

SPENCER COCOA



SINGLE ORIGIN CHOCOLATE
GROWN IN VANUATU MADE IN MUDGEE

– 15 September 2022

Supporting Detail for Development Application

Addition of Ancillary Use (Visitor Tasting and Sales) to approved Agricultural Produce Industry (API), with associated shed extension, floor plan modification, carparking and toilet facilities.

Overview

Spencer Cocoa was formed in Mudgee in 2013 and has been processing cocoa into chocolate since that time. The small family company now supplies chocolate to 80+ stockists and restaurants throughout the eastern coast of Australia. Spencer Cocoa also retail chocolate via their online store, at the local Farmers Markets and special events.

In late 2020 Spencer Cocoa founders Thea and Luke Spencer purchased 269 Henry Lawson Drive, Eurunderee. The previous owner of this property operated a vineyard with an approved **Winery** and wine sales area (DA232/88). The property also has an existing approved **Shed** (BA8/98) with an existing annex.

In June 2021, Thea and Luke lodged a DA for a Change of Use and Minor Alternations to this existing Shed and annex to operate an *Agricultural Produce Industry* for cocoa processing and chocolate making. This DA was approved in August 2021 (DA0426/2021).

Since this approval, a decision has been made to develop a small and controlled visitor tasting and sales component to the Agriculture Produce Industry (API). This proposed development would be an Ancillary Use to the API.

To accommodate this Ancillary Use an extension to the Shed is proposed. The extension will enable re-allocation of some dry storage space within the approved floor plan for DA0426/2021 to allow for a small visitor tasting and sales space. The extension will also include compliant toilet facilities for staff and visitors.

The total proposed shed area (existing + extension) would be 232m². The visitor tasting and sales area would be 28m² which is 12% of the total floor area. This floor area would be utilised by the Ancillary Development during specific pre-booked times, i.e. not in full-time use. Staff of the API will also traffic this floor area when not in use by visitors.

Ancillary Development to API (Cocoa Processing & Chocolate Making)

Hours & Details:

The hours and details of operation of the API were detailed in DA0426/2021.

In summary, the API will operate 5 days per week between the hours of 8am-5pm. Spencer Cocoa is currently staffed by 3 FTE (full time equivalents). Noise, traffic, waste, dust, smells, toilet facilities and parking were addressed in this DA.

Details of operation pertaining to the proposed **Ancillary Development** are as follows:

Hours of operation – the Ancillary Use would operate 4 days per week from Thursday to Sunday and comprise a maximum of 2 booked groups per day (i.e. maximum 8 groups per week). This frequency may be reduced pending demand for bookings and staff availability. The Ancillary Use would operate between the hours of 10am and 4pm. Each group will be onsite for approximately 1 hour.

Noise – There would be no additional noise generated by the proposed Ancillary Development apart from the arrival and departure of vehicles. Group bookings will be limited to 10-12 people which would be accommodated by no more than 5-6 cars for each time slot.

Smell – No change in odours emitted.

Dust – The only source of possible dust would be from the arrival and departure of cars. The driveway upgrade and construction of a new visitor carpark will use local professional earthmovers with appropriate road base material. Carparks and driveways will comply with AS2890.1 and AS2890.6

Waste – There would be no additional waste generated by the Ancillary Use. Visitors will be provided tasting samples onsite which will not generate additional waste.

Wastewater generated by the Ancillary Use would be negligible. Cleaning requirements for the Ancillary Use would be minimal, and include sample chopping boards, tongs and tea towels, aprons etc.

Toilet facilities – it is proposed that two new toilets will be constructed to replace two old toilets that currently exist as part of the Winery. Constructed 1998, the Winery toilets do not satisfy current accessibility standards. The proposed new toilets will be serviced by the existing septic system as the forecasted wastewater generated will not exceed the original expectation as part of the Winery with wine sales area.

Parking – as part of this DA, we wish to improve the design and layout of carparking. Existing carparking was approved and constructed as part of the Winery with wine sales area in the late 1990's. We have developed a new parking plan that separates visitor carparking from the main driveway to improve safety and flow. The new plan also places staff carparking at the rear of the Shed to minimise negative impact on the rural amenity (i.e. minimises visible presence of cars parked out front). An Accessible Carpark will be located as part of the staff carpark in close proximity to the shed.

Timing, volume, type and flow of traffic has been carefully considered.

It should be noted that the introduction of a Visitor Tasting and Sales component to the API will be a minor and controlled activity. Spencer Cocoa is primarily a cocoa processing and chocolate making company. We wish to commence visitation to our property by appointment of limited, small groups only. The number of group booking time slots below represents the maximum we wish to cater for. Some of these time slots may not be filled, or we may wish to reduce the number of time slots at different times of the year.

Additionally, due to the narrow shape of the block, we wish to minimise the number of roads leading into and out of the property for aesthetic and environmental reasons.

For timing and access of traffic please refer to the table below:

Park / Driveway Area in Use	User	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Staff Carpark and Main Driveway (6 vehicles maximum)	Staff	Vehicles arrive 8am Vehicles depart 5pm					Vehicles arrive before + depart after tour	Vehicles arrive before + depart after tour
- Accessible Carpark					10-11am 2-3pm	10-11am 2-3pm	10-11am 2-3pm	10-11am 2-3pm
General Visitor Carpark (9 vehicles maximum)	Visitors 1 hour	n/a	n/a	n/a	10-11am 2-3pm	10-11am 2-3pm	10-11am 2-3pm	10-11am 2-3pm
Main Driveway Using Staff Carpark for turning	Australia Post	1pm in / out	1pm in / out					

Justification for application of Ancillary Use (Responses to tests for Ancillary Development):

The ancillary development sub-serves the dominant purpose of the development.

Spencer Cocoa has been operating for 10 years, supplying wholesale product to 80+ stockists throughout Australia.

The introduction of a visitor tasting and sales will be a minor operation for the business both in terms of physical floor area and business time dedicated to this Ancillary Use during the week.

The land to be used for ancillary development is relatively small.

Land area required includes carparking for 9 cars (2.7x9 = 24m x 12m) is 277m² which is a small percentage of the 40,000m² property.

The floor area to be used for ancillary development is relatively small.

Total existing and proposed extension building footprint is 232m². Of this, the floor area proposed for Ancillary Use is 28m² or 12%.

Note that some of this 12% floor area will be used as thoroughfare by API (Agriculture Produce Industry) staff when visitors for Ancillary Use are not present.

The purpose of the ancillary development is consistent with the dominant purpose.

The purpose of the ancillary development is to provide visitors with the opportunity to taste and buy chocolate made on site. In addition to this by having the ancillary development within the same space as the dominant purpose (chocolate processing and making), it allows for visitors to see and experience the operations first hand. The ancillary development is therefore consistent with the dominant use of the site.

The proposed ancillary development would be ongoing, however in a very limited and controlled capacity.

The days and hours of operation detailed above demonstrate that the ancillary development will limit the amount bookings by day, time, group size and staff availability. This demonstrates that a great effort has been made to ensure the development is controlled and limited by these factors and that the priority still remains operating a successful business outside of the proposed ancillary development.

The ancillary development and primary use are related.

The primary purpose of the API is for cocoa processing and chocolate making to supply our stockists. The ancillary development will allow for visitation to our production facility, tasting and sales of the chocolate made onsite. The primary and ancillary development are therefore related.

The ancillary development and primary use are to be located within the same shed.

The cocoa processing and chocolate making (primary use) and visitor tasting and sales (ancillary development) are located within the same shed.