

## McLaren Vale Character Preservation District Review

The following information provides clarity on Council's perspective regarding the State Government's recent review into the McLaren Vale Character Preservation District.

### What is the status of the Character Preservation Acts Review?

The Character Preservation Acts (*Character Preservation (Barossa Valley) Act 2012* and the *Character Preservation (McLaren Vale) Act 2012*) Review was undertaken by the Department of Planning, Transport and Infrastructure (DPTI) and was finalised in February 2018.

The DPTI recently published its [Review Outcomes Report \(PDF, 1481 KB\)](#) on the [SA Planning Portal](#), which made the following recommendations:

1. Legislation for the protection for the character preservation districts should be retained.
2. The [State Planning Commission](#) should investigate the merit of the proposed amendments to the character preservation districts in the context of Greater Adelaide's growth.
3. A statutory review process should be introduced that provides for amendments to the boundaries of the character preservation districts.
4. Provide for greater consistency and clarity of policy within the character preservation districts in preparing the Planning and Design Code (note: the Planning and Design Code will replace all Development Plans across the state as part of the planning reforms).

No immediate changes to the Acts will be pursued until the Commission has led a proper review and investigation into boundary adjustments, policy refinements and improved process to make such amendments.

It is anticipated that the boundary review could take around 12 months to complete.

### What is the City of Onkaparinga's position on the Act?

Council provided a submission to the Review in November 2017 which outlines the 'position' of the administration. The following is extracted from our submission:

'The City of Onkaparinga continues to support the Act, specifically the McLaren Vale Act as it relates to our area. The Act provides that the special character of the district is recognised, protected and enhanced whilst providing for the economic, physical and social wellbeing of the communities within the district.

Critically, the Act restricts residential development in our rural areas thereby providing for continued viable farming and primary production activities, protection of our natural landscapes and environmental resources, and support for appropriate tourism opportunities.

The Act is a welcomed planning tool for us, notwithstanding the Onkaparinga Development Plan does not support urban development in rural areas.

The Act provides statutory weight to refuse inappropriate development such as residential allotments within primary production areas or development which is at odds with the special character of the district.'

At its [11 December 2018 meeting](#), Council resolved that it does not support any changes to the *Character Preservation (McLaren Vale) Act 2012*, including urban growth boundaries nor support any further reviews to give certainty to residents and landholders.

### **What is the current status of the three parcels of land in question?**

The [Onkaparinga Development Plan](#) identifies that the three subject allotments are within the Primary Production Zone and covered by the Character Preservation District Overlay.

The current zoning allows for farming, horticulture, intensive animal keeping, small scale industry in association with farming, tourist accommodation and winery, all being envisaged land uses.

Given the proximity of the subject land parcels to adjacent housing, there are limitations imposed through policy on scale and intensity of these land uses and built form.

### **Have any development applications been lodged or preliminary discussions regarding rezoning been had regarding the three parcels of land?**

Advice had been given to the respective landowners about the potential for rezoning and development of the land prior to the protection legislation being passed in Parliament in 2011.

Because of the confidential nature of this advice, specifics details cannot be provided, except that the advice has broadly and variously advised that the land is outside the metropolitan urban growth boundary defined by the state government and there were no plans by the council to rezone the land.

There are no records of advice having been sought about the three parcels of land since the implementation of the protection legislation.

There are no development applications on any of the parcels of land that are relevant to this issue.

### **Who can provide me with more information on the status of this review?**

Anyone seeking further information or answers to any questions about the review being conducted should contact the state government:

#### **Department of Planning Transport and Infrastructure**

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