

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

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**In Attendance**

**Presiding Member**

Geoff Parsons

**Members**

Ross Bateup  
Paul Mickan  
Myles Somers  
Leith Mudge

**In Attendance**

Natalie Armstrong  
James Booker  
Doug Samardzija  
Marie Molinaro  
Nigel Scholz  
Karen Savage

Director Development & Regulatory Services  
Acting Manager Development Services  
Acting Team Leader Statutory Planning  
Acting Senior Statutory Planner  
Project Co-ordinator Business Analyst, ICT  
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 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”.

**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 14 June 2023

**The minutes were adopted by consensus of all members (8)**

**That the minutes of the meeting held on 14 June 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**

Leith Mudge advised that, in relation to Item 8.1, he has spent a number of years with the applicant, Ian Bailey, on Council and various Council Committees and they were both Councillors of the same ward until Ian Bailey's retirement in the 2022 Elections. Whilst he does not have a direct personal interest in this matter, he believes there may be a perceived conflict of interest and, as an Elected Member of the Council, he will not take place in the deliberation for this matter and will leave the room.

Leith Mudge further advised that, in relation to Item 8.2, as this is an application from a Council employee there could be a perceived conflict of interest. However, as he has not met the employee nor had any discussions on this matter, and there is no pecuniary interest, he will remain in the room for the deliberations and vote.

**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**

6:34pm Leith Mudge withdrew from the meeting due to his declared conflict of interest
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- 8.1 **Development Application 23003710 by Ian Bailey for variation to Conditions 4 & 5 of Development Authorisation 473/958/02 to alter timing of vehicle movements and adjust hours of operation at 61 Sprigg Road, Crafers**

8.1.1 **Representations**

N/A

The applicant, Ian Bailey, and his representative, Garth Heynen (Heynen Planning Consultants), were invited to answer questions from the Panel.

8.1.2 **Decision of Panel**

**The following was adopted by consensus of all members** (9)

**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 23003710 by Ian Bailey for variation to Conditions 4 & 5 of Development Authorisation 473/958/02 to alter timing of vehicle movements and adjust hours of operation at 61 Sprigg Road, Crafers is granted Development Approval subject to the following conditions:

**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) No vehicles associated with the commercial distribution of spring water shall:
  - a) Enter the subject land after 8:00pm or prior to 7:00am Monday to Friday; and/or
  - b) Exit the subject land prior to 5:00am Monday to Friday.
- 3) A maximum of five (5) vehicles per week associated with the commercial distribution of spring water shall exit the subject land between the hours of 5:00am and 7:00am excluding Saturday, Sunday & public holidays.

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- 4) Before 7:00am vehicles associated with the commercial distribution of spring water shall only depart the land in a forward motion between the hours of 5:00am and 7:00am and only from the nominated truck departure location as shown on page 7 of the Noise Assessment Report by Echo, dated 23 May 2023.
- 5) With the exception of the following, the hours of operation of the business (including deliveries) shall be 7:00am to 6:00pm Monday to Friday during standard time (excluding public holidays) and 7:00am to 8:00pm Monday to Friday during daylight saving time (excluding public holidays):
  - a) Subject to conditions (3) and (4) imposed on this development authorisation, vehicles associated with the commercial distribution of spring water can exit the subject site from as early as 5:00am Monday to Friday; and
  - b) Vehicles associated with the commercial distribution of spring water can enter/return to the subject site up to 8:00pm Monday to Friday.
- 6) The packing and loading of any vehicle associated with the commercial distribution of spring water shall occur only between 7:00am and 6:00pm Monday to Friday (excluding public holidays) during standard time and between 7:00am and 8:00pm Monday to Friday (excluding public holidays) during daylight saving time.
- 7) Except where varied by this authorisation, all other conditions, plans and details relating to Development Authorisation 473/958/02 continue to apply to this amended authorisation.

**ADVISORY NOTES**

**Planning Consent**

**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.**

6:53pm Leith Mudge returned to the meeting
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**8.2 Development Application 23004929 by Dale Lloyd for dwelling additions (two storey) including deck and retaining walls at 15 Debneys Road, Norton Summit**

**8.2.1 Representations**

Nil

**8.2.2 Decision of Panel**

**The following was adopted by consensus of all members (10)**

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 23004929 by Dale Lloyd for dwelling additions (two storey) including deck and retaining walls at 15 Debneys Road, Norton Summit is granted Planning Consent subject to the following conditions:**

**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) All roof run-off generated by the development hereby approved shall be directed to a rainwater tank with overflow directed to the creek. Scour protection is to be provided at the discharge point to prevent erosion to the satisfaction of Council within one month of the roof cladding being installed. All roof and hard surface runoff shall be managed to prevent trespass onto adjoining properties and into the effluent disposal area where an on-site waste control system exists.**
- 3) External finishes shall be of materials and colours to match or complement those of the existing dwelling to the reasonable satisfaction of Council.**

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- 4) The balcony and upper level windows of the dwelling shall be fitted with fixed screening as shown on the northwest elevation of the NE & NW Elevations D08 dated March 2023 to a minimum height of 1.5 metres above the floor level. The screening shall be installed prior to occupation and be maintained in good condition at all times.

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

- 5) 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 Area.
- 6) **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.
- 7) **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.

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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 proposed locations for the dedicated water supply as detailed on drawing named PROPOSED SITE PLAN REV B dated at last revision APRIL 2023, where the dedicated water supply is split with pump and hose reels connected to the existing concrete tank and the fire authority outlet is connected to a minimum of 10,000 litres adjacent the access road, 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.
- 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.

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- 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 within the boundary of the allotment, the access to the outlet shall:
    1. Be connected to a formed, all-weather public road; and
    2. Have a gradient of not more than 16 degrees (1 in 3.5) at any point; and
    3. 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.
- 8) **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. An APZ shall be implemented and maintained in line with the vegetation management conditions below:
- 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.



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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.
- 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) Should infrastructure be required on the Council verge (i.e., retaining walls) a Section 221 application will need to be submitted.

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

- 6) **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.

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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, 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 details on PROPOSED SITE PLAN REV B, dated APRIL 2023 and shall not be considered as SA CFS endorsement of any subsequent development.

9.     **Development Assessment Applications – Development Act**  
Nil
  
10.    **Development Assessment Applications – Review of Decisions of Assessment Manager**  
Nil
  
11.    **ERD Court Appeals**  
An update and summary of the Supreme Court’s decision on a proposed Land Division in Crafers was provided to the Panel.
  
12.    **Policy Issues for Advice to Council**  
There was further discussion on potential future implications of the Supreme Court decision. Council staff are progressing discussions with PLUS (Planning and Land Use Services) to initiate a Code Amendment proposal to address the provisions of the Adelaide Hills Subzone.
  
13.    **Other Business**  
An update on the Mount Lofty Golf Resort Development Application was provided to the Panel. It is currently out on public notification and has been referred to Council to provide comment. A report will be provided to Council at its meeting on 8 August 2023, and presented as an information item to CAP at the meeting on 9 August 2023.

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- 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 9 August 2023, with a Special meeting to be held on Wednesday 26 July 2023.
- 17. Close meeting**  
The meeting closed at 7.18pm.