

DEVELOPMENT NO.:	21041304
APPLICANT:	RL Scott Estate
ADDRESS:	206 PRAIRIE RD CUDLEE CREEK SA 5232
NATURE OF DEVELOPMENT:	Boundary Realignment (4 lots into 4 lots)
ZONING INFORMATION:	Zones: <ul style="list-style-type: none">• Productive Rural Landscape Overlays: <ul style="list-style-type: none">• Environment and Food Production Area• Hazards (Bushfire - High Risk)• Hazards (Flooding - Evidence Required)• Limited Land Division• Mount Lofty Ranges Water Supply Catchment (Area 2)• Native Vegetation• Prescribed Water Resources Area• Water Resources
LODGEMENT DATE:	30 Dec 2021
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	Operative Version 2021.16 - (17 December 2021 to 19 January 2022).
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed – All-Other Code Assessed Development
NOTIFICATION:	No
RECOMMENDING OFFICER:	Aaron Wilksch (Consultant Planner) for Melanie Scott - Senior Statutory Planner
REFERRALS STATUTORY:	South Australian Water Corporation SPC Planning Services
REFERRALS NON-STATUTORY:	Council Property Department

CONTENTS:

ATTACHMENT 1: CAP Locality Map

ATTACHMENT 2: Proposal Plans

ATTACHMENT 3: Planning and Design Code Rules

DETAILED DESCRIPTION OF PROPOSAL:

The proposal involves realignment of boundaries of four (4) existing allotments into four (4) proposed allotments configured largely around the existing buildings. The purpose of the boundary realignment is to resolve existing encroachments such that each allotment can 'stand independently' of one another, where the former contiguous holding did not create any concern.

The proposed boundary realignment denoted as Revision C in the plan of division dated 14/04/2022, creates allotments with the following attributes:

Existing Lot / Parcel		Area	Frontage(s)	Attributes
A1 FP14366		1.30 Ha (approx.)	244.73 m (Prairie Rd & Isaac Rd)	Contains existing dwelling and horticulture activities
A2 FP14366		4850 m ² (approx.)	214.34 m (Prairie Rd) 37.0 m (Isaac Rd)	Vacant
A4 FP14366	Northern Piece	22.4 Ha (approx.)	512.7 m (Isaac Rd)	Contains Existing Dwelling (wholly) and sheds (encroaching upon Lot F), open pastoral land and some horticulture land
	Southern Piece	43.2 Ha (approx.)	No Formal Road Frontage **Land-Locked Parcel**	Vacant – accessed over land in the same ownership (F130200) which is not part of this application.
Lot F R81A (R1793ACC)		5770 m ² (approx.)	201.8 m (Prairie Rd)	Formerly closed road reserve, contains eastern half of sheds encroaching from Lot 4

Proposed Lot / Parcel		Area	Frontage(s)	Attributes
Lot 30		1.03 Ha	100.43 m (Prairie Rd & Isaac Rd)	Contains existing dwelling and horticulture activities
Lot 31		1.58 Ha	284.13 m (Prairie Rd) 267.1 m (Isaac Rd)	Vacant
Allotment Comprising	Piece 41* (north)	21.8 Ha (approx.)	282.6 m (Isaac Rd)	Contains Existing Dwelling and sheds (encroachment resolved), open pastoral land and some prepared horticulture land
	Piece 42* (south)	43.2 Ha (approx.)	No Formal Road Frontage **Land-Locked Parcel**	Vacant – accessed over land in the same ownership (F130200) which is not part of this application
Lot 33		5906 m ²	10.0 m (Prairie Rd)	Vacant (encroachment resolved)

It is acknowledged that the arrangement of existing Lot 4 is identified as comprising two separate pieces of land and although not defined as 'pieces' in the Land Title or in File Plan FP14366, the land parcels – Formerly Section 6088 and Section 6371 in Hundred Plan HP105900 were previously independent parcels separated by a former road (see following extract in Figure 1 from FP14366 with 'X X X X X' marking the closed road).

It is noted that the former road reserve now identified as Lot 46 in FP130200 on SA.Gov SAPPA mapping is recognised as being common to 206 Prairie Road (the subject land) and shares the same Valuation number as the other allotments involved in this proposal.

In future the use of the subject land, particularly the proposed allotment comprising pieces 41* and 42*, will require the applicant to ensure access to the southern piece of land across their allotment 46 by Right of Way, or the further realignment of boundaries. Noting a Right of Way can be registered on an allotment and extinguished at any time, staff have requested the Right of Way is identified. Both pieces form the one allotment, piece 42 cannot exist alone and the proposal is not altering the existing access arrangements from Lot 46, which is also in the applicant's ownership. The applicant does not wish to have the Right of Way surveyed.

Figure 1 – FP14366 identifying the former Sections, Sec 6088 (north) and Sec 6371 (south), comprised in existing Lot 4.

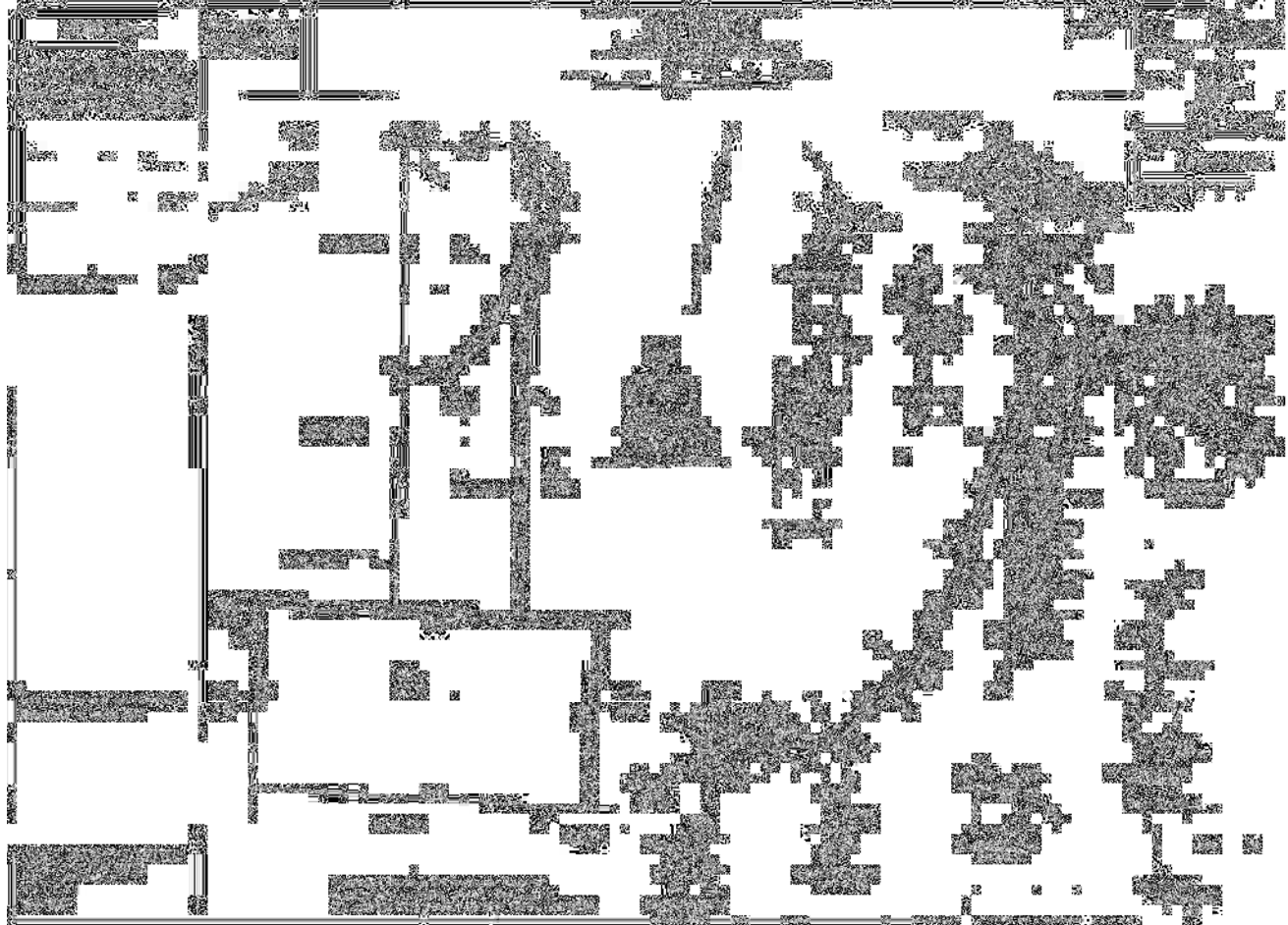
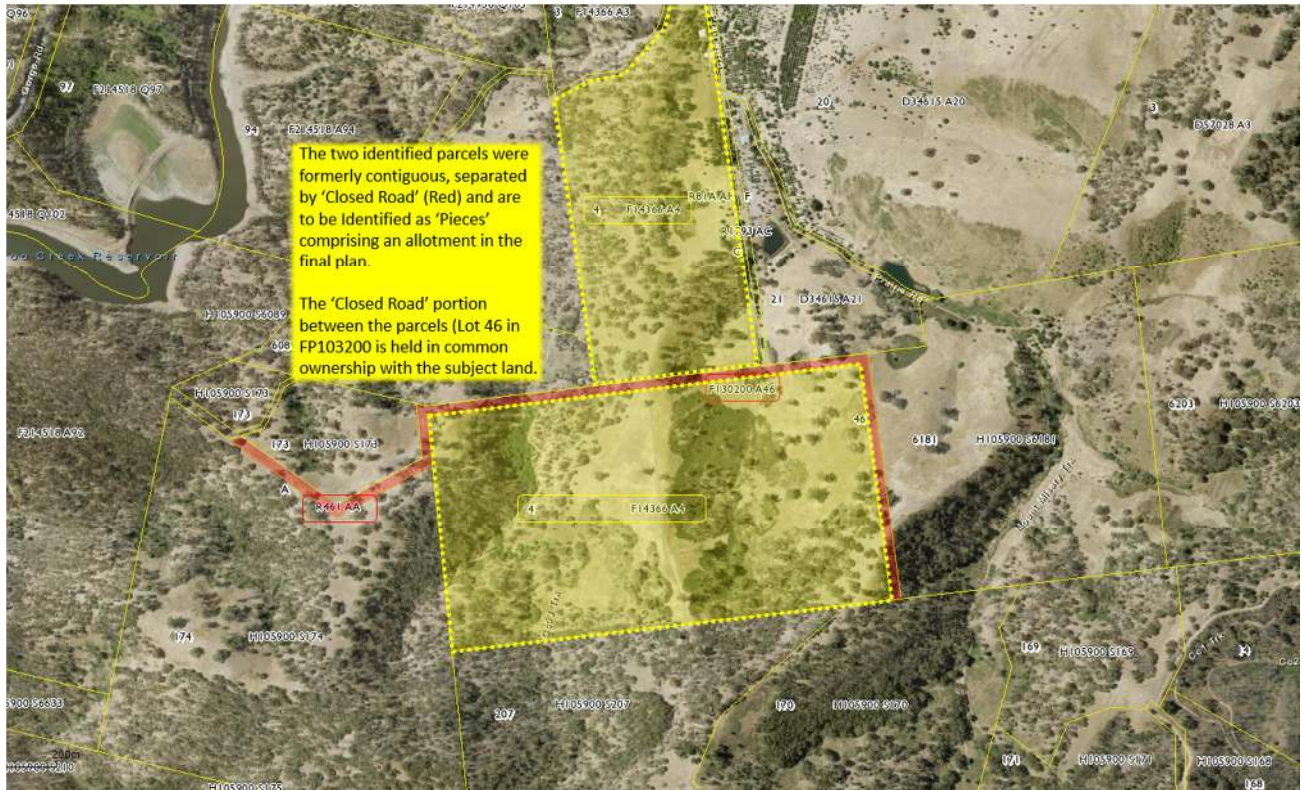


Figure 2 – Land parcels as shown on SA.Gov SAPPA mapping, also identifying the Closed Road Segment, now identified as Lot 46 in Filed Plan FP130200 with R461 AA to the western side.

CAP MEETING – 11 MAY 2022
ITEM 9.1



The relationship of former road reserve 'Lot F' in the proposed boundary realignment, which is to become proposed Lot 33, reduces its existing (approximate) 201.8 metres eastern frontage to Prairie Road, to obtain an approximate 10.0 metre frontage (subject to final survey) ensuring appropriate avoidance and separation distance from the stobie pole and overhead powerline infrastructure as demonstrated in the following image:

Figure 3 – Formal frontage of proposed Lot 33 to Prairie Road to avoid obstructions



BACKGROUND:

The initial concepts for the proposed boundary realignment converted two road reserves, Lot 2 and Lot F into parcels for possible rural residential development of approximately 7500m² in the intersection between Isaac and Prairie Road. There is a second application to further realign 6 other titles in the family name which remains on hold. All proposals form part of the settlement of a family estate.

The amended composition of land subject of this assessment remains part of a multiple land parcel holding of the applicant, which has been identified as requiring the boundaries to be adjusted to mitigate a number of building encroachments, predominantly over Existing Lot 4 and Lot F (proposed Lot 32 and Piece 41* respectively). The proposal rationalises the shape and composition of the allotments to enable future un-encumbered use and a more orderly arrangement of land parcels.

Existing Lot 1 contains an historic dwelling and established, small-scale horticultural (orchard) activities. Lot 4 (with encroachments) has an established dwelling, numerous farm buildings and evidence of a former orchard area, which are rationalised with encroachments upon existing 'Lot F' resolved in this proposal.

There is no recorded development application history for any of these allotments.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 206 PRAIRIE RD CUDLEE CREEK SA 5232

Title ref.: CT 5473/858 **Plan Parcel:** F14366 AL1

Location reference: 206 PRAIRIE RD CUDLEE CREEK SA 5232

Title ref.: CT 5474/178 **Plan Parcel:** F14366 AL2

Location reference: 206 PRAIRIE RD CUDLEE CREEK SA 5232

Title ref.: CT 5474/460 **Plan Parcel:** F14366 AL4

Location reference: 206 PRAIRIE RD CUDLEE CREEK SA 5232

Title ref.: CT 5463/903 **Plan Parcel:** R81A ACF

The site is comprised of four allotments which collectively form a total of approximately 68 Ha of generally open and sparsely wooded pastoral land. A small portion of the land has established or previous horticulture activity in isolated areas.

The land is moderate-to-steeply undulating, exhibiting variation of approximately 440 metres in elevation across the entire property, from approximately 270 metres AHD in the north of existing Lot 1 to approximately 510 metres AHD in the south-eastern corner of Lot 4 with steep slopes of 1:3 and greater in the hills' escarpments and gullies.

A small section of first-order creek lines in two branches cross the southern piece of existing Lot 4 in its north-western corner flowing north/north-west to the Kangaroo Creek Reservoir.

Access to the land is via formed, un-sealed Prairie Road and Isaac Road linking to the north to the Cudlee Creek settlement. The formed nature of both roads terminates adjacent the southern-most dwellings on adjacent lots that are not part of this application.

Locality

The locality is generally equivalent in terms of topography to the subject land, with notable flatter, plateau areas directly east of Prairie Road in the vicinity of the subject land and north of the northern piece of existing Lot 4. There is a prevalence of steeper land to the south-west with hills and gullies leading to the southern extent of the Kangaroo Creek Reservoir and Mount Crawford Forest.

Land in the locality exhibits similarly open and sparsely wooded pastoral land in the steeper areas and horticulture (orchards) established in the flatter areas, particularly adjacent to the east of the subject land. In this respect Prairie Road presents a strong rural characteristic with few dwellings influencing the character.

CONSENT TYPE REQUIRED:

Planning and Land Division Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:** Boundary realignment: Code Assessed - Performance Assessed - All-Other Code Assessed Development
- Land division
Land Division within the Limited Land Division Overlay: Code Assessed - Performance Assessed - All-Other Code Assessed Development
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed - All-Other Code Assessed Development
- **REASON**
The P & D Code does not define any prescribed assessment pathway within *Performance Assessed* or *Restricted* development pathways and land division is not *Accepted* or *DTS* development.

Productive Rural Landscape Zone *Table 4 – Restricted Development*, identifies that Land division within the Limited Land Division Overlay areas (*relevant to the subject land*) would be a *Restricted* form of development, other than where it is undertaken in the form of a boundary realignment as proposed.

Accordingly, being excluded from Restricted Development and having no other defined assessment pathway, the application defaults to *Performance Assessed - All-Other Code Assessed Development*.

PUBLIC NOTIFICATION

- **REASON**

Public Notification is not required, being exempted by *Productive Rural Landscape Zone*, Table 5, Item 2 (m) in Column A, without exception in Column B.

AGENCY REFERRALS

- South Australian Water Corporation

SA Water provided its referral response on 5 January 2022, providing a 'No comment to make' response, based upon no services provided to the subject land or the area generally.

- SPC Planning Services

The State Planning Commission provided its referral response / Consultation report on 4 January 2022 providing advice with comments, conditions and notes to be applied to any approval as follows:

Condition 1

A final plan complying with the requirements for plans 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 Planning Commission for Land Division Certificate purposes.

INTERNAL REFERRALS

- Internal referral was made to the Council Property Department – comment was provided in respect of the history of the complex closed roads and the conversion to allotments in freehold tenure in this locality.

Advice indicates the closure of numerous roads, including Lot F and Lot C in approximately 1931 and disposed / purchased by the landowner of the day, Mr. W. Redden on 2 October 1982. This appears to correspond with Filed Plan FP14366, and likely involved the closure and disposal of former road reserves 'R461 AA' and Lot 46 in FP130200 (and possibly others).

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in **Attachment 4**.

Desired outcomes

Desired outcomes are policies designed to aid the interpretation of performance outcomes by setting a general policy agenda for a zone, subzone, overlay or general development policies module. Where a relevant authority is uncertain as to whether or how a performance outcome applies to a development, the desired outcome(s) may inform its consideration of the relevance and application of a performance outcome, or assist in assessing the merits of the development against the applicable performance outcomes collectively.

Performance outcomes

Performance outcomes are policies designed to facilitate assessment according to specified factors, including land use, site dimensions and land division, built form, character and hazard risk minimisation.

Designated performance features

In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a *designated performance feature* or DPF).

A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.

Zone & Sub Zone:

Productive Rural Landscape Zone

Desired Outcomes	
DO1	A diverse range of land uses at an appropriate scale and intensity that capitalise on the region's proximity to the metropolitan area and the tourist and lifestyle opportunities this presents while also conserving the natural and rural character, identity, biodiversity and sensitive environmental areas and scenic qualities of the landscape.
DO2	A zone that promotes agriculture, horticulture, value adding opportunities, farm gate businesses, the sale and consumption of agricultural based products, tourist development and accommodation that expands the economic base and promotes its regional identity.
DO3	Create local conditions that support new and continuing investment while seeking to promote co-existence with adjoining activities and mitigate land use conflicts.
Performance Outcomes /Designated Performance Feature (DPF) criteria	
PO/DPF 1.1 (b)(g)(i)(l), 2.1, 5.1, 12.1, 12.2	

The Productive Rural Landscape Zone seeks to facilitate a *diverse range of land uses at an appropriate scale and intensity that capitalise on the region's proximity to the metropolitan area and the tourist and lifestyle opportunities, while also conserving the natural and rural character*. The zone also substantively supports *agriculture, horticulture, value adding opportunities, farm gate businesses, consumption of food and beverage and tourist development and accommodation opportunities*, as referenced in the Desired Outcomes for the Zone.

The subject land, in its current format is generally reflective of the Code objectives for development in this locality – it contains existing residences upon two of the allotments which can potentially function within the ambit of the envisaged forms of development and land uses identified in Zone PO/DPF 1.1 (b), (g), (i) & (l). The land uses include small-scale horticulture (Lot 1), continuation of pastoral / farming activities upon the larger allotments and potential for rural-related value-adding activity along with rural lifestyle (residential) uses (Zone PO/DPF 5.1).

The land remains accessible as a result of the proposed realignment noting there is no change the existing access anomaly for what will now be known as piece 42* (previously the southern portion of Lot 4).

The design of the boundary realignment is considered by the writer to fall short of particularly meritorious outcomes in respect of proposed Allotment 33 and also the relationship between proposed pieces 41* and 42* with the closed road reserve Lot 46 in FP103200, which could have produced a superior outcome in terms of land use potentials and access. However those allotment arrangements remain largely unchanged. Of particular note Lot 33 was Lot F and did transect some buildings. It is considered the unsatisfactory access arrangement which existed for the two pieces of the old Lot 4 is continuing unchanged. This application offers an improvement in that the two separate portions of old Lot 4 are now identified as the two pieces 41* and 42*.

No further fragmentation of land in the zone occurs and the existing character of the land and locality remain intact irrespective of the proposed realignment and resulting development potential, which remains equivalent to that which already exists.

Overlays:

The proposal is influenced by a series of planning policy Overlays, of which a number have no relevance to the realignment of boundaries proposed in this application.

In this instance, the land is identified as being substantially elevated with considerable contour to gullies and watercourses and not considered to be at any risk of flooding or inundation and therefore is not being assessed against the provisions of the *Hazards (Flooding - Evidence Required) Overlay*.

Similarly, the proposal does not influence the arrangement of existing dwellings, or their actual or potential use, and with no further allotments being created within the *Mount Lofty Ranges Water Supply Catchment Overlay* areas, the proposed boundary realignment does not propagate any further influence upon the quality, volume or conveyance of water resources within the catchment.

In respect of the *Prescribed Water Resources Area Overlay* and the *Water Resources Overlay*, the proposed boundary realignment does not alter the existing land uses which would give rise to water resource considerations. The proposed boundaries do not interact with watercourses which would be of concern in respect of the quality, quantity or natural flow paths of watercourses, including for instance where required access or egress routes coincide with water courses.

The following are considered to be the most pertinent overlay provisions relevant to the proposed boundary realignment:

Environment and Food Production Area Overlay

Desired Outcomes	
DO1	Protection of valuable rural, landscape, environmental and food production areas from urban encroachment.
Performance Outcomes & Designated Performance Feature (DPF) criteria	
PO/DPF 1.1	

The proposed development does not represent any further fragmentation of rural land within the EFPA. The arrangement of Existing Lot F (proposed Lot 33) is such that it resolves the existing farm buildings (sheds) encroachment from Existing Lot 4 (Piece 41*) and otherwise maintains the ‘status quo’ in this proposal.

Similarly the adjustment of boundaries between existing Lots 1 and 2 (Proposed Lots 30 and 31) rationalise the overlap of the existing small allotments and also acquires a portion of existing Lot 4 in the realignment to produce allotments of 1.03 Ha and 1.5 Ha respectively which are capable of containing small scale horticultural activities (as exists on existing Lot 1) or could support other rural-related value adding activities identified as appropriate in Zone PO/DPF 1.1, including a dwelling or workers accommodation.

As the proposal does not create any additional allotments the proposal satisfies The Desired Outcome DO 1 and Performance Outcome PO 1.1.

Hazards (Bushfire – High Risk) Overlay

Desired Outcomes	
DO1	Development, including land division is sited and designed to minimise the threat and impact of bushfires on life and property with regard to the following risks: (a) potential for uncontrolled bushfire events taking into account the increased frequency and intensity of bushfires as a result of climate change (b) high levels and exposure to ember attack (c) impact from burning debris (d) radiant heat (e) likelihood and direct exposure to flames from a fire front.
DO2	Activities that increase the number of people living and working in the area or where evacuation would be difficult is sited away from areas of unacceptable bushfire risk.
Performance Outcomes & Designated Performance Feature (DPF) criteria	
PO/DPF 5.1, 5.2, 5.5	

The proposed realignment of boundaries does little to impact or alter the existing arrangement of land uses and buildings, in respect of their bushfire safety, however ensures that all allotments obtain appropriate direct local road access and in the case of proposed allotment comprising pieces 41* and 42* (as is for existing Lot 4), provides connectivity and access over the applicant’s common property, with the existing dwelling being located on proposed piece 41, which has direct access to Prairie Road.

As foreshadowed in the *Proposal* section of this report discussing the arrangement and tenure of land relative to future development of southernmost Piece 42*, for which the applicant will be responsible for formal frontage and appropriate access across their allotment 46 (F130200) (to the standards anticipated by the Code) by appropriate means such as a Right of Way, or the further realignment of boundaries.

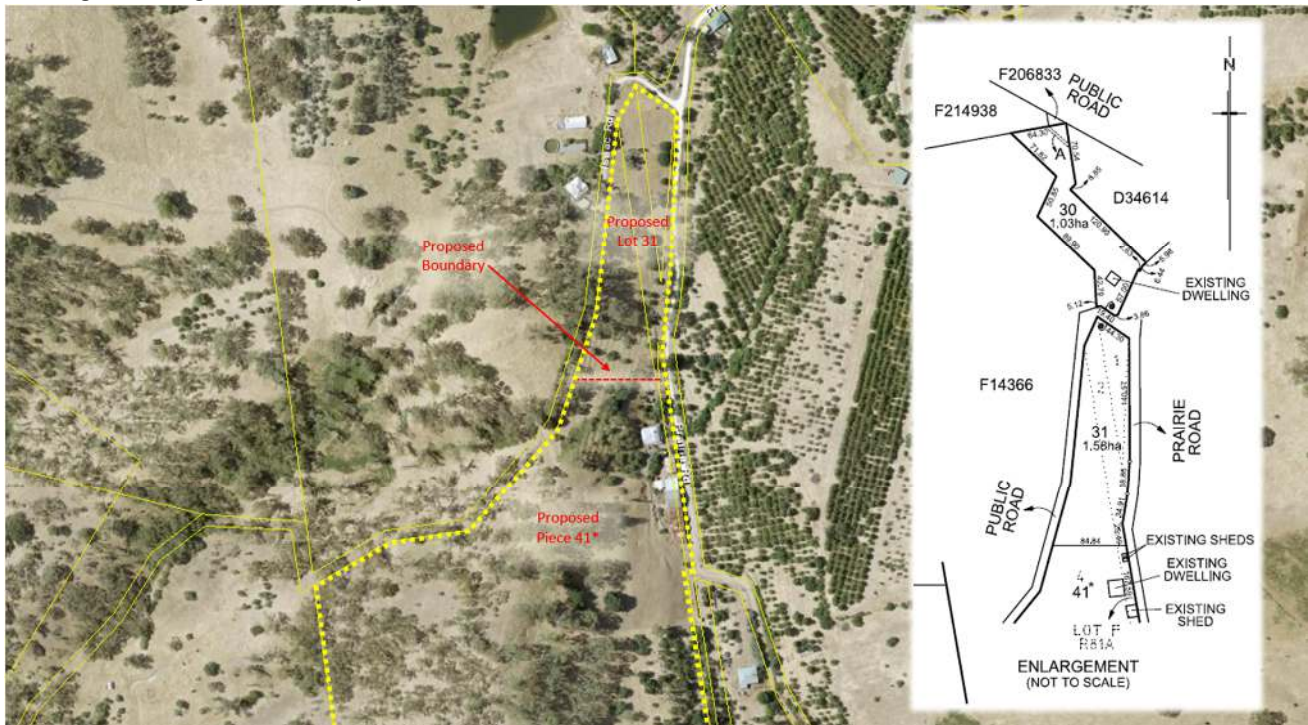
As this future potential use is speculative only, they do not fundamentally form part of this assessment, notwithstanding the issues have been identified and conveyed to the applicant.

Native Vegetation Overlay

Desired Outcomes	
DO1	Areas of <u>native vegetation</u> are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.
Performance Outcomes & Designated Performance Feature (DPF) criteria	
PO/DPF 1.1, 2.1	

The proposed boundary realignment avoids any impact upon native vegetation. The proposal places one segment of new boundary between proposed lots 31 and Piece 41* across primarily open land where it will avoid any of the few, sparsely distributed trees in that portion of the land (*shown Below in Figure 4*). There is a second new segment of boundary at the northern end of proposed Lot 33 where it terminates near Prairie Road, which also avoids the existing native vegetation immediately north of the intended access point and frontage (*shown in Figure 3*).

Figure 4 – Proposed boundary between Proposed Lot 31 and Piece 41* crosses sparsely wooded land and is capable of avoiding native vegetation entirely



General Development Policies:

The following are considered to be the most relevant of the Assessment Provisions (AP) from the General Development Policies of the Code:

Infrastructure and Renewable Energy Facilities

Desired Outcomes	
DO1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.
Performance Outcomes & Designated Performance Feature (DPF) criteria	
PO/DPF 12.2	

The proposal eliminates the encroachment of buildings and related site features (i.e. the curtilage of the dwelling), the wastewater treatment and disposal, infrastructure servicing of the dwelling and ensures all is contained wholly within its own allotment boundaries.

The land and dwellings contained within proposed Lot 30 and Piece 41* are considered to have adequate area for their intended uses including access and utilities / servicing.

Land Division

Desired Outcomes	
DO1	Land division: (a) creates allotments with the appropriate dimensions and shape for their intended use (b) allows efficient provision of new infrastructure and the optimum use of underutilised infrastructure (c) integrates and allocates adequate and suitable land for the preservation of <u>site</u> features of value, including significant vegetation, watercourses, water bodies and other environmental features (d) facilitates solar access through allotment orientation (e) creates a compact urban form that supports active travel, walkability and the use of public transport (f) avoids areas of high natural hazard risk.
Performance Outcomes & Designated Performance Feature (DPF) criteria	
PO 1.1, PO/DPF 1.2, PO 2.4, 2.8, 3.4, PO/DPF 4.2	

The proposed boundary realignment is considered to largely maintain the status quo within the context of the existing configuration of land parcels and within their existing arrangement in the Zone. The proposal sets out with four (4) existing allotments, with two parcels of land, being existing Lot 1 and Lot 4 having 'pieces' of land physically separated from one another by Isaac Road and the former road reserve Lot 46 in FP103200.

The resulting pattern of realigned allotments produces four allotments, resolving existing building encroachments shared by existing Lot 4 and former road reserve Lot F. The proposal consolidates land and buildings in the form of proposed Lot 30 containing an existing dwelling with small scale horticultural activity. The allotment comprising pieces 41* and 42* will contain an existing dwelling, a series of sheds and farm buildings adjacent to the eastern boundary frontage along Prairie Road.

The resulting allotment 33, derived of 'Lot F', remains substantively the same in its composition (and arguable lack of association with any particular use), remaining vacant, but is shortened from its northern extent to alleviate the abovementioned encroachments, whilst assuring it maintains lawful frontage and practical accessibility from Prairie Road.

Proposed Lot 31, substantively occupies its 'existing site', albeit excluding the southward triangular appendage of existing Lot 1 and consolidating that portion of the land south of the Isaac Road and Prairie Road intersection as a vacant allotment.

The proposed allotments are of a configuration which makes them appropriate for appropriate uses identified by Productive Rural Landscape Zone PO/DPF 1.1 including horticulture, rural-related value adding activities and associated residences and are of appropriate size to contain necessary infrastructure and servicing, without creating more intensive development potential than offered by the existing four allotments.

The proposed allotments are therefore considered to contextually accord with and respond to the existing land uses and composition, resolving existing anomalies of the sites and rationalising the layout of the allotments, and in this respect is considered to appropriately satisfy the General, Land Division Desired Outcomes (DO) and performance values.

Proposed Lot 31, at 1.5 Hectares is capable of being utilised for future uses supported by the Productive Rural Landscape Zone PO/DPF 1.1 subject to the site contamination issues referenced in the following section being addressed.

Site Contamination

Desired Outcomes	
DO1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.
Performance Outcomes & Designated Performance Feature (DPF) criteria	
PO/DPF 1.1(a)	

The initial concepts for boundary realignment incorporated six (6) of the applicant's allotments within the subject landholding (including previously discussed Lot 46 in FP103200 as well as Sections 173 and 6089 in HP105900 and Pieces 91* and 92* in FP216139, which lie west of the existing Lot 4 land parcels, which arguably created a series of 'smaller allotments' with little other prospect than rural living or lifestyle (residential type) uses, required an assessment to satisfy that allotments would not present site contamination risk to future development.

Notwithstanding the proposal (as amended) does not specifically create any additional allotments or propose any new residential or sensitive forms of development on the resulting allotments, and the existing dwellings fundamentally remain contained upon their existing 'sites' within the realigned land parcels, the proposal has been accompanied by a Preliminary Site Investigation (PSI) prepared by a qualified environmental consultancy in respect of site contamination investigations.

A Preliminary Site Investigation (PSI) has undertaken the required analysis of the site from appropriate records, historic imagery records of the site and evidence of the existing and former uses of the land and site features relevant to farming and horticulture activities on the land, and identifies that:

while there were class 2 and class 3 PCAs identified as having possibly occurred onsite, these activities are either isolated to specific areas onsite, or are easy to manage during residential redevelopment of specific areas of the site.

Environmental Projects did not consider these activities pose a significant risk to residential redevelopment of the site. Due to the topography of the site, it is unlikely the entire site will be suitable for residential use, regardless of the outcome of a site history assessment or soil sampling.

If specific areas are proposed for residential development in the future, shallow soil sampling may be required in the areas specifically proposed for residential use (especially if they are proposed in the former orchard areas or in the location of existing sheds/buildings and other identified risks such as burial areas or spray races) to confirm the suitability for sensitive use.

As provided by the Environmental Report, *If specific areas are proposed for residential development in the future, shallow soil sampling may be required in the areas specifically proposed for residential use (especially if they are proposed in the former orchard areas or in the location of existing sheds/buildings and other identified risks such as burial areas or spray races) to confirm the suitability for sensitive use,* and this is considered to be a reasonable planning expectation for any further development and should be included with advisory noted if approved, informing future prospective owners or developers of the necessity to further investigate site contamination where any future sensitive land uses are proposed.

CONCLUSION

The proposal is considered to appropriately accord with the Planning and Design Code Desired outcomes and Performance Outcome values applicable to the boundary realignment within this locality, and whilst it does not seek to propagate any substantive change to the configuration or the use of existing Lot F (proposed Lot 33) and existing Lot 4 (proposed Pieces 41* and 42*), the realignment resolves long-standing existing encroachments and produces a more orderly arrangement of land parcels within the land holding.

Importantly, it is recognised (with a degree of sensitivity) that this proposal is the product of resolving an estate, and it is somewhat likely that further realignments of the land boundaries could occur in the future to recognise new land use potentials or investment options. However in respect of this proposal, the proposed boundary realignment seeks to maintain the 'status quo' but rectifies encroachment.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and**
- 2) Development Application Number 21041304, by RL Scott Estate for boundary realignment (4 lots into 4 lots) at 206 Prairie Rd Cudlee Creek SA 5232 is granted Planning Consent and Land Division Consent subject to the following conditions:**

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).**
- 2) Any easement or right of way required for the electricity Infrastructure to be contained within Lot 33 shall be granted to the relevant Electricity Infrastructure Administrator.**
- 3) New vehicle access point(s) and/or cross-overs shall be located a minimum of 500mm from any existing or proposed verge features (i.e. crossing places, trees, stormwater connections, lighting or stobie poles) and requires a separate approval under section 221 of the Local Government Act.**

Land Division Consent

Conditions imposed by SPC Planning Services under Section 122 of the Act

A final plan complying with the requirements for plans 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 Planning Commission for Land Division Certificate purposes.

ADVISORY NOTES

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.**
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.**
- 3) This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.**
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).**
- 5) A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—**
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or**
 - b. if an appeal is commenced—**
 - i. until the appeal is dismissed, struck out or withdrawn; or**
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).**

ADVISORY NOTES

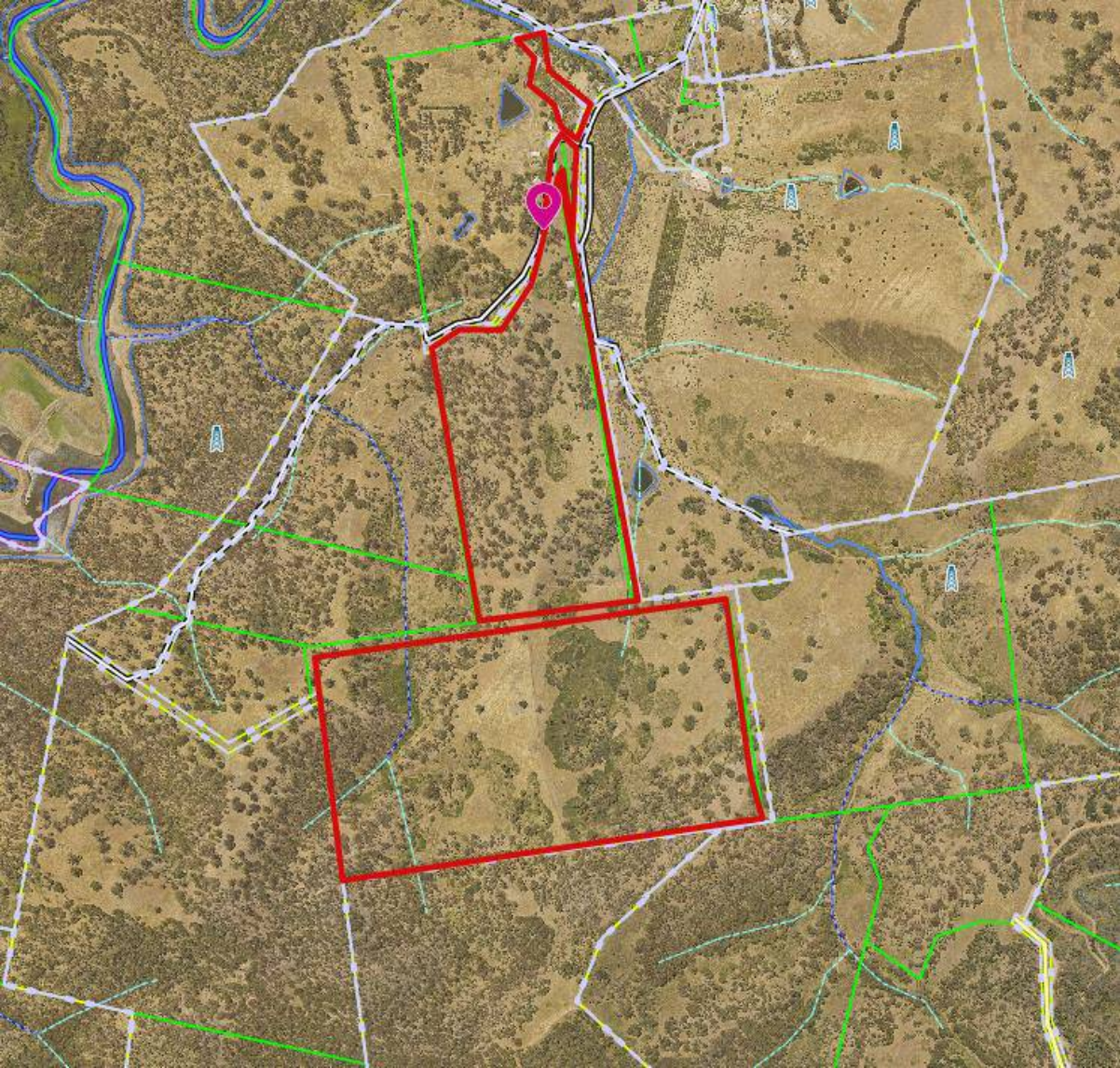
Land Division Consent

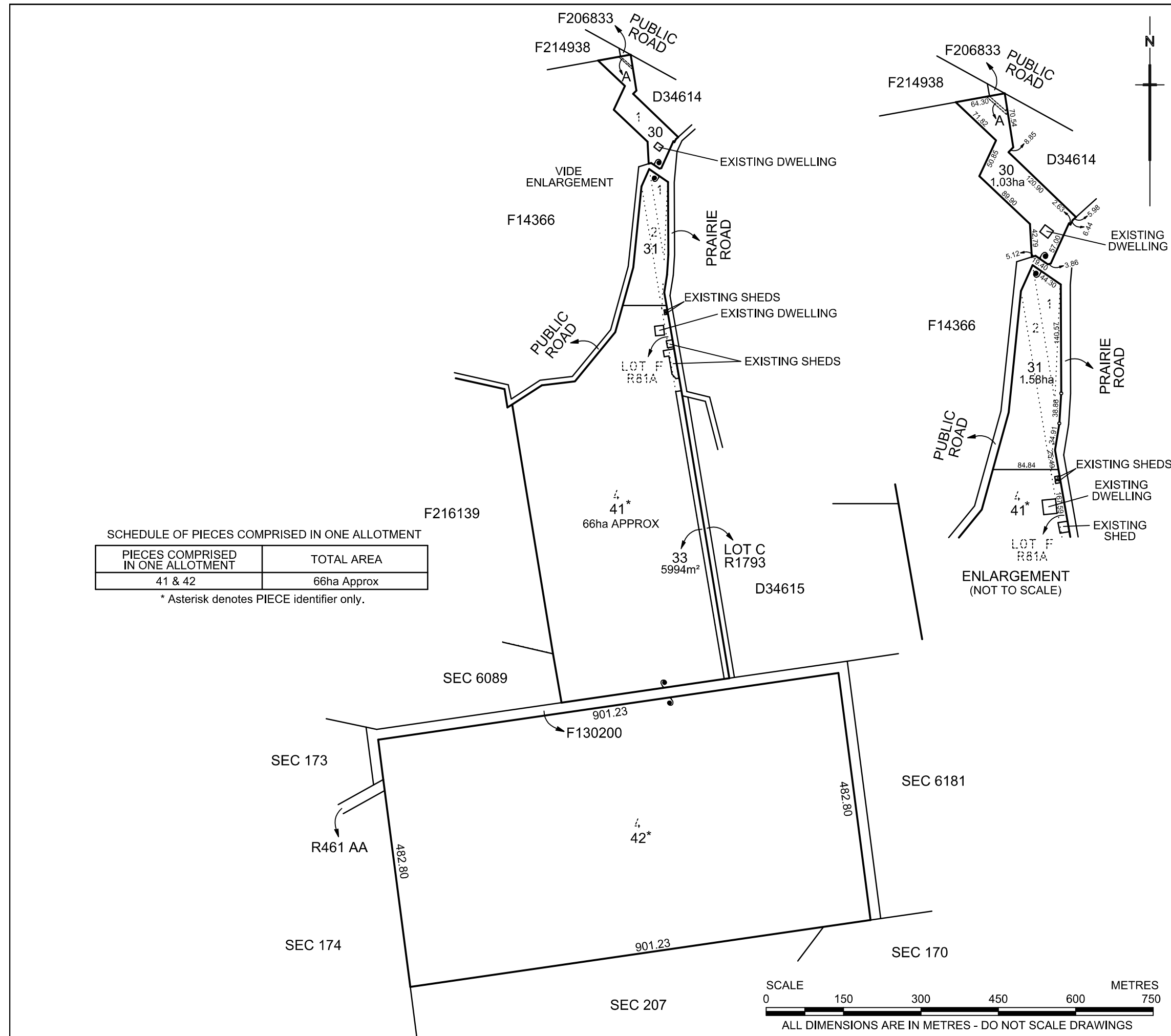
- 1) Any future land use applications for sensitive type land uses, i.e., residential or other habitable uses, may necessarily be the subject of further Site Investigation processes in respect of site contamination.**

OFFICER MAKING RECOMMENDATION

Name: Aaron Wilksch for Melanie Scott
Title: Consultant Planner/Senior Statutory Planner

NORTH





TORRENS TITLE CONCEPT PLAN

SCAP DEVELOPMENT NUMBER
473/D439/21
 SHEET 1 OF 1 SHEETS

COUNCIL ADELAIDE HILLS COUNCIL

SUBJECT LAND DETAILS
 ALLOTMENTS 1, 2 & 4 IN FP 14366 &
 CLOSED ROAD MARKED F ROAD PLAN 81A.
 STREET ADDRESS 206 PRAIRIE ROAD
 IN THE AREA NAMED CUDLEE CREEK
 HUNDRED OF TALUNGA

CERTIFICATE(S) OF TITLE
 VOL 5463 FOLIO 903
 VOL 5473 FOLIO 858
 VOL 5474 FOLIO 178
 VOL 5474 FOLIO 460

DETAILS OF LAND DIVISION

TOTAL AREA OF LAND TO BE DIVIDED	Approx. 69ha
RESERVED AREA	0m ²
NUMBER OF EXISTING ALLOTMENTS	4
NUMBER OF PROPOSED ALLOTMENTS	4
NUMBER OF ADDITIONAL ALLOTMENTS	0

EASEMENTS / ANNOTATIONS
 EXISTING BUILDINGS AND STRUCTURES TO REMAIN.
 ALLOTMENT 30 IS SUBJECT TO EASEMENT(S) OVER THE
 LAND MARKED A (T 5020846). REFER TO CT 5473/858
 FOR EASEMENT DATA.
 REFER TO CONTOUR SURVEY FOR ALLOTMENT 31.

All dimensions are subject to survey and final plan of division.



**ELITE
 LAND
 SOLUTIONS**
 A: PO Box 358 Prospect SA 5082
 M: 0452 220 600
 E: harry@elitelandssolutions.com.au
 W: www.elitelandssolutions.com.au

SCHEDULE OF PIECES COMPRISED IN ONE ALLOTMENT

PIECES COMPRISED IN ONE ALLOTMENT	TOTAL AREA
41 & 42	66ha Approx

* Asterisk denotes PIECE identifier only.



FILE: ELS 113-21 PROPOSAL **REV:** C
DATE OF ISSUE: 14/04/2022 **DRAWN:** HML




SCHEDULE OF PIECES COMPRISED IN ONE ALLOTMENT

PIECES COMPRISED IN ONE ALLOTMENT	TOTAL AREA
41 & 42	66ha Approx

* Asterisk denotes PIECE identifier only.



TORRENS TITLE CONCEPT PLAN	
SCAP DEVELOPMENT NUMBER 473/D439/21	
SHEET 1 OF 1 SHEETS	
COUNCIL ADELAIDE HILLS COUNCIL	
SUBJECT LAND DETAILS ALLOTMENTS 1, 2 & 4 IN FP 14366 & CLOSED ROAD MARKED F ROAD PLAN 81A.	
STREET ADDRESS . . . 206 PRAIRIE ROAD	
IN THE AREA NAMED . . . CUDLEE CREEK	
HUNDRED OF . . . TALUNGA	
CERTIFICATE(S) OF TITLE VOL 5463 FOLIO 903 VOL 5473 FOLIO 858 VOL 5474 FOLIO 178 VOL 5474 FOLIO 460	
DETAILS OF LAND DIVISION	
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All dimensions are subject to survey and final plan of division.	
 ELITE LAND SOLUTIONS	
A: PO Box 358 Prospect SA 5082 M: 0452 220 600 E: harry@elitelandsolutions.com.au W: www.elitelandsolutions.com.au	
SCALE 1:7500 @ A3	
FILE: ELS 113-21 PROPOSAL	REV: C
DATE OF ISSUE: 14/04/2022	DRAWN: HML

REAL PROPERTY ACT, 1885



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5474 Folio 460

Parent Title(s) CT 4207/965
Creating Dealing(s) CONVERTED TITLE
Title Issued 24/11/1997 Edition 2 Edition Issued 08/12/2020

Estate Type

FEE SIMPLE

Registered Proprietor

KENNETH LESLIE SCOTT
OF 255 EDWARDS ROAD JOANNA SA 5271
LINDA ROSE GREEN
OF 37 SPRINGHEAD ROAD MOUNT TORRENS SA 5244
AS THE EXECUTOR(S) OF
ROSE LORRAINE SCOTT WHO DIED 10/06/2020

Description of Land

ALLOTMENT 4 FILED PLAN 14366
IN THE AREA NAMED CUDLEE CREEK
HUNDRED OF TALUNGA

Easements

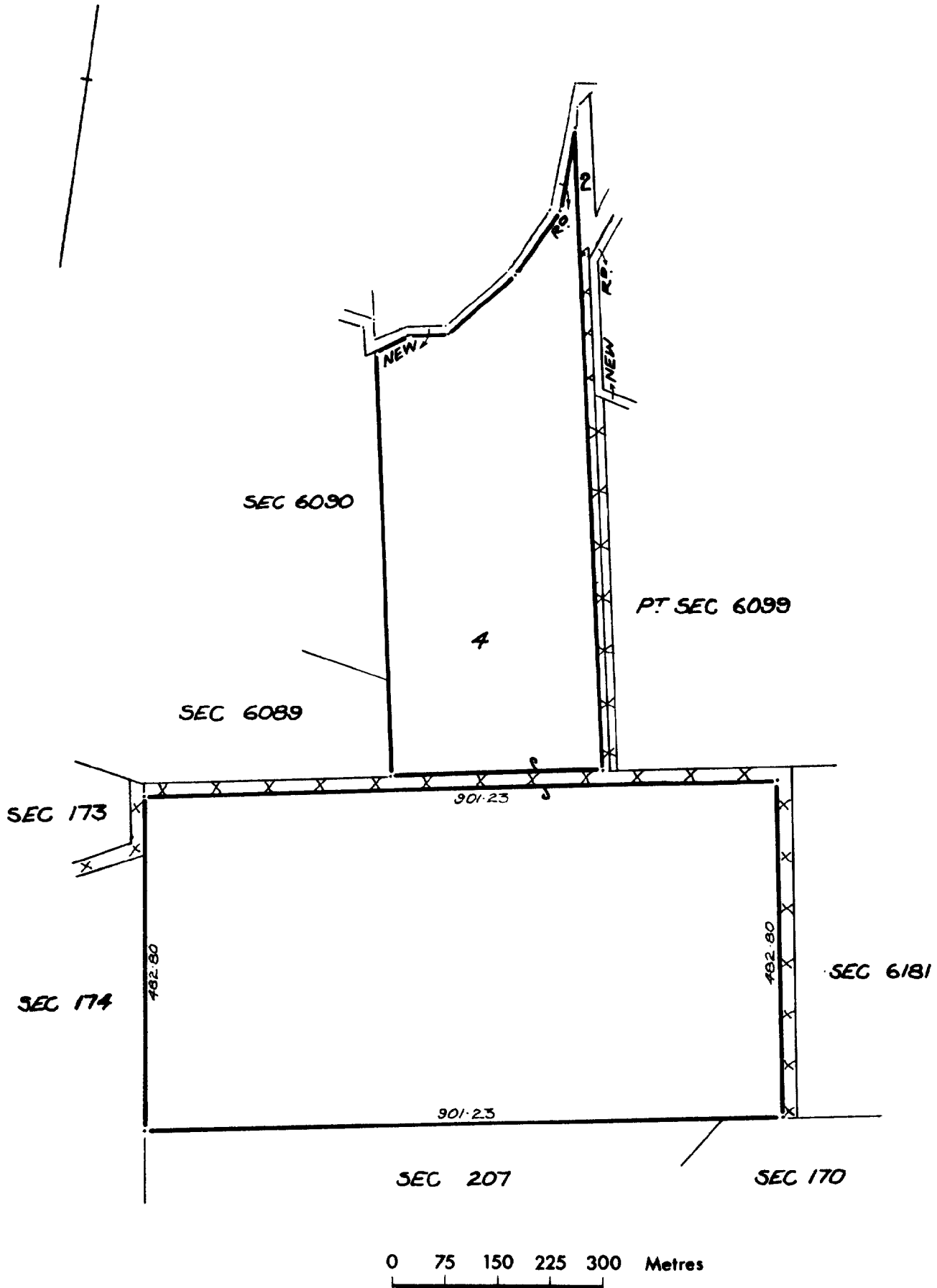
NIL

Schedule of Dealings

NIL

Notations

Dealings Affecting Title NIL
Priority Notices NIL
Notations on Plan NIL
Registrar-General's Notes NIL
Administrative Interests NIL



Certificate of Title

Title Reference: CT 5474/460
Status: CURRENT
Parent Title(s): CT 4207/965
Dealing(s) Creating Title: CONVERTED TITLE
Title Issued: 24/11/1997
Edition: 2

Dealings

Lodgement Date	Completion Date	Dealing Number	Dealing Type	Dealing Status	Details
04/12/2020	08/12/2020	13422087	TRANSMISSION APPLICATION	REGISTERED	ROSE LORRAINE SCOTT (DECD), KENNETH LESLIE SCOTT (EXEC), LINDA ROSE GREEN (EXEC)

REAL PROPERTY ACT, 1885



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5474 Folio 178

Parent Title(s) CT 4207/964
Creating Dealing(s) CONVERTED TITLE
Title Issued 24/11/1997 **Edition** 2 **Edition Issued** 08/12/2020

Estate Type

FEE SIMPLE

Registered Proprietor

KENNETH LESLIE SCOTT
OF 255 EDWARDS ROAD JOANNA SA 5271
LINDA ROSE GREEN
OF 37 SPRINGHEAD ROAD MOUNT TORRENS SA 5244
AS THE EXECUTOR(S) OF
ROSE LORRAINE SCOTT WHO DIED 10/06/2020

Description of Land

ALLOTMENT 2 FILED PLAN 14366
IN THE AREA NAMED CUDLEE CREEK
HUNDRED OF TALUNGA

Easements

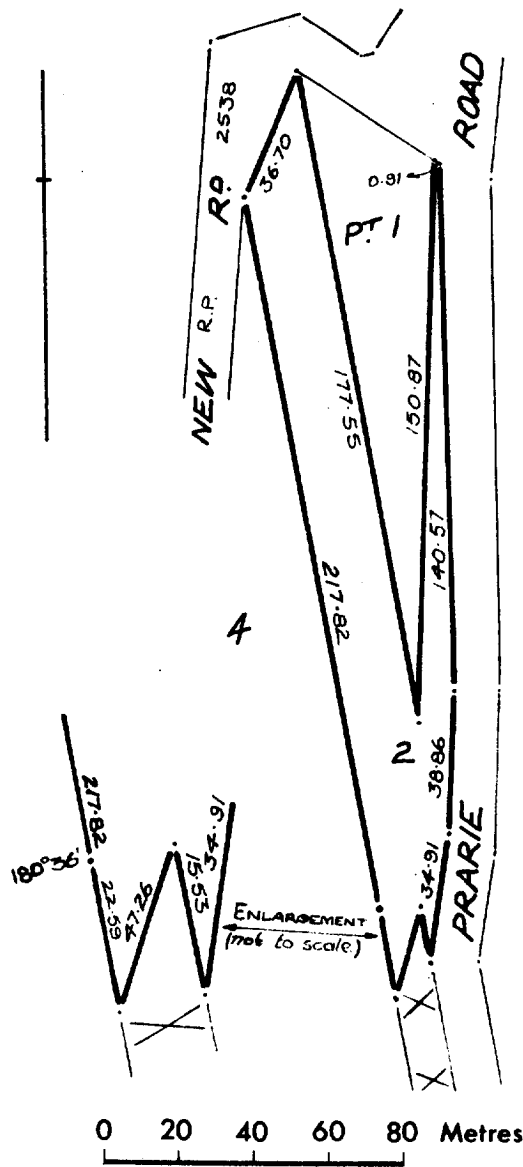
NIL

Schedule of Dealings

NIL

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



Certificate of Title

Title Reference: CT 5474/178
Status: CURRENT
Parent Title(s): CT 4207/964
Dealing(s) Creating Title: CONVERTED TITLE
Title Issued: 24/11/1997
Edition: 2

Dealings

Lodgement Date	Completion Date	Dealing Number	Dealing Type	Dealing Status	Details
04/12/2020	08/12/2020	13422087	TRANSMISSION APPLICATION	REGISTERED	ROSE LORRAINE SCOTT (DECD), KENNETH LESLIE SCOTT (EXEC), LINDA ROSE GREEN (EXEC)

REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5473 Folio 858

Parent Title(s) CT 4208/982
Creating Dealing(s) CONVERTED TITLE
Title Issued 21/11/1997 Edition 2 Edition Issued 08/12/2020

Estate Type

FEE SIMPLE

Registered Proprietor

KENNETH LESLIE SCOTT
OF 255 EDWARDS ROAD JOANNA SA 5271
LINDA ROSE GREEN
OF 37 SPRINGHEAD ROAD MOUNT TORRENS SA 5244
AS THE EXECUTOR(S) OF
ROSE LORRAINE SCOTT WHO DIED 10/06/2020

Description of Land

ALLOTMENT 1 FILED PLAN 14366
IN THE AREA NAMED CUDLEE CREEK
HUNDRED OF TALUNGA

Easements

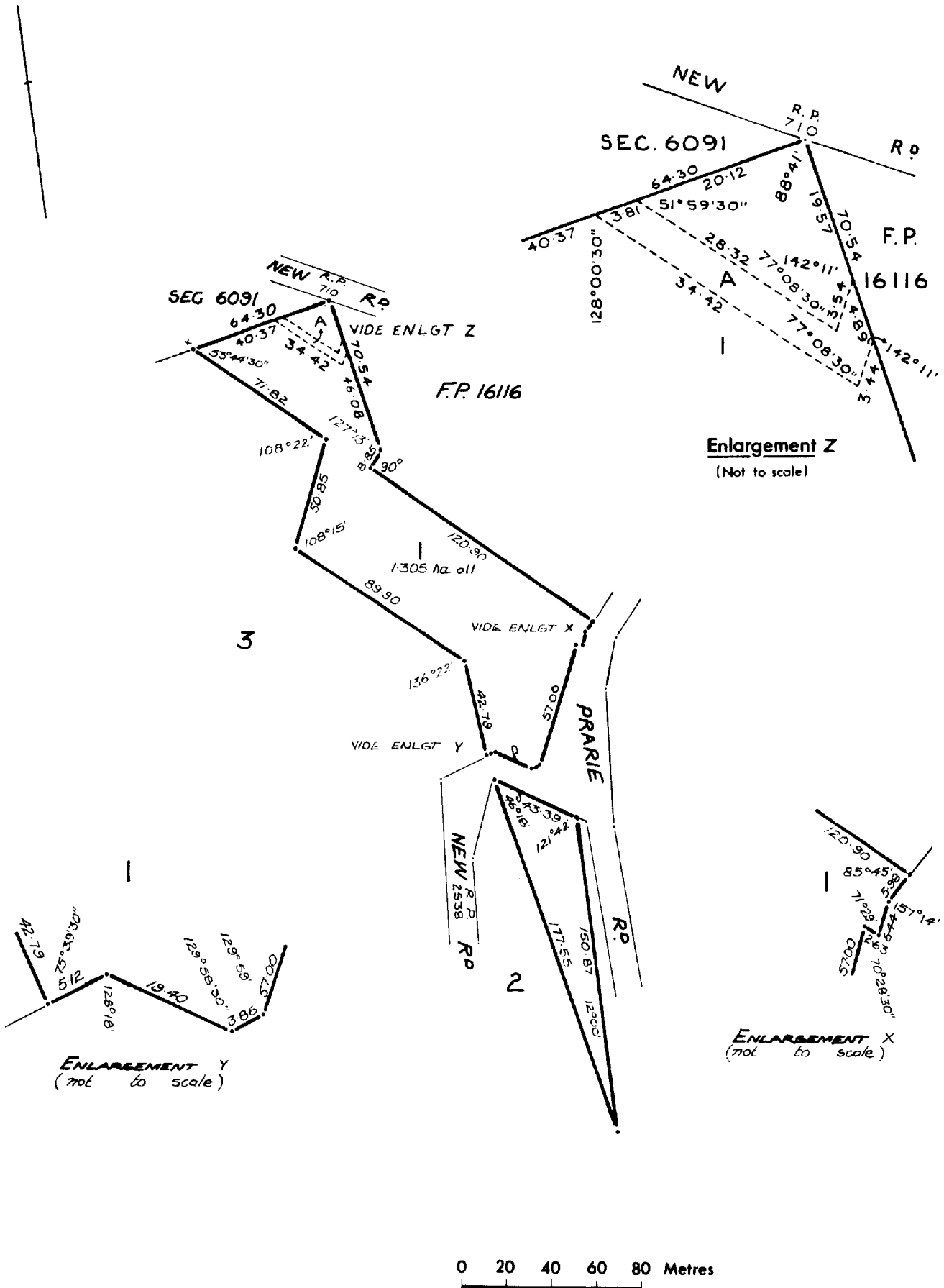
SUBJECT TO EASEMENT(S) OVER THE LAND MARKED A (T 5020846)

Schedule of Dealings

NIL

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5463 Folio 903

Parent Title(s) CT 4231/901
Creating Dealing(s) CONVERTED TITLE
Title Issued 28/10/1997 **Edition** 2 **Edition Issued** 08/12/2020

Estate Type

FEE SIMPLE

Registered Proprietor

KENNETH LESLIE SCOTT
OF 255 EDWARDS ROAD JOANNA SA 5271
LINDA ROSE GREEN
OF 37 SPRINGHEAD ROAD MOUNT TORRENS SA 5244
AS THE EXECUTOR(S) OF
ROSE LORRAINE SCOTT WHO DIED 10/06/2020

Description of Land

CLOSED ROAD MARKED F ROAD PLAN 81A
IN THE AREA NAMED CUDLEE CREEK
HUNDRED OF TALUNGA

Easements

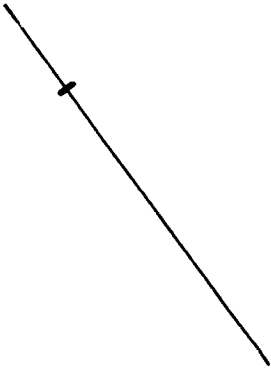
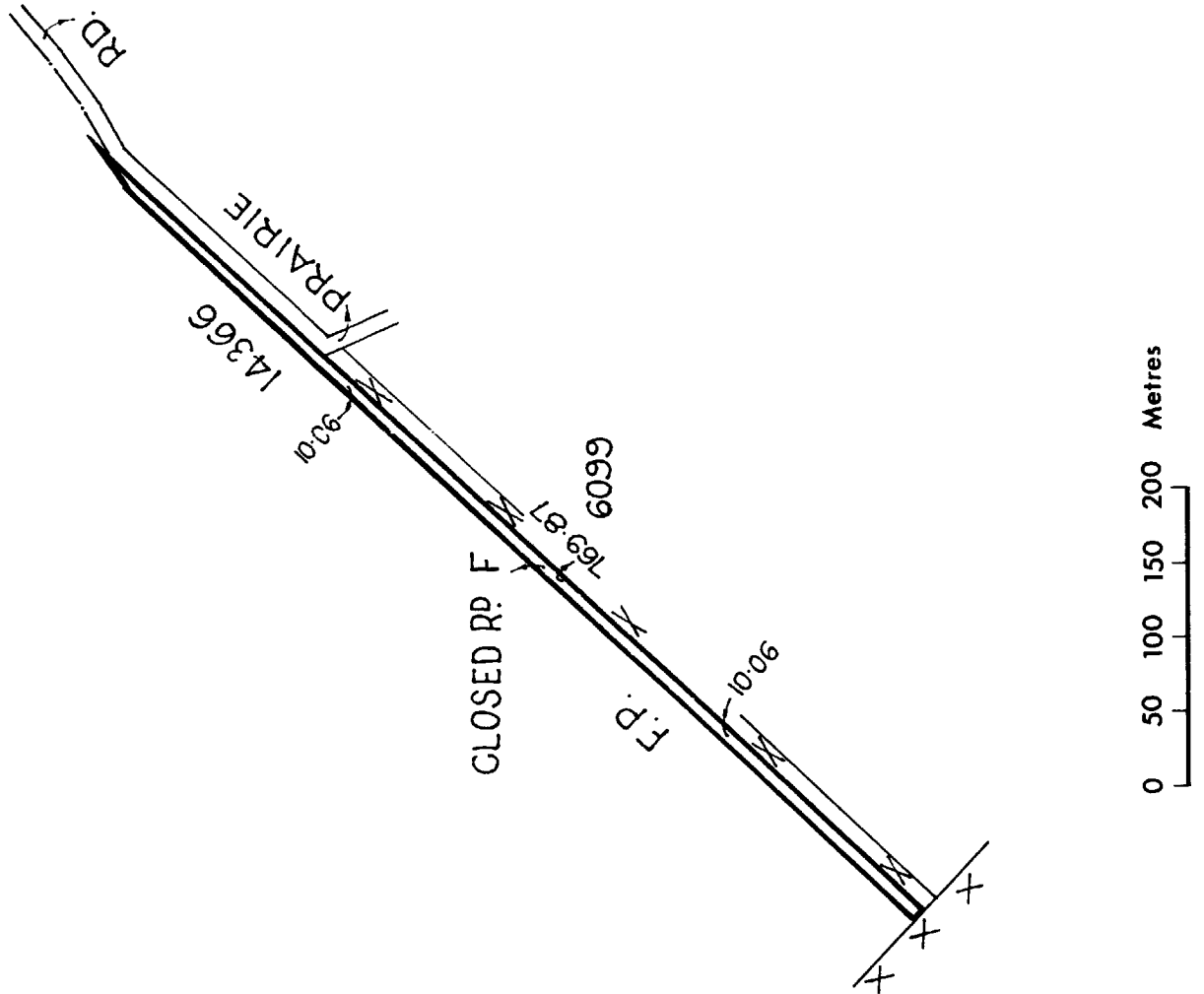
NIL

Schedule of Dealings

NIL

Notations

Dealings Affecting Title NIL
Priority Notices NIL
Notations on Plan NIL
Registrar-General's Notes NIL
Administrative Interests NIL



Certificate of Title

Title Reference: CT 5463/903
Status: CURRENT
Parent Title(s): CT 4231/901
Dealing(s) Creating Title: CONVERTED TITLE
Title Issued: 28/10/1997
Edition: 2

Dealings

Lodgement Date	Completion Date	Dealing Number	Dealing Type	Dealing Status	Details
04/12/2020	08/12/2020	13422087	TRANSMISSION APPLICATION	REGISTERED	ROSE LORRAINE SCOTT (DECD), KENNETH LESLIE SCOTT (EXEC), LINDA ROSE GREEN (EXEC)

Planning Statement

LAND DIVISION (BOUNDARY REALIGNMENT) - STAGE 1

206 PRAIRIE ROAD CUDLEE CREEK SA 5232



Town Planning Specialists
Planning Private Certifiers

Prepared for RL Scott Estate

Report prepared by Adelaide Planning and Development Solutions

Contact Mark Kwiatkowski

Phone 0499 933 311

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Town Planning Specialists
Planning Private Certifiers

PLANNING STATEMENT

Lead Consultant ADELAIDE PLANNING AND DEVELOPMENT SOLUTIONS (APDS)
In association with Elite Land Solutions Pty. Ltd.

Project Manager Mark Kwiatkowski
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Email mark@adelaideplanning.com.au

Document History and Status

Version	Date	Author
Version 1.0	26 November 2021	Mark Kwiatkowski APDS
Version 2.0	29 November 2021	Mark Kwiatkowski APDS
Version 3.0	6 December 2021	Mark Kwiatkowski APDS
Version 4.0	21 March 2022	Mark Kwiatkowski APDS

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1.0 Application Overview

Land Division (Boundary realignment)	
Applicant	RL Scott Estate
Property Address	206 Prairie Road Cudlee Creek
Description of land (CT)	Volume 5463 Folio 903 Volume 5473 Folio 858 Volume 5474 Folio 178 Volume 5474 Folio 460
Site area	69 hectares
Zone	Productive Rural Landscape Zone
Sub-zone	NA
Overlays	<i>Environment and Food Production Area Overlay</i> <i>Hazards (Bushfire - High Risk) Overlay</i> <i>Hazards (Flooding - Evidence Required) Overlay</i> <i>Limited Land Division Overlay</i> <i>Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay</i> <i>Native Vegetation Overlay</i> <i>Prescribed Water Resources Area Overlay</i> <i>Water Resources Overlay</i>
Existing land use	Residential / Primary Production – Rural living and Livestock
Development proposal	Land division (boundary realignment)
Assessment pathway	Code Assessed – Performance Assessed
Procedural matters - Notification	'Land Division' is excluded from notification
Referrals	EPA
Relevant Authority	Adelaide Hills Council
Primary contact person	Mark Kwiatkowski Mark@adelaideplanning.com.au 0499 933 311



2.0 Introduction and Background

2.1 Introduction

This Planning Report has been prepared by Adelaide Planning and Development Solutions (APDS) on behalf of RL Scott Estate. The proposal seeks a 'Land Division' (boundary realignment) which is within the Productive Rural Landscape Zone.

The proposed boundary realignment will include allotments 30, 31, 32 and 33 which are the northern allotments.

The following documents accompany this application report:

- Certificate of Title
- Proposed Plan of Division by Elite Land Solutions
- Preliminary Site Investigation – Site History Report by Environmental Projects dated 18 November 2021
- Electricity Declaration
- Native Vegetation Declaration

In preparing this Planning Statement, I can confirm that I have reviewed the Proposed Plan of Division, the supporting documentation listed above, the Certificates of Title along with the relevant provisions of the Planning and Design Code. I have also inspected the subject land and locality.

This report provides a description of the subject land and locality, current land uses on site and an analysis of the relevant Planning and Design Code provisions in relation to the proposed development. For reasons outlined below, this proposal displays a high degree of planning merit to warrant planning consent.

2.2 Background

Preliminary advice on the proposed land division was provided by Council on 10 September 2021 which included the following comments seeking further information (responses are provided under each dot point):

- Justification for the proposed allotment configuration and the use of the buildings currently established on site;

An explanation of the benefits of the proposed allotment configuration is provided in this Planning Statement. Use of the buildings is shown on the Proposal Plans by Elite Land Solutions and include (for Stage 1) two residential dwellings, associated outbuildings and agricultural sheds.

- Demonstrate how the land division improves the use of the land and satisfies P.O 5.1 and DTS/DPF 5.1 Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay – Land Division;

The above provision is addressed in section 6.4 of this Planning Statement.



- o Provide information regarding any removal of native vegetation to facilitate a future dwelling;
No native vegetation is proposed to be removed to facilitate the land division. Any removal of vegetation will be proposed (if needed) and assessed at the land use application stage.
- o Clarification over access arrangements over proposed allotments 38, 39* 40* and 36* 37*, not looking very orderly and economic nor meeting land division – Roads and Access P.O 3.1;
This will be addressed in a subsequent application for Stage 2 of the land division.
- o Demonstrate how the proposed allotments can provide suitable separation from the adjoining agricultural use addressing Interface Between Land Uses D.O 1;
A response to this provision is provided in Section 6.4 of this Planning Statement.
- o Demonstrate adequate asset separation for each allotment addressing P.O 5.5 Hazards (Bushfire – High Risk) Overlay;
The above provision is addressed in section 6.4 of this Planning Statement.
- o Provide a Preliminary Site Investigation for the proposed allotments where a dwelling doesn't already exist, refer [Practice Direction 14](#).
A Preliminary Site Investigation (PSI) Report has been provided with the application documentation which includes a Site Contamination Declaration in Appendix H. The PSI undertook a desktop assessment of the site history which indicates that it is unlikely that significant contamination has occurred on the site. Additional explanation is provided in section 6.4 of this Planning Statement.

2.3 Case law for division

I refer to case law on this matter which provides some background / context to the process followed in the assessment of a land division application. It is noted that the relevant case law quoted below is in the context of the *Development Act 1993* however, the same principles can be applied for a land division lodged under the *Planning, Development, and Infrastructure Act 2016*.

Nature of land division

In regard to what constitutes a land division, in *Flora v DAC* [2017] SASCF 52, Blue J stated (at [85], [89]):

There is a critical conceptual difference between a development comprising a change of use (or indeed building or other physical work) on the one hand and a development comprising land division on the other hand. The former involves the physical use of the land and, for the reasons explained by Stephen J in Pioneer Concrete, the extent of the land the subject of the development can only be determined once the extent of the use (or work) is determined. The latter involves a purely abstract conceptual division or re-division of land into allotments capable of being the subject of legal dealings and which exist only as legal concepts. Moreover, whereas change of use is a concept created and governed exclusively by the Development Act,



allotments are created by the Real Property Act and governed by the Real Property Act and Development Act operating in tandem. More particularly, the Development Act requires a relevant authority to grant development authorisation in respect of a proposed land division to be effected by a plan of division as a precondition to deposit by the Registrar-General of the plan of division under the Real Property Act. The Development Act leaves it to the Real Property Act to define what is a plan of division and the limits on the area of land that can be the subject of a plan of division.

Given that the Real Property Act defines in careful and precise terms the preconditions for a plan of division, and the Development Act looks to the Real Property Act to do so when the nature of proposed development is land division, there is no warrant to apply instead a vague and amorphous test somehow derived from the Development Act of what amounts to a land division rather than the specific and concrete criteria defined by the Real Property Act.

[85.390.1] Assessment

Assessment of an application to divide land requires an assessment of the suitability of the proposed allotment for its intended use, having regard to the relevant provisions of the Development Plan (or in this case, the Planning and Design Code) (as to the impact of land division on existing/future use of the land, see [85.390.44]). It does not entail an assessment of the proposal against the criteria set out in s 33(1) of the *Development Act 1993*, which relate to issues such as infrastructure availability and open space considerations; nor does it entail an assessment of the likely form and siting of a dwelling on the proposed new allotment: *Hutchison v City of Burnside* [2005] SAERDC 67.

In *Murrie v City of Mitcham* [2011] SAERDC 26, the ERD Court outlined the approach to be taken in assessing an application to divide vacant land. The Court stated (at [9]):

In circumstances where land is vacant, the question about whether consent should be granted to a proposal for it to be divided in a particular way is resolved, in part, by assessing it against the provisions of a development plan that are directed specifically to the division of land as well as those that speak to the objectives and desired character for the Zone or area within which the land proposed to be divided is situated. This is because the division of land is an instrument of planning policy that, in most circumstances, forms the basic building blocks for the desired character and amenity of neighbourhoods. The means to achieve the desired outcomes are many and include the regulation of allotment areas and dimensions and their overall pattern and orientation.

I again draw your consideration and assessment to the assessment approach for land divisions as outlined clearly by the ERD Court which indicates an assessment of an application to divide land requires an assessment of the suitability of the proposed allotment for its intended use, having regard to the relevant provisions of the relevant planning instrument (as to the impact of land division on existing/future use of the land) which, as demonstrated in this report, the proposal easily satisfies.



3.0 Subject Land and Locality

3.1 Subject Land



Figure 1 Subject land identified in green

The subject site has a street address of 206 Prairie Road, Cudlee Creek and comprises four allotments identified within Certificates of Title Volume 5463 Folio 903, Volume 5473 Folio 858, Volume 5474 Folio 178 and Volume 5474 Folio 460.

The site is an irregular shaped allotment with a total site area of 69 hectares. The site has a frontage of approximately 415 metres to Prairie Road and a secondary frontage of approximately 80 metres to a partly formed 'Public Road', leaving the remaining 457 metres (approx.) of frontage to the unformed road.

The subject land contains two existing dwellings, sheds and outbuildings. Numerous trees and vegetation are scattered over the site with more dense vegetation on the southern allotment, toward the west. There is no State Significant Native Vegetation on the site. The site has a moderate slope which peaks toward the south and has troughs to the north.

Mains water and sewer are not currently available to the site.



3.2 Locality



Figure 2 Locality Plan – general location of subject site in green

The locality comprises a rural landscape with productive grazing land, partly cleared vegetation and several rural living allotments with access from Prairie Road. Allotments to the south are more highly vegetated and have a steeper slope. Dwellings have been established on rural living allotments to the northeast of the site and the land becomes more intensely developed where it intersects with Gorge Road.

A large waterbody (Kangaroo Creek Reservoir) is located to the west of the subject site. The site is located near Lobethal to the south east and Gumeracha to the northeast and is within proximity of the urban area to the west via Gorge Road.

4.0 Proposal

4.1 Nature of Development

The proposal is for a Land division (boundary realignment) at 206 Prairie Road, Cudlee Creek which is within the Productive Rural Landscape Zone.

The proposal consists of realignment of allotment boundaries to provide a more suitable use of the disused unformed road allotments, recognize the existing road network and to create some rural living allotments along the Prairie Road section to the north and creating a much larger productive rural allotment for the remainder of the site further to the south.

The proposed size of the four allotments are as follows:

- Allotment 30 – 1.03 ha
- Allotment 31 – 1.58 ha
- Allotment 32 – 66 ha
- Allotment 33 – 5906 m²

5.0 Procedural Matters

5.1 Relevant Authority

The proposed development is within the Adelaide Hills Council who is also the relevant planning authority as per the *Planning, Development, and Infrastructure Act 2016*.

On this basis, the application will be lodged with, and assessed by, the Adelaide Hills Council.

5.2 Assessment Pathway

The applicable zone is the 'Productive Rural Landscape Zone'. No sub-zones apply to the land.

As outlined in the Productive Rural Landscape Zone, the 'Land division' boundary realignment proposal:

- Is not classified as 'Accepted' development.
- Is not classified as 'Code Assessed - Deemed to Satisfy' development.
- Is not classified as 'Impact Assessed - Restricted' development.

As the proposed uses are not listed as Accepted, Deemed to Satisfy or Restricted, the default assessment pathway is Performance Assessed, which requires an assessment against the relevant policies within the Planning and Design Code.



5.3 Notification

Table 5 – Procedural Matters (PM) – Notification of the Productive Rural Landscape Zone, lists classes of development that are performance assessed but do not need to be notified.

Table 5, 2(m) identifies 'land division' as a kind of development that is excluded from notification. As such, notification is not required in this instance.

6.0 Planning Assessment

6.1 Overlays

The following overlays apply to the land in addition to the zone provisions:

- *Environment and Food Production Area Overlay*
- *Hazards (Bushfire - High Risk) Overlay*
- *Hazards (Flooding - Evidence Required) Overlay*
- *Limited Land Division Overlay*
- *Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay*
- *Native Vegetation Overlay*
- *Prescribed Water Resources Area Overlay*
- *Water Resources Overlay*

The subject site is within the *Environment and Food Production Areas Overlay*, therefore 'Land division' is required to be undertaken in accordance with Section 7 of the *Planning, Development and Infrastructure Act 2016*. As the proposed land division does not result in the creation of 1 or more additional allotments, Section 7 of the Act does not apply.

As no additional allotments are being created, a referral to the Country Fire Service is not required.

As no buildings are proposed to be constructed, the *Hazards (Flooding – Evidence Required) Overlay* is not applicable.

The proposed development will not involve the clearance of Native Vegetation except where fencing is required under the *Native Vegetation Act 1991*. As such, the *Native Vegetation Overlay* does not apply to the proposal.

The *Prescribed Water Resources Overlay* is not considered applicable to the proposal as it does not involve horticulture, activities requiring irrigation, aquaculture, industry, intensive animal husbandry, or commercial forestry. The subject site does not contain any prescribed watercourses, Ramsar wetland and is not within a floodplain. Further, the proposed land division will not alter the quality of water resources in the locality. As such the *Water Resources Overlay* is not considered applicable in this instance.



6.2 Zone Policies

The subject site is located within the Productive Rural Landscape Zone.

As such, the relevant assessment provisions that apply to the proposed 'Land division' have been addressed in section 6.4 below, with respect to the proposal.

6.3 General Development Policies

The following General Development Policies are applicable to the 'land division' proposal:

- *Land Division*

The applicable Land Division policies have been addressed in section 6.4 below, with respect to the proposal.

6.4 Key Planning Considerations

The planning assessment has highlighted the following key planning considerations which are discussed below:

- Land Use and Suitability
- Allotment Configuration and Design
- Transport, Access, and Roads
- Infrastructure
- Open Space
- Water Sensitive Design and Orientation
- Bushfire Risk
- Site Contamination

6.4.1 Land Use and Suitability

The following Desired Outcomes (DO) are contained within the **Productive Rural Landscape Zone** and are applicable to the proposal:

DO 1 *A diverse range of land uses at an appropriate scale and intensity that capitalise on the region's proximity to the metropolitan area and the tourist and lifestyle opportunities this presents while also conserving the natural and rural character, identity, biodiversity and sensitive environmental areas and scenic qualities of the landscape.*

DO 2 *A zone that promotes agriculture, horticulture, value adding opportunities, farm gate businesses, the sale and consumption of agricultural based products, tourist development and accommodation that expands the economic base and promotes its regional identity.*



DO 3 Create local conditions that support new and continuing investment while seeking to promote co-existence with adjoining activities and mitigate land use conflicts.

The proposed land division will provide two rural living allotments along with one large rural allotment of a sufficient size to be viable productive rural land and amend the access road size. The land use mix of rural living and rural allotments will contribute to the diverse range of land uses, acknowledging the site's proximity to the metropolitan area and the demand for lifestyle allotments nearby. The retention of a large rural allotment promotes the continuation of primary productive activities on the land on a site that is large enough to be viable. The allotment configurations provide a logical pattern with frontages to Prairie Road and are similar to the allotment patterns of rural living allotments to the northeast of the site and will not interrupt or detrimentally affect the scenic qualities of the landscape. While the rural living allotments are clustered in the northern part of the subject site and land use conflicts are minimized, they are able to be managed through the land use assessment stage.

As such, it is considered the proposal is consistent with the desired outcomes for the Productive Rural Landscape Zone.

While 'land division' is not specifically listed in **Designated Performance Feature (DPF) 1.1** of the Productive Rural Landscape Zone, the land division will facilitate the construction of future 'dwellings' which is an anticipated form of development in the zone.

The proposed rural living and rural use of the land is therefore appropriate, is consistent with the pattern of development of the rural living allotments to the northeast of the site, also fronting Prairie Road and will enable one larger allotment to remain as productive rural land.

For the reasons explained above, the land use is considered to be suitable, is in accordance with the desired outcomes and relevant assessment provisions of the Productive Rural Landscape Zone and is an appropriate form of development in the zone.

Site Area

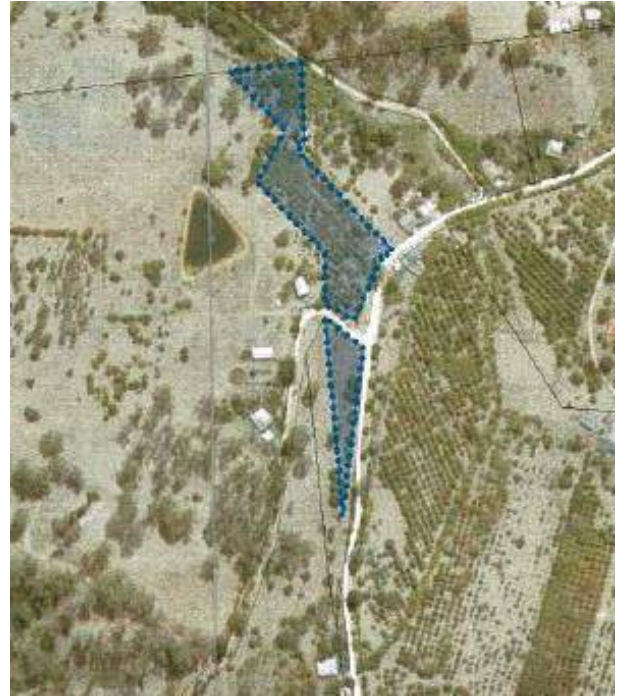
Limited Land Division Overlay PO 1.2 asks that '*Land division involving boundary realignments occurs only where the number of resulting allotments with a site area less than that specified in the relevant Zone is not greater than the number that existed prior to the realignment.*'

The subject site comprises four allotments with varying site areas. The boundaries of each existing allotment and site areas are provided below.





Volume 5463 Folio 903 - Closed road comprising 5580m² (approx.)



Volume 5473 Folio 858 - 1.3ha (approx.)



Volume 5474 Folio 178 - 4341m²



Volume 5474 Folio 460 - 66.185ha



According to **Productive Rural Landscape Zone PO 5.1**, the zone is seeking dwelling allotments with an area not less than 32ha in DTS/DPF 5.1. Currently three of the four allotments do not satisfy the zone provision and provide allotments with a site area less than that specified in the zone. The proposed allotments resulting from the boundary realignment will result in the following allotment areas:

- Allotment 30 – 1.03 ha
- Allotment 31 – 1.58 ha
- Allotment 32 – 66 ha
- Allotment 33 – 5906 m²

It is noted that the situation will not change as three of the proposed allotments will still not satisfy the zone provision. Therefore, the number of resulting allotments with a site area less than that specified in the Productive Rural Landscape Zone is not greater than the number that existed prior to the realignment, which satisfies Limited Land Division Overlay PO 1.2.

While the proposal is only able to satisfy zone PO 5.1 for one of the proposed allotments, this is consistent with the current situation and the proposed boundary realignment will not provide a noticeable difference to the landscape. The use of the allotments will not be compromised as the allotments are currently being used for rural living. The proposal will not compromise the southern portion of the site, the adjacent land or the purpose of the zone for primary production and will not result in the proliferation of dwellings in accordance with PO 5.1.

6.4.2 Allotment Configuration and Design

The proposed 'Land Division' will facilitate the future development of 'Detached Dwellings' and provide opportunities for rural living whilst preserving one large allotment for viable primary production activities within the Productive Rural Landscape Zone.

The relevant Land Division criteria includes:

DO 1 Land division

- a) creates allotments with the appropriate dimensions and shape for their intended use*
- b) allows efficient provision of new infrastructure and the optimum use of underutilised infrastructure*
- c) integrates and allocates adequate and suitable land for the preservation of site features of value, including significant vegetation, watercourses, water bodies and other environmental features*
- d) facilitates solar access through allotment orientation*
- e) creates a compact urban form that supports active travel, walkability and the use of public transport*
- f) avoids areas of high natural hazard risk.*

PO 1.1 Land division creates allotments suitable for their intended use.



I again draw your consideration to the assessment approach for land divisions as outlined clearly by the ERD Court which indicates an assessment of an application to divide land requires an assessment of the suitability of the proposed allotment for its intended use, having regard to the relevant provisions of the Development Plan (or in this case the Planning and Design Code) (as to the impact of land division on existing/future use of the land). Further discussion is provided in the background section of this report.

The proposal will create allotments suitable for their intended use for rural living and primary production and will sit well within the rural area, in-keeping with the existing primary productive and rural living land uses that are envisaged in the zone and are therefore appropriate in this instance.

It is noted that the proposal will remove redundant roads and corridors that are no longer required and reconfigure the allotment boundaries to provide a sensible allotment pattern, similar to the allotment patterns to the northeast along Prairie Road. No new allotments are being created and the proposal will enable the continuation of the existing rural living and primary productive uses in a more logical manner.

PO 1.2 asks that '*Land division considers the physical characteristics of the land, preservation of environmental and cultural features of value and the prevailing context of the locality*'.

PO 2.1 *Land division results in a pattern of development that minimises the likelihood of future earthworks and retaining walls.*

PO 2.2 *Land division enables the appropriate management of interface impacts between potentially conflicting land uses and/or zones.*

The size and dimensions of the proposed 'land division' is consistent with the prevailing context / character of the locality, the site topography, in an area that comprises a mix of rural living and primary productive allotments, in proximity to the metropolitan area. The allotments are proposed address Prairie Road and connect to the existing road network and infrastructure afforded to the site.

The proposal will not alter the current land uses on the site being rural living and primary production. The rural living allotments are positioned to the north of the site, nearby other rural living uses, enabling interface issues to be more easily managed. An assessment of interface issues (if any) with the adjacent primary productive activities is able to be assessed and mitigated at the land use assessment stage when future dwellings are proposed.

Given the natural topography of the site, the construction of future dwelling/s may require some excavation and retaining. This is able to be assessed at the land use stage if and when dwellings are proposed and will be subject to an assessment by Council against the relevant provisions of the Planning and Design Code at time of lodgement. A survey of allotment 31 has been provided which demonstrates the land has a suitable topography which will allow for the future development.



Based on the assessment above, the proposal is considered to satisfy the relevant general 'Land Division' provisions relating to allotment configuration and design.

6.4.3 Transport, Access, and Roads

The relevant Land Division provisions include:

PO 2.3 Land division maximises the number of allotments that face public open space and public streets.

PO 2.4 Land division is integrated with site features, adjacent land uses, the existing transport network and available infrastructure.

PO 2.7 Land division results in legible street patterns connected to the surrounding street network.

PO 3.1 Land division provides allotments with access to an all-weather public road.

The proposed 'land division' will integrate well with existing rural living and primary productive allotments in the area, will utilise existing infrastructure available to the site and supports the use of the existing road network and open space.

The proposed allotments will face Prairie Road which is part of the existing road network and is appropriately sealed, provides all-weather access and is an existing all-weather public road. Prairie Road is connected to the wider road network and provides safe and efficient movement for all transport modes, including maintenance and emergency service vehicles.

6.4.4 Infrastructure

The relevant Land Division provisions include:

PO 2.5 Development and infrastructure is provided and staged in a manner that supports an orderly and economic provision of land, infrastructure, and services.

PO 4.2 Waste water, sewage and other effluent is capable of being disposed of from each allotment without risk to public health or the environment.

The proposed allotments do not have access to mains water and sewer infrastructure. As such, each dwelling will be provided with on-site waste water treatment and disposal that meets relevant public health and environmental standards and a rainwater tank which has sufficient capacity to meet the needs of the development. A wastewater application will be lodged and tanks proposed when an application for dwellings is submitted for approval.



The proposed allotments are able to connect to the existing power and telecommunications infrastructure that is already available to the land.

6.4.5 Open Space

PO 5.1 Land division proposing an additional allotment under 1 hectare provides or supports the provision of open space.

The proposal supports the use of the existing public open space network and provides allotments with sufficient area to provide private open space on-site.

Further to the available open space, a payment will be made into the Open Space Contribution Scheme for the allotments under 1 hectare to enable the provision of future open space within the council area, in accordance with section 198 of the *Planning, Development and Infrastructure Act 2016*.

6.4.6 Water Sensitive Design, Water Pollution and Orientation

Relevant Land Division criteria includes:

PO 6.1 Land division for residential purposes facilitates solar access through allotment orientation.

PO 7.2 Land division designed to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure that the development does not increase the peak flows in downstream systems.

The proposed allotments are large enough and appropriately orientated to enable dwellings to be designed to allow for appropriate solar access.

Stormwater is able to be managed on site. Further detail will be provided at the land use application stage. On-site stormwater management systems will be appropriately engineered to ensure stormwater leaving each of the sites will not exceed pre-development flows and peak events will be managed appropriately.

As such, the relevant Land Division criteria is considered to be met by the proposal.

Additional criteria are provided in *Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay*:

PO 5.1 Land division does not result in an increased risk of pollution to surface or underground water.

The related DTS/DPF 5.1 asks that:



Land division does not create additional allotments and satisfies (a) and/or (b):

a) is for realignment of allotment boundaries to correct an anomaly in the placement of those boundaries with respect to the location of existing buildings or structures

or

b) is for realignment of allotment boundaries in order to improve management of the land for primary production and/or conservation of natural features.

As mentioned previously, the proposed boundary realignment will create smaller allotments toward the northern part of the site and create a much larger piece of land which is able to continue to be used for primary production and conserve the natural bushland which predominates toward the southern part of the site. The proposed use of two of the sites for rural living and one of the sites for primary production / rural living will not create more intensive land uses to the land uses that currently exist on the sites and as such will not result in pollution to underground water resources.

6.4.7 Bushfire Risk

The subject site is located within a Hazards (Bushfire – High Risk) Overlay and the following provisions are considered relevant to the proposal.

PO 5.2 Land division is designed and incorporates measures to minimise the danger of fire hazard to residents and occupants of buildings, and to protect buildings and property from physical damage in the event of a bushfire.

PO 5.3 Land division is designed to provide a continuous street pattern (avoiding the use of dead end roads/cul-de-sac road design) to facilitate the safe movement and evacuation of emergency vehicles, residents, occupants and visitors. Where cul-de-sac / dead end roads are proposed, an alternative emergency evacuation route is provided.

PO 5.5 Land division provides sufficient space for future asset protection zones and incorporates perimeter roads of adequate design in conjunction with bushfire buffer zones to achieve adequate separation between residential allotments and areas of unacceptable bushfire risk and to support safe access for the purposes of fire-fighting.

PO 6.3 Development does not rely on fire tracks as means of evacuation or access for fire-fighting purposes unless there are no safe alternatives available.

Two of the subject sites comprise existing dwellings which already contain asset protection zones firefighting measures. The remaining allotments are able to provide a suitable cleared area for a dwelling site. Any firefighting and mitigation measures will be considered at the land use application stage when (and if) dwellings are proposed.



The proposal has been designed to allow safe and convenient access to the site from Prairie Road which is an existing all-weather public road. As such, the sites will not rely on fire tracks as a means of evacuation. Prairie Road is connected to the wider street network and provides safe and efficient movement for all transport modes, including maintenance and emergency service vehicles.

6.4.7 Site Contamination

The general provisions relating to site contamination are provided below:

DO 1 *Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.*

PO 1.1 *Ensure land is suitable for use when land use changes to a more sensitive use.*

The proposal includes a change in the use of land to create three rural living allotments (noting that two of the proposed allotments already comprise dwellings). DPF 1.1 asks that when development includes a change in use of land to a more sensitive use, the likelihood of site contamination needs to be assessed and a Site Contamination Declaration be provided. If a change in the use of land to a more sensitive use on land at which site contamination exists or may exist as a result of one of the following a referral to the EPA is required (Part 9.1 Planning and Design Code):

1. *class 1 activity (including where a class 1 activity exists or previously existed on adjacent land)*
2. *class 2 activity and the proposed use is a sensitive use.*

Table 1 in Practice Direction 14 sets out the land use sensitivity hierarchy which categorises agricultural land as item 6: primary production and residential land being item 1: residential class 1. As the proposal includes a change in the use of land to a more sensitive use for one of the allotments (i.e. primary production to residential), a site contamination assessment needs to be undertaken.

The PSI Site History Report by Environmental Projects has undertaken a desktop assessment of the current and historical activities undertaken at or adjacent to the site, the risk of the likelihood that potentially contaminating activities could have caused site contamination and advice on remediation or management if applicable. The site history investigation revealed that while there were class 2 and class 3 potentially contaminating activities as having possibly occurred on site, these activities are either isolated to specific areas or are easy to manage during residential development of specific areas of the site. Environmental Projects did not consider these activities to pose a significant risk to residential development on the site and highlighted that shallow soil sampling may need to be undertaken in the areas specifically proposed for residential use to confirm suitability. This is able to be undertaken at the land use assessment stage and may be noted in the Planning Consent.



A Site Contamination Declaration accompanies the PSI Report which, in Part 3 identifies the following, which triggers a referral to the EPA:

(a) site contamination exists or may exist on or below the surface of the land as a result of a class 1 activity (including where a class 1 activity exists or previously existed on adjacent land), class 2 activity, class 3 activity (see the State Planning Commission Practice Direction 14 (Site Contamination Assessment)), or notification of site contamination of underground water (as shown on the South Australian Property and Planning Atlas) including where such a notification exists on adjacent land;

(b) the site contamination originated or is likely to have originated—

(i) on the subject land— (A) as a result of the following activities carried on there - agricultural activities (burial of animals or parts of animals) (class 2) - animal dips or spray race facilities (class 2) - agricultural activities (class 3).*

Despite needing a referral to the EPA, based on the findings in the PSI Site History Report by Environmental Projects, the likelihood of contamination is low and manageable and as such it is considered that the proposal is in accordance with the relevant site contamination provisions.

7.0 Conclusion

The proposal seeks a Land division (boundary realignment) at 206 Prairie Road, Cudlee Creek which is within the Productive Rural Landscape Zone.

The proposal will result in realignment of allotment boundaries to provide a more suitable use of the disused unformed road allotments, recognize the existing road network and to create some rural living allotments along the Prairie Road section to the north and creating a much larger productive rural allotment for the remainder of the site further to the south.

While the proposal is only able to satisfy the minimum site area for one of the proposed allotments, this is consistent with the current situation and the proposed boundary realignment will not provide a noticeable difference to the landscape. The use of the allotments will not be jeopardised as two of the smaller allotments are of a size suitable for rural living purposes. The proposal will not compromise the southern portion of the site, the adjacent land or the purpose of the zone for primary production and will not result in the proliferation of dwellings.

The proposed rural living and rural use of the land is considered appropriate and consistent with the pattern of development of the rural living allotments to the northeast of the site, also fronting Prairie Road and will enable one larger allotment to remain as productive rural land.



The change in use of the land from primary production to rural living is considered appropriate as it is unlikely that significant contamination has occurred on the site, adequate asset protection zones are able to be provided and no ground water contamination will occur as a result of the proposal.

A further assessment of dwellings will be considered in more detail at the land use stage when future applications for dwellings on each site are lodged with council.

Overall, the proposed 'land division' (boundary realignment) development is consistent with the Planning and Design Code in so far that the proposal:

- is in accordance with the Desired Outcomes and Performance Outcomes of the Productive Rural Landscape Zone;
- is in accordance with the Performance Outcomes of the relevant General Development provisions; and
- will not have any adverse impacts on the amenity of the locality, the future development of the locality or detrimentally impact upon any surrounding development.

After careful consideration of the proposed development and having regard to the relevant Assessment Provisions of the Planning and Design Code, it is my opinion, that the application represents an appropriate form of development in the context of the unique circumstances of the subject land and locality.

For all these reasons, Planning Consent is warranted.

We look forward to your support of this proposal. If you have any further questions regarding this application or require additional information, please contact me on 0499 933 311.

Yours sincerely,



Mark Kwiatkowski MPIA CPP

Director + Principal Urban Planner

Adelaide Planning & Development Solutions - Town Planning Specialists | Planning Private Certifiers





Preliminary Site Investigation – Site History

206 Prairie Road, Cudlee Creek, South Australia

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EXECUTIVE SUMMARY

Environmental Projects (EP) were commissioned by Ms. Linda Green to undertake a Preliminary Site Investigation (PSI) – site history for the property at 206 Prairie Road, Cuddlee Creek, South Australia (the site). A site location plan is provided as Figure 1, **Appendix A**.

Background

EP understood:

- the site is comprised of several current certificates of title (CTs) and the PSI is required for potential residential development
- there are two concept plans being considered for redevelopment of the site.

Objectives of Investigation

The objectives of the PSI are to:

- research current and historical activities undertaken at or adjacent to the site, to identify whether potentially contaminating activities (PCAs) have occurred at or near the site
- provide a desktop assessment of risk with respect to the likelihood that PCAs could have caused site contamination with respect to the proposed land use
- advise on whether remediation or management is required to ensure the site is suitable for the proposed land use.

Scope of Work

The scope of work was performed in accordance with EP's proposal dated 24 September 2021 and included:

- desktop site history research using:
 - information obtained from research and available databases and reports
 - information on previous site owners obtained from a Lands Titles Search, through the South Australian Integrated Land Management System (SAILIS) (Land Services Group, Government of South Australia)
 - local planning authority records
 - Sands and McDougall's directory
 - South Australian Environment Protection Authority (EPA) Public Register search under Section 7, *Land and Business (Sales & Conveyancing) Act 1994*
 - published geology, hydrogeology and topographical maps of the area
 - groundwater and surface water records from the Department for Environment and Water

- historical aerial photogrammetrical records from Mapland and other aerial image resources
- anecdotal information on current and previous site activities
- observations and information gathered during a site inspection and site interview
- development of a conceptual site model (CSM)
- preparation of a PSI report providing appropriate conclusions and recommendations.

The historical searches were initiated using the concept 1 site boundary plans as at the time the searches were initiated, EP were yet to receive the concept 2 plans. The historical aerial review and CT search were undertaken using both the concept 1 and concept 2 boundaries. The concept plans are included in **Appendix A**.

Determination of Site Contamination

No intrusive assessment was undertaken therefore the contamination status of the site is unknown. Based on site history it is unlikely significant contamination has occurred onsite.

Risk to Human Health and/or Environment and/or More Sensitive Land Use

Table 1 in the Practice Direction 14 outlines the land use sensitivity hierarchy, and states that:

- agricultural land is categorised as item 6: primary production
- residential land is categorised as item 1: residential class 1.

Based on the above, and the site identification details in Table 4-1, the proposed development constitutes a change to a more sensitive land use.

- identified on site PCAs:
 - agricultural activities (burial of animals or parts of animals) (class 2)
 - animal dips or spray race facilities (class 2)
 - agricultural activities (class 3).
- other activities of environmental significance that were identified as potentially having occurred onsite, and assessed as posing a low risk to the proposed residential development include:
 - storage of small volumes of fuels and chemicals
 - application of pesticides/herbicides for weeds and orchards
 - impacts from bushfires
 - historical mining activities.
- agricultural activities (class 3) were the only PCA identified as having occurred off-site and was assessed as posing a negligible risk to the proposed residential development

- other activities of environmental significance that were identified as potentially having occurred off-site, and assessed as posing a negligible risk to the proposed residential development include:
 - application of pesticides/herbicides for weeds and orchards
 - historical mining activities.

Summary of Conclusions and Recommendations

Based on the above, while there were class 2 and class 3 PCAs identified as having possibly occurred onsite, these activities are either isolated to specific areas onsite, or are easy to manage during residential redevelopment of specific areas of the site.

EP did not consider these activities pose a significant risk to residential redevelopment of the site. Due to the topography of the site, it is unlikely the entire site will be suitable for residential use, regardless of the outcome of a site history assessment or soil sampling.

If specific areas are proposed for residential development in the future, shallow soil sampling may be required in the areas specifically proposed for residential use (especially if they are proposed in the former orchard areas or in the location of existing sheds/buildings and other identified risks such as burial areas or spray races) to confirm the suitability for sensitive use.

A site contamination declaration form is provided in **Appendix H**.

These conclusions and recommendations must be read in conjunction with the limitations in Section 7.

1. INTRODUCTION

Environmental Projects (EP) were commissioned by Ms. Linda Green to undertake a Preliminary Site Investigation (PSI) – site history for the property at 206 Prairie Road, Cuddlee Creek, South Australia (the site). A site location plan is provided as Figure 1, **Appendix A**.

1.1 Background

EP understood:

- the site is comprised of several current certificates of title (CTs) and the PSI is required for potential residential development
- there are two concept plans being considered for redevelopment of the site.

1.2 Assessment Objectives

The objectives of the PSI are to:

- research current and historical activities undertaken at or adjacent to the site, to identify whether potentially contaminating activities (PCAs) have occurred at or near the site
- provide a desktop assessment of risk with respect to the likelihood that PCAs could have caused site contamination with respect to the proposed land use
- advise on whether remediation or management is required to ensure the site is suitable for the proposed land use.

2. SCOPE OF WORK

The scope of work was performed in accordance with EP's proposal dated 24 September 2021 and included:

- desktop site history research using:
 - information obtained from research and available databases and reports
 - information on previous site owners obtained from a Lands Titles Search, through the South Australian Integrated Land Management System (SAILIS) (Land Services Group, Government of South Australia)
 - local planning authority records
 - Sands and McDougall's directory
 - South Australian Environment Protection Authority (EPA) Public Register search under Section 7, *Land and Business (Sales & Conveyancing) Act 1994*
 - published geology, hydrogeology and topographical maps of the area
 - groundwater and surface water records from the Department for Environment and Water
 - historical aerial photographic records from Mapland and other aerial image resources
 - anecdotal information on current and previous site activities
 - observations and information gathered during a site inspection and site interview
- development of a conceptual site model (CSM)
- preparation of a PSI report providing appropriate conclusions and recommendations.

The historical searches were initiated using the concept 1 site boundary plans as at the time the searches were initiated, EP were yet to receive the concept 2 plans. The historical aerial review and CT search were undertaken using both the concept 1 and concept 2 boundaries. The concept plans are included in **Appendix A**.

3. REGULATORY FRAMEWORK

3.1 *Environment Protection Act 1993*

In South Australia, the assessment, management and remediation of site contamination is regulated by the *Environment Protection Act 1993 (EP Act 1993)*.

The *EP Act 1993* defines site contamination in section 5B as follows:

- (1) *For the purposes of this Act, site contamination exists at a site if—*
 - (a) *chemical substances are present on or below the surface of the site in concentrations above the background concentrations (if any); and*
 - (b) *the chemical substances have, at least in part, come to be present there as a result of an activity at the site or elsewhere (i.e. potentially contaminating activities (PCAs) (as defined in The *Environment Protection Regulations 2009*) or activities of environmental significance); and*
 - (c) *the presence of the chemical substances in those concentrations has resulted in—*
 - (i) *actual or potential harm to the health or safety of human beings that is not trivial, taking into account current or proposed land uses; or*
 - (ii) *actual or potential harm to water that is not trivial; or*
 - (iii) *other actual or potential environmental harm that is not trivial, taking into account current or proposed land uses.*
- (2) *For the purposes of this Act, environmental harm is caused by the presence of chemical substances—*
 - (a) *whether the harm is a direct or indirect result of the presence of the chemical substances; and*
 - (b) *whether the harm results from the presence of the chemical substances alone or the combined effects of the presence of the chemical substances and other factors.*
- (3) *For the purposes of this Act, site contamination does not exist at a site if circumstances of a kind prescribed by regulation apply to the site.*

Based on the above, to determine whether site contamination exists the first stage is to assess whether chemical substances have been added to the site through an activity, and whether these substances are above background concentrations. The second stage is to assess whether the chemical substances have resulted in actual or potential harm to the health or safety of human beings or the environment (including water) that is not trivial.

If site contamination is determined to be present at a site, the *EP Act* provides mechanisms to assign responsibility for the contamination and appropriate assessment and/or remediation of the contamination.

Protection of groundwater in South Australia is regulated by various provisions in the *EP Act 1993* and by the *Environment Protection (Water Quality) Policy 2015 (WQEPP)*, which came into operation in December 2015. The WQEPP outlines the definition of environmental values of water in Part 1, Section 6 of the policy. If site contamination of groundwater is threatened or identified, EPA (2018) *Site Contamination: Guidelines for the*

assessment and remediation of site contamination (The GAR) outlines the process of determining the relevant environmental values of groundwater for a site and the surrounding area. The GAR also provides guidance from the EPA on how it expects assessment and remediation of site contamination to be undertaken professionally and in accordance with the *EP Act 1993* and the *EP Regulations 2009*.

3.2 *Planning, Development and Infrastructure Act 2016*

A change in a site's land use is a form of development under Section 4 of the *Planning, Development and Infrastructure Act 2016*. Because site contamination is linked to a site's land use, any change to that land use can bring about site contamination under Section 103D(2) of the *Environment Protection Act 1993* and regulation 51 of the *Environment Protection Regulations 2009*, even though the person who initiated the change of land use was not the original polluter. The State Planning Commission Practice Direction 14 (Site Contamination Assessment), issued by Plan SA on 19 March 2021 sets out requirements under the *Planning, Development and Infrastructure (General) Regulations 2017* for when a relevant authority is considering an application for planning consent where the application poses a change in land use to a more sensitive land use, or in the case of land division, the application poses a sensitive use.

The Practice Direction 14 defines the land use hierarchy, the potentially contaminating activity classifications, and provides a copy of the site contamination declaration form used to communicate whether referral of the development is required under The *Planning, Development and Infrastructure (General) Regulations 2017*.

The site contamination declaration form indicates:

- site contamination is unlikely to exist (for planning purposes) if a potentially contaminating activity (as defined in The Planning Direction 14) is not known to have occurred on the site, and a class 1 activity (see The Planning Direction 14) is not known to have occurred on adjacent land
- site contamination exists or may exist on or below the surface of the land that will require notification to the EPA (for planning purposes) if:
 - a class 1 activity exists or previously existed onsite or on adjacent land
 - a class 2 activity or class 3 activity exists or previously existed onsite
 - a notification of site contamination of underground water under section 83A of the *Environment Protection Act 1993* (as shown on SAPPA) is present onsite or on adjacent land
 - the land is within a groundwater prohibition area
 - the land is the subject of a notation on the certificate of title for the land under section 103P of the *Environment Protection Act 1993* that a site contamination audit report has been prepared for the property

'Adjacent land' is defined in the *Planning, Development and Infrastructure Act 2016* as land no more than 60 metres from the other land.

The purpose of the referral process set-out in the Practice Direction 14 is to ensure that an appropriate and proportionate assessment of site contamination or potential site contamination occurs, and to provide direction to the relevant authority (such as Council) on whether they must consider the advice of either a site contamination consultant or site contamination auditor regarding site suitability, including through the imposition of conditions of

planning consent. The conclusions of this report will reference the Practice Direction 14, and any implications for the site should it be relinquished or redeveloped, based on the findings of this report.

3.3 ASC NEPM

The professional assessment of site contamination and consequential risk to human health and the environment is guided by the National Environment Protection Council *National Environment Protection (Assessment of Site Contamination) Measure 1999*, as amended 2013 (ASC NEPM), Australian Standards and numerous other guidelines and technical publications prepared by the EPA and other scientific organisations.

4. SITE HISTORY

4.1 Guidance Documents

The site history assessment was undertaken with reference to guidance provided in:

- Edwards J W., Van Alphen M and Langley A, 1994, Identification and Assessment of Contaminated Land: Improving Site History Appraisal, Contaminated Sites Monograph Series No 3, SA Health Commission, Adelaide.
- National Environment Protection Council 1999, National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM) as amended 2013 Schedules B(1), B(4)
- State Planning Commission Practice Direction 14 (Site Contamination Assessment)
- Environment Protection Authority South Australia 2018, Guidelines for the Assessment and Remediation of Site Contamination (the GAR)
- Environment Protection Regulations, 2009.

Lotsearch specialise in using spatial data to provide site history, environmental risk and planning information to consultants undertaking PSIs. Lotsearch generate a series of maps and tables specific to the site and surrounding area using a variety of databases, by interrogating the dataset using a buffer (an area around a map feature in metres) zone around the site boundary. The distance of the buffer from the site boundary is specific to each dataset.

The Lotsearch report was generated using the concept 1 site boundary plans as at the time the search was initiated, EP were yet to receive the concept 2 plans.

The datasets and buffer zones used by Lotsearch are listed in the Dataset Listing section of the Lotsearch Enviro Pro Report (LEPR), provided in **Appendix B**. Results provided in the LEPR are summarised throughout Section 4.

4.2 Site Identification

4.2.1 Site Details

Site identification details are provided in Table 4-1. EP were provided with two sets of development concept plans, the boundaries of which are shown on Figure 1 and Figure 2, **Appendix A**. Both of the concept plans cover slightly different certificates of title (CTs), therefore the site identification details are provided for each plan.

Table 4-1: Site Identification Details

Address	206 Prairie Road, Cuddlee Creek	
CT and allotment reference	Concept 1: <ul style="list-style-type: none"> • CT 5463/903: closed road F, road plan 81A • CT 5473/858: allotment 1, filed plan 14366 • CT 5474/178: allotment 2, filed plan 14366 • CT 5474/460: allotment 4, filed plan 14366. 	Concept 2: <ul style="list-style-type: none"> • CT 5442/617: closed road C, road plan 1793 • CT 5474/460: (as concept 1) • CT 5546/904: allotment 46, filed plan 130200 • CT 5604/178: allotment pieces 91 and 92, filed plan 216139 • CT 6256/463: section 173 • CT 6256/464: section 6089.
Site Area	Concept 1: 69 ha.	Concept 2: 106 ha.

Address	206 Prairie Road, Cuddlee Creek
Site Owner(s) as shown on CT	Kenneth Leslie Scott and Linda Rose Green, as the executors of Rose Lorraine Scott.
Site Occupier	Scott family farm.
Local Government Authority	Adelaide Hills Council.
Current Zoning	Productive rural landscape.
Current Land Use	Agricultural (grazing).
Proposed Land Use	Potentially residential.
Client	Ms. Linda Green.

4.2.2 Land Use

Table 1 in the Practice Direction 14 outlines the land use sensitivity hierarchy, and states that:

- agricultural land is categorised as item 6: primary production
- residential land is categorised as item 1: residential class 1.

Based on the above, and the site identification details in Table 4-1, the proposed development constitutes a change to a more sensitive land use.

4.3 Certificate of Title History

A certificate of title (CT) search for the site was conducted on 12 November 2021 using SAILIS. A copy of the current CT and a CT tree with details from each title is provided in **Appendix C**.

The CT tree indicates the site has been owned by the Redden/Scott family since the late 1800s, with all titles originally issued to Mr. William Redden, a farmer. Mr. William John Redden, also a farmer, obtained the site following Mr. William Redden’s death in 1914. Mr. Leslie John Rex Redden, a gardener, grazier and orchardist, obtained portions of the site between 1945 and 1970, with the land transferred to Mr. Bryan Leslie Bertram Redden, a horticulturalist, and Rose Lorraine Scott, home duties, in 1988. Rose Lorraine Scott was transferred full ownership of the site in 1989. Ownership was transferred to the current site owners, Kenneth Leslie Scott and Linda Rose Green, as executors of the Will of Rose Lorraine Scott in December 2020.

Based on the CT search, it is likely the site has been used for agricultural purposes, generally as grazing land and as an orchard in portion, since the 1800s.

4.4 SA EPA Searches

4.4.1 Section 7 Search

A search of the Environment Protection Authority's (EPA) Public Register under section 7 of the Land and Business (Sales and Conveyancing) Act 1994 was conducted by the EPA for the CTs within the concept 1 site boundary. A copy of the search results is provided in **Appendix D**. The search results indicated that as of 9 November 2021:

- there were no mortgages, charges or prescribed encumbrances affecting the site under the relevant section of the Environment Protection Act 1993
- no license or environmental authorisation was ever issued to operate a waste depot on the land under the South Australia Waste Management Commission Act 1979 (repealed), the Waste Management Act 1987 (repealed) or the *Environment Protection Act 1993*
- the EPA Public Register did not hold any information relating to:
 - material or serious environmental harm caused or threatened in the course of an activity
 - site contamination notified to the EPA under section 83A of the Environment Protection Act 1993
 - environment assessment report(s) or site contamination audit report(s).

While the EPA Section 7 search does not include the additional within the concept 2 site boundary, given these titles are vacant bushland/grazing land, EP did not consider the absence of EPA information for these titles to affect the outcome of the assessment.

4.4.2 EPA Site Contamination Index and Public Register

No properties were identified on the EPA site contamination index or the public register within the dataset buffer. There are also no EPA assessment areas or groundwater prohibition areas within the dataset buffer.

4.5 Historical Business Directories

No records were identified in the historical business directories search within the dataset buffer.

4.6 Aerial Photographs

High resolution historical aerial photographs for 1949 to 2021 are provided in **Appendix E**.

A review of each aerial photograph is provided in Table 4-2.

Table 4-2: Aerial Photograph Review

Year	Onsite Description	Off-site Description
1949	<ul style="list-style-type: none"> the site is mostly agricultural land, with vacant bushland/grazing land across most of the southern, and western portions, and orchards visible in the eastern and north-eastern portions of the site at least three small houses/buildings are present near the north-eastern corner of the concept 2 site boundary several small vehicle tracks are present across all portions of the site. some land disturbances are noted in the western portion of the site, outside the concept 1 boundary but inside the concept 2 boundary, possible associated with historical mining activities some orchards are also possibly present in the western portion of the site however this cannot be confirmed due to the scale and quality of the image. 	<ul style="list-style-type: none"> Prairie Road is present adjacent the northern half of the eastern site boundary, with Isaac Road running between the two northern CTs and travelling along the western site boundary land adjacent the northern portion of the eastern site boundary is occupied by orchards, with the southern portion of the eastern boundaries occupied by vacant bushland/grazing land a small building is present just off-site to the east of the eastern site boundary just south of where Prairie Road branches away from the site boundary a larger homestead is present to the east of the northern portion of the eastern site boundary land adjacent the southern boundary is vacant bushland/grazing land Kangaroo Creek is present near the western site boundary running north-east to south-west land adjacent the western boundary is vacant bushland/grazing land, except for an area adjacent the northern portion of the western boundary which is occupied by orchards land adjacent the northern boundary is vacant bushland/grazing land.
1963	The site is consistent with the previous image.	The surrounding land is similar to the previous image however no new details could be determined due to poor image quality.
1972	The land disturbances noted in the 1949 image are absent, however the remainder of the site is consistent with the previous image.	Two small dams are present adjacent the middle portion of the eastern site boundary, however the remaining surrounding land is consistent with the previous image.
1979	The site is consistent with the previous image.	The surrounding land is consistent with the previous image.
1989	The orchards noted in all previous images are absent, however the remainder of the site is consistent with the previous image.	The surrounding land is consistent with the previous image.
1999	The site is consistent with the previous image.	The surrounding land is consistent with the previous image
2005	The site is consistent with the previous image.	The surrounding land is consistent with the previous image.
2012	The site is consistent with the previous image.	The surrounding land is consistent with the previous image.
2016	The site is consistent with the previous image.	The surrounding land is consistent with the previous image.
2021	The site is consistent with the previous image.	The surrounding land is consistent with the previous image.

Based on Table 4-2, portion of the site has been in use for orchards, the balance grazing/bushland since at least the 1940s. The orchards were removed between 1979 and 1989, and the land where the orchards once stood is still cleared land in the 2021 image. The surrounding land use is also predominantly for orchards to the north-east, and grazing/bushland to the north, south-east, south and west.

Some onsite ground reworking was noted in the 1949 image in the south-western portion of the site that may have been associated with historical small scale mining activities (see Section 4.9.7).

4.7 Historical Maps

The historical maps do not provide any additional information regarding previous site uses.

4.8 Local Government

A local government enquiry for information relating to the site was submitted by email to Adelaide Hills Council on 4 November 2021. The council indicated they could not provide EP with any details without completing a freedom of information search in accordance with the *Freedom of Information Act 1991*, which would take a minimum of 30 days for council to complete. EP did not request the search as it was outside the required timeframe for this report and was unlikely to yield important information.

4.9 Regional Landscape

4.9.1 Zoning and Land Use

The site is in an area zoned (in relation to the Planning and Design Code) for productive rural landscape and is within the livestock and forestry land use classes.

The surrounding land is also zoned for productive rural landscape and falls within the horticulture (adjacent northern boundary), rural residential (adjacent northern boundary), utilities or industry (192 m north-west) and reserves (482 m north) land use classes.

4.9.2 Topography

Regional topographic information obtained from the topographic basemap in the South Australian Resources Information Gateway (SARIG) database indicates the site is undulating, sloping from the middle of the site to the east and west, with a general regional slope to the north. The southern side of the middle of the site has an approximate elevation of 400 m Australian Height Datum (m AHD), sloping to approximately 300 m AHD in the north.

The area surrounding the site is also undulating, with a general regional slope to the north/north-west.

4.9.3 Soils

Soil Type

Soils onsite are a part of the Australian Soil Classification Kurosol order, described as hilly to steep hilly, small valley plains with hard acidic mottled soils with shallow grey-brown sandy soils and rock outcrops in association with variable areas of soils in hills and hill slopes.

Soils are also a part of the following DEW soil types:

- acidic gradual loam on rock
- acidic sandy loam over brown or grey clay
- shallow soil on rock
- deep friable gradual clay loam.

Acid Sulfate Soils

Soils onsite are a part of the Atlas of Australian Acid Sulphate Soil Class C Category, suggesting there is an extremely low chance of acid sulphate soils occurring onsite.

4.9.4 Geology

The site is underlain by four geological formations, including:

- two unnamed formations belonging to the Barossa Complex and a part of the Mount Lofty Ranged Inliers province in the northern portion of the site, described as schist, gneiss and micas in the north, with gneiss and quartz to the south
- two formations belonging to the Bungarider Subgroup and a part of the Adelaide Geosyncline province, including:
 - the Stonyfell Quartzite formation across most of the site, described as feldspathic quartzite with shale interbeds and schistose and calcareous silty sandstone
 - the Saddleworth formation in the south-eastern corner of the site, described as partly carbonaceous mudstone, siltstone and shale

The second of the unnamed formations and the Stonyfell Quartzite formations are separated by a major fault line in the northern portion of the site, running from the north-east to south-west across the site.

4.9.5 Hydrology

There is a tributary of Kangaroo Creek that runs across the western portion of the site.

The closest major watercourse to the site is Kangaroo Creek, which flows into the Kangaroo Creek Reservoir, located approximately 136 m west of the site at its closest point. There are many other unnamed small creeks within a 2 km radius of the site.

Most of the western portion of the site is classified as having a high potential to be a groundwater dependent ecosystem due to the complex fold belt of the quartzite ranges.

4.9.6 Hydrogeology

WaterConnect

The WaterConnect database identified 80 wells within the dataset buffer. Tabulated data is provided in **Appendix B**, and well distribution maps are provided in **Appendix F**.

Table 4-3 summarises information for wells identified within the data set.

Table 4-3: WaterConnect database search summary

Well Characteristic	Number of Wells Identified	Description
Purpose	51	<ul style="list-style-type: none"> • 22 for irrigation • seven for domestic • six for investigation • three for stock • two for general usage, dual irrigation and stock, dual domestic and irrigation, and dual domestic and stock • one for recharge, observation, dual general usage and irrigation, dual domestic, irrigation and stock, and dual environmental and recharge.
Status	45	<ul style="list-style-type: none"> • 33 operational • four equipped • three abandoned • two not in use • two unknown • one backfilled.
Relative standing water level (RSWL)	45	<p>Ranges from:</p> <ul style="list-style-type: none"> • 266.18 mAHD at well 6628-13248, installed 1.2 km north of the site in 1985 to 98.8 m below ground level (mBGL) • 464.33 mAHD at well 6628-8206, installed 882 m north-east of the site in 1958 to 111.55 m BGL. <p>The closest recorded RSWL to the site is 305.8 mAHD at well 6628-8203, installed 328 m north of the site at an unknown date.</p>
Salinity	Recorded for 50 wells, ranging from: <ul style="list-style-type: none"> • 291 mg/L at well 6628-1598, located 1.98 km north-west of the site • 4136 mg/L at well 6628-1432, located 1.7 km north-west of the site. <p>The closest recorded TDS to the site is 292 mg/L at well 6628-8203.</p>	<p>30 wells had no TDS recorded. Their locations are shown on Map 1, Appendix F.</p> <p>42 wells TDS concentrations less than 1200 mg/L, their locations are shown on Map 2, Appendix F.</p> <p>Six wells had TDS concentrations between 1200 mg/L and 3000 mg/L, their locations are shown on Map 3, Appendix F.</p> <p>Two well had TDS concentrations above 3000 mg/L, their locations are shown on Map 4, Appendix F.</p>

The WQEPP identifies protected environmental values of water in TDS ranges which are summarised in Table 4-4.

Table 4-4: Summary of WQEPP TDS Ranges for Environmental Values of Groundwater

Underground water background TDS concentration	Applicable Environmental Values of Groundwater
Less than 1200 mg/L	<ul style="list-style-type: none"> drinking water for human consumption primary industries – irrigation and general water uses primary industries – livestock drinking water primary industries – aquaculture and human consumption of aquatic foods.
1200 mg/L or more, but less than 3000 mg/L	<ul style="list-style-type: none"> primary industries – irrigation and general water uses primary industries – livestock drinking water primary industries – aquaculture and human consumption of aquatic foods.
3000 mg/L or more, but less than 13,000 mg/L	<ul style="list-style-type: none"> primary industries – livestock drinking water primary industries – aquaculture and human consumption of aquatic foods.

According to Table 4-1 and Table 4-3, it is possible groundwater in the area could be used for:

- drinking water for human consumption
- primary industries – irrigation and general water uses
- primary industries – livestock drinking water
- primary industries – aquaculture and human consumption of aquatic foods.

Groundwater Aquifers

The site is underlain by fractured rock aquifers comprised of Cambrian and Precambrian rocks including quartzite, sandstone, limestone, dolomite, slate, marble, siltstone phyllite, schist and gneiss.

4.9.7 Mines and Mineral Deposits

While there are no mines or mineral deposits identified within the concept 1 boundary, it is likely there is at least one small scale historical occurrence within the western portion of the concept 2 boundary. The Mukurta occurrence was a copper mine developed from 1844 to 1846 on a quartz-iron oxide-copper carbonate mineralised vein in a host clayey slate of the Woolshed Flat Shale. There are no production figures recorded for this mine. The remnants of this mine can be seen in the early aerial photos in Table 4-2.

There are also three small occurrences of mining present near the site, including:

- the Prairie occurrence, which was mined for Barite in the 1940s, located 168 m north of the concept 1 site boundary. The mine was located adjacent the Kitchener Fault, which separated the Barossa Complex from Adelaidean clastic metasediment. The recorded production from 1940 to 1969 was 514 tonnes of ore
- another Prairie occurrence which was mined for Gold in the 1920s, located approximately 471 m north of the concept 1 site boundary

- the New Bridge occurrence, which was also mined for Gold in the 1920s, located approximately 749 m north-west of the concept 1 site boundary on the slopes above the Torrens River. The mine had poor returns, only yielding 29.9 gm of gold.

4.9.8 Natural Hazards

The site is in an area of high bushfire risk. Bushfire records from DEW indicate an unnamed bushfire travelled across the whole site in 1983, and the 2015 Sampson Flat bushfire impacted a small area in the south of the site. The 2019 Cuddlee Creek bushfire came within 160 m of the south-eastern side of the site.

4.9.9 Other Searches

There are no PFAS assessment areas, defence sites, waste management facilities, or state or Commonwealth heritage places or areas within the dataset buffer.

4.10 Site Inspection and Interviews

EP conducted a site inspection and interview on 12 November 2021 with Mr. Frank Scott, brother of Ms. Linda Green. Features identified during the inspection are shown on Figure 2, **Appendix A**. Photographs taken during the site inspection are included as **Appendix G**.

4.10.1 Onsite Details

Mr. Scott indicated his family had owned the site and other land around the site since the early 1900s (as far as he was aware). The site has always been agricultural land, with a combination of orchards (apples, pears and lemons) and sheep grazing until the 1970s when the orchards were removed. The former orchard areas are located on the eastern side of the site, and mostly in the north-eastern portion around the farmhouse, with some apple and pear orchards present near the ruins in the western portion of the site until the 1950s (as shown in the aerial photos in Table 4-2..

The whole site was impacted by the Ash Wednesday bushfires in 1983, which destroyed the orchards. The trees were removed over the following years and the site has only been used for sheep grazing since then. Remnants of the orchards can be seen across the western side of the site (Poor Man trees), however most of the land remains open grassland. Approximately 100 sheep were buried near a ridge in the central portion of the site following the Ash Wednesday bushfires (See Figure 2, **Appendix A**).

Some areas of the eastern side of the site were impacted by the Sampson Flat bushfire in 2015, however they were lucky enough to escape major impacts from the Cuddlee Creek bushfire in 2019.

The family have always run sheep on the land however they have also had a couple of dairy cows, three or four horses, chickens, and pigs for a few years. The dairy cows were milked by hand in a small shed near the farmhouse. The pigs were kept in a pig sty along the eastern boundary near the off-site dam. The horses were buried near the former pig sty (see Figure 2, **Appendix A**). The family currently run 270 head of sheep with approximately 70 lambs.

All buildings near the house are now used for storage, however two of the large sheds were built and used as cold storage for orchard fruit until the orchards were removed:

- at the entrance of the site (260 Prairie Road) is a small farmhouse with three large sheds, two smaller dilapidated sheds/buildings and two car sheds. When looking from north to south:

- two car sheds are present on the northern side of the farmhouse, with two aboveground storage tanks (ASTs) present on the northern side of the sheds (photos 1 and 2, **Appendix G**)
- Mr. Scott advised the tanks had contained diesel and petrol but not for the last 20 years. He had no knowledge of any major fuel spills from the tanks, and was confident they would still be operational
- one car shed is used to house an old car, and the other is used for hay storage (photos 3 and 4, **Appendix G**)
- the farmhouse is present between the car sheds and the remaining buildings and appears in good condition for its likely age. A small garden with rose bushes and several other plants is present on the eastern site of the house (photo 5, **Appendix G**)
- the first big shed is a large wooden shed used for storage. The shed has an unsealed floor and is used to store miscellaneous farming items, including a quad bike, an old car, and oils and fuels in small cans/tins (photos 6, 7 and 8, **Appendix G**)
- the second shed is a large brick shed built on a concrete platform that was formerly used as cold storage for orchard fruit. The building is now also used as storage (photos 9, 10 and 11, **Appendix G**):
 - the northern side of the building is split into two compartments, and a hydrocarbon odour was noted when the western compartment was opened, likely due to materials stored inside
 - the outside of the building is also used as storage for farming equipment
- on the western side of the brick shed is a small, dilapidated former milking shed. As advised by Mr. Scott, all milking was done by hand (photo 12, **Appendix G**)
- the third shed (attached to the southern side of the brick shed) is wooden shed, also a former cold store building now used as storage. The building had elevated wooden floors and no electricity, so the building contents was unknown at the time of the inspection. The southern side of this building is now used as a sheep shearing area, with some small pens set up under the shed cover. An old compressor was present on the northern side of the building which has not been used since the buildings have been used for storage (photos 13 to 17, **Appendix G**)
- another small, dilapidated shed is present on the southern side of the third shed, which was formerly used as a spray shed until the 1970s. Remnants of an old pump and concrete tank pad were noted during the inspection (photos 18 and 19, **Appendix G**). Pesticides were mixed in a concrete tank (on the concrete pad), which was then pumped through pipework out to the orchards.

The former orchard areas are located on the eastern side of the site, and mostly in the north-eastern portion around the farmhouse. Remnants of the orchards can be seen across the western side of the site (Poor Man trees), however most of the land remains open grassland (photo 20, **Appendix G**).

Mr. Scott also indicated there was a small quarry present in the eastern portion of the site on a rocky slope near the southern-most orchards, which was developed for the construction of houses in the area. He also indicated there are some small mine shafts on the hill slopes and in some areas off-site (photo 21, **Appendix G**).

An old house (ruins) and a former sheep shearing shed are present in the western portion of the concept 2 boundary. While the shearing shed only collapsed earlier in 2021, it has not been used for 20 years or so. An old underground water tank is present near the old shearing shed. While the tank was formerly used as a rubbish dump, all rubbish in the tank was burnt in the Ash Wednesday bushfire, and no rubbish has been disposed there since that time. There was also possibly a sheep dip near the ruins (photos 22, 23 and 24, **Appendix G**) No evidence of below ground sump infrastructure was noted during the inspection, therefore it is likely any sheep dips/spray races were above ground.

Most of the site is very steep land, with the highest part of the site in the south-western corner (photos 25 to 28, **Appendix G**). There is a creek in the western portion that flows most of the year, and some natural springs also pop up across other areas depending on the time of year. The land is generally covered in grasses and ferns with large trees. Some weed spraying is now undertaken across all areas of the site when required.

Some minor chemicals related to agricultural land use are stored in the buildings near the farmhouse, however they are not stored in large quantities and are generally purchased when required. Chemicals used onsite include glyphosate 360 (for weeds) sheep drench and backliner, with former chemicals across the orchards potentially including DDT, bluestone and lime sulphur. No fuels are stored onsite, however fuel it brought to site in jerry cans when required.

It was not clear whether any imported fill was brought to site. Limestone for roads was brought in from a nearby mine or brought on by council.

4.10.2 Off-site and Adjacent Land Uses

Land to the east and north-east is owned by other family and has generally been used in conjunction with the site (with relation to the orchards).

Land to the south-west is owned by a private landholder, with land to the south-east controlled by the Department of Environment and Water. Land to the west is owned by SA Water (in relation to Kangaroo Creek and Kangaroo Creek Reservoir). Land to the north is owned by several private landowners. All surrounding land is grazing/bushland.

4.11 Historical Overview

The site has been owned by the Redden/Scott family since the late 1800s and has been used as agricultural and grazing land, with apple, pear and lemon orchards present in the north-eastern portion of the site until the 1970s. The family have always run sheep on the land but have had various other domestic animals over the years. The orchards were destroyed in the Ash Wednesday bushfires in 1983 and dead trees were removed in the following years.

The buildings near the farmhouse are mostly used as storage, with two of the larger sheds formerly used as cold storage for orchard fruit. Two ASTs are present on the northern side of the car sheds that used to store diesel and petrol. The bowsers have not been used for at least 20 years, and no major spills were reported during their operation. A former spray shed is also present on the southern side of the large sheds, with remnants of the old pump and concrete pad still present.

Some animal burial has occurred in specific areas onsite (see Figure 2, **Appendix A**), however no other waste has been buried onsite.

Some pesticides are used onsite to control weeds (generally glyphosate 360) when required, along with sheep drench and backliner. Former chemicals that were used within the orchards include DDT, bluestone, and lime sulphur.

There is a creek in the western portion of the site which joins to Kangaroo Creek, and several springs appear across the lower areas of the site across the year. The Kangaroo Creek Reservoir is present to the south-west of the site. The remaining surrounding land is generally agricultural/grazing land.

5. PRELIMINARY CONCEPTUAL SITE MODEL

5.1 Potentially Contaminating Activities and Activities of Environmental Significance

PCAs are activities defined in the Environment Protection Regulations 2009. If an activity included on this list is inferred to have occurred on or off-site, it is included under the applicable PCA heading, with the associated Class (as per the Practice Direction 14). Any other activity that is inferred to have occurred on or off-site that has the potential to have caused site contamination onsite, but is not included on the list of PCAs, is included as an Activity of Environmental Significance.

5.1.1 Onsite

PCAs

The following PCAs were identified onsite during the site history assessment:

- agricultural activities (burial of animals or parts of animals) (class 2)
- animal dips or spray race facilities (class 2)
- agricultural activities (class 3).

Activities of Environmental Significance

Other activities of environmental significance that may have occurred onsite include:

- storage of small volumes of fuels and chemicals
- application of pesticides/herbicides for weeds and orchards
- impacts from bushfires
- historical mining activities.

5.1.2 Off-Site

PCAs on Adjacent Land

Agricultural activities (class 3) are the only PCA identified off-site on adjacent land during the site history assessment.

PCAs on Other Land

Agricultural activities (class 3) are the only PCA identified off-site but not on adjacent land during the site history assessment.

Activities of Environmental Significance

Other activities of environmental significance that may have occurred off-site include:

- application of pesticides/herbicides for weeds and orchards

- historical mining activities.

5.2 Current and Proposed Site Use

The site has most recently been in use for agricultural purposes. The proposed use may include residential, which is a more sensitive use.

5.3 Conceptual Site Model

For a potential unacceptable risk to human health or the environment to exist relative to site contamination, the relationship in Figure 5-1 must be satisfied.



Figure 5-1: Source, Pathway, Receptor Relationship

Where the source is of insufficient toxicity, or there is no complete exposure pathway, or there is no receptor, then the potential for unacceptable risk does not exist. Toxicity to a receptor may be realised via acute (short-term) or chronic (long-term) exposure.

The conceptual site model (CSM) provided as Figure 5-2 was prepared for consideration and interpretation of potential exposure risks to onsite and off-site receptors.

The following information has been used to create Figure 5-2:

- PCAs and activities of environmental significance identified Section 5.1 are included as the known or potential primary sources of contamination
- the proposed potential residential development and surrounding land use to consider known or potential receptors.

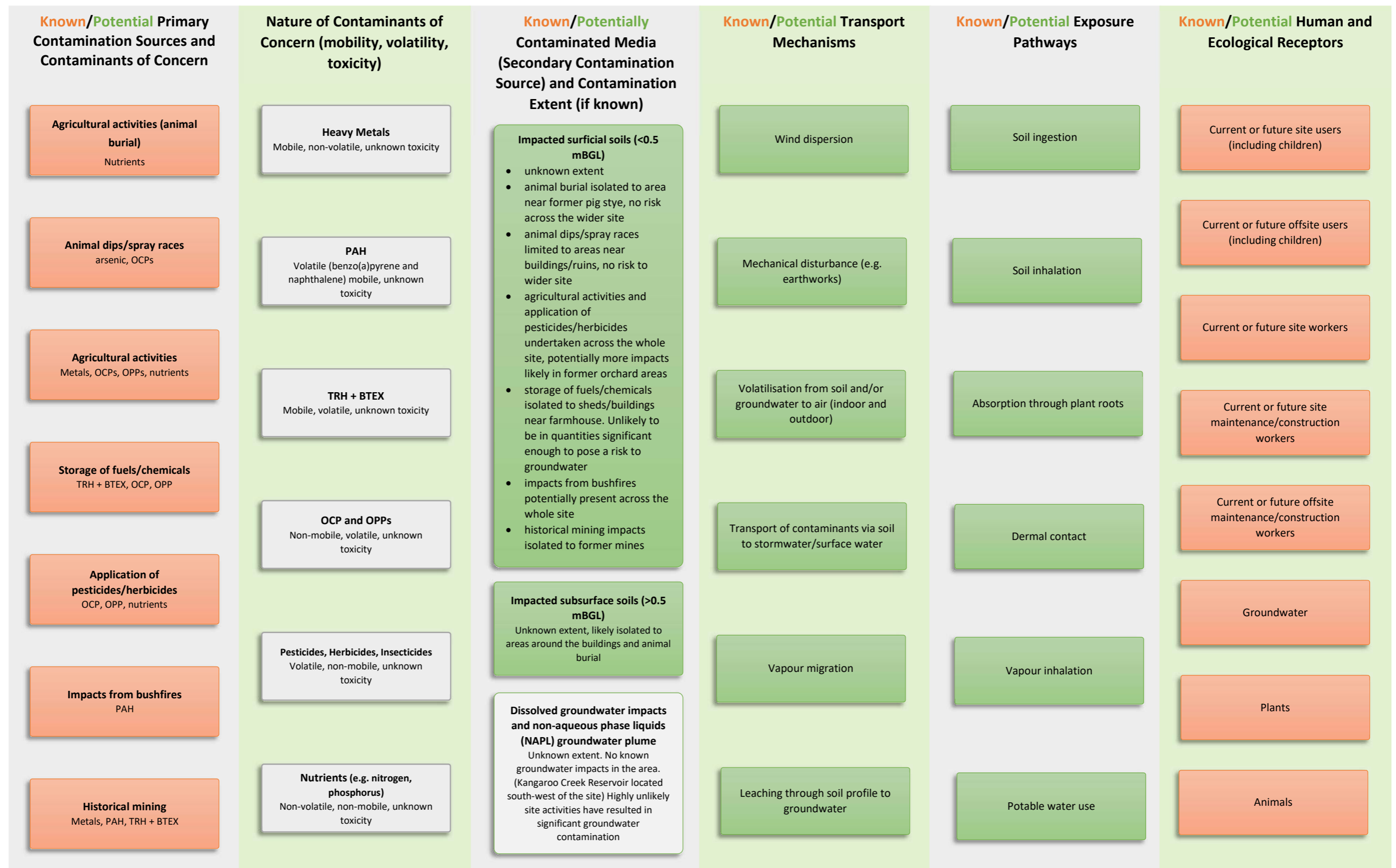


Figure 5-2: Preliminary Conceptual Site Model

5.4 Data Gap Analysis

No soil, soil vapour or groundwater assessments have been undertaken, therefore the actual contamination status of the site is unknown.

5.5 Risk Analysis

Table 5-1 summarises:

- the potential risk of a complete source-pathway-receptor link (i.e. risk to human and ecological receptors)
- a discussion of risk from each of the identified PCAs and activities of environmental significance to the proposed land use.

Table 5-1: Potential Risk of a Complete Exposure Pathway and Potential Risk to Proposed Land Use – Onsite Activities

PCA or activity of Environmental Significance (potential source)	Does a potential contamination source of sufficient toxicity to cause harm exist?	Potential pathway	Does a complete pathway to a receptor potentially exist?	Discussion of risk of a complete exposure pathway and risk to proposed land use	Risk the activity has caused site contamination with respect to the proposed land use
Agricultural activities (burial of animals or parts of animals) (class 2)	Yes	<ul style="list-style-type: none"> soil ingestion soil inhalation absorption by plants dermal contact. 	Yes	<ul style="list-style-type: none"> contamination status of the site is unknown animal burial isolated to area near former pig sty, no risk across the wider site. 	Low.
Animal dips or spray race facilities (class 2)		<ul style="list-style-type: none"> soil ingestion soil inhalation absorption by plants dermal contact vapour inhalation potable water use. 		<ul style="list-style-type: none"> contamination status of the site is unknown animal dips/spray races limited to areas near buildings/ruins, no risk to wider site unlikely historical activities have caused significant groundwater contamination that would pose a risk to onsite and off-site sensitive receptors. 	Low.
Agricultural activities (class 3).		<ul style="list-style-type: none"> soil ingestion soil inhalation absorption by plants dermal contact. 		<ul style="list-style-type: none"> contamination status of the site is unknown agricultural activities undertaken across the whole site, potentially more impacts likely in former orchard areas likely isolated to surficial soils likely can be managed during residential redevelopment of specific areas 	Low.

PCA or activity of Environmental Significance (potential source)	Does a potential contamination source of sufficient toxicity to cause harm exist?	Potential pathway	Does a complete pathway to a receptor potentially exist?	Discussion of risk of a complete exposure pathway and risk to proposed land use	Risk the activity has caused site contamination with respect to the proposed land use
Storage of small volumes of fuels and chemicals		<ul style="list-style-type: none"> soil ingestion soil inhalation absorption by plants dermal contact vapour inhalation potable water use. 		<ul style="list-style-type: none"> contamination status of the site is unknown storage of fuels/chemicals isolated to sheds/buildings near farmhouse, therefore impacts are likely isolated to these areas unlikely to be in quantities significant enough to pose a significant risk to groundwater potentially some soil vapour that may require management during intrusive works around the buildings 	Low.
Application of pesticides/herbicides for weeds and orchards		<ul style="list-style-type: none"> soil ingestion soil inhalation absorption by plants dermal contact. 		<ul style="list-style-type: none"> contamination status of the site is unknown application of pesticides/herbicides undertaken across the whole site, potentially more impacts likely in former orchard areas likely isolated to surficial soils likely can be managed during residential redevelopment of specific areas. 	Low.
Impacts from bushfires				<ul style="list-style-type: none"> contamination status of the site is unknown potentially widespread across the site, however likely isolated to surficial soils likely can be managed during residential redevelopment of specific areas. 	Low.

PCA or activity of Environmental Significance (potential source)	Does a potential contamination source of sufficient toxicity to cause harm exist?	Potential pathway	Does a complete pathway to a receptor potentially exist?	Discussion of risk of a complete exposure pathway and risk to proposed land use	Risk the activity has caused site contamination with respect to the proposed land use
Historical mining activities.				<ul style="list-style-type: none"> contamination status of the site is unknown highly unlikely mineral processing was undertaken onsite impacts likely limited to surficial soils around former mines/quarries unlikely these areas would be structurally suitable for residential development without additional management. 	Negligible.

Table 5-2: Potential Risk of a Complete Exposure Pathway and Potential Risk to Proposed Land Use – Off-site Activities

PCA or activity of Environmental Significance (potential source)	Does a potential contamination source of sufficient toxicity to cause harm exist?	Potential pathway	Does a complete pathway to a receptor potentially exist?	Discussion of risk of a complete exposure pathway and risk to proposed land use	Risk the activity has caused site contamination with respect to the proposed land use
Agricultural activities (class 3).	Yes	<ul style="list-style-type: none"> soil ingestion soil inhalation absorption by plants dermal contact. 		<ul style="list-style-type: none"> contamination status of the site is unknown impacts from off-site sources may be present near the site boundaries, but highly unlikely to be present across the wider site likely isolated to surficial soils likely can be managed during residential redevelopment of specific areas. 	Negligible.

PCA or activity of Environmental Significance (potential source)	Does a potential contamination source of sufficient toxicity to cause harm exist?	Potential pathway	Does a complete pathway to a receptor potentially exist?	Discussion of risk of a complete exposure pathway and risk to proposed land use	Risk the activity has caused site contamination with respect to the proposed land use
Application of pesticides/herbicides for weeds and orchards		<ul style="list-style-type: none"> soil ingestion soil inhalation absorption by plants dermal contact. 		<ul style="list-style-type: none"> contamination status of the site is unknown impacts from off-site sources may be present near the site boundaries, but highly unlikely to be present across the wider site likely isolated to surficial soils likely can be managed during residential redevelopment of specific areas. 	Negligible.
Historical mining activities.				<ul style="list-style-type: none"> contamination status of the site is unknown highly unlikely mineral processing was undertaken at the small historical mines highly unlikely off-site mining activities have impacted the site. 	Negligible.

6. CONCLUSIONS AND RECOMMENDATIONS

EP were commissioned by Ms. Linda Green to undertake a PSI – site history for the property at 206 Prairie Road, Cuddlee Creek, South Australia

EP understood:

- the site is comprised of several current certificates of title (CTs) the PSI is required for potential residential development
- there are two concept plans being considered for redevelopment of the site.

The objectives of the PSI were to:

- research current and historical activities undertaken at or adjacent to the site, to identify whether PCAs have occurred at or near the site
- provide a desktop assessment of risk with respect to the likelihood that PCAs could have caused site contamination with respect to the proposed land use
- advise on whether remediation or management is required to ensure the site is suitable for the proposed land use.

The historical searches were initiated using the concept 1 site boundary plans as at the time the searches were initiated, EP were yet to receive the concept 2 plans. The historical aerial review and CT search were undertaken using both the concept 1 and concept 2 boundaries.

The site has been owned by the Redden/Scott family since the late 1800s and has always been agricultural land. Orchards were present in areas across the north-eastern portion of the site until they were destroyed by the Ash Wednesday bushfires in 1983. Sheep have always been present onsite, but there have been horses, cows, pigs and chickens present at other times. Several horses were buried near the former pig sty.

There are several sheds/buildings around a farmhouse in the north-eastern portion of the site, adjacent the eastern site boundary and next to Prairie Road. The sheds are now mostly used for storage, but two of the sheds were once used for cold storage of orchard fruit. Some minor fuel and chemical storage were noted in the buildings during the site inspection. Two former ASTs and fuel bowsers are present to the north of some small car sheds near the farmhouse however these have not been used for the last 20 years, and no fuel spills were known to have occurred. A former spray shed was also present near the sheds next to the farmhouse, and a sheep spray race may have been present at the former shearing sheds in the western portion of the concept 2 plans.

The site is very undulating, with some very steep areas across the southern and western areas of the site. A creek is present in a valley in the western portion of the site.

The surrounding land is also generally agricultural/grazing land, with the Kangaroo Creek Reservoir present nearby to the south-west of the site.

Based on the site history results:

- the following PCAs were identified as having occurred onsite and were all assessed as posing a low and localised risk to the proposed residential development:
 - agricultural activities (burial of animals or parts of animals) (class 2)
 - animal dips or spray race facilities (class 2)
 - agricultural activities (class 3).
- other activities of environmental significance that were identified as potentially having occurred onsite, and assessed as posing a low risk to the proposed residential development include:
 - storage of small volumes of fuels and chemicals
 - application of pesticides/herbicides for weeds and orchards
 - impacts from bushfires
 - historical mining activities.
- agricultural activities (class 3) were the only PCA identified as having occurred off-site and was assessed as posing a negligible risk to the proposed residential development
- other activities of environmental significance that were identified as potentially having occurred off-site, and assessed as posing a negligible risk to the proposed residential development include:
 - application of pesticides/herbicides for weeds and orchards
 - historical mining activities.

While there were class 2 and class 3 PCAs identified as having occurred onsite, these activities are either isolated to specific areas onsite, or are easy to manage during residential redevelopment of specific areas of the site. EP did not consider these activities pose a significant risk to residential redevelopment of the site as a whole. Due to the topography of the site, it is unlikely the entire site will be suitable for residential use, regardless of the outcome of a site history assessment or soil sampling.

If specific areas are proposed for residential development in the future, shallow soil sampling may be required in the areas specifically proposed for residential use (especially if they are proposed in the former orchard areas or in the location of existing sheds/buildings and other identified risks such as burial areas or spray races) to confirm the suitability for sensitive use.

A site contamination declaration form is provided in **Appendix H**.

These conclusions and recommendations must be read in conjunction with the limitations in Section 7.

7. LIMITATIONS

Scope of Services

This environmental site assessment report (“the report”) has been prepared in accordance with the scope of services set out in the contract, or as otherwise agreed, between the client and Environmental Projects (“scope of services”). In some circumstances the scope of services may have been limited by a range of factors such as time, budget, access and/or site disturbance constraints

Reliance on Data

In preparing the report, Environmental Projects has relied upon data, surveys, analyses, designs and plans as well as any other information provided by the client and other individuals and organisations, most of which are referred to in the report (“the data”). Except as otherwise stated in the report, Environmental Projects has not verified the accuracy or completeness of the data. To the extent that the statements, opinions, facts, information, conclusions and/or recommendations in the report (“conclusions”) are based in whole or part on the data, those conclusions are contingent upon the accuracy and completeness of the data. Environmental Projects will not be liable in relation to incorrect conclusions should any data, information or condition be incorrect or have been concealed, withheld, misrepresented or otherwise not fully disclosed to Environmental Projects.

Environmental Conclusions

In accordance with the scope of services, Environmental Projects has relied upon the data and conducted environmental field monitoring and/or testing in the preparation of the report. The nature and extent of monitoring and/or testing conducted is described in the report.

On all sites, varying degrees of non-uniformity of the vertical and horizontal soil or groundwater conditions are encountered. Hence no monitoring, common testing or sampling techniques can eliminate the possibility that monitoring or testing results/samples are not totally representative of soil and/or groundwater conditions encountered. The conclusions are based upon the data and the environmental field monitoring and/or testing and are therefore merely indicative of the environmental condition of the site at the time of preparing the report, including the presence or otherwise of contaminants or emissions.

Also, it should be recognised that site conditions, including the extent and concentration of contaminants, can change with time.

Within the limitations imposed by the scope of services, the monitoring testing, sampling and preparation of this report have been undertaken and performed in a professional manner, in accordance with generally accepted practices and using a degree of skill and care ordinarily exercised by reputable environmental consultants under similar circumstances. No other warranty, expressed or implied, is made.

Report for Benefit of Client

The report has been prepared for the benefit of the client and no other party. Environmental Projects assumes no responsibility and will not be liable to any other person or organisation for or in relation to any matter dealt with or conclusions expressed in the report, or for any loss or damage suffered by any other person or organisation arising from matters dealt with or conclusions expressed in the report (including without limitations matters arising from any negligent act or omission of Environmental Projects or for any loss or damage suffered by any other party relying upon the matters dealt with or conclusions expressed in the report). Other parties should not rely upon the

report or the accuracy or completeness of any conclusion and should make their own enquiries and obtain independent advice in relation to such matters.

Other Limitations

Environmental Projects will not be liable to update or revise the report to take into account any events or emergent circumstances or facts occurring or becoming apparent after the date of the report.

Appendix A

Figures and Concept Plans

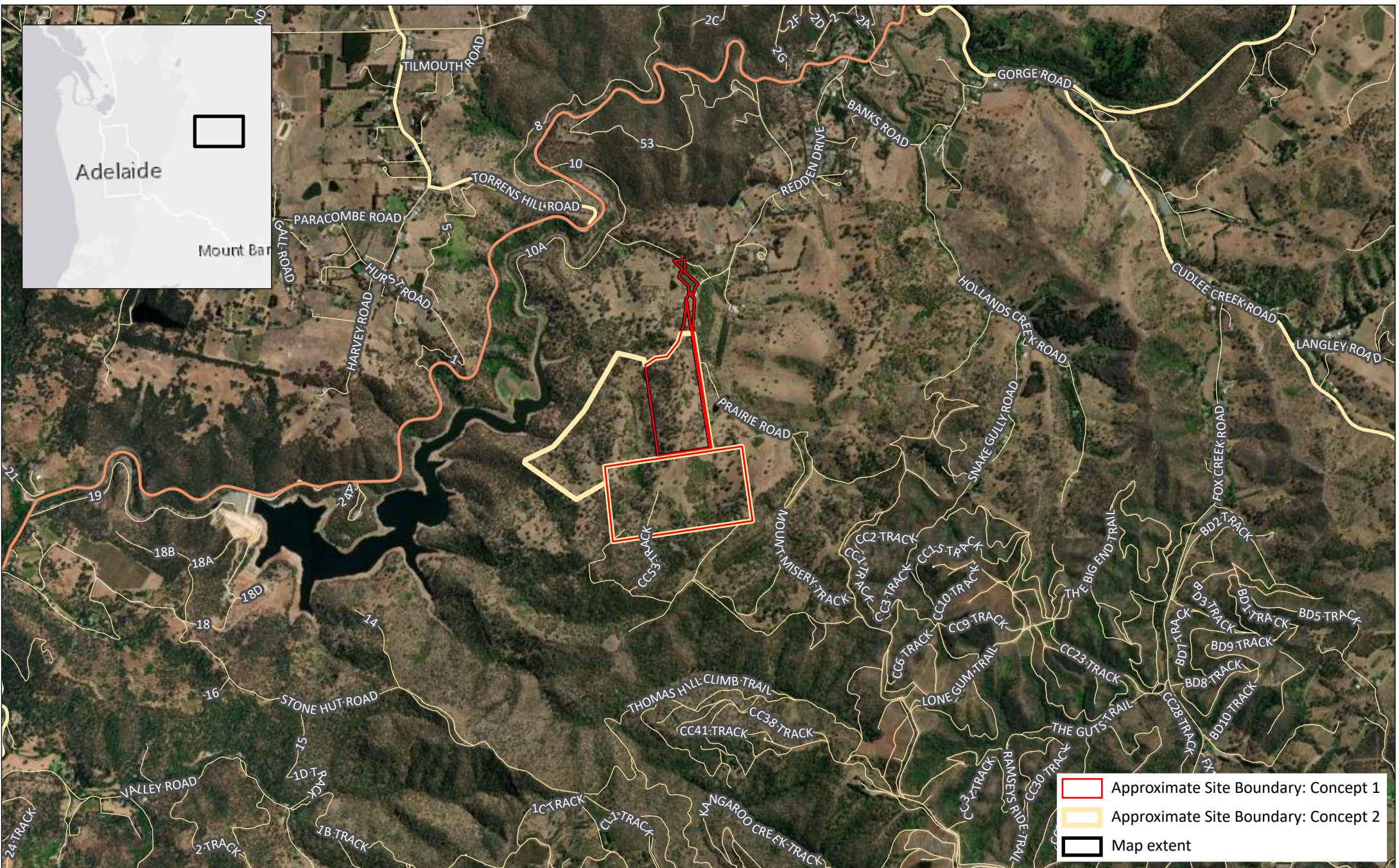
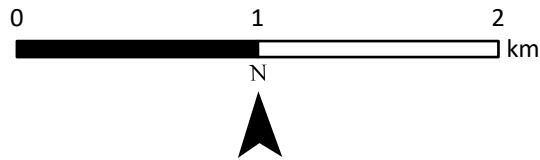


Figure 1 Site Location Plan
 206 Prairie Road,
 Cudlee Creek SA 5232
 Drawn: Chathuri Nisansala Rev: A Job number: 21148.01
 Date: 16/11/2021



- Approximate Site Boundary: Concept 1
- Approximate Site Boundary: Concept 2
- Map extent

environmental projects www.environmentalprojects.com.au

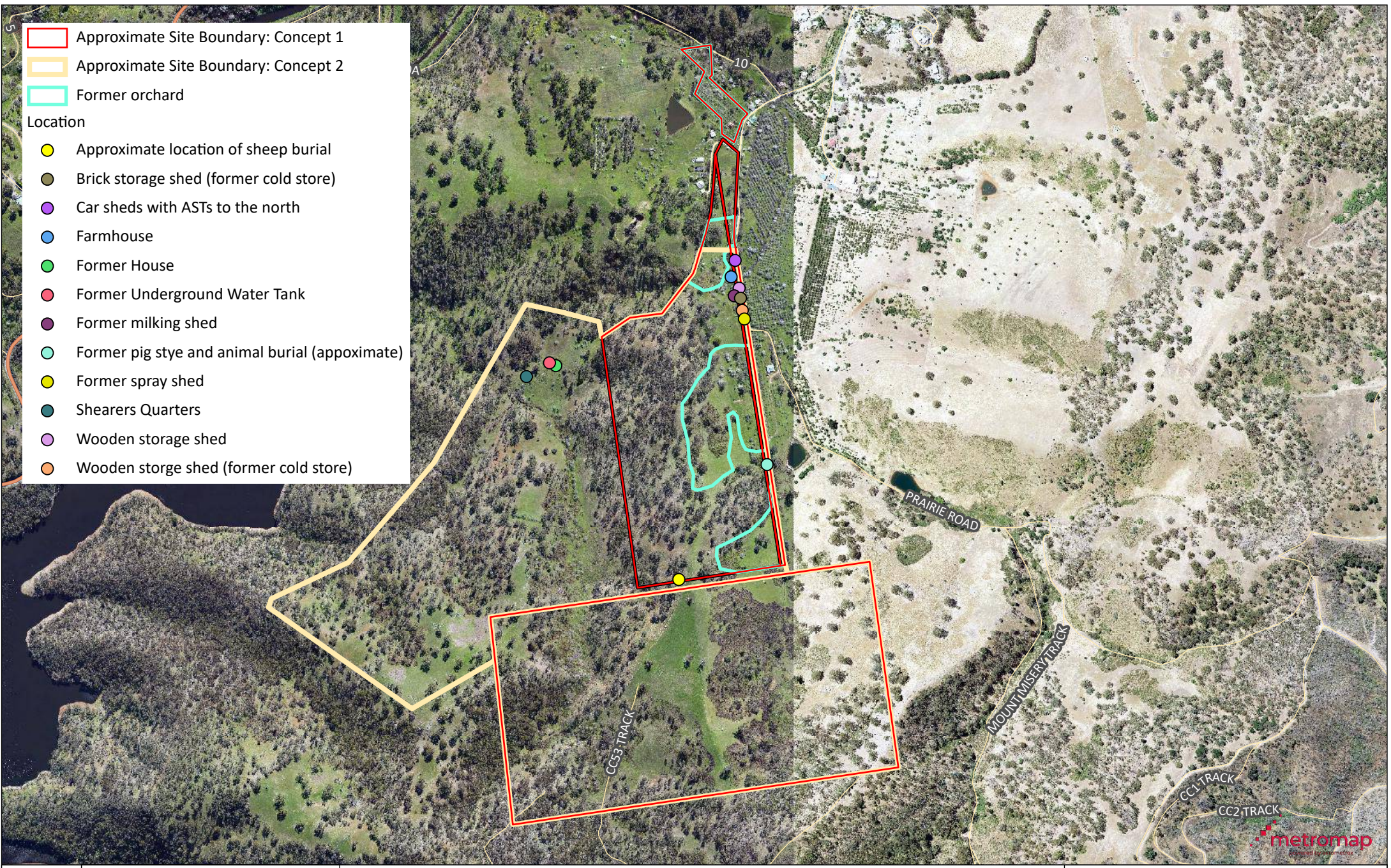
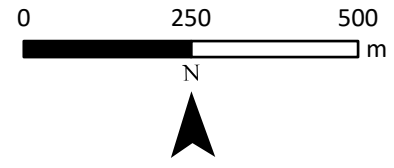
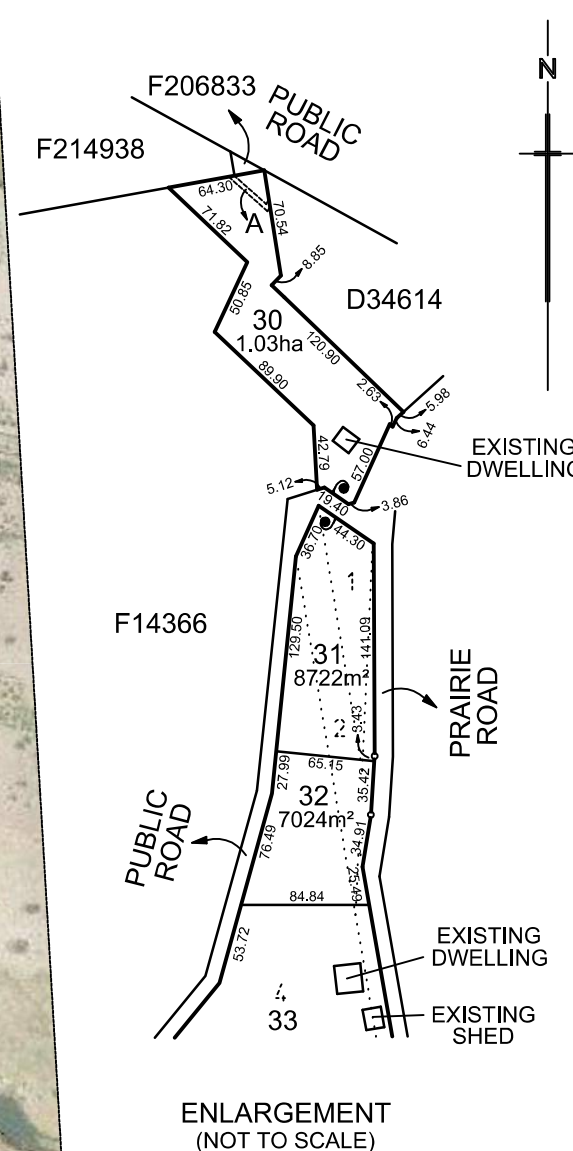



Figure 2 Site Layout Plan

206 Prairie Road,
Cudlee Creek SA 5232

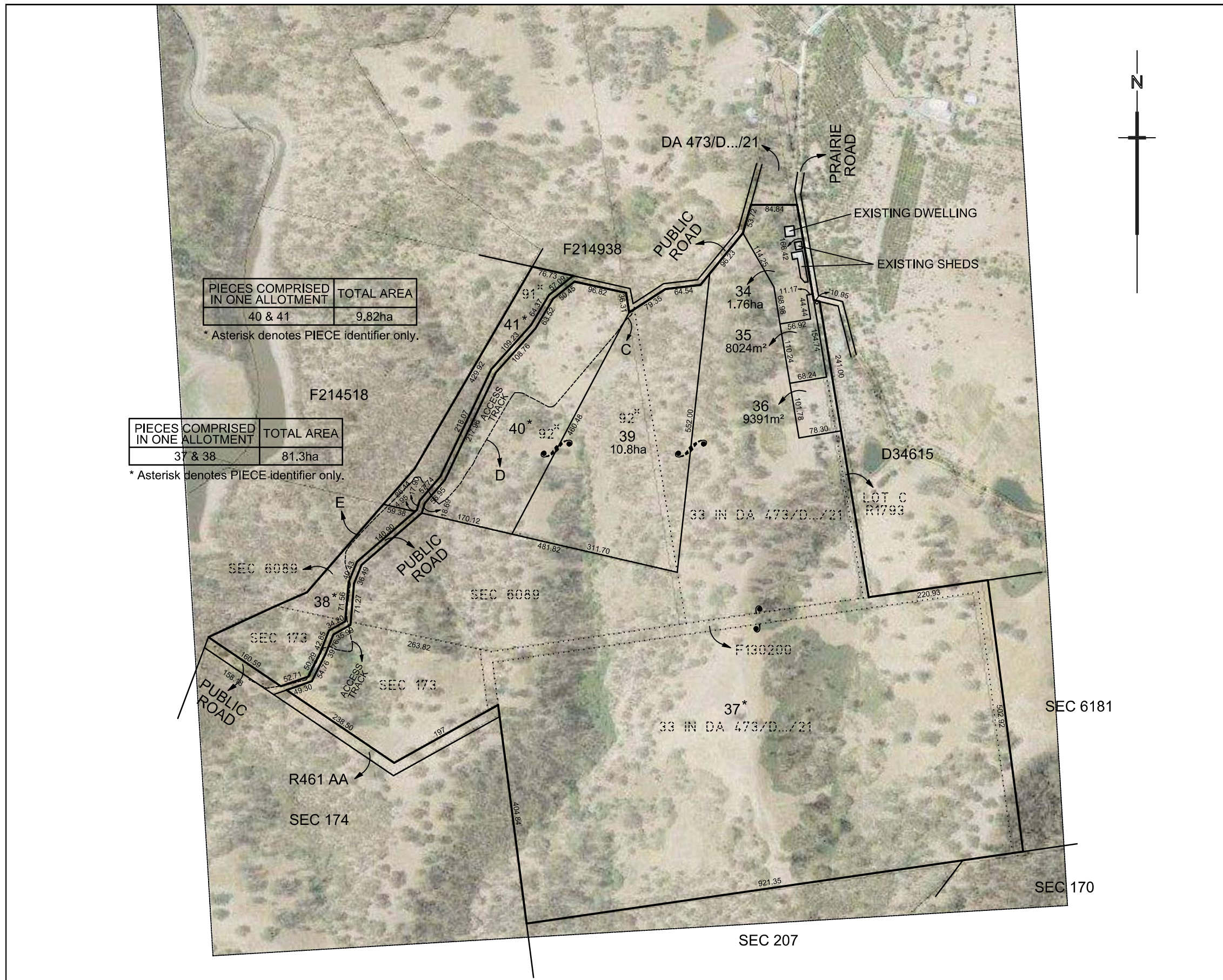
Drawn: Chathuri Nisansala Rev: A **Job number:** 21148.01
Date: 18/11/2021





TORRENS TITLE CONCEPT PLAN	
SCAP DEVELOPMENT NUMBER 473/D.../21	
SHEET 1 OF 1 SHEETS	
COUNCIL ADELAIDE HILLS COUNCIL	
SUBJECT LAND DETAILS ALLOTMENTS 1, 2 & 4 IN FP 14366 & CLOSED ROAD MARKED F ROAD PLAN 81A.	
STREET ADDRESS . . . 206 PRAIRIE ROAD	
IN THE AREA NAMED . . . CUDLEE CREEK	
HUNDRED OF . . . TALUNGA	
CERTIFICATE(S) OF TITLE VOL 5463 FOLIO 903 VOL 5473 FOLIO 858 VOL 5474 FOLIO 178 VOL 5474 FOLIO 460	
DETAILS OF LAND DIVISION	
TOTAL AREA OF LAND TO BE DIVIDED	Approx. 69ha
RESERVED AREA	0m ²
NUMBER OF EXISTING ALLOTMENTS	4
NUMBER OF PROPOSED ALLOTMENTS	4
NUMBER OF ADDITIONAL ALLOTMENTS	0
EASEMENTS / ANNOTATIONS EXISTING BUILDINGS AND STRUCTURES TO REMAIN. ALLOTMENT 30 IS SUBJECT TO EASEMENT(S) OVER THE LAND MARKED A (T 5020846). REFER TO CT 5473/858 FOR EASEMENT DATA.	
All dimensions are subject to survey and final plan of division.	
 ELITE LAND SOLUTIONS	
A: PO Box 358 Prospect SA 5082 M: 0452 220 600 E: harry@elitelandssolutions.com.au W: www.elitelandssolutions.com.au	
SCALE 1:7500 @ A3	
FILE: ELS 113-21 PROPOSAL	REV: 0
DATE OF ISSUE: 3/11/2021	DRAWN: HML

SCALE 0 150 300 450 600 750 METRES
ALL DIMENSIONS ARE IN METRES - DO NOT SCALE DRAWINGS



PIECES COMPRISED IN ONE ALLOTMENT	TOTAL AREA
40 & 41	9.82ha

* Asterisk denotes PIECE identifier only.

PIECES COMPRISED IN ONE ALLOTMENT	TOTAL AREA
37 & 38	81.3ha

* Asterisk denotes PIECE identifier only.

TORRENS TITLE CONCEPT PLAN

SCAP DEVELOPMENT NUMBER
473/D.../21

SHEET 1 OF 1 SHEETS

COUNCIL ADELAIDE HILLS COUNCIL

SUBJECT LAND DETAILS
CLOSED ROAD MARKED C ROAD PLAN 1793,
PART ALLOTMENT 4 IN FP 14366,
ALLOTMENT 46 IN FP 130200, ALLOTMENT
COMPRISING PEICES 91 & 92 IN FP216139,
AND SECTIONS 173 & 6089.

STREET ADDRESS 206 PRAIRIE ROAD
IN THE AREA NAMED CUDLEE CREEK
HUNDRED OF TALUNGA

CERTIFICATE(S) OF TITLE
VOL 5442 FOLIO 617 VOL 6256 FOLIO 463
VOL 5474 FOLIO 460 VOL 6256 FOLIO 464
VOL 5546 FOLIO 904
VOL 5604 FOLIO 178

DETAILS OF LAND DIVISION

TOTAL AREA OF LAND TO BE DIVIDED	Approx. 106ha
RESERVED AREA	0m ²
NUMBER OF EXISTING ALLOTMENTS	6
NUMBER OF PROPOSED ALLOTMENTS	6
NUMBER OF ADDITIONAL ALLOTMENTS	0

EASEMENTS / ANNOTATIONS
EXISTING BUILDINGS AND STRUCTURES TO REMAIN.
A FREE AND UNRESTRICTED RIGHT OF WAY LABELLED C IS TO BE CREATED OVER ALLOTMENT 39 IN FAVOUR OF ALLOTMENTS 37*, 38*, 40* & 41* & SECTION 174.
A FREE AND UNRESTRICTED RIGHT OF WAY LABELLED D IS TO BE CREATED OVER 40* & 41* IN FAVOUR OF ALLOTMENTS 37*, 38* & SECTION 174.
A FREE AND UNRESTRICTED RIGHT OF WAY LABELLED E IS TO BE CREATED OVER 36* & 37* IN FAVOUR OF SECTION 174.

All dimensions are subject to survey and final plan of division.

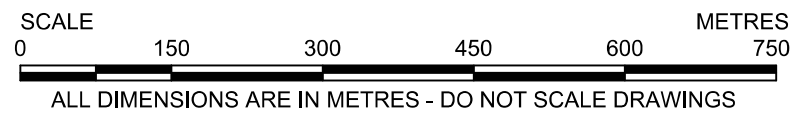


A: PO Box 358 Prospect SA 5082
M: 0452 220 600
E: harry@elitelandsolutions.com.au
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SCALE 1:7500 @ A3

FILE: ELS 181-21 PROPOSAL **REV:** 0

DATE OF ISSUE: 3/11/2021 **DRAWN:** HML



Appendix B

Lotsearch Enviro Pro Report (Concept 1)



LOTSEARCH

LOTSEARCH ENVIRO PROFESSIONAL

Date: 02 Nov 2021 14:47:13

Reference: LS025996 EP

Address: 206 Prairie Road, Cudlee Creek, SA 5232

Disclaimer:

The purpose of this report is to provide an overview of some of the site history, environmental risk and planning information available, affecting an individual address or geographical area in which the property is located. It is not a substitute for an on-site inspection or review of other available reports and records. It is not intended to be, and should not be taken to be, a rating or assessment of the desirability or market value of the property or its features. You should obtain independent advice before you make any decision based on the information within the report. The detailed terms applicable to use of this report are set out at the end of this report.

Dataset Listing

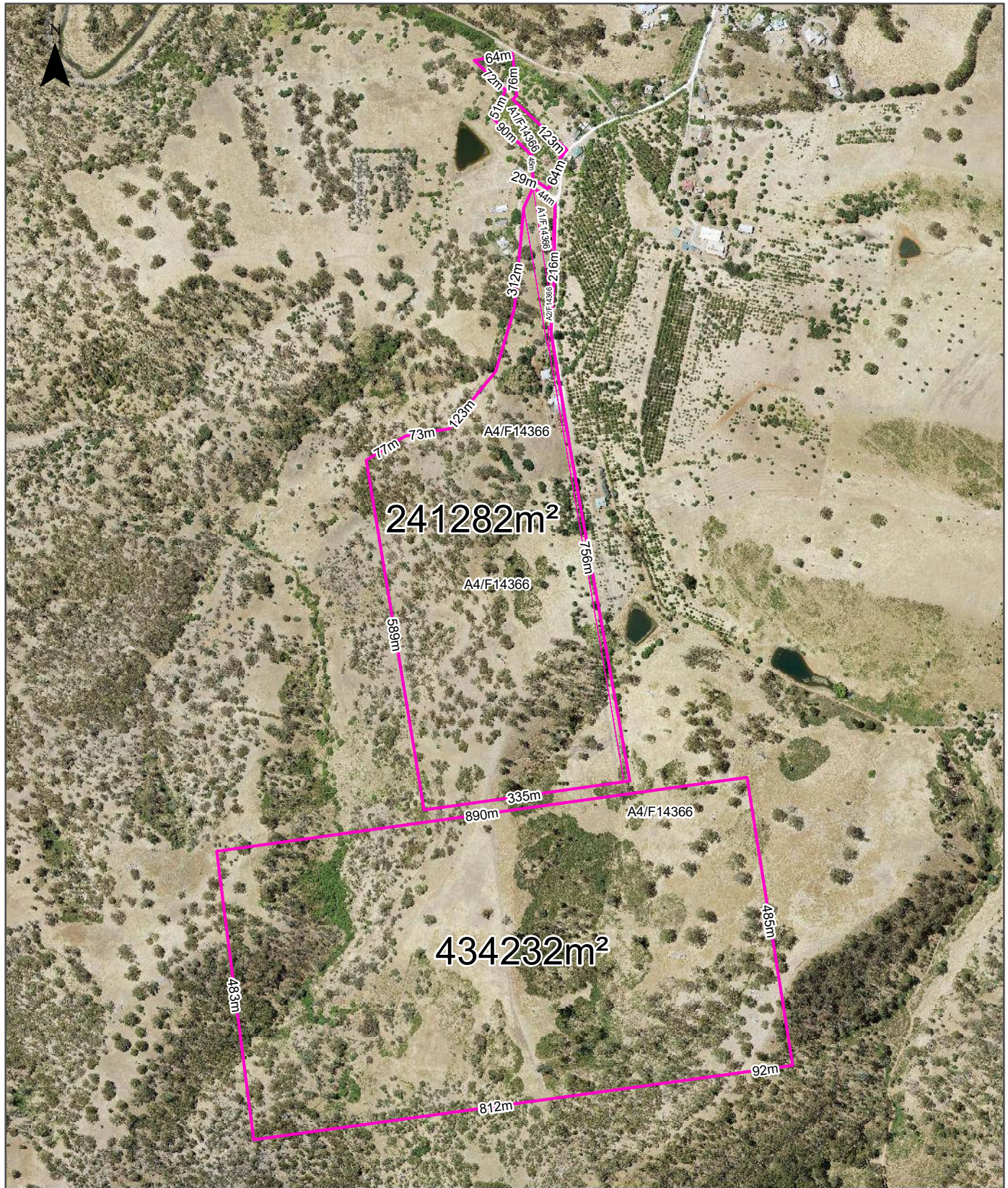
Datasets contained within this report, detailing their source and data currency:

Dataset Name	Custodian	Supply Date	Currency Date	Update Frequency	Dataset Buffer (m)	No. Features On-site	No. Features within 100m	No. Features within Buffer
Cadastre Boundaries	PSMA Australia Limited	01/08/2021	01/08/2021	Quarterly	-	-	-	-
EPA Site Contamination Index	EPA South Australia	25/10/2021	25/10/2021	Monthly	1000m	0	0	0
EPA Environmental Protection Orders	EPA South Australia	21/10/2021	21/10/2021	Monthly	1000m	0	0	0
EPA Environmental Authorisations	EPA South Australia	21/10/2021	21/10/2021	Monthly	1000m	0	0	0
EPA Assessment Areas	EPA South Australia	29/09/2021	29/09/2021	Quarterly	1000m	0	0	0
EPA Groundwater Prohibition Areas	EPA South Australia	01/10/2021	26/08/2021	Monthly	1000m	0	0	0
Defence PFAS Investigation & Management Program - Investigation Sites	Department of Defence	29/10/2021	29/10/2021	Monthly	2000m	0	0	0
Defence PFAS Investigation & Management Program - Management Sites	Department of Defence	29/10/2021	29/10/2021	Monthly	2000m	0	0	0
Airservices Australia National PFAS Management Program	Airservices Australia	08/10/2021	08/10/2021	Monthly	2000m	0	0	0
Defence 3 Year Regional Contamination Investigation Program	Department of Defence	19/08/2021	19/08/2021	Quarterly	2000m	0	0	0
National Waste Management Facilities Database	Geoscience Australia	12/05/2021	07/03/2017	Annually	1000m	0	0	0
EPA Collection Depots	EPA South Australia	06/09/2021	06/09/2021	Quarterly	1000m	0	0	0
National Liquid Fuel Facilities	Geoscience Australia	15/02/2021	15/03/2012	Annually	1000m	0	0	0
Historical Business Directories (Premise & Intersection Matches)	Hardie Grant, Sands & McDougall			Not required	150m	0	0	0
Historical Business Directories (Road & Area Matches)	Hardie Grant, Sands & McDougall			Not required	150m	-	0	0
UBD Business Directory Dry Cleaners & Motor Garages/Service Stations (Premise & Intersection Matches)	Hardie Grant, Sands & McDougall			Not required	500m	0	0	0
UBD Business Directory Dry Cleaners & Motor Garages/Service Stations (Road & Area Matches)	Hardie Grant, Sands & McDougall			Not required	500m	-	0	0
Mines and Mineral Deposits	Department for Energy and Mining	29/07/2021	29/07/2021	Quarterly	1000m	0	0	4
Groundwater Aquifers	Department for Environment and Water	29/03/2021	01/01/2008	Annually	1000m	1	1	1
Drillholes	Department for Environment and Water	28/10/2021	06/10/2021	Quarterly	2000m	0	0	80
Surface Geology 1:100,000	Department for Energy and Mining	12/07/2018	01/07/2018	As required	1000m	5	5	10
Geological Linear Structures 1:100,000	Department for Energy and Mining	12/07/2018	01/07/2018	As required	1000m	1	3	8
Atlas of Australian Soils	ABARES	19/05/2017	17/02/2011	As required	1000m	1	1	2
Soil Types	Department for Environment and Water	12/07/2018	01/07/2009	As required	1000m	4	4	6
Atlas of Australian Acid Sulfate Soils	CSIRO	19/01/2017	21/02/2013	As required	1000m	1	1	2
Acid Sulfate Soil Potential	Department for Environment and Water	30/03/2021	03/06/2016	Annually	1000m	1	1	2
Soil Salinity - Watertable Induced	Department for Environment and Water	19/03/2021	01/07/2009	Annually	1000m	1	2	3
Soil Salinity - Non-watertable	Department for Environment and Water	19/03/2021	01/07/2009	Annually	1000m	1	1	2
Soil Salinity - Non-watertable (magnesia patches)	Department for Environment and Water	19/03/2021	01/07/2009	Annually	1000m	1	1	2

Dataset Name	Custodian	Supply Date	Currency Date	Update Frequency	Dataset Buffer (m)	No. Features On-site	No. Features within 100m	No. Features within Buffer
Planning and Design Code - Zones	Attorney-General's Department	02/08/2021	01/07/2021	Monthly	1000m	1	1	1
Planning and Design Code - Subzones	Attorney-General's Department	02/08/2021	19/03/2021	Monthly	1000m	0	0	0
Land Use Generalised 2019	Department of Planning, Transport and Infrastructure	20/08/2020	12/08/2020	Annually	1000m	2	4	6
Commonwealth Heritage List	Australian Government Department of Agriculture, Water and the Environment	18/05/2021	20/11/2019	Annually	1000m	0	0	0
National Heritage List	Australian Government Department of Agriculture, Water and the Environment	18/05/2021	20/11/2019	Annually	1000m	0	0	0
State Heritage Areas	Department for Environment and Water	30/03/2021	10/11/2004	Annually	1000m	0	0	0
SA Heritage Places	Department for Environment and Water	29/07/2021	13/01/2021	Quarterly	1000m	0	0	0
Aboriginal Land	Department for Energy and Mining	30/03/2021	08/04/2018	Annually	1000m	0	0	0
Planning and Design Code - Overlays - Bushfire	Attorney-General's Department	06/09/2021	02/09/2021	Monthly	1000m	1	1	1
Bushfires and Prescribed Burns History	Department for Environment and Water	29/03/2021	03/02/2021	Annually	1000m	2	2	4
Planning and Design Code - Overlays - Flooding	Attorney-General's Department	06/09/2021	02/09/2021	Monthly	1000m	1	1	1
Groundwater Dependent Ecosystems Atlas	Bureau of Meteorology	14/08/2017	15/05/2017	Annually	1000m	1	1	6
Inflow Dependent Ecosystems Likelihood	Bureau of Meteorology	14/08/2017	15/05/2017	Unknown	1000m	2	3	7
Ramsar Wetland Areas	Department for Environment and Water	01/03/2021	18/02/2020	Annually	1000m	0	0	0

Site Diagram

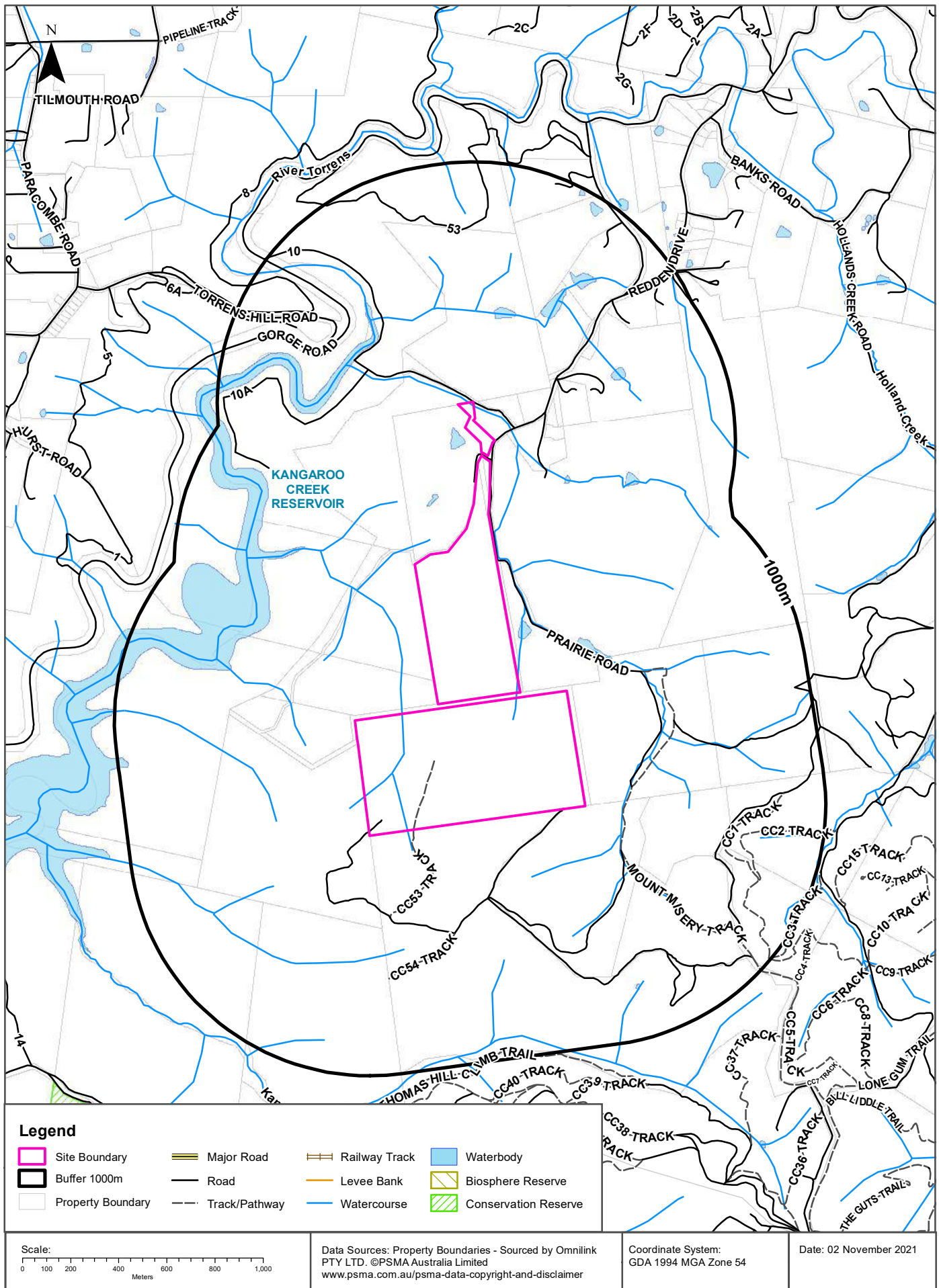
206 Prairie Road, Cudlee Creek, SA 5232



<p>Legend</p> <ul style="list-style-type: none"> Site Boundary Internal Parcel Boundaries 	<p>Total Area: 685578m²</p> <p>Total Perimeter: 5.93km</p> <p>Disclaimers:</p> <p>Measurements are approximate only and may have been simplified or smaller lengths removed for readability.</p> <p>Parcels that make up a small percentage of the total site area have not been labelled for increased legibility.</p>	<p>Scale:</p> <p>Data Source Aerial Imagery: © Aerometrex Pty Ltd</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Coordinate System: GDA 1994 MGA Zone 54</td> <td style="width: 50%;">Date: 02 November 2021</td> </tr> </table>	Coordinate System: GDA 1994 MGA Zone 54	Date: 02 November 2021
Coordinate System: GDA 1994 MGA Zone 54	Date: 02 November 2021			

Topographic Features

206 Prairie Road, Cudlee Creek, SA 5232



Elevation Contours

206 Prairie Road, Cudlee Creek, SA 5232



EPA Contaminated Land

206 Prairie Road, Cudlee Creek, SA 5232

EPA Site Contamination Index

Sites on the EPA Contamination Index within the dataset buffer:

Notification No	Type	Address	Activity	Status	LocConf	Dist	Dir
N/A	No records in buffer						

Site Contamination Index Data Source: EPA South Australia

EPA Public Register

206 Prairie Road, Cudlee Creek, SA 5232

EPA Environment Protection and Clean Up Orders

EPA Environment Protection and Clean Up Orders, within the dataset buffer:

Record No.	Record Type	Record Status	Entity	Site Address	Activity	EPA Register Status	LocConf	Dist	Dir
N/A	No records in buffer								

Authorisations Data Source: EPA South Australia

EPA Public Register

206 Prairie Road, Cudlee Creek, SA 5232

EPA Authorisations and Applications

EPA Authorisations and Authorisation Applications within the dataset buffer:

Record No.	Record Type	Record Status	Entity	Site Address	Activity	EPA Register Status	LocConf	Dist	Dir
N/A	No records in buffer								

Authorisations Data Source: EPA South Australia

EPA Assessment and Groundwater Prohibition Areas

206 Prairie Road, Cudlee Creek, SA 5232

EPA Assessment Areas

EPA Assessment Areas within the dataset buffer:

Map Id	Supplied Ref	Area Name	Map Link	Status	Location Confidence	Distance	Direction
N/A	No records in buffer						

Assessment Areas Data Source: EPA South Australia

EPA Assessment and Groundwater Prohibition Areas

206 Prairie Road, Cudlee Creek, SA 5232

EPA Groundwater Prohibition Areas

EPA Groundwater Prohibition Areas within the dataset buffer:

Map Id	Site Name	Location Confidence	Distance	Direction
N/A	No records in buffer			

Groundwater ProhibitionAreas Data Source: EPA South Australia

PFAS Investigation & Management Programs

206 Prairie Road, Cudlee Creek, SA 5232

Defence PFAS Investigation & Management Program Investigation Sites

Sites being investigated by the Department of Defence for PFAS contamination within the dataset buffer:

Map ID	Base Name	Address	Location Confidence	Distance	Direction
N/A	No records in buffer				

Defence PFAS Investigation & Management Program Data Custodian: Department of Defence, Australian Government

Defence PFAS Investigation & Management Program Management Sites

Sites being managed by the Department of Defence for PFAS contamination within the dataset buffer:

Map ID	Base Name	Address	Location Confidence	Distance	Direction
N/A	No records in buffer				

Defence PFAS Investigation & Management Program Data Custodian: Department of Defence, Australian Government

Airservices Australia National PFAS Management Program

Sites being investigated or managed by Airservices Australia for PFAS contamination within the dataset buffer:

Map ID	Site Name	Impacts	Location Confidence	Distance	Direction
N/A	No records in buffer				

Airservices Australia National PFAS Management Program Data Custodian: Airservices Australia

Defence Sites

206 Prairie Road, Cudlee Creek, SA 5232

Defence 3 Year Regional Contamination Investigation Program

Sites which have been assessed as part of the Defence 3 Year Regional Contamination Investigation Program within the dataset buffer:

Property ID	Base Name	Address	Known Contamination	Loc Conf	Dist	Dir
N/A	No records in buffer					

Defence 3 Year Regional Contamination Investigation Program, Data Custodian: Department of Defence, Australian Government

Waste Management and Liquid Fuel Facilities

206 Prairie Road, Cudlee Creek, SA 5232

National Waste Management Site Database

Sites on the National Waste Management Site Database within the dataset buffer:

Site Id	Owner	Name	Address	Suburb	Class	Revised Date	Location Confidence	Distance	Direction
N/A	No records in buffer								

Waste Management Facilities Data Source: Australian Government Geoscience Australia
Creative Commons 3.0 © Commonwealth of Australia <http://creativecommons.org/licenses/by/3.0/au/deed.en>

EPA Approved Container Collection Depots

EPA approved container collection depots within the dataset buffer:

MapId	Name	Address	Suburb	Loc Conf	Distance	Direction
N/A	No records in buffer					

Collection Depot Data Source: EPA South Australia

National Liquid Fuel Facilities

National Liquid Fuel Facilities within the dataset buffer:

Map Id	Owner	Name	Address	Suburb	Class	Operational Status	Operator	Revision Date	Loc Conf	Dist	Dir
N/A	No records in buffer										

National Liquid Fuel Facilities Data Source: Geoscience Australia
Creative Commons 3.0 © Commonwealth of Australia <http://creativecommons.org/licenses/by/3.0/au/deed.en>

Historical Business Directories

206 Prairie Road, Cudlee Creek, SA 5232

Business Directory Records 1910-1991 Premise or Road Intersection Matches

Universal Business Directory and Sands & McDougall Directory records, from years 1991, 1973, 1965, 1955, 1950, 1940, 1930, 1920 & 1910, mapped to a premise or road intersection within the dataset buffer:

Map Id	Business Activity	Premise	Ref No.	Year	Location Confidence	Distance to Property Boundary or Road Intersection	Direction
N/A	No records in buffer						

Business Directory Content reproduced with permission of UBD and Hardie Grant Media Pty Ltd DD 01/08/2018 and Sands & McDougall's Directory of South Australia

Business Directory Records 1910-1991 Road or Area Matches

Universal Business Directory and Sands & McDougall Directory records, from years 1991, 1973, 1965, 1955, 1950, 1940, 1930, 1920 & 1910, mapped to a road or an area, within the dataset buffer. Records are mapped to the road when a building number is not supplied, cannot be found, or the road has been renumbered since the directory was published:

Map Id	Business Activity	Premise	Ref No.	Year	Location Confidence	Distance to Road Corridor or Area
N/A	No records in buffer					

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Historical Business Directories

206 Prairie Road, Cudlee Creek, SA 5232

Dry Cleaners, Motor Garages & Service Stations 1930-1991 Premise or Road Intersection Matches

Dry Cleaners, Motor Garages & Service Stations from UBD Business Directories and Sands & McDougall's Directories, from years 1991, 1973, 1965, 1955, 1950, 1940 & 1930, mapped to a premise or road intersection, within the dataset buffer.

Map Id	Business Activity	Premise	Ref No.	Year	Location Confidence	Distance to Property Boundary or Road Intersection	Direction
N/A	No records in buffer						

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Dry Cleaners, Motor Garages & Service Stations 1930-1991 Road or Area Matches

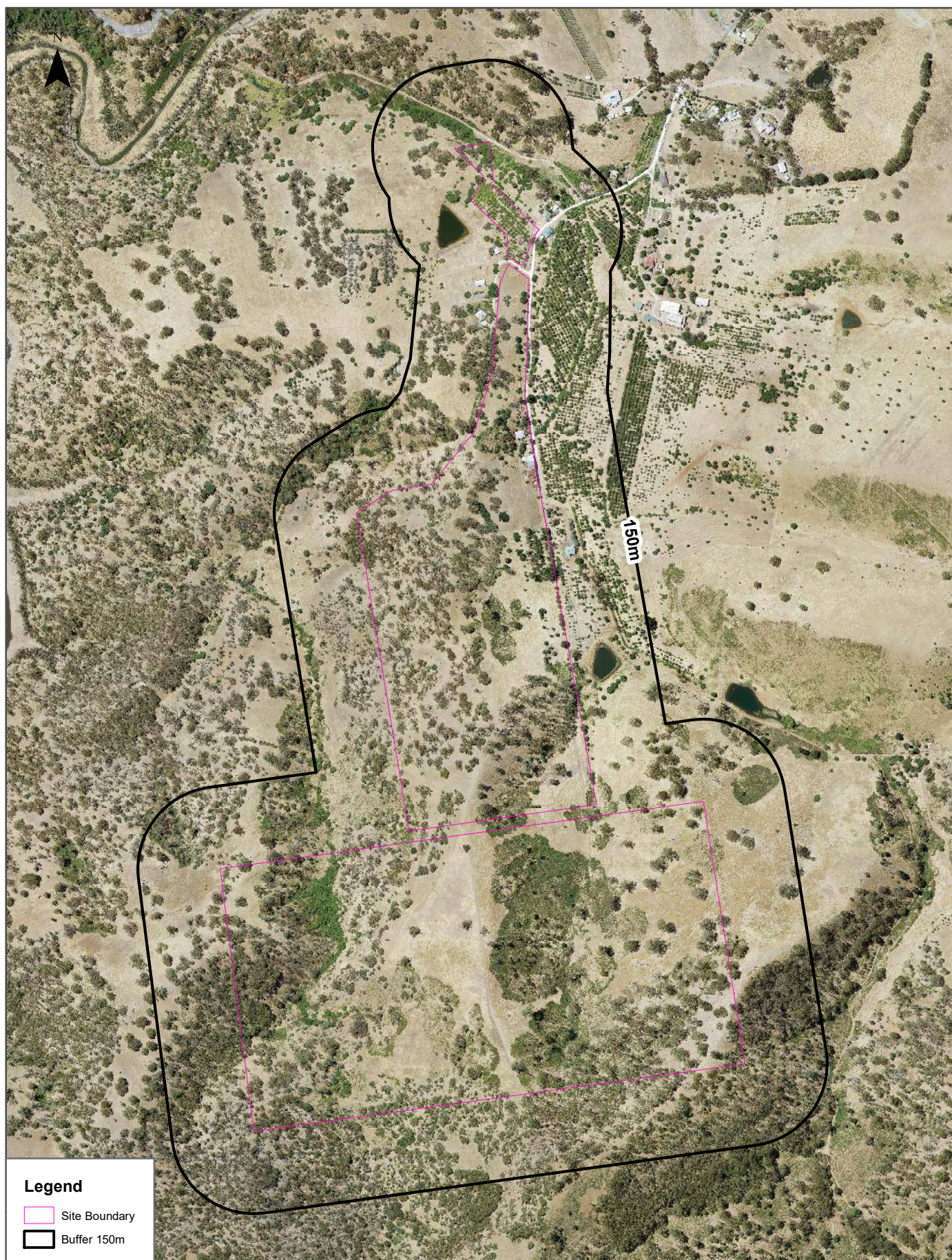
Dry Cleaners, Motor Garages & Service Stations from UBD Business Directories and Sands & McDougall's Directories, from years 1991, 1973, 1965, 1955, 1950, 1940 & 1930, mapped to a road or an area, within the dataset buffer. Records are mapped to the road when a building number is not supplied, cannot be found, or the road has been renumbered since the directory was published.

Map Id	Business Activity	Premise	Ref No.	Year	Location Confidence	Distance to Road Corridor or Area
N/A	No records in buffer					



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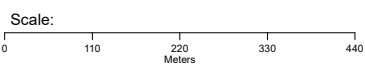
Aerial Imagery 2021

206 Prairie Road, Cudlee Creek, SA 5232



Legend

-  Site Boundary
-  Buffer 150m



Data Source Aerial Imagery:
© Aerometrex Pty Ltd

Coordinate System:
GDA 1994 MGA Zone 54



Date: 02 November 2021

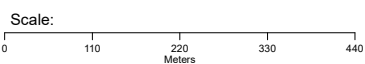
Aerial Imagery 2016

206 Prairie Road, Cudlee Creek, SA 5232



Legend

-  Site Boundary
-  Buffer 150m



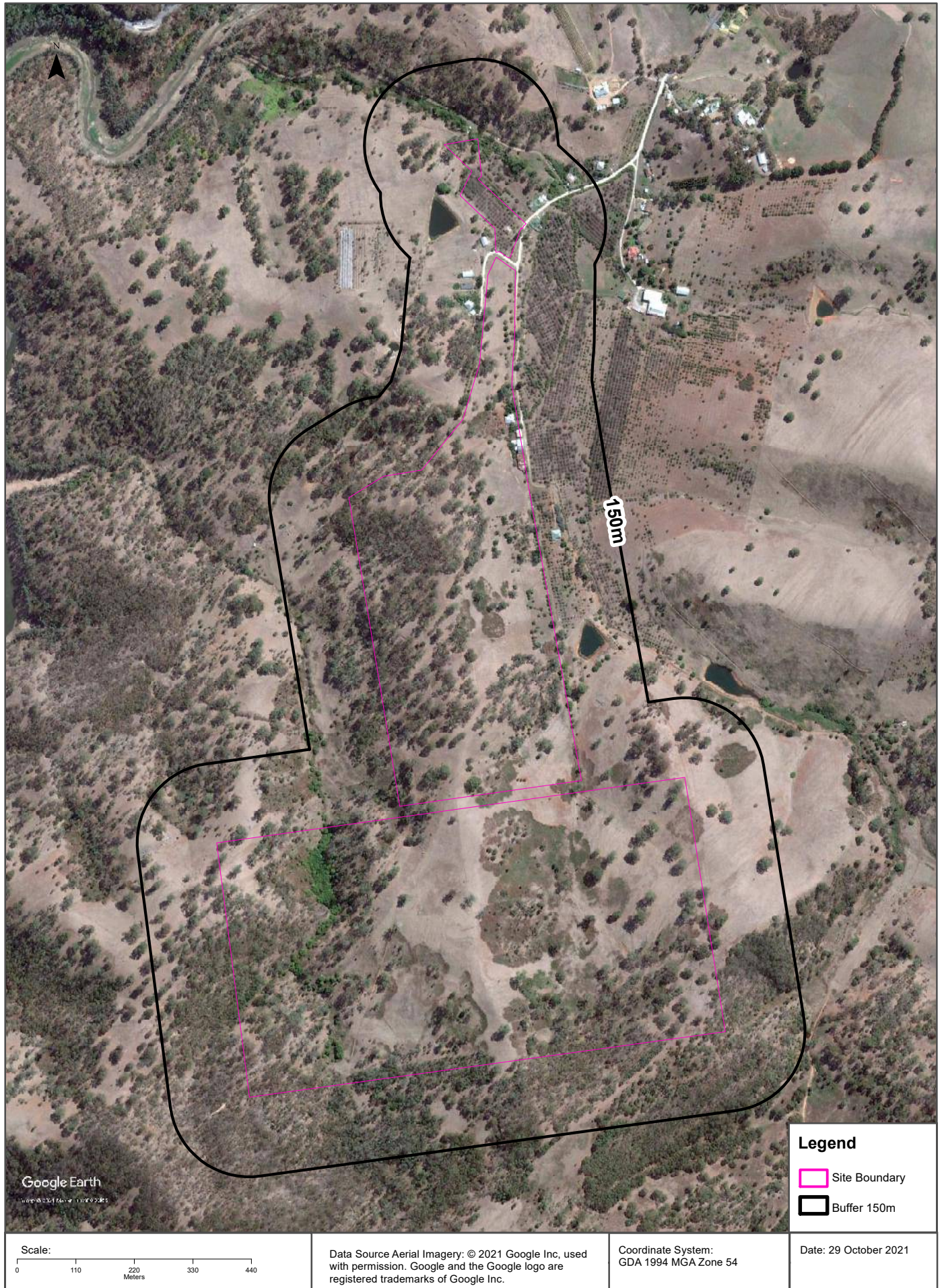
Data Source Aerial Imagery:
© Aerometrex Pty Ltd

Coordinate System:
GDA 1994 MGA Zone 54

Date: 02 November 2021

Aerial Imagery 2012

206 Prairie Road, Cudlee Creek, SA 5232





Aerial Imagery 2005

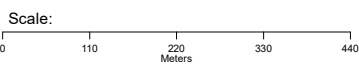
206 Prairie Road, Cudlee Creek, SA 5232



Google Earth
Satellite Imagery © 2021 Google Inc.

Legend

-  Site Boundary
-  Buffer 150m



Data Source Aerial Imagery: © 2021 Google Inc, used with permission. Google and the Google logo are registered trademarks of Google Inc.

Coordinate System:
GDA 1994 MGA Zone 54



Date: 29 October 2021

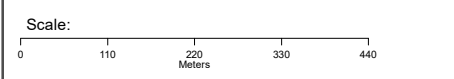
Aerial Imagery 1999

206 Prairie Road, Cudlee Creek, SA 5232



Legend

-  Site Boundary
-  Buffer 150m



Data Sources Aerial Imagery: © South Australia
Department for Environment & Water

Coordinate System:
GDA 1994 MGA Zone 54



Date: 01 November 2021

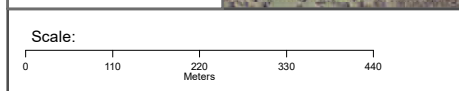
Aerial Imagery 1989

206 Prairie Road, Cudlee Creek, SA 5232



Legend

-  Site Boundary
-  Buffer 150m



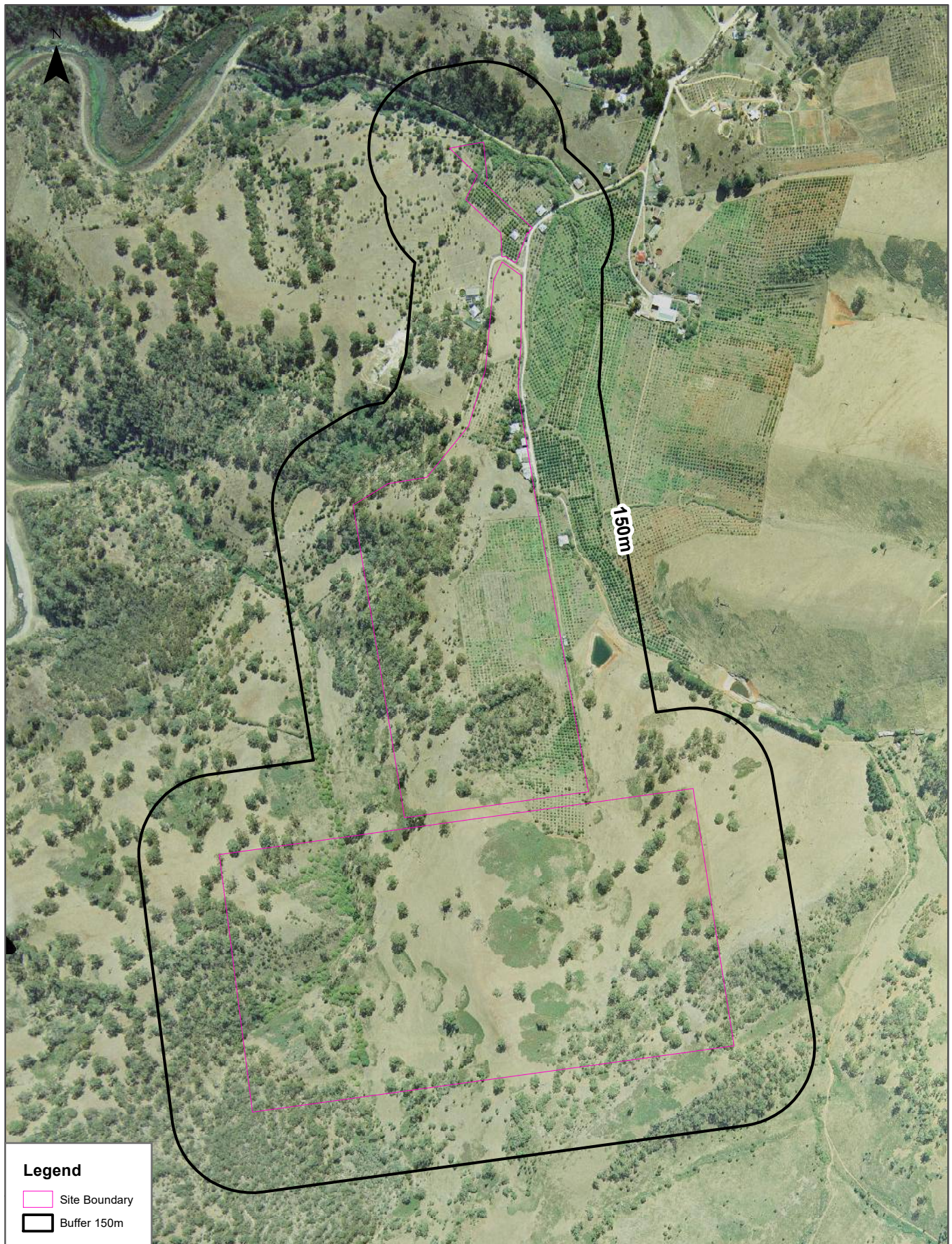
Data Sources Aerial Imagery: © South Australia
Department for Environment & Water

Coordinate System:
GDA 1994 MGA Zone 54

Date: 30 October 2021

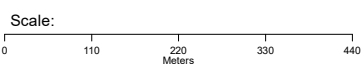
Aerial Imagery 1979

206 Prairie Road, Cudlee Creek, SA 5232



Legend

- Site Boundary
- Buffer 150m



Data Sources Aerial Imagery: © South Australia Department for Environment & Water

Coordinate System: GDA 1994 MGA Zone 54



Date: 30 October 2021

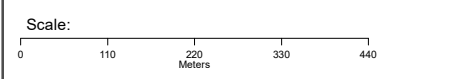
Aerial Imagery 1972

206 Prairie Road, Cudlee Creek, SA 5232



Legend

-  Site Boundary
-  Buffer 150m



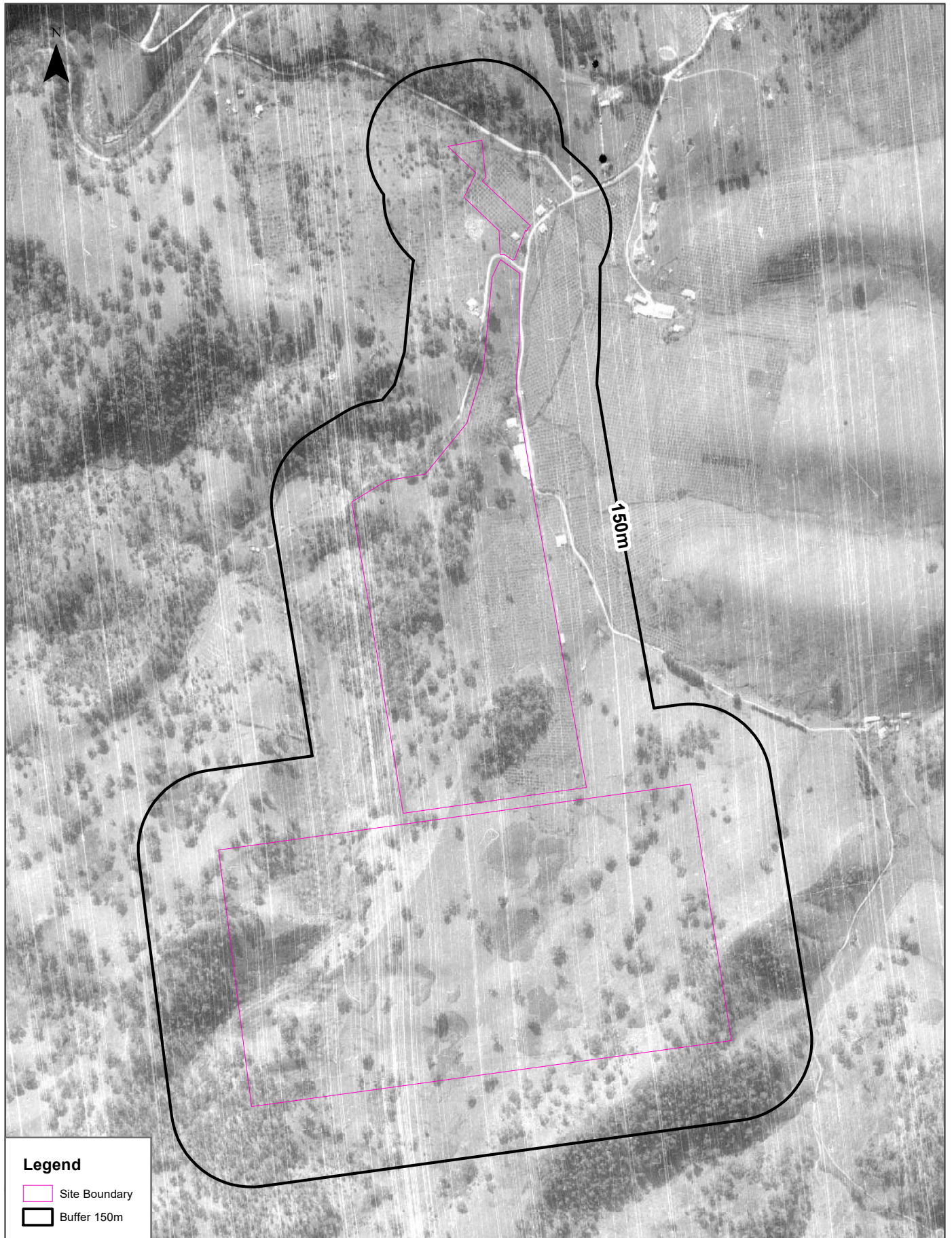
Data Sources Aerial Imagery: © South Australia
Department for Environment & Water

Coordinate System:
GDA 1994 MGA Zone 54


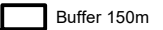
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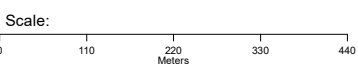
Aerial Imagery 1963

206 Prairie Road, Cudlee Creek, SA 5232



Legend

-  Site Boundary
-  Buffer 150m



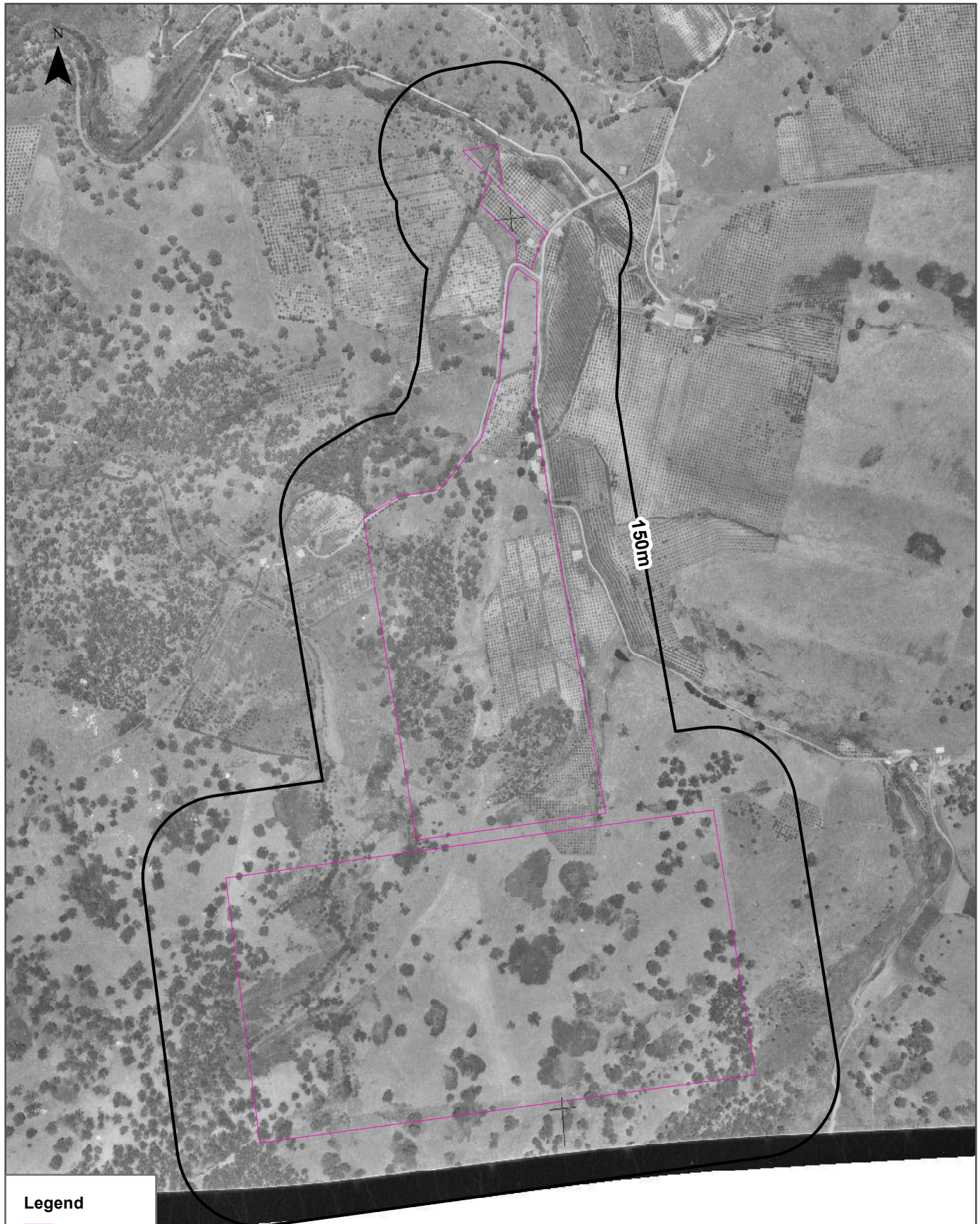
Data Sources Aerial Imagery: © South Australia Department for Environment & Water

Coordinate System: GDA 1994 MGA Zone 54


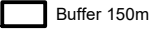
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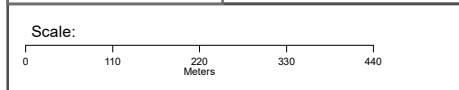
Aerial Imagery 1949

206 Prairie Road, Cudlee Creek, SA 5232



Legend

-  Site Boundary
-  Buffer 150m



Data Sources Aerial Imagery: © South Australia
Department for Environment & Water

Coordinate System:
GDA 1994 MGA Zone 54

Date: 30 October 2021

Aerial Imagery 1949

206 Prairie Road, Cudlee Creek, SA 5232



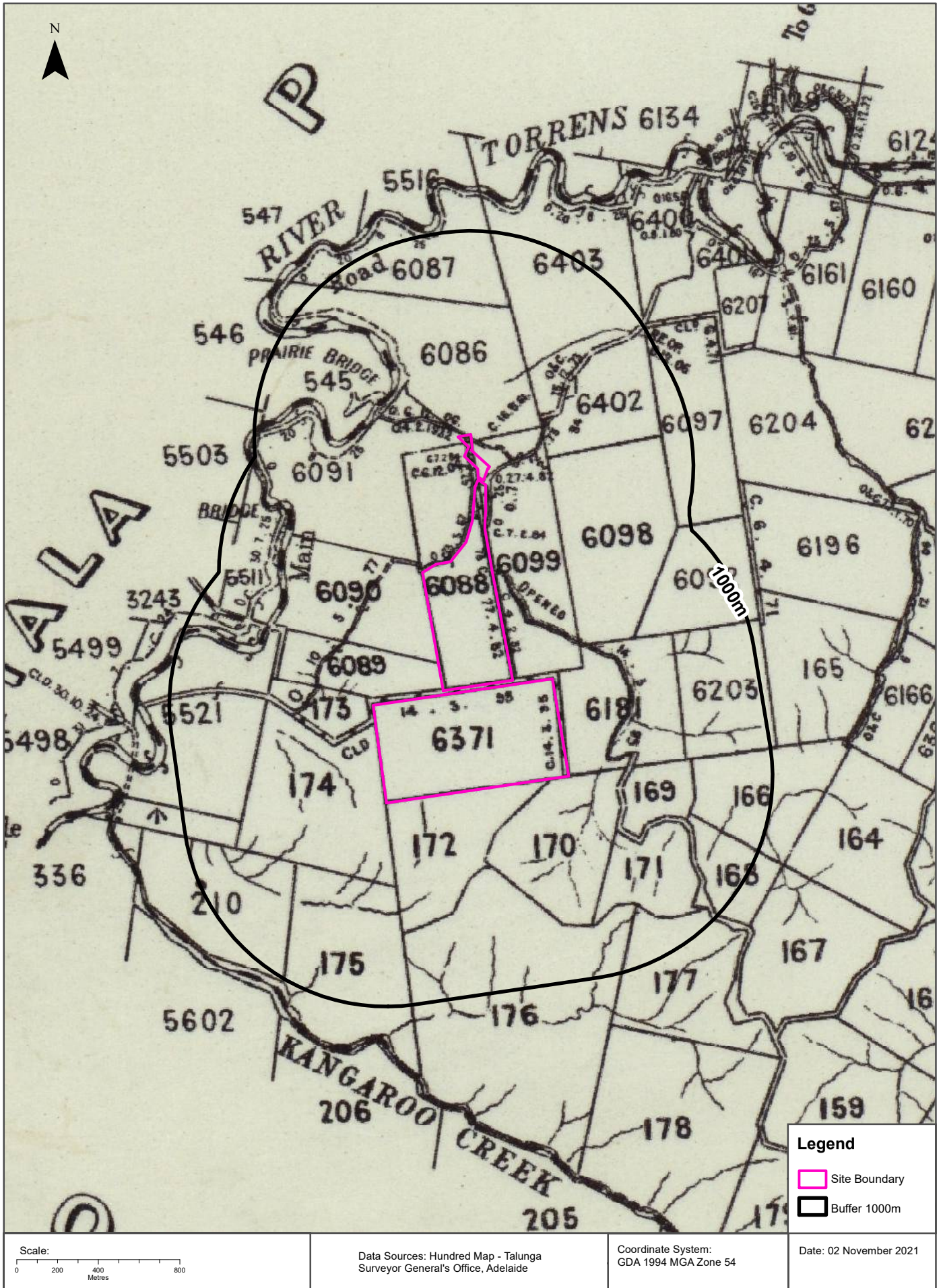
Historical Map 1982

206 Prairie Road, Cudlee Creek, SA 5232



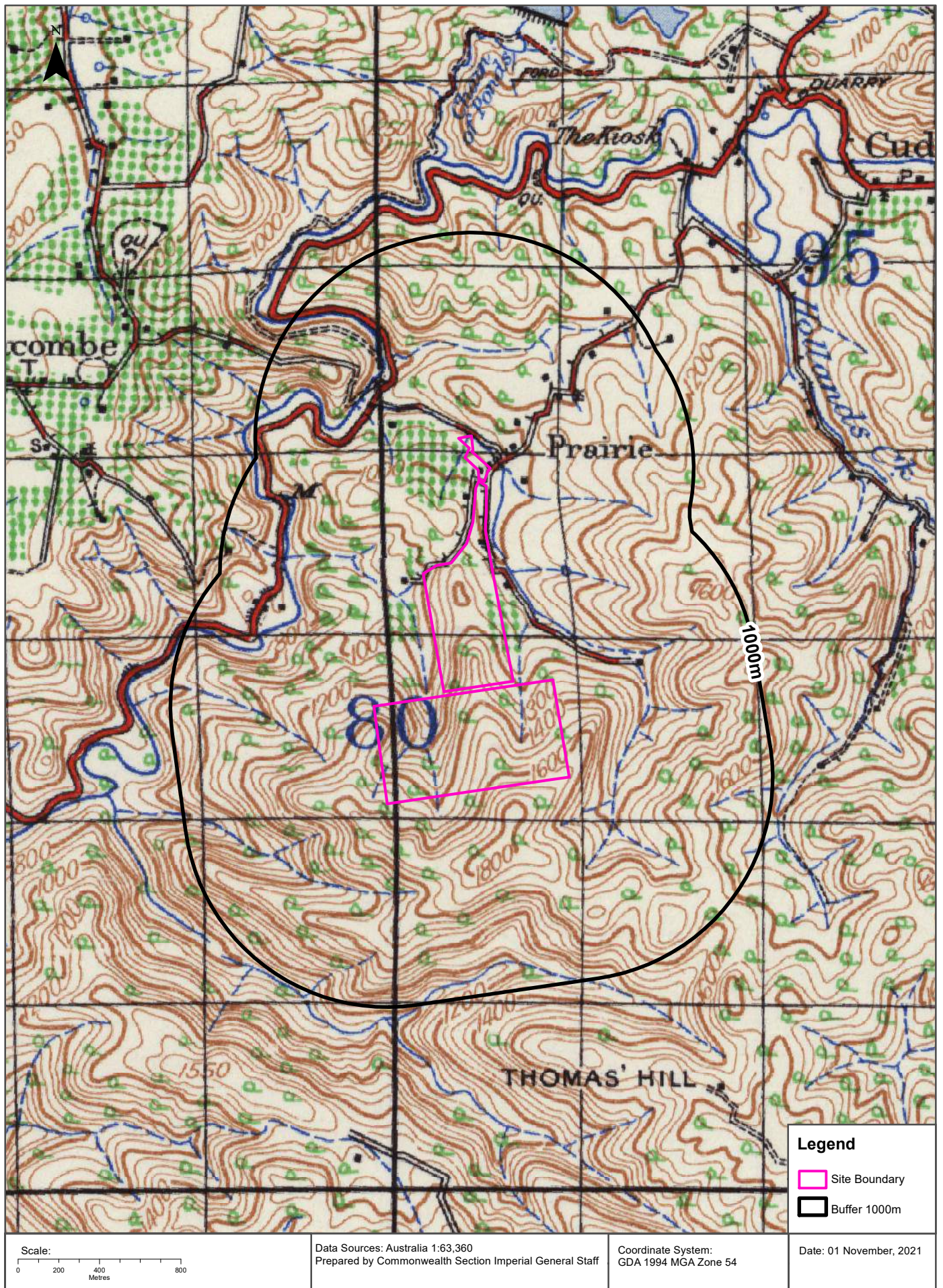
Historical Map 1959

206 Prairie Road, Cudlee Creek, SA 5232



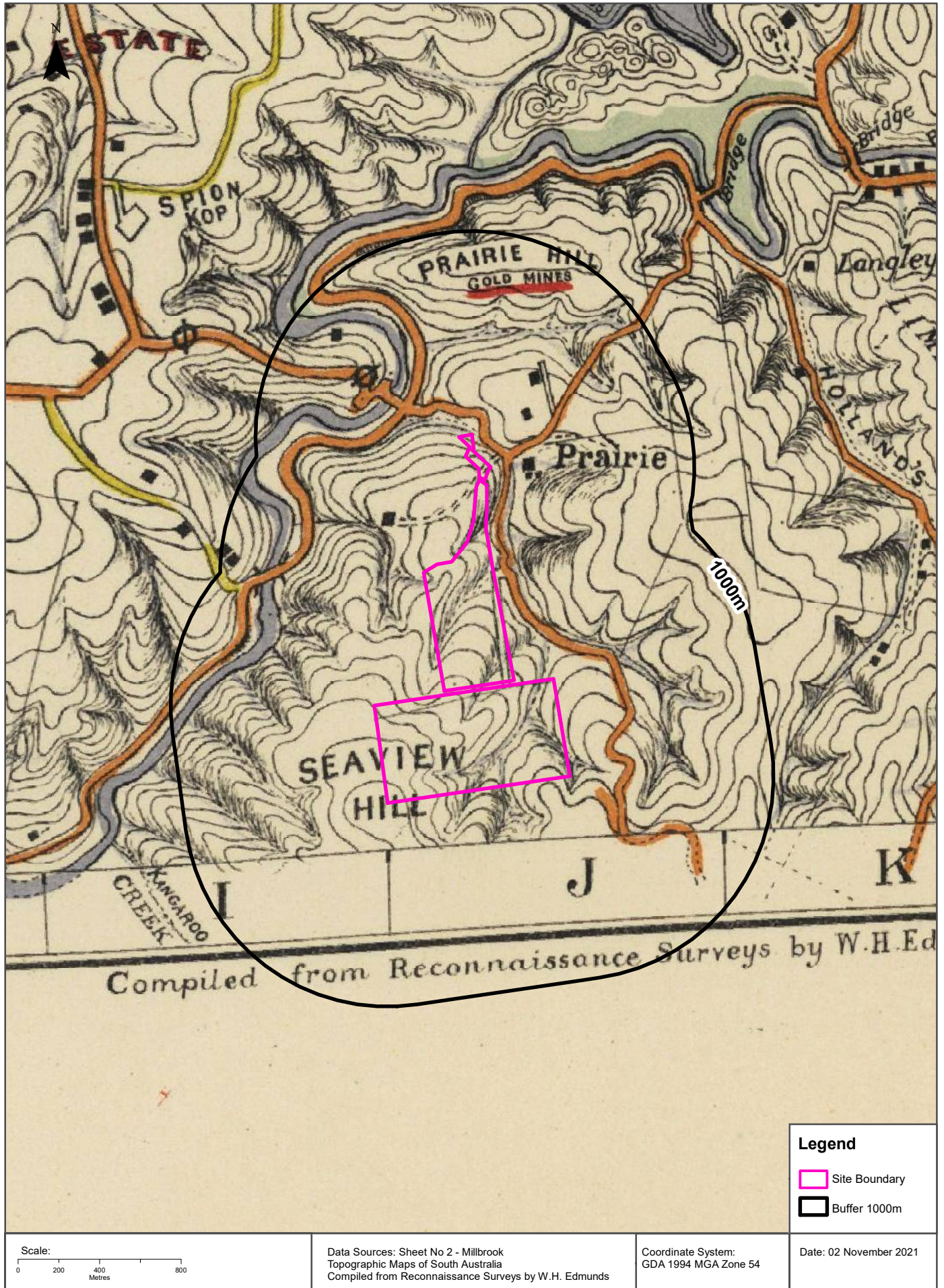
Historical Map c.1937

206 Prairie Road, Cudlee Creek, SA 5232



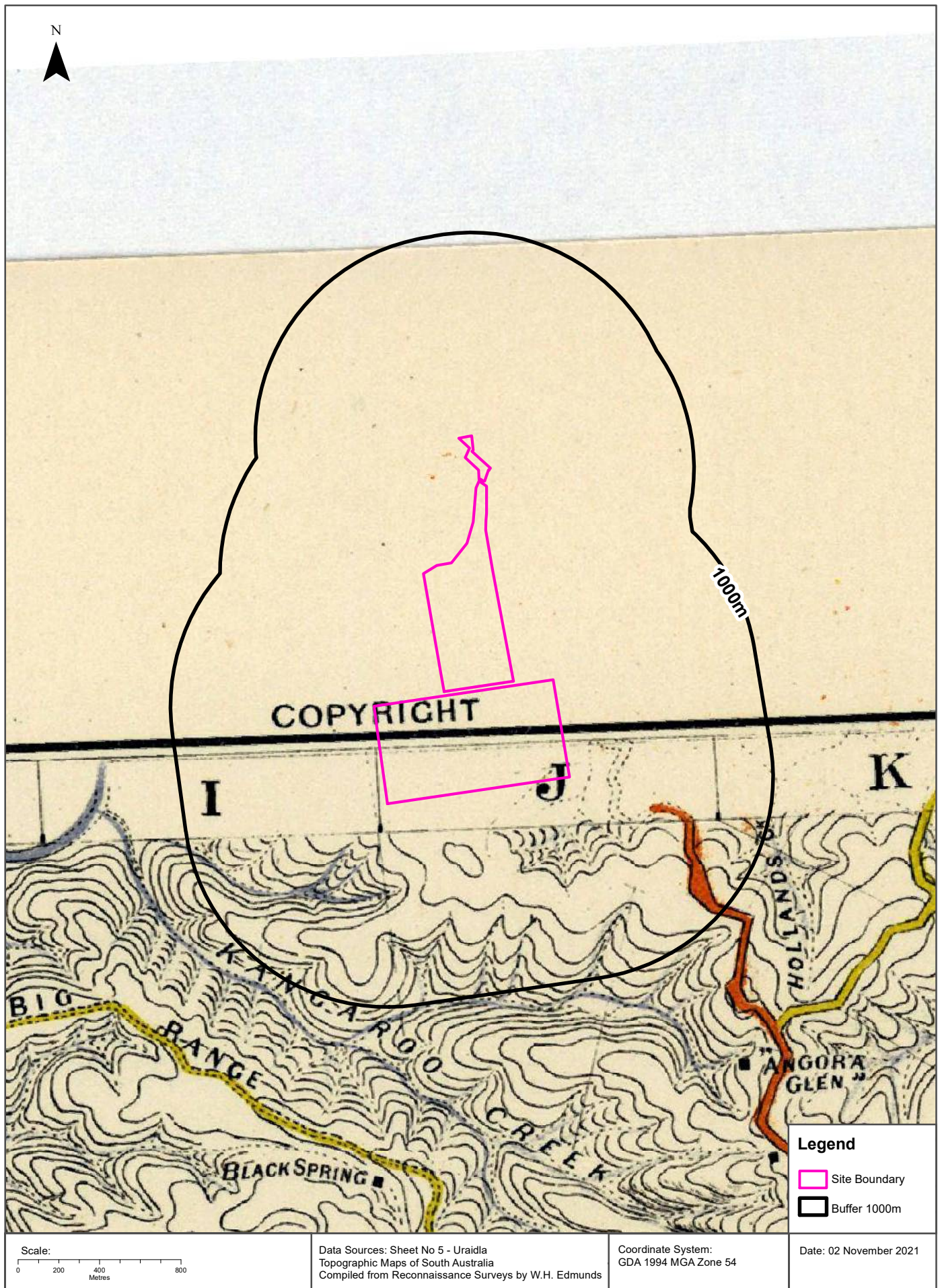
Historical Map 1926

206 Prairie Road, Cudlee Creek, SA 5232



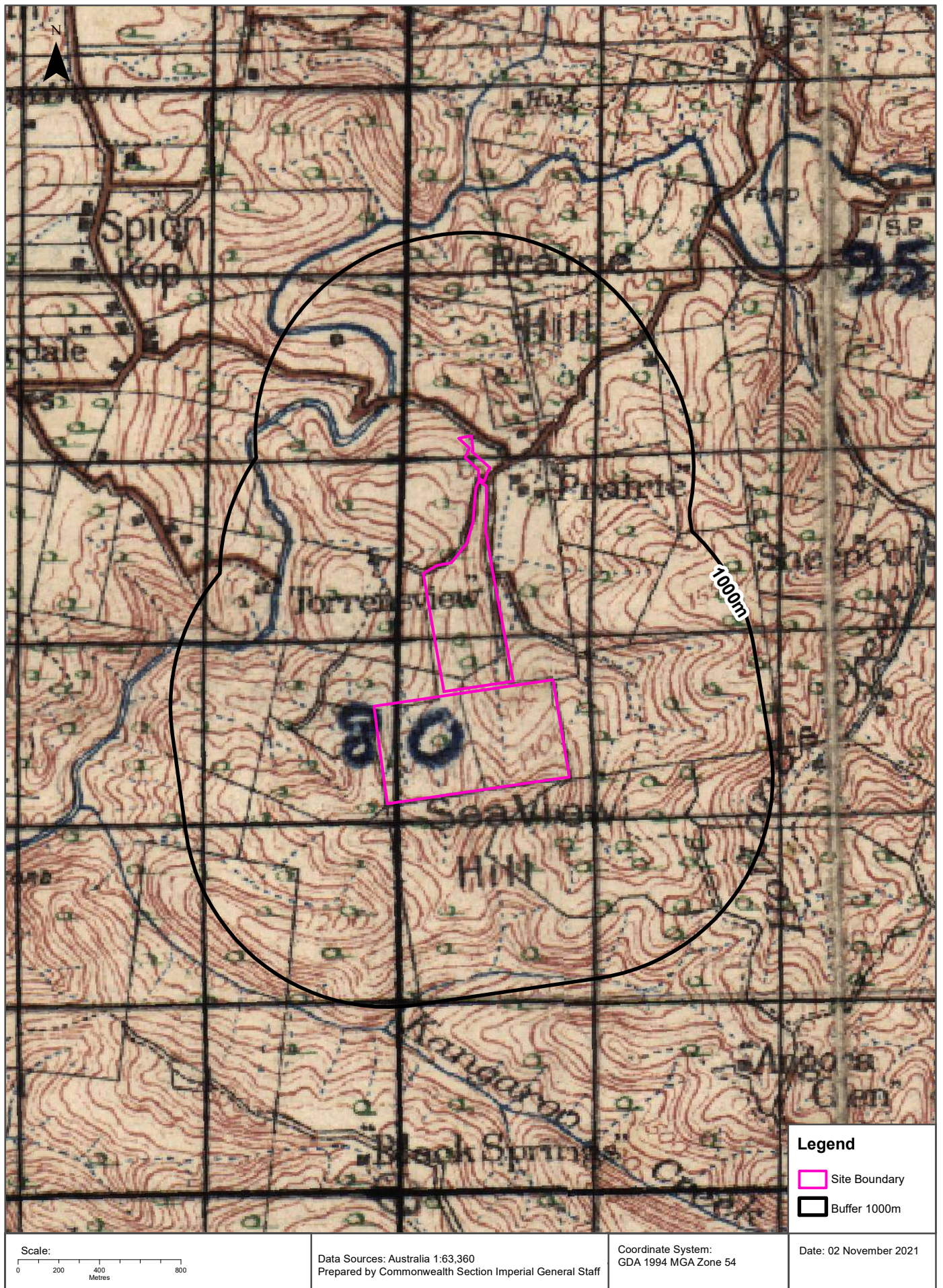
Historical Map 1926

206 Prairie Road, Cudlee Creek, SA 5232



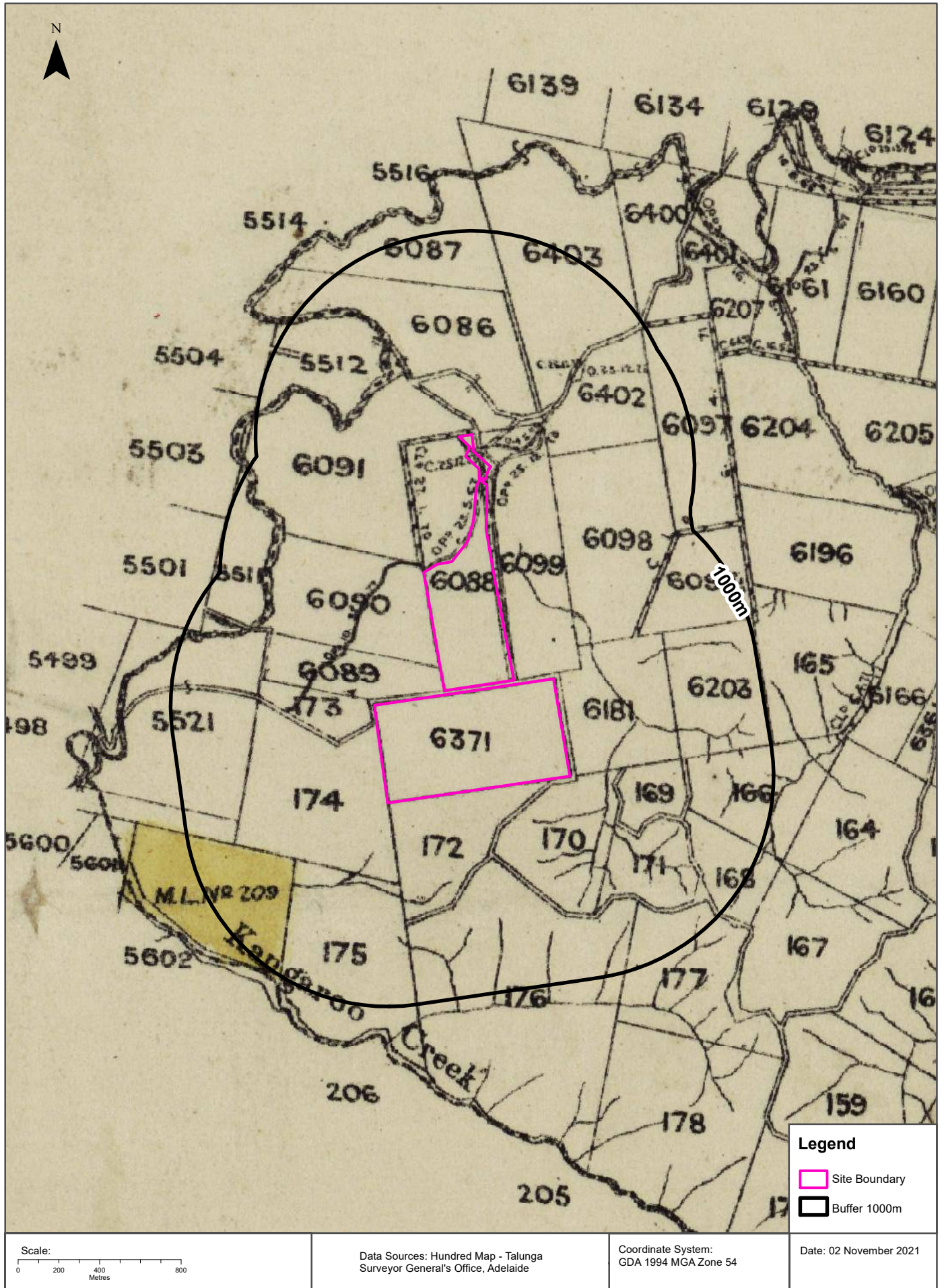
Historical Map c.1914

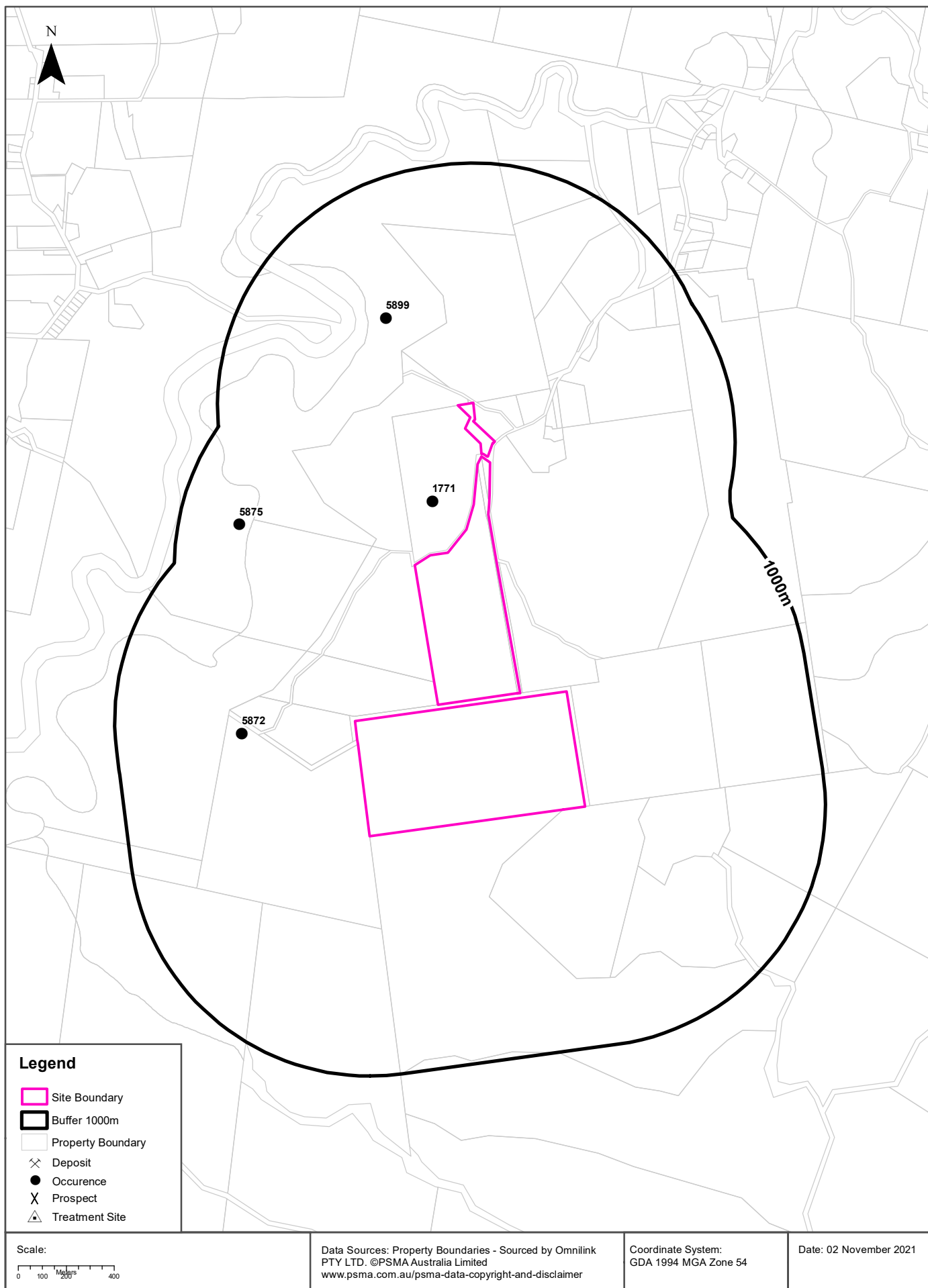
206 Prairie Road, Cudlee Creek, SA 5232



Historical Map 1883

206 Prairie Road, Cudlee Creek, SA 5232





Mining

206 Prairie Road, Cudlee Creek, SA 5232

Mines and Mineral Deposits

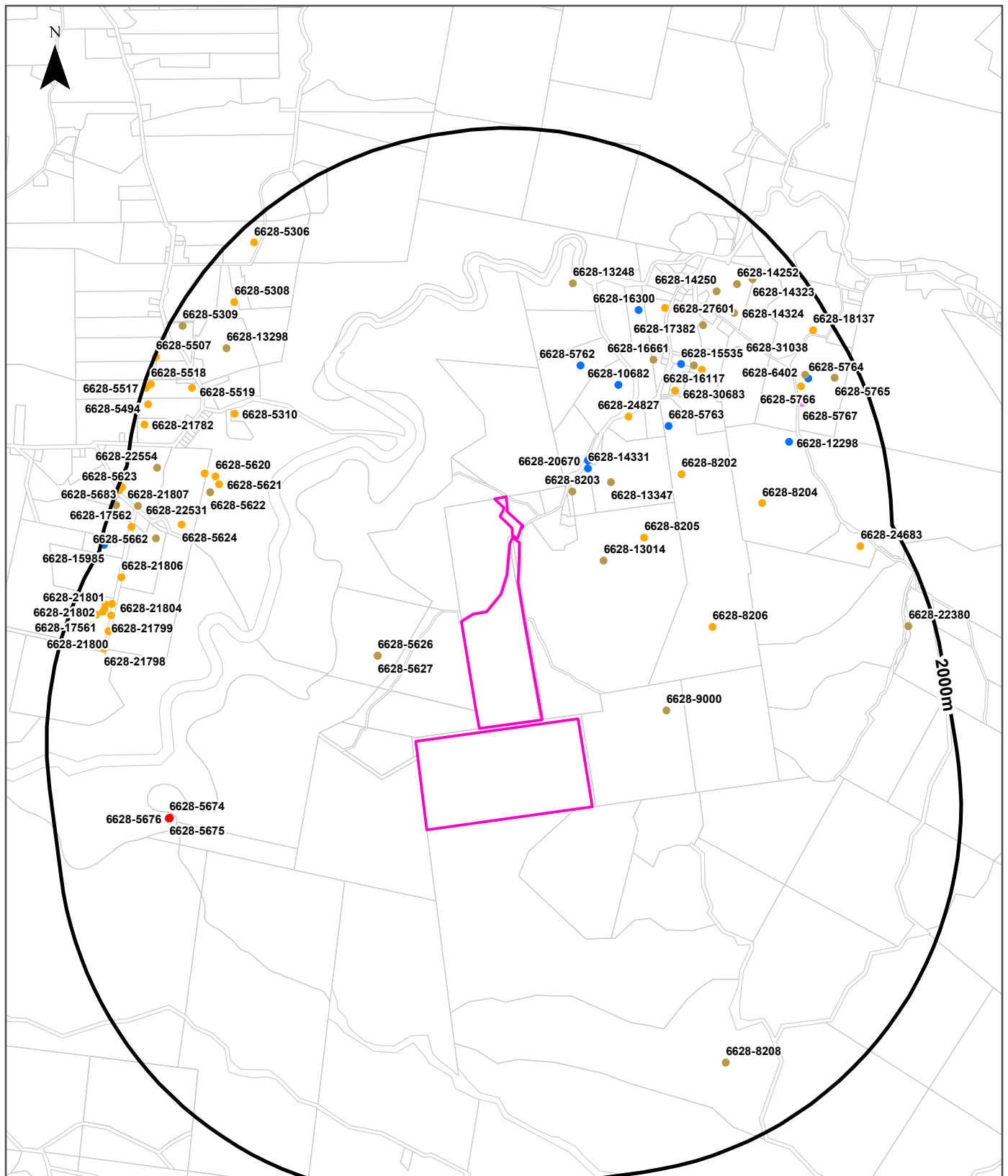
Mines and mineral deposits within the dataset buffer:

Deposit No.	Name	Class	Status	Commodity	Year	Description	Dist	Dir
1771	PRAIRIE	OCCURRENCE	Abandoned	Barite	1940	mine located adjacent to Kitchener Fault, which separated Barossa Complex metamorphics from Adelaidean clastic metasediment to the east. Recorded production from 1940-69 was 514 tonnes of ore.	168m	North
5899	PRAIRIES	OCCURRENCE	Abandoned	Gold	1926	quartz reef in host schist/micaceous hematite rock of the Barossa Complex. A parcel of 4.8 tonnes of ore yielded 115gm gold at 24g/tAu.	471m	North
5872	MUKURTA	OCCURRENCE	Abandoned	Copper	1844	mine developed from 1844-46 on a quartz-iron oxide-copper carbonate mineralised vein in host clayey slate of the Woolshed Flat Shale. No production figures were recorded.	474m	West
5875	NEW BRIDGE	OCCURRENCE	Abandoned	Gold	1920	siliceous, gossanous rock in host metasediment of the Barossa Complex. It was located on the slopes above the Torrens River. Only poor returns were obtained with 6.2 tonnes yielding 29.9gm gold at 4.8g/tAu.	749m	North West

All Mines and Mineral Deposits Data Source: Dept. of State Development, Resources and Energy - South Australia
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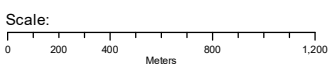
Drillholes

206 Prairie Road, Cudlee Creek, SA 5232



Legend

- Site Boundary
- Buffer 2000m
- Property Boundary
- Domestic
- Drainage
- Investigation
- Irrigation
- Monitoring
- Observation
- Other



Data Sources: Property Boundaries - Sourced by Omnilink PTY LTD. ©PSMA Australia Limited
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Coordinate System:
 GDA 1994 MGA Zone 54

Date: 02 November 2021