

SPECIAL COUNCIL ASSESSMENT PANEL MEETING

22 September 2021

AGENDA – 8.1

Applicant: Woodside Heritage Village Pty Ltd	Landowner: Woodside Heritage Village Pty Ltd
Agent: Emma Barnes, Planning Studio	Originating Officer: Sarah Davenport
Development Application:	21/355/473
Application Description: Construction of new light industry building to include a distillery & tasting room, retaining walls (maximum height 4.6m), associated earthworks, landscaping & water storage tanks	
Subject Land: Lot:102 Sec: P5047 DP:61958 CT:5900/756	General Location: 1 /20 Henry Street Woodside Attachment – Locality Plan
Development Plan Consolidated : 8 August 2019 Map AdHi/18 & AdHi/ 57	Zone/Policy Area: Light Industry Zone - Light Industry (Woodside) Policy Area (72)
Form of Development: Merit	Site Area: 7285 m ²
Public Notice Category: Category 2	Representations Received: Two (2)
	Representations to be Heard: One (1)

1. EXECUTIVE SUMMARY

The proposal seeks Development Plan Consent for the construction of a new light industry building for the purposes of a distillery & tasting room and includes earthworks, construction of retaining walls (maximum height 4.6m), water storage tanks and car parking areas.

The subject land is located within the Light Industry Zone - Light Industry (Woodside) Policy Area (72) and the proposal is a Category 2 'on merit' form of development. Two (2) representations in opposition to the proposal were received during the Category 2 public notification period.

The proposal is for a commercial/industrial building (equivalent of two storeys) containing the proposed distillery & production related infrastructure at ground level and visitor observation platform (mezzanine) and 'cellar door' overlooking the production area. The facility is proposed to operate between 8:00am – 6:00pm 7 days a week. The proposal includes a new car parking area with 54 car parking spaces.

As per the CAP delegations, the CAP is the relevant authority for Category 2 development where representors have expressed a desire to be heard.

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

2. DESCRIPTION OF THE PROPOSAL

The proposal is for the construction of a commercial / industrial building with a length of 35.2 m, depth of 11.4 m (with additional 2m canopy over the lower storey opening into the distillery floor) and maximum roof ridge height of 10.4m. The building is proposed to be situated in the south-eastern corner of the subject allotment, with setbacks of 80.3 m from the Henry Street frontage, 1 m from the rear (south-eastern) allotment boundary, 47.87 m from the north-eastern side property boundary and 3.77 m setback to the south western side property boundary.

The proposed distillation apparatus contained within the building will be comprised of a series of fermenters and production vessels 'tuns' and distillery 'kettle', for the production of spirits such as whiskeys and gins, but capable of producing other spirit liquor at a production capacity of approximately 27 tonnes of malt per annum.

The proposed distillery & production related infrastructure will be at ground level with visitor observation platform (mezzanine) and 76m² 'cellar door' overlooking the production area. A further 36m² area is to be dedicated to a meeting room, kitchenette, toilets and administration.

The building is to be constructed with a substantial portion of the lower floor level 'embedded' in the natural topography of the land with open viewing across the length of the building from the public/customer area. The external materials and finishes of the building present a modern arrangement including a mixture of charcoal and light grey/blue heavily expressed corrugated, and shallow corrugated (mini-orb) sheeting profiles for both wall and roof sheeting, with sliding service door openings in steel finish, recycled red brick, recycled timbers and, glazing in the north-western elevation (facing Henry Street). Some of the historic brick-wall remnant sections will be retained within the building as features.

The building contains rain water storage tanks and waste receptacles within the 3.77 m setback between the south-western end wall of the building and the corresponding boundary. The south-side property boundary provides the existing access to the rear of the property which is to be developed with landscaping and 54 new car parks in two aisles. The car parking includes two (2) accessible car parking spaces nearest to the proposed building entrance.

The proposed development shares the site with the former SA Farmers' Co-operative Union Building within the Woodside Heritage Village. The existing building contains Woodside Cheese Rights cheese makers and the Chesterfield Whiskey Firm and is adjacent to Melba's chocolate factory. Both buildings are State Heritage Listed, formerly the *Onkaparinga Butter Factory*.

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
Withdrawn 25 October 2012	12/704/473	Reconfiguration of existing recycled building material yard

4. REFERRAL RESPONSES

The following Referral responses were sought for the proposed development:

- **STATE HERITAGE BRANCH**

The proposal was referred to the State Heritage Branch of the Department of Environment in accordance with Schedule 8 and Section 37 of the Act in respect of the site's heritage status, applying to the Melba's Chocolates and the SA Farmers' Co-operative Union Building, listed together as the former Onkaparinga Butter Factory.

State Heritage have returned a 'no objection' response to the proposal including amendments sent on 24 August 2021, citing that the building's proposed location at the rear of the site, clear of existing buildings and the form and materials proposed for the distillery building are of an industrial nature and are visually compatible with the remnant butter factory buildings. It is considered the proposal will not have any physical impact on the building fabric of the State heritage place and that the setting of the Place is not adversely compromised.

The State Heritage Branch have recommended a group of standard conditions if consent is granted (refer recommended conditions 13 and 14).

- **AHC EHU/SA HEALTH**

Based on the size of the system required and trade waste – SA Health were the relevant authority for assessing the waste application. Council's engineering team have confirmed that the CWMS has sufficient capacity to facilitate the development without having to upgrade the infrastructure.

SA Health have approved the waste application.

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

It is noted that the proposal does not trigger referral to the EPA as the anticipated production capacity of the proposed distillery (and current capacity at its current location) does not exceed the prescribed 50 tonnes per annum threshold in Schedule 21 of the Development Regulations 2008.

5. CONSULTATION

The application was categorised as a Category 2 form of development in accordance with Zone PDC 72 of the Adelaide Hills Development Plan.

Two (2) representations were received during the public notification period. Of these, one (1) representation was neither in favour nor in opposition to the proposal, notwithstanding matters were raised to be considered in the assessment and one (1) representation was opposing the proposal. Both representations were from adjacent property owners.

The following representations were received during public notification processes:

Name of Representer	Representer's Property Address	Supports / Opposes	Appearing / Nominated Speaker
I & M Schutz	13 Henry Street, Woodside	Representer neither in support nor opposition. However raises concerns	No
S Armour	46 Naughtons Road, Woodside (Lot 103)	Representer in opposition to proposal	Appearing personally or Representative

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

- Parking adequacy
- Site management/beautification
- Boundary fencing
- Physical security
- Privacy impact upon Lot 103
- Public liability upon Lot 103
- Construction contamination upon Lot 103
- Visual impact (length, height and mass)
- Stormwater management & overflow
- Hours of operation
- Noise impact/lack of noise attenuation/insulation,
- Polycarbonate roof sheeting/increased fire risk,
- Southern boundary issues with lack of retaining, and
- Civil dispute issue regarding extinguishment of the Right of Way 'E'

The civil dispute involving Right of Way 'E', granted over Lot 103 for the benefit of Lot 102 does not cause impact to this proposal, and there is no reliance upon Right of Way 'E'. These matters are not addressed any further in this assessment.

The applicant has provided their detailed response to the many and various matters raised in the representations. The applicant, or their representative – Ms Emma Barnes of Planning Studio may be in attendance to respond before the Council Assessment Panel.

The planning and land use related matters represented above are discussed in detail in the following sections of the report.

A copy of the submissions is included as **Attachment – Representations** and the response is provided in **Attachment – Applicant's Response to Representations**. A copy of the plans which were provided for notification are included as **Attachment – Publically Notified Plans**.

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 7285m² in area, which is in the order of two to three times the average size of allotments within the Woodside Light industry Zone. The site is physically and visually removed from the Onkaparinga Valley Road (scenic route) and is established within the zone with its historic and ongoing light industrial / commercial uses. The land is however adjacent to the Township Zone (west/south-west of the site and Watershed (Primary Production) Zone bounding the site to the southern and eastern aspects.

The land is somewhat elevated and exhibits rolling terrain, sloping downhill from the north-east to the southwest with the land exhibiting a variation of approximately 8 metres across the site, equating to approximately 1:12 grade.

The land is clear of vegetation, being occupied by the former SA Farmers' Co-operative Union Building complex which contains the Woodside Cheese Wrights production and shop and Chesterfield Whiskey Firm shop. The rear of site currently maintains a substantial amount of building salvage material, post the destruction of the Adelaide Hills Building Materials building in the 2019 Cudlee Creek bushfire.

The land also contains some remnant hardstand driveway along the southern side and generally, the site frontage remains unaffected and is to be retained in its current form.

The subject land is not subject to any easements, Land Management Agreements or Encumbrances which would affect the proposed development. The land is, however, afforded two rights of way. One is reciprocal rights to a common internal driveway between Melbas Chocolates on Allotment 101 to the north-west and the former SA Farmers' Co-operative Union Building.

The other right of way (marked 'E' at the rear (south-eastern) boundary) is cited in one of the Category 2 representations as being subject to an existing civil dispute. It is unclear from records or aerial imagery from 1949 through 2020 as to the reason for the existence of the right of way, however it may involve mis-aligned infrastructure. It is noted from recent survey data (provided by the representor) that the low water tower on the subject land marginally encroaches over the allotment boundary. The easement also aligns with the western end-wall of the existing shed on Allotment 103 (also apparent in aerial imagery from 1949).

Figure 1: **Recent Survey (04/09/2020) provided in representation - Note Right of Way 'E' alignment with Shed (Lot 103) and slight encroachment of water tower (Lot 102)**

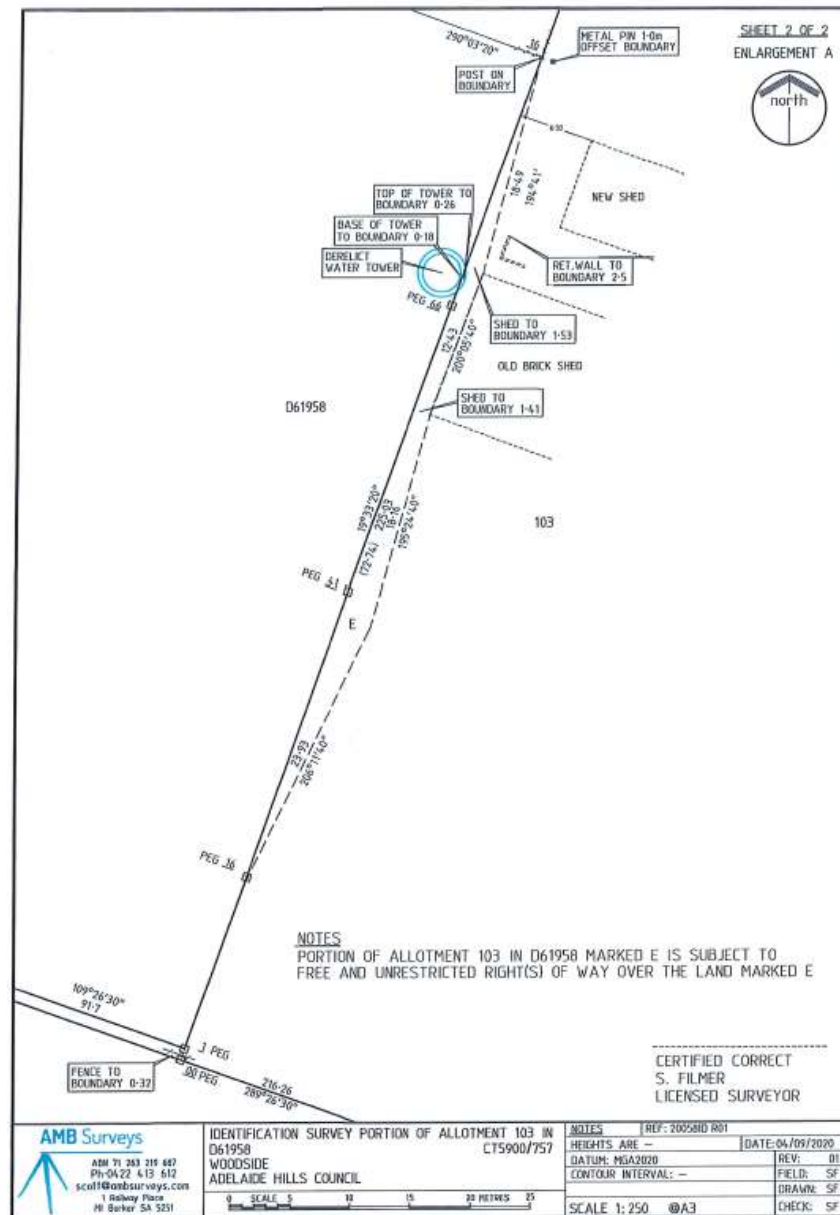


Figure 2: Aerial Imagery – 1949 - Shed (Lot 103) and water tower (Lot 102) exist, nothing evident relevant to Right of Way 'E'



ii. The Surrounding Area

The surrounding locality is distinctly industrial, transitioning to a rural landscape generally north, south and east of the subject land within the Watershed (Primary Production) Zone. Land further west/south-west has commercial characteristics and is located within the northern extent of the adjacent Township Zone on Onkaparinga Valley Road.

The zone is undergoing further infill of commercial/industrial development, noting CAP recently granted Development Plan Consent to the Joyson Orchards P/L processing and packing plant (CAP, June 2021) at allotments 2, 3 and 21 adjacent to the intersection of Onkaparinga Valley Road and Naughtons Road.

The locality demonstrates a pleasant commercial amenity incorporating native vegetation within road reserves, larger allotments and adjacent rural land. Adjacent dwellings within the Township Zone also enjoy rural outlooks to the east in which the proposed development interfaces.

iii. Development Plan Policy considerations
a) *Policy Area/Zone Provisions*

The subject land lies within the ***Light Industry Zone - Light Industry (Woodside) Policy Area (72)*** and these provisions seek:

- intensive development with a wide range of low-impact industrial activities, storage and warehouse land uses
- to reflect a vigorous local economy and developments with a form that enhances the overall views and rural character
- to present a high quality, aesthetically pleasing landscaped industrial area with generous set-backs and substantial and effective vegetated buffers to reduce the visual and environmental impact of the development
- protection from the intrusion of residential and other inappropriate uses to avoid land use conflicts. High impact industrial uses are inappropriate within the zone
- appropriate scale of buildings exhibiting well-articulated form, using smaller building modules, variation in the facades, roof form and colour and enhancement of the area, and
- Will recognise the importance of the Mount Lofty Ranges Watershed Area with an emphasis on prevention of pollution.

The following are considered to be the ***Light Industry (Woodside) Policy Area*** provisions:

<i>Objectives:</i>	<i>1, 2, 3</i>
<i>Desired Character Statement:</i>	<i>Paragraphs 1 & 2</i>
<i>PDCs:</i>	<i>1, 2, 3 & 5</i>

The following are considered to be the ***Light Industry Zone*** provisions:

<i>Objectives:</i>	<i>1, 2</i>
<i>Desired Character Statement:</i>	<i>Paragraphs 1, 2, 3, 4 & 5</i>
<i>PDCs:</i>	<i>1, 3, 4 & 6</i>

Accordance with Zone

This proposal represents a high standard of light industrial development, which is substantial in scale, however not inconsistent with surrounding industrial developments within the locality. Contextually, within the precinct, the proposed development is consistent with niche/artisan food products and experiences offered and it is considered that the proposed development's position within the Woodside Heritage Village is appropriate and complimentary.

The proposal is tangibly linked to rural industry and value adding of primary produce (similar to the Woodside Cheese Wrights). It is not necessarily linked to primary production on the same site, however the development provides the production, retail and tasting in an accessible location, which is supported by the Development Plan in terms of encouraging the *vigour of local economy* as described within the Desired Character Statement.

The building utilises a composite of building elements and materials which surpass the 'typical appearance' of industrial buildings, presenting a contemporary design and styling which is complimentary to the visual appearance of the locality without adverse contextual impact to the State heritage places within the Woodside Heritage Village.

The site is accessible from the constructed local road network and provides a substantial landscaped car park area which will add to the scenic harmony of the site and also conceal the parking areas from direct view on the road network.

Development for the purpose of processing, storage, transport and associated office/administration is considered to be appropriate within the Light Industry Zone and where linked to such activities, the incorporation of integrated retail, such as the tastings and sales, is also supported.

Form of Development

PDC 1 of the Zone and Policy Area both indicate envisaged forms of development including *light industry* as appropriate.

Schedule 1 of the Regulations provides detail of the nature, scale and intensity activities within the definition of 'light industry'. The Schedule 1 (interpretation) provides that:

light industry - means an industry where the process carried on, the materials and machinery used, the transport of materials, goods or commodities to and from the land on or in which (wholly or in part) the industry is conducted and the scale of the industry does not—

(a) detrimentally affect the amenity of the locality or the amenity within the vicinity of the locality by reason of the establishment or the bulk of any building or structure, the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, spilled light, or otherwise howsoever; or

(b) directly or indirectly, cause dangerous or congested traffic conditions in any nearby road;

The form of development incorporating the processing, storage/aging of product is considered appropriate in the Zone and Policy Area. Bottling and sale/distribution of product is consistent with the definition of 'light industry' and the cellar door retail activity is unlikely to create unreasonable impact on neighbouring allotments based on the modest hours of operation and patronage numbers.

The scale of the building is not insubstantial, however with setbacks of 3m from the rear boundary and in excess of 70m from Henry Street its built form, articulation and setback accord or exceed the minimum requirements of the zone in many respects. The building is not considered likely to dominate the zone or impact visually.

The proposed development and the activities associated are not prejudicial to any other development on land within adjacent zones, particularly it does not threaten the attainment of the Development Plan Objectives in respect of protecting the Watershed (Primary Production) Zone from undesirable impact upon water resources or pollution.

The proposed means of wastewater treatment have been assessed by SA Health and have gained approval for its discharge to the CWMS. The system will treat wastewater and trade waste on site before discharging to the CWMS.

Desired Character (Light Industry Woodside Policy Area)

The Desired Character Statement for the *Light Industry (Woodside) Policy Area* provides that the Light Industry Zone forms part of the approach to Woodside from the north, being a highly visible element of the 'gateway' to the town.

The proposal pursues the continuance of a pattern of development within the zone which contributes to *a vigorous local economy*, notwithstanding its lack of visibility from Onkaparinga Valley Road. In this respect, the proposed development does not present any adverse impacts to the locality or the appearance of the northern approach to Woodside.

The proposed activity is considered to suitably accord with the intent of both the Zone and Policy Area.

b) Council Wide provisions

The Council Wide provisions of relevance to this proposal seek to reinforce appropriate built form and design, safety of life and property from natural hazards, and for appropriate forms of industrial development to contribute positively to the surrounding natural and built environment. The fine balance of these matters is critical to the achievement of the Development Plan intent.

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

Design and Appearance

Objective: 1

PDCs: 1, 3, 11, 12 & 27

The appearance of the proposed buildings proposed in this application are considered to be acceptable in the context of the site and Zone. Buildings are set back substantially from the Henry Street frontage mitigating the impact a large building would create and contextually standing separate from the State Heritage buildings, as reflected in the State Heritage Branch referral response.

The proposed building provides modern architectural styling, and incorporates appropriate muted colours, non-reflective finishes and soft landscape features about the building and the site which enhances appearance of the building and the land generally.

The placement of the building's north-eastern lower level into the natural topography of the site reduces the visual bulk of the building to view from the neighbouring land.

It is acknowledged that the subject land is proposed to be developed in accord with the desired forms of development in the Zone and that the existence of residential development in the adjacent W(PP) Zone should not prejudice the provisions of the subject Zone. The proposal has taken steps to present a more uniform external appearance to view from the north east (to Lot 103) and to the south, where the end wall of the shed becomes the most exposed face of the building.

Buildings within the zone are permitted to achieve substantial scale and height, the proposed development retains a relatively 'open' character across the site, and is not considered to create unreasonable visual impact considering the industrial nature of the zone.

Industrial Development

Objectives: 3, 4 5, & 6

PDCs: 2, 3, 4, 5, 6, 7 & 8

The proposed development is considered to represent an appropriate development within the Zone and Policy Area in respect of according appropriate levels of aesthetic/visual appearance consistent with Objective 6 and PDCs 4, 5, 7 & 8. The development also provides appropriate levels of landscaping to screen the car park and the rear of the Woodside Cheese Wrights site from clear and direct view, particularly from the south of the site.

The proposal is at close interface with the adjoining residence to the east, which is presented with a partially embedded, concealed building and uniform materials, colour and finish. The adjoining dwelling affords itself large setbacks from the boundary to the proposed development (greater than 80m) and importantly, the nature of the development, and its intensity of operation in terms of deliveries, solid waste collection, operating hours and visitation are all considered to present suitably low impacts to be at interface with a residential property.

The proposed development is considered to be compatible with the other established developments within the Light Industry Zone and the adjacent Township Zone, with no representation from any other business owner or occupier.

Interface Between Land Uses

Objectives: 1 & 3

PDCs: 1 & 2

Specifically noting that the Zone and Policy Area provide for dedicated low intensity industrial uses without prejudice from other incompatible uses within the Zone, the interface between the adjoining residence and the proposed development is considered to be somewhat of a lesser concern but is still considered in the assessment.

The representation from the adjoining property cites interface impacts including *physical security, privacy impact, public liability risks and construction contamination* upon Lot 103. The development is substantially set back from the dwelling of the representor and will be orientated away from the property, addressing Henry Street.

Trespassing and physical security are unlikely to be an issue based on the distance between the two uses - should patrons enter the property this would become a Police matter. The construction management plan will be addressed at the building construction stage (refer to recommended condition 12). Unfortunately, whilst the easement and encroachment matters are clearly long standing and personal concerns of the representor, they are not considered to translate into planning assessment considerations under the Development Plan.

The proposal does not purport light spill and is unlikely to present any unreasonable noise impact from the building in its normal operation, including some allowances for human activity associated with the cellar door operation. The proposal does not purport outdoor licensed areas or any other forms of entertainment presenting potential for noise nuisance.

Landscaping Fences and Walls

Objectives: 1 & 2

PDCs: 1 & 2

The proposal does not include any peripheral fencing, however the proposal does provide for landscaped areas on north and south aspects of the driveway access and parking provision.

There are no retaining walls or structures to be included instead, utilising structural concrete blockwork walls for the lower wall sections incorporated, particularly in the rear, south-eastern wall of the building and its embedded wall sections, allowing any subsequent fencing and / or landscaping to be established at the existing natural ground level.

Landscaping is also proposed as part of the aesthetic treatment of the façade of the proposed building, incorporating heavy timber and trellis with climbing / vine species providing some softening of the external walls of the building and adding an aesthetically pleasing feature to the site and the building.

Transportation and Access

PDCs: 14, 33, 35, 36, 39 & Table AdHi/4

The development provides 54 car parking spaces, including two accessible car parking spaces located immediately outside of the cellar door entrance.

The proposed development includes 440m² of floor area on the production floor (ground floor) which has been assessed in total for car parking requirements as *industry, store or warehouse*, substantially comprising those elements, or substantially allied elements, and the upper level, providing 116m² areas for tastings / bar and lounge are assessed in accordance with the *hotel and licensed premises* provisions for bar areas and lounge areas respectively. A total minimum requirement for 21 car parking spaces was determined.

The car parking requirements, when assessed against the off-street vehicle parking requirements specified in Table AdHi/4, for *industry, store or warehouse*, and *hotel and licensed premises* substantially exceeds the parking requirements.

It is acknowledged that the parking areas defined may also be utilised at times in a shared manner for Woodside Cheese Wrights, and the proposed development (and potentially customers also visiting Melbas Chocolates on occasion) collectively utilising the car parks.

Other Matters – Easements and Encroachments

Notwithstanding the outstanding civil matters regarding Right of Way 'E', it is considered that it is not pivotal in the assessment of this proposal due to (i) the easement granting 'free and unrestricted rights appurtenant to Lot 102 (the subject land) which must be honoured by Lot 103. The capability to do so due to materials 'over the boundary' and those items' custodianship is a separate civil matter.

The rear boundary setback of the proposed building, of 1 metre, does not appear to cause impact to, or rely upon Right of Way 'E'.

7. SUMMARY & CONCLUSION

The proposal assessed against the provisions of the Adelaide Hills Development Plan, Consolidated 8 August 2019, is considered to demonstrate adequate merit insofar that it has the potential to considerably improve upon and positively influence the existing built form and appearance of industrial activity within the Zone.

The proposal represents development of the Zone and Policy Area consistent with the desired character, and envisaged land uses contributing to a vigorous local economy encouraging developments with a built form and appearance which is not only a considerable improvement of the site's aesthetics, but also enhances the overall character of the Light Industry Zone and the locality generally.

The proposal suitably complements the existing industrial and commercial activities in the Zone and contributes to an aesthetically pleasing transition from the surrounding rural environment.

The proposed building, site works and landscaping are of a high standard of design and appearance which will amalgamate with the established adjacent buildings and importantly is not considered to compromise the heritage value or context of the adjacent State Heritage listed sites.

The proposed development is not subject to unreasonable risk or susceptibility to bushfire, is unlikely to create any impact to local traffic movements and will not propagate or perpetuate any risk to natural resources or the environment, including the Onkaparinga River watercourse in the adjacent Watershed (Primary Production) Zone.

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 21/355/473 by Woodside Heritage Village Pty Ltd for Construction of new light industry building to include a distillery & tasting room, retaining walls (maximum height 4.6m), associated earthworks, landscaping & water storage tanks at 1/20 Henry Street Woodside subject to the following conditions:

ADELAIDE HILLS COUNCIL CONDITIONS OF DEVELOPMENT PLAN CONSENT

(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:

- Location Plan, prepared by BB Architects, received by Council 20 August 2021, drawing no DPC-00A
- Site Plan Existing, prepared by BB Architects, received by Council 20 August 2021, drawing no DPC-01
- Site Plan Proposed, prepared by BB Architects, received by Council 20 August 2021, drawing no DPC-02A
- Floor Plan Level 1, prepared by BB Architects, received by Council 20 August 2021, drawing no DPC-03A
- Floor Plan Level 0 , prepared by BB Architects, received by Council 20 August 2021, drawing no DPC-04A
- Elevations 1, prepared by BB Architects, received by Council 20 August 2021, drawing no DPC-05A
- Elevations 2, prepared by BB Architects, received by Council 20 August 2021, drawing no DPC-06A
- Sections , prepared by BB Architects, received by Council 20 August 2021, drawing no DPC-07A
- Renders, prepared by BB Architects, received by Council 20 August 2021, drawing no DPC-08

(2) Colours and Materials

The external finishes to the building herein approved shall be as follows:

WALLS: Recycled Red Brick
 Revolution Roofing – Hotham or similar
 Revolution Roofing – Stealth or similar
ROOF: Revolution Roofing – Stealth or similar

(3) Stormwater Management

All surface water from car parking areas and roof areas must be managed in accordance with the Stormwater Management Plan and associated calculations, prepared by PT Design Pty Ltd, Revision E, received by Council 30 August 2021.

- (4) **Prior to Construction- Requirement For Stormwater Calculations**
Prior to Building Rules Consent being granted all hydrological and hydraulic stormwater calculations shall be provided together with the final drainage plan. Pre development calculations must allow for a 1:5 year event at 5 minutes, post development calculations must consider a 1:100 year event at 5 minutes with post development flows kept to pre development rates.
- (5) **Landscaping**
Landscaping detailed in plan DPC-02A shall be planted in the planting season following occupation and maintained in good health and condition at all times. Any such vegetation shall be replaced in the next planting season if and when it dies or becomes seriously diseased.
- (6) **Prior to Building Rules Consent Being Granted - Requirement For Landscaping Plan**
Prior to Building Rules Consent being granted a detailed landscaping plan shall be provided to Council's satisfaction. The landscaping detailed in the plan shall include trees selected from Table AdHi/6 of the Adelaide Hills Council Development Plan.
- (7) **Landscaping Protection In Carparks**
All landscaped areas and structures adjacent to driveways and parking areas shall be separated by a wheel stop device prior to the occupation of the development. Such devices shall not impede the free movement of people with disabilities.
- (8) **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. Line marking and directional arrows shall be clearly visible and maintained in good condition at all times. Driveways, vehicle manoeuvring and parking areas shall be constructed of bitumen or brick paved prior to occupation and maintained in good condition at all times to the reasonable satisfaction of the Council.
- (9) **Signage**
A separate development application is required for additional signs or advertisements (including flags and bunting) associated with the development herein approved.
- (10) **Hours of Operation**
The operating hours of the distillery and opening hours of the tasting room shall be:
Monday – Sunday 8:00am – 6:00pm
- (11) **Patron Capacity**
At any one time, the overall capacity of the licensed area shall be limited to a maximum of 50 persons.

(12) Removal Of Putrescible Waste

All putrescible waste including food, leaves, papers, cartons, boxes and scrap material of any kind shall be stored in a closed container having a close fitting lid. The container shall be stored in a screened area so that it is not visible from Henry Street or adjacent properties.

(13) Regular Removal Of Putrescible Waste From The Site

All waste shall be removed from the subject land at least once weekly. Collection of waste shall be carried out only between the hours of 8:00am – 6:00pm Monday to Saturday.

(14) Prior to Full Development Approval – Requirement for Soil Erosion And Drainage Management Plan (SEDMP)

Prior to Full Development Approval being granted the applicant shall prepare and submit to Council a Soil Erosion and Drainage Management Plan (SEDMP) for the site for Council's approval. The SEDMP shall comprise a site plan and design sketches that detail erosion control methods and installation of sediment collection devices that will prevent:

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

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

(15) Commercial Lighting

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

STATE HERITAGE CONDITIONS

- (16) Any changes to the proposal for which planning consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department for Environment and Water, or an additional referral to the Minister for Environment and Water. Such changes would include for example (a) an application to vary the planning consent, or (b) Building Rules documentation that incorporates differences from the proposal as documented in the planning application.**

- (17) In accordance with the Heritage Places Act 1993:**

- a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
- b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

For further information, contact the Department for Environment and Water.

(18) In accordance with the Aboriginal Heritage Act 1988:

- a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the Aboriginal Heritage Act 1988.

Any enquiries in relation to this application should be directed to Michael Queale on telephone (08) 8207 7711 or e-mail michael.queale@sa.gov.au

ADELAIDE HILLS COUNCIL ADVISORY NOTES

(1) Development Plan Consent Expiry

This Development Plan Consent (DPC) is valid for a period of twenty-four (24) months commencing from the date of the decision.

Building Consent must be applied for prior to the expiry of the DPC and lodged through the PlanSA portal unless a private certifier was engaged prior to 19 March 2021.

Further details in relation to the Planning Reforms can be found at https://www.saplanningportal.sa.gov.au/planning_reforms

(2) Erosion Control During Construction

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

(3) EPA Environmental Duty

The applicant is reminded of his/her general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes, or may cause, environmental harm.

(4) Compliance with Food Act SA 2001

This approval under the Planning, Development and Infrastructure Act 2016 does not in any way imply compliance with the Food Act SA 2001 and/or Food Safety Standards. It is the responsibility of the owner of other person operating the food business from the building to ensure compliance with the relevant legislation before opening the food business on the site.

(5) Works On Boundary

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.

9. ATTACHMENTS

Locality Plan
Proposal Plans
Application Information
Applicant's Professional Reports
Referral Responses
Representation
Applicant's response to representations
Publically Notified Plans

Respectfully submitted

Concurrence

Sarah Davenport
Statutory Planner

Deryn Atkinson
Assessment Manager