

**CLARENCE CITY COUNCIL (PLANNING AUTHORITY) MEETING****TUESDAY 31 MAY 2022****TABLE OF CONTENTS**

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**BUSINESS TO BE CONDUCTED AT THIS MEETING IS TO BE CONDUCTED IN THE ORDER IN WHICH IT IS SET OUT IN THIS AGENDA UNLESS THE COUNCIL BY ABSOLUTE MAJORITY DETERMINES OTHERWISE**

**COUNCIL MEETINGS, NOT INCLUDING CLOSED MEETING, ARE LIVE-STREAMED, AUDIO-VISUALLY RECORDED AND PUBLISHED TO COUNCIL’S WEBSITE**

**1. ACKNOWLEDGEMENT OF COUNTRY**

The Deputy Mayor will:

- make the following statement:

*“I acknowledge the Tasmanian Aboriginal Community as the traditional custodians of the land on which we meet today, and pay respect to elders, past and present”.*

- recite the Council prayer; and
- advise the Meeting and members of the public that Council Meetings, not including Closed Meeting, are livestreamed, audio-visually recorded and published to Council’s website. The meeting is not protected by privilege. A link to the Agenda is available via Council’s website.

**2. APOLOGIES**

Ald D Chipman, Mayor

**3. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE**

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015 and Council’s adopted Code of Conduct, the Mayor requests Aldermen to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

**4. REPORTS OF OFFICERS**

**NB: Requests for Deputations will be finalised on the Monday prior to the Meeting**

**4.1 DEVELOPMENT APPLICATION PDPLANPMTD-2022/025465 – 819 RICHMOND ROAD, CAMBRIDGE (WITH WORKS IN RICHMOND ROAD CROWN ROAD RESERVE AND RIGHT-OF-WAY IN FAVOUR OF 821 RICHMOND ROAD, CAMBRIDGE) - RESOURCE PROCESSING DEVELOPMENT AND FOOD/RETAIL (DISTILLERY AND CELLAR DOOR WITH ASSOCIATED WORKS AND SIGNAGE)****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Resource Processing Development and Food/Retail (Distillery, Cellar Door and Restaurant) with associated works and signage) at 819 Richmond Road, Cambridge (with works in Richmond Road Crown Road Reserve and Right-of-Way in favour of 821 Richmond Road, Cambridge).

**RELATION TO PLANNING PROVISIONS**

The land is zoned Agriculture and Environmental Management and subject to the Signs Code, Parking & Sustainable Transport Code, Road & Railway Assets Code, Natural Assets Code, Attenuation Code, Flood Prone Areas Hazard Code, Bushfire Prone Areas Hazard Code, and Safeguarding of Airports Code under the Tasmanian Planning Scheme - Clarence (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

Council is required to exercise a discretion within the statutory 42-day period which expires on 3 June 2022 as per the agreed extension of time under section 57(6A) of the *Land Use Planning and Approvals Act 1993*(LUPAA).

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 19 representations were received raising the following issues:

- supporting the proposal;
- inappropriate development for the agricultural area;
- fettering of adjoining agricultural uses;
- design does not minimise impacts;
- noise;
- odour;
- light pollution;
- increased traffic;
- impact on the RAMSAR wetlands and on-site natural values;
- loss of amenity, visual impact;
- loss of quaint rural appeal of the district;
- adverse impact on local farmgate sales;
- loss of historic buildings;

- inadequate notification of the development;
- no information on the Tasmania Fire Service hazard premise rating;
- reduction in property values;
- no social licence;
- adverse impact of proposed widening of Richmond Road; and
- adverse impact on existing business and customers.

**RECOMMENDATION:**

- A. That the Development Application for Resource Processing, Development and Food/Retail (Distillery and Cellar Door with associated works and signage) at 819 Richmond Road, Cambridge (with works in Richmond Road Crown Road Reserve and Right-of-Way in favour of 821 Richmond Road, Cambridge) (C1 Ref PDPLANPMTD-2022/025465) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
  2. GEN AP3 – AMENDED PLANS [*insert the following dot points and delete “use/” in the first sentence*]:
    - relocation of the current right-of-way which will then become a minimum 5.5m wide landscaped buffer with a new right-of-way to be located directly adjacent to the buffer;
    - the height of the boundary fence on the access road at 1.5m;
    - retention of the existing trees on the boundary corner (behind the horse stalls on 799 Richmond Road);
    - removal of the third bond store and add a link road for staff and trucks to the rear of the distillery; and
    - 20km/h speed limit signs on the property including the access between the Richmond Road and northern parcel.
  3. GEN S1 – SIGN CONSENT.
  4. GEN S3 – SIGN EXTERNAL ILLUMINATION.
  5. GEN S8 – SIGN ILLUMINATION HOURS.
  6. An Irrigation and Environmental Management Plan (IEMP), prepared by a suitably qualified person, demonstrating that the proposed irrigation regime, including use of recycled wastewater and the proposed fertigation are undertaken in accordance with requirements of the *Environmental Management and Pollution Control Act 1994* must be submitted for approval by Council’s Senior Environmental Health Officer prior to commencement of use.

7. The development must be in accordance with the bushfire hazard management areas, hazard management prescriptions, private access specifications, and static water supply specifications as documented in the *819 Richmond Road, Cambridge - Bushfire Assessment Report*, prepared by ERA Planning and Environment, dated 16 March 2022.
8. Prior to the issue of a building permit, an Environmental Management Plan (EMP) must be submitted and approved to the satisfaction of Council's Senior Environmental Health Officer describing how noise and odour management from the distillery and proposed closed loop waste management (fertigation) system will be minimised and managed in accordance with the requirements of the *Environmental Management and Pollution Control (Waste Management) Regulations 2020*.
9. Outdoor lighting, where provided, must be in accordance with *Australian Standard 4282 - Control of obtrusive effects of outdoor lighting* and must be located, designed and baffled to ensure that no direct light is emitted outside the boundaries of the site.
10. Noise levels from the Distillery must not exceed 5dB(A) above background, at the subject site property boundary determined by a suitably qualified person, so as not to interfere with the amenity of the area. A report, from a suitably qualified person verifying the noise levels as not exceeding 5 dB(a) is to be submitted to Council within 30 days of the commencement of the use.
11. An on-site Traffic Management Plan (TMP) must be lodged and approved by Council's Manager City Planning prior to the issue of a Building Permit. The TMP must prohibit the use of air brakes, limit vehicle speed to 20 km/hr and prohibit the reversing of commercial vehicles with warning beeps, associated with the distillery, to between the hours of 6am and 7pm. Compliance with the TMP must be observed at all times once the approved uses commence.
12. To ensure the distillery building and its environs complement the rural environment and soften the building into the landscape, a landscape plan prepared by a suitably qualified person must be submitted to and approved by Council's Manager City Planning prior to the commencement of works. The plan must be to scale and show:
  - a north point;
  - existing trees and those to be removed;
  - proposed driveways, paths, buildings, car parking, retaining walls and fencing;
  - any proposed rearrangement of ground levels;
  - details of proposed plantings including botanical names, and the height and spread of canopy at maturity;

- any trees, 3m or more in height, which have been damaged, lopped, felled or removed, or are nominated to be removed, must be replaced by semi-mature trees of the same or similar species;
- retention of existing trees on boundary corner (behind the horse stalls on 799 Richmond Road) and minimum 5.5m wide landscape buffer between the access road and the southern boundary shared with 799 Richmond Road;
- 1.5m high along the south-eastern boundary to 799 Richmond Road; and
- details of an appropriate irrigation system, and estimated cost of the landscaping works.

The landscaping works must be completed prior to the commencement of the use.

13. LAND 3 – LANDSCAPE BOND (COMMERCIAL).

14. Engineering plans prepared by a suitably qualified person, demonstrating that the proposed works are contained within the available road reservation, confirming any conflict with existing infrastructure and accesses, and showing the following:
- The new access to the development includes a Channelised Right Turn and Urban Auxiliary Left Turn Treatment as per the recommendations of the Traffic Impact Assessment, prepared by Hubble Traffic, updated March 2022;
  - Road widening as part of the turn lanes shall provide a sealed shoulder sufficiently wide to accommodate cyclists;
  - Any redundant accesses are to be removed and drains restored;

must be submitted to the Department of State Growth for review and approval prior to the application for a Works Permit.

Prior to undertaking any works in the state road reserve, a Works Permit is required from the Department of State Growth in accordance with Section 16 of the Roads and Jetties Act 1935. The Works Permit application is to be accompanied by detailed engineering drawings by a suitably qualified engineer that address the above conditions.

Application for permits can be found at [https://www.transport.tas.gov.au/roads\\_and\\_traffic\\_management/permits\\_and\\_bookings](https://www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings). Applications must be received by the Department of State Growth at least 20 business days before the expected start date for works, to allow enough time to assess the application.

15. ENG A5 – SEALED CAR PARKING.

16. Engineering designs, prepared by a suitably qualified person, are required for:
- access arrangements;
  - carpark and driveways construction;
  - service upgrades or relocations;
  - stormwater to be managed on-site and drainage works on Richmond Road upgrades designed to not affect the property at 799 Richmond Road; and

must show the extent of any vegetation removal proposed for these works. Such designs must be submitted to and approved by Council's Group Manager Engineering Services.

A "start of works" permit must be obtained prior to the commencement of any works.

A Works in Road Reservation Permit must also be obtained if any works are to be conducted within the road reservation or Council land.

Works for all stages shown on the design plans must be commenced within two years of the date of their approval, or the engineering designs will be required to be resubmitted.

17. ENG M3 – GARBAGE FACILITIES.

18. For the works in the Richmond Road section of the lot, an erosion and sedimentation control plan, in accordance with the *Hobart Regional Soil and Water Management on Building and Construction Sites* document, must be submitted and approved by Council's Group Manager Engineering Services prior to the commencement of works.

Works and uses in the north-eastern section of the site associated with the bond stores, and proposed fertigation and irrigation must be undertaken in accordance with the environmental best practice guidelines in the Wetlands and Waterways Works Manual - accessible at Wetlands and Waterways Works Manual Department of Natural Resources and Environment Tasmania ([nre.tas.gov.au](http://nre.tas.gov.au)).

19. A weed management plan identifying methods to control weeds, must be submitted to and approved by Council's Group Manager Engineering Services prior to commencement of works. The plan must:
- reference any Weeds of National Significance and Declared Weeds under the *Weed Management Act 1999* and address the spread of soil-based pathogens in accordance with the *Tasmanian Washdown Guidelines for Weed and Disease Control*;
  - identify the weed species, initial treatment, on-going management and maintenance period thereof. The plan may include manual removal of larger plants and/or chemical control as recommended by the relevant Government department; and
  - include a detailed breakdown of estimated costs.

The building permit will not be approved until the weed management plan has been implemented and maintained to the satisfaction of Council's Group Manager Engineering Services.

Alternatively, a bond of 1.5 times the estimated cost of works associated with implementing the weed management plan must be submitted prior to commencement of works. The bond will be held as security to ensure the development is undertaken in accordance with the approved plan. The bond is to be a cash deposit or a bank guarantee.

#### ADVICE

- a. ADVICE 1 – PERMIT EXPIRY ADVICE.
- b. ADVICE 3 – SPECIAL PLUMBING ADVICE.
- c. ADVICE 10 – PLUMBING CODE ADVICE.
- d. ADVICE 12 – GREASE TRAP ADVICE.
- e. ADVICE 5 – FOOD SPECIFICATION ADVICE.
- f. ADVICE 6 – FOOD REGISTRATION ADVICE.
- g. ADVICE 15 – DDA ADVICE.
- h. The Department of Natural Resources and Environment Tasmania has advised that the property may contain communities identified in the schedules of the *Nature Conservation Act 2002* and may involve matters that may need to be referred under the *Environmental Protection and Biodiversity Act 1999*.

A copy of the Department's letter will be provided. It is the proponent's responsibility to comply with the legislation and therefore should contact the Department to determine whether there will be any issues which may arise under these Acts in relation to the development.

- i. ADVICE 17 – ABORIGINAL RELICS ADVICE.
- j. Based on the information provided, the development is likely to affect TasNetworks' operations as there are currently high voltage feeder traversing both of these titles of land. As with any development of this magnitude, consideration should be given to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to this development.

To understand what these requirements may entail, the proponent is to contact TasNetworks Early Engagement team at [early.engagement@tasnetworks.com.au](mailto:early.engagement@tasnetworks.com.au) at their earliest convenience.



- k. To ensure people are aware of the development, the proponent should approach Tourism Tasmania and the Department of State Growth to obtain written permission for appropriate tourism signs to be erected in Richmond Road, prior to commencement of the use.
  - l. Detail of the water treatment system including method of treatment/disinfection, maintenance and management will be required by Council at the building permit stage to ensure that a potable water supply will be provided to service the facilities, that complies with the Australian Drinking Water Guidelines.
  - m. Details of the proposed distillery wastewater treatment process are to be provided at the building stage and demonstrate that issues such as odour management and containment facilities are appropriate to prevent adverse amenity and health impacts to on-site facilities or adjoining properties and meet the requirements of the *Environmental Management and Pollution Control Act 1994*.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

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## ASSOCIATED REPORT

### 1. BACKGROUND

Several planning permits have been granted for the subject site including:

- PDPPAMEND-2020/007136 – S56 Minor Amendment (to boundary adjustment);
- PDPLANPMTD-2019/001066 – Boundary reorganisation between two lots;
- SD-2000/22 – 2 lot subdivision – lapsed;
- D-1996/838 – Storage shed for Rural Industry (Cherry Orchard site); and
- Several legacy subdivision permits.

Most recently, a preliminary planning assessment (PDPLIMPLN-2021/021085) for a Distillery and Bond Stores was lodged by the applicant and closed off after two meetings with council planning officers, who confirmed the discretionary nature of any such proposal.

## **2. STATUTORY IMPLICATIONS**

**2.1.** The land is zoned Agriculture and Environmental Management under the Scheme.

**2.2.** The proposal is Discretionary because Resource Processing (the distillery) has a discretionary use status in the Agriculture Zone and the proposal does not meet all of the Acceptable Solutions of the applicable provisions under the Scheme.

**2.3.** The relevant parts of the Planning Scheme are:

- Clause 5.6 – Compliance with Applicable Standards;
- Clause 6.10 – Determining Applications;
- Clause 21.0 – Agriculture Zone;
- Clause 23.0 – Environmental Management Zone;
- Clause C1.0 – Signs Code;
- Clause C2.0 – Parking and Sustainable Transport Code;
- Clause C3.0 – Road and Railway Assets Code;
- Clause C7.0 – Natural Assets Code;
- Clause C9.0 – Attenuation Code;
- Clause C12.0 – Flood-Prone Areas Hazard Code;
- Clause C13.0 – Bushfire-Prone Areas Code; and
- Clause C16.0 – Safeguarding of Airports Code.

**2.4.** Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act, 1993* (LUPAA).

### **3. PROPOSAL IN DETAIL**

#### **3.1. The Site**

The site is an irregular shaped lot with an area of 76.2ha. The land is effectively separated into two sections, with the south-western section (approximately 5.2ha in area) fronting onto Richmond Road (from here on referred to as the Richmond Road section), and a north-eastern section (approximately 71ha in area), of which approximately 21.5ha is zoned Environmental Management, noting that the entirety of the land within the Environmental Management zone is also within the Pittwater RAMSAR wetland site.

These two sections of the lot are connected by a 9m wide 340m long strip of land containing an internal carriageway. The south-western section of this internal road also provides access to the existing residence on 821 Richmond Road, via a right-of-carriageway (ROW), which extends for approximately 250m from the property frontage.

The Richmond Road section is currently developed with a residential dwelling and several agricultural outbuildings, forming the readily recognised elements of “Milnathort”, the name by which the property is known. There is an existing seasonal dam and a smattering of mature vegetation, including along the north-eastern boundary to the adjoining land at 799 Richmond Road.

The Richmond Road frontage is approximately 265m long with an existing access approximately 60m from the property’s south-eastern side boundary.

The land slopes from Richmond Road to the rear of the property, with a seasonal creek located centrally through the north-eastern section of the lot. The north-eastern section of the lot does not contain any buildings and is currently used to agist horses.

The site is located within the South East Irrigation Water District, with the pipeline traversing the site approximately halfway through the internal carriageway between the two sections. The lot also has access to the Coal River Valley Water Recycling Scheme via an agreement as per Section 71 of the *Land Use Planning and Approvals Act 1993* (LUPAA).

Surrounding adjoining land is zoned Agriculture, Environmental Management and Utilities (Richmond Road) with the land to the north-west, on the opposite side of Richmond Road, containing residential uses within the Rural Living B zoned area of Dulcot. There are also existing residential dwellings on the adjoining agricultural lots to, the south-east (799 Richmond Road), north-east (787 Richmond Road), north (821 Richmond Road), and west on the opposite side of Richmond Road (808 Richmond Road).

### **3.2. The Proposal**

The proposal includes the establishment of an integrated Resource Development (barley cropping) and Resource Processing (whisky distillery) facility, with associated cellar door and restaurant.

The main interconnected facility building with an area of 5,230m<sup>2</sup> is to be located on the Richmond Road section and will also include associated offices and staff areas. Additionally, the north-western 1ha of the Richmond Road section will be developed to grow wine grapes.

An agricultural shed (2,000m<sup>2</sup> in area) and nine bond stores on the northern section of the lot, with a further three bond stores on the Richmond Road section are also proposed. Each bond store is 300m<sup>2</sup> in area and will store the whisky barrels to age the product. The total bond store capacity is in the order of 2.7 million litres of whisky. The proposal includes the following works and provision of associated infrastructure:

- Demolition of the existing residence and outbuildings on the Richmond Road section, including removal of some existing vegetation within the proposed development footprint;

- Relocating the existing access and internal driveway to the southern side boundary of the Richmond Road section;
- Provision of exit and turning lanes on Richmond Road for the new access;
- Internal driveway upgrade, including car parking facilities for delivery vehicles, visitors, and staff;
- On-site potable water processing facility, stormwater management (rain water tanks, dams) and waste water management infrastructure;
- Provision of a TasNetworks substation;
- Two signs along the frontage and internal way finding signage; and
- Landscaping of the car parking, distillery, and integrated facilities buildings on the Richmond Road section.

The proposed distillery is being designed as a closed loop system to re-use by-products. It is intended to use suitable by-products and waste streams from the malting/distilling process in the agricultural land areas of the operation as fertiliser, either via direct application to the soil, fertigation and where appropriate as a feed source for the livestock operations.

The applicant states that the facility is designed to provide an integrated visitor experience that enables the heart of the operation, the distillery, to be visible from the entrance and public areas of the cellar door and restaurant facilities. It is proposed that the cellar door would also have some produce from the area available for tasting and purchase, but primarily focus on the whisky from the site emphasising the “barley to bottle” provenance.

The proposal envisions that up to 300,000 litres of whisky would be processed per annum. It is projected that this production capacity would be reached in year five by which time it is envisaged that the equivalent of 34.7 full time employees (FTE) would be required to operate the facility. The following table summarises the proposed hours of operations and FTE numbers for the various uses and associated activities to be undertaken at the site.

Table 1 - Summary of proposed operational hours and staffing by year five of operations.

Use/Activity	Yearly Activity Level	Hours of Operation	Employee Numbers (FTE)
Barley farming / sheep grazing/ wine grapes	All year	7 days per week 24 hrs per day	0.5
Barley harvesting	2 weeks per year	7 days per week 10 hrs per day	0.2
Whisky production	All year	7 days per week 24 hrs per week	7
Distillery tours and hospitality (i.e., restaurant)	All year	5 days per week 11 am to 11pm	10
Cellar door and retail	All year	6 days per week 10am to 5pm	1
Logistics	All year	7 days per week 7am to 5pm	10
Groundskeeping	All year	5 days per week 8 hrs per day	1
Group Administration	All year	5 days per week 8.30am to 4.30pm	5
Total FTE (rounded up)			35

The proposed barley cropping and sheep grazing activities are classified as No Permit Required uses as they comply with Scheme qualifications in the Agriculture Zone. Furthermore, the Scheme provides exemptions in Table 4.3 Exempt building and works, with *clause 4.3.9 agricultural buildings and works in the Rural Zone of Agriculture Zone*.

#### 4. PLANNING ASSESSMENT

##### 4.1. Compliance with Applicable Standards [Clause 5.6]

*“5.6.1 A use or development must comply with each applicable standard in the State Planning Provisions and the Local Provisions Schedules.”*

#### **4.2. Determining Applications [Clause 6.10]**

*“6.10.1 In determining an application for any permit for use or development the planning authority must, in addition to the matters required by section 51(2) of the Act, take into consideration:*

- (a) all applicable standards and requirements in this planning scheme; and*
- (b) any representations received pursuant to and in conformity with section 57(5) of the Act, but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.”*

References to these principles are contained in the discussion below.

#### **4.3. General Provisions**

The Scheme contains a range of General Provisions relating to specific circumstances not controlled through the application of Zone, Code or Specific Area Plan provisions.

There are no General Provisions relevant to the assessment of this proposal.

#### **4.4. Compliance with Zone and Codes**

The proposal meets the Scheme’s relevant Acceptable Solutions of the Agriculture Zone, Environmental Management Zone, and the Signs Code, Parking & Sustainable Transport Code, Road & Railway Assets Code, Natural Assets Code, Attenuation Code, Flood-Prone Areas Hazard Code, Bushfire-Prone Areas Hazard Code, and Safeguarding of Airports Code with the exception of the following.

##### **21.0 Agriculture Zone**

- **Clause 21.3.1 Discretionary Use** – The whisky distillery (Resource Processing) is a discretionary use in the Agricultural Zone. There is no Acceptable Solution A1.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of *Clause 21.3.1 Discretionary Use* as follows.

Clause	Performance Criteria	Assessment
21.3.1 P1	<i>“A use listed as Discretionary, excluding Residential or Resource Development, must be required to locate on the site, for operational or security reasons or the need to contain or minimise impacts arising from the operation such as noise, dust, hours of operation or traffic movements, having regard to:</i>	The proposal is considered to require the distillery to be located on the site for operational reasons because of the integrated nature of the proposed facility, which will showcase the modern whisky production processes from growing of the barley through to end consumption. It is considered to satisfy the Performance Criteria having regard to the following.
(a)	<i>access to a specific naturally occurring resource on the site or on land in the vicinity of the site;</i>	The distillery will use barley grown on the site and in the vicinity, namely the Pittwater-Coal River catchments. The area provides the ideal conditions to grow “coastal barley”, providing a distinct provenance to the end product, namely single malt whisky.
(b)	<i>access to infrastructure only available on the site or on land in the vicinity of the site;</i>	<p>The site has direct access to the South East Irrigation Water District (specifically South East 2) to irrigate the barley crop and provide the source water to be purified for potable uses, including the distilling process, via the proposed on-site water processing plant.</p> <p>The existing Section 71 agreement (LUPAA) also provides the ability to incorporate the recycled water into the proposed fertigation process.</p> <p>These two options provide operational water security to the barley growing and distillery facilities.</p>



(c)	<i>access to a product or material related to an agricultural use;</i>	The estimated barley grown on-site annually will be about 90 tonnes.
(d)	<i>service or support for an agricultural use on the site or on land in the vicinity of the site;</i>	At full production capacity the barley requirement is estimated to be 800 to 1000 tonnes annually, and the ability to source malting barley from farms in the vicinity will provide significant support to local growers by providing high value cropping options.
(e)	<i>the diversification or value adding of an agricultural use on the site or in the vicinity of the site; and</i>	<p>The proposal will diversify the agricultural uses on the site to also include 1ha of wine grape growing, and lamb/sheep production on a rotation basis with barley growing.</p> <p>The proposed fertigation is considered a value adding activity, which takes suitable waste products from the distilling process for re-use on-site in the cropping and grazing activities.</p>
(f)	<i>provision of essential Emergency Services or Utilities.”</i>	Not applicable

- **Clause 21.3.1 Discretionary uses** – The whisky distillery (Resource Processing) is a discretionary use in the Agricultural Zone. There is no Acceptable Solution A2.

The proposed variation must be considered pursuant to the Performance Criteria (P2) of *Clause 21.3.1 Discretionary Use* as follows.

Clause	Performance Criteria	Assessment
21.3.1 P2	<i>“A use listed as Discretionary, excluding Residential, must minimise the conversion of agricultural land to non-agricultural use, having regard to:</i>	The proposed discretionary use is considered to satisfy the Performance Criteria to minimise the conversion of agricultural land to non-agricultural uses having regard to:

(a)	<i>the area of land being converted to non-agricultural use;</i>	<p>The proposed pattern of development on the subject site, namely:</p> <ul style="list-style-type: none"> <li>- On the Richmond Road section, the proposal's buildings and associated works will replace the existing residential dwelling, outbuildings and access; so that approximately 3.5ha compared to approximately 2.8ha would be used, resulting in the conversion of 0.7ha or approximately 14% of the land on the Richmond Road section.</li> <li>- On the north-eastern section approximately 2ha is allocated to the nine bond stores, which represents approximately 4% of the land zoned Agriculture.</li> </ul> <p>The proposed outbuilding on the north-eastern section is associated with the proposed agricultural uses and is therefore excluded from these calculations.</p> <p>The proposal is calculated to convert approximately 5% of the land zoned agriculture to non-agricultural uses.</p>
(b)	<i>whether the use precludes the land from being returned to an agricultural use;</i>	<p>Obviously if the land on which the physical infrastructure is located is to be used for agricultural, then the structures would need to be removed or demolished.</p> <p>However, their existence would not preclude the remaining agricultural zoned land, approximately 52ha from being used for agricultural uses.</p>

(c)	<p><i>whether the use confines or restrains existing or potential agricultural use on the site or adjoining sites.”</i></p>	<p>On the subject site the proposal is considered to expand and enhance the agricultural uses on the site, specifically by moving from only grazing to wine grape growing on the Richmond Road section, barley cropping and sheep grazing on the north-eastern section.</p> <p>Shadow diagrams provided with the application demonstrate that any overshadowing by the integrated distillery facility on the Richmond Road section, is contained on the subject site except for a limited incursion (approximately 350m<sup>2</sup> – representing approximately 1.5% of the front paddock) on the adjoining property, at 799 Richmond Road, at 3pm on 21 June.</p> <p>Furthermore, removing the existing sensitive use from the site, i.e., the existing residence, is considered to reduce the potential for the subject site’s non-agricultural uses to fetter agricultural uses on adjoining sites, as it replaces a sensitive use with a non-sensitive use.</p> <p>The land on adjoining sites is currently used for mixed uses, including sensitive uses (residences), a horse stud and equestrian arena, pasture, and orchards.</p> <p>By locating the distillery in the Richmond Road section of the site it locates the “active” non-agricultural uses away from the larger areas of adjoining properties being used for agricultural uses.</p>
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		<p>Additional separation to the front paddock and stables of 799 Richmond Road can be provided by suitable fencing and landscaping, which has been discussed with the proponent. The Landscape Plan condition incorporates appropriate requirements, should a permit be granted.</p> <p>The proposed bond stores on the north-eastern section are considered akin to outbuildings associated with agricultural uses, namely, to store materials and goods. In this instance the goods to be stored are the whisky barrels from the distillery.</p> <p>Storage is a passive activity, and the subject sites internal traffic, from the distillery to the bond stores, is considered similar to that of any agricultural use. Accordingly, the development on the north-eastern section is not considered to fetter adjoining agricultural uses.</p>
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### C1.0 Signs Code

- Clause C1.6.2 Illuminated signs** – the proposal includes the installation of two ground-based signs, located along and angled towards the frontage so that they are visible to approaching traffic. The signs will be illuminated by in ground lighting to illuminate the sign faces. There is no Acceptable Solution A1.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of *Clause C1.6.2 Illuminated signs* as follows.

Clause	Performance Criteria	Assessment
C1.6.2 P1	<i>“An illuminated sign must not cause an unreasonable loss of amenity to adjacent properties or have an unreasonable effect on the safety, appearance or efficiency of a road, and must be compatible with the streetscape, having regard to:</i>	The two illuminated signs proposed at the property frontage are considered to satisfy the Performance Criteria having regard to:
(a)	<i>the location of the sign;</i>	Both illuminated signs are proposed to be located within the property; and comply with the ground-based sign standard of only 1 per 20m of frontage. Specifically, the southern sign is immediately to the north of the re-sited access and the second sign approximately 109m north of the re sited access.
(b)	<i>the size of the sign;</i>	Both illuminated signs comply with the standards for ground-based signs being less than 2.4m above the ground. Specifically, the signs are designed as free-standing brick walls, with both illuminated signs 2m high and 10m long.
(c)	<i>the intensity of the lighting;</i>	The illumination is installed at the base of each sign and will only illuminate the company name on the brick wall. The submitted plans indicate that five individual up-lights will provide the illumination for each sign.
(d)	<i>the hours of operation of the sign;</i>	The signs are to be illuminated between dusk and dawn.
(e)	<i>the purpose of the sign;</i>	The signs are to identify the property and to signpost the entry.

(f)	<i>the sensitivity of the area in terms of view corridors, the natural environment and adjacent residential amenity;</i>	The area is an agricultural area with sensitive uses set back from Richmond Road. The brick walls will be white and charcoal brick so as to visually integrate into the landscape and the development in the Richmond Road section. The design of the lighting will not result in any light spill beyond the subject site and there are no moving parts or changing messages.
(g)	<i>the intended purpose of the changing message of the sign;</i>	Not Applicable
(h)	<i>the percentage of the sign that is illuminated with changing messages;</i>	Not Applicable
(i)	<i>proposed dwell time; and</i>	Not Applicable
(j)	<i>whether the sign is visible from the road and if so the proximity to and impact on an electronic traffic control device.”</i>	The signs will be visible from the road, but there are no permanent electronic traffic control devices in the vicinity. As the signs are static it's not likely that they would be confused with traffic control devices.

### C3.0 Road and Railway Assets Code

- Clause C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction** – the Traffic Impact Assessment (TIA) submitted with the application calculates that the potential daily trips to the site, when fully operational, would be 919 trips per day, where a trip is defined as a one-way vehicular movement. That means, two trips are involved for each visit to the site, be it customers, staff, or delivery vehicles. This projected level of traffic exceeds the 10% or 10 vehicle movements per day as stipulated in *Table C3.1 Acceptable increase in average annual daily traffic to and from the site (total of ingress and egress)* and therefore the proposal is not compliant with Acceptable Solution A1.4.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of *Clause C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction* as follows.

Clause	Performance Criteria	Assessment
C3.5.1 P1	<i>“Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</i>	The proposal is considered to minimise adverse impacts of the vehicle crossing and safety of the road network, as it includes the relocation of the existing property access further south, including works on Richmond Road to provide a dedicated exit lane for vehicles approaching the site from the north and a dedicated right turning lane for vehicles approaching from the south, having regard to:
(a)	<i>any increase in traffic caused by the use;</i>	<p>The TIA has taken a conservative approach in that it has calculated traffic based on the floor area associated with the restaurant separately to that associated with the cellar door, where there is in fact a likely synergy that visitors to the site will be visiting both at the one time.</p> <p>Similarly, the TIA considers 50 FTE employees as the maximum on-site at any one time, which would only occur on occasions for example with shift changes. Hence the TIA staff number is different to the projected FTE for the actual operational needs of the site.</p> <p>The commercial vehicle trips are projected to be eight trips per day.</p> <p>Inclusive of all trips for all uses, the proposal is calculated to result in 919 daily trips, with 75 projected at peak hour.</p>

(b)	<i>the nature of the traffic generated by the use;</i>	<p>The types of vehicles using the access will include private motor vehicles, including motorbikes and pushbikes.</p> <p>Commercial vehicles visiting the site include medium and rigid vehicles, and an alcohol tanker.</p>
(c)	<i>the nature of the road;</i>	<p>Richmond Road is a Category 4 Road administered by the Department of State Growth. The carriageway consists of 3m wide sealed traffic lanes in each direction, with 1.5m wide sealed shoulders, with 0.5m gravel verges and table drain.</p>
(d)	<i>the speed limit and traffic flow of the road;</i>	<p>Posted speed limit of 80km/hr.</p>
(e)	<i>any alternative access to a road;</i>	<p>There is no alternative access to the road.</p> <p>It is noted that the access is also used to access 821 Richmond Road via a ROW which will be always maintained.</p>
(f)	<i>the need for the use;</i>	<p>Refer to the previous discussion on Discretionary Uses.</p>
(g)	<i>any traffic impact assessment; and</i>	<p>Provided – prepared by Hubble Traffic dated March 2022;</p>
(h)	<i>any advice received from the rail or road authority.”</i>	<p>The application was referred to the Department of State Growth (the Department) who advised that “<i>Richmond Road (also referred to as Colebrook Main Road) in the vicinity of the proposed development is a Category 4 road and carries approximately 5300 vehicles per day and has a posted speed limit of 80km/hr. The Department agrees with the findings in the TIA recommending the provision of a short channelised right turn lane and a short left turn lane into the development.</i>”</p> <p>The Department has provided a list of conditions to be included in any permit issued.</p>



**C9.0 Attenuation Code**

- **Clause C9.5.1 Activities with potential to cause emissions** – the proposed distillery and fertigation process are listed as activities in Table C9.1. Fertigation is the technique of supplying dissolved fertilizer to crops through an irrigation system. When combined with an efficient irrigation system both nutrients and water can be manipulated and managed to obtain the maximum possible yield of marketable production from a given quantity of these inputs.

Attenuation areas are applied from the lot boundary containing the listed activity. Hence:

- the distillery attenuation of 200m encompasses six sites including 1 Boyes Road, Dulcot and 3 George Street, Dulcot (Rural Living Zone B); 829 Richmond Road, Dulcot; 808 Richmond Road, 799 Richmond Road, and 821 Richmond Road, Cambridge; and
- the fertigation attenuation area of 500m encompasses eight sites including 821 Richmond Road, 879 Richmond Road, 1083 Richmond Road, 701 Richmond Road, 787 Richmond Road, 761 Richmond Road, 799 Richmond Road, Cambridge and 305 Commercial Road, Richmond.

These sites have permits for existing sensitive uses and therefore the proposal does not comply with Acceptable Solution A1 (b).

The proposed variation must be considered pursuant to the Performance Criteria (P1) of *Clause C9.5.1 Activities with potential to cause emissions* as follows.

Clause	Performance Criteria	Assessment
C9.5.1 P1	<i>“An activity listed in Tables C9.1 or C9.2 must not cause:</i>	It is considered that the proposal satisfies Performance Criteria P1 as follows:
(a)	<i>an unreasonable loss of amenity or unreasonable impacts on health and safety of a sensitive use which is existing, or has a planning permit; or</i>	The likely emissions from the distillery are odour and noise.

		<p>Any emissions produced from the distilling process would be intermittent only occurring during the distilling process. The proponent contends that the odours are not expected to be detectable outside.</p> <p>With regard to noise the proponent advises that the noise generating equipment required during the distilling process is also not in continuous use and based on experience with other Tasmanian distilleries (using similar equipment) will not be audible outside the building. The external cooling system is described as emitting noise like a residential heat pump.</p> <p>It is noted that five of the six sites have the residential dwelling within the distillery attenuation overlay.</p> <p>To mitigate potential impacts from the distillery, a condition for an Environmental Management Plan is proposed.</p> <p>The likely emission from the fertigation is odour. The fertigation is limited to the north-eastern section of the subject site and analysis of the eight properties (with approved residential dwellings) within the attenuation area, there is only one that has the residential dwelling within the attenuation area itself, namely 787 Richmond Road, Cambridge.</p>
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		<p>As outlined in the Ag Report, fertigation would be applied via the pivot irrigation or directly to the land. The report recommends that re-use of the distillery waste streams will need to be assessed via the appropriate environmental monitoring process.</p> <p>The application was referred to the Environmental Protection Authority (EPA) who advised that the proposed volumes of whisky distilling and waste production did not trigger Level 2 Assessment thresholds.</p>
(b)	<p><i>unreasonable impacts on land within the relevant attenuation area that is in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone A, Rural Living Zone B, Village Zone or Urban Mixed Use Zone, having regard to:</i></p> <ul style="list-style-type: none"> <li><i>(i) operational characteristics of the activity;</i></li> <li><i>(ii) scale and intensity of the activity;</i></li> <li><i>(iii) degree of hazard or pollution that may be emitted from the activity;</i></li> <li><i>(iv) hours of operation of the activity;</i></li> <li><i>(v) nature of likely emissions such as noise, odour, gases, dust, particulates, radiation, vibrations or waste;</i></li> <li><i>(vi) existing emissions such as noise, odour, gases, dust, particulates, radiation, vibrations or waste; and</i></li> </ul>	<p>As outlined above only the distillery attenuation area impacts land in the Rural Living Zone B.</p> <p>It is considered that the proposal will not cause unreasonable impacts on land within the Rural Living Zone B because:</p> <ul style="list-style-type: none"> <li>(i) the majority of the integrated distillery operational activities are located to the south-east and north-east of the proposed building, which effectively buffers noise propagation towards the Rural Living B zone of Dulcot. The outdoor dining area of the restaurant is the only element that is located on the north-western side of the building.</li> <li>(ii) The distillery is a Level 1 activity and conditions are proposed to monitor and manage any emissions, as outlined in the previous sections of this report.</li> </ul>

	<p><i>(vii) measures to eliminate, mitigate or manage emissions from the activity.”</i></p>	<p>Although the distillery has the capacity to produce more than 2000L per day the proposed annual production target, if the distilling process runs for 24 hours, 7 days a week would only produce 822L per day. This confirms that the distilling process is a batch process, so that associated noise and odours would not be continuously emanating from the site.</p> <p>(iii) The level of odour or noise likely to be emitted from the distillery are not considered significantly different to similarly scaled agricultural processing plants, such as a winery or brewery.</p> <p>(iv) The proposed restaurant hours are 11am to 11pm, 5 days per week. It is anticipated that in summer the area would be used to take advantage of daylight-saving hours. While distillery operations will be 24hrs per day 7 days a week, the actual noise generating activities of the distilling process are for short periods during the distilling process and would occur during normal business hours.</p> <p>(v) Noise (visitors, vehicle movements) and odours (porridge like, yeast like)</p>
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		<p>(vi) The site is currently used for horse agistment, which has limited noise and dust emissions.</p> <p>(vii) See previous section of this assessment.</p>
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### C12.0 Flood-Prone Areas Hazard Code

- Clause C12.5.2 Critical use, hazardous use or vulnerable use** - the proposal locates whisky bond stores with associated bunding and hazard management areas in the south-western section of the northern portion of the lot. A section of this area encroaches into the Flood-Prone Areas Hazard overlay associated with the seasonal creek on the site. There are no Acceptable Solutions A1 and A3 for hazardous uses.

The proposed variation must be considered pursuant to the Performance Criteria (P1 and P3) of *Clause C12.5.2 Critical use, hazardous use or vulnerable use* as follows.

Clause	Performance Criteria	Assessment
C12.5.2 P1	<i>“A critical, hazardous, or vulnerable use within a flood-prone hazard area must achieve a tolerable level of risk from flood, having regard to:</i>	The proposal is considered to achieve a tolerable level of risk as per the flood hazard report prepared by Pitt and Sherry (from here on referred to as the Flood Report) which concludes:
(a)	<i>the type, form and duration of the use; and</i>	<p>The only works within the flood prone overlay area associated with the hazardous use are the access tracks and bushfire hazard management areas, although associated with the hazardous use, these areas would not be permanently in use.</p> <p>The bond stores are outside the overlay and hence the storage use does not trigger an assessment against the code.</p>

(b)	<p><i>a flood hazard report that demonstrates that:</i></p> <p>(i) <i>any increase in the level of risk from flood does not warrant any specific hazard reduction or protection measures; or</i></p> <p>(ii) <i>the use can achieve and maintain a tolerable risk from a 1% annual exceedance probability flood event for the intended life of the use without requiring any flood protection measures.”</i></p>	<p>The Flood Report concludes that the proposed uses are not contained within the flood path and hence:</p> <p>(i) no hazard reduction measures are required and</p> <p>(ii) the proposed uses achieve a tolerable risk from flooding.</p> <p>Council’s engineers have reviewed the report and accept the findings.</p>
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Clause	Performance Criteria	Assessment
C12.5.2 P3	<i>“In addition to the requirements in clause C12.5.2 P1, the impact of flood on a hazardous use within a flood-prone hazard area must achieve and maintain a tolerable risk, having regard to:</i>	The proposal is considered to achieve a tolerable level of risk as per Flood Report which concludes:
(a)	<i>the health and safety of people;</i>	Not Applicable given transient nature of people’s presence in this area and the location of the buildings.
(b)	<i>any impact on property;</i>	The structures and bond stores are located outside the flood affected area, hence there is no impact on property
(c)	<i>any impact on the environment;</i>	A gravel area associated with the bushfire hazard management area around the bond stores intersects with the mapped flood extent. This is not expected to have an impact on the environment.
(d)	<i>the advice contained in a flood hazard report; and</i>	The Flood Report recommends disturbance of the floodway should be minimised.
(e)	<i>any advice from a State authority, regulated entity or a council.”</i>	Council’s engineers have reviewed the report and concur with the findings.

- **Clause C12.6.1 Buildings and works within a flood-prone hazard area** – the proposal requires works for the bond store bunding and bushfire hazard management area. The northern section of these works, an area of approximately 1000m<sup>2</sup> encroaches into the Flood-Prone Areas Hazard overlay associated with the seasonal creek on the site. There is no Acceptable Solution A1.

The proposed variation must be considered pursuant to the Performance Criteria (P1.1 and P1.2) of *Clause C12.6.1 Buildings and works within a flood-prone hazard area* as follows.

Clause	Performance Criteria	Assessment
C12.6.1 P1.1	<i>“Buildings and works within a flood-prone hazard area must achieve and maintain a tolerable risk from a flood, having regard to:</i>	Refer to the previous assessment under Clause C12.5.1
(a)	<i>the type, form, scale and intended duration of the development;</i>	A gravel area associated with the bushfire hazard management area around the bond stores intersects with the mapped floor extent. This gravel area is expected to persist while the bond stores remain on-site.
(b)	<i>whether any increase in the level of risk from flood requires any specific hazard reduction or protection measures;</i>	None required as per the Flood Report.
(c)	<i>any advice from a State authority, regulated entity or a council; and</i>	Council’s engineers have reviewed the report and concur with the findings.
(d)	<i>the advice contained in a flood hazard report.”</i>	See previous.

Clause	Performance Criteria	Assessment
C12.6.1 P1.2	<i>“A flood hazard report also demonstrates that the building and works:</i>	The Flood Report identifies that there are no buildings within the flood prone area and hence this provision does not apply to them. The Flood Report identified that the gravel area that intersects with the overlay:

(a)	<i>do not cause or contribute to flood on the site, on adjacent land or public infrastructure; and</i>	Would not cause or contribute to flood on the site or adjacent land or public infrastructure.
(b)	<i>can achieve and maintain a tolerable risk from a 1% annual exceedance probability flood event for the intended life of the use without requiring any flood protection measures.”</i>	Can achieve and maintain a tolerable risk.

### C13.0 Bushfire-Prone Areas Code

- **Clause C13.5.2 Hazardous use** – the proposal is classified as a hazardous use as it involves the on-site storage of a chemical (whisky) of a manifest quantity and it is located within 100m of bushfire-prone vegetation equal to or greater than 1ha. There is no Acceptable Solution A1.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of *Clause C13.5.2 Hazardous use* as follows.

Clause	Performance Criteria	Assessment
C13.5.2 P1	<i>“A hazardous use must only be located in a bushfire-prone area if a tolerable risk from bushfire can be achieved and maintained, having regard to:</i>	The proposal included a Bushfire Assessment Report prepared by ERA Planning and dated 16 March 2022 (from here on referred to as the BA Report) and was prepared by a suitably qualified person. The BA Report concludes that the proposal satisfies Performance Criteria P1 as the hazardous use can achieve and maintain a tolerable risk, having regard to:
(a)	<i>the location, characteristics, nature and scale of the use;</i>	The proposal is for a resource processing use, involving the processing and storage of a flammable liquid (whisky).  The location is considered ideal due to its size, access to irrigation water and being able to meet the operational needs of the use.



		Furthermore, the surrounding land is flat, contains primarily grassland vegetation and has good road access.
(b)	<i>whether there is an over-riding benefit to the community;</i>	Not Applicable
(c)	<i>whether there is no suitable alternative lower-risk site;</i>	<p>The BA Report concludes that there are limited suitable sites that enable the entire process from the growing of barley, to distilling, to ageing and to selling of the product, which would have a lower risk of exposure to bushfire.</p> <p>All appropriate zones for such an integrated facility would be outside urban areas and be within bushfire-prone areas.</p>
(d)	<i>the emergency management strategy (hazardous use) and bushfire management plan; and</i>	The BA Report includes an emergency management strategy and bushfire hazard management plan compliant with Acceptable Solution A2 and A3.
(e)	<i>other advice, if any, from the TFS.”</i>	<p>The application was not referred to Tasmania Fire Service (TFS). TFS officers review advertised applications and contact councils with any concerns. In this instance no such contact was made.</p> <p>A condition requiring the development to be in accordance with the BA Report is included should a permit be granted.</p>

## 5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 19 representations were received. The following issues were raised by the representors.

### 5.1. Supporting the Proposal

Nine of the representations included commentary that the proposal was supported in part or in its entirety. Representors expressed the view that the agricultural elements, restaurant, and cellar door were a good fit for the Coal Valley and would have many benefits. Support for the distillery was expressed as a good opportunity for local farmers to find a market for their barley.

- **Comment**

These matters were considered in the assessment of Clause 21.3.1 Discretionary use earlier in this report.

## **5.2. Inappropriate Development for Agricultural Area**

Thirteen representors considered that the distillery should be located in an industrial zone, due to the industrial scale of the distillery and because it does not have to be located on this property as only 10% of the barley required for production would come from the site.

- **Comment**

This issue was considered in the assessment of *Clause 21.3.1 Discretionary use* earlier in this report.

The proposal was referred to the EPA who confirmed that the scale of the intended whisky production was a Level 1 activity. The building on the Richmond Road section complies with all Scheme Acceptable Solutions for building height and boundary setbacks in the Agriculture Zone and is of an appropriate physical scale for the zone and not dissimilar in scale to the equestrian centre building (84m long, 50m wide and 9m high) on the adjoining lot.

Due to the integrated and synergistic nature of the proposed facility it is considered consistent with existing wineries and agricultural producers in the Coal Valley, such as Puddleduck Vineyard, Frogmore Creek Vineyard, Wicked Cheese and Coal River Farm. The proposal is considered compatible with other visitor experience enterprises in the area, something unlikely to be achieved in an industrial or commercially zoned area. Stripping out the distillery from the proposal is considered to negate the sought provenance of the whisky product and diminish the proposed visitor experience.

Although only 10% of the barley is sourced from the subject site, the balance will be sourced from the vicinity including the Pittwater – Coal river irrigation district, namely local farmers.

Accordingly, in this instance support for the discretionary use is the preferred option.

### **5.3. Fettering of Adjoining Agricultural Uses**

Two representors were concerned that the proximity of distillery visitors and staff to the horse paddock will prevent the use of recycled water on the paddock and reduce the productivity of the adjoining agricultural land, thereby fettering agricultural uses.

- **Comment**

The potential to fetter adjoining agricultural land has been discussed in the assessment of *Clause 21.3.1 Discretionary use* earlier in this report.

It is noted that the adjoining paddock nearest to the distillery development has a 136m frontage that tapers to a width of 84m where the adjoining property's sensitive uses are located. It is understood that the application of recycled water requires 50m buffers from property boundaries; that being the case, recycled water should only be applied to a narrow central section of the adjoining paddock. The proposed distillery development has no impact on the required buffer area or the ability to irrigate the adjoining paddock in accordance with recycled water use requirements and the proposal is considered to satisfy the Performance Criteria for this clause.

### **5.4. Design does not Minimise Impacts**

Three representors considered that the design would have adverse impacts on adjoining properties including stormwater runoff; proximity of access track to horse paddocks increasing inappropriate interactions with horses; increase in vehicle movement along internal access track with adverse impacts on horses; increase in noise; and concerns that agricultural spraying will drift onto adjoining dwelling.

- **Comment**

These matters were considered in the assessment of *Clause 21.3.1 Discretionary* use of the Agriculture Zone earlier in this report with regard to agricultural uses on adjoining sites, where a condition to mitigate adverse impacts on the adjoining horse stud is referenced.

It is noted that the proposal complies with the Scheme requirements to manage stormwater on-site, as *per clause C2.6.1 Construction of parking areas*. Engineering conditions for detailed designs demonstrating that stormwater generated by the carpark and internal driveway development to the satisfaction of Council are included should a permit be granted. It is noted that consideration of stormwater generated by buildings is no longer a Scheme requirement but rather a matter dealt with at the Building Stage.

Matters relating to noise have been considered in the assessment of *Clause C9.5.1 Activities with the potential to cause emissions* in the context of sensitive uses. As the adjoining horse stud is not a sensitive use, the noise requirements do not apply to the horse stud and this issue therefore has no determining weight.

With regard to agricultural spray drift, the proposed cropping of barley is a No Permit Required use in the Agriculture Zone and any application of pesticides or general fertilisers is considered an as of right use. However, the proposed fertigation of the crop has been considered in the assessment of *Clause C9.5.1 Activities with the potential to cause emissions*, of the Attenuation Code where permit conditions to mitigate potential impacts are included should a permit be granted.

The proposal is considered to satisfy the relevant Performance Criteria of applicable clauses as outlined above.

Notwithstanding, the applicant has met with the adjacent neighbour most affected by the proposal and has proposed to make further amendments which include (refer to Attachment 3):

- Relocate current right-of-way to create a new landscaped buffer, with the new right-of-way positioned directly adjacent to it;
- Increase the height of the boundary fence on the access road to 1.5m;
- Retain existing trees on boundary corner (behind the horse stalls on 799 Richmond Road);
- Instruct all truck and bus drivers to not use air brakes on property;
- Remove the third bond store and add a link road for staff and trucks to the rear of the distillery;
- Erect 20km/h speed limit sign on the property including the access between the Richmond Road and Northern parcels;
- Ensure that drainage on Richmond Road upgrades is undertaken in a way that does not affect the property of 799 Richmond Road; and
- All stormwater to be managed on-site.

While the above assessment under the Scheme indicates none of these modifications are necessary, a condition proposing amended plans and the amendment of other conditions is recommended to resolve the adjacent neighbour's concerns.

## **5.5. Noise**

Six representors were concerned that the development would generate excessive noise. Three specific noise sources were raised as being problematic and considered to adversely impact on the residential amenity of the Dulcot area; these were increased traffic noise (due to the noisy road surface recently applied to Richmond Road and the increase in traffic), noise associated with the proposed integrated distillery operations and construction noise.

- **Comment**

The scheme has no provisions in relation to road surfacing to achieve certain noise standards and this issue therefore has no determining weight.

Noise emissions associated with the increased traffic, especially heavy vehicles to the site and distillery operations were discussed in the assessment of *Clause C9.5.1 Activities with potential to cause emissions*.

A permit condition for a Traffic Management Plan (TMP) is proposed at the suggestion of the applicant to address some of these concerns. The TMP would prohibit the use of air brakes, limit vehicle speed to 20 km/hr and prohibit the reversing of commercial vehicles with warning beeps, associated with the distillery, to between the hours of 6am and 7pm.

## **5.6. Odour**

One representor raised concerns that with the prevailing south-easterly winds the odours emanating from the distillery would adversely impact on the residential amenity of their Dulcot property.

- **Comment**

This issue was discussed in the assessment of *Clause C9.5.1 Activities with potential to cause emissions* of the Attenuation Code earlier in this report, where it was identified that there are two properties within the distillery attenuation overlay. A condition for an Environmental Management Plan is included should a permit be granted, and the proposal is considered to satisfy the Performance Criteria.

## **5.7. Light Pollution**

Eight representors were concerned that there would be excessive light pollution in relation to the 24-hour, 7 day a week distillery operation, from the outdoor dining area and the proposed signage.

- **Comment**

The illuminated signage was discussed in the assessment of *Clause C1.6.2 Illuminated signs*, of the Signs Code and the proposed signs are considered to satisfy Performance Criteria P1.

There are no specific Scheme provisions in relation to light pollution, although there are some Scheme provisions in relation to carpark lighting. The proposal plans indicate that proposed lighting is generally limited to the carpark areas and pedestrian paths and security lighting.

The issue was discussed with the proponent who advised that all lighting would comply with *Australian Standard 4282 – Control of the obtrusive effects of outdoor lighting*. A condition requiring all outdoor lighting to meet this standard is included should a permit be granted.

## **5.8. Increased Traffic**

Seven representors were concerned that the increase in traffic would compromise safety of Richmond Road, nearby property accesses and the intersection with Boyes Street. Anecdotal information was provided that the Boyes Street intersection and nearby property accesses are used as turning areas when tourists miss the intended turn off to other properties. The concern is that the increased visitor numbers to the subject site will proportionally increase such occurrences. Furthermore, there is a perception that traffic entering or leaving the site will not gain speed quickly enough to integrate into the Richmond Road traffic and will increase the risk of accidents.

- **Comment**

Increased traffic generated by the proposal was considered in the assessment of *Clause C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction*, of the Road & Railway Assets Code where the proposal is considered to satisfy Performance Criteria P1 based on the submitted TIA which considered safety aspects of the proposed revised intersection. The TIA was reviewed by Council engineers who did not raise any issues and the Department of State Growth referral response indicated support for the proposed design.

It is considered that the proposed development will be visible to approaching vehicles and unlikely to be overlooked. However, the matter of “way finding” was discussed with the proponent who advised that prior to the operation of the restaurant and tasting room Tourism Tasmania and the Department of State Growth will be approached to obtain approval for directional signs along Richmond Road to ensure people are aware of the site entry approaching. These tourism information signs, if provided with written consent from the Department are exempt from the Scheme as per clause 4.6.1, and advice for tourism signs is included should a permit be granted.

### **5.9. Unknown Impacts on RAMSAR and On-site Natural Values**

Two representors raised concerns that the proposed development may have adverse impacts on natural values, including the likely increase in roadkill due to the increased traffic. The more detailed representation came from Parks and Wildlife (Department of Natural Resources and Environment Tasmania) to whom the application had been referred. Specifically, concerns of the proposal’s impact on the wetland and saltmarsh vegetation on the site and in the adjoining RAMSAR site, including foraging fauna. Lack of clarity about proposed uses on the Environmental Management zoned land and requirement to comply with the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) were also raised.

- **Comment**

The proposal does not involve either Resource Development or Resource Processing within the Environmental Zone or RAMSAR wetland. The activities associated with the Resource Development are No Permit Required activities, and the development associated with the Resource Processing use have been assessed to comply with Acceptable Solution A1 of clause C7.6.1 Building and works within a waterway and coastal protection area or a future coastal refugia area of the Natural Assets Code.



The proposal does not involve the clearance of any priority vegetation, and the existing Section 71 Agreement (LUPAA) already includes provisions for an Irrigation and Environmental Management Plan (IEMP) to monitor the impact of the recycled water.

The matters raised are administered via different legislation and an advice clause is included for the developer to consider their obligations under the *Nature Conservation Act 2002* and *Environmental Protection and Biodiversity Conservation Act 1999* and contact Parks and Wildlife for further information and guidance.

#### **5.10. Loss of Amenity – Visual Impact**

Eleven representors raised concerns that the proposed distillery facility (design and colour), including the carpark area will adversely impact on the existing rural views from their properties.

- **Comment**

There is no relevant Acceptable Solution or Performance Criteria for Council to consider related to visual impact. This issue therefore has no determining weight.

Nevertheless, the matter was raised with the proponent who advised that a landscape architect will be engaged to design the distillery's landscaping so that the building sits into the landscape. A condition requiring suitable landscaping is proposed.

#### **5.11. Loss of Quaint Rural Appeal of the District**

Six representors raise the concern that the development will detract from the quaint rural appeal of the district, because of its prominence. Concern was also raised that there is no requirement to develop a “clean and green” facility.

- **Comment**

There is no relevant Acceptable Solution or Performance Criteria for Council to consider related to Local Area Objectives or District Character. This issue therefore has no determining weight.

**5.12. Adverse Impact on Local Farmgate Sales**

Two representors were concerned that the proposal will monopolise visitors to the valley and properties relying on local farmgate sales will be adversely impacted.

- **Comment**

There is no relevant Acceptable Solution or Performance Criteria for Council to consider related to any impact on local farmgate sales. This issue therefore has no determining weight.

It is considered that the proposed facility will add to the tourist draw of the valley and is more likely to indirectly increase visitation to farm gate stalls.

**5.13. Loss of Historic Milnathort Buildings**

Four representors stated the proposal should have integrated the existing historic buildings into its design and that the loss of the historic buildings would negatively impact on the character of the area.

- **Comment**

The land containing the existing dwelling and outbuildings is locally known as Milnathort. Despite their age, these buildings and the property are not within the Historic Heritage Overlay, hence, there are no relevant Acceptable Solution or Performance Criteria for Council to consider related to the proposed demolition of the Milnathort buildings. This issue therefore has no determining weight.

Furthermore, Milnathort is not listed on the Tasmanian Heritage Register, and no statutory referral to Heritage Tasmania was required.

**5.14. Inadequate Notification of the Development**

Two representors in Dulcote stated that they should have been personally notified given the scale of the proposal rather than having to rely on social media and word of mouth.

- **Comment**

The proposal was notified in accordance with statutory requirements and this issue therefore has no determining weight.

#### **5.15. No Information on the Tasmania Fire Service Hazard Premise Category**

One representor raised concerns that the proposal did not include details of the Tasmania Fire Service requirements.

- **Comment**

The bushfire-prone area requirements were discussed in the assessment of *Clause C13.5.2 Hazardous use* of the Bushfire-Prone Areas Code and considered to comply with Performance Criteria P1.

It is noted that the Bushfire Assessment, including the Emergency Plan, was made available on-line as part of the advertised application documents.

#### **5.16. Reduce Property Values**

Two representors expressed the opinion that the proposal would detract from their property values.

- **Comment**

There is no relevant Acceptable Solution or Performance Criteria for Council to consider related to the loss of property value. This issue therefore has no determining weight.

#### **5.17. No Social Licence**

Two representors were concerned that such a large development could proceed without public meetings, or the requirement for public art, and considered that the proponent had no social licence for the proposal.

- **Comment**

There is no relevant Acceptable Solution or Performance Criteria for Council to consider related to seeking social licence, or for public art in the Agriculture Zone. The proposal was advertised in accordance with statutory requirements. This issue therefore has no determining weight.

**5.18. Impact of Richmond Road Widening**

One representor was concerned that the proposed changes to Richmond Road would result in compulsory land acquisition that would adversely affect their land holding.

- **Comment**

The proposal plans included scaled plans that indicated the proposed works would be contained within the existing road corridor. Department of State Growth is the road authority and conditions have been included as per the Department's requirements.

There is no relevant Acceptable Solution or Performance Criteria for Council to consider related to land acquisition and therefore this issue has no determining weight.

**5.19. Adverse Impact Existing Business/Customers**

One representor was concerned that the level of activity generated by the proposed distillery would detract from the appeal of the existing equestrian facility. The view was expressed that there would be adverse impacts on horses stabled at the facility so that competitors who currently participate in events at the facility would be deterred from attending future events. Should that occur a current contract to hold such events would be jeopardised.

- **Comment**

The issue of noise on the adjoining equestrian facility has been considered in the assessment of Clause 21.3.1 Discretionary Use of the Agriculture Zone and the proposal was considered to satisfy Performance Criteria P1.

Condition to mitigate noise, including specific landscaping requirements, are included should a permit be granted.

## **6. EXTERNAL REFERRALS**

The proposal was referred to TasWater, TasNetworks, Department of State Growth, Department of Natural Resources and Environment Tasmania, and the Environmental Protection Authority. Responses from these agencies have been incorporated into the Scheme assessment and representation discussions of the report. Based on the responses received several conditions and advice clauses are to be included on any planning permit if granted.

## **7. STATE POLICIES AND ACT OBJECTIVES**

**7.1.** The proposal is consistent with the outcomes of the State Policies, including those of the State Coastal Policy.

**7.2.** The proposal is consistent with the objectives of Schedule 1 of LUPAA.

## **8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS**

There are no inconsistencies with Council's adopted Strategic Plan 2021-2031 or any other relevant Council policy.

## **9. CONCLUSION**

The proposal is considered to increase the agricultural production of the subject site, provide a market for local barley growers, provide an integrated paddock to glass experience for visitors to the Coal Valley consistent with similar existing developments in the valley. The proposal is considered to align with the Agriculture Zone purpose to provide for the use or development of land for agricultural uses and development that supports the use of the land for agricultural use.

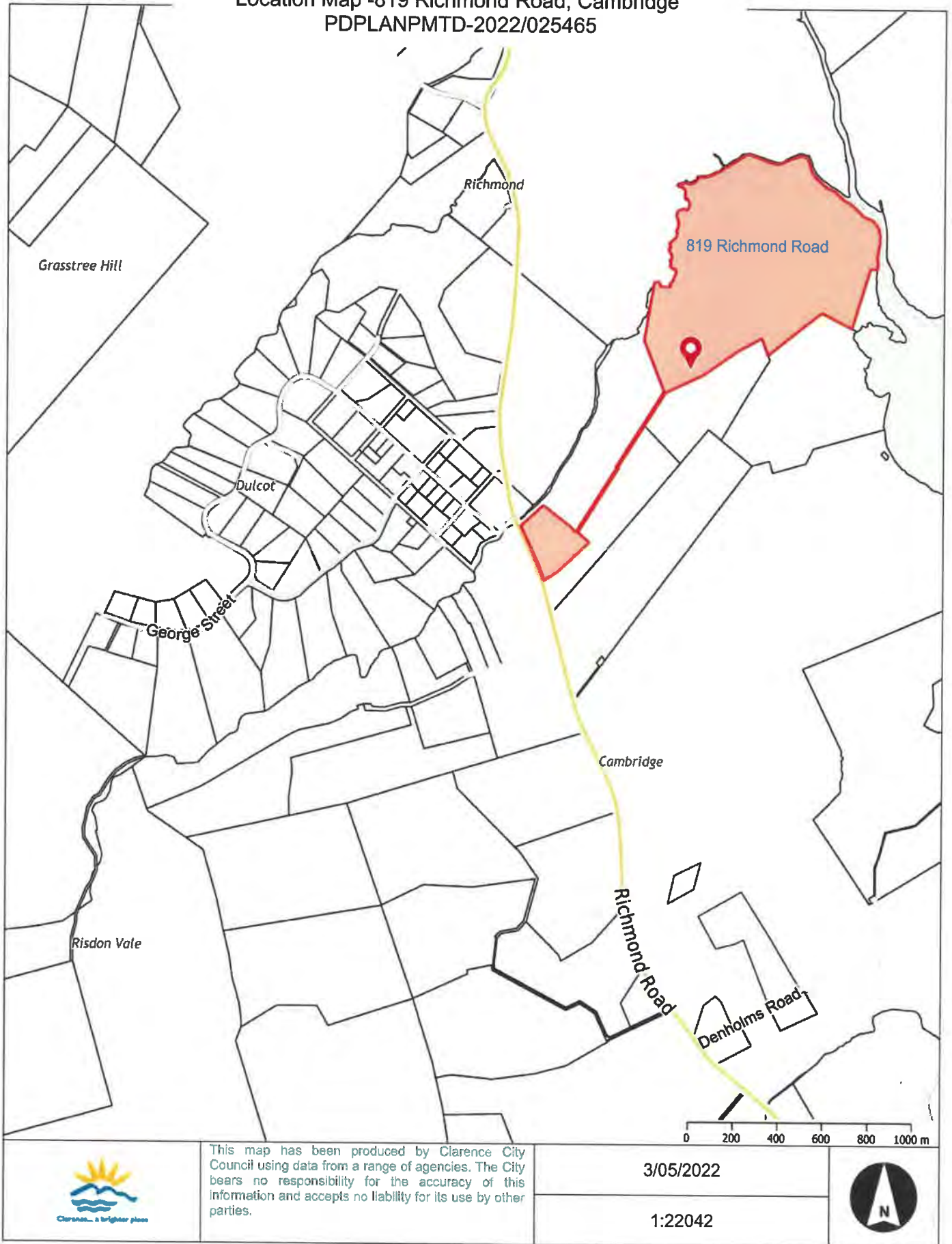
The proposal is recommended for approval.

Attachments: 1. Location Plan (1)  
2. Proposal Plan (24)  
3. Proposed Amendments (2)  
4. Site Photos (1)

Bruce Gibbs  
**ACTING MANAGER CITY PLANNING**

## Attachment 1

### Location Map -819 Richmond Road, Cambridge PDPLANPMTD-2022/025465



# BARLEY FARM

CUMULUS<sup>EST</sup> 2011





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2011

Refer to Agricultural  
Report by Ag Assit

- Suitable for Vines
- Suitable for Barley
- Wetland no crops
- Distillery area

- Proposed buildings
- Road
- Proposed waste water/dam
- 20m gravel zone
- Electricity line
- Irrigation pipeline
- Water main line
- Irrigation Infrastructure
- Right of way
- Proposed treated waste water line

REV	DATE	PURPOSE
DA-01	26/1/22	DA
DA-02	16/3/22	DA - RFla

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PROJECT NAME  
**819 RICHMOND ROAD  
BARLEY FARM**

PROJECT STAGE  
DA

DRAWING TITLE  
SITE PLAN

DATE ORIGINAL SIZE  
1/4/22 A3

DRAWING N° REVISION  
J21072-AD01 DA-02





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2011

## OVERLAYS

- Flood Map for a 1% AEP
- Waterway and coastal protection area (shows extent adjacent to site only)
- Airport obstacle limitation area
- Airport noise exposure area
- Road or railway attenuation area
- Bushfire-prone areas (whole site)

## NOT SHOWN FOR CLARITY:

High coastal inundation hazard band

Future coastal refugia area

Priority vegetation area

Waterway and coastal protection area

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DA-02	15/3/22	DA - RFL

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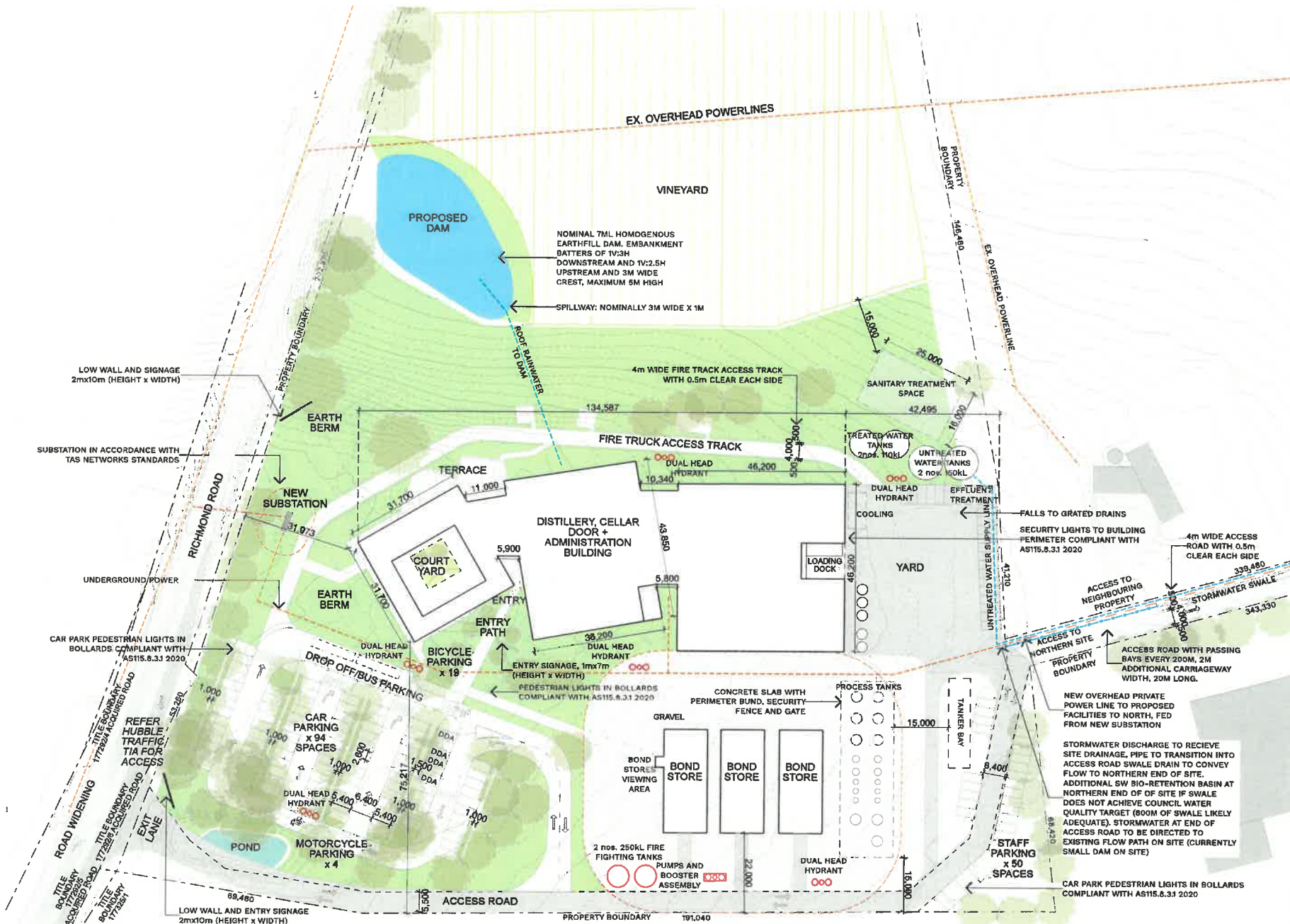
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SITE PLAN - OVERLAYS

DATE  
1/4/22

ORIGINAL SIZE  
A3

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J21072-A002

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REV	DATE	PURPOSE
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BARLEY FARM**

PROJECT STAGE  
DA

DRAWING TITLE  
SITE PLAN

DATE  
1/4/22

ORIGINAL SIZE  
A3

DRAWING N°  
J21072-A003

REVISION  
DA-02

RICHMOND ROAD SITE  
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819 RICHMOND ROAD  
BARLEY FARM

PROJECT STAGE	
DA	

**DRAWING TITLE**  
**SITE PLAN (NORTHERN  
SECTION)**

DATE	ORIGINAL SIZE
1/4/22	A3

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J21072-A004	DA-02



REV	DATE	PURPOSE
DA-03	1/4/22	DA - RFL

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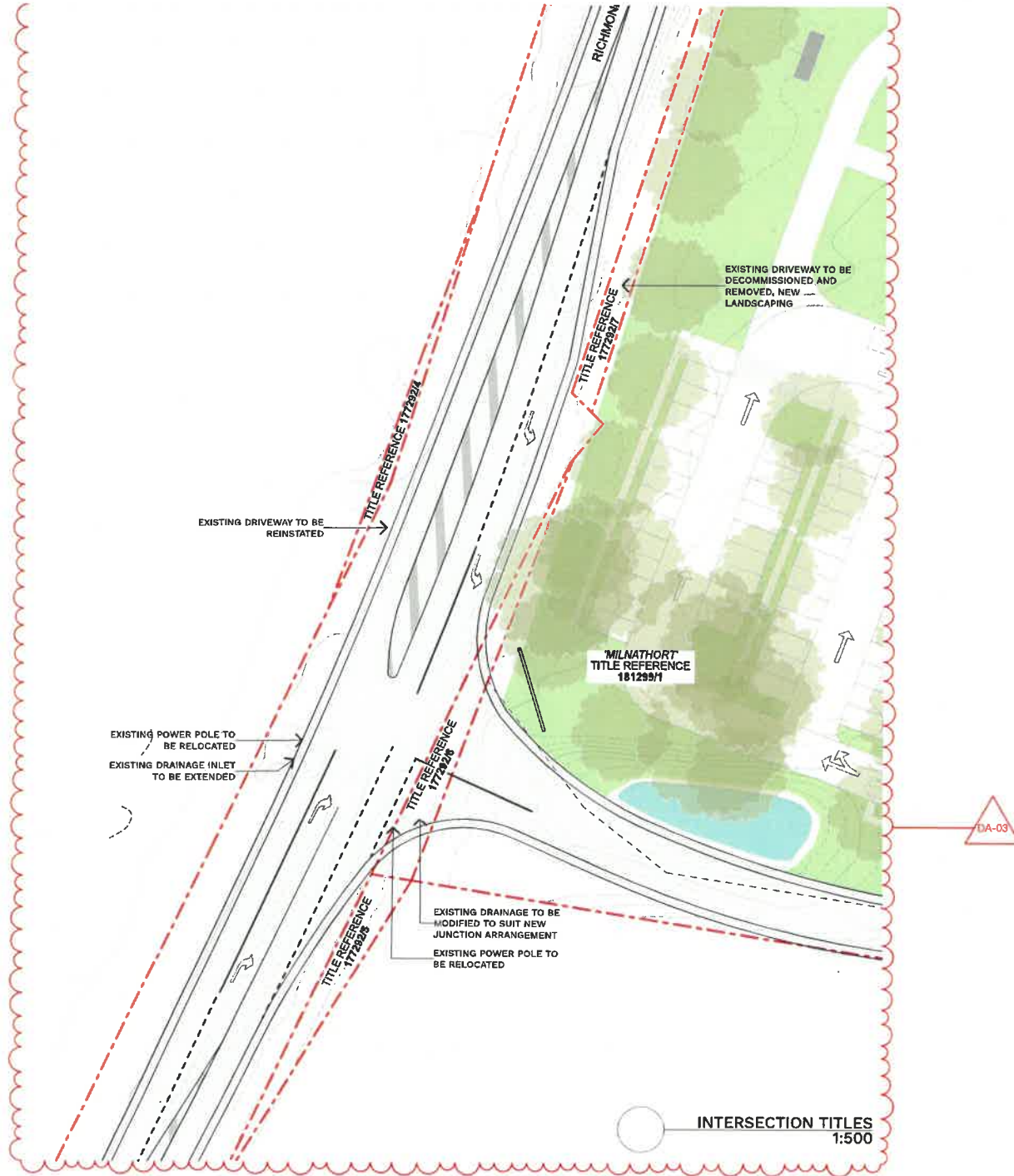
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**819 RICHMOND ROAD  
BARLEY FARM**

PROJECT STAGE  
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INTERSECTION TITLES

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BARLEY FARM**

PROJECT STAGE  
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DATE	ORIGINAL SIZE
1/4/22	A3

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REV	DATE	PURPOSE
DA-03	1/4/22	DA - RFL6

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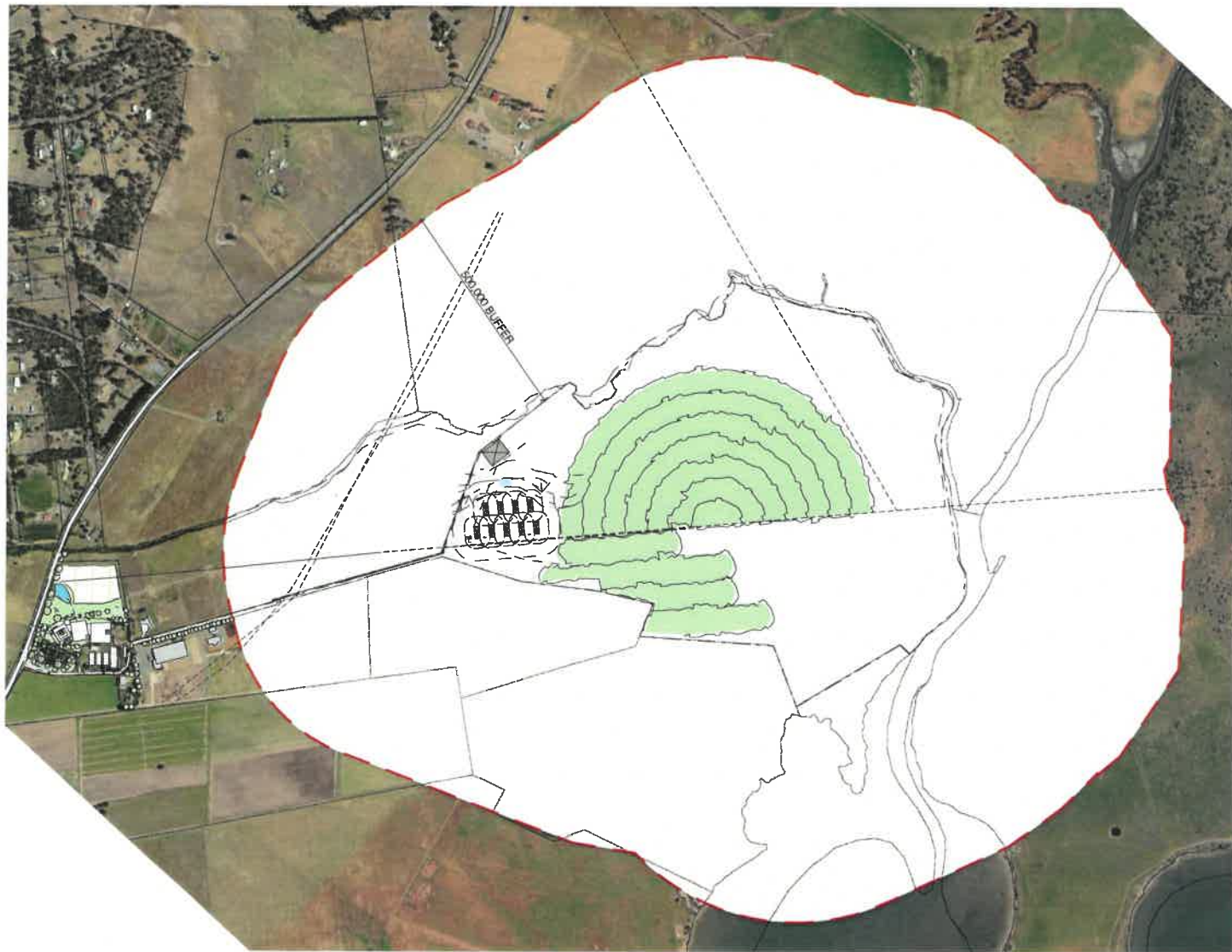
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PROJECT STAGE  
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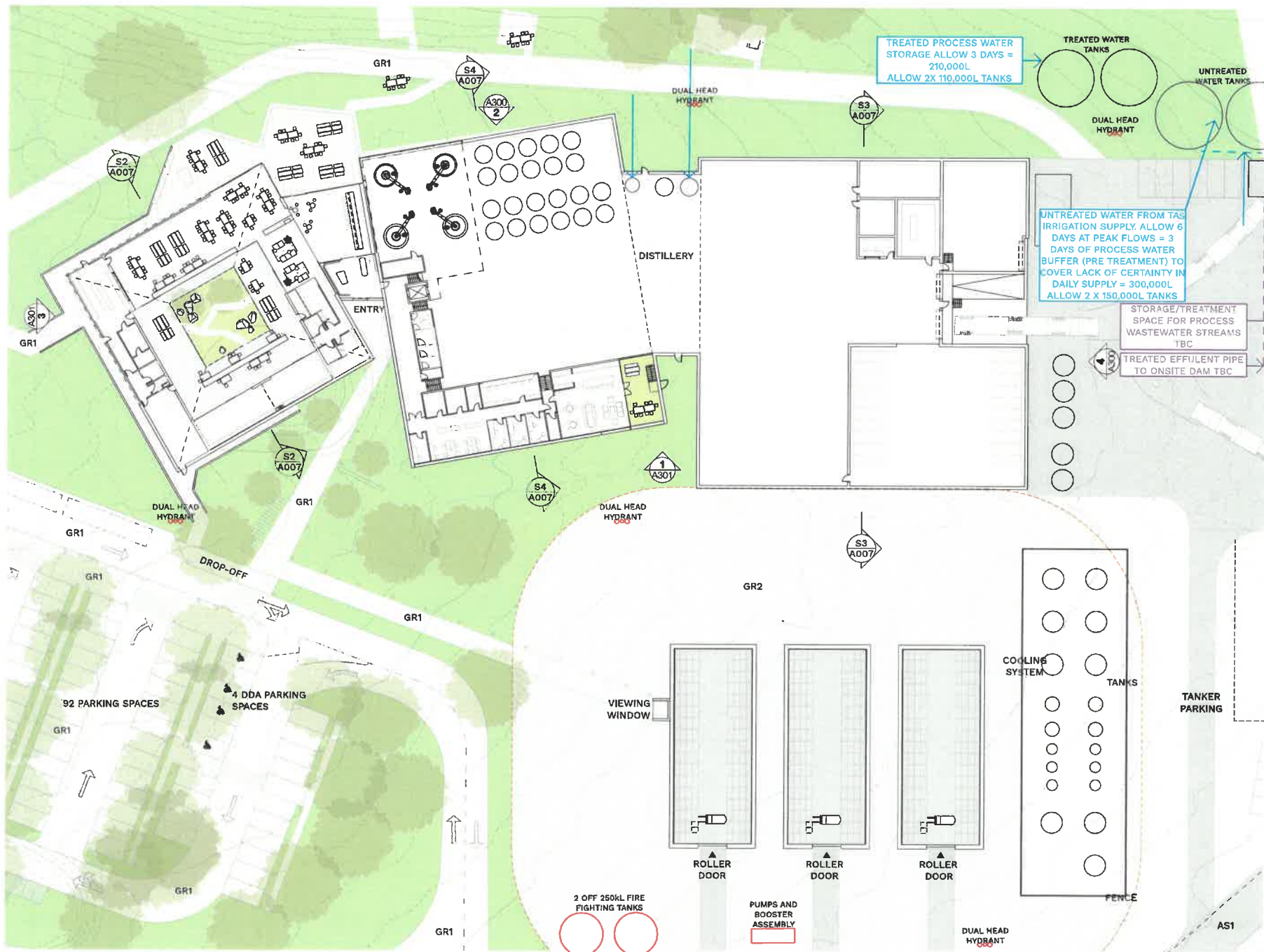
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J21072-AD08	DA-03







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PROJECT STAGE  
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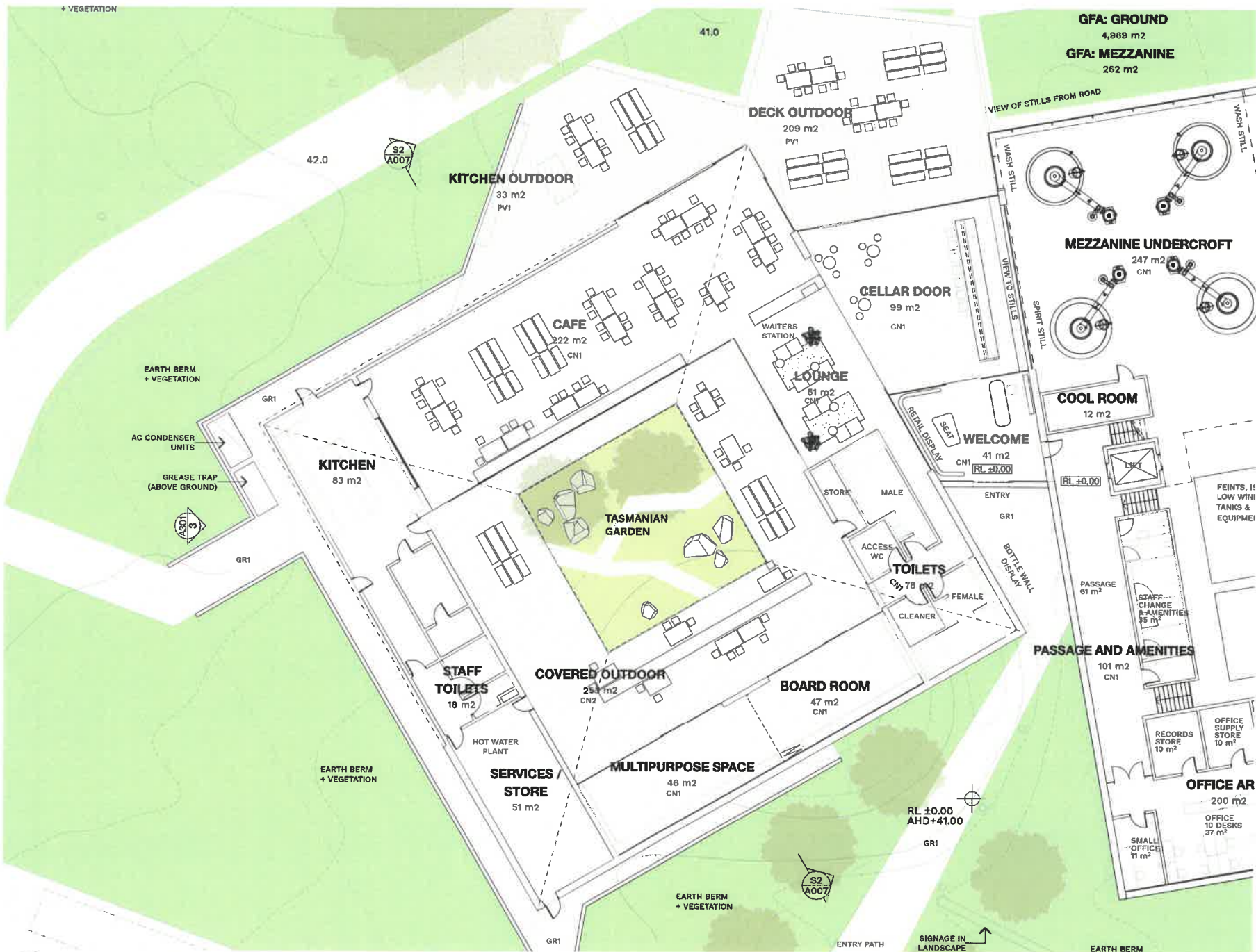
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 PLAN - GROUND

DATE ORIGINAL SIZE  
 1/4/22 A3

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Site Plan  
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REV	DATE	PURPOSE
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DA-02	15/3/22	DA - RFLs

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PROJECT NAME  
**819 RICHMOND ROAD  
BARLEY FARM**

PROJECT STAGE  
DA

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**FLOOR - GROUND (PART 1)**

DATE  
1/4/22

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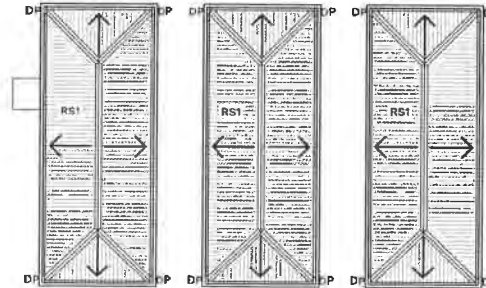
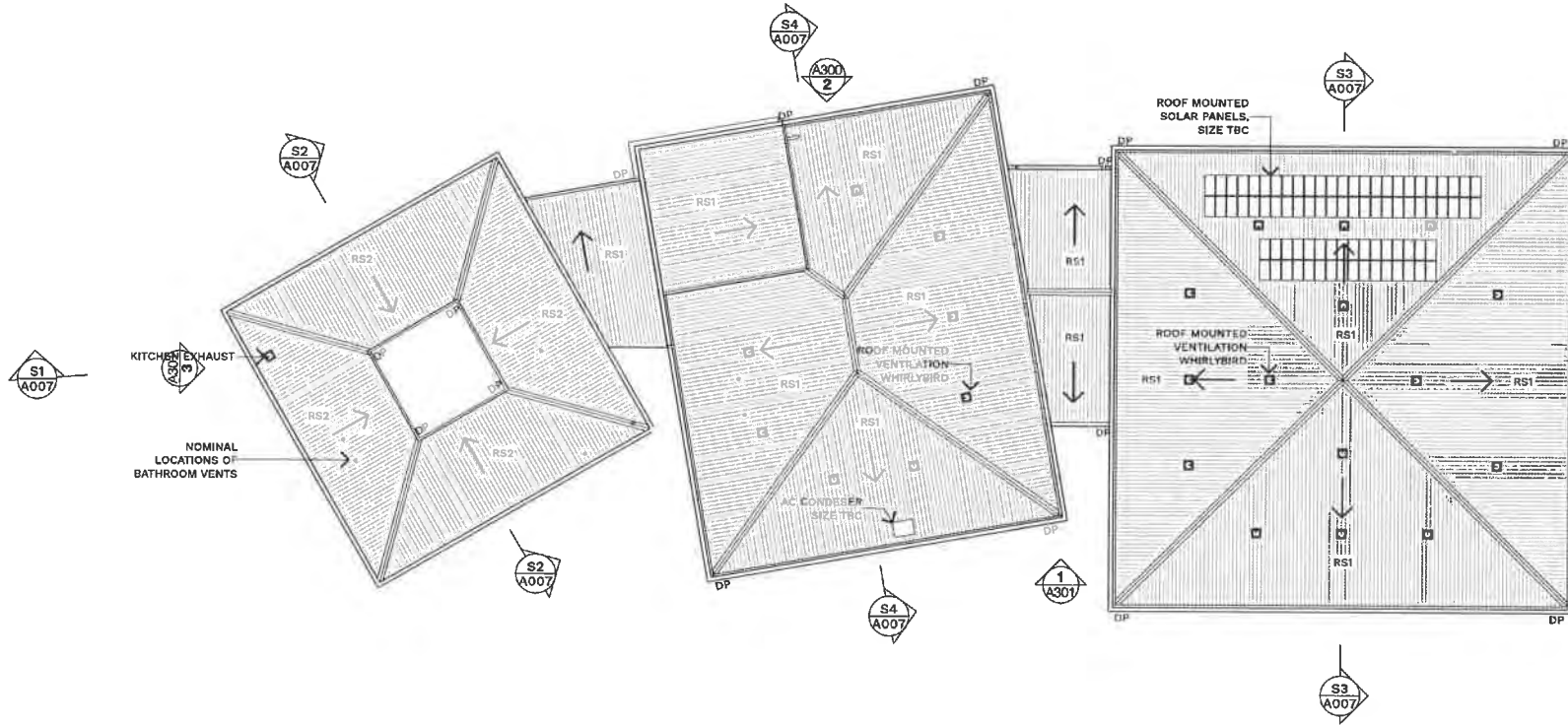
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BARLEY FARM**

PROJECT STAGE  
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PLAN - ROOF

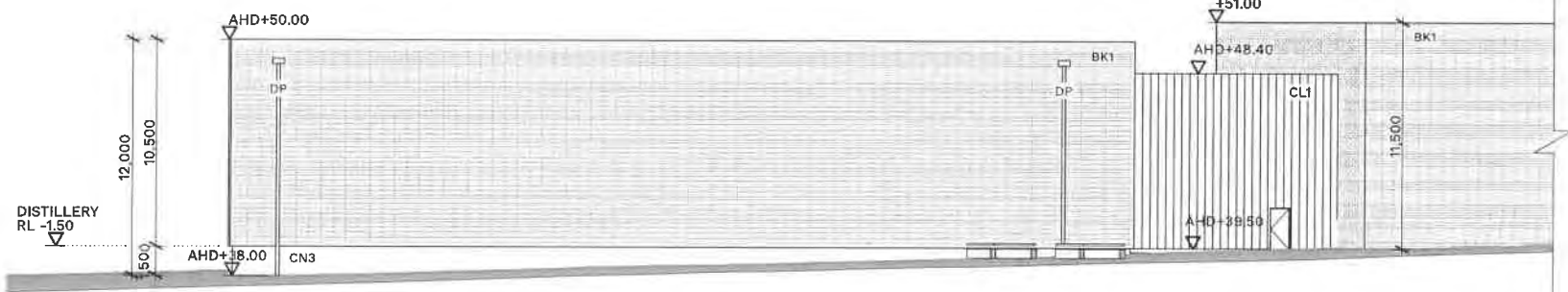
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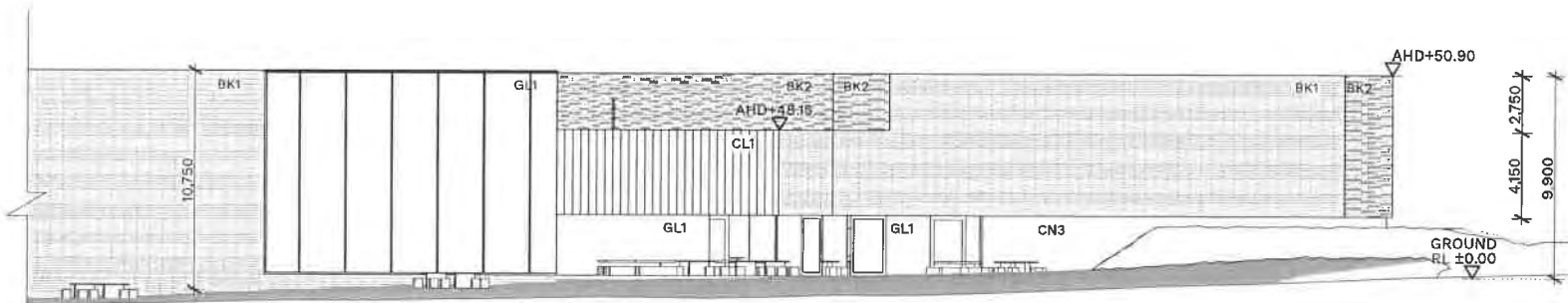
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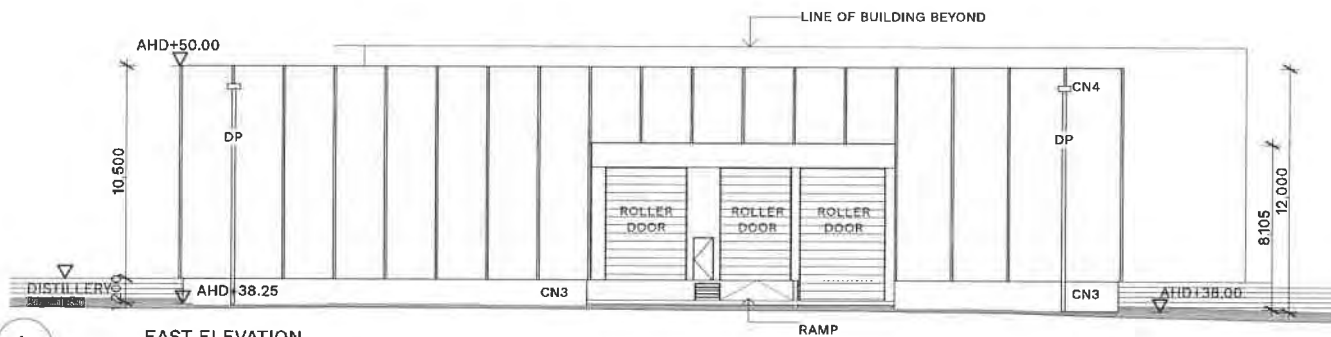
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2 NORTH ELEVATION PART 2  
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4 EAST ELEVATION  
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REV	DATE	PURPOSE
DA-01	25/1/22	DA
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PROJECT STAGE  
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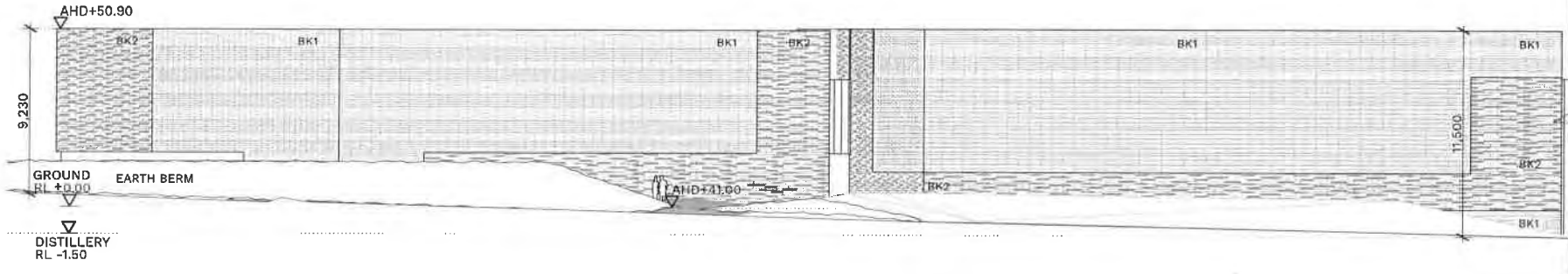
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1/4/22

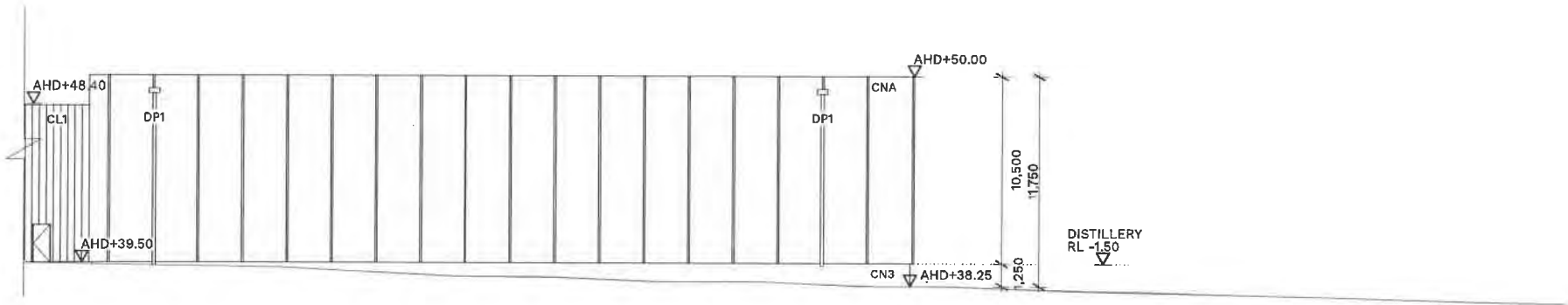
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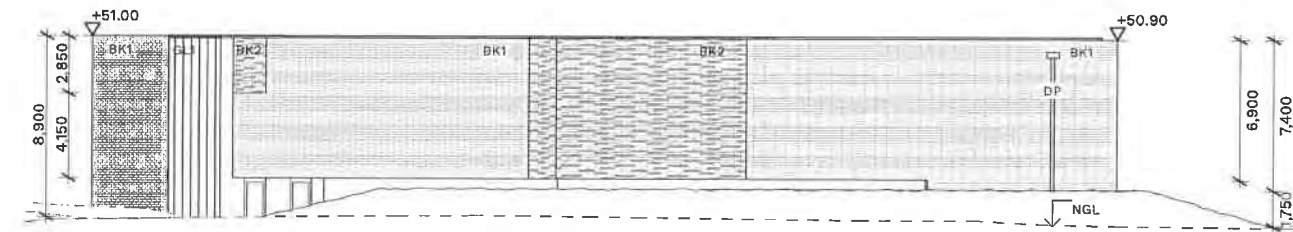
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1 SOUTH ELEVATION PART 2  
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3 WEST ELEVATION  
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REV	DATE	PURPOSE
DA-01	25/1/22	DA
DA-02	15/3/22	DA - RFLs

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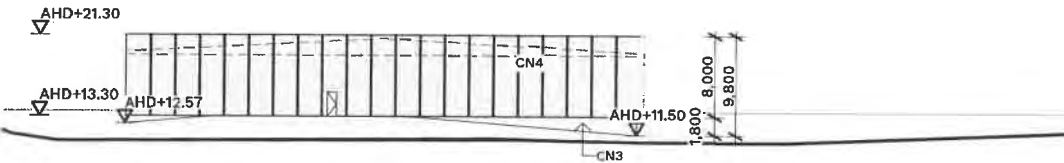
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BARLEY FARM**

PROJECT STAGE  
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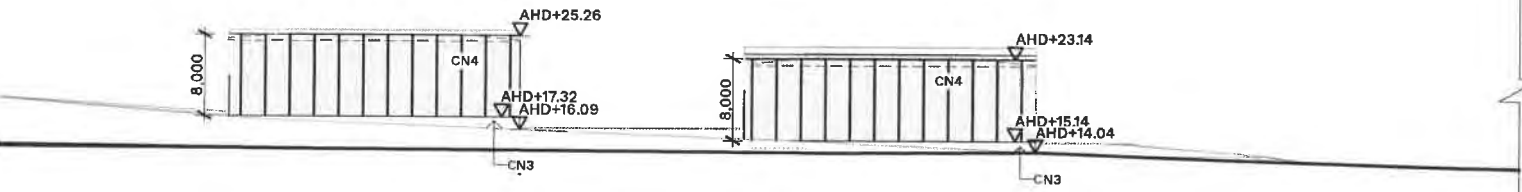
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ROAD SITE**

DATE ORIGINAL SIZE  
1/4/22 A3

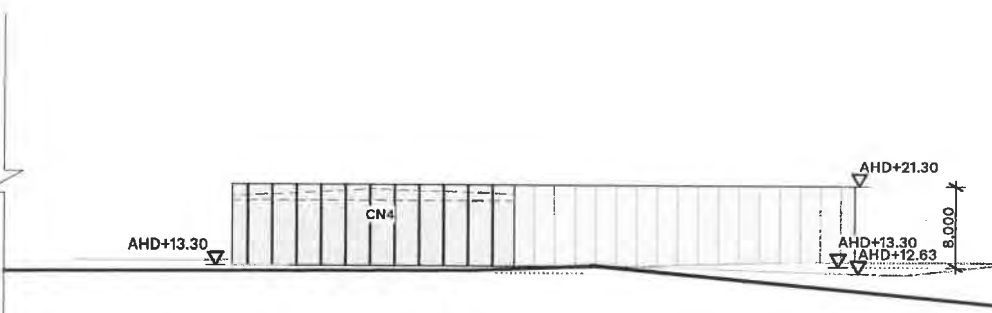
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J21072-A301 DA-02



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N2 EAST ELEVATION - PART 1  
1:500



N2 EAST ELEVATION - PART 2  
1:500

REV	DATE	PURPOSE
DA-01	25/1/22	DA
DA-02	15/3/22	DA - RFL

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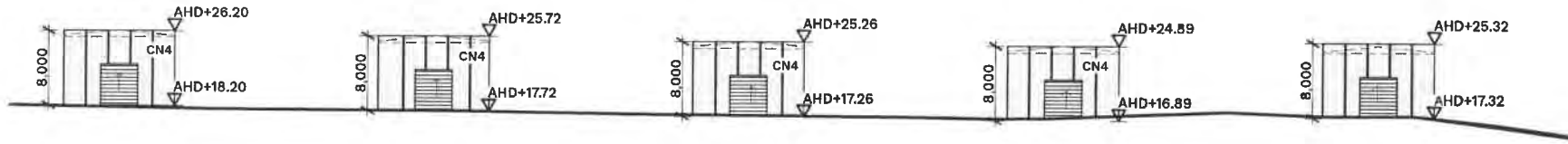
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**819 RICHMOND ROAD  
BARLEY FARM**

PROJECT STAGE  
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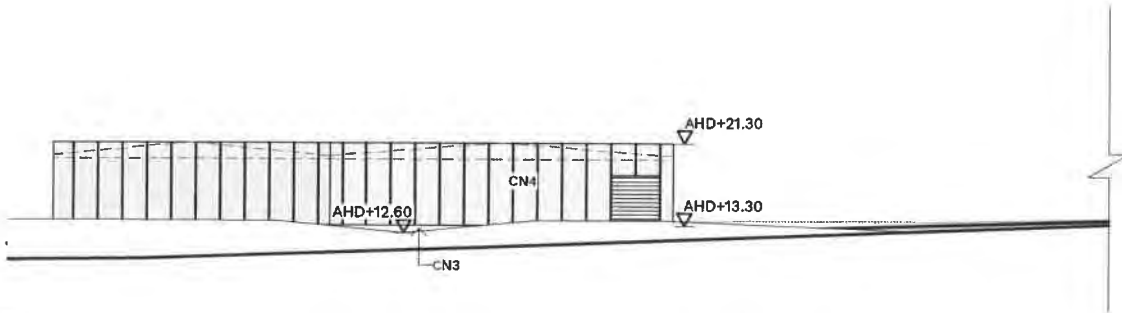
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DATE ORIGINAL SIZE  
1/4/22 A3

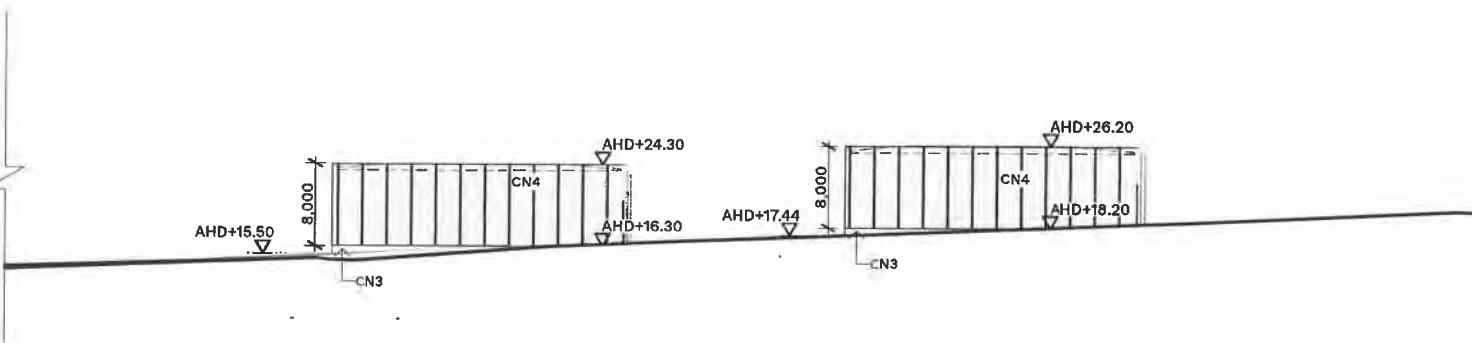
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N4 WEST ELEVATION - PART 1  
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N4 WEST ELEVATION - PART 2  
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REV	DATE	PURPOSE
DA-01	25/1/22	DA
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BARLEY FARM**

PROJECT STAGE  
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**ELEVATIONS - NORTHERN  
SITE**

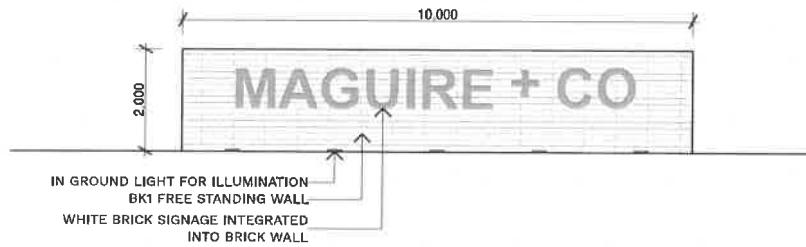
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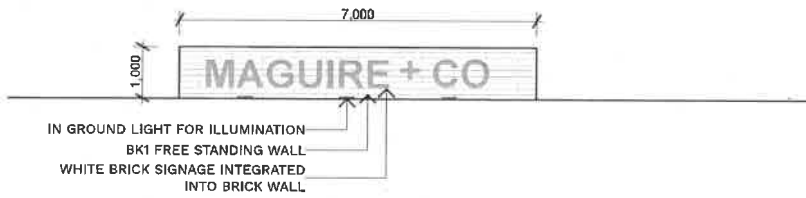
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J21072-A303

REVISION  
DA-02





**PROPERTY ENTRY + STREET  
FRONTAGE SIGNAGE X2**



**ENTRY PEDESTRIAN PATH SIGNAGE**

1 SIGNAGE ELEVATIONS  
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REV	DATE	PURPOSE
DA-02	15/3/22	DA - RFLs

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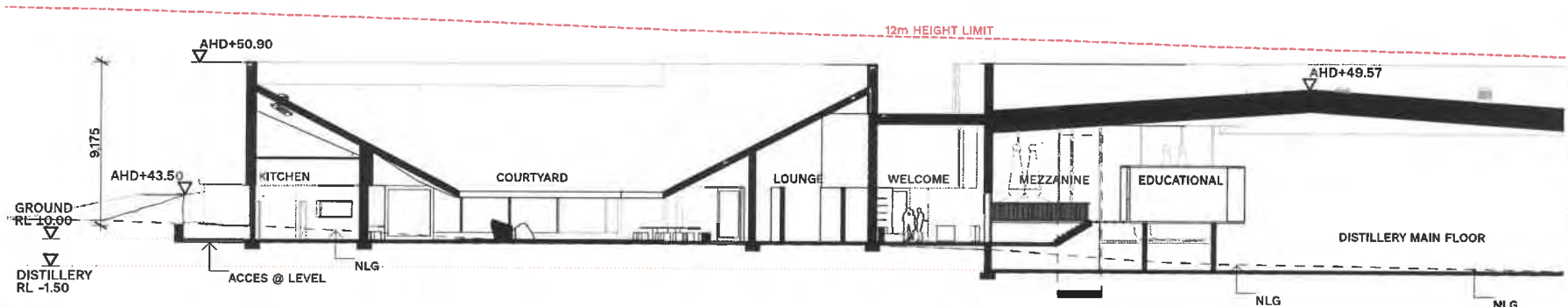
PROJECT NAME  
**819 RICHMOND ROAD  
BARLEY FARM**

PROJECT STAGE  
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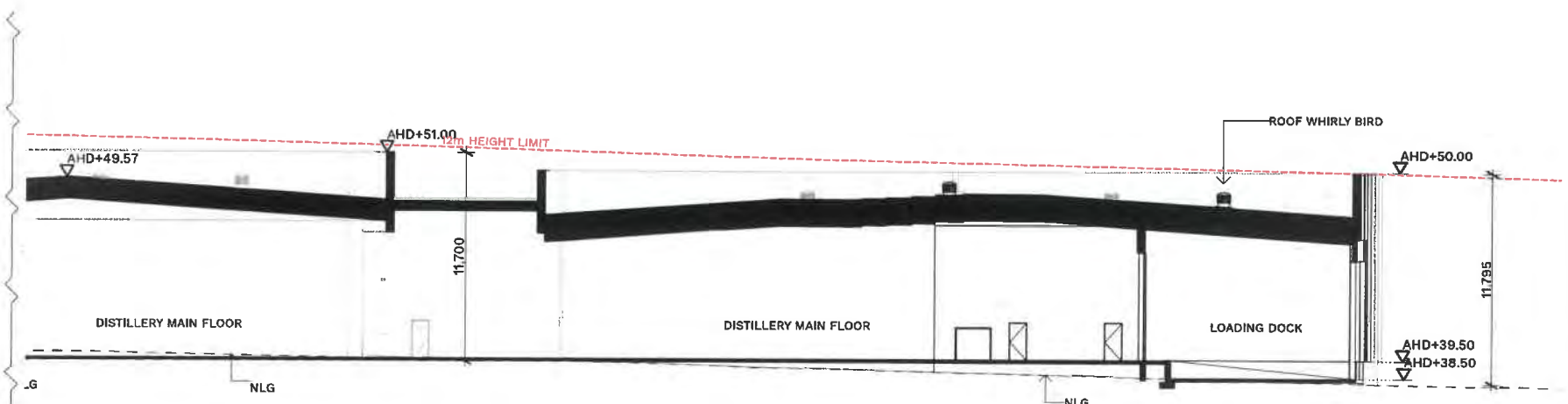
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DATE	ORIGINAL SIZE
1/4/22	A3

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J21072-A304	DA-02



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2 S1 SECTION PART 1  
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REV	DATE	PURPOSE
DA-01	25/1/22	DA
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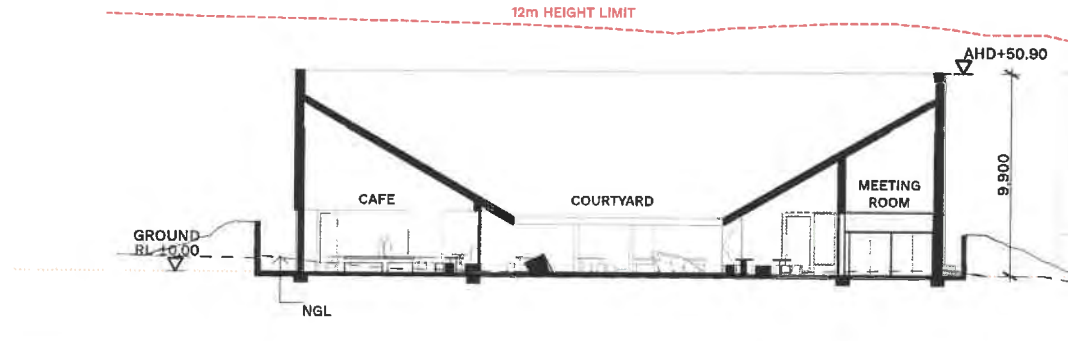
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1/4/22

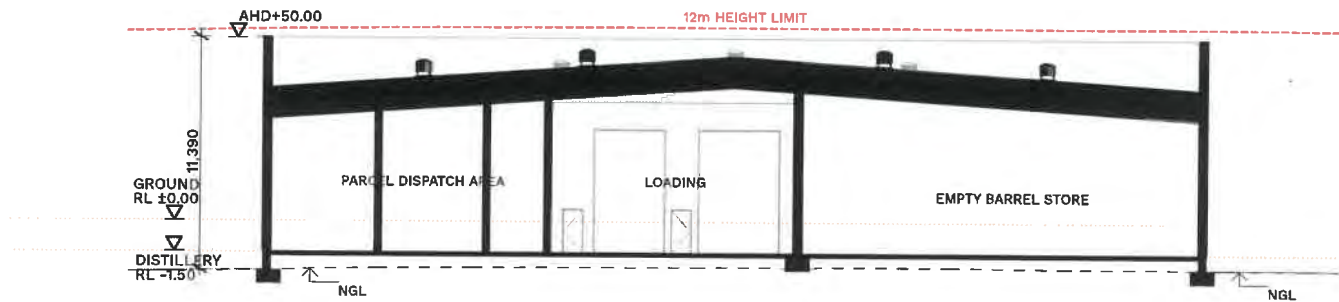
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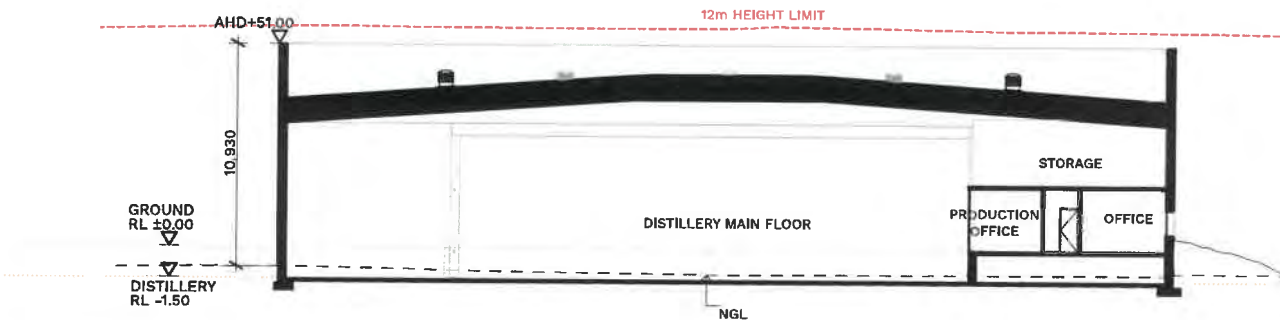
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DA-02



S2 SECTION  
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S3 SECTION  
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S4 SECTION  
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REV	DATE	PURPOSE
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BARLEY FARM**

PROJECT STAGE  
DA

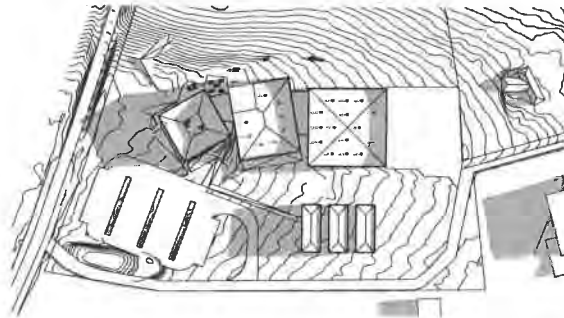
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SECTION

DATE  
1/4/22

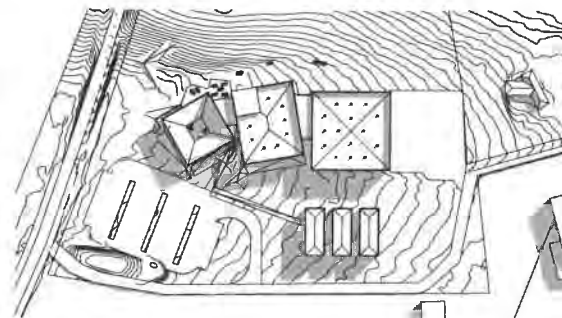
ORIGINAL SIZE  
A3

DRAWING NO  
J21072-A401

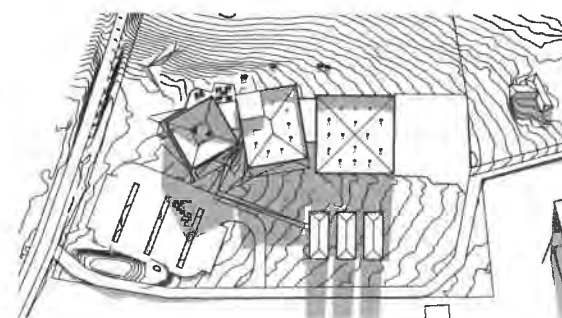
REVISION  
DA-02



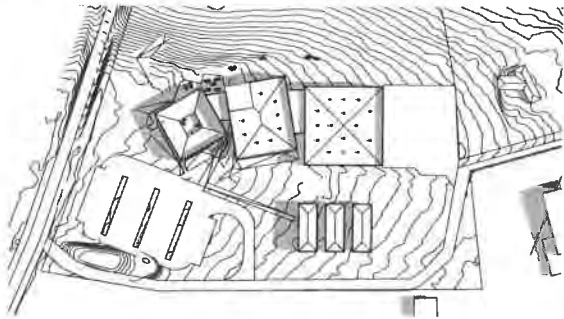
01 — June 22nd @ 9am  
1:3000



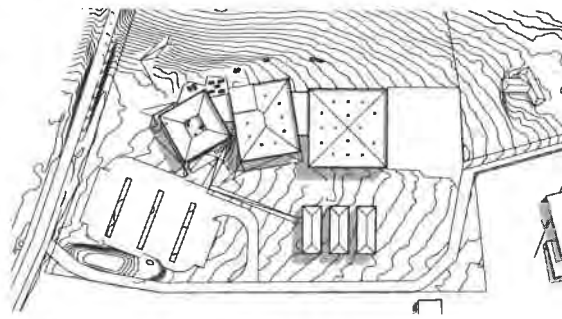
04 — June 22nd @ 12pm  
1:3000



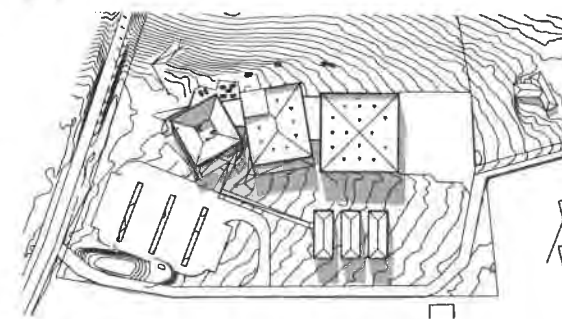
07 — June 22nd @ 3pm  
1:3000



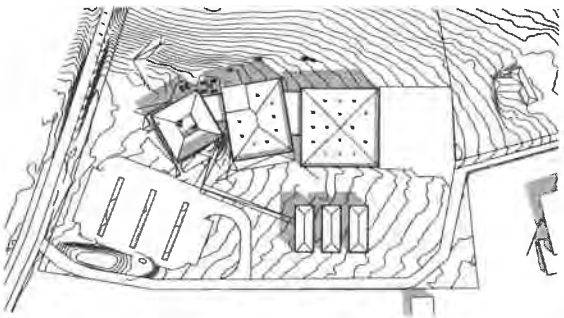
08 — Sept' 22nd @ 9am  
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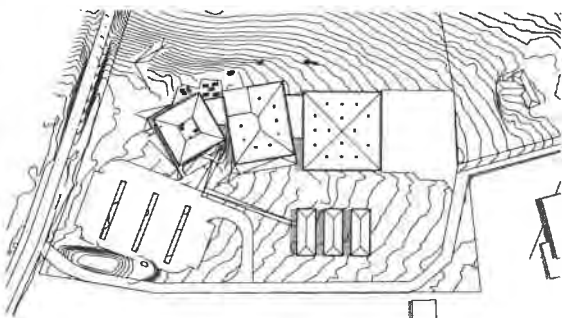
11 — Sept' 22nd @ 12pm  
1:3000



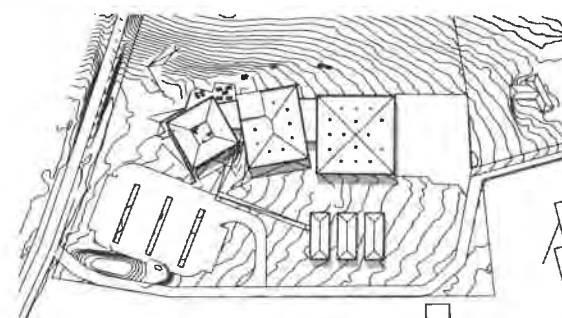
14 — Sept' 22nd @ 3pm  
1:3000



15 — Dec' 22nd @ 9am  
1:3000



18 — Dec' 22nd @ 12pm  
1:3000



21 — Dec' 22nd @ 3pm  
1:3000

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REV	DATE	PURPOSE
DA-01	25/1/22	DA
DA-02	16/3/22	DA - RFL

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PROJECT NAME  
**819 RICHMOND ROAD  
BARLEY FARM**

PROJECT STAGE  
DA

DRAWING TITLE  
**SUN STUDIES**

DATE	ORIGINAL SIZE
1/4/22	A3

DRAWING Nº	REVISION
J21072-A500	DA-02





VIEW RICHMOND ROAD



VIEW RICHMOND ROAD



VIEW RICHMOND ROAD



VIEW CAR PARK

REV	DATE	PURPOSE
DA-01	25/7/22	DA
DA-02	15/3/22	DA - RPB
DA-03	1/4/22	DA - RPB

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PROJECT NAME  
**819 RICHMOND ROAD  
BARLEY FARM**

PROJECT STAGE  
**DA**

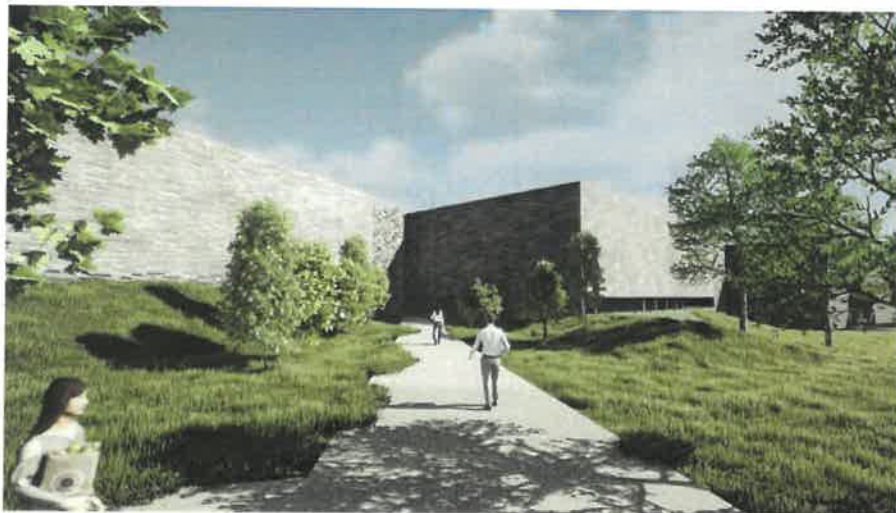
DRAWING TITLE  
**3D VIEWS**

DATE  
**1/4/22**

DRAWING NO  
**J21072-A850**

REVISION  
**DA-03**

DA-03



VIEW ENTRY PATH



VIEW NORTH FACADE



VIEW LOADING



VIEW TERRACE

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REV	DATE	PURPOSE
DA-01	28/1/22	DA
DA-02	15/3/22	DA - RFB
DA-03	1/4/22	DA - RFB

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PROJECT NAME  
**819 RICHMOND ROAD  
BARLEY FARM**

PROJECT STAGE  
**DA**

DRAWING TITLE  
**3D VIEWS**

DATE	ORIGINAL SIZE
1/4/22	A3

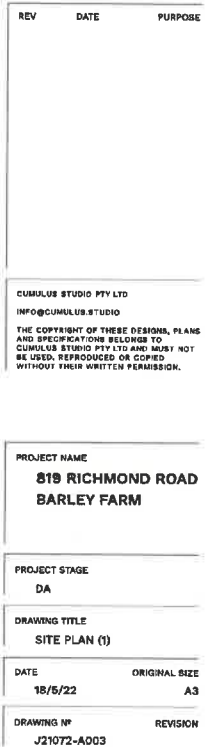
DRAWING NO	REVISION
J21072-A551	DA-03

DA-03



17.05.2022.







## Attachment 4

Site Photos - 819 Richmond Rd, Cambridge - PDPLAPMTD-2022/025465



Existing access and outbuildings  
on Richmond Rd section



Existing dwelling on Richmond  
Rd section



View towards south  
eastern boundary and  
location of proposed new  
access.