and finishes shall be of subdued colours and of a low-light reflective nature which blend with the natural features of the landscape.

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

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

8) SITING (ANCILLARY STRUCTURES)

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. This includes existing and future structures which may or may not require planning and/or building consent including (but not limited to) garden sheds, animal shelters and cubby houses.

9) 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.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 SEPTEMBER 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 24 September 2025]

SA CFS has no objection to the proposed access driveway as detailed on drawing named SITE PLAN dated at last revision 01/07/2025, with the following conditions:

The driveway shall be connected to a formed, all-weather public road with the transition area between the road and driveway having a gradient of not more than 7 degrees (1-in-8).

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, to within 60m of the furthest point of the building. Where the gradient of the driveway is steeper than 12 degrees (1-in-4.5) the minimum formed road surface shall be 4 metres.

The all-weather road 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.

Private access shall have minimum internal radii of 9.5 metres on all bends.

Private access shall provide overhead clearances of not less than 4.0m horizontally and vertically between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures.

Vegetation to be established along the access road shall be carefully selected and designed in accordance with the following:

No understorey vegetation shall be established either side of the access road (understorey is defined as plants and bushes up to 2 metres in height),

Grasses shall be reduced to a maximum height of 10cm for a distance of 3 metres (or to the property boundary, whichever comes first).

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 SEPTEMBER 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 24 September 2025]

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.

The all-weather road shall incorporate passing bays. The combined width of the passing bay and access track shall be 6 metres, and a minimum formed length of 17 metres. The passing bays should be constructed at 200 metre intervals along the road or driveway. Where it is necessary to provide adequate visibility, such as the nearest point to the public road or other passing bay, passing bays may be required at intervals of less than 200 metres.

The gradient of the access road shall not exceed 16 degrees (1-in-3.5) at any point along the driveway. In steep terrain exceeding 10 degrees (1-in-5.5) the surface should be sealed.

The cross fall of the driveway shall be not more than 6 degrees (1-in-9.5) at any point along the driveway. In steep terrain roads shall be widened and appropriate guard rails and visibility markers should be installed on sides where an edge drop is present.

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 run-off to appropriate drains, at one or both sides of the traffic surface. The accumulated volumes of water shall be directed via:

open drains; or

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.

Solid crossings over waterways shall be provided to withstand the weight of large bushfire appliances (GVM 21 tonnes).

10) 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.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 SEPTEMBER 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 24 September 2025]

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 FLOOR PLAN and SITE PLAN dated at last revision 01/07/2025, 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 furthestmost 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.

All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for firefighting) 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).

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 SEPTEMBER 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 24 September 2025]

Access via a removable inspection opening is permissible if the following can be achieved:

Provision shall be made adjacent to 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 3m to edge of the tank; and

the opening is a minimum of 200mm wide and is not more than 1.5m above ground level and no lower than 5m to the lowest point of the water source; and

access to the opening is unobstructed by associated landscaping and barriers.

11) 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 SITE PLAN dated at last revision 01/07/2025, providing it complies with the following conditions:

Vegetation management shall be established and maintained within 33 metres of the habitable building (or to the property boundaries – whichever comes first) as follows:

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 and not within 5 metres of surrounding hazardous vegetation. 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%'.

Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.

Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 SEPTEMBER 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

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Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.

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.

Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.

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).

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

The APZ shall be maintained to be free of accumulated dead vegetation.

A single row of trees or shrubs are permitted closer to the building than their mature height for screening purposes, providing they are not connected to other hazardous vegetation, are not within close proximity of timber building elements, windows and doors and do not touch or overhang any part of the building. Screening plants should have low flammability characteristics, be kept in optimum health, pruned regularly and any dead vegetation removed.

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

- 12) The on-site wastewater system must be installed in accordance with that proposed in the Site and Soil Assessment report, prepared by SEED Enterprises, dated 6 May 2025 and must include:
 - a. installation of an OzziKleen RP10 system.
 - b. construction of an irrigation area, at least 223m² in size, located more than 50m from the nearest watercourse, dam or bore, more than 1.2m from the seasonal groundwater table, on a slope less than 20% and not in the 10% AEP flood zone.
 - c. bunding that directs surface runoff away from the irrigation area.

ADVISORY NOTES

General Notes

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 SEPTEMBER 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

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- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) 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) This consent is strictly limited to works on the subject land. This consent does not permit any alteration to road verge. Works including tree pruning/removal, earthworks, kerbing, storage of material or any alteration to the verge or a reserve requires a separate approval under Section 221 of the Local Government Act 1999. For more information regarding this process please visit: <https://www.ahc.sa.gov.au/development/roads-andconstruction/authorisation-to-alter-a-public-road>
- 6) 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 please refer to the Native Vegetation Council website. Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council on 8303 9777.

**ADELAIDE HILLS COUNCIL
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WEDNESDAY 10 SEPTEMBER 2025
63 MOUNT BARKER ROAD, STIRLING
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ZOOM VIRTUAL MEETING ROOM**

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

7) BUILDING CONSIDERATIONS

Ministerial Building Standard MBS008 “Designated bushfire prone areas - additional requirements” 2020, as published under the Planning, Development and Infrastructure Act 2016 applies to this site.

Please refer to the National Construction Code (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 Bushfire Attack Level: BAL 29

This BAL rating is conditional upon the establishment and maintenance of a 20 metre Asset Protection Zone (or to the property boundaries – whichever comes first), in accordance with the Asset Protection Zone – Vegetation Management condition of consent placed on the planning consent with the same application reference.

This result is considered relevant at the date of assessment with respect to the elevations detailed on proposed Site Plan, dated 01/07/2025 and shall not be considered as SA CFS endorsement of any subsequent development.

8) TOURIST ACCOMMODATION - BUSHFIRE SURVIVAL PLAN

CFS further recommends:

- 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. The BSP:
 - 1) should provide 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; and
 - 2) should address the possibility that the owners may not be present at the time of the bushfire event; and
 - 3) should not expect guests to be involved in fire-fighting operations.

**ADELAIDE HILLS COUNCIL
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WEDNESDAY 10 SEPTEMBER 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

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The SA CFS 'Bushfire Safety Guide For Business' 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 heightened bushfire danger and/or bushfire events and consider including any alterations to bookings and services offered due to actual or predicted conditions during the Fire Danger Season in any booking/refund policy.

9) MANIFEST BOX (or similar)

Given the complexities that the subject site presents, SA CFS further recommends the installation of a Manifest Box at the entrance of the property. This box (which looks a bit like a small meter box), should be red with white writing 'Fire Protection system' or similar, and clearly visible to fire crews as they access the property. Information contained should include, but is not limited to, a list of emergency contact phone numbers and a site plan highlighting vehicle access, turning ability, building location, water i.e. fill locations, all fire protection equipment, and any on-site hazards or storage of dangerous materials i.e. LPG, fuels or chemicals.

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

10) The applicant/owner/operator are 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.

11) More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au

9. Development Assessment Applications – Development Act
Nil

10. Development Assessment Applications – Review of Decisions of Assessment Manager
Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 SEPTEMBER 2025
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- 11. ERD Court Appeals**
Nil update
- 12. Policy Issues for Advice to Council**
Nil
- 13. Other Business**
The Presiding Member advised the Panel that this is James Booker's last meeting with the Council Assessment Panel before leaving Council to start a new role at the City of West Torrens. The Presiding Member thanked James for his support and guidance to the CAP and wished him well for the future.
- 14. Order for Exclusion of the Public from the Meeting to debate Confidential Matters**
Nil
- 15. Confidential Item**
Nil
- 16. Next Meeting**
The next meeting is a Special Council Assessment Panel meeting to be held on Wednesday 24 September 2025.
- 17. Close meeting**
The meeting closed at 10:45pm on 10 September 2025.