

**COUNCIL ASSESSMENT PANEL MEETING
14 March 2018**

AGENDA

Applicant: Bird in Hand Pty Ltd	Landowner: Woods Vineyard Pty Ltd
Agent: Garth Heynen (Heynen Planning Consultants)	Ward: Onkaparinga Valley
Development Application: 17/674/473	Originating Officer: Sam Clements
Application Description: Winery and horticultural building (tractor storage, barrel storage and office) in association with existing mixed use development (vineyards, winery, cellar door, restaurant and function facility), associated retaining walls (2m maximum height) and earthworks	
Subject Land: Lot:1 Sec: P5246 FP:142154 CT:5261/544	General Location: 150 Pfeiffer Road Woodside Attachment – Locality Plan
Development Plan Consolidated : 28 April 2016 Map AdHi/18 & 57	Zone/Policy Area: Watershed (Primary Production) Zone & Onkaparinga Valley Policy Area
Form of Development: Merit	Site Area: 29.74 hectares
Public Notice Category: Category 3 Merit Notice published in The Advertiser on 24 November 2017	Representations Received: 2 Representations to be Heard: 1

1. EXECUTIVE SUMMARY

The purpose of this application is for a winery and horticultural building in association with a number of existing integrated uses, specifically a vineyard, winery (2000 tonne crush), cellar door, restaurant and function facility. The building is to be used for tractor storage, wine barrel storage and includes office space on a mezzanine level, which is to be used in addition to the existing office space on the site. The existing office on the site will be used for storage and meeting rooms. The office use is considered to be subordinate to the mixture of main land uses on the site. The proposal also includes 2 metre high retaining walls and earthworks associate with the winery and horticultural building construction.

The subject land is located within the Watershed (Primary Production) Zone and the Onkaparinga Valley Policy Area and the proposal is a merit form of development. One representation in opposition and one representation in support of the proposal was received during the Category 3 public notification period. The opposing representor has requested to be heard.

The proposed building is well separated from boundaries, grouped with other buildings on the site, is clad in an appropriate material and colour, and will not detract from the rural and natural character of the locality and the Zone. The operating capacity of the existing winery and other associated uses will not change. The winery building will be used for maturation purposes only (barrel storage), within a fully enclosed and bunded area. The proposed building is no closer to sensitive receptors in the locality than existing buildings and will therefore not exacerbate any

amenity impacts that may exist. The proposal should not increase water quality impacts, nor risk to the Mount Lofty Ranges Watershed Area.

As per the CAP delegations, the CAP is the relevant authority as a representor wishes to be heard.

The main issues relating to the proposal are water quality impacts, car parking, use of the office spaces, stormwater management, visual impact, traffic movements and other amenity impacts.

In consideration of all the information presented, and following an assessment against the relevant zone and Council Wide provisions within the Development Plan, staff are recommending that the proposal be **GRANTED** Development Plan Consent, subject to conditions.

2. DESCRIPTION OF THE PROPOSAL

The proposal is for the following:

- Winery and horticultural building, with an office space on a mezzanine level
- The building is to be used for tractor storage (72m²), barrel storage (360m²) and offices, including kitchen, toilets and meeting rooms (120m²)
- The horticultural building section is 4.5m in overall height and the winery building section of building has a wall height of 6.5m and an overall height of 8m
- The overall building is 12m in width and 42m in length
- The building (roof, walls and roller doors) is to be clad in Colorbond Woodland Grey©
- The barrel storage area will be bunded and drain to the existing trade wastewater management system on the site
- Roof runoff will be directed to a 10,000L detention tank with the overflow to be managed within the site
- The building is to have a stepped floor level. The barrel storage area will have a finished floor level of 393.01 and the tractor storage area a finished floor level of 391.01
- Associated earthworks, specifically 1.3m of excavation and 2m of fill
- Retaining walls with a maximum height of 2 metres retaining fill
- No increase to the wine making activities (2000 tonne crush)
- The only wine making activity that will occur in the proposed building is wine maturation. There will be no increase in the number of barrels stored on the land. The existing barrel hall will be used solely as a cellar door and function venue and will no longer be used for barrel storage. However, barrel washing will still occur in the barrel hall
- No change to staff numbers or hours of operation
- The wet areas within the office space will be connected to the existing waste control system

The proposed plans are included as **Attachment – Proposal Plans** with other information included as **Attachment – Application Information** and **Attachment – Applicant’s Professional Reports**.

3. BACKGROUND AND HISTORY

<i>2018, January 15</i>	<i>473/930/16 Council administration approved a variation to development authorisations 473/65/10, 473/178/14, 473/724/14 & 473/392/16- to vary location of overflow car park for periodic special events to solely lot 22 (121 Pfeiffer Road)</i>
<i>2017, August 5</i>	<i>473/536/16 Council administration approved signage</i>
<i>2017, July 21</i>	<i>473/906/16 Council administration approved a toilet block outbuilding to be used in association with the existing cellar door, restaurant and function uses (excluding functions over 75 persons)</i>
<i>2017, July 22</i>	<i>473/392/16 Council administration approved a variation to development authorisation 473/65/2010 to increase outdoor concert capacity from 3000 people per concert to 3500 people per concert</i>
<i>2017, March 21</i>	<i>473/361/15 Council administration approved dwelling alterations and additions</i>
<i>2017, July 7</i>	<i>473/214/15 Council administration approved alterations and additions to winery buildings to relocate the bottling line</i>
<i>2016, March 21</i>	<i>473/871/15 Council administration approved a freestanding advertising sign and sculpture</i>
<i>2015, November 4</i>	<i>473/724/14 CAP approved a variation to 473/65/10 to increase the capacity of outdoor concerts to 3000</i>
<i>2015, August 27</i>	<i>473/717/14 Council administration approved an in-ground swimming pool & barriers</i>
<i>2015, May 13</i>	<i>473/649/14 Council administration approved the relocation and addition to water storage tank (90,000litre to 122,000litre) and fire safety upgrade (variation to 09/931/473 and 10/65/473)</i>
<i>2014, May 1</i>	<i>473/178/14 CAP approved a variation to development authorisation 473/65/10 to allow two indoor concerts with capacity of 2100 over two nights (1050 per night)</i>
<i>2013, 12 April</i>	<i>473/750/12 Council administration approved a change of use and alteration addition to existing buildings, offices and boardroom</i>

- 2013, 12 April* 473/718/12 Council administration approved alteration and addition to barrel store- additional cellar door sales area and storage
- 2013, 22 March* 473/688/12 CAP approved a variation to the development authorisation 473/931/10- a reduction in size of cellar door in barrel store building and change of location
- 2013, 22 March* 473/931/10 CAP approved a change of use of the existing barrel store to include cellar door sales
- 2013, 27 March* 473/65/10 CAP approved periodic special events (up to 2 times per calendar year) and car parking associated with an existing winery, restaurant and cellar door, increase in capacity of dining/function centre - 110 for seated dining & 150 for non-seated functions on a restricted basis, increase in dining/function centre hours - 10 am to 7 pm Monday to Thursday & Sunday and 10 am to 11 pm Friday & Saturday, increase in capacity of indoor and outdoor function area for maximum 400 persons on a restricted basis and car parking at lots 1, 21 and 22 (121 and 150) Pfeiffer Road
- 2012, 6 November* 473/734/12 Council administration approved a variation to development authorisation 473/65/10 to vary condition 3 to permit use of the barrel store for functions in addition to the existing restaurant
- 2012, 27 August* 473/189/10 CAP approved alterations and addition to dwelling including two storey additions & carport, associated earthworks
- 2010, May 3* 473/873/09 The Development Assessment Commission approved a winery waste water effluent dam
- 2009, January 30* 473/1087/08 Council administration approved an advertising display (Sign B)- Directional signage location on the intersection of Pfeiffer and Bird in Hand Roads
- 2009, March 16* 473/758/08 Council administration approved the construction of winery building (barrel store) associated with existing winery

- 2008, November 3 473/757/08 Council administration approved an additional cellar door sales area and advertising sign (1.8m x 0.9m) associated with existing winery, restaurant and cellar door and amendment to the operating hours of the restaurant (9am to midnight 7 days per week)
- 2007, March 2 473/979/06 Council administration approved staged alterations and additions to the existing winery. Stage 1: Construction of new winery shed, increase in the winery crush from 500 to 2000 tonnes per annum, new grape receival and crushing facility, alterations to the existing waste treatment plant with conversion of the existing dam to spill detention basin and installation of new water storage tank (181KL)
Stage 2: Alteration to the existing winery building to establish a 75 seat restaurant and cellar door sales facility with associated parking, and new toilet facilities
- 2002, October 21 473/1173/00 Council administration approved a winery and olive bottling plant

4. REFERRAL RESPONSES

- **EPA**

The EPA initially requested further information relating to the bunding of the barrel storage area, stormwater management, if there was to be an increase in the number of barrels stored on site and if any barrel cleaning was to occur in the subject building.

Additional information was provided in relation to the stormwater management and bunding. It was also confirm that there was to be no increase in the number of barrels stored on the site and barrel washing will continue to occur in the existing barrel washing area within the existing barrel hall.

The EPA are of the opinion that the development is unlikely to result in any unacceptable adverse environmental impacts and have no objection to the proposal. They have recommended a group of standard notes (refer to notes 2-5).

- **AHC EHU**

Council's Environmental Health Officer has granted approval to alter the wastewater treatment system (refer 17/W243/473). Specifically, this alteration is for the wet areas (toilets and kitchen) within the office on the mezzanine level of the winery and horticultural building to be connected to the existing waste control system.

The above responses are included as **Attachment – Referral Responses**.

5. CONSULTATION

The application was originally categorised as Category 2 (PDC 72) for notification purposes as the proposal was for a horticultural and winery building (barrel store for maturation only) and would not alter the operating capacity (crush per annum) of the existing winery.

Following category 2 notification and representation, the notification category was reviewed by the Council administration. Given the proposed horticultural and winery building contains a wine making activity (wine maturation) and is within 300 metres of a neighbouring residence, the proposal was determined to be Category 3 form of development and public notification repeated with a public notice in accordance with Section 38(2)(c) of the Development Act 1993. Two (2) representations were received in total. Of these representations one (1) is opposing the proposal, and one (1) is in support of the proposal. The opposing representor has requested to be heard. The two representations were from adjacent properties.

The following representor wishes to be heard:

Name of Representor	Representor's Property Address	Nominated Speaker
Terramin Exploration Pty Ltd	192 Pfeiffer Road Woodside	James Levinson

The applicant and their representative – Mr Garth Heynen will be in attendance.

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

- The Council's Development Plan identifies the importance of mining, the preservation of mineral reserves and the prevention of any development that would hinder mining
There is concern that proposal could lead to a conflict with the proposal to resurrect a gold mine on the adjacent land
- No grape crushing, juice fermentation or wine maturation occurs within the building and therefore the building cannot be regarded as or part of a winery
- The office is 120m² and cannot properly be regard as being ancillary or subordinate
- The growth of the Bird In Hand winery is contrary to the expectations of the Zone
- The proposal assists in the transformation of the site to a function centre
- The application is for a store and office

These issues are discussed in detail in the following sections of the report.

Copies of the submissions are included as **Attachment – Representations** and the response is provided in **Attachment – Applicant's Response to Representations**.

6. PLANNING & TECHNICAL CONSIDERATIONS

This application has been evaluated in accordance with the following matters:

- i. The Site's Physical Characteristics
The subject site is 29.74 hectares and irregular in shape with a frontage to Pfeiffer Road of 690 metres and it is situated between Drummond and Bird In Hand Roads. Access to the property is via a main entry on Pfeiffer Road as well as two private/staff accesses.

The subject site contains the winery buildings (including restaurant, cellar door and administration), vineyard, dam, spill retention basin, a dwelling, watercourse and 300,000 litre water storage tank. Informal (not delineated) on-site car parking is located near the existing buildings and on the side of driveway and headland areas.

ii. The Surrounding Area

The locality comprises large rural allotments, used predominantly for primary production purposes. There is an airstrip (used as concert car parking two times per year) and the Adelaide Polo Club competition polo grounds located to the north. This allotment is also used for livestock grazing. The opposing representor's property to the east owned by the Terramin Exploration Pty Ltd is currently used for livestock grazing and mining exploration. A State Heritage listed Chimney and Flue of the 'Lone Hand Gold Mine' is located on this property. Further to the east is another Winery, specifically known as 'Petaluma.' To the south are rural residential properties that are also used for livestock grazing and viticulture properties. One of these vineyard properties also features a cellar door, specifically known as 'Art Wine.'

The nearest off-site dwelling, which is located on the air strip land, is approximately 250 metres from the proposed winery and horticultural building with other winery buildings situated at a closer distance.

iii. Development Plan Policy considerations

a) *Policy Area/Zone Provisions*

The subject land lies within the Onkaparinga Valley Policy Area and these provisions seek:

Onkaparinga Valley Policy Area

- The retention of existing rural character by ensuring the continuation for farming and other horticultural activities

The following are considered to be the relevant Policy Area provisions:

Objective: 1

PDCs: nil

The subject land lies within the Watershed (Primary Production) Zone and these provisions seek:

The Watershed (Primary Production) Zone

- Maintain and enhance the natural resources of the Mount Lofty Ranges
- Long-term sustainability of rural production
- Preservation of native vegetation
- Enhancement of the amenity and landscape character of the Mount Lofty Ranges

The following are considered to be the relevant Zone provisions:

Objectives: 1, 2, 3, 4 & 5

PDCs: 1, 2, 3, 4, 9, 10, 11, 12, 14, 15, 16, 17, 28, 29, 31, 32, 36, 37, 38, 39, 41, 42, 43, 44, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62 & 70

Accordance with Zone and Policy Area Objectives

The proposal is for a large rural shed/commercial building, which is to be used in association with a number of established uses on the site, namely a vineyard, winery, cellar door, restaurant and function facility. The proposal will not prejudice the rural character of the locality and Policy Area. The proposal is therefore considered to be consistent of with Policy Area Objective 1 and Zone Objective 5. Horticultural activities and wineries are encouraged in the Zone in appropriate locations. The proposed building is required for horticultural related storage and for wine maturation purposes. The proposal will therefore contribute to the long-term sustainability of rural production on the site as the building will be used directly for rural production purposes and in association with uses (cellar door, restaurant and function facility) that value add to production uses/activities. The proposal is considered to be consistent with Zone Objective 3.

The part of the proposed building to be used for barrel storage will have an impervious concrete floor and be bunded. Sumps or grates within the floor of the building will be connected to the existing trade wastewater control system to ensure the effective management of any spills within the winery building. Based on this, the EPA is satisfied that the proposal will not result in an unacceptable adverse impact on water quality. The proposed building is to be located in a cleared area and therefore no clearance of native vegetation is required. The proposal is consistent with Zone Objectives 1, 2 and 4.

Assessment against the Zone principles of development control is combined with the Council-wide assessment below.

b) Council Wide provisions

The Council Wide provisions of relevance to this proposal seek (in summary):

- Orderly and economic development
- Retention of rural character
- Development that does not undermine the objectives of the zone and policy area
- Development that protects the character and amenity of the locality
- Safe and convenient traffic movements and sufficient on-site car parking

The following are considered to be the relevant Council Wide provisions:

Objectives: 1, 4, 6, 8, 11, 13, 14, 20, 21, 61, 62, 63, 64, 65, 68, 69, 87, 88, 90, 103, 104, 105, 106, 107, 119, 120, 122, 123, 126, 127, 128, 129 & 131

PDCs: 1, 2, 3, 7, 9, 13, 14, 15, 20, 21, 22, 23, 25, 44, 53, 58, 59, 60, 174, 228, 229, 230, 231, 232, 233, 234, 235, 244, 245, 248, 249, 296, 297, 298, 299, 358, 359, 366, 367, 368, 369, 372, 373, 375, 376, 377, 378 & 385

Form of Development

The proposal is considered to be in accord with the Adelaide Hills Structure Plan and as it will facilitate the continuation of envisaged uses the proposal is considered orderly and economic. The proposal is consistent with Council-wide (CW) PDCs 1, 2 and 3.

The proposed winery and horticultural building is to be located in a valley, well below the ridgeline in the locality, and will be grouped with other large buildings on the site. Over half of the benched area will be filled, but the tractor storage part of the building is solely excavated. The western end of the benched area will be filled to 2m in height. The proposal is not consistent with the guidelines seeking buildings to be sited predominantly on excavated sites and the earthworks restricted to a maximum height of 1.5m. However, the filled areas will be stabilised and concealed by retaining walls, so to not cause erosion. The proposal is therefore considered to be partly consistent with CW PDC 7. The building is well setback from all boundaries and watercourses and is sited in a cleared area and thus will not result in the removal of any native. As the building is well setback from boundaries, clustered with other large winery buildings on the site and clad in a non-reflective material in dark natural tone, the building will be unobtrusive and not detract from the desired natural character of the Zone. The proposal is therefore sufficiently consistent with Zone PDCs 1, 10, 11, 14 and 15, and CW PDCs 22, 23 and 25.

Whilst not a low profile building, this proposal is for a rural building that has been designed at this height for practical purposes (i.e. loading/unloading of goods into semi-articulated vehicles undercover). Irrespective, the winery building is still considered to be relatively modest in size and scale as it is similar in height and scale to a large two storey dwelling. Whilst the building is not well articulated with no variation to the wall and roof lines and does not feature eaves and shaded areas, this guideline is more applicable to habitable buildings and is not necessarily practical for buildings used for storage and primary production purposes. The proposal is not inconsistent with the overarching intent of Zone PDC 2, which is for buildings to be unobtrusive and not detract from the desired natural character of the Zone.

Whilst the proposal includes an additional 120m² of office space when there is approximately 280m² of existing office space on the site, these office spaces are still considered to be subservient to the main uses of the site. It is noted that the existing offices are proposed to only be used for storage and meeting purposes, rather than administration/office duties. The main uses of the site, utilise a substantial site and floor area. The winery, cellar door, restaurant and function facility uses collectively have a floor area in excess of 3000m². Provided the office spaces (existing and proposed) are solely used by Bird in Hand staff, the Council administration is satisfied that the office use is subservient to the approved primary uses of the land, in accord with Zone PDC 12. See **recommended conditions 14 and 15**.

As mentioned above, the wet areas within the proposed building will be connected into the existing waste control system and any spills within the bunded area will be directed to the trade waste control system. The proposal accords with Zone PDC 3.

The proposed building is to be located approximately 290m from the nearest watercourse, consistent with Zone PDC 4 and CW PDCs 20 and 21.

The building is located adjacent an existing driveway. No new driveway or extension to the existing driveways is required and therefore no excavation and/or filling of land for such is required (Zone PDC 9).

The proposal is for an additional winery and horticultural building to be used in association with these existing uses on the site. These are envisaged primary production and related uses. The proposal will not prejudice primary production and will potentially assist in maintaining the land for primary production purposes. The proposal accords with Zone PDCs 16 and 17.

Conservation

The proposal does not involve any native vegetation clearance, consistent with Zone PDCs 28, 29, 31, 32 and 36.

Appearance of Land and Buildings

Whilst the existing homestead is located elsewhere on the allotment, the proposed building is grouped with the other large winery buildings on the site, consistent with Zone PDC 38. The building will be located adjacent existing driveway areas that are currently used by semi-articulated vehicles visiting the site. It is not considered necessary for earth mounding and screening vegetation to be established (Zone PDC 37 and CW PDC 244), given the siting of the proposed building and the colour and material selection. As mentioned, the proposed building is relatively modest in size and scale, and well separated from boundaries. It will not impair the character of the locality, in accord with Zone PDC 39 and CW PDC 233.

The proposal will not visually interfere with achievement of the objective for the area. As mentioned, the proposal will not impact upon the natural and rural character that the subject Zone seeks. The proposal does not minimise the alteration of the land form as a substantial portion of the building with a large footprint is on the one level. However, a split level building would not be practical for this type of building. Also, the filled areas will be concealed by the associated 2m high retaining walls and therefore the earthworks will not be extensively visible from adjacent land. The proposal is sufficiently in accord with CW PDC 228, 229 and 230.

The proposed building is a rural style shed that is clad in a non-reflective material that is a dark natural tone. The proposed building will not impair the amenity of the locality, consistent with CW PDCs 231 and 235. The waste storage location has not been detailed on the provided plans, but could be screened by existing and proposed buildings and therefore not visible from public roads, consistent with CW PDC 232.

Rural Development

As mentioned, horticulture and wineries are envisaged primary production uses and the other primary uses on the site (restaurant, cellar door and function facility) are deemed to be appropriate uses that 'value add' and are compatible with maintaining rural productivity. The proposal will not diminish the productivity of the subject land

or threaten its retention for primary production purposes. The proposal is considered to be consistent with Zone PDCs 41, 42, 43 and 44, and CW PDC 174.

Wineries and Subordinate Activities in the Watershed

As mentioned, the proposal is not for new winery, but for an additional winery building (barrel storage) on the site, that is also to be used for horticultural storage and as an ancillary office. Regardless, the proposed winery building is to be located on an allotment with a vineyard and existing winery (2000 tonne crush) connected to an approved trade waste control system that includes a spill retention basin. The winery building, which will only be used for maturation purposes (sole wine making activity), will be located closer than 300m to the nearest residence, but will not be any closer than the existing winery buildings on the site. The western-most existing winery building is within 200m of the residence on the airstrip land, some 50m closer than the subject building. Therefore, intensive wine making activities will not be any closer to sensitive receptors as a result of the proposed development. The barrel storage part of the building is completely enclosed and bunded as required. The proposal will not change the operating capacity of the existing winery, which is limited to 2000 tonne crush per annum. The proposal should not result in greater amenity impacts to properties within the locality. The proposal is consistent with Zone PDCs 51, 53, 54, 55, 56, 57, 58, 59 and 60, and CW PDCs 13 and 15.

The stormwater runoff from the building and hard surfaces will be directed away from the existing trade waste management system. The proposed building will contribute to the processing of primary produce that is grown within the Mount Lofty Ranges region and will enhance the rural and agricultural character of the this region. Based on the applicant's submission, the proposal will not change any existing operational matters, including the type and volume of traffic generation to and from the site.

Whilst the subject allotment is large and there are many potential informal parking areas, no formal delineated car parking areas are noted on the whole site. The applicant has indicated that the existing staff car parking areas will be utilised and the proposal will not result in any changes in this regard. However, it is noted that many of the approved car parking areas on the site, including parking shown on the plan for the existing offices, have been returned to garden spaces and therefore it is not evident where all Bird in Hand staff park on the site. Whilst the loss of approved car parking areas is to be dealt with as a separate compliance matter, there is still a need for a car parking plan to be provided to show where car parking for the proposed building (see **Reserved Matter 1**) will be located. The proposal is consistent with Zone PDC 62 and mostly consistent with Zone PDC 61 (excluding part (a) relating to car parking).

Mining

The opposing representor has highlighted that the proposal could lead to a conflict with the intention to resurrect a gold mine on the adjacent land (192 Pfeiffer Road), but in the reverse has also indicated that mining activities and winery and viticulture activities can productively co-exist. PDC 14 (b) indicates that development that would be incompatible with mining operations should not proceed until the full extent of the extent and vicinity of such deposit has been determined. The proposal will not

change the use of the land, nor add additional uses or intensify the uses that currently exist on the subject land. Given the site enjoys existing approved use rights for a mixture of uses, therefore it is not considered to be a reasonable approach to prevent any further development on the land due to a pending mining application. In addition, the proposal will not result in more sensitive or incompatible activities on the site or result in built form closer to boundaries. The representor seems to indicate a primary concern with the function aspect of the business (and the potential for this to expand), but this is an existing authorised use and activity that will not change as a result of this proposal. The proposal is sufficiently consistent with CW PDCs 9 and 14.

Watershed Protection and Catchment Water Management

As detailed above, a waste alteration application has been approved for the wet areas within the proposed building to be connected into the existing waste control system. Also, any spills collected from within the bunded area will be directed to the trade waste control system. The EPA are satisfied that the proposal will not result in any unacceptable adverse environmental impacts. The proposal is consistent with CW PDCs 296, 297, 298 and 299. The proposal should not pose any greater risk to surface or underground water and some detention measures have been implemented to cater for stormwater up to a 1 in 10 ARI. Given the size of site, it is considered that the stormwater runoff should be catered for within the site for more major storm events. Therefore, stormwater should be effectively managed within the site and not cause erosion or water quality issues. The proposal is sufficiently consistent with CW PDCs 358, 359, 366, 367, 368, 369, 372, 373, 375, 376, 377, 378 and 385.

Transportation (Movement of People and Goods)

Without the provision of a car parking plan, which clearly identifies the location of on-site car parks, the proposals consistency with a number of these provisions cannot be effectively determined (see recommended **Reserved Matter 1**), specifically CW PDCs 44, 58, 59 and 60. Semi-articulated vehicles that currently visit the site are able to enter and exit the site in a forward direction and therefore the proposal is consistent with PDC 53. However, no plan has been provided that shows this turnaround area(s) and its proximity to the on-site car parks.

7. SUMMARY & CONCLUSION

The proposed winery and horticultural building, with ancillary office is considered to be an envisaged form of development within the Zone. The winery building will be used for maturation purposes only (barrel storage), within a fully enclosed and bunded area. The proposed building, which is essentially a large rural shed, is well separated from boundaries and grouped with other large winery buildings. The building will not detract from the rural and natural character of the locality and the Zone.

The capacities of the existing winery (tonnage per annum) will not change, nor any other operational matters, other than the location where wine barrels are stored on the site. The winery building will be used for maturation purposes only (barrel storage), within a fully enclosed and bunded area and winery office. The proposed building is no closer to sensitive receptors in the locality and therefore should not result in any additional adverse amenity impacts. The proposed building is well separated from watercourses and wastewater is to be appropriately

managed. The proposal should not cause greater risk to the Mount Lofty Ranges Watershed Area and the proposal does not impact on the effective use of existing uses on adjacent land. The proposal should have no bearing on mining operations proceeding or occurring on the adjacent land (if allowed under a separate Act).

The proposal is sufficiently consistent with the relevant provisions of the Development Plan, and it is considered the proposal is not seriously at variance with the Development Plan. In the view of staff, the proposal has sufficient merit to warrant consent. Staff therefore recommend that Development Plan Consent be **GRANTED**, subject to conditions.

8. RECOMMENDATION

That the Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and GRANTS Development Plan Consent to Development Application 17/674/473 by Bird in Hand Pty Ltd for Winery and horticultural building (tractor storage, barrel storage and office) in association with existing mixed use development (vineyards, winery, cellar door, restaurant and function facility) associated retaining walls (2m maximum height) and earthworks at 150 Pfeiffer Road Woodside subject to the following conditions:

(1) Reserved Matter

The Council Development Assessment Panel requires the following matter which is reserved pursuant to Section 33(3) of the Development Act 1993 to be addressed to the reasonable satisfaction of Council staff:

- Submission of a car parking plan that clearly demonstrates the location of
- existing staff car parking areas and provision of car parks for the proposed
- building, including:
 - Numbers of, and dimensions of the car parks and driveway areas
 - Drainage details
 - Surface material (e.g. compacted gravel)
 - Water quality treatment
 - Details of how the car parks are to be delineated (e.g. pavers, sleepers)
 - Demonstrate that the refuse and materials are stored outside of the designated car parks and turnaround areas
 - Semi-trailer or articulated vehicle turnaround area. Show turning paths to demonstrate that there is no conflict with the designated car parking areas

NOTE: Council reserves the right to attach further conditions in relation to this.

REASON: To demonstrate adequate provision of on-site car parking has been provided and compliance with the Australian Standard for parking facilities AS 2890.

(2) Development In Accordance With The Plans

The development herein approved shall be undertaken in accordance with the following plans, details and written submissions accompanying the application, unless varied by a separate condition:

- Planning report prepared by Garth Heynen of Heynen Planning Consultants dated 1 Aug 2017

- Existing office and proposed office floor plan received by Council 3 Aug 2017
- Correspondence prepared by Garth Heynen of Heynen Planning Consultants dated 6 February 2018
- Correspondence prepared by Garth Heynen of Heynen Planning Consultants dated 7 Sept 2017
- Amended site plan, site plan enlargement, elevations and floor plans (PA0401-PA0404) prepared by Beyond Ink received by Council 6 Oct 2017
- Stormwater management report prepared by Lelio Bibbo Consulting Engineers Pty Ltd dated 5 Feb 2018
- Site and Drainage Plan (ref: 180123, issue A) prepared by Lelio Bibbo Consulting Engineers Pty Ltd dated 5 Feb 2018

REASON: To ensure the proposed development is undertaken in accordance with the approved plans.

(3) Turning Area For Articulated Vehicles

All vehicles shall enter and exit the site in a forward direction.

REASON: For safe and convenient movement of vehicles.

(4) Access to be Sealed

The access shall be sealed (bitumen or similar) from the edge of road seal to at least the front property boundary.

REASON: For safe and convenient movement of vehicles.

(5) Largest Vehicle Permitted to Enter the Site

The largest vehicle permitted onsite shall be a 19 metre semi-articulated vehicle as per AS 2890.2:2002.

REASON: For safe and convenient movement of vehicles.

(6) Commercial Lighting

Flood lighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties.

REASON: Lighting shall not detrimentally affect the amenity of the locality.

(7) External Finishes

The external finishes to the buildings herein approved shall be as follows.

WALLS: Colorbond Woodland Grey or similar

ROLLER DOORS: Colorbond Woodland Grey or similar

ROOF: Colorbond Woodland Grey or similar

REASON: The external materials of buildings should have surfaces which are of a low light-reflective nature and blend with the natural rural landscape and minimise visual intrusion.

(8) Gravel Car Parking Designed In Accordance With Australian Standard AS 2890.1:2004.

Within three (3) months of the Development Approval, 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 signage shall be clearly visible and maintained in good condition at all times. Driveways, vehicle manoeuvring and parking areas shall be constructed of compacted gravel prior to commencement of the use and maintained in good condition at all times to the reasonable satisfaction of the Council

REASON: To provide adequate, safe and efficient off-street parking for users of the development.

(9) Unloading And Storage Of Materials And Goods

All materials and goods shall at all times be loaded and unloaded within the confines of the subject land. Materials and goods shall not be stored on the land in areas delineated for use as car parking.

REASON: To provide safe and efficient movement of people and goods.

(10) Capacity of the bund

The barrel storage area must be bunded internally and the floor graded to a collection sump, with a total capacity of 25% of the maximum volume of stored wine.

REASON: To ensure the proposed development does not detrimentally impact the environment.

(11) Management of Trade Waste

Prior to the use of the winery building, the impervious graded concrete floor, the bund and sump(s) connecting the runoff from the barrel storage area to the existing trade waste control system network must be constructed/installed and operational.

REASON: To ensure the proposed development does not detrimentally impact the environment.

(12) Treatment To Excavations And Fill

All exposed excavations and fill as shown on the site and drainage plan prepared by Lelio Bibbo Consulting Engineers Pty Ltd shall be:

- (a) rounded off and battered to match and blend with the natural contours of the land;
- (b) covered with approximately 100mm of topsoil;
- (c) seeded to avoid erosion and visual concerns ; and
- (d) screened with trees, shrubs and ground covers

prior to occupation of the approved development to the reasonable satisfaction of Council.

REASON: To maintain the visual amenity of the locality in which the subject land is located.

(13) Soil Erosion Control

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.

REASON: Development should prevent erosion and stormwater pollution before, during and after construction.

(14) Stormwater Roof Runoff To Be Dealt With On-Site

Within three (3) months of completion of the roof installation, all roof water must be directed to the 10,000L detention tank. All roof runoff generated by the development hereby approved shall be managed on-site to the satisfaction of Council using design techniques such as:

- Rainwater tanks
- Grassed swales
- Stone filled trenches
- Small infiltration basins

Stormwater overflow management shall be designed so as to not permit trespass into the effluent disposal areas. Stormwater should be managed on site with no stormwater to trespass onto adjoining properties.

REASON: To minimise erosion, protect the environment and to ensure no ponding of stormwater resulting from development occurs on adjacent sites.

(15) Use of Offices

The board and meeting rooms within the existing and proposed offices shall not be used for functions or as a cellar door.

REASON: To ensure the development is undertaken in accordance with the approval documentation

(16) Use of Offices

The existing offices, shall only be used for office related storage and meeting rooms. All offices (existing and proposed), including the board and meeting rooms shall only be used by Bird in Hand staff in association with the operations of the Bird in Hand winery, cellar door, restaurant, vineyard and function facility.

The offices and/or meeting rooms must not be hired or leased out to any external parties.

REASON: To ensure the development is undertaken in accordance with the approval documentation and to ensure the offices are genuinely a subservient use.

(17) Barrel Washing/Cleaning

No barrel washing or cleaning is to occur within the proposed winery building. Barrel washing is to continue to occur within the eastern portion of the former barrel hall.

REASON: To ensure the development is undertaken in accordance with the approval.

(18) Noise Protection

Noise within the habitable rooms (windows closed) of the adjacent residential properties shall not exceed 57 dB(A) between the 'day' hours of 7.00am to 10.00pm and 50 dB(A) between the 'night' hours of 10.00pm to 7.00am.

REASON: Noise emission that results from the development should not detrimentally affect the amenity of the adjacent residential properties and be in accordance with the Environment Protection (Noise) Policy 2007.

NOTES

(1) Development Plan Consent Expiry

This Development Plan consent (DPC) is valid for a period of twelve (12) months commencing from the date of the decision (or if an appeal has been commenced the date on which it is determined, whichever is later). Building Rules Consent must be applied for prior to the expiry of the DPC, or a fresh development application will be required. The twelve (12) month time period may be further extended by Council agreement following written request and payment of the relevant fee.

(2) Erosion Control During Construction

Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.

(3) EPA Environmental Duty

The applicant is reminded of his/her general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical 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.

(4) EPA Environmental Duty

An environmental authorisation in the form of a licence is required for the operation of this development. The applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain licensing requirements. Information on applying for a licence (including licence application forms) can be accessed here:

http://www.epa.sa.gov.au/business_and_industry/applying_for_a_licence

(5) EPA Information Sheets

EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following web site: <http://www.epa.sa.gov.au>

9. ATTACHMENTS

Locality Plan
Proposal Plans
Application Information
Applicant's Professional Reports
Referral Responses
Representations
Applicant's Response to Representations

Respectfully submitted

Concurrence

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Deryn Atkinson
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