

**COUNCIL ASSESSMENT PANEL MEETING**  
**8 July 2020**

**AGENDA – 9.2**

<b>Applicant:</b> David Freschi	<b>Landowner:</b> D E & T L Freschi
<b>Agent:</b> N/A	<b>Originating Officer:</b> Sam Clements
<b>Development Application:</b>	20/321/473
<b>Application Description:</b> Variation to Development Authorisation 17/262/473- to vary conditions 5 & 8 pertaining to capacity, number of functions & hours of operation, to include toilet block & store room additions onto the cellar door, to amend the deck to freestanding and increase the area of deck & to make alterations to the car park	
<b>Subject Land:</b> Lot:2 Sec: P978 FP:130666 CT:5756/921	<b>General Location:</b> 159 Ridge Road Ashton  <b>Attachment – Locality Plan</b>
<b>Development Plan Consolidated :</b> 8 August 2019 <b>Map AdHi/3</b>	<b>Zone/Policy Area:</b> Hills Face Zone
<b>Form of Development:</b> Merit	<b>Site Area:</b> 15.98Ha
<b>Public Notice Category:</b> Merit Category 3  Notice published in The Advertiser on 8 May 2020	<b>Representations Received:</b> 1  <b>Representations to be Heard:</b> 1

**1. EXECUTIVE SUMMARY**

The purpose of this application is to vary development authorisation 17/262/473. The proposal seeks to vary conditions 5 and 8 pertaining to the cellar door and functions capacities, the number of functions and the hours of operation. The variation also includes some additional building alterations and a small addition to the authorised cellar door to provide toilets and a store room, to detach and increase the area of a deck and to make alterations to the approved car parking area.

The original application 17/262/473 which this application seeks to vary was described as:

*Change of use from horticulture building to cellar door sales outlet (shop), including ancillary functions (maximum of 3 per calendar year), associated building alterations, attached deck, car parking area & freestanding advertising sign (maximum height of 1m) (non-complying)*

The subject land is located within the Hills Face Zone. The original application (17/262/473) was treated as non-complying as a shop is listed as such in the Hills Face Zone. This variation proposal does not change this or re-trigger any other non-complying criteria and is therefore treated as on merit. However, it was necessary to once again undertake Category 3 notification as some of the variations proposed relate to aspects raised in previous representations. One representation in opposition to the variation proposal was received during the Category 3 public notification period.

The proposal variation seeks to slightly intensify an authorised cellar door use, vary some the proposed building alterations and include some small scale additions. The additions are considered to be complementary to the existing shed which is being converted into a cellar door with stormwater and wastewater considered to be appropriately managed. This cellar door with an increased capacity of 25 persons and limited hours of operation is considered to be a small scale tourism development that will not over commercialise or overwhelm this rural natural locality. The increase to numbers and the addition of a storage room and toilets will help contribute to the longevity of the primary production value adding use.

As per the CAP delegations, the CAP is the relevant authority on applications where Category 3 representors wish to be heard.

The main issues relating to the proposal are visual impact, wastewater management and car parking.

As this is variation application, please note that the Council Assessment Panel can only consider the varied elements of the proposal and cannot impose a new condition or vary an existing condition with respect to matter that does not fall with the ambit of the application for variation.

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 variation to development authorisation 17/262/473 includes the following:

- To vary conditions 5 and 8, namely:

### Condition 5

- To increase the capacity of the cellar door from a maximum of 20 persons to a maximum of 25 persons
- To increase the number of ancillary functions/events from a maximum of three (3) per calendar year to six (6)
- To increase the capacity of the of the 6 proposed functions/events from 50 to 75 persons

### Condition 8

- To change the hours or times when the functions/events can be held from:

Saturday, Sunday & Monday only 10.00am to 5:00pm to Thursday to Monday 11.00am to 5.00pm

- Changes to the building alterations, namely a sliding door on the north elevation increased in width (double glass doors to triple bi-fold doors) and on the southern elevation inclusion of an additional glass sliding window and relocation of the double insulated barn doors
- A small addition to the authorised cellar door to provide dedicated toilets and a store room. The authorised cellar door did not include nor was it a requirement under the Building Code of Australia (BCA) to provide toilets or wash basin (just a portaloos) as it was limited to 20 persons



- Include a sink with the tasting bench space and install a waste control system as per the wastewater authorisation 20/W101/473 to service the this building
- The store room addition is 10m<sup>2</sup> and the toilet block addition is 19m<sup>2</sup>, totalling 29m<sup>2</sup>
- The addition has a wall height of 2.7m and skillion roof form with a minimal pitch
- The small authorised deck attached to the cellar door is proposed to be amended to detached (freestanding) and increased in area from 4.6m<sup>2</sup> to 40m<sup>2</sup>
- Alterations to the approved car parking area to decrease the number of car parks from 20 to 15 and include one disabled car park

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

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
13 January 1989	88/296/030	Water Tank
10 March 2004	03/535/473	Change of use- apple orchard to vineyard
17 January 2006	05/223/473	Alterations and additions to detached dwelling
06 June 2018 (DPC only- extended to June 2021)	17/262/473	Change of use from horticulture building to cellar door sales outlet (shop), including ancillary functions (maximum of 3 per calendar year), associated building alterations, attached deck, car parking area & freestanding advertising sign (maximum height of 1m) (non-complying)

### 4. REFERRAL RESPONSES

- **AHC EHU**  
Council's Environmental Health Officer has granted approval to install a waste water treatment system (refer 20/W101/473).  
This waste water approval is included as **Attachment – Referral Responses**.

## 5. CONSULTATION

The application was categorised as a Category 3 form of development in accordance with Section 38(2)(c) of the Development Act 1993 requiring formal public notification and a public notice. Also, in accordance with Section 39 (7)(c), the variations proposed has been determined to relate to aspects of representations submitted on the original application. Of note, these previous representations withdrew their representation and their request to be heard.

One representation was received from an adjacent property owner opposing the variation proposal.

The following representor wishes to be heard:

Name of Representor	Representor's Property Address	Nominated Speaker
Kym and Sophie Nitschke	141 Ridge Road Ashton	Peter Meline

The applicant or their representative may be in attendance.

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

Issue	Validity
Noise nuisance from the cellar door and functions	Can only be considered to the extent that the variation increases the number of functions, the hours of cellar door and capacities, and therefore also the minor increase in traffic generation. The proposal does not include any entertainment/music, including for functions
The addition to shed (cellar door) will detract from the high visual amenity and natural land character in the locality and Hills Face Zone.	Valid- However, only the variations to the building alterations, the toilet and store room additions and deck can be considered
Car park in the middle of the CFS track and the obtrusive placement of driveways and car parking	Not considered to be valid. The car park location on the southern side of the internal driveway has not been amended. Driveway location are not proposed to be amended and irrespective existing driveway areas are utilised
Loss of visual amenity to representors due to the proposal addition	Valid- as above
Devalue the representors property	Not a valid planning consideration
Loss of privacy	Can only consider the variations to the building openings, additions, deck and whether the small increase in numbers results in a loss of privacy

Increased traffic and lack of a traffic and car parking report	Can only consider to the extent that the patron numbers are proposed to increase by 5 persons and the increased number of functions by 25 persons
Advertising	Not valid - not varied as part of this proposal
Effluent management- patronage	Valid - however, a sink and toilet facilities are proposed and wastewater is to be directed to an approved wastewater system with capacity restrictions
Disabled Access	Not valid - BCA issue. The proposal includes a universal access toilet
Watershed protection	Valid- however the subject site is outside the watershed area
Light spill	Only in respect to outdoor lighting for the proposed addition. Noting the proposed hours of operation, it is unclear why this has been raised
Stormwater management	Only valid in respect to the proposed additions and relocated larger deck

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

A copy of the submission is 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 land is 15.98 hectares in area and is developed with a dwelling, vineyard, water storage tank and horticultural building, which has planning authorisation to be converted into a cellar door. Approximately 10 hectares of the land is covered in native vegetation and 3.4 hectares in vineyard.

The land is quite steep with the existing horticultural building is located on a higher portion of the land lying between two ridgetops. This building is approximately 7 metres below the ridgetop at the front of the site and 10 metres below the ridgetop where the forest of native vegetation starts and, where the water storage tank is located. The horticultural building is located approximately in the middle of the vineyard area.

ii. The Surrounding Area

The surrounding area consists of allotments used for rural residential and primary production purposes (grazing and horticulture). Allotments on the northern side of Ridge Road are located within the Hills Face Zone, whilst allotments on the southern side of Ridge Road are located within the Watershed (Primary Production) Zone.

iii. Development Plan Policy considerations

a) *Zone Provisions*

The subject land lies within the Hills Face Zone and these provisions seek:

- *The natural character preserved and enhanced*
- *To accommodate low intensity agricultural activities*
- *Buildings designed to preserve and enhance the natural character, minimise visual intrusion & not create a demand for the provision of services at a cost to the community*

The following are considered to be the relevant Zone provisions:

*Objectives: 1 & 2*

*PDCs: 1, 2, 3, 4, 8, 9, 10 & 11*

Accordance with Zone

Due to the higher positioned land to the west, the existing horticultural building to be converted into a cellar door is not visible from the Adelaide Plains. The proposed variations, namely the additions to the building will not be visible from the Adelaide Plains. There will be no impact to the native vegetation which forms a natural backdrop on the site, which is approximately 100m from the existing horticultural building. The proposed additions are very modest and small scale will not result in a negative visual intrusion when viewing the site from roads or, generally within the zone. The proposed additions will improve the visitor/customer experience when attending the cellar door and may impact positively on the longevity of the cellar door as a value adding use associated with the agricultural activity (viticulture) on the land. The proposed variation is considered to be consistent with the Objectives 1 and 2, and PDCs 1 and 10 of the Zone.

As mentioned, the toilet block and store room additions are modest in area and scale and only minor levelling of the land would be required to accommodate such. The proposal accords with PDC 2.

The proposed variations result in the need for wastewater to be managed on-site. This wastewater system has been approved by Council Environmental Health team and therefore it has been verified that it has been appropriately setback from water resources, namely bores, dams and watercourses. The proposal will not result in pollution of or exploitation of underground or surface water resources. The rainwater tank plumbed to the roof drainage should provide sufficient water supply for toilet flushing and washing of glasses/dishes. The minor amount of levelling to accommodate the additions will not cause erosion issues or unacceptable risk of land slip. The location of the car parking area is not proposed to change, just the spacing of car parks and the inclusion of the car park space for persons with a disability, which

results in the reduction of 5 spaces. This greater spacing of car parks will not detract from the landscape character and visual amenity of the zone. The proposal is considered to be consistent with PDCs 3, 4 and 9.

As mentioned, the proposed small additions are single storey with a 2.7 metre wall height and are therefore considered low profile. The proposal accords with PDCs 8 and 11.

*b) Council Wide provisions*

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

- *Orderly and Economic Development*
- *Development of a high design standard and appearance*
- *Protection of scenically attractive areas and natural and rural landscapes*
- *Tourism development that is environmentally sustainable that sustains or enhances local character, visual amenity and appeal of the area*
- *Development that provides sufficient off street parking*

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

*Design and Appearance*

*Objectives: 1*

*PDCs: 1, 3 & 8*

As mentioned, the proposed variations to include some single storey additions and a larger freestanding deck are considered to be small in scale. The appearance of the additions is simple but complements the conversion of an old corrugated iron shed/horticultural building into a cellar door. The proposed variations will widen and include more openings and coupled with the small additions will provide greater articulation and variation to the existing wall and roof lines. The proposal is considered to be consistent with Objective 1 and PDC 1. Given the external wall cladding is to match the existing it will be galvanised iron with a corrugated profile. Whilst this material initially can be reflective, it will fade over time. The proposed additions are low profile with a 2.7m wall height and low pitch skillion roof. Given this material section complements the existing, and that the additions are quite small, the material selection is considered appropriate. It is noted that the representors dwelling and outbuilding roofs are zincalume. The proposal's variance with PDC 3 is not considered fatal, but despite this the applicant is willing to amend the external material to a dark Colorbond® if deemed necessary by the CAP. The proposal is consistent with Objective 1 and PDCs 1 and 8.

*Natural Resources*

*Objectives: 13 & 14*

*PDCs: 1, 2, 5, 10 & 17*

As mentioned, the proposed variations to the authorised conversion of the horticultural building to a cellar door do not adversely impact on the scenic quality of this natural landscape. The proposal is considered to be consistent with Objectives 13 and 14, and PDCs 1 and 5. As detailed above, wastewater will be appropriately

managed on the site as it will be directed to an approved wastewater system. The proposal is consistent with PDC 2.

Stormwater from the existing shed roof area is directed to a water storage tank. Noting there is no mains water the additions are also likely to be plumbed to the water storage tank. Noting the small increase to roof area this can be addressed via a condition of consent (refer recommended condition X). The proposal should achieve consistency with PDCs 10 and 17.

*Orderly and Sustainable Development*

*Objectives: 1 & 3*

*PDCs: 1 & 3*

The proposed variations and overall development is considered to be orderly and economic development, as it involves the repurposing of an existing building. The increased capacity of the cellar door and functions will allow for more customers and the inclusion of toilets and sink within the tasting area are practical inclusions that will enhance the visitor's experience. These variations could therefore be considered to improve the sustainability of the primary production value adding use. The proposal is considered to accord with Objective 1 and PDC 3.

As discussed in the zone assessment, the proposal does not impact on the primary Objectives of the Hills Face Zone to preserve natural character and the backdrop of Metropolitan Adelaide. The proposal is considered with PDC 1.

The proposed variations do not alter the original assessment in that the proposal does not jeopardise the continuance of the adjoining authorised land uses. Despite the increase to hours of operation, capacity, the number of functions and their capacity, the proposed cellar door and ancillary functions are considered to be very small scale. The proposal is consistent with Objective 3.

*Siting & Visibility*

*Objectives: 1*

*PDCs: 1, 4, 6, 7 & 10*

The assessment against these provisions is largely a repeat of assessment in the 'Design and Appearance' section above. The proposal is considered to accord with Objective 1, and PDCs 1 and 6. As detailed above, the use of galvanised iron cladding is not considered to be a fatal variance. In addition, it is not considered necessary for the building to be screened by establishment of landscaping. The proposal does not accord with PDCs 7 and 10 due to the material selected.

As only minor levelling is required for the additions, the proposal is considered to accord with PDC 4.

*Tourism Development*

*Objectives:* 1, 2, 4 & 6

*PDCs:* 2, 3, 7, 9 & 11

The provisions are only relevant to the extent that the variation proposes to slightly intensify the authorised cellar door use with ancillary functions and the visual impact of the proposed additions. The proposed variations result in the cellar door being more environmentally sustainable with dedicated toilets and an approved on-site wastewater system. The proposal accords with Objective 1. The additions to the cellar door will complement and improve the appearance the building and will not detract from the visual amenity and appeal of the area. The proposed tourist development does not involve any native vegetation impact and visitors will be able to appreciate the picturesque vineyard and natural landscape. The proposed variations to slightly increase the number of functions and capacity of these functions and the cellar door, increases vitality into this locality and region whilst still being of scale that will not overwhelm or over commercialise it. As detailed above, the additions to the existing horticultural building to be converted to a cellar door are small scale and will not detract from the character of the locality. The proposal is sufficiently consistent with all the 'Tourism Development' Objectives and PDCs.

*Transportation & Access*

*Objectives:* 2

*PDCs:* 33, 34, 35 & 41

As detailed above, the proposal seeks to reduce the number of car parks to create a more spacious car park area and also to accommodate a car park space for people with a disability. Applying the shop car parking rate of 5.5 spaces per 100m<sup>2</sup> or even a restaurant rate of 1 per 3 seats/patrons the proposal still provides sufficient car parking for the cellar door with the proposed additions and larger deck area (total of 192m<sup>2</sup>). As detailed above, 15 car parks have been provided and based upon the shop car parking rate (the greater rate) the proposal development should provide 11 on-site car parks. The overflow parking for the infrequent events can be accommodated within grassed areas either side of the driveway or in headland areas. A condition that requires all car parking to be within the site for events/functions and the grass to be kept to 10cm in the bushfire season is recommended (see ***recommended condition 5***). The proposal is considered to accord with Objective 1 and PDCs 33, 34, 35 and 41.

## **7. SUMMARY & CONCLUSION**

The proposed variation seeks to slightly intensify an authorised cellar door use, vary some of the proposed building alterations and include some small scale additions. The additions are considered to be complementary to the existing shed approved to be converted into a cellar door and will not detract from the natural rural character of the locality nor compromise views of the site from Ridge Road. The subject building and proposed addition will not be visible from Metropolitan Adelaide. The proposal is consistent with the Objectives of the Hills Face Zone.

Stormwater and wastewater generated from the development are to be appropriately managed and the number of car parks provided on site is considered to be sufficient. This cellar door with an increased capacity of 25 persons, limited hours of operation and limited function numbers is considered to be a small scale tourism development that will not over commercialise or

overwhelm this rural natural locality. The increase to numbers and the addition of a storage room and toilets will improve viability and the visitor experience, and will therefore help contribute to the longevity of this primary production value adding use.

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 20/321/473 by David Freschi for Variation to Development Authorisation 17/262/473- to vary conditions 5 & 8 pertaining to capacity, number of functions & hours of operation, to include toilet block & store room additions onto the cellar door, to amend the deck to freestanding and increase the area of deck & to make alterations to the car park at 159 Ridge Road Ashton subject to the following conditions:

### (1) 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:

- Correspondence prepared by David Freschi of Casa Freschi received by Council 28 April 2020
- Correspondence prepared by David Freschi of Casa Freschi received by Council 31 March 2020
- Site plan (sheet 5 of 5), part site plan (sheet 4), floor plan (sheet 1 of 5) & elevations (sheets 2 & 3 or 5) prepared by Crafers Building Design received by Council 31 March 2020

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

### (2) Previous Plans & Details Still Apply

Except where varied by this authorisation, all other conditions, plans and details relating to Development Authorisation 473/262/17 continue to apply to this amended authorisation.

**REASON:** To ensure all valid conditions are complied with.

### (3) Overall Capacity

At any one time, the overall capacity of the cellar door shall be limited to a maximum of twenty five (25) persons only, with the exception of the six (6) events per calendar year where the capacity shall be limited to a maximum of seventy five (75) persons. This capacity restriction includes any associated outdoor areas.



**REASON:** To ensure the proposed development is undertaken in accordance with the approved plans, to ensure that neighbouring properties are not impacted on negatively by this development and to ensure the waste control system is adequate.

**(4) Opening Hours - Cellar Door with Pre-Booked Events**

The cellar door opening hours and the six (6) events per calendar year shall be restricted to the following:

Thursday to Monday only – 11.00am to 5.00pm

**REASON:** To ensure that neighbouring properties are not impacted negatively by this development.

**(5) Overflow Car Parking**

Overflow car parking associated with pre-booked events shall be kept to within the confines of the subject land. Any grassed areas designated for overflow car parking shall be kept to a maximum of 10cm in bushfire danger season.

**REASON:** To ensure car parking is accommodated for on-site and no traffic safety issues occur when pre-booked events are held.

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

All roof runoff generated by the development hereby approved shall be managed on-site to the management satisfaction of Council using design techniques such as:

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

Stormwater overflow shall be designed so as to not permit trespass into the effluent disposal area. 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.

**(7) External Finishes to Match Existing**

External finishes shall be of materials and colours to match or complement those of the existing building (to be converted into a cellar door) to the reasonable satisfaction of Council.

**REASON:** To maintain and enhance the visual amenity of the locality.

## NOTES

### (1) Expiry Date of Variation

This development authorisation to vary the original authorisation is valid for a period not exceeding that of the original authorisation (6 June 2021). This time period may be further extended for a short period by written request to, and approval by, Council prior to the approval lapsing. Application for an extension is subject to payment of the relevant fee and will be required to be paid for both the original authorisation and the variation authorisation.

Please refer to page two (2) of this form (Notes for Applicant blue box) for information on changes to the planning system and potential changes to extensions of time requests.

### (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.

## 9. ATTACHMENTS

Locality Plan  
Proposal Plans  
Application Information  
Referral Responses  
Representation  
Applicant's response to representations  
Decision Notice 473/262/17  
Approved Plans 473/262/17

Respectfully submitted

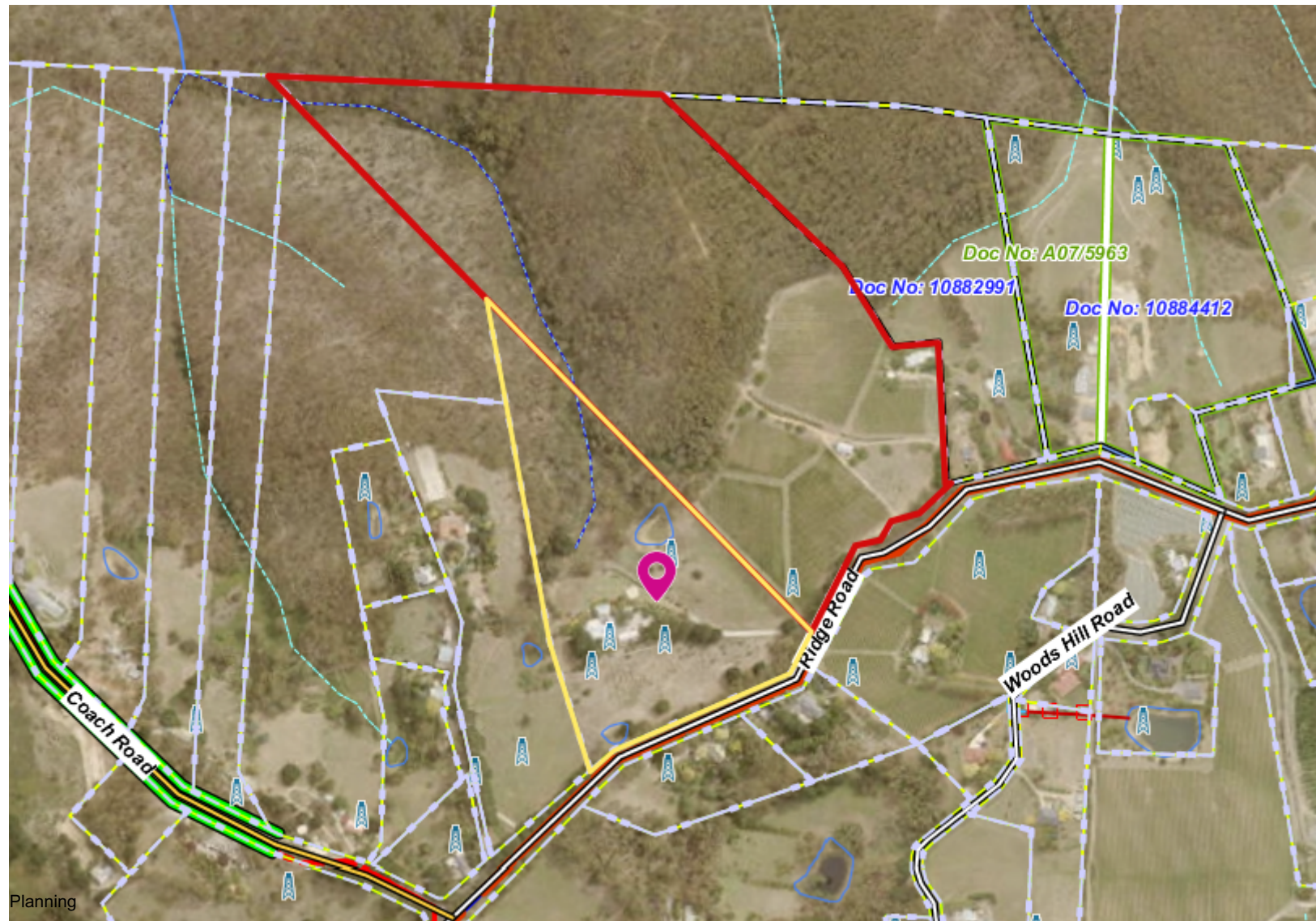
Concurrence

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Sam Clements  
Team Leader Statutory Planning

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Deryn Atkinson  
Manager Development Services



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Scale = 1:6032.880

200 m

**Annotations**

Representor

Subject Land

**Planners Summary**

PlanningSummary

**AHC Core**

Parks

Townships

**RoadsStreetView**

ADJOINING LGA RD

AHC &amp; PRIVATE

AHC RD

DPTI RD

PRIVATE RD

SHARED RD

PropertyOwner

Parcels

Roads

Suburbs

**Rivers**

River

Creeks

Streams

**Stormwater Updated**

StormwaterPipesQAd

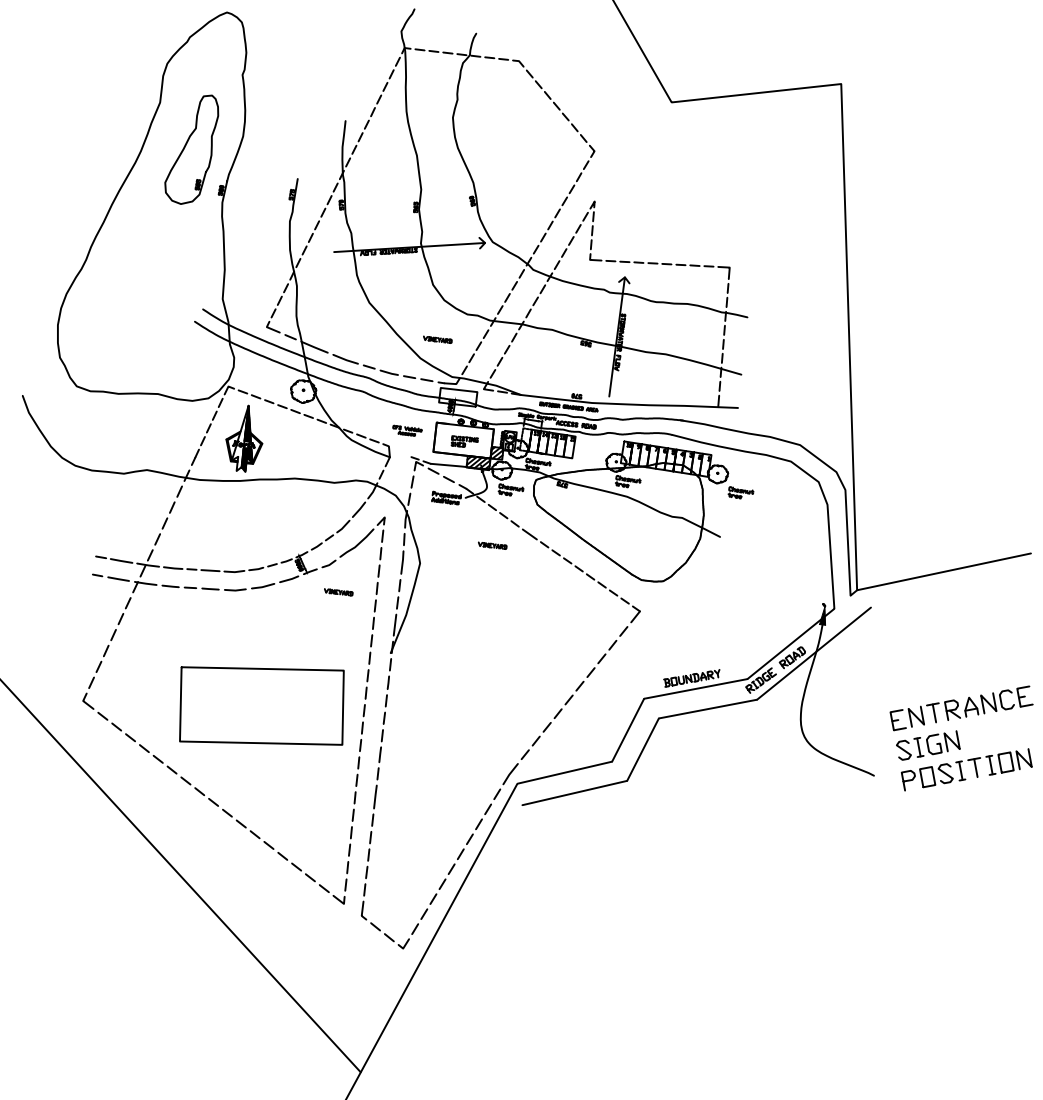
PRIVATE\_DrivewayPits

PRIVATE\_DrivewayPipes

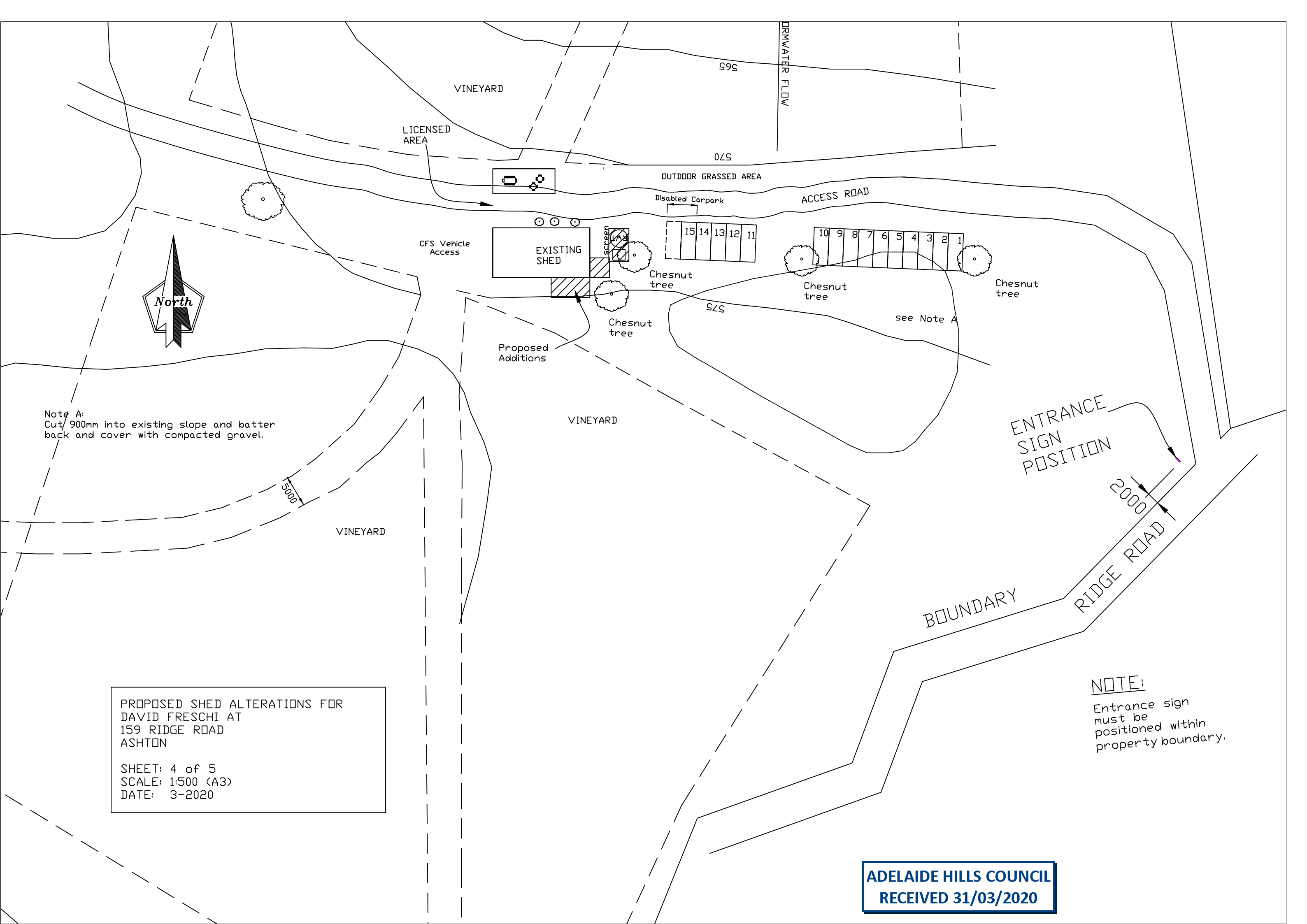
DPTI\_Pits

PROPOSED SHED ALTERATIONS FOR  
DAVID FRESCHI AT  
159 RIDGE ROAD  
ASHTON

SHEET: 5 of 5  
DATE: 3-2020



ADELAIDE HILLS COUNCIL  
RECEIVED 31/03/20



Note A:  
Cut 900mm into existing slope and batter  
back and cover with compacted gravel.

1500

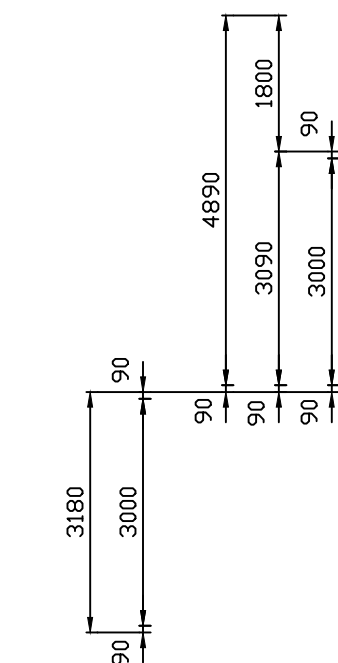
VINEYARD

PROPOSED SHED ALTERATIONS FOR  
DAVID FRESCHI AT  
159 RIDGE ROAD  
ASHTON

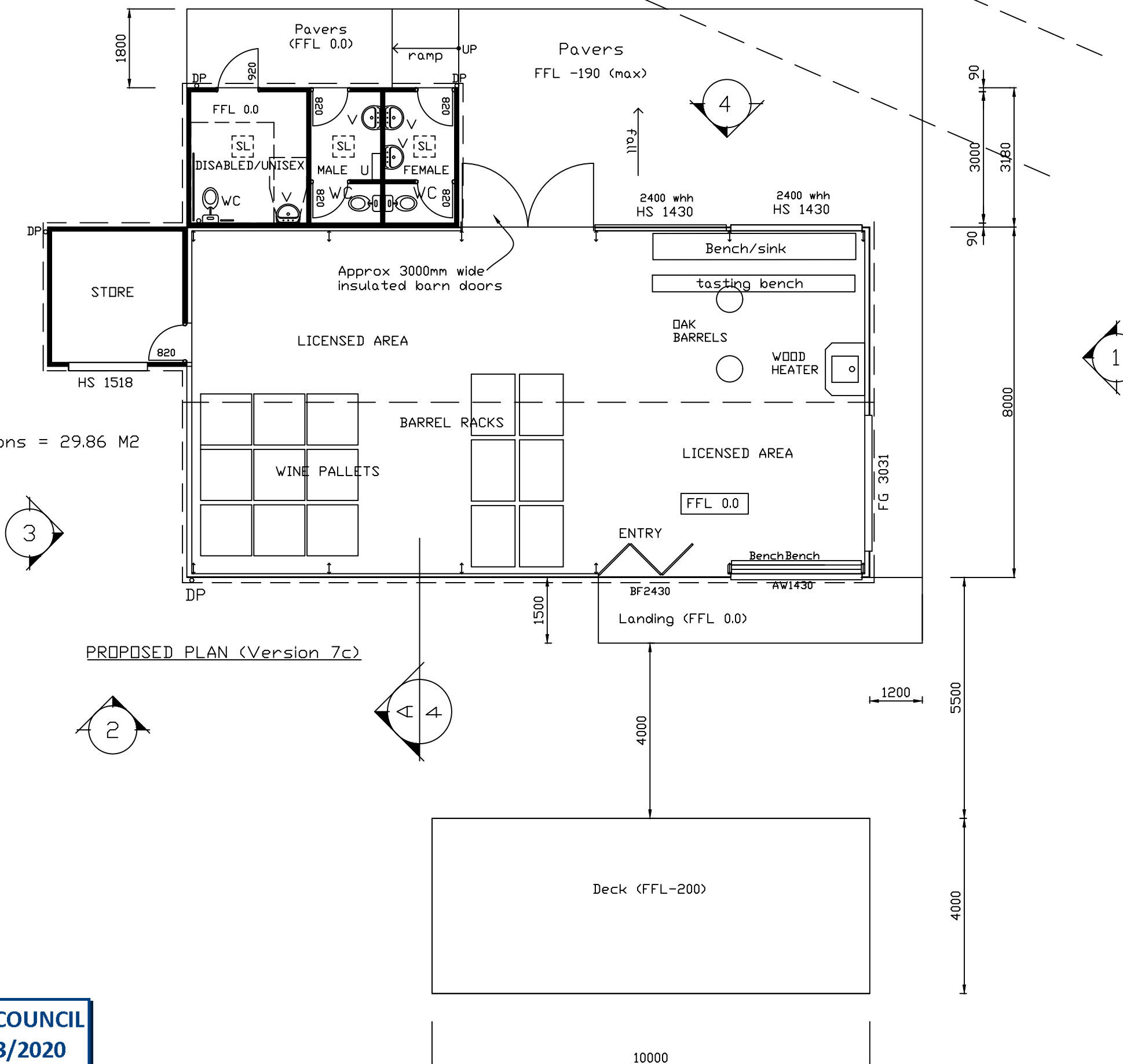
SHEET: 4 of 5  
SCALE: 1:500 (A3)  
DATE: 3-2020

NOTE:  
Entrance sign  
must be  
positioned within  
property boundary.

SHEET: 1 of 5  
SCALE: 1:100 (A3)  
DATE: 3-2020



Two Proposed Additions = 29.86 M2

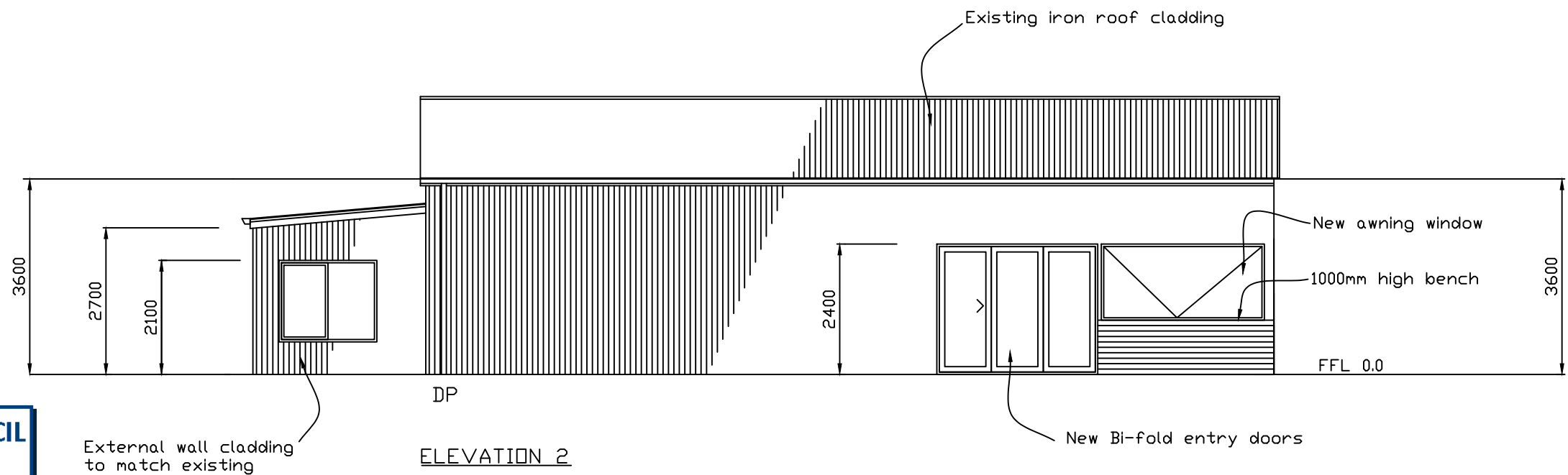
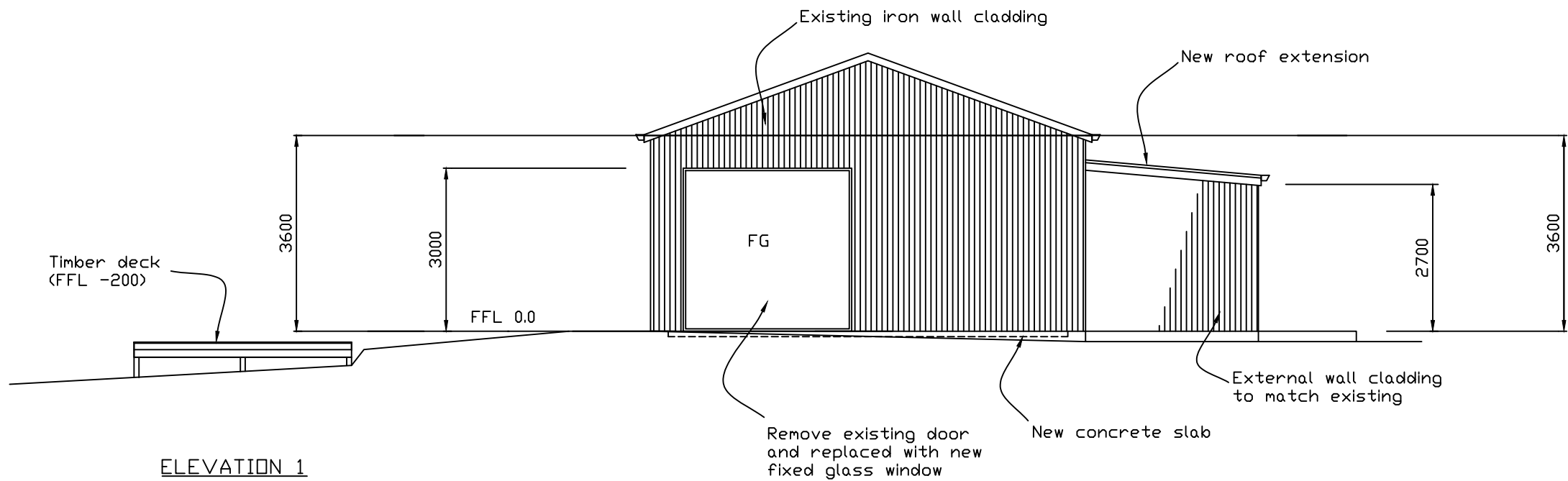


Drawn by:  
CRAFERS BUILDING DESIGN



PROPOSED SHED ALTERATIONS FOR  
DAVID FRESCHI AT  
159 RIDGE ROAD  
ASHTON

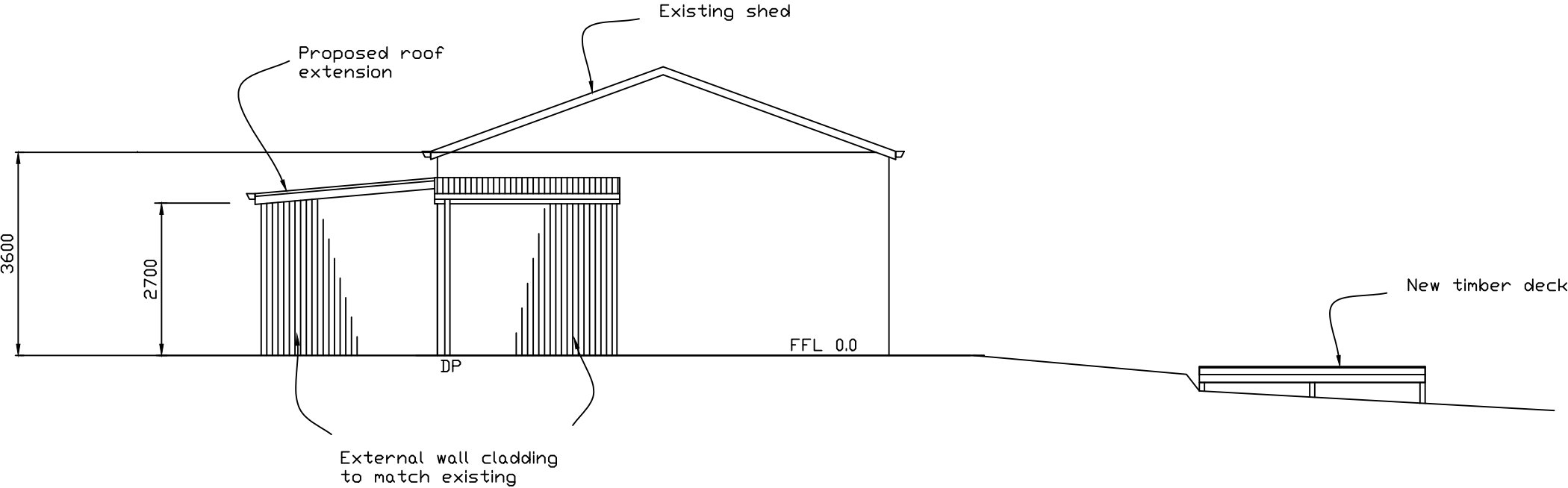
SHEET: 2 of 5  
SCALE: 1:100 (A3)  
DATE: 3 -2020



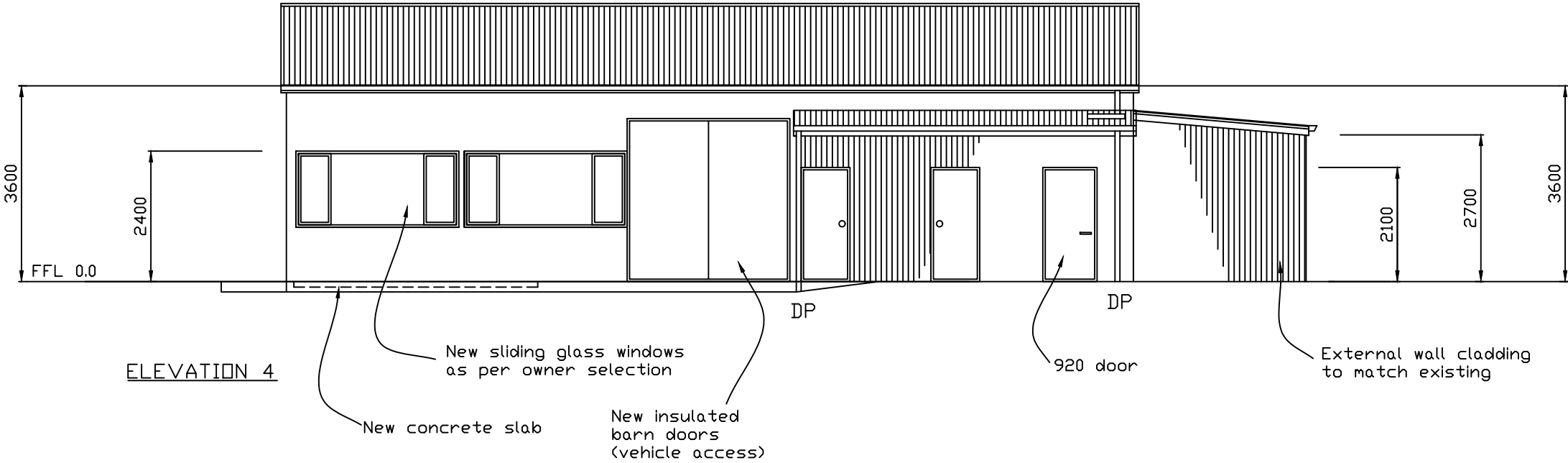
ADELAIDE HILLS COUNCIL  
RECEIVED 31/03/20

PROPOSED SHED ALTERATIONS FOR  
DAVID FRESCHI AT  
159 RIDGE ROAD  
ASHTON

SHEET: 3 of 5  
SCALE: 1:100 (A3)  
DATE: 3-2020



ELEVATION 3



ELEVATION 4





**ADELAIDE HILLS COUNCIL**  
**RECEIVED 28/04/20**

27 April 2020

Sam Clements  
Adelaide Hills Council  
PO Box 44  
Woodside SA 5244

Dear Sam,

Development No **20/321**

Proposal ***Change of use from horticulture building to cellar door sales outlet-variation***

Subject Land **159 Ridge Road, Ashton SA 5137**

I confirm the following proposed changes to the development application above.

Hours of operation : Thursday to Monday 11am to 5pm

Capacity of the cellar door : 25

Function number and capacity : 6 functions of 75 people

Reduction in car park numbers : Due to addition of disabled carpark

There are no other changes to the previous application.

Please don't hesitate to contact me for further information.

Yours sincerely

David Freschi  
Owner/Winemaker  
Casa Freschi



31 March 2020

Sam Clements  
Adelaide Hills Council  
PO Box 44  
Woodside SA 5244

Dear Sam,

Development No **17/262/473**

Proposal ***Change of use from horticulture building to cellar door sales outlet***

Subject Land **159 Ridge Road, Ashton SA 5137**

After consulting with a private building certifier, I would like to submit three amendments to the above development.

1. Addition of a toilet/office block and waste-water system.
2. Relocation of the deck area.
3. Allocation of a disabled carpark.

The amended drawings are attached.

I look forward to hearing from you.

Yours sincerely

David Freschi  
Owner/Winemaker  
Casa Freschi

**ADELAIDE HILLS COUNCIL**  
**RECEIVED 31/03/20**





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## **Onsite Wastewater Management Report**

**Project:** Casa Freschi Cellar Door  
**Address:** 159 Ridge Road, Ashton  
**Project No:** ME1273

**Proposed system:** Min. 4100L Capacity Septic Tank with either integrated or separate min. 2950L Pump Chamber and effluent outlet filter  
**Required:** SA Health Approved Septic Product  
**Suggested make/model:** Taylex Maxi (concrete) or Access Variable 7800L (fibreglass)  
**Effluent disposal:** Subsurface disposal  
**Disposal via:** Pressure-dosed soakage beds

**Additional consideration:** Min. 1500L Grease Arrestor  
**Suggested make/model:** Ri Industries 1750L

The design provided is in accordance with the requirements of SA Health's Onsite Wastewater Systems Code (2013), and AS/NZS 1547:2012.



### **Document Control**

Version	Date	Author	Reason	Sections	Checked
A	25/05/2020	Sherie Yang	Initial Release	All	AD





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## Summary

The design provided accounts for the expected wastewater generated by a proposed cellar door, licensed for 20 at any one time, and expecting on average, up to 25 per day, with a peak of 40 (such as on a warmer Saturday).

The cellar door is expected to focus on tastings, with provisions included in the design to account for cheese platters and possibly woodfired pizzas, both of which involve minimal cooking and clean-up as food preparation facilities are minimal. There are no plans for a commercial kitchen at this stage, or the provision of café or restaurant style food/meals.

Discounting events such as Winter Reds/Hills Crush, the cellar door will also be advertised as an events/wedding venue. It is not expected for there to be more than 1 event/week, and up to 12 events per year, with most of the events/weddings likely to be held over Summer/Spring as per typical holiday and wedding seasons. For these events, the venue will be advertised for up to 75 guests. Food will be provided by hired catering services, with some clean-up possibly expected onsite, though limited where possible to minimise grease/fats entering the system.

If considerable clean-up is expected, particularly of plates used during an event and cookware, an additional grease arrestor of at least 1500L capacity should be installed from the kitchen fixtures to reduce lipids entering the main septic system and working through to the disposal fields.

All wastewater from the proposed cellar door is to be directed to a septic tank with ideally an integrated pump chamber, for easier installation. As the tank may be in the path of CFS access, heavy duty trafficable lids will be required. An alternative tank location may also be considered.

Effluent disposal from the septic tank is to be pumped back behind the cellar door and disposed of within pressure-dosed soakage beds located in an area that will be planted out with wastewater tolerant grasses, sedges and/or other non-aggressively rooting small plants and shrubs to further facilitate effluent uptake.

The proposed design is one that utilises a balancing/detention type pump sump which will only need to come into effect when the venue holds a function. For daily operation, all wastewater typically generated can be disposed of without requiring the regulated dosing component of the system. Should the owner wish have a simpler system that disposes of all wastewater without regulated dosing, the disposal footprint must be up to 3 times larger than that provided within the report. This therefore would require the vacant paddock to be reserved entirely for disposal.

A diversion trench is a necessary component of the design to direct overland and subsoil run-off away from the soakage areas, which should only operate on the applied effluent and natural rainfall.

Soakage areas are non-trafficable and must be treated as dedicated disposal zones. This means that harvesting machinery/vehicles must not be driven over or near to the soakage locations.

**Please contact the undersigned for queries relating to this report.**

**Design and assessment by:**

**Sherie Yang MIEAust NER**  
**Maxwell Consulting Engineers**

**PO Box 4068**  
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## Site Assessment

	Requirement	Assessment
Land slope	Should not be greater than 20%	Approx. 1 in 5
Flooding	Should not be subject to inundation or flooding more frequently than 1 in 10 years	Expected not to be subject to 1 in 10 year flooding/within a flood plain based on information available from DEWNR (no flood study available) Council to confirm
Water table	Depth to seasonal, tidal or permanent water table should be greater than 1.2m from GL and at least 500mm above the highest level of the water table	Permanent water table not encountered in soil samples
Bedrock	Depth to bedrock or cap rock should be suitable for the system (1.2m and at least 500mm clearance required for subsurface disposal)	Bedrock not encountered within 500mm of disposal depth
Land area	Disposal area within the allotment must be suitable for the intended use	Adequate area to meet wastewater disposal requirements
Climate		Mild temperate
Allotment area		Approx. 16ha
Availability of water to the site		Mains equiv.

	Minimum setback	Assessment
Distance to well, bore, dam used or likely to be used for human or domestic purposes	50m	Disposal is over 50m
Distance to watercourse used or likely to be used for human or domestic purposes	50m	Disposal is not within 50m
Distance to water source used for agricultural, aquacultural or stock purposes	50m	Disposal is not within 50m
Distance to pool level of the River Murray and its lakes	100m and above the 1956 flood level	Disposal area is above the 1956 flood level and not within 100m
Distance to mean high water spring along coastal foreshore	100m	Not within 100m



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## Soil Sampling Methodology

A minimum of two sampling locations selected with soils obtained from the locations via hydraulic push tube down to at least 600mm below the intended disposal horizon, or until refusal.

## Soil Characteristics

Soil classification method: AS/NZS 1547:2012

Soil category: Cat 4

Associated permeability: DLR = 6mm/day

## Wastewater Characteristics

Water Use:	Commercial
Cellar door operating days:	5 days per week
Regular staff manning cellar door:	2 staff per day
Liquor license for cellar door:	20
Average number of visitors expected per day:	25
Max (peak) number of visitors expected per day:	40
Duration of visitation:	Likely to be short, 1-2hrs
Wastewater generated by visitors to cellar door:	From wine tasting, cheese platters, potentially woodfired pizzas, the use of a glasswasher, a domestic dishwasher, sink, sanitary facilities
Events/wedding venue hire:	Max. once per week, and likely no more than 12 per year (ie once per month)
Catering staff:	5
Liquor license (special license):	75
Duration of visitation:	Longer, may be 5hrs
Wastewater generated by guests attending event:	From the use of a glasswasher, sink, sanitary facilities (washing of plates and cookware is discouraged if a grease arrestor is not included due to higher volumes of grease and fats that will drain through to the septic system)



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Site  
**Casa Freschi Cellar Door**  
**159 Ridge Road, Ashton**

Information provided  
Open 5 days per week, with daily visitation averaging 25 and a peak of 40 over the course of 1 day  
2 regular staff present, manning cellar door  
Primarily tastings focussed, but with cheese platters and possibly woodfire pizzas provided as well (minimal cleanup)  
Expected/predicted events & weddings for up to 75 guests approx. once per month, up to 12 per year  
5 staff present for events  
The cellar door may run prior to a wedding for a short duration in the morning (10 visitors accounted for)

Durations in weeks/year	30	22	52	12	12
	CD Visitors	CD Visitors	Regular Staff	Functions	Catering Staff
	(Busier period)	(Quieter Period)			
Monday	40	20	2	0	0
Tuesday	0	0	0	0	0
Wednesday	0	0	0	0	0
Thursday	40	20	2	0	0
Friday	40	20	2	0	0
Saturday	40	20	2	75	5
Sunday	40	20	2	0	0
No. of people over week	200	100	10	75	5
No. of people for duration	8200		520	900	60
Average visitors over week	29	14			

Attributed loads	S	DF	Attributed loads	Description
Tasting venue	10	10	Hybrid tasting venue with platters/potential woodfire pizza	Minimal cleanup
Staff	25	30	Staff ablutions	Typical
Events/weddings	35	30	Hybrid function, catering & cleanup	Hired catering, onsite clean-up, no commercial kitchen
Catering staff	25	30	Staff ablutions	Typical

Septic Capacity	S			DF		
	P1 daily average	S L/p/y	P1 x S L/y	P2 highest	DF L/p/d	DF x P2 L/d
Tasting venue	25	10	250	40	10	400
Staff	1	25	36	2	30	60
Events/weddings	2	35	87	75	30	2250
Catering staff	0.2	25	4	5	30	150

Septic Capacity	Total S L/y	Max DF L/y	Desludging frequency	Min. Effect. Cap. L
Total	376	2560	4	4065

Balancing DF	CD Visitors	Regular Staff	Event Guest	Catering Staff	CD Visitors	Regular Staff	Event Guest	Catering Staff	DF
Scenario: Peak week	Max per day	Max per day	Max per day	Max per day	Daily DF	Daily DF	Daily DF	Daily DF	Total
Monday	40	2	0	0	400	60	0	0	460
Tuesday	0	0	0	0	0	0	0	0	0
Wednesday	0	0	0	0	0	0	0	0	0
Thursday	40	2	0	0	400	60	0	0	460
Friday	40	2	0	0	400	60	0	0	460
Saturday	10	2	75	5	100	60	2250	150	2560
Sunday	40	2	0	0	400	60	0	0	460

Balancing Capacity	
Weekly max. F	4400 L/wk
Emptying duration	7 days
Required daily disposal	629 L/d
Selected daily disposal	900 L/d
Time-dosing frequency	3 hrs
Volume dosed	113 L max per dose

Balance Tank Requirements	Max. DF	Pump Failure	Min. Size
Capacity	2560	1280	2940

Balance	Type of use	CD Visitors	Regular Staff	Event Guest	Catering Staff	Volume	flow	volume	Net	Volume remaining	
		Max per day	Max per day	Max per day	Max per day	In tank at start	into tank	removed	volume	In tank	Chamber size
Monday	CD	0	2	0	0	0	60	900	-840	0	1280
Tuesday	CD	0	0	0	0	0	0	900	-900	0	1280
Wednesday	CD	40	0	0	0	0	400	900	-500	0	1280
Thursday	CD	40	2	0	0	0	460	900	-440	0	1280
Friday	CD	40	2	0	0	0	460	900	-440	0	1280
Saturday	Partial CD & Event/wedding	10	2	75	5	0	2560	900	1660	1660	1280
Sunday	CD	40	2	0	0	1660	460	900	1220	1220	2940
Monday	CD	0	2	0	0	1220	60	900	380	380	2500
Tuesday	CD	0	0	0	0	380	0	900	-520	0	1660
Wednesday	CD	40	0	0	0	0	400	900	-500	0	1280
Thursday	CD	40	2	0	0	0	460	900	-440	0	1280
Friday	CD	40	2	0	0	0	460	900	-440	0	1280
Saturday	Partial CD & Event/wedding	10	2	75	5	0	2560	900	1660	1660	1280
Sunday	CD	40	2	0	0	1660	460	900	1220	1220	2940

Suitable Systems	Tank requirements (min.)	Separate tanks	Integrated	Integrated
			Taylex Maxi	Access Variable 7800
Septic	4065	4300L (Ri)	4750 max	4100 min
Pump Chamber	2940	3000L	2990 max	2950 min





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## Required tank capacity & disposal area calculations

Refer to calcs page 1 for minimum septic tank capacities.

Parameters		
Peak daily flow (cellar door and events)	2560	L/d
	Insufficient room onsite to allow for disposal of peak wastewater generated within one day, requiring the pump chamber to operate as a balance tank/detention tank	
Disposal sized for	900	L/d
	Remainder of wastewater to be detained for disposal over several days	
DLR	6	mm/day

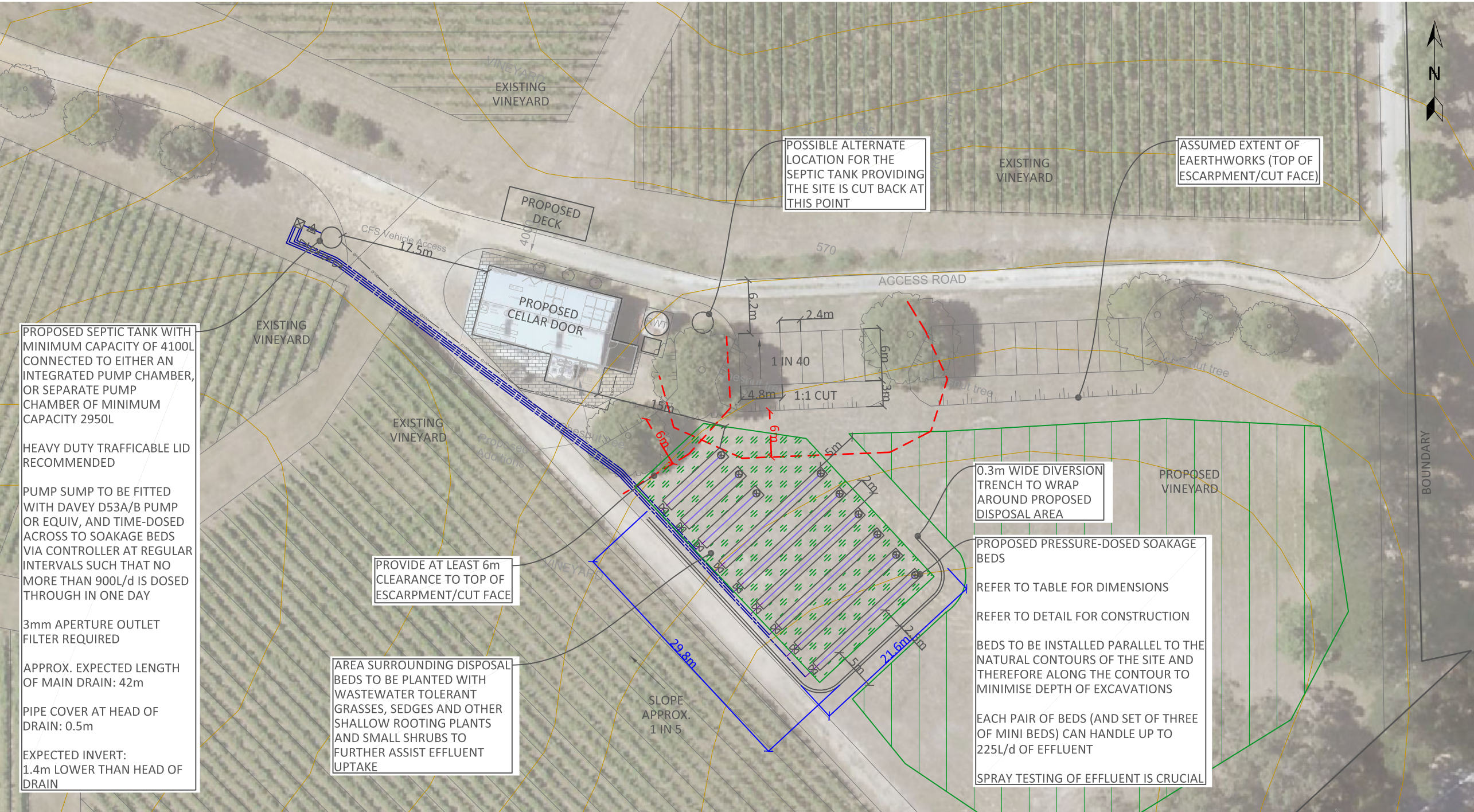
Primary treatment tank capacity		
Desludging frequency	4	years
Required capacity	4100	L minimum

Pump chamber/balance tank		
Required capacity	2950	L minimum
	As the capacity provided for the sump exceeds the peak daily flow, a backup pump is not necessarily required. There will be sufficient storage within the pump sump to account for the wastewater generated on the peak day (Saturday with an event)	

Soakage capacity		
Required contact area	150	m <sup>2</sup>
Width of soakage zone	1.2 (Type A), 1.5 (Type B)	m
Type of soakage zone (for council)	Bed	
Lineal length of soakage required	1.2 (Type A), 1.5 (Type B)	m min
Number of disposal zones	6 of Type A, 3 of Type B	(3 pairs and 1 set of three)

Summary		
Number of disposal beds	6 of Type A, 3 of Type B	zones (4 pairs)
Splitting of effluent	Netafim 2000 indexing valve with 4 ports	50l/min min
Width of each zone	1.2 (Type A), 1.5 (Type B)	m
Length of each zone	1.2 (Type A), 1.5 (Type B)	m
Tank requirements	<p>Minimum 4100L septic, with minimum 2950L pump chamber/balancing tank and 3mm aperture outlet filter</p> <p>Pump to be electronically controlled (or similar) to dose no more than 113L to a pair of soakage zones per day</p> <p>Available septic models that meet these requirements include Taylex Maxi, which has a septic tank capacity of 4750L and integrated pump sump capacity of 2990L, and Access Variable 7800, which can have a 4850L septic and a sump of 2950L depending on chamber wall placement.</p> <p>Alternatively, a separate septic tank, such as a Ri 4300L can be connected to a min. 3000L pump chamber to form a two-tank system</p>	





SITE NOTES

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- 2. Boundaries shown are indicative only, and to be confirmed with the owner, via the property title or by a surveyor (where unclear) prior to installation.
- 3. Watercourses, bores, dams, and contours obtained from DEW
- 4. Satellite image (where shown) for reference, obtained from DEW or DPTI

WASTEWATER NOTES

- 1. All stormwater discharge and run-off from the roof, roofwater collection (rainwater tanks), and site drainage systems to be diverted away from the wastewater disposal area.
- 2. Visual and audible to be installed in a suitable location, installer to discuss with owner.
- 3. The contractor must locate all services within the works area prior to installation/excavations. Services, if shown on the plan provided, are indicative and serve as a reminder.

PROPOSED SEPTIC TANK WITH MINIMUM CAPACITY OF 4100L CONNECTED TO EITHER AN INTEGRATED PUMP CHAMBER, OR SEPARATE PUMP CHAMBER OF MINIMUM CAPACITY 2950L

HEAVY DUTY TRAFFICABLE LID RECOMMENDED

PUMP SUMP TO BE FITTED WITH DAVEY D53A/B PUMP OR EQUIV, AND TIME-DOSED ACROSS TO SOAKAGE BEDS VIA CONTROLLER AT REGULAR INTERVALS SUCH THAT NO MORE THAN 900L/d IS DOSED THROUGH IN ONE DAY

3mm APERTURE OUTLET FILTER REQUIRED

APPROX. EXPECTED LENGTH OF MAIN DRAIN: 42m

PIPE COVER AT HEAD OF DRAIN: 0.5m

EXPECTED INVERT: 1.4m LOWER THAN HEAD OF DRAIN

AREA SURROUNDING DISPOSAL BEDS TO BE PLANTED WITH WASTEWATER TOLERANT GRASSES, SEDGES AND OTHER SHALLOW ROOTING PLANTS AND SMALL SHRUBS TO FURTHER ASSIST EFFLUENT UPTAKE

PROVIDE AT LEAST 6m CLEARANCE TO TOP OF ESCARPMENT/CUT FACE

0.3m WIDE DIVERSION TRENCH TO WRAP AROUND PROPOSED DISPOSAL AREA

PROPOSED PRESSURE-DOSED SOAKAGE BEDS

REFER TO TABLE FOR DIMENSIONS

REFER TO DETAIL FOR CONSTRUCTION

BEDS TO BE INSTALLED PARALLEL TO THE NATURAL CONTOURS OF THE SITE AND THEREFORE ALONG THE CONTOUR TO MINIMISE DEPTH OF EXCAVATIONS

EACH PAIR OF BEDS (AND SET OF THREE OF MINI BEDS) CAN HANDLE UP TO 225L/d OF EFFLUENT

SPRAY TESTING OF EFFLUENT IS CRUCIAL

TREATMENT SYSTEM	MINIMUM DISTANCE FOR THE LOCATION OF SYSTEM OR DISPOSAL (u.n.o)		
	DOWNSLOPE OF FOUNDATIONS	UPSLOPE OF FOUNDATIONS	FLAT SITE
PRIMARY TREATMENT SYSTEM (SEPTIC OR EQUIV.)	2.5m	2.5m	2.5m
AEROBIC SYSTEM	3m	3m	3m
SURFACE IRRIGATION	1.5m	3m	1.5m
SHALLOW SUBSURFACE IRRIGATION	1.5m	3m	1.5m
SUBSURFACE DISPOSAL (SOAKAGE)	3m	6m	3m
NOTES CONTRACTOR MUST ENSURE THAT MINIMUM SETBACK DISTANCES ARE MAINTAINED ALL DIMENSIONS TO BE CHECKED PRIOR TO INSTALLATION			

TREATMENT SYSTEM	MINIMUM SETBACK DISTANCE FOR THE LOCATION OF SYSTEM OR DISPOSAL		
	DAMS, BORES, WATERCOURSES (1:50000)	MURRAY RIVER & ITS LAKES POOL LEVEL	COASTAL FORESHORE HIGH WATER LEVEL
TREATMENT SYSTEM	10m	-	-
DISPOSAL FIELD	50m	100m	100m
NOTES MINIMUM CLEARANCE MUST BE MAINTAINED UNLESS ENCROACHMENT PERMITTED BY GOVERNING BODY INSTALLER TO VERIFY SETBACK DISTANCES PRIOR TO COMMENCEMENT OF WORK			

LEGEND

- ⊙ INSPECTION OPENING TO BE LOCATED MAX. EVERY 30m
- ⊠ AUTOMATIC INDEXING VALVE NETAFIM 2000 WITH 4 PORTS (50L/min MIN.)
- ⚙ AIR RELEASE VALVE
- ⊗ FLUSH VALVE IN LILAC VALVE BOX
- ⊢ NON-RETURN VALVE
- INDICATIVE DN100 SEWER DRAIN MIN. 1 IN 60 (1.65%) GRADE TO BE INSTALLED IN ACCORDANCE WITH AS3500
- SUPPLY LINE 40mm LILAC CODED uPVC MIN. 600mm COVER TO BE PROVIDED OVER PIPE IN TRAFFICABLE AREAS
- DISTRIBUTION LINE

SUBSURFACE DISPOSAL METHOD	DISPOSAL SPECIFICATIONS						
	TYPE	No. OF BEDS	BED LENGTH L	BED WIDTH W	DISTRIBUTION LINES PER BED	SQUIRT HOLE SPACING	SQUIRT HOLE Ø
PRESSURE DOSED BED (LONGER BED)	A	6	16m	1.2m	1	1m c/c	5mm
PRESSURE DOSED BED (SHORTER BED)	B	3	9m	1.5m	1	0.8m c/c	5mm

WASTEWATER PLAN



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CLIENT: CASA FRESCHI CELLAR DOOR

PROJECT TITLE: ME1273

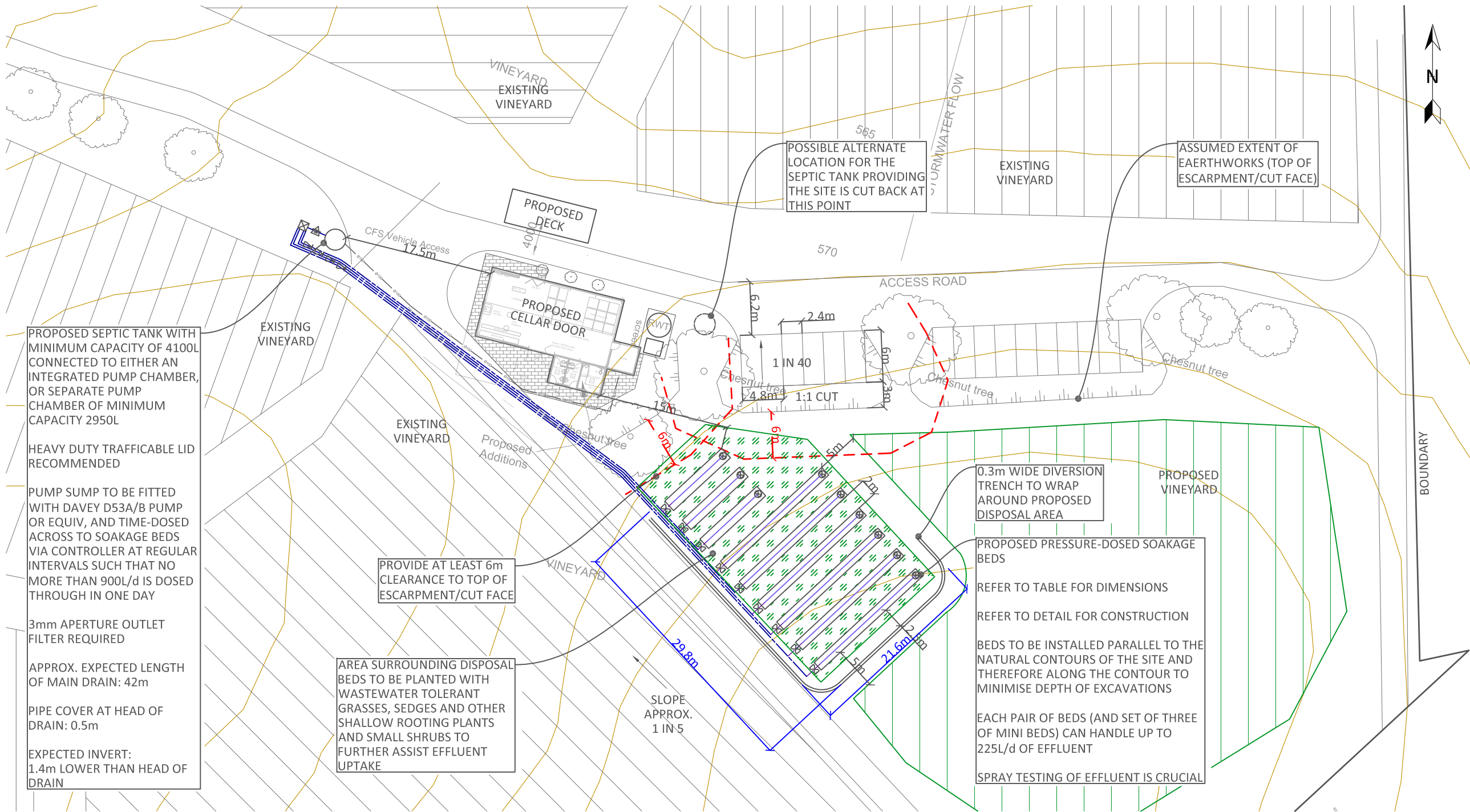
SITE ADDRESS: 159 RIDGE ROAD ASHTON

DRAWING TITLE: WASTEWATER PLAN

SHEET NO: P1	COUNCIL: ADELAIDE HILLS
SCALE: 1:500 @ A3	DESIGNED: SY
DATE: 25/05/20	DRAWN: SY

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AEROBIC SYSTEM	3m	3m	3m
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SUBSURFACE DISPOSAL (SOAKAGE)	3m	6m	3m
NOTES CONTRACTOR MUST ENSURE THAT MINIMUM SETBACK DISTANCES ARE MAINTAINED ALL DIMENSIONS TO BE CHECKED PRIOR TO INSTALLATION			

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	DAMS, BORES, WATERCOURSES (1:50000)	MURRAY RIVER & ITS LAKES POOL LEVEL	COASTAL FORESHORE HIGH WATER LEVEL
TREATMENT SYSTEM	10m	-	-
DISPOSAL FIELD	50m	100m	100m
NOTES MINIMUM CLEARANCE MUST BE MAINTAINED UNLESS ENCRoACHMENT PERMITTED BY GOVERNING BODY INSTALLER TO VERIFY SETBACK DISTANCES PRIOR TO COMMENCEMENT OF WORK			

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WASTEWATER PLAN



WASTEWATER APPROVAL  
CONDITIONS & NOTES APPLY  
WWA: 473/20/w101  
DATE: 17/06/20


AMENDMENTS

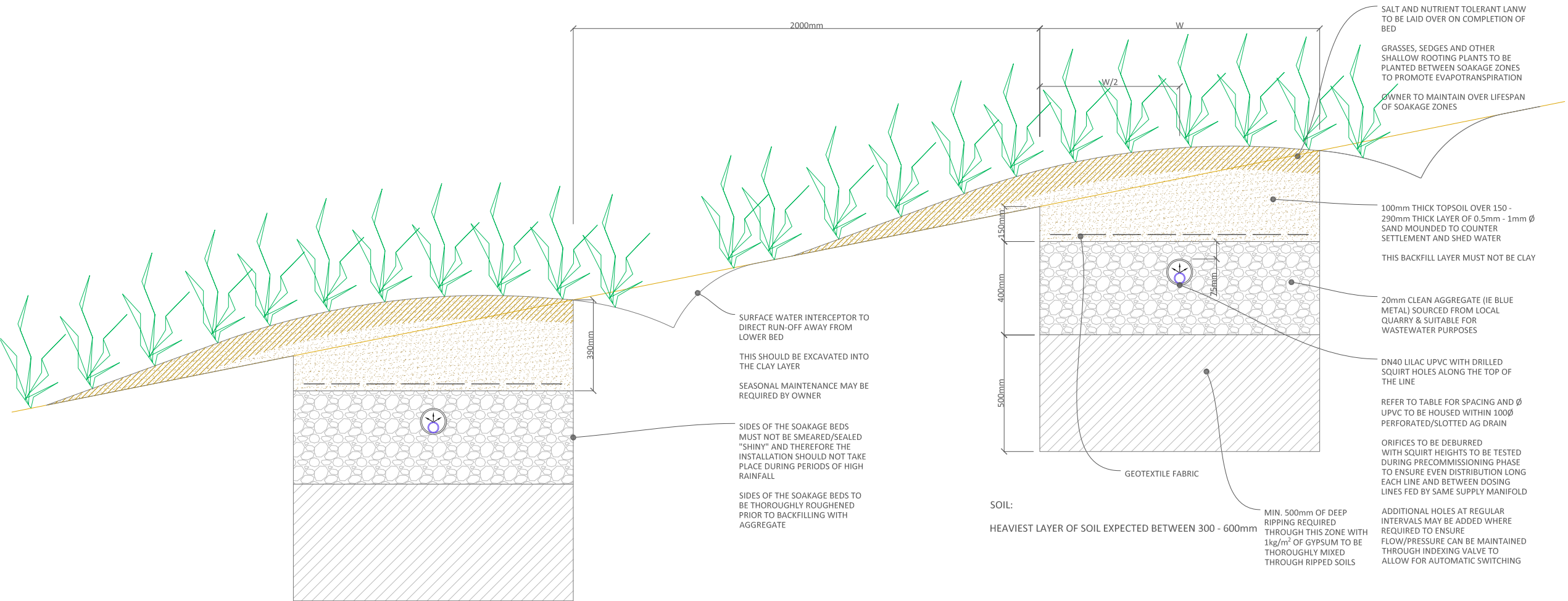
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CLIENT:	CASA FRESCHI CELLAR DOOR
PROJECT TITLE:	ME1273
SITE ADDRESS:	159 RIDGE ROAD ASHTON
DRAWING TITLE:	WASTEWATER PLAN
SHEET No:	P2
COUNCIL:	ADELAIDE HILLS
SCALE:	1:500 @ A3
DESIGNED:	SY
DATE:	25/05/20
DRAWN:	SY

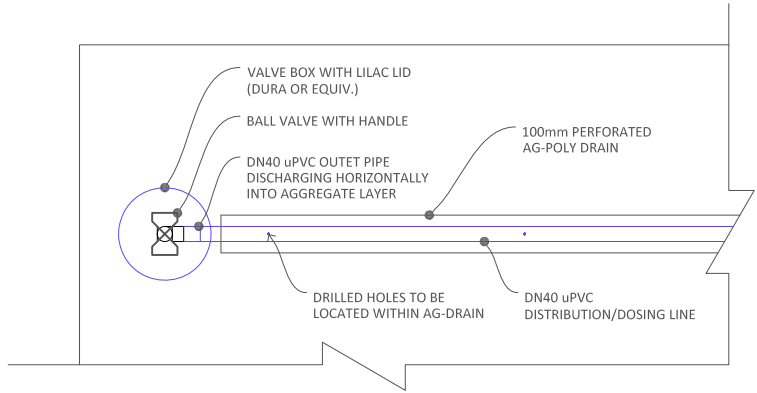
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NOTE:  
ENGINEER TO BE CONTACTED IMMEDIATELY FOR THE FOLLOWING:

- EXPECTED EXCAVATION DEPTH CANNOT BE MAINTAINED
- UNEXPECTED HARD ROCK LAYER FOUND
- WHERE INSTALLER IS UNSURE OF SPECIFICATIONS OR HAS DIFFICULTY INSTALLING TO SPECIFICATIONS
- PRESENCE OF GROUNDWATER
- WHERE THE SITE HAS CHANGED SUCH THAT THE SPECIFICATIONS PROVIDED CANNOT BE MAINTAINED

SUBSURFACE DISPOSAL METHOD	DISPOSAL SPECIFICATIONS						
	TYPE	No. OF BEDS	BED LENGTH L	BED WIDTH W	DISTRIBUTION LINES PER BED	SQUIRT HOLE SPACING	SQUIRT HOLE Ø
PRESSURE DOSED BED (LONGER BED)	A	6	16m	1.2m	1	1m c/c	5mm
PRESSURE DOSED BED (SHORTER BED)	B	3	9m	1.5m	1	0.8m c/c	5mm



## TYPICAL FLUSH POINT SPECIFICATIONS

NTS

## PROPOSED PRESSURE-DOSED SOAKAGE BEDS

SCALE 1:20


### AMENDMENTS

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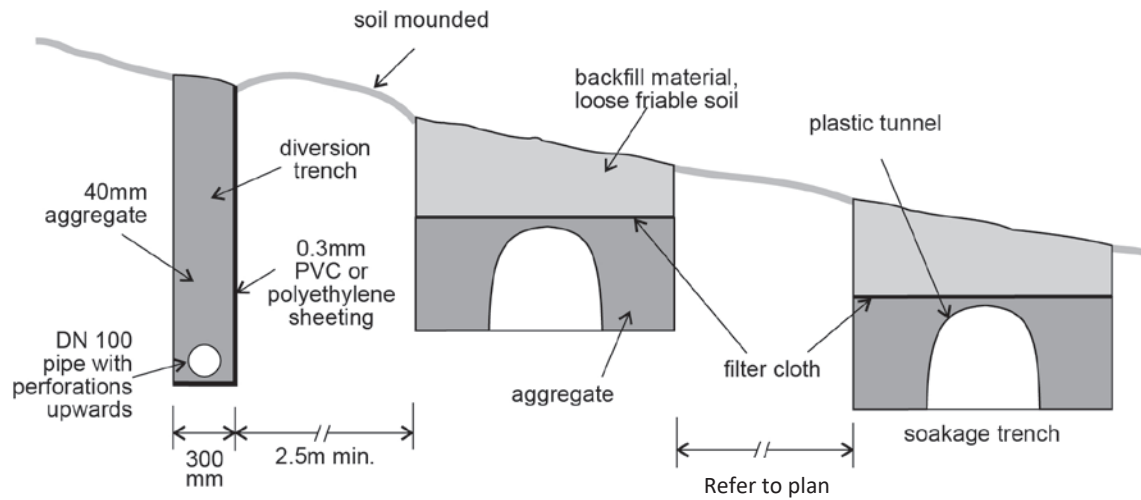


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Email: [engineering@maxwellprojectservices.com.au](mailto:engineering@maxwellprojectservices.com.au)

CLIENT:	CASA FRESCHI CELLAR DOOR	
PROJECT TITLE:	ME1273	
SITE ADDRESS:	159 RIDGE ROAD ASHTON	
DRAWING TITLE:	SOAKAGE SPECIFICATIONS	
SHEET No:	D1	COUNCIL: ADELAIDE HILLS
SCALE:	1:20 UNO@A3	DESIGNED: SY
DATE:	25/05/20	DRAWN: SY

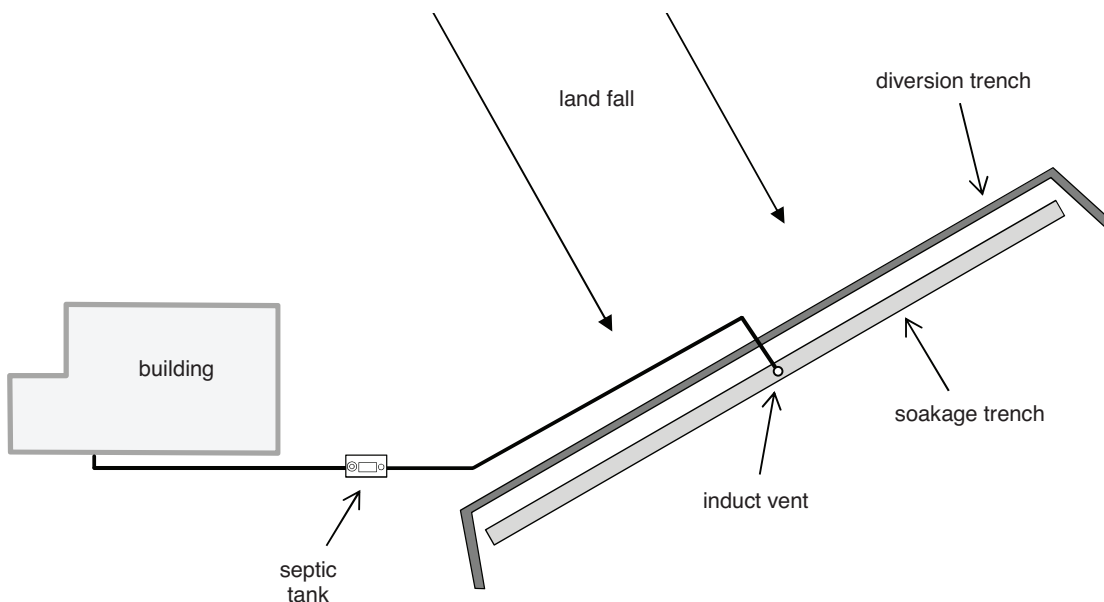
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Figure A11: Typical diversion and soakage trench section



Diversion trench to extend 200mm below the base of the nearest soakage bed  
 Diversion trench to extend 3m beyond the end of the nearest soakage bed

Figure A12: Typical layout utilising a diversion trench





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### **Owner/operator's responsibility:**

Primary treatment systems require desludging/pumping out every few years, at the desludging frequency noted (typically every 4 years). This frequency should be adhered to, to prolong the lifespan of the associated soakage trenches and beds.

It is also the owner's responsibility to maintain the condition of the disposal lines, and fix issues should they arise in a timely manner. The outlet filter will need to be checked at a regular interval and cleaned when necessary.

All site run-off from existing and future developments, rainwater tanks, and stormwater discharge must be directed away from the disposal zones as the selected areas are designed to operate with only the applied effluent and natural rainfall.

The soakage disposal areas shown will work best as dedicated disposal zones, away from recreational activity/foot traffic. Furthermore, the soakage zones must not be accessible to vehicles or livestock.

Wastewater tolerant shallow rooting plants must be introduced around and below the disposal areas to further assist with effluent uptake. Suggested species by SA Health are provided, though a horticulturalist or garden/plant specialist may also be consulted on suitable plants. It is imperative that the root systems are not too fibrous like palms, nor aggressively rooting like citrus, willows, and figs, and therefore no trees should be planted near to the soakage zones. Grasses or groundcover should be planted over the soakage zones to reduce erosion of the topsoil.

### **Installer's responsibility:**

A Certificate of Compliance (CoC) provided by a licensed plumber, as-constructed drawings, and pre-commissioning testing results must be provided to council and the owner within 28 days of completing the wastewater installation.

The engineer is to be contacted if significant changes to the design are required, such as the locations of the soakage areas, and the depth of the soakage excavations.



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## Surface Soil Borelog

<b>Date Logged:</b>	7/05/2020	<b>Drilled by:</b>	JR Soil Sampling
<b>Client Name:</b>	Freschi	<b>Logged by:</b>	SY
<b>Site Address:</b>	159 Ridge Road, Ashton	<b>Sampling Method:</b>	Hydraulic Push Tube
<b>Job Number:</b>	ME1273	<b>Tray Number:</b>	330

Horizon Depth (mm)		Description	Soil Colour	USC	Estimated Ipt %	Bearing Capacity
Borehole 1	Borehole 2					
0 - 120	0 - 50	Silty Clayey SAND	Dark brown	SM/SC	0.005	L - M
120 - 600	50 - 500	Silty CLAY	Orange/red brown	CL - CH	0.025	M
600 - 900	500 - 700	Silty CLAY with occasioanl Silt seams	Orange/yellow	CL	0.02	M
-	700 - 1000	Quartzite band in BH2 from 700 - 1000	Orange/yellow	CL/GP	0.015	M
900 - 1050	1000 - 1800	Layered SILT and Siltstone, Occasional Clay Seams	Yellow/occ. Orange	ML/CL	0.01	M - H
1600 - 2100	1800 - 2100	Layered SILT and Siltstone Fragments, weathered to hard with depth	Yellow/ligh grey	ML	0.003	H
<b>Comments :</b>						

The soil descriptions and estimates of soil shrinkage index and soil strength have been derived from the visual-tactile identification approach in accordance with AS 1726. It is not economically possible or practical to determine every sub-surface feature on a site. Because of this any variations or discrepancies in soil type, colour, or horizon depth, shall be referred to this engineer immediately.

Bearing Strength at Time of Logging (kPa)	
VL: Very Low (soft/possibly collapsing)	<50
L: Low - Firm	50 - 100
M: Medium - Stiff	100 - 200
H: High - Very stiff - Hard	>200

Reactivity - expressed in terms of Shrinkage Index (Ips)	
VL: Very Low	0.50%
L: Low	1%
M: Medium	2%
H: High	3% - 4%
VH: Very High	> 4%

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### Borehole Location Plan

ENGINEER'S JOB No. FRESCHI

LOCATION 159 RIDGE RD, ASHTON

TRAY No.	330	330	-	-						
No. OF BORES	1	2	3	4						
DEPTH	2.1	2.1	2.7	3.0						
WATER TABLE LEVELS	-	-	-	-						

SITE SURFACE CONDITIONS MOIST, FIRM

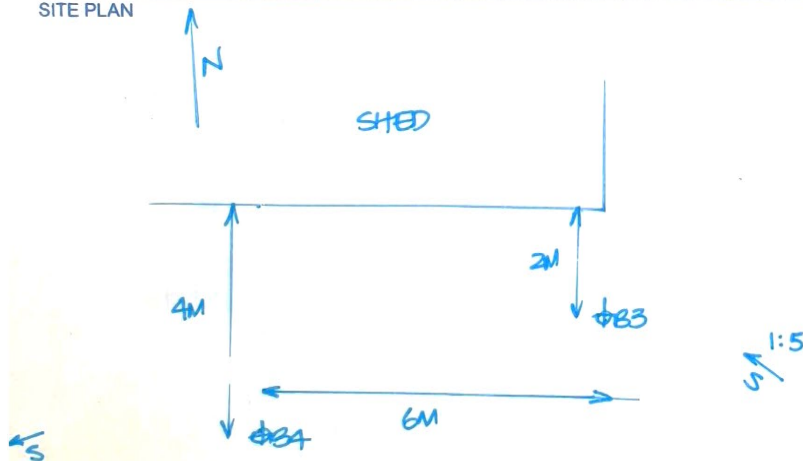
SLOPE SEE / PLAN

DIRECTION PLAN

EXCAVATIONS AND DRAINS -

VEGETATION GRASS, TREES.

SITE PLAN



GPS

B1 029 1962  
613 0791  
B2 029 1956  
613 0783

COMMENTS

DRILL MED TO MED/HIGH.

PORTABLE.





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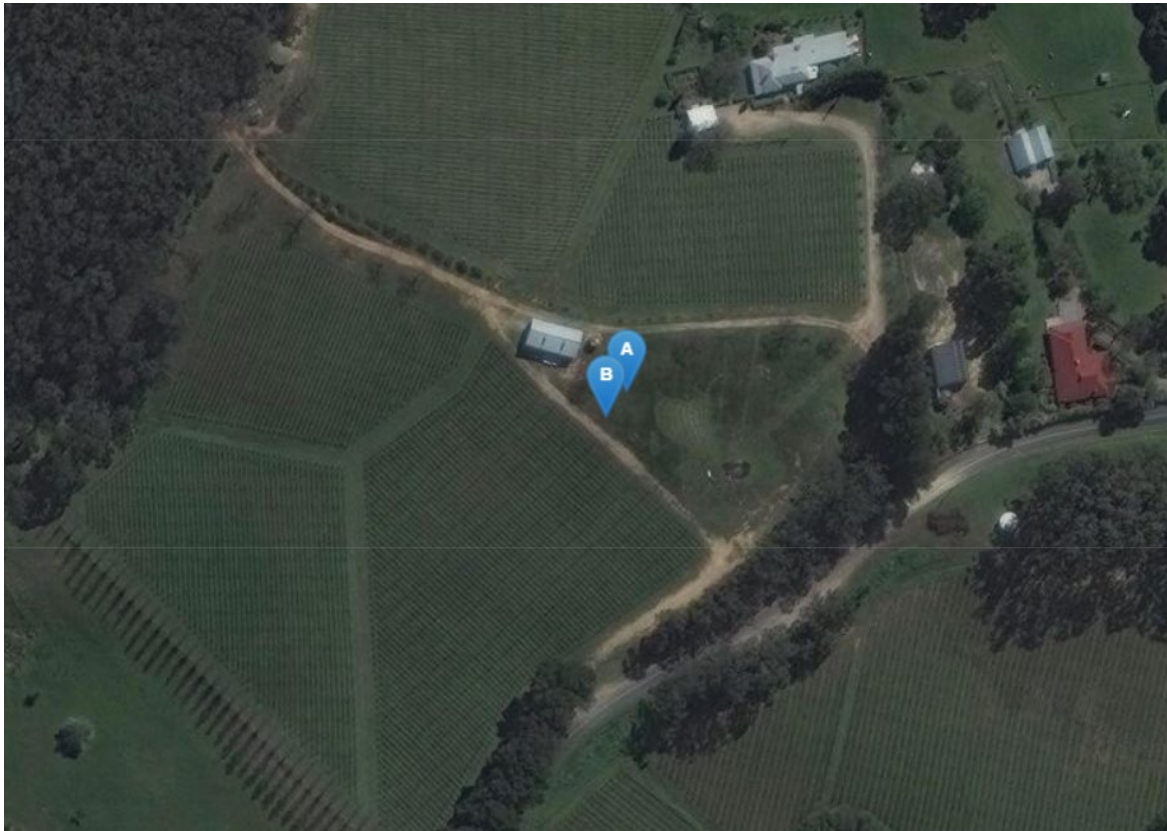
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**Borehole Location Plan (coordinates)**





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## Groundwater Bores (Via Waterconnect)



## WaterConnect

Circle Centre -34.943916,138.722183, Radius 1km





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**General advice for the maintenance and care of a septic system (obtained from council, focusing mostly on residential/domestic use, but can still be used as a guide for commercial use)**

#### **Handy hints**

- Household detergents and bathroom products should be biodegradable. Try to find products labelled 'septic tank safe' and use only as recommended
- Thoroughly scrape all food scraps, oil and fat residue from plates, dishes, saucepans etc before washing
- Use toilet paper that readily breaks down and do not flush sanitary napkins, tampons, disposable nappies etc into the septic tank - these items do not break down and will cause the septic tank to block
- Avoid fitting food waste disposal units. Instead compost raw vegetable materials in a compost bin or worm farm
- All vents and inspection openings into the drain and septic tank should be properly sealed to prevent access of mosquitoes
- Your septic tank should be pumped out every four years. If you are connected to STEDS Council's contractor will advise you when this free service is next due. In the case of some multiple units and commercial situations more frequent pump outs may be required. If your septic tank is not connected to Council's STEDS you should organise regular pump outs through a suitably licensed contractor

#### **Odour problems: Common causes and solutions**

It is normal for septic tank systems to give off some odours. Whether these odours become a nuisance will depend on several factors. Most odours originate from the septic tank and discharge through the head vent. Factors affecting whether odours become a nuisance include:

##### Vents

- People may or may not notice odours from their septic tank depending on the location of vents on the house and whether they are in a regular 'traffic' area
- Calm weather conditions can emphasise odour problems for a longer period of time
- Verandas, pergolas, high fences etc in the vicinity of the head vent can trap any unpleasant odours, particularly on calm days
- Sometimes odours may come from a neighbour's vent if dwellings are within close proximity
- Odours may be escaping from a septic tank lid or inspection point situated at ground level rather than from a vent

##### Other

- Heavy water usage (e.g. when clothes washing) may agitate the septic tank contents causing a surge in odours
- constant sour odours may indicate a low pH level in the tank

NB:

Unpleasant odours are not a health risk and do not necessarily mean that the septic tank needs pumping out.



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## **General advice for the maintenance and care of a septic system (obtained from council)(cont.)**

### **Reducing water use**

- Fit water saving showerheads to showers and dual flushes to toilets
- Replace top loading washing machines with front loading machines as this will significantly reduce water use

### **Solving some of these nasty odour problems**

In most cases steps can be taken to stop or reduce odour problems.

- The vertical height of the head vent can be extended by a metre or so to allow odours to discharge at a higher level
- If more than one vent exists on a house an 'air admittance valve' can be fitted. These devices allow air into the system but do not allow air to escape. They are available from plumbing suppliers
- Vents of 75mm to 100mm diameter can be reduced to 50mm to reduce the amount of odours being discharged
- Sometimes a 'sour' odour may indicate a low pH in the tank. To fix this, 500g of hydrated lime can be flushed into the septic tank 3-4 times a year via the toilet pan, which will raise the pH of the septic tank contents.
- Commercial products which balance the microbial activity in the tank and reduce odours are available
- Ensure all inspection points and septic tank lids are adequately sealed to prevent odours from escaping
- If odours are noticed inside the house it is most likely due to a loss of the water seal in the toilet or floor traps. Flushing the toilet or running water into a basin will replace the seal, ceasing the odours. Unfortunately, there is no simple solution to prevent the loss of the water seal in toilets and floor traps.

### **What to do if your septic tank system is blocked**

- The most common reason for a blockage is the collection of material at the inlet point of the tank. In older tanks there is a cleaning point at the inlet of the tank. More recently made tanks have an inspection point over the inlet point. Plunging either of these points will release the built up material and clear the blockage
- If your house has old style earthenware drains there is a higher possibility of blockages due to intrusion of tree roots. Houses with PVC drains are less likely to suffer from this sort of problem. An older septic tank may also become blocked due to root intrusion
- Experience has shown that a septic tank can comfortably survive four years between pump outs. If a blockage occurs in between pump outs it is likely to be a blockage at the inlet point of the tank. Plunging of the inlet point as described above will clear the blockage in most cases. It is not always possible to clear a blockage yourself and so in many cases the assistance of a plumber will be necessary.



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**General advice for the maintenance and care of a septic system (obtained from council)(cont.)**

**Things you should & should not do**

The following points will help to ensure correct operation of your septic tank system and help extend the life of the system.

- Ensure stormwater, including rainwater tank overflows and surface run off, does not enter the septic tank system
- Relief valves on mains pressure hot water services should be activated every 2-3 months to prevent valve failure and the constant dripping of water into the septic tank system
- Disposal of cooking oils and fats down the drain may cause blockages in the system. Dispose of these by placing them in a sealed container and putting them in the general rubbish bin
- Unused medicines and pharmaceutical products should be correctly disposed of and not allowed to enter the septic tank system
- Backwash water from swimming pools and spas must not be discharged into the septic tank. In STEDS areas the discharge is to be connected after the septic tank via a gully trap. Where STEDS is not available, the discharge is to be directed to a below ground agricultural drain or subsurface soakage trench. Contact Council for more details.
- Do not discharge commercial or industrial waste such as paints and petrol products into a septic tank system

**Note:** The species provided below by SA Health do not pertain solely to soakage beds, and therefore the owner may wish to consult a nursery, horticulturalist or similar for more direct advice. As already touched upon within the main report, the plants located through the disposal area should be shallow rooting, non aggressive, and non fibrous.

## Shrubs

Botanical Name	Common Name	Approximate height in metres
Abelia grandiflora	Abelia	2-3
Acacia floribunda	Gossamer Wattle	2-4
Argyranthemum frutescens	Marguerite Daisy	1
Chamelaucium uncinatum	Geraldton Wax	2-4
Cyperus alternifolius	Umbrella Grass	0.5-1
Cyperus papyrus	Papyrus	1-2
Dryandra Formosa		1-3
Eremophila spp.		1-2
Grevillea spp. (apart from G. rosmarinifolia)		1-3
Hebe spp.	Veronica	0.5-1
Iris pseudacorus	Yellow Flag Iris	0.5-1
Melaleuca decussata	Cross Leaved Honey Myrtle	1-2
Phormium tenax	New Zealand Flax	2-2.5
Senna spp. (S. artemisioides)		1-3

## Perennials/Ground Cover

Botanical Name	Common Name	Approximate height in metres
Aster novi-belgii	Perennial Aster	0.5-1
Canna		1-2
Chrysanthemum maximum	Shasta Daisy	1
Impatiens spp.		0.4
Salvia uliginosa	Bog Salvia	0.4
Viola hederacea, eminens or sieberana		0.4





**PETER MELINE & ASSOCIATES,  
TOWN & COUNTRY PLANNERS.  
PO BOX 1508, MT BARKER. S.A. 5251.  
petermeline@bigpond.com  
ph. 0448 395 299**

Mr. S. Clements,  
Adelaide Hills Council,  
PO Box 44,  
Mt. Barker. S.A. 5244.

20/05/20

Dear Sam,

**REPRESENTATION**

**20/321/473**

**159 Ridge Rd, Ashton**

**Change in use from Horticulture Building to Cellar Door sales outlet (shop), including ancillary functions (maximum 3 per calendar year), carparking area & freestanding advertising sign (max height 1m).**

I act for neighbours to this development as follows-

**Sophie and Kym Nitschke, 141 Ridge Rd, Ashton**

I hereby submit this response pursuant to Section 38(7) of the Development Act 1993 to the above development that has been exhibited as a "Category 3" development.

Pursuant to Section 38(10)(b) of the Development Act 1993 I wish to address the Adelaide Hills C.A.P. in regard to this Development Application when the development application is considered by the panel for determination pursuant to Section 40 of the Development Act 1993.

Having reviewed the documented as exhibited I have to conclude that the development application does not find sufficient support in the development plan to warrant its approval, indeed it is considered that this proposal, is seriously at variance with the Development Plan and should be refused.

### **ASSESSMENT**

Relevant provisions of the Development Plan Consolidated 8 August 2019 are as follows-

#### ***Adelaide Hills Council, Zone Section, Hills Face Zone***

##### ***Hills Face Zone, Principle 3***

***Development should not be undertaken if the operation and management of such development is likely to result in (h) Noise Nuisance***

The property at 141 Ridge Rd, Ashton is the one most affected by the proposed development. The kitchen window looks directly at the shed at 159 Ridge Rd. Due to the contours of the landscape, the site represents a natural amphitheatre. This results in any sound made in the shed becoming amplified and entering the kitchen window at full volume. The applicant has suggested that the property is screened by trees but this is inadequate. See the photo of the shed taken recently from the property at 141 Ridge Rd. There is a line of trees planted along the border of the two properties however, they are planted a long way apart and so there are massive gaps between the trees. It should also be noted that the trees are deciduous so for half the year the trees have no leaves on them and they offer no screening at all.

The applicant has specified that they would like to conduct wine tasting from the shed and also conduct 6 ancillary functions at this venue. Because of the noise issue and the application in its current form, it will almost be impossible to operate in the house as a normal family while these events are being conducted.

##### ***Hills Face Zone, Principle 3***

***Development should not be undertaken if the operation and management of such development is likely to result in (k) the erection of structures in a manner which detracts from the landscape character and visual amenity of the zone.***

The applicant plans to modify a shed and install toilets and a coolroom on the edge of a paddock which is extremely picturesque and possesses natural landscape character. These items will detract significantly from the visual amenity of the region and affect residential amenity and the community atmosphere.



### ***Hills Face Zone, Principle 3***

**Development should not be undertaken if the operation and management of such development is likely to result in (l) increased hazard to the locality from bushfires.**

The applicant has designed a car park which is located in the middle of a CFS access track. This will restrict CFS movement throughout the area. It is important that large CFS trucks be allowed free movement and be able to pass each other on that access track at all times. It is considered that the ability to defend the whole valley is dependent on unrestricted access to the Horsnell Gully National Park.

### ***Hills Face Zone, Principle 3***

**Development should not be undertaken if the operation and management of such development is likely to result in (m) loss of amenity to adjoining land or surrounding localities from (ii) the intensity of activity associated with any such use...**

The applicant intends to modify a shed and install toilets and a coolroom which is directly in the line of sight from the opponent's kitchen window. This will result in the loss of amenity from their property. It will significantly devalue the property and cause a loss of privacy for the family and other families in the district.

The existing road is gravel for at least ½ its length and currently zoned at 80km /hour. There will be increased traffic; some of it potentially containing drivers who are inebriated. There will be an increased risk of accidents and potential tragedy noting that there are a number of young children in the district and that cyclists and horse riders regularly use the road.

### ***Council Wide Provisions, Advertisements***

#### ***Advertising Along Arterial Roads Principle 18***

**Advertising and/or advertising hoardings should not be placed along arterial roads that have a speed limit of 80 km/h or more.**

The applicant intends to place a large white metal sign on the edge of an arterial road which has a speed limit of 80km/h.

## ***Council Wide Provisions, Animal Keeping & Rural Development***

### ***Site Planning***

#### ***Principle 4***

**Planning, design and undertaking of primary industry, rural, horticulture, horse keeping or animal keeping development should minimize impacts that ensure acceptable outcomes relating to:**

- (b) waste management and disposal**
- (d) emissions of dust, noise, odour or spray drift**
- (e) fire management**
- (g) use of appropriate buffers**

The proposed application shows a coolroom and toilets on the southern side of the building. In addition the noise created by the cellar door customers and their cars, plus the blocking on the CFS access track, and the lack of appropriate buffers, makes the application at odds with this Principle.

## ***Council Wide Provisions, Interface Between Land Uses***

### ***Principle 2***

**Development should be sited and designed to minimize negative impacts on existing and potential future land uses desired in the locality.**

The proposed application has a significant negative impact on the existing neighboring property. It would appear that the applicant has not given due consideration on how to minimize the negative impact on existing land uses ie residential dwellings in the locality, when designing the cellar door.

## ***Council Wide Provisions, Interface Between Land Uses***

### ***Noise Generating Activities***

#### ***Principle 7***

**Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises.**

It is clear that the proposal has not adequately addressed the question of acoustic amenity.

***Council Wide Provisions, Interface Between Land Uses***

***Noise Generating Activities***  
***Principle 9***

**Outdoor areas (such as beer gardens or dining areas) associated with licensed premises should be designed or sited to minimise adverse noise impacts on adjacent existing or future noise sensitive development.**

The proposed outdoor licensed area will have a major adverse noise impact on the adjacent noise sensitive dwellings.

***Council Wide Provisions, Orderly and Sustainable Development***

***Principle 16***

**Commercial development should:**  
**(c) not degrade the amenity of the area by noise and traffic.**

The proposal plainly degrades the amenity of the area by virtue of its noise and traffic.

***Council Wide Provisions, Orderly and Sustainable Development***

***Principle 17***

**Commercial development near residential areas should not impair the amenity of the residential area and points of entrance and exit should be located so that the number of vehicles using nearby residential roads is kept to a minimum.**

The proposed application would clearly impair the amenity of the residential area.

***Council Wide Provisions, Siting and Visibility***

***Principle 9***

**Driveways and access tracks should be designed and surfaced to:**  
**(a) blend sympathetically with the landscape and to minimise interference with natural vegetation and landforms**  
**(b) minimise nuisance impacts on adjoining residents.**

The proposal offends Principle 9 above, as it includes a roadway and a carpark which will cause a noise and aesthetic nuisance impact on adjoining residents.

***Council Wide Provisions, Tourism Development***

***Tourism Development Outside Townships***

***Principle 21***

**The visual and ambient impact of vehicles should be minimized by placing roadways and parking areas in unobtrusive locations.**

The proposed application places roadways and parking areas in obtrusive locations and, therefore, offends Principle 21.

***Council Wide Provisions, Transportation and Access***

***Access***

***Principle 26***

**Development should be provided with safe and convenient access which:**

**(d) is sited and designed to minimize any adverse impacts on the occupants of and visitors to neighboring properties**

The proposal will adversely impact the occupants of the neighbouring properties.

**CONCLUSION-**

It is submitted that the application is incompetent as it contains insufficient information regarding:

- Traffic and Parking ---given that Ridge Road is narrow with very short sightlines on several curves. Traffic and parking- a comprehensive traffic and parking report has not been submitted. The proposed entrance track will have an adverse impact on the occupants and the visitors to the neighbouring properties.
- Effluent Management, ----given that this is a cellar door and that toilet facilities and kitchen facilities (at least for the washing of glasses and chinaware etc used for "food platters etc") are well patronised in establishments like this.
- The Statement of Effect inadequately addresses the issue of Disabled Access and Facilities.
- Noise :  
PDC. 7 Development should be sited, designed and constructed to minimise negative impacts of noise and to avoid unreasonable interference.  
PDC. 8 Development should be consistent with the relevant provisions in the current *Environment Protection (Noise) Policy*.

No documents addressing the question of Noise Nuisance were publicly exhibited, this is plainly a pivotal question in the assessment of the impact on the amenity of the locality and speaks to the premature nature of this exhibition process.

- The documents submitted are considered to fall short of the requirements of Schedule 5 Dev. Regs 2008.
- Principles 3, 7, 8 and 9 of the Hills Face Zone do not appear to have been addressed at all.
- The Watershed protection provisions of the COUNCIL WIDE section seem to have been ignored.
- Light spill is likely to be a problem especially as it is appreciated that a high level of illumination will be needed when events are held.
- It will have a marked negative impact on the amenity of adjoining land uses and be of profound adverse impact on the adjoining land uses. (vide OBJECTIVES 1 and 2)

No traffic and parking report, stormwater management plan, acoustics report, Effluent Management Plan or lighting plan has been exhibited pursuant to this category 3 process.

The above issues are pivotal to its assessment and a complete understanding of the foundational issues cannot at this point be ascertained.

It is clear that the proposal fails on several points to demonstrate sufficient merit to be granted Development Plan Consent-

**1.** The application as submitted is incompetent as it fails to in any way address the following relevant heads of consideration:

- Traffic and parking
- Light spill
- Noise nuisance
- Effluent management
- Stormwater management

**2.** The proposal pays little regard to the desired character statement for the Zone and will plainly conflict with the adjoining and adjacent properties due in large part to its scale and propensity to pollute the Watershed.

**3.** The proposal will have a marked negative impact on the amenity of adjoining land uses and be of profound adverse impact on the adjoining land uses. (vide OBJECTIVES 1 and 2.)

4. It is considered that this proposal is seriously at variance with the Development Plan and should be refused.

It is therefore clear that the proposal is seriously at variance with the Adelaide Hills Development Plan (consolidated 8 August 2019) and should be refused pursuant to Section 35(2) of the Development Act 1993.

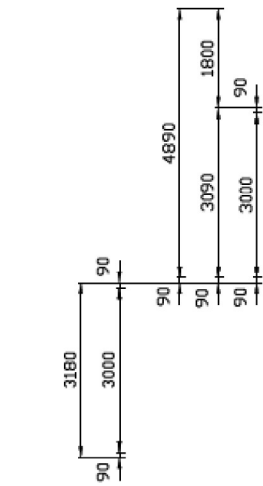
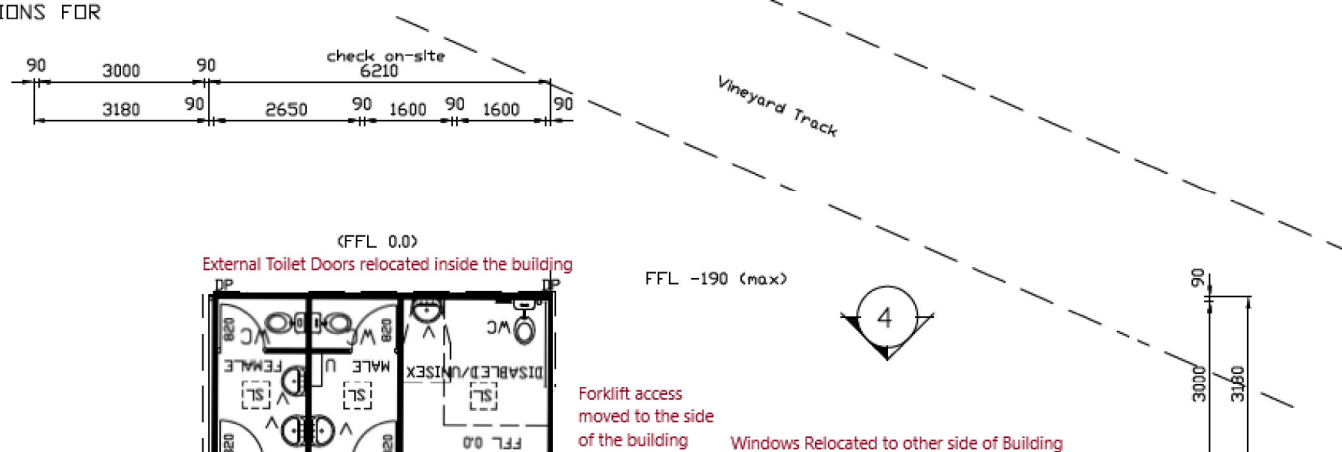
Regards,



Peter Meline  
RPIA, MAIBS, JP.

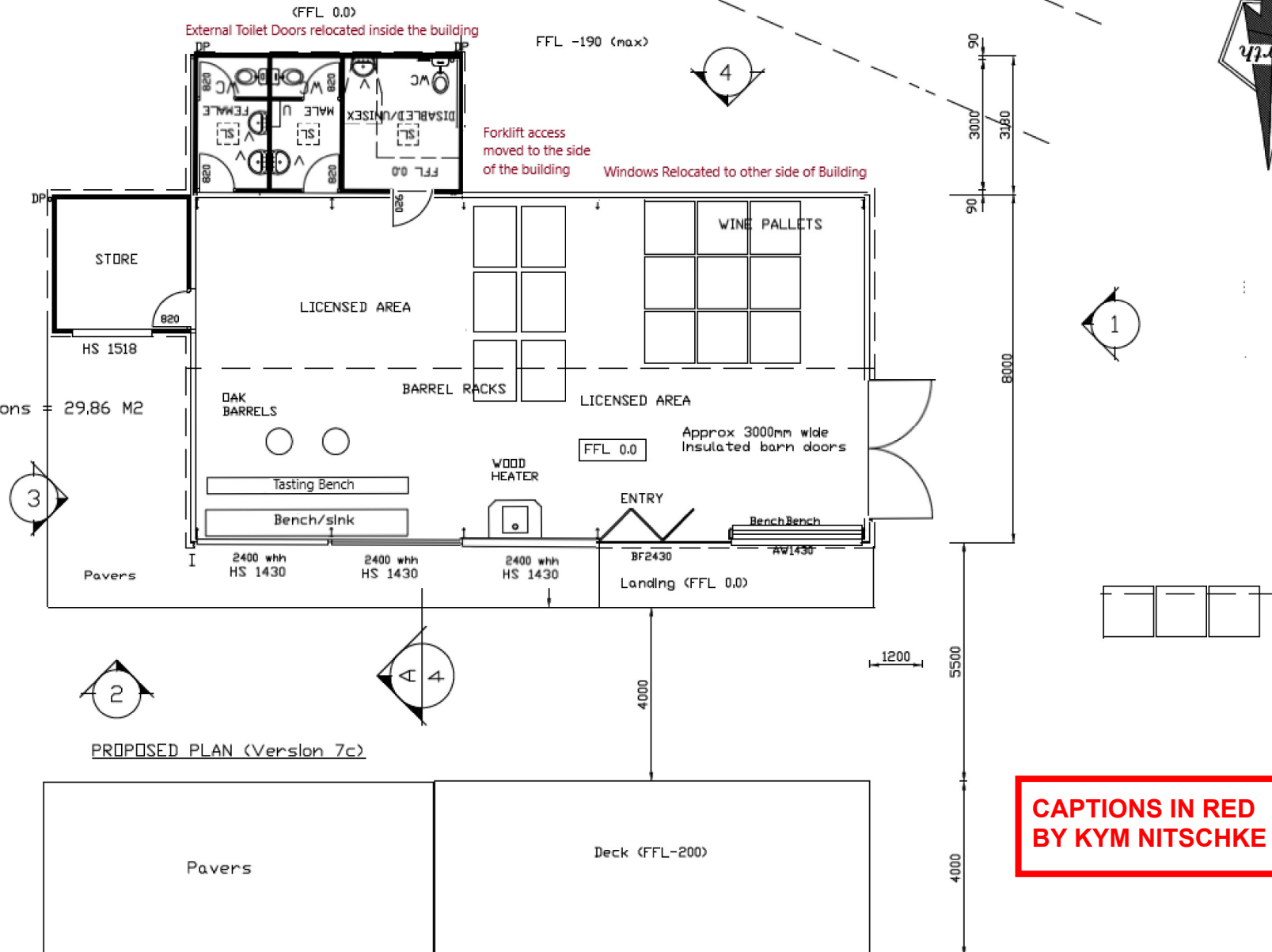
**Encl- 1 photo of the site and a 3 marked up plans by Kym Nitschke.**





#### AREA CALCULATIONS

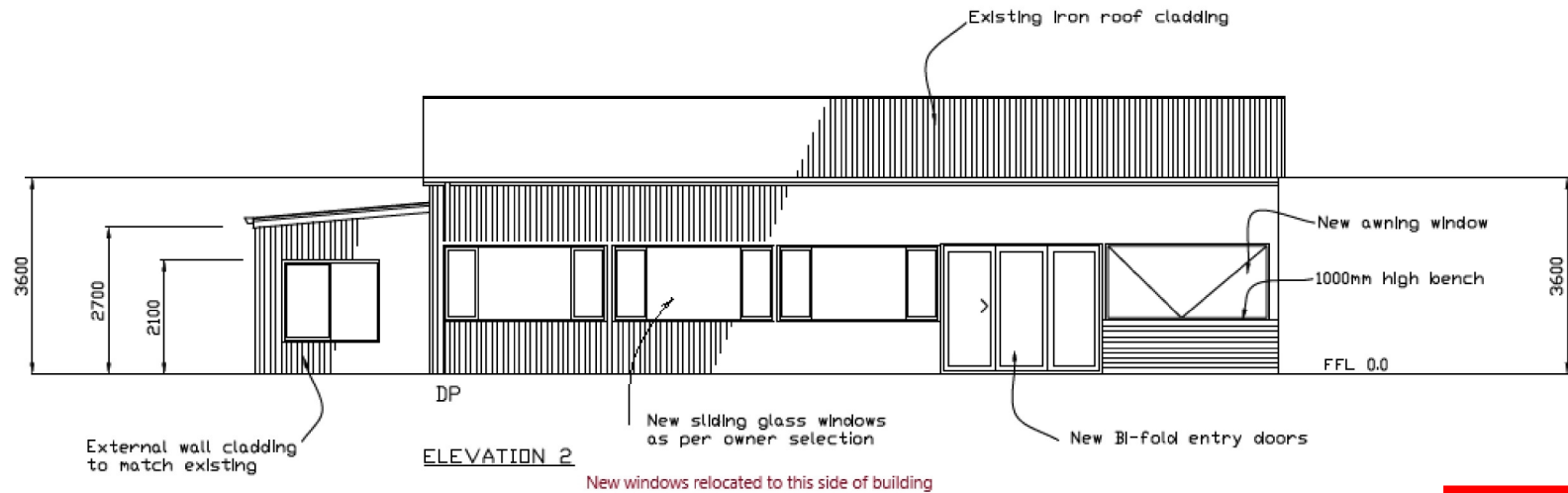
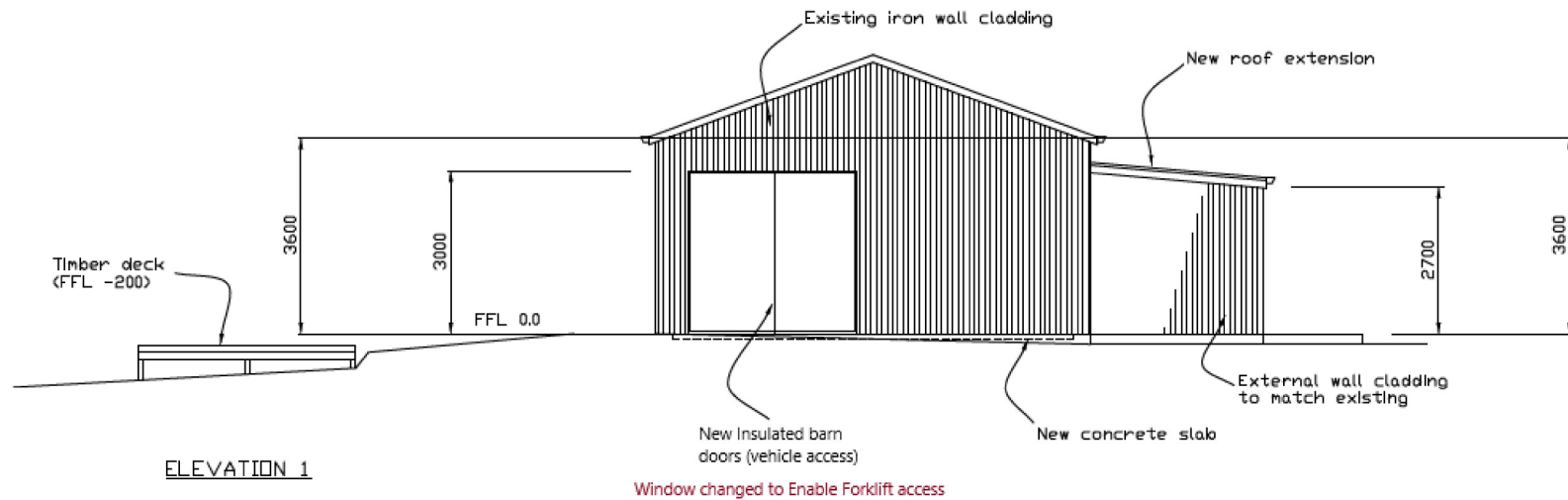
Two Proposed Additions = 29.86 M2



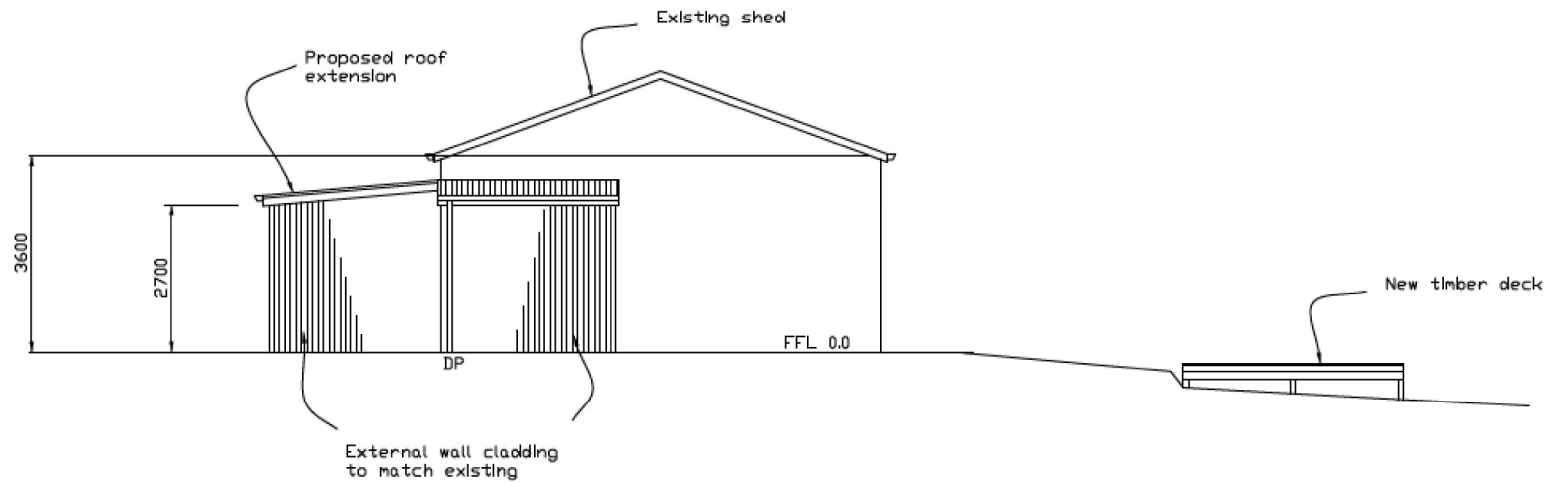
**CAPTIONS IN RED  
BY KYM NITSCHKE**

PROPOSED SHED ALTERATIONS FOR  
DAVID FRESCHI AT  
159 RIDGE ROAD  
ASHTON

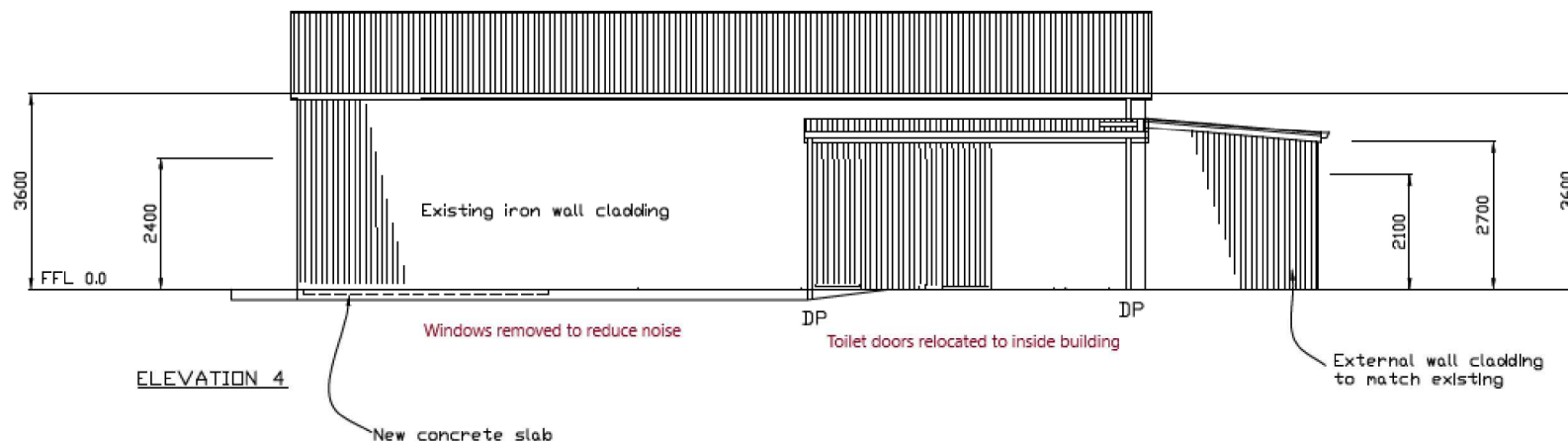
SHEET: 2 of 5  
SCALE: 1:100 (A3)  
DATE: 3 -2020



CAPTIONS IN RED  
BY KYM NITSCHKE



ELEVATION 3



ELEVATION 4

**CAPTIONS IN RED  
BY KYM NITSCHKE**



**VIEW FROM THE REPRESENTORS  
KITCHEN WINDOW**



30 May 2020

Sam Clements  
Adelaide Hills Council  
PO Box 44  
Woodside SA 5244

Dear Sam,

**Development Application 20/31 – 159 Ridge Rd**

Thank you for the opportunity to respond to the one representation recently submitted to council following the public notification of our development application.

After consultation with the building certifier, alterations to the approved development application were submitted to include toilets with a waste-water system to avoid the less attractive and higher maintenance option of portaloos.

The alterations additionally address disabled access and facilities, and effluent management (see recently submitted waste management report by Maxwell Engineering). The only other change to our proposal is the addition of a small store room/office, hidden on the east side of the building, a slight increase to opening hours and number of functions, and the relocation of the deck area, out of site from the Nitschke house.

I submit that these alterations comply with the development principles of the zone.

Firstly, the Nitschke house is located over 280 metres from the proposed cellar door. (see attached map). I do not agree that the photo provided is taken from the Nitschke kitchen window. I have attached two photographs that demonstrate the distance between the two properties and the line of sight. The second photo taken is shown on the Nitschke Airbnb site and is a much more accurate depiction of the view from their house/kitchen window. The photo provided by the Nitschke's could only have been taken from a higher elevation (e.g. up on Lois Lane) using a zoom lens. I am disappointed that such a misleading photo has been submitted.

On the border between the properties, approximately half way between cellar door and the Nitschke house there is a 200 metre row of very tall (over 20 metres height) poplars with minimal gap between them. When they are in full leaf from October to March, they provide an almost full screen. I acknowledge they provide a lesser screen when they have lost their leaf during April to September, but I envisage the October to March period to be our peak period of visitation.

I note that the Nitschke property is now being used for AirBnB purposes, which accommodates 10

guests. In addition, I have observed a large caravan travel home in the driveway to accommodate more people on the property. One would think that any noise or visual pollution would equally affect us. I have not made any objections to the use of their property as an AirBnB, but note that I was never informed that they were going to use it as an AirBnB or asked if I had any concerns or considerations.

I (DF) would now like to respond to each point made by Peter Meline (PM)

**Noise:** (DF) As the application includes a small increase in opening hours and function numbers, there is minimal change to noise. Please see paragraph above regarding distance between proposed cellar door and the Nitschke house, the poplar screen between them, and slight increase in hours and functions.

**Landscape character and visual amenity of the zone:** (DF) As mentioned above, I consider the application is an improvement in this regard.

**Bushfire:** (DF) There is no change to the approved development with respect to the access track.

**Loss of amenity:** (DF) In response to the comment that they will be able to view the cellar door from their kitchen window resulting in a loss of amenity, I again reinforce the distance between the two properties, the poplar screen between them, and that the photo provided is not a true line of sight from the Nitschke kitchen window.

I propose the main access road to be from Woods Hills Rd with signage on the corner of Greenhill & Woods Hills Rd, and on the corner of Woods Hill Rd and Ridge Rd. The road is completely sealed on this route to the proposed cellar door and as this is a modest operation, I do not expect high traffic levels.

**Advertising sign:** (DF) There is no change to the previously approved advertising sign on the entrance of the property. It is a small, attractive black and white sign, 820 x 700 and 1 metre from the ground. A small amount of advertising is required to enable people to locate the property and to encourage patronage.

**Development should be sited and designed to minimize negative impacts on existing and potential future land uses desired in the locality.**

(PM) The proposed application has a significant negative impact on the existing neighbouring property. It would appear that the applicant has not given due consideration on how to minimise the negative impact on existing land uses i.e. residential dwellings in the locality, when designing the cellar door.

(DF) There will be no negative impact on the existing use of land on neighbouring properties, particularly as the Nitschke's are operating an AirbnB. I submit it will only have a positive impact, as it will increase the number of visitors to the area.

**Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises.**

(PM) It is clear that the proposal has not adequately addressed the question of acoustic amenity.

(DF) Please see above points made regarding noise/acoustic amenity.



**Outdoor areas (such as beer gardens or dining areas) associated with licensed premises should be designed or sited to minimise adverse noise impacts on adjacent existing or future noise sensitive development.**

(PM) The proposed outdoor licensed area will have a major adverse noise impact on the adjacent noise sensitive dwellings.

(DF) The change in location of the deck to the previously designated grassed area with tables and chairs maintains the minimization of any adverse noise impact. It is also located over the ridge line, out of sight, facing in the opposite direction (north) away from the Nitschke house.

**Commercial development should: (c) not degrade the amenity of the area by noise and traffic.**

(PM) The proposal plainly degrades the amenity of the area by virtue of its noise and traffic.

(DF) The proposed small increase in opening hours and functions will have a minimal increase on noise and traffic.

**Commercial development near residential areas should not impair the amenity of the residential area and points of entrance and exit should be located so that the number of vehicles using nearby residential roads is kept to a minimum.**

(PM) The proposed application would clearly impair the amenity of the residential area.

(DF) I do not anticipate high numbers at any one time, and hence traffic will be minimal.

**Driveways and access tracks should be designed and surfaced to: (a) blend sympathetically with the landscape and to minimise interference with natural vegetation and landforms (b) minimise nuisance impacts on adjoining residents.**

(PM) The proposal offends Principle 9 above, as it includes a roadway and a car park which will cause a noise and aesthetic nuisance impact on adjoining residents.

(DF) To appease the Nitschke's for the original, approved development application, we moved the entrance track and car park from the south side of the hill, visible to them, to the north side of the hill, not visible to them. We are compliant of this principle.

**The visual and ambient impact of vehicles should be minimized by placing roadways and parking areas in unobtrusive locations.**

(PM) The proposed application places roadways and parking areas in obtrusive locations and, therefore, offends Principle 21.

(DF) There is no change to roadways and parking areas from the original approved development application.

**Development should be provided with safe and convenient access which: (d) is sited and designed to minimize any adverse impacts on the occupants of and visitors to neighboring properties**

(PM) The proposal will adversely impact the occupants of the neighbouring properties.

(DF) The proposal maintains the minimisation of any adverse impacts on the occupants of and

visitors to neighbouring properties. No other neighbouring properties have raised any issues.

The only other issue which is raised in the conclusion of Peter Meline's report is in regard to light spill. I maintain that our operation is only during daylight hours, and we will mostly be relying on natural light, so there will be no impact to neighbouring properties due to light-spill.

From the outset, my aim has been to develop a cellar door plan that blends in with the environment and complies with the zoning requirements. We are using an existing shed, and are making minimal changes to its exterior.

Following my first application I took heed of our neighbours concerns and significantly altered the plans so that the majority of the alterations to the shed are facing the opposite direction. This second application only makes minor adjustments to the approved plans.

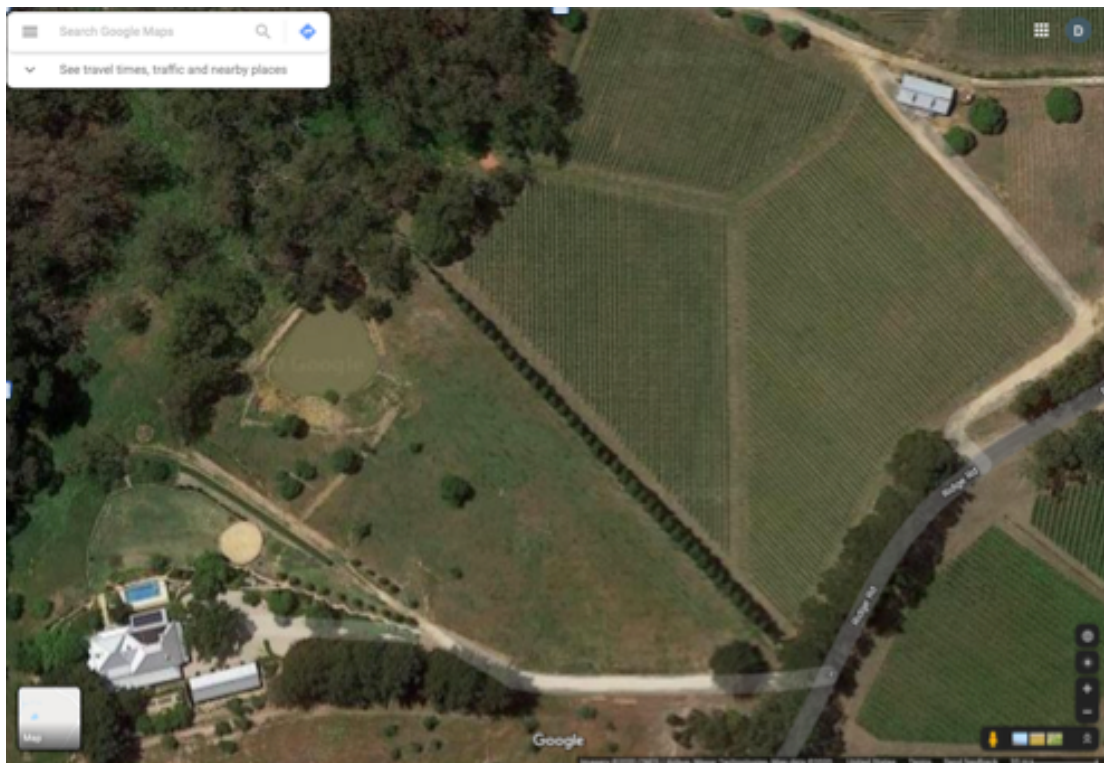
This is a modest operation, as I am a small producer. I am very conscious not to adversely impact the area and the environment, but instead enhance it and hope our development will be of benefit to the community.

Please don't hesitate to contact me for further information.

Yours sincerely



David Freschi  
Owner/Winemaker  
Casa Freschi



Aerial photo of the Nitschke house (bottom left) and proposed cellar door (top right) separated by a line of poplars and 1.6 hectare vineyard.



View from proposed cellar door to Nitschkes.

Telstra #StayS... 4G 10:55 am

12 / 20

## Apple Tree Farm: Private Luxury with Pool

★ 4.90 (11)

Ashton, South Australia, Australia

### Entire house

hosted by Sophie

\$1,241.03 / total

★ 4.90 (11)

Reserve

View from Nitschkes to proposed cellar door.

South Australia - Regulation 42 under the Development Act, 1993  
Schedule 11

**DECISION NOTIFICATION FORM**

Development Number

FOR DEVELOPMENT APPLICATION

LODGED 31 March 2017

**17/262/473**

To:- David Freschi PO BOX 1412 ASHTON SA 5137	ASSESSMENT NO 2176 VALUER GENERAL NUMBER 0311719004
--	--

**LOCATION OF PROPOSED DEVELOPMENT**

**Address: 159 Ridge Road, Ashton SA 5137**  
**Lot:2 Sec: P978 FP:130666 CT:5756/921**

Nature of Proposed Development  
**Change of use from horticulture building to cellar door sales outlet (shop), including ancillary functions (maximum of 3 per calendar year), associated building alterations, attached deck, car parking area & freestanding advertising sign (maximum height of 1m) (non-complying)**

From **ADELAIDE HILLS COUNCIL**

In respect of this proposed development you are informed that:-

Nature of Decision	Consent Granted	No of Conditions	Not Applicable
Development Plan Consent	06 June 2018	9	
Building Rules Consent	<b>REQUIRED</b>		
<b>DEVELOPMENT APPROVAL</b>	<b>REQUIRED</b>		

Reasons for this decision, any conditions imposed, and the reasons for imposing those conditions are set out on the following pages.

Five (5) representation(s) from third parties concerning your Category 3 proposal were received.

If there were third party representations, any consent/approval or consent/approval with conditions does not operate until the periods in the Act have expired.

**NOTE: This Consent Notification is for Development Plan Consent only and Building Rules Consent is still required.**

**You must not start any site works or building work or change the use of the land until you have also received notification of a Development Approval.**

Date of Decision:- 06 June 2018



**Sam Clements**  
**Team Leader Statutory Planning**

Date:- 06 June 2018

Expiry date:- **06 June 2019**

Sheets Attached.

## NOTES FOR APPLICANT

1. You as an Applicant may have a right of appeal if this notification is:
  - a refusal (appeal rights do not apply to applicants for non-complying forms of development)
  - a consent, conditions of consent

Such an appeal must be lodged within two months of the date of this decision or such longer time as the Environment, Resources and Development Court allows.

For assistance in the cost and lodgement of an appeal it is suggested you contact the Court which is located in the Sir Samuel Way Building, Victoria Square, Adelaide, or phone the Court on (08) 8204 0300.

2. If this is a Development Approval or consent with conditions:

### Development Plan Consent

This Development Plan (DPC) consent is valid for a period of twelve (12) months commencing from the date the decision is given (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 consent, or a fresh development application will be required. The twelve (12) month time period may be further extended by written request to, and approval by Council. Application for extension to consent may be considered subject to payment of the relevant fee.

### Development Approval

This development approval is valid for a period of twelve months commencing from the date of the decision notification. However if the development hereby approved is substantially commenced within the twelve (12) month period then it shall be completed within three (3) years of the date of such notification. This time period may be further extended beyond the 3 year period by written request to and approval, by Council prior to the approval lapsing. Please note that in all circumstances a fresh development application will be required if the above conditions cannot be met within the respective time frames.

**You may be required to lodge a new development application before commencing or continuing the development if you are unable to satisfy these requirements.**

### **ALLOTMENT BOUNDARIES:**

If the development herein approved involves work on the boundary the onus of ensuring development is in the approved position on the correct allotment is the responsibility of the land owner/applicant. This may necessitate a survey being carried out by a licensed land surveyor prior to the work commencing.

### **PROTECTION OF COUNCIL INFRASTRUCTURE:**

Your co-operation is sought in ensuring that the street, road, kerb, gutter, street trees and footway are protected from damage during delivery of any building materials to the site. Re-instatement costs can be recovered by the Council from the owner in addition to a penalty imposed by a court, if damage is caused. Any changes to existing entrance-ways must be approved by Council prior to any work being done.

### **SA WATER and SA POWER NETWORKS:**

SA Water and SA Power Networks should be notified of all proposed additions and alterations to existing buildings in sewered and power provided areas. Building work near overhead electricity conductors sometimes creates dangerous situations while underground cables are often covered in such a way that maintenance becomes impossible. Failure to observe safe clearances to existing services in building operations may make you liable to pay damages SA Power Networks. SA Power Networks should also be advised of any proposals to erect signs awnings, temporary scaffolding or other structures near overheard electricity services and street mains. Phone SA Power Networks on 131261 or view their website: [www.sapowernetworks.com.au](http://www.sapowernetworks.com.au) or Phone SA Water on 1300 650 950 or view their website: [www.sawater.com.au](http://www.sawater.com.au)

### **WARNINGS:**

- a) This consent does not imply compliance with any other legislation. It is the responsibility of the applicant and the person undertaking building work to ensure any other required approval or authorisation is obtained before commencing the development and to ensure compliance with that approval or authorisation.
- b) Before excavation work commences contact Dial Before you Dig (Dial 1100) for information on underground services.



# Adelaide Hills Council

## 1. DEVELOPMENT PLAN CONDITIONS RELATING TO DEVELOPMENT APPLICATION No. 17/262/473

### 1. 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:

- Amended site plans, floor plan and signage elevation (sheets 1, 5, 6 and 7 of 7) prepared by Crafers Building Design received by Council 21 Mar 2018
- Elevations and section (sheets 2, 3 & 4 of 7) prepared by Crafers Building Design received by Council 21 Mar 2018
- Statement of Effect prepared by Mr David Freschi received 18 Oct 2017
- Written correspondence prepared by Mr David Freschi - Dated 10.03.17, 18.05.17, 29.11.17 & 21.3.18

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

### 2. Overhanging Of Signage

No portion of the sign shall overhang the Council footpath/road reserve.

REASON: Advertisements shall not create a hazard to the public.

### 3. Signage Kept In Good Repair

The sign shall at all times be kept in good repair and condition.

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

### 4. Gravel Car parking Designed In Accordance With Australian Standard AS 2890.1:2004.

All car parking spaces, driveways and manoeuvring areas shall be designed, constructed, and line-marked in accordance with Australian Standard AS 2890.1:2004. Delineation of car parks shall be clearly visible and maintained in good condition at all times. Driveways, vehicle manoeuvring and parking areas shall be constructed of compacted gravel or a suitable all-weather surface prior to occupation 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.

### 5. Overall Capacity

At any one time, the overall capacity of the cellar door shall be limited to a maximum of twenty (20) persons only, with the exception of the three (3) events per calendar year where the capacity shall be limited to a maximum of fifty (50) persons. This capacity restriction includes any associated outdoor areas.

REASON: To ensure the proposed development is undertaken in accordance with the approved plans, to ensure that neighbouring properties are not impacted on negatively by this development and to ensure the waste control system is adequate.



**6. Restriction on Where Functions Are Held**

Functions or events are to be restricted to the cellar door building and the grassed picnic area as depicted on plans prepared by Crafers Building Design (Sheet 5 of 7) received by Council on the 19th January 2018.

REASON: To ensure the proposed development is undertaken in accordance with the approved plans and to minimise amenity impacts on the locality.

**7. No Entertainment**

No entertainment (amplified or live music) is to occur within the cellar door and associated outdoor areas, including for events.

REASON: To maintain the rural amenity of the locality.

**8. Opening Hours Cellar Door with Pre-Booked Events**

The cellar door opening hours shall be restricted to the following:  
Saturday, Sunday & Monday only- 10:00am to 5:00pm

The three (3) events per calendar year shall be within the same opening hours.

REASON: To ensure that neighbouring properties are not impacted negatively by this development.

**9. 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.

**2. DEVELOPMENT PLAN NOTES RELATING TO DEVELOPMENT  
APPLICATION No. 17/262/473**

**1. Provision Of Toilets**

The provision of public toilets for each event shall be in accordance with the Department of Health Guide for Public Events.

**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.

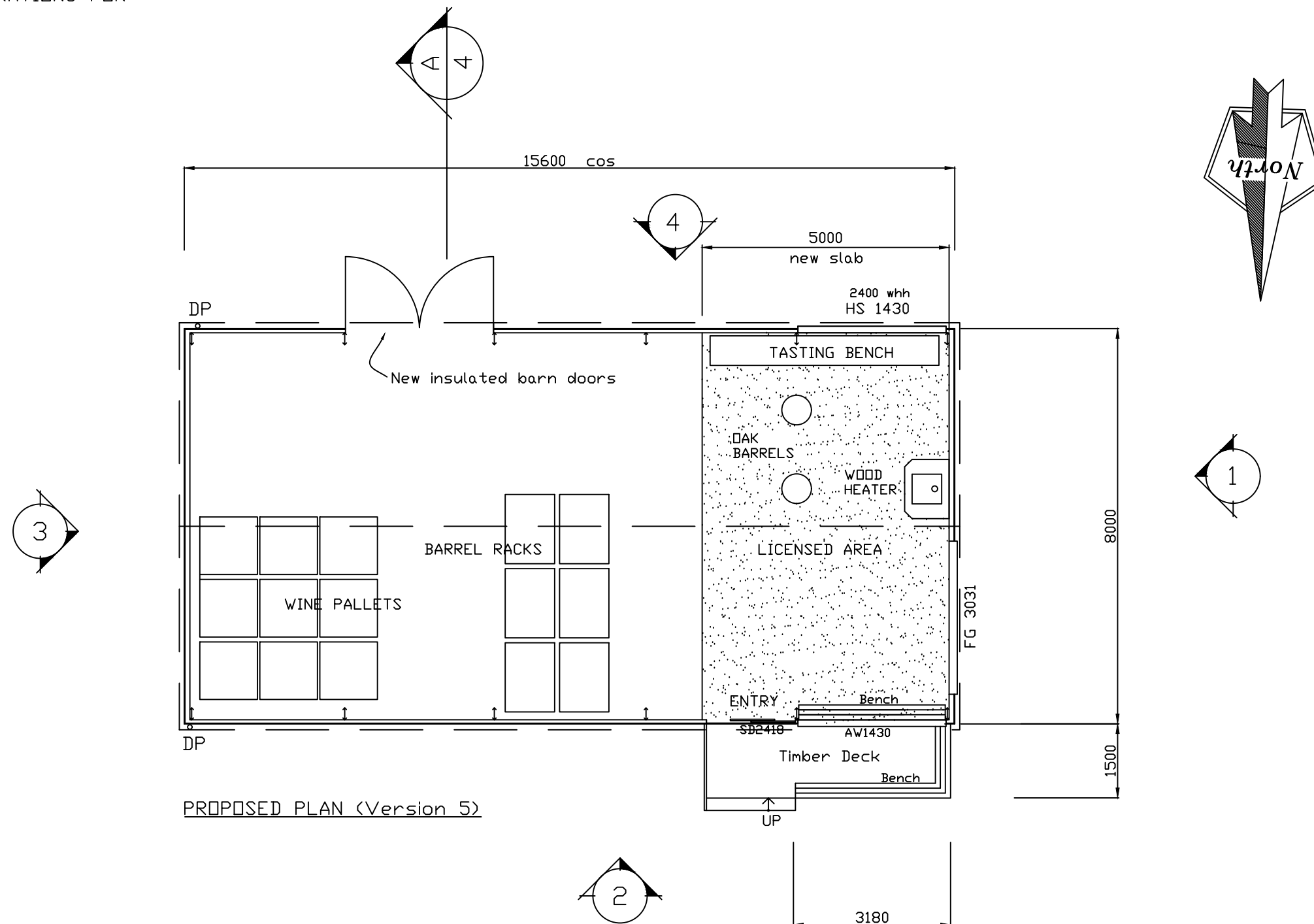
**3. BUILDING RULES CONSENT STILL REQUIRED**

**NOTE: This Consent Notification is for Development Plan Consent only and Building Rules Consent is still required.**

**You must not start any site works or building work or change the use of the land until you have also received notification of a Development Approval.**

PROPOSED SHED ALTERATIONS FOR  
DAVID FRESCHI AT  
159 RIDGE ROAD  
ASHTON

SHEET: 1 of 7  
SCALE: 1:100 (A3)  
DATE: 3-2018



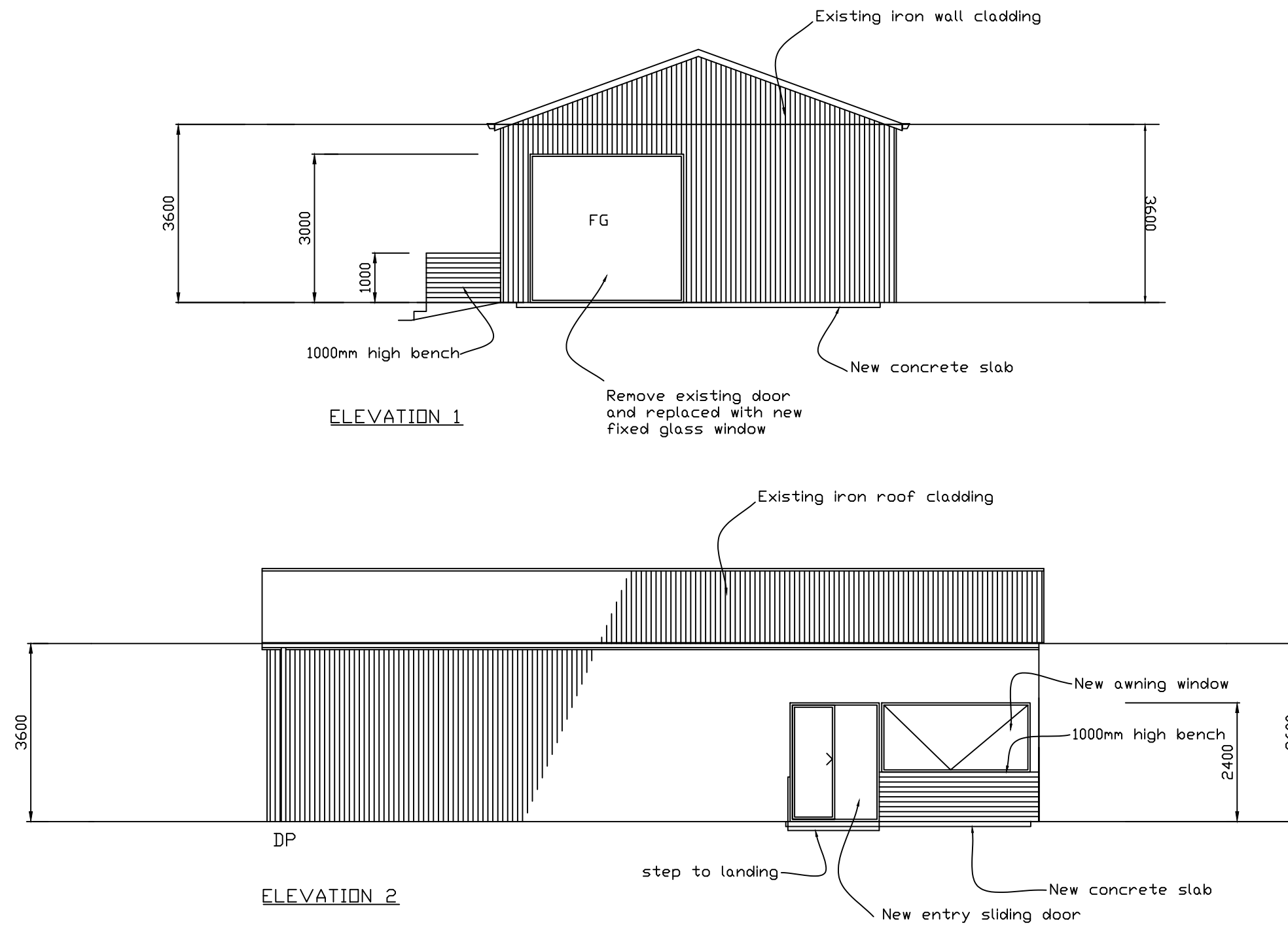
AMENDED 21/03/18

Drawn by:  
CRAFERS BUILDING DESIGN

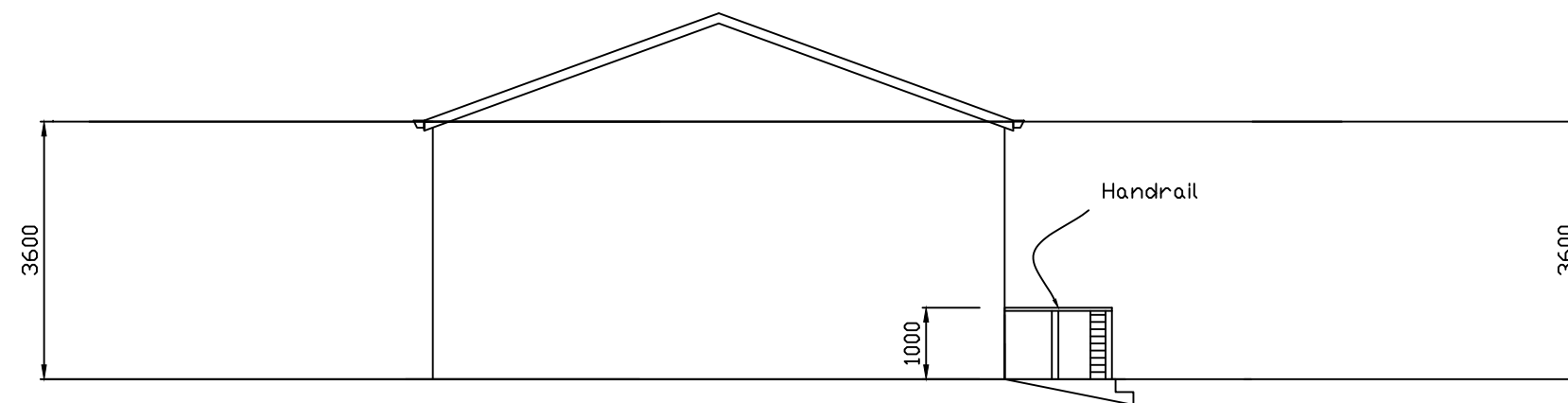
ADELAIDE HILLS COUNCIL  
RECEIVED 21/03/18

PROPOSED SHED ALTERATIONS FOR  
 DAVID FRESCHI AT  
 159 RIDGE ROAD  
 ASHTON

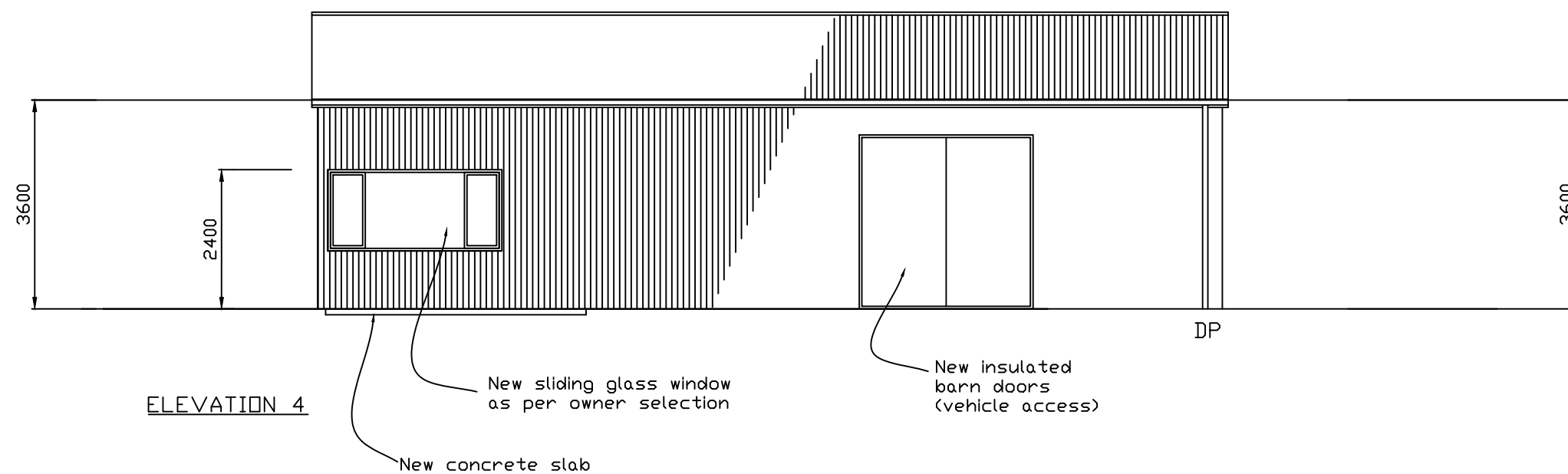
SHEET: 2 of 7  
 SCALE: 1:100 (A3)  
 DATE: 3 -2018



PROPOSED SHED ALTERATIONS FOR  
DAVID FRESCHI AT  
159 RIDGE ROAD  
ASHTON  
SHEET: 3 of 7  
SCALE: 1:100 (A3)  
DATE: 3-2018



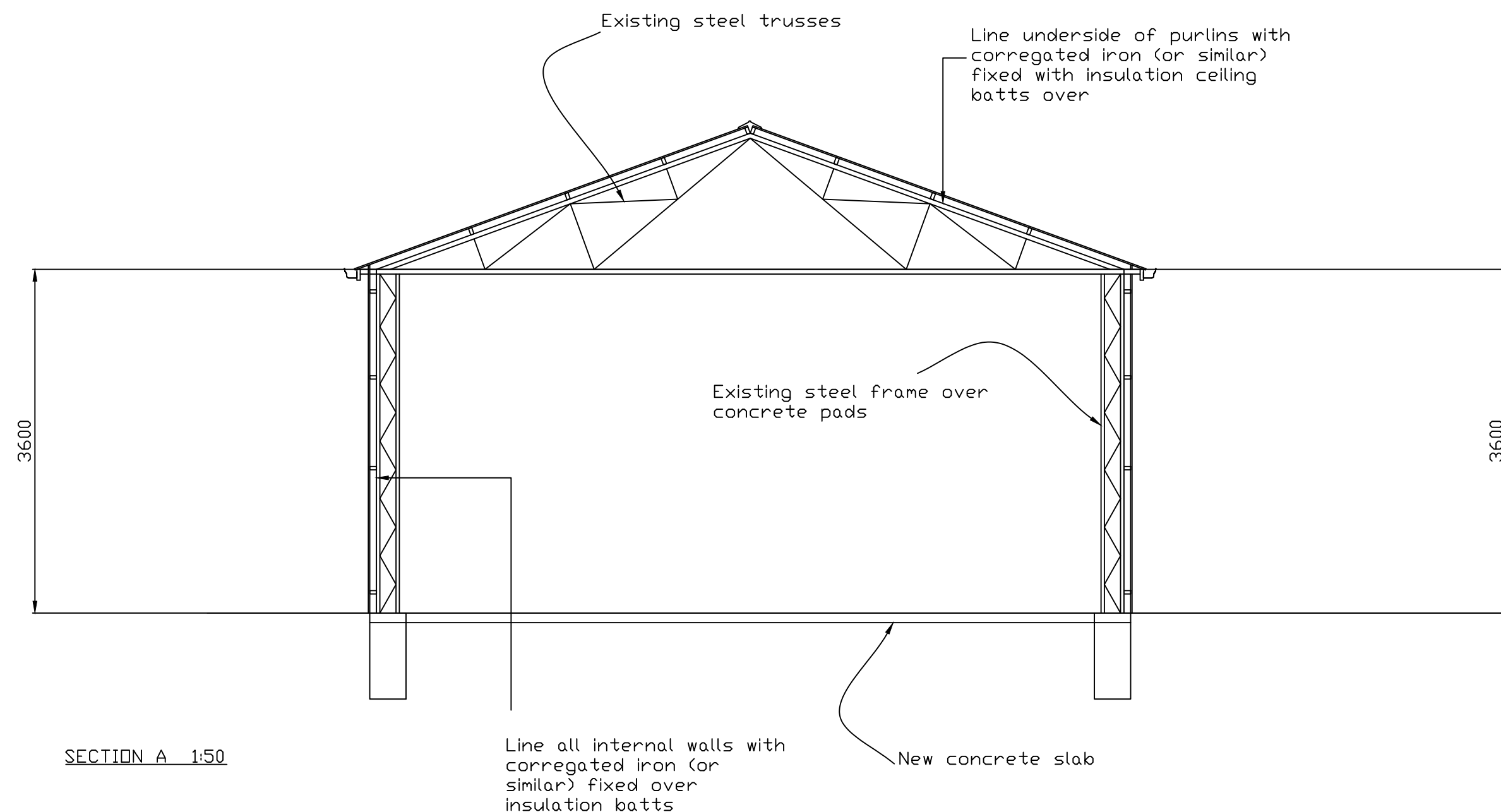
ELEVATION 3



ELEVATION 4

PROPOSED SHED ALTERATIONS FOR  
DAVID FRESCHI AT  
159 RIDGE ROAD  
ASHTON

SHEET: 4 of 7  
SCALE: 1:50 (A3)  
DATE: 3-2018





DEVELOPMENT PLAN CONSENT  
CONDITIONS & NOTES APPLY  
DA: 473/262/17  
DATE: 06/06/18



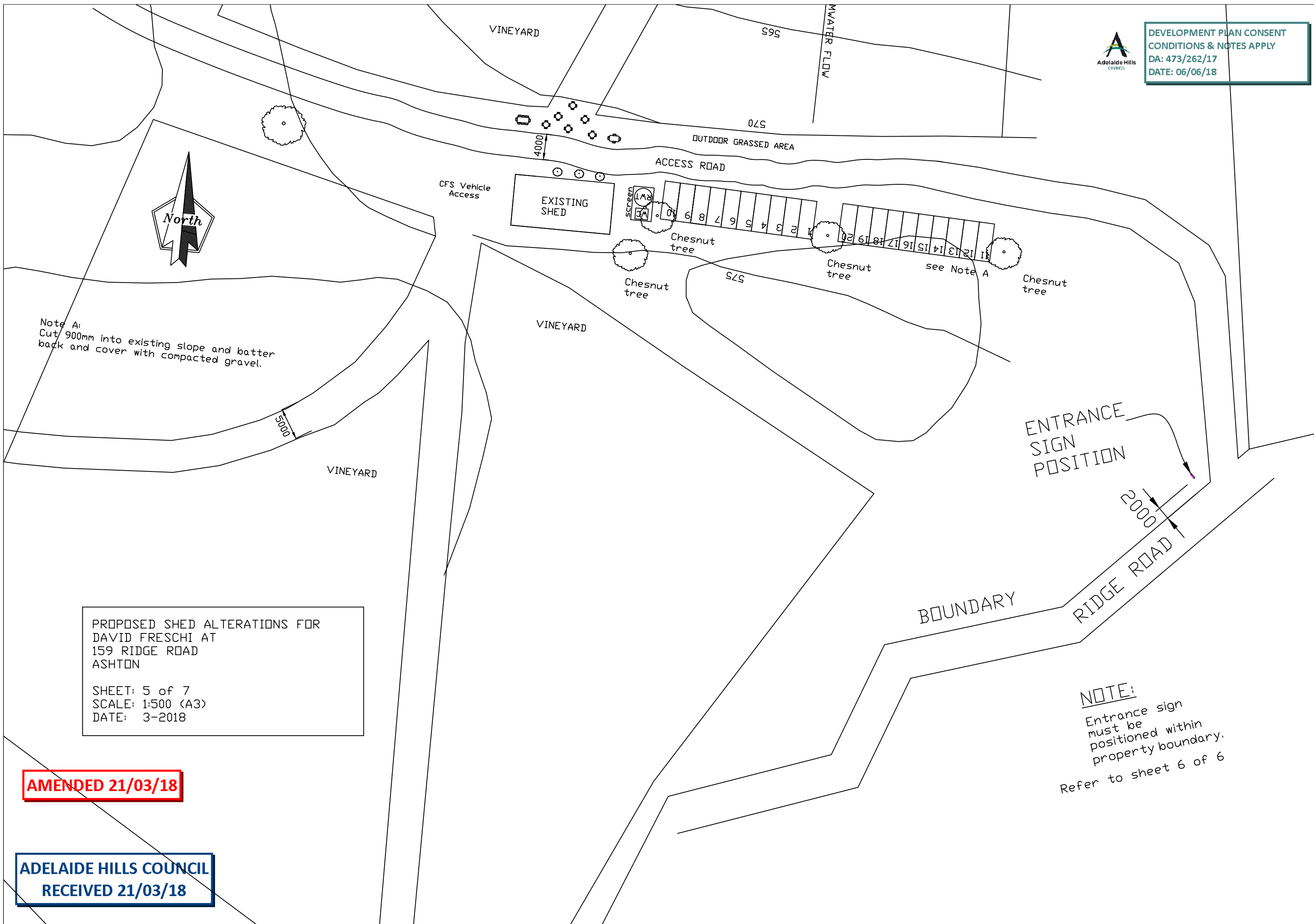
Note A:  
Cut 900mm into existing slope and batter  
back and cover with compacted gravel.

PROPOSED SHED ALTERATIONS FOR  
DAVID FRESCHI AT  
159 RIDGE ROAD  
ASHTON

SHEET: 5 of 7  
SCALE: 1:500 (A3)  
DATE: 3-2018

AMENDED 21/03/18

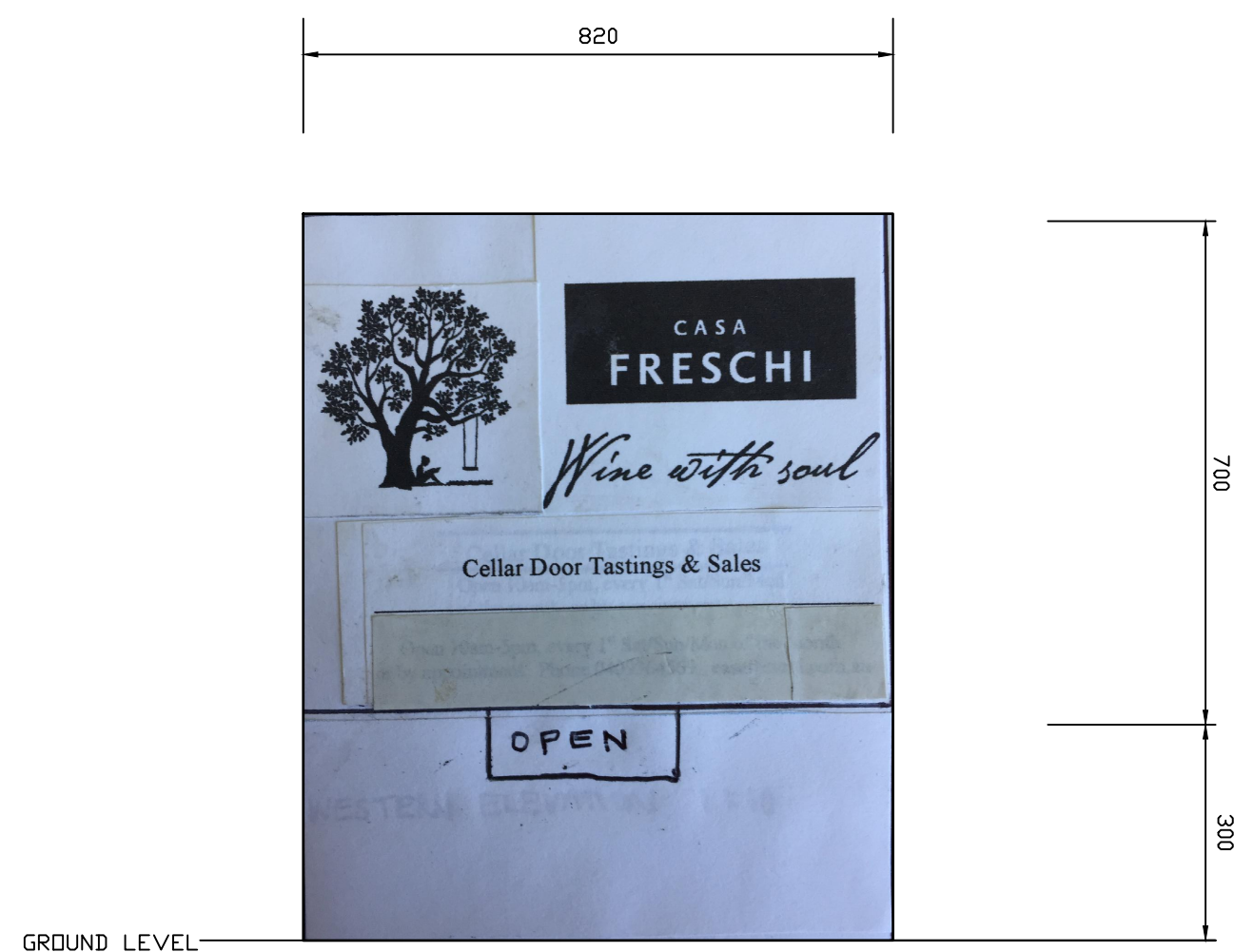
ADELAIDE HILLS COUNCIL  
RECEIVED 21/03/18





PROPOSED SHED ALTERATIONS FOR  
DAVID FRESCHI AT  
159 RIDGE ROAD  
ASHTON

SHEET: 6 of 7  
SCALE: 1:10 (A3)  
DATE: 3-2018



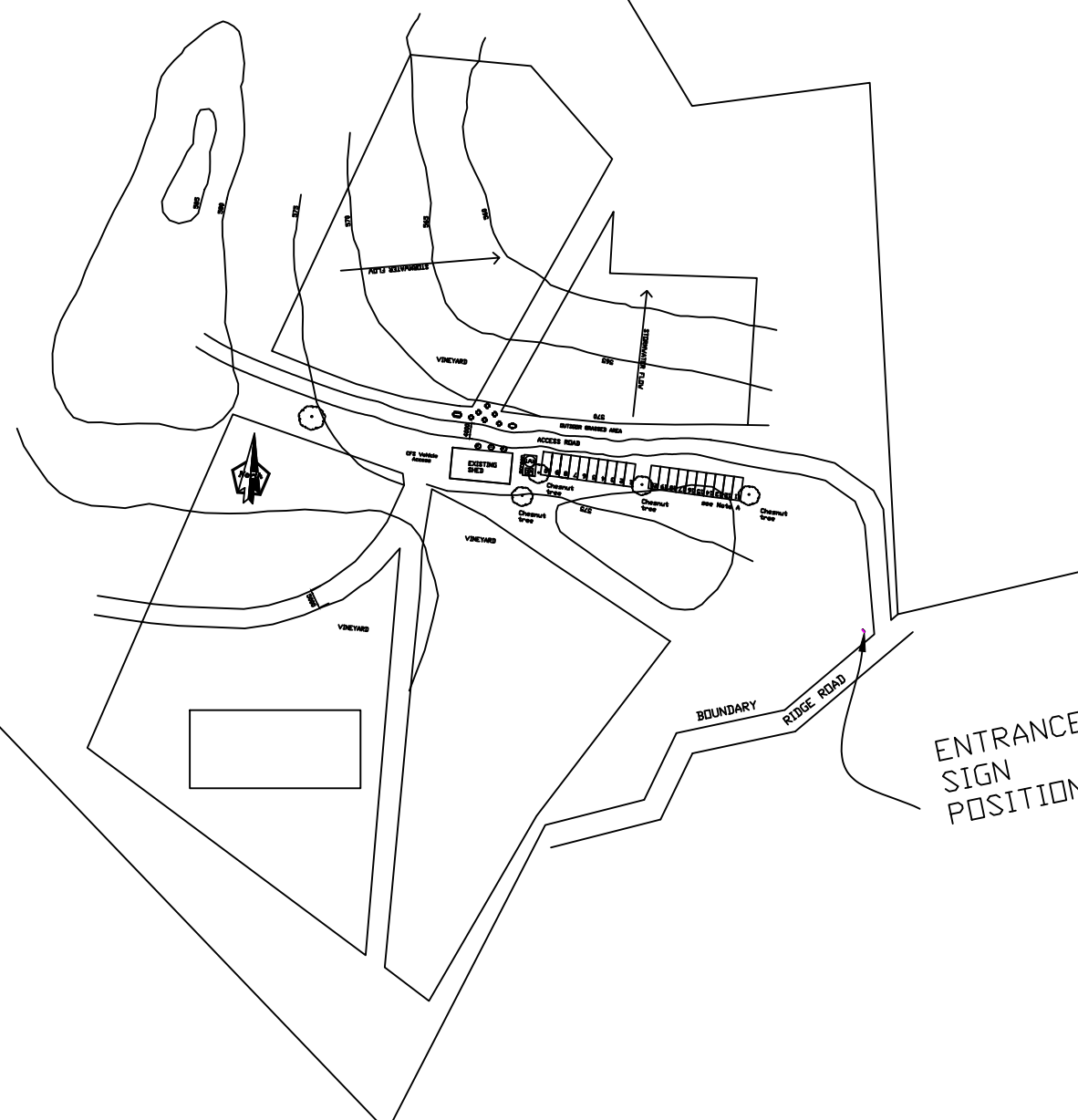
ENTRY SIGN DETAIL



DEVELOPMENT PLAN CONSENT  
CONDITIONS & NOTES APPLY  
DA: 473/262/17  
DATE: 06/06/18

PROPOSED SHED ALTERATIONS FOR  
DAVID FRESCHI AT  
159 RIDGE ROAD  
ASHTON

SHEET: 7 of 7  
DATE: 3-2018



AMENDED 21/03/18

ADELAIDE HILLS COUNCIL  
RECEIVED 21/03/18

## Sam Clements

**From:** David Freschi <sales@casafreschi.com.au>  
**Sent:** Wednesday, 21 March 2018 7:32 PM  
**To:** Sam Clements  
**Subject:** Re: DA 17/262/473- 159 Ridge Road Ashton  
**Attachments:** PastedGraphic-18.pdf; Freschi V5a.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Sam

Kym Nitschke contacted me regarding the final plan you sent as he was unclear on a couple of things, he is happy with it now after I clarified his questions with him.

Please also find attached amended plans with north direction to top of page and entrance sign position as requested.

In regards to the other areas requiring clarification, please see my responses below in red.

Kindest Regards

David Freschi  
Vigneron

Casa Freschi  
PO Box 1412  
159 Ridge Road  
Ashton, South Australia 5137

[sales@casafreschi.com.au](mailto:sales@casafreschi.com.au)  
[www.casafreschi.com.au](http://www.casafreschi.com.au)  
mobile 0409 364569  
phone/fax +61 (8) 8390 3232

On 19 Mar 2018, at 12:16 pm, Sam Clements <[sclements@ahc.sa.gov.au](mailto:sclements@ahc.sa.gov.au)> wrote:

Hi David,

The amended plans have been sent to Peter Meline who represented Kym and Sophie Nitschke and Nick and Kerry Ford.

As discussed, Council is awaiting their advice in relation to whether they still wish to be heard. The matter must be determined by the Council Assessment Panel if these parties still wish to be heard.

I have reviewed the amended plans and there are few matters that require clarification. Please provide/address the following:

- The site plan does not show the allotment boundaries. Please confirm that the proposed advertising sign is within the allotments boundaries and the distance to the relevant boundaries. A 'zoomed in' part site plan would be beneficial to demonstrate this. Also, it would be preferred if the site plan was orientated with north directed to the top of the page/plan. Please provide an amended site plan and part site plan **Attached**
- Is the northern access track to be re-aligned or is the current track to be utilised. Confirmation that only the northern driveway is to be used (entrance and egress) by patrons **Yes the current track is to be utilised**
- What is the screen around the water storage tank and porta-loo? (e.g. a lattice screen 2.1m in height) **Yes lattice screen 2.1m high**
- The site plan shows tables and chairs on the northern side of the proposed cellar door and driveway within a grassed area. The number of chairs exceed 20. Confirm that the maximum capacity is 20 persons (aside from the 3 special events). Please also confirm you will be supplying two porta-loos and a portable hand washing facility for these events **Yes I confirm**
- An updated proposed licensed area plan **Attached**

Please contact me if you would like to discuss.

Regards,

Sam Clements –Acting Manager Development Services | Strategy and Development  
Adelaide Hills Council

visit me at: 28 Onkaparinga Valley Road, Woodside

t: 08 8408 0534 | f: 08 8389 7440 | e: [sclements@ahc.sa.gov.au](mailto:sclements@ahc.sa.gov.au) | w: [www.ahc.sa.gov.au](http://www.ahc.sa.gov.au) | p: PO Box 44 Woodside SA 5244

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From: David Freschi [<mailto:sales@casafreschi.com.au>]

Sent: Friday, 19 January 2018 1:37 PM

To: Ben Green

Subject: Re: DA 17/262/473



**DEVELOPMENT PLAN CONSENT  
CONDITIONS & NOTES APPLY**  
**DA: 473/262/17**  
**DATE: 06/06/18**

Hi Ben

Please find attached documents as requested..

- Plans drawn by Crafers Building Design
- Letter from Kym & Sophie Nitschke and Nick & Kerry Ford
- Letter from Sean Lyons-Reid & Angela Noack



29 November 2017

Ben Green  
Adelaide Hills Council  
PO Box 44  
Woodside SA 5244

Dear Ben,

Development No **17/262/473**

Proposal ***Change of use from horticulture building to cellar door sales outlet***

Subject Land **159 Ridge Road, Ashton SA 5137**

I wish to respond to the five representations recently submitted to council following the public notification of our development proposal.

I have read the concerns of our neighbours and am prepared to amend our proposal with the desire to resolve them. I have spoken to our neighbours, Kym & Sophie Nitschke, about both theirs and Nick & Kerry Ford's concerns (Represented together by Peter Meline, Planner). As a result, we have been able to negotiate an amended proposal we are both happy with. Please let me know if you require something in writing from Kym regarding this.

Please find attached the 1:200 amended site plan, and an aerial view of the amendments.

The changes include:

1. Installing a cellar door building entrance door on the north side of the building (out of sight for the Nitschke's & Fords). This will considerably reduce any noise impact & remove any visual impact to the south.
2. Redesigning the layout inside of the building, essentially moving the tasting area to the east end of the building instead of the west end that faces the Nitschke's & Fords.
3. Repositioning the outdoor grassed area to the north side of the building in the North amphitheatre. This will reduce any noise impact to the south.
4. Repositioning the car-parking to the north side of the hill (out of sight for the Nitschke's & Fords). This will considerably reduce any noise impact and remove any visual impact to the south.
5. Repositioning the vehicle entrance track to the north side of the hill (out of sight for the Nitschke's & Fords) combining it with the exit track. This effectively removes the vehicle entrance on the south amphitheatre and will considerably reduce any noise

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impact and remove any visual impact to the south. I don't believe this track will restrict CFS access.

6. Repositioning the entrance sign to the main entrance of the property on the eastern edge of the property.
7. Constructing a screen on the south side of the portaloo.

I believe these changes address the major issues our neighbours have expressed.

Please don't hesitate to contact me for further information.

Yours sincerely

David Freschi  
Owner/Winemaker  
Casa Freschi



DEVELOPMENT PLAN CONSENT  
CONDITIONS & NOTES APPLY  
DA: 473/262/17  
DATE: 06/06/18

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**Brendan Fewster**

**From:** David Freschi <sales@casafreschi.com.au>  
**Sent:** Monday, 31 July 2017 1:22 PM  
**To:** Brendan Fewster  
**Subject:** Re: 17/262/473 - 159 Ridge Road, Ashton  
**Attachments:** PastedGraphic-18.pdf

Hi Brendan

Yes that is all correct. Thank you.

Kindest Regards

David Freschi  
Vigneron

Casa Freschi  
PO Box 1412  
159 Ridge Road  
Ashton, South Australia 5137

[sales@casafreschi.com.au](mailto:sales@casafreschi.com.au)  
[www.casafreschi.com.au](http://www.casafreschi.com.au)  
mobile 0409 364569  
phone/fax +61 (8) 8390 3232

On 31 Jul 2017, at 11:17 am, Brendan Fewster <[bfewster@ahc.sa.gov.au](mailto:bfewster@ahc.sa.gov.au)> wrote:

Hi David

Just to confirm, the cellar door will operate as follows:

- Open on a Saturday, Sunday and Monday between 10.00am and 5.00pm (every week);
- A maximum of three (3) functions per year within the above opening hours; and
- There will be no entertainment (i.e. live or amplified music).

Can you please confirm the above.

I will then proceed with the Category 3 notification.

Regards

**Brendan Fewster – Consultant Planner | Strategy & Development**  
Adelaide Hills Council

visit me at: 26 Onkaparinga Valley Road, Woodside SA 5244

t 08 8408 0416 e [bfewster@ahc.sa.gov.au](mailto:bfewster@ahc.sa.gov.au) w [ahc.sa.gov.au](http://ahc.sa.gov.au) p PO Box 44 Woodside SA 5244

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<image022a80.JPG>

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**From:** David Freschi [<mailto:sales@casafreschi.com.au>]  
**Sent:** Thursday, 27 July 2017 2:37 PM  
**To:** Brendan Fewster  
**Subject:** Re: 17/262/473 - 159 Ridge Road, Ashton



<b>DEVELOPMENT PLAN CONSENT CONDITIONS &amp; NOTES APPLY</b> DA: 473/262/17 DATE: 06/06/18
--

Hi Brendan

I would like to proceed with the application with just one change to the proposed opening times to....

Every weekend Saturday to Monday 10 am to 5 pm .

Kindest Regards

David Freschi  
Owner/ Vigneron

Casa Freschi  
159 Ridge Rd, Ashton 5137  
South Australia  
[sales@casafreschi.com.au](mailto:sales@casafreschi.com.au)  
0409 364 569  
#casafreschi

On 6 Jul 2017, at 8:43 am, Brendan Fewster <[bfewster@ahc.sa.gov.au](mailto:bfewster@ahc.sa.gov.au)> wrote:

No worries David.

Thanks for letting me know.

Regards

**Brendan Fewster – Consultant Planner | Strategy & Development**  
**Adelaide Hills Council**

visit me at: 26 Onkaparinga Valley Road, Woodside SA 5244

**t** 08 8408 0416 **e** [bfewster@ahc.sa.gov.au](mailto:bfewster@ahc.sa.gov.au) **w** [ahc.sa.gov.au](http://ahc.sa.gov.au) **p** PO Box 44 Woodside  
SA 5244

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DEVELOPMENT PLAN CONSENT  
CONDITIONS & NOTES APPLY  
DA: 473/262/17  
DATE: 06/06/18

*Wine with soul*

10 March 2017

Alisa Styles  
Duty Planner  
Adelaide Hills Council  
PO Box 44  
Woodside SA 5244

RE: CASA FRESCHI CELLAR DOOR APPLICATION – AULDWOOD, ADELAIDE HILLS, 159 RIDGE RD ASHTON SA 5137

Established in 1998, Casa Freschi is small organic, artisan wine producer based in Ashton, SA, also with a small vineyard in Langhorne Creek. Its Adelaide Hills vineyard property, known as “Auldwood” was granted development approval for vineyard establishment in 2004 and was subsequently fully established in 2004 and 2005, with a total vineyard area of 3.2 hectares. All the fruit grown since its first crop in 2007 has been used for Casa Freschi branded wine and is currently distributed Australia-wide and to 5 export countries.

It has always been a desire for Casa Freschi to establish a cellar door on the picturesque site, to help build the profile of the brand and of the region and contribute to the local tourism industry, and we are now ready to do so.

The existing 15 x 8 metre steel framed iron shed has been used for vineyard and wine operations, and it is proposed to use the building, as well as a small area of grassed area on the west and south of the building for cellar door purposes.

The application is for a change in building use to incorporate a cellar door using an existing building without external structural changes.

Initially, I propose to have the cellar door open one weekend per month and by appointment only. As such my requirements for stage one are...

- The initial opening hours are proposed to be Saturday, Sunday, Monday from 10 to 5.
- We envisage an average of 5 to 6 visitors per day.
- One staff member to man the cellar door
- Toilet requirements, one portaloo (situated at the back of the cellar door)
- Existing tracks to the shed will be used for entry and exit, with entry signage
- An existing flatter area directly in front of the building will be used for car and mini-bus parking (room for 10 cars and a minibus) and a CFS turn zone.
- The water source is from the adjacent existing rainwater tank and gravity flow from a bore fed 30,000 gallon concrete tank situated 30 metres above the building.
- The facility will be powered off-grid initially by a small gas powered gen-set.

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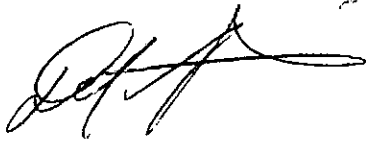
CASA FRESCHI ABN 65 495519 075  
PO BOX 1412, 159 RIDGE RD ASHTON SA 5137  
Phone/fax +61 8 8390 3232 sales@casafreschi.com.au www.casafreschi.com.au

Attached are the following documents which form part of my application.

1. Aerial photo
2. Site plan (aerial photo)
3. Description of shed conversion
4. Floor plan
5. Fire plan
6. Certificate of title

Please don't hesitate to contact me if you have any queries.

Yours sincerely



David Freschi  
Owner/Winemaker  
Casa Freschi  
PO Box 1412, 159 Ridge Rd  
Ashton, SA 5137  
P: 0409 364 569  
E: sales@casafreschi.com.au

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1617/11016  
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29 MAY 2017

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18 May 2017

29 MAY 2017

Brendan Fewster  
Adelaide Hills Council  
PO Box 44  
Woodside SA 5244

Dear Brendan,



DEVELOPMENT PLAN CONSENT  
CONDITIONS & NOTES APPLY  
DA: 473/262/17  
DATE: 06/06/18

Development No **17/262/473**

Proposal ***Change of use from horticulture building to cellar door sales outlet***

Subject Land ***159 Ridge Road, Ashton SA 5137***

Thank you for your letter dated 19 April 2017 requesting further information. Please find below responses using your points.

- 1) Site plan 1:200 attached with information requested
- 2) Functions. We anticipate approximately 3 functions per year, with a maximum number of guests of 50
- 3) Entertainment. We do not anticipate entertainment.
- 4) There is no existing or proposed wet areas
- 5) No advertising signage is to be displayed on the site, apart from entrance signage to the cellar door. This is proposed to be 1 metre wide x 0.5 metres tall and display the Casa Freschi logo and cellar door opening hours and contact details.

Please don't hesitate to contact me for further information.

Yours sincerely

David Freschi  
Owner/Winemaker  
Casa Freschi



## CASA FRESCHI CELLAR DOOR PROJECT

(conversion of existing vineyard shed to a cellar door)

**Location:** Centre of Auldwood vineyard.

**Construction:** metal framed galvanized iron shed cladding and gutters on each side for rainwater collection to a 5000 gallon concrete tank. Large 4 m wide by 4m high sliding door on western end.

**Length** 15 metres

**Width** 8 metres

**Wall height** 4 metres

**Centre gable height** 6 metres

**Floor** gravel

### The conversion

The aim is to give visitors an experience that will help them connect with the vineyard and the Casa Freschi brand using the beauty of the site, the immersion in the vineyard and the rustic, artisan charm of the cellar door. The environment must also be comfortable and a stable temperature for wine storage.

The whole shed is to be insulated with aircell reflective insulation.

The back two thirds of the shed will be used to store wine in barrels and stainless steel tanks and packaged wine, and form part of the aesthetic of the cellar door.

The front third of the shed will be the tasting area for visitors. It will consist of...

- (1) A large, long wooden table with rustic iron front (all recycled from the original Auldwood homestead)
- (2) A 19<sup>th</sup> century market trolley (used by the original owners to carry their produce to the East end markets)
- (3) A small combustion heater to regulate temperature in the cooler months of the year.
- (4) An old large leather lounge
- (5) A large metal candelabra hanging from the ceiling.
- (6) Old wine barrels used as tables
- (7) Two large windows will be fitted to the north and south sides of the tasting zone walls with direct views to the vineyard.

Outside the shed Picnic tables and chairs with umbrellas will be placed on the south side of the cellar door adjacent to the vineyard for visitors to enjoy Casa Freschi wines at their leisure. Two established trees will be planted in the picnic area and near the entrance for additional appeal & shade.

Photos on following page showing existing vineyard shed located in centre of vineyard

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CASA  
**FRESCHI**

*Wine with soul*

## Statement of Effect

October 2017

Author	David Freschi, Casa Freschi  159 Ridge Rd Ashton SA 5137 Tel: 0409 364 569 Email: sales@casafreschi.com.au
Subject Site	159 Ridge Rd, Ashton SA 5137
Development Application	17/262/473 Change of use from horticulture building to cellar door operation, including functions (maximum of 3 per calendar year), car parking area and one advertising sign (maximum height of one metre)

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- Appendix B – Aerial plan**
- Appendix C – Site plan**
- Appendix D – Description of building conversion**
- Appendix E – Floor plan**
- Appendix F – Fire plan**
- Appendix G/1 & G/2 – Certificate Of Title**
- Appendix H/1 & H/2 – Advertisement sign design & location**
- Appendix I – PIRSA Grant Letter of Offer**

## 1.0 Executive summary

This Statement of Effect accompanies Development Application 17/262/473 which seeks Development Plan Consent for the change of use from horticulture building to cellar door sales outlet, including functions (maximum of 3 per calendar year), car parking area, and one advertising sign (maximum height of one metre) at 159 Ridge Rd Ashton.

The proposal is a “non-complying” form of development by virtue of the cellar door outlet being defined as a “shop” within the Hills Face Zone of the Adelaide Hills Development Plan (consolidated 28 April 2016).

## 2.0 Introduction

This Statement of Effect has been prepared in accordance with *Section 39[2][d] of the Development Act 1993*, and Regulation 17[5] of the *Development Regulations 2008*. This statement includes a description of the nature of the development and the nature of its locality; a statement as to the provisions of the development plan which are relevant to the assessment of the proposed development; an assessment of the extent to which the proposed development complies with the provisions of the Development Plan; and an assessment of the expected social, economic and environmental effects of the development on its locality. Hence, this report satisfies the requirements of the *Development Act 1993*.

This Statement of Effect has been prepared following the review of the:

- Proposal plans prepared by David Freschi dated 10 March 2017 contained in **Appendix A/1 & A/2**
- Aerial plan prepared by David Freschi dated 10 March 2017 contained in **Appendix B**
- Site plan prepared by David Freschi dated 10 March 2017 contained in **Appendix C**
- Description of building conversion prepared by David Freschi dated 10 March 2017 contained in **Appendix D**
- Floor Plan prepared by David Freschi dated 10 March 2017 contained in **Appendix E**
- Fire plan prepared by David Freschi dated 10 March 2017 contained in **Appendix F**
- Certificate of Title contained in **Appendix G/1 & G/2**
- Outdoor advertisement sign design and location in **Appendix H/1 & H/2**
- Adelaide Hills Development Plan (consolidated 28 April 2016)

## 3.0 Proposal

The initial proposal is detailed in the plans contained in **Appendix A – H**. The proposal is to convert an existing building (vineyard shed) into a cellar door operation.

Please see below the following changes to the initial proposal;

### **(1) Opening hours**

I now propose to only be open on Saturdays and Sundays from 12 to 4 pm and by appointment at other times.

### **(2) Compacted parking area**

The area designated for the parking will be comprised of compacted gravel

### **(3) Three functions per year**

50 people (maximum) per function within the above opening hours.

### **(4) Two outdoor advertisements**

One outdoor advertisement situated on the entrance to the property was included in the initial submission. I now propose a second outdoor advertisement, identical to the property entrance one, to be placed on the cellar door building entrance.

Casa Freschi has also recently been offered a grant from PIRSA for \$25,000 to assist in the development of the cellar door. See **Appendix I**

## 4.0 Subject land and locality

### 4.1 Subject land

The subject land is situated on the northern side of Ridge Rd, with a street address of 159 Ridge Rd, Ashton.

The site of the development comprises the following title:

- Allotment 2 Filed Plan 130666, CT 2567/102 – Volume 5756 Folio 921

The site is marked in **Appendix B** by the black line. The site has an area of 15.97 hectares with a frontage to Ridge Rd of approximately 130 metres and a depth of approximately 763 metres.

Conventional vehicle access (entrance & exit) to the site is directly from Ridge Rd in two locations marked in **Appendix B**

The main access track, marked in **Appendix B** by a dotted line, is also a “fire access track” kept accessible for CFS. The track runs through the site ending at the Giles Reserve Conservation Park that abuts the property at the northern end. The development does not restrict accessibility of the fire track.

The site is comprised two natural amphitheatres planted to vineyard in 2004, named south and north, both approximately 1.6 hectares in size and both at the Ridge Rd end of the property. The elevation is 530 metres at the bottom of the amphitheatres, to 580 metres at the top. A house is situated at the North Eastern corner of the property adjacent to the north Amphitheatre. The remaining area of the property is comprised of approximately 0.4 hectares of bare land and 10 hectares of pristine natural bushland which sits adjacent to the Giles Reserve.

### 4.2 Locality

The site is located on the western side of Ridge Road which contains a number of rural properties similar in nature to the properties on the eastern side of Ridge Road located in the Primary Production Zone (Piccadilly Valley).

Our neighbour directly opposite us on Ridge Road is a vineyard of similar size to ours and in the Primary Production Zone. The neighbours to the south and northeast are also Hills Face Zone and the sites are used primarily for primary production with cleared land of similar size to ours and used as open paddocks for stock (cows, sheep & horses), and horticultural activities.

Our site's entire boundary is screened with trees, including tall radiata pine and eucalyptus on Ridge Rd, radiata pine & walnut trees screening the north eastern neighbour, and tall poplars screening the southern neighbour.

The existing building where the cellar door conversion is proposed sits in the middle of the two vineyard amphitheatres beneath the ridge line at approximately 550 metres altitude. See **Appendix B**



## 5.0 Development Assessment

### 5.1 Procedural matters

The subject site is located in the Hills Face Zone in the Adelaide Hills Council Development Plan (consolidated 28 April 2016). The operation of a "Shop" in the Hills Face Zone is listed as "non-complying" where a number of requirements are not met.

The development is not listed as Category 1 or Category 2 under the Development Plan nor Schedule 9 of the *Development Regulations 2008*, therefore the application defaults to a Category 3 kind of development.

We understand the council have determined to continue with the application and have requested this Statement of Effect in accordance with Regulations 17(5) of the Development Regulations 2008 to assist in the decisions as to whether the proposal would be consistent or contrary to the aims of the Development Plan.

### 5.2 Development Plan Assessment

The following table summarises the provisions which are most relevant to this assessment.

Council Wide/Policy Area/Zone	Objectives	Principles
Council Wide	1,2,6,7,8,9, 91	1, 2, 3, 12, 13, 15, 250, 256
Bushfire Protection	106	300, 303
Hills Face Zone	1,2	1, 3, 9, 14, 26

The following matters are considered pertinent in the assessment of this application:

- Orderly and economic development
- Land Use
- Design & Appearance
- Outdoor advertisement
- Access
- Environmental considerations

### **5.3 Orderly and economic development**

At a broad level, the Development Plan provides a number of important objectives and principles regarding its desire to achieve orderly and economic development. The overarching intention is to create safe, convenient and pleasant environments in which to live, compatible land uses; and opportunities for businesses to generate economic activity and employment. These objectives and principles include;

#### **Metropolitan Adelaide**

##### **Objective 1 Orderly and economic development**

The proposal will provide further investment in to the Adelaide Hills Council with a desired and expected form of development in the Hills Face Zone.

The development will contribute to the vibrancy of the area by increasing its tourism offering and will be compatible with the prevailing character of the area. It will not restrict the development potential of any adjoining sites. The activities will also promote primary production, a desired form of land-use contemplated within the Hills Face zone.

The proposal is considered to satisfy economic growth and broader strategic objectives of the Development Plan, in particular Metropolitan Adelaide Objectives 1,2,6,7,8 and 9.

### **5.4 Land Use**

The development involves the conversion of an existing building (vineyard shed) into a cellar door in the Hills Face Zone. The following Zone Objectives and Principles are pertinent to this assessment;

#### **Hills Face Zone**

**Objective 1: A zone in which the natural character is preserved and enhanced or in which a natural character is re-established in order to:**

- . (a) provide a natural backdrop to the Adelaide Plain and a contrast to the urban area;
- . (b) preserve and develop native vegetation and fauna habitats close to metropolitan Adelaide;
- . (c) provide for passive recreation in an area of natural character close to

the metropolitan area;

- (d) provide a part of the buffer area between metropolitan districts and prevent the urban area extending into the western slopes of the Mount Lofty Ranges; and
- (e) ensure that the community is not required to bear the cost of providing services to land within the zone.

**Principle 1: Development should not be undertaken unless:**

- (a) it is associated with a low intensity agricultural activity, a public open space area or a private use of an open character, or is a detached single storey dwelling, including outbuildings and structures normally associated with such dwellings, on a single allotment; and
- (b) together with associated native landscaping, it preserves and enhances the natural character of the zone or assists in the re-establishment of a natural character.

The development involves internal alterations to an existing building which meets the above objectives and principles. The low-key activity of the shop, associated with an existing low intensity vineyard operation, will not have any impact on the natural character of the zone. No additional services are required for the development, as it will not use external power sources and use existing water sources.

## **5.5 Bushfire Protection**

The subject site is located in a high bush fire risk area. As such, the proposal will be referred to South Australian Country Fire Service (CFS) as part of Council's assessment process.

The subject site is surrounded by a significant area of cleared land used primarily for primary production purposes, and native bushland to the west and north of the cleared area.

The objectives and principles pertinent to the proposal are as follows;

**Objective 106: Development should minimise the threat and impact of bushfires on life and property while protecting the natural and rural character.**

**Principle 300: Buildings and structures should be located away from areas that pose an unacceptable bushfire risk as a result of one or more of the**

following:

- (a) vegetation cover comprising trees and/or shrubs;
- (b) poor access;
- (c) rugged terrain;
- (d) inability to provide an adequate building protection zone; or
- (e) inability to provide an adequate supply of water for fire-fighting purposes.

- 303 Buildings and structures should be designed and configured to reduce the impact of bushfire through using simple designs that reduce the potential for trapping burning debris against the building or structure, or between the ground and building floor level in the case of transportable buildings.

The proposed development is located in the centre of an existing vineyard, mid-way up the slope on a flat area. The current building has a fire access track running past it. This track runs from Ridge Rd (approximately 200 metres away) through the centre of the vineyard and the bushland area of the property right through to Giles Reserve Access Gate. There is a second access track from Ridge Rd that is proposed to be used as the cellar door entrance track. In front of the proposed cellar door building entrance is a proposed CFS turn point. Water to the building is gravity fed (existing infrastructure) from a 135,000 litre concrete tank situated 30 metres higher and approximately 120 metres distance with 50mm underground PVC piping. This tank is fed by an existing irrigation bore. Rainwater is also collected off the shed roof into a 22,500 litre storage tank. This will be pumped using an off-grid Solar/PV/generator back up power supply. See attached Bushfire Plan – **Appendix F**

Subject to CFS assessment of the proposal, it is considered to meet the above objectives and principles.

## **5.6 Outdoor advertisements**

The proposed development includes a small outdoor advertisement (**see Appendix H**) situated on the entrance of the property to the cellar door.

The following Zone Objectives and Principles are pertinent to this assessment:

### **Council-Wide**

**Objective 91: An urban environment and rural landscape not disfigured by**

**advertisements.**

**Principle 250 The location, siting, size, shape and materials of construction, of advertisements should be:**

- (a) consistent with the desired character of areas or zones as described by their objectives;**
- (b) consistent with the predominant character of the urban or rural landscape; or**
- (c) in harmony with any building or site of historic significance or heritage value in the locality.**

**Principle 256 Outdoor advertisements should:**

- (a) be confined to appropriate localities in urban areas;**
- (b) be displayed only on land on which the business is conducted;  
and**
- (c) be designed and sited having regard to the predominant character of the locality.**

The proposed outdoor advertisements are small (1 metre high), of high quality design and construction material (painted metal and will be in black and white). One will be situated at the entrance to the property, the other on the cellar door building entrance. We consider it to meet the above objectives and principles. See **Appendix H/1 and H/2.**

## 6.0 Social, Environmental and Economic Effects

### 6.1 Social

The proposal has demonstrated that it will manage interface impacts to ensure adjoining properties can enjoy the amenity of the area as it is intended.

The proposed development will have a low impact due to:

- most changes being internal of the existing building,
- minimal changes outside of the existing building,
- no change to the environment,
- limited opening hours of four hours Saturday and Sunday (12 to 4pm) every weekend.
- minimal functions (3) with limited people during operating hours above
- low expected traffic.
- low noise (no live or amplified music)
- neighbouring land holders are screened from the site of operation and are a considerable distance away.

### 6.2 Environmental

The proposal has demonstrated that it will not have any impact on the natural amenity of the zone due to:

- no change to the landscape
- no wet areas and waste water requirements and therefore no potential groundwater, stream or erosion effects. The washing of glasses/dishes will be conducted in the residence on the property.
- No external power inputs. The building will have its own Solar PV/battery storage and generator back up.
- No external water source. Water is supplied by rainwater collection and a bore-fed storage tank.

### 6.3 Economic

- During construction, the proposal will increase short-term employment opportunities.
- After construction, the proposal will contribute to the long-term employment opportunities of the area.
- The proposed development will enhance the tourism attraction of the zone.
- The proposed development will not create any additional or unreasonable demand on services.



## 7.0 Conclusion

The proposed development involves the conversion of an existing galvanized iron vineyard shed into a cellar door facility including car parking and one outdoor advertisement at 159 Ridge Rd Ashton. The proposal is a “non-complying” form of development by virtue of the cellar door outlet being defined as a “shop” within the Hills Face Zone of the Adelaide Hills Development Plan (consolidated 28 April 2016).

The proposed development satisfies the relevant provisions of the Adelaide Hills Development Plan in the following ways:

- The proposal will provide further investment into the Adelaide Hills Council by enhancing the vibrancy of the area and attracting greater tourism.
- The nature of the site is consistent with the adjoining Primary Production Zone where Cellar Door Activities is a desired form of land-use.
- The design and site of the development achieve a high level of compliance with the relevant accord requirements of the Development, and the building and its operation will sit unobtrusively within the landscape.
- The development forms a very small component of the property which consists primarily of bushland and planted vineyard. It is also located centrally and away from the roadside.
- There will be sufficient car parking on-site and access to and from Ridge Road will be orderly, safe and convenient.
- The one outdoor advertising sign will be small and be displayed on the property, and be designed and sited having regard to the predominant character of the locality.
- The development is situated in an area with good access for firefighting purposes, and has good access to water storage totaling 158,000 litres
- All three adjacent land occupiers are screened by trees on the entire boundary of the property and their residences are at sufficient distances as to not be effected by the operation of the cellar door.
- The cellar door operation is of low intensity, open 2 days a week from 12 to 4pm, and will not have any impact on the amenity of the area.