26 February 2020

State Planning Commission
GPO Box 1815
Adelaide SA 5001

Attention: Mr M Lennon

Email: DPTI.PlanningEngagement@sa.gov.au;
      DPTI.PlanningReform@sa.gov.au

RE: DRAFT PLANNING AND DESIGN CODE, THE CEDARS, HAHNDORF.

Dear Sir/Madam,

We write in objection to the omission of essential Development Plan Policy effecting the Hans Heysen Foundation land at The Cedars, Heysen Road, Hahndorf.

The particulars of our submission follow for your attention.

SUMMARY

The Foundation is in the process of developing an iconic facility to better house and exhibit Hans Heysen’s works, including the construction of a multi purpose-built gallery, visitor centre, and function space together with future associated tourist facilities which it is expected will become a nationally significant tourist attraction in SA and the Adelaide Hills.

The draft Planning Code replaces the designation of The Cedars from a Primary Production Zone to a Peri Urban Zone. In doing so it omits existing Development Plan provisions applying to Hahndorf Rural Activity Policy Area 24, the Precinct Specific Provisions for Precinct 2 The Cedars, and Concept Plan Map MtB/21, The Cedars Precinct.

These omissions remove all that unique local policy that enables the Heysen Foundation to successfully develop new facilities at The Cedars. This action places in jeopardy $10.5 million in Local and Federal Grant Funding and undermines project economics supporting the restoration and curation of this nationally significant art collection.

It is evident that the standardized provisions of the draft planning code have made insufficient reference to the Mount Barker District Council local variations in its development plan, which due to their relevance and current application should take precedence over general State planning policies.

Vitally, the proposed development is relying upon the development Plan provisions of the Hahndorf Rural Activity Policy Area 24, Precinct 2, The Cedars and Concept Plan Map MtB/21 The Cedars Precinct for development plan consent.
Introduction

The Hans Heysen Foundation together with the Nora Heysen Foundation are the custodians of The Cedars and a large collection of the art of nationally recognized artists Hans and Nora Heysen. The Foundation is in the process of developing an iconic facility to better display, conserve, interpret and exhibit Hans Heysen’s works, while also paying homage to his legacy. A multi purpose-built gallery, visitor centre, and function space is required to show the collections of Heysen’s works, and to provide sufficient future working capital through commercial activities, that may include but not limited to guided tours and walks, a retail outlet and café, and multi-purpose event space. Ultimately this facility and future activities planned for adjacent land will become a globally and nationally significant tourist attraction in SA and the Adelaide Hills.

The foundation is presently interviewing architectural design teams to submit a tender for the Design, Documentation and Contract Administration of a new Art Gallery and Cultural Precinct for the primary display of Hans Heysen’s iconic works, and to create an artistic hub for the Adelaide Hills. The future facilities and gallery at the Cedars and this tender is reliant on its current development plan designation for future Development Plan Consent.

Background

Hans Heysen was born in Hamburg, Germany, in 1877 and went on to become one of Australia’s most successful and popular artists. In Hahndorf he created his studio and family home, The Cedars, which one of the nation’s significant historic and artistic treasures. Refer Attachment1 for further details.

The construction of the new Heysen gallery and cultural centre will ensure the long-term viability of The Cedars, and the ongoing preservation and development of the site.

Heysen’s story is one of conservation, pioneering spirit, art, and Australian pride. This project presents an opportunity to preserve the memory and work of two great Australians, to maintain their connection to Australia’s past, and to carefully develop this property as a site with great artistic, educational and tourism potential.

There is an opportunity to create an immersive experience where visitors can view a substantial collection of Heysen’s artworks and explore the genesis of Hans Heysens fascination with nature while wandering through the very environment he painted.

There also exists an opportunity to further develop The Cedars into a home for art lovers from around the globe. To provide a unique, world-class, experience where visitors can discover the art, studio, property and landscape of Hans and Nora, two eminent Australian artists.

The design and construction of a new, iconic, multi-purposed building will ensure the long-term viability of the historic site. It is envisioned that this stimulating, remarkable, interactive space with future facilities will become a creative nucleus for the Adelaide Hills.

Federal Government Grant

In 2016, the Hans Heysen Foundation became the custodian of The Cedars, The Studio and the Heysen collection for a cost of $6.4 million.
Fundraising by the Foundation to secure the property has raised $1 million from the State Government, $1.5 million from The Mount Barker Council, $1 million from the Commonwealth, with the remainder made up of significant Heysen family contributions and private fundraising. The Mount Barker District Council also pledged an additional $1.5 million to assist with further land acquisitions and infrastructure developments.

The Commonwealth also generously contributed a further $9 million in June 2019, to fund the project budget for the new gallery. The Federal Government grant of $9 million is part of project Lot 14 to be administered under the “Adelaide City Deal”. The federal funds are paid through the State government in three payments of $3 million over three years. Wayne Hunter, Director Business & Performance and Kate Atkins of the Premiers department, are managing the distribution to the Hans Heysen Foundation upon the satisfactory completions of approved milestones, March 2020, February 2021 and February 2022.

The project is on track and meeting all deadlines and guidelines set out by the Department of the Premier and Cabinet, presently overseeing the grant on behalf of the Commonwealth.

The proposed development is relying upon the development Plan provisions of the Hahndorf Rural Activity Policy Area 24, Precinct 2, The Cedars and Concept Plan Map MtB/21 The Cedars Precinct for development plan consent.

The Property
The property comprises four certificates of title embracing some 55 hectares of land containing, the State Heritage listed home of Hans Heysen, known as The Cedars, his studio and Nora Heysen gallery, together with gardens, outbuildings and art and artefacts of the Heysen family. These buildings are set within the iconic Heysen landscape, and in their unique setting are served by a visitor car park, recycled water infrastructure from the nearby SA Water Hahndorf effluent plant, access tracks, pedestrian paths and curators residence.

The property already functions as an important tourism precinct within the Adelaide Hills at Hahndorf. The subject land is identified on the accompanying site plan, and that land is reflected in Development Plan Concept Plan Map MtB/21.

The Development Plan
The Cedars is located in a Primary Production Zone, within Hahndorf Rural Activity Policy Area 24, and the Precinct Specific Provisions for Precinct 2 The Cedars, and Concept Plan Map MtB/21, The Cedars Precinct.

Policy Area 24 states: -

Small-scale tourist accommodation, in association with the above-mentioned activities is considered an important adjunct to the value adding, and production of farm produce at a small to medium scale. Development within Precinct 2 The Cedars will include a cultural, arts and tourist precinct centered on the internationally recognized artist Hans Heysen’s house and studio and surrounding land.

The specific provisions of Precinct 2, The Cedars states: -
The precinct will accommodate a cultural, arts and tourist precinct centered on artist Sir Hans Heysen's house and studio. In addition to the conservation of these buildings, development will include the establishment of a multi-purpose art gallery, a function centre, education and artists' studios/workshops, restaurant, café and shop for the sale of cultural and art objects, and visitor facilities. Development within The precinct will be larger than the remainder of the policy area but in keeping with the objectives of the policy area.

Conservation of the renowned Heysen eucalypt forest will occur in conjunction with additional native plantings. Opportunity will also be provided for the establishment of a range of complementary tourist attractions, embracing art, food and wine with short stay accommodation, cultural activities, exhibitions, sculpture installations and workshop space for the creation of arts and crafts. All development will be integrated with interpretative walking trails and gardens and serviced by associated infrastructure including vehicle parking.

Development within the precinct will require an integrated and co-ordinated stormwater and wastewater management system for the whole of the Precinct to minimise any potential adverse effects on the Mount Lofty Ranges Watershed. Stormwater management will employ water sensitive design principles, including minimising the extent of impervious surfaces, use of drainage swales and retention of stormwater for re-use on-site. Potential wastewater impacts will be avoided by requiring development in the precinct to be connected to the existing SA Water waste water treatment facility at Hahndorf.

Principle of Development control 12 states:

12 The following forms of development are envisaged in precinct:
- art gallery
- dwelling
- function centre
- office
- restaurant
- shop or group of shops
- studio/workshop
- tourist development.

Principle 14 also permits land division where necessary to achieve the Desired Character of this Precinct.

The Future of Concept Plans

Concept Plan Map MtB/21, The Cedars Precinct, is provided to guide the development of the subject properties. It identifies the Cedars, and studio State Heritage items, the future gallery and function centre, large future allotments for complementary tourist development and environmental and services infrastructure. This plan is attached to this submission.
The Guide to the Draft Planning and Design Code, Rural and Urban Council Areas (Phases Two and Three) For Consultation - October 2019 made comments concerning the cleaning up of “our concept plans” as follows:

**Cleaning up our concept plans**

During the Code drafting process, DPTI and the Commission worked closely with councils to identify and evaluate the importance and relevance of each concept plan in the context of the Code and the new planning system.

A large number of concept plans have subsequently not been carried across to the Code, principally due to:

- The plan being superseded or out-of-date
- The plan offering no substantive role in development assessment
- Irrelevance or obsolescence due to over prescription or inflexibility (not being able to evolve with development over time)
- Development in the subject area having been largely completed.

Concept Plan Map MtB/21, The Cedars Precinct is not out of date, irrelevant or obsolete. The development it guides has not yet commenced. It still has much work to do and is relevant to future site planning.

**Concept plans transitioned**

A small number of concept plans have been identified and transitioned to the draft Code as overlays. These have been retained because:

- Policy and zoning tools available in the Code cannot adequately address the development outcomes envisaged in the concept plan and/or
- The concept plan has an active policy role in the future staging of development and the provision of infrastructure (particularly for growth areas).

The transitioned concept plans will be referenced by policies within the overlay and will retain their original spatial extent.

It is submitted that Concept Plan Map MtB/21, The Cedars Precinct, should be retained for exactly the “transitional reasons” reasons advanced above.

**Planning Code (Code) - Peri Urban Zone**

The Code proposes to include the subject property in a Peri Urban Zone. In its terms:

**Table 1 - Accepted development Classification.**

None of the envisaged uses in existing principle 12 are accepted.

**Table 2 - Deemed-to-Satisfy Development Classification**

Shops and tourist accommodation are envisaged subject to Deemed to satisfy (DTS) provisions 2.1, 2.2, 6.1, 6.2, 6.3, 6.4, and 8.1.

Land division is only permissible as a boundary alignment.

The following provisions do not support gallery sponsored tourist oriented development.
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.

The proposed tourist elements will exceed the limited circumstances of DTS allowances.

Table 3 – Applicable Policies for Performance Assessed Development

Shops and tourist accommodation are envisaged subject to Deemed to satisfy (DTS) provisions 1.1, 2.1, 2.2, 6.1, 6.2, 6.3, 6.4, 8.1 and 11.1.

Land division is only permissible as a boundary realignment and will restrict future economics of future complementary tourist facilities.

Land Use and Intensity PO 1.1 provides:

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. The proliferation of land uses that may be sensitive to those activities is avoided.

Primary production is protected, and it is only retailing and tourism associated with primary production that is supported, not gallery and tourist oriented development.

Table 4 – Restricted Development Classification

Shop is restricted except under limiting conditions and land division is also restricted.

Conclusions

Essentially the Peri Urban Zone is similar to the existing provisions of the Primary Production Zone. However the provisions of Hahndorf Rural Activity Policy Area 24, and the Precinct Specific Provisions for Precinct 2 The Cedars, and Concept Plan Map MtB/21, The Cedars Precinct, are not recognized.

It is submitted that Policy Area 24, Precinct 2 The Cedars and Concept Plan Map MtB/21, The Cedars Precinct, should be retained.

The reform goal of consolidating of South Australia’s 72 complex development plans into one set of easy-to-understand planning rules has significant merit but has not been achieved by standardization in this case.

A State Government introductory reform paper entitled “Blueprint for South Australia’s Planning & Design Code - Working Together to Develop the Code” stated:

We recognize that many councils and communities have a strong sense of ownership over policies that apply to their area. The State Planning Commission does not want to
see positive policy discarded when drafting the Code and acknowledges the importance of policies that help implement the vision for local areas. However, we are also aware that we can streamline areas of policy conflict or constricting and duplicated policy.

It is evident that important local policies referred to above have been lost in the streamlining process, and we request that they be reinstated for their importance to the Foundation.

We would welcome the opportunity to discuss this submission with the planning code reform team to assist with policy reintroduction in due course.

James Sexton
Chairman, Hans Heysen Foundation
The Cedars, Hahndorf, South Australia
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Hans Heysen, The Artist

Born in Hamburg in 1877, Hans Heysen was one of Australia’s first non-indigenous artists to engage deeply with Australia’s landscape with his rich depictions of the outback, atmospheric paintings of the Adelaide Hills and sensitive sketches of village life. He derived his inspiration from the sharply contrasting landscapes of the Mt. Lofty ranges and the stark untamed scenery of the Flinders Ranges.

Seven-year-old Hans migrated to Australia with his family in 1884. He showed an early interest in art and, after leaving school at age 14, he took art lessons with James Ashton, who had established the Norwood Art School in 1886.

So natural was Hans’ early talent that one of his first paintings, The Wet Road was purchased by James Ashton and currently hangs in the Art Gallery of South Australia. Exhibiting regularly, Heysen was developing a following and began to study at the Gallery’s School of Design.

In 1899, sponsored by four prominent South Australian art enthusiasts, Heysen sailed to France to study art. In Paris, he attended the Académie Julian and Colarossi’s Academy, and was invited to join the École des Beaux Arts—the influential School of Fine Arts.

In September 1903, after four years’ study in both Paris and Italy, Heysen came back to Adelaide one of the most highly trained artists of his generation and established a studio in the city. He painted works to sell and taught classes where he met Sallie Bartels, whom he married in 1904.

The young couple moved to Hahndorf in the Adelaide Hills, from where Heysen produced the first of his important large works, The Coming Home and also completed what would become one of his most admired paintings, Mystic Morn.

Several events outside of South Australia then propelled Heysen into great national prominence, and helped put Heysen forward as an important new voice in Australian art.

With the assistance of the Adelaide Steamship Co., which offered to transport paintings free of charge between Australian capital cities, Heysen sent The Coming Home, Mystic Morn and some smaller works to be shown in the 25th Annual Exhibition of the Royal Art Society of New South Wales. Two days before the official opening, the National Gallery of New South Wales (as it was then called) purchased The Coming Home. Shortly afterwards, Mystic Morn was awarded the Wynne Prize for best landscape of the year. When the painting was returned to Adelaide and exhibited in the Seventh Federal Exhibition of the South Australian Society of Arts, it was purchased by the National Gallery of South Australia. Following Heysen’s success in Sydney, Heysen sent Sunshine and Shadow, a third large work to an exhibition in Melbourne from where it was purchased by the National Gallery of Victoria.

By the end of 1906, at the age of 29, Heysen had major works in the three most important State Galleries.

In August 1908, Heysen held one of his most significant exhibitions in the Guild Hall, Melbourne. Not only was it his first major exhibition but it was opened by the Prime Minister of Australia, Alfred Deakin. Two works were purchased by the National Gallery of Victoria, A Lord of the Bush and A Midsummer Morning, and Australian operatic soprano, Dame Nellie Melba purchased her first pictures by Heysen. She went on to become his great friend and champion.
Heysen held a second exhibition in Melbourne in 1912, endowing even bigger success and enabling him and Sallie to purchase The Cedars in Hahndorf, a property with a house, outbuildings and thirty-six acres of land where they raised their eight children.

In 1913, Heysen had a studio built in stone, near the house where he was able to work undisturbed, surrounded by his favourite subject matter, the eucalyptus.

An ardent conservationist, Heysen lobbied neighbour’s and the local council to preserve the great gums around Hahndorf and, in 1938, increased his holding from 14 to 60 hectares to support the conservation of these trees and the natural environment. A number of these ancient gums, some as old as 600 years, formed much of the inspiration for Heysen’s work and are still standing today.

His love of the Australian landscape also extended to the Flinders Ranges in outback South Australia, where he visited 11 times between 1926 and 1949. His unique depiction of the landscape in the mediums of oil, water colour and charcoal opened Australians’ eyes to the beauty of their own country.

Many of Heysen’s most famous works were produced while living at The Cedars. He lived out the rest of his life in this idyllic place doing what he loved. It is and should always be the spiritual home of this great artist.
Consultation closes 29 November 2019 for Phase 2 and 28 February 2020 for Phase 3
Mount Barker District Council  
Zone Section  
Primary Production Zone  
Hahndorf Rural Activity Policy Area 24

Hahndorf Rural Activity Policy Area 24

Refer to the Map Reference Tables for a list of the maps that relate to this policy area.

OBJECTIVES

1. Establishment of a diverse range of primary production and related value-adding activities

2. Increased tourism and development that is compatible with primary production and the environmental attributes of the area

3. Protection of the rural historic character of the area by minimising the visual intrusion of new buildings on the landscape

4. Development that contributes to the desired character of the policy area.

DESIRED CHARACTER

This policy area occupies the north-western part of the district, forming the hinterland of Hahndorf, one of South Australia’s prime tourist destinations. The landscape is characterised by relatively small allotments, significant topographic differences over small distances, and relatively steep slopes.

Narrow rural roads framed by a canopy of trees, distant views, substantial pockets of native vegetation and scattered large eucalypts result in high scenic quality. Development should be undertaken that both maintains and enhances these character elements.

Function

The area will take advantage of Hahndorf’s role in showcasing high quality local produce by broadening the range of primary production-related activity, and adding value through additional processing, marketing and promotion of produce. It is envisaged that development will complement the commercial and tourist mix in the Hahndorf township.

Development such as markets, small scale farm produce based industries, galleries and craft workshops, produce trails, gourmet retreats and cooking schools supplementing small scale and niche agricultural enterprises is envisaged.

Small-scale tourist accommodation, in association with the above-mentioned activities is considered an important adjunct to the value adding, and production of farm produce at a small to medium scale. Development within Precinct 2 The Cedars will include a cultural, arts and tourist precinct centred on the internationally recognised artist Hans Heysen’s house and studio and surrounding land.

Public Realm

A key priority for this area’s character will be the maintenance of landscape quality through the re-establishment and retention of remnant and roadside vegetation. The siting and design of buildings should contribute positively to landscape and environmental quality as well as complementing the existing regional historic built form.

The network of picturesque tree-lined roads will be maintained, with roadside vegetation re-established where necessary. Prominent vantage points will be identified and interpretative signage installed.
Built Form / Character

Development within the majority of the policy area should take design and material cues from the historic vernacular, such as the Silesian, English colonial, and the late 19th century early 20th century Australian traditional styles. All buildings and structures will be clustered, sited in valleys, below ridgelines, and contribute to the enhancement of landscape quality. The use of traditional building materials such as timber, red brick, stone and corrugated iron will be encouraged. While respecting the built form and setting of the State heritage-listed dwelling (The Cedars) and Hans Heysen’s studio, new development within The Cedars Precinct will be of a high quality, employing contemporary design and materials.

Domestic and ancillary buildings will be clustered and the use of non-reflective materials which blend in with the surrounding environment will be encouraged. The use of reflective prefabricated steel cladding, such as Zincalume, will be discouraged.

Effective vegetated buffers will be established between dwellings, tourist accommodation and surrounding land so as to minimise land use conflicts and not impede the continuation of existing, and development of future agricultural activities.

Precinct 2 The Cedars

The precinct will accommodate a cultural, arts and tourist precinct centred on artist Sir Hans Heysen’s house and studio. In addition to the conservation of these buildings, development will include the establishment of a multi-purpose art gallery, a function centre, education and artists’ studios / workshops, restaurant, café and shop for the sale of cultural and art objects, and visitor facilities. Development within The Cedars Precinct will be of a larger size than the remainder of the policy area but in keeping with the objectives of the policy area.

Conservation of the renowned Heysen eucalypt forest will occur in conjunction with additional native plantings. Opportunity will also be provided for the establishment of a range of complementary tourist attractions, embracing art, food and wine with short stay accommodation, cultural activities, exhibitions, sculpture installations and workshop space for the creation of arts and crafts. All development will be integrated with interpretative walking trails and gardens and serviced by associated infrastructure including vehicle parking.

Development within the precinct will require an integrated and co-ordinated stormwater and wastewater management system for the whole of the Precinct to minimise any potential adverse effects on the Mount Lofty Ranges Watershed. Stormwater management will employ water sensitive design principles, including minimising the extent of impervious surfaces, use of drainage swales and retention of stormwater for re-use on-site. Potential wastewater impacts will be avoided by requiring development in the precinct to be connected to the existing SA Water waste water treatment facility at Hahndorf.

PRINCIPLES OF DEVELOPMENT CONTROL

Land Use

1. The following forms of development are envisaged in the policy area:
   - cellar-door sales
   - farming
   - horticulture
   - agricultural industry associated with the processing, packaging and distribution of local produce
   - shop in the form of small scale on-farm produce sales outlet in association with primary production
   - small scale restaurant associated with primary production, cellar door or winery
   - small-scale tourist development in association with wineries, farms and local heritage places.

2. Retail sales of goods produced and processed within the policy area are appropriate providing such sales remain ancillary and incidental to the principal horticultural, farming or processing use of the land.

3. Commercial development should be limited to the handling, storage, packing or wholesaling of primary produce and tourism.
4 Value-adding should be limited to the handling, storage, packing, processing or retailing of produce that is primarily sourced from the subject land.

5 Tourism, including accommodation should be small-scale (except within Precinct 2 The Cedars), and support the following:

(a) wineries
(b) farming, horticulture and on-site value-adding
(c) re-use, conservation and enhancement of State and Local heritage places.

6 Ancillary land uses, such as tourist accommodation, should be of a size, scale and impact less than the existing farming or horticultural activities on the subject land.

7 The sale of traditional arts and crafts should be limited to that produced on the subject land (except within Precinct 2 The Cedars).

8 Development in the vicinity of SA Water's Wastewater Treatment Plant should be located and sited at a distance that will not prejudice the treatment plant's on-going operations.

**Form and Character**

9 Development should not be undertaken unless it is consistent with the desired character for the policy area.

10 Buildings should be:

(a) sited and designed to respond to the local topography
(b) adopt innovative design techniques
(c) use traditional building materials indicative of the surrounding region.

**Land Division**

11 Land division should only occur if no additional allotments are created (except within Precinct 2 The Cedars), and (a) or (b) apply:

(a) the boundary realignment contributes to the maintenance of remnant native vegetation and landscape quality
(b) the boundary realignment contributes to the diversification of the rural economy.

**PRECINCT SPECIFIC PROVISIONS**

Refer to the Map Reference Tables for a list of the maps that relate to the following precinct.

**Precinct 2 The Cedars**

12 The following forms of development are envisaged in precinct:

- art gallery
- dwelling
- function centre
- office
- restaurant
- shop or group of shops
- studio/workshop
- tourist development.
13 Development, including land division, within the precinct should occur in accordance with Concept Plan Mt/821 – The Cedars Precinct (Hahndorf).

14 Land division within precinct should:
   (a) assist in achieving the Desired Character for the precinct
   (b) not adversely impact on the maintenance of native vegetation and landscape quality of the precinct
   (c) create allotments of a size and configuration appropriate for the intended use.

15 To minimise the potential for adverse impacts on water quality within the Mount Lofty Ranges Watershed, development within the precinct should:
   (a) utilise water sensitive design measures (i.e. minimising the extent of impervious surfaces, use of drainage swales, retention of stormwater for re-use on site etc.)
   (b) be connected to the existing SA Water waste water treatment facility at Hahndorf.
Subject Area
- Car parking
- Caretaker's residence
- Proposed access
- Cedars Garden
- Cedars and studio State Heritage Items
- Emergency egress
- Future gallery and function centre
- Large allotments for complementary tourist development
- Revegetation and stormwater management area
- Ridge art display and outdoor workshops
- Vegetation conservation
- Walking trails

THE CEDARS PRECINCT

Concept Plan Map MtB/21

HAHNDORF