
MINUTES OF THE MEETING of the Council Assessment Panel of Mount Barker District Council held in the Council Chambers of the Local Government Centre, 6 Dutton Road Mount Barker on Wednesday 15 February 2023, commencing at 9.30 am.

PRESENT **(Members)** Mark Adcock (Presiding Member), Tom Gregory, Geoff Parsons, Sally Roberts and Harry Seager.
(Staff) Manager – Planning, City Development (A Humphries), Acting Team Leader – Planning, City Development (D Henderson), Senior Planner - City Development (M Dickson), and the Minute Secretary (K Gale).

1. APOLOGIES

Nil

2. CONFLICT OF INTEREST DECLARATION

Nil

3. CONFIRMATION OF MINUTES

Moved Sally Roberts that the minutes for the meeting held on 21 December 2022 be taken as read and confirmed.

Seconded Harry Seager

CARRIED
CAP20230215.01

4. REPORTS DEFERRED

Nil.

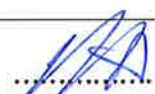
5. REPORTS BY OFFICERS

5.1. DEVELOPMENT ACT APPLICATIONS

5.1.1. NON-COMPLYING APPLICATIONS

Nil.

5.1.2. CATEGORY 3 APPLICATIONS



5.1.2.1 580/305/19 – EQUALS HEALTH RETREAT

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| Development Number | 580/305/19 |
| Applicant | Equals Health Retreat |
| Subject Land | 15 & 33 Sandow Road, Verdun |
| Nature of Development | Change of use to health and wellness retreat including the construction of seven (7) accommodation units, two (2) treatment rooms, alterations and additions to the existing shed to be used as a multi-purpose building and associated amenities, car parking, landscaping and infrastructure |
| Lodgement Date | 4 April 2019 |
| Development Plan | Consolidated 8 August 2017 |
| Zone | Primary Production Zone |
| Policy Area | Hahndorf Rural Activity Policy Area 24 |
| Relevant Authority | Council Assessment Panel |
| Categorisation | Merit |
| Notification | Category 3 |
| Representations | 5 |
| Persons to be heard | 3 |
| Referrals - Statutory | <ul style="list-style-type: none">• Country Fire Service |
| Referrals – Non-Statutory | <ul style="list-style-type: none">• Council's Development Engineer• Council's Environmental Health Officer |
| Responsible Officer | Michael Dickson – Senior Planner |
| Recommendation | Grant Planning Consent |

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| ATTACHMENT 1: | CAP Agenda report item 5.1.2.1 – 18 August 2021 |
| ATTACHMENT 2: | CAP Minutes item 5.1.2.1 – 18 August 2021 |
| ATTACHMENT 3: | Application documents |
| ATTACHMENT 4: | Representations |
| ATTACHMENT 5: | Response to Representations |
| ATTACHMENT 6: | Statutory Referral Responses |

Phillip Brunning on behalf of Grant Beaty and Adrian Callaghan spoke against the application.

Adrian Callaghan spoke against the application.

Helen Bach on behalf of Helen & Geoff Bach spoke against the application.

Paul Yeates spoke against the application.



Tom Game, Damien Campagnaro & Katina Jones spoke for the application.

The Panel discussed the application and reached the following decision;

Harry Seager moved that the Council Assessment Panel:

RESOLVE that the proposed development is not seriously at variance with the policies in the Mount Barker (DC) Development Plan Consolidated 8 August 2017.


RESOLVE to GRANT Development Plan Consent to the application by Equals Health Retreat for a change of use to health and wellness retreat including the construction of seven (7) accommodation units, two (2) treatment rooms, alterations and additions to the existing shed to be used as a multi-purpose building and associated amenities, car parking, landscaping and infrastructure at 33 Sandow Road, Verdun (Development Application 580/305/19) subject to the following conditions:

Conditions:

1. The development herein approved to be carried out in accordance with the plans and details accompanying this application, except where amended by the following conditions:
 - Plans and details by DC Architecture:
 - Existing site plan (Drawing 905.VER.DD.00.0, Revision D, Dated 6 April 2021)
 - Vegetation site plan (Drawing 905.VER.DD.01.0, Revision F, Dated 16 May 2022)
 - Proposed site plan (Drawing 905.VER.DD.02.0, Revision K, Dated 17 May 2022)
 - Landscape plan (Drawing 905.VER.DD.03.0, Revision K, Dated 10 October 2022)
 - Landscape section (Drawing 905.VER.DD.03.1, Revision A, Dated 3 June 2021)
 - Landscape section (Drawing 905.VER.DD.03.2, Revision A, Dated 3 June 2021)
 - Carpark plan (Drawing 905.VER.DD.03.3, Revision B, Dated 4 October 2022)
 - Plans (Drawing 905.VER.DD.04.0, Revision J, Dated 14 October 2022)
 - Elevations (Drawing 905.VER.DD.05.0, Revision D, Dated 6 April 2021)
 - Elevations (Drawing 905.VER.DD.06.0, Revision D, Dated 6 April 2021)
 - Elevations common centre (Drawing 905.VER.DD.07.0, Revision D, Dated 6 April 2021)
 - Typical accommodation pods (Drawing 905.VER.DD.08.0, Revision E, Dated 9 July 2021)
 - Fire pit (Drawing 905.VER.DD.09.0, Revision E, Dated 6 April 2021)
 - Civil Drawings by Triaxial Consulting:



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- Cover sheet (Drawing C1.00, Revision G, Dated 10 November 2022)
 - General notes (Drawing C1.01, Revision F, Dated 8 July 2022)
 - Legends (Drawing C1.02, Revision F, Dated 8 July 2022)
 - Existing site plan – overall site plan (Drawing C2.00, Revision F, Dated 8 July 2022)
 - Existing site plan – sheet 1 (Drawing C2.01, Revision F, Dated 8 July 2022)
 - Existing site plan – sheet 2 (Drawing C2.02, Revision F, Dated 8 July 2022)
 - Existing site plan – sheet 3 (Drawing C2.03, Revision F, Dated 8 July 2022)
 - Civil & stormwater management plan – overall site plan (Drawing C3.00, Revision G, Dated 10 November 2022)
 - Civil & stormwater management plan – sheet 1 (Drawing C3.01, Revision D, Dated 10 November 2022)
 - Civil & stormwater management plan – sheet 2 (Drawing C3.02, Revision H, Dated 10 November 2022)
 - Civil & stormwater management plan – sheet 3 (Drawing C3.03, Revision G, Dated 10 November 2022)
 - Stormwater management plan – sheet 2 (Drawing C3.04, Revision A, Dated 10 November 2022)
 - Civil details (Drawing C4.00, Revision E, Dated 8 July 2022)
 - Swale details (Drawing C4.01, Revision E, Dated 10 November 2022)
 - Associated catchment calculations
 - Septic system report (Reference: 231.220530.H.1, Revision 2, Dated May 2022) by BCA Engineers
 - Bushfire plan (Reference: SF6356, Dated 17 August 2022) by Squirt Fire
 - Traffic Impact Statement (File: 19-200, Dated 24 June 2022) by Phil Weaver & Associates, including supplementary correspondence (Dated 19 October 2022)
 - Native vegetation clearance – data report (Dated 5 August 2022) by Ecological Associates Pty Ltd
 - ‘Response to Deferral’ by URPS, Reference: 18ADL-0237, Dated 2 September 2022
 - Updated Development Application Report by URPS, Revision 4, Dated 3 March 2021
2. The development herein approved shall be undertaken in stages, as detailed on plan by DC Architecture (Drawing 905.VER.DD.04.0, Revision J, Dated 14 October 2022), as follows:
- Stage 1: two (2) accommodation units, two (2) treatment rooms, all landscaping and all infrastructure (car parking, driveways, stormwater management, wastewater system);
 - Stage 2: southern and central portion of the multi-purpose building and three (3) accommodation units;
 - Stage 3: northern portion of the multi-purpose building and two (2) accommodation units;



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- Stage 4: all remaining works.
3. The accommodation units herein approved shall have a maximum occupancy of 36 guests. This is in addition to the six (6) overnight guests within the existing accommodation building.
 4. The multi-purpose building shall only be used for overnight staying guests and shall not be used as a function centre (or the like) for those who are not an overnight staying guest at the wellness retreat.
 5. All requirements in regard to the construction of driveways and carparks are to be met, prior to operation of the development to the satisfaction of Council, including:
 - a. The driveway crossover shall be designed, drained, constructed and sealed with asphalt, pavers, or concrete suitable for commercial traffic providing both structural integrity and traction in both wet and dry conditions and include adequate stormwater drainage. The use of unbound materials (gravel, or quarry rubble) is not acceptable. This shall be shaped to provide a verge slope no greater than 5%, have a minimum width of 6 metres, be suitable for pedestrian traffic and in accordance with Council's current standards. The design of the crossover shall be provided to Council for approval prior to construction commencing.
 - b. All car parking areas shall be designed, line-marked, drained, and paved or hard surfaced to provide structural integrity and traction in both wet and dry conditions in accordance with accepted engineering standards and shall be maintained in good condition at all times.
 - c. Provision shall be made for a turning bay within the site and at the end of blind aisles to enable vehicles to manoeuvre and exit the site in a forward direction.
 - d. All car parks and traffic control devices shall be designed and constructed in accordance with AS 2890 –Off-Street Car parking, AS 1742 Manual of Uniform Traffic Control Devices and the Notice to Council (Part 1 and 2) under the Road Traffic Act 1961 from the Minister for Transport and Urban Planning (December 1999).
 6. All requirements in regard to stormwater are to be met, including:
 - a. Management of stormwater shall occur generally in accordance with the civil plans submitted in support of the application.
 - b. The flow rate of stormwater leaving the site shall be designed so that it does not exceed the pre-developed flow rate for the 1% and 10% AEP events or other alternative to the reasonable satisfaction of Council.
 - c. A bund is required on the western side of the swale to protect the road and downstream properties. The cross-sections for the swale and location of the bund shall be amended accordingly in the Civil Drawings by Triaxial Consulting and approved by Council prior to construction commencing.
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- d. Prior to the construction of the swale within the road reserve, Council's Development Engineers shall be engaged to agree to the extent of works on-site with the applicant's contractor.
7. All external lighting of the site, including car parking areas and buildings, shall be located, directed, shielded so as not to cause nuisance or loss of amenity to any person beyond the site to the reasonable satisfaction of the Council.
8. All landscaping and vegetation shall be planted within three (3) months of completion of stage 1 of the development, and shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants replaced to the reasonable satisfaction of the Council.
9. All deliveries and waste disposal collection shall occur in accordance with the *Local Noise and Litter Control Act 2016* between:
- 9.00am and 7.00pm on any Sunday or public holiday; or
 - 7.00am and 7.00pm on any other day.
10. Waste collection and service vehicles (operated by private contractor/s) required to enter and exit the subject land shall be scheduled to occur outside of peak usage periods for the approved development.
11. All bushfire protection measures in conditions 14-17 inclusive (below) shall be implemented prior to occupation of the development.
12. Effective soil erosion and drainage control measures shall be implemented during the construction of the development in accordance with this consent to:
- a. prevent silt run-off from the land to adjoining properties, roads and drains;
 - b. control dust arising from the construction and other activities, so as not to, in the opinion of Council, be a nuisance to residents or occupiers on adjacent or nearby land;
 - c. ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site;
 - d. ensure that all litter and building waste is contained on the subject site in a suitable bin or enclosure;
 - e. ensure that no sound is emitted from any device, plant or equipment or from any source or activity to become an unreasonable nuisance, in the opinion of Council, to the occupiers of adjacent land;
 - f. ensure all disturbed land is managed to prevent silt runoff and dust.

The following conditions are included at the direction of the Country Fire Service:



13. ACCESS TO ACCOMMODATION PODS

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.3.1 describes the mandatory provision that 'Private' roads and driveways to buildings shall provide safe and convenient access/egress for large bushfire fighting vehicles, where the furthest point to the building from the nearest public road is more than 30 metres.

SA CFS has no objection to the proposed access driveway as detailed on drawing named Site Plan Proposed, dated at last revision 13/05/2020, with the following conditions:

- 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.
- The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either –
 - i. A loop road around the building, OR
 - ii. A turning area with a minimum radius of 12.5 metres, OR
 - iii. A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres.
- Private access shall have minimum internal radii of 9.5 metres on all bends.
- Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.

14. ACCESS (to dedicated water supply)

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.4.1 requires a dedicated and accessible water supply to be made available at all times for fire-fighting.

The proposed location of dedicated fire water has not been detailed on drawings provided.

SA CFS has no objection to the existing water supply being utilised as the dedicated supply, providing an outlet can be positioned to comply with the following conditions:

- The water supply outlet shall be easily accessible and clearly identifiable from the access way and at a distance of no greater than 30 metres from the proposed accommodation pods.
- 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 to the water supply for a flat 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 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 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.
- Ideally a remote water supply outlet should be gravity fed, where this is not possible the following dimensions shall be considered as the maximum capability in any hydraulic design for draughting purposes:

The dedicated water supply outlet for draughting purposes shall not exceed 5 metre maximum vertical lift (calculated on the height of the hardstand surface to the lowest point of the storage) and no greater than 6 metre horizontal distance.

The suction outlet pipework from the tank shall be fitted with an inline non return valve of nominal internal diameter not less than that of the suction pipe and be located from the lowest point of extract from the tank. All fittings shall be installed to allow for easy maintenance.

15. WATER SUPPLY

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.4.1 prescribes the mandatory provision of a dedicated and accessible water supply to be made available at all times for fire-fighting.

Ministers Specification SA78 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 Minister's Specification SA78:

- A minimum supply of 22,000 litres of water, **for each row of accommodation pods**, shall be available at all times for bushfire fighting purposes.
- The minimum requirement of 22,000 litres may be combined with domestic use, providing the outlet for domestic use is located above the 22,000 litres of dedicated fire water supply in order for it to remain as a dedicated supply.
- The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a compliant SA CFS fire service adapter, which shall be accessible to bushfire fighting vehicles at all times.
- The water storage facility (and any support structure) shall be constructed of non-combustible material.




- The dedicated fire-fighting water supply shall be pressurised by a pump that has –
 - i. A minimum inlet diameter of 38mm, AND
 - ii. Is powered by a petrol or diesel engine with a power rating of at least 3.7kW (5hp), OR
 - iii. A pumping system that operates independently of mains electricity and is capable of pressurising the water for fire-fighting purposes.
- The dedicated fire-fighting water supply pump shall be located at or adjacent to the accommodation pods to ensure occupants safety when operating the pump during a bushfire. An 'Operations Instruction Procedure' shall be located with the pump control panel.
- The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation.
- All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.
- 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.
- A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (i.e. at opposite ends of the accommodation pods).
- All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.
- All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.
- All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.
- All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
- All fire-fighting hoses shall be readily available at all times.

16. VEGETATION MANAGEMENT

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.5 mandates that landscaping shall include Bushfire Protection features that will prevent or inhibit the spread of bushfire and minimise the risk to life and/or damage to buildings and property.

SA CFS has no objection to the proposed landscaping and buffer planting as detailed on drawing named Landscape Plan Proposed, dated at last revision 11/05/2020, providing it complies with the following conditions:



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- A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the accommodation pods (or to the property boundaries – whichever comes first) as follows:
 - i. The number of trees and understorey plants existing and to be established within the VMZ 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%'.
 - ii. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
 - iii. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
 - iv. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
 - v. 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.
 - 1. **SA CFS notes that, where mature trees are retained in close proximity to the accommodation pods, all understorey plants and immature trees shall be removed from around those trees.**
 - 2. **Should the pine trees to the south of the accommodation pods remain, SA CFS recommends that the lowest branches be removed so that the limbs are not connected to surface fuels, and so that surface fuels can be easily accessible and maintained in minimal fuel conditions (10 cm) during fire danger season.**
 - vi. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
 - vii. No understorey vegetation shall be established within 1 metre of the accommodation pods (understorey is defined as plants and bushes up to 2 metres in height).
 - viii. 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
 - ix. The VMZ shall be maintained to be free of accumulated dead vegetation.

Council notes:

- 1. The development shall operate generally in accordance with *Local Nuisance and Litter Control Act 2016*.
- 2. Prior to any native remnant vegetation being cleared on the land as part of the development, the applicant shall ensure any approvals required to do so are obtained



from the Native Vegetation Council (Department of Environment and Water) and all requirements of any such approval are satisfied.

3. The applicant/owner is reminded, that if any works impact or require the usage of a public road, a hoarding permit may be required. For more information please refer to the 'Public Space Occupation (Hoarding)' permit information on Council's website at www.mountbarker.sa.gov.au
4. Any person proposing to undertake building work within the District of Mount Barker is reminded of their obligation to take all reasonable measures to protect Council infrastructure. Any incidental damage to the infrastructure - pipes, footpath, verge, street trees etc., must be reinstated to a standard acceptable to Council at the applicants' expense. If you have any queries please contact Council on 8391 7200.
5. This Development Plan Consent is valid for a period of 2 years from the date of this authorisation and you must have obtained a Building Rules Consent and Development Approval within this period. Should Development Approval not be achieved within this timeframe, your consent will lapse and a new development application must be lodged, unless an extension is obtained. Should a request for an extension be made after the implementation of the new State Planning system, your request will be subject to the transitional provisions of the PDI Act.

Country Fire Service notes:

6. TOURIST ACCOMMODATION - BUSHFIRE SURVIVAL PLAN

- 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.
- This BSP should give 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.
- The BSP should address the possibility that the owners may not be present at the time of the bushfire event.
- The BSP should not expect guests to be involved in fire-fighting operations.
- The SA CFS '*Bushfire Safety and Survival for Business and Organisations*' 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 extreme weather or bushfire events.



7. 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. Containing a site plan highlighting vehicle access, turning ability, building location, water i.e. fill locations, and fire protection equipment, and on-site hazards or storage of dangerous materials i.e. LPG, fuels or chemicals with a list of emergency contact phone numbers.

8. BUILDING CONSIDERATIONS

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

9. Compliance with the fire protection requirements is not a guarantee the accommodation pods will not burn, but its intent is to provide a '*measure of protection*' from the approach, impact and passing of a bushfire.

10. A site bushfire attack assessment was conducted in accordance with the National Construction Code of Australia [NCC] and Australian Standard™3959 (AS3959) "Construction of Buildings in Bushfire Prone Areas". It was determined that the Category of Bushfire Attack for the accommodation pods is BAL 19. This category is relevant to the date that the assessment was undertaken.

Seconded Tom Gregory

CARRIED
CAP20230215.02

5.1.3. CATEGORY 2 APPLICATIONS

Nil

5.1.4. CATEGORY 1 APPLICATIONS

Nil.

5.2. PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT APPLICATIONS

Nil.

6. REVIEW OF ASSESSMENT MANAGER DECISIONS

Nil

7. INFORMATION REPORTS

Nil



8. CONFIDENTIAL REPORTS

Nil

9. POLICY MATTERS ARISING FROM THIS AGENDA

Nil

10. OTHER BUSINESS

Sally Roberts, on behalf of all the members, thanked Michael Dickson for his professionalism and the quality of his advice to the panel via his reporting.

11. CLOSURE

Meeting declared closed at 10.50am



CHAIRMAN

15.3.2023

DATE

