



MINUTES

of

COUNCIL ASSESSMENT PANEL MEETING

Pursuant to the provisions of Section 82 of the Planning, Development and Infrastructure Act 2016

HELD IN

**COUNCIL CHAMBERS
PLAYFORD CIVIC CENTRE
10 PLAYFORD BOULEVARD, ELIZABETH**

ON

**THURSDAY, 18 JANUARY 2024
AT 6:00PM**

The meeting commenced at 6:01pm.

1 ATTENDANCE RECORD

1.1 Present

MR GEOFF PARSONS – PRESIDING MEMBER

Mr Aaron Curtis

Mr Nathan Grantham

Ms Misty Norris

Also in attendance for the meeting:

Assessment Manager
Senior Manager Development Services
Senior Development Officer - Planning
Consultant Planning Services
Governance Support
ICT Support Engineer
Minute Taker

Mr Adam Squires
Mr Matt Dineen
Ms Danni Biar
Mr Tom Gregory
Ms Kiraly Gosnell
Mr Nick Gehlert
Ms Domenica Crisafi

1.2 Apologies

Mr Paul Mickan

1.3 Not Present

Nil

2 CONFIRMATION OF MINUTES**PANEL RESOLUTION****CAP540**

The Minutes of the Council Assessment Panel Meeting held 21 December 2023 be confirmed as a true and accurate record of proceedings.

CARRIED**3 APPLICATIONS WITHDRAWN**

Nil

4 DECLARATIONS OF INTEREST

Cr Misty Norris has declared a general conflict of interest for item 5.2 and will leave the room for this item.

5 APPLICATIONS FOR CONSIDERATION – PERSONS WISHING TO BE HEARD**5.1 OUTDOOR BAR AND HOSTING OF OUTDOOR FUNCTIONS (DA 21028021)**

Representors: Mr Douglas and Mrs Deborah Whiting
Ms Angela Cestaro
Mr Simon Lloyd
Applicant: Mrs Jeanette Rosadoni

PANEL RESOLUTION**CAP541**

That pursuant to the authority delegated to the Council Assessment Panel by the Council, it is recommended that the Council Assessment Panel:

- a) **DETERMINES** that the proposed development is not seriously at variance with the policies in the Planning and Design Code; and
- b) **GRANTS** Planning Consent to the application by Mrs Jeanette Rosadoni for outdoor bar and associated ancillary structures, in association with existing restaurant and the hosting of outdoor functions of no more than 6 per year at 143 (Lot 5001) Heaslip Road, Angle Vale as detailed in Development Application ID 21028021 subject to the conditions and notes:

Conditions

1. The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in this Application except where varied by any condition(s) listed below.
2. The hours of operation herein approved are as follows:
 - **Restaurant and Outdoor Bar:**
 - Monday to Thursday 11am to 10pm
 - Friday to Sunday 11am to 12 midnight

- **Live music (unamplified) and background music:**
 - Friday 6pm to 10pm
 - Sunday 12 noon to 4pm
 - Saturday 12 noon to 4pm – only during the Christmas/Festive season (the 2 weeks prior to Christmas Day)
 - **Large outdoor functions (up to six times a year):**
 - Friday and Saturday 11am to 12 midnight
 - Sunday 12 noon to 12 midnight
 - **Music for large outdoor functions (up to six times a year):**
 - Friday and Saturday 6pm to 11pm
 - Sunday 12 noon to 11pm
3. All recommendations contained within the Environmental Noise Assessment Report by Sonus Document Reference S7074C2 dated November 2021, shall be implemented prior to occupation of the site, and complied with at all times.
 4. In accordance with Environmental Noise Assessment Report by Sonus Document Reference S7074C2 dated November 2021, all outdoor music shall cease by 11pm, unless prior written consent from Council is obtained.
 5. In accordance with Environmental Noise Assessment Report by Sonus Document Reference S7074C2 dated November 2021, patron numbers shall be restricted to 190 within Lawned Area 1 after 10pm on Friday to Sundays.
 6. In accordance with Environmental Noise Assessment Report by Sonus Document Reference S7074C2 dated November 2021, the following shall occur for a large outdoor function:
 - Prepare and implement a Noise Management Plan;
 - Limit the number of functions to no more than six per financial year;
 - Limit music to the hours between 12 noon and 11pm;
 - Limit the duration of the music to no more than 8 hours;
 - Restrict the level of music from the occasional functions such that the speaker arrangement generates no more noise than an equivalent noise level of 91 dB(A) at a distance of 5 meters from the speakers.
 7. The proposal herein approved with a maximum capacity of 250 patrons across the winery, cellar door, restaurant and outdoor areas.
 8. Wheel stops shall be installed in accordance with the updated 'Site Plan' and 'Disabled Parking Plan' dated 7 November 2023 in conjunction with the Cirqa Report dated 3 August 2023, within three months of the date of development approval.
 9. Carparking spaces within the development must be provided for motorists with a disability in accordance with the *Australian Standard 2890.6.2009* and must be line marked and signposted. The line marking and signposting must be maintained to a clear and visible standard at all times.
 10. Short term parking spaces shall be temporarily allocated and sign posted accordingly for all outdoor functions that occur up to six times per financial year, as per the Cirqa Report dated 3 August 2023.
 11. The Noise Management Plan and record of the date and patron numbers of the large outdoor functions (up to 6 per year) shall be kept and made available for inspection by the Council, upon request.

12. In accordance with Environmental Noise Assessment Report by Sonus Document Reference S7074C2 dated November 2021, music levels shall not exceed the following measurements:

- Large outdoor functions have a speaker arrangement, generates no more noise than an equivalent noise level of 91 dB(A) at a distance of 5 meters from the speakers.

At all other times:

- 75dB(A) for live music (unamplified)
- 60dB(A) for background music

13. In accordance with Environmental Noise Assessment Report by Sonus Document Reference S7074C2 dated November 2021, an event can occur in either Lawned Area 1 or Lawned Area 2, though not at the same time.

CARRIED UNANIMOUSLY

Cr Norris left the meeting room at 7:05 pm.

5.2 23017118- 18 BOGAN ROAD, HILLBANK SA. - EARTHWORKS - EXCAVATION AND FILLING OF LAND AT THE REAR OF THE PROPERTY INVOLVING 55.3 CUBIC METRES OF MATERIAL (RETROSPECTIVE)

Representors: Mr Mahmut Karaduman *addressed the Panel*
Ms Clare Rae *addressed the Panel*

Applicant: Mr Shane Bentley
Ms Sarah Spencer *addressed the Panel*

PANEL RESOLUTION

CAP542

That pursuant to the authority delegated to the Council Assessment Panel by the Council, it is recommended that the Council Assessment Panel:

- a) **DETERMINES** that the proposed development is not seriously at variance with the policies in the Planning and Design Code; and
- b) **GRANTS** Planning Consent and Development Approval to the application by Shane Bentley and Sarah Spencer for earthworks - excavation and filling of land at the rear of the property involving 55.3 cubic metres of material (retrospective) at 18 Bogan Road, Hillbank as detailed in Development Application ID 23017118 subject to conditions:

Conditions

Council Conditions:

1. The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in this Application except where varied by any condition(s) listed below.

Reason: To ensure that the development is constructed and operated in accordance with the plans and details provided.

2. All storm-water drainage shall discharge so that it does not flow or discharge onto land of adjoining owners or, in the opinion of the relevant authority, detrimentally affect structures on this site, any adjoining land or public road.
3. The planting and landscaping identified in the approved plans, showing 13 *Pittosporum* plantings along the southern boundary of the site must be completed in the first planting season following approval of the subject application. Such planting and landscaping must not be removed, nor the branches of any tree lopped and any plants which become diseased, or die must be replaced by suitable species. Such landscaping to be maintained in good order at all times, to the reasonable satisfaction of Council.

CARRIED UNANIMOUSLY

6 APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD

Nil

7 APPLICATIONS FOR CONSIDERATION - CATEGORY 1

Nil

8 OUTSTANDING MATTERS – APPEALS AND DEFERRED ITEMS

Appeal lodged for Item 6.2 from December 2023 Council Assessment Panel.
Verbal update at the next Panel Meeting.

Cr Norris returned to the meeting room at 7:56 pm.

9 OTHER BUSINESS

Training in February or March, Panel may start an hour earlier to accommodate this.

9.1 STAFF REPORTS

Nil

10 CONFIDENTIAL MATTERS

Nil

11 POLICY DISCUSSION FORUM

Nil

12 CLOSURE

The meeting closed at 7:59 pm.