

From: [Emma Barnes](#)
To: [DPTI:Planning Reform Submissions](#)
Subject: Draft Planning and Design Code Submission | Adelaide Hills Wine Region
Date: Friday, 28 February 2020 12:43:17 PM
Attachments: [200228 P0144 AHWR Draft Planning and Design Code Submission Final.pdf](#)

Attention: **Mr Michael Lennon**
Chair
State Planning Commission

Dear Mr Lennon

Please find **attached** a submission in relation on the **Draft Planning and Design Code for South Australia** prepared on behalf of the Adelaide Hills Wine Region.

The submission has also been uploaded via the online form at https://www.saplanningportal.sa.gov.au/have_your_say/Draft_Planning_and_Design_Code_for_South_Australia#feedback

On behalf of the Adelaide Hills Wine Region, we thank you for providing an opportunity to make a submission on the Draft Planning and Design Code and look forward to working with the Commission and the Department on this significant reform package to ensure the Adelaide Hills Wine Region achieves its full potential as a world class food production and tourism destination.

Should you wish to discuss any aspects of this submission further, please do not hesitate to contact me.

Regards
Emma

[Emma Barnes](#) | Director | [Planning Studio](#) | Urban & Regional Planning
[REDACTED] | [REDACTED] | PO Box 32 Bridgewater SA 5155

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27 February 2020

Ref: P0144 AHW

Chair
State Planning Commission
GPO Box 1815,
Adelaide SA 5001

via email: DPTI.PlanningReformSubmissions@sa.gov.au

**RE: Draft Planning & Design Code for South Australia
Phase 3 (Urban Areas)
Adelaide Hills Wine Region**

Planning Studio acts for the Adelaide Hills Wine Region ('**AHWR**'), the peak industry body representing up to 300 members of the Adelaide Hills Wine Region, comprising growers, producers and wineries.

The Adelaide Hills Wine Region encompasses vineyard area in the order of 3,800 hectares, producing 27,300 tonnes of fruit. The region currently has in the order of 100 wine labels and over 50 cellar doors.

Planning Studio has been engaged by the AHWR on behalf of its membership group to make a submission in relation to the *Draft Planning & Design Code for South Australia – Phase Three* (the '**Draft Code**') currently on public exhibition.

For the reasons that will be outlined in this submission, it is considered that the Code generally, as it applies specifically to the Adelaide Hills wine industry, is a welcomed introduction of a less complex, performance based planning assessment framework, providing significant opportunity for the introduction of value adding within the industry, a diversification of primary produce oriented activities, and an ability to adapt to new and emerging trends and technology. Notwithstanding, there are a number of drafting inconsistencies identified which may lead to confusion within the industry, particularly in regard to the common occurrence in the Hills where wineries double as function and event venues.

The impact the Code will have on existing commercial operations, and the long-term economic viability of the Adelaide Hills region is a fundamental consideration.

While we note that individual proposals and site specific conditions will undoubtedly vary, AHWR welcomes the opportunity for its members to have a performance based approach to assessment available under the Code, rather than being classified as a non-complying form of development due to an inability to fit within a currently limited list of exemptions.

Currently, the non-complying assessment process is unnecessarily restrictive and serves as a significant impediment in attracting new business and enterprise to the region.



1. Adelaide Hills Wine Region

The Adelaide Hills is Australia's most vibrant cool climate wine region.

With more than 100 wine labels and 50 plus cellar doors, it is acknowledged internationally for its distinctive premium wines, viticulture and stunning scenery.

The region is located in the Mount Lofty Ranges east of Adelaide, stretching in a narrow band approximately 70km long, the highest vineyards are sited between 600-650 metres altitude in areas such as Crafrers, Summertown, Piccadilly and Carey Gully.

The Adelaide Hills is one of the largest geographical wine regions in Australia, and amongst the most diverse in terms of climate, soil and topography.

The region consists of two registered sub-regions, Lenswood and Piccadilly Valley.

Bordered by the Barossa Valley to the North and McLaren Vale and Langhorne Creek to the South, the Adelaide Hills is the cool climate jewel between warmer lower lying regions.

Importantly the Adelaide Hills is also the closest Wine Region to the CBD of Adelaide making it a favourite quick getaway, weekend long lunch or cellar door tour destination.

History

The first South Australian vineyard was planted in 1836 by a settler named John Barton Hack in Chichester Gardens, North Adelaide. Escaping the rapid urban development in the city, Hack pulled his vineyard in 1840 and transplanted the vines to Echunga Springs near Mount Barker. In 1843, Hack sent a case of wine made from the vineyard to Queen Victoria, the first gift of Australian wine to an English monarch.

Other hills vineyards followed including Auldana in 1842 and Dr Christopher Rawson Penfold's "The Grange" at Magill in 1844 as well as plantings by Arthur Hardy at Mount Lofty; John Baker's Morialta Vineyard at Norton Summit; EJ Peake at Clarendon; Glen Ewin Wines at Houghton (today Willabrand Fig Orchards) and Harry Dove Young's Holmesdale at Kanmantoo.

One of the major influences on colonial Adelaide Hills winemaking was Edmund Mazure, a French trained winemaker who was employed by Sir Samuel Davenport at Beaumont in 1884. He went on to work at Young's Kanmantoo vineyard and Auldana Vineyards where he pioneered methode champenoise champagne and sparkling burgundy - a unique Australian red wine style.

From 1840 to 1900 a total of 225 grape growers practised viticulture and winemaking in the central Mount Lofty Ranges. However, many of these early vineyards and wineries went bankrupt in the early 1900s due to the removal of Imperial Preference, which had favoured exports of Australian produce to the United Kingdom. For the next 50 years the land was used for dairying, beef cattle, sheep and fruit and vegetable growing.

A revival took place in the 1970s and 1980s with a new group of pioneers such as Brian Croser, Stephen George, Geoff Weaver, Michael Hill Smith and Martin Shaw, who recognised the cool climate characteristics of the region.

Since then it has become a mecca for small artisan winemakers keen to produce elegant, long lasting European style wines.



Environment

The Adelaide Hills Wine Region is one of the most diverse wine regions in Australia in terms of climate, soil and topography. The region has an intensive landscape of hills, valleys and flats.

This complex landscape creates an infinite array of micro-climates that winegrape growers skilfully match to grape varieties to produce grapes with complex and refined flavour profiles.

Overall, the region boasts reliable winter rainfall and cool dry summers creating an ideal environment for grape growing and wine making. AHWR members are scattered across the Hills area, predominantly in the Adelaide Hills and Mount Barker local government areas, including 90 wine labels and over 50 cellar doors.

As the region has a relatively high rainfall there is a well-developed surface water catchment infrastructure for farming. A large proportion of the region is also fortunate to have good underground water supplies with water quality ranging from "Spring Water" quality in the Mount Lofty region to generally potable water throughout. The entire region has been proclaimed for water use with requirements for licensing of both surface and underground supplies.

The Adelaide Hills are acknowledged internationally for premium wines, viticulture and scenery, which is reflective of its unique natural environment.

Viticulture

The Adelaide Hills is a registered Geographic Indication (GI) under international law. This means that when you buy a wine with the Adelaide Hills regional name on its label it must be grown in the Adelaide Hills.

There are also two distinct sub-regions within the Adelaide Hills: Lenswood and Piccadilly Valley, which have been identified for their rare soils and specific micro-climate.

The Adelaide Hills is one of the coolest and most elevated regions in Australia – similar to Tasmania or parts of northern Victoria. Ripening conditions at Piccadilly are similar to Champagne in France, which is why it is ideally suited to growing Chardonnay and Pinot Noir.

Cool weather means grapes ripen slowly and their flavours are more seamless and elegant than warm climate grapes, which make more robust, high alcohol wines. Cool climate wines also have higher acid levels, which enable the wine to mature more gracefully in the cellar.

As many of Europe's greatest wines come from cool regions such as Burgundy, Champagne, Alsace and Mosel, the grape varieties and clones grown in the Adelaide Hills are chosen from these French and German collections to express the best fruit flavours from these harsh environments and shallow soils.

The steep terrain of the Adelaide Hills creates an infinite array of valley micro-climates, which are a challenge for growers and winemakers. The steep hillsides mean the use of machinery is restricted so vineyards are often hand pruned and handpicked.

The widely varying soil types can create vines which are either too vigorous (or not vigorous enough) and growers have to use special trellises and summer pruning techniques to maximise sunlight penetration to ripen the grapes. Pest and fungal disease control can also be difficult given the higher rainfall and humidity and Hills growers are committed to integrated management regimes to reduce the use of chemicals.



2. Planning Policy Implications

A working party including a combination of the Adelaide Hills Wine Region and Adelaide Hills Tourism has met with the Adelaide Hills Council on a number of occasions in the past 2 – 3 years.

AHWR has acknowledged the complex planning framework applying to the Adelaide Hills Council region via the current Development Plan and continues work with the Council to achieve a consistent approach to decision making. The group has attended a number of meetings with key Council personnel, in an endeavour to raise the profile of the wine and tourism industry, with an ongoing agreement to work collaboratively with Council.

As part of the ongoing discussions with Council, a number of issues have been identified with the current planning framework. These include:

- Cumbersome and complex planning processes;
- Timeframes associated with assessment and uncertainty associated with requests for additional information;
- Cost implications of reporting, including specialist consultants required to address current planning policies; and
- Uncertainty associated with Limited Licence and triggers for the change in land use.

While the AHWR is a thriving and expanding wine region, the complex nature of planning has historically led to uncertainty and frustration amongst producers and those looking to value add, including the hosting of high demand functions and events that showcase the region and its produce.

The complexities have resulted in members either pursuing their craft without all necessary authorisations in place, enduring the costly and time consuming process of obtaining approvals, at times enduring cumbersome non-complying assessment processes, or relocating to other regions whereby processes are less complex or local authorities are more flexible and accommodating of the need to respond to market and environmental imperatives.

The arrival of the Draft Code provides an anticipated change to the assessment processes facing the industry in most circumstances, and may be instrumental in bringing a greater level of certainty, and subsequent economic reinvigoration and investment, to the industry.

While unintended drafting errors and specific assessment criteria considerations have been identified, there is general support for the introduction of a number of performance based criteria relative to the wine industry and other primary producers with value add opportunities associated with primary production.

Most importantly, in contrast to the existing assessment framework, land use activities associated with the wine industry are unlikely to be deemed 'Restricted' development.

The Draft Code assessment approach is generally supported by AHWR and will assist in a greater understanding and certainty associated with planning processes and clarity around the need to obtain development authorisation for a number of activities undertaken by members.



3. Draft Planning and Design Code Considerations

3.1 Framework

While primary production takes on many forms within the AHWR, the purpose of this submission is to consider the Draft Code with reference to the key activities of the wine industry, being:

- Horticulture;
- Beverage production, namely wineries;
- Shop, namely cellar door;
- Function Centre, although the land use activities are more closely associated with functions and events rather than purpose built function centres;
- Tourist accommodation; and
- Workers' accommodation.

We note that the majority of the AHWR will be located in the new Peri-Urban Zone, with either the Mount Lofty Ranges Catchment (Area 1) or Mount Lofty Ranges Catchment (Area 2) overlays being applicable in most cases.

'Beverage Production in Rural Areas' General Development Policies will also apply in most cases. Policies relating to land use, intensity of development, rural industries and built form, siting and character will also apply. Other general policies regarding a number of specific elements of all development, including various operational and amenity impacts, have been considered, but have not been outlined for the purpose of this submission.

It is noted that many aspects of the prescriptive criteria outlined within the current development plan policy has been carried over into the Draft Code.

We note and support the specific listing of the following forms of development as 'performance assessed' within the Peri-Urban Zone:

- Horticulture
- Shop
- Brewery
- Cidery
- Distillery
- Winery
- Function centre
- Tourist accommodation
- Workers' accommodation

This policy approach signals to the industry, and the community, that the land uses are appropriate in the Zone, subject to an appropriate assessment against performance based policies.

Similarly, the listing of many of these land uses in **DTS/DPF 1.1** send an important signal that development associated with the wine industry is both anticipated and encouraged in the Zone.



DTS/DPF 1.1

Development comprises one or more of the following land uses:

...

(c) Brewery

.

(e) Cidery

(f) Distillery

...

(n) Horticulture

...

(r) Shop

...

(t) Tourist accommodation

...

(x) Workers' accommodation

(y) Winery

AHWR supports the desire expressed in **DO2** of the Zone to promote 'agriculture, horticulture, value adding opportunities, farm gate businesses, the sale and consumption of agricultural based products, tourist development and accommodation that expands the economic base and promotes its regional identity'.

This closely aligns with the strategic direction of the AHWR. Of particular importance is the intention of **PO 1.1** to protect and maintain the 'productive value of rural land for a range of primary production and horticultural activities and associated value adding of primary produce (such as beverage production), retailing and tourism is supported, protected and maintained.'

While many elements of the Draft Code are supported, we have identified a number of inconsistencies and policy approaches which will require further refinement and/or explanation. These matters are set out below.

3.2 Policy considerations

3.2.1 Siting and Design

All development

PO 2.1

Development is provided with suitable vehicle access.

DTS/DPF 2.1

Development is serviced by an all-weather trafficable public road.

PO 2.2

Buildings are generally located on flat land to avoid cut and fill and the associated visual impacts.

DTS/DPF 2.2

Buildings:

(a) *are sited on land with a slope not greater than 10% (1-in-10); and*

(b) *do not result excavation and filling of land that is greater than 1.5 metres from natural ground level.*



PO 2.2 anticipates development will be located on flat land, to avoid visual impacts associated with cut and fill. DTS/DPF 2.2 (a) further introduces a restriction on new buildings (all buildings) on land with a slope greater than 1 in 10 (10%).

While the 1.5m maximum cut and fill is noted to be an existing limitation within the Watershed (Primary Production) Zone of the current Development Plan, the introduction of a 10% gradient maximum (of the land) has little justification, nor practical application within the Adelaide Hills.

Much of the land within the AHWR exhibits considerable slope, in some cases greater than 10%. The design limitations imposed by maximum excavation is considered sufficient in minimising deleterious scaring and disturbance of the natural land form, and resultant visual impact. Restricting buildings to 'land' which generally exhibits a slope of less than 10% has little regard to the specific siting of a building within that land, nor the design imperatives that would seek to minimise the visual impacts of excavation sought by DTS/DPF 2.2(b).

Retention of the proposed policy would be a significant impediment to much of the land within the AHWR.

Recommendation

DTS/DPF 2.2(a) should be deleted or amended to provide specific reference to the 'site' of the proposed building, as opposed to the 'land' generally.

3.2.2 Horticulture

Vineyard development

A significant portion of land within the Adelaide Hills is used in the pursuit of horticulture, with the AHWR containing some 3,800 hectares of vineyards. The visual fabric of the Adelaide Hills is defined, to a large extent, by the existence of horticulture and its high productivity and scenic value. Significant areas of apple, pear and cherry orchards, and intensive horticulture (flower farms) are also evident.

The inclusion of PO 3.1 and DTS/DPF 3.1 is generally supported, subject to further refinement and clarification regarding DTS/DPF 3.1 (b) and (f).

PO 3.1

Horticulture is located and conducted on land that has the physical capability of supporting the activity and in a manner that:

- (a) enhances the productivity of the land for the growing of food and produce in a sustainable manner;*
- (b) avoids adverse interface conflicts with other land uses;*
- (c) utilises sound environmental practices to mitigate negative impacts on natural resources and water quality;*
- (d) is sympathetic to surrounding rural landscape character and amenity, where horticulture is proposed to be carried out in an enclosed building such as such as greenhouses.*

DTS/DPF 3.1

Horticultural activities:

- (a) are conducted on an allotment with an area of at least 1ha;*
- (b) are sited on land with a slope not greater than 10% (1-in-10);*
- (c) are not conducted within 50m of a watercourse or native vegetation;*
- (d) do not involve the clearance of native vegetation;*
- (e) about an existing horticulture activity;*
- (f) are not conducted within 100m of a sensitive receiver in other ownership;*



- (g) provide for a headland area between plantings and property boundaries of at least 10m in width; and
- (h) where carried out in an enclosed building such as a greenhouse, the building has a total floor area not greater than 250m²;
- (i) in the form of olive growing, is not located within 500 metres of a conservation or national park.

The introduction of a 10% slope gradient limitation in DTS/DPF 3.1(b) will have detrimental impact on existing and future producers, given a significant proportion of land within the Adelaide Hills exhibits considerable variation in topography, with much exceeding a gradient of 1 in 10 (10%).

The inclusion of the 1 in 10 (10%) gradient imitation has not been justified or supported by technical advice regarding the specific gradient nomination. Suitability of land must be determined on a site specific basis, with compliance with relevant land management criteria such as stormwater management, provision of vehicle trafficking areas and headlands, visual impact, proximity to adjoining land uses/sensitive receivers and the nature and intensity of the land use.

We note the introduction of desired setbacks to 'sensitive receivers' on land in other ownership. The intent of this policy is supported and recognises a need to minimise potential land use conflicts and amenity impacts. However, the nomination of a 100 metre setback requires clarification. It would assist if clarity could be provided in regard to the nominated setbacks, such as the intent for it to be the minimum distance to a property boundary, or dwelling or other habitable building. As currently drafted, the setback nomination is to an unknown end point regarding the nature of the 'sensitive receiver'. It is anticipated that the intent is to achieve a minimum setback of 100 metres to an adjoining dwelling under separate ownership to the horticultural activity, which is reasonable.

DTS/DPF 3.1(e) appears to contain a typographical error.

The restriction of horticulture on land with a slope greater than 10%, and the uncertainty associated with the required setback to a 'sensitive receiver' requires clarification. The combination of these and other siting criteria will be fundamental in the post bushfire recovery of the horticulture and wine industries in the Adelaide Hills, and in the establishment of new areas of primary production.

Recommendation

DTS/DPF 3.1(b) should be deleted.

DTS/DPF 3.1(e) should be deleted.

DTS/DPF 3.1(f) should be amended to provide greater clarity in regard to either the dwelling on the adjoining land, property boundary or other significant habitable building, such as tourist accommodation upon clarification of the intent of the separation.



3.2.3 Rural Industry

Winery Development

It is noted that 'beverage production' (including known winery activities) is identified as 'Industry' within the context of PO 4.1.

PO 4.1

Industry (including beverage production and washing, processing, bottling and packaging activities), storage, warehousing, transport distribution or similar activities:

- (a) are directly related to and add value to primary production and/or commodities and materials sourced from rural areas; and*
- (b) realise efficiencies in primary production.*

DTS/DPF 4.1

Industries, storage, warehousing and transport distribution activities:

- (a) are directly related to and ancillary to a primary production use on the same or adjoining allotment;*
- (b) are located on an allotment not less than 2ha in area;*
- (c) have a total floor area not exceeding 250m².*

DTS/DPF 4.1(c) effectively introduces a floor area capping on wineries within the AHWR. This is not supported. The nomination of a floor area cap gives no consideration to the design and siting of the winery, the ability to address potential amenity impacts nor the intended operational capacity of the facility. Many existing wineries in the AHWR are well in excess of 250m² in area.

The policy as drafted signals that development associated with primary production is only acceptable if restricted to small scale development, irrespective of the specific features of the proposal. It is unlikely that any of the listed activities would be successful if limited in floor area to 250m². This floor area is smaller than the average residential development.

The nomination of a floor area limitation for a winery development is impractical and has little regard to the nature of the specific operation, particularly where it may combine a number of wine industry related land uses such as cellar door, restaurant and functions/events areas. A floor area limitation should not apply to buildings used for beverage production.

DTS/DPF 4.2

Buildings and associated activities:

- (b) are not sited within 100m of a sensitive receiver in other ownership;*
- (c) have a building height not greater than 10m above natural ground level; and*

Refer to comments in regard to DTS/DPF 3.1(f) above.

Recommendation

DTS/DPF 4.1(c) should be deleted.

DTS/DPF 4.2 should be amended to provide greater clarity in regard to either the dwelling on the adjoining land, property boundary or other significant habitable building, such as tourist accommodation upon clarification of the intent of the separation.



3.2.4 Shops, Tourism and Function Centres

Shops/Cellar Door Facilities

PO 6.1 identifies that shops are acceptable within the Peri-Urban Zone where they are associated with existing primary production or value adding industry. This is understood to include cellar door activities.

PO 6.1

Shops are associated with an existing primary production or value adding industry.

We recognise and support the intent to support retail opportunities with both primary production and value add industry, and an acknowledgement that restaurants are an acceptable use within primary production areas.

DTS/DPS 6.1 (c) seeks to limit shop/cellar door activities to 100m². DTS/DPF 6.1 (e) further restricts seating in a restaurant to 75 seats.

DTS/DPF 6.1

Shop:

(c) have a gross leasable floor area not exceeding 100m²;

(e) in the form of a restaurant, do not result in more than 75 seats for customer dining purposes.

AHWR does not support the nomination of a floor area restriction without recognition of the flexibility that is appropriate, and required, in a multi-use facility as noted above. It is common for cellar door/restaurant activities to be co-located, often in association with a winery and administrative functions of the business. The difficulty arises when separating classes of development, and imposing floor area capping, within a single multi-use facility.

The introduction of a 75 seat dining facility capacity was introduced via the Mount Lofty Ranges Watershed Wineries and Ancillary Development PAR (Ministerial) of July 2006/May 2007 (Amendment). There has been no review of winery related development policy since that time. On its introduction, the nomination of a 75 seat capacity was not justified. While the nomination appears to have carried over in to the Draft Code, it remains the case that the nomination of 75 seats remains unjustified.

The capacity of a restaurant, particularly where associated with a winery and/or cellar door should be determined by the available site area, setbacks, provision of on-site parking and all weather trafficable areas, wastewater management, and the management of noise impacts. Operating hours are key to the minimisation of amenity impacts. If a proposal successfully responds to these performance based measures, it should not be unduly restricted in capacity.

AHWR does not support the continued restriction of dining to 75 seats where associated with beverage production development. A number of existing cellar door and restaurant facilities have capacities exceeding 75 seats.

It would be unreasonable and anti-competitive in nature to restrict new developments in a manner that is inconsistent with existing operators.

DTS/DPF 6.2

Shops in new buildings:

(c) have a building height that does not exceed 9m above natural ground level;

A need to impose building height restrictions *may* be appropriate and supported with respect to a proposal for a free standing 'shop'. It is also acknowledged that policy is intended to



foreshadow the establishment of retail activities where they may not be associated with an agricultural production operation, such as a winery.

AHWR supports the overt intent to support value add industries and opportunities.

However, there is also significant potential for a cellar door to be established in a winery building, often being a key feature of the overall development, in providing an opportunity to showcase the produce and the region. Cellar door tastings and events have become a tourist destination in themselves, being the catalyst for much of the recognition gained by the Adelaide Hills region for local, interstate and international visitors.

DTS/DPF 6.2(c) stipulates a building height that does not extend beyond 9 metres. In contrast, DTS/DPF 4.2(c), applicable to a winery building, allows an increased building height to 10 metres.

This inconsistency will impact upon the establishment of multi-use facilities which contain both winery and cellar door activities. Consistent building heights should apply.

In cases where cellar door activities are sited in unobtrusive locations, and are appropriately setback from public roads and adjoining residential properties, a maximum building height should not occur.

Recommendation

DTS/DPF 6.1(c) should be deleted.

DTS/DPF 6.1(e) should be deleted, or amended to be more reflective of existing facilities.

DTS/DPF 6.2(c) should be amended to a 10m building height maximum

Functions and Events

The Adelaide Hills has become a world renown destination for functions and events. It's proximity to the Adelaide Metropolitan area, coupled with unsurpassed scenic beauty and high quality food and beverage offerings gives rise to its dominance in the market. The wedding industry dominates functions and events. Regional events and festivals such as Crush, Winter Reds and the Tour Down Under provide an opportunity to showcase the region and bring considerable economic benefit to the region. Employment opportunities have increased considerably as a result of the economic success of the AHWR.

Devastated by the Cudlee Creek Bushfire of 20 December 2019, with in excess of 30% of the AHWR vineyards decimated, the continuation of functions and events at existing facilities it is fundamental to the recovery of the region. The introduction of new facilities will enhance the continued success and prosperity of the region, and the Adelaide Hills more broadly.

Functions and Events, appropriately scaled and managed, must continue to be encouraged.

PO 6.5

Function centres are associated with the primary use of the land for primary production or value adding industry.

DTS/DPF 6.5

Function centres:

- (a) are ancillary to and located on the same allotment or an adjoining allotment used for primary production or value adding;*
- (b) do not result in more than 75 seats for customer dining purposes.*



Nomination of a 75 seat dining capacity within DTS/DPF 6.5 requires amendment. It appears to be carried over from the existing non-complying trigger within the existing Development Plan, but is an unreasonable and unrealistic cap for functions and events, distinct from regular operation of a restaurant within primary production or value add development.

As noted above, it is some 13 years since this policy intent has been reviewed. There is no justification for the continuance of a seating capacity limitation.

The introduction of policy for functions and events is a welcomed introduction, as it has long been an area of uncertainty for producers and a cause of frustration for local authorities and the community. Clarity around the intent to allow functions is necessary.

PO 6.5 signals that functions and events are envisaged in association with primary production and value add industry. It is common for functions to be in the order of 100 – 120 person capacity, with many existing wineries and cellar door facilities having authorisations for a limited number of larger (up to 450pax) events per year, beyond regional events such as Crush and Winter Reds.

This provide an excellent opportunity to showcase the regional production, and is an important contributor to the South Australian economy.

DTS/DPF 6.5(b) requires amendment to reflect additional and appropriate capacity for functions that may exist, or be proposed in a manner that successfully addresses design, siting and amenity impacts, such as traffic and noise.

Recommendation
DTS/DPF 6.5 (c) should be deleted or amended to reflect a more realistic capacity limitation based on existing facilities

PO 6.6

Function centres are sited, designed and of a scale that maintains a pleasant natural and rural character and amenity.

DTS/DPF 6.6

Function centres:

- (a) are located on an allotment having an area of at least 5ha;*
- (b) are setback from all property boundaries by at least 40m;*
- (c) are not sited within 100m of a sensitive receiver in other ownership; and*
- (d) have a building height that does not exceed 9m above natural ground level.*

DTS/DPF 6.6(d) stipulates a building height that does not extend beyond 9 metres. In contrast, DTS/DPF 4.2(c), applicable to a winery building, allows an increased building height to 10 metres.

As noted above, this inconsistency will impact upon the establishment of multi-use facilities which contain both winery and cellar door activities. Consistent building heights should apply, particularly when functions and events associated with the wine industry are hosted within existing winery and cellar door developments.



Tourist Accommodation

There is a recognised shortage of, yet increasing demand for, short term tourist accommodation within the AHWR. Currently, a series of exemptions allow the establishment of small scale tourist accommodation within existing buildings, being confined to residential dwellings or heritage places. The establishment of purpose built tourist accommodation is currently discouraged by cumbersome and restrictive policy.

AHWR support the introduction of tourist accommodation in association with primary production and welcomes opportunity for producers to enhance their offering with a variety of tourist-oriented options. An increase in accommodation within the AHWR will be welcomed by producers and the wine industry broadly.

PO 6.3

Tourist accommodation is associated with the primary use of the land for primary production or value adding industry.

DTS/DPF 6.3

Tourist accommodation:

- (a) is ancillary to and located on the same allotment or an adjoining allotment used for primary production or value adding;*
- (b) in relation to the area used for accommodation, does not exceed 100m²;*
- (c) does not result in more than one facility being located on the same allotment.*

PO 6.4

Tourist accommodation proposed in a new building or buildings are sited, designed and of a scale that maintains a pleasant rural character and amenity.

DTS/DPF 6.4

Tourist accommodation in new buildings:

- (a) is setback from all property boundaries by at least 40m; and*
- (b) have a building height that does not exceed 7m above natural ground level.*

The appropriateness of the built form and scale of a tourist accommodation development should be determined by the design, siting and presentation of the building. A floor area cap, as identified in DTS/DPF 6.3(b) would jeopardise opportunity for creative and responsive design, and may preclude the adaptive reuse of existing buildings.

Nomination of a 100m² floor area limitation is unnecessary given that a performance based assessment process may determine that a larger facility is appropriate in regard to design, siting and proximity to adjacent land uses. An average hotel suite is 36m² in area, comprising generally a single room and bathroom. A restricted 100m² development minimises opportunity for self contained accommodation, which is popular within the AHWR.

A floor area limitation will be detrimental and will minimise the potential for the adaptive reuse of existing and under utilised buildings within the region.

Recommendation

DTS/DPF 6.3(b) should be deleted.



3.2.5 Offices

Wine industry administration

PO 7.1

Offices are directly related to and associated with the primary use of the land for primary production or value adding industry

DTS/DPF 7.1

Offices:

- (a) are ancillary to and located on the same allotment or an adjoining allotment used for primary production or value adding;*
- (b) have a gross leasable floor area not exceeding 100m².*

PO 7.1 and DTS/DPF 7.1 recognise the integration of administrative functions within primary production, and acknowledge the need to incorporate offices within primary production activities and value add industry. While an ancillary function of horticulture and winery/cellar door and function facilities, it is not necessary to impose a further floor area cap on the activities.

The imposition of a floor area limitation is unnecessary as this would be more appropriately determined by the design of the building and the scale of the primary production operation in terms of employee numbers and variety of personnel roles.

<u>Recommendation</u>

DTS/DPF 7.1(b) should be deleted.

3.2.6 Workers Accommodation

Short term and seasonal workers

PO 9.1

Workers' accommodation provides short-term accommodation for persons temporarily engaged in the production, management or processing of primary produce.

DTS/DPF 9.1

Workers' accommodation:

- (a) is developed on a site at least 2ha in area;*
- (b) has a total floor area not exceeding 250m²;*
- (c) is in the form of a single building or part of a cluster of buildings that are physically connected;*
- (d) amenities accommodate not more than 20 persons at any one time;*
- (e) is setback at least 50m from a road boundary;*
- (f) is setback at least 40m from a side or rear allotment boundary;*
- (g) is located within 20m of an existing dwelling on the same allotment; and*
- (h) does not result in more than one facility being located on the same allotment.*

AHWR recognises and supports the retention of performance based policy that addresses the shortage of workers accommodation within the Adelaide Hills and surrounding regions. The industry is heavily supported by a short term and seasonal workforce, instrumental in the viability and success of the industry, particularly during pruning and harvest seasons.

The opportunity to develop on-site workers accommodation is welcomed by the industry.



4. Closing

Overall, the performance based framework and approach of the Draft Planning and Design Code is supported by the Adelaide Hills Wine Region, subject to further consultation and refinement.

The following amendments are recommended:

- Removal of a restriction on development of horticulture and buildings on land exhibiting a slope greater than 1 in 10 (10%);
- Introduction of a consistent approach to building heights to minimise conflict between classes of development within multi-use buildings;
- Removal of floor area and seating capacity limitations;
- Provision of greater clarity regarding separation from sensitive receivers.

The AHWR welcomes news of the change to the July 2020 deadline for the full implementation of the Code. We trust that this will provide greater opportunity for the review of submissions and due consideration of the comments received.

Given the consultation period has largely coincided with the catastrophic Cudlee Creek bushfire and subsequent recovery priorities for many of the AHWR members, and efforts to secure a vintage for 2020, the Commission will understand that many of AHWR's members are facing tremendous hardship. We believe this has impacted on the ability of AHWR to widely engage in the planning reform, with priorities clearly focussed on loss of property, livelihoods and the imminent recovery.

To assist the wine industry of the Adelaide Hills, we urge the Commission to consider providing further opportunity for additional consultation with the AHWR as the Code continues to be reviewed prior to implementation.

Given the extended timeframes, many AHWR members would likely take opportunity to make individual submissions once bushfire recovery and the current vintage period has advanced.

An opportunity to meet with key planning reform staff would be welcomed.

We thank you for providing an opportunity to make a submission on the Draft Planning and Design Code for South Australia and look forward to working with the Commission and the Department on this significant reform package to ensure the Adelaide Hills Wine Region achieves its full potential as a world class food production and tourism destination.

Should you wish to discuss any aspects of this submission further, please do not hesitate to contact myself on [REDACTED] or [REDACTED] or Ms Kerry Treuel, Executive Officer Adelaide Hills Wine Region on [REDACTED]

Yours sincerely

Emma Barnes | MPIA | Director

CC: Adelaide Hills Wine Region