

**SPECIAL COUNCIL ASSESSMENT PANEL MEETING**

**22 September 2021**

**AGENDA – 8.1**

<b>Applicant:</b> Woodside Heritage Village Pty Ltd	<b>Landowner:</b> Woodside Heritage Village Pty Ltd
<b>Agent:</b> Emma Barnes, Planning Studio	<b>Originating Officer:</b> Sarah Davenport
<b>Development Application:</b>	21/355/473
<b>Application Description:</b> Construction of new light industry building to include a distillery & tasting room, retaining walls (maximum height 4.6m), associated earthworks, landscaping & water storage tanks	
<b>Subject Land:</b> Lot:102 Sec: P5047 DP:61958 CT:5900/756	<b>General Location:</b> 1 /20 Henry Street Woodside <b>Attachment – Locality Plan</b>
<b>Development Plan Consolidated :</b> 8 August 2019 <b>Map AdHi/18 &amp; AdHi/ 57</b>	<b>Zone/Policy Area:</b> Light Industry Zone - Light Industry (Woodside) Policy Area (72)
<b>Form of Development:</b> Merit	<b>Site Area:</b> 7285 m <sup>2</sup>
<b>Public Notice Category:</b> Category 2	<b>Representations Received:</b> Two (2)  <b>Representations to be Heard:</b> 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 35.2m, 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 76m<sup>2</sup> ‘cellar door’ overlooking the production area. A further 36m<sup>2</sup> 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:

<b>Name of Representer</b>	<b>Representer's Property Address</b>	<b>Supports / Opposes</b>	<b>Appearing / Nominated Speaker</b>
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 7285m<sup>2</sup> 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.

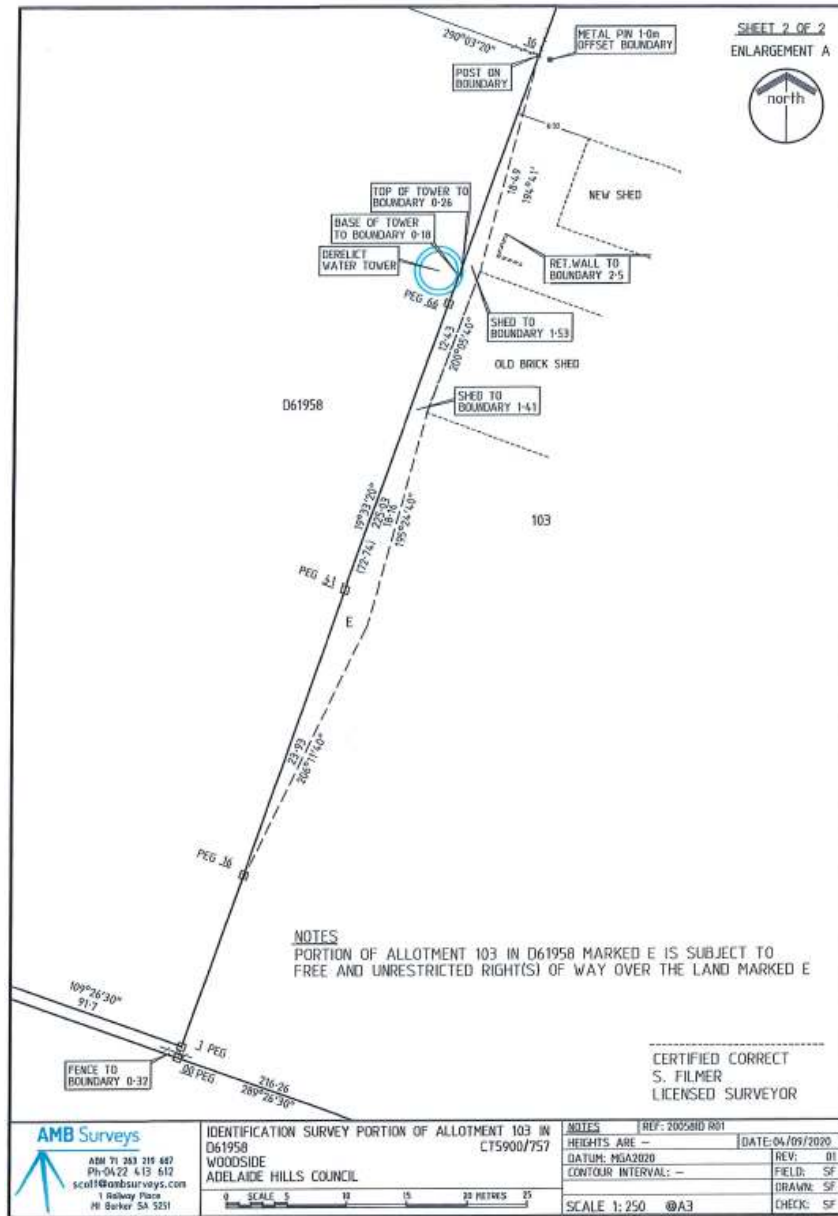
The land is clear of vegetation, being occupied by the former SA Farmers' Co-operative Union Building complex which contains the Woodside Cheese Wrights production and shop and Chesterfield Whiskey Firm shop. The rear of site currently maintains a substantial amount of building salvage material, post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

*Objectives:* 1, 2, 3  
*Desired Character Statement:* Paragraphs 1 & 2  
*PDCs:* 1, 2, 3 & 5

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

*Objectives:* 1, 2  
*Desired Character Statement:* Paragraphs 1, 2, 3, 4 & 5  
*PDCs:* 1, 3, 4 & 6

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 440m<sup>2</sup> 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 116m<sup>2</sup> 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](mailto: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](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**











**Annotations**

-  Representor 2
-  Representor 1
-  Subject Land

**Planners Summary**






-  PlanningSummary

**AHC Core**

-  Parks
-  Townships
- RoadsStreetView
  -  ADJOINING LGA RD
  -  AHC & PRIVATE
  -  AHC RD
  -  DPTI RD
  -  PRIVATE RD
  -  SHARED RD

-  PropertyOwner
-  Parcels
-  Roads
-  Suburbs
- Rivers
  -  River
  -  Creeks
  -  Streams

**Stormwater Updated**








-  StormwaterPipesQAd
-  PRIVATE\_DrivewayPits
-  PRIVATE\_DrivewayPipes
-  DPTI\_Pits
-  DPTI\_Pipes

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**CWMS**

-  Valves
-  PumpStations
-  Manholes
-  FlushingPoints
-  RisingMains
-  GravityMains
-  Connectors

**Zones Policy & Landuse**

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2021



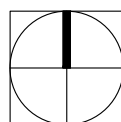
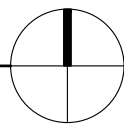


**HENRY STREET & CO.  
20 HENRY STREET,  
WOODSIDE.  
STAGE ONE: INIQUITY**

**DRAWING SCHEDULE      JOB No. 20.09**

- DPC-00C    LOCATION PLAN**
- DPC-01     SITE PLAN EXISTING**
- DPC-02C    SITE PLAN PROPOSED**
- DPC-03C    FLOOR PLAN LEVEL 1**
- DPC-04C    FLOOR PLAN LEVEL 0**
- DPC-05B    ELEVATIONS 1**
- DPC-06B    ELEVATIONS 2**
- DPC-07B    SECTIONS**
- DPC-08B    RENDERS**
- DPC-09C    AREA SCHEDULE**

**LOCATION PLAN**  
NTS.



**HENRY STREET & CO STAGE 1**  
**COVER PAGE**

Date: 18-02-2021  
Project No: 20.09  
Drawing No. **DPC-00C**

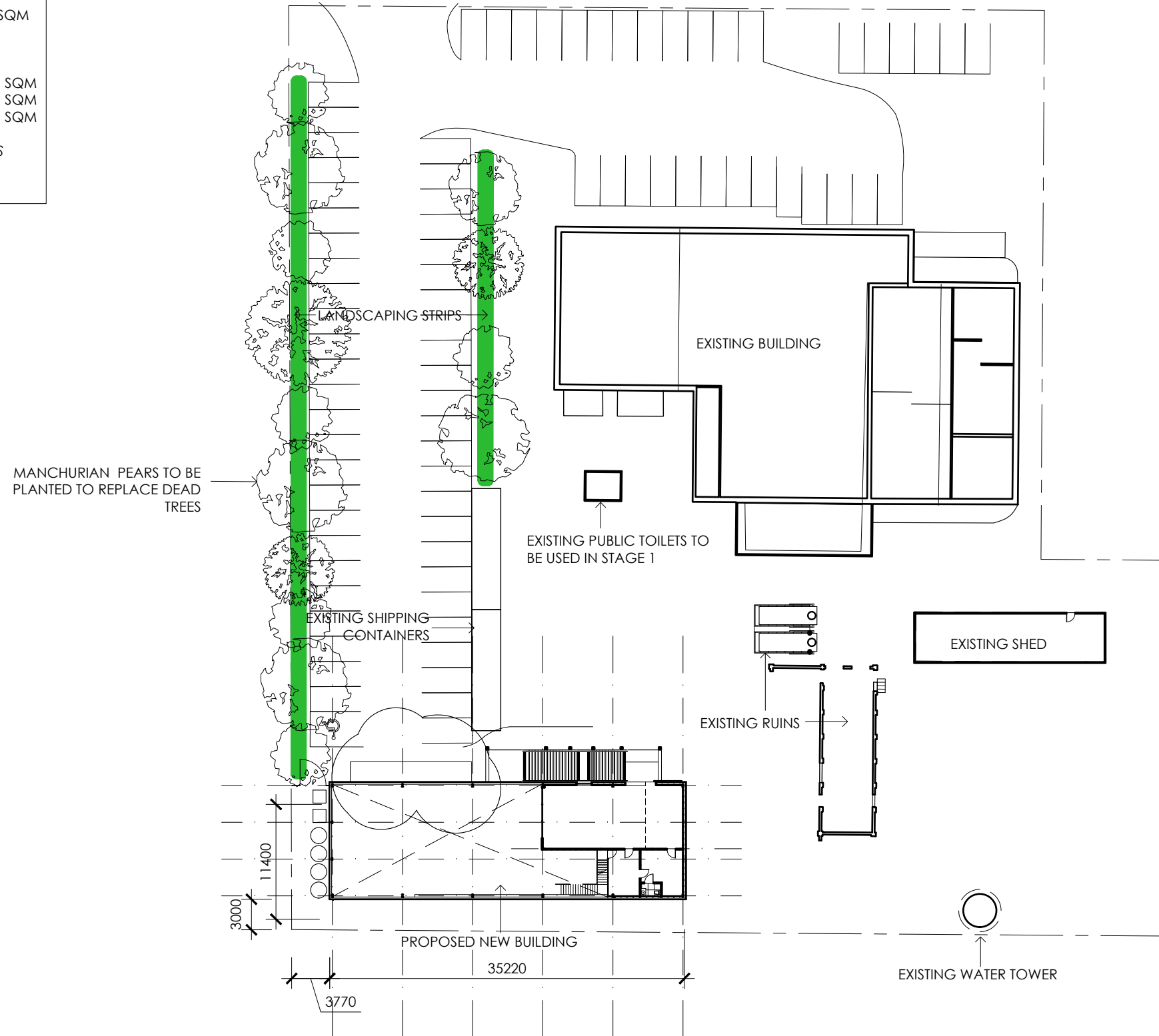
217 Gilbert Street p 08 8410 9500  
Adelaide SA 5000 f 08 8410 9400  
ABN 18 122 067 483 bbarchitects.com.au  
BUTCHER BROWN ARCHITECTS PTY LTD ACN 100 923 742 TRADING AS BB ARCHITECTS



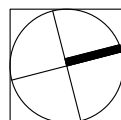


# AREA SCHEDULE

SITE	= 7320 SQM
TOTAL ROOFED AREA:	
EXISTING BUILDING	= 1140 SQM
PROPOSED BUILDING	= 410 SQM
SITE COVERAGE	= 1482 SQM
15.5% OF SITE INCLUDING ALL ROOFED AREAS EXISTING & PROPOSED	



**PROPOSED SITE PLAN**  
scale 1:500@A3

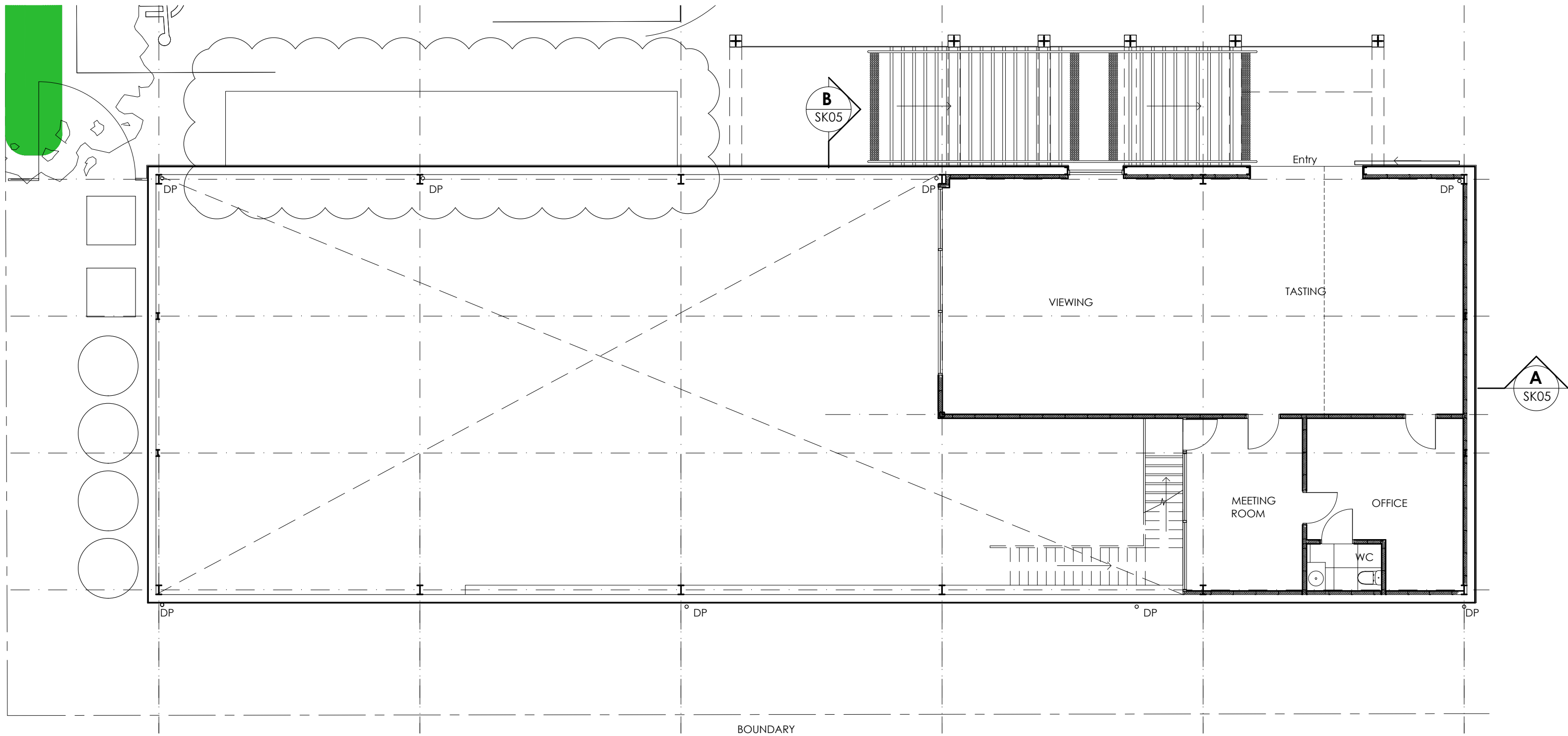


**HENRY STREET & CO STAGE 1**  
**PROPOSED SITE PLAN**

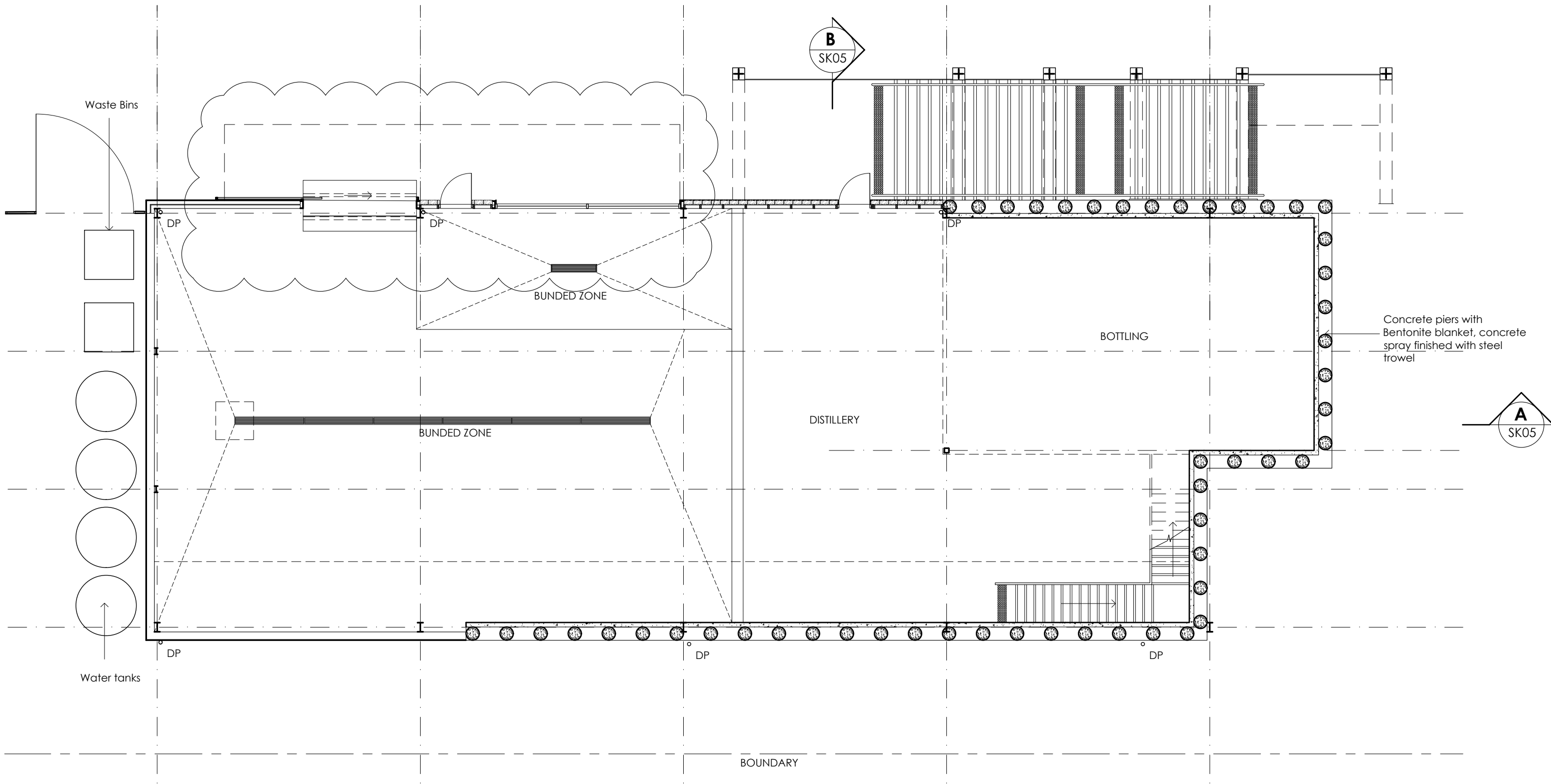
Date: 20-08-2021  
Project No: 20.09  
Drawing No. **DPC-02C**

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Adelaide SA 5000 f 08 8410 9400  
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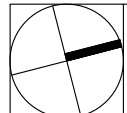


**FLOOR PLAN LEVEL 2**  
scale 1:100@A3



**FLOOR PLAN LEVEL 1**

scale 1:100@A3



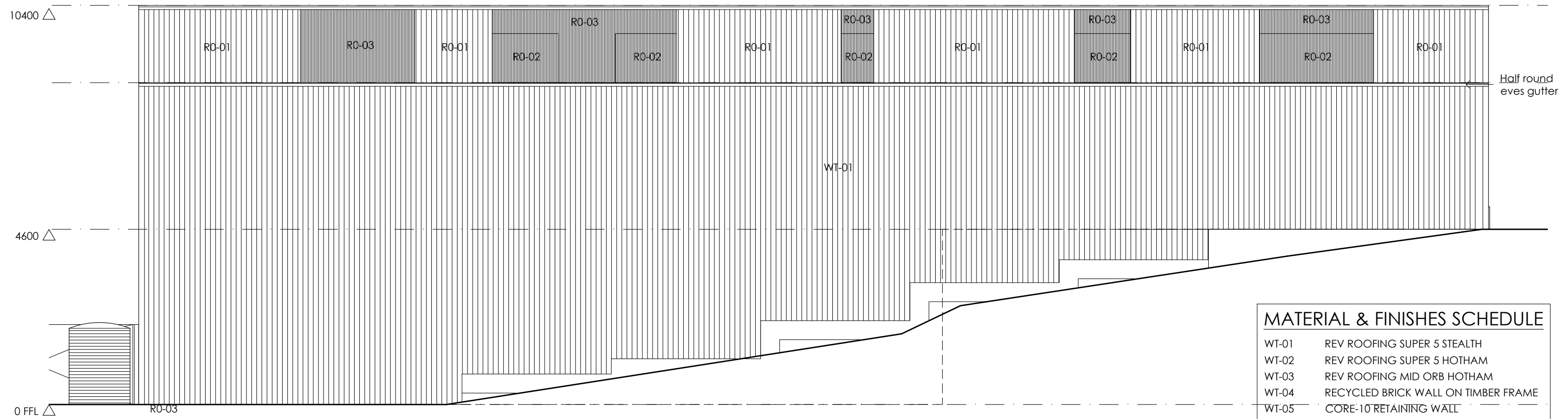
**HENRY STREET & CO STAGE 1**  
**FLOOR PLAN**

Date: 20-08-2021  
 Project No: 20.09  
 Drawing No. **DPC-04C**

217 Gilbert Street p 08 8410 9500  
 Adelaide SA 5000 f 08 8410 9400  
 ABN 18 122 067 483 bbarchitects.com.au  
BUTCHER BROWN ARCHITECTS PTY LTD ACN 100 923 742 TRADING AS BB ARCHITECTS

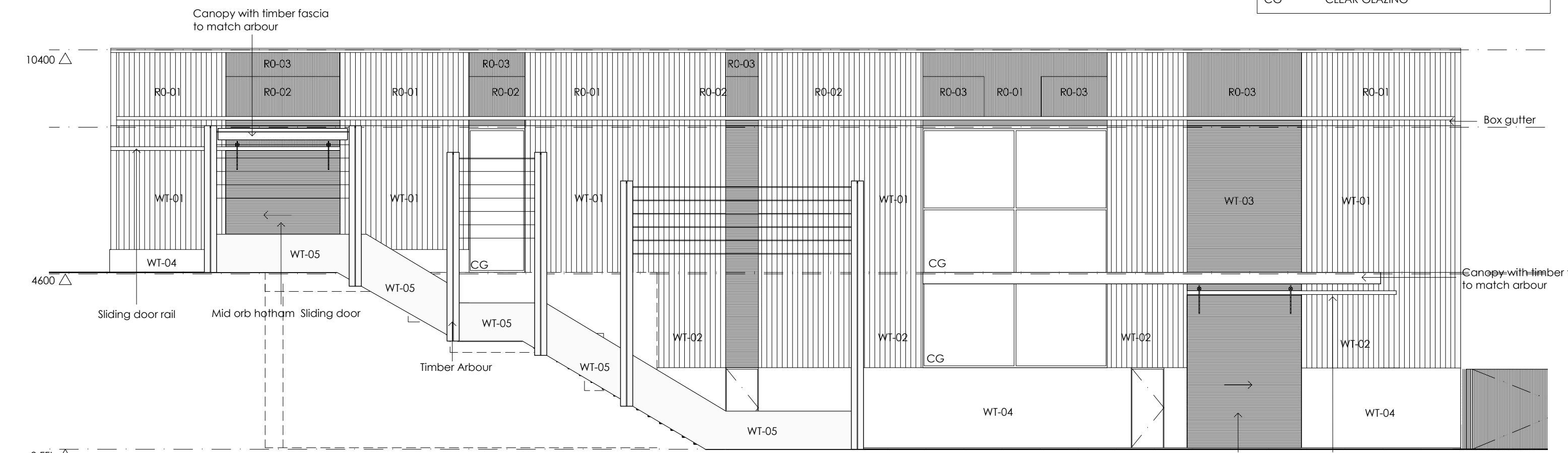






**EAST ELEVATION**  
scale 1:100@A3

MATERIAL & FINISHES SCHEDULE	
WT-01	REV ROOFING SUPER 5 STEALTH
WT-02	REV ROOFING SUPER 5 HOTHAM
WT-03	REV ROOFING MID ORB HOTHAM
WT-04	RECYCLED BRICK WALL ON TIMBER FRAME
WT-05	CORE-10 RETAINING WALL
RO-01	REV ROOFING SUPER 5 STEATH
RO-02	POLYPIU SMARTPIU ROOF SHEETING
RO-03	REV ROOFING MID ORB HOTHAM
CG	CLEAR GLAZING



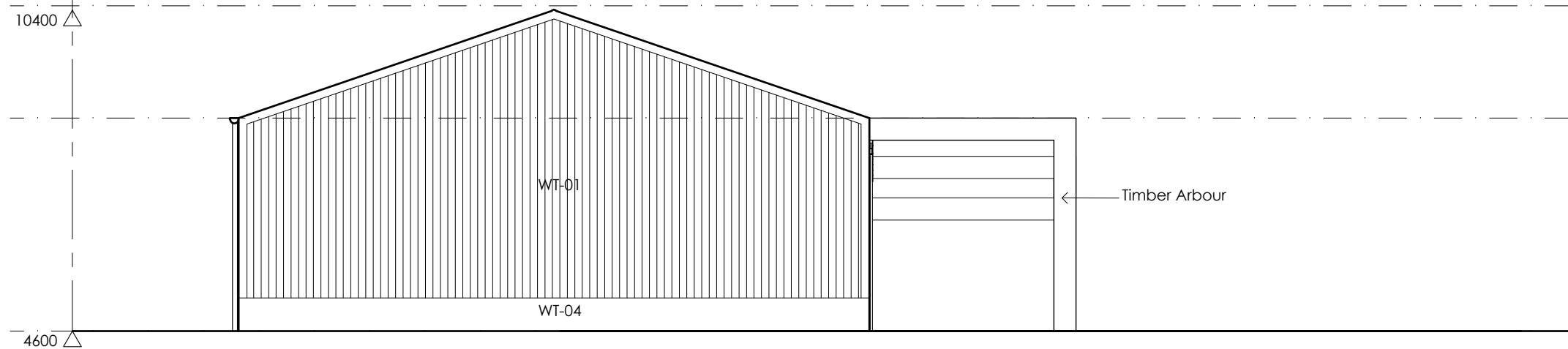
**WEST ELEVATION**  
scale 1:100@A3

**HENRY STREET & CO STAGE 1**  
**ELEVATIONS**

Date: 20-08-2021  
Project No: 20.09  
Drawing No. **DPC-05B**

217 Gilbert Street p 08 8410 9500  
Adelaide SA 5000 f 08 8410 9400  
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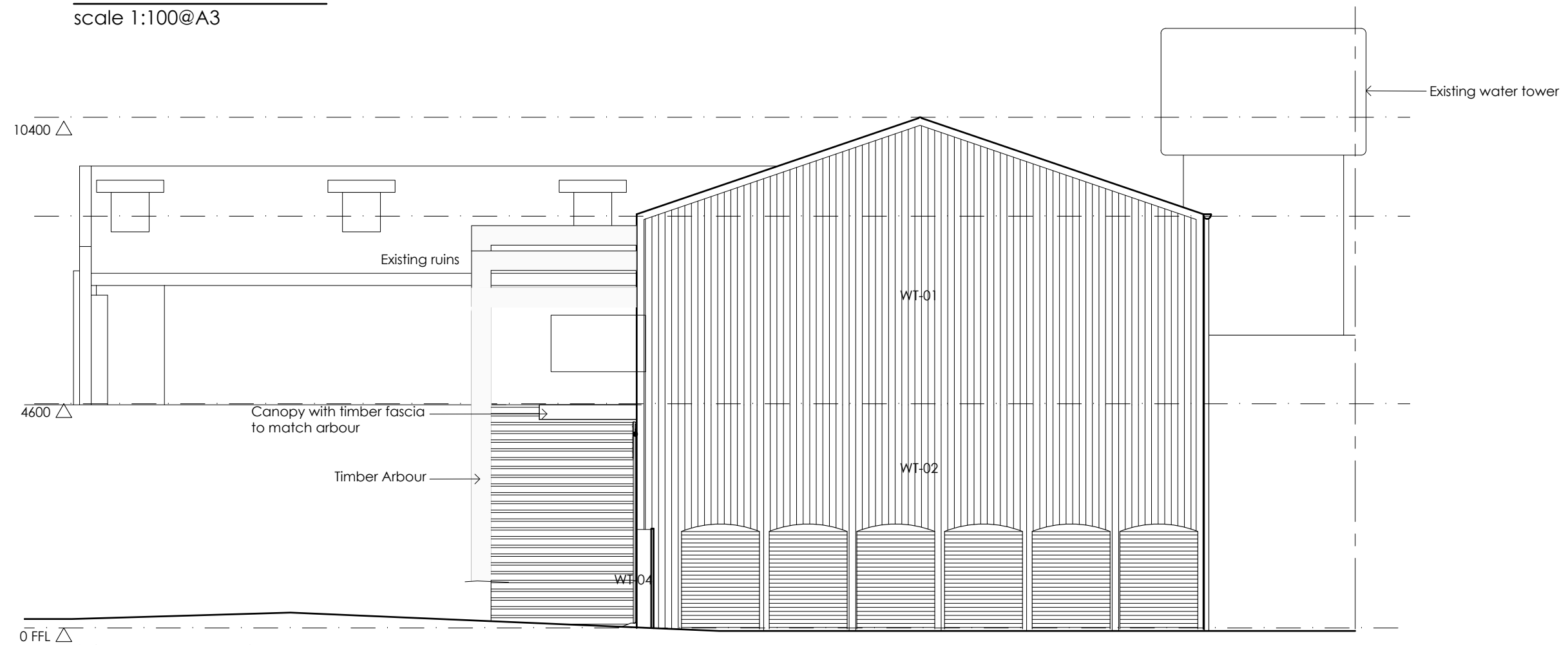


**MATERIAL & FINISHES SCHEDULE**

WT-01	REV ROOFING SUPER 5 STEALTH
WT-02	REV ROOFING SUPER 5 HOTHAM
WT-03	REV ROOFING MID ORB HOTHAM
WT-04	RECYCLED BRICK WALL ON TIMBER FRAME
WT-05	CORE-10 RETAINING WALL
RO-01	REV ROOFING SUPER 5 STEATH
RO-02	POLYPIU SMARTPIU ROOF SHEETING
RO-03	REV ROOFING MID ORB HOTHAM
CG	CLEAR GLAZING

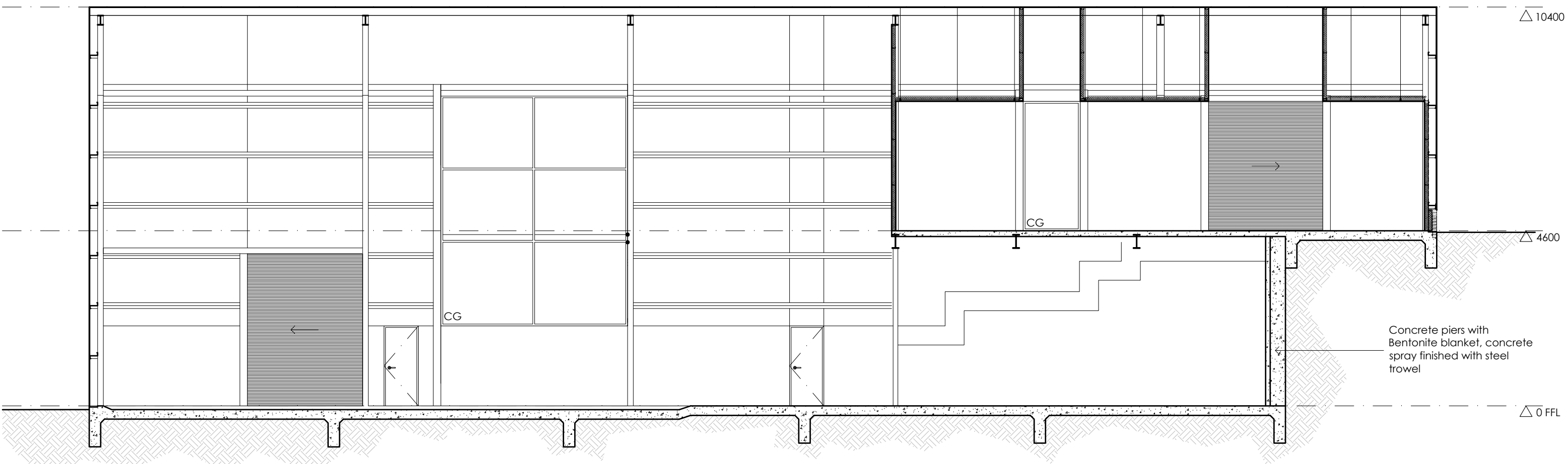
**NORTH ELEVATION**

scale 1:100@A3

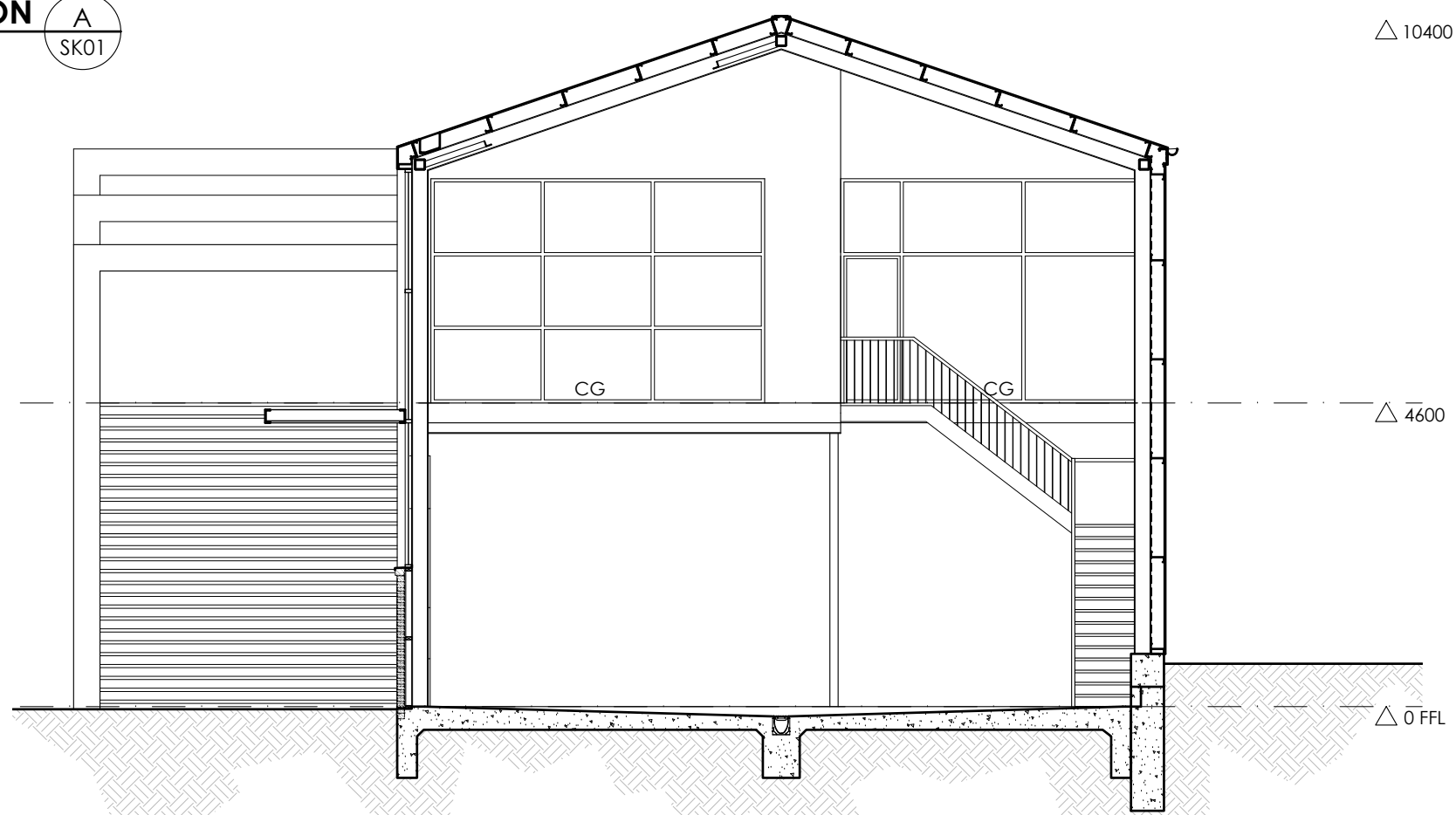


**SOUTH ELEVATION**

scale 1:100@A3



**NORTH ELEVATION** (A) SK01  
 scale 1:100@A3



**SECTION** (B) SK01  
 scale 1:100@A3

**HENRY STREET & CO STAGE 1**  
**SECTIONS**

Date: 20-08-2021  
 Project No: 20.09  
 Drawing No. **DPC-07B**

217 Gilbert Street p 08 8410 9500  
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 ABN 18 122 067 483 bbarchitects.com.au  
 BUTCHER BROWN ARCHITECTS PTY LTD ACN 100 923 742 TRADING AS BB ARCHITECTS





**VIEW FROM HENRY STREET**  
scale NTS



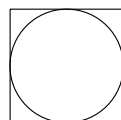
**SOUTH WESTERN VIEW**  
scale NTS



**SOUTH WESTERN AERIAL VIEW**  
scale NTS



**NORTH WESTERN VIEW**  
scale NTS



**HENRY STREET & CO STAGE 1**  
**RENDERS**

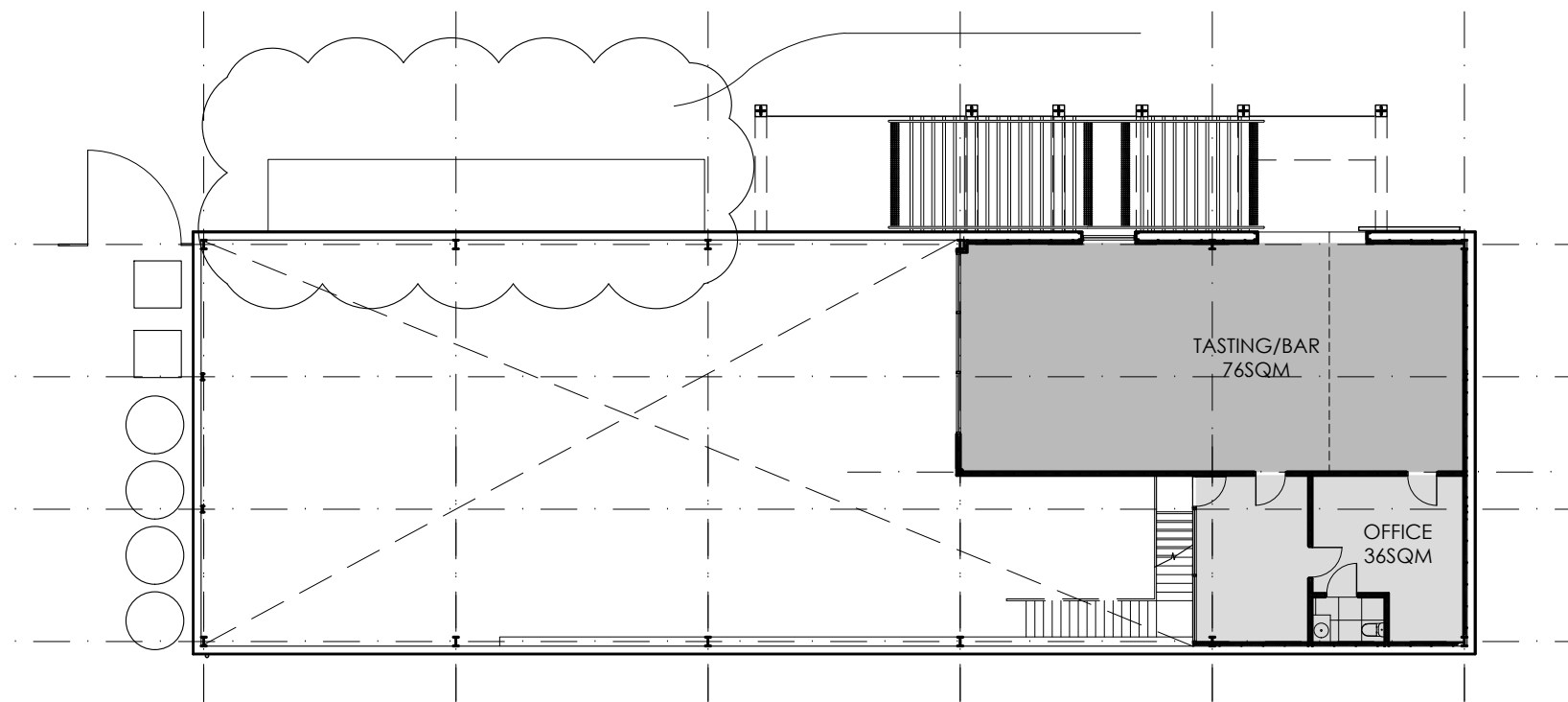
Date: 20-08-2021  
Project No: 20.09  
Drawing No. **DPC-08B**

217 Gilbert Street p 08 8410 9500  
Adelaide SA 5000 f 08 8410 9400  
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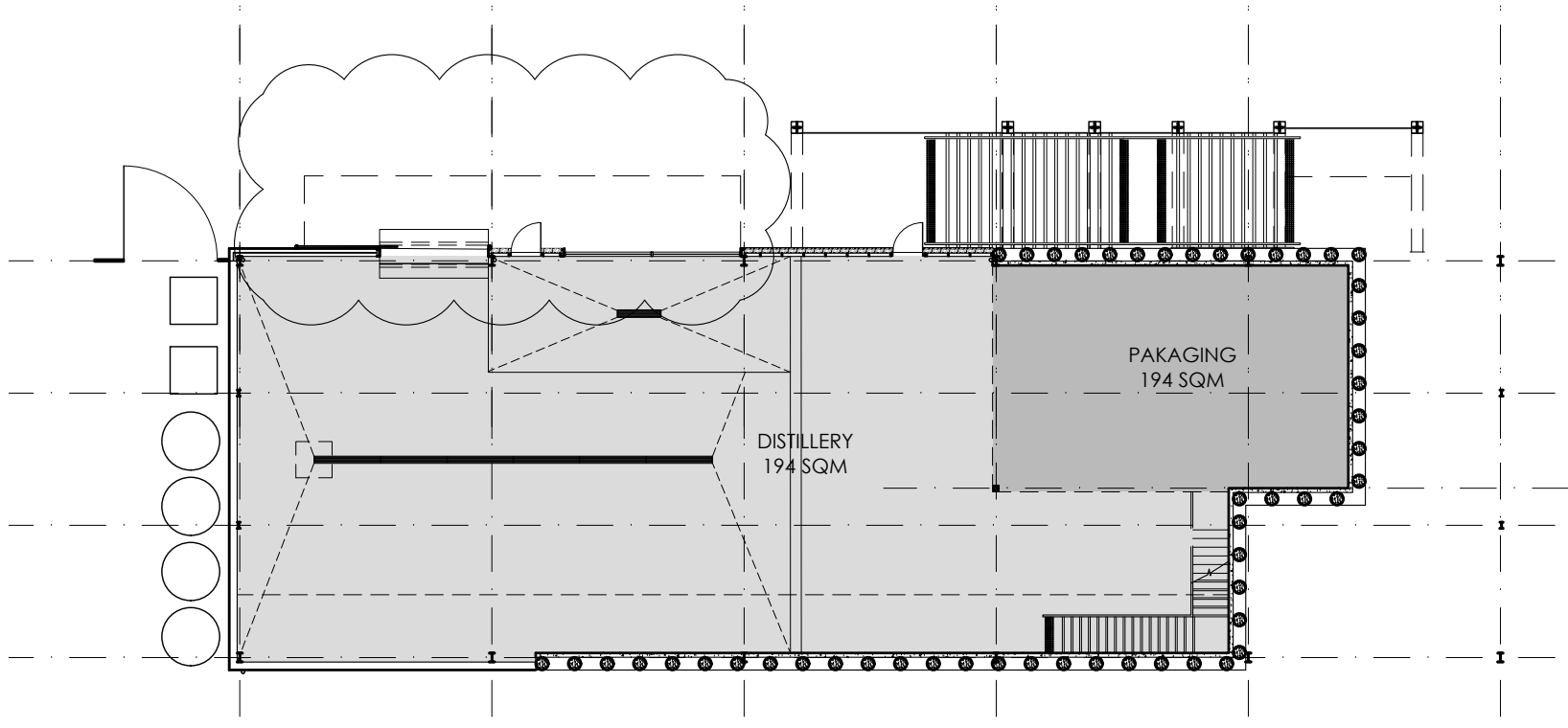
## AREA SCHEDULE

SITE	=	7320 SQM
TOTAL ROOFED AREA:		
EXISTING BUILDING	=	1140 SQM
PROPOSED BUILDING	=	410 SQM
SITE COVERAGE	=	1550 SQM
15.6% OF SITE INCLUDING ALL ROOFED AREAS EXISTING & PROPOSED		
PROPOSED BUILDING BREAKDOWN		
LEVEL 1:		
DISTILLERY	=	259 SQM
PACKAGING	=	50 SQM
TOTAL	=	330 SQM
LEVEL 2:		
TASTING/BAR	=	76 SQM
OFFICE	=	18 SQM
WC	=	3 SQM
MEETING	=	15 SQM
VOID	=	287 SQM
TOTAL		
	=	410 SQM



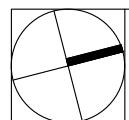
**AREA FLOOR PLAN LEVEL 2**

scale 1:200@A3



**AREA FLOOR PLAN LEVEL 1**

scale 1:200@A3



**HENRY STREET & CO STAGE 1**  
**AREA FLOOR PLAN**

Date: 20-08-2021  
Project No: 20.09  
Drawing No. **DPC-09C**

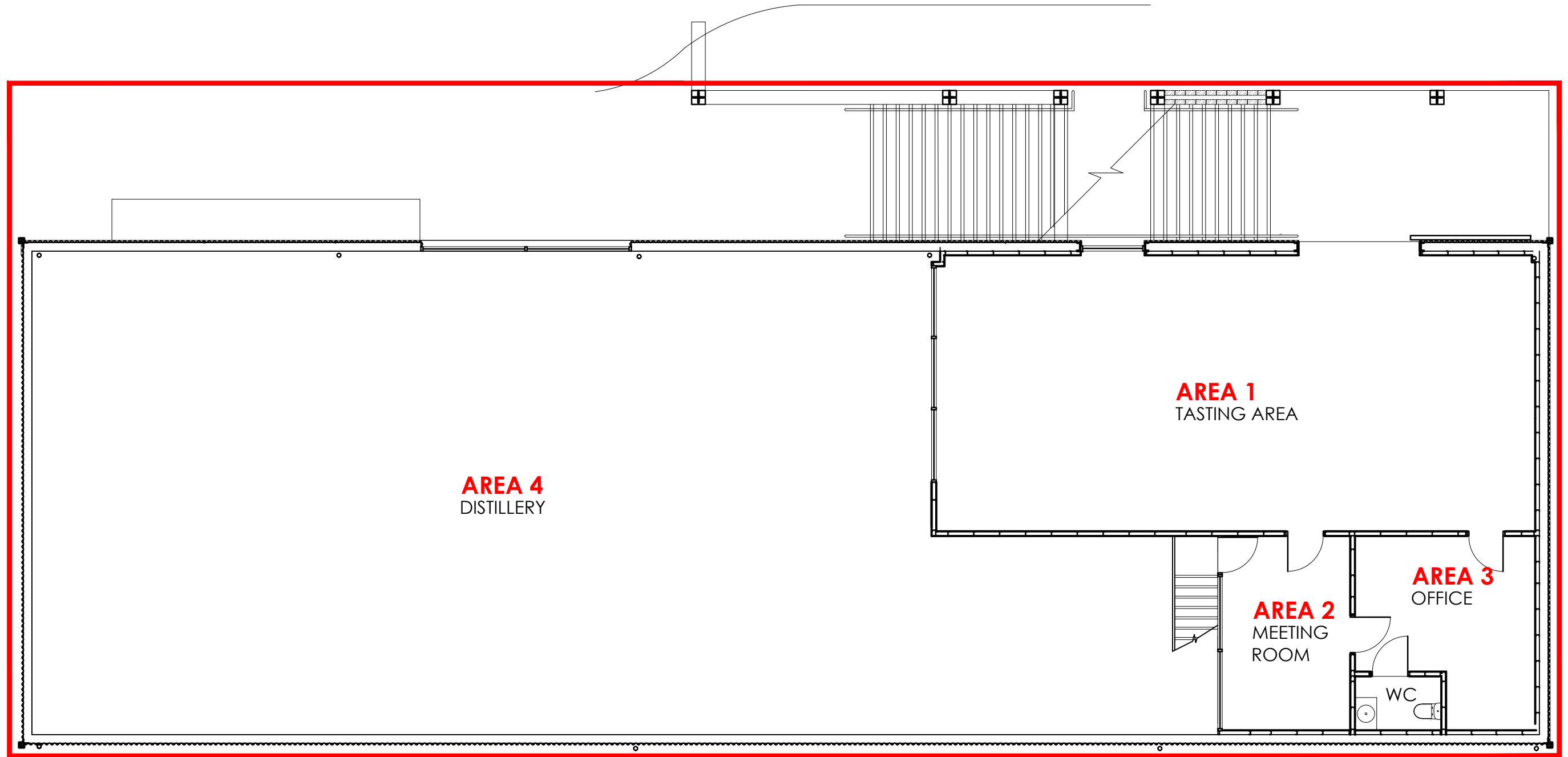
217 Gilbert Street p 08 8410 9500  
Adelaide SA 5000 f 08 8410 9400  
ABN 18 122 067 483 bbarchitects.com.au  
BUTCHER BROWN ARCHITECTS PTY LTD ACN 100 923 742 TRADING AS BB ARCHITECTS



# HENRY ST & CO - STAGE 1

## LEGEND

LICENSED AREA 

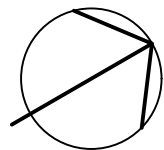
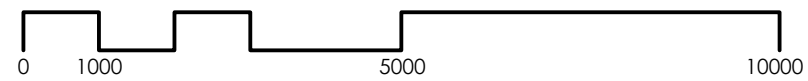


BOUNDARY

BOUNDARY

## FLOOR PLAN

scale 1:100 @ A3



DIMENSIONS ARE IN MILLIMETRES  
PLAN ACCURATE AT 15.09.21



# DETENTION CALCULATIONS

---

Henry Street (20), Woodside

Prepared by: SR

**PT Design** ABN 35 008 116 916  
141-149 Ifould Street, ADELAIDE SA 5000  
Tel: (08) 8412 4300

Project No: 22445  
Revision: -00-  
Date of Issue: 11/08/2021



Project: Henry St Woodside

Project # 22445

Date 11.08.2021

Design By: SR

Page 1 of 2

## DETENTION CALCULATIONS

### CRITICAL 1 IN 100 YEAR DETENTION VOLUME

#### PRE DEVELOPMENT FLOW (MINOR STORM)

Storm Event	1 in 5	years
Time of Concentration	5	mins
Rainfall Intensity	81.40	mm/hr

Catchment Area	C	Area (m <sup>2</sup> )	
Roof	0.9	610	12.414
Impervious	0.75	4265	72.327
Pervious	0.2	1250	5.653
<b>Total</b>			<b>90.394</b> L/sec

#### BYPASS DETENTION

Roof	0.9	2025	63.788	L/sec
Impervious	0.75	97	2.546	L/sec
Pervious	0.2	1284	8.988	L/sec

(All Roof to Bypass)  
 (On Street Parking to Bypass)  
 (All Pervious to Bypass)

#### REMAINING ALLOWABLE FLOW

**Total** 17.618 L/sec

#### POST DEVELOPMENT FLOW (MAJOR STORM)

Storm Event	100	years
Time of Concentration	TBC	mins
Rainfall Intensity	TBC	mm/hr

Catchment Area	C	Area (m <sup>2</sup> )	
Roof	0.9	0	0.000
Impervious	0.75	2719	0.566
Pervious	0.2	0	0.000
<b>Total</b>			<b>0.566</b> X <sup>100</sup> I <sub>t</sub>

Project: Henry St Woodside

Project # 22445

Date 11.08.2021

Design By: SR

Page 2 of 2

**CRITICAL STORAGE VOLUME**

Q in  
0.566 <sup>y</sup>I<sub>t</sub>

Q out  
17.618 L/sec

Tc (mins)	Intensity, I (mm/hr)	Q in (L/sec)	Q out (L/sec)	V in (L)	V out (L)	V total (L)
5	174	98.564	17.618	29569	5285	24284
10	126	71.374	17.618	42824	7928	34896
20	86.4	48.942	17.618	58730	13214	45517
30	67.8	38.406	17.618	69131	18499	50632
60	43.5	24.641	17.618	88707	34355	54352
90	27.1	15.351	17.618	82896	50211	32684
120	20.3	11.499	17.618	82794	66068	16726
180	12.2	6.911	17.618	74637	97780	-23144
360	7.22	4.090	17.618	88340	192918	-104578
720	3.74	2.119	17.618	91522	383193	-291671

Critical Storm

**PEAK STORAGE REQUIRED** 54352 L

Provide 54.5kL detention tank within carpark.



REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



## Certificate of Title - Volume 5900 Folio 756

Parent Title(s) CT 5801/620, CT 5801/621  
Creating Dealing(s) RTC 9563627  
Title Issued 23/08/2003 Edition 4 Edition Issued 31/07/2020

### Estate Type

FEE SIMPLE

### Registered Proprietor

WOODSIDE HERITAGE VILLAGE PTY. LTD. (ACN: 104 534 867)  
OF 19 MAIN STREET WOODSIDE SA 5244

**ADELAIDE HILLS COUNCIL  
RECEIVED 17/03/21**

### Description of Land

ALLOTMENT 102 DEPOSITED PLAN 61958  
IN THE AREA NAMED WOODSIDE  
HUNDRED OF ONKAPARINGA

### Easements

SUBJECT TO FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED D  
TOGETHER WITH FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED C AND E

### Schedule of Dealings

NIL

### Notations

Dealings Affecting Title NIL  
Priority Notices NIL  
Notations on Plan NIL

### Registrar-General's Notes

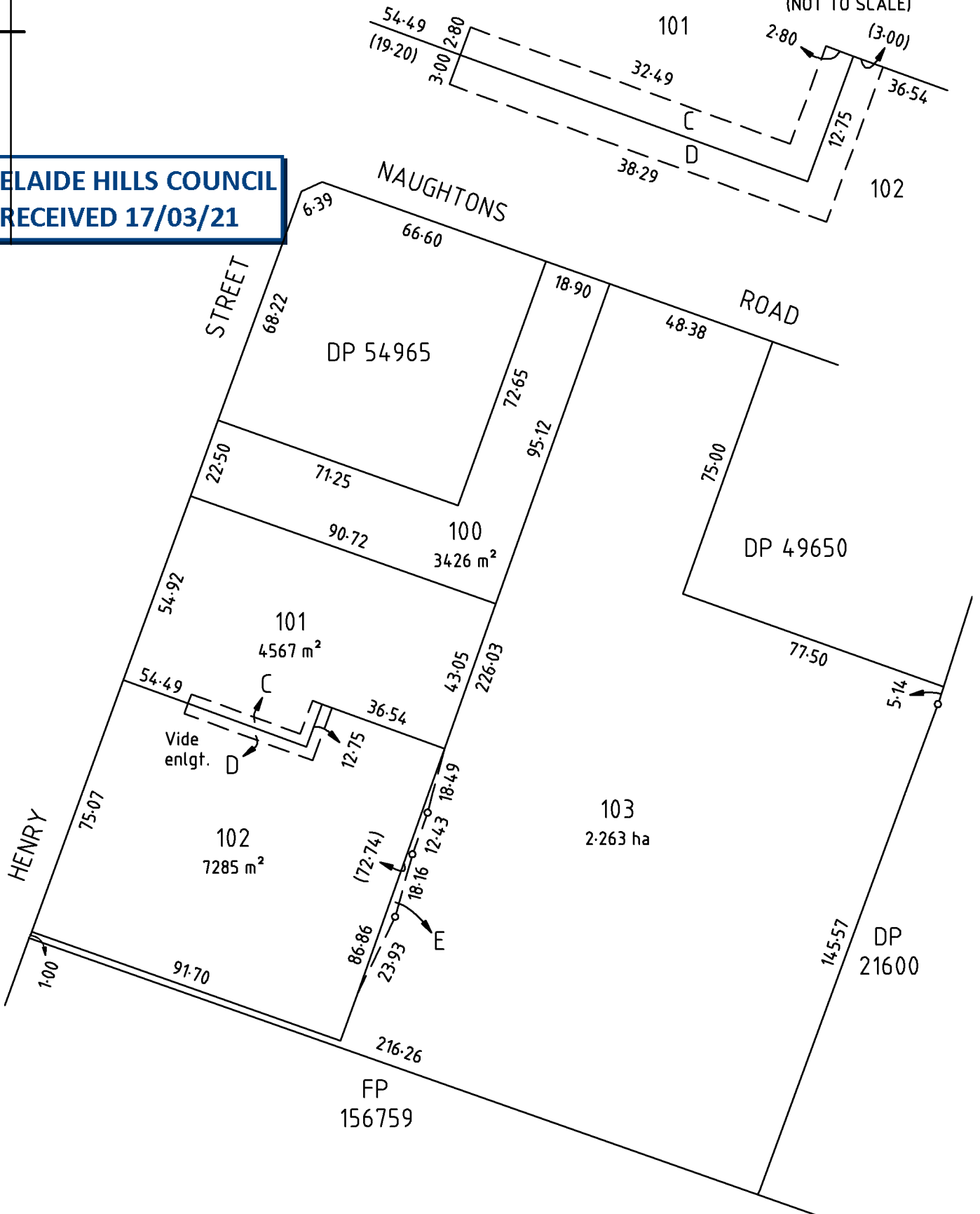
PLAN FOR LEASE PURPOSES VIDE G133/1986  
PLAN FOR LEASE PURPOSES VIDE G565/2001

### Administrative Interests

CONFIRMED IN SA HERITAGE REGISTER 28/05/1987

**ADELAIDE HILLS COUNCIL  
RECEIVED 17/03/21**

**ENLARGEMENT  
(NOT TO SCALE)**



17 March 2021

Ref: P0236 Henry Street DPC PS1

Mr A Aitken  
Chief Executive Officer  
Adelaide Hills Council  
PO Box 44  
WOODSIDE SA 5244

**ADELAIDE HILLS COUNCIL**  
**RECEIVED 17/03/21**

*By electronic lodgement*  
*Objective Connect*

**Attention:** Ms Deryn Atkinson  
Manager Development Services

**RE: Development Application for the construction of a Light Industry Building, comprising Distillery (capacity not exceeding 50 tonnes per annum), Tasting Room and Administration with associated earthworks, carparking and landscaping, at**

**20 Henry Street, WOODSIDE**

Planning Studio acts for Chris & Kylie Roberts of Woodside Heritage Village Pty Ltd, the owners of land located at 20 Henry Street, Woodside. T

## **1. Introduction**

The subject land contains a number of existing buildings, the most substantial being the State Heritage listed 'S.A Farmers Co-Operative Union Ltd' currently tenanted by Woodside Cheese Wrights and other small food producers. The site is adjoining Melba's Chocolate factory.

The site was also home to Mr Roberts' business, Adelaide Hills Building Materials, which was destroyed in the December 2019 Cudlee Creek Bushfire. Visually significant elements at the rear of the site, including the boilers and chimneys, and the remaining masonry walls will be retained. Visually dominant remnant features will become the focal point for the new development (Stage 2) and will be housed inside a large saw tooth roofed industrial building.

The attached proposal is the first stage of a planned multi use facility that will expand the existing light industrial manufacturing area, culminating in a food and beverage destination and experiential tourism hub on Henry Street. The proposal represents an opportunity for the landowner to redevelop the site in a manner that brings life to Henry Street, integrates existing food industry businesses with a range of new producers, and provides a significant opportunity for the expansion of light industry and experiential tourism, all within the heart of the Adelaide Hills and within close proximity to services provided within the Woodside township.

Stage 1 includes the construction of a 440m<sup>2</sup> split level building to be used as a distillery at the lower level, with an associated tasting and retail sales and office/administration area provided to the upper level. The tasting area will be accessible from both internal stairs (by staff only) and an external entry. The proposal will be supported by an extension to the existing car parking area, ultimately providing 83 spaces, including two accessible spaces. DDA access will be documented as part of the detailed design phase.

The proposal will be supported by a Planning Assessment Report to follow.



**ADELAIDE HILLS COUNCIL  
RECEIVED 17/03/21**

## 2. Subject Land

The subject land is identified as Allotment 102 in DP61958, held in Certificate of Title Volume: 5900; Folio: 756 and is known as 20 Henry Street, Woodside.

The land is a regular shaped allotment of 7,285m<sup>2</sup>, accommodating 1,140m<sup>2</sup> of existing built form. Existing business are serviced by relatively informal parking areas located at the front of the site.

A copy of the Certificate of Title is provided in **Appendix A**.

The land is subject to a Free and Unrestricted Right of Way (marked D) and has reciprocal rights over additional Free and Unrestricted Right(s) of Way over land marked C & E. in general terms, C and D provide reciprocal access rights over the adjoining land, known as Melba's Chocolates, providing significant opportunities to integrate the similar businesses and provide for the movement of customers and tourists between the two developments.

Land marked E addresses long term encroachment and access matters with the adjoining land to the east. Rights of Way entitlements are not affected by the current proposal.

The land is provided with direct and primary access to Henry Street.

The land is identified as a State Heritage Place (Heritage No. 17282) which appears in Table AdHi/1 in the Development Plan as follows:

20, 22-24 Henry Street, Woodside	Melba's Chocolates (former Onkaparinga Butter Factory)	101 & 102	DP 61958	5900/755 & 756	12864
----------------------------------	--	-----------	----------	----------------	-------

The subject land is identified in **Figure 1** overpage.



**ADELAIDE HILLS COUNCIL  
RECEIVED 17/03/21**

**Land Services Group**

The SA Property and Planning Atlas is available on the Land Services Group Website: [www.sa.gov.au/landservices](http://www.sa.gov.au/landservices)

Date created:  
March 17, 2021

**20 Henry Street - Subject Land**



**Figure 1 | Subject land (source: SAPP, SA Government)**





**ADELAIDE HILLS COUNCIL**  
**RECEIVED 17/03/21**

### **3. The Proposal**

The proposal seeks Development Plan Consent for the construction of a new building comprising a distillery, tasting and sales, and administration area for 'Iniquity' by Tin Shed Distilling.

The proposal has been outlined in general terms in section 1 and will be further discussed in the Planning Assessment Report to follow.

The food and beverage offering will complement the existing land uses, providing increased opportunities for visitors to participate in food and wine production and tourism within close proximity to the Woodside township. The proposed building will showcase the Iniquity Distillery within an architecturally designed building, with a purposeful and decidedly industrial appearance reminiscent of the original buildings on the site. The proposal will provide opportunity for the production of whiskey and gin, while providing a unique and memorable experience for the customer/tourist, much like those experiences provided by Melba's and Woodside Cheese Wrights.

The proposed building will occupy a footprint area of approximately 440m<sup>2</sup>, with a further 1,140m<sup>2</sup> occupied by existing buildings. Together the proposed and existing buildings will occupy 1482m<sup>2</sup> of land, resulting in a site coverage of 20.2%. Much of the land will undergo extensive improvement, and will include a formal carpark and landscaping.

The proposed building will have wall heights ranging from 3.7 metres to 8.3 metres, with the exterior also accommodating a service yard comprising water storage tanks (capacity to be determined) and bin storage.

The building will be constructed in a pre-coated Rev Roofing Super 5 material in a combination of 'stealth' and 'hotham' colours with the introduction of clear glazing to the 'big still' within the distillery and upper level viewing/public area.

The proposal will include a 328m<sup>2</sup> distillery comprising distilling, packaging and barrel storage areas at the lower level. At the upper level the building will provide for a 76m<sup>2</sup> tasting area, with an additional 36m<sup>2</sup> dedicated to administration.

Wastewater management options are currently being investigated with SA Water, who have indicated that there are three available options, being a combination of the collection of solid waste for use as feed for livestock within the local area (very common practice in Tasmania and with local wineries) and distribution of treated liquid waste either to a local land holding, treatment for disposal within the sewer or removal and treatment off site. While a costly option, it may be that the detention and removal off site presents the most viable option in the short term until such time as the Bird in Hand facility has increased capacity. Discussions with SA Water are ongoing and will be progressed during the assessment of the proposal.

The proposal has been sited, designed and landscaped in a manner that ensures the building is nestled within the site and complements both its industrial and primary production surroundings and minimises the visual impact of any earthworks. The siting of the proposed building also anticipates a Stage 2 development that will follow in due course.

The proposed building will be supplied with sufficient potable water and will dispose of stormwater in an appropriate manner.



A staff office, meeting room and kitchenette will be located adjacent the tasting area. Sanitary facilities are also provided at the upper level. The facility will be staffed by two production/administration staff and up to two FTE tasting room staff.

The facility will operate during the following times:

**Monday – Sunday:** 8:00am – 6:00pm

It is not anticipated that the facility would be open to the public for the full extent of operating hours, however there may be some demand to host an occasional evening event. Such considerations would form part of the Planning Assessment Report to follow.

Current distilling by the proponent (at another location) uses significantly less than 50 tonnes of malt per annum (approximately 27 tonnes per annum). The scale of production is less than that identified in Schedule 21 of the *Development Regulations 2008*.

Referral to the EPA is not required.

Existing vehicles movements (at another location) are in the order of 1 – 2 courier vans per day, 1 – 2 truck deliveries per week and 1 – 2 waste removal movements per week. It is anticipated that commercial vehicle movements at the Henry Street site would be consistent with the existing business operation, and well within the limits anticipated within the Light Industry Zone.

The size and capacity of the tasting area (shop) does not exceed those floor areas and capacities outlined within the current Development Plan, being a maximum gross leasable area less than 250m<sup>2</sup>. There is no restaurant associated with the proposal.

At the time of lodgement, detailed design and specialist consultancy work is ongoing. There is also an intention to seek funding support from State and Federal government agencies, with associated deadlines for development applications to be approved in support of the grant application processes.

Once the specialist wastewater design has been finalised, a Planning Assessment Report will be prepared, including a full and proper assessment of the proposal against all of the relevant provisions of the Light Industry Zone, the Light Industry (Woodside) Policy Area and the general section of the Development Plan, as consolidated 8 August 2019.

Proposal Plans prepared by BB Architects are provided in **Appendix B**.

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#### 4. Classification and Categorisation

The subject land is located within the **Light Industry Zone** ('LIn Zone') of the Adelaide Hills Council Development Plan, consolidated 8 August 2019, and more particularly within the **Light Industry (Woodside) Policy Area (PA72)**.

The land is excluded from the Mount Lofty Ranges Watershed Area in accordance with Figure MTLRWA/2.

Within the Light Industry a number of land uses and forms of development are listed as 'non-complying'.

A distillery does not appear within the listing.

A shop (which is taken to be consistent with the nominated 'tasting area') is exempted from 'non-complying' where the gross leaseable area is less than 250m<sup>2</sup>.

The proposal sufficiently accords with the specific exemption criteria contained within the Light Industry Zone.

For the purpose of assessment and categorization, the nature of development is 'Light Industry comprising a Distillery, Tasting Room and associated administration area together with earthworks, car parking and landscaping' which is a consent form of development within the LIn Zone.

The land is adjacent the Watershed (Primary Production) Zone to the east. Pursuant to Schedule 9(Pt1)(6)(f) and (Pt2)(19) of the *Development Regulations 2008*, the development is a **Category 2** for the purpose of public notification.

**ADELAIDE HILLS COUNCIL  
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## 5. Planning Framework

The site is located within the **Light Industry Zone**, and more particularly within the **Light Industry (Woodside) Policy Area** of the Adelaide Hills Council Development Plan, consolidated 8 August 2019. The land is identified on Maps AdHi/18, AdHi/57 and associated overlays contained within the Development Plan.

It is useful to consider the objectives of the Zone and Policy Area, which seek:

### **Light Industry Zone**

#### **Objectives**

- Objective 1** A zone accommodating a range of light industrial, storage and warehouse land uses.
- Objective 2** Development that contributes to the desired character of the zone.

### **Light Industry (Woodside) Policy Area**

#### **Objectives**

- Objective 1** Provision for the development of light industrial activities.
- Objective 2** The preservation of the rural character, especially as viewed from Onkaparinga Valley Road.
- Objective 3** Development that contributes to the desired character of the Policy Area.

Generally, the objectives seek the development of a range of light industrial, storage and warehousing land uses, which seek to complement and preserve the rural character of the area when viewed from Onkaparinga Valley Road. Development should contribute to the desired character of the Policy Area, which is as follows:

*The Light Industry (Woodside) Policy Area forms part of the travellers' approach to Woodside from the north. As a gateway to the town it is important that development in this area enhances the area's visual appeal.*

*Views from the Onkaparinga Valley Road will reflect a vigorous local economy and developments with a form that enhances the overall views and rural character. Large buildings will be articulated to avoid blank walls, and landscaping will be used to break up the visual appearance of large roofs and structures.*

*Management of vehicles and access will avoid conflict with road users on the Onkaparinga Valley Road.*

*Signage will enhance the appearance of the policy area and views across the town by grouping occupant signs near the main road, and by locating smaller individual business identification signs above entry doors viewable from internal roadways.*

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The proposal adequately satisfies the overarching intent of both the Zone and the Policy Area and will make a valuable and significant contribution to the visual appearance of the existing food related production and tourist area and the balance of the Light Industry Zone of Woodside.

For the purpose of the initial submission, it is not considered necessary to outline all of the relevant provisions of the Development Plan, noting a Planning Assessment Report will follow in due course.

At that time, it will be demonstrated that the proposal seeks to increase food and beverage production on the site and further enhance the value add opportunities that align with the existing uses on the land, whilst providing additional experiential tourism opportunities within Woodside, and the Adelaide Hills and South Australia more broadly.

## 6. Conclusion

The application is a consent Category 2 form of development within the Light Industry Zone. It will be demonstrated that the proposal warrants the granting of Development Plan Consent.

We trust the proposal will be supported by Council, which will in turn, enable 'Henry Street' to become a successful commercial venture and premier food and beverage oriented tourist destination within the Adelaide Hills.

A completed Development Application Form and a registered search of the title of the land are enclosed. Lodgement fees will be paid upon receipt of invoice.

At this time, it is requested that the application be lodged and determined against the *Development Act 1993* and *Development Regulations 2008*, and the current Development Plan, given the uncertainties associated with the imminent introduction of the Planning and Design Code. Should it be appropriate, we may consider a subsequent lodgement under the Code, although this is not anticipated at this time given the ability for the proposal to adequately satisfy current legislation and relevant provisions of the Development Plan.

We appreciate Council's understanding and cooperation in this regard and look forward to confirmation of a Development Application Number as soon as possible.

Should you wish to discuss any aspects of this correspondence or the proposal further, please do not hesitate to contact me on 0431 527 636 or [emma@planningstudio.com.au](mailto:emma@planningstudio.com.au)

Yours sincerely

**Emma Barnes** | MPIA | Director

Cc: C & K Roberts, Woodside Heritage Village Pty Ltd  
BB Architects



**Heritage South Australia**

Environment, Heritage and  
Sustainability Division

81-95  
Waymouth Street  
Adelaide SA 5000

GPO Box 1047  
Adelaide SA 5001  
Australia  
DX138

Ph: +61 8 8124 4922

Fax: +61 8 8124 4980

[www.environment.sa.gov.au](http://www.environment.sa.gov.au)

Ref: SH/12864D  
Date: 17 May 2021

Chief Executive Officer  
Adelaide Hills Council  
PO Box 44  
Woodside 5244  
Attention: Sarah Davenport

Dear Ms Davenport

**DESCRIPTION: MELBA'S CHOCOLATES (FORMER ONKAPARINGA BUTTER FACTORY) - LIGHT INDUSTRY BUILDING, COMPRISING DISTILLERY (CAPACITY NOT EXCEEDING 50 TONNES PER ANNUM), TASTING ROOM AND AT 20 HENRY STREET, WOODSIDE**

Application number: 473/355/21 WAIVER B/FIRE  
Referral received: 21/04/2021  
State heritage place: Melba's Chocolates (former Onkaparinga Butter Factory), 20-24 Henry Street WOODSIDE  
Documentation: As submitted, then updated via email from 'Planning Studio', 7/05/21 - DPC-00A; DPC-01; DPC-02A; DPC-03A; DPC-04A; DPC-05A; DPC-06A; DPC-07A; DPC-08A.

The above application has been referred to the Minister for Environment and Water in accordance with Section 37 of the *Development Act 1993* as development that directly affects a State heritage place or, in the opinion of the relevant authority, materially affects the context within which a State heritage place is situated.

The proposed development is considered to be acceptable in relation to the above State heritage place for the following reason/s.

- It is to be located to the rear of the site, clear of existing buildings and therefore the proposed development will not have any physical impact on the building fabric of the State heritage place.
- The form and materials proposed for the distillery building are of an industrial nature and are visually compatible with remnant former butter factory buildings of heritage value on the site. The setting of the place is not adversely compromised.
- The proposed building is sited to the rear of the site and will only be indirectly seen in significant views of heritage value of the place from Henry Street, due to sloping land and the substantial depth of the allotment.

**General notes**

1. 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.
2. In accordance with Regulation 43 of the *Development Regulations 2008*, please send the Department for Environment and Water a copy of the Decision Notification.

3. The relevant planning authority is requested to inform the applicant of the following requirements of 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.

4. The relevant planning authority is requested to inform the applicant of the following requirements of 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](mailto:michael.queale@sa.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'MQueale', followed by a long horizontal flourish and a period.

Michael Queale  
**Principal Heritage Conservation Architect**  
Department for Environment and Water  
*as delegate of the*  
**MINISTER FOR ENVIRONMENT AND WATER**

## Sarah Davenport

---

**From:** Queale, Michael (DEW) <Michael.Queale@sa.gov.au>  
**Sent:** Monday, 13 September 2021 4:33 PM  
**To:** Sarah Davenport  
**Cc:** DEW:StateHeritageDA  
**Subject:** RE: 12864 AMENDED PLAN | Development Application 21/355/473 - follow up on amendments [SEC=OFFICIAL]

[EXTERNAL]

OFFICIAL

Good afternoon Sarah,

Thanks for reminding me – no worries.

The proposed changes scheduled below are of minor nature (from a Heritage SA point of view) and will not have an adverse visual impact on the setting of the State Heritage Place – we support changes, cheers,

Many thanks,

**Michael Queale** MICOMOS FRAIA  
Principal Heritage Conservation Architect

**Heritage South Australia** | Environment, Heritage and Sustainability  
Department for Environment and Water

*Celebrating 40 years of the Australia ICOMOS Burra Charter*

P 08 8207 7711 M 0429 184 746

81-95 Waymouth Street, Adelaide SA 5000

[environment.sa.gov.au/our-places/heritage](http://environment.sa.gov.au/our-places/heritage) | [envirodata.sa.gov.au](http://envirodata.sa.gov.au) | [parks.sa.gov.au](http://parks.sa.gov.au)

#heritagesa #maritimesa



**Government of South Australia**  
Department for Environment  
and Water

Helping South Australians  
*conserve, sustain  
and prosper*



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**From:** Emma Barnes <[emma@planningstudio.com.au](mailto:emma@planningstudio.com.au)>  
**Sent:** Friday, 20 August 2021 5:36 PM  
**To:** Sarah Davenport <[sdavenport@ahc.sa.gov.au](mailto:sdavenport@ahc.sa.gov.au)>  
**Cc:** Mail <[mail@ahc.sa.gov.au](mailto:mail@ahc.sa.gov.au)>; Vanessa Nixon <[vnixon@ahc.sa.gov.au](mailto:vnixon@ahc.sa.gov.au)>; Henry St & Co. <[henrystandco@gmail.com](mailto:henrystandco@gmail.com)>; David Brown <[david@bbarchitects.com.au](mailto:david@bbarchitects.com.au)>



**Subject:** AMENDED PLAN | Development Application 21/355/473

**Importance:** High

[EXTERNAL]

Hi Sarah

As foreshadowed by my earlier email, please find **attached** an amended drawing set pertaining to **Development Application 21/355/473** for **20 Henry Street, Woodside**.

The main variation relates to an amended (increased) rear setback. The proposed distillery building has been moved west by 2 metres, now presenting with a 3 metre setback to the eastern boundary.

Other changes to the western façade have been developed while documenting the building, and are as follows:

- Lower level wall material now recycled red brick to match the rear of the existing State Heritage Building. The height of the brick has been raised to 2100mm to accommodate the fire escape doors.
- Large window displaying the still has moved south nearer the door.
- The canopy over the southern door has been extended through the window to provide some shade and access to the upper part of the window.
- The external stairs have been narrowed by 1m to 3.4m wide and moved north.
- The large sliding doors are now corrugated metal. (the rusted steel clashed with the red brick)
- The pale highlight strips to the west façade have changed slightly with the moving of the large window.
- Minor changes to skylights to comply with NCC

Internally the bunded area has been revised to suit the tenancy requirements, hence the relocation of the still further south, and the large window with it.

No changes have been made to the east, north or south facades.

We trust Council will concur that these amendments are minor and we look forward to confirmation of the CAP agenda time, date and location.

I will provide a further update as soon as we get confirmation from SA Health, and trust PT Design and Council's engineer will continue to finalise stormwater management queries.

Should you wish to discuss, please don't hesitate to contact me.

Kind regards

Emma



**Emma Barnes | Director**

emma@planningstudio.com.au | 0431 527 636 | [www.planningstudio.com.au](http://www.planningstudio.com.au) | PO Box 32 Bridgewater SA 5155

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## Sarah Davenport

---

**From:** Nick Carter  
**Sent:** Wednesday, 15 September 2021 11:17 AM  
**To:** Sarah Davenport  
**Subject:** 20 Henry St.

Hi Sarah hope you are well,

Sorry for any confusion regarding the stormwater management concept while I have been on leave.

In regards to the development:

Provided concepts for stormwater management plan including proposed swale along Henry street is acceptable for engineering.

Subject to the given condition – pre development calculation are 1:5 year @ 5 minutes, Post development calculation are 1:100 year @ 5 minutes with post development flows kept to pre development rates.

All relevant computation to be submitted for Engineering review and acceptance prior to construction.

I will be back on deck full time as of tomorrow.

Cheers,  
Nick

**Nick Carter**  
**Technical Officer**  
**Adelaide Hills Council**

p 08 8408 0400  
e [ncarter@ahc.sa.gov.au](mailto:ncarter@ahc.sa.gov.au)  
w [ahc.sa.gov.au](http://ahc.sa.gov.au)

Visit me at: 63 Mount Barker Road, Stirling SA 5152  
PO Box 44 Woodside SA 5244

AMENDED 07/05/21

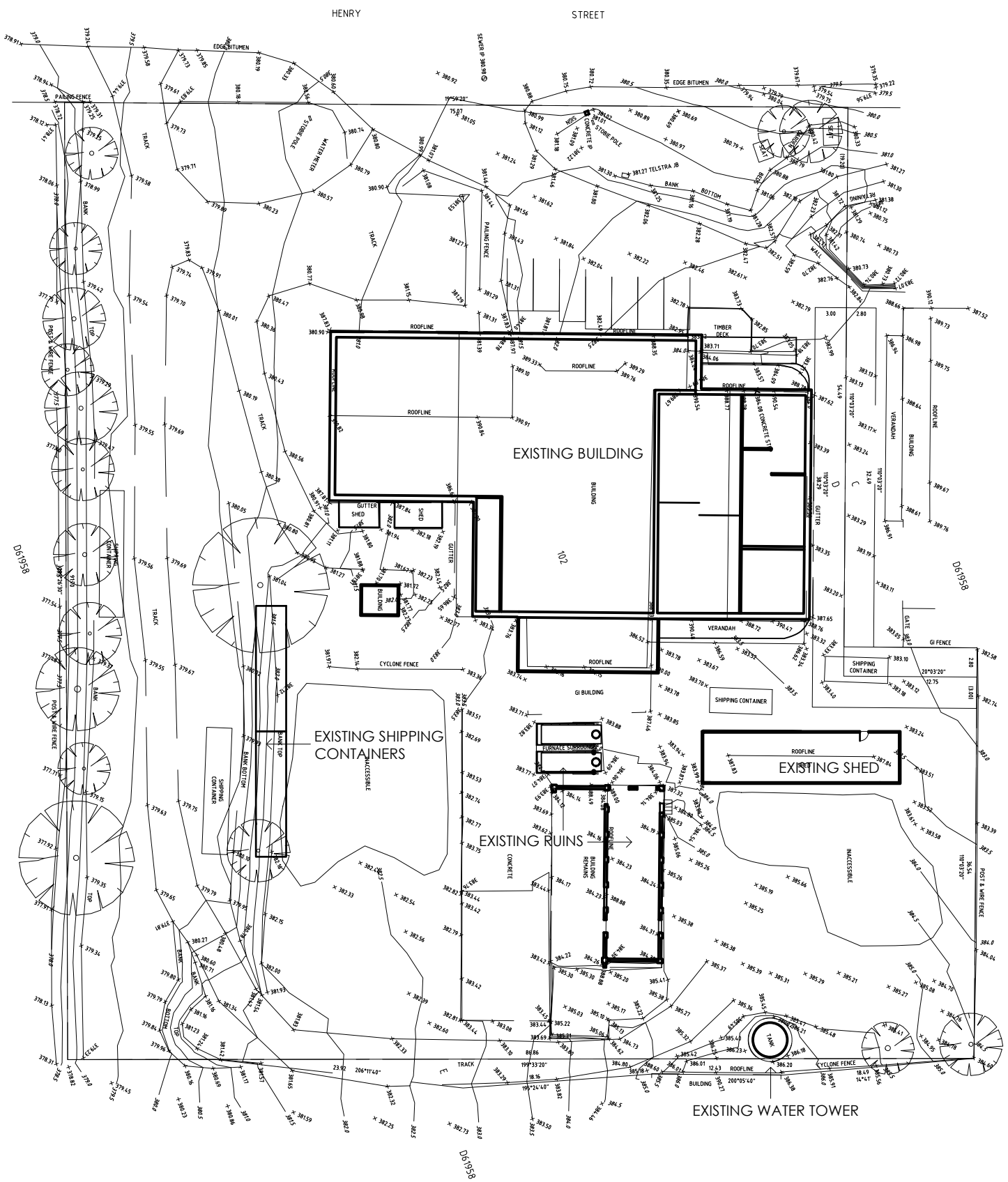


# HENRY STREET & CO. 20 HENRY STREET, WOODSIDE. STAGE ONE: INIQUITY

DRAWING SCHEDULE      JOB No. 20.09

- DPC-00A    LOCATION PLAN
- DPC-01     SITE PLAN EXISTING
- DPC-02A    SITE PLAN PROPOSED
- DPC-03A    FLOOR PLAN LEVEL 1
- DPC-04A    FLOOR PLAN LEVEL 0
- DPC-05A    ELEVATIONS 1
- DPC-06A    ELEVATIONS 2
- DPC-07A    SECTIONS
- DPC-08A    RENDERS

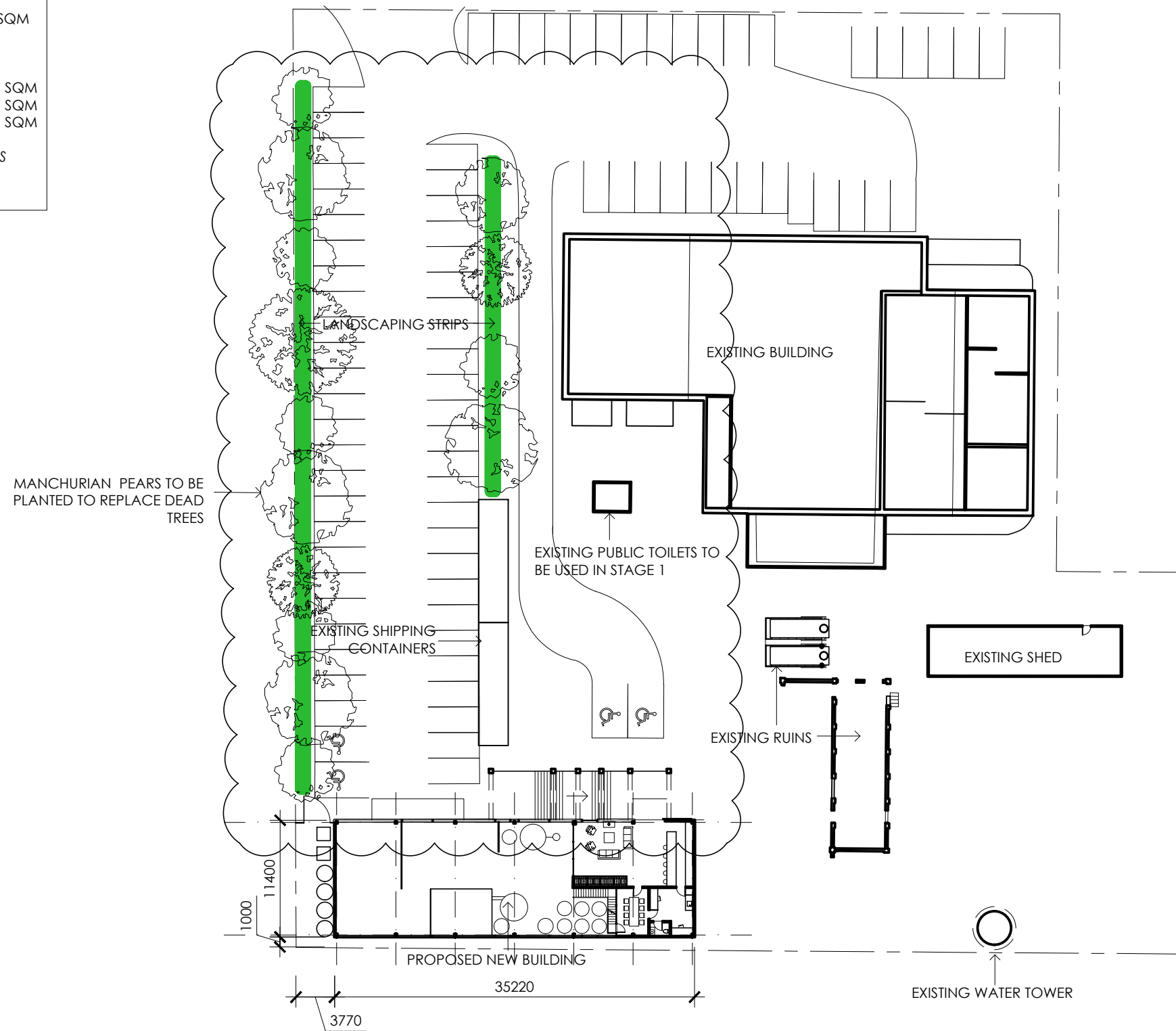
LOCATION PLAN  
NTS. 



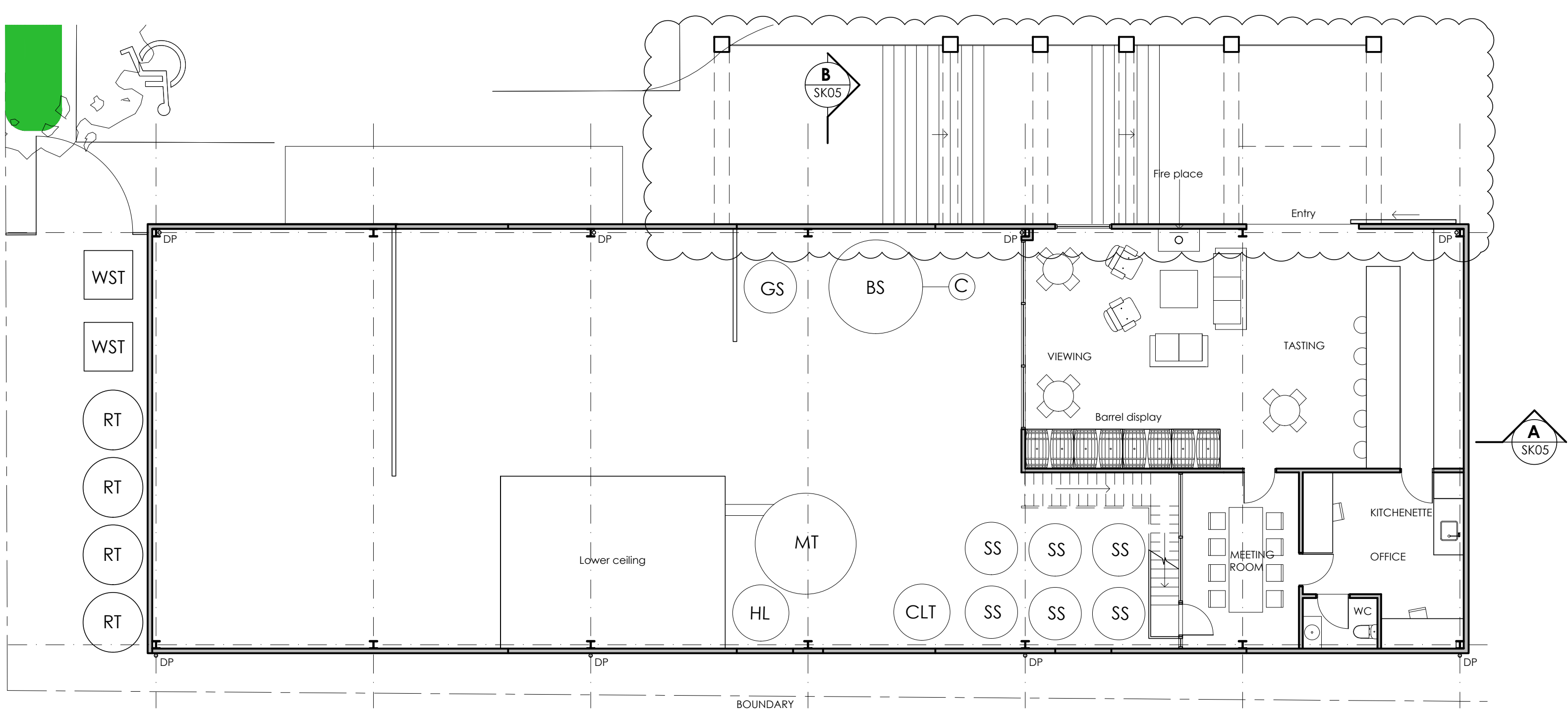
**EXISTING SITE PLAN WITH SURVEY**  
scale 1:500@A3

**AREA SCHEDULE**

SITE	= 7320 SQM
TOTAL ROOFED AREA:	
EXISTING BUILDING	= 1140 SQM
PROPOSED BUILDING	= 440 SQM
SITE COVERAGE	= 1482 SQM
20.2% OF SITE INCLUDING ALL ROOFED AREAS EXISTING & PROPOSED	



**PROPOSED SITE PLAN**  
scale 1:500@A3

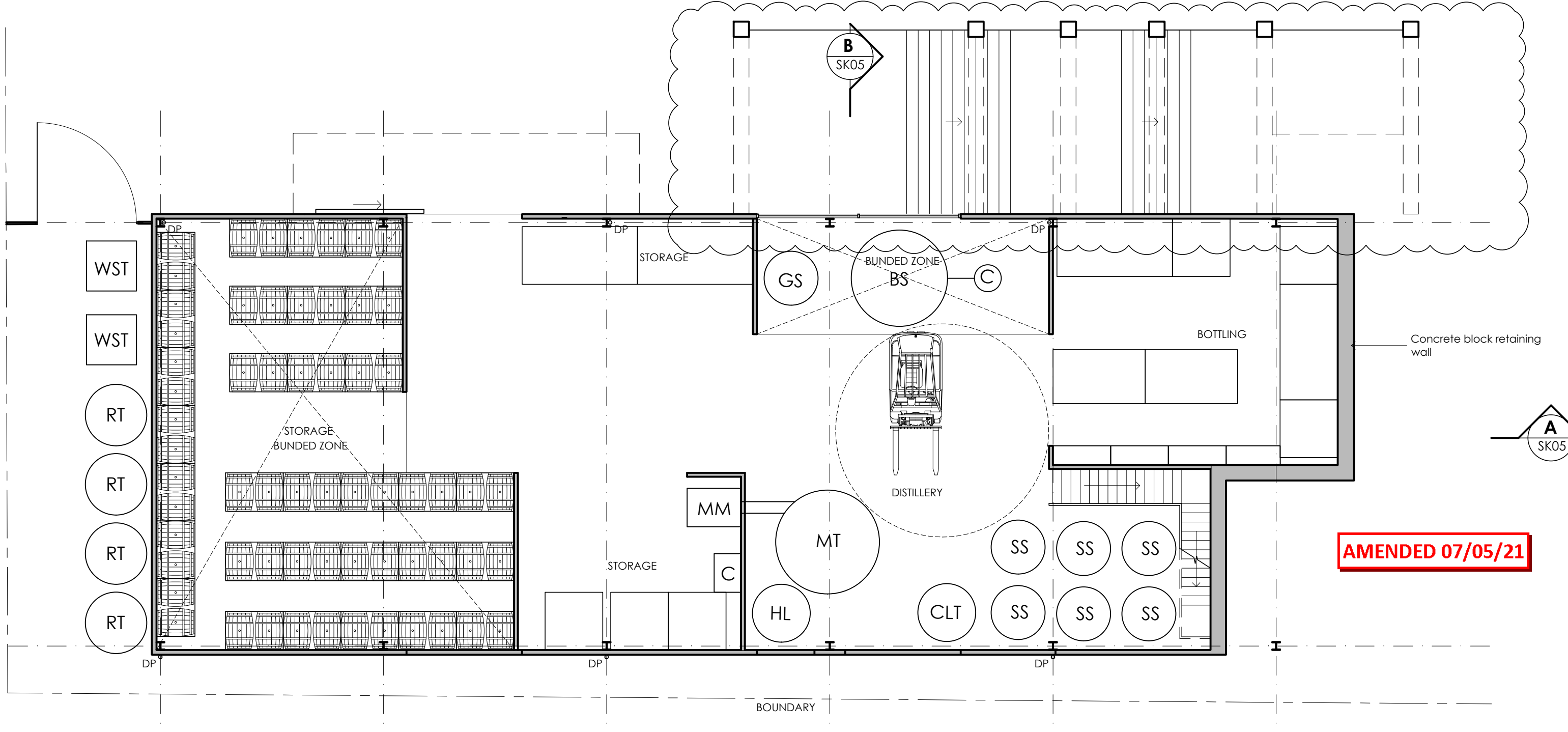


**FLOOR PLAN LEVEL 2**  
scale 1:100@A3

**AMENDED 07/05/21**

**LEGEND**

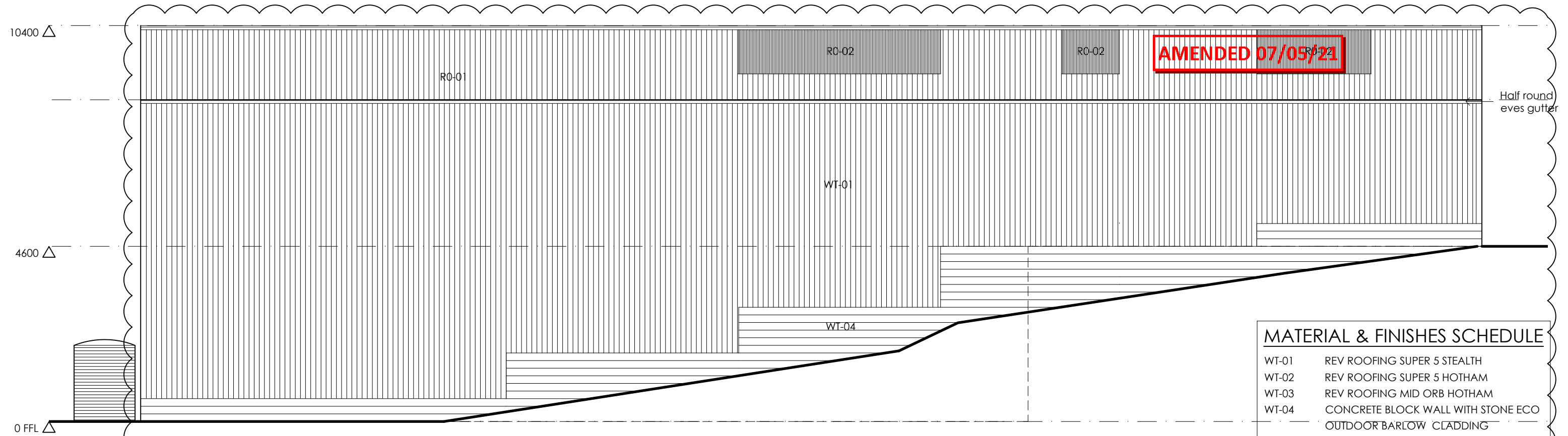
Condenser	⊙	Mash tun	MT	Barrel rack	x150+	Chiller	⊠	Storage	x4
Hot liquor	HL	Malt mill	MM	Barrel rack 2	x6	Cold liquor tank	CLT	Storage Pallet	x3
Gin still	GS	SS ferments	SS x3-5	Rain tanks	RT x4	Waste Bins	WST x2		
Big still	BS								



**FLOOR PLAN LEVEL 1**  
scale 1:100@A3

**LEGEND**

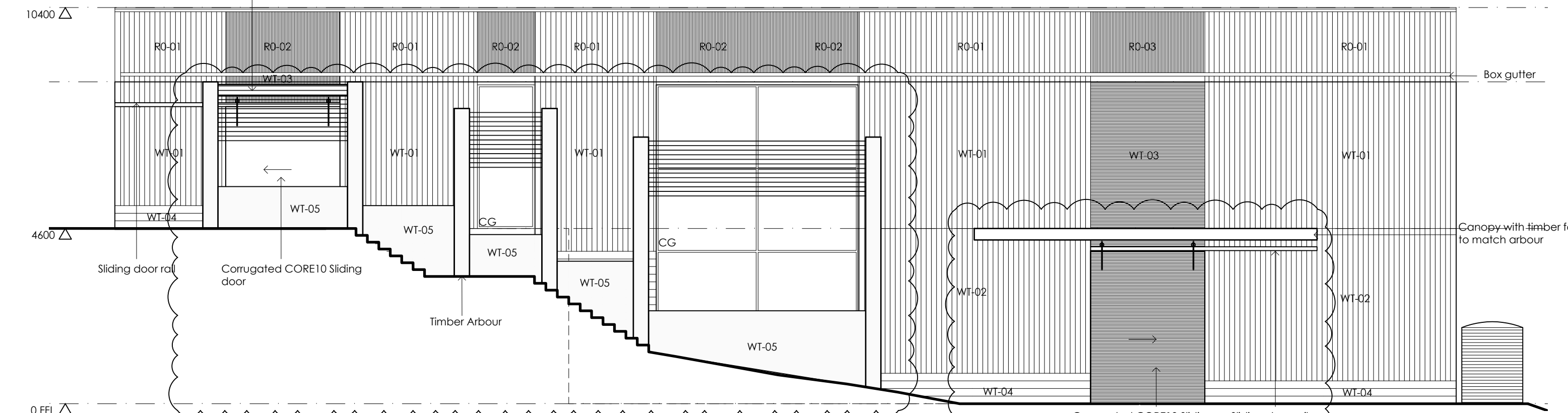
Condenser	⊙	Mash turn	⊙ MT	Barrel rack	x150+	Chiller	⊞ C	Storage	x4
Hot liquor	⊙ HL	Malt mill	⊞ MM	Barrel rack 2	x6	Cold liquor tank	⊙ CLT	Storage Pallet	⊞ x3
Gin still	⊙ GS	SS ferments	⊙ SS x3-5	Rain tanks	⊙ RT x4	Waste Bins	⊞ WST x2		
Big still	⊙ BS								



**EAST ELEVATION**  
scale 1:100@A3

MATERIAL & FINISHES SCHEDULE	
WT-01	REV ROOFING SUPER 5 STEALTH
WT-02	REV ROOFING SUPER 5 HOTHAM
WT-03	REV ROOFING MID ORB HOTHAM
WT-04	CONCRETE BLOCK WALL WITH STONE ECO OUTDOOR BARLOW CLADDING
WT-05	CORE-10 RETAINING WALL
RO-01	REV ROOFING SUPER 5 STEALTH
RO-02	POLYPIU LIGHTPIU ROOF SHEETING
RO-03	REV ROOFING MID ORB HOTHAM
CG	CLEAR GLAZING

Canopy with timber fascia to match arbour



**WEST ELEVATION**  
scale 1:100@A3

**HENRY STREET & CO STAGE 1 ELEVATIONS**

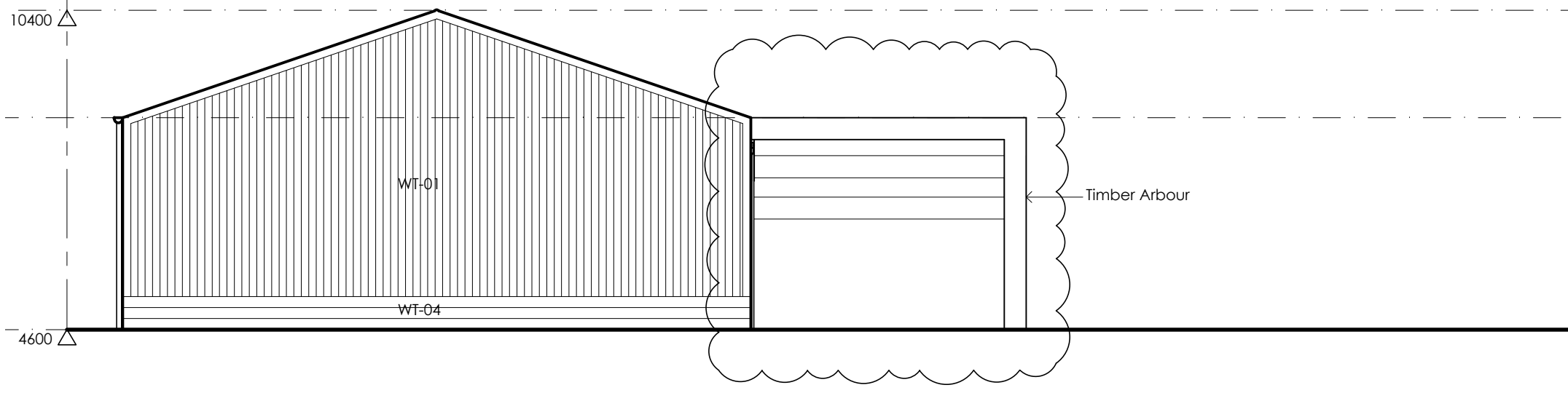
Date: 18-02-2021  
Project No: 20.09  
Drawing No. **DPC-05A**

217 Gilbert Street p 08 8410 9500  
Adelaide SA 5000 f 08 8410 9400  
ABN 18 122 067 483 bbarchitects.com.au  
BUTCHER BROWN ARCHITECTS PTY LTD ACN 100 923 742 TRADING AS BB ARCHITECTS



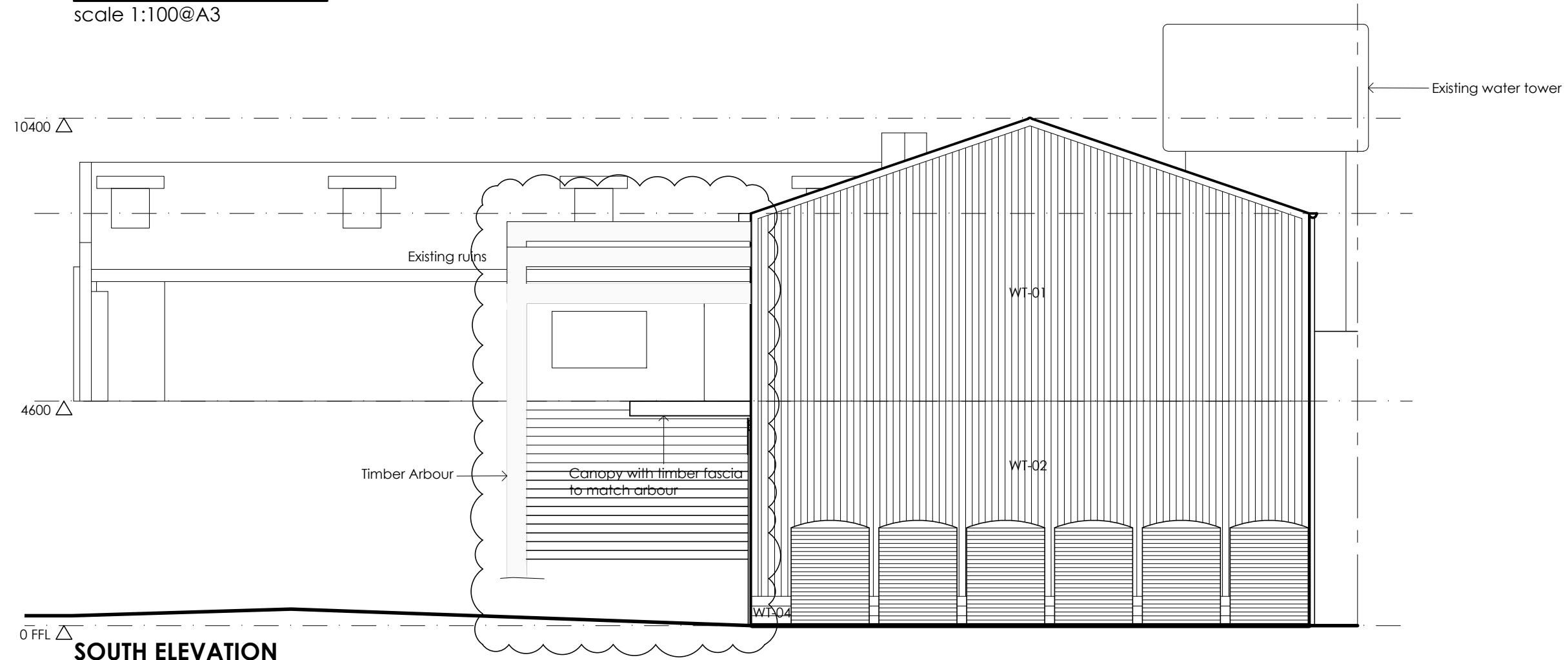


**AMENDED 07/05/21**



**NORTH ELEVATION**  
scale 1:100@A3

MATERIAL & FINISHES SCHEDULE	
WT-01	REV ROOFING SUPER 5 STEALTH
WT-02	REV ROOFING SUPER 5 HOTHAM
WT-03	REV ROOFING MID ORB HOTHAM
WT-04	CONCRETE BLOCK WALL WITH STONE ECO OUTDOOR BARLOW CLADDING
WT-05	CORE-10 RETAINING WALL
RO-01	REV ROOFING SUPER 5 STEALTH
RO-02	POLYPIU LIGHTPIU ROOF SHEETING
RO-03	REV ROOFING MID ORB HOTHAM
CG	CLEAR GLAZING



**SOUTH ELEVATION**  
scale 1:100@A3

△ 10400

△ 4600

△ 0 FFL

Concrete block retaining wall

**NORTH ELEVATION**

scale 1:100@A3

A  
SK01

△ 10400

**AMENDED 07/05/21**

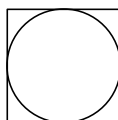
△ 4600

△ 0 FFL

**SECTION**

scale 1:100@A3

B  
SK01



**HENRY STREET & CO STAGE 1**  
**SECTIONS**

Date: 18-02-2021  
Project No: 20.09  
Drawing No. **DPC-07A**

217 Gilbert Street p 08 8410 9500  
Adelaide SA 5000 f 08 8410 9400  
ABN 18 122 067 483 bbarchitects.com.au  
BUTCHER BROWN ARCHITECTS PTY LTD ACN 100 923 742 TRADING AS BB ARCHITECTS

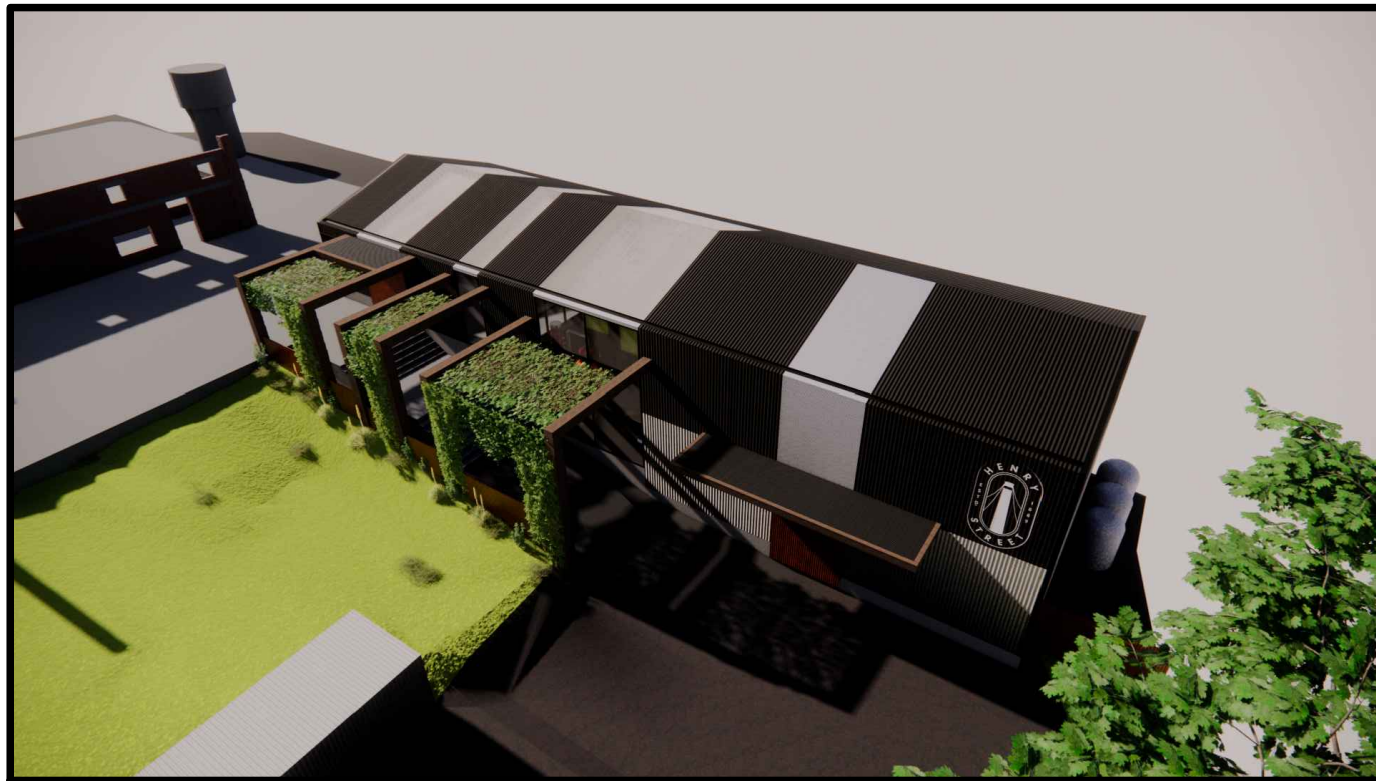




**VIEW FROM HENRY STREET**  
scale NTS



**SOUTH WESTERN VIEW**  
scale NTS

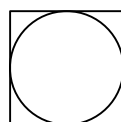


**SOUTH WESTERN AERIAL VIEW**  
scale NTS



**NORTH WESTERN VIEW**  
scale NTS

**AMENDED 07/05/21**



**HENRY STREET & CO STAGE 1**  
**RENDERS**

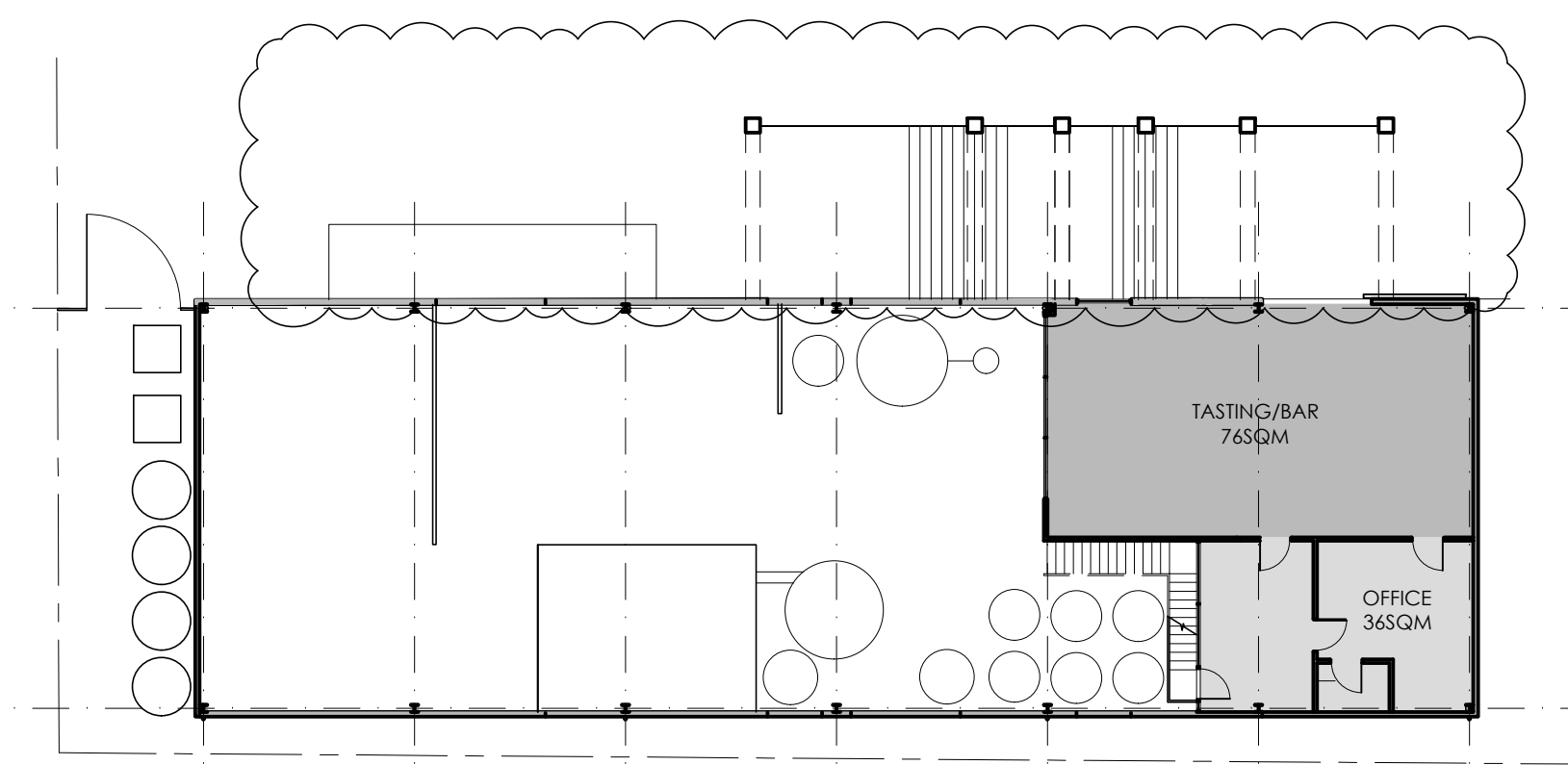
Date: 18-02-2021  
Project No: 20.09  
Drawing No. **DPC-08A**

217 Gilbert Street p 08 8410 9500  
Adelaide SA 5000 f 08 8410 9400  
ABN 18 122 067 483 bbarchitects.com.au  
BUTCHER BROWN ARCHITECTS PTY LTD ACN 100 923 742 TRADING AS BB ARCHITECTS



## AREA SCHEDULE

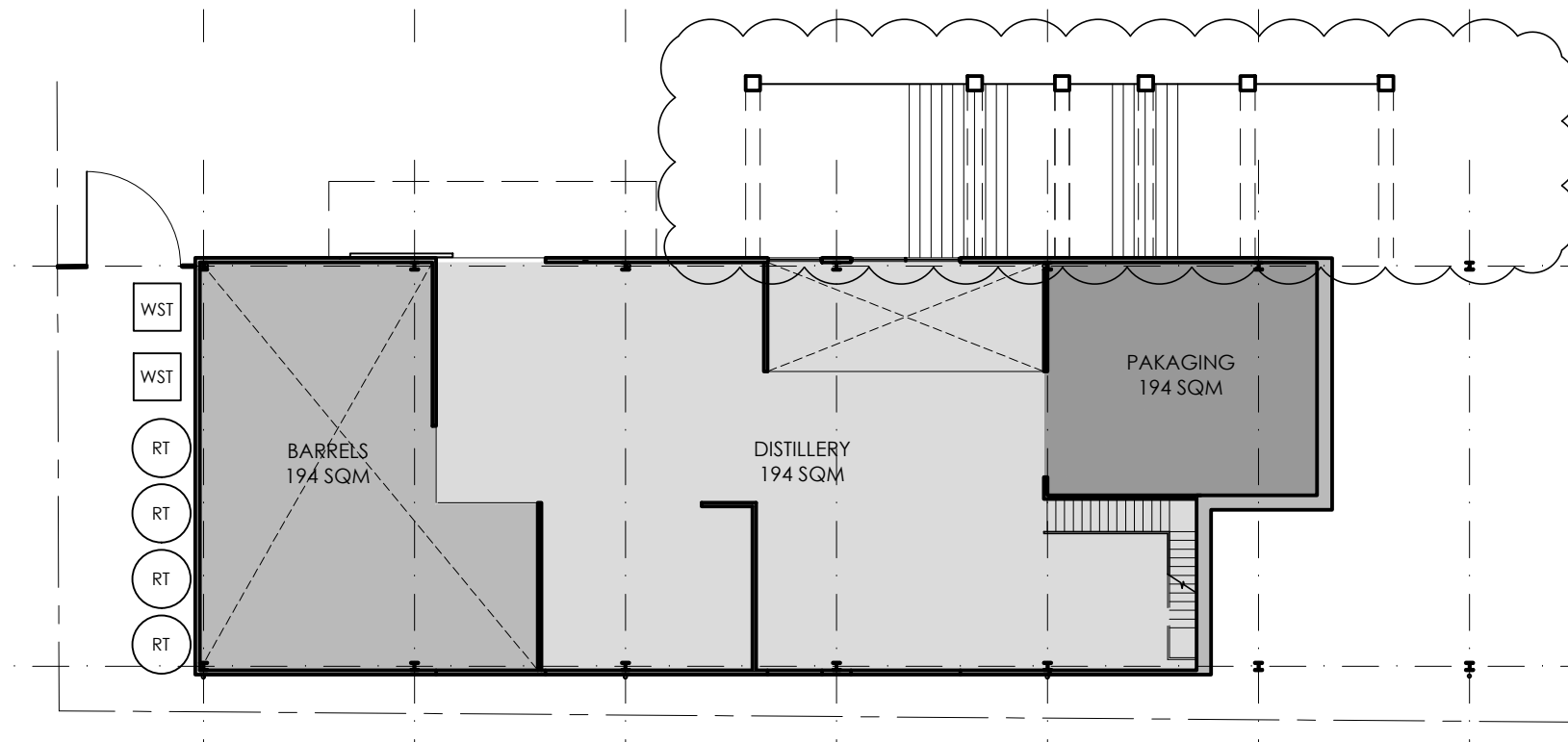
SITE	=	7320 SQM
TOTAL ROOFED AREA:		
EXISTING BUILDING	=	1140 SQM
PROPOSED BUILDING	=	440 SQM
SITE COVERAGE	=	1482 SQM
20.2% OF SITE INCLUDING ALL ROOFED AREAS EXISTING & PROPOSED		
PROPOSED BUILDING BREAKDOWN		
LEVEL 1:		
DISTILLERY	=	194 SQM
PACKAGING	=	48 SQM
BARRELS	=	86 SQM
TOTAL	=	328 SQM
LEVEL 2:		
TASTING/BAR	=	76 SQM
OFFICE	=	18 SQM
WC	=	3 SQM
MEETING	=	15 SQM
TOTAL	=	112 SQM
TOTAL	=	440 SQM



### AREA FLOOR PLAN LEVEL 2

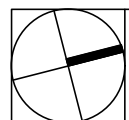
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AMENDED 07/05/21



### AREA FLOOR PLAN LEVEL 1

scale 1:200@A3



**HENRY STREET & CO STAGE 1**  
**AREA FLOOR PLAN**

Date: 18-02-2021  
Project No: 20.09  
Drawing No. **DPC-09A**

217 Gilbert Street p 08 8410 9500  
Adelaide SA 5000 f 08 8410 9400  
ABN 18 122 067 483 bbarchitects.com.au  
BUTCHER BROWN ARCHITECTS PTY LTD ACN 100 923 742 TRADING AS BB ARCHITECTS



Lower ceiling

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

Development Number: **21/355/473**

My Name: Jam - Meirgenet Schutz

Postal Address: 13 Henry St Woodside 5244

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: **Woodside Heritage Village Pty Ltd**

Nature of Development: **Construction of new light industry building to include a distillery & tasting room, retaining walls (maximum height 4.6m), associated earthworks & water storage tanks**

Proposed to be located at: **1/20 Henry Street, Woodside SA 5244**

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:

13 Henry St Woodside ..... Postcode: 5244 .....

The specific aspects of the application to which I make representation are:

Sufficient parking for employees off of Henry St  
and beautification of frontage of new development

My objections (if any) could be overcome by with plenty of parking for  
customers within property, and natural over flow  
on streets have not objection of development

**(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: 18/6/2021 ..... Signature: MS .....

**The closing time and date for Representations is 5.00pm on 18 June 2021 & Representations can only be received during the period 04 June 2021 to 18 June 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."

Simon Robson LL.B.

Hugh Steele LL.B.

Associate:

Sarah Bamford LL.B. MIB

18 June 2021

Our Ref: HS:AS:20235

Adelaide Hills Council  
PO Box 44  
WOODSIDE SA 5244

**Attention:** Ms Sarah Davenport, Planning Team  
**By Email:** mail@ahc.sa.gov.au



Dear Madam

**RE: REPRESENTATION ON PROPOSED CATEGORY 2 DEVELOPMENT:  
NUMBER 21/355/473, 1/20 HENRY ST WOODSIDE**

## Introduction

1. We act for Mr Stuart Armour of Lot 103 (Number 46) Naughtons Road, Woodside in all matters pertaining to the subject development application.
2. The references A and B which appear at the end of this letter were provided to our client by Adelaide Hills Council (AHC), with an invitation to make representation in relation to the subject development proposed submitted by Planning Studio of 17 March 2021.
3. Form 'SOUTH AUSTRALIAN DEVELOPMENT ACT, 1993 REPRESENTATION ON APPLICATION – CATEGORY 2 NOTIFICATION', provided by AHC, has been completed by our client and is at enclosure 1. This letter details the specific aspects of the proposed development against which representation is made.
4. This representation opposes the proposed development on a number of grounds, categorised as being either:
  - 4.1 **Category 1: Subject to Legal Dispute – Easement and Boundary Fencing**  
This matter directly impacts a number of key development considerations that have not been addressed. The matter must be resolved in advance of planning consent being granted;
  - 4.2 **Category 2: Imposing Significant Negative Impacts that Require Remediation**

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Those aspects of the proposed development that, as presented, will negatively and unreasonably impact our client or his property and require modification or enhancement; or

4.3 **Category 3: Likely to Impose a Significant Negative Impact but Lacking Planning Detail**

Those reasonable concerns regarding the proposed development that are not adequately addressed in the application, but need to be in order to minimise negative development impacts and to ensure integrity in the planning approval process.

5. While our client is willing to work with Council, Woodside Heritage Village Pty Ltd, and Planners representing Woodside Heritage Village to address all matters, there are extant issues (and associated foreshadowed legal proceedings) that the proposed development compounds, as well as serious issues specific to aspects of the proposed development. These issues require resolution before the development application can reasonably be approved.
6. The issues for resolution are detailed below, in order of the categories at paragraph 4 above. For ease of reference and where applicable, the corresponding Development Application section is noted.

**Brief History**

7. A brief history of ongoing Easement, associated boundary fencing and separate unauthorised dumping matters involving Lot 102 (the subject land owned by the Applicant) is necessary, as each is compounded by the proposed development and all reinforce the need to achieve clear resolution of development related issues ahead of planning approval being granted:
  - 7.1 The Easement was established in 2003 as a dual Right of Way (“ROW”) extending over a portion of Lot 103 marked “E” appurtenant to Lot 102. This is shown on the Title attached as “Appendix A” to the Planning Studio application letter of 17 March 2021. Attached as enclosure 4 is a copy of an enlargement of the relevant area based on a survey undertaken at the expense of our client by Licenced Surveyor, Scott Filmer, dated 4/9/20. It remains unclear as to on what basis the ROW was created, and as to the nature of the benefit to the owner of Lot 102, when the Easement is used for the prescribed ROW purpose. It is noteworthy that since 2003 Mr Roberts has placed building materials, rubbish and other goods and machinery on the land in question and in so doing has been in continuous breach of the Easement (refer Figure 1 below). That has prevented our client’s access to his own land, to include access to the western end of a building for routine cleaning, maintenance and repairs. Additionally, it has concealed erosion around

footings and structural damage to brickwork that has required repair. Frequent requests to Mr Roberts or his business manager (who presented himself as the owner) to clear the area have not been acted upon and Mr Roberts has continued to ignore verbal and written requests since the 19 December 2019 bushfires.

7.2 Fencing Status

On the day of the December 2019 bushfires, the CFS were unable to access fire that had taken hold in Lot 102 buildings from Henry Street due to the cluttered state of the property. As a result, the CFS brought a large backhoe onto our client's property and tore down the greater proportion of the fence between Lots 102 and 103. Replacement of that fencing needs to be along the property boundary but cannot proceed until the Easement is extinguished. Approximately 10 months ago our client built a temporary fence (conforming to the current ROW) at his own expense, however that arrangement is not a viable long-term proposition.

7.3 The eventual post bushfire clearing of most rubbish along area 'E', including by our client, provides an opportunity to finally extinguish the Easement and to thereby establish permanent and appropriate fencing along the property boundary, to the mutual benefit of both parties.

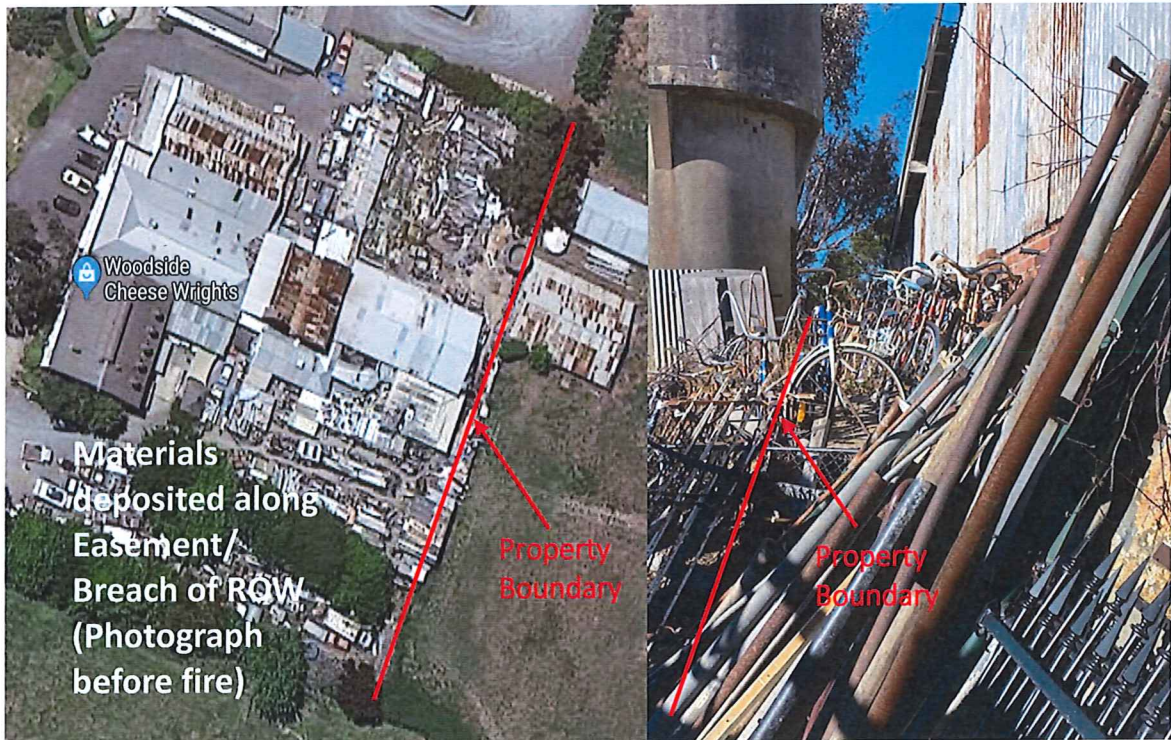
7.4 Unauthorised Groundworks

In June 2020, Mr Roberts undertook groundworks that extended across the property boundary to include approximately 40 square metres of Lot 103 land (Figure 2). At its highest point this altered the natural ground level on Lot 103 by 1.2 metres, creating an erosion problem for Lot 103 that did not previously exist. That fill had to be removed by our client.

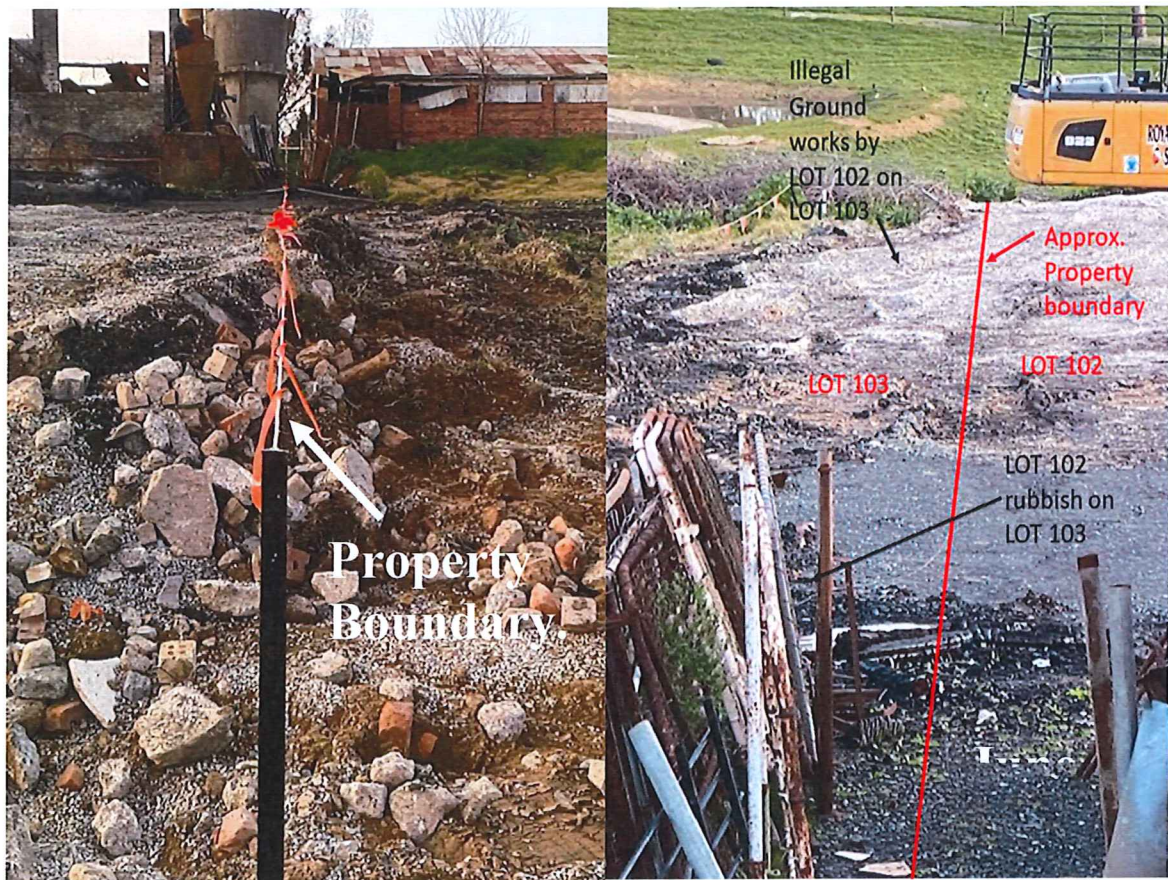
7.5 Unauthorised Dumping

Our client's property includes a one metre wide strip of land, 91.7 metres in length, abutting the southern boundary of Lot 102 and extending to Henry Street where our client's water meter is located. For the 18 years that Mr. Armour has owned Lot 103, Mr Roberts has dumped rubbish along that portion of our client's property. That rubbish has comprised iron pipe, steel, scrap timber, scrap bricks and pavers, sawdust and other materials. This has prevented the proper burying of our client's mains water pipe. This, along with Mr Robert's continuous and ongoing breach of the Easement, reflect poorly upon his conduct, both as a neighbour and local businessman. That entrenched behaviour highlights the imperative to resolve Easement extinguishment and boundary fencing matters ahead of consent being granted for the proposed development.





**Figure 1: Material Illegally dumped over ROW - Area 'E'**



**Figure 2: Earthworks by Lot 102 Illegally Extending over Lot 103**

**Category 1: Current Legal Dispute – Easement Extinguishment and Boundary Fencing**

8. The subject land is the land on which the development is proposed and is identified as Allotment 102 in DP61958. The subject land is adjoined on both the southern and eastern boundaries by the impacted land, which is identified as Allotment 103 in DP61958, held in Certificate of Title Volume 5900 Folio 757 and known as 46 Naughtons Road, Woodside (refer enclosure 2).
9. The Development Application of Planning Studio dated 17 March 2021 describes (page 2, paragraph 5) the “subject land” marked ‘E’ (the Easement) as addressing “...long term encroachment and access matters...” and states that “Rights of Way entitlements are not affected by the current proposal.” Both statements are most strongly disputed and are discussed in the following paragraphs. We note that extinguishment of the Easement has been in dispute

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since February 2020, with Mr Roberts being non-responsive to formal written correspondence on four occasions; and is now the subject of legal proceedings and foreshadowed litigation if the ROW is not agreed to be extinguished. We also note that the proposed development, if approved without inclusion of the amendments stipulated herein, would increase the range of significant issues that relate to the Easement and the associated need for fencing along the property boundary. We do not believe that the Easement, when used as specified, offers any benefit to Mr Roberts and we have noted that the proposed development's position along the property boundary (with a 1 metre set-back), will render a large portion of the Right of Way (ROW) – in the order of 25 metres – non-useable.

10. The following 'Category 1' issues in regards the proposed development are legitimate and significant concerns for our client, with their remediation directly linked to extinguishing the Easement and establishing appropriate and permanent boundary fencing. Extinguishment of the Easement is the overarching factor and resolution must therefore precede the granting of planning consent. We note this application includes approximately 80 car parks, and is clearly said only to comprise "Stage 1". The concerns are:

**10.1 Issue 1: Health & Safety of Patrons**

The establishment of a venue for members of the public, including children, brings safety considerations, particularly where adjoining properties are zoned for entirely different purposes. We note the local newspaper article detailing Mr Roberts' site development intentions (The Adelaide Hills News dated 9 September 2020) and his description of a family friendly facility ("*...If I had to give a comparison to what we're trying to do it would be Lot-100 – but more family friendly*"). In order to operate the development as described, it is imperative that patron expectations and WHS and public safety requirements and responsibilities be met, largely through the provision of an appropriately fenced space, with a clearly defined area of responsibility for WHS 'Responsible Officers'.

**10.2 Issue 2: Security**

The assurance of reasonable personal and property security for Lot 103 through the establishment of appropriate fencing along the property boundary. This has not existed since the 19 December 2019 bushfires and will only be re-built along the property boundary. We also note that the application refers to "*occasional evening event(s)*" [Planning Studio application letter, page 5] however we contend that these are likely to be more frequent than implied and will take the form of both corporate and private events, with a high risk of weekend evening events. Night-time security between our client's property and Mr Roberts', in particular in

this case of a distillery where alcohol will have been consumed, creates a heightened and entirely valid security concern. Appropriate boundary fencing (of a height not less than 2.1 metres) would mitigate this security issue to our client's satisfaction, while also providing a security benefit to Mr Roberts and his future 'Henry Street' business tenants;

**10.3 Issue 3: Privacy**

Reference B does not acknowledge the issue of privacy for neighbouring properties. The loss of privacy for Lot 103 is assessed to be extreme in the absence of suitable fencing, noting that upwards of 200 patrons may be visiting the proposed development or on the grounds of Lot 102 at any time (based upon car parking for 83 vehicles). The provision of a fair and reasonable level of privacy for Lot 103 residents, through the establishment of appropriate fencing along the property boundary, is the minimum requirement to address this issue;

**10.4 Issue 4: Public Liability**

While the Easement area 'E' remains and there is no boundary fence, patrons or staff on Lot 102 will have unrestricted access to our client's land; both area 'E' and beyond. This creates an entirely inappropriate public liability responsibility for our client, which he is unable to de-risk. The removal of that public liability risk can be achieved through extinguishment of the Easement and the establishment of appropriate fencing along the property boundary;

**10.5 Issue 5: Construction Containment**

Our client reasonably requires the containment of builders, equipment, building materials and rubbish to only Lot 102 during the construction phase and will not permit materials, equipment or rubbish to be placed on the Easement as doing so would breach the ROW. Additionally, he will not permit encroachment onto his land outside of area 'E', as occurred during ground works in 2020 (Figure 2). It is our position that the proposed development can and should be wholly constructed from within Lot 102 and that any application for access to land under reference D would not be supported. Extinguishment of the Easement and the establishment of permanent fencing along the property boundary prior to construction commencing will address this issue for our client, while also establishing a clearly defined construction site for the builder and trades; and

**10.6 Issue 6: Barrier to Mitigating Against Visual Impact**

The Development Plan does not consider fencing, to include type, height and placement (along the property boundary) as a partial means of addressing the negative visual impact of the eastern and northern sides of

the proposed building (refer visual impact discussion at para 13 below). The proposed development is within immediate proximity of the property boundary (1m) and within direct line-of-sight to our client's home, thereby maximising the negative visual impact for our client and adding further weight to the need for boundary fencing. The negative visual impact to the east, north-east and south-east is significant, given that the structure's eastern and northern aspects are a solid colour, featureless, 35.22m in length and varying in height from 5.8m to 10.4m. Suitable and contrasting boundary fencing would have the added benefit of mitigating that negative visual impact. However, until extinguished, the Easement will remain a barrier to fencing the property boundary.

11. The above issues are legitimate and of significant impact to our client. Given the nature of the proposed development, with the anticipated levels of patronage of up to 200 at any time, as well as the proximity of the development to our client's property boundary (1m), it is imperative that those issues be resolved in advance of planning consent. That resolution is contingent upon finalising the ongoing matter of extinguishing the Easement.
12. We note that there are no legal, technical, or other reasonable grounds for retention of the easement, however Mr Roberts has declined to engage and most recently has ignored a very generous financial offer by our client. Resolution has therefore progressed to a legal matter, to include the Registrar General and foreshadowed litigation through SACAT should the Registrar General not agree to the extinguishment of the ROW. The matter must be resolved ahead of Planning Consent being granted in order to provide clarity and certainty to both parties and to eliminate the significant issues noted at para 10 above. Whether that is resolved quickly, or involves a further 12 months or more of legal process and litigation, is now in the hands of Mr Roberts.

## **Category 2: Significant Negative Impacts Requiring Remediation**

13. **Issue 7: Visual Impact**  
In the Planning Studio application letter, Section 3, page 4, paragraph 5, it states "wall heights ranging from 3.7 metres to 8.3 metres..." however in terms of visual impact upon the surrounding environment it is more appropriate to consider the total building height, including roof, which ranges from 5.8m to 10.4m. This is a significant difference, with the Development Application understating the external physical impost and visual impact upon the rural surrounds. The statement in the letter at page 4, paragraph 9, that "*The proposal has been sited, designed and landscaped in a manner that ensures the building is nestled within the site and compliments its industrial and primary production surroundings and minimises the visual impact of any earthworks...*", is not agreed. Specifically, the statement ignores that no attempt has been made to

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minimise the impact of the eastern and northern aspects of the building upon our client's property. We confirm that the property owned by our client is in the Woodside (Rural Surrounds) Policy Area.

14. We note that the Planning Studio application provides four renderings of "bbarchitects" being marked as DPC-08A, but that three of those are 'internal' views from within Lot 102, while the fourth is a view from the Henry St. entrance. No renderings are provided to convey the visual impost upon our client's property or the Woodside (Rural Surrounds) Policy area more broadly. To illustrate the negative visual impact to our client, renderings are provided at enclosure 2.
15. For the Light Industry (Woodside) Policy Area, it is specified that developments will have a form that enhances the overall views and rural character and should preserve the rural character. For developments that adjoin a different Policy area – in this case the Woodside (Rural Surrounds) Policy Area – additional design and impact mitigation strategies should be included, so as not to negatively impact upon the objectives of the adjoining Area. Proposed developments that reduce the sense of open space, impose upon the landscape or intrude upon the skyline, such as that proposed for Lot 102, should reasonably be required to incorporate clearly defined mitigation strategies in the plan. To reduce impact from our client's property (and beyond), such strategies need to include:
  - 15.1 Solid boundary fencing of not less than 2.1m in height and of a contrasting colour to the cladding on the roof and eastern and northern walls; and
  - 15.2 Reimbursement to our client for the cost of suitable screening trees, to be planted within his property and following the boundary fence-line (indicative cost is \$1,200.00 for 29 trees of the Conifer Leylandii variety).
16. **Issue 8: Stormwater disposal and erosion/environmental impact**

The Planning Studio application letter states (page 4, final paragraph) that "...the proposed building will...dispose of stormwater in an appropriate manner...", however there is no evidence that this has been adequately considered and addressed. The building is substantial at 35.22m x 11.4m, which equates to 440sqm of roofing. Rainwater tanks on the southern wall of the building vary in number in from three in the artist's impression, to four in the Plan View, to six in the elevation view (refer to DPC-06A). Given the size of those tanks is not known (Planning Studio application letter page 4, paragraph 5 ("capacity to be determined")), and lack of clarity in number, it is not clear how stormwater will be managed once those tanks begin to overflow. Given the natural gradient of the land and the tanks' proximity to the southern boundary that Mr. Roberts

shares with our client, there is a significant risk of erosion and environmental damage to our client's land and that of his neighbour to the south. Stormwater disposal to neighbouring properties is not appropriate and an acceptable method of dealing with stormwater would be to incorporate an underground or other dispersal system within the confines of Lot 102.

17. **Issue 9: Fencing along southern boundary**

The shared southern boundary is currently unfenced. Whilst Mr Roberts' prior use of Lot 102 did not create an imperative to fence the southern boundary, the development proposal represents a significant shift in use and will include the public routinely being in the proximity of that boundary. Although the planting of trees is mentioned, that alone is insufficient, as it does not address public safety, security or public liability issues. The development plan should include fencing along the southern boundary, of a mutually agreed material and installed at the expense of the applicant.

18. **Issue 10: Hours of operation**

The Planning Studio application letter states (page 5, paragraph 3) cites "...*some demand to host an occasional evening event*". However, as stated above, we contend that these are likely to be more frequent than implied and will take the form of both corporate and private events, with a high risk of weekend evening events. Such events are also likely to increase in size and frequency with stage two of the development. Reference is made to an article appearing in The Courier in around September 2020, in which reference was made to a "plan for wineries and distilleries to establish cellar doors and for craft brewers and café and restaurant owners to set up shop...". Ultimately, as has been flagged to our client by an AHC Planning Team duty officer, the mature development (for which this proposal only lays the initial 'foundation'), will most likely host routine events that extend late into the evening and involve significant noise and disturbance by patrons and their vehicles. Evening events will substantially degrade out of hours peace in the immediate area, noting that there are not currently any businesses conducting evening events and that there are in the order of 18 residential properties or rural surrounds residences within sufficiently close proximity to be significantly impacted. Evening events also increase the security risk to our client's property, particularly in regards intoxicated patrons. Clarity as to what hours of operation will be approved is required from Council in advance of planning consent. That determination must take a balanced view that accommodates residents' needs, not simply those of Lot 102. The aforementioned boundary fencing and screening trees on our client's property will additionally offer some mitigation against noise pollution/disturbance of the peace and evening security risks for Lot 103.

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### **Category 3: Likely Negative Impacts with Insufficient Planning Detail to Fully Assess**

19. **Issue 11: Internal noise containment**  
Given the nature of the building (metal clad), noise pollution from internal activities (both manufacturing and public attendance) may be expected to be significant. As noted at Issue 10, above, there is no information within the application as to how noise pollution and disturbance of the neighbouring residential population, during days and evenings, will be mitigated. An appropriately high grade of sound-proofing insulation should be required for the external walls and roof of the building.
20. **Issue 12: Poly roof sheeting - bushfire hazard**  
In the Planning Studio application letter, architects drawing DP-05A identifies the use of "R0-02 POLYPIU LIGHTPIU ROOF SHEETING" as a smaller proportion of the roof cladding, presumably as skylights. On the day of the 19 December 2019 bushfires, fire from Mr Roberts burning buildings and scrapyard spread, via embers, to our client's two sheds, causing substantial building and contents loss. Entry of the fire into one of those buildings was due to three 'Poly' roof sheets proving inappropriate to withstand an ember attack. The selection of poly roof sheeting for the proposed building is inappropriate in a bushfire zone. The consideration from our client's perspective is that if the proposed building is designed with a vulnerability to bushfire ember attack, then the follow-on threat to Lot 103 is increased. The appropriate remediation is bushfire rated glazed skylights.
21. **Issue 13: Southern retaining wall – requirement and proximity to southern property boundary**  
In the Planning Studio application letter, architects drawing DPC-06A showing the South Elevation shows a "service yard comprising water storage tanks...and bin storage", which is referred to on page 4, paragraph 5 of the application letter, and which are located immediately to the south of the building. While a retaining wall is depicted as part of the southern building wall, no retaining wall is depicted at the southern extreme of the service yard. We note that given the gradient of the land to the southern boundary, a retaining wall will be necessary to support RW tank placement and to minimise stormwater runoff and erosion/ environmental damage to neighbouring lands. Clarity regarding intentions in this area is required, noting that any retaining wall must be wholly within Lot 102 and not constructed on the southern property boundary.

### **Summary of Issues**

22. For ease of reference, a 'Summary of Issues' table is provided at enclosure 3. Corresponding impacts, assessed significance and the required resolution & timeframe are included.



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## Conclusion

23. We contend that the proposed development presents a number of significant issues for our client and that these have largely been overlooked, or erroneous statements made in the preparation and submission of the application. Most issues require resolution in advance of planning consent, in order to provide assurance to our client and a clear path forward for both parties. We note that remediation of many of those issues depends upon extinguishment of the Easement (area 'E'). As that is a current legal matter and subject to future litigation, it would be inappropriate for Council to compound the matter by prematurely issuing planning consent.
24. As a fundamental consideration, we also note that if either phase 1 or phase 2 of the 'Henry Street' concept is reliant upon the Easement and not able to be achieved wholly within the boundary of Lot 2, then the development must be considered unsuitable for the site.

Yours faithfully

**MEAD ROBSON STEELE**

Per:



**HUGH STEELE**

\*enc

- 1 Signed Form: SOUTH AUSTRALIAN DEVELOPMENT ACT, 1993 REPRESENTATION ON APPLICATION – CATEGORY 2 NOTIFICATION'; Development Number 21/355/473
- 2 Visual Impact - Renderings of East/North East Building Aspect, Including Mitigations
- 3 Summary of Issues Table
- 4 Scott Filmer survey enlargement

## References:

- A. Adelaide Hills Council Letter (Ref 21/355) to S.J. Armour of PO Box 193 Woodside SA 5244, 'Notice of Proposed Category 2 Development No. 21/355/473', dated 28 May 2021
- B. Planning Studio Pty Ltd Development Application, 20 Henry St, WOODSIDE, dated 17 March 2021
- C. Adelaide Hills Council Zone Sections 'Light Industry' and Woodside (Rural Surrounds) Policy Areas, consolidated 8 August 2019

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

Development Number: 21/355/473

My Name: STUART JOHN ARMOUR

Postal Address: PO BOX 193, WOODSIDE, SA, 5244

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: **Woodside Heritage Village Pty Ltd**

Nature of Development: **Construction of new light industry building to include a distillery & tasting room, retaining walls (maximum height 4.6m), associated earthworks & water storage tanks**

Proposed to be located at: **1/20 Henry Street, Woodside SA 5244**

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:

46 NAUGHTONS RD, WOODSIDE SA Postcode: 5244

The specific aspects of the application to which I make representation are:

Issues forming the basis of my representation are detailed in a letter by 'MEAD ROBSON STEELE', the law firm acting on my behalf in this matter

My objections (if any) could be overcome by: Implementation of those resolutions, remediations and mitigations detailed in the aforementioned MEAD ROBSON STEELE letter.

**(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: 15 June 2021 Signature: 

The closing time and date for Representations is 5.00pm on 18 June 2021 & Representations can only be received during the period 04 June 2021 to 18 June 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."

Enclosure 2 - Visual Impact - Renderings of East/North  
East Building Aspect, Including Mitigations



Figure 1: Proposed Building, without Boundary Fencing or Screening Trees



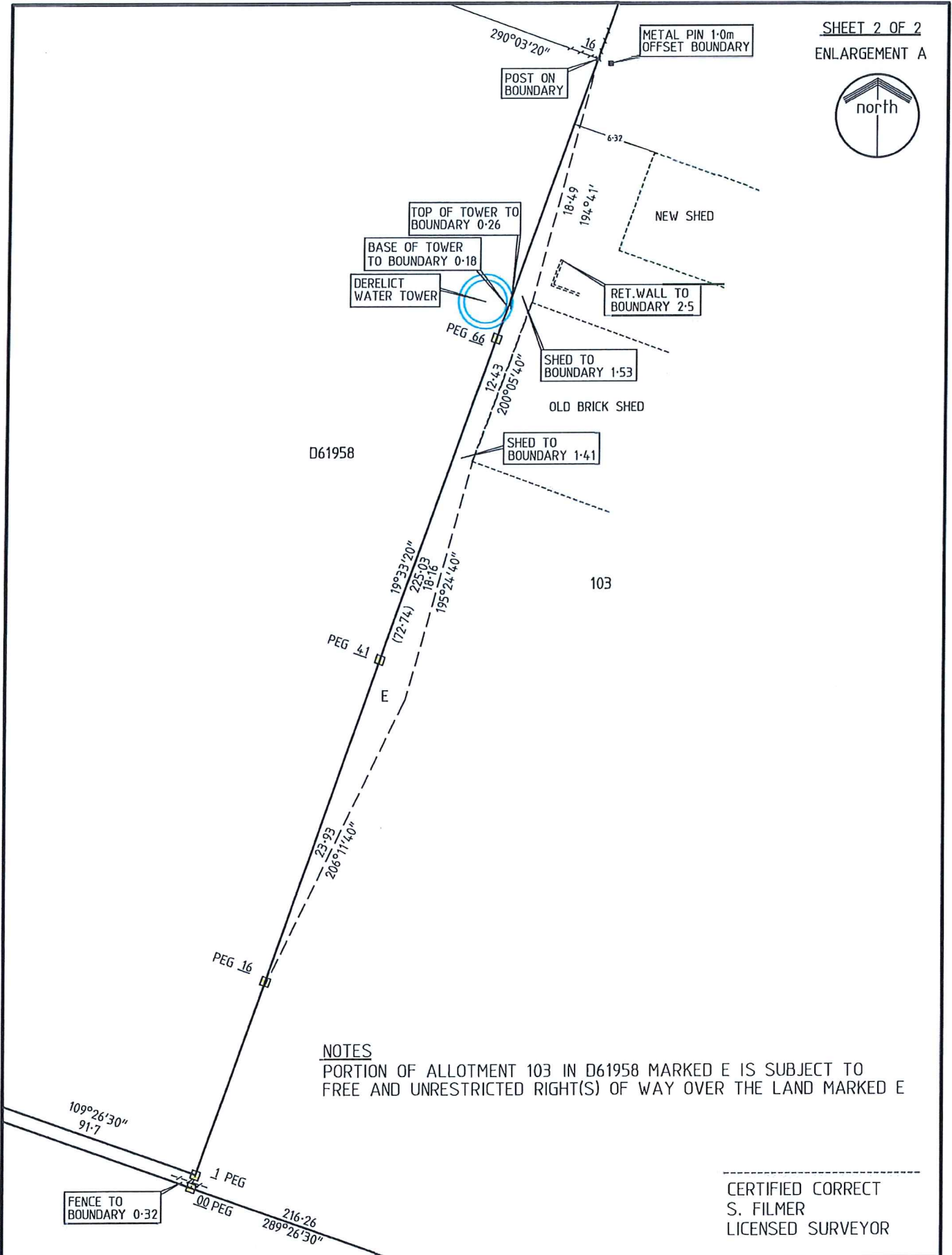
Figure 1: Proposed Building, with Boundary Fencing & Screening Trees

Enclosure 3: Summary of Issues for Resolution

ISSUE (Category & Number)		IMPACT(S)	SIGNIFICANCE	REMEDICATION & TIMEFRAME
CAT 1	1. Lack of boundary fencing and no clearly defined business operating area	1. Public/ patron Safety on Lot 102 and lack of clearly defined boundary for WHS responsibilities.	Extreme	<b>(Issues 1 to 6)</b> Extinguishment of Easement, and establishment of appropriate boundary fencing Easement resolution before planning consent; fencing before building approval
	2. Physical security – inadequate provision	1. Security risk to Lot 103, including evenings.	Extreme	
	3. Privacy impact upon Lot 103	1. Loss of reasonable Privacy for Lot 103.	Extreme	
	4. Public Liability upon Lot 103	1. Public Liability for Lot 103: Easement/ area 'E' and beyond.	Extreme	
	5. Construction containment – lack of provision	1. Worker, material and rubbish Intrusion onto Lot 103 throughout Construction	Very High	
	6. Ability to Mitigate against Visual Impact	1. Negative Visual Impact upon Lot 103 and surrounds	Very High	

CAT 2	7. Length, Height and overall mass of the structure's Eastern and Northern aspects	1. Visual impost with negative impacts upon surrounding rural zones.	Very High	Boundary fencing installed before Building approval. Payment of \$1200 by Lot 102 to Lot 103 for screening trees before Building approval.
	8. Stormwater catchment and disposal, including tank overflow.	1. Erosion and environmental damage to Lot 103 property along southern boundary and property to the south	Very High	Underground or other stormwater/ overflow dispersal system within Lot 102 that prevents impact to Lot. 103 or property to the south. To be defined before Building approval.
	9. Southern Boundary Fencing	1. Public/ Patron Safety and WHS responsibilities 2. Public Liability for Lot 103. 3. Security for Lot 103 4. Construction Containment	Extreme	Establishment of suitable fencing along the southern property boundary at Lot 102 expense. To be in place before construction commences.
			Extreme	
Extreme				
Very High				
10. Hours of Operation	1. Noise impost/ unreasonable disturbance to Lot 103 during evenings (both during events and patrons arriving and departing)	Very High to Extreme, subject to stipulated operating hours on weekends	Council stipulation ahead of planning consent to provide clarity. Fencing and screening trees agreed before building consent	

<b>CAT 3</b>	11. Lack of sound insulation within proposed building	1. Noise disturbance to neighbours, particularly out-of-hours.	High to Very High, subject to approved hours of operation.	Incorporation of high-grade sound proofing insulation to external walls and ceiling. To be specified before planning consent.
	12. Poly Roof Sheeting	1. Bushfire/ember attack with enhanced risk to Lot 103.	Extreme	Poly roof sheeting to be replaced by bushfire rated skylights. To be specified before planning consent.
	13. Service yard – lack of southern retaining arrangements	1. Erosion/ environmental impact upon Lot 103	Extreme	Incorporation of a suitable retaining wall along the southern extreme of the service yard, to be wholly within Lot 102 and not on the southern property boundary. To be specified before planning consent.



**NOTES**

PORTION OF ALLOTMENT 103 IN D61958 MARKED E IS SUBJECT TO FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED E

CERTIFIED CORRECT  
S. FILMER  
LICENSED SURVEYOR

**AMB Surveys**  
  
 ABN 71 263 219 687  
 Ph: 04 22 4 13 612  
 scott@ambsurveys.com  
 1 Railway Place  
 Mt Barker SA 5251

IDENTIFICATION SURVEY PORTION OF ALLOTMENT 103 IN  
 D61958  
 WOODSIDE  
 ADELAIDE HILLS COUNCIL  
 CT5900/757

0 SCALE 5 10 15 20 METRES 25

NOTES	REF: 2005810 R01
HEIGHTS ARE -	DATE: 04/09/2020
DATUM: MGA2020	REV: 01
CONTOUR INTERVAL: -	FIELD: SF
	DRAWN: SF
SCALE 1:250 @A3	CHECK: SF

6 July 2021

Ref: P0234.01 DA 21/355

Ms Sarah Davenport  
Statutory Planner  
Adelaide Hills Council  
PO Box 44  
WOODSIDE SA 5244

Dear Sarah,

**RE: Development Application 21/355/473**

**20 Henry Street, WOODSIDE**

**Construction of new Light Industry building to include a distillery & tasting room, retaining walls (max height 4.6m), associated earthworks and water storage**

**Response to Category 2 representations**

Planning Studio continues to act for Woodside Heritage Village Pty Ltd ('the Applicant'), in relation to a Development Application for the construction of new Light Industry building to include a distillery & tasting room, retaining walls (max height 4.6m), associated earthworks and water storage at 20 Henry Street, Woodside.

## **1 BACKGROUND & PROPOSAL**

The subject land contains a number of existing buildings, the most substantial being the State Heritage listed 'S.A Farmers Co-Operative Union Ltd' currently tenanted by Woodside Cheese Wrights and other small food producers. The site is adjoining Melba's Chocolate factory.

Until recently, the site was also home to Adelaide Hills Building Materials which was destroyed in the December 2019 Cudlee Creek Bushfire.

The distillery proposal is the first stage of a planned multi use facility that will expand the existing light industrial manufacturing area of Woodside, culminating in a food and beverage destination and experiential tourism hub on Henry Street. The proposal represents an opportunity for the landowner to redevelop the site in a manner that brings life to Henry Street, integrates existing local food industry businesses with a range of new producers. The proposal is a logical addition to the light industry uses within the locality and provides opportunities to enhance existing experiential tourism, such as Melba's and Woodside Cheese Wrights, all within the heart of the Adelaide Hills and within close proximity to services provided within the Woodside township.

The proposal includes the construction of a 440m<sup>2</sup> split level building to be used as a distillery at the lower level, with an associated tasting and retail sales and office/administration area provided to the upper level. The tasting area will be accessible from both internal stairs (by staff only) and an external entry. The proposal will be supported by an extension to the existing car parking area, ultimately providing 85 spaces, including four (4) accessible spaces. DDA access is provided adjacent the tasting area at the upper level and adjacent the distillery sliding door at the lower level.

Visually significant elements at the rear of the site, including the boilers and chimneys, and the remaining masonry walls will be retained.





## 2 THE LAND

The subject land is identified as Allotment 102 in DP61958, held in Certificate of Title Volume: 5900; Folio: 756 and is known as 20 Henry Street, Woodside.

The land is a regular shaped allotment of 7,285m<sup>2</sup>, accommodating 1,140m<sup>2</sup> of existing built form. Existing business are serviced by relatively informal parking areas (approximately 7 spaces) located at the front of the site.

As identified within the proposal submission, and highlighted by one representor, the land is subject to a Free and Unrestricted Right of Way (marked D) and has reciprocal rights over additional Free and Unrestricted Right(s) of Way over land marked C & E. in general terms, C and D provide reciprocal access rights over the adjoining land, known as Melba's Chocolates.

Land marked E addresses long term encroachment and access matters with the adjoining land (Allotment 103) to the east. While the owner of Allotment 103 has made representation that the right of way needs to be extinguished prior to determination of the current proposal, we reiterate that such entitlements are not affected by the current proposal. Such matters are addressed in **section 3** following.

The land is provided with direct and primary access to Henry Street.

The land is identified as a State Heritage Place (Heritage No. 17282). State Heritage support the proposal in its current form.

The proposal is a consent use within the Zone, and has been subject to **Category 2** public notification.



**Figure 1** | South West view



### 3 RESPONSE TO REPRESENTATIONS

Council has received two (2) representations during the prescribed Category 2 notification period which occurred between 4 – 18 June 2021. Copies of the representations were provided to Planning Studio, as the Applicant's representative, via email distribution from the Council on 22 June 2021.

The Applicant has requested Planning Studio prepare a response to representations in accordance with section 38(8) of the *Development Act 1993*.

#### 3.1 Overview and Background

Two (2) representations have been received during the prescribed period. One (1) has stated opposition to the development, with the remaining raising on-site carparking considerations, which have been addressed.

Representations have been received from the following:

**Table 1** | Representation Summary

Representor	Address	Opposed/Support	Desire to be heard
I & M Schutz	13 Henry Street, Woodside	Conditional Support	No
S Armour	46 Naughtons Road, Woodside	Opposed	Yes

In essence, there is a single opposing party who has raised concerns which are primarily civil in nature. It is anticipated that the current development proposal has provided an opportunity by which Mr Armour seeks to progress civil matters which have little to no bearing on the determination of the development application. Legitimate planning matters raised within representations will be discussed further in Section 3.

Concerns identified by representors will be addressed under general headings rather than by specific reference to the representation numbering.

These include:

- Sufficient provision of onsite car parking for staff and visitors;
- Civil matters – right of way extinguishment, alleged dumping and replacement of boundary fencing;
- Visual impact and privacy;
- General amenity impacts such as security, trespass and noise mitigation;
- Stormwater management;
- Construction management; and
- Visitor capacity and hours of operation.



### 3.2 On site parking

Mr & Mrs Schutz have requested confirmation that sufficient parking be provided for both staff and visitors on the subject land, together with beautification of the frontage.

Currently there are 7 relatively informal parks provided at the front of the subject land. The proposal will provide an additional 78 spaces, with the parking and circulation areas all to be sealed and line marked in due course. In addition, the carpark will be landscaped, with dense plantings of Manchurian Pears along the southern boundary of the carpark and internally. The condition and appearance of the site will be improved significantly.

Table AdHi/4 (Off Street Vehicle Parking Requirements) does not identify a rate of parking required for a distillery or tasting room specifically. However, similar to that of a cellar door, application of a rate for a 'shop' of 5.5 spaces per 100m<sup>2</sup> total floor area generates a requirement of 4.2 spaces for the tasting room. Using a general 'office' rate for the administration and meeting room generates demand for a further 1.4 spaces.

The balance distillery use is not listed within Table AdHi/4. To that end, application of the 'non-residential development' rate of 4 spaces per 100m<sup>2</sup> (min) and 6 spaces per 100m<sup>2</sup> (max) generates a further demand of between 15 – 23 spaces. With a staff of no more than two FTEs in production and administration at any one time, application of this rate is considered excessive. It would be more appropriate to allocate 2 spaces for distillery staff, with tasting room staff accounted for within the shop and office rates.

On this basis, the proposal generates a realistic demand of 8 spaces. Application of the 'non-residential development' rate increases that to between 21 – 29 spaces in total.

Accordingly, the proposal will result in a significant surplus of parking (for Stage 1) of up to 70 spaces. The carpark has been designed with Stage 2 in mind, with carparking to be a further assessment consideration in relation to that development.

The concerns of Mr & Mrs Schutz have been sufficiently addressed.

### 3.3 Right of Way extinguishment, alleged dumping and boundary fencing

We note that these matters are civil in nature and have no bearing on the success of the current development proposal. It is most inappropriate to consider a delay in determination of the current proposal on this basis.

Notwithstanding, we are advised that prior to the December 2019 bushfire ('the fire') Mr Armour had not communicated with our client regarding concerns over the right of way, nor had Mr Armour requested access to the rear of the buildings referred. My client was not aware of any concerns relating to these matters.

The Right of Way ('ROW') was created to provide access to the northern portion of Allotment 102 as there was historically no access to the top yard from within the subject land. There has always remained a pathway providing access regardless of there being building materials within close proximity. The ROW is not of sufficient width for vehicular access. Prior to the fire, there had been no request for the area to be cleared, nor was my client advised of any repairs works required to Mr Armour's buildings. It is misleading for Mr Armour's legal representative to allege that my client has 'ignored' approaches made by Mr Armour and to present otherwise merely seeks to defame my client's character. These matters should have no bearing on the application, and if so desired by Mr Armour, are able to be pursued through other legal avenues.



As Council are aware, the fire originated on a property in Cudlee Creek and had devastating impacts on land generally extending from Cudlee Creek to Harrogate, and impacting on much of the outskirts of the Woodside township. The fire was catastrophic and had far reaching consequence. There is little evidence to suggest that the fire spreading to Allotment 103 would not have occurred irrespective of the condition or proximity of my client's land. The removal of existing fencing between Allotments 102 and 103 on that day, by the Country Fire Service, was part of the emergency response and should not be used to further defame my client nor provide justification for the ROW extinguishment. There is no suggestion that current temporary fencing is intended as a permanent solution. Replacement fencing is matter to be determined and agreed between landowners. Boundary fencing is not a matter for the development application nor Council generally.

Mr Armour's representative has also alleged dumping within the 1.0 metre wide strip of land extending along the southern boundary of the subject land. This portion of land has no bearing on the development proposal and will be separated from the proposed carpark by strip of landscaping, approximately 1 – 1.5 metres in width. Formed parking bays will ensure there is no encroachment of vehicles and the property will be maintained in good condition at all times. Mr Armour's comment is historic in nature and not relevant to the future use of the property. Again, the defaming of my client's character and business acumen is entirely inappropriate.

The matters of extinguishment of the Right of Way, cleaning up of the land and boundary fencing remain civil matters and must not be used as opportunities to disrupt an assessment of the current development proposal. The proposed building is sited 1.0 metres from the eastern boundary with no access provided to the rear of the building. There is no requirement for access beyond the boundary for construction purposes nor for use of the property as intended. There is no encroachment of the ROW.

My client undertakes to liaise with Mr Armour separately and does not oppose further discussions regarding the Right of Way and boundary fencing in due course. Any new fencing would be discussed in view of the relevant legislation regarding boundary fencing and the anticipated 50/50 financial contribution by landowners should it be required. The form of fencing, including colours and materials, should also be agreed between landowners. There is no specific requirement to fence the property in relation to the proposed use, nor any reason to anticipate that visitors to the site would endeavour to access Mr Armour's land. Matters of security and trespass will be discussed below.

We note that Mr Armour's representative has stated that the extinguishment of the 'easement' is the overarching factor in their representation. Given that remains a civil matter, there is no reasonable cause to delay determination of the application on that basis and we urge Council to understand that Mr Armour's intent in raising these civil matters is to derail the current proposal in order to progress his alleged claim regarding the Right of Way.

A number of legitimate planning issues have also been raised and will be responded to below.

We note that there has been no general expression of opposition to the use of the site as a distillery and tasting room and that matters raised relate primarily to parking, capacity and operating hours, noise and stormwater management. These matters have been adequately addressed and/or are the basis of further documentation to be provided to Council upon receipt from the project civil and environmental engineers.



### **3.4 Health and Safety of visitors**

The representation notes a requirement for the operator to meet visitor expectations and WHS and public safety requirements and responsibilities.

We do not disagree and advise that the Distillery operator will, at all times, be required to comply with all such requirements in the conduct of the business. All legal obligations in regard to WHS will be met.

### **3.5 Security**

Mr Armour's representative is creating an impression that the tasting room will be used consistently at night and will operate in a manner that is more akin to a licenced hospitality or entertainment venue/hotel. This is an overt exaggeration of the nature of the land use and the intent for the development to provide experiential tourism, similar to that of a cellar door associated with a winery. There is not sufficient floor area to allow the venue to host large gatherings and operating hours are not proposed into the evening.

While we acknowledge a need to ensure the security of the subject land and adjoining properties, there is no reason to anticipate the anti-social behaviour suggested within the representation. The operator will also have an ongoing legal obligation in relation to the Responsible Service of Alcohol ('RSA'). Anti social behaviour will not be tolerated.

We also acknowledge Mr Armour's desire for some reassurance that visitors will not be able to access his property. Visitors will be excluded from the narrow strip of land that runs along the southern boundary of the subject land by dense vegetation plantings. Should there be a need to include fencing in this location, that is civil matter to be discussed and agreed between landowners. Visitors will not physically be able to access to the rear (eastern boundary) of the building, preventing access to Mr Armour's land. With a setback of some 100 metres from the boundary, there is no risk to the safety and security of Mr Armour's dwelling arising from the proposal. It would appear that this matter has been raised to advance Mr Armour's desire for replacement boundary fencing, which remains difficult to achieve with the ROW in place.

### **3.6 Privacy**

Mr Armour's dwelling is sited some 100 meters to the north-east of the common property boundary. With no openings or access provided to the eastern side of the proposed distillery building, there is no impact on the privacy currently enjoyed on his land. The building has a solid wall along the eastern elevation, so there is little benefit arising from the addition of fencing in relation to privacy.

### **3.7 Public Liability**

Visitors to the subject land, and particularly the tasting room, will have no means of access to Mr Armour's land as noted above.

The issue of public liability has been raised to advance Mr Armour's desires in relation to the extinguishment of the Right of Way and erection of boundary fencing. This is not a matter of concern to the assessment of the proposal against the Development Plan.



### 3.8 Construction Management

As part of standard documentation for Building Approval, a Site Construction Management Plan will be prepared that outlines, amongst other things, matters of construction times, waste management, noise and assurances that all building work will be wholly contained within the subject land. There is an ongoing obligation that all such works be contained within the boundaries of the subject land, with no cause to extend onto the ROW or Mr Armour's land.

Again, we consider that this issue has been raised in an endeavour to advance Mr Armour's desires in relation to the extinguishment of the Right of Way and erection of boundary fencing.

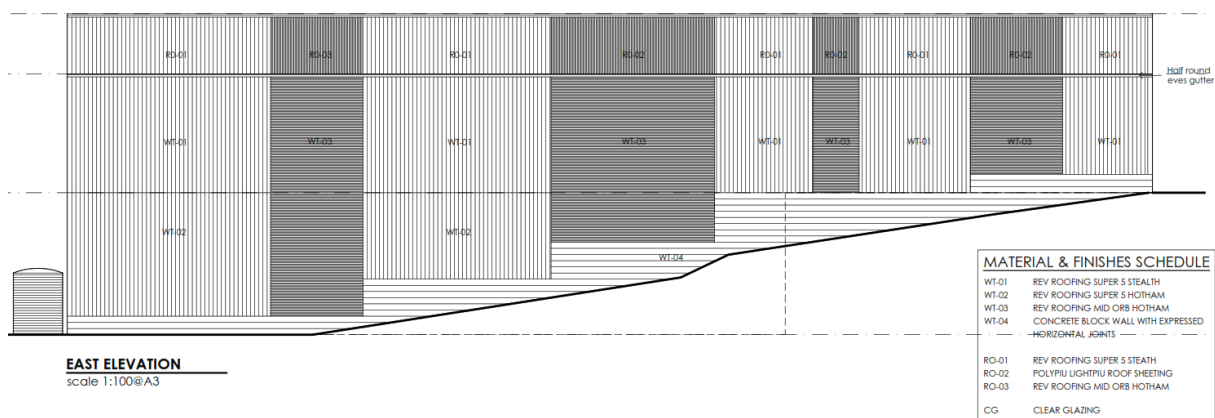
### 3.9 Visual impact

We note Mr Armour's desires for contrasting material to mitigate any perceived visual impact arising from the size of the proposed building, which we note is not unlike existing buildings within both the Light Industry Zone and the Watershed (Primary Production) Zone. A building of 440m<sup>2</sup> is not an uncommon feature in either of the Zones.

While we note the desire for contrasting fencing, which is problematic while ever the ROW remains, we also note that the original proposal did contain contrasting material to the eastern and southern boundaries. This was consistent with the material selections for the front of the building.

At Council's request, the southern and eastern elevation were changed to a solid colour to align with Council's preference for the building to be more in keeping with materials exhibited within rural areas, noting that buildings, such as farm buildings, wineries and horticulture buildings, which display similar wall heights are not an unusual occurrence within the Watershed Primary Production Zone.

Below is an extract from the original plans which depict contrasting colours on the proposed building. Should Council so desire, the proposal can revert to the original material selection to address the concerns of Mr Armour.



**Figure 2** | Original proposal for Eastern Elevation (amended at request of Council)



Mr Armour's representation has requested financial reimbursement for the purchase of 29 Conifer Leylandii trees to be planted on Mr Armour's land adjacent the development as an appropriate form of visual screening.

This is a curious request given the subsequent concerns raised about the fire risk of selected polycarbonate insert materials within the proposed building. The dry heart of Mr Armour's preferred tree species is extremely flammable and if it catches fire will burn like a torch. If planted close to a house (or other building) these hedges constitute a fire hazard.

While the conifers may be a fast growing species, they are not considered an appropriate selection.

The request to provide financial reimbursement for the desires trees is rejected.

### **3.10 Stormwater Management**

We acknowledge the issues raised in regard to stormwater management and the current lack of certainty regarding the number and volume of water storage tanks depicted on proposal plans.

We can advise that PT Design, Consulting Engineers, have been commissioned to prepare a Stormwater Management Plan ('SWMP') for the site and development. We anticipate the SWMP will be available within the coming weeks, and will be provided to Council for review and approval prior to the application being determined. If necessary, plans will be amended to reflect the agreed outcomes of the SWMP, including increased certainty regarding water storage tanks and the methods of disposal. All water will be contained within the subject land and disposed of according to requirements of the Council and best practice.

No stormwater collected from the proposed building or carparking areas will enter adjoining land.

### **3.11 Fencing to southern boundary**

As noted previously, there is no requirement for the southern property boundary to be fenced. The southern edge of the proposed carpark will be planted (1.5 metres apart) with Manchurian Pears which will create a dense hedge along that boundary, physically limiting access and providing a vegetated screen to the site.

Any fencing of that boundary remains a civil matter as it not reasonably required for security, public liability or screening purposes.

### **3.12 Hours of Operation**

Hours of operation have been raised by Mr Armour's representative throughout the representation, with inaccurate contention that the distillery will accommodate up to 200 persons at any one time, and further that operating hours/events 'are likely to be more frequent than implied and will take the form of both corporate and private events, with a high risk of weekend evening events'.

This statement is simply inaccurate and inflammatory.

The proposal submission clearly states, on page 5, that proposed hours of operation are Monday - Sunday 8:00am – 6:00pm. These hours are likely to be a condition of consent, with ongoing compliance obligations. Any future intention to vary these hours would be subject of a 'Short Term Liquor Licence' or subsequent development application if intended beyond a 'one off' or special event.



The proposal provides increased certainty around operating hours, resulting in operational limitations that do not currently exist for other businesses within the Light Industry Zone or Light Industry (Woodside) Policy Area.

The hours proposed are not considered unreasonable or excessive.

Any suggestion by the representor to the contrary is speculative and unfounded.

### **3.13 Patron Capacity**

Mr Armour's representative has, on numerous occasions, referred to a capacity upwards of 200 persons. This is again an inaccurate assumption with no foundation. The proposal does not state capacity numbers, so we are unsure where this number has been derived. There is no basis for its inclusion.

In response we can advise that members of the public will not be permitted within the distillery.

The proposed tasting room has a publicly accessible area of 76m<sup>2</sup>. An additional 36m<sup>2</sup> is dedicated to a meeting room, kitchette and administration.

Applying general pre-Covid occupancy rates of 1 person/m<sup>2</sup> would result in a maximum capacity of no more than 76 persons within the tasting room. However, given ongoing restrictions, it is more likely that occupancy would be limited to approximately 40 – 50 persons, with potential for a further reduction to 20 persons.

As has been demonstrated in section 3.2, sufficient parking is provided for the anticipated capacity, significantly in surplus of the requirement.

Repeated statements regarding visitor numbers and hours of operation are inaccurate and should be dismissed on this basis. We consider the operating hours and capacity are acceptable in the context of the locality and surrounding land uses.

### **3.14 Acoustic treatment and noise disturbance**

Building materials are appropriate for the intended use of the building, with little to no noise associated with distillery activities and storage. The bottling area is contained within the north western portion of the lower level of the building, encapsulated by a concrete block retaining wall, effectively underground.

Public areas within the building (ie tasting room only) are separated from the eastern boundary by the meeting room and administration areas, which are not generally noise generating activities.

There are no openings on the southern, eastern or northern elevations of the building, ensuring all visitor related activities, and the potential for any noise disturbance, is directed to internal areas on the northern side of the building, and within the Light Industry Zone.

It must also be noted that Mr Armour's dwelling is sited some 100 metres to the north east of the proposed building. In the context of both the existing and anticipated land uses within the Light Industry Zone, and having due regard to uses permitted within the surrounding rural land, the use is considered appropriate and of low impact.

We reiterate that the distillery will not operate beyond 6:00pm, so there will be no evening noise disturbance. Operating hours are well within the hours generally considered by the Environmental Noise Policy in any event.



### 3.15 Roofing material / Fire risk

We do not dismiss the catastrophic consequences of the December 2019 bushfire, nor the losses suffered by our client and those of Mr Armour. Notwithstanding, we note that the subject land, and that of Mr Armour, is located within an area designated as 'medium bushfire risk', where the BAL rating of the property is understood to default to BAL 12.5 for the purpose of the building assessment.

**Figure 3** below provides a current map depicting the nomination of medium (blue) and high (red) bushfire risk areas.



**Figure 3** | Hazard (Bushfire Risk) map (source: [sappa.plan.sa.gov.au](http://sappa.plan.sa.gov.au), 6 July 2021)

This BAL rating does not prohibit the use of the selected materials, which have been selected to ensure adequate natural light enters the building. Polypiu lightpiu roof sheeting has placed the prescribed distance (> 3m) from the boundary, so there is no requirement for the product to be fire rated.

The building will also be sprinklered internally and will contain the BCA required fire protection installations for a commercial building of its size. These are matters for the building assessment.

### 3.16 Southern retaining wall

We note the comments made in relation to the area currently depicted for the housing of water storage tanks and waste bins, immediately to the south of the proposed building. As noted in section 3.10, the final configuration of this space is pending engineering design. As part of the SWMP, project engineers will determine a need, or not, for any retaining in this location to support the required stormwater infrastructure.



#### 4 CONCLUSION

We remain of the opinion that the proposed development satisfies the intent of the Adelaide Hills Council Development Plan. It provides for a continued low impact light industry land use that is entirely consistent with surrounding land uses and the desires of the Light Industry Zone.

The proposal is seeking to allow for the establishment of a distillery and tasting room, and provision of significantly increased car parking and enhanced landscaping on the land. The appearance of the site will be significantly improved.

Onsite parking considerations have been addressed and hours of operation and visitor capacities are considered appropriate.

Matters of a civil nature are not considered relevant in the context of the proposal as they have no bearing on the ability to construct the proposed building nor the successful operation of the land use proposed. It is improper and unwarranted to delay determination of the current development application pending resolution of civil matters. We believe the significance of the civil matters has been grossly overestimated by Mr Armour's representative for the express purpose of prolonging a decision the current application.

On balance, it is considered that the application for a '*Construction of new Light Industry building to include a distillery & tasting room, retaining walls (max height 4.6m), associated earthworks and water storage*' substantially satisfies the Adelaide Hills Council Development Plan and warrants the granting of Development Plan Consent.

Should the Council Assessment Panel provide an opportunity for representors to be heard in person at its meeting, it is requested that the Applicant, and/or his representative also be afforded such opportunity. The project architect may also be in attendance.

It is requested that Council staff advise the date, time and location of the Council Assessment Panel meeting as soon as possible.

Should you wish to discuss any aspects of this correspondence or the proposal further, please do not hesitate to contact me on 0431 527 636 or [emma@planningstudio.com.au](mailto:emma@planningstudio.com.au).

Yours sincerely

**Emma Barnes** | MPIA | **Director**

**Cc** Woodside Heritage Village Pty Ltd  
BB Architects