

## COUNCIL ASSESSMENT PANEL MEETING

9 December 2020

### AGENDA – 9.2

<b>Applicant:</b> Access SDM Pty Ltd	<b>Landowner:</b> D G Koerner & M M Lehmann
<b>Agent:</b> Greg Burgess	<b>Originating Officer:</b> Doug Samardzija
<b>Development Application:</b>	20/1091/473 (20/D049/473)
<b>Application Description:</b> Land division - boundary realignment (3 into 3)	
<b>Subject Land:</b> Lot:13 Sec: P5151 DP:94407 CT:6146/168 Lot:11 Sec: P5151 DP:94407 CT:6146/166 Lot:12 Sec: P5151 DP:94407 CT:6146/167	<b>General Location:</b> 758 Swamp Road, Lot 11 Swamp Road, and Lot 12 Swamp Road, Lenswood SA 5240 <b>Attachment – Locality Plan</b>
<b>Development Plan Consolidated :</b> 08 August 2019 <b>Map AdHi/</b> 1, 3 & 53	<b>Zone/Policy Area:</b> Watershed (Primary Production) Zone - Lenswood Policy Area
<b>Form of Development:</b> Merit	<b>Site Area:</b> 6.008 Hectares (total combined size of 3 allotments)
<b>Public Notice Category:</b> Category 1 Merit -	<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 - Lenswood 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 allotments to have an area less than 2 hectares, and the other two remaining allotments to have respective areas of 2.643 hectares and 2.86 hectares in area.

The purpose of the proposal is to realign the allotment boundaries to consolidate the existing winery and the vineyards on the adjoining allotment into one allotment and also to expand the size of this allotment to allow for future expansion of the vineyard. The realignment will also result in the consolidation of the rural living land into a 5,050m<sup>2</sup> allotment separate from the other non-residential land uses.

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
13	6,161m <sup>2</sup>	Single storey dwelling, 500 tonne winery, associated shed and water storage tank
12	1.634ha	Shed and a vineyard
11	3.76ha	Vacant allotment with approximately a third of the allotment covered with dense native vegetation

### Proposed Allotments

Allotment	Area (ha)	Containing
14	5,050m <sup>2</sup>	Single storey dwelling, associated domestic outbuildings and water storage tank
15	2.86ha	500 tonne winery and associated vineyard
16	2.643ha	Vacant allotment with just under half of the allotment covered with dense native vegetation

The plan of division includes:

- The outline of existing structures on the subject properties as well as other site features such as a vineyard and native vegetation. The location of the easement marked A on proposed allotment 16 has also been shown and this easement is for the purposes of water supply.

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

**3. BACKGROUND AND HISTORY**

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
26 October 2020	20/747/473	Variation to Development Authorisation 16/769/473 to delete addition with associated change to building layout, alter loading area configuration & wastewater disposal system location and include additional access over Lot 12 with 2x new 22,500L water storage tanks
06 June 2019	19/271/473	Change of use to include horticulture- viticulture (1.1 ha)
06 July 2020	19/249/473	Dwelling alterations & additions, retaining wall (maximum height 500mm) & associated earthworks
26 October 2018	18/846/473	Water tank (44,000L) & associated earthworks
26 October 2018	16/769/473	Alterations & additions to outbuilding including change of use to a winery (maximum 500 tonne crush per annum) and associated earthworks and storage tanks
24 November 2010	10/D045/473	Land division – Boundary realignment (4 into 4) - SCAP relevant authority. Part of this boundary realignment application include the creation of the current allotment 13 which the current boundary realignment application now proposes to revert back to similar layout prior to the 2010 division.

#### 4. REFERRAL RESPONSES

- **SA WATER**  
SA Water did not have any comments to provide. There is no mains water or sewer infrastructure.
- **SCAP**  
Standard response was provided by SCAP requiring a final survey plan (refer SCAP condition 1).
- **RATES**  
The proposed allotment 15 will retain 758 Swamp Road and proposed allotment 14 (house & Sheds) will use the primary address allocated by DPTI of 762 Swamp Road. Proposed allotment 16 - vacant with the number to be allocated upon request
- **EHU**  
Council's Health Department advised that the nominated EDA area for proposed allotment does not have any native vegetation and the area looks to be around 300m<sup>2</sup> which is sufficient. In addition the Health Department responded to the surveyors comments relating to the connection of the dwelling to the EDA as discussed under the Natural Resource section of the report below. The following response was provided:  
  
*"The surveyor advised that the waste system would be an aerobic, however as the surveyor is unlikely be involved when the site is develop, this may not be what the developer opts for. So he is only providing a response for one system type. The type of waste system is usually determined by the preference of the owner and then engineer will design the system to accommodate this if possible. The majority today are aerobics but not all. If it is an aerobic then the pipe from the tank to the EDA can be 25mm-40mm, so the pipe to suggest is ok. The requirement is for the pipe to be 150mm below surface level at the point is dispersal (EDA), the pipe to the EDA can be at surface level but is not advised as it can easily be damaged. The pipe can be run along the boundary, however generally it will be installed using the least amount of pipe as possible (shortest distance between 2 lines is a straight) to ensure the pump will be able to cope. The longer the pipe length or any change in direction of the pipe will require a larger pump and most people want the cheapest possible systems. So in short what the surveyor said is true in theory if they put in aerobic, but they do not have too".*

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(s) or their representative – may be in attendance.

## 6. PLANNING & TECHNICAL CONSIDERATIONS

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

i. Environmental Food Production Area

The subject land is located within the Environmental Food Production Area (EFPA) as defined by General Registry Office Map G17/2015. The boundary realignment is not proposing any additional allotments to be used for residential purposes but maintaining the status quo of the existing allotments which might include future residential use.

ii. The Site's Physical Characteristics

The subject land is comprised of three allotments with a combined area of 6.008 hectares. Existing allotment 11 is an irregular shaped allotment of approximately 3.76 hectares with a direct frontage of 68m to Swamp Road. The allotment is vacant with majority of the land currently utilised for grazing whilst the remainder of the allotment is covered in dense native vegetation.

Existing allotment 12 has a similar configuration to a hammer head type allotment with a narrower 27m frontage to Swamp Road which then expands into a large allotment of 1.6 hectares. Current site improvements include a shed along the front of the property and a 1.1 hectare vineyard at the rear of the property.

Existing allotment 13 is the smallest of the three allotments with 6161m<sup>2</sup> in size fronting directly to Swamp Road. Current site improvements include a single storey dwelling, shed at the rear of the dwelling and a 500 tonne crush winery along the southern side of the property. All of the allotments are connected to SA Water mains water supply and as such there would be no risk from land use conflict relating from vineyard spraying and water tank adjacent the vineyard.

iii. The Surrounding Area

The locality is characterised by a mixture of allotment sizes and uses ranging from large primary production allotments in excess of 28 hectares immediately to the north of the subject land to small rural living allotments of 954m<sup>2</sup>. Predominantly land uses in the locality are in the form of primary production generally involving horticulture. Apart from residential and primary production uses, other uses in the locality include tourist accommodation with the property immediately opposite of the subject land recently developed with two freestanding tourist accommodation units.

iv. Development Plan Policy considerations

a) *Policy Area/Zone Provisions*

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

Policy Area

- *The retention of orchards and bushland as predominant uses*
- *Retention of the present village character and size of Lenswood and Forrest Range*
- *No further provision of small rural living allotments.*

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

*Objectives: 1, 2 and 3*

Objective 1 seeks that orchards and bushland are retained as prominent use. Whilst Objective 1 specifically refers to retention of orchards it is still none the less a relevant objective in this instance considering viticulture is a form of horticulture use and similar to an orchard. The proposed realignment of the boundary will result in a creation of a larger primary production allotment which would allow for further expansion of the existing vineyard and better management of land whilst still maintaining and preserving existing native vegetation. As such the proposal is considered to be consistent with the intent of Objective 1.

Objective 2 seeks the retention of the village character of Lenswood whilst Objective 3 seeks that no further rural living allotments are created. The proposal will not result in a creation of a new rural living allotment as it is simply swapping the boundaries around the existing rural living allotment to separate and consolidate the residential use within a single allotment and the winery and associated vineyard into another allotment. The outcome of the realignment is a rural living allotment of 5,050m<sup>2</sup> which is a reduction of 1,111m<sup>2</sup> in land size from the current living allotment. The realignment of the boundaries would also result in the rural living allotment returning to a similar layout that existed prior to the 2010 land division as indicated in the image below where the rural living allotment at the time was approximately 3,563m<sup>2</sup> in area. The proposal is therefore considered to be consistent with Objective 3. Considering the above it can therefore also be argued that the realignment of the boundaries as proposed is going to retain the village character of Lenswood and is therefore consistent with Objective 2.



#### 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. It is considered that the proposed realignment of the boundaries is not going to have any impacts on the use of available primary production land for such purposes and is in fact improving on the existing arrangement by expanding the existing allotment 12 to allow for future expansion of a vineyard use and by incorporating the winery and the vineyard into a single allotment for better management of these uses. 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.

The 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 16, 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. Failure to meet the criteria of 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

Currently only the proposed allotment 14 will contain a residential dwelling with the dwelling connected to the existing on site waste system and all elements will be contained within the proposed allotment 14. The proposed allotment 16 is the only vacant allotment and whilst there was no request for the applicant to demonstrate compliance with the above Table AdHi/5, applicant has provided an amended aerial plan of division showing the potential location of the effluent disposal area for allotment 16 which would comply with the requirements stipulated in Table AdHi/5. The proposed allotment 15 will contain the existing winery and vineyard. Whilst it currently does not contain a dwelling, and no dwelling is proposed, it is of a sufficient size to allow for both expansion of the vineyard and a dwelling and an onsite waste system. The existing allotment could also facilitate a dwelling on each allotment, so the proposed boundary realignment is not creating further development potential.

The proposal is therefore considered to be consistent with PDCs 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).

Realignment of the boundary between existing allotments 11 and 12 retains the native vegetation within the confines of a single allotment boundary whilst at the same time still allowing for the resultant allotment 16 to be developed in the future without any further impact on this vegetation. The realignment will also allow for the section of land currently used for grazing purposes to be incorporated within a larger rural allotment which is already being used for viticulture purposes and allows for further expansion and continuation of this use. Therefore it can be argued that the realignment is consistent with the intent of PDC 20 (b). The retention of native



vegetation into one single proposed allotment 16 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 28 hectares to allotments as small as 954m<sup>2</sup>. The proposal will still retain one rural living allotment which is going to be marginally smaller than the existing rural living allotment, however the overall proposal is in fact an improvement on the current situation considering that it will result in two allotments of over 2 hectares in size where currently this is only the case with one of the allotments. 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 result in additional area which would be suitable for future expansion of existing vineyard as indicated in the documents submitted with this application. Any future expansions of the vineyard would be subject to a separate development application during which any potential impacts on adjoining native vegetation would be considered and assessed. Whilst it is anticipated that there would be a change of use to a portion of land in the future and as such it is considered that the proposed realignment is not consistent with PDC 31, any impacts associated with this use can be managed in a way to prevent any impacts on native vegetation in a future development application. The realignment will not result in more allotments adjoining native vegetation nor will it increase the number of allotments with native vegetation and as such it is consistent with PDCs 33 and 34.

#### 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. 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 realignment and consolidation of the winery and viticulture use within a single allotment will also improve the overall management of primary production land. 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 or fruit and vegetable production*

- *Development located to minimise the threat 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*

The following are considered to be the relevant Council Wide provisions:

*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 allotment 16 whilst being reduced in size is not considered to be prejudicing primary production land, nor is it contributing to the loss of native vegetation. The realignment of this boundary will increase proposed allotment 15 which would consolidate a section of land currently only used for grazing within the vineyard allotment which would allow for future expansion of the vineyard and maintain primary production use. Native vegetation will not be impacted and is still going to be retained within a single proposed allotment which will also have potential to further be developed with a dwelling without any impacts on the section of land covered in native vegetation. Standard Native Vegetation Council requirements are 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).

*Hazards*

*Objectives: 5*

*PDCs: 1, 6, 7 & 13*

Objective 5 seeks that development 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. Whilst there has been no assessment of the proposed boundary realignment by the CFS, it is considered that the proposed allotment 16 is still of sufficient size which would allow for appropriate access by CFS vehicles as well as any potential turning area dependent on where any future dwelling is positioned. 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; existing dwelling is connected to an existing on site waste system whilst proposed allotments 15 and 16 have ample space to accommodate a future waste system should the future land use be for 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 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. The proposal is simply moving one of the boundaries so that one section of primary production land currently utilised for grazing is incorporated within the allotment currently being used for viticulture purposes which along with the realignment of the section of land incorporating a winery would ensure a more efficient use of land. The realignment will not result in the loss of this primary production of land and will still ensure that the area covered by dense native vegetation is contained in a single allotment and separate to the allotment which is used for primary production purposes. 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 allotment 11 is vacant with the option of future use other than primary production which might require an on-site waste system and this will not change as a result of proposed allotments 15 and 16. 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. An additional plan has been provided showing the location of the potential future effluent disposal area for proposed allotment 16. The plans indicated that the soakage area would need to be located at the rear of existing native vegetation in order to achieve the minimum 50 metre separation to any water course, bore or a dam. This section of the land is not covered by native vegetation and whilst some

works might be required through the native vegetation area in order to connect the house to the soakage area. Applicant has advised that *“The hose connecting the filtration tank to the EDA is a 30mm PVC line or a 32mm blue line pipe. This pipe can be laid on the surface, but would be subject to damage. Preferably it would be buried, the depth of the pipe need not be more than 100 or 150mm. Given the EDA is in the corner of the land, the pipe would run along the boundary (fence line), typically 1 metre off the fence. This area would also likely be kept free of trees for site fence maintenance and general site access. Should the pipe be placed through a treed area it could also be placed in such a way to weave around trees and if required, buried 100 – 150mm deep. The pipe is only buried to protect it from damage, not for any other need”*. Considering the above the proposed realignment is unlikely to 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. There will be no land use conflicts from the proposed vineyard allotment 15 and residential allotment 14 and as such would not require an additional vegetated buffer. The properties are all connected to mains water and as such do not rely on the onsite water storage for water supply. In addition there approximately 11 meter separation between the vineyards and the boundary with the proposed allotment 14 which also includes an internal access track which would act as a separation buffer between the viticulture use and residential use. 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 Lenswood Policy Area.

The purpose of the proposal is to realign the allotment boundaries to incorporate a section of arable primary production land and section of land currently containing a winery into a single parcel (allotment 15) in conjunction with existing vineyards and which would also allow for future expansion of this vineyard. The realignment will also place the existing residential use into a single allotment (allotment 14). Native vegetation will still be retained on a single allotment (allotment 16) and whilst this allotment is not of sufficient size to be used for any productive primary

production purposes without removing the existing vegetation, it will still have potential to be used for residential purposes whilst not impacting on native vegetation.

It is considered that the proposed realignment is not going to prejudice any primary production land with proposed allotment 15 creating potential for expansion of the primary production use. Furthermore the proposal improves the management of the land for primary production by combining an arable section of existing allotment 11 and also the winery into a single allotment.

The development of the proposed allotments does not result in a greater risk to water quality in the watershed area than the existing allotments. The existing dwelling will be retained on a single allotment with an existing approved waste system whilst the status quo for the other two allotments will remain the same.

The proposal is sufficiently consistent with the relevant provisions of the Development Plan, and it is considered the proposal 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 20/1091/473 (20/D049/473) by Access SDM Pty Ltd for Land division - boundary realignment (3 into 3) at 758 Swamp Road, Lenswood, Lot 11 Swamp Road, Lenswood and Lot 12 Swamp Road, Lenswood subject to the following conditions:**

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

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

- Plan of division prepared by Access SDM, drawing number 5492LD01, revision A dated 19/08/20
- Amended aerial plan of division prepared by Access SDM, drawing number 5492LD01, revision A dated 19/08/2020

**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.

(3) **Property Identifiers**

The property identifiers for these properties are now:

Allotment 14 (house & sheds): 761 Swamp Road, Lenswood

Allotment 15: 758 Swamp Road, Lenswood

Allotment 16: vacant with the number to be allocated upon request

## 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.

## 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  
Application Information  
Referral Responses

Respectfully submitted

Concurrence

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

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**Deryn Atkinson**  
**Assessment Manager**





**Annotations**

-  Subject Land 3
-  Subject Land 2
-  Subject Land 1

**AHC Core**

- RoadsStreetView
-  ADJOINING LGA RD
-  AHC & PRIVATE
-  AHC RD
-  DPTI RD
-  PRIVATE RD
-  SHARED RD

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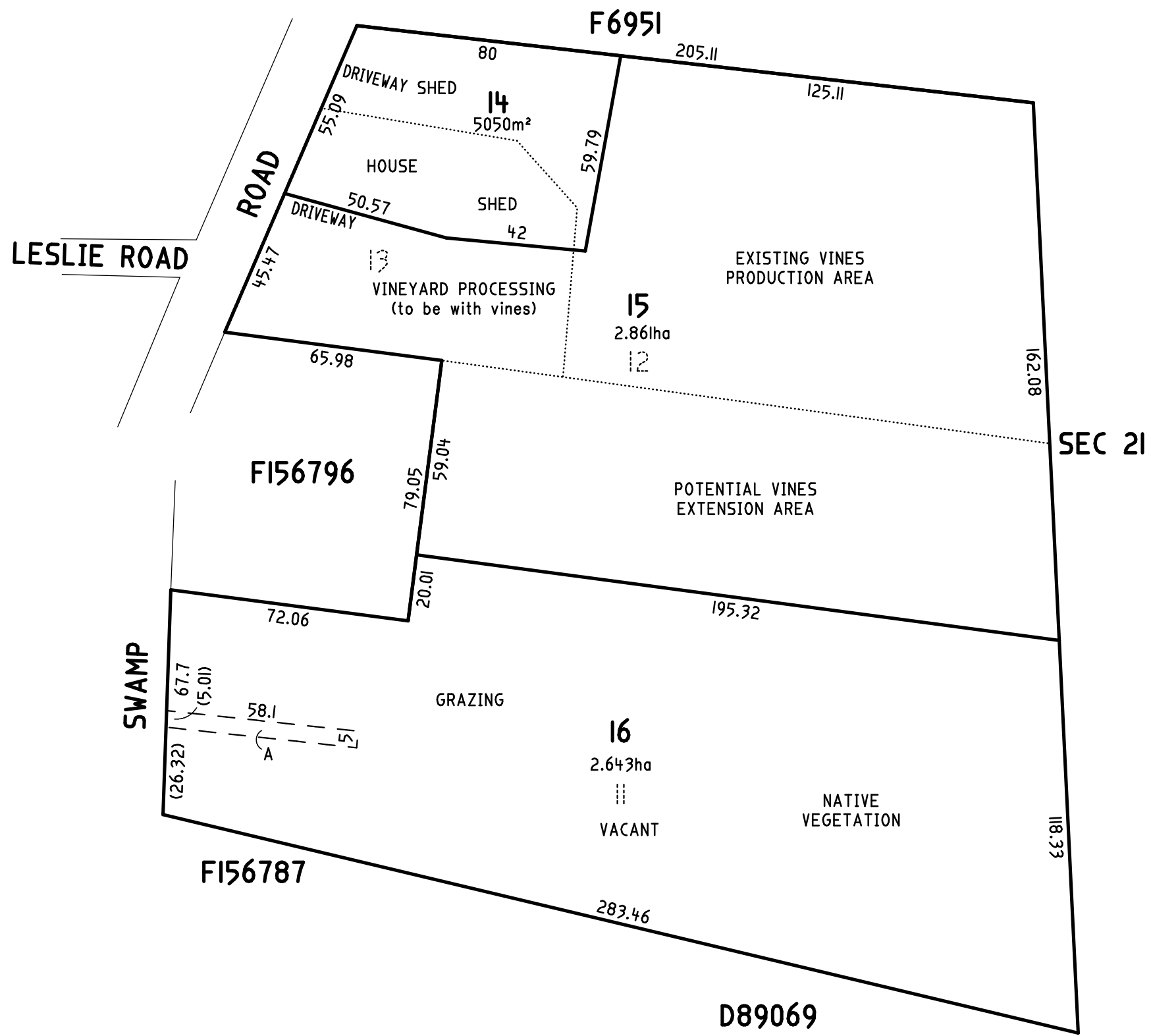
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Scale = 1:6032.880

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General Notes

POPRTION OF ALLOTMENT 16 MARKED A IS SUBJECT TO AN EASEMENT FOR WATER SUPPLY

Ol	da issue	19/08/20	kng
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No.	Revision / Issue	Date	By
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HUNDRED	ONKAPARINGA
AREA	LENSWOOD
COUNCIL	ADELAIDE HILLS

MAP REF 6628-44-J,K EDALA 69451

TITLE REFERENCE C'sT6146/166, 6146/167, 6146/168

DEVELOPMENT NUMBER 473/D/20

DEVELOPMENT SUMMARY

TOTAL AREA	6.01HA
RESERVE AREA	NA
NO. OF EXISTING ALLOTS	3
NO. OF ADDITIONAL ALLOTS	0
LENGTH OF NEW ROAD	NA
CONTOUR INTERVAL	NA

Access SDM

Surveying - Civil Design  
Development - Management  
18A Cameron Street, Mount Barker SA 5251  
Ph:(08) 83913000

Plan  
**TORRENS DIVISION 3:3**  
Location  
758 SWAMP ROAD  
LENSWOOD  
ALLOTMENTS 11, 12 & 13 D94407

Project 5941	Drawing number 5492LD01
Date 19-8-20	
Drawn Drawn by KNG	Scale As Noted @ A3
	Revision Rev A

**IMPORTANT NOTICE**  
This plan was prepared for D KOERNER as a proposed division to accompany a Development Application to the 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 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. Where shown the contours are suitable for the purpose of the plan. This note is an integral part of the plan.

AMENDED 20/11/2020

# DIVISION LAYOUT

SHEET 1 OF 2



### General Notes

POPRTION OF ALLOTMENT 16 MARKED A IS SUBJECT TO AN EASEMENT FOR WATER SUPPLY

**ALLOTMENT 14 NOTES**  
EDA: EFFLUENT DISPERSAL AREA  
EXISTING SEPTIC TANK TO REMAIN

**ALLOTMENT 16**  
REFER TO SHEET2

02	EFFLUENT MANAGEMENT DETAILS	19/11/20	gb
01	da issue	19/08/20	kng

No.	Revision / Issue	Date	By
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HUNDRED ONKAPARINGA  
AREA LENSWOOD  
COUNCIL ADELAIDE HILLS

MAP REF 6628-44-J,K EDALA 69451

TITLE REFERENCE C'sT6146/166, 6146/167, 6146/168

DEVELOPMENT NUMBER 473/D049/20

### DEVELOPMENT SUMMARY

TOTAL AREA	6.0IHA
RESERVE AREA	NA
NO. OF EXISTING ALLOTS	3
NO. OF ADDITIONAL ALLOTS	0
LENGTH OF NEW ROAD	NA
CONTOUR INTERVAL	NA

### Access SDM



Surveying - Civil Design  
Development - Management  
18A Cameron Street, Mount Barker SA 5251  
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#### IMPORTANT NOTICE

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**Planning Summary****Boundary Adjustment 3 allotments into 3 allotments****Subject lands**

The application is proposed boundary adjustment between 3 contiguous allotments:

- 11 D94407 CT 6146/166. - 3.76 ha
- 12 D94407 CT 6146/167 - 1.634ha
- 13 D94407 CT 6146/168 - 6161sqm

The lands are at 758 Swamp Road Lenswood within the Adelaide Hills Council, Hundred of Onkaparinga.

**Current Land Use**

Allotment 11 has approximately 1.25ha of existing native vegetation and balance open grazing land

Allotment 12 is planted with vines and has an unproductive area of a shed, driveway and unplanted area at the north west corner

Allotment 13 is a rural living allotment and contains the existing shed and infrastructure associated with the vine plantings on allotment 12.

**Application proposal**

The division proposes adjusting the boundary relocating the existing vineyard shedding with the same allotment as the existing vineyard (currently located on the same land as the rural living allotment 13.)

This maintains the rural living allotment and reverses the layout maintaining the house on a 5050sqm allotment with an existing driveway.

The resultant allotment 15 includes the existing vineyard shed, vineyard driveway and all existing vines. The resultant allotment 15 is enlarged for additional vine planting with amalgamation of a portion of allotment 11. The balance lands of allotment 11 maintains an open grazing portion and maintains the existing native vegetation stand wholly within the resultant allotment.

## Development Plan Zoning

The lands are contained within the Watershed (*Primary Production*) Zone AdHi 3 and further included within Policy Area Lenswood Policy Area AdHi 53.

The **Objectives of the Primary Production Zone** identify the following Objectives relevant to the lands and division proposal:

- Objective 1: Maintain and enhance natural resources of the Mount Lofty Ranges
- Objective 2: Enhancement of the Mount Lofty Ranges as a source of high quality water
- Objective 3: long term sustainability of rural production in the south Mount Lofty Ranges
- Objective 4: Preservation of remnant Native Vegetation south Mount Lofty Ranges
- Objective 5: Enhance the amenity and landscape of the south Mount Lofty Ranges

The relevant Principals of Development Control of the **Primary Production Zone** identify the following PDC:

### Form of Development

- PDC 9 driveways and access tracks to follow contours of the land
- PDC 14 Development should not detract from the natural and rural landscape
- PDC 16 Development should ensure that primary production activity is not prejudiced.
- PDC 17 Land which is particularly suitable for primary production should be used and remain available such purposes

### Land Division

- PDC 19 Land division should not occur in rural areas where the proposed use is liable to (b) cause a loss of productive primary production land
- PDC 20 Land division must not create an additional allotment and (b) provide for a minor readjustment of boundaries to improve the management of land for the purpose of primary production and / or the conservation of its natural features.
- PDC 21 Land division may occur provided the development does not result in a loss of primary production
- PDC 22 land division creates allotments of a size consistent with the locality.

### Conservation

- PDC 31 No change of use should occur in or near areas of native vegetation which are adverse to the vegetation
- PDC 33 Division shall not increase the number of allotments adjoining allotments on which there is native vegetation.
- PDC 34 Division shall not increase the number of allotments

## Over view comparison with the Development Plan

The Development does not increase the number of allotments or increase the risk of pollution and is not a non complying form of application.

The proposal maintains the existing rural living allotment 13 at 5050sqm (currently 6161sqm). The additional land is amalgamated with proposed allotment 15 (currently planted with vines) and adjusts the boundary to place the existing Vineyard shed and infrastructure to the same allotment as the vines.

Existing allotment 11 at 3.76 ha is reduced in size to 2.643ha with the additional lands being amalgamated with existing allotment 12 (currently planted with vines).

The outcome of the boundary adjustment;-

- increases the area of suitable land available for primary production and related functions from 1.634ha to 2.86ha
- reduces the rural living allotment from 6161sqm to 5050sqm
- reduces the native vegetation allotment from 3.76ha to 2.64ha. The reduction in land has no impact upon the native vegetation stand.
- Does not alter the number of allotments adjoining allotment 16 which contains Native vegetation
- Results in an overall increase in available and active primary production lands
- Has no impact upon pollution potential of the lands
- Protects and preserves the existing native vegetation
- Increases the sustainability of the primary production capacity of the lands by increasing the viability from additional plantings
- Does not alter the appearance or function of the natural resource or appearance of the Ranges in the locality

### **Summary**

The proposal seeks to adjust current boundaries, increasing the area available for vine planting by a contiguous expansion of the current vine area and amalgamate the existing infrastructure and shed associated with the vines to the same allotment as the vines.

The increased area for primary production maintains the existing native vegetated area without negative impact upon the vegetation.

The existing rural living allotment is maintained at a slightly smaller area and without increasing the potential for vine planting closer to the existing residence.

The natural resources of the Ranges are not impacted by the proposal.

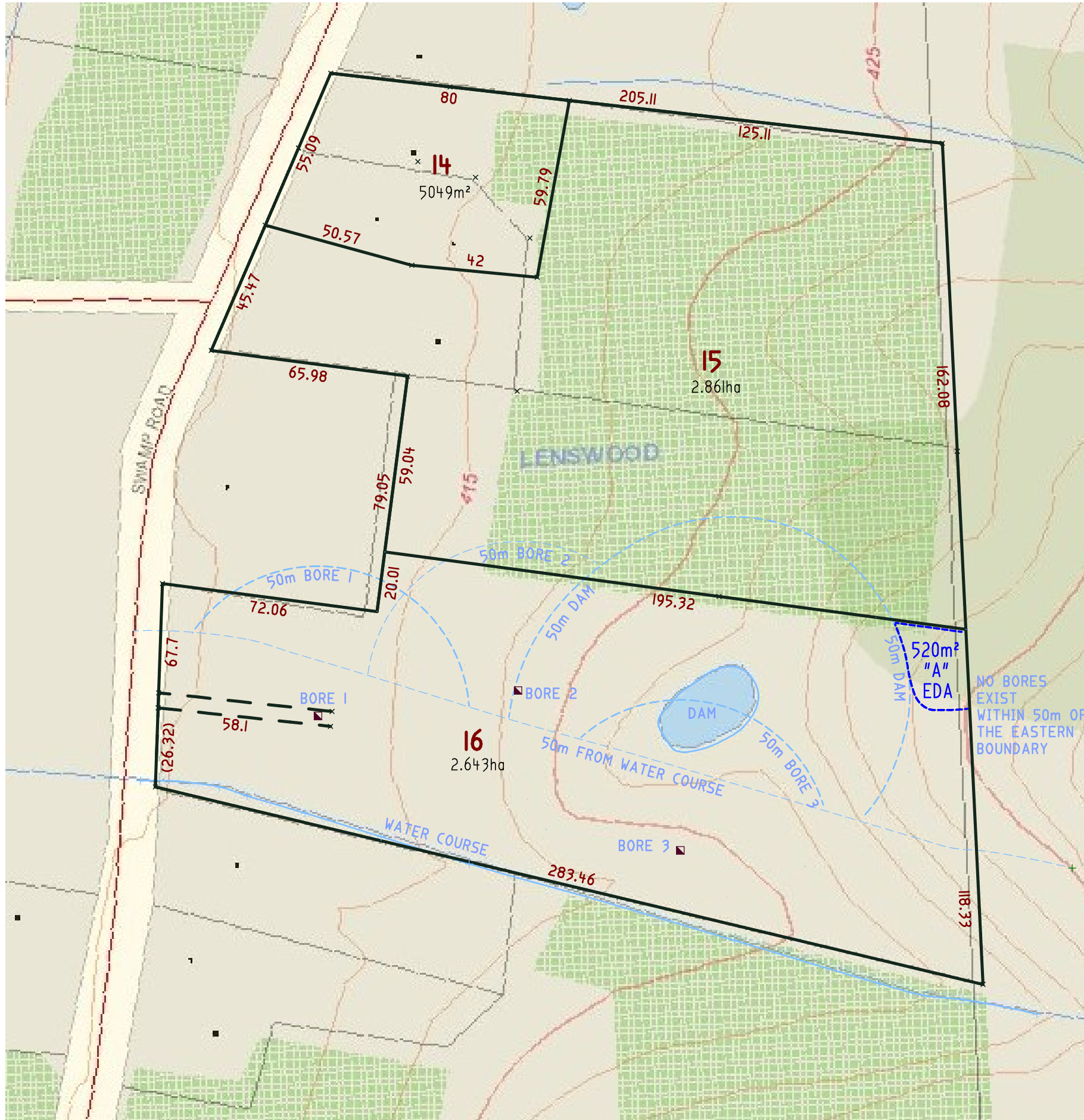
**Yours sincerely**

**Access SDM Pty Ltd**

**Greg Burgess**

# LOT 16 EFFLUENT MANAGEMENT

SHEET 2 OF 2




## ALLOTMENT 16 EFFLUENT MANAGEMENT

PROPOSED ALLOTMENT 16 HAS 3 BORES LABELLED 1,2,3.  
BORES 1 AND 3 ARE EQUIPPED AND OPERATIONAL  
BORE 2 IS NOT EQUIPPED AND NOT OPERATIONAL

THE ALLOTMENT ALSO HAS AN EXISTING WATER COURSE  
ALONG THE SOUTHERN BOUNDARY

50 METRE SET BACKS ARE INDICATED FROM THESE  
EFFLUENT SENSATIVE AREAS.

AN EFFLUENT DISPERSAL AREA (EDA "A") IS IDENTIFIED AS  
AN AREA OUTSIDE THE 50 METRE IMPACT ZONE FOR ALL  
WATER FEATRES AND SUITABLE FOR EFFLUENT DISPERSAL  
WITH AN AEROBIC SYSTEM.

HUNDRED	ONKAPARINGA	
AREA	LENSWOOD	
COUNCIL	ADELAIDE HILLS	
MAP REF	6628-44-J,K EDALA 69451	
TITLE REFERENCE	C'sT6146/166, 6146/167, 6146/168	
DEVELOPMENT NUMBER	473/D049/20	
<b>Access SDM</b>		
 Surveying - Civil Design Development - Management 18A Cameron Street, Mount Barker SA 5251 Ph:(08) 83913000		
Plan <b>TORRENS DIVISION 3:3</b> Location 758 SWAMP ROAD LENSWOOD ALLOTMENTS 11, 12 & 13 D94407		
Project	Drawing number	
5941	5492LD01	
Date		
19-8-20		
Drawn	Scale	Revision
Drawn by KNG	As Noted @ A3	Rev A





**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

19 October 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/D049/20 (ID 69451)  
for Land Division by Access SDM Pty Ltd**

Further to my letter dated 18 September 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.

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

Yours faithfully,

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



14 October 2020

Our Ref: H0104299

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

Dear Sir/Madam

**PROPOSED LAND DIVISION APPLICATION NO: 473/D049/20 AT LENSWOOD**

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

Yours faithfully

SARAH JOHNSON

**for MANAGER LAND DEVELOPMENT & CONNECTIONS**

SA Water

Level 6, 250 Victoria Square

ADELAIDE SA 5000

Ph (08) 7424 1119

Inquiries SARAH JOHNSON

Telephone 7424 1388