

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 8 MARCH 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

Leith Mudge

**In Attendance**

Natalie Armstrong

Deryn Atkinson

James Booker

Doug Samardzija

Karen Savage

Director Development & Regulatory Services

Assessment Manager

Team Leader Statutory Planning

Senior Statutory Planner

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

Myles Somers

3.2

Leave of Absence

Nil

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**4. Previous Minutes**

4.1 Meeting held 14 December 2022

**The minutes were adopted by consensus of all members** (1)

**That the minutes of the meeting held on 14 December 2022 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**

Paul Mickan advised that, in relation to Item 8.2, he is connected with the applicant's Planning Consultant, Emma Barnes, via social media. He has not been in touch with Emma for quite some time, and has not discussed this application nor any other application with her. Accordingly, he does not believe he has an interest in this matter and will remain in the room and vote.

**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 21017786 by Cobbs Hill Estate for construction of a function centre and restaurant building with associated car parking and landscaping, 100,000 litre underground water storage tank and variations to Development Authorisation 16/973/473 to increase the overall capacity, the number of functions and operating hours and Development Authorisation 16/882/473 to increase the capacity of the existing cellar door and to undertake the development in two stages:**  
**Stage 1: Vary cellar door capacity and number of functions, with deletion of special events, upgrade of car parking, vehicle access and waste control system; and**  
**Stage 2: Construction of the function centre and restaurant building and remainder of works at 382B Swamp Road, Oakbank**

**8.1.1 Representations**

<b>Name of Representor</b>	<b>Address of Representor</b>	<b>Nominated Speaker</b>
Gai Adcock	339-357 Oakwood Road Oakbank	Peter Meline
Duncan & Anne Young	426 Oakwood Road Oakbank	Peter Meline
Margaret Wilson	423B Swamp Road Lenswood	Margaret Wilson
Peter Salu	48 Carrington Street Adelaide	Did Not Attend
Michael Gallagher	61B Peacock Road South Oakbank	Michael Gallagher
Jill & Greg Brodie-Tyrrell	61A Peacock Road South Oakbank	Jill Brodie-Tyrrell
Katherine Parker	67 Peacock Road South Oakbank	Darryl Parker
Henry Young	426 Oakwood Road Oakbank	Did Not Attend

The representors, Peter Meline, Michael Gallagher, Jill Brodie-Tyrrell and Darryl Parker, answered questions from the Panel.

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The applicant's representatives, Gregg Jenkins (Heynen Planning Consultants), Phil Weaver (Phil Weaver & Associates), Ivailo Dimitrov (Bestec Pty Ltd) and Jed Hicks (Cobbs Hill Estate), addressed the Panel, and answered questions from the Panel.

**8.1.2 Decision of Panel**

<b>Moved</b>	Ross Bateup	<b>Carried</b>
<b>S/-</b>	Leith Mudge	<b>(2)</b>

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 21017786 by Cobbs Hill Estate for construction of a function centre and restaurant building with associated car parking and landscaping, 100,000 litre underground water storage tank and variations to Development Authorisation 16/973/473 to increase the overall capacity, the number of functions and operating hours and Development Authorisation 16/882/473 to increase the capacity of the existing cellar door and to undertake the development in two stages:  
 Stage 1: Vary cellar door capacity and number of functions, with deletion of special events, upgrade of car parking, vehicle access and waste control system; and  
 Stage 2: Construction of the function centre and restaurant building and remainder of works  
 at 382B Swamp Road, Oakbank 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) 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.

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- 3) All external materials and finishes shall be of subdued colours which blend with the natural features of the landscape and are of a low-light reflective nature.

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

- 4) Prior to stage 1 of the application being commenced 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 and maintained in good condition at all times to the reasonable satisfaction of the Council.

- 5) Prior to the stage 1 of the application being commenced the wastewater treatment system must be established in accordance with the report 'Wastewater Engineers Report Cobb's Hill Estate Wastewater System Upgrade for Function Centre & Cellar Door' by Ametqua, dated 21 June 2022 and existing on-site wastewater system must be decommissioned and the existing irrigation area incorporated into the new irrigation area.

- 6) Prior to the stage 1 of the application being commenced the access to the property shall be modified and constructed in accordance with the following requirements and maintained at all times to the reasonable satisfaction of Council:

- Driveway crossover and internal access track shall be widened and constructed using compacted gravel to a width of 6m and a length of 100m to allow for a two way vehicle movement;
- Bitumen seal shall be laid for a distance of 20 metres from the Swamp Road carriageway edge to inside the property boundary. Construction shall include 100mm of compacted rubble base and 40mm AC10 bitumen.
- Maximum crossover width of 6 metres; and

Driveway to be constructed in accordance with Council Standard Detail drawing for Piped Entrance for rural verge crossover (refer attachment).

- 7) Prior to Building Consent being granted for stage 2 of the application the applicant shall prepare and submit to Council a Soil Erosion and Drainage Management Plan (SEDMP) for the site for Council's approval. The SEDMP shall comprise a site plan and design sketches that detail erosion control methods,

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areas of stock piled soil and installation of sediment collection devices that will prevent:

- soil moving off the site during periods of rainfall;
- erosion and deposition of soil moving into the remaining native vegetation; and
- soil transfer onto roadways by vehicles and machinery.

The works contained in the approved SEDMP shall be implemented prior to construction commencing and maintained to the reasonable satisfaction of Council during the construction period.

- 8) Prior to construction of the approved development 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 periods of rainfall.

Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council Secretariat on 8303 9777. This must be sought prior to Full Development Approval being granted by Council.

- 9) All materials and goods shall at all times be loaded and unloaded within the confines of the subject land between the hours of 10:00am and 6:00pm. All Materials and goods shall not be stored on the land in areas delineated for use as car parking.
- 10) Prior to 6:00pm the overall capacity of the site shall be limited to a maximum of 330 persons. After 6:00pm the overall capacity of the site shall be restricted to a maximum of 130 persons. This includes any associated outdoor areas for liquor licensing purposes allowing the restaurant and a function to operate concurrently or the cellar door and a function to operate concurrently.
- 11) The overall capacity of the cellar door shall be 75 persons Monday to Friday and 200 persons Saturday and Sunday.
- 12) a) The number of functions in a calendar year shall not exceed 32 with only one (1) function to occur on site at a time. A record of all functions shall be maintained and available for inspection by the Council upon request.
- b) Such functions shall have a maximum capacity of 130 persons and the operating days and hours for the functions shall be Friday, Saturday or Sunday 3:00pm to 12:00am (Midnight). Any increase in the number of functions/capacity as well as hours or days of operation will require separate development approval.

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- 13) The use of the restaurant shall be limited to twice a week and the maximum capacity of the restaurant shall be 130 persons at any one time. Operating days and hours of the restaurant shall be either Friday, Saturday or Sunday from 11:00am to 10:00pm.
- 14) Stormwater from the car park and all hard surface area areas shall be managed in accordance with the stormwater management plan prepared by Clive Steele Partners, drawing number 20126-SK1 version P2 approved by Adelaide Hills Council. All other stormwater generated by the development hereby approved shall be managed on-site to the satisfaction of Council. All stormwater infrastructure shall be installed within 3 months of the completion of each stage of the development.
- 15) All waste shall be removed from the subject land at least once weekly. Collection of waste shall be carried out only between the hours of 7:00am and 5:00pm and only Monday to Friday.
- 16) Entertainment in the form of a range of music shall be contained within the restaurant/function building during the operating hours. Windows and doors of the building shall be kept closed during times when music is played.
- 17) Prior to occupation, the sound system shall be tuned and commissioned by an acoustic engineer in accordance with the recommendations from the Bestec Acoustic Services 100% Design Report dated 19 January 2023. When the nominated noise levels are achieved, the sound limiter and main amplifier should be locked by the acoustic engineer to prevent the settings being adjusted by staff or performers.
- 18) All performers shall only use the sound system and amplifier provided by the function centre. No other sound systems and amplifiers are permitted to be used unless tuned and commissioned by an acoustic engineer prior to use in order to comply with the recommendations from Bestec Acoustic Services 100% Design Report dated 19 January 2023.
- 19) Except where varied by this authorisation, all other conditions, plans and details relating to Development Authorisations 16/973/473 and 16/882/473 continue to apply to this amended authorisation.

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

- 20) The existing on-site wastewater system (as detailed in the 'Wastewater Engineers Report Cobb's Hill Estate Wastewater System Upgrade for Function Centre & Cellar Door' by Ametqua, dated 21 June 2022) must be decommissioned and the existing irrigation area incorporated into the new irrigation area prior to occupation of the new function centre.
- 21) The wastewater treatment system must be established in accordance with the report 'Wastewater Engineers Report Cobb's Hill Estate Wastewater System Upgrade for Function Centre & Cellar Door' by Ametqua, dated 21 June 2022" prior to occupation of the new function centre.

**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) 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 visit:

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[www.environment.sa.gov.au/Conservation/Native\\_Vegetation/Managing\\_native\\_vegetation](http://www.environment.sa.gov.au/Conservation/Native_Vegetation/Managing_native_vegetation)

Advisory notes recommended by Environment Protection Authority under Section 122 of the Act

- 6) The applicant is 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 the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm. This includes taking all reasonable and practicable measures to minimise the potential for pollution from sediment and waste generated on-site during construction. Further guidance can be sought from the EPA's Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry and the EPA's Handbook for Pollution Avoidance on Commercial and Residential Building Sites ([http://www.epa.sa.gov.au/files/47790\\_bccop1.pdf](http://www.epa.sa.gov.au/files/47790_bccop1.pdf)).
- 7) The applicant is reminded of the relevant provisions of the Environment Protection (Water Quality) Policy 2015 including the requirement to take all reasonable and practicable measures to prevent or minimise environmental harm and the pollution of waters. The Environment Protection (Water Quality) Policy can be found at: [https://www.epa.sa.gov.au/environmental\\_info/water\\_quality](https://www.epa.sa.gov.au/environmental_info/water_quality).
- 8) More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: [www.epa.sa.gov.au](http://www.epa.sa.gov.au).

**8.2 Development Application 22042116 by Arts & Entertainment of South Australia Pty Ltd and Planning Studio Pty Ltd for annual two-day music festival at 1403 Onkaparinga Valley Road, Woodside**

**8.2.1 Representations**

<b>Name of Representer</b>	<b>Address of Representer</b>	<b>Nominated Speaker</b>
Douglas Burd	1480 Onkaparinga Valley Road, Charleston	Douglas Burd

The applicant's representatives, Emma Barnes (Planning Studio) and Jason Turner (Echo Acoustics), addressed the Panel, and answered questions from the Panel.

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**8.2.2 Decision of Panel**

The following was adopted by consensus of all members (3)

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 22042116 by Arts & Entertainment of South Australia Pty Ltd and Planning Studio Pty Ltd for annual two-day music festival at 1403 Onkaparinga Valley Road, Woodside 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 event shall not go ahead should the day fall on a declared Catastrophic fire risk day.
- 3) Event staff shall be transported to site via buses organised by Vintage Vibes in order to decrease carparking demand.
- 4) Any temporary crossover or alteration to road verge shall be closed within one month of the conclusion of the event to the reasonable satisfaction of the Council Engineering Department.
- 5) Where wet weather occurs in the week prior or, during the event, hay bales (or other soil erosion control methods as approved by Council) shall be placed and secured adjacent the watercourse to prevent materials and liquids entering the watercourse.
- 6) Carparking areas and areas where large numbers of people will congregate on the subject land shall be located at least 25m from any watercourse. Two days prior to the event taking place the watercourse shall be fenced off and the grassed area for car parking and manoeuvring shall be cut to reduce grass to no higher than 10cm.

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- 7) The event shall operate a maximum of once per calendar year with a maximum capacity of 10,000 patrons per day (maximum of two days).
- 8) All music from the event shall conclude at 10:30 pm.
- 9) The final Noise Management Plan shall be submitted to Council no later than four weeks prior to each annual event, and shall be to the reasonable satisfaction of the Assessment Manager. It is noted that the initial Noise Management Plan is currently still being developed and will be provided three weeks prior to the inaugural event, and shall be to the reasonable satisfaction of the Assessment Manager.
- 10) In accordance with Section 4.4 of the Echo Noise Management Plan dated 06 December 2022, noise measurements shall be undertaken during sound checks prior to commencement of, and during the event. Where sound levels exceed the levels as per the report, the acoustic engineer shall adjust the sound system to bring these levels into compliance.
- 11) Two hundred (200) portable toilets shall be provided, and waste shall be removed from site and disposed of in accordance with the submitted Wastewater Management Report.
- 12) No camping or overnight accommodation shall be permitted as part of this event.
- 13) All food waste, dishes, linen and general waste located at the festival shall be disposed of offsite within two days of the conclusion of the event. Records/documentation shall be retained for 12 months by the applicant to verify the above, and such records shall be made available to Council on request.
- 14) No event platforms, stalls or the like shall be erected within the designated on-site car parking areas provided for each annual event.
- 15) An Event Traffic Management Plan shall be reviewed, updated and provided to Council six weeks prior to the annual event each year.
- 16) A copy of the approved Emergency Response Plan and Risk Assessment and Management Plan shall be submitted to Council no later than two weeks prior to each annual event.

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- 17) A copy of the updated Certificate of Professional Indemnity and Public Liability Insurance which includes cover for the associated car parking areas and entertainment areas associated with the festival, shall be submitted to Council no later than two weeks prior to each annual event.
- 18) While construction crossovers, no excavation works shall occur within the verge area within proximity to street trees. Fill shall only be applied within sunken sections of verge to level in order to facilitate vehicular access.
- 19) Any future events shall undergo the appropriate consultation with Council/SA Police/DIT/Community members six (6) weeks prior to the event.

**DIT Conditions**

- 20) An on-site traffic management plan for event traffic management shall be submitted to the satisfaction of Council and the Department for Infrastructure and Transport prior to any event being held onsite. This plan shall:
  - 1. Provide details of all parking (including overflow parking) and traffic flow through the site;
  - 2. Identify any passenger set down areas, including any buses accessing the site;
  - 3. Identify any pedestrian management measures required; and
  - 4. Identify all signage required to facilitate the traffic movements.

All access and traffic management for the event shall be in accordance with this plan.

**ADVISORY NOTES**

**DIT Advisory notes**

- 1) Approval for temporary traffic control will need to be obtained from DIT - Roadworks. The company engaged for traffic control will need to provide DIT with a copy of the traffic management plan (TMP) and seek approval of any temporary traffic control/signage. The TMP will need to show all traffic control devices to be utilised (including variable message signs) and any proposed traffic restrictions during the event (including setup/close down). The Traffic Management Centre Roadworks team can be contacted on 1800 434 058 or email [dit.roadworks@sa.gov.au](mailto:dit.roadworks@sa.gov.au).
- 2) The event shall be developed in accordance with [https://dit.sa.gov.au/data/assets/pdf\\_file/0020/121394/DOCS\\_AND\\_FILES8197504-v5-Guidelines\\_for\\_Events\\_on\\_SA\\_Roads.pdf](https://dit.sa.gov.au/data/assets/pdf_file/0020/121394/DOCS_AND_FILES8197504-v5-Guidelines_for_Events_on_SA_Roads.pdf)

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- 3) Should the applicant want to discuss Adelaide Metro bus services to/from the event contact should be made with Mr Andrew Every, Performance and Planning Lead, Bus, South Australian Public Transport Authority on tel. 7133 2535, mob 0423 822 269 or email [Andrew.Every@sa.gov.au](mailto:Andrew.Every@sa.gov.au).

**EPA Advisory Notes**

- 4) 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.
- 5) More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: [www.epa.sa.gov.au](http://www.epa.sa.gov.au).

**Council Advisory Notes**

- 6) In relation to food businesses, the event organizer will notify Council's Event Officer who will let Council know what food businesses will be operating.
- 7) The applicants may wish to consider the provision of a bank of portable toilets off site on route to the venue for use by event attendees. Please discuss this further with Council's Event Officer.
- 8) The applicant shall seek liquor licence from the Office of Liquor and Gambling Commissioner for the event. This subsequent authorisation process often includes the imposition of numerous enforceable conditions in an ongoing manner.

**General Notes**

- 9) 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.
- 10) 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.

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11) 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.

12) 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).

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   **State Planning Commission – Desktop Audit – Reminder about Code of Conduct**

The Assessment Manager reminded Panel members of their Code of Conduct obligations following correspondence received from the State Planning Commission (SPC) in December. A review of the Code of Conduct will be undertaken by the SPC focusing on conflict of interest and bias. Members were also reminded of their obligation to maintain Planning 2 Accreditation, and to ensure that Primary or Ordinary Returns are completed and returned at the end of each Financial Year.

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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 12 April 2023.
- 17. Close meeting**  
The meeting closed at 9.47pm.