

COUNCIL ASSESSMENT PANEL MEETING

13 October 2021

AGENDA – 8.1

Applicant: R Ceravolo & Co Pty Ltd	Landowner: S & A Ceravolo
Agent: Rob Gagetti, of Ekistics	Originating Officer: Marie Molinaro
Development Application:	21/113/473
Application Description: Change of use of existing horticulture building to house a wastewater treatment plant	
Subject Land: Lot:5 Sec: P1199 DP:48914 CT:6124/915 Lot:4 Sec: P406 DP:48914 CT:5648/830	General Location: 376A and 376B Lobethal Road Ashton Attachment – Locality Plan
Development Plan Consolidated : 8 August 2019 Map AdHi/3	Zone/Policy Area: Watershed (Primary Production) Zone - Water Protection (Marble Hill) Policy Area
Form of Development: Merit	Site Area: Approx. 56 hectares
Public Notice Category: Category 2	Representations Received: Two Representations to be Heard: One

1. EXECUTIVE SUMMARY

The purpose of this application is to construct a new wastewater treatment plant associated with an existing agricultural industry (fruit processing facility). The wastewater treatment plant equipment will be mostly contained within an approved horticultural building, with external construction of three wastewater holding tanks, a jetty across an existing wastewater dam, installation of an aerator mixer within the dam and fencing around the facility.

The subject land is located within the Water Protection (Marble Hill) Policy Area of the Watershed (Primary Production) Zone. Two representations in opposition to the proposal were received during the Category 2 public notification period.

As per the CAP delegations, the CAP is the relevant authority as one of the representors wishes to be heard in support of their written submission.

The main issues relating to the proposal are environmental and noise impacts.

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

2. DESCRIPTION OF THE PROPOSAL

The proposal is for the following:

- Use of an existing horticultural building to house new wastewater treatment plant equipment.
- Construction of external elements comprising three wastewater holding tanks, jetty over an existing wastewater dam, installation of an aerator mixer within the dam and 2.1m high cyclone mesh fencing around the facility.
- The tanks will have a combined capacity of 95,000L and will be finished in Colorbond 'Woodland Grey' colour to match the existing building.
- The new wastewater treatment plant will provide wastewater that is more suitable for irrigation of the orchard on the land. It will also allow for further expansion/increase to fruit processing capabilities, mainly the juicing of fruit. Extracted solid waste will be used as fertiliser.
- There are no modifications proposed to the existing horticultural building.
- The proposal is partly retrospective as the plant equipment is already in place, but not yet operational.

The proposed plans are included as **Attachment – Proposal Plans** with other information included as **Attachment – Application Information**.

3. BACKGROUND AND HISTORY

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
4 May 2020	19/333/473	Horticultural building – this is the building to be converted to wastewater treatment plan holding facility
20 February 2017	15/147/473	Building fire safety upgrade comprising 100,000 litre hydrant water storage tank, hydrant main & booster system, essential building fire safety provisions & associated infrastructure for existing buildings A,B, C & D
5 March 2015	07/408/473	Apple juice processing and packaging plant and new shedding warehouse/workshop additions (Building A – juicing shed)
12 March 2015	14/947/473	Alterations and additions to existing horticultural building (mezzanine level 22.4m x 17.8m)

25 June 2015	14/733/473	Horticultural buildings (semi-enclosed canopies) attached to existing buildings, retaining walls (maximum height 900mm) & associated earthworks
14 February 2012	11/879/473	Canopy extension to existing horticultural building and 50,000 litre water tank
15 August 2005	04/153/473	Construction of an additional building for the storage of fruit bins and pallets in association with an existing orchard activity and construction of a carport over an existing car parking area
5 June 2000	00/422/473	Farm building
5 January 2000	99/186/473	Office, coldstore and packing (non-complying)

4. REFERRAL RESPONSES

- EPA**

The proposal is a listed activity of major environmental significance as per Schedule 22 of the *Development Regulations (2008)*. The EPA have power of direction and are satisfied that environmental risks are acceptable, subject to two conditions. See recommended conditions 2 & 3. The EPA also recommended a suite of advisory notes, see recommended notes 2-5.

A copy of the response is provided in ***Attachment - Referral Responses***

- Council Environmental Health**

Advised that the EPA are the relevant authority and separate wastewater approval by Council or SA Health is not required.

5. CONSULTATION

The application was categorised as a Category 2 form of development in accordance with Watershed (Primary Production) Zone PDC 72 requiring formal public notification. Two representations from adjacent land owners/occupiers were received in opposition to the proposal.

Name of Representor	Representor's Property Address	Nominated Speaker
Jerusha Howes	344 Lobethal Road, Ashton	Does not wish to be heard

Simon Gray	142 Collins Road, Ashton	TBA
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The applicant, or his representative –Rob Gagetti from Ekistics, may be in attendance.

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

- Negative noise impact associated with the wastewater treatment plant operations.

This issue is discussed in the following sections of the report.

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

6. PLANNING & TECHNICAL CONSIDERATIONS

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

i. The Site’s Physical Characteristics

The subject land comprises two allotments. The land contains orchard plantings, dwellings and numerous buildings used for the processing of fruit (agricultural industry), including a fruit juicing plant, all associated with Ashton Valley Fresh and Ceravolo Orchards.

The buildings on the land are clustered together and set-down in a valley. Access to the buildings is via a sealed internal driveway with connection to Lobethal Road.

A wastewater dam has been constructed near the south-eastern corner of the land. The dam was constructed as part of approved development authorisation 473/408/07 for the juicing plant. The horticultural building proposed to contain the new wastewater treatment plant is located on the bank of the dam.

ii. The Surrounding Area

The locality comprises a mix of land uses including horticulture and rural residential. The location for the proposed wastewater treatment plant equipment is approximately 240m from the nearest dwelling on an adjoining allotment.

iii. Development Plan Policy considerations

a) *Policy Area/Zone Provisions*

The subject land lies within the Water Protection (Marble Hill) Policy Area of the Watershed (Primary Production) Zone. The following are considered to be the relevant Policy Area provisions:

- *Retention of agricultural activities which have low pollution potential*
- *Processing activities and facilities associated with horticulture should be sited to ensure all buildings and structures are clustered*

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

Objectives: 1 & 2

PDCs: 2, 3, 7, 9 & 10

Objective 2 and PDCs 9 & 10 relate to the appearance and siting of buildings. The proposed wastewater treatment plant is to be contained mainly in an existing building, which is next to the existing wastewater lagoon. New external elements of the wastewater treatment plant are clustered next to the existing building and are well setback from the allotment boundaries. The proposal is consistent with Objective 2 and PDCs 9 & 10.

The following are considered to be the relevant Zone provisions:

- *The maintenance and enhancement of the natural resources of the south Mount Lofty Ranges*
- *The enhancement of the Mount Lofty Ranges Watershed as a source of high quality water*
- *The long-term sustainability of rural production in the south Mount Lofty Ranges*
- *The enhancement of the amenity and landscape of the south Mount Lofty Ranges for the enjoyment of residents and visitors*

Objectives: 1, 2, 3 & 5

PDCs: 14, 48, 61, 62 & 63

Objective 2 seeks the enhancement of the Mount Lofty Ranges Watershed as a source of high quality water.

Whilst the proposal does not necessarily enhance/improve the Mount Lofty Ranges Watershed as a source of high quality water, the EPA are satisfied the risk to water quality is low. However, this is subject to two directed conditions for bunding of the plant equipment, and the installation of an impervious base between the plant equipment and the wastewater lagoon. See recommended conditions 2 & 3.

PDCs 48 and 61-63 relate specifically to agricultural industries.

This proposal does not require the re-assessment of the existing agricultural industries activities on the land, however PDC 61 is useful as it gives specific guidance in relation to effluent management systems. Criterion d) of PDC 61 states that agricultural industries should incorporate effluent management systems that do not impact on the local environment by way of malodour or the pollution of surface or ground water.

The EPA considered air quality in their assessment of the proposal. Air quality impacts were considered to be acceptable. As noted earlier the EPA were also satisfied that the risk to water quality is low.

Criterion d) of PDC 62 is also useful as it sets out that agricultural industries should not generate noise greater than 40 decibels during the hours of 10pm to 7am and 47 decibels between 7am to 10pm measured at the nearest neighbouring dwelling or boundary of a vacant allotment.

With regard to this criteria it is considered more relevant to review noise impacts in relation to the *Environment Protection (Noise) Policy 2007*. The EPA note that the most likely source of adverse noise impacts will be the wastewater dam aerator. However the EPA are satisfied that noise levels at the nearest dwelling on an adjoining allotment will be in accordance with the requirements of the Noise Policy. The nearest dwelling on an adjoining allotment is 240m away from the wastewater treatment plant; and the EPA is satisfied that noise impacts associated with other mechanical components of the wastewater plant are low given this separation distance, and that they are contained in an enclosed building. The EPA have directed two notes regarding the use of the aerator and the closing of the doors to the wastewater treatment plant building. See recommended notes 4 & 5.

For consistency with condition 7 of the juicing plant approval (07/408/473) recommended condition 4 imposes a noise level restriction. See recommended condition 4.

The proposal is sufficiently consistent with PDC 62.

PDC 63 seeks agricultural industries no closer than 300m to a dwelling not in the ownership of the applicant. Whilst the wastewater treatment plant is approximately 240m from the nearest dwelling on the adjoining allotment there is no alternative siting as its location is dictated by the location of the existing wastewater dam. The EPA document *Evaluation Distances for Effective Air Quality and Noise Management* recommends a 200m buffer between such proposed wastewater treatment plants and sensitive receivers. Noting the 240m separation distance non-compliance with PDC 63 is considered to be acceptable.

b) Council Wide provisions

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

- *The development of agricultural industries (small-scale), wineries, cellar doors, mineral water extraction and processing plants and home based industries in rural areas*
- *Industrial development occurring without adverse effects on the health and amenity of occupiers of land in adjoining zones*
- *Development located and designed to minimise adverse impact and conflict between land uses*

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

Industrial Development

Objectives: 2 & 4

PDCs: 6, 11, 12, 13, 14

Objective 4 and PDC 6 seek for industrial development to occur without adverse effects on adjoining uses, including but not limited to noise or other harmful impacts.

As discussed above the EPA are satisfied that the risk of noise and odour impacts are low.

The proposal supports the continuing use of an agricultural industry. Small-scale agricultural industries are encouraged in rural areas as per PDCs 11-14. The purpose of this application is not to determine if the agricultural industry occurring at the site is still small-scale.

Interface Between Land Uses

Objectives: 1 & 2

PDCs: 7, 8 & 11

The proposal is considered to minimise impact on adjoining residential uses as per the EPA recommendation. The proposal is sufficiently consistent with the Objectives and PDCs of the Interface Between Land Uses module, with the recommended noise conditions requirements.

Other Matters

The applicant has given assurances that a separate development application will be lodged to seek approval for an increase to the crushing capacity of the juicing plant. Impacts associated with an increase to the crushing capacity of the juicing plant will be assessed as part of any future application.

7. SUMMARY & CONCLUSION

The applicant is seeking consent to use an approved horticulture building as a storage facility for a new wastewater treatment plant associated with an existing agricultural industry in the Watershed (Primary Production) Zone.

The proposal constitutes an activity of major environmental significance and accordingly required a referral to the EPA. The EPA are satisfied that environmental risks, including noise noted as an area of concern in the representations are acceptable.

Accordingly, the proposal is considered to be 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 21/113/473 by R Ceravolo & Co Pty Ltd for Change of use of existing horticulture building to house a wastewater treatment plant at 376A & 376B Lobethal 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:

- Locality plan (ref. 2241/04/19 wd 1) by Zummo Design, received by Council 2 February 2021
- Proposed site plan (ref. 2241/04/19 wd2) by Zummo Design, received by Council 2 February 2021
- Plant-room layout, drainage & dimensions, bunded floor slab layout, aeration dam & bunded pad configuration and elevations plans (drawings 11492.E.4, 11492.L.5 & 11492.L.2) by Land Energy Environmental Science & Engineering, received by Council 2 February 2021

(2) Construction of Impervious Base

Prior to operation of the new wastewater treatment plant, an impervious base must be constructed between the new wastewater treatment plant and the wastewater lagoon.

(3) Construction of Bunding

Prior to operation of the new wastewater treatment plant, the bunding must be constructed and in place (being a spill containment system constructed of impervious material, with a net capacity of at least 120% of the volume of the largest container/wastewater able to be processed). Note further guidance refer to the EPA Guideline Bunding and Spill Management (2016)

https://www.epa.sa.gov.au/files/47717_guide_bunding.pdf

(4) Noise

Noise resulting from the approved development must not exceed:

- a) 47dB(A) between the hours of 7am and 10pm when measured and adjusted at any neighbouring dwelling in accordance with the relevant environment protection noise policy.
- b) 40dB(A) between the hours of 10pm and 7am when measured and adjusted at any neighbouring dwelling in accordance with the relevant environment protection noise policy.

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 https://www.saplanningportal.sa.gov.au/planning_reforms

(2) EPA Environmental Duty

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

(3) EPA Licence

An environmental authorisation in the form of a licence is required for the operation of this development. The applicant is required to contact the Authority before acting on this approval to ascertain if there are any changes to current licencing requirements.

(4) Aerator operation

Wherever practicable, the aerator should be run during the day time periods to reduce night time operations, to achieve compliance with the *Environment Protection (Noise) Policy 2007*.

(5) Wastewater treatment building

Wherever practicable, the doors to the wastewater treatment plant shed should be shut during operations to achieve compliance with the *Environment Protection (Noise) Policy 2007*.

9. ATTACHMENTS

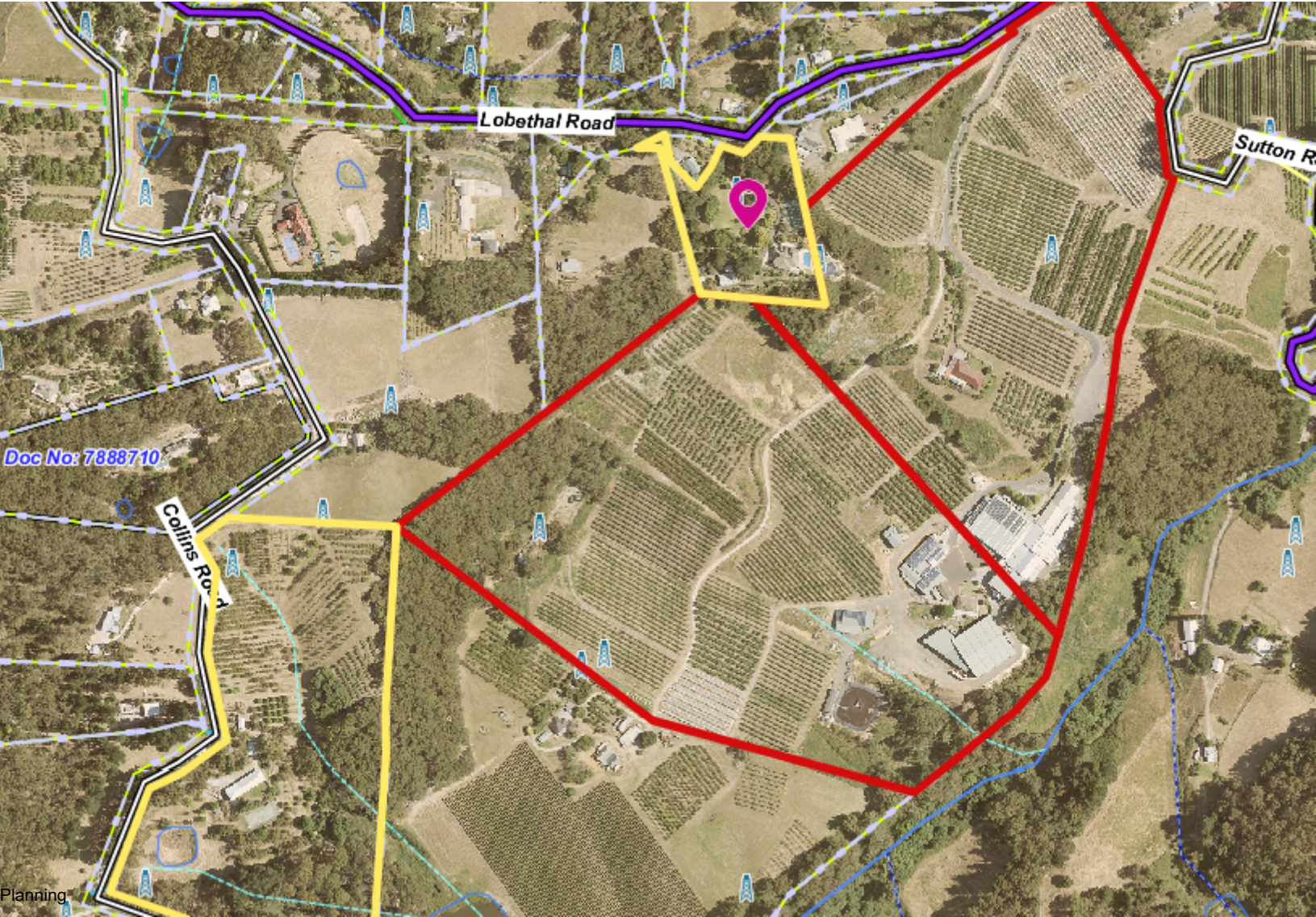
Locality Plan
Proposal Plans
Application Information
Referral Responses
Representations
Applicant's response to representations

Respectfully submitted

Concurrence

Marie Molinaro
Statutory Planner

Deryn Atkinson
Assessment Manager



Annotations

- Representor - J Howes
- Representor - S Gray
- Subject Land 1
- Subject Land

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Scale = 1:6032.880

200 m





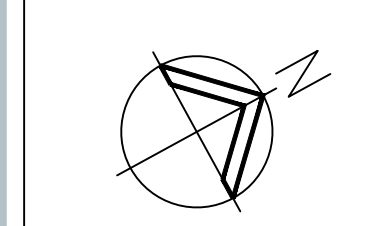
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RECEIVED: 2/02/2021

<p>Contractor Notes: c.s.s. to confirm on site All boundary lengths & locations to be confirmed on site by a licensed surveyor before commencing any works. All dimensions are nominal. Contractor to check & verify all dimensions on site & adjust as required to suit specific requirements Check all dimensions & levels before commencing any works. Written dimensions take precedence over scale. All details & dimensions to be checked & verified on site by builder.</p>	<p>revision B02</p>	<p>Working drawing</p>	<p>zumbo design building designers 32a Mary St (near Park Towers) Salisbury SA 5108 ph : 8250 0066 mob : 011 411 4192 fax : 8285 6967 email : andrew@zumbodesign.com</p>	<p>client: Ceravolo. at: no 376 (Lot 4 + 5) the Lotb Road Ashton</p>	<p>PROPOSED WATER TREATMENT FACILITY 2241/04/19 wd 1 Locality Plan scale: 1 : 2000 2-Dec-20 sheet no: A 1</p>
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Proposed
Site Plan

Contractor Notes: c.s.s. = confirm on site
All boundary lengths & locations to be confirmed
on site by a licensed surveyor before commencing
any works.
All dimensions are nominal. Contractor to check &
verify all dimensions on site & adjust as required
to suit specific requirements.
Check all dimensions & levels before commencing
any works.
Written dimensions take precedence over scale.
All details & dimensions to be checked & verified
on site by builder.



New 2100 high chain mesh fence
to match with existing

APPROVED HORTICULTURAL
SHED (DA 19/333/473)

Existing 2100 high chain mesh fence
to be retained

Existing building

62042
Approx. c.s.s.

Existing 2100 high
chain mesh fence
to be retained

EXISTING
DAM

Existing 2100 high
chain mesh fence
to be retained

Existing 2100 high
chain mesh fence
to be retained

SITE PLAN

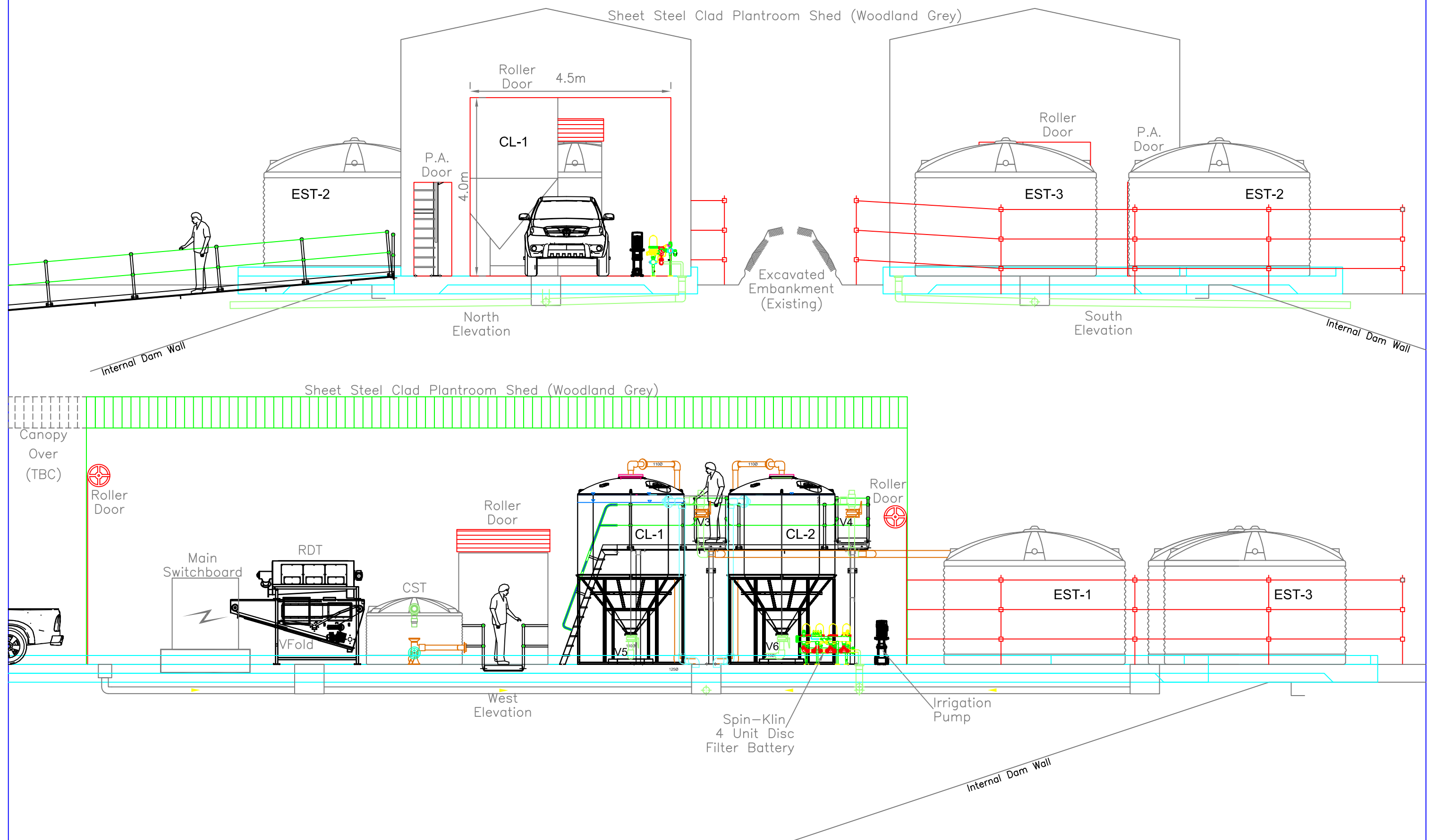
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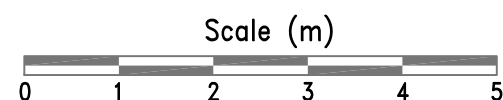
zummo design
building designers
32a Mary St (off Park Twp) Salisbury SA 5108
ph : 8250 0066
mob : 0411 411 492
fax : 8285 6967
email : andrew@zummodesign.com

PROPOSED WASTE WATER
TREATMENT FACILITY
client :
Ceravolo.
site :
no.376 (Lot 4 + 5)
Lobethal Road
Ashton

revision B02	Working drawing
scale 1 : 200	date 2-Dec-20
page 10	sheet A 1



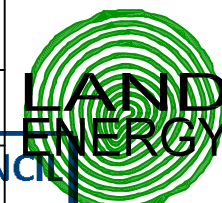
NOTES:



DRAWING	11492.E.4	SHEET	1 of 1 (A3)
ISSUED	08 MAY 2019	SCALE	1:80 (@A3)
LEVELS	TBD	CHECKED	PAB
CAD.FILE	AVF WWTP Layout.dwg		

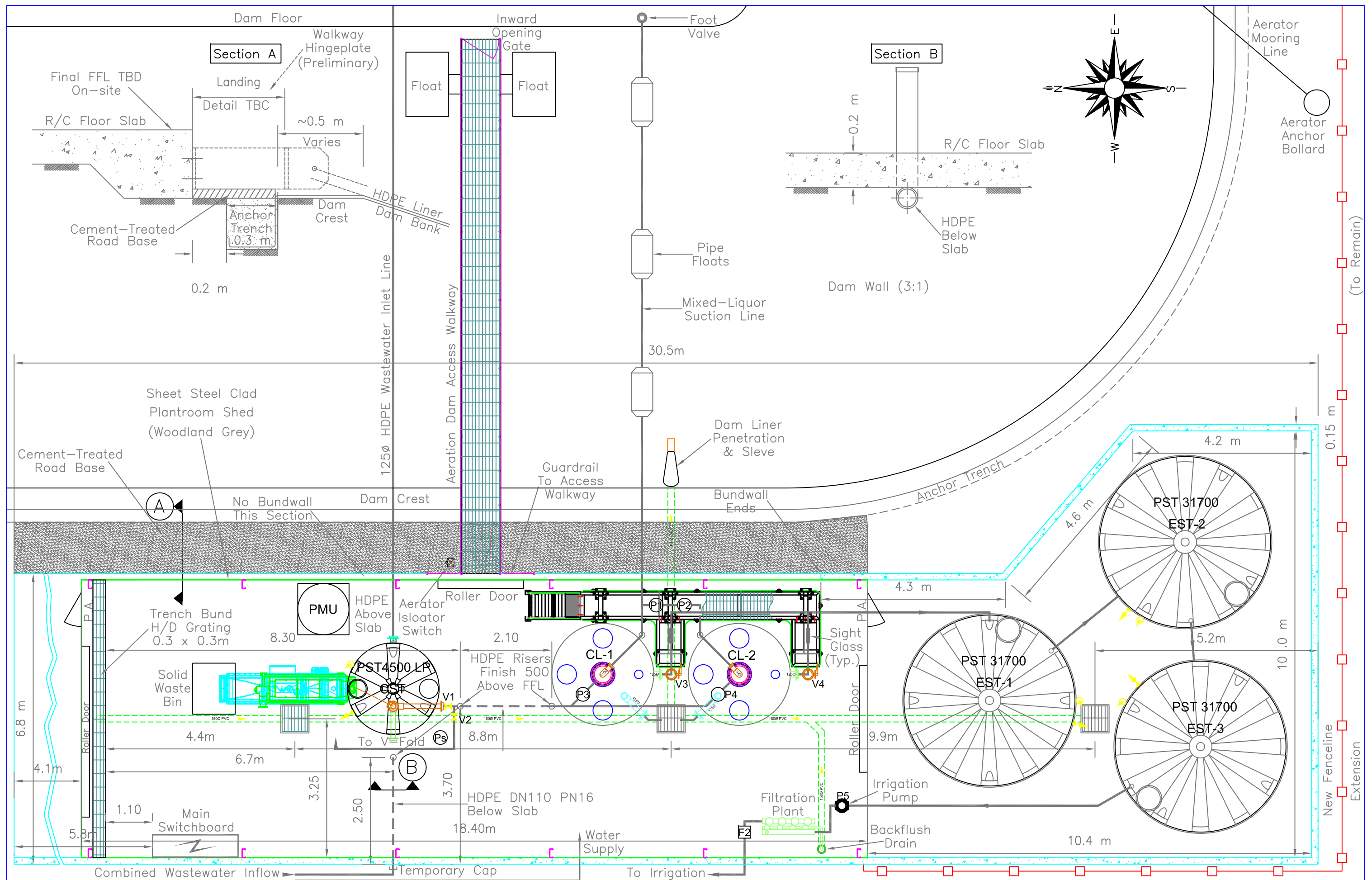
PROJECT	JUICING PLANT WASTEWATER TREATMENT SYSTEM PROCESS & PLANT UPGRADE + RELOCATION
CLIENT	ASHTON VALLEY FRESH PTY LTD R. CERAVOLO & SONS
TITLE	PLANTROOM LAYOUT, ADAPTATION DIMENSIONS BUNDED FLOOR SLAB LAYOUT & ELEVATIONS

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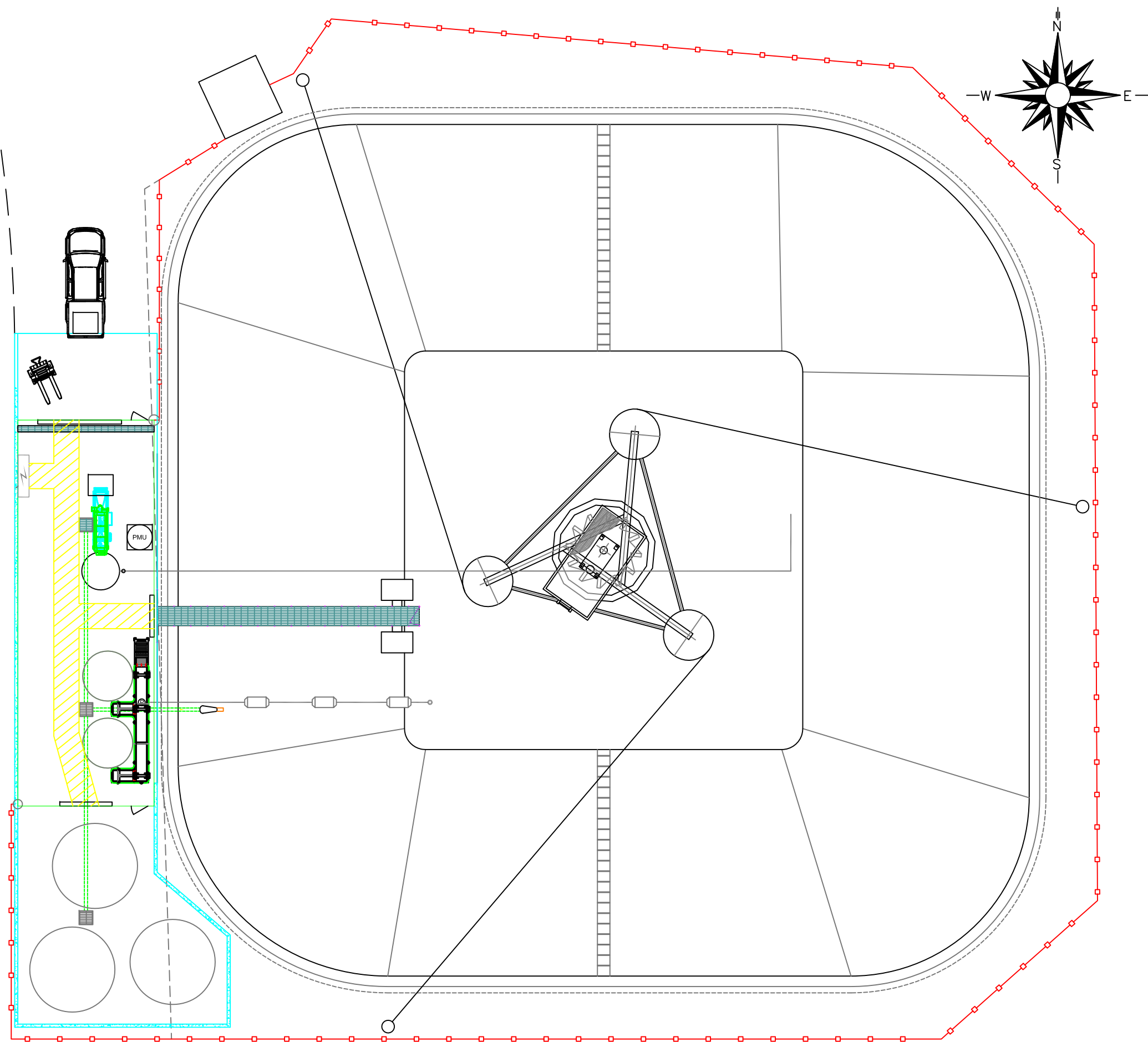
ENVIRONMENTAL SCIENCE & ENGINEERING

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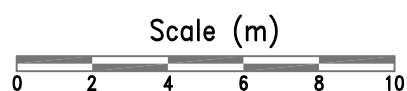


NOTES: Drain Valve Overflow		DRAWING 11492.L.5 ISSUED 14 Jan 2020 LEVELS TBD CAD.FILE AVF WWTP Layout.dwg	SHEET 1 of 1 SCALE 1:80 (@A3) CHECKED PAB	PROJECT JUICING PLANT WASTEWATER TREATMENT SYSTEM PROCESS/PLANT UPGRADE + RELOCATION CLIENT ASHTON VALLEY FRESH PTY LTD R. CERAVOLO & SONS TITLE PLANTROOM LAYOUT, ADAPTED TO DIMENSIONS OF BUNDED FLOOR SLAB POSITION & LAYOUT (PLAN)	 ENVIRONMENTAL SCIENCE & ENGINEERING Post Office Box 651 McLaren Vale SA 5171 Unit 24 Seaberry Walk Aldinga SA 5172 (08) 8558 8787 0418 823 432 landenergy@landenergy.com.au www.landenergy.com.au
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NOTES:



DRAWING	11492.L.2	SHEET	1 of 1 (A3)	PROJECT	JUICING PLANT WASTEWATER TREATMENT SYSTEM PROCESS & PLANT UPGRADE - RELOCATION
ISSUED	08 JAN 2019	SCALE	1:200 (A3)	CLIENT	ASHTON VALLEY FRESH R. CERAVOLO & SONS
LEVELS	Approximate	CHECKED	PAB	TITLE	PRELIMINARY PLANT LAYOUT & PROCESS FLOW AERATION DAM & BUNDED PAD CONFIGURATION
CAD.FILE	AVF WWTP Layout.dwg				

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1 February 2021

REF No.: 00926-003

Adelaide Hills Council
PO Box 44
WOODSIDE SA 5244

Attention: Marie Molinaro
By Email: mmolinaro@ahc.sa.gov.au

Dear Marie,

**NEW DEVELOPMENT APPLICATION: WASTEWATER TREATMENT FACILITY PROPOSED FOR 376A AND 376B
LOBETHAL ROAD, ASHTON**

Ekistics Planning and Design has been engaged by R Ceravolo & Co Pty. Ltd in relation to an application for Development Plan Consent to install a wastewater treatment plant (WWTP) which is to operate in association with existing juicing and horticultural activities occurring from land located at No. 376A and 376B Lobethal Road, Ashton (the 'site').

In preparing this letter, we confirm that we have reviewed the following plans and documentation:

- **Appendix 1:** Certificates of Title;
- **Appendix 2:** Zummo Design Site plans and floor plans;
- **Appendix 3:** WWTP Technical Drawings; and
- **Appendix 4:** EPA License.

1. Background

The subject site forms part of a larger land holding which includes 376B Lobethal Road. Together, both 376A and 376B comprises an approximate area of 56 hectares, and is presently used for the growing, picking, storage, processing and distribution of apples, pears and cherries.

By Decision Notification dated 05 March 2015, Council issued development approval to D.A 2007/408/473 For the following:

*"Apple juice processing and packaging plant and new shedding – warehouse/workshop additions
(Building A – "Juicing Shed")*

We understand this authorisation also included the establishment of the existing wastewater treatment facility located to the west of the existing juicing shed, together with the existing effluent holding dam, located to the east of the recently constructed horticultural building (D.A 19/333/473).

D.A 19/333/473 also initially proposed the upgraded WWTP. However, following further discussions with Council it was agreed that the WWTP would be removed from the application to facilitate the timely assessment of the horticultural building.

Notwithstanding, it was always intended that the horticultural building would accommodate the WWTP and accordingly, this application now seeks consent for the upgraded WWTP which is to be used in associated with approved juicing operations.

2. Proposed Development

Plans illustrating the existing development and subject site are attached as **Appendix 2** and the technical drawings for the WWTP are attached as **Appendix 3**.

The proposed development is for the installation of an upgraded WWTP, to be located within the recently approved and constructed horticulture shed. The development also includes the installation of three external effluent holding tanks with a combined capacity of 95Kl, to be located on a sealed and bunded platform situated to the south of the existing horticultural building. The upgraded WWTP will also be connected to the existing holding dam (upgraded to an aeration dam). A walkway will extend from the WWTP to the centre of the dam, providing access to the aeration infrastructure. The entire aeration dam will be enclosed by black cyclone mesh fencing.

The WWTP will continue to support the apple juice processing industry as approved in D.A 2007/408/473. Specifically, the WWTP will be used for the treatment of water associated with juicing activities, including the cleaning and rinsing of plant, equipment and storage tanks within the juicing plant building, with some washdown of the external conveyor and gross solids screening. Further details of the wastewater process can be found in Land Energy Report previously submitted to Council.

Wastewater will also continue to be reused for on-site irrigation of the existing orchards. Accordingly, the upgraded WWTP will also support the existing horticultural use of the land, and juicing operations, as approved in D.A 2007/408/473. In other words, this WWTP will simply replace an existing WWTP to support existing and approved business operations, and will improve the quality of treated wastewater in accordance with best practice environmental standards.

Council's letter dated 12 February sought further clarification on potential land use impacts to result from an intensification of the approved juicing operations. As this proposal is limited to an upgrade of the WWTP, and is not seeking consent to intensify the existing land use, such planning considerations are not relevant to the assessment of this application. Our assessment of the application (including procedural considerations) has been performed on this basis.

3. Procedural Considerations

3.1 Planning Assessment Pathway

Pursuant to Section 34(1) of the *Development Act 1993*, the relevant authority responsible for the assessment of the application is the Adelaide Hills Council.

The land is situated within the **Watershed (Primary Production) Zone**, and **Policy Area 8 Water Protection (Marble Hill)** of the Adelaide Hills Council Development Plan (consolidated 8 August 2019). Zone Principle of Development Control (PDC) 70 designates all forms of development as non-complying, excluding those developments identified within the exceptions list. This list includes an 'agriculture industry' (subject to meeting a number of specified conditions).

Whilst the WWTP is not identified within the list of non-complying exceptions, this infrastructure is clearly related to, and essential for the operation of the juicing plant, which is a form of 'agricultural industry'. The relationship of this infrastructure to the juicing plant is relevant to the assessment pathway for the development. Our reasons are explained below.

The WWTP is clearly associated with and incidental to the agricultural industry, and therefore takes on the genus of this existing land use, and need not be characterised separately (i.e. no change in land use to the existing agriculture industry). Accordingly, if the existing juicing plant satisfies the list of conditions outlined in PDC 70 and is a merit form of development, then it follows that the WWTP is also a merit form of development.

If the existing juicing plant is a non-complying form of development (on the basis that the use does not satisfy the list of conditions relating to agricultural industry, as outlined in PDC 70), then the development is a continuation of an existing (approved) non-complying use of land, and is thus protected by the existing non-complying development principle (also known as the Mercedes College principle¹). This principle holds that in the absence of an express provision to the contrary in a Development Plan, developments which continue an existing non-complying use or development (e.g. by improving, replacing or adding to a building or better adapting conditions of that use to address contemporary conditions) will be treated "on merit" rather than being classed as non-complying. The upgraded WWTP is required to improve existing operating conditions for the existing juicing facility and on this basis, the Mercedes College principle is directly relevant to the proposed development.

Therefore, following this principle, the proposed development would be classified as being exempt from non-complying development and therefore assessed on merit against the relevant objectives and principles of development control for the zone.

¹ Caltex Australia Petroleum Pty Ltd v City of Holdfast Bay (2014) 119 SASR 388
Wilson v Mitcham City Council & Mercedes College (1986) 61 LGRA 126

3.2 Public Notification

PDC 72 assigns 'Agricultural Industry' to Category 2 for the purposes of public notification. As discussed above, the proposed WWTP forms of part the existing Agricultural Industry and takes on the character of this existing use. On this basis, the development is subject to **Category 2** public notification.

3.3 Schedule 8 Agency Referrals

The WWTP has a capacity to treat more than 5 megalitres of wastewater within 12 months. Accordingly, the development will therefore trigger a referral to the Environment Protection Authority (EPA), as an activity of Major Environment Significance (Schedule 22, Cl. 3(4)).

4. Planning Assessment

The proposed WWTP will upgrade/replace existing infrastructure associated with the approved use of the land as an agricultural industry. Further, the proposed WWTP will also treat wastewater used to irrigate existing orchards associated with the approved use of the land for horticultural purposes. On this basis, the proposed WWTP supports the fundamental objective of the Zone to support sustainable primary production activities, as referenced in Zone PDC 16 and 17:

PDC 16 *Development should ensure that primary production activity is not prejudiced.*

PDC 17 *Land which is particularly suitable for primary production should be used or remain available for such purposes.*

Importantly, the proposed WWTP will have minimal visual impact on the rural character of the locality. Machinery associated with the WWTP will primarily be located within the existing horticultural building, and will also make use of the existing and approved holding dam. External works will be limited to the installation of three (3) holding tanks, cyclone mesh fencing enclosing the dam, the pedestrian walkway extending into the dam and the installation of the low speed aerator mixer within the dam. The proposed site of the WWTP is generously set back from all adjoining sensitive (residential) land uses, with existing vegetation to the south (along the existing watercourse) and north, together with existing buildings (including the approved horticultural building) providing a visual screen to the development. The proposed holding tanks are also grouped together, positioned directly alongside the approved horticultural building, and finished in a natural, Woodland Grey colour to match the existing horticultural building as well as complement the existing rural landscape. On this basis, the development satisfies the relevant provisions of the Development Plan relating to the design and siting of building, including:

PDC 8: *The number of outbuildings should be limited, and where appropriate they should be grouped together, located in unobtrusive locations and comply with the previously mentioned principles of development control relating to the location and design of buildings.*

PDC 11: *Buildings should not impair the character of rural areas by reason of their scale or siting. If necessary, buildings should be screened by trees or shrubs.*

PDC 14: *Development should not detract from the natural and rural landscape character of the region*

PDC 15: *The rural character, comprising natural features and man-made activities, should be preserved by careful siting, design and landscaping of new building development and/or intensive land uses.*

PDC 39: *Buildings should not impair the character of rural areas by reason of their scale or siting. If necessary, buildings should be screened by trees or shrubs.*

The proposed WWTP is an upgrade to existing infrastructure to support more sustainable waste management practices, and in particular improved water quality. In this regard we note that the onsite re-use of wastewater for irrigation purposes equates to approximately 11% of the average annual irrigation required for the site. Accordingly, improved water quality has an environmental benefit, and the development also supports the harvesting and reuse of water, reducing the reliance on bore water. The treated wastewater contains various nutrients (such as potassium) not found in bore water or mains water. Accordingly, the reuse of wastewater for irrigation purposes reduces the reliance on chemical sprays which are otherwise required in larger quantities to support horticultural activities. Extracted solid waste is also used as fertiliser.

The holding tanks also provide an effective method for managing the winter storage of raw wastewater for use at a later point in time. The holding tanks have a total holding capacity of 95 kL and overcome potential issues associated with the storage of large volumes of putrescible waste for extended periods within the dam, which may produce malodours. These are positive aspects that are consistent with Zone PDC 61(c) and (d) pertaining to the management of effluent:

PDC 61: *Agricultural industries, mineral water extraction and processing plants and wineries should:*

- (c) locate any effluent system or effluent drainage field within the allotment of the development;*
- (d) incorporate effluent management systems which ensure protection of surface and ground water and reduce the need for on-site storage systems and should accord with the following:*
- (i) effluent management systems and any malodours not impacting on the local environment, surface or ground water, and nearby soil and crop conditions;*

.....

Finally, the environmental report prepared by Land Energy confirms that noise related impacts associated with the operation of the WWTP will be negligible. Mechanical plant will be located within the existing horticultural building to mitigate the transmission of noise, as will the site's generous setback from noise sensitive receivers. On this basis, the proposed WWTP will not result in unreasonable interface impacts.

5. Summary

The above discussion includes a description of the proposed development, identifies the procedural requirements and broadly summarises the merits of the application, having regard to the relevant provisions of the Adelaide Hills Council Development Plan.

In our opinion, the application proposes an orderly development outcome, and warrants approval for the following reasons:

- The proposed WWTP will support the operation of the existing juicing plant, together with existing primary production activities, consistent with the desired land use outcomes for the Zone;
- WWTP machinery is primarily located within an existing shed and external structures (i.e. cyclone mesh fencing, aeration infrastructure, holding tanks and pedestrian walkway) will have a negligible impact on the amenity of the locality; and
- The WWTP will support sustainable business practices, improving the quality of water reused for irrigation purposes.

Should you require any further assistance or clarification, please do not hesitate to contact the undersigned on 7231 0286.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Gagetti'.

Robert Gagetti

Senior Associate

Appendix 1. Certificates of Title

CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1886



South Australia

VOLUME 5913 FOLIO 794

Edition 3

Date Of Issue 26/03/2004

Authority T 9764101

I certify that the registered proprietor is the proprietor of an estate in fee simple (or such other estate or interest as is set forth) in the land within described subject to such encumbrances, liens or other interests set forth in the schedule of endorsements.

B P

REGISTRAR-GENERAL



REGISTERED PROPRIETORS OF AN ESTATE IN FEE SIMPLE IN REMAINDER EXPECTANT

ANTONIO CERAVOLO THE YOUNGER AND SANDRA CERAVOLO BOTH OF PO BOX 111 ASHTON SA 5137 WITH NO SURVIVORSHIP IN REMAINDER EXPECTANT UPON THE DETERMINATION OF THE LIFE ESTATE OF ANTONIO CERAVOLO

DESCRIPTION OF LAND

ALLOTMENT 5 DEPOSITED PLAN 48914
IN THE AREA NAMED ASHTON
HUNDRED OF ONKAPARINGA

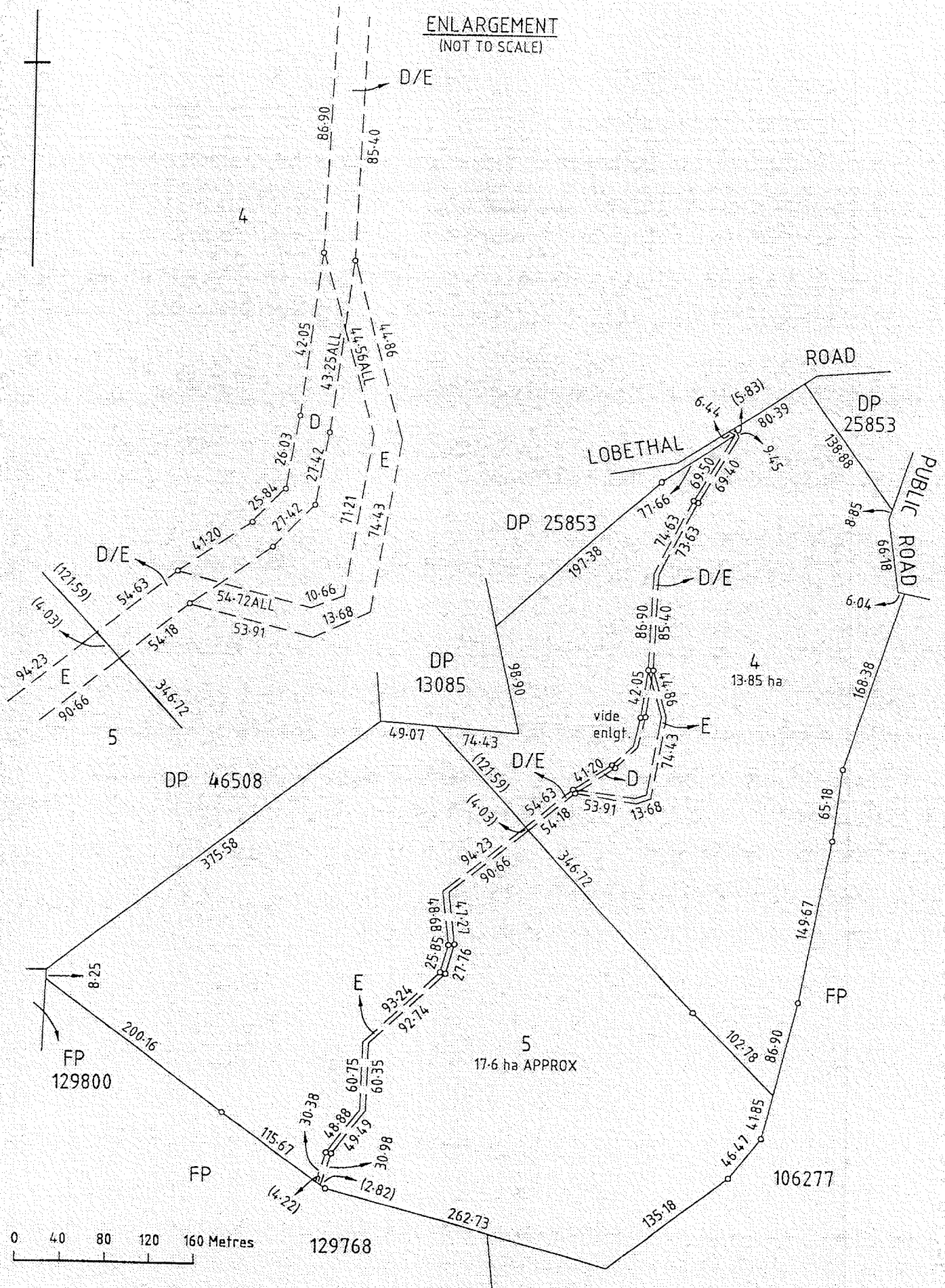
EASEMENTS

SUBJECT TO A FREE AND UNRESTRICTED RIGHT OF WAY OVER THE LAND MARKED E
TOGETHER WITH A FREE AND UNRESTRICTED RIGHT OF WAY OVER THE LAND MARKED D

SCHEDULE OF ENDORSEMENTS

9764102 ENCUMBRANCE TO ANTONIO CERAVOLO
11656606 MORTGAGE TO RAFFAELE CERAVOLO

WARNING: BEFORE DEALING WITH THIS LAND, SEARCH THE CURRENT CERTIFICATE



CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1886



VOLUME 5648 FOLIO 830

Edition 2

Date Of Issue 03/05/1999

Authority RTC 8390057

South Australia

I certify that the registered proprietor is the proprietor of an estate in fee simple (or such other estate or interest as is set forth) in the land within described subject to such encumbrances, liens or other interests set forth in the schedule of endorsements.

REGISTRAR-GENERAL



REGISTERED PROPRIETORS IN FEE SIMPLE

ANTONIO CERAVOLO AND SANDRA CERAVOLO BOTH OF PO BOX 111 ASHTON SA 5137
WITH NO SURVIVORSHIP

DESCRIPTION OF LAND

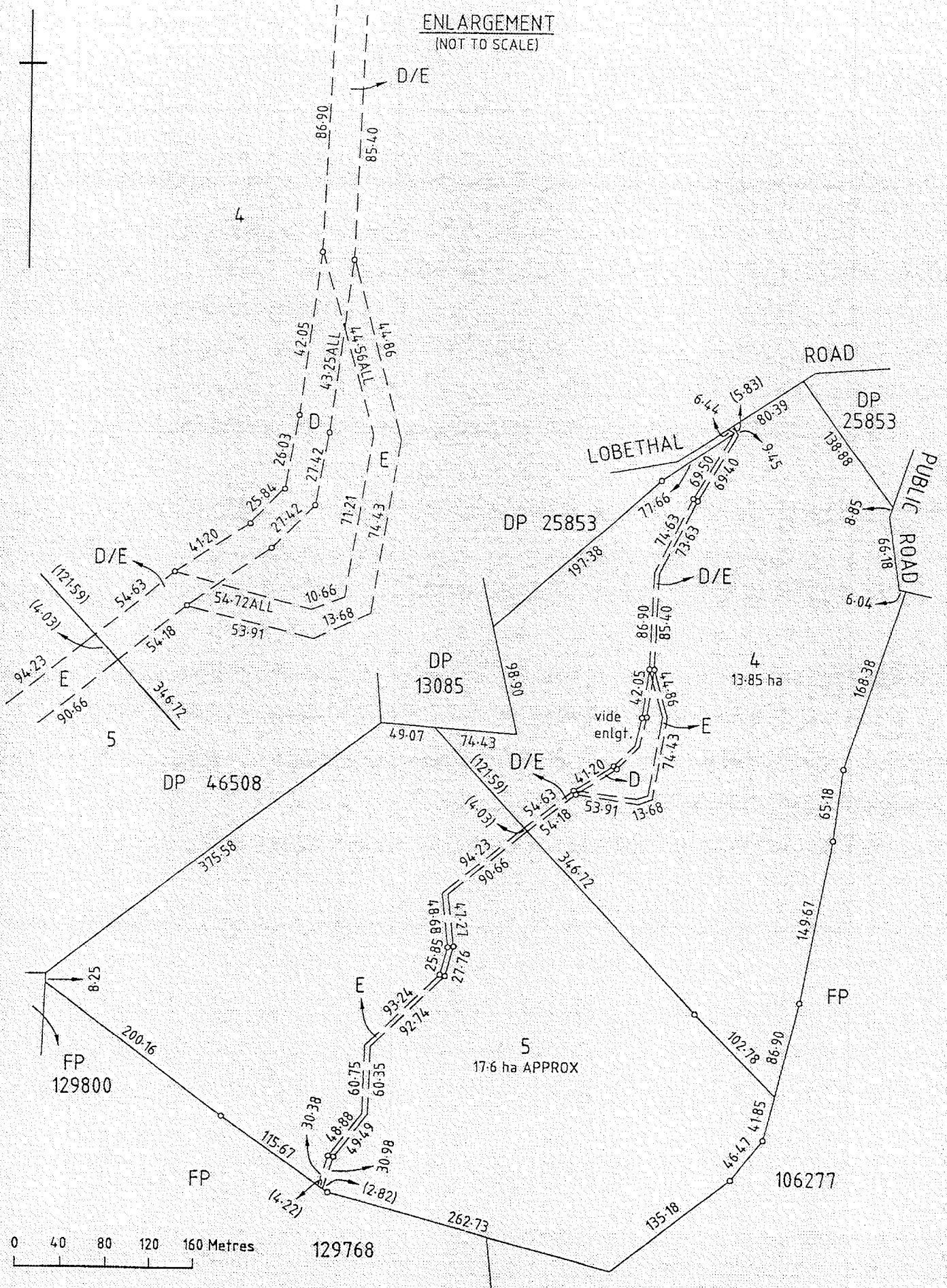
ALLOTMENT 4 DEPOSITED PLAN 48914
IN THE AREA NAMED ASHTON
HUNDRED OF ONKAPARINGA

EASEMENTS

SUBJECT TO A FREE AND UNRESTRICTED RIGHT OF WAY OVER THE LAND MARKED D AND
E

SCHEDULE OF ENDORSEMENTS

11656606 MORTGAGE TO RAFFAELE CERAVOLO



Appendix 2. Site plans and Floor Plans



LOCALITY PLAN

ADELAIDE HILLS COUNCIL
RECEIVED: 2/02/2021

Contractor Notes: c.o.s. = confirm on site
All boundary lengths & locations to be confirmed on site by a licensed surveyor before commencing any works.
All dimensions are nominal. Contractor to check & verify all dimensions on site & adjust as required to suit specific requirements
Check all dimensions & levels before commencing any works.
Written dimensions take precedence over scale.
All details & dimensions to be checked & verified on site by builder.

zummo design
building designers
32a Mary St (cnr Park Tce) Salisbury SA 5100
ph : 8250 0066
mob : 0411 411 492
fax : 8285 6967
email : andrew@zummodesign.com

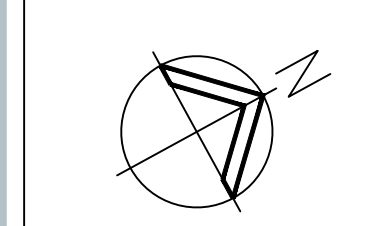
PROPOSED WASTE WATER
TREATMENT FACILITY
client : Ceravolo.
at : no.376 (Lot 4 + 5)
Lobethal Road
Ashton

2241/04/19	wd -	1
Locality Plan		
scale : 1 : 2000	date : 2-Dec-20	paper size : A 1



Proposed
Site Plan

Contractor Notes: c.s.s. = confirm on site
All boundary lengths & locations to be confirmed
on site by a licensed surveyor before commencing
any works.
All dimensions are nominal. Contractor to check &
verify all dimensions on site & adjust as required
to suit specific requirements.
Check all dimensions & levels before commencing
any works.
Written dimensions take precedence over scale.
All details & dimensions to be checked & verified
on site by builder.



Boundary

Boundary

62042
Approx. c.s.s.

APPROVED HORTICULTURAL
SHED (DA 19/333/473)

New 2100 high chain mesh fence
to match with existing

Existing 2100 high chain mesh fence
to be retained

Existing building

Existing 2100 high
chain mesh fence
to be retained

EXISTING
DAM

Existing 2100 high
chain mesh fence
to be retained

Existing 2100 high
chain mesh fence
to be retained

SITE PLAN

ADELAIDE HILLS COUNCIL
RECEIVED: 2/02/2021

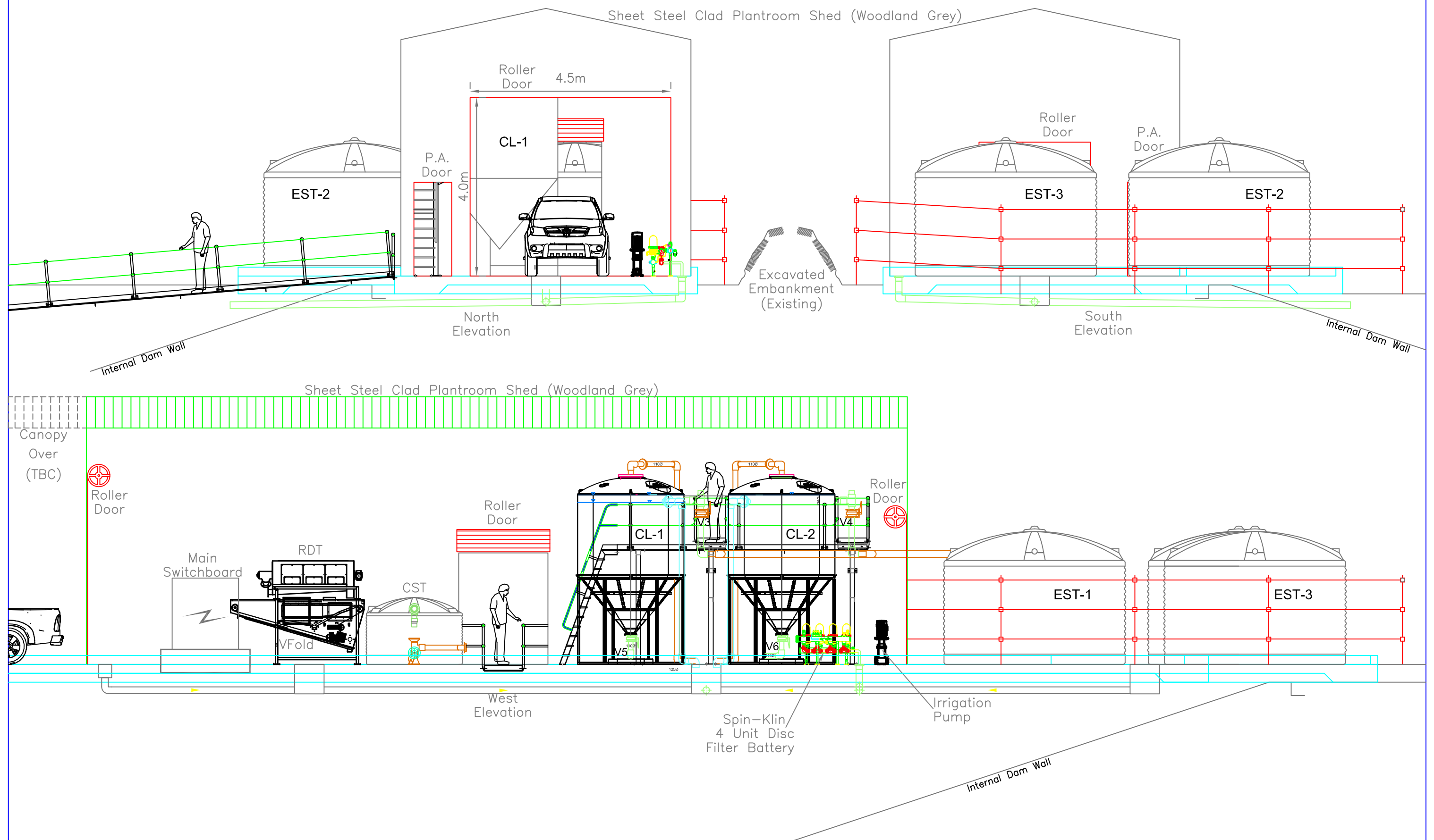
© copyright

zummo design
building designers
32a Mary St (off Park Twp) Salisbury SA 5108
ph : 8250 0066
mob : 0411 411 492
fax : 8285 6967
email : andrew@zummodesign.com

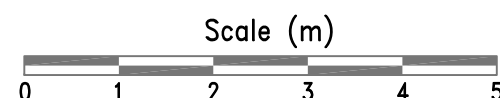
PROPOSED WASTE WATER
TREATMENT FACILITY
client :
Ceravolo.
site :
no.376 (Lot 4 + 5)
Lobethal Road
Ashton

revision		Working drawing	
B02			
1 : 200	DATE 2-Dec-20	PROJECT 102	A 1

Appendix 3. WWTP Technical Plans



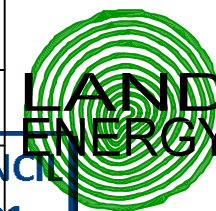
NOTES:



DRAWING	11492.E.4	SHEET	1 of 1 (A3)
ISSUED	08 MAY 2019	SCALE	1:80 (@A3)
LEVELS	TBD	CHECKED	PAB
CAD.FILE	AVF WWTP Layout.dwg		

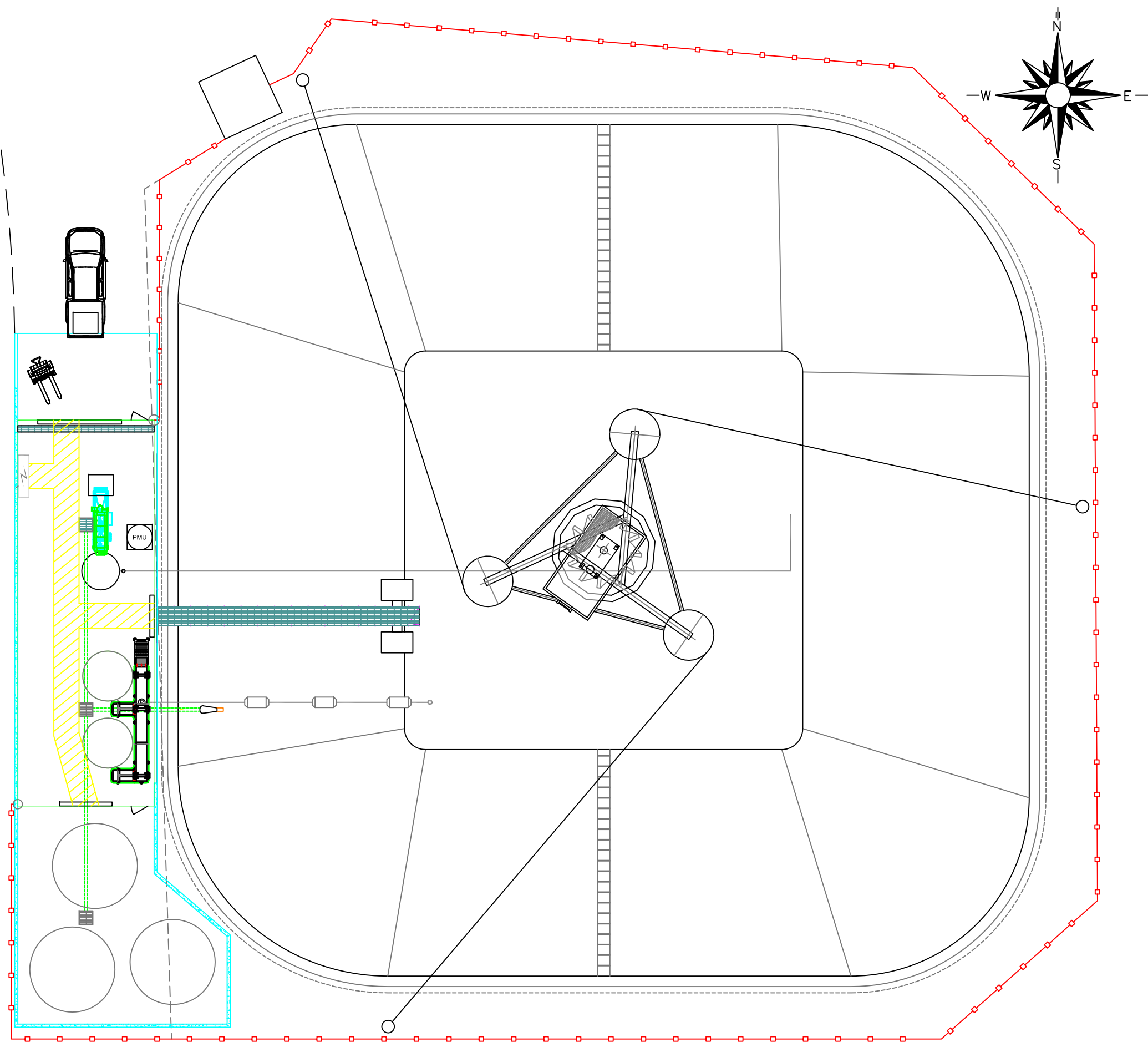
PROJECT	JUICING PLANT WASTEWATER TREATMENT SYSTEM PROCESS & PLANT UPGRADE + RELOCATION
CLIENT	ASHTON VALLEY FRESH PTY LTD R. CERAVOLO & SONS
TITLE	PLANTROOM LAYOUT, ADAPTATION DIMENSIONS BUNDED FLOOR SLAB LAYOUT & ELEVATIONS

ADLAIDE MILLS COUNCIL
RECEIVED: 2/02/2021

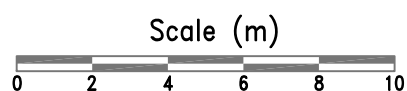


ENVIRONMENTAL SCIENCE & ENGINEERING

Post Office Box 651 McLaren Vale SA 5171
Unit 24 Seaberry Walk Aldinga SA 5172
(08) 8558 8787 | 0418 823 432
landenergy@landenergy.com.au
www.landenergy.com.au



NOTES:



DRAWING	11492.L.2	SHEET	1 of 1 (A3)	PROJECT	JUICING PLANT WASTEWATER TREATMENT SYSTEM PROCESS & PLANT UPGRADE - RELOCATION
ISSUED	08 JAN 2019	SCALE	1:200 (A3)	CLIENT	ASHTON VALLEY FRESH R. CERAVOLO & SONS
LEVELS	Approximate	CHECKED	PAB	TITLE	PRELIMINARY PLANT LAYOUT & PROCESS FLOW AERATION DAM & BUNDED PAD CONFIGURATION
CAD.FILE	AVF WWTP Layout.dwg				

RECEIVED: 2/02/2021



ENVIRONMENTAL SCIENCE & ENGINEERING

Post Office Box 651 McLaren Vale SA 5171
Unit 24 Seaberry Walk Aldinga SA 5172
(08) 8558 8787 | 0418 823 432
landenergy@landenergy.com.au
www.landenergy.com.au

Appendix 4. EPA License



Licence No. 36582

**ASHTON VALLEY FRESH PTY
LIMITED**

Allotments 4 & 5 (DP 48914) Ashton, Hundred of Onkaparinga,
SA

ISSUED:

01 Oct 2020

EXPIRY:

30 Sep 2025

ACN:

129 405 410

Environmental Authorisation
under Part 6 of the
*Environment Protection
Act 1993*

**South Australian
Environment
Protection Authority**
GPO Box 2607
Adelaide SA 5001
Tel: 08 8204 2004

**ADELAIDE HILLS COUNCIL
RECEIVED: 2/02/2021**

Environment Protection Authority



LICENCE NUMBER 36582

LICENSEE DETAILS

Licence Holder: ASHTON VALLEY FRESH PTY LIMITED

ACN: 129 405 410

Registered Address: Level 1, 162 Greenhill Road, PARKSIDE SA 5063

Premises Address(es): Allotments 4 & 5 (DP 48914) Ashton, Hundred of Onkaparinga, SA

LICENSED ACTIVITIES

The Licensee is authorised to undertake, at the location(s) shown above, the following prescribed activities of environmental significance under Schedule 1 Part A of the Act, subject to the conditions in this Licence.

7(3)(b) Crushing, grinding or milling works (agricultural crop products)

TERMS OF LICENCE

Commencement Date: 01 Oct 2020

Expiry Date: 30 Sep 2025

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Acronyms.....	6
Conditions of Licence	8
Attachments.....	12

Licence Explanatory Notes – Do Not Form Part of the Licence

Compliance with this licence

The EPA seeks to ensure that all reasonable and practicable measures are taken to protect, restore and enhance the quality of the environment according to the principles of ecologically sustainable development. To achieve this objective, the EPA uses a number of regulatory decision making principles and actions outlined in the 'Compliance and enforcement regulatory options and tools' document available on the EPA website.

Notification – serious or material environmental harm caused or threatened

If serious or material environmental harm from pollution is caused or threatened in the course of an activity, the licence holder must, as soon as reasonably practicable after becoming aware of the harm or threatened harm, notify the EPA (preferably on EPA emergency phone number 1800 100 833) of the harm or threatened harm, its nature, the circumstances in which it occurred and the action taken to deal with it in accordance with section 83 of the [Environment Protection Act 1993](#) (the Act). In the event that the primary emergency phone number is out of order, the licence holder should phone (08) 8204 2004.

Variations, transfers and surrender of a licence

The EPA may impose or vary the conditions of a licence by notice in writing to the licence holder in accordance with sections 45 and 46 of the Act. Public notice may be required where the variation of licence conditions results in a relaxation of the requirements imposed for the protection or restoration of the environment and results in an adverse effect on any adjoining land or its amenity.

If a licence holder wishes to vary the conditions of a licence, transfer a licence to another entity, or surrender a licence, the licence holder must submit an application to the EPA in accordance with the applicable provisions of the Act (sections 45, 49 and 56, respectively). A licence remains in effect and in its original form until such time as any proposed variation, application for surrender, or transfer has been made and approved in writing by the EPA.

Suspension or cancellation of a licence

The EPA may suspend or cancel a licence by notice in writing to the licence holder in accordance with section 55 of the Act if satisfied the licence holder has either obtained the licence improperly, contravened a requirement under the Act or if the holder is a body corporate, a director of the body corporate has been guilty of misconduct of a prescribed kind (whether in this State or elsewhere).

Responsibilities under Environment Protection legislation

In addition to the conditions of any licence, a licence holder must comply with their obligations under all State and Federal legislation (as amended from time to time) including: the [Environment Protection Act 1993](#); the [Environment Protection Regulations 2009](#); all Environment Protection Policies made under the [Environment Protection Act 1993](#); and any National Environment Protection Measures not operating as an Environment Protection Policy under the [Environment Protection Act 1993](#).

Public Register Information

The EPA maintains and makes available a Public Register of details related to its determinations and other information it considers appropriate (i.e. excluding trade processes or financial information) in accordance with section 109 of the Act. These details include, but are not limited to:

- licensing and beverage container applications and approvals
- enforcement actions
- site contamination
- serious or material environmental harm caused or threatened in the course of an activity
- environment improvement programmes and environment performance agreements
- environment assessment reports; results of testing, monitoring or evaluation required by a licence
- EPA advice or direction regarding development approvals referred to the EPA by a planning authority

Definitions

Unless the contrary intention appears, terms used in this licence that are defined in the Act (including any regulations or environment protection policies made pursuant to the Act) have the respective meanings assigned to those terms by the Act.

THE ACT: The *Environment Protection Act 1993*

PREMISES: The whole of the land comprised in Titles Register - Certificate of Title, Crown Lease and Crown Record.

CT5648/830
CT6124/915

AUTHORISATION FEE PAYMENT DATE: means the anniversary of the grant or renewal of this authorisation.

EMERGENCY SPILL KIT: means a kit containing materials that when used would prevent and/or minimise listed waste from entering the stormwater or groundwater system in the event of a spill.

ENVIRONMENTAL HARM: means the same as is defined in section 5 of the Environment Protection Act 1993.

LEACHATE: means a liquid that has percolated through and/or been generated by decomposition of waste material. It includes water that comes into contact with waste and is potentially contaminated by nutrients, metals, salts and other soluble or suspended components and/or products of decomposition of the waste.

WASTE: means -

1. As defined under the Environment Protection Act 1993,

1(a) any discarded, dumped, rejected, abandoned, unwanted or surplus matter, whether or not intended for sale or for purification or resource recovery by a separate operation from that which produced the matter; or

1(b) any matter declared by regulation to be waste for the purposes of this Act (following consultation by the Minister on the regulation with prescribed bodies in accordance with the regulations); or

1(c) any matter declared by an environment protection policy to be waste for the purposes of this Act,

whether or not of value.

2. However, waste does not include—

2(a) an approved recovered resource whilst it is being dealt with in accordance with the declaration of that resource—see section 4A; or

2(b) anything declared by regulation or an environment protection policy not to be waste for the purposes of this Act,

even though the resource or the thing so declared might otherwise, but for the declaration, fall within the definition of waste in subsection (1).

WASTEWATER: as defined in the Environment Protection (Water Quality) Policy 2015.

WASTEWATER MANAGEMENT SYSTEM: as defined in the Environment Protection (Water Quality) Policy 2015.

Acronyms

EPA: means Environment Protection Authority

Conditions of Licence

The Licensee is authorised to conduct the prescribed activities as described in this Licence at the Premises nominated, subject to the following conditions:

1 CONTROL OF EMISSIONS

1.1 NOISE PREVENTION (S - 136)

The Licensee must take all reasonable and practicable measures to prevent noise from leaving the Premises.

1.2 ODOUR PREVENTION (S - 10)

The Licensee must take all reasonable and practicable measures to prevent odour from leaving the Premises.

1.3 PREMISES STORMWATER MANAGEMENT (S - 160)

The Licensee must:

- 1.3.1 take all reasonable and practicable measures to prevent contamination of stormwater resulting from prescribed activities undertaken at the Premises; and
- 1.3.2 implement appropriate contingency measures to contain the contaminated stormwater at the Premises unless and until the contaminated stormwater is treated to remove the contamination, or is disposed of at an appropriately licensed facility.

2 WASTE MANAGEMENT

2.1 STORAGE OF WASTE (S - 50)

The licensee must ensure that;

- 2.1.1 all waste (which includes sludge) from the fruit processing operation is stored on an area with an impervious base so as to prevent harm to soil or groundwater; and
- 2.1.2 any leachate from the waste is directed to a wastewater management system.

2.2 WASTEWATER IRRIGATION (S - 203)

The Licensee must, when irrigating wastewater to land at the Premises, ensure the quality of the wastewater is fit for purpose.

2.3 WASTEWATER IRRIGATION (S - 204)

The Licensee must, when irrigating wastewater to land at the Premises;

- 2.3.1 prevent pooling of wastewater; and
- 2.3.2 prevent runoff of wastewater from the Premises.

2.4 WASTEWATER MANAGEMENT (S - 53)

The Licensee must direct all wastewater to the wastewater management system.

3 OPERATIONAL MANAGEMENT

3.1 BUNDING (T - 1061)

The Licensee must, by the Compliance Date listed below, ensure that any substances that by their nature or amount have the potential to cause environmental harm to surface water or groundwater, including but not limited to;

diesel and adblue

are stored in an appropriately bunded area.

NOTES

The EPA will assess the appropriateness of any bund against the EPA's 'Bunding and Spill Management Guidelines

Compliance Date: 31-Dec-2020

3.2 COMPLAINTS REGISTER (S - 1)

The Licensee must:

- 3.2.1 prepare and maintain a register of all complaints concerning environmental issues.

- 3.2.2 ensure the register includes:
- a the date and time that the complaint was made;
 - b details of the complaint including the likely cause of events giving rise to the complaint;
 - c the contact details of the complainant (if permitted by the complainant); and
 - d details of any action taken in response to the complaint by the Licensee.

3.3 EMERGENCY SPILL KIT (S - 21)

The Licensee must ensure that an appropriate emergency spill kit is kept on the Premises at all times and is used in the event of a spill.

3.4 GENERIC CONTINGENCY PLAN (S - 120)

The Licensee must prepare an appropriate contingency plan for the Premises to address any spillages, equipment or plant failure that has the potential to increase the risk of harm to the environment.

3.5 LAGOON MANAGEMENT (S - 122)

The Licensee must ensure that:

- 3.5.1 the integrity of the lagoon structure and lagoon liner is maintained to minimise seepage to land or groundwater;
- 3.5.2 the integrity of the lagoon walls is maintained to prevent uncontrolled overflow; and
- 3.5.3 the capacity of any lagoon is maintained to prevent uncontrolled overflow.

3.6 NO OVERFLOW OR ESCAPE (S - 201)

The Licensee must ensure that effluent or any spilled product does not overflow or escape from drains, pipes, sumps, tanks or other similar infrastructure onto surrounding land or into any watercourse, or into drains which do not drain to the wastewater management system.

3.7 SPREADING OF SLUDGE (S - 96)

The Licensee must, prior to spreading sludge from the licensed activity on land:

- 3.7.1 develop a management plan for the spreading of sludge.

- 3.7.2 ensure the management plan:
 - a determines the appropriate rate of application of sludge from the licensed activity to land for the purpose of improving the agricultural potential of the soil; and
 - b demonstrates the capacity of the soils and associated vegetation to store and use the organic matter and nutrients from the sludge; and
- 3.7.3 implement the management plan when spreading sludge from the licensed activity on land.

3.8 WASTEWATER MANAGEMENT SYSTEM (S - 54)

The Licensee must ensure that:

- 3.8.1 the Premises incorporates a wastewater management system; and
- 3.8.2 the system is effectively operating in respect of any wastewater generated at the Premises while the Premises are being used for the licensed activity.

4 ADMINISTRATION

4.1 ANNUAL RETURN AND PAYMENT OF ANNUAL FEES (A - 4)

For the purposes of section 48(2)(a) of the Act, the date in each year for the lodgement of the Annual Return is no later than 90 days before the anniversary of the grant or renewal of the Licence; and

- 4.1.1 For the purposes of section 48(2)(b) of the Act, the date in each year for the payment of Annual Authorisation Fee is the anniversary of the grant of the Licence.

4.2 APPROVAL OF OPERATING PROCESSES (A - 6)

The Licensee must not undertake changes to operating processes conducted pursuant to the Licence at the Premises without written approval from the EPA, where such changes:

- 4.2.1 have the potential to increase emissions or alter the nature of pollutants or waste currently generated by, or from the licensed activity; or
- 4.2.2 have the potential to increase the risk of environmental harm; or
- 4.2.3 would relocate the point of discharge of pollution or waste at the Premises.

4.3 APPROVAL OF WORKS (A - 5)

The Licensee must not construct or alter a building or structure, or install or alter any plant or equipment, for use of an activity undertaken pursuant to the Licence at the Premises without written approval from the EPA, where such changes:

- 4.3.1 have the potential to increase the emissions or alter the nature of pollutants or waste currently generated by, or from the licensed activity; or
- 4.3.2 have the potential to increase the risk of environmental harm; or
- 4.3.3 would relocate the point of discharge of pollution or waste at the Premises.

4.4 CHANGE OF LICENSEE DETAILS (A - 3)

If the Licensee's name or postal address (or both) changes, the Licensee must inform the EPA within 28 days of the change occurring.

4.5 LICENCE RENEWAL (A - 2)

For the purposes of section 43(3) of the Act, an application for Renewal of the Licence must be made no later than 90 days before the expiry date of the Licence.

4.6 OBLIGATIONS TO EMPLOYEES, AGENTS AND CONTRACTORS (A - 1)

The Licensee must ensure that every employee, agent or contractor responsible for undertaking any activity regulated by the Licence, is informed as to the conditions of the Licence.

Attachments

There are no documents attached to this licence.

EPA Reference: 34987

27 August 2021

Ms Amelia De Ruvo
Statutory Planner
Adelaide Hills Council
PO Box 44
WOODSIDE SA 5244

Dear Ms De Ruvo

DIRECTION - Activities of Major Environmental Significance

Development Application No.	473/113/21
Applicant	R Ceravolo & Co Pty Ltd (Ekistics Planning and Design Services)
Location	A4 and A5 DP48914 HD Onkaparinga, 376A and 376B Lobethal Road, Ashton SA 5137
Activity of Environmental Significance	Schedule 8 Item 11; Schedule 22 Part A Activities, Item 22-3(4), 22-7(3)
Proposal	Change of use of existing horticulture building to house a wastewater treatment plant and aeration of existing wastewater lagoon
Decision Notification	A copy of the decision notification must be forwarded to: Client Services Officer Environment Protection Authority GPO Box 2607 ADELAIDE SA 5001

I refer to the above development application forwarded to the Environment Protection Authority (EPA) in accordance with Section 37 of the *Development Act 1993*. The proposed development involves an activity of major environmental significance as described above.

The following response is provided in accordance with Section 37(4)(b)(ii) of the *Development Act 1993* and Schedule 8 Item 11 of the *Development Regulations 2008*.

In determining this response the EPA had regard to and sought to further the objects of the *Environment Protection Act 1993*, and also had regard to:

- the General Environmental Duty, as defined in Part 4, Section 25 (1) of the Act; and
- relevant Environment Protection Policies made under Part 5 of the Act.

Please direct all queries relating to the contents of this correspondence to Robert De Zeeuw on telephone (08) 8204 1112 or facsimile (08) 8124 4673 or email Robert.DeZeeuw@sa.gov.au.

BACKGROUND

The proposal is for a new Waste Water Treatment Plant (WWTP), which incorporates some aspects of the old WWTP and has already been partially commissioned.

The dam that was previously used as a holding dam (without aeration) is to be used as the aeration dam under this proposal. Aerial imagery and the Land Energy Report confirm that the aerator was installed without council or EPA approval in 2018. Other WWTP equipment relating to this proposal is visible in aerial imagery since 15 May 2020.

The EPA inspected the site on 26 March 2021 to understand to what extent the proposed new WWTP has been commissioned; the only active component that was not part of the previous development application in 2007 is the aerator, however the rest of the equipment was in situ and would be able to be commissioned once connected. The drum filter is still operating in the old WWTP location and will be relocated to the proposed new WWTP location.

The proposed new system would reduce the need for excessive dosing and provide a wastewater that is more suitable for irrigation of their orchard. The wastewater system would also future proof the facility and allow for further expansion.

The EPA advised the Council that previous approvals for the site (Development Application 2007/408/473; Development Application 19/333/473) noted the establishment of a plant for juicing up to 2,800 tonne of apples and pears per year, establish a juice bottling line and storage facility, and the establishment of a wastewater treatment plant for the treatment and re-use of wash water to treat up to 2500 kilolitres of wastewater per year.

Information contained in the documentation supplied, and from discussions with the licensee, noted the following key changes have occurred at the site:

- approximately 5,000 tonnes per annum of fruit is processed, and this is expected to reach 7,200 tonnes per annum by 2023
- the irrigation area is currently operating over 13.6 Ha of orchards at the site
- a bottling facility was never constructed.

THE PROPOSAL

This proposal seeks the change of use of an existing horticulture building (shed) to house a wastewater treatment plant and aeration of an existing wastewater lagoon. The site is currently licensed by the EPA (licence number 36582) for "*Crushing, grinding or milling works (agricultural crop products)*". The site is managed by Ashton Valley Fresh and produces predominantly cider products.

More specifically, the proposal includes:

- the installation of an upgraded WWTP, to be located within the existing shed
- the installation of three external effluent holding tanks with a combined capacity of 95KL, to be located on a sealed and bunded platform situated to the south of the existing horticultural building
- the upgraded WWTP would also be connected to the existing holding dam (upgraded to an aeration dam)
- a walkway would extend from the WWTP to the centre of the dam, providing access to the aeration infrastructure.

The WWTP would be used for the treatment of water associated with juicing activities, including the cleaning and rinsing of plant, equipment and storage tanks within the juicing plant building, with some washdown of the external conveyor and gross solids screening. Wastewater would also continue to be reused for on-site irrigation of the existing orchards.

SUBJECT SITE

The site of the proposed development is 376A and 376B Lobethal Road, Ashton located on Certificate of Title Volume 6253 Folio 386

More specifically the subject site is located within:

- the Mount Lofty Ranges Water Protection Area
- Priority Area 1 of the Mount Lofty Ranges Watershed as defined in the 30 Year Plan for Greater Adelaide
- the Watershed (Primary Production) Zone and the Water Protection (Marble Hill) Policy Area of the *Adelaide Hills Council Development Plan (consolidated 8 August 2019)*.

CONSIDERATION

Advice in this letter includes consideration of the location with respect to existing land uses and is aimed at protecting the environment and avoiding potential adverse impacts upon the locality.

In its assessment of the application, the EPA considered the following information provided with the application:

- *Additional information from Phil Baker via email dated 13 August 2021*
- *Additional information from Ekistics dated 9 August 2021*
- *Report titled "Supporting Information for Development Application" dated February 2020 by Land Energy*
- *Planning Report by Ekistics (dated 1 February 2021 and associated plans)*

When assessing development applications referred to the EPA in accordance with the requirements of the Development Act, section 57 of the Environment Protection Act ('the EP Act') states that the EPA must have regard to, and seek to further, the objects of the EP Act and have regard to the general environmental duty, any relevant environment protection policies and the waste strategy for the State adopted under the *Zero Waste SA Act 2004* (now the *Green Industries SA Act 2004*).

ENVIRONMENTAL ISSUES

Evaluation Distance

The EPA's Evaluation Distances guideline (which can be found here at http://www.epa.sa.gov.au/files/12193_eval_distances.pdf) states recommended separation of 200m for produce processing works for agricultural crop material where up to but not exceeding 10 ML/year of wastewater is generated.

The activity of wastewater storage and disposal has the potential for odour from irrigation of high BOD wastewater and the storage of wastewater and solid wastes, and also the potential for noise from wastewater treatment.

The closest residence to the Waste Water Treatment Plant (WWTP) appears to be approximately 240m to the west.

Water Quality

Water quality in South Australia is protected by the EP Act and the *Environment Protection (Water Quality) Policy 2015* ('the Water Quality EPP').

The Water Quality EPP places a general obligation on persons undertaking activities that pollutes or might pollute waters to take all reasonable and practicable measures to prevent or minimise environmental harm and to avoid discharging or depositing of waste from that activity into any waters or onto land from which it may enter waters.

As this site is located in a public water supply catchment, potential impacts on water quality need to be carefully considered. It should be noted that in Area 1 of the Mount Lofty Ranges Watershed, the 30-Year Plan for Greater Adelaide states that new development must demonstrate a 'beneficial impact' on water quality. Therefore, when assessing this development application the EPA has sought to ensure that this has been demonstrated.

The activity of wastewater storage and disposal has the potential for odour from irrigation of high BOD wastewater and the storage of wastewater and solid wastes, and also the potential for noise from wastewater treatment.

Wastewater

The WWTP will be used for the treatment of water associated with juicing activities, including the cleaning and rinsing of plant, equipment and storage tanks within the juicing plant building, with some washdown of the external conveyor and gross solids screening.

The development also includes the installation of three external effluent holding tanks with a combined capacity of 95kL, already in place on a sealed and bunded platform situated to the south of the existing horticultural building. The upgraded WWTP would also be connected to the existing holding dam (upgraded to an aeration dam). A walkway extends from the WWTP to the centre of the dam, providing access to the aeration infrastructure. The entire aeration dam is enclosed by black cyclone mesh fencing.

There is no change to the 2.3 ML, 1.5mm HDPE-lined lagoon which was approved under a previous DA, except that an aerator has been added. The conversion of the horticultural shed for the new WWTP means that it is now located adjacent to the lagoon. The shed has been designed with bunding on three sides, with fourth side to allow any spill from the WWTP to drain to the lagoon. An impervious surface is to be constructed between the new WWTP and the lagoon. This is acceptable to the EPA and a condition to this effect is directed below.

The proponent has confirmed that the Spill Retention Basin (SRB) consists of a 33kL poly tank within a 150kL compacted clay-lined basin, and that this has not been designed or constructed as a wastewater lagoon because the wastewater is not held within the basin indefinitely. Its purpose is to retain any catastrophic failures at the juicing plant or WWTP, and to receive and temporarily retain wastewater overflow from the main wastewater sump adjacent the juicing plant. Any liquid in the SRB would be pumped to WWTP. Given that this section of the site relates to wastewater management but not specifically to the change of use from shed to house a wastewater treatment plant and aeration of an existing wastewater lagoon, the EPA will manage this through the existing licence.

Solid waste

De-watered sludge cake is directed into bins within a bunded area in the new WWTP. These remain bunded until removal after 4 weeks (approximately 6 bins). Additional bunded and roofed storage for up to 24 bins is available in the old WWTP building if required. This is acceptable to the EPA.

Air Quality

Odour

Odour is not expected to be an issue, due to the aerated mode of wastewater treatment resulting in sufficiently low BOD and minimal holding time in enclosed effluent tanks. Solid wastes (de-watered sludge cake) are proposed to be stored and dried on an impervious bunded platform to be constructed adjacent to or nearby the original (superseded) WWTP situated above and to the north-west of the juicing plant. Any leachate from the stockpiled material will then be collected in drains and directed to the new WWTP via the existing wastewater pipeline.

The information provided contains reasonable contingency measures that could be enacted in the case of an aerator failure. This is satisfactory to the EPA.

Noise

The aerator is anticipated to be a dominant source of noise for the proposed development. As part of the information request, a chart was provided by the manufacturer showing the noise levels generated by the aerator at different distances. This chart shows that the indicative noise levels at the closest sensitive receiver approximately 240 metres away will be met in accordance with the criteria in the *Environment Protection (Noise) Policy 2007*. Although an exceedance of the criteria is not expected, during the night-time period the aerator may only just be under the criteria of 45 dB(A) at the closest sensitive receiver. Therefore it is recommended that the aerator should be run where possible during day time periods to minimise any possible disturbances to nearby residences at night (and breaches of the criteria) with the door to the equipment shed being shut wherever practicable, to reduce any noise generation from this equipment. A note in this regard is advised below.

Given the levels generated at the source, the equipment including the irrigation pump are unlikely to pose an adverse noise impact on surrounding residents. Furthermore this equipment will be held within and enclosed equipment shed. This is acceptable to the EPA.

Environmental Authorisation

If the development application is approved by the Council, the licensee would need to contact the EPA regarding their existing EPA Authorisation (Licence Number 36582). A note in this regard is included below.

CONCLUSION

The EPA considers the potential environmental risks associated with the proposed development are low provided the construction, operation and management of the associated wastewater management system is undertaken in accordance with the plans and details provided in the application.

The EPA suggests that the Council satisfy itself that if the proposal (or some parts) have been already constructed, that they have been undertaken in accordance with the plans and information submitted.

DIRECTION

The planning authority is directed to attach the following conditions to any approval:

1. Prior to operation of the new wastewater treatment plan, an impervious base must be constructed between the new waste water treatment plant and the wastewater lagoon.
2. Prior to the operation of the new wastewater treatment plant, the bunding must be constructed and in place (being a spill containment system constructed of impervious material, with a net capacity of at least 120% of the volume of largest container/wastewater able to processed). Note: For further guidance refer to the EPA Guideline *Bunding and spill management (2016)*
https://www.epa.sa.gov.au/files/47717_guide_bunding.pdf

The following notes provide important information for the benefit of the applicant and are requested to be included in any approval

- The applicant is reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that the activities on the whole site, including construction, do not pollute the environment in a way which causes or may cause environmental harm.
- An environmental authorisation in the form of a licence is required for the operation of this development. The applicant is required to contact the Authority before acting on this approval to ascertain if there are any changes to current licensing requirements.
- Wherever practicable, the aerator should be run during day time periods to reduce night time operations, to achieve compliance with the *Environment Protection (Noise) Policy 2007*.
- Wherever practicable, the doors to the wastewater treatment plant shed should be shut during operations to achieve compliance with the *Environment Protection (Noise) Policy*

2007.

Yours faithfully

Hayley Riggs

Delegate

ENVIRONMENT PROTECTION AUTHORITY

SOUTH AUSTRALIAN DEVELOPMENT ACT, 1993
REPRESENTATION ON APPLICATION – CATEGORY 2 NOTIFICATION

Development Number: **21/113/473**

My Name: **SIMON GROY**

Postal Address: **PO Box 1212 URAIDLA 5142**

Contact No:

Email:
(by providing an email address you agree to receive any related future correspondence electronically)

This representation is in relation to the application by: **R Ceravolo & Co Pty Ltd**

Nature of Development: **Change of use of existing horticulture building to house a wastewater treatment plant**

Proposed to be located at: **376A Lobethal Road Ashton SA 5137**
376B Lobethal Road, Ashton SA 5137

My representation: **(cross out whichever does not apply below)**
~~Supports the proposed development~~ **OR** Opposes the proposed development

My interests are: **(cross out whichever does not apply below)**
owner of local property OR occupier of local property
a representative of a company OR other
organisation affected by the proposal OR a private citizen

The address of the property affected is:
142 Collins Road Ashton Postcode:

The specific aspects of the application to which I make representation are:
Noise levels especially at night. The current noise levels are concerning. This development with additional motors and machinery will increase the noise levels for surrounding residents.

My objections (if any) could be overcome by:
- Council monitoring the noise levels. Noise reducing measures. Limits on time for running machinery and electric motors etc refrigeration etc
(cross out whichever does not apply below)


I do wish to be heard in support of my representation by appearing personally or being represented by the following person.

OR

~~I do not wish to be heard in support of my representation.~~

"Please note that, in accordance with Section 38 (10)(a) of the *Development Act 1993*, the Council Assessment Panel may, in its absolute discretion, allow a person who made a representation to appear personally or by representative before it to be heard in support of the representation."

Please note that **no right of appeal** to the Environment, Resources and Development Court exists for a person or body who submit a Category 2 representation.

Date: **28/3/2021** Signature: 

The closing time and date for Representations is 5.00pm on 01 April 2021 & Representations can only be received during the period 19 March 2021 to 01 April 2021

"Please note that in accordance with Section 38(8) of the *Development Act 1993*, a copy of this representation is forwarded to the Applicant for their information and response. Further a copy of your representation (including your name and address) will become public and can be viewed on the web."

SOUTH AUSTRALIAN DEVELOPMENT ACT, 1993
REPRESENTATION ON APPLICATION – CATEGORY 2 NOTIFICATION

Development Number: **21/113/473**

My Name: Jessie Howes

Postal Address: 344 Lobethal Road Ashton 5137

Contact No: [REDACTED]

Email: [REDACTED]
(by providing an email address you agree to receive any related future correspondence electronically)

This representation is in relation to the application by: **R Ceravolo & Co Pty Ltd**

Nature of Development: **Change of use of existing horticulture building to house a wastewater treatment plant**

Proposed to be located at: **376A Lobethal Road Ashton SA 5137**
376B Lobethal Road, Ashton SA 5137

My representation: **(cross out whichever does not apply below)**
Supports the proposed development OR Opposes the proposed development

My interests are: **(cross out whichever does not apply below)**
.
.
.
owner of local property OR occupier of local property
a representative of a company OR other
organisation affected by the proposal OR a private citizen

The address of the property affected is:
344 Lobethal Road Ashton Postcode: 5137

The specific aspects of the application to which I make representation are:
Noise of machinery. Current systems run well out of council regulated hours. We are next door to 376A + B. A noise
My objections (if any) could be overcome by: Installing adequate installation for noise reduction. We don't object to the system itself, just would like to see attempts/possibilities of noise reduction.

(cross out whichever does not apply below)
~~I do wish to be heard in support of my representation by appearing personally or being represented by the following person.~~
OR
I do not wish to be heard in support of my representation.

"Please note that, in accordance with Section 38 (10)(a) of the *Development Act 1993*, the Council Assessment Panel may, in its absolute discretion, allow a person who made a representation to appear personally or by representative before it to be heard in support of the representation."

Please note that **no right of appeal** to the Environment, Resources and Development Court exists for a person or body who submit a Category 2 representation.

Date: 31/3/21 Signature: [Signature]

The closing time and date for Representations is 5.00pm on 01 April 2021 & Representations can only be received during the period 19 March 2021 to 01 April 2021

"Please note that in accordance with Section 38(8) of the *Development Act 1993*, a copy of this representation is forwarded to the Applicant for their information and response. Further a copy of your representation (including your name and address) will become public and can be viewed on the web."

16 September 2021

REF No.: 00926-005

Adelaide Hills Council
PO Box 44
WOODSIDE SA 5244

Attention: Marie Molinaro

By Email: mmolinaro@ahc.sa.gov.au

Dear Marie,

RE: RESPONSE TO REPRESENTATIONS – DEVELOPMENT APPLICATION: 21/113/473 – WASTEWATER TREATMENT PLANT PROPOSED FOR 376A AND 376B LOBETHAL ROAD, ASHTON

We refer to the representations received during the public notification process for the above-mentioned application.

Pursuant to section 38(8) of the *Development Act, 1993* and on behalf of the Applicant, this letter provides a formal response to the relevant planning matters raised within the representations.

1. Representations

We note that two (2) representations were received, both of which have expressed several concerns with the development, as summarised below.

1.1 142 Collins Road, Ashton (Mr Simon Gray)

Mr Gray has raised the following concerns with the proposal:

- The current noise levels are concerning (particularly at night); and
- The additional machinery on site will increase noise levels for surrounding residents.

It has been noted that Mr Gray's objection could be overcome by:

- Council monitoring the noise levels;
- Noise reduction measures implemented on site; and
- Limited hours of operation for operating machinery on site.

The location of the representor has been labelled as '1' in **Figure 1.1** below.

1.2 344 Lobethal Road, Ashton (Ms Jerusha Howes)

Ms Howes has raised the following concerns with the proposal:

- The current noise levels from machinery on site; and

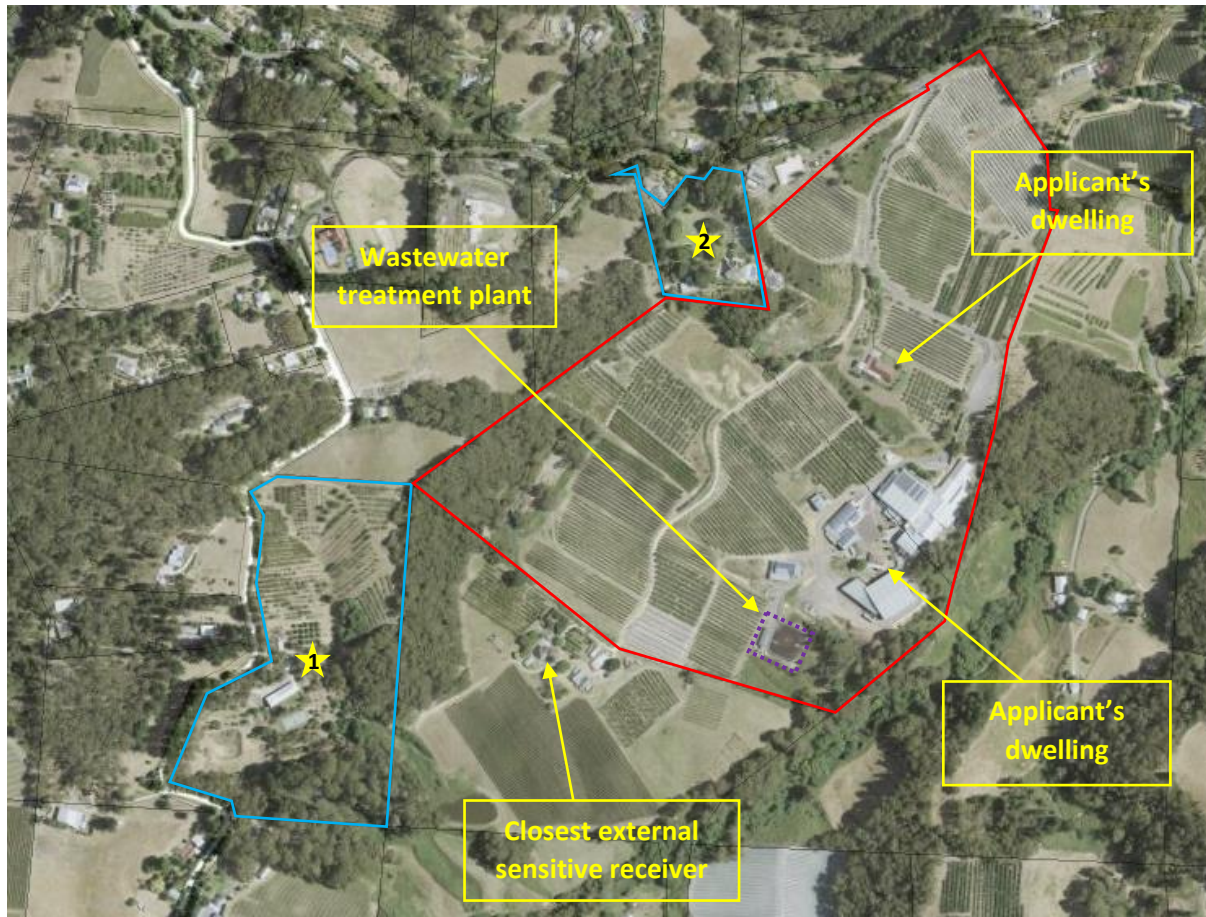
Def: E-KIS-TICS [noun] : The Science of Human Settlements ...

- The current system runs beyond the Council regulated hours.

It has been noted that Ms Howes' objection could be overcome by the installation of adequate noise reduction measures.

The location of the representor has been labelled as '2' in **Figure 1.1** below.

Figure 1.1 Map of representation locations (c/- SA Property and Planning Atlas)



1.3 Response to Representations

Hours of Operation:

Solar panels are primarily used to power the wastewater treatment plant, which will primarily operate during day-time hours. Notwithstanding, we note that some evening use will be required, and is indeed required to support operational requirements for the facility, including the appropriate aeration/treatment of waste, with which is to be recycled and reused for irrigation purposes.

Wastewater treatment plants are required to operate over 24 hour cycles to appropriately treat wastewater and manage potential odours. *That is, the storage of waste without effective aeration (movement) may result in the stagnation of waste-water and odour generation.*

Subject to the discussion below, the wastewater treatment plant will cycle on and off over a 24 hour period. The duration of the cycling periods is largely dependent on the incoming loads and the aeration run speed. Notwithstanding, it is intended that during the evening usage the aerator will operate at a lower speed to minimise noise impacts.

The operating cycle of the wastewater treatment plant will be informed by laboratory testing of the wastewater samples, to ensure adequate treatment is being achieved. Once the laboratory testing has been conducted, the applicant will then 'fine tune' the operating cycle to optimise day-time use and minimise evening use. This will allow for the applicant to benefit from maximum solar panel usage, reducing the reliance on non-renewable energy sources and to manage amenity related impact associated with evening usage.

For these reasons we do not believe a condition restricting hours of operation would be practical. Further, we assume that concerns raised in relation to operating hours relate specifically to noise impacts. As per the discussion below, we note that the development has been designed in accordance with the requirements of the *Environment Protection (Noise) Policy 2007* and on this basis, the EPA is not directing authority to impose conditions which limits evening usage.

Noise:

We note that comments provided by representors do not clarify the specific source of noise which gives rise to the concerns raised. In this regard, we note that the applicant operates a juicing industry from the premises which includes various noise sources.

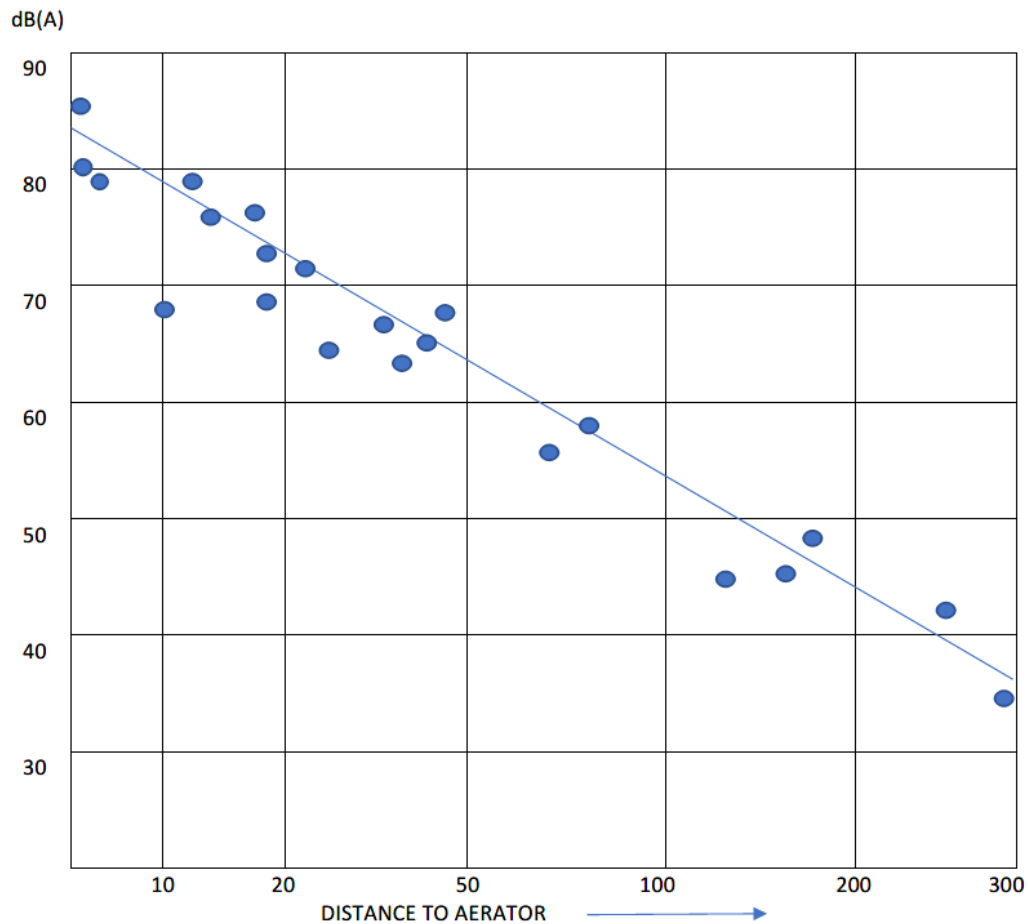
The closest external sensitive receiver (dwelling) is approximately 240m from the lagoon and aerator. Representor 1's dwelling is approximately 565m from the lagoon and aerator and Representor 2's dwelling is approximately setback 415m.


We also note that the subject site (comprising two allotments) accommodates two dwellings which are located approximately 115m and 315m from the waste-water treatment plant (**Figure 1.1**).

Land Energy prepared a written response addressing noise-related matters that were originally raised by the EPA. The response included a graph of empirical sound pressure level (dB(A)) field data for the 55 kW low-speed floating aerator at a range of distances (sourced from the manufacturer) (**Figure 1.2**).

Figure 1.2 illustrates that the dB(A) value (noise level) steadily decreases as the distance to the aerator increases. The representors' dwellings are set back approximately 415m and 565m from the aerator, the dB(A) value is therefore not shown on the graph. However, following the trend of the data provided, noise levels at each representor's dwelling is expected to be significantly below 45dB(A) as referenced in the EPA's referral advice (discussed below). respectively. Whilst our assumptions do not account for environmental factors (i.e. terrain, vegetation etc.), the trends in **Figure 1.2** do suggest that the noise levels at each representor's residence will not exceed the levels prescribed within the *Environment Protection (Noise) Policy 2007*.

Figure 1.2 Graph of empirical sound pressure level (dB(A)) field data for the 55 kW low-speed floating aerator at a range of distances, provided by the manufacturer (c/- Land Energy)



REV.	DETAILS	DRAWN	DATE	SHEET OF	
	 <p>THE DRAWING AND THE COPYRIGHT THEREON ARE THE PROPERTY OF BY-JAS ENGINEERING PTY LTD AND ALL INFORMATION IT CONTAINS IS CONFIDENTIAL. THE DRAWING MUST NOT BE REPRODUCED OR DISCLOSED NOR MUST ANY INFORMATION TAKEN THEREFROM BE DISCLOSED WITHOUT THE PRIOR CONSENT IN WRITING OF BY-JAS ENGINEERING PTY LTD</p>	TITLE: SOUND PRESSURE LEVELS IN dB(A) REFERENCE LEVE = 0.00002 PASCALS		DRAWN	
		CLIENT: Ashton Valley Fresh Lobethal SA		CHECKED	
		CONTRACT: 55kW Low Speed Floating Surface Aerator		APPROVED	
				SCALE	ITEM
				DWG No.	
				JOB No.	

Our views are validated by the advice provided by the Environment Protection Authority which makes the following conclusions:

“The aerator is anticipated to be a dominant source of noise for the proposed development. As part of the information request, a chart was provided by the manufacturer showing the noise levels generated by the aerator at different distances. This chart shows that the indicative noise levels at the closest sensitive receiver approximately 240 metres away will be met in accordance with the criteria in the Environment Protection (Noise) Policy 2007. Although an exceedance of the criteria is not expected, during the night-time period the aerator may only just be under the criteria of 45 dB(A) at the closest

sensitive receiver. Therefore it is recommended that the aerator should be run where possible during day time periods to minimise any possible disturbances to nearby residences at night (and breaches of the criteria) with the door to the equipment shed being shut wherever practicable, to reduce any noise generation from this equipment. A note in this regard is advised below.

Given the levels generated at the source, the equipment including the irrigation pump are unlikely to pose an adverse noise impact on surrounding residents. Furthermore this equipment will be held within and enclosed equipment shed. This is acceptable to the EPA."

We note that the EPA is the appropriate state agency to consider the noise related impacts of the development. Further to the above advice, the EPA have determined that the proposed development meets the criteria set out in the *Environment Protection (Noise) Policy 2007*. It should be noted that the EPA have not recommended any conditions regarding noise restrictions.

2. Conclusion

This letter seeks to provide a response to the issues raised by the representations. The key issues raised include hours of operation and noise impacts, have been addressed above.

Thank you for the opportunity to respond and we trust this submission offers a comprehensive response to the matters raised.

We welcome the opportunity to attend and present at the Adelaide Hills Council Assessment Panel meeting.

Yours Sincerely



Ben Schnell

Planning Consultant