

## COUNCIL ASSESSMENT PANEL MEETING

12 August 2020

### AGENDA – 9.2

<b>Applicant:</b> Robert Butler	<b>Landowner:</b> R J Butler & A C Butler
<b>Agent:</b> Geoff van Senden	<b>Originating Officer:</b> Doug Samardzija
<b>Development Application:</b>	20/100/473 20/D005/473
<b>Application Description:</b> Land Division - Boundary realignment (3 into 3)	
<b>Subject Land:</b> Lot:3 Sec: P130 FP:9293 CT:5490/809 Lot:4 Sec: P130 FP:9293 CT:5493/580 Lot:1 Sec: P130 FP:4140 CT:5142/149	<b>General Location:</b> 30 Ranns Road North, Lot 4 Ranns Road North & 166 Basket Range Road Basket Range SA 5138 <b>Attachment – Locality Plan</b>
<b>Development Plan Consolidated :</b> 08 August 2019 <b>Maps</b> AdHi/1, 3 & 64	<b>Zone/Policy Area:</b> Watershed (Primary Production) Zone - Water Protection (Marble Hill) Policy Area
<b>Form of Development:</b> Merit	<b>Site Area:</b> 20.34 hectares (total combined size of 3 allotments)
<b>Public Notice Category:</b> Category 1 Merit - Land Division	<b>Representations Received:</b> N/A  <b>Representations to be Heard:</b> N/A

#### 1. EXECUTIVE SUMMARY

The purpose of this application is to realign the boundaries of three allotments.

The subject land is located within the Watershed (Primary Production) Zone - Water Protection (Marble Hill) Policy Area.

The proposal is a merit, Category 1 form of development.

As per the CAP delegations, the CAP is the relevant authority because the allotments are in the Watershed (Primary Production) Zone, and the realignment involves three allotments with one of the proposed resulting allotments to have an area less than 2 hectares, and the other two remaining allotments to have respective areas of 7.2 hectares and 12.1 hectares in area.

The purpose of the proposal is to realign the allotment boundaries to consolidate the native vegetation land onto proposed allotment 200, all the arable land onto proposed allotment 202 and a smaller allotment around the existing dwelling and associated structures on proposed allotment 201.

The main issues relating to the proposal are impacts on the primary production land, creation of a rural living allotment and impacts on native vegetation.

In consideration of all the information presented, and following an assessment against the relevant zone and Council Wide provisions within the Development Plan, staff are recommending that the proposal be **GRANTED** Development Plan Consent, subject to conditions.

## 2. DESCRIPTION OF THE PROPOSAL

The proposal is for boundary realignment involving three allotments.

### Existing Allotments

Allotment	Area (ha)	Currently containing
1	2.104ha	Single storey dwelling, associated domestic outbuildings and a small dam
3	0.87ha	Single storey dwelling and associated domestic outbuildings
4	17.37ha	Vacant allotment with approximately half of the allotment used for grazing purposes and containing a dam and water course whilst the other half contains dense native vegetation

### Proposed Allotments

Allotment	Area (ha)	Containing
200	12.1ha	Single storey dwelling, associated domestic outbuildings and dense native vegetation
201	1.1ha	Single storey dwelling and associated domestic outbuildings
202	7.2ha	Vacant primary production land, associated dam and water course

The plan of division includes:

- The outline of existing structures on the subject properties as well as other site features such as a dams and native vegetation. A further aerial image has a more detailed layout of proposed allotment boundaries in relation to existing structures and natural land features.
- The location of rights of way marked A have also been included in the proposal. The proposed right of way in the south/eastern corner of allotment 202 is required to give access to the southern portion of allotment 200 off Nicols Rd. Similarly with the proposed right of way adjacent to portion of the western side boundary of allotment 200 with this right of way covering an existing track which also provides access to the southern portion of allotment 200. Ranns Rd North, adjacent to the eastern boundary of allotment 200, is an unmade public road and not trafficable.

The proposed plans are included as **Attachment – Proposal Plans** with other information included as **Attachment – Application Information** and

### 3. BACKGROUND AND HISTORY

Whilst Council does not have any records of previous approvals on the subject land, examinations of aerial photos reveals that the structures were built between 1949 and 1986 whilst the native vegetation appears largely unchanged since 1949.

### 4. REFERRAL RESPONSES

- **CFS**  
The CFS have no objection to the proposal and have only commented on proposed lot 202 which is the only vacant allotment with potential for future residential use. No comments were made in relation to existing dwellings.
- **SA WATER**  
SA Water did not have any comments to provide. There is no mains water or sewer infrastructure.
- **NVC**  
Providing any future development is undertaken in existing cleared areas, the NVC does not object to the proposal. Any new boundary fence (where there is no fence existing) should be placed at least 5m from remnant vegetation so as to protect that vegetation from clearance for a new fence line. Any proposal to clear native vegetation, unless subject to an exemption under the Native Vegetation Regulations, requires NVC approval (Refer to Council Land Division Statement of Requirements condition 1).
- **SCAP**  
Standard response was provided by SCAP requiring a final survey plan (refer SCAP condition 1).
- **RATES**  
No changes to the current numbering.
- **AHC ENGINEERING DEPARTMENT**  
Council's Engineering Department reviewed the proposed right of way access along the southern boundary of proposed lot 202 and advised that they have no concerns provided CFS has no objections. In addition it was stated that consideration of stormwater will be required when the access is formalised, as a piped crossover will likely be required to collect and transfer stormwater from the road. (Refer to Council Land Division Statement of Requirements condition 2)

The above responses are included as ***Attachment – Referral Responses***.

### 5. CONSULTATION

The application was categorised as a Category 1 form of development not requiring formal public notification.

The applicant or his representative – Geoff van Senden, may be in attendance.

## 6. PLANNING & TECHNICAL CONSIDERATIONS

This application has been evaluated in accordance with the following matters:

i. The Site's Physical Characteristics

The subject land is comprised of three allotments with a combined area of 20.34 hectares. Existing lot 1 is a rectangular shaped allotment of approximately 2.104 hectares. This allotment has a frontage of 130m and direct access to Basket Range Road. This allotment contains a single storey dwelling, associated domestic structures and a dam. The front area of the allotment where the dwelling is located is flat but then remainder of the allotment slopes down from a high point in the north to a low point in the south.

Existing lot 3 is irregular in shape with an area of 0.87 hectares and similar to allotment 1 it contains a single storey dwelling and associated domestic structures. This allotment has a direct frontage and access to Ranns Road North. The allotment is located on the higher side of the road with the allotment sloping west to east.

Existing lot 4 is an irregular undulating allotment with a dual road frontage to Ranns Road North and Nicols Road. This allotment is vacant with the western side of the allotment along Nicols Rd used for grazing purposes whilst the north eastern side of the allotment contains dense native vegetation.

ii. The Surrounding Area

The locality is characterised by a mixture of allotment sizes and uses. Allotments in the immediate locality vary in size from 35 hectares to 4200m<sup>2</sup>. Larger allotments are predominantly used for primary production purposes and the smaller allotments are used for rural living purposes.

Properties immediately to the west of the subject land are used primarily for primary production purposes with the majority of these properties containing permanent environmental covers associated with primary production use. Allotments immediately to the east of the subject land whilst being large holdings are predominantly used for rural living whilst also containing dense native vegetation.

iii. Development Plan Policy considerations

a) *Policy Area/Zone Provisions*

The subject land lies within the Watershed (Primary Production) Zone - Water Protection (Marble Hill) Policy Area and these provisions seek:

Policy Area

- *Restricted residential development on existing allotments only , provided water resources are protected*
- *No intensification of urban development*

The following are considered to be the relevant Policy Area provisions:

*Objectives: 3 & 4*

*PDCs: 7*

Objective 3 seeks that residential development is restricted to existing allotments and objective 4 seeks that there is no intensification of urban development. Whilst the proposed boundary realignment does not involve any form of building work, the objectives seek to ensure that any form of land division does not jeopardise the rural setting. The proposed boundary realignment is considered to comply with the intent of the objectives 3 and 4. Whilst the proposal does include a creation of a rural living allotment less than 2 hectares in size, the proposal is not creating an additional rural living allotment because it is simply swapping one rural living allotment for another. As such it is not considered that this realignment is contributing to intensification of urban development. Considering that the proposal does not involve creation of an additional allotment it is also considered to be consistent with objective 3 in that the land division is maintaining the status quo of the current situation and will not increase development potential.

PDC 7 of the Policy Area seeks that development should not prejudice primary production within the locality. Whilst the realignment of the boundary will result in a large rural allotment of 17.37 hectares being separated into an allotment of 12.1 and 7.2 hectares, the realignment will not prejudice the primary production capability of the land. The western side of the allotment proposed as lot 202 will remain as grazing land whilst the north eastern side of the allotment containing dense native vegetation will be incorporated within the existing rural living allotment.

Watershed (Primary Production) Zone

- *The enhancement of the Mount Lofty Ranges Watershed as a source of high quality waters*
- *The long-term sustainability of rural production in the south Mount Lofty Ranges*
- *The preservation and restoration of remnant native vegetation in the south Mount Lofty Ranges*

The following are considered to be the relevant Zone provisions:

*Objectives: 2, 3 & 4*

*PDCs: 16, 17, 18, 19, 20, 21, 22, 31, 33, 34, 42, 44 & 70*

#### *Form of Development*

PDCs 16 and 17 as well as Objective 3 seek to ensure that primary production is not prejudiced, and that land that is particularly suitable for primary production remains available for this purpose. As mentioned earlier in the report, it is considered the proposed realignment of the boundaries is not going to have any impacts on the use of available primary production land for such purposes. As such it is considered that the proposal is consistent with the PDCs 16 and 17 as well as Objective 3.

#### *Land Division*

PDC 70 is procedural relating to the non-complying development triggers in the zone. Land division in Watershed (Primary Production) Zone is considered to be non-complying application unless it is able to meet the following exemptions:

- Land Division where no additional allotments are created, either partly or wholly, within the Watershed (Primary Production) Zone, and where the development of the proposed allotments does not result in a greater risk of pollution of surface or underground waters than would the development of the existing allotments, and provided a suitable site for a detached dwelling is available such that the site and the dwelling would comply with the criteria in Table AdHi/5.

As mentioned earlier in the report, proposed boundary realignment is considered to be a merit form of development because it does not result in the creation of an additional allotment. In addition the proposed realignment of boundaries will not result in a greater risk of pollution of surface or underground water. It is also considered that proposed lot 202, the only vacant allotment, is a suitable size which would be able to meet Table AdHi/5 requirements for any future dwelling. The second exemption relating to land division in Watershed (Primary Production) Zone is not relevant in this instance as it does not relate to Caravan and Tourist Park Policy Area.

Upon establishing the procedural matters of the application, PDCs 18, 19, 20, 21 & 22 relate directly to the circumstances under which land divisions in the zone would be considered.

PDC 18 provides that land division should only occur where a site for a detached dwelling which complies with the criteria detailed in Table AdHi/5 is available. Table AdHi/5 is a non-complying development trigger in the Zone. The aim of PDC 18 is therefore to ensure that resulting allotments are able to be developed with detached dwellings that are not non-complying in nature. At the same time PDCs 19 and 21 are similar in that they both seek that land division proposals do not result in an increased pollution risk to water resources or cause the loss of productive primary production land.

The Table Adhi/5 criteria sets out that detached dwellings must be:

- Sited at least 25m away from watercourses; and
- Connected to an approved wastewater system that is at least 50m from the watercourse, on the slope gradient of no more than 1 in 5 and no less than 1.2m depth to bedrock

Proposed lots 200 and 201 currently contain residential dwellings and each dwelling is connected to the existing on site waste system as shown on the aerial locality plan included with attachments. The waste systems as shown on the drawing will be contained within the proposed allotment boundaries. Proposed lot 202 is the only vacant allotment and whilst there was no request for the applicant to demonstrate compliance with the above Table Adhi/5, considering the size of the allotment and the separation distances from the water course and dams it is considered that there is ample space available for a suitable site for future dwelling which could comply with the requirements.

The proposal is therefore considered to be consistent with PDC 18, 19 and 21.

PDC 20 provides guidance as to the circumstances where land division proposals are appropriate in the zone. This PDC states that land division may be undertaken provided no additional allotments are created and the purpose of the plan of division is to provide a re-adjustment of boundaries to correct anomalies in the placement of those boundaries with respect to location of existing buildings. Alternatively the minor readjustment could be undertaken if it is facilitating improved management of the land for primary production purposes and/or conservation of natural features.

The proposal is not considered to be a minor re-adjustment of allotment boundaries nor is its purpose to correct any anomalies in the form of boundary encroachments. The proposal is therefore not considered to be consistent with PDC 20 (a).

By consolidating part of the existing lot 4 which is covered entirely by native vegetation with the existing homestead on current lot 3, and realigning the section of land currently used for grazing purposes with the dam on the rear of existing lot 1, it can be argued that the configuration of these boundaries will allow for better management and conservation of natural features. The realignment also retains the primary production land, allowing for its future continuation and use. Therefore it can be argued that the realignment is consistent with the intent of PDC 20 (b). The consolidation of native vegetation into one single proposed lot 200 is also consistent with Objective 4 of the zone which seeks preservation and restoration of remnant native vegetation.

PDC 22 states that re-arrangement of allotment boundaries should produce allotments of a size consistent with that of the locality. As mentioned earlier in the report, allotments in the locality range from as large as 35 hectares to allotments as small as 4200m<sup>2</sup>. Whilst the proposal will still retain one rural living allotment under 2 hectares, it is in fact an improvement on the current situation with the existing rural living allotment of 0.87 hectares being replaced by a new rural living allotment of 1.1 hectares which would make it the largest rural living allotment in the immediate locality. The proposal is therefore considered to be consistent with PDC 22.

#### Conservation

PDC 31 seeks that land use does not change in or near native vegetation, whilst PDC 33 seeks that realignment of boundaries does not result in an increased number of allotments adjoining an allotment with native vegetation. At the same time PDC 34 seeks that boundary realignment does not occur where it will increase the number of allotments over areas covered by native vegetation. The proposed boundary realignment will consolidate the majority of native vegetation within the single proposed allotment 200. The realignment will not result in more allotments adjoining native vegetation and as such it is consistent with PDC 33. By consolidating native vegetation within one allotment, the proposed development is also consistent with PDC 34. Whilst the realignment is not proposing any change of land use, PDC 31 is still considered to be relevant to the proposed development. By separating part of the existing allotment currently used for grazing purposes from the area of the allotment containing native vegetation the proposal will ensure that any future use of proposed lot 202 will not result in impacts on native vegetation.

### Rural Development

PDC 42 states that rural areas should be retained for primary production purposes and other uses compatible with maintaining rural productivity. PDC 44 states that development which would remove productive land from primary production or diminish its overall productivity for primary production should not be undertaken unless the land is required for essential public purposes. As mentioned earlier in the report, the proposed realignment of boundaries is considered to maintain primary production and is not considered to diminish the overall productivity of the land for primary production. The proposal is therefore considered to be consistent with PDCs 42 and 44.

#### *b) Council Wide provisions*

The Council Wide provisions of relevance to this proposal seek (in summary):

- *The retention of rural land in primary production especially land suitable for high rates of fruit and vegetable production*
- *Development located to minimise the treat and impact of bushfires on life and property while protecting natural and rural character*
- *Land division restricted in rural areas to ensure that efficient use of rural land for primary production*
- *Retention, protection and restoration of the natural resources and environment*
- *Orderly and economic development that creates a safe, convenient and pleasant environment in which to live in*

### Animal Keeping & Rural Development

*Objectives: 1 & 2*

*PDCs: 1*

Objectives 1 and 2 as well as PDC 1 seek that rural land should be retained for either primary production and/or native vegetation conservation and retention purposes. The proposed realignment is considered to achieve both of these requirements. Proposed lot 201 whilst being of small size is not considered to be prejudicing primary production land, nor is it contributing to the loss of native vegetation. The existing dwelling and associated outbuildings will remain and any future development on this site would be able to occur without any additional loss of vegetation. Proposed lot 202 is of sufficient size to be retained for primary production use, whilst lot 200 which would predominantly consist of dense native vegetation apart from existing dwelling along the road, is considered to contribute to conservation and retention of native vegetation. The Native Vegetation Council have not raised any concerns with the proposed realignment and have advised that any new boundary fence (where there is no fence existing) should be placed at least 5m from remnant vegetation to protect that vegetation from clearance for a new fence line (refer to Council Land Division Statement of Requirements condition 1). The applicant has also advised that the existing fencing that is to form part of the new boundary between proposed lot 200 and lot 201 was erected under the supervision of the 6th Creek Catchment Group to keep stock out of the native vegetation. The fence is predominantly complies with the 5 metre setback requirement and the boundary will be adjusted if necessary to maintain this distance when the final survey is completed



should approval be granted to the land division. (Refer to Council Land Division Statement of Requirements condition 1)

Hazards

*Objectives: 5*

*PDCs: 1, 6, 7 & 13*

Objective 5 seeks that developments be located to minimise the threat and impact of bushfire on life and property and this is reinforced by PDC 1. PDCs 6, 7 and 13 on the other hand refer specifically to the Ministers Code: Undertaking Development in Bushfire Protection Areas and seek that the measure in the Code can be met to ensure any future habitable building is adequately protected in the event of the bushfire. Whilst the proposed development does not include construction of habitable buildings, the Development Plan still seeks that proposed division is able to satisfy the necessary bushfire requirements for any potential future developments. The CFS has undertaken the necessary assessment of the proposed division as mentioned earlier in the report. The focus of the CFS assessment was solely on proposed lot 202 as it is the only vacant allotment. CFS has advised that they have no objections with the proposed application and have not identified any concerns with the allotment being able to satisfy any of the Ministers Code requirements. As such it is considered that the proposed development is consistent with Objective 5 and PDCs 1, 6, 7 and 13.

Land Division

*Objectives: 2 & 5*

*PDCs: 1, 2, 5, 6, 7, 11, 21 & 22*

The proposed division does not restrict existing rural living properties from continued use as such, nor does it prevent the allotment from being redeveloped for such purposes in the future. Each of the allotments has a direct access to a public road; each of the existing dwellings is connected to an existing on site waste system whilst proposed vacant allotment 202 has ample space to accommodate a future waste system should the future land use be for other purposes other than primary production. As such it is considered the proposal adequately satisfies Objective 2 and PDCs 1, 2 and 6(c), 7.

PDCs 5 and 11 seek that land division be designed and configured so that it does not impact on the native vegetation. As mentioned earlier in the report the proposed realignment will not impact on any native vegetation. As such proposal is considered consistent with PDCs 5 and 11.

Objective 5 seeks retention of efficient use of rural land for primary production purposes and this is further enforced by PDCs 21 and 22 which seek that allotments be retained for primary production purposes and that the natural resources are protected. The proposed realignment of boundaries is not considered to impact on the primary production use of the land. Existing allotment 4 has one section of land which is capable of being used for primary production purposes whilst the rest of the allotment contains native vegetation. The realignment of the allotment boundaries will not alter this. Proposed lot 202 will still have the capability to be used for primary

production purposes whilst being separated from the area of land which contains native vegetation. As such it is considered to satisfy the intent of Objective 5 and PDCs 21 and 22.

Natural Resources

Objectives: 1

PDCs: 1, 37, 38 & 39

Objective 1 and PDC 1 seek retention, protection and restoration of natural resources and environment including water quality, land, soil and biodiversity. The proposed realignment of boundaries achieves the requirements set out in Objective 1 and PDC 1. It will not result in an increase in development potential given that existing lot 4 is vacant land with the option of future use other than primary production which might require an on-site waste system. The proposed realignment of the boundaries does not alter this aspect.

Similar to some of other PDCs discussed earlier in the report, PDCs 37, 38 and 39 put an emphasis on protecting native vegetation and locally indigenous plant species. As mentioned earlier in the report the proposed realignment will not impact upon or result in the loss of native vegetation and is therefore considered to meet the requirements set out in PDCs 37, 38 and 39.

Orderly and Sustainable Development

Objectives: 1, 4, 8, 9 & 10

PDCs: 1 & 2

Objective 1 seeks orderly and economic development whilst Objective 4 seeks development which does not prejudice the achievements of the provision of the Development Plan. The proposed development is seeking to realign the boundaries of three existing contiguous allotments and will not result in the creation of a new allotment in the Watershed (Primary production) Zone and is considered to be sufficiently consistent with the provisions set out in the Development Plan.

Objectives 8, 9 and 10 as well as PDCs 1 and 2 seek the protection of rural areas, surrounding watersheds and prevention of urban development from further encroachment into rural areas. As mentioned earlier in the report, the proposed realignment of boundaries does not prejudice primary production land and is not resulting in creation of a new allotment within the watershed zone, nor is it increasing development potential within the zone. The proposal is therefore considered to be consistent with Objectives 8, 9 and 10 as well as PDCs 1 and 2.

**7. SUMMARY & CONCLUSION**

The proposal seeks consent to realign the boundaries of three allotments in the Watershed (Primary Production) Zone and Water Protection (Marble Hill) Policy Area.

The purpose of the proposal is to realign the allotment boundaries to place predominantly all the native vegetation land onto proposed allotment 200, all the arable land onto proposed allotment 202 and retain a smaller allotment around the existing dwelling and associated structures on proposed allotment 201.

It is considered that the proposed realignment is not going to prejudice any primary production land with proposed lot 200 retaining its potential to be used for primary production purposes. Furthermore the proposal improves the management of the land for primary production by acquiring an arable section of existing allotment 1 and incorporating both of the dams into a single allotment.

Native vegetation is retained and protected by being predominantly incorporated into a singular allotment. Native Vegetation Council have not raised any concerns and have sought that any new boundary fence (where there is no fence existing) should be placed at least 5m from remnant vegetation so as to protect that vegetation from clearance for a new fence line.

The development of the proposed allotments does not result in a greater risk to water quality in the watershed area. The two existing dwellings will be retained on their individual allotments and the realignment will not further increase development potential in the watershed zone.

The proposal is therefore considered to be sufficiently consistent with the relevant provisions of the Development Plan, and is not seriously at variance with the Development Plan. In the view of staff, the proposal has sufficient merit to warrant consent. Staff therefore recommend that Development Plan Consent be **GRANTED**, subject to conditions.

## 8. RECOMMENDATION

**That the Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and GRANTS Development Plan Consent and Land Division Consent to Development Application 20/100/473 (20/D005/473) by Robert Butler for Land Division - Boundary realignment (3 into 3) at 30 Ranns Road North, Lot 4 Ranns Road North and 166 Basket Range Road, Basket Range subject to the following conditions:**

### Planning Conditions

(1) **Development In Accordance With The Plans**

**The development herein approved shall be undertaken in accordance with the following plans, details and written submissions accompanying the application, unless varied by a separate condition:**

- **Plan of division prepared by Olden & van Senden, reference number 4103da V2 dated 29/10/2018**

**REASON: To ensure the proposed development is undertaken in accordance with the approved plans.**

### Notes

(1) **Development Plan Consent**

**This Development Plan Consent (DPC) is valid for a period of twelve (12) months commencing from the date of the decision (or if an appeal has been commenced the date on which it is determined, whichever is later). Building Rules Consent must be applied for prior to the expiry of the DPC, or a fresh development application will be**

required. The twelve (12) month time period may be further extended by Council agreement following written request and payment of the relevant fee.

- (2) **Department of Environment and Water (DEW) - Native Vegetation Council**  
The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. For further information visit:  
[www.environment.sa.gov.au/Conservation/Native\\_Vegetation/Managing\\_native\\_vegetation](http://www.environment.sa.gov.au/Conservation/Native_Vegetation/Managing_native_vegetation)

Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council Secretariat on 8303 9777. This must be sought prior to Full Development Approval being granted by Council.

#### **Council Land Division Statement of Requirements**

- (1) **Prior To Section 51 Clearance- Survey Plan Showing Boundary Location**  
Prior to Section 51 clearance a final survey plan shall be provided to Council to demonstrate that new boundaries are placed at least 5m from remnant vegetation.

REASON: Protect native vegetation from clearance for a new fence line.

- (2) **Prior To Section 51 Clearance- Rural Verge Piped Access Points - SD24**  
Prior to Section 51 clearance a vehicle access point(s) and cross over from Nicols Road shall be constructed in accordance with Adelaide Hills Council standard engineering detail SD24 – piped entrance.

REASON: For safe and convenient movement of vehicles and for efficient drainage of stormwater within the road verge.

#### **SCAP Land Division Statement of Requirements**

- (1) **Requirement For Certified Survey Plan**  
A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

REASON: Statutory requirement in accordance with Section 51 of the Development Act 1993.

9. **ATTACHMENTS**  
Locality Plan  
Proposal Plans  
Referral Responses

Respectfully submitted

Concurrence

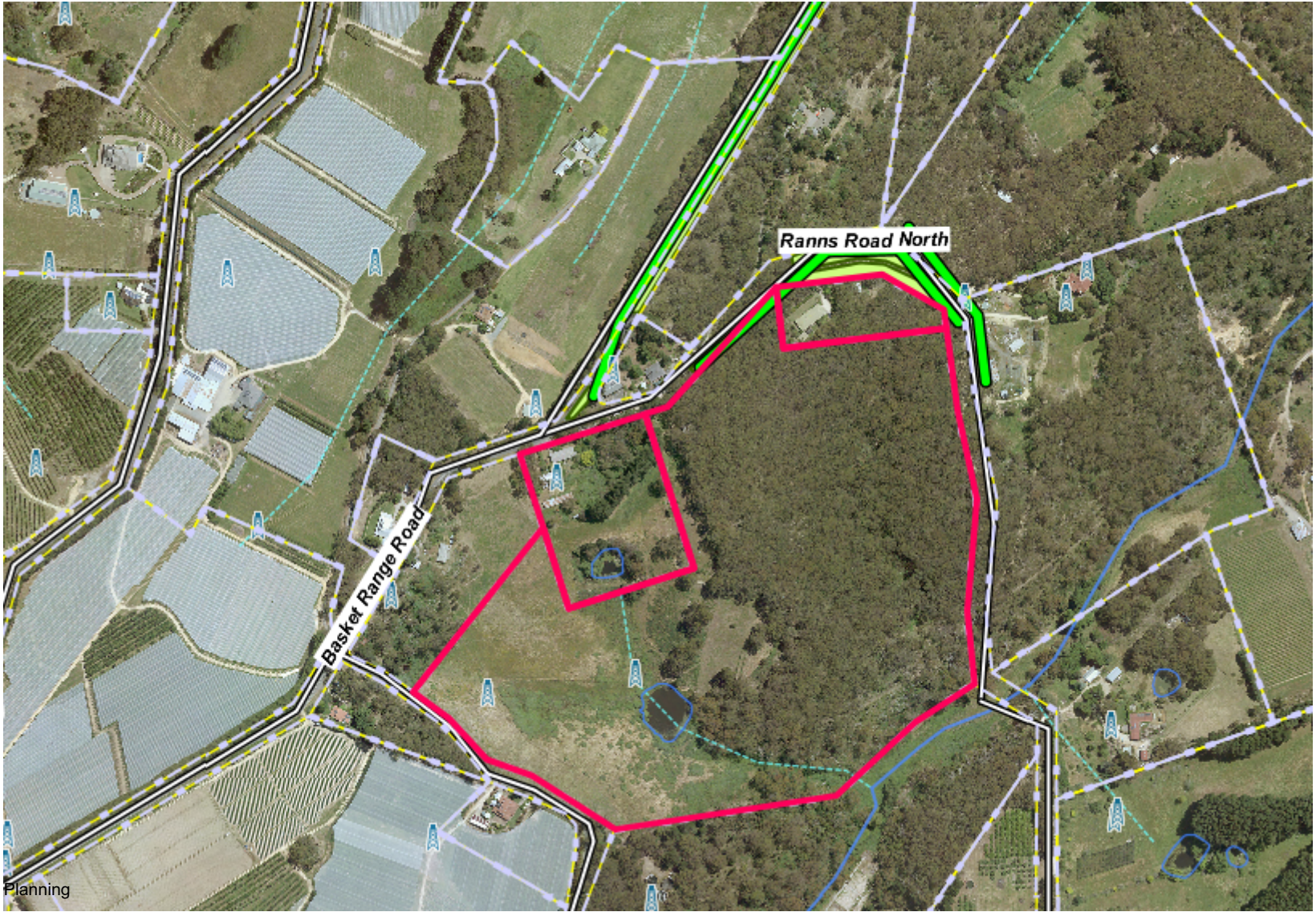
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**Doug Samardzija**  
**Statutory Planner**




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**Deryn Atkinson**  
**Manager Development Services**





**Annotations**

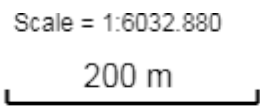
-  subject land 3
-  subject land 2
-  subject land 1

Planning

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representations regarding the use, or results of use of the information contained herein as to its correctness, accuracy, currency or otherwise. In particular, it should be noted that the accuracy of property boundaries when displayed over aerial photography cannot be considered to be accurate, and that the only certain method of determining boundary locations is to use the services of a licensed Surveyor. The Adelaide Hills Council, its

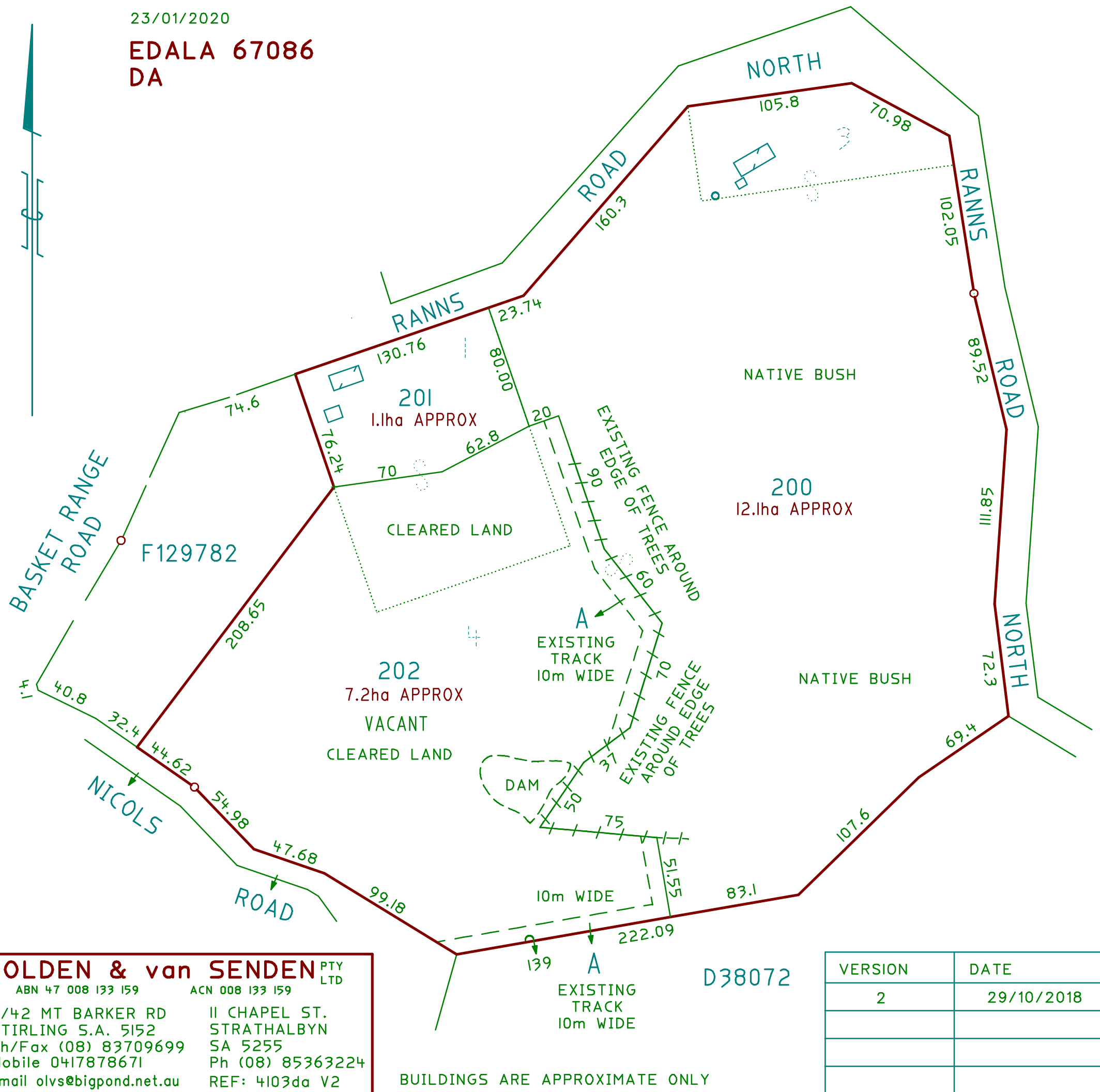
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23/01/2020

**EDALA 67086**  
DA



MAP REF 6628-48-C	DEV. NO.
TITLE SYSTEM REAL PROPERTY ACT	
TITLE REFERENCE CT's: 54993/580, 5142/149 & 5490/809	
IRRIGATION AREA	DIVISION
HUNDRED ONKAPARINGA	
AREA BASKET RANGE	
COUNCIL ADELAIDE HILLS COUNCIL	

**BOUNDARY REALIGNMENT**  
ALLOTMENT 3 IN F9293  
ALLOTMENT 4 IN F9293  
ALLOTMENT 1 IN F4140



STATEMENTS CONCERNING EASEMENTS  
ANNOTATIONS AND AMENDMENTS:

PORTIONS OF ALLOTMENT 202 MARKED A ARE TO BE SUBJECT TO A FREE & UNRESTRICTED RIGHT(S) OF WAY APPURTENANT TO ALLOTMENT 200

ALL DATA SUBJECT TO SURVEY

IMPORTANT NOTICE:

This plan was prepared for ROBERT BUTLER as a proposed subdivision to accompany a Development Application to ADELAIDE HILLS COUNCIL and should not be used for any other purpose. The dimensions, area and total number of allotments shown hereon may be subject to field survey and also the requirements of council as well as any other authority which may have requirements under any relevant legislation. In particular no reliance should be placed on this plan for any financial dealings involving the land. This note is an integral part of this plan.

ALL DISTANCES ARE GROUND DISTANCES

LOT SUMMARY	
TOTAL AREA	20.4ha
RESERVE AREA	NIL
NO. OF EXISTING ALLOTS	3
NO. OF ADDITIONAL ALLOTS	NIL
LENGTH OF NEW ROAD	NIL
CONTOUR INTERVAL	N/A

**OLDEN & van SENDEN** PTY LTD  
ABN 47 008 133 159 ACN 008 133 159  
3/42 MT BARKER RD STIRLING S.A. 5152  
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11 CHAPEL ST. STRATHALBYN SA 5255  
Ph (08) 85363224 REF: 4103da V2

BUILDINGS ARE APPROXIMATE ONLY

VERSION	DATE
2	29/10/2018

D38072



# Land Services Group

The SA Property and Planning Atlas is available on the Land Services Group Website: [www.sa.gov.au/landservices](http://www.sa.gov.au/landservices)

Date created:  
July 2, 2020



Government of South Australia  
Department of Planning,  
Transport and Infrastructure

SCALE 1-2500m on A3

REF: 4103 PLB photo 1-2500 A3

----- winter creek lines



AERIAL PHOTO TO ACCOMPANY  
DA473/D005/20

Olden & van Senden P/L  
Licensed Surveyors  
M 0417 878 671  
E olvs@bigpond.net.au

Date 02/07/2020

Government  
of South Australia  
Land Services Group

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**DEVELOPMENT ASSESSMENT SERVICE**

Your Ref: 473/D005/20  
Our Ref: Adelaide Hills DA  
Please refer to: 20200224 – 02cs

24 February 2020

State Commission Assessment Panel  
GPO Box 1815  
ADELAIDE SA 5001

**ATTN: BILJANA PROKIC**

Dear Biljana

**RE: DEVELOPMENT APPLICATION (LAND DIVISION) – BUTLER  
LOT 4, RANNS ROAD NORTH, BASKET RANGE**

**Please note that this assessment does not include allotments with already existing dwellings. The assessment is for proposed Lot 202 only.**

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012) [The Code] as published under Regulation 106 of the *Development Regulations 2008* applies.

The Code, Part 2.1 states "*When submitting an application it is important to remember that the information provided with an application forms the basis upon which the application will be assessed. If the information is inadequate or insufficient (incomplete, incorrect), the application may be delayed.*"

An officer of the SA Country Fire Service [CFS] Development Assessment Service has assessed the proposed development site, allotment and adjoining areas.

A site bushfire attack assessment was conducted with reference to the National Construction Code of Australia [NCC], Australian Standard™ 3959 [AS3959] "Construction of Buildings in Bushfire Prone Areas"

The proposed land division is located within an area that is categorized as a **HIGH** Bushfire Protection Area in the council development plan.

**The SA Country Fire Service has no objection to the proposed boundary adjustment at Lot 4, Ranns Road North, Basket Range, to create 1 additional allotment for residential development.**

**ACCESS**

Public access created by a land division to and from the proposed allotments shall be in accordance with the Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.2.2.

**SA CFS notes no public roads are being created as a result of this land division.**

Level 5, 60 Waymouth Street, Adelaide SA 5000  
T 08 8463 4151 E [das@cfs.sa.gov.au](mailto:das@cfs.sa.gov.au)  
ABN 97 677 077 835 [www.cfs.sa.gov.au](http://www.cfs.sa.gov.au)



## ACCESS TO DWELLINGS

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.3.1, describes the mandatory provision that 'Private' roads and driveways to buildings shall provide safe and convenient access/egress for large bushfire fighting vehicles, where the furthest point to the building from the nearest public road is more than 30 metres.

Access on and off the allotments shall be in accordance with Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.3.1

## WATER SUPPLY

A supply of water to the land division shall be available at all times for fire-fighting purposes. Ministers Specification SA78 prescribes the dedicated water supply to each allotment for bushfire fighting for the bushfire zone.

## VEGETATION

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.5 mandates that landscaping shall include Bushfire Protection features that will prevent or inhibit the spread of bushfire and minimise the risk to life and/or damage to buildings and property. .

- Individual applications for development consent for habitable buildings shall include mandatory conditions for a vegetation management zone to be established within 20 metres of proposed development.

## BUILDING CONSIDERATIONS

Individual allotments undertaking applications for development consent will require a site bushfire attack assessment in accordance with the National Construction of Australia [NCC] and Australian Standard™3959 (AS3959) "Construction of Buildings in Bushfire Prone Areas".

For construction requirements and performance provisions, refer to the NCC Part 3.7 "*FIRE SAFETY*" Australian Standard <sup>TM</sup>3959 (AS3959) "Construction of Buildings in Bushfire Prone Areas".

Compliance with the fire protection requirements is not a guarantee the dwelling will not burn, but its intent is to provide a '*measure of protection*' from the approach, impact and passing of a bushfire.

Should there be any need for further information please contact the undersigned at the SA CFS Development Assessment Service on (08) 8115 3372

Yours sincerely,



**CAREN SIEGFRIEDT**

***BUSHFIRE SAFETY OFFICER***  
**DEVELOPMENT ASSESSMENT SERVICE**

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*CFS Mission*

*To protect life, property and the environment from fire and other emergencies whilst protecting and supporting our personnel and continuously improving.*



**STATE  
COMMISSION  
ASSESSMENT  
PANEL**

A COMMITTEE OF THE STATE PLANNING COMMISSION

Contact Planning Services  
Telephone 7109 7016  
Email [dldptjpdclearanceletters@sa.gov.au](mailto:dldptjpdclearanceletters@sa.gov.au)

State Commission  
Assessment Panel

12 March 2020

Level 5  
50 Flinders Street  
Adelaide SA 5000

Chief Executive Officer  
Adelaide Hills Council  
PO Box 44  
WOODSIDE SA 5244

GPO Box 1815  
Adelaide SA 5001

08 7109 7061

Dear Sir/Madam

**Re: Proposed Development Application No. 473/D005/20 (ID 67086)  
for Land Division by Robert Butler**

Further to my letter dated 3 February 2020 and to assist the Council in reaching a decision on this application, copies of consultation agency reports received by the State Commission Assessment Panel (SCAP) are available for your consideration.

**IT IS REQUESTED PURSUANT TO SECTION 33 (1) (c) OF THE *DEVELOPMENT ACT 1993* THAT THE COUNCIL INCLUDE IN ITS DEVELOPMENT APPROVAL THE FOLLOWING REQUIREMENTS OF THE SCAP.**

1. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

SA Water Corporation has no requirements pursuant to the Development Act.

Council's particular attention is drawn to the comments by DEWNR - Native Vegetation Council for this application.

**Please upload the Decision Notification Form (via EDALA) following Council's Decision.**

Yours faithfully,

A handwritten signature in blue ink that reads "Biljana B.".

Biljana Prokic  
**LAND DIVISION COORDINATOR – PLANNING SERVICES**  
as delegate of the  
**STATE COMMISSION ASSESSMENT PANEL**



03 February 2020

Our Ref: H0094469

The Chairman  
State Commission Assessment Panel  
50 Flinders St  
ADELAIDE SA 5000

Dear Sir/Madam

**PROPOSED LAND DIVISION APPLICATION NO: 473/D005/20 AT BASKET RANGE**

In response to the abovementioned proposal, I advise that this Corporation has no requirements pursuant to Section 33 of the Development Act.

No water or sewer infrastructure, boundary realignment only.

Yours faithfully

Diana Baric

for **MANAGER LAND DEVELOPMENT & CONNECTIONS**

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SA Water  
Level 6, 250 Victoria Square  
ADELAIDE SA 5000  
Ph (08) 7424 1119  
Inquiries Diana Baric  
Telephone 74241119