



INFORMATION SHEET NO. 33

VINEYARD/VITICULTURE DEVELOPMENT

What is a Vineyard?

The term 'vineyard' is used to describe a land use which includes the growing of grapevines and is more specifically referenced within the *Development Act 1993* as a type of 'horticulture'.

The day-to-day operation of vineyards can have particular impacts on nearby properties from spray drift, noise and soil erosion.

Do I need a Development Approval to operate a vineyard?

Yes, a Development Approval for a "change of use" will be required for the establishment of vineyards in nearly all circumstances, including:

- Converting grazing or cropping activities to horticulture (vineyard);
- Converting certain other types of horticultural uses (such as market gardening) to viticulture or horticulture (vineyard). In these circumstances there is a clear difference in horticultural practices which triggers the need for approval;
- Converting an orchard or olive grove to viticulture or horticulture (vineyard);

A vineyard application may also include proposals for associated structures such as farm buildings and storage shed(s), and in many cases proposals for the construction of dams and frost fans (see Information sheet No. 8 for detail required to be submitted for a farm buildings etc.).

Information that must be submitted with a Development Application

Forms and fees

1. A completed application form signed and dated;
2. Payment of relevant development application fees;
3. Declaration of Applicant (in relation to power lines); and
4. A current copy of the Certificate of Title for the site (no more than 12 months old). Please check for easements and registered encumbrances or Land Management Agreements.

Plans and documentation (3 copies with at least one copy being A3 or smaller)

1. Site plan in a minimum scale of 1:500, clearly showing the north point and location of the proposed development or activity including:
 - a. Topographic information (slope of land);
 - b. Site boundaries with dimensions, road names and existing and proposed structures and indicating the setback distance from the boundaries to the proposed development (i.e. buildings, loading areas, wash down facilities);
 - c. The location of any native vegetation and information on any areas proposed to be cleared as part of the application (please note that this may be subject to approval from the Native Vegetation Council);

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- d. A vineyard location plan in a minimum scale of 1:500, clearly showing:
- i. Area to be planted (i.e. hectares/acres);
 - ii. Direction of rows;
 - iii. Location and width of any buffers or headlands (e.g. for the purposes of protecting from spray drift, windbreaks or protecting water quality);
 - iv. Location of any watercourses, wetlands, dams (both existing or proposed) and/or bores and the setback distances of the vine plantings from these features;
 - v. Distance to the nearest dwelling(s) or other sensitive uses on site or neighboring properties (please note a buffer zone can be used to separate horticultural and residential land uses to minimise conflict);
 - vi. Internal roadways, including access for firefighting purposes;
 - vii. Location of any proposed frost fans (see below for further information); and
 - viii. Land capability class information, including:
 - the results from a viticulture soil survey and description of the methods used to manage soil erosion, both during the site establishment and long term;
 - an outline of the land capability class/classes. This information can be obtained from your local Soil Conservation Board and will need to confirm that the soil is capable of supporting the viticulture.
- e. A written description of the vineyard proposal, including details on:
- i. The likely (if any) development stages;
 - ii. Total area to be planted with vines (in hectares or acres);
 - iii. Details of the type of pasture or ground cover to be established between rows and how this ground cover will be maintained. Information should be included which details the use of wide grassed swards or floodways in the vineyard which are designed to minimize water velocity and reduce soil erosion;
 - iv. How the vineyard will be managed including:



- Harvest method;
- Types of chemicals to be used (e.g. non-residual herbicides, fungicides), the method and frequency of application (including the likely distance and area of spray drift);
- Proposed hours of operation for machinery within the vineyard;
- Any audible bird scaring devices, including frequency and time(s) of use;
- The source and volume of water to be used for the vineyard and a copy of a permit or license; and
- How chemicals, including fertilizer, will be stored and how accidental spills will be contained and controlled, along with the names and quantity of chemicals to be stored in a dedicated chemical storage area that is adequately bundled.

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Additional information

The following information is additional to the above requirements.

Dams

If a proposal includes the construction of a dam/s, an applicant will be required to provide details on the size, location and capacity of the dam. A further permit under the *Natural Resources Management Act 2004* from the Adelaide & Mount Lofty Ranges Natural Resources Management Board (AMLR NRMB) will be required when the dam is within:

- the Barossa Valley Prescribed Water Resource (surface and ground water) Area (including Greenock Creek)

Further details on the construction of dams can be found on Council Information Sheet 26 or by contacting Planning staff.

Frost Fans

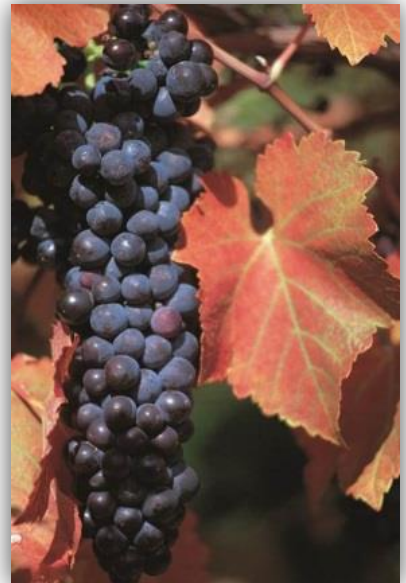
If the proposal also seeks to construct frost fan(s), information relating to the fans operation, including noise will be required. Importantly, given the nature of frost fans consideration must be given to their proposed location, taking into account the likelihood of impact upon neighboring sensitive uses (houses, etc.).

The Light Regional Council Development Plan provides the current noise control measures which need to be addressed when considering the construction of a frost fan. Information will need to be submitted which addresses the following:

- Noise emitted from a fan must not exceed the background noise level by more than 5dB(A); or
- Noise emitted by a frost fan does not exceed:
 - an outdoor noise level of 45dB(A) and an indoor noise level of 25 dB(A) when located within a generally residential type area; or
 - an outdoor noise level of 55dB(A) and an indoor noise level of 35dB(A) when located within a generally primary industry type area.

In addition to the information noted on the previous pages, the following information will be required to be submitted with a Development Application when proposing to construct a frost fan:

- make and model number;
- elevations, inclusive of height details and span of the frost fan(s);
- noise data for the chosen make and model of fan;
- information relating to the power unit and controller;
- a site plan that identifies the location of the proposed frost fan(s) at a scale not less than 1:500 showing the location of all dwellings and public roads within a 500 metre radius of the proposed frost fan/s;
- details of the timing or operation of the frost fan and how its operation will be controlled.



If the frost fan is in close proximity to a dwelling, please note that an acoustic report may be required.

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Gas Guns

The use of audible bird scaring devices in the form of gas guns is acknowledged as a day-to-day activity associated with viticulture which takes place at select times of the year. Like frost fans, the use, location and operating methods of these devices needs to take into account the likely impact upon neighboring sensitive uses (houses etc.) and be appropriately managed. Gas guns may be commonly used to deter birds from eating and attacking grapes on vines. Birds may become accustomed to, and ignore visual and auditory stimuli over time. The key to prolonging the effectiveness of scare techniques is to vary methods used.

If proposing to utilise gas gun(s), the following information will be required:

- 1) a site plan that illustrates where the gas gun(s) will be located on the land and the distances to the closest most sensitive receptor (i.e. house(s)); and
- 2) Information relating to the timing of firing and frequency of the use of the gas guns.

Please note that Council's Development Plan states that gas guns are to be operated in accordance with the following:



- a. "gas guns are only used between dawn and dusk on any day, where the time of day for dawn and dusk is from time to time prescribed in the Government Gazette;
- b. the maximum number of firings of gas guns will be no more than 6 sounds an hour emanating from any area of 10 hectares or less on any one property. Two firings in quick succession of the gas gun count for only one shot for the purposes of complying with the 6 sounds an hour criterion;
- c. the timing of firing of multiple gas guns on the same property will be the same or similar;
- d. gas guns will not be used closer than 300 metres to a noise sensitive receiver that is not associated with the property on which the gas gun is used. This distance may be reduced if the proponent can show that it is permanently set up such that the average maximum level of the explosions does not exceed 100dB (LinPeak) measured at any noise sensitive receiver not associated with the property on which the gas gun is used;
- e. a gas gun will be positioned such that it minimises the impact to noise sensitive receivers. This will generally mean the device is not directed towards the nearest noise sensitive receiver depending on the location of other receivers and the local topography between the device and the receiver; and
- f. the gas gun will only be used in conjunction with other methods of bird control."

Further information may be obtained from the Environment Protection Authority website (www.epa.sa.gov.au) – 'Audible bird scaring devices- Environmental Noise Guidelines'.

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