

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 12 March 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 9 April 2025]

In Attendance

Acting Presiding Member

Myles Somers - refer Minute (4)

Members

Ross Bateup
Paul Mickan
Myles Somers
Malcolm Hermann

In Attendance

Deryn Atkinson	Assessment Manager
James Booker	Team Leader Statutory Planning
Doug Samardzija	Senior Statutory Planner
Mike O'Donnell	ICT Support Officer
Sarah Kimber	Minute Secretary
Jess Tonkin	Development Support Officer
Kim Sharp	Development Support Officer

1. Commencement

The meeting commenced at 6:29pm. In the absence of the Presiding Member, the Assessment Manager – Deryn Atkinson opened the meeting.

2. Opening Statement

“Council acknowledges that we meet on the traditional Country of the Peramangk and Kurna 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
Geoff Parsons
- 3.2 Leave of Absence
Leith Mudge

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4. Call for Acting Presiding Member

The following was adopted by consensus of all members (4)

The Council Assessment Panel resolved that Myles Somers be appointed as the Acting Presiding Member for the duration of the meeting.

5. Previous Minutes

5.1 Meeting held 8 January 2025

The minutes were adopted by consensus of all members (5)

That the minutes of the meeting held on 8 January 2025 be confirmed as an accurate record of the proceedings of that meeting.

6. Presiding Member's Report

Nil

7. Declaration of Interest by Members of Panel

Geoff Parsons:

The applicant for Item 9.1 is the brother of a very close friend of Geoff's. While Geoff doesn't have a personal relationship with the applicant themselves, the personal relationship he has with the applicant's brother could give rise to a perception of bias, and accordingly Geoff will remove himself from the meeting and will not consider or vote on the item.

8. Matters Lying on the Table/Matters Deferred

8.1 Matters Lying on the Table

Nil

8.2 Matters Deferred

Nil

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

9.1 Development Application Number 23034790 by David Crawford for construction of single storey detached dwelling & associated landscaping and change of use of existing dwelling to tourist accommodation at 644 Paracombe Road, Paracombe

9.1.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Christopher and Maragrete Sprod	5 D'erlanger Avenue, Collinswood	Did not attend

The applicant, David Crawford answered questions from the Panel.

9.1.2 Decision of Panel

The following was adopted by consensus of all members (6)

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 23034790 by David Crawford for the construction of a single storey detached dwelling & associated landscaping and change of use of existing dwelling to tourist accommodation at 644 Paracombe Road, Paracombe is granted Planning Consent subject to the following conditions and reserved matters:**

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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) A detailed final landscaping plan shall be prepared by a suitably qualified person and submitted with further details of screening along the northern boundary with plant species and plant numbers.

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.
- 2) All external lighting shall be directed away from residential development and shielded if necessary to prevent light spill causing nuisance to the occupiers of those residential properties.
- 3) Flood lighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties.
- 4) 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 zinalume are not suitable.

- 5) All exposed excavations and fill shall be:
 - rounded off and battered to match and blend with the natural contours of the land;
 - covered with approximately 100mm of topsoil;

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- 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.

- 6) Prior to commencement of work, straw bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during construction.
- 7) 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

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.

- 8) Upon commencement of occupancy of the approved dwelling, the person(s) having the benefit of this consent shall refrain from permitting the use of the approved tourist accommodation (or any part thereof) for provision 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 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.

Conditions imposed by Native Vegetation Council under Section 122 of the Act

- 9) Prior to any clearance of native vegetation, the Native Vegetation Council must provide written confirmation that the Significant Environmental Benefit requirements under the *Native Vegetation Act 1991* have been satisfied.

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- 10) No clearance to occur until the full Development Approval has been provided to the Native Vegetation Branch for Decision Notification that approves the clearance of native vegetation.
- 11) Clearance areas are to be defined with barriers, pegs, flags or temporary fencing to ensure that native vegetation outside the approved area is not damaged.
- 12) Native Vegetation and trees retained in close proximity to the construction activity zone are to be protected with barriers (i.e. fencing or flagging) in accordance with the Australian Standard for Protection of Trees on Development Sites AS 4970-2009.
- 13) Stockpiled materials, including cleared vegetation and excavated soil is not to be placed under native trees or on top of native understorey outside the approved area.
- 14) Construction vehicles, equipment or materials are not to be stored or placed on top of native vegetation outside the approved clearance area.
- 15) Construction vehicles, equipment or materials are not to be stored or placed within the Tree Protection Zone of retained trees.
- 16) Follow and comply all conditions set out in Decision Notification 2024/3173/473.

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

17) 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.

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- Outbuildings and other ancillary structures shall be sited no closer than 6m from the habitable buildings, 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.

18) 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.

SA CFS has no objection to the proposed access driveway as detailed on drawing named ENLARGEMENT 2- SITE PLAN dated at last revision JULY 2024, 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 each 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 each 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 –
 1. A loop road around the building, OR
 2. A turning area with a minimum radius of 12.5 metres, OR
 3. 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
 4. A 'U' shaped 'drive-through' option.
- Private access shall have minimum internal radii of 9.5 metres on all bends.

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- 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:
 1. 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),
 2. Grasses shall be reduced to a maximum height of 10cm for a distance of 3 metres (or to the property boundary, whichever comes first).
 3. 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.
- 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:
 1. open drains; or
 2. 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).

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19) 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 locations for the dedicated water supply as detailed on drawing named ENLARGEMENT 2- SITE PLAN dated at last revision JULY 2024, providing each supply has an 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.

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- 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.
- 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).

20) 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.

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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.

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

- 21) The on-site wastewater systems must be installed in accordance with the details and plans contained within the *Wastewater Calculation Package* prepared by Bentley Consulting, marked Job Number BC230630 (Rev C), dated 18 December 2024 and must include:
 - a) the installation of two Fuji Clean Australia ACE 1200 systems
 - b) the construction of a 250m² irrigation area, vegetated with shrubs and trees to service the proposed tourist accommodation, and the construction of a 500m² subsurface irrigation area, vegetated with lawn to service the dwelling. Both irrigation areas are 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) regular maintenance of the vegetation in the irrigation areas, including mowing and pruning with all clippings to be removed from site, and
 - d) bunding to direct surface runoff away from the irrigation areas and creating a bund downhill to prevent any runoff, from over-irrigation, moving off site.

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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) 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>

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Advisory Notes imposed by Native Vegetation Council under Section 122 of the Act

- 6) Prior to any clearance of native vegetation occurring in relation to this development application, the applicant must submit an application to and gain the approval of the Native Vegetation Council under the Native Vegetation Act 1991. The application is to be submitted at the following site - <https://apps.environment.sa.gov.au/nvmu/> and must be accompanied by the report prepared by the Accredited Consultant provided with this development application.
- 7) The clearance of native vegetation must be undertaken in accordance with the approval of the Native Vegetation Council under the *Native Vegetation Act 1991* as set out in Decision Notification 2024/3173/473.

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

8) 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".

NEW DWELLING

Category of Bushfire Attack Level: BAL 19

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.

EXISTING DWELLING (PROPOSED TOURIST ACCOMMODATION)

Category of Bushfire Attack Level: BAL 29

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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.

SA CFS acknowledges there are no proposed building works included in this application for this building. SACFS conducted an assessment of the BAL to inform consideration of PO 4.2 (tourist accommodation sited away from vegetated areas that pose an unacceptable bushfire risk).

This result is considered relevant at the date of assessment with respect to the elevations detailed on Planning Report Dwelling and Tourist Accommodation 644 Paracombe Road, Paracombe dated July 2024 and shall not be considered as SA CFS endorsement of any subsequent development.

9) 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.

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.

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

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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. Reasonable and practicable measures may include (but not be limited to):

- constructing the new dwelling in a manner that prevents erosion and soil transport to the nearby watercourses and dams, or off the property
- minimising soil exposure and disturbance, and controlling and minimising surface runoff entering or leaving the disturbed areas. This may be achieved by installing and maintaining sediment and erosion control devices, appropriately managing any stockpiles and rehabilitating disturbed areas as soon as is practicable.

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

10. **Development Assessment Applications – Development Act**
Nil

11. **Development Assessment Applications – Review of Decisions of Assessment Manager**
Nil

12. **ERD Court Appeals**
OTR Hearing on 7 April 2025

13. **Policy Issues for Advice to Council**
RPA Rural Property Address sign query from Cr Hermann
Biodiversity Bill being considered by Council's biodiversity Team

14. **Other Business**
Myles Somers and Paul Mickan will be absent for April's CAP Meeting

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

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16. Confidential Item

Nil

17. Next Meeting

The next ordinary Council Assessment Panel meeting will be held on Wednesday 9 April 2025.

18. Close meeting

The meeting closed at 7:25pm on 12 March 2025.