

Thank you Mr President and councillors for allowing me to speak today.

My name is Hayley Christidis and I am the wife of Alexi. Together we are the face of Chalari Wines. I speak in reference to item number 9.1.2 Lot 306 Tower Road, Mount Barker.

Chalari Wines was launched in 2017. Our philosophy is to source small batches of premium grapes from local vineyards that we make into exceptional wines. We complete the whole wine making process ourselves and have done for the last 4 years at our 1 acre property in Roleystone in Perth. We believe in minimal interventions during the wine making process and this makes our wines unique and sought after. Our process is niche and follows the 'garagiste' fashion of wine making established by French wine makers that sees them make wine in their garage and respects them for their small scale of operation and their entrepreneurial skills that contribute to the wine industry. The scale in which we operate is minute. Our shed where we intend to operate takes up a total of 1% of our entire 5 acre property.

We arrived here in April this year. We have been wanting to move to the region for many years and we have been looking at numerous properties over the last 18 months. We found the perfect arrangement for us at 15 Tower Road which included a beautiful house and an established shed nearby. As we have 2 small children who are enrolled at the local school, we need for our wine making process to be done close to home so that we can both fulfill our parental roles whilst trying to continue our small business. I am a Registered Nurse & Midwife and am currently employed permanently at the Albany Health Campus.

We received advice from the acting Town Planner in January this year that our business would fit clearly in the town planning scheme provisions and could be presented positively to the council. This was verified with Andrus Budrikis. We were advised by an administration officer via phone call and email that we can submit the DA after purchasing the property. We have since learnt this is not of the same interpretation as the permanent Town Planner and has landed us in a living nightmare.

The nature of our business is of such low impact to the amenity, surrounding neighbours and the community. We have numerous letters of support from our previous neighbours in Roleystone that highlight we had little impact on them and that we were always very respectful in our conduct and operation. Our current neighbours have also written letters of support for our proposal and accept our small operation will have little impact. We hope you have been supplied with the letter of support from Terry Redman that highlights our business is welcome in the region and he commends our application. We have received so much support and encouragement from local wine makers & community members who welcome us as a family and are thrilled to see new business opportunities for the Shire of Plantagenet.

We have engaged with a lawyer and have spent a significant amount of money on this matter yet this has not been mentioned in the agenda. We have sought legal advice because we feel that we are within our rights to continue our business on the land we own and that our business falls within the town planning scheme. Certainly this has been reflected in Glen



McLeod's legal opinion and we respect his advice as one of WA's preeminent environmental and planning lawyers with over 40 years experience in the field.

The objective of the Rural Residential Area Zone is to provide for rural residential living and small scale rural and tourist uses providing they do not impact detrimentally on the environment or the amenity of adjoining property. Our proposal is that we operate out of an existing shed. There are no additional buildings required. We do not need to do any clearing of trees on our property. Our operation is not visible from the road. We have no intentions to conduct cellar door sales. We are willing to work under certain conditions as we did in Roleystone that ensure our operation does not affect the amenity. Our production is of such a small scale that it does not attract rodents or pests. Furthermore, our style of wine making does not make any unpleasant smells that might be considered to cause public concerns. This can be verified by the yearly inspections we previously had from the Shire of Armadale to ensure our operation was compliant.

2020 has been a difficult year for many due to the global pandemic. It has been particularly difficult for us already due to the closure of bars & restaurants that source our wines and the cancellation of events where we make sales. At this point in our business we should be securing local grapes and preparing for the upcoming vintage. Our operation is on hold and remains this way for the unforeseeable future. This has caused enormous angst for us. We feel further frustrated that we are in this position despite our premier encouraging young Western Australians to 'Work & Wonder out Yonder', a \$3 million investment launched by the state government to attract works to seasonal agricultural jobs across the regions. The premier also invested \$2.3 million to help 20 local governments identify opportunities to reform approvals processes, and new laws were meant to simplify approvals for tourism and other developments.

I wish to highlight the fact that this matter has not been transparent and does not allow you the elected councillors to make an informed decision. You are the elected councillors and you represent the community. Unfortunately, our proposal has not been presented properly to you by the administration. We respect the difficult position you are in now to vote upon a matter that is clearly able to be approved and is a welcomed opportunity within the community. I wish to remind you of the outcome of the community engagement survey that was conducted in 2016 which highlighted that 46% of respondents felt that the Shire of Plantagenet did not encourage economic growth. It was suggested by the community that the Shire should encourage more and new businesses, encourage and promote tourism and provide job opportunities. This is what we are here to do and we hope you can see us as an asset to your community.



## Alexi Christidis Presentation to councilors

Thankyou Mr. president and councilors

I do not want to recap what others have said. I would like to try and explain to you the difference between a micro winery and a winery.

The department of agriculture define wineries by production scale, where they say a micro winery is up to 100 tons. We only want to process 20 tons.

The Shire of Augusta Margaret River differentiate between boutique, small- and large-scale wineries in all their planning policies.

This is not something we are coming up with out of thin air. A micro winery exists, and it simply is not defined in the town planning scheme.

Whilst your planners report says there is no reference to scale, that is not correct. The scheme provisions allow for 'small scale rural use'. Therefore, scale is applied to rural use within this scheme provision, and that is further explored and detailed in legal advice which has not been included in the agenda item for today. We hope you have received that information.

### 1. Scale –

- a. Scale has a relationship with impact on amenity and environment
- b. We aim to process 20 tons per year, spread out over a 4-month period.
- c. 2-ton batches are the largest batch we would process at one time.
- d. 2 tons comes on the back of my trailer and Ute.
- e. It is hand loaded into a crusher or the press depending on the wine.
- f. Processing would take half a day maximum for a 2-ton load
- g. We do not grow grapes; we buy them with agreements/contracts with multiple growers.
- h. We do not have a cellar door

### 2. Amenity

- a. Noise – all equipment used is electric and quiet. A ride on mower would generate far more noise for a longer period
- b. Odor – all waste is removed same day in sealed bins. Skins are taken for distillation, effluent is captured into a sealed tank and removed by a controlled waste service when required.
- c. Dust – there is no increased traffic and no heavy vehicles used. There is no fruit grown and no other machinery that would increase dust.
- d. Visual – no one bar one neighbor can even see the shed let alone inside it. The neighbor that can see part of it has provided a letter of support, and we have discussed appropriate screening if they want it.

### 3. Environment

- a. All waste is captured and processed in accordance with the document "Effluent Management Guidelines for Australian Wineries and Distilleries"

- b. All other environmental concerns are addressed in the planning report that was not included or referenced in this agenda item.

Our business model requires working from the family property and this business is dead and the opportunities we once saw in this region are out of reach. We have had to spend a lot of money on defending our position, a position that was informed by advice from the Shire of Plantagenet. A position that a positive planner and a positive administration were willing to support within the existing town planning scheme. Instead of spending rate payer's money on forcing the negative, the administration could have looked at the positive advice provided by planners such as Delma Baesjou, Nick Ayton, and legal advice from a well-respected planning lawyer Glen McLeod.

This has caused our family immense stress and mental health issues.

I urge you to consider the vote today in a positive light.



## Shire of Plantagenet Ordinary Meeting - 03 November 2020

### Summary of Presentation - Agenda Item 9.1.2- Lot 306 Tower Road Mount Barker - Micro Winery

#### **To Block or to Consider?**

There are two ways to look at the proposal to set up a micro-winery on Lot 306 by Alexi and Hayley Christidis.

1. To block the proposal outright, as the report to Council recommends, on the basis that a winery is not consistent with the objectives of the Rural Residential Zone and not to attempt to consider the differences between micro-winery and winery.
2. To investigate and consider the application as provided for in Schedule V which allows Council to approve non defined small-scale rural activities "providing they do not impact detrimentally on the environment or amenity of adjoining property". The processing of 20 tonnes of grapes per annum in a pre-existing shed on a five acre block out of town is clearly small scale. The question is does the proposal impact negatively on environment or amenity?

#### **To Consider is Much Better than Blocking**

The second way of looking at the proposal is far more reasonable rather than the approach in the Council report of simple outright rejection based on a narrow and literal interpretation of the Town Planning Scheme.

The second way of looking at the proposal is also a much fairer way to treat the applicants and the community. A little background:

- Alexi and Hayley purchased Lot 306 specifically to operate a micro-winery. Prior to purchase they were advised by a Shire Planning Officer that operation of a micro-winery was acceptable subject to Council approval.
- They are now very much a part of the community with two children at school in Mount Barker and Hayley working as a mid-wife at the Albany Hospital.
- In Perth working from home on an urban block Alexi was able to establish a very successful business producing high quality wines. Key to their rationale in moving to Mount Barker was the ability for Alexi to continue to produce wine at home and at the same time look after the children whilst Hayley was at work.

With the Covid pandemic far from over, now more than any other time, local government should be doing everything possible to accommodate people earning a living by working from home.

### **A Way Forward – Work Within the Bounds of Schedule V**

- Defer making a decision today on whether to reject or approve the proposal.
- Investigate the site of the proposed micro-winery to determine whether there is a negative impact on the environment or amenity.
- Reconsider the application at the next Ordinary Meeting, apply conditions where necessary and if there is any doubt approve the site for a trial twelve-month period.

Geoffrey Brooks and Georgina Dugan  
371 (Lot 304) Mount Barker Road  
Adjoining neighbours to Lot 306