

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 14 AUGUST 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

In Attendance

Presiding Member

Geoff Parsons

Members

Ross Bateup

Paul Mickan

Myles Somers

Leith Mudge

In Attendance

Deryn Atkinson

James Booker

Doug Samardzija

Mike O'Donnell

Sarah Kimber

Karen Savage

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

1. Commencement

The meeting commenced at 6:31pm

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 10 July 2024

The minutes were adopted by consensus of all members (32)

That the minutes of the meeting held on 10 July 2024 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

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

8.1 Development Application 24011040 by Rebeka Probert and Ryan Probert for ancillary accommodation at 44 Orana Drive, Mylor

8.1.1 Representations

N/A

8.1.2 Decision of Panel

The following was adopted by consensus of all members

(33)

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 24011040 by Rebeka Probert and Ryan Probert for ancillary accommodation at 44 Orana Drive, Mylor 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.
- 2) The ancillary accommodation must be connected to the same on-site wastewater system as the dwelling.
- 3) Only one electricity meter and one water meter may be installed on the land to service both the dwelling and ancillary accommodation.

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- 4) All roof runoff generated by the development hereby approved shall be directed to the rainwater tank with the overflow managed on-site to the satisfaction of Council within one month of the roof cladding being installed. Stormwater overflow management shall be designed so as to not permit trespass into the effluent disposal area.

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

5) **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 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.

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.

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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.

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.

Where a water storage facility is required to have a fire authority fitting, the following will apply:

SA CFS has no objection to the proposed location for the dedicated water supply as detailed on drawing named SITE PLAN dated at last revision 21/03/2024, 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.

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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 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; and
 4. the transition area between the road and the driveway shall have a gradient of not more than 7 degrees (1-in-8).
- 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.

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 21/03/2024, providing it complies with the following conditions:

- Vegetation management shall be established and maintained within 20 metres of the habitable building (or to the property boundaries – whichever comes first) as follows:

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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 or 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) You as an Applicant may have a right of appeal if this notification is:
 - a refusal
 - conditions of consent

Such an appeal must be lodged within two months of the date of this decision or such longer time as the Environment, Resources and Development Court allows.

For assistance with the lodgement of an appeal and its associated costs it is suggested you contact the Court which is located in the Sir Samuel Way Building, Victoria Square, Adelaide, or phone the Court on (08) 8204 2444.

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- 2) 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.
- 3) 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).
- 4) 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.
- 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-and-construction/authorisation-to-alter-a-public-road>

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.

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 19

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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 elevations detailed on Site Plan dated 21/03/2024 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**
The Assessment Manager provided the Panel with a verbal update on current ERD Court Appeals.
12. **Policy Issues for Advice to Council**
Nil
13. **Other Business**
- 13.1 **Review of Council Assessment Panel (CAP) Operating and Meeting Procedures**
- The following recommendation was adopted by consensus of all members (34)**
- 1) **That the Council Assessment Panel revokes the Operating and Meeting Procedures dated 14 September 2022, and adopts the revised Operating and Meeting Procedures dated 14 August 2024 as detailed in Attachment 1 of this report.**
 - 2) **Delegation is provided to the Assessment Manager to make any legislative, formatting or nomenclature changes to the Operating and Meeting Procedures.**

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13.2 Review of Policy for Council Assessment Panel Review of Decisions of the Assessment Manager

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

- 1) That the Council Assessment Panel revokes the Policy for Council Assessment Panel Review of Decisions of the Assessment Manager dated 10 June 2020 and adopts the revised Policy for Council Assessment Panel Review of Decisions of the Assessment Manager dated 14 August 2024 as detailed in Attachment 1 of this report, with an amendment to Clause 7.3 to include the hearing of submissions electronically as well as in person.**
- 2) Delegation is provided to the Assessment Manager to make any legislative, formatting, nomenclature or other minor changes to the Policy before the designated date.**

13.3 Paul Mickan and Cr Leith Mudge advised that they will both be an apology for the meeting on 11 September 2024.

13.4 The Presiding Member advised the Panel that this is Karen Savage's last meeting with the Council Assessment Panel as she is retiring. The Panel conveyed their thanks and appreciation to Karen for her support and assistance over the years.

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 11 September 2024.

17. Close meeting
The meeting closed at 7:18pm.