

CAP MEETING – 8 MARCH 2023**ITEM 8.1**

DEVELOPMENT NO.:	21017786
APPLICANT:	Cobbs Hill Estate
ADDRESS:	382B SWAMP RD OAKBANK SA 5243
NATURE OF DEVELOPMENT:	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
ZONING INFORMATION:	Zones: • Productive Rural Landscape Overlays: • Environment and Food Production Area • Hazards (Bushfire - High Risk) • Hazards (Flooding - Evidence Required) • Limited Land Division • Mount Lofty Ranges Water Supply Catchment (Area 2) • Native Vegetation • Prescribed Water Resources Area • Water Resources
LODGEMENT DATE:	27 July 2021
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	2021.9
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Doug Samardzija Senior Statutory Planner
REFERRALS STATUTORY:	Environment Protection Authority
REFERRALS NON-STATUTORY:	Engineering Department Department for Health and Wellbeing (DHW)

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DETAILED DESCRIPTION OF PROPOSAL:

This proposal is for a construction of a function centre and restaurant building with associated car parking, underground water storage tank and a variation to two development authorisations to increase the overall capacity for the cellar door and functions, change the hours of operation and increase the number of functions. The key features of the proposal are:

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- Construction of a function centre and restaurant building of 410m² in floor area with an associated mezzanine level. The building is proposed to have a 4m wall height and an overall building height of 8m to the apex of the curved roof resembling a wine barrel;
- The new building is proposed to be setback 388m from the western boundary being the front allotment boundary, 357m from the southern boundary with Oakbank Road, 593m from the eastern boundary and 429m from the northern boundary.
- Restaurant use two times a week either on a Friday, Saturday or a Sunday 11:00am to 10:00pm at 130-person capacity;
- Associated landscaping surrounding the proposed building;
- Expansion of the existing car parking area to accommodate additional 72 parking spaces of those 19 would be the expansion of the existing parking area and 53 would be the new parking area to the north of the existing. The works would also including the widening of the internal access track to allow for two-way vehicle movements;
- 100,000 litre underground water storage tank;
- Variations to development authorisation 16/973/473 to increase the overall capacity and the number of functions from 130 persons 18 times a years and special events for 208 persons 7 times a year to functions for 130 persons 32 times a year 3pm to midnight on a Friday, Saturday and Sunday whilst at the same removing the proposed special events;
- Variation to development authorisation 16/882/473 to amend the capacity of the cellar door from 75 persons 7 days a week to 75 persons Monday to Friday and 200 persons Saturday and Sunday whilst maintaining existing hours of operation which is 10am to 6pm;
- Applicant seeks to undertake development in two stages:
 - Stage 1: Variation to development authorisations 16/973/473 and 16/882/473 to:
 - 75 patrons Monday to Friday, 10:00am – 18:00pm;
 - 200 patrons on Saturday and Sunday, 10:00am – 18:00pm;
 - Functions for maximum 130 patrons 32 times per year, 15:00pm – 12:00am (Midnight).The functions will take place at the lawn north of the existing cellar door building.
 - Stage 2: Construction of a function centre/restaurant building
 - Function use at 130 persons capacity and
 - Restaurant use two times a week at 130 persons capacity.
- Decommissioning of existing on-site waste system and installation of the new on-site waste system as approved by the Department for Health and Wellbeing (DHW) who were the relevant authority in assessment of the wastewater application. These works are required to be undertaken as part of the stage 1 outlined above.

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APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
18/08/2008	473/90/2006	Land Division - Boundary Realignment - DAC relevant authority
11/10/2016	473/466/16	Vineyard addition (11.33 hectares in total) to be undertaken in two (2) stages - Stage 1- 5.25 hectares - Stage 2- 6.08 hectares
13/11/2017	473/882/16	Change of use from dwelling to cellar door (maximum capacity 75) & motel (maximum of 6 guests), including two (2) freestanding advertising signs & associated car park & earthworks
01/06/2021	473/973/16	Change of use to a function centre (Special Events with maximum capacity 208 persons on 7 occasions a year & Functions with maximum capacity of 130 persons on 18 occasions a year) in association with existing cellar door & increase the car parking area (non-complying)
14/12/2021	20128842	Store building (bottled wine storage)
15/03/2021	21041517	Alterations and additions to existing cellar door (shop), verandah & deck
09/05/2022	22000517	Horticulture (vineyard)

SUBJECT LAND & LOCALITY:**Site Description:**

The subject land is a large irregular shade primary production allotment consisting of two pieces with a combined area of 88 hectares. The allotment has two frontages with the primary frontage and access to the site from Swamp Road with an internal gravel access track whilst the secondary frontage and access is from Oakwood Road. Swamp Road is a sealed road. The subject land is one of undulating topography containing a large water course running north-east through the subject land as well as a number of other smaller water courses scattered throughout the site. The primary use of the site is primary production related activities in the form of viticulture with secondary uses being a cellar door and function venue, with associated bed and breakfast. All activities are contained within and surrounding the existing building on the site which was previously used as a homestead. Other site features include outbuildings and agriculture buildings predominantly clustered together with a small portion of buildings located in the other areas of the allotment. Whilst not part of the development site, the immediate adjoining allotment to the south of the Swamp Road access known as 382 Swamp Rd, Oakbank is under the same ownership as the subject land and this allotment contains a dwelling that is occupied by the caretaker of the Cobbs Hill Estate.

Location reference: 382B Swamp Rd, Oakbank SA 5243

Title ref: CT6035/473 **Plan Parcel:** D7987 QP 1 and QP 2

Council: Adelaide Hills Council

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Locality:

The locality is characterised by a mixture of allotment sizes and uses predominantly ranging from smaller rural living allotments of approximately 1 hectare to large primary production allotments of up to 88 hectares. Majority of the allotments in the locality are used for rural living purposes however there are a number of allotments smaller than the subject land which too are also used for a range of different primary production purposes. The locality is also characterised by dense vegetation on surrounding allotments along with water courses. East of the locality are the two closest townships of Balhannah and Oakbank.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Shop: Code Assessed - Performance Assessed
Function centre: Code Assessed - Performance Assessed
Underground Water Storage Tank: Accepted Development
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed

PUBLIC NOTIFICATION

- **REASON**

Proposal now includes a shop (restaurant) which fails to satisfy Table 5 Column B exemption DPF 6.1 (gross leasable floor area exceeds 100m² and seating capacity exceeds 75 seats)

Public Notification period – 23 August 2022 to 12 September 2022

A copy of the publicly notified documents is included as **Attachment 4- Publicly Notified Documents**.

- **LIST OF REPRESENTATIONS**

Representor Name	Representor's Property Address	Wishes to be heard (Y/N)	Nominated Speaker (if relevant)
Gai Adcock	339-357 Oakwood Road, Oakbank	Yes	Peter Meline
Duncan and Anne Young	426 Oakwood Road, Oakbank	Yes	Peter Meline
Margaret Wilson	423B Swamp Road, Lenswood	Yes	Margaret Wilson
Peter Salu	48 Carrington Street, Adelaide	Yes	Peter Salu
Michael Gallagher	61B Peacocks Road South, Oakbank	Yes	Michael Gallagher
Jill and Greg Brodie-Tyrrell	61A Peacock Road South, Oakbank	Yes	Jill Brodie-Tyrrell

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Duncan Young	426 Oakwood Road, Oakbank	Yes	Peter Meline
Katherine Parker	67 Peacock Road South, Oakbank	Yes	Darryl Parker and Jill Brodie- Tyrrell
Henry Young	426 Oakwood Road, Oakbank	Yes	Henry Young
William Marryat	29 Swamp Road, Balhannah	No	
Timothy Wright	423B Swamp Road, Lenswood	No	
Natalija and Silvio Apponyi	157 Swamp Road, Lenswood	No	
Darryl Parker	67 Peacock Road South, Oakbank	No	
Anne Young	426 Oakwood Road, Oakbank	No	
James Burnett	471 Swamp Road, Lenswood	No	

• SUMMARY

The issues contained in the representations can be briefly summarised as follows:

- Noise issues
- Traffic safety issues
- Patron capacity, number of functions, hours and days of operation
- Environmental impacts
- Impacts on rural character and amenity
- Appropriateness of the use in the area

A copy of the representations is included as **Attachment 5 – Representations** and the applicant's response is provided in **Attachment 6 – Response to Representations**.

AGENCY REFERRALS

- Environmental Protection Authority (EPA):

This application was referred to the EPA on two occasions. The first referral was undertaken prior to public notification and then subsequently it was re-referred after amendments were made in response to the concerns in representations during the public notification period. In both instances EPA advised that it is satisfied that the proposal is considered to have a beneficial or neutral impact on water quality. Original referral response had two conditions requiring decommissioning of the existing on-site wastewater system and installation of a new wastewater system prior to occupation of the new function centre and these conditions were reaffirmed in the second referral response. **Refer to recommended conditions 20 and 21.** EPA did not make any reference to the staging of the application as proposed by the applicant and therefore their conditions do not directly reflect this aspect of the application. As such Council has added an additional condition 16 which requires the applicant to install the new waste system prior to commencement of stage 1.

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A copy of both of the referral response are included as **Attachment 7 – Prescribed Body Response**.

INTERNAL REFERRALS

- Engineering Department:

Council's Engineering Department reviewed the stormwater management plan as well as the traffic report, car parking and access arrangements. They have no objections to the proposed development with the following comments:

- Proposed on-site stormwater management is acceptable;
- Proposed car parking needs to comply with Australian Standards;
- The increase in traffic volume would have no significant impact on the existing traffic volumes of 1531 vehicles per day on Swamp Road;
- Council Engineering recommends the access driveway be widened to a minimum width of 6 metres to accommodate two-way traffic flow. A minimum of 100 metres of the access driveway should be widened to prevent any potential backing up of traffic on Swamp Rd, this will alleviate any potential safety issues, and
- The access is to be sealed from the road edge to 20m within the property boundary to prevent any material drag out onto Swamp Rd.

- Health Department:

Applicant needs to ensure that the kitchen in the new building complies with the Food Act 2001, Food Regulation 2017 and the Food Standards Code. Food Standards Code 3.2.3 refers to the premises and equipment including the water supply, if a premises is using untreated or a non-reticulated water supply, they may be require to have the waste tested regularly.

In addition the Safe Drinking Water Act 2011 and Regulations 2012 requires a drinking water provider to register with SA Health, develop, implement and review a Risk Management Plan and undergo regular independent inspection/audits.

PLANNING ASSESSMENT

Desired outcomes

Desired outcomes are policies designed to aid the interpretation of performance outcomes by setting a general policy agenda for a zone, subzone, overlay or general development policies module. Where a relevant authority is uncertain as to whether or how a performance outcome applies to a development, the desired outcome(s) may inform its consideration of the relevance and application of a performance outcome, or assist in assessing the merits of the development against the applicable performance outcomes collectively.

Performance outcomes

Performance outcomes are policies designed to facilitate assessment according to specified factors, including land use, site dimensions and land division, built form, character and hazard risk minimisation.

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Designated performance features

In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in **Attachment 8 – Relevant P&D Code Policies**.

Productive Rural Landscape Zone:

Desired Outcomes	
DO1	A diverse range of land uses at an appropriate scale and intensity that capitalise on the region's proximity to the metropolitan area and the tourist and lifestyle opportunities this presents while also conserving the natural and rural character, identity, biodiversity and sensitive environmental areas and scenic qualities of the landscape.
DO2	A zone that promotes agriculture, horticulture, value adding opportunities, farm gate businesses, the sale and consumption of agricultural based products, tourist development and accommodation that expands the economic base and promotes its regional identity.
DO3	Create local conditions that support new and continuing investment while seeking to promote co-existence with adjoining activities and mitigate land use conflicts.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 2.1, 2.2, 6.1, 6.2, 6.5, 6.6 and 11.1	
DPFs: 1.1, 2.1, 2.2, 6.1, 6.2, 6.5 and 6.6	

The Productive Rural Landscape Zone is one which encourages a diverse range of land uses of appropriate scale which are predominantly linked with the land either through a range of primary production related uses or associated value adding activities. This application is only proposing one additional use being the restaurant whilst other uses are existing considering that the site already has an established use for a cellar door and functions. That being said the proposal does seek to further entrench these uses by proposing a purpose built facility and increasing the capacity and hours of operation of those uses. The uses are considered to be consistent with PO 1.1 and DPF 1.1 given that they are value adding uses to existing primary production use and further promote tourism in the area. Both function centre and a shop are also specifically listed in DPF 1.1 as envisaged forms of land use.

Additionally the function centre and shop use are also consistent with POs 6.1, 6.2, 6.5, 6.6 and DPFs 6.1, 6.2, 6.5 and 6.6 with the exception of a departure from DPF 6.5 which sees the dining capacity of up to 75 persons. The capacity is proposed at 130 persons which is 55 more than envisaged by the DPF and whilst this departure is almost double the number it is still considered acceptable considering the allotment size and the fact that the proposal is able to manage the environmental impacts as well as the interface issues with adjoining sensitive receivers. At the same time the proposal is ensuring that the additional land use is not impacting on the main use of the land being for primary production related purposes. Outside this departure the uses are associated with the primary production related activities occurring on the land, are sufficiently setback from boundaries and adjoining sensitive receivers whilst the built form is within the required height and in a location that will not be readily visible from neighbouring properties or, the public realm.

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Whilst a building of 410m² and overall height of 8m is a large building it is considered to be acceptable given that the building is significantly setback from boundaries and is therefore not visible from the neighbouring properties or the public realm. Additionally, the design of the building is of a high standard that links back to the use of the land with the external finishes of a non-reflective nature that will blend in with the landscape. This proposal is therefore consistent with PO 11.1. Earthworks proposed for the development include approximately 1.3m of cut along the rear portion of the building and 2m of fill along the front portion of the building. The extent of the earthworks only in relation to the proposed fill is marginally above what is envisaged by DPF 2.2 it is considered to be acceptable given that the area is proposed to be landscaped plus it will not be visible from any of the neighbouring properties or the public realm. Therefore, the proposal will not create any visual impacts and as such it still satisfies PO 2.2 despite not meeting the corresponding DPF.

Existing access arrangements have been reviewed by a traffic engineer as well as Council's Engineering department and it has been deemed to be suitable for the intended use with some minor modification required internally to widen a section of the driveway for two-way vehicle movement and seal the first portion of the driveway to the edge of Swamp road to prevent drag out. The proposal is therefore consistent with PO 2.1 and DPF 2.1.

Overlays

Environment and Food Production Areas:

Desired Outcomes	
DO1	Protection of valuable rural, landscape, environmental and food production areas from urban encroachment
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1	
DPFs: -	

Considering that the proposed development is not related to land division the above overlay is not considered to be relevant in assessment of this application.

Hazards (Bushfire-High Risk):

Desired Outcomes	
DO1	Development, including land division is sited and designed to minimise the threat and impact of bushfires on life and property with regard to the following risks: a) potential for uncontrolled bushfire events taking into account the increased frequency and intensity of bushfires as a result of climate change b) high levels and exposure to ember attack c) impact from burning debris d) radiant heat e) likelihood and direct exposure to flames from a fire front.
DO2	Activities that increase the number of people living and working in the area or where evacuation would be difficult is sited away from areas of unacceptable bushfire risk.
DO3	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 2.1, 3.1 and 6.1	
DPFs: 6.1	

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As mentioned earlier in the report, the proposed external colours and materials are of non-reflective nature. The only exception is the front and west elevations which are proposed to be of glass façade. That being said the proposal is still considered to be in a location that will not result in magnification or reflection of light and therefore become a bushfire risk. The proposal is consistent with PO 1.1. The building is also proposed in an area that is not covered in dense hazardous vegetation or steep terrain to ensure consistency with PO 2.1.

The proposed building is not elevated above ground and as such there is no potential for trapping of debris against or underneath the building which ensures consistency with PO 3.1.

Adequate access has been designed from the road to the proposed structure along with a turning area for emergency vehicles to ensure consistency with PO 6.1 and DPF 6.1. Whilst the proposed use will increase the number of people working in the area it has been designed in a way that ensures that those people are not exposed to unnecessary bushfire risk. This has been done by placing the building away from hazardous vegetation and through the upgrade of the access point as well as the internal track in a way that ensures vehicles, including the emergency vehicles, are able to easily enter and exit the site. The proposal is therefore consistent with the intent of DO 2.

Hazards (Flooding-Evidence Required):

Desired Outcomes	
DO1	Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1	
DPFs: -	

The subject land is not flood prone nor is there any evidence to suggest that the site of development is flood prone. As such it is considered that the above overlay is not applicable to the assessment of this application.

Limited Land Division:

Desired Outcomes	
DO1	The long term use of land for primary production is maintained by minimising fragmentation through division of land.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1 and 1.2	
DPFs: -	

Considering that the proposed development is not related to land division the above overlay is not considered to be relevant in assessment of this application.

Mount Lofty Ranges Water Supply Catchment (Area 1):

Desired Outcomes	
DO	None
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 2.4	
DPFs: -	

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The main concerns in this overlay relate to the on-site effluent disposal area to ensure that the proposal does not impact on the water quality of the Watershed Area 1. Upgrades and amendments to the existing on-site waste system has been reviewed and approved by the Department for Health and Wellbeing (DHW) but also further reviewed by the EPA to ensure that the proposal result in neutral and beneficial outcome on the water quality. The location and the design of the effluent disposal area has been designed to ensure compliance with the Health Act. The requirements in the Act are very similar to those outlined in PO 2.4 which the proposed development complies with as it has been approved by the DHW.

Mount Lofty Ranges Water Supply Catchment (Area 2):

Desired Outcomes	
DO1	Safeguard Greater Adelaide's public water supply by ensuring development has a neutral or beneficial effect on the quality of water harvested from secondary reservoirs or diversion weir catchments from the Mount Lofty Ranges.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1 and 1.2, 2.1, 2.4, 2.5, 3.1, 3.2, 3.6, 3.9 and 4.1	
DPFs: 1.2, 2.1, 2.4, 2.5, 3.1, 3.6 and 3.9	

The Stormwater Management Plan prepared by Clive Steele Partners provides an outline on how the stormwater from the building and associated car parking area should be managed. The design of the stormwater system includes management of stormwater on site by directing stormwater from the building and the new car parking area to an appropriately size soakage pit. The Stormwater Management Plan was reviewed and supported by Council's Engineering Department. The proposal is therefore considered to be consistent with the relevant POs 1.2, 3.1, 3.2, 3.3, 3.9 and DPFs 1.2 and 3.9.

The subject site is not connected to mains sewer or the community wastewater management system and therefore an on-site waste system had to be designed to accommodate the anticipated waste generating activities. Given the size of the waste system, **Department for Health and Wellbeing (DHW)** were the relevant authority for assessing and approving the designed waste system (DHW approval is included in the application information). The proposal was also referred to, and reviewed by, the EPA who determined that the proposal is going to have a beneficial or neutral impact on water quality. The proposal is therefore in accordance with POs 2.3, 2.4 and DPFs 2.3 and 2.4.

Native Vegetation:

Desired Outcomes	
DO1	Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1 and 1.2	
DPFs: 1.1	

The proposal does not include removal of any native vegetation. Additionally a native vegetation declaration form has been signed and provided confirming that the proposal does not include removal of native vegetation. The proposal is therefore consistent with PO and DPF 1.1.

Prescribed Water Resources Area:

Desired Outcomes	
DO1	Sustainable water use in prescribed surface water resources areas maintains the health and natural flow paths of water courses
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1	
DPFs: 1.1	

The subject land is not connected to mains water and as such is reliant on the adequate on-site water supply to cater for the proposed development. Whilst PO 1.1 is more concerned with adequate water supply being available for primary production related activities, it does all seek that all developments have a lawful, sustainable and reliable water supply that does not place undue strain on water resources in prescribed surface water areas. It is considered that the expansion of the existing use with the added restaurant use proposed will have adequate on-site water supply to cater for the needs and as such be consistent with PO 1.1. Councils Health Department has also advised that premises using untreated, or a non-reticulated water supply may be required to have the waste tested regularly. In addition, the Safe Drinking Water Act 2011 and Regulations 2012 requires a drinking water provider to register with SA Health, develop, implement and review a Risk Management Plan and undergo regular independent inspection/audits.

Water Resources:

Desired Outcomes	
DO1	Protection of the quality of surface waters considering adverse water quality impacts associated with projected reductions in rainfall and warmer air temperatures as a result of climate change.
DO2	Maintain the conveyance function and natural flow paths of watercourses to assist in the management of flood waters and stormwater runoff.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.2 and 1.5	
DPFs: 1.5	

The works proposed are close to watercourses however there is still sufficient setback from the multiple water courses running through the property. The closest water course to the proposed building work is approximately 55m north and downslope. PO 1.5 seeks that development that increases surface water runoff includes a suitable sized vegetated land on either side of the water course. The corresponding DPF specifically seeks a minimum of 20m which the proposed development sufficient satisfies. Recommended condition 7 has also been attached requiring that the Soil Erosion and Drainage Management Plan (SEDMP) be provided to Council prior to Building Consent.

POs 1.1 and 1.2 also seek that development avoids damage to water courses and interference with the existing hydrology or water regime. The proposal is considered to achieve these requirements because it does not include any works within the water course whilst impacts to the hydrology are maintained given that any additional stormwater is proposed to be retained in a water tank with an overflow to a soakage pit before any further stormwater overflow ends up in a water course.

General Development Policies

Clearance from Overhead Powerlines:

Desired Outcomes	
DO1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1 DPFs: 1.1	

This proposal will not impact on any powerlines and a declaration to this effect has also been provided by the applicant confirming that construction of the building is going to be in accordance with the section 86 of the Electricity Act 1996.

Design:

Desired Outcomes	
DO1	<p>Development is:</p> <ul style="list-style-type: none"> a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area. b) durable - fit for purpose, adaptable and long lasting. c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors. d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.4, 1.5, 2.1, 2.3, 3.1, 3.2, 5.1, 6.1, 7.2, 7.3, 7.6, 7.7, 8.1, 15.1, 19.3, 19.4, 19.5, 20.1, 31.1 and 31.2 DPFs: 1.4, 6.1, 8.1, 19.2, 19.3, 19.4 and 19.5	

DO 1 seeks development that is durable, fit for purpose, adaptable and long lasting. The proposed building is considered to adequately address this desired outcome considering that it has been designed to take into account multiple existing uses on the site as well as the additional use as a restaurant.

The design of the building has been carefully considered with the overall height, external colours and finishes blending in with the landscape. The overall footprint of the building is one of a larger scale but appropriate given that the building is proposed in the middle of the site with the setbacks from all boundaries in excess of 300m, additionally any views of the building if present from the road or neighbouring properties are going to be distant in nature and with the external finishes proposed it will blend in with the landscape. Taking into account the overall design, external finishes and the location which is significant removed from neighbouring properties and the public realm, the overall size and height of the building is considered to be appropriate. The curved roof design takes inspiration from a wine barrel minimises the overall bulk and scale of the building but also links the overall design and the use of the building to the primary production use of the land. All plant equipment is proposed to be stored inside the building in the nominated mechanical area, whilst all waste

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management, loading and unloading areas will also be out of view and internal to the site. The proposal is therefore considered to be consistent with POs 1.4, 1.5 and 15.1,

The site plan provided also shows a rough outline of the intended landscaping around the building. A detailed landscaping plan in this instance has not been requested given that the area is not going to be visible from public realm but it is considered that appropriate landscaping will be and can be provided around the building which will be consistent with POs 3.1 and 3.2.

This proposal also includes an expansion of existing car parking by provision of an additional 54 spaces. Car parking is proposed on the southern side of the existing parking area nestled in-between the existing trees. As such all of the existing vegetation will ensure that the additional parking areas are well screened from the road. No additional landscaping is proposed or considered necessary. Internally appropriate gravel tracks have been proposed providing legible and direct link between parking areas with the development. Stormwater management plan has also been prepared which caters for stormwater runoff from the additional parking areas with a swale drain directing the stormwater to the soakage pit. The proposal is therefore consistent with POs 7.2, 7.3, 7.6, and 7.7.

The proposed development includes a combination of cut and fill. Total amount of excavation proposed is 1.2m and total amount of fill proposed is 1.3m. Additional earthworks are also required for the car parking area however these earthworks are not exceeding that required for the proposed building. Overall, the extent of earthworks is within what is anticipated by DPF 8.1. Additionally, these earthworks are not going to be visible from public realm or any of the neighbouring properties given their location. Apart from the above earthworks, some minor modification is also required for the existing access track to allow for a two-way vehicle movement as illustrated in the traffic report and approved by Council's Engineering Department. These earthworks are minor in nature and only include widening of the existing track. Overall, it is considered that all of the earthworks associated with the proposed development satisfies the relevant POs and DPFs.

Continuing on from the above, POs 19.3, 19.4 and 19.5 all seek that vehicle access points and driveways are safe, convenient and minimise interruption to the operations of the public road. As part of the traffic analysis, it was determined that the location of existing access point from Swamp Road is adequate but it is recommended the widening of the access point to 6 metres as well as internal driveway to a length of 100m to allow for two way vehicle movements is undertaken to prevent any potential queuing of traffic on Swamp Road. Recommendations from the traffic engineer and Council's Engineering have been accepted by the applicant which will ensure compliance with the above POs.

Infrastructure and Renewable Energy Facilities:

Desired Outcomes	
DO1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 11.1, 12.1 and 12.2	
DPFs: 11.1, 12.1 and 12.2	

As mentioned earlier in the report, the subject land is not connected to main water which means that it does not satisfy the requirements of a DPF 11.1. That being said, adequate on-site water supply in the form of water tanks and bores with appropriate licences exist that will be provide the required water supply for the intended use and ensure compliance with PO 11.1.

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PO 12.1 seeks that the development is connected to an approved common wastewater disposal service which complies with the South Australian Public Health Act 2011. The subject site with its existing uses has an existing on-site waste system which was previously approved by DHW. Considering that this proposal includes an increase to the cellar door and the overall site capacity and also introduces a restaurant use it did require that the on-site waste system is upgraded. As such an amended waste system which includes the following was approved by DHW:

- The conversion of 2x 5kL secondary treatment systems for use as pump sumps.
- A Biocycle EP200 secondary treatment system of 30 kL/d hydraulic capacity and 9 kg BOD5/d organic capacity.
- An on-site land application system of 14.8 kL/d capacity, consisting of
 - 1.3.1. A 3,290m² surface irrigation area.
- Decommissioning the following:
 - i. 2x Ozzie Kleen RP10 secondary treatment systems
 - ii. Ri-treat 3250 secondary treatment system.
 - iii. 200m² irrigation area.

Full details of the DHW approval are provided in the Internal Referral attachment.

Interface between land Uses:

Desired Outcomes	
DO1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.2, 2.1, 4.1, 4.2, 4.5, 4.6, 6.1 and 6.2	
DPFs: 2.1, 4.1 and 4.6	

The majority of the concerns from the representors were in relation to the number of patrons and noise impacts that could result with the proposed development. PO 1.2 seeks that development adjacent to a site containing a sensitive receiver is designed to minimise impacts. This is done through limiting the noise impacts as well as hours of operation associated with the use. The hours of operation associated with the proposal vary depending on use. As mentioned in the outline of the proposal, the hours of operation associated with the cellar door are not changing from current approval being 7 days a week 10am to 6pm. The only change in relation to this use is the capacity of the cellar door is proposed to be increased on Saturday and Sunday from 75 persons to 200 persons. Whilst the hours of operation are not changing the additional capacity would create additional noise and as such these impacts need to be considered. As far as function use, the changes proposed in this area include increasing the overall capacity and the number of functions from 130 persons 18 times a year and special events for 208 persons 7 times a year to functions for 130 persons 32 times a year 3pm to midnight on a Friday, Saturday and Sunday and removing the special events. Additional use of a restaurant has also been proposed two (2) times a week at the 130 person capacity to operate on either Friday, Saturday or Sunday. At any one time the overall capacity of the site would be 330 persons during the overlap period when a cellar door is occupied with 200 patrons and a function or a restaurant of 130 persons is occupied. This overlap would only occur on weekends between the hours of 3pm and 6pm.

PO 2.1 outlines that in assessing the hours of operation one of the things that needs to be considered is the extent to which the development is desired in the zone. DPF 2.1 specifies hours of operations for different uses and whilst it excludes function centres it does include a shop with the recommended hours being consistent with the current cellar door hours of operation with the exception of a 1-hour departure for weekend trading. Functions centres and a restaurant are envisaged forms of land use in the Productive Rural Landscape Zone but only as a value adding activity associated with the primary production use of the land. It

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is also important to note that residential uses which the subject land is surrounded by is also an envisaged form of land use however it is also important to point out that whilst both of these uses are envisaged in the zone the primary use that is envisaged is primary production activities. As such in assessing the impacts of conflicting land uses in this circumstance it is important to establish residential use is not more envisaged than a function centre and vice versa as both are seen as additional uses to support the primary production use of the land.

Taking into consideration PO 2.1 which seeks that non-residential development does not unreasonably impact the sensitive receivers in the locality through hours of operation it was established above that part of this PO was satisfied because the uses are envisaged for the zone. In order to further establish if the hours of operation are appropriate it would need to be done by looking at POs 4.1, 4.2, 4.4, 4.6 and DPF 4.6 which speak to activities generating noise or vibration. An acoustic report has been prepared by the applicant which looks at the noise impact on the adjacent sensitive receivers. The noise generating activities that were taken into account include music, patron noise, delivery vehicles, rubbish collection, and car parking. Noise assessment investigation was undertaken factoring in 3 different scenarios and has determined that the music noise at the nearest sensitive receiver will be within the day and night time criterion with the following recommendations:

- No speaker are to be installed external to the proposed function centre;
- The sound pressure levels from the sound system be limited to not more than 90dBA with the levels are measured approximately in the middle of the function centre;
- external performers should only use the sound system provided by the function centre;
- the sound system should be tuned and commissioned by an acoustic engineer the speakers are in place and the sound limiter is installed; and
- The doors and any operable glazing be fitted with compressible acoustic seal.

These requirements have also been reinforced by recommended conditions 14, 15 and 16. In reference to existing approvals for the function centre, there are existing conditions which limit music noise and entertainment and these conditions will continue to apply to entertainment and music associated with outdoor functions with the exception to the operating hours for functions which this application is amending. These conditions are:

- The entertainment is not to exceed 57dB(A) between 10:00am and 10:00pm and 50dB(A) from 10:00pm and 12:00am (midnight) within nearby dwellings. Sound pressure level from the sound system shall be limited to be not more than 85dBA at 1m from each speaker. The Operator or Duty Manager duty shall measure the sound pressure level from each speaker at 1m and ensures it does not exceed 85dBA during the function and special events in accordance with the requirements set in the Noise Management Plan and in accordance with the Environmental Noise Assessment report prepared by BESTEC dated 1 September 2020.
- Entertainment shall be contained within the building during the operating hours of the functions and special events. Any outdoor entertainment associated with the functions and special events shall be limited to between 10:00am and 5:00pm on any day.

Noise levels from patrons based on the 3 different scenarios as mentioned above has also been looked at and was deemed to be in accordance with the criteria and as such no further acoustic treatments were required. Noise assessment associated with the delivery vehicles and rubbish collection was also undertaken assuming that delivery and rubbish collection would occur in the car parking area and was determined that noise levels associated with these activities were also within the day time criterion with recommendations that deliveries occur during day time hours being between 10am and 6pm whilst noting that rubbish collection will only occur during the day. Noise levels associated with car parking has also been assessed measuring it to the closest

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sensitive receiver being 350m away and was determined to comply with the selected criteria for environmental noise.

Based on the noise assessment undertaken for the proposed development and based on the proposed numbers it was determined that all noise generating activities will meet the required criterion with some added restrictions mainly in relation to music. As such it is considered that the proposal satisfies all of the relevant requirements in PO 2.1 and also the POs 4.1, 4.2, 4.4, 4.6 and DPF 4.6.

Out of Activity Centre Development

Desired Outcomes	
DO1	The role of Activity Centres in contributing to the form and pattern of development and enabling equitable and convenient access to a range of shopping, administrative, cultural, entertainment and other facilities in a single trip is maintained and reinforced.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1 and 1.2 DPFs: -	

The subject land is in close proximity to Townships of Balhannah and Oakbank with both of these towns having the main street as its primary activity centre for shopping and administrative services. The proposed expansion of existing use as well as the addition of a restaurant use with the associated building work is considered a commercial activity for value adding purposes related to the primary production use of the land. The activity is located outside the Activity Centre and is of scale and nature that will not take away from activities found in the main street of the nearby Townships. The proposal is therefore confident with PO 1.1. The proposal however is not consistent with PO 1.2 given that it is not of nature which supports the needs of the local community nor does it expand the range of services on offer and support the role of the Activity Centre.

Tourism Development:

Desired Outcomes	
DO1	Tourism development is built in locations that cater to the needs of visitors and positively contributes to South Australia's visitor economy.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1 DPFs: -	

PO 1.1 seeks that tourist development complements and contributes to local, natural, cultural and historical context by supporting immersive natural experience, showcases South Australian landscape and produce and with events and functions connected to local food, wine and nature. It is considered that the proposed development both from the land use perspective as well as the built form perspective satisfy all aspects of this PO. The zone envisages value adding activities associated with primary production related activities. As mentioned earlier in the report the primary use of this land is for viticulture purposes with already established secondary uses being a cellar door and a function centre. These activities are considered to contribute to the tourism in the area promoting the Adelaide Hills as a wine region. As such additional expansion of this use with the added restaurant use is considered to be in accordance with what the PO is seeking. Additionally, the proposed design of the building which takes inspiration from a wine barrel further links back to the primary production use of the land and what the region is known for.

Transport, Access and Parking:

Desired Outcomes	
DO1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.2, 1.3, 1.4, 3.1, 3.3, 3.4, 4.1, 5.1, 6.2, 6.4, 6.5, 6.6 and 6.7	
DPFs: 1.4, 3.1, 5.1 and 6.6	

The subject land is serviced by two existing access points, one being from Swamp Road and the other from Oakwood Rd. The primary access for the site and the existing cellar door and function centre use as well as the proposed building is from Swamp Road which is a sealed road in care and control of the Council. One of the concerns raised by the representors during the public notification process was the traffic and the impacts that this would have on the use of Swamp Road. As part of the response to the representations a traffic report was prepared by a qualified traffic engineer which determined that the location of the existing access point was satisfactory and that the Swamp Road would be able to appropriately accommodate the forecast increase in the volume of traffic. This report was also reviewed by Council’s Engineering Department who agreed with the determinations on the capacity of Swamp Road and the location of the access point. However, further request was made by Council Engineering to have the driveway widened to minimum width of 6m and a length of 100m to allow for two-way vehicle movements which would prevent backing up of traffic on Swamp Road. Additionally, it was requested that the access be sealed from the road edge to 20m within the property boundary to prevent drag out onto the Road. Both of these recommendations were accepted by the applicant. As such it is considered that the proposal is consistent with POs and DPFs 1.1, 1.2, 1.3, 1.4, 3.1, 3.3 and 3.4.

The existing car parking layout contains 28 parking spaces on the northern side of the access track immediately next to the existing cellar door and function area space whilst staff parking spaces are scattered throughout different parts of the site but within the vicinity of the cellar door. This proposal now seeks to establish 54 new parking spaces on the southern side of the access track immediately opposite the existing parking spaces plus a universal access parking space immediately next to the proposed building, with all of the car parking spaces being in close proximity to the existing and proposed buildings with clear pedestrian paths between different areas. Table 1 General of Street Car Parking Requirements for a shop in the form of a restaurant seeks 0.4 spaces per seat and based on the proposed restaurant capacity of 130 persons there would be a requirements of 52 on-site parking spaces. As such it is considered that the restaurant element satisfies the parking requirements. In reference to the function centre use Table 5 is silent and does not provide specific car parking requirements for this use. As such if the same car parking ration was applied as to the restaurant it would satisfy the requirements based on the capacity of the proposed restaurant. If the same car parking requirements were applied as to the cellar door which is 5.5 spaces based on 100m² it would also satisfy the requirements. The traffic report that was prepared as a response to the representations also did not identify any concerns with the nominated car parking numbers and determined that the car parking layout satisfies *off-street car parking standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009) and will meet the requirements of a User Class 2 facility (medium term parking such as entertainment centres and accommodation facilities)*. The proposal is therefore consistent with POs and DPFs 4.1, 5.1, 6.2, 6.4, 6.5 and 6.7.

Loading and unloading areas have not been identified on the site plans provided however it is not considered necessary in this circumstance. Given the size of the allotment and considering that ample space would be available to provide loading and unloading areas in different parts of the property to service both the existing and proposed building it is considered that the proposal satisfies PO 6.6. Condition 5 has also been recommended restricting loading and unloading within the confines of the subject land between the hours of 10:00am and 6:00pm.

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CONCLUSION

The proposal is for a 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 Authorisations 16/973/473 to increase the overall capacity, the number of functions and operating hours and to 16/882/473 to increase the capacity of the existing cellar door. The main concern with the proposal is the increased capacity, frequency of functions and noise, as well as traffic issues that would be generated by the development and the overall appropriateness of the use in the area.

As mentioned earlier in the report, the only element of this proposal that is new in terms of the use of the land is the restaurant. All other uses are existing, and this proposal is seeking to further entrench those uses by proposing a purposed built facility and increase the overall capacity and frequency of use. The zoning is primarily focused on promoting primary production land uses whilst also encouraging value adding activities associated with those uses. A shop, both in a form of a cellar door and a restaurant, as well as a function centre, are all envisaged as appropriate uses in the zone provided issues associated with those uses can effectively be managed. As such it is considered that the use of the land is consistent with what the zone is seeking. The use is a value adding activity to what is a predominantly a primary production allotment used for viticulture purposes.

The main issues with the activities on the land and proposed expansion are noise and traffic issues as well as environmental issues all of which were also raised as concerns by the neighbours. Environmental issues have been addressed through the design of an appropriate on-site waste system which was approved by DHW. The overall proposal was also reviewed by the EPA from water quality perspective and deemed to have neutral or beneficial outcome on the water quality. Traffic issue was also considered and reviewed by the applicants traffic engineer as well as Council's Technical Officer. Swamp Road was deemed adequate to cater for the additional traffic volumes, car parking was also deemed adequate whilst some modification to the access point and internal driveway track were recommended to allow for two-way vehicle movements. Noise issues were also considered and the acoustic assessment undertaken has determined that music levels can be kept to the day time and night time Environmental Protection Noise Policy criterion with some additional measures recommended for music. Noise from patrons, car parking, as well as delivery and rubbish vehicles, were all deemed acceptable and within the noise level criteria.

The overall size and the design of the building is considered appropriate. The nominated location of the building will mean that it will not be readily visible from the public realm or any of the neighbouring properties. The design links back to the use of the land whilst the external colours and materials are of non-reflective nature that will blend in with the landscape. The location and the overall footprint of the works, including the areas around the building, the car parking, as well as the on-site waste system, are all clustered together with other buildings on site meaning that the works will not take away any significant primary production land.

Council staff are satisfied the proposed development is sufficiently in accord with the Planning and Design Code to warrant consent.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve 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**

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- 2) Development Application Number 21019844, 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, Stage 2: Construction of the function centre and restaurant building and remainder of works, by Cobbs Hill Estate 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.
- 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 initiated, 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 initiated 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 initiated 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, 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

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- 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) At any one time, the overall capacity of the site shall be limited to a maximum of 330 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 11:00am to 12:00pm (Midnight). Any increase in the number of functions/capacity as well as hours or days of operation will require separate development approval.
- 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 of performers.

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- 18) All external performers shall only use the sound system and amplifier provided by the function centre. No external sound systems and amplifiers are permitted to be used unless tuned and commissioned by an acoustic engineer prior 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.

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:
www.environment.sa.gov.au/Conservation/Native_Vegetation/Managing_native_vegetation

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

OFFICER MAKING RECOMMENDATION

Name: Doug Samardzija
Title: Senior Statutory Planner

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ITEM 8.2

DEVELOPMENT NO.:	22042116
APPLICANT:	Arts & Entertainment of South Australia Pty Ltd and Planning Studio Pty Ltd
ADDRESS:	1403 ONKAPARINGA VALLEY RD WOODSIDE SA 5244
NATURE OF DEVELOPMENT:	Annual two-day music festival
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Productive Rural Landscape <p>Overlays:</p> <ul style="list-style-type: none"> • Environment and Food Production Area • Hazards (Flooding) • Hazards (Bushfire - High Risk) • Hazards (Bushfire - Medium Risk) • Hazards (Flooding - General) • Hazards (Flooding - Evidence Required) • Limited Land Division • Mount Lofty Ranges Water Supply Catchment (Area 2) • Native Vegetation • Prescribed Water Resources Area • Traffic Generating Development • Urban Transport Routes • Water Resources
LODGEMENT DATE:	22 December 2022
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	2022:24
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	James Booker Team Leader Statutory Planning
REFERRALS STATUTORY:	Commissioner of Highways Environment Protection Authority
REFERRALS NON-STATUTORY:	Economic Development Engineering Community Safety Environmental Health - Waste Environmental Health - Food Arboriculture – Street Tree Arboriculture – Street Vegetation Communication, Engagement and Events

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ATTACHMENT 1:	Application Documents	ATTACHMENT 6:	External Referral Responses
		ATTACHMENT 7:	Relevant P & D Code Policies
ATTACHMENT 2:	Subject Land Map/Representation Map		
ATTACHMENT 3:	Zoning Map		
ATTACHMENT 4:	Representations		
ATTACHMENT 5:	Response to Representations		

DETAILED DESCRIPTION OF PROPOSAL:

The proposal involves the commencement of an Annual Two-day Music Festival at 1403 Onkaparinga Valley Road, Woodside. The subject land accommodates the Tomich Winery although the vineyards are located away from the area proposed to accommodate the music festival under assessment within this application and will not be accessible during the event. The annual two-day festival is proposed to accommodate up to 10,000 patrons each day.

The key features of this proposal are:

- Music featuring international and local artists;
- One stage situated towards the western end of the land facing out east towards Onkaparinga Valley Road;
- 11:00am commencement and 11:00pm conclusion (music between 12:00pm and 10:30pm);
- This is a ticketed and licensed event available for persons 18+ years;
- A total of five access points to the site for patron parking, emergency access and pick-up/set down access, three existing (shown as 1, 5 and 11 in the MFY addendum to the response to representations) and two new (shown as 3 and 8 in the MFY addendum to the response to representations);
- 2,300 on-site car parking spaces available to patrons with up to 175 staff members being shuttled by bus to the site;
- Provision to be made for on-site bus parking and a set-down/pick-up for taxis and ride share vehicles;
- Food vans and bars provided at both the southern and northern ends of the site;
- A large area labelled a “Food and Wine Village”;
- A large shaded bar to be provided central to the site;
- 200 portable toilets to be located on site; and
- A number of temporary structures are proposed such as the Stage. These structures are excluded from the definition of development in accordance with clause 4(11) of Schedule 4 of the Planning, Development and Infrastructure (General) Regulations 2017.

BACKGROUND:

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
Withdrawn – May 2022	21/290/473	Construction of a restaurant (max 75 seats) and cellar door building, retaining walls (max height 1m) associated car parking and earthworks

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Approved - September 2020	20/856/473	Land Division - Boundary realignment (2 into 2)
Approved – May 2020	19/1034/473	2x freestanding horticultural buildings & associated earthworks
Approved – February 2020	14/624/473	Change of use to include winery (maximum crush 50 tonnes per annum), associated buildings, earthworks & retaining walls (maximum height of 2.8m)
Approved – May 2018	2013/272/473	Freestanding advertising sign (1.1m x 2.5m maximum height)
Approved – March 2018	15/509/473	Land division – realignment of boundaries (2 into 2)
Refused – June 2009	473/1218/2007	Two signs (measuring 3.2m height x 1.2m width)(non-complying)
Approved – August 2003	473/763/03	Demolition of farm building
Approved – October 2003	473/710/03	Change in use from Farm Building (Dairy) to Horticultural Building (Office) associated with viticultural use of the land (horticulture)
Approved – May 2001	473/D002/01	Land Division -8 allotments into 5
Approved – April 2001	473/1218/00	Change of land use from farming and horticulture to horticulture (viticulture) and construction of 44 megalitre dam

SUBJECT LAND & LOCALITY:**Site Description:**

The subject land is commonly known as 1403 Onkaparinga Valley Road, Woodside and is operated by Tomich Wines. The land is a large parcel of approximately 46.9ha and has expansive frontage to both Onkaparinga Valley Road and Woodside Road. The land has a primary access point on Onkaparinga Valley Road. The property includes multiple gates and access points to both Onkaparinga Valley Road and Woodside Road.

The Southern and Western portions of the site accommodate the primary production use of the land including extensive vineyards, a winery building and multiple agricultural buildings. A dwelling is also located on site adjacent to the main access point at Onkaparinga Valley Road. The Onkaparinga River runs through the site from the north to south.

The area of the proposed development is in the north-eastern corner of the site, adjacent to the Onkaparinga Valley Road / Woodside Road / Quarry Road round about. This section of the site is currently utilised for grazing and is geographically separated from the winery on site.

Location reference: 1403 ONKAPARINGA VALLEY RD WOODSIDE SA 5244

Title ref.: CT 6256/979

Plan Parcel: D126786 QP51

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Locality:

The locality is on the cusp of the township of Woodside and is characterised by large allotments accommodating primary production activities to the east. On the eastern side of Onkaparinga Valley Road is the Employment Zone, and the township of Woodside is beyond to the south. North of the subject land are large rural allotments leading to Charleston in the north-east and Lobethal in the north-west. The immediate locality is situated within the Productive Rural Landscape Zone.

Both Onkaparinga Valley Road and Woodside Road have an 80km/h speed limit and a large roundabout is located at the junction of these roads adjoining the site. An Adelaide Metro bus stop is located south of this roundabout on Onkaparinga Valley Road adjacent to the subject land.

The subject land and that relating to neighbouring representations is provided in **Attachment 2 - Subject Land Map/Representation Map**. The zoning is shown on the map in **Attachment 3 – Zoning Map**.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

Other - Commercial/Industrial - Annual two day music festival: Code Assessed - Performance Assessed.

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed.

- **REASON**

The Planning and Design Code does not list an event such as this as having an Accepted, DTS or Restricted assessment pathway within the corresponding Tables for the zone. As such the development is classified as “Performance Assessed Development” in accordance with section 105(b) and 107 of the Act, requiring the development to be assessed on its merits against the Code.

PUBLIC NOTIFICATION

- **REASON**

A music festival is not listed in Table 5 of the Productive Rural Landscape Zone as being exempt from public notification. Additionally, this proposal has not been considered as being a minor form of development by Council staff.

Public notification was undertaken from 9 January 2023 to 30 January 2023.

- **LIST OF REPRESENTATIONS**

Five (5) representations were received during the public notification period. Of these, three (3) were identical, uploaded to the PlanSA Portal by the same representor, and it is considered that two of these representations were uploaded in error.

Of the three (3) valid representations received, one was in support of the proposal while the other two are in support of the proposal but have some concerns. Only one representor wishes to be heard by the Panel.

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Representor Name	Representor's Property Address	Wishes to be heard (Y/N)	Nominated Speaker (if relevant)
Russell Miatake	99 Buckleys Road, Lobethal	No	
Christine Schloithe (MusicSA)	192-200 Pulteney Street, Adelaide	No	
Douglas Burd	1480 Onkaparinga Valley Road, Charleston	Yes	Self

● SUMMARY

The issues contained in the representations can be briefly summarised as follows:

- Noise concerns;
- Traffic concerns;
- Traffic mistakenly coming down Buckleys Road seeking parking;
- Application should be a once off event in the first instance;
- Noise Management Plan fails to identify 1480 Onkaparinga Valley Road within the 65dBA noise contour and therefore should be offered a mitigation package;
- The 35dBA noise contour seems unlikely given the speaker arrangement, we request an updated assessment;
- Livestock will need to be removed during the event due to noise;
- The 1000 parking spaces is inadequate; and
- Bushfire risk.

Comments in favour of the proposal:

- The proposal is a great opportunity for local artists and is important for the South Australian music industry; and
- The proposal represents an important offering of cultural tourism.

Response to Representations:

- The applicant responded to the representors in the following ways:
 - Welcomed the support of MusicSA;
 - The applicant advised that they will continue to liaise with the Department for Infrastructure and Transport, SA Police and Council;
 - Acknowledged an error in the report and confirming that the land does not have access to Buckleys Road;
 - An increase of on-site parking from 1,500 spaces to 2,300 spaces by utilising an additional area for parking;
 - Altering the pick-up set-down location and route for taxi/ride share vehicles;
 - Improvement of pedestrian movement;
 - All staff including security staff will now be transported to site via bus thus reducing the requirement for a large staff parking area;
 - Provided a commitment to consult with local residents pre and post event to minimise adverse impacts;
 - Confirmed that for operational reasons, including the advanced booking of acts, a recurring event was required as opposed to a once off approval

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- The applicant will discuss directly with residents within the 65 dB(A) equal noise contour mitigation options which may include treatment packages;

Copies of the representations are included as **Attachment 4 – Representations** and the applicant's response is provided in **Attachment 5 – Response to Representations**.

AGENCY REFERRALS

- Commissioner of Highways

As the proposal includes a new vehicle access and changes the nature of movement through an existing access point to a State Maintained Road, a referral to the Commissioner of Highways was required in accordance with the Procedural Matters contained within the Urban Transport Routes Overlay.

The Commissioner of Highways did not object to the proposal, however one Condition and three Advisory Notes have been imposed. These have been provided below:

Condition 1

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;*
- 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 Note 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.

Advisory Note 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

Advisory Note 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.

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- Environment Protection Authority (EPA)

The Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay provides a number of referral triggers within its Procedural Matters. The EPA provides a significant degree of oversight of development within this Overlay as any development which generates human wastewater from a peak loading capacity of more than 40 persons is captured as a referral trigger where the site does not have access to a sewer system.

As the proposal caters for up to 10,000 persons each day, a referral to the EPA was required. As the proposal includes portable toilet holding tanks and the removal of all human wastewater off site, the EPA concluded that the proposal would have neutral or beneficial impact upon water quality. The following Advisory Notes were included within their referral response:

Advisory Note 1

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.

Advisory Note 2

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

The EPA and DIT referral responses are included as **Attachment 6 – Referral Responses**.

INTERNAL REFERRALS

- Economic Development

This event will have a significant economic benefit to the region. Similar events in other regions have increased tourism visitation and spend.

We have undertaken some economic modelling based on the figures in the Development Application and from feedback on similar events in neighbouring regions (specifically Holdfast Bay Council).

a. Economic Impact

Gross Regional Product

Based on the numbers that are expected to attend this event it will generate an additional \$5m spend to the Adelaide Hills Council region's economy which would lead to a corresponding direct increase in value added of \$2m. A further \$571k in value added would be generated from related intermediate industries.

There would be an additional contribution to the Adelaide Hills Council economy through consumption effects as correspondingly more wages and salaries are spent in the local economy. It is estimated that this would result in a further increase in value added of \$193,844.62.

The combination of all direct, industrial and consumption effects would result in an estimated addition in value added of \$3m in the Adelaide Hills Council economy.

Value added by industry represents the industry component of Gross Regional Product (GRP). The impact on the Adelaide Hills Council's GRP as a result of staging this event is directly equivalent to the change in value added outlined above.

In summary, GRP in the Adelaide Hills Council is estimated to increase by \$3m.

b. Employment

Also, the direct addition of \$5m spend to the local economy as a result of staging the Vintage Vibes event in the Adelaide Hills Council is estimated to lead to a corresponding direct increase of employment equivalent to 45.8 annual local jobs across a range of industries. From this direct expansion in the economy it is anticipated that there would be flow on effects into other related intermediate industries, creating an additional employment equivalent to 5.0 annual local jobs.

This addition of employment in the local economy would lead to a corresponding increase in wages and salaries, a proportion of which would be spent on local goods and services, creating a further increase equivalent to 1.6 annual local jobs through consumption impacts.

The combination of all direct, industrial and consumption effects would result in a total estimated increase of employment equivalent to 52.5 annual local jobs located in the Adelaide Hills Council.

Explanatory Notes on how these figures were reached:

“The 52.5 jobs is not a literal number of new FTEs but a collation of the number of hours worked by people as a result of the event expressed as a jobs figure. The employment impact of an event is expressed in local jobs. For example, an event that generates 4 weeks of work for 13 people (52 weeks of work in total), would have an employment impact equivalent to 1.0 annual local job.”

c. Adelaide Hills Tourism comments

Adelaide Hills Tourism are supportive of this event as it will generate significant numbers of visitors to the region. Similar music festivals in neighbouring regions have provided economic benefits to the economy by increasing visitation and visitor spend while also building a Tourism brand.

This event is on the same weekend as Adelaide Hills Wellness Wander event. This is an opportunity to add value to both events by including a music component of wellness. Adelaide Hills Tourism will engage with the promoters of the event (Arts & Entertainment South Australia) to investigate opportunities to collaborate. This aligns with one of the goals of Adelaide Hills Tourism’s Strategic Plan *“We are an integrated and coordinated tourism region that engages the entire visitor economy in bundling and promoting experiences to create a compelling reason to visit”*.

- Engineering

- a) No comments from an engineering perspective as all traffic management proposals will be referred to DIT.

- Community Safety

- a) No issues but DIT approval will be needed for the TMP.

- Environmental Health – Waste

- a) No issues with the proposed 200 portable toilets for 10,000 people each day for 2 days event. Capacity of proposed portaloo waste tanks is sufficient for volume of wastewater to be produced.

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- Environmental Health – Food
 - a) In relation to food businesses, event organizer will notify Council's Event Officer who will let us know who will be operating. Based on our/other councils inspection compliance records we will determine whether food businesses are required to be inspected during event.

- Arboriculture – Street Tree
 - a) Site 1 - Southern vehicle entry crossover on OV Rd - A mature *E.camaldulensis* tree (River Red Gum) is situated 9.4m to the southern side of 1447 Onkaparinga Valley Rd's southern boundary fence post. Request for new gate location to be no wider than 4.2m and to be orientated adjoining the internal property boundary fence line.
 - b) Site 2 - Northern vehicle entry crossover on OV Rd - An existing long-standing paddock gate is situated to the south of a mature *E.camaldulensis* tree (River Red Gum). Modification of verge adjacent to the existing gate is not authorised due to being located within the structural root zone of the existing tree. Recommendation is to move the crossover and gate location to southern side of two dead trees to south of existing gate. AHC operations team will remove the two dead trees indicated within marked up photo prior to the event.
 - c) No vegetation issues identified on public land with bus entry and exit points on OV Rd and Woodside Road.
 - d) Site 1 and proposed site 2 - No excavation works are to occur within the verge area and only fill to be applied within sunken sections of verge to level.

- Arboriculture – Street Vegetation
 - a) Supporting the comments and photographic diagrams provided above in relation to access and distance from the native trees; the location was also site inspected for biodiversity value. No other native vegetation i.e., groundcovers or species were identified within or in proximity to the access points.

- Communication, Engagement and Events
 - a) Their proposal seems to be very thorough and we are supportive of this from an events perspective.
 - b) According to Appendix F: Community consultation and Communication Plan, consultation was to commence in January so that is an important aspect from our point of view.

PLANNING ASSESSMENT

Desired outcomes

Desired outcomes are policies designed to aid the interpretation of performance outcomes by setting a general policy agenda for a zone, subzone, overlay or general development policies module. Where a relevant authority is uncertain as to whether or how a performance outcome applies to a development, the desired outcome(s) may inform its consideration of the relevance and application of a performance outcome, or assist in assessing the merits of the development against the applicable performance outcomes collectively.

Performance outcomes

Performance outcomes are policies designed to facilitate assessment according to specified factors, including land use, site dimensions and land division, built form, character and hazard risk minimisation.

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Designated performance features

In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in **Attachment 7 – Relevant P&D Code Policies**.

Productive Rural Landscape Zone

Desired Outcomes	
DO1	A diverse range of land uses at an appropriate scale and intensity that capitalise on the region's proximity to the metropolitan area and the tourist and lifestyle opportunities this presents while also conserving the natural and rural character, identity, biodiversity and sensitive environmental areas and scenic qualities of the landscape.
DO2	A zone that promotes agriculture, horticulture, value adding opportunities, farm gate businesses, the sale and consumption of agricultural based products, tourist development and accommodation that expands the economic base and promotes its regional identity.
DO3	Create local conditions that support new and continuing investment while seeking to promote co-existence with adjoining activities and mitigate land use conflicts.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1 and 2.1	
DPFs: 1.1 and 2.1	

The Productive Rural Landscape Zone recognises a diverse range of land uses within zone, however the Performance Outcomes (POs) and Designated Performance Features (DPFs) of the Zone are silent on this type of development. Although the provisions do not provide specific guidance to the assessment of this application, the primary use of the land is for a winery and vineyard which are envisaged uses within the zone. The zone also recognises that there may be value adding opportunities to such uses, such as function centres and tourist accommodation.

Desired Outcomes (DO) 1 and 2 of the Zone promotes a diverse range of land uses which are predominantly linked with primary production activities and associated value adding uses which maintain the natural and rural character whilst promoting regional identity. This is further reinforced by PO 1.1 which seeks retention of rural land for a range of primary production and horticultural activities and associated value adding of primary produce. The proposal does not interfere with the primary production use of the land, nor does it impede the future use of the land for primary production purposes.

The proposal requires the erection of a stage, bars, toilet blocks, food stalls and other structures. No permanent buildings are proposed and as such the development will not impact upon the scenic qualities of the landscape in accordance with DO1.

Desired Outcome 3 supports development with new and continued investment while promoting co-existence with adjoining activities and minimising conflict. The applicant has provided an acoustic report and traffic report to address mitigation of potential impacts upon sensitive receivers in the area. The proposal achieves the intent of DO3 and presents a value adding opportunity to utilise a portion of the land on an annual basis.

Overlays

Environment and Food Production Area

Desired Outcomes	
DO1	Protection of valuable rural, landscape, environmental and food production areas from urban encroachment.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1 DPFs: 1.1	

PO1.1 of this overlay states that Land Division within the Environment and Food Production Area is undertaken in accordance with Section 7 of the Planning, Development and Infrastructure Act 2016. As this proposal does not include the division of land, this Overlay is not relevant to the assessment of this application.

Hazards (Flooding)

Desired Outcomes	
DO1	Impacts on people, property, infrastructure and the environment from high flood risk are minimised by retaining areas free from development, and minimising intensification where development has occurred.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 2.1 DPFs:	

Flooding on the subject land is limited to areas directly adjacent to the Onkaparinga River which flows north of the proposed area of development. The proposed development area does not intrude into these areas of flood risk. Furthermore, as the proposed development does not include any permanent structures, this overlay is not relevant to the assessment of this application. The aerial image below shows the areas located within the floodplain on the subject land.

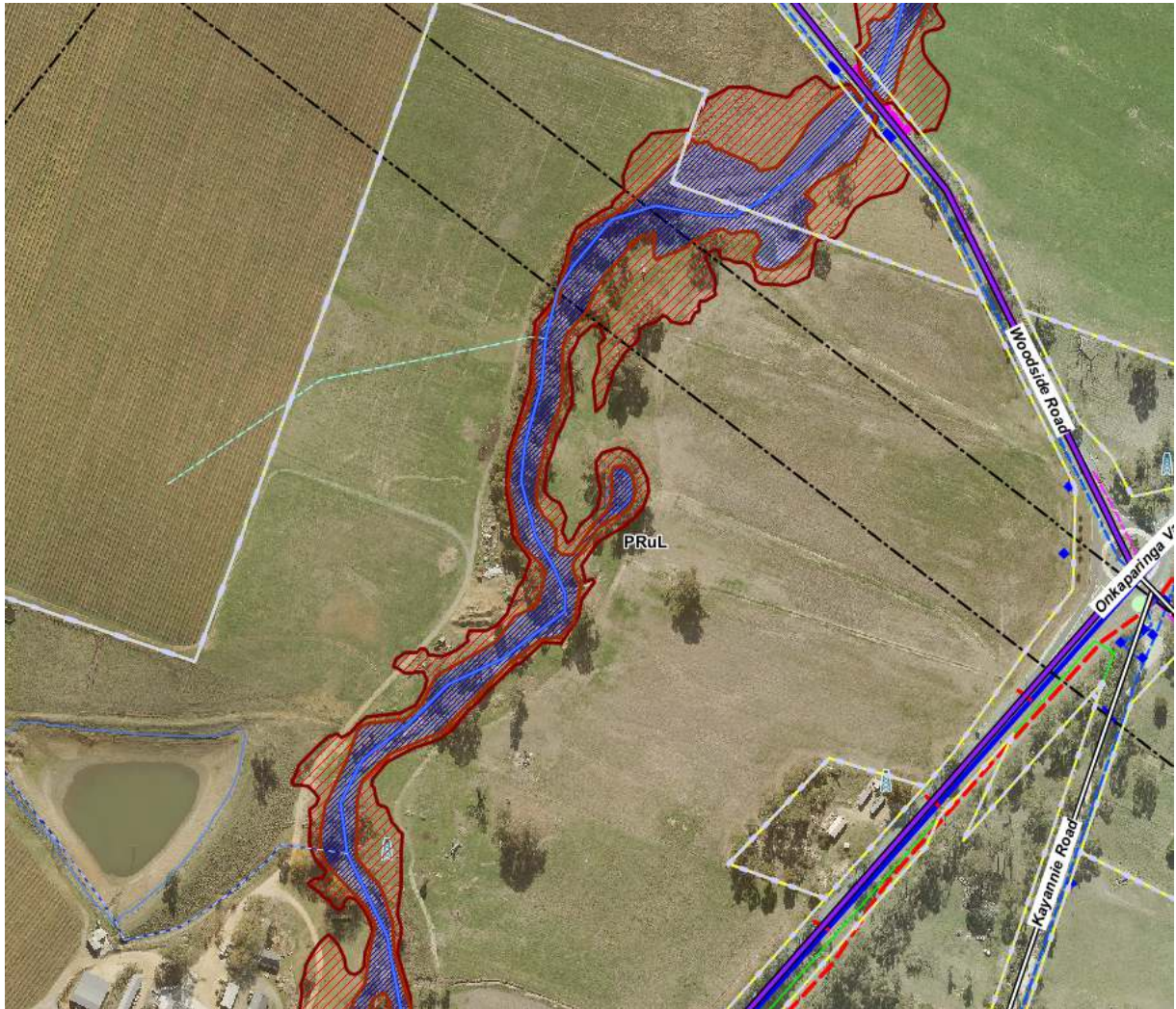


Image showing the 1 in 10 year and 1 in 100 Floodplain of the Onkaparinga River

Hazards (Bushfire - High Risk)

Desired Outcomes	
DO1	Development, including land division is sited and designed to minimise the threat and impact of bushfires on life and property with regard to the following risks: (a) potential for uncontrolled bushfire events taking into account the increased frequency and intensity of bushfires as a result of climate change (b) high levels and exposure to ember attack (c) impact from burning debris (d) radiant heat (e) likelihood and direct exposure to flames from a fire front.
DO2	Activities that increase the number of people living and working in the area or where evacuation would be difficult is sited away from areas of unacceptable bushfire risk.
DO3	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 2.1, 6.3	
DPFs:	

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The subject land is located within a High Bushfire Risk Area and experienced some damage from the December 2019 Cudlee Creek fires. As part of the proposal the applicant has submitted an Event Traffic Management Plan which discusses what action may be taken in the case of a bushfire. The event will not proceed in the case where the day of the event is declared a Catastrophic fire risk day or if the Country Fire Service (CFS) directs the concert to not go ahead due to bushfire activity in the area.

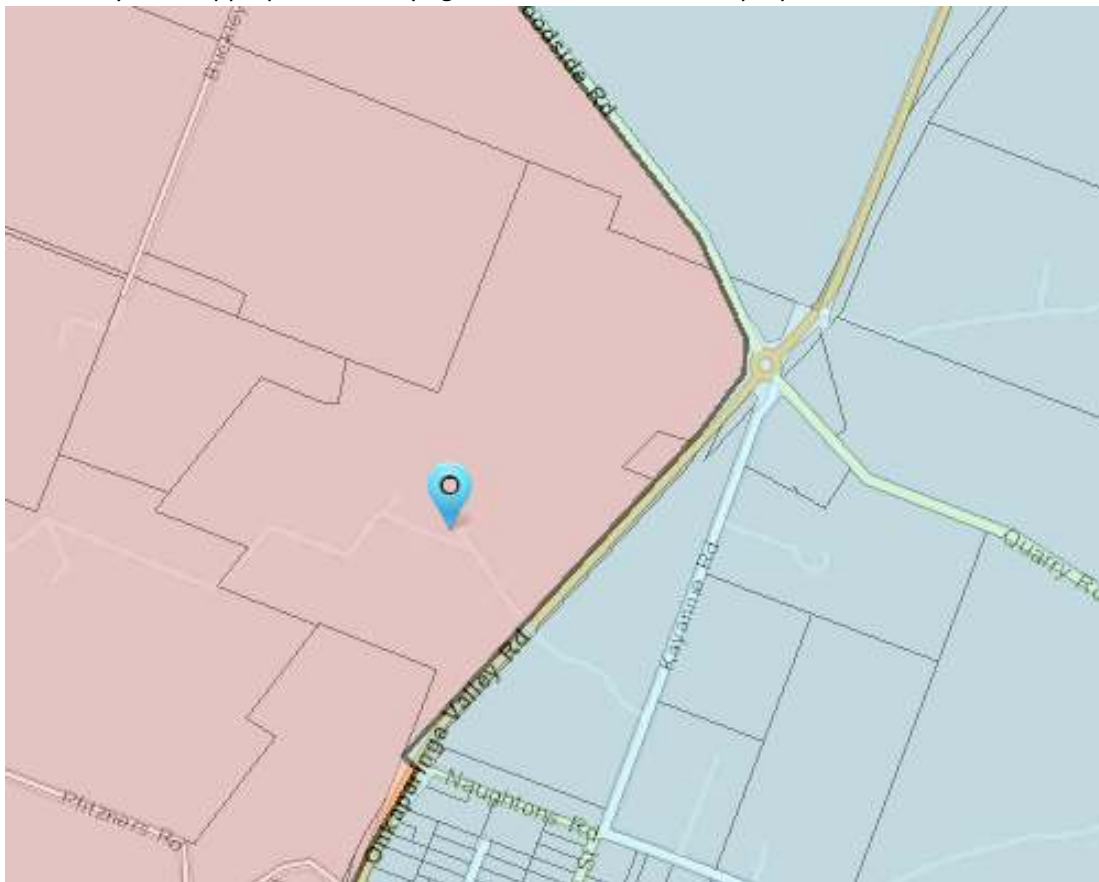
PO 1.1 of the overlay speaks to avoiding development which may increase the potential outbreak of fire. Although patron behaviour always carries a risk of unpredictability, the expected large number of festival goers and venue staff would mean that if a fire were to break out it would be noticed and extinguished quickly.

The proposal includes a number of access points and clear points of vehicular movement through the car parking area and drop off area of the site. This is considered to be suitable to allow access for emergency vehicles.

On balance, the fire risk of an event such as this is negligible. It has been conditioned that the event will not go ahead should the day fall on a declared Catastrophic fire risk day or be directed by the CFS to cancel.

Hazards (Bushfire - Medium Risk)

The PlanSA portal identifies this site as being both Medium and High Risk in terms of bushfire hazard. The excerpt from the South Australia Property and Planning Atlas (SAPPA) shows that the site is exclusively within the High Risk area except for a small portion of the land opposite Naughtons Road towards the township of Woodside. As this is approximately 800m from the site of development it is considered that the High Bushfire Risk Overlay is the appropriate overlay against which to assess this proposal.



- Medium bushfire risk
- High bushfire risk

Hazards (Flooding - General)

Desired Outcomes	
DO1	Impacts on people, property, infrastructure and the environment from general flood risk are minimised through the appropriate siting and design of development.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 2.1 DPFs:	

As mentioned previously, the site of the proposed festival is located away from the watercourse which runs through the property. It is considered that flooding does not pose a significant risk to proposal.

Hazards (Flooding - Evidence Required)

Desired Outcomes	
DO1	Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1 DPFs:	

The proposed development is sited a sufficient distance from the watercourse on site and as such the proposal does not present as having potential impacts in terms of flooding.

Limited Land Division

Desired Outcomes	
DO1	The long term use of land for primary production is maintained by minimising fragmentation through division of land.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1 DPFs: 1.1	

The proposal does not include division of land and the long term use of the land for primary production is maintained. As such this overlay is considered to be satisfied.

Mount Lofty Ranges Water Supply Catchment (Area 2)

Desired Outcomes	
DO1	Safeguard Greater Adelaide's public water supply by ensuring development has a neutral or beneficial effect on the quality of water harvested from secondary reservoirs or diversion weir catchments from the Mount Lofty Ranges.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.2, 2.1, 2.4, 2.5, 3.1, 3.2, 4.1 DPFs: 1.2, 2.1, 2.4	

Wastewater management is an important aspect of development within the Mount Lofty Ranges Water Supply Catchment. To manage human waste generation from the site the development proposes 200 portable toilets as advised by Harnett Engineering. Each portable toilet contains a holding tank which stores the effluent. Portaloos are then removed from site and replaced when required. As such, the proposal does not require any sort of fixed waste management system.

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Due to the number of attendees to the festival, a referral to the Environment Protection Authority (EPA) was required in accordance with of the Procedural Matters (h) section of the Overlay. The EPA concluded that *“Given that all human wastewaters would be contained in the portable toilet holding tanks and then removed from the site, the EPA considers that the proposal would have a neutral or beneficial impact on water quality”*. Additionally, Council’s Environmental Health Unit provided comment supporting that the proposed number of toilets is satisfactory for the expected volume of waste.

Council is satisfied that that the proposal incorporates industry best practices in terms of managing waste and that the provisions of the Overlay have been satisfied.

Native Vegetation

Desired Outcomes	
DO1	Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1 DPFs: 1.1	

PO 1.1 seeks that development avoids, or where it cannot be practically avoided, minimises the clearance of native vegetation. A declaration has been provided by the applicant in accordance with DPF 1.1 stating that the proposal will not involve clearance of native vegetation. The proposed, and potential access points to the site avoid conflict with vegetation on the road verge.

Prescribed Water Resources Area

Desired Outcomes	
DO1	Sustainable water use in prescribed surface water resources areas maintains the health and natural flow paths of water courses.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1 DPFs:	

There are no pertinent provisions affecting the proposed development within the Prescribed Water Resources Area Overlay policies. The site has access to a reticulated mains water supply and does not include any aspects which give rise to concerns of water resources. The proposal will not result in the alteration of the natural flow of the watercourse on the site.

Traffic Generating Development

Desired Outcomes	
DO1	Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users.
DO2	Provision of safe and efficient access to and from urban transport routes and major urban transport routes.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.2, 1.3 DPFs:	

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The subject land has access to two roads which are under the care and control of the Commissioner of Highways. These roads are Onkaparinga Valley Road to the south-east and Woodside Road to the north-east of the site. Both roads have an 80km/h posted speed limit.

The proposal plans to utilise five crossovers to these roads, three which are existing and two proposed. In their response to representations the applicant identified additional potential locations of crossovers. These locations have been reviewed by staff at the Department of Infrastructure and Transport (DIT) as well as Council Engineering staff. These locations have been determined to be suitable, however the preference is to keep the number of access points to a minimum to curtail disruption to the road network. Additionally the locations respond to Council's Arborcultural comments. Any changes to the ultimate location will be undertaken in consultation with DIT and Council staff.

The applicant has supplied a Traffic Management Plan prepared by MFY Consultants which detail how the proposal will manage traffic for the event to reduce the number of vehicles going to and from the site. One of the key aspects of the proposal is the encouragement of the use of shared transit options including buses, rideshare vehicles and carpooling. The event organisers have also included the option to purchase a bus ticket in addition to the event ticket.

The proposal provides sufficient area on site to allow for queuing when leaving the venue, in accordance with PO 1.3 of the overlay. In addition, the pick-up/set-down route has been lengthened reducing the risk of queuing onto Onkaparinga Valley Road.

Additionally, the applicant is committed to providing an Event Traffic Management Plan (ETMP) prior to the event in consultation with South Australia Policy team at DIT and Adelaide Hills Council. ETMPs are commonly prepared for large events, whether they require a Development Authorisation or not and are prepared to industry standards in accordance with the requirements of the *Road Traffic Act 1961*, DIT's Guidelines for events on SA Roads, Australian Standards Manual of Uniform Traffic Control Devices and Austroads' Guide to Temporary Traffic Management.

With car, bus and pedestrian traffic entering the locality during the days of the festival, there will be a notable increase in traffic. The applicant has sought advice from MFY traffic consultants to assist in managing this traffic in a manner with minimal impact to the road network. The traffic management plan provided by the applicants addresses the safe and efficient movement of people as far as can be expected. As shown in the MFY report a reduction of speed limit will be required within proximity to the event, including a reduction from 80km/h to 40km/h leading up to the event and 25km/h immediately adjacent to the site.

The free flow of traffic will however, be temporarily disrupted while patrons are travelling to and from the festival and it is acknowledged that there may be a nuisance caused to the community with regard to traffic generation on the days of the festival. These impacts are considered to be minimal however, given the limited frequency of the festival.

Urban Transport Routes

Desired Outcomes	
DO1	Safe and efficient operation of Urban Transport Routes for all road users.
DO2	Provision of safe and efficient access to and from Urban Transport Routes.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 2.1, 3.1, 4.1, 5.1	
DPFs: 5.1	

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The Procedural Matters within the Urban Transport Routes Overlay require a referral to the Commissioner of Highways should there be a new crossover to a State Maintained Road, as such a referral was undertaken as part of the assessment of this application.

The advice from DIT was simply “No objection, with comments”. The comments consisted of one condition and three advisory notes. The condition requires the applicant to supply a Traffic Management Plan prior to each event thus ensuring that if traffic conditions change in this area over time, they can be factored into the proposal. The remaining Advisory Notes speak to additional approval requirements from DIT in regard to temporary traffic control, additional guidance in regard to events on State maintained roads and contact details should the applicant wish to discuss Adelaide Metro bus services to the venue.

Since this referral was undertaken, the applicant has supplied a Traffic Management Plan prepared by MFY Consultants. Several aspects of this report have been updated in response to the representations:

1. carparking numbers increased from 1,500 spaces to 2,300 spaces;
2. An additional carpark area has been provided (carpark 3);
3. A much longer pick-up/set-down route has been provided behind the patron car parking area which will assist in reducing the potential for queuing on Onkaparinga Valley Road as well as improve safety by avoiding a sharing of the access point to Woodside Road with buses;
4. The bus route has changed and also the bus access point has changed from the entrance onto the roundabout to point further north on Woodside Road;
5. A number of alternative gate locations have been identified should they be required either for operational or constructability reasons; and
6. Up to 175 bar, site and security staff will be transported to the site via bus thus reducing the requirement for a large area to accommodate staff parking.

The alternative arrangements have been reviewed by DIT who advised that “*the temporary access points can be worked through as part of the traffic management plan so the existing conditions should be fine.*” The updated proposal has also been reviewed by Council Engineering, Arboriculture and Biodiversity. As the TMP is evolving Council staff will continue to provide input. It is considered that these changes to the proposal are positive and improve the functionality of the site for this large event. It is considered that the proposal satisfies the provisions of the Urban Transport Routes Overlay, in particular POs 1.1, 2.1, 4.1 and 5.1.

Water Resources

Desired Outcomes	
DO1	Protection of the quality of surface waters considering adverse water quality impacts associated with projected reductions in rainfall and warmer air temperatures as a result of climate change.
DO2	Maintain the conveyance function and natural flow paths of watercourses to assist in the management of flood waters and stormwater runoff.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.4, 1.7	
DPFs:	

As mentioned previously, the subject land includes a watercourse north of the proposed site of the festival. This area will be fenced off from festival goers and as such the function of the watercourse and water quality will not be impacted by this application. A condition has been included restricting patron access within 25 metres of the watercourse (Refer Recommended Condition 6).

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Additionally, in the event of wet weather during the festival it has been conditioned that hay bales or another soil erosion control methods be installed adjacent to the watercourse in order to prevent any pollutants entering the watercourse. With these safeguards in place it is considered that the proposal is in accordance with the Water Resources Overlay.

General Development Policies

Advertisements

Desired Outcomes	
DO1	Advertisements and advertising hoardings are appropriate to context, efficient and effective in communicating with the public, limited in number to avoid clutter, and do not create hazard.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.2	
DPFs: 1.1, 1.2	

Advertising displays are not proposed as part of this application. It is noted that an advertising hoarding has recently been erected on the land announcing the Vintage Vibes event. It is considered that this signage fulfils the criteria of being excluded from the definition of development in accordance with clause 1 (f) of Schedule 4 of the Planning, Development and Infrastructure (General) Regulations 2017 as it announces a social event.

Clearance from Overhead Powerlines

Desired Outcomes	
DO1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1	
DPFs: 1.1	

This application does not include any new building work as such, however there are temporary buildings to be erected. In any event no powerlines cross the area of development. The applicant has also provided a declaration stating that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996. As such this proposal is consistent with DO 1 as well as PO 1.1.

Design

Desired Outcomes	
DO1	Development is: a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area. b) durable - fit for purpose, adaptable and long lasting inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors. c) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 2.1, 2.2, 2.3, 2.4, 5.1, 6.1, 7.3, 19.4, 19.5, 31.1	
DPFs: 19.4	

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The Design Module is geared towards the construction of permanent buildings and how good design can be incorporated into development to contribute positively to local character, be fit for purpose and sustainable. The proposed annual event under assessment isn't considered to be particularly relevant to this section of the Code as there are no permanent structures proposed.

The location of the staging has largely been arranged in accordance with the Noise Management Plan provided by Echo Acoustic Consulting. The stage location is towards the rear of the site facing out towards the public roads. A small backstage area is located behind the stage and all amenities, stalls and bars are located in between the public road and the single stage. The entrance is at the front of the site and the public parking area adjoins the site to the south.

Interface between Land Uses

Desired Outcomes	
DO1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1,1.2, 2.1, 4.1, 4.2, 4.5, 4.6, 6.1, 6.2, 9.1	
DPFs: 4.1, 4.6	

One of the significant considerations of this proposal and its impact upon occupiers of neighbouring land is the impact of noise from the event. A number of dwellings are located within the vicinity of the subject land, all situated on large rural allotments. As mentioned previously, Vintage Vibes is proposed to occur over a two-day period with up to 10,000 patrons each day and is to include live music from midday to 10:30pm each day. To ensure the impact of the noise emissions from the site are mitigated, the applicant has commissioned Echo Acoustic Consulting to prepare a Noise Management Plan (NMP). The consultant has stated that the NMP is a live document which requires ongoing actions and reviews before, during and after the event.

An important guiding document which assists with assessments on this nature is the *EPA Information Sheet 888/11 May 2011 Noise management for outdoor events*. The code is silent on outdoor events as the criteria contained within DPF 4.6, which is the only provision relating to music, takes its assessment criteria from the EPA approach's to *Assessing music noise from indoor venues, dated October 2021*. https://www.epa.sa.gov.au/files/4771136_guide_music.pdf

As such the *EPA Information Sheet 888/11 May 2011 Noise management for outdoor events* is the most accurate document for the assessment of a development such as this and if these EPA guidelines are met, it may be considered that PO 4.6 is satisfied based on the short-term nature of the event.

The NMP identifies a 65dB(a) equivalent noise level contour which surrounds the site and encompasses several dwellings within the locality. The applicant has noted that dwellings which fall within this area will be provided with a notification letter and offered a mitigation package. As identified by one of the representors, there does seem to be a number of dwellings which were not identified within the 65dB(A) noise level contour, most notably it appears that "Dwelling 1" may refer to 3 individual dwellings at 1480 Onkaparinga Valley Road and a number of dwellings on Keyannie Road. Nevertheless, it is noted in the report that the final extent of dwellings will be determined in accordance with the NMP.

The acoustic engineer has set out several tasks which will be undertaken both prior to the event taking place and post the event. These include:

1. The setting of a Front of House Limit to the allowable noise output in front of the speaker system;
2. An acoustic engineer will be required to undertake sound checks at the festival to ensure the noise output is in accordance with the NMP;

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3. The event will be monitored by an acoustic engineer to ensure compliance with the NMP;
4. A complaints procedure shall be established including a point of contact for complainants during the event; and
5. A post event report shall be prepared by the acoustic engineer.

It is acknowledged that there are likely to be some localised impacts of the festival relating to noise and traffic. However, these are restricted to the two days of the event which is to be held on an annual basis. In this respect, although there will be some tension between land uses during the event, when balanced against the benefits and its frequency, the impacts are considered to be tolerable and in line with the provisions of the Interface Between Land Uses Module.

Out of Activity Centre Development

Desired Outcomes	
DO1	The role of Activity Centres in contributing to the form and pattern of development and enabling equitable and convenient access to a range of shopping, administrative, cultural, entertainment and other facilities in a single trip is maintained and reinforced.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1,1.2 DPFs:	

The Planning and Design Code identifies specific zones which can be categorised as being Activity Centres. These zones include but are not limited to Local Activity Centre Zones, Suburban Activity Centre Zones, Township Main Street Zones and Urban Activity Centre Zones. The only nearby zones that fit this criteria are the Township Main Street Zones located within Woodside and Lobethal respectively.

The Out of Activity Centre Development module seeks to ensure that development outside of activity centres does not jeopardise the role and function of these centres as the primary location for shopping, entertainment, cultural and social gatherings. Considering this application will only be held annually, it is not considered that the Vintage Vines festival could diminish nearby local centres. In fact it is considered that the for the lead up and duration of the event staff and patrons are likely to utilise local services and bring business to the nearby activity centres. As such the proposal is not in conflict with PO1.1 of this Out of Activity Centre Development Module.

Tourism Development

Desired Outcomes	
DO1	Tourism development is built in locations that cater to the needs of visitors and positively contributes to South Australia's visitor economy.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 2.1, DPFs:	

The tourism development provisions focus primarily on tourist accommodation. However, PO 1.1 (c) does mention events and functions being connected to local food, wine and nature. The site is located on the land of a well-known South Australian winery and the festival accommodates a "Food and Wine Village" selling local products within the festival grounds.

The proposal is expected to attract visitors from across Adelaide as well as from interstate and therefore, the proposal is considered to further develop the tourism industry in the region. As noted within the referral response from Council's Economic Development Team, the event is expected to promote tourism and employment opportunities for the region, including but not limited to overnight stays, increase visitation to wineries, cafes and restaurants in the region. The flow-on effect of this event is expected to be of great

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economic benefit to the region and as such, the proposal is considered to be in accordance with the Tourism Development General Development Policies.

Transport, Access and Parking

Desired Outcomes	
DO1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 2.1, 3.1, 3.3, 3.4, 3.5, 5.1	
DPFs: 3.1, 3.5, 5.1	

The Transport, Access and Parking provisions within Part 4 of the Planning and Design Code includes Table 1 – General Off Street Carparking Requirements. Unfortunately, this table does not identify a temporary music event. However we may take some guidance from the Recreational and Entertainment Uses section of this table. The most similar use listed is that of a Concert Hall / Theatre which identifies that 0.2 spaces are required per seat. Although Vintage Vibes is not a seated event it does have a maximum patron capacity of 10,000 persons per day. If the rate of 0.2 spaces per person were applied to this event, the car parking demand of Vintage Vibes would be 2,000 spaces, less than the 2,300 spaces provided.

As mentioned previously, the event organisers have offered the sale of bus tickets along with the event ticket. It is expected that the bus ticket option will cater for approximately 12% of patrons. While other similar events in similar regions such as McLaren Vale have shown that a reasonable expectation is that in excess of 40% of attendees will use ride share providers such as Uber or a shared mini-bus. As such it may be assumed that approximately 50% of attendees will make their way to the festival without using a private vehicle requiring on-site parking.

For those attendees who wish to utilise on-site parking, the event organisers are encouraging carpooling in order to reduce the on site parking demand. As such the cost of parking will be discounted if multiple people arrive in a private vehicle together. In any event, carpooling is a common occurrence when patrons attend any licenced venue. If the remaining 50% of attendees carpool, there would need to be an average rate of 2.2 persons per vehicle.

Although the proposed carparking is informal, Traffic Control operators will be present on site directing traffic to ensure the safety of event attendees and other road users. It is considered that the proposed parking measures are sufficient to accommodate the number of attendees and that other considerations such as the provision of bus tickets and ride share access is adequate to cater for the expected crowds in accordance with PO 5.1, PO 6.1 and PO 6.4 of the Transport, Access and Parking module.

Access points were previously discussed within the Urban Transport Routes Overlay. The proposed access arrangements are consistent with PO 3.1, PO 3.3 and PO 3.5 of the Transport, Access and Parking module.

CONCLUSION

Given the nature and size of the festival, there will be impacts on the community, particularly in terms of noise and traffic. The applicant has provided both a traffic and acoustic report aiming to reduce the negative impacts on the community. The application has undergone a number of internal and external referrals with, all of which have not opposed the proposal. The development is on a large parcel of land, with limited number sensitive receivers within the locality. The annual event will also provide significant positive economic and social benefits to the community as noted by Council's Economic Development Team. As a two-day festival on an annual basis, the proposal is considered, on balance an acceptable form of development.

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RECOMMENDATION

It is recommended that the Council Assessment Panel resolve 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, for Annual two-day music festival by Arts & Entertainment of South Australia Pty Ltd and Planning Studio Pty Ltd 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.
- 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) 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.
- 10) 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.
- 11) No camping or overnight accommodation shall be permitted as part of this event.

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- 12) 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.
- 13) No event platforms, stalls or the like shall be erected within the designated on-site car parking areas provided for each annual event.
- 14) An Event Traffic Management Plan shall be reviewed, updated and provided to Council six weeks prior to the annual event each year.
- 15) 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.
- 16) 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.
- 17) 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.
- 18) Any future events shall undergo the appropriate consultation with Council/SA Police/DIT/Community members six(6) weeks prior to the event.

DIT Conditions

- 19) 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.
- 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

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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.

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.

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 to 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

- 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).

OFFICER MAKING RECOMMENDATION

Name: James Booker
Title: Team Leader Statutory Planner