

COUNCIL ASSESSMENT PANEL MEETING
10 June 2020
AGENDA – ITEM 9.4

Applicant: Derek Grove	Landowner: D A Grove
Agent: N/A	Originating Officer: Sarah Davenport
Development Application:	20/37/473 20/D044/473
Application Description: Land Division (1 into 2) (non-complying) (SCAP relevant authority)	
Subject Land: Lot:2 Sec: P5028 DP:15312 CT:5317/735	General Location: 15 Tiers Road, Woodside Attachment – Locality Plan
Development Plan Consolidated : 8 August 2019 Map AdHi/18 & AdHi/57	Zone/Policy Area: Watershed (Primary Production) Zone & Woodside (Rural Surrounds) Policy Area
Form of Development: Non-Complying	Site Area: 2.84ha
Public Notice Category: 3	Representations Received: SCAP yet to determine to proceed with assessment Representations to be Heard: As above

1. EXECUTIVE SUMMARY

The purpose of this land division is to create one additional allotment.

The subject land is located within the Watershed (Primary Production) Zone and the Woodside (Rural Surrounds) Policy Area, and is a non-complying form of development. The land also falls within the Environmental Food Production Area, where land division is discouraged. The State Commission Assessment Panel (SCAP) is the relevant authority in accordance with clause 7 (b) of Schedule 10 of the Development Regulations (2008), as the land division seeks to create an additional allotment outside a designated township and two (2) habitable detached dwellings exist on the subject allotment. SCAP has not yet determined whether they wish to proceed with the assessment of this non-complying application and are awaiting Council's comments before doing so.

As per the CAP delegations, the CAP is the relevant authority to make comment to SCAP in this instance, as the proposal is for a non-complying land division.

The main issues relating to the proposal is that it involves creation of an additional allotment in a zone where the policy only envisages minor readjustment of boundaries for specific purposes. In addition, the subject land is flood prone as delineated on Figure AdHiFPA/17 and the proposed dividing boundary will potentially interfere with riparian land and native vegetation.

In consideration of all the information presented, and following an assessment against the relevant zone, policy area and Council Wide provisions within the Development Plan, staff are

of the view the proposal is seriously at variance with the Development Plan and recommend that the Council Assessment Panel **DO NOT SUPPORT** this application and advise the SCAP accordingly.

2. DESCRIPTION OF THE PROPOSAL

The proposal is for a land division to create 1 additional allotment, as described in more detail below :

- Existing Allotment 2 measures in the order of 2.84ha and is proposed to be divided into two allotments, to create allotment 21 with an area of 1.417 ha and allotment 22 with an area of 1.42 ha

Existing Allotments

Allotment	Area (ha)	Currently containing
2 (existing)	2.84 hectares	Detached dwelling and associated outbuildings (Destroyed by Cudlee Creek Bushfire)

Proposed Allotments

Allotment	Area (ha)	Containing
21	1.417 hectares	Proposed Horticultural land use (market garden)
22	1.42 hectares	Dwelling and Outbuilding (to be rebuilt)

The plan of division includes:

- An aerial image of the subject land, overlayed by existing boundaries, the proposed dividing boundary, flood hazard areas, land contours and easements.

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

3. BACKGROUND AND HISTORY

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
30 March 2020	473/289/2020	Replacement domestic outbuilding
10 November 2008	473/111/2006	Two Storey Detached Dwelling and Carport
8 August 1997	473/121/97	Carport
21 November 1995	563/236/1995	Farm Building
22 August 1982	4-338	Dwelling

It is worth noting that the subject land was affected by the Cudlee Creek Bushfire in December 2019.

4. REFERRAL RESPONSES

- CFS

- The proposed land division is on a site that is located within an area that is categorized as a HIGH Bushfire Protection Area in the Council's Development Plan.
- SA CFS notes that the proposed land division at 15 Tiers Rd, Woodside does not create any additional allotments intended for residential use. Therefore, SA CFS has no objection to the proposed land division.
- The above responses are included as **Attachment – Referral Responses**.

5. CONSULTATION

The application has been categorised as a Category 3 form of development pursuant to Regulation 33(1)(c) of the *Development Regulations 2008*. As SCAP have not yet made a decision as to whether to proceed with assessment of the development application public notification has not yet been undertaken.

6. PLANNING & TECHNICAL CONSIDERATIONS

Environmental Food Production Area

The subject land is located within the Environmental Food Production Area (EFPA) as defined by General Registry Office Map G17/2015. As of 1 April 2019, Section 7 (5)(d) of the Planning, Development and Infrastructure Act 2016 prohibited the granting of consent to land division applications for the purposes of residential development. Although the proposal does not indicate that the development is for the purposes of residential development, the statement of support mentions that the land owner intends to sell the residential block (proposed allotment 22) and retain lot 21 in his ownership to establish a market garden. In the absence of any agronomist report and development application for such a use and such a use being established if approval was granted, the establishment of such is considered quite theoretical. The proposal currently contains insufficient information to demonstrate that the divided allotment can and will only be used for primary/food production purposes and the overall productivity of such a use on a small parcel of land. In addition, there is no significant evidence to demonstrate that food production will be more viable on this land if it was to be divided as opposed to be being leased or farmed as is. The physical barrier of the Onkaparinga River is noted, but if only the eastern portion of the land is to be farmed, establishing shedding on this portion of the land would largely resolve these access issues. Staff are also concerned that many properties through the Council area have similar constraints. It is noted that Section 7 (5)(e) details that a relevant authority must impose a condition that the additional allotment created will not be used for residential development. Staff suggest it would need to be more robust than just a condition and that a Land Management Agreement would need to be entered into.

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

- i. The Site's Physical Characteristics

The subject land measures approximately 2.84ha and is a slightly irregular shaped allotment. Whilst the land has disrupted frontage to Tiers Road the land is accessed via a right of way over 25 Tiers Road. The land is relatively flat in nature, falling from the west down to the east and towards the river. The land is geographically fragmented by

the Onkaparinga River and is identified to be at risk of inundation in a 1 in 100 and 1 in 20 flood event. Native vegetation exists along and in close proximity to the riverbank.

ii. The Surrounding Area

The subject land is located on the interface with the township of Woodside and specifically the Town Centre Zone, and is therefore surrounded by a mixture of land uses. The land surrounds 13 Tiers Road which historically was used as a Council depot. Land directly to the south and west is being used for low scale primary production purposes (livestock grazing and hay), land to the north is being used for grazing and community recreation (bike track). The eastern boundary of the subject land abuts the Amy Gillett bike path, buffering the subject land from the commercial uses on the western side of Onkaparinga Valley Road. There are some examples of residential use on the south-eastern side of Onkaparinga Valley Road, which are historical and were evident on the 1949 aerial imagery in Council's mapping system.

iii. Development Plan Policy considerations

a) *Policy Area/Zone Provisions*

The subject land lies within the Woodside (Rural Surrounds) Policy Area in the Watershed (Primary Production) Zone and these provisions seek:

Woodside (Rural Surrounds) Policy Area:

- The retention of the Policy Area mainly for farming or open space.
- Enhancement of the landscape quality and amenity of the Country Township of Woodside by additional tree planting.
- The exclusion of buildings which may intrude on the skyline of the prominent but sparsely vegetated valley face to the west of the Onkaparinga River.
- The exclusion of non-compatible uses.

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

Objectives: 1

PDCs: 2

Objective 1 calls for the retention of the Policy Area for farming purposes and open space. Whilst the statement of support submitted as part of the application mentions future use of the land for horticulture (market garden), the viability of the existing allotment size for farming purposes is questionable. Further constraining the land is the existing native vegetation, flood plain area, easements and requirement for headland areas and buffers from boundaries, watercourses and sensitive uses in the locality. These constraints will effectively reduce an already undersized allotment, limiting any potential for a viable food production use.

PDC 2 is explicit in prohibiting the creation of additional allotments unless for the exact purpose of realigning or, consolidating existing allotments. The proposal is clearly at variance with PDC 2.

The subject land lies within the Watershed (Primary Production) Zone and Woodside (Rural Surrounds) Policy Area and these provisions seek:

- i. The enhancement of the Mount Lofty Ranges Watershed as a source of high quality water
- ii. Maintenance and enhancement of natural resources of the South Mt Lofty Ranges
- iii. Long-term sustainability of rural production
- iv. The enhancement of the amenity and landscape of the south Mt Lofty Ranges for the enjoyment of residents and visitors

The following are considered to be the relevant Zone provisions:

Objectives: 2, 3 & 4,

PDCs: 18, 19, 20, 21, 31, 33 & 34

Accordance with Zone

The Watershed (Primary Production) Zone (W(PP)) focuses on development which will enhance water quality, primary production and conservation in the Mount Lofty ranges. Though zoned W(PP), the existing allotment is a 'rural living' style property, constrained by the Onkaparinga Valley River and consequentially is flood prone. The land is not serviced by Council's Community Wastewater Management System (CWMS) or SA Water, with the destroyed dwelling previously managing wastewater via an on-site aerobic system. Should SCAP resolve to proceed with assessment, the EPA will be required to assess likely water quality and environmental impacts of the land division.

The proposal intends to create an additional allotment under the premise that the land is geographically separated in its current form. PDC 18 mandates that land division should only be undertaken where a dwelling could satisfy the provisions of Table AdHi/5. There is relatively level land more than 50 metres from the Onkaparinga River, outside the flood plain and 50 metres from bores (the last not being a Table AdHi/5 criteria). Whilst compliance with Table AdHi/5 could be demonstrated, particularly if a CWMS extension was constructed, this additional allotment must only be used for primary production purposes under the EFPA criteria. This would be a valid consideration for associated agricultural industry and other value adding uses if they require wastewater management. If on-site wastewater management was the preferred option, this would reduce the land area available for food production even further.

Whilst there has been no report presented with this application which investigates or demonstrates the viability of the land for primary production purposes, it is considered that the current potential for the land to be used for primary production purposes is limited. In accordance with Council's Buffers Policy (28 November 2017 revision), the establishment of a horticultural operation would require the implementation of buffers between the Onkaparinga River and also for protection of vegetation which exists along the riverbank and the adjoining township. It is worth noting that the land directly interfaces with the Township Zone, where horticulture is non-complying.

In accordance with PDC 19 and PDC 21 the proposed division is unlikely to result in a loss of any primary production land as the primary production value of the existing allotment is questionable. As mentioned above, it is also questionable how

dividing or fragmenting the subject land with already limited production capability will increase the primary production value or viability of the land.

In alignment with the Policy Area provisions, Zone PDCs 20, 33 and 34 explicitly discourage the division of land unless in the form of boundary realignment on the proviso that boundaries will not be in close proximity to native vegetation. The essential nature of the proposal, to create an additional allotment is at variance with these provisions.

Although the proposal does not conflict with provisions relating to protection of land for primary production, both the zone and policy area provisions are clear in discouraging the creation of additional allotments in the zone. If SCAP elect to progress the application, more detail should be provided around the potential impacts on water quality and how the new allotment will be used for horticulture.

b) Council Wide provisions

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

- i. Development to be undertaken on land that is suitable for the intended purpose, whilst also having regard for the zoning of the land,
- ii. Protection of productive primary production land from conversion to non-productive or incompatible uses,
- iii. Retention of rural area for the maintenance of the natural character and rural beauty of these area, and
- iv. Protection of the Mount Lofty Ranges Watershed from pollution.

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

Animal Keeping and Rural Development

Objectives: 1, 2 & 3

PDCs: 1 & 4

Objectives 1, 2 and 3 are concerned with the continuance of primary production in rural areas. The application is not at variance with the rural development objectives. However, PDC 1 calls for the retention of rural land in relation to native vegetation conservation. The proposed division aims to create a new boundary running between the centreline of the Onkaparinga Valley River which is lined with remnant vegetation, fragmenting the native vegetation. The vegetation and river should be contained on the one allotment to ensure its management is not delegated to multiple parties.

PDC 4 mandates that horticulture and other primary production activities should only be undertaken in association with appropriate site management measures, such as buffers, waste management, watercourse protection and vegetation management. In the absence of an detailed concept and agronomist report and a development approval for the proposed horticulture use, it cannot be determined whether all the necessary protection measures for natural resources and adjacent sensitive uses can be implemented in conjunction with a future primary production use. Based on the size of the land, it is unlikely that the land can be used for the proposed purpose without causing interface issues and undermining the natural resources on site.

Hazards

Objectives: 1 & 2

PDCs: 1, 3, 13, 14 & 22

The subject land is located within a High bushfire risk area pursuant to AdHi(BPA)/6 and is within a designated floodplain as shown on AdHiFPA/7.

Objectives 1 and 2 and PDC 1 designate that development should not be undertaken on land susceptible to natural hazard risk. The application proposes to create an additional allotment within both a flood plain and high bushfire risk area, essentially intensifying use of the land. Whilst the development does not incorporate built form or change in land use, intensifying the land use in high risk areas and at the edge of the township is something that would need to be carefully considered in a land use application.

PDC 3 discourages development on land susceptible to inundation unless it can be demonstrated that the proposal connects to a public stormwater system, buildings are constructed to inhibit the entry of flood waters and it will not result in the pollution of watercourses. The proposed division does not incorporate any land use or built form component so compliance with these requirements cannot be substantiated. The dwelling previously managed stormwater on site due to the distance from Tiers Road. The closest Council stormwater pipe is located on the opposite side of Tiers Road.

In alignment with PDCs 13 and 14, the CFS has indicated that they have no objection to the proposal based on the indication that the newly created allotment will not be for residential purposes. The land is of a suitable size that can accommodate on site manoeuvring and water tanks for fire-fighting purposes.

Unlike neighbouring allotments to the east, the land is not highlighted to be known for site contamination, nor does aerial imagery suggest the land has been used for potentially contaminating purposes.

Interface Between Land Uses

Objective: 1, 2 & 3

PDCs: 1 & 13

The subject land directly interfaces with the Township of Woodside and specifically the Town Centre Zone, with historical sensitive land uses (residential properties) to the south-east of the subject land. The subject land is some 26-31 metres from the rear boundaries of these allotments. Objectives 1, 2 and 3 call for development which does not conflict with existing adjoining land uses and does not disrupt amenity. The proposal indicates that the newly created allotment 21 is intended to be used for horticultural purposes, a non-complying use in the Town Centre Zone. Furthermore, as no change in land use has been submitted as part of this development, the overall impact and scale of the land use cannot be appropriately assessed. PDC 1 calls for development which will not cause off site amenity impacts with regard to spray drift, traffic or hours of operation, while PDC 13 specifically opposes the establishment of horticultural operations adjacent Townships. The proposed development does not satisfy the interface provisions by virtue of proximity to the township and residential uses. In the absence of a land use application and assessment of this, the proposal cannot quantify that a horticultural operation on the site would not detrimentally impact adjoining properties.

Land Division

Objectives: 2 & 5

PDCs: 1, 2,5, 7, 11(d), 14, 21, 22, 23

Objectives 2 and 5 envisage that the division of land will create allotments which are appropriate for their intended use but discourage land division in rural areas. The proposed division has not demonstrated that it will create an allotment suitable for primary production activity due to the number of overlays, and the existing nature of the allotment. PDCs 21 and 22 specifically address rural land division and retaining primary production land. The subject land in its current form is not a primary production style allotment, meaning the division is unlikely to prejudice primary production in the locality.

PDC 1 designates that land should only be divided where it can be appropriately serviced and can manage stormwater in a safe and environmentally sensitive manner.

The subject land is prone to inundation and currently manages waste water on site. There is no formalised access to proposed allotment 21 and no details have been provided to demonstrate that stormwater can be appropriately managed on site.

Both PDCs 2 and 7 discourage the division of land where the resulting allotment cannot be used for its intended purpose. As previously mentioned in this report, the necessity for buffering, the existing native vegetation and flood hazard all limit the suitability of proposed allotment 21 for market gardening purposes.

PDCs 5 and 11(d) envisage that land division will not undermine or conflict with native vegetation. The subject land contains vegetation along the river bed, which

would be separated as part of the division. Though there is no mention around tree removal in the proposal, the division of the allotments is not considered to align with these two PDCs.

PDC 23 prohibits land division which poses a risk to water resources. As the land is not connected to mains sewer or CWMS and is subject to inundation the further division of the land and intensifying the use of the site is deemed at variance with this PDC.

Natural Resources

Objectives: 1, 2, 6 & 8

PDCs: 24, 36, 37 & 38

The subject land contains a portion of the Onkaparinga River and native vegetation, which must be protected and enhanced pursuant to Objectives 1, 2, 6 and 8.

Whilst, the land division does not indicate that vegetation will require removal in alignment with PDC 37, the fragmentation of the river and separating ownership of the vegetation presents a potential risk for degradation through inconsistent land management by different landowners. PDCs 24, 36 and 38 call for the maintenance of watercourses and vegetation in their natural state.

As previously discussed in this report, the future change in use may pose a threat to the river and vegetation on site if appropriate buffers and land management mechanisms are not implemented. Based on the already limited size of the land it is unlikely that a primary production operation can be established without impacting on the existing natural resources on site and the proposal is considered to be at variance with these provisions.

7. SUMMARY & CONCLUSION

The purpose of this land division is to create one additional allotment in the Watershed (Primary Production) Zone and EFPA, and the proposal is a non-complying form of development. The State Commission Assessment Panel (SCAP) is the relevant authority and Council have been asked to provide comment on the proposal before a determination is made by SCAP as to whether or not to resolve to proceed to an assessment.

Whilst the application will not result in a loss or fragmentation of primary production land (currently a rural living lot), the proposal is considered to be seriously at variance with the overall intent of the zone and policy area, which deliberately speak against the creation of additional allotments in the Watershed (Primary Production) Zone. The subject land falls within the EFPA, where the creation of additional allotments for residential purposes is forbidden. Due to the unlikelihood of the remaining allotment (Allotment 21) being able to be used for primary production/horticultural purposes, the land division is not considered to satisfy the EFPA exemption and will fragment an already undersized and constrained allotment. The land is not connected to SA Water sewer or CWMS and in its current form is reliant on on-site waste water management. No details have been provided to prove the development will improve or enhance water quality. The Onkaparinga River, native vegetation and flood plain further constrain development potential on the property.

Staff therefore consider that the proposal is seriously at variance with the relevant provisions and policies in the Development Plan and recommend that the Council Assessment Panel **DOES NOT SUPPORT** this application and advise the SCAP accordingly.

8. RECOMMENDATION

That the Council Assessment Panel considers that the proposal is seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and advise the State Commission Assessment Panel that it DOES NOT SUPPORT the proposed land division in Development Application 20/37/473 (20/D044/473) by Derek Grove for Land Division (1 into 2) (non-complying) (SCAP relevant authority) for the following reasons:

- **The proposal is inconsistent with Woodside (Rural Surrounds) Policy Area PDC 2 as it will create an additional allotment.**
- **The proposal is inconsistent with Watershed (Primary Production) Zone PDC 20 as it is for the purposes of creating an additional allotment and is not for the purposes of a minor readjustment of boundaries to correct anomalies nor is it to improve the management of land for the purposes of primary production and/or the conservation of its natural features.**
- **The existing allotment is not considered to be of a suitable size for primary production and no evidence has been provided to suggest that reducing its size further will increase its suitability for primary/food production purposes.**
- **The proposal seeks to justify the create of an additional allotment in order to establish a hypothetical primary/food production use when it is questionable whether it is a suitable site based on the size of the proposed allotment, its natural features and site constraints and that it abuts the Township of Woodside, directly at odds Council-wide Interface Between Land Uses PDC 13(a).**
- **The proposal will create an additional allotment within the flood plain area, contrary to Council-wide Hazards PDC 1.**
- **The land division will not improve or enhance water quality as the land is not connected to Council's CWMS and is therefore contrary to Watershed (Primary Production) Zone Objective 2.**
- **Existing natural resources on site are unlikely to be able to be suitably protected by buffers and land management strategies due to the limited size of the proposed allotments.**

9. ATTACHMENTS

Locality Plan
Proposal Plans
Application Information
Referral Responses

Council Assessment Panel Meeting – 10 June 2020
Derek Grove
20/37/473

11

Respectfully submitted

Concurrence

Sarah Davenport
Statutory Planner

Deryn Atkinson
Manager Development Services



15 Tiers Road Woodside
5244



Annotations

Subject Land

Planners Summary

Planning Summary

Flood Study Data

- TorrensFloodZones_20Yr
- TorrensFloodZones_100Yr
- OnkaFloodPlain10Yr
- FloodPlain100Year

Stormwater Updated

- StormwaterPipesQAd
- PRIVATE_DrivewayPits
- PRIVATE_DrivewayPipes
- DPTI_Pits
- DPTI_Pipes

CWMS

- Valves
- PumpStations
- Manholes
- FlushingPoints
- RisingMains
- GravityMains
- Connectors

Zones_Policy & Landuse

- Zones
- Policy

LMAs & Heritage

- LMA LSG Sourced
- LMA AHC Sourced

HeritageITEMs

- Local
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- Water

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2020

Notations:

Aerial image is dated January 2019.

All data is approximate and subject to survey.

Allotment 21 is for Primary Production purposes and is currently vacant land.

Allotments 21 marked A is subject to Easements.

Allotments 21 & 22 marked P are together with a Right of Way over the land marked C.

Allotments 21 & 22 marked S are together with a Right of Way over the land marked B.

Contour data is derived from SA Property & Planning Atlas. Datum: AHD. Interval 2m.

Existing buildings on allotment 22 are to remain.

Flood hazard areas are shown as per "Flood Prone Area Figure 7" from the Adelaide Hills Council development plan as of 08/08/2019.

■ - High flood hazard

■ - Extreme flood hazard

The new boundary is the centre line of the Onkaparinga River plotted from SA Property & Planning Atlas.

Total area: 2.837ha.

1 additional allotment.

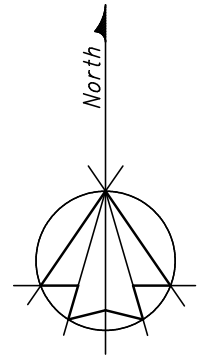
LAND DIVISION PROPOSAL PLAN

in the area named

WOODSIDE

CT Volume 5317 Folio 735 - Allotment 2 in D15312

DA 473/D /
Adelaide Hills Council



Andrew Davidson

PROPERTY
DEVELOPMENT
CONSULTANTS

PO Box 654
Glenside SA 5065

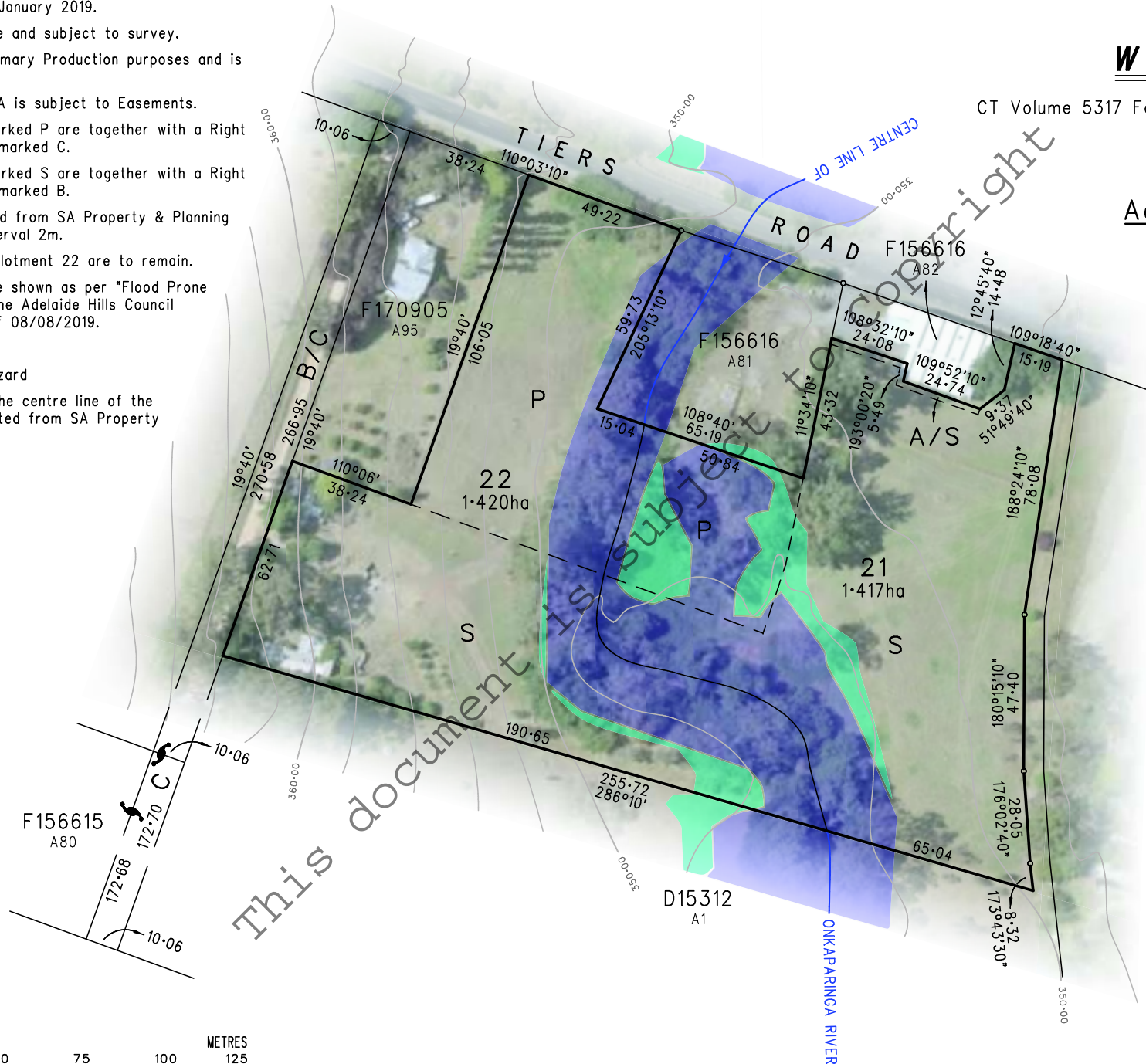
T 08 8390 0099
F 08 8390 0066




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ACN 007 904 396

DATE: 19 November 2019

OUR REF: 3650-PT101.v1



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Application Detail

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General

Unique Id : 66816
 Development No : 473/D044/19
 Application Type : Conventional Land Division
 Application Extent : Provisional Development Plan Consent with Land Division Consent
 Land Use/Building Consent : No
 Council Name : Adelaide Hills Council
 Agents Reference : 3650-PT101
 Short Reference : Grove 15 TierWoodsid
 Submitting Agents Name : Andrew Davidson Pty Ltd.
 Submitted By : Andrew Davidson, Andrew Davidson Pty Ltd.
 Application Status : Lodged & Distributed (No Decision)

Application Type Details : Conventional Land Division

Total Area of Land to be Divided : 2.837 hectares
 Reserve Area : 0 square metres
 Number of existing allotments : 1
 Number of proposed allotments (excluding road 2 and reserve) :
 Number of additional allotments : 1

Applicant Details

Salutation	Name	Organisation Name	Address
Mr	Derek Grove		15 Tiers Road Woodside 5244 South Australia AUSTRALIA

Owner Details

Salutation	Name	Organisation Name	Address
Mr	Derek Grove		15 Tiers Road Woodside 5244 South Australia AUSTRALIA

Contact Details

Salutation	Name	Address	Telephone	Fax	Email
Mr	Andrew Davidson	PO Box 654 GLENSIDE SA 5065 AUSTRALIA	Telephone 1 : 8390 0099 Telephone 2 : Mobile :	Fax 1 : 8390 0066 Fax 2 :	admin@andrewdavidson.com.au

Subject/Property Details

House No. : 15
 Lot No. :
 Street : Tiers Road
 Suburb/Town Woodside
 Hundred: Onkaparinga
 Reference Section: 6628/47/C

Title Reference and Plan Parcel

Title Code	Title Description	Volume	Folio	Plan Code	Plan Description	Plan No.	Parcel No.
CT	Certificate of Title	5317	735	D	Deposited Plan	15312	A2

Other Details

Existing Use : Primary production
 Description of Proposed Development : 1 into 2 Torrens Titles land division
 Does either schedule 21 or 22 of the No
 Development Regulations 1993
 Or schedule 9, item 16 of the PDI Regs 2019
 apply? :
 Notes :
 Additional Information Requests :
 Additional Fees and Payments :
 Lodgement Date : 05 Dec 2019
 Months for Development Approval Request : 12

Categorisation Details

Decision Authority : Council
 Application Classification : Major
 Kind of Development : Non-Complying
 Notification Category : Not Applicable
 Zone : Watershed (Primary Production) - PA/16
 Development Plan Map No : Adhi/ 8, 57
 Allocated Planner : DAC Admin
 Categorisation Comments : Non Complying - Additional Allotments in the Watershed (primary Production Zone)
 Also within the EFPA.
 Categorised By : Geoff Rangai
 Categorisation Date : 07 Jan 2020

Distribution Details[Hide](#)

Referral Agency	Referred to Agent	First Accessed	Referral State	Due Date	Response
Country Fire Service	07 Jan 2020	08 Jan 2020	Current	04 Feb 2020	Show
Development Assessment Commission	07 Jan 2020	07 Jan 2020	Current	03 Mar 2020	Show
SA Water Corporation	07 Jan 2020	07 Jan 2020	Returned on 10 Jan 2020		Show
Decision Authority	Distributed for Decision	First Accessed	Decision State	Decision Issued	Response
Adelaide Hills Council	07 Jan 2020	16 Jan 2020	Current		Show

Decision Details[Hide](#)**There has not yet been a decision submitted for this application****Overturned Decision Details**[Hide](#)**There are no overturned decision details currently available for this application****Clock Stops (State Commission Assessment Panel only)**[Hide](#)**No clock stops have been set****Lodgement Fees**[Hide](#)

Fee Invoice No.	Fee Invoice Date	Invoice Description	Fee Status
62552	05 Dec 2019	New Application Invoice	Fees Paid
Fee Line Type Description			Total Fee (\$)
Lodgement Fee (additional allotment)			225.00
Land Division Fee (additional allotment)			169.00
Land Division Fee (per Additional Allotment)			16.00
Statement of Requirements Fee (additional allotment)			447.00
Certificate of Approval Fee (additional allotments)			373.00
DAC Consultation Report Fee (additional allotments)			224.00
Invoice Total Fee(\$):			1454.00

Certificate of Approval (CoA) Details[Hide](#)

CoA Id	Stage Number	Status	Certificate Plan	Issue Date	Issuing Officer	Date Deposited	Deposited Plan No. (DP)	Detail
60869	001	Awaiting DA Decision						Show

There are no further Certificate of Approval (CoA) details**Certificate of Approval (CoA) Clearance Requirements Details**[Hide](#)

CoA Clearance Requirement Description	CoA Id	Stage No.	Agency Name	Distribution Date	Status	Detail
The financial requirements of SA Water shall be met for the provision of water supply.	60869	001	SA Water Corporation		Not yet Met	Show
Due to the sensitivity of development within the Watershed areas SA Water is unable to assess this application until the Planning Decision Notification (PDN) has been issued regarding this development. Please advise as soon as the PDN has been issued and the Corporations requirements can then be confirmed.	60869	001	SA Water Corporation		Not yet Met	Show
On receipt of the PDN, developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.	60869	001	SA Water Corporation		Not yet Met	Show
On approval of the application, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.	60869	001	SA Water Corporation		Not yet Met	Show

Additional DA Fees[Hide](#)**Additional DA Fees - Paid**

Fee Desc	Fee Issue Date	Payment Date	Total Fee (\$)	Incl. GST	Detail
No Fees have been paid yet					

Additional DA Fees - Outstanding

Fee Desc	Fee Issue Date	Total Fee (\$) Incl. GST
Land Division Non-Complying Admin Fee	07 Jan 2020	137.00
Non-complying Land Division Development Assessment Fee	07 Jan 2020	153.00

Additional CoA Fees

Hide

There are currently no Certificate of Approval (CoA) fees generated for this application

Application Documents

Hide

Document Title	Document Type	Version #	State	File Size (Kb)	Date Uploaded	Notes
3650-PT101	Proposed Plan of Division	1	Uploaded	522.7700000	05 Dec 2019	Show
CT5317_735_AL2D15312	Certificate of Title/Lease	1	Uploaded	77.5600000	05 Dec 2019	Show
Statement of Support	Miscellaneous	1	Uploaded	69.6900000	05 Dec 2019	Show
Existing Residence (lot22) Site Plan	Miscellaneous	1	Uploaded	351.9000000	05 Dec 2019	Show
Intended Land Use (lot 21) Site Plan	Miscellaneous	1	Uploaded	182.8600000	05 Dec 2019	Show
Lodgement Fee Receipt	Miscellaneous	1	Uploaded	29.3500000	05 Dec 2019	Show
Location Plan Enlarged New	Miscellaneous	1	Uploaded	198.5200000	06 Dec 2019	Show
Location Plan New	Miscellaneous	1	Uploaded	346.3900000	06 Dec 2019	Show
No Gov Admin Int New	Miscellaneous	1	Uploaded	32.0500000	06 Dec 2019	Show
SCAP Regulation 29 Letter - EFPA New	Miscellaneous	1	Uploaded	720.4400000	08 Jan 2020	Show

Final Plan Documents for Certificate of Approval (CoA)

Hide

There are no Final Plans for Certificate of Approval (CoA) currently associated with this application

Certified Certificate of Approval (CoA) Plan Documents

Hide

There are no Certified Certificate of Approval (CoA) Plans currently associated with this application

Mode:ApplicationDisplay/Revision:14

DisclaimerTerms and Conditions

Department of Planning, Transport and Infrastructure, Level 5, 50 Flinders St, ADELAIDE South Australia 5000 - P 1800 752 664

Copyright

REAL PROPERTY ACT, 1886



South Australia

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 5317 Folio 735

Parent Title(s) CT 4242/114**Creating Dealing(s)** CONVERTED TITLE**Title Issued** 10/01/1996**Edition** 6**Edition Issued**

06/05/2010

Estate Type

FEE SIMPLE

Registered Proprietor

DEREK ALLEN GROVE
OF 15 TIERS ROAD WOODSIDE SA 5244

Description of Land

ALLOTMENT 2 DEPOSITED PLAN 15312
IN THE AREA NAMED WOODSIDE
HUNDRED OF ONKAPARINGA

Easements

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED A TO THE COUNCIL FOR THE AREA (T 1991213)

TOGETHER WITH FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED B APPURTENANT ONLY TO THE LAND MARKED S

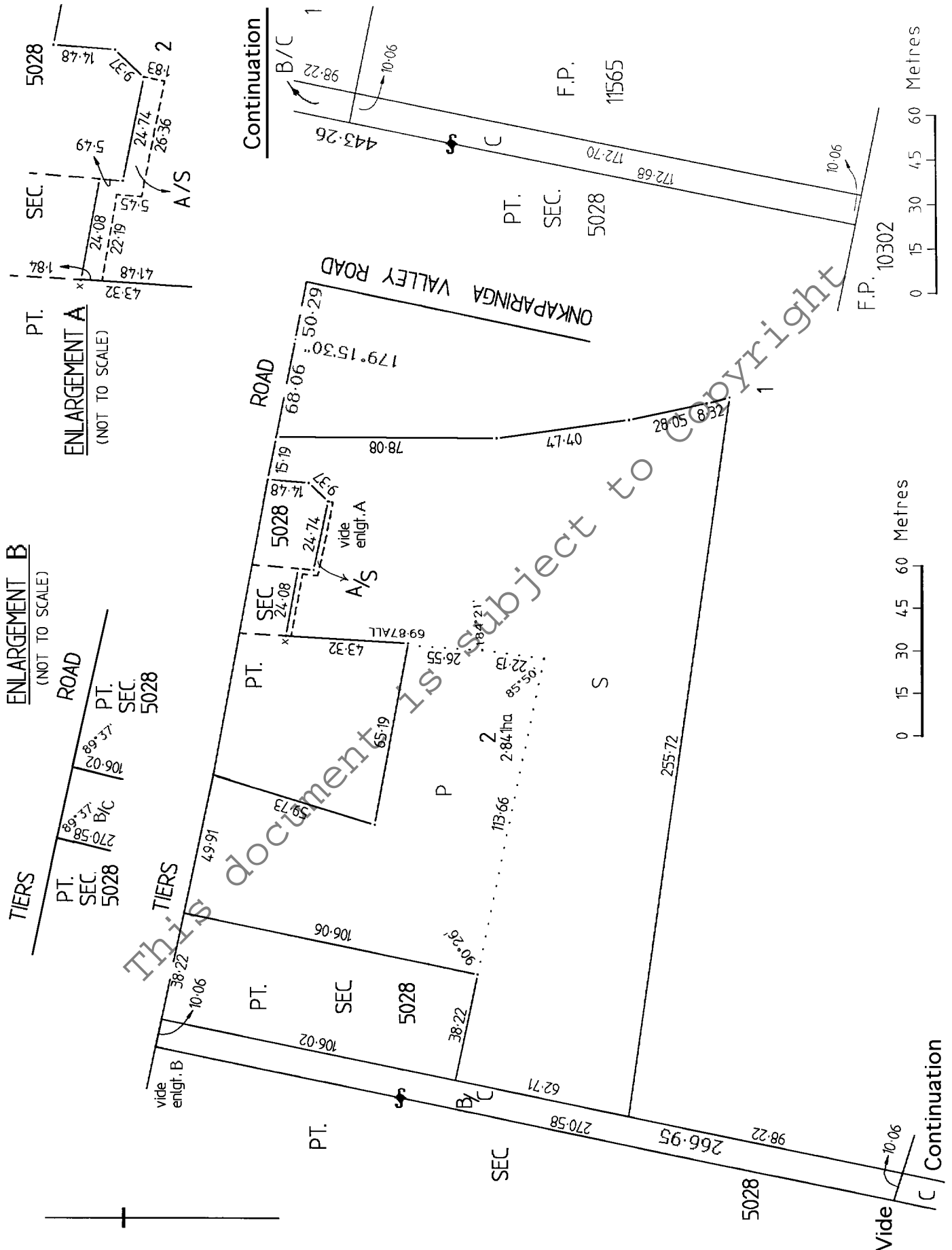
TOGETHER WITH FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED C APPURTENANT ONLY OVER THE LAND MARKED P

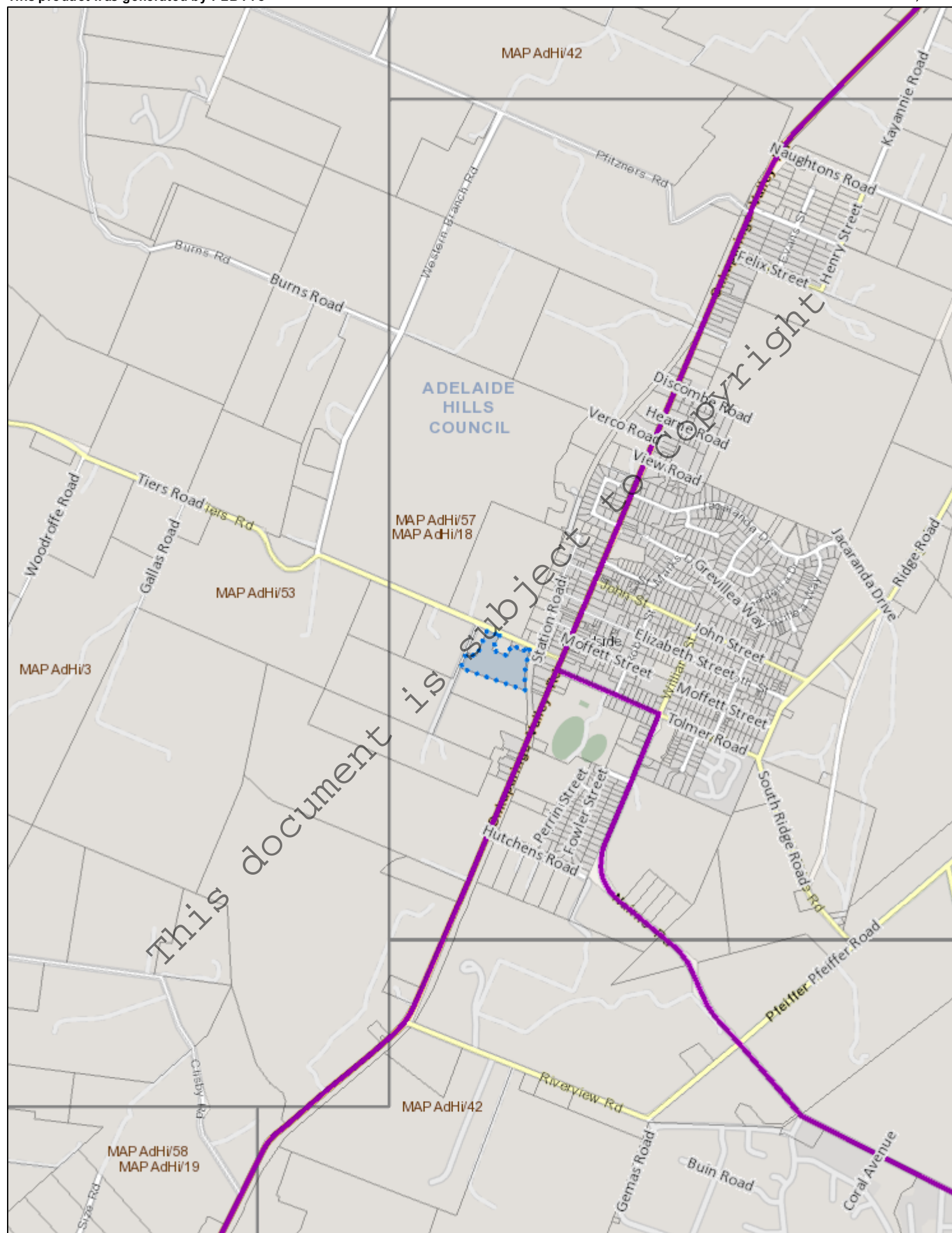
Schedule of Dealings

Dealing Number	Description
8982507	MORTGAGE TO BENDIGO & ADELAIDE BANK LTD.
11383733	MORTGAGE TO BENDIGO & ADELAIDE BANK LTD.
13175219	MORTGAGE TO JUDITH ANN SMITH, ANDREW KEITH SMITH AND MERILYN JOY KIDMAN AS TO THE SHARES SPECIFIED THEREIN

Notations

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





Disclaimer: The information provided above, is not represented to be accurate, current or complete at the time of printing this report. The Government of South Australia accepts no liability for the use of this data, or any reliance placed on it.



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Notations:

Aerial image is dated January 2019.

All data is approximate and subject to survey.

Allotment 21 is for Primary Production purposes and is currently vacant land.

Allotments 21 marked A is subject to Easements.

Allotments 21 & 22 marked P are together with a Right of Way over the land marked C.

Allotments 21 & 22 marked S are together with a Right of Way over the land marked B.

Contour data is derived from SA Property & Planning Atlas. Datum: AHD. Interval 2m.

Existing buildings on allotment 22 are to remain.

Flood hazard areas are shown as per "Flood Prone Area Figure 7" from the Adelaide Hills Council development plan as of 08/08/2019.

■ - High flood hazard

■ - Extreme flood hazard

The new boundary is the centre line of the Onkaparinga River plotted from SA Property & Planning Atlas.

Total area: 2.837ha.

1 additional allotment.

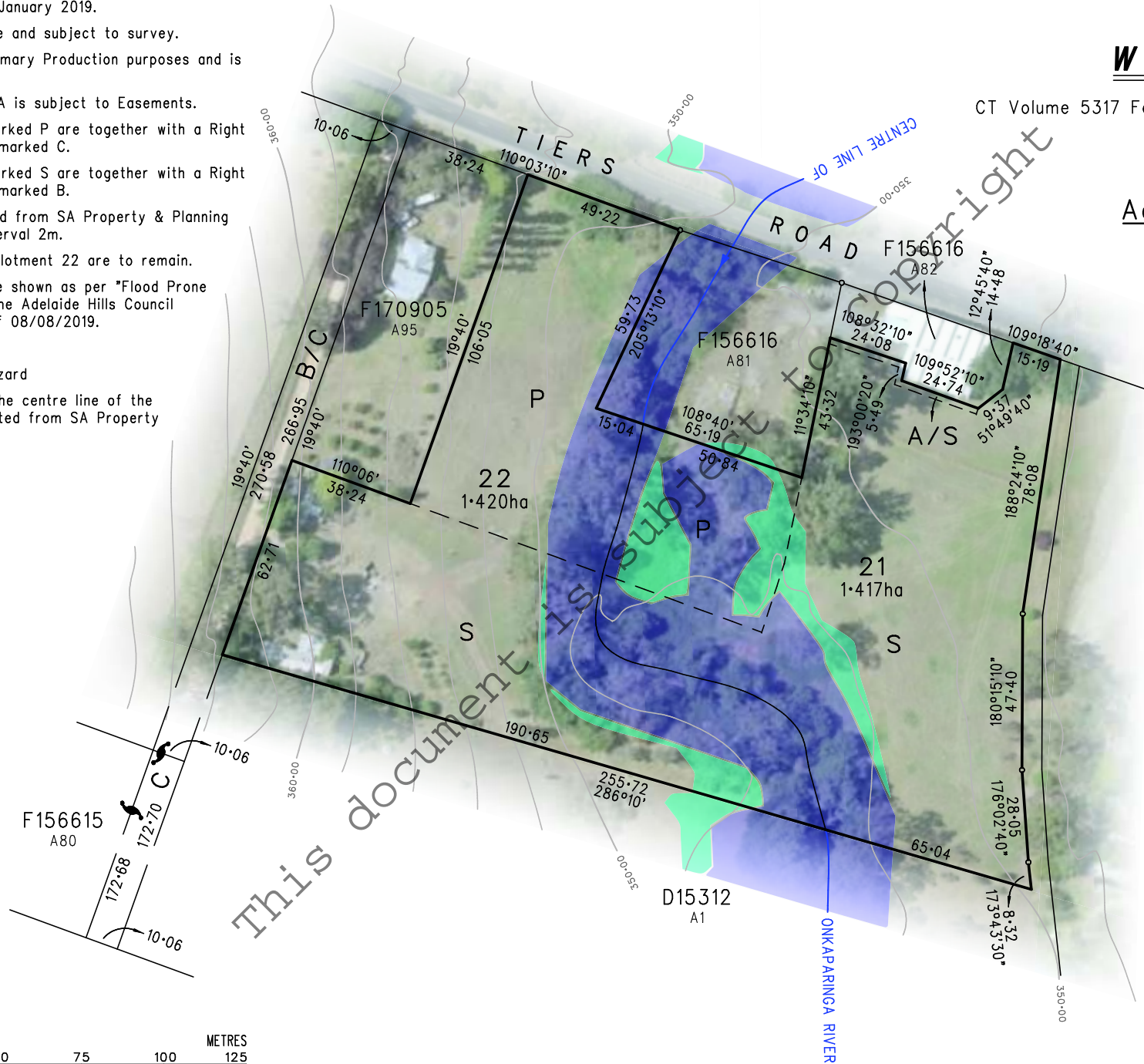
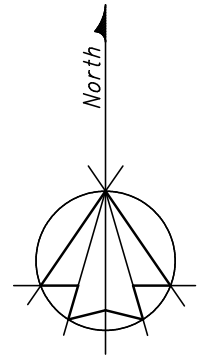
LAND DIVISION PROPOSAL PLAN

in the area named

WOODSIDE

CT Volume 5317 Folio 735 - Allotment 2 in D15312

DA 473/D /
Adelaide Hills Council



Andrew Davidson

PROPERTY
DEVELOPMENT
CONSULTANTS

P.O. Box 654
Glenside SA 5065

T 08 8390 0099
F 08 8390 0066

admin@andrewdavidson.com.au
www.andrewdavidson.com.au

ACN 007 904 396

DATE: 19 November 2019

OUR REF: 3650-PT101.v1

DEREK GROVE
15 Tiers Road
WOODSIDE SA 5244

30 November 2019

The Manager – Planning and Development

Department of Planning, Transport and Infrastructure.
GPO Box 1533
Adelaide SA 5001

RE: EFPA Land Division Proposal - 15 Tiers Road Woodside

I am endeavouring to gain approval under the new EFPA regulations, to diverge the section of my property on the eastern side of the Onkaparinga River, which is approximately half of the 2.8 hectares (7 acres) of the total property i.e. 3.5 acres.

The relevant plans and details are as provided by Property Consultants Andrew Davidson, but I also submit some local, personal and logistical information to assist in this process:

- The eastern section of this property (proposed Lot 21) is completely divergent from the residential western section (Lot 22), due to the Onkaparinga River geographically splitting it into 2 halves.
Both sections have their own separate road entries, with Lot 22 having vehicular access from both Tiers Road and the private (Elm Street) road, and has been utilised for rural living for more than a decade.
The approved site and services plan is included with the required clearances from the river and any bores.

Machinery and Vehicular access to the eastern land (proposed Lot 21) section can only be achieved by the busy main road (Tiers Road), so it has always been treated as 2 separate properties – but legally considered as one. Consequently, any larger machinery has to be registered, and smaller items transferred by trailer.

- Under EFPA regulations, subdivision for residential purposes is now not allowed. However, my partner and I would like to utilise the proposed subdivided land for productive small rural purposes.....namely a boutique, selective vegetable and herb growing for local hills and surrounding eateries, markets and relevant tourism businesses. All production would be 100% organic to cater for this ever growing demand, so no chemicals at all would be used.
- There will be some staple veg and herbs grown, but also some more unique varieties - depending on planned research on individual requirements from the above mentioned establishments.

- Some local labour assistance would be utilised at peak production and preparation times, as well as local contractor's assistance on the property and with deliveries.
- Structures planned for the site would involve shedding with a coolroom for storage of the produce, and packaging. Adjoining this would be a much smaller equipment shed. Access to the site will be from the existing crossover on Tiers Road, and any vehicular parking will be on the land adjacent to this driveway.
- The proposed garden / planting area will be limited to the higher section of the property, well clear of the 100 year potential flood plane areas. There is a disconnected bore hole on site that we plan to re – commission for this business.
- In the near future I wish to sell my residential section of the property west of the river and move into my partner's house, also located nearby in Woodside. This proposed venture would be our 'retirement project' while still physically fit and able, to supplement our super income and provide an activity interest – but also allow us to sell off as a going concern some years down the track when it will no doubt become too demanding.

Regards



Derek Grove

Owner – 15 Tiers Road, Woodside

ELM STREET

62-71

TREATED WATER IRRIGATION AREA

Paddock

TO TIERS ROAD

OLIVIA POWER
TO POLICE

Proposed Residence
15 Tiers Road, Woodside.

Date: October 2006
Drawing No.: 10A

Scale:
1:250

* Sometimes from River

* Sometimes from Lake
Mangles
SMALL LAKES

LAKE BANK

RESIDENCE

EXTENDED DRIVEWAY

EXISTING 6 DRIVEWAY

EXISTING VEG AND HERB GARDEN

EXISTING CARPORT

EXISTING SHED

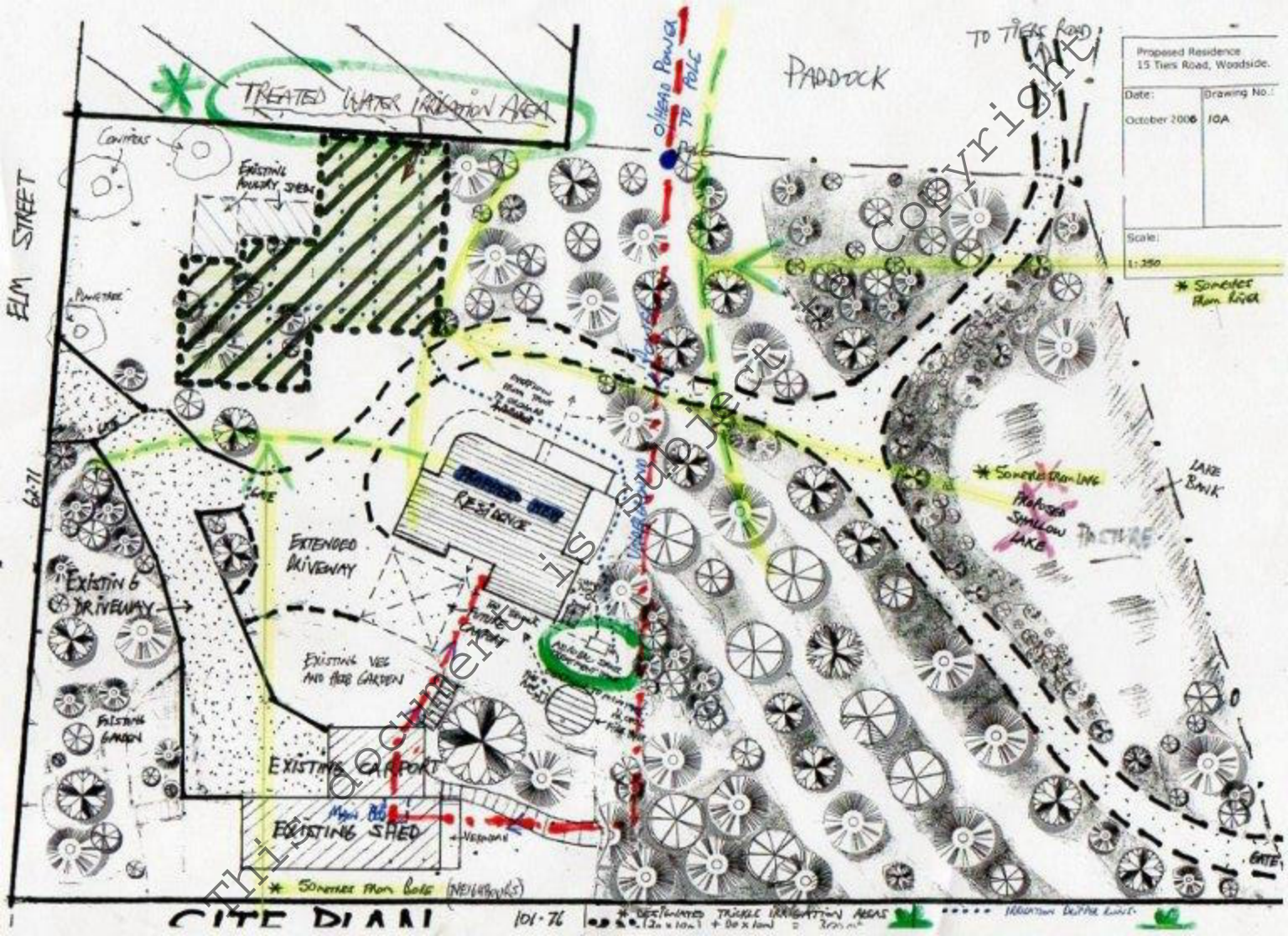
* Sometimes from Lake (NEW 4000LTS)

CITE DIAMI

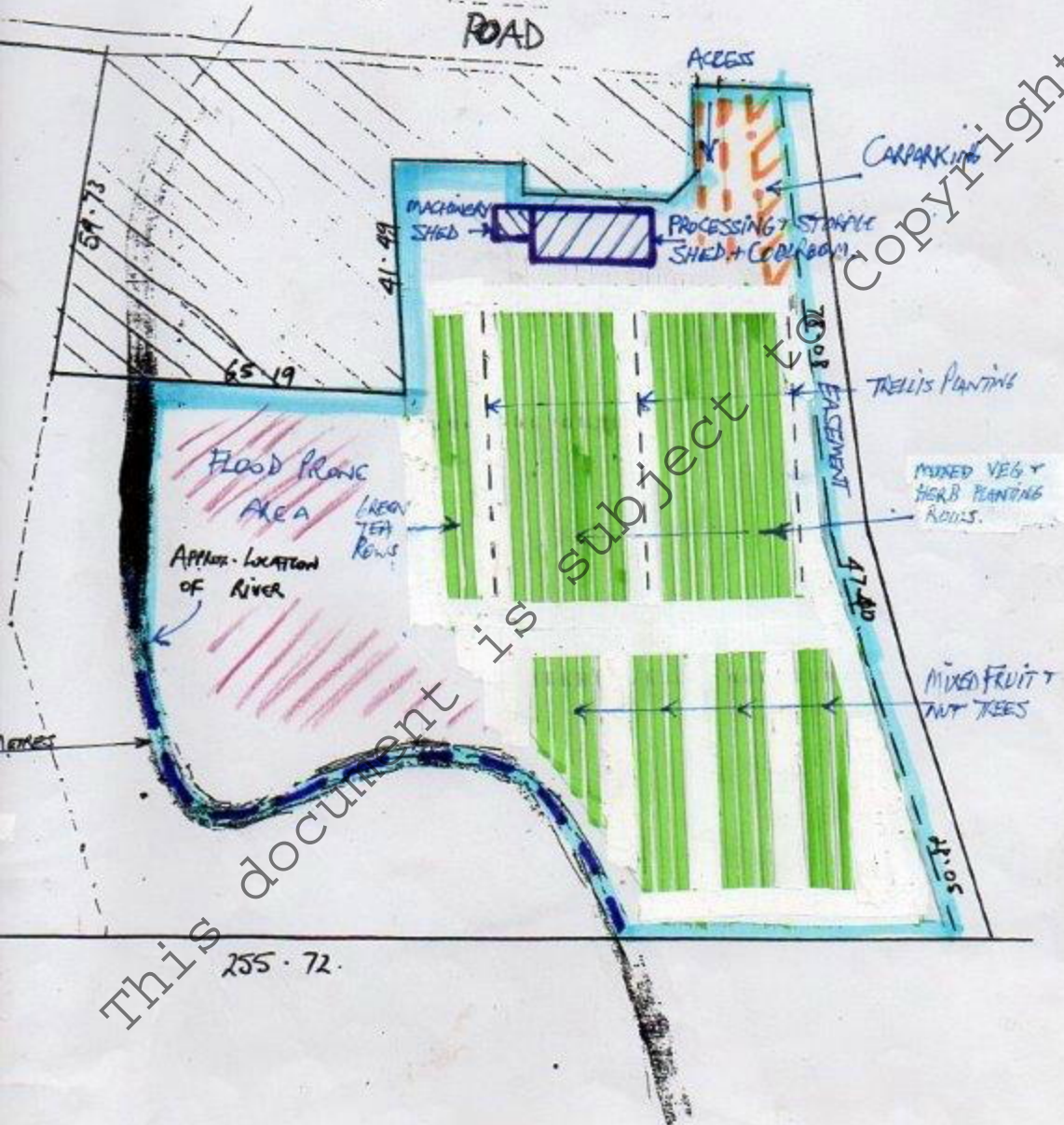
101-76

* DESIGNATED TRUCKLE IRRIGATION AREAS
1.2m x 10m + 50 x 10m = 3000m²

..... IRRIGATION DITCHES



PROPOSED EFPA SUBDIVISION 15 TIERS ROAD, WOODSIDE.



ATION PLAN.

Propose
15 Tiers
Date:
October 2
Scale:

DEVELOPMENT ASSESSMENT SERVICE

Your Ref: 473/D044/19
Our Ref: Adelaide Hills DA
Please refer to: 20200123 – 01cs

23 January 2020

State Commission Assessment Panel
GPO Box 1815
ADELAIDE SA 5001

ATTN: GEOFF RANGAI

Dear Geoff

**RE: DEVELOPMENT APPLICATION (LAND DIVISION) – GROVE
15 TIERS RD, WOODSIDE**

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

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

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

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

SA CFS notes that the proposed land division at 15 Tiers Rd, Woodside does not create any additional allotments intended for residential use. Therefore SA CFS has no objection to the proposed land division.

Yours sincerely,



CAREN SIEGFRIEDT

**BUSHFIRE SAFETY OFFICER
DEVELOPMENT ASSESSMENT SERVICE**