COUNCIL ASSESSMENT PANEL MEETING 12 August 2020 AGENDA – 9.1

Applicant: Reginald Fiora	Landowner: C Fiora
Agent: Jeff Smith- Planning Chambers	Originating Officer: Sam Clements
	Presented by: Melanie Scott
Development Application:	15/1014/473
	15/D44/473
Application Description: Land division: 1 into	2 allotments and Boundary Realignment: 3 into 2
allotments (non-complying) (SCAP decision auth	nority)
Subject Land:	General Location: Lot 45 Gallasch Road,
Lot:45 Sec: P3932 FP:129499 CT:5465/524	83 & 143 Beaumont Road, 34 Ambulance Road,
Lot:101 Sec: P3927 DP:77335 CT:6020/59	19 & 39 Grivell Road, and Lot 1 Onkaparinga
Sec: 505 CT:5666/31	Road, Verdun
Lot:42 Sec: P110 FP:217949 CT:5885/776	
Lot:10 Sec: P110 FP:129464 CT:5809/533	Attachment – Locality Plan
Lot:1 Sec: P107 FP:129455 CT:5274/987	
Lot:4 Sec: P110 FP:129458 CT:5809/663	
Lot:1 Sec: P3926 DP:18164 CT:5701/727	
Development Plan Consolidated : 9 January	Zone/Policy Area: Watershed (Primary
2014	Production) Zone & Onkaparinga Slopes Policy
Map AdHi/3 & 42	Area
Form of Development:	Site Area:
Non-complying	Boundary realignment site- 36.6 Ha
	Additional allotment site- 9.25 Ha
Public Notice Category: Category 3 Non	Representations Received: 5
Complying	
	Representations to be Heard: 4 (heard by SCAP)
Notice published in the Mt Barker Courier 3	
October 2018 by SCAP	

1. EXECUTIVE SUMMARY

The purpose of this application is for two land divisions combined into the one application, namely a boundary realignment (3 into 2 allotments) and a land division to create one additional allotment (1 into 2 allotments) at Verdun. The two elements are separated by four (4) intervening allotments. The proposal is essentially to relinquish the development rights on the existing Allotment 45 Gallasch Road in order to justify the creation of an additional allotment some 1.2km to the south-west on existing Allotment 1 Onkaparinga Road. Hence the reason for combining the boundary realignment and land division proposals within the one application, noting the outcome will still be 3 allotments overall. Both Allotment 45 and Allotment 1 Onkaparinga Road are in the ownership of the Fiora family.

The subject land is located within the Watershed (Primary Production) Zone and the Onkaparinga Slopes Policy Area and the proposal is a non-complying form of development as it results in the creation of an additional allotment. The State Commission Assessment Panel (SCAP) is the relevant authority in accordance with Clause 7 of Schedule 10 of the *Development Regulations* 2008 as the division will create additional allotments within the Mount Lofty Ranges Watershed Area.

The Council Assessment Panel (CAP) reviewed the proposal at its meeting on 14 November 2018 and resolved:

The Council Assessment Panel considers that the proposal is not seriously at variance with the provisions of the Adelaide Hills Council Development Plan, and advises the State Commission Assessment Panel that it SUPPORTS the proposal in Development Application 15/1014/473 (15/D044/473) by Reginald Fiora for Land division: 1 into 2 allotments and Boundary Realignment: 3 into 2 allotments (non-complying) (SCAP decision authority) at Lot 45 Gallasch Road, 83 & 143 Beaumont Road, 34 Ambulance Road, 19 & 39 Grivell Road, and Lot 1 Onkaparinga Road Verdun subject to the CFS recommended requirements relating to vegetation management and the widening of the access to proposed Lots 205 & 206 achieving compliance with the Minister's Code Undertaking development in Bushfire Protection Areas December 2009, and the following condition:

The CAP did not make any previous comment on the boundary realignment creating proposed lots 199 and 200, confining their comments to the division of Allotment 1 Onkaparinga Road into two for the creation of proposed lots 205 and 206.

After a lengthy appeal process on the nature and form of development in both the ERD Court and Supreme Court, the SCAP considered the application on 28 May 2020 and 25 June 2020 and is now seeking the concurrence of Council to grant Development Plan and Land Division Consent to this non-complying proposal. Council staff are recommending that CAP advises the State Commission Assessment Panel (SCAP) that it **CONCURS** with the decision to **GRANT** Development Plan and Land Division Consent.

2. DESCRIPTION OF THE PROPOSAL

The essential nature of the development comprises two (2) discrete elements:

- A. A boundary realignment (3 into 2) with no additional allotments created: affecting Existing Allotment 1 in DP 18164, Allotment 101 in DP 77335, and Allotment 45 in FP 129499, located at the northern end of the allotment string. The existing three allotments will be rearranged in two allotments, proposed Lots 199 and 200, with areas of 30.7ha and 4.46ha respectively.
 - Proposed Lot 200 comprises the consolidation of existing Lot 45 with existing Lot 101 for primary production purposes (and associated residential).
 - Proposed Lot 199 comprises existing Lot 1 with an altered boundary and a reduced land area from 5ha to 4.46ha. Its existing use will continue.

Existing Allotments

Allotment	Area (ha)	Containing	Access	Proposal
101	30.7	House and cattle dairy/livestock grazing	Via Beaumont Road	Boundary realignment
45	0.0946	Vacant	No access- 'land locked'	Boundary realignment
1 (Beaumont Road)	5	House and livestock grazing	Via Beaumont Road	Boundary realignment

Proposed Allotments

Allotment	Area (ha)	Containing	Access	Proposal
200	31.3	House and cattle dairy/livestock grazing	Via Beaumont Road	Boundary realignment
199	4.46	House and livestock grazing	Via Beaumont Road	Boundary realignment

B. A land division (1 into 2) creating one additional allotment: affecting existing Allotment 1 in FP 129455, at the southern end of the allotment string. Allotment 1 will be divided into two allotments, proposed Lots 205 (6.71ha) and 206 (2.54ha). Vehicular access to proposed Lots 205 and 206 is provided via the existing right of way across an adjoining allotment to Onkaparinga Road.

Potential dwelling sites and water disposal sites are identified on the plan of division for proposed Lots 205 and 206 as follows:

- Lot 205: the proposed dwelling site for Lot 205 is located at an existing quarry and is accessible via an unsealed track. A possible water disposal site is located near the proposed boundary of Lots 205 and 206 in a cleared area.
- Lot 205: the proposed dwelling and water disposal site for Lot 206 is located relatively central to the site in a cleared area.

Existing Allotments

Allotment	Area (ha)	Currently containing	Access	Proposal
1 (Onkaparinga Road)	9.25	Vacant, abandoned quarry and bushland	Via a right of way over allotment 6 (30A Onkaparinga Road)	Site for the creation of an additional allotment

The two elements are separated by a series of four (4) intervening allotments; Allotments 4 in FP 129458, Allotment 10 in FP 129464, Allotment 42 in FP 217949, and Section 505 in HP 105600. The intervening allotments are not altered in any way by the Plan of Division (except to be assigned new legal descriptors) and have only been included to allow the two elements to be lodged in one single Plan of Division.

Proposed Allotments

Allotment	Area (ha)	Containing	Access	Proposal
206	2.54	Vacant, bushland	Via a right of way over allotment 6 (30A Onkaparinga Road)	Creation of a vacant allotment
205	6.71	Vacant, abandoned quarry	Via a right of way over allotment 6 (30A Onkaparinga Road)	Creation of an additional allotment

3. BACKGROUND & HISTORY

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
Not yet determined	10/D064/473	Boundary realignment (7 into 7) (non-
		complying)
Lodged 4 August	20/773/473	Existing Lot 1 Onkaparinga Valley Road,
2020		Verdun (at the western end of the land
		wholly within proposed lot 205) -
		Change of use to include horticulture -
		raspberries (2434 sqm)

In 2010 the original land division application 473/D064/10 was lodged that involved these titles. This was lodged as a boundary realignment (7 into 7) and was originally treated as an onmerit development by the Development Assessment Commission (DAC now SCAP) and referred to Council for comment. Council's then Development Assessment Panel (CDAP now CAP) advised DAC that it did not support the proposal. The resolution from the 6 December 2011 CDAP meeting was as follows:

That the Council Development Assessment Panel considers the proposal to be at variance with the relevant provisions of the Adelaide Hills Council Development Plan and does not support the proposal for boundary realignment (DAC Decision) by R M Fiora & M Fiora at 143 Beaumont Road, 34 Ambulance Road, 19 & 39 Grivell Road and Lots 45 Gallasch Road and Lot 1 Onkaparinga Valley Rd, Verdun for the following reasons:

- (1) The Land Division will not improve management of the land for primary production purposes and does not correct a boundary anomaly, which is contrary to Watershed (Primary Production) Zone Principles of Development Control 20(b).
- (2) It has not been adequately demonstrated that current Lot 45 and proposed Lots 205 and 206 are suitable for rural residential use without impacting on primary production having regard to location and size of the allotments, which is contrary to Watershed (Primary Production) Zone Principles of Control 16 and Council Wide Principles of Development Control 3 and 28.

Following receipt of Council's comments it is understood that the DAC later determined the proposed boundary realignment to be non-complying development as the proposal created an additional allotment in the Watershed (Primary Production) Zone. This determination was then challenged in the Environment, Resources and Development Court (ERD) and was considered at a hearing on 20 October 2015. The Court upheld the decision to treat this proposal as non-complying and further advised that the proposal was not boundary realignment in the order made on 28 October 2015 by His Honour Judge Costello. His Honour determined that 'there were several factors pointing to the proposal being for two discrete developments, as opposed to one composite development.' He concluded that the 'essential nature of the proposed development represented two discrete, independent land divisions, one of which seeks to divide a single allotment into two.'

The applicant did not progress the above mentioned application and chose to lodge the subject application 15/D044/473 (15/1014/473) on 9 October 2015. This proposed a minor amendment (when compared to DA 473/D064/10) with a boundary realignment and consolidation of 3 allotments into 2 allotments at the northern end of the allotment string. It is noted that the lodgement was prior to a determination by the Court on whether the original application 10/D064/473 had been determined correctly as non-complying development.

The decision made by the ERD Court on the original application 10/D064/473 was appealed by the applicant to the Supreme Court. The Supreme Court found that both the DAC and the ERD Court were correct in treating the proposal as non-complying development as the application represented two discrete, independent land divisions.

Since these judgements, the proposal itself has not been amended but the description of the development has now been described differently by the SCAP. Whilst the proposals have been determined to be discrete from one another, the SCAP has allowed the two land divisions to be processed in the one application. The proposal is now re-termed as a boundary realignment (3 into 2) and a land division to create an additional allotment and was determined to be non-complying in nature. The SCAP resolved to proceed with an assessment, referred the proposal to the relevant agencies and have undertaken the category 3 public notification process.

Further to the above, the land division plan has been updated to show more detail, mostly on allotments 205 and 206. The plan now shows contour data, watercourses, and indicative building envelopes and effluent disposal areas but the proposal remains the same as that lodged on 9 October 2015.

Following the receipt of the comments on this application from the then CDAP on 14 November 2018, the assessment of the application was effectively placed on hold to consider how the Environment and Food Production Area controls impacted on this proposal now that the proposal was no longer described as only a boundary realignment and also involved the creation of the additional allotment.

The Council comments to the SCAP are included in Attachment - Council Comments.

This was considered at the SCAP Meeting held on Thursday 28 May 2020, with a recommendation to refuse the application under Section 7(5) (d) of the *PDI Act 2016* as the development involves the division of land that will create an additional allotment to be used for residential development. The SCAP heard from the Applicant's agents, and subsequently resolved that:

In considering this matter, the SCAP notes that the intended land division and boundary realignment generally supports a more efficient arrangement of land for primary production purposes.

- 1. Section 7(5) of the PDI Act 2016 applies to the development application, however it was not conclusively determined that the additional allotment created would be used for residential purposes.
- 2. Proceed with the assessment of DA 473/D044/15 to determine the merits of the land division and boundary realignment application in accordance with the provisions of the Adelaide Hills Development Plan (Consolidated 9 January 2014).

As above, the SCAP determined to proceed with an assessment on this application to determine the merits of the land division and boundary realignment. The SCAP at its meeting on 25 June 2020 resolved:

- 1. The proposed development is NOT seriously at variance with the policies in the Development Plan.
- 2. The State Commission Assessment Panel is satisfied that the proposal generally accords with the related Objectives and Principles of Development Control for the division of land in the Watershed (Primary Production) Zone, Adelaide Hills Council Development Plan (Consolidated 9 January 2014).
- 3. To grant Development Plan Consent (and Land Division Consent) to the proposal by Reginald Fiora for a Land Division (1 into 2) and Boundary Realignment (3 into 2) at Onkaparinga Road, Grivell Road, Beaumont Road, Gallasch Road and Ambulance Road, Verdun (various land parcels) subject to the following and conditions of consent and the concurrence of the Adelaide Hills Council and the Minister for Planning.

The SCAP planning report (agenda item) is included as **Attachment – SCAP Agenda Item** and the SCAP minutes are included as **Attachment – SCAP Minutes**.

The SCAP also included an advisory note in their resolution as follows:

a. The applicant's attention is drawn to the requirements of Section 7(5) (e) of the *Planning,*Development and Infrastructure Act 2016 as it applies to this development approval, which states that:

A development authorisation granted in relation to the proposed development will be taken to be subject to the condition that the additional allotments created will not be used for residential development.

The SCAP Planning Officer confirmed it was applied as an advisory note rather than a condition as the Section 7 of the Act itself prevents the additional allotment being used for residential purposes. However the note refers to additional allotments, with creates further uncertainty both now and into the future, in relation to which allotment the note applies to. As written it indicates the note applies to both allotments. As there is no intention for a notation on the certificate of title, it is the opinion of the Council administration that this note should be amended to provide further clarity. It is understood the applicant is offering that the additional allotment is allotment 205.

The SCAP Planning Officer response is attached as Attachment – **SCAP Planning Officer Email 5 August 2020**

4. PLANNING ASSESSMENT & DISCUSSION

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

i. The Site's Physical Characteristics

Boundary Realignment

Allotment 45

This 946m² allotment is essentially 'land locked' with an approximate cross fall of 1 in 5 from the north-west to the south-west which forms part of a drainage area for two creeks to the south east. The parcel of land is an irregular triangular shape, specifically 38.42 metres wide, narrowing to a point in the south-western corner, with the longest boundary being 80 metres in length. No vegetation exists on the allotment. The average rainfall for the area is 987mm and it is located in a 'high' bushfire prone designated area.

Access to allotment 45 would only be possible by extending a portion of the current unmade section of Gallasch Road from the north-east and then developing a suitable safe crossing over the existing railway line. Alternatively, a right of way could be negotiated across the adjacent property which is also owned by Mr Gallasch (allotment 101). A right of way would be approximately 500m length and provide access to Beaumont Road. This is the option the applicant pursued and it has been indicated in the statement of effect that Mr Gallasch would be willing to grant such.

Based on a historical title search back to 1921, this allotment was previously part of an allotment comprising two pieces. This allotment was one piece on the southern side of the railway line and the other piece was on the northern side, which is now lot 4 (16 Gallasch Road). This allotment comprising two pieces divided by the railway line was described as portions of Section 3932 on the 1921 Certificate of Title (CT 1219/198). Based on the plan the road reserve appears to have passed the southern frontage of this piece at that time. In 1974, these parcels were separately titled.

Allotment 101

Council's records indicate that this property is used for residential purposes and as a dairy. Inspection of the land indicates the dairy does not seem to be operational. The dwelling and shedding are grouped together in the north-eastern corner of the site with two crossovers to Beaumont Road. There are two watercourses that flow through the site joining in the north-eastern portion of the land. This watercourse then flows to the south-east towards the adjacent allotment to the south and then passes under Beaumont Road. The allotment is undulating with a slope of approximately 1 in 6 to 1 in 10. The steeper portion of the land is the higher lying land in the south-western corner of the site.

Allotment 1 Beaumont Road

This allotment features a dwelling and shedding in the south-eastern corner of the site. The land is used for residential and livestock grazing purposes. Watercourses pass through the northern portion of the site. This allotment has a relativity mild slope of approximately 1 in 15.

Land division - creation of an additional allotment

Allotment 1 Onkaparinga Road

This allotment is a vacant bushland block that was once a quarry for rubble. Based on the site history provided, the subject land has been owned by Reginald Fiora (Quarryman) since 18 May 1970. Historical aerial imagery shows the quarry was operational in the 1980's and was located in the north-western portion of the site closer to the railway line. This quarry area is now more vegetated but is still evident on aerial imagery. The access track to this part of the site is narrow and overgrown and at the end of this access track there is a weighbridge. The allotment is densely vegetated with a mixture of vegetation. Substantial clusters/areas of native vegetation are located in the northern and south-western portions of the site. These native vegetation areas are mapped on standard government mapping. A blue marker indicates that high value native vegetation is located on the southern boundary, along the western end. Two watercourses pass through the north-western portion of the site.

ii. The Surrounding Area

Allotment 45 is significantly smaller than the vast majority of the allotments within the locality. The average size of the larger allotments is in the order of 45ha with the largest being approximately 109ha. The average size of the smaller allotments is approximately 5ha with the smallest being 2ha in area.

The dominant land use within the locality is primary production particularly on the larger allotments, and generally consists of grazing and some horticulture, whilst the smaller parcels are generally rural living lifestyle allotments. The allotments in the southern portion of the locality are predominantly rural living allotments. The topography of the surrounding locality ranges from rolling hills in the north to steeper valleys closer to the South Eastern Freeway with meandering watercourses draining along the valleys.

iii. Development Plan Policy considerations

a) Policy Area/Zone Provisions

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

Policy Area

- The retention of low density rural development by the exclusion of rural living
- Areas or uses which would require division of land into smaller holdings

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

Objectives: 1 PDCs: -

The boundary realignment component of the proposal would remove a historical small holding that is not consistent with the size of allotments within the locality. This allotment is not visible from roadways in the locality and has never been developed due to its constraints and low level of amenity created by its proximity to the railway line. The other component of the proposal is to create an additional allotment likely to be used for rural living purposes, which is contrary to the Policy Area Objective. Allotment 45 is a historic small allotment that was originally one of two pieces comprising one allotment. These parcels were allowed to be separately titled in 1974. On balance, the proposal is considered to be inconsistent with Objective 1.

Zone

- Seeks to maintain and enhance the natural resources as well as amenity and the landscape of the south Mount Lofty Ranges
- Maintain water quality and ensure the long-term sustainability of rural production

The following are considered to be the relevant Zone provisions:

Objectives: 1, 2, 3, 4 & 5

PDCs: 1, 2, 3, 4, 9, 14, 15, 16, 17, 18, 19, 20, 21, 22, 31, 32, 34, 36, 37, 42 & 44

Form of Development

It is considered that if increased development potential is created in rural areas (creation of additional allotments), water quality will be incrementally diminished and primary production prejudiced. A fundamental consideration in this application is whether the proposal will increase the development potential on the land. Existing allotment 45 is a small, 'land locked' site that is very constrained with a low level of amenity given its proximity to the railway line. However, it is considered that acoustic matters can generally be overcome. The allotment is extremely small within a rural area and would not have a sufficient buffer from adjacent rural land. Whilst development of this existing allotment could prejudice primary production land, this does not make this allotment undevelopable. Based upon the fundamental matters of waste control, access and demonstration that a small dwelling could be developed it was acknowledged previously that the allotment could be developed.

The incorporation of existing Lot 45 into the surrounding primary production land in Lot 101 is logical and a desirable outcome. The proposed boundary realignment addresses an historical anomaly and supports the ongoing use of the site for its intended purpose.

The land division should not cause the loss of primary production land. The realignment between allotments 101, 1 and 45 transfers approximately 0.5946 of a hectare between these allotments to create an allotment of approximately 31.3 ha and an allotment of 4.46 ha. As this increases the largest of the allotments and places a portion of land that is naturally divided by a watercourse into the neighbouring allotment, this part of the proposal is not considered to result in a loss of primary production land and is also considered to improve the management of land for primary production purposes.

The land to the south which is proposed to be divided has limited primary production potential as proposed allotment 205 is densely covered in native vegetation. The indicative dwelling site and effluent disposal area are the only areas that are not densely vegetated on the site. Allotment 206 has more cleared areas, but it is still constrained for primary production purposes. The proposal therefore is considered to have no impact on primary production activity occurring on the subject land. The proposal is not considered at odds with Objective 3. The creation of the additional allotment on the southern site should also not prejudice primary production (currently livestock grazing) on adjacent allotment 3 to the north. The proposal is considered to accord with PDCs 16 and 17.

Albeit that proposed allotments 205 or 206 were considered to be much more likely to be developed for residential purposes and these allotments could be developed with considerably larger dwellings, the proposal should not result in the pollution of water resources as there is theoretically no increase to development potential on the subject land. The proposal demonstrates that a suitable site for a dwelling could be located on either proposed allotment 205 and 206 to comply with Table AdHi/5. The separation distances to watercourses for both an indicative dwelling and effluent disposal area, depth to bedrock and slope comply with these criteria. The proposal is consistent with PDC 18. The proposal also is considered to be sufficiently consistent with PDC 19 and Objectives 1 and 2.

Land division

As detailed above, the proposed boundary realignment part of the proposal is considered to be relatively minor. This realignment is considered to improve the management of land for primary production as this portion of land is physically divided by a watercourse.

Whilst the boundary realignment is its own distinct proposal, it is included in the application for the creation of an additional allotment to justify the creation of the additional allotment. The Zone does not contemplate the creation of additional allotments and therefore the proposal is considered to be largely inconsistent with PDC 20.

The EPA has previously accepted that the proposal will not result in a greater risk to water quality, consistent with PDC 21. The re-arrangement of boundaries does produce allotments that are consistent with the locality and the proposal is consistent with PDC 22.

Environment Food Production Area (EFPA)

Since the introduction of the Environment Food Production Area (EFPA) it is prohibited to create additional allotments for residential purposes in the EFPA pursuant to Section 7(5) (e) of the *PDI Act 2016*. It is noted that SCAP intend to add an advisory note to the decision (should concurrence be granted) that the additional allotments cannot be used for residential purposes. As only one additional allotment is being created, this would indicate only one allotment could be used for rural residential purposes, retaining the potential rights of the original single allotment. SCAP have not a decision on which allotment is restricted from being used for rural residential purposes.

Conservation

The proposal will facilitate a change of the land use in an area that features significant native vegetation. The land is divided in a way that increases the number of allotments in an area of native vegetation. Aside from clearance for a fence line and for driveway widening, a future proposal for a dwelling on either proposed allotments 205 or 206 is not likely to result in significant clearance of native vegetation noting that there are cleared areas on these allotments. Any future development of these proposed allotments could achieve compliance with PDCs 31 and 32 as this provision refers to adverse impact on native vegetation.

Rural Development

The proposal does not maintain the subject land for primary production purposes and other compatible uses, but the southern site has not been used for such purposes for a significant amount of time and due to the dense vegetation coverage it is not particularly suitable for such. As mentioned, the proposal to create an additional allotment is not likely to prejudice primary production, but generally residential development is still not considered to be compatible with more intensive primary production uses envisaged in the Zone. The proposal is not consistent with PDC 42, but accords with PDC 44.

It should be noted that the applicant has now lodged a separate development application (20/773/473) for a change of use to horticulture for portion of the existing Allotment 1 Onkaparinga Road that would be wholly within proposed allotment 205.

b) Council Wide provisions

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

- Land in appropriate localities divided into allotments in an orderly and economic manner
- Development to be undertaken on land that is suitable for the intended purpose, whilst also having regard for the zoning of the land

- Protection of productive primary production land from conversion to nonproductive or incompatible uses
- Retention of rural area for the maintenance of the natural character and rural beauty of these areas

Form of Development Objectives: 1, 4, 5 & 6

PDCs: 1, 2, 3, 9, 18 & 19

The proposal seeks to divide land that is outside of township boundaries. As the proposal seeks to create one additional allotment, the proposal does not prevent the continued encroachment of urban development into rural areas. The proposal is not orderly in that it involves the creation of an additional allotment in rural land outside of the township boundaries, which is not in accordance with the Adelaide Hills Structure Plan, and it creates another allotment that is solely reliant on rights of way for access. It could be argued that this does not change the current situation as existing lot 45 would also be reliant on the use of a right of way. It would not substantially increase pressure for urban infrastructure in this area. As previously discussed, allotment 45 is also 'land locked' and the proposal removes this historical allotment. The proposal is therefore not considered to be orderly development and is inconsistent with Council-wide (CW) Objectives 1, 4 and 5 and PDCs 1 and 2.

A preliminary site contamination assessment has been undertaken to prove that allotment 205 is suitable for residential development. In the opinion of Mott McDonald Site Contamination Consultants the likelihood of gross or widespread soil contamination existing in shallow soils and groundwater at the location of the proposed building envelopes (at concentrations likely to preclude the proposed land use) is low. Whilst no soil samples have been undertaken, this is a professional expert opinion and therefore this opinion is sufficient to no warrant further assessment. The proposal is consistent with CW PDC 3.

The proposal would not interfere with the effective use of other land in the locality. The proposal accords with CW PDC 9.

Proposed allotments 205 and 206 do not have slope greater than 1 in 4, in particular the indicative sites of the dwellings and effluent disposal areas are an appropriate slope. The proposed allotments 205 and 206 have a sufficient area to allow for effluent disposal and any such system should not lead to pollution of surface or underground water. The proposal is considered consistent with CW PDCs 18 and 19.

The proposal will increase traffic generation within a right of way but the number of movements is unlikely to detrimentally affect the amenity of adjacent land, but may cause annoyance and conflict between property owners if the passing bays are not installed. The proposal is therefore partly consistent with CW PDC 13.

<u>Land division</u> Objective: 10

PDCs: 28, 29, 30, 31 & 32

Given the subject land is located outside of designated township area, the subject land proposed to be divided to create an additional allotment is not considered to be within an appropriate locality, and is inconsistent with Objective 10.

The proposed allotments 205 and 206 would be suitable for on-site waste disposal and there are suitable dwelling sites with a slope not greater than 1 in 4. The proposal is sufficiently consistent with CW PDC 28.

The proposal may improve safe and convenient access to the subject and adjacent sites that share access to Onkaparinga Road by the provision of passing bays. However, the proposed allotments will be solely dependent on the unrestricted rights of way over adjacent land. It is acknowledged this right of way over allotment 6 exists and the proposal is partly consistent with CW PDC 29 but at odds with part (e) of this provision.

As mentioned, the proposed dividing boundary of allotments 205 and 206 is through an area of native vegetation. The re-adjusted boundary between allotments 1 and 101 is located approximately 10m from the watercourse and therefore any fence line and farming activity such as grazing shall be outside of the watercourse area. The proposal is considered to be partly inconsistent with PDC 30 and consistent with PDC 31. As mentioned, it is has been demonstrated by the site history report that proposed allotment 205 is suitable for residential development. The proposal therefore accords with CW PDC 32.

CW PDC 38 highlights that non-complying land divisions should only be considered for allotments containing two existing dwellings if at least one of the dwellings is identified as a local or state heritage place. The proposal does not meet this criterion.

Public Utilities

Objective: 22

PDCs: 67, 68 & 69

The existing and proposed allotments are large enough to accommodate on-site waste control systems. Onkaparinga Road is all-weather, but the road is not sealed. The proposal is not contrary to Objective 22 and PDCs 67, 68 and 69.

Rural Development

Objectives: 61 & 62 PDCs: 174

The land division seeks to create an additional allotment within a rural area. The proposal is unlikely to help preserve land primarily for primary production purposes, but it is acknowledged that the subject land where the additional allotment is proposed is not currently used for such and is also constrained due to the extent of vegetation that exists on this allotment. The proposal should not impact on the primary production uses or activities continuing to occur on land used for primary

production. Given Allotment 1 Onkaparinga Road is not used for primary production, the proposal is not at odds with CW Objective 62, but the proposal is still considered to be inconsistent with PDC 174. However, SCAP are proposing a note to advise the applicant that the additional allotment cannot be used for residential purposes.

In consideration of the latest application for a change of use to horticulture, it seems that the intent of the applicant is to use proposed allotment 205 for rural development.

Conservation

Objectives: 68, 69, 70, 71, 72, 76, 77, 78 & 79
PDCs: 202, 203, 205, 212, 213, 214, 216 & 217

The boundary realignment part of the proposal does not impact on native vegetation. The proposal demonstrates that there are mostly clear areas on the subject land for building envelopes and effluent disposal areas. It is noted that there is some reseeded understorey native vegetation within the site of the old quarry and there is native vegetation in close proximity to the existing track through the north-eastern portion of proposed allotment 205. Given 'significant vegetation' clearance is required by the CFS for the access driveway, some clearance of native vegetation will be required. As mentioned, the dividing boundary between proposed allotments 205 and 206 is also through an area of native vegetation. Even though the proposal could result in vegetation clearance on either side of the proposed fence line between proposed allotments 205 and 206, it is considered that a dwelling could be established on proposed allotments 205 and 206 with minimal clearance of native vegetation. Therefore, clearance of native vegetation is at least minimised by utilising largely cleared areas and an existing track/driveway. As the boundary realignment involves removing allotment 45, there should be no increase in development potential and therefore there should not be an additional waste control system on the overall site and the proposal will therefore should not pose a greater risk of pollution to water resources. The proposal does not accord with Objective 79 in relation to retaining native vegetation on a single allotment, but sufficiently accords with Objectives 68, 69, 70, 71, 72, 76 and 78, and PDCs 202, 203, 212, 213, 214, 216 and 217.

Any future dwelling is unlikely to be highly visible in the locality and from public roadways. Allotments 205 and 206 are well below the freeway and are densely vegetated. The proposal is considered to be sufficiently consistent with Objective 77 and PDC 205.

Appearance of Land and Buildings

Objectives: 87, 88, 89 & 90

PDCs: 228, 231, 240, 243, 244 & 245

As mentioned above, the proposal may result in an increase to built-form within close proximity to the South Eastern Freeway but due to the topography of the land, built form on these allotments is unlikely to be visible from the freeway. Given there is a track/driveway that leads to the old quarry and an existing right of way driveway, the extent of driveway on the subject land would be reduced. The proposal

sufficiently accords with Objectives 87, 88, 89 and 90, and PDCs 228, 231, 240, 243, 244 and 245.

Bushfire Protection Objectives: 106 & 107

PDCs: 300, 301, 304, 305, 306 & 307

Both the boundary realignment site and the site of the land division to create an additional allotment are within a high bushfire hazard area. Whilst the application is for two distinct proposals, the intention of the combined proposal is to justify the creation of an additional allotment by the consolidation of an existing allotment with a boundary realignment proposal. It is considered that the proposal moves the development potential on the land to a more a hazardous location as the abandoned quarry site is surrounded by native vegetation. However the CFS have highlighted that their requirements can be achieved on this site with significant widening of the driveway and vegetation clearance. The proposal is contrary to CW Objectives 106 and 107 as the proposal is likely to result in intensification of non-rural land uses (residential) on the southern site, which is considered to be a site of higher risk.

Any future dwelling on proposed allotment 205 or allotment 206 could achieve compliance with CW PDC 301. Each allotment contains a suitable building envelope located away from vegetation that would likely pose an unacceptable risk and the vehicle access requirements of the CFS could be achieved. The proposal is contrary to CW PDC 304, but is sufficiently consistent with CW PDC 305, and can achieve compliance with CW PDCs 306 and 307.

5. SUMMARY & CONCLUSION

The boundary realignment component of the proposal would remove a historical small holding that is not consistent with size of allotments within the locality and consolidate it with the adjoining allotment which is both orderly and logical.

Accepting that existing Lot 45 supports an existing development right, the development of other land in its place will have a neutral impact on potential water pollution and the proposal does not offend the intent of the Watershed Zone to protect the watershed from risk of pollution. It is noted that the EPA is not objecting to the proposal.

The application also does not prejudice the intended use of the zone for primary production. CAP previously accepted the proposal was at variance with a number of the provisions of the Development Plan but did not consider the proposal was seriously at variance or, that the variances were significant to the degree that the proposal could not be supported.

SCAP advises the Applicant has clarified that the division is not for residential purposes. A further development application for horticultural development (raspberry growing) on Lot 1 Onkaparinga Road has been lodged with the Council which is wholly within the proposed lot 205. SCAP are intending to apply an advisory note that the additional allotment cannot be used for residential purposes. It is unclear if this is intended to apply to allotment 205 or allotment 206 and it appears the Applicant can make the choice.

Any future change of land use will need to be assessed on its merits, noting that the created allotments cannot be used for residential purposes, as the land is in the EFPA where additional allotments are prohibited for residential use under Section 7(5)(e) of the *PDI Act 2016*.

On balance, it is recommended that concurrence and support for the proposal be provided to SCAP as the proposal is not prejudicing primary production and it is considered there is an overall neutral impact on water quality in the Watershed.

The proposal is considered to be sufficiently consistent with the relevant provisions of the Development Plan, despite its non-complying nature, and it is considered the proposal is not seriously at variance with the Development Plan. In the view of staff, the proposal has sufficient merit to warrant consent. Staff therefore recommend the CAP advise the State Commission Assessment Panel (SCAP) that concurrence is given to GRANT Development Plan Consent and Land Division Consent, subject to the conditions proposed by SCAP.

6. RECOMMENDATION

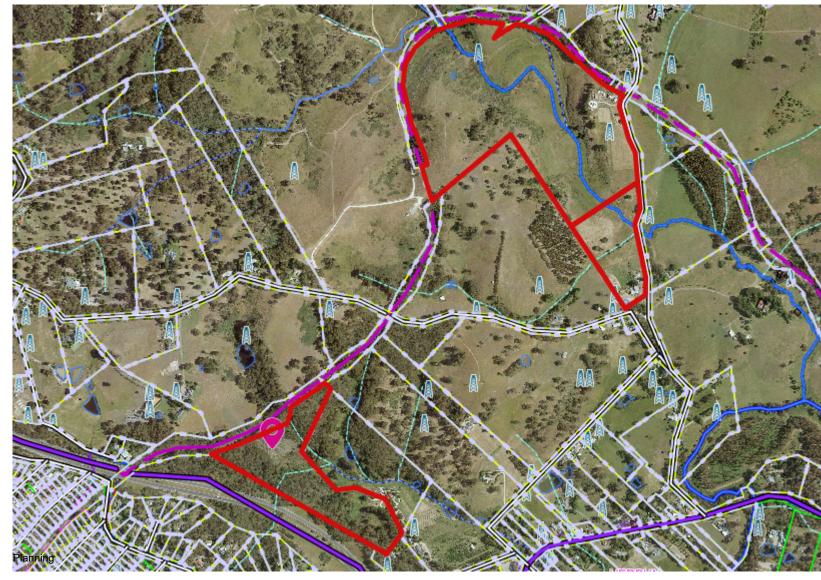
That the Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and that Council Assessment Panel advises the State Commission Assessment Panel (SCAP) that:

- It CONCURS with the decision to GRANT Development Plan Consent and Land Division Consent to Development Application 15/1014/473 by Reginald Fiora for Land division: 1 into 2 allotments and Boundary Realignment: 3 into 2 allotments (non-complying) at Lot 45 Gallasch Road, 83 & 143 Beaumont Road, 34 Ambulance Road, 19 & 39 Grivell Road, and Lot 1 Onkaparinga Road, Verdun subject to the proposed conditions; and
- 2. Requests the wording of the advisory note on the Decision is amended to provide certainty for all parties regarding which of the proposed allotments 205 and 206 is restricted from being used for residential purposes in the future.

7. ATTACHMENTS

Locality Plan
SCAP Concurrence Request
SCAP Agenda Item
SCAP Minutes
SCAP Planning Officer e-mail – 5 August 2020
CAP Minutes – 14 November 2018
Staff CAP report – 14 November 2018
CAP Attachments – 14 November 2018

Respectfully submitted	Concurrence
Sam Clements	Deryn Atkinson
Team Leader Planning	Manager Development Services





DISCLAIMER
Apart from any use permitted under the Copyright Act 1968, no part may be reproduced by any process without pior written permission obtained from the Adelaide Hills Council. Requests and enquiries concerning reproduction and rights should be directed to the Chief Executive Officer, The Adelaide Hills Council, PO Box 44, Woodside SA 5244. The Adelaide Hills Council, its employees and servants do not warrant or make any

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

employees and servants expressly disclaim all liability or responsibility to any person using the information or advice contained herein. $\hbox{@}$

Scale = 1:12065.760

500 m





Annotations

Subject Land 3



Subject Land 2



📜 Subject Land

Planners Summary



AHC Core



★ Townships

RoadsStreetView

- ADJOINING LGA RD
- AHC & PRIVATE
- AHC RD
- DPTI RD
- PRIVATE RD
- SHARED RD
- PropertyOwner
- Parcels
- Roads
- Suburbs

Rivers

- River
- --- Creeks
- Streams

Our Ref: 2017/10917/17 Your Ref: 2017/10917/17

Level 5, 50 Flinders Street Adelaide SA 5000

GPO Box 1815 Adelaide SA 5001

Telephone: 08 7109 7060 ABN 92 366 288 135

http://www.saplanningcommission.sa.gov.au/scap

COMMISSION

COMMITTEE OF THE STATE PLANNING COMMISSION

30 June 2020

Mr Sam Clements, Team Leader Statutory Planning Adelaide Hills Council PO Box 44 WOODSIDE SA 5244

sclements@ahc.sa.gov.au

Dear Mr Clements

Applicant: Reginald Fiora **Application Number:** 473/D044/15

Proposed Development: Land Division: 1 into 2 and

Boundary Realignment: 3 into 2

Subject Land: Various land parcels at Onkaparinga Road, Grivell Road,

Beaumont Road, Gallasch Road and Ambulance Road,

Verdun

The State Commission Assessment Panel (SCAP) has resolved that the above non-complying development should be granted Development Plan consent (and Land Division consent) subject to the conditions resolved at its meeting held on 27 June 2020.

The SCAP now seeks the concurrence of your Council pursuant to Section 35(3) of the *Development Act 1993* (which was operative at the date of lodgement).

Category 3 notification was undertaken with five (5) representations received.

Please find attached a copy of the officer's planning report and the relevant application documents and agency advice as required by Regulation 25(b) of the *Development Regulations 2008*.

If you have any questions relating to this matter, please contact Laura Kerber of this office by telephone on 7109 7073 or email laura.kerber@sa.gov.au.

Yours sincerely

Simon Neldner

TEAM LEADER - CROWN AND MAJOR DEVELOPMENT

as delegate of the

STATE COMMISSION ASSESSMENT PANEL







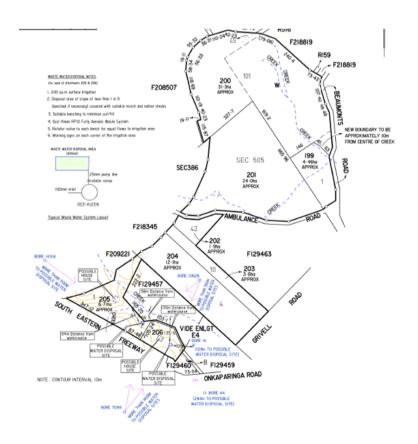
Reginald Fiora

Land Division: 1 into 2 and Boundary Realignment: 3 into 2

Various land parcels at Onkaparinga Road, Grivell Road, Beaumont Road, Gallasch Road and Ambulance Road, Verdun 473/D044/15

TABLE OF CONTENTS

	PAGE NO
AGENDA REPORT	
Report	2-22
Conditions	23-24
ATTACHMENTS	
1: PHOTOS	25-30
2: APPLICATION DOCUMENTS	
a. Plan of Division – 7 August 2018	31-34
b. Assessment Report – 18 December 2015	35-144
c. Statement of Effect – 12 September 2018	145-257
3: AGENCY COMMENTS	258-300
4: COUNCIL ASSESSMENT PANEL RESOLUTION	301
5: REPRESENTATIONS	302-320
6: RESPONSE TO AGENCY & COUNCIL COMMENTS	321-349
7: RESPONSE TO REPRESENTATIONS	350-363
8: DEVELOPMENT PLAN PROVISIONS	364-370





OVERVIEW

Application No	473/D044/15	
Unique ID/KNET ID	EDALA 52368; 2017/10917/17	
Applicant	Reginald Fiora	
Proposal	Land Division: 1 into 2 and	
	Boundary Realignment: 3 into 2	
Subject Land	Various land parcels at Onkaparinga Road, Grivell Road,	
	Beaumont Road, Gallasch Road and Ambulance Road,	
	Verdun	
Zone/Policy Area	Watershed (Primary Production) Zone	
	Onkaparinga Slopes Policy Area 11	
Relevant Authority	State Commission Assessment Panel (SCAP)	
	>10% variation in the MLR Watershed	
Lodgement Date	9 October 2015	
Council	Adelaide Hills Council	
Development Plan	Adelaide Hills Council Development Plan Consolidated – 9	
	January 2014	
Type of Development	Non-Complying	
Public Notification	Category 3	
Representations	Five (5) – Four (4) to be heard	
Referral Agencies	EPA, CFS, DPTI, NVC	
Report Author	Laura Kerber, Senior Planning Officer	
RECOMMENDATION	Development Plan Consent subject to conditions	

EXECUTIVE SUMMARY

The application is for a land division involving eight (8) contiguous allotments within the Watershed (Primary Production) Zone. The application comprises two (2) discreet elements:

- 1. A boundary realignment (3 into 2 allotments) with no additional allotments created
- 2. A land division (1 into 2 allotments) creating one additional allotment

The two elements are separated by four (4) intervening allotments. These allotments are not altered by the Plan of Division (except to be assigned new legal descriptors) and have only been included to allow the two elements to be lodged in a single Plan of Division.

The land division (1 into 2) element of the Plan of Division is a non-complying form of development within the zone, therefore the whole application is being processed as a non-complying development.

The application was notified as a Category 3 development. Five (5) representations were received with four (4) wishing to be heard by the State Commission Assessment Panel.

The application seeks to transfer the development rights afforded to existing Lot 45 (at the northern-most land holding) to create an allotment at the southernmost land holdings. The net impact being no additional allotments created within the Mt Lofty Ranges Watershed.

Council and agency comments were divided. The Adelaide Hills Council Assessment Panel and DPTI-Transport support the land division, with conditions. The Native Vegetation Council does not support the proposal in its current form due to potential impacts on Significant Environmental Benefit (SEB) conservation areas located on proposed Lots 205 and 206. EPA is unable to draw conclusions on the suitability of the existing and proposed allotments to support an on-site wastewater treatment system.



Notwithstanding, the Applicant has sufficiently demonstrated that the land division does not increase development potential (and resultant water pollution potential) within the Mt Lofty Ranges watershed. The land division and boundary realignment generally supports a more efficient arrangement of land for primary production purposes.

On balance, the development displays sufficient merit to warrant Development Plan Consent (and Land Division Consent) with appropriate conditions.

ASSESSMENT REPORT

1. BACKGROUND

1.1 Previous Application DA 473/D064/10

An application for a land division (DA 473/D064/10) was lodged on 14 December 2010 as a merit form of development (7 in to 7 boundary realignment) within the Watershed (Primary Production) Zone, Onkaparinga Slopes Policy Area.

This application comprised a string of unrelated allotments. The Plan of Division proposed the amalgamation of one allotment at one end of the string, and creation of a new allotment at the other end. This technique was historically used by surveyors / developers to allow for a transfer of development rights where creation of new allotments would otherwise be non-complying.

The application was considered by the State Commission Assessment Panel (SCAP) (formerly DAC) on 11 December 2014. At this meeting the SCAP queried the nature of development (and validity of the application) and deferred further consideration to seek advice from Crown Solicitor's Office (CSO).

Advice received concluded that the amalgamation of allotments is not development and hence cannot be used as a right to create another allotment elsewhere. The only activity on the Plan of Division that could be defined as development was the creation of a new allotment, which was 'non-complying' in the zone.

DA 473/D064/10 was subsequently re-categorised as a non-complying form of development. Notwithstanding the non-complying nature of the proposal, on 12 February 2015 the SCAP resolved to proceed with an assessment. A Statement of Support was provided by Mr Jeff Smith, Planning Chambers, on behalf of the Applicant.

The application was then placed on hold as the Applicant commenced court proceedings to appeal the categorisation of the application. Refer to Section 1.3 below.

DA 473/D064/10 was not progressed and was superseded by DA 473/D044/15. Refer to Section 1.2 below.

1.2 Current Application DA 473/D044/15

On 9 October 2015 the Applicant lodged DA 473/D044/15. DA 473/D044/15 made a minor amendment (when compared to DA 473/D064/10) by proposing a boundary realignment instead of an amalgamation at the northern end of the allotment string. The application was categorised as non-complying by Departmental staff.

The application was then placed on hold as the Applicant commenced court proceedings to appeal the categorisation of the application. Refer to Section 1.3 below.

Following the decision of the Supreme Court to uphold the ERD Court decisions in relation to DA 473/D064/10 and 473/D044/15, on 1 July 2018 the Applicant advised



that it wished to proceed with the assessment of 473/D044/15 through the non-complying development assessment process.

DPTI-Planning staff resolved to proceed with an assessment of the application and an amended Statement of Effect was provided by the applicant. Statutory referrals were made to the Adelaide Hills Council and relevant state agencies, and a public notification process was undertaken.

It was at this time the Adelaide Hills Council (though supportive of the proposal) sought clarification on whether the *Planning, Development and Infrastructure (PDI) Act 2016* applied to the division, with specific reference to whether or not the EFPA provisions could be applied to applications which had been lodged prior to, but not determined by, 1 April 2017.

On 28 May 2020 the SCAP considered a recommendation to refuse the application under Section 7(5)(d) of the *PDI Act 2016*. Section 7(5)(d) requires the relevant authority to refuse development involving the division of land if it will create additional allotments to be used for residential development. The Panel heard from the Applicant's agents.

The Panel resolved:

- 1. Section 7(5) of the *PDI Act 2016* applies to the development application, however it was not conclusively determined that the additional allotment created would be used for residential purposes.
- 2. Proceed with the assessment of DA 473/D044/15 to determine the merits of the land division and boundary realignment application in accordance with the provisions of the Adelaide Hills Development Plan (Consolidated 9 January 2014).

1.3 Case Law

1.3.1 Fiora v Development Assessment Commission [2015] SAERDC 43 Judgment of His Honour Judge Costello (28 October 2015)

Appeal against a decision by the Development Assessment Commission (DAC) to treat an application (DA 473/D064/10) for land division as non-complying - relevant provisions of the Development Plan described land division as non-complying except where no additional allotments are created - properly understood, the essential nature of the proposed development comprised a land division which created an additional allotment.

HELD: DAC correct to treat land division application as non-complying - appeal dismissed.

1.3.2 Fiora v Development Assessment Commission (No 2) [2016] SAERDC 14 Judgment of His Honour Judge Costello (15 May 2016)

Appeal against a decision by the Development Assessment Commission (DAC) to treat an application (DA 473/D044/15) for land division as non-complying - relevant provisions of the Development Plan described land division as non-complying except where no additional allotments are created - properly understood, the essential nature of the proposed development comprised two separate and discrete land divisions, one which created an additional allotment.

HELD: DAC correct to treat the application as non-complying - appeal dismissed.



1.3.3 Fiora v Development Assessment Commission [2017] SASCFC 52 Judgment of the Full Court (19 May 2017)

Appeal against decision of Environment, Resources and Development Court affirming decision of DAC, classifying an application (DA 473/D044/15) for provisional development plan consent as non-complying. Whether the proposal, while contained in one application, was for two separate developments.

HELD: per Vanstone and Lovell JJ (Blue J dissenting):

- 1. Appeal dismissed.
- 2. The application proposed two discrete developments, one of which was non-complying.

2. DESCRIPTION OF PROPOSAL

Application details are contained in the ATTACHMENTS.

The essential nature of the development comprises two (2) discreet elements:

1. A boundary realignment (3 into 2) with no additional allotments created: affecting existing Allotment 1 in DP 18164, Allotment 101 in DP 77335, and Allotment 45 in FP 129499, located at the northern end of the allotment string.

The existing three allotments will be rearranged in two allotments, proposed Lots 199 and 200, with areas of 30.7ha and 4.46ha respectively.

Proposed Lot 200 comprises existing Lot 45, used in conjunction with existing Lot 101, for primary production purposes (and associated residential).

Proposed Lot 199 comprises existing Lot 1 with an altered boundary and reduced area from 5ha to 4.46ha. Its existing use will continue.

2. A land division (1 into 2) creating one additional allotment: affecting existing Allotment 1 in FP 129455 at the southern end of the allotment string.

Allotment 1 will be divided into two allotments, proposed Lots 205 (6.71ha) and 206 (2.54ha). Vehicular access to proposed Lots 205 and 206 is provided via an existing Right of Way across an adjoining allotment to Onkaparinga Road.

Potential dwelling sites and water disposal sites are identified on the plan of division for proposed Lots 205 and 206:

- Lot 205: the dwelling site for Lot 205 is located at an existing quarry and is accessible via an unsealed track. A possible water disposal site is located near the proposed boundary of Lots 205 and 206 in a cleared area.
- Lot 205: the dwelling and water disposal site for Lot 206 is located roughly central to the site in a cleared area.

The two elements are separated by a series of four (4) intervening allotments; Allotments 4 in FP 129458, Allotment 10 in FP 129464, Allotment 42 in FP 217949, and Section 505 in HP 105600. The intervening allotments are not altered in any way by the Plan of Division (except to be assigned new legal descriptors) and have only been included to allow the two elements to be lodged in one single Plan of Division.



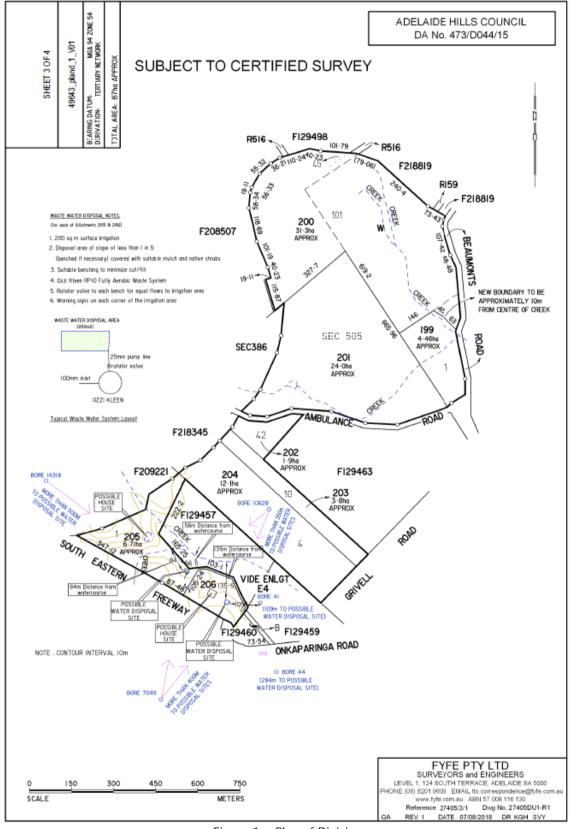


Figure 1a: Plan of Division



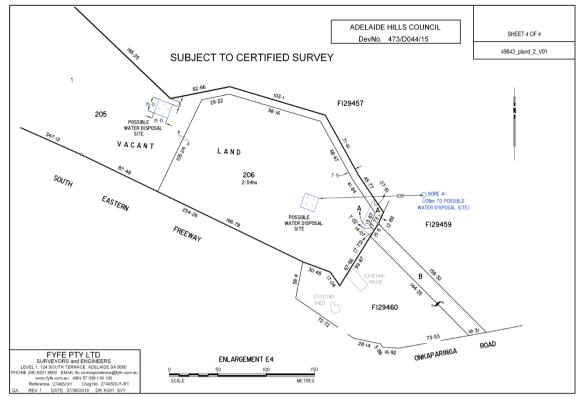


Figure 1b: Plan of Division (enlargement)

3. SITE AND LOCALITY

3.1 Site Description

The subject site is located at Onkaparinga Road, Beaumont Road, Ambulance Road, Grivell Road and Gallasch Road, Verdun, and is described as follows:

Lot No	Section	Street	Suburb	Hundred	Title
A45, F129499	-	Lot 45 Gallasch Road	Verdun	Onkaparinga	CT5465/524
A101, D77335	-	143 Beaumont Road	Verdun	Onkaparinga	CT6020/59
H105600	S505	34 Ambulance Road	Verdun	Onkaparinga	CT5666/31
A1, D18164	-	83 Beaumont Road	Verdun	Onkaparinga	CT 5701/727
A42, F217949	-	Lot 42 Beaumont	Verdun	Onkaparinga	CT5885/776
A10, F129464	-	39 Grivell Road	Verdun	Onkaparinga	CT5809/533
A4, F129458	-	19 Grivell Road	Verdun	Onkaparinga	CT5809/663
A1, F129455	-	Lot 1 Onkaparinga	Verdun	Onkaparinga	CT5274/987

The identified parcels comprise eight (8) contiguous allotments bordered by the railway line to the north and west, Beaumont Road and Grivell Road to the east and the South Eastern Freeway to the south. While the proposal includes eight (8) allotments, only three (3) allotments are directly affected, being Lot 45 and Lot 101 to the north, and Lot 1 to the south abutting the Freeway.





Figure 2: Site Plan

Lot 1 (F129455)

Lot 1 is an irregular shaped allotment (approximately 9.25ha) bordered by the Freeway to the south and railway line to the northwest. It is land locked and accessed from Onkaparinga Road via a right of way over a neighbouring property (Lot 6).

Lot 1 generally slopes upwards towards the freeway, with a series of ridges and gullies moving from Onkaparinga Road to the railway line. In the north-western corner is a rehabilitated rock quarry which is cleared of trees and incorporates a level area adjacent a creek. The quarry face is covered in low level scrub, and surrounded by bushland. Broom and blackberries are abundant in the creek line, with prolific broom extending up the quarry face.

Lot 1 is separated from the Freeway by a band of established native vegetation. Traffic on the freeway is not visible but on-site inspection could be heard.

There are no existing dwellings on Lot 1. A disused weighbridge (associated with a former quarry) remains on site.



Lots 45

Lots 45 is a small rectangular shaped parcel (approximately 946m²) bordered by the Adelaide to Melbourne railway line at its northern boundary and surrounded on its two other sides by Lot 101. As a result, Lot 45 is landlocked. The parcel is currently used for primary production purposes in association with Lot 101.

Allotment 45 is a portion of an existing larger allotment that was fragmented by the construction of the railway line and other land dealings. A search of previous CTs and historical records shows that Lot 45 was at one stage a part title, with the balance of the land located north of the railway line. The shape of Lot 4 located north of the railway line suggests that this land was at one time a larger, square shaped allotment before construction of the railway and closure of public roads.

Lot 101

Lot 101 is a large irregular shaped allotment (approximately 30.7ha) that is situated south of the railway line. Its eastern boundary fronts Beaumont Road. The parcel is undulating and substantially cleared of vegetation, except for scattered trees. Two creeks are located on the land which join in the centre of allotment and drain southeast to a neighbouring allotment. The land is utilised for primary production purposes and comprises a dwelling and farm buildings.

Lot 1 (D18164)

Lot 1 is a smaller allotment (approximately) that fronts Beaumont Road at its eastern boundary. Lot 1 is also traversed by creeks. A dwelling is located adjacent Beaumont Road.

3.2 Locality

There is no consistent pattern of subdivision, but rather one previously determined by patterns of settlement, topography and infrastructure provision (which have fragmented and reformed rural land holdings over time). The allotments immediately abutting Lot 101 are utilised for either rural living, or rural activities (i.e. horticultural) with associated dwellings. In broad terms, allotment sizes increase to the north, and decrease to the east towards the township of Verdun. For the purposes of this assessment, the area south of the Freeway is not considered part of the locality, as it is physically separated with a substantially different character and development pattern. The subject site is within a High Bushfire Risk area. The subject land overall has a high level of amenity typical of the Adelaide Hills region.

4. COUNCIL COMMENTS or TECHNICAL ADVICE

4.1 Adelaide Hills Council

The Council Assessment Panel considered the application at its meeting on 14 November 2018 and resolved:

The Council Assessment Panel considers that the proposal is not seriously at variance with the provisions of the Adelaide Hills Council Development Plan, and advises the State Commission Assessment Panel that it SUPPORTS the proposal in Development Application 15/1014/473 (473/D044/15) by Reginald Fiora for Land division: 1 into 2 allotments and Boundary Realignment: 3 into 2 allotments (non-complying) (SCAP decision authority) at Lot 45 Gallasch Road, 83 & 143 Beaumont Road, 34 Ambulance Road, 19 & 39 Grivell Road, and Lot 1 Onkaparinga Road Verdun subject to the CFS recommended requirements relating to vegetation management and the widening of the access to proposed Lots 205 & 206 achieving compliance with the Minister's Code



Undertaking development in Bushfire Protection Areas December 2009, and the following condition:

Development in Accordance with the Plans

The development herein approved shall be undertaken in accordance with the following plans unless varied by a separate condition:

- Plan of Division Drawing 27405DU1-R1 Rev 1 prepared by Fyfe Surveying dated 7
 August 2018
- Plan of Proposed Access Drawing prepared by Planning Chambers Pty Ltd dated November 2014

5. STATUTORY REFERRAL BODY COMMENTS

Referral responses are contained in the ATTACHMENTS.

5.1 Environment Protection Authority (EPA)

The subject site is within the Mount Lofty Ranges Water Protection Area Watershed Area 3 (30 Year Plan for Greater Adelaide). The development site is not serviced by sewer or a community wastewater disposal scheme.

Numerous studies indicate a relationship between development intensity and the quality of receiving waters. Generally the more intense the land use the poorer the quality of water that runs into receiving waters. EPA seeks to ensure that all new development (including boundary realignments) within the Mt Lofty Water Protection Area has a neutral or beneficial effect on water quality. Boundary alignments can intensify land use by converting allotments that are unsuitable for residential purposes into allotments that may be suitable for such purposes, thereby leading to cumulative adverse impacts on water quality when compared to the current situation.

EPA states that the planning authority should be satisfied that existing Lot 45 provides a genuine development opportunity that could be used for residential purposes. If this is not the case, the proposal represents an intensification of land use and a refusal should be considered due to the cumulative adverse water quality impacts.

Careful consideration needs to be given as to whether the proposed new allotments 205 and 206 provide for genuine and environmentally acceptable residential development opportunities. This includes the theoretical siting of dwellings and location, size and setback of on-site wastewater disposal areas. EPA has advised that it is not possible to draw any conclusions about potential suitable on-site wastewater disposal/irrigation areas on the proposed allotments due to the use of superseded standards.

5.2 Native Vegetation Council (NVC)

There are two Significant Environmental Benefit (SEB) areas on proposed Lots 205 and 206 which have been set aside for the conservation of native flora and not suitable for housing. The land owner is obliged to permanently maintain the land for the purpose of growth of native vegetation. The SEB areas were established as on-ground offsets for approved clearance undertaken in relation to subdivision infrastructure at Hallett Road Littlehampton by the Fiora Group in 2011 and 2015.

The NVC is not supportive of proposals that divide remnant vegetation and particularly where an SEB exists. NVC notes that the Plan of Division only indicates approximate envelopes for future residential development and the application may not have fully considered the extent of clearance required to accommodate a house, driveway, tanks, sheds, water disposal systems and bushfire buffers.



5.3 Country Fire Service (CFS)

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

The SA Country Fire Service has no objection to the proposed land division at Onkaparinga & Beaumont Roads Verdun, creating no additional allotments.

SA CFS recognises the land division will result in 2 allotments (Lot 205 & 206) which are not yet established as residential development. The Bushfire hazard has potential for significant impact on any future residential development. The SA Country Fire Service seeks to comment on any subsequent development applications on the land division pursuant to Schedule 8 of the *Development Act 1993*.

Individual applications for residential development will need to address access, vegetation management, siting and building requirements in accordance with the Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012).

<u>Access:</u> the existing access to the allotments being created (Lots 205 & 206) will need widening and significant vegetation clearance.

<u>Vegetation</u>: The Code Part 2.3.5 mandates that is an application proposes a land division adjacent to or within a High Bushfire Risk Area, provision shall be made for a bushfire buffer zone as specified in 2.2.3 (ie vegetation management zone within 20m of proposed development). The vegetation hazard on the subject site is such that the allotment may require more than 20 metres clearance of vegetation in order to reduce the construction costs, and or to site the home to avoid unacceptable bushfire risk.

<u>Siting:</u> The Code Part 2.3.2 describes the requirements for buildings to be sited away from areas that pose an unacceptable bushfire risk. This includes areas with rugged terrain or hazardous vegetation. Building envelopes should be sited no less than 40 metres from allotment boundaries, for the purposes of creating an adequate asset protection zone.

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

5.4 Transport Assessment and Policy Reform, DPTI

The Department does not object in-principle to the plan of division as provision has been made for access to be available to all allotments via the abutting local road network.

The planning authority is directed at attached the following condition to any approval:

Direct vehicular access to/from the South East Highway (Southern Eastern Freeway) shall not be permitted to serve the plan of division.

The planning authority is advised to attach the following condition to any approval:

Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of the South East Highway (Southern Eastern Freeway). Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.



The following notes provide additional information for the benefit of the applicant and are required to be included in any approval:

This plan of division abuts a section of the South East Highway (Southern Eastern Freeway) that was proclaimed as a controlled access road on 18 August 1977 pursuant to Part 2A of the Highways Act 1926. Departmental records show that there is no proclaimed or permitted means of access by which persons and vehicles may directly enter or leave the controlled access road from/to this site. Access is available via the adjacent local road network.

6. PUBLIC NOTIFICATION

The application was notified as a Category 3 development.

Public notification was undertaken by directly contacting adjoining owners and occupiers of land via public notice in a newspaper from 3-17 October 2018. Five (5) representations were received with four (4) wishing to be heard by the SCAP.

A summary of the representations is provided below.

ID	Position	Wish to be heard	Key Issues	Valid
1	Oppose	No	 The creation of an additional allotment is inconsistent with current 'regulations' Owner of land adjacent to existing Lot 45 (adjacent railway line) – was advised upon purchase of land that amalgamation of Lot 45 into a new title would not occur 	
2	Oppose	Yes	 Additional groundwater installations (bores) not identified in the Site History Report Inconsistent with PDC 20 (Zone) – not a minor readjustment of boundaries Existing Lot 45 is not capable of being developed; does not provide an existing 'development right'; and therefore the proposal creates an additional allotment in the watershed Impact on existing right of way to provide access to the new allotment; requirement to upgrade (who will pay?); increased vehicular movements 	Yes
3	Support	Yes	Land is affectedSupport the proposal	Yes
4	Oppose	Yes	Increased traffic flowImpact on groundwater flowsImpact on right of way	Yes
5	Oppose	Yes	 Increase in traffic and dust nuisance on private road and Onkaparinga road Increased noise nuisance Width of private road unsuitable for CFS access 	Yes

The Applicant responded in detail to each individual issue raised in the representations. The responses to the key issues are summarised below.

Issue	Response
Inconsistency with PDC 20 (Zone)	This PDC relates to minor boundary adjustments. The proposal is not a minor adjustment of allotment boundaries of the form anticipated by PDC 20, but it is a form of boundary adjustment (at the northern end) that will ensure that that land will be used for primary production purposes.



	There are five provisions in this section of the Zone provisions that refer to land division. The proposal either satisfies or does not offend the remaining provisions. Failure to comply with one provision of the plan is not fatal to the proposal.
Increased traffic flow	The Right of Way currently services 3 properties. It is proposed to service one additional property. At worst the land division will allow for 3 properties instead of two to secure access, an increase in traffic by 50%.
	The number of vehicle movements per day generated by traffic in near city rural areas is likely to be in the range 6 to 10 vehicle movements per day (vpd). On that basis the right of way carries about 20 vpd. This may increase to 30 vpd.
	The right of way has adequate capacity to accommodate an increase of 10 vehicle movements per day.
Cost burden to upgrade the right of way	The current 'pavement' on the Right of Way varies between 3 and 4 metres in width. The pavement width can be increased if necessary given the width of the Right of Way but given the low volume of traffic likely to be using the right of way there is little need for the pavement to be widened other than to accommodate passing bays for CFS vehicles.
	The proposal will effectively result in 3 property owners having the responsibility of maintenance rather than 2 currently. The additional participant should reduce the individual maintenance contribution.
Dust and noise nuisance	It is acknowledged that an increase in vehicle numbers using the Right of Way may give rise to potential additional dust and noise nuisance.
	Whether dust and/or noise is generated will be dependent on the persons using the Right of Way. There is no reason to think the prospective occupiers of both properties (proposed allotments 205 and 206) will not be considerate of their neighbours.
Impact to surface water flows	Currently surface flows from proposed Lot 206 may pass through the adjacent property (Rep 4) in either a controlled or uncontrolled form.
	In the event the division is approved one would reasonably expect a dwelling and landscaped gardens to be constructed on the land. In my opinion there is a greater prospect of improvement in the control of stormwater than there would be if the division does not proceed.
Ability to access / develop Lot 45	Allotment 45 may be land locked but that does not prevent its development. It is possible to secure access to the land via a Right of Way.
	The application documents demonstrate how Lot 45 can be developed for a residential purpose.

A copy of each representation and the applicant's response is contained in the ${\sf ATTACHMENTS}$.





Figure 3: Representation Map

7. POLICY OVERVIEW

All allotments involved in the Plan of Division are located in the Watershed (Primary Production) Zone, Onkaparinga Slopes Policy Area, within the Adelaide Hills Council Development Plan Consolidated – 9 January 2014. Pursuant to PDC 70 of the Watershed (Primary Production Zone) all kinds of development are non-complying in the zone except for the following:

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



The Objectives of the Watershed (Primary Production Zone) are for the long term sustainability of rural production; preservation of remnant vegetation; enhancement of amenity and landscape; and protection of natural resources.

The PDCs for the zone envisage land division only where:

- A suitable site for a dwelling is available (PDC 18)
- The land division does not result in the pollution of water resources (PDC 19a and 21)
- The land does not result in the loss of productive primary production land (PDC 19b and 21)
- No additional allotments are created (PDC 20)
- The land division provides for the minor readjustment of allotment boundaries to correct an anomaly with respect to the location of existing buildings (PDC 20a); or to improve the management of land for primary production purposes and/or conservation of natural features (PDC 20b).
- The resulting allotments are of a size consistent with that in the locality (PDC 22).
- No increase in the number of allotments or part allotments over areas of native vegetation (PDC 34).

The Onkaparinga Slopes Policy Area seeks the retention of low density rural development by the exclusion of rural living areas or uses which would require division of land into smaller holdings.

Council wide provisions that are relevant to this application seek to ensure:

- Development that is suitable for the intended use
- Protection of productive primary production land from conversion to non-productive or incompatible uses
- Retention of rural land for the maintenance of natural character and scenic value
- Protection of the Mount Lofty Ranges Watershed from pollution

8. PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Adelaide Hills Council Development Plan (Consolidated 9 January 2014), which are contained in the ATTACHMENTS.

8.1 Form of Development

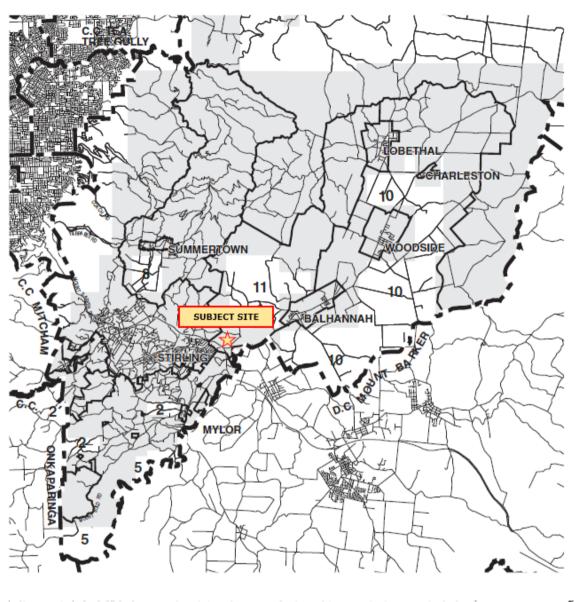
Boundary realignment

The boundary realignment component of the development application seeks to retain the existing land uses, being primarily primary production with associated residential dwelling. This is consistent with OB 3 of the Zone which seeks the long-term sustainability of rural production in the south Mount Lofty Ranges.

The incorporation of existing Lot 45 into the surrounding primary production land Lot 101 is a logical and desirable outcome. The proposed boundary realignment addresses an historical anomaly and supports the ongoing use of the site for its intended purpose.

The proposed boundary realignment will create allotments that are more consistent with the existing pattern of development in the locality than the current arrangement.







Consolidated - 9 January 2014

Figure 4: Zoning Map



Land division

Land division creating smaller and/or additional allotments is generally not supported within the watershed due to the potential increase in water pollution in the catchment.

The Onkaparinga Slopes Policy Area seeks the exclusion of rural living areas or uses which would require division of land into smaller holdings. Land division creating additional allotments is non-complying within the Zone. The appropriateness of land division within the Zone is guided by PDCs 18-22. In general terms, policies seek to prevent the further fragmentation of primary production land, and minimise the creation of additional development opportunities (i.e. vacant lots) which further increase pollution risk within a sensitive catchment.

If assessed in isolation the land division portion of the development application could be considered at odds with the objectives and policies of the zone and policy area. The proposed land division does not correct an anomaly in boundary placement. The creation of an additional allotment may increase the potential for water pollution depending on the future land use.

Notwithstanding, the proposed land division is not expected to fragment, or cause the loss of, viable primary production land. The local topography and the area of protected native vegetation on the site makes it unlikely to be viable for productive primary production. The proposed land division will create allotments that are generally consistent within the existing pattern of development in the locality.

<u>The intended use of the additional allotment is not specified</u>. The land has limited application for primary production purposes and all forms of development are noncomplying in the Zone with the following exception:

Dwelling where the dwelling is to be erected on an existing allotment and where a habitable dwelling or tourist accommodation for up to ten guests does not already exist on the allotment, unless the dwelling is to replace an existing dwelling, and where:

- (a) no valid planning authorisation to erect a dwelling on that allotment exists; and
- (b) no other application for planning authorisation is being made or has been made and is not yet determined for a dwelling on that allotment; and
- (c) where the detached dwelling and allotment complies with the criteria in Table AdHi/5

As the subject site is within the EFPA the *PDI Act 2016* will prohibit the use of the additional allotment for residential purposes (as defined in Section 7(18). This would be enforced by condition of approval.

The Applicant was lodged prior to the introduction of the EFPA and therefore considers the suitability of the land for residential purposes in accordance with PDC 18 of the Zone:

PDC 18 Land Division should only occur where a suitable site for a detached dwelling is available which complies with the criteria detailed in Table AdHi/5.

The Applicant has identified a potential dwelling site for each allotment which seeks to meet the requirements of Table AdHi/5:

- Lot 205: the potential dwelling site is within the existing quarry, with access via an existing track. The site is substantially cleared of vegetation, with minimum slope and space for a wastewater treatment system, domestic outbuildings, firefighting tanks and vegetation clearance zones.
- Lot 206: the plan of division identifies a potential dwelling site however there is another potential location, both of which are substantially cleared of vegetation. This allotment has a slope but it is less than 1 in 5 and adequate space for ancillary structure and services.



While proposed Lots 205 and 206 generally appear to meet the requirements of Table *AdHi/5* EPA notes that it cannot draw any conclusions regarding the suitability of the potential siting of future dwellings on Lots 205 and 206 and the location, size and setback of on-site wastewater disposal areas. This is due to the use of an outdated standard by the Applicant's consultant. No application for a dwelling had been made.

Transference of Development Rights

The application seeks to transfer a nominal development right from Lot 45 to a location adjacent the Southern Eastern Freeway. This would result in no net increase in developable allotments as a result of the overall application.

An increase in developable allotments within the watershed is an intensification of land use and increases the potential for cumulative water pollution impacts (on-site from wastewater treatment systems).

The suitability of existing Lot 45 to be developed for residential purposes, and therefore the theoretical ability to transfer this development right to create a new allotment, is generally supported albeit with some concern relating to access and size.

Allotment 45 is currently landlocked and would require an easement through the adjacent farming land to gain access from a public road. With an area of approximately 946m² there is limited space available to meet wastewater disposal, CFS, private open space and other planning requirements.

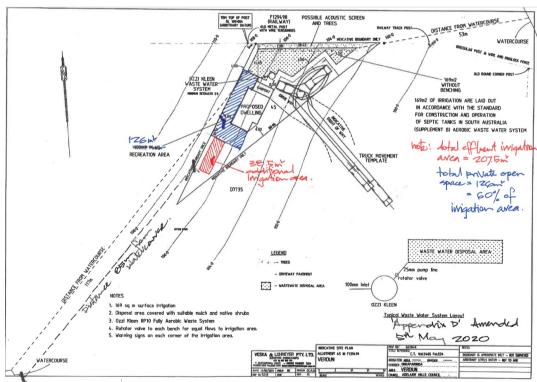


Figure 5: Potential Site Layout for Allotment 45

The Applicant has provided an updated potential site layout for the development of Lot 45 demonstrating how the requirements of On-Site Wastewater Systems Code (April 2013) would be met (Figure 5). An allotment of this size requires a minimum 80m² of private open space (based on the current Development Plan) which is achievable.



8.2 Appearance of Land and Buildings

The Development Plan seeks the preservation of rural character and scenic amenity of the south Mount Lofty Ranges (OB 77 Council Wide – Conservation).

The proposed amalgamation and land division are not expected to have any impact to the physical appearance of the land. Proposed lots 205 and 206 slope away from the South Eastern Freeway and are not clearly visible from any other public roads.

The appearance of buildings as a result of future development of the land (for residential or other purposes) does not require detailed assessment as part of the land division application. It is noted generally, however, that the local topography and existing vegetation on Lots 205 and 206 would provide natural screening of any future structures. This is consistent with OB 89 (Council-wide – Appearance of Land and Buildings).

8.3 Transportation

The Development Plan seeks compatible arrangements between land uses and the transport system that protect amenity of existing and future land uses, provides adequate access and safety, and protects roadside vegetation (PDC 14 Council Wide – Transportation).

Boundary realignment

The boundary realignment component of the development application will not result in any change to access arrangements. Existing Lot 45, which is currently landlocked, will become part of existing Lot 101 which has access from Beaumont Road at its eastern boundary. No change in access arrangements is proposed to existing Lot 1.

Land division

Existing Lot 1 gains access from Onkaparinga road (local road) via a Right of Way through an adjacent property. The land division will result in an additional allotment being solely dependent on the Right of Way. This is inconsistent with PDC 29 (e) (Council Wide – Land Division), however there are no alternate access arrangements available to existing Lot 1.

Onkaparinga Road is a local, no through road, with minimal traffic. The representors (adjoining land owners) raised concerns regarding the increased traffic on Onkaparinga Road and the Right of Way and the resultant noise and dust implications.

The Applicant's response to this concern draws on a potential future residential land use. However such a use (on one of the allotments at least), will be restricted by the EFPA provisions, such that there is only one possible household using the Right of Way when compared to the current situation (noting that a dwelling could be developed now on Lot 1). The increase in traffic from one household is not expected to exceed the capacity of the local road network.

The need to improve the Right of Way (in order to reduce dust and/or noise) would be considered as part of any future land use applications.



8.4 Environmental Factors

8.4.1 Conservation

The Development Plan seeks the retention of native vegetation (OB 70, 72, 76 Council Wide – Conservation). Proposed Lots 205 & 206 contain Stringybark open forest and two deep gullies with reeds/ferns and saw-sedges. The vegetation may provide habitat for common and threatened bandicoot, possum and various bird species.

This site is partially covered by two (2) areas earmarked by the Native Vegetation Council for Significant Environmental Benefit (SEB) rehabilitation. The areas cover the band of land adjacent the South Eastern Freeway, and extending northeast along the railway line (see Figure 6).

The Vegetation Management Action Plan established for the SEB contemplates this land division proposal and has included the proposed allotment boundaries on the SEB plan. The designated SEB areas exclude the two (2) areas cleared of native vegetation. These clearings were identified by the Applicant in the Statement of Effect as potential development sites.

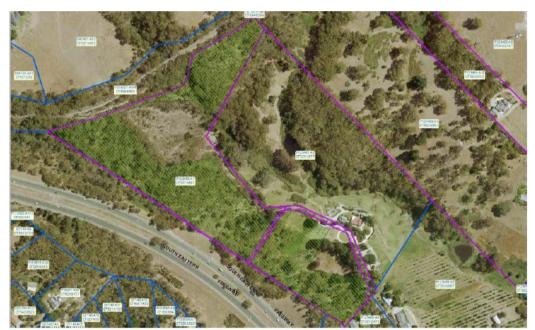


Figure 6: SEB Areas

The existing track that provides access to the disused quarry site on Lot 205 is overgrown with mostly weed species. The widening / improvement of this track would be allowed under the Native Vegetation Regulations. No native vegetation clearance is anticipated to accommodate a CFS passing bay on the Right of Way which provides access to Lots 205 and 206.

Future development on Lot 205 or 206 may require clearance of native vegetation to achieve the required bushfire buffers. The extent of clearance would depend on (among other things) the proposed land use. Should one of the allotments be developed for residential purposes, the Development Plan seeks that dwellings be sited on an existing cleared site that ensures safety from fire hazard without the need for further clearance (PDC 23 Zone).



The removal of native vegetation would require approval under the *Native Vegetation Act 1991*. Application for clearance of native vegetation within an earmarked SEB can still be approved, however the Applicant would be required to pay an offset. Any clearance of vegetation from the SEB areas would be contrary to the Development Plan policies which seek the retention, protection and rehabilitation of native vegetation.

Regardless of future land use, the fragmentation of remnant vegetation through land division is not supported by the Development Plan (or Native Vegetation Council). The separation of the SEB over two allotments may compromise the ability to achieve coordinated, long term protection and regeneration across the SEB areas.

8.4.2 Watershed Protection & Catchment Water Management

The Development Plan seeks protection of the watershed from pollution and contamination. Development within the Mount Lofty Ranges should be compatible with its use as a water catchment and storage area, and with its values as an area of primary production and scenic quality. (OB 103-105 and PDC 296-299 Council-wide Watershed Protection).

The subject site (both the boundary realignment and the land division) contains numerous waterways and natural drainage lines. The land division itself does not impact natural water flows through and over the land.

Based on the premise that Lot 45 supports an existing development right, the overall development application does not increase the number of developable allotments within the watershed. The development potential and resultant water pollution impact to the watershed therefore remains neutral.

8.4.3 Bushfire Protection

The Development Plan seeks development that minimises the threat and impact of bushfires on life and property.

The CFS referral comments considered the ability of proposed Lots 205 and 206 to meet the Code requirements for a residential land use:

Water Supply: future residential development will need to include an adequate water supply for bushfire fighting purposes. There would appear to be sufficient space on each allotment to accommodate tanks.

Vegetation: the Code requires clearance of at least 20m around buildings, however CFS notes that additional clearance may be required. Lot 205 has an area of approximately 100m x 100m (at the site of the old quarry) which would provide appropriate separation. Lot 206 similarly has an area of 120m x 150m that could be provided if existing pine trees were removed.

Access: the existing Right of Way does not currently meet the Code requirements. With a total width of 15m the Applicant has identified a location where the carriageway can accommodate a passing bay without the need for native vegetation clearance. Indicative options for a passing bay are also indicated on Onkaparinga Road, adjacent an existing fire fighting plug. Some oak trees may need to be removed to accommodate this bay.

Whilst vehicular access to the South Eastern Freeway is prohibited (controlled access road), the Applicant has nonetheless identified potential



access points to the freeway that could be utilised during emergency situations.

The development of Lots 205 & 206 for a non-residential land use may require referral to the CFS whereupon the Minister's Code 2009 *Undertaking development in Bushfire Protection Areas* (as amended October 2012) would be taken into account.

8.4.4 Infrastructure

Infrastructure services for proposed Lots 205/206 would require a combination of augmentation from existing networks, and provision of stand-alone on-site facilities. The subject site can gain access to electricity via augmentation from Onkaparinga Road. Fixed wireless NBN is available at the site. The site does not have access to a mains water supply. On-site tanks would be required to store both potable and fire-fighting water. Water could be sourced from rainwater collection or a bore (subject to further approval).

There is no Community Waste Water Management System available and all waste water must be managed through an on-site system consistent with SA Health's On-site Wastewater Systems Code April 2013. Should one of Lots 205 and 206 be developed for residential purposes, the Applicant has identified potential wastewater disposal sites. Separate approval would be required from Adelaide Hills Council.

9. CONCLUSION

The development application comprises two elements: a 3 into 2 allotment boundary realignment and a 1 into 2 allotment land division. The application seeks to transfer the development rights from Lot 45 to a location adjacent the Southern Eastern Freeway.

The boundary realignment element of the development to incorporate existing Lot 45 into surrounding Lot 101 is supported. The proposal addresses an historical anomaly and supports the ongoing use of the land for primary production.

The land division (additional allotment) element of the development is finely balanced.

Land division creating an additional allotment is a non-complying form of development in the zone. The land division does not correct an historical anomaly and will result in the fragmentation of the SEB areas over two land parcels. This may negatively impact the ability to achieve coordinated, long term protection and regeneration across the SEB areas.

The Council Wide provisions of the Development Plan seek that development (including land division) should only occur where the land is suitable for its intended purpose (PDC 3 Form of Development; PDC 13 Land Division).

The Applicant has advised that the division is not for residential purposes, however no alternative land use has been substantially demonstrated either. The land is unlikely to support a primary production land use (apart from small scale hobby activities) due to the topography and size of cleared land, and the presence of the protected SEB areas; and tourist accommodation is non-complying in the zone.

However, the application – taken together - does not offend the key objective of the Watershed Zone to protect the watershed from sources of pollution and contamination.

Accepting that existing Lot 45 supports an existing development right, the development of other land in its place will have a neutral impact on potential water pollution.



The application also does not prejudice the intended use of the zone for primary production.

On balance, the development application can be supported due to the overall neutral impact on water pollution potential in the watershed. The inconclusive nature of the intended land use makes it difficult to assess the suitability of the land, however the proposal does not prejudice the zone for its intended purpose, essentially the status quo is maintained over the existing situation, but with a larger rural lot component.

Any future change of land use will need to be assessed on its merits, noting that the created allotment cannot be used for residential purposes, prohibited under the *PDI Act 2016*.

Pursuant to Section 35(2) of the *Development Act 1993*, and having undertaken an assessment of the application against the relevant Development Plan, the application is <u>NOT</u> seriously at variance with the provisions of that plan.

10. RECOMMENDATION

It is recommended that the State Commission Assessment Panel:

- 1) RESOLVE that the proposed development is NOT seriously at variance with the policies in the Development Plan.
- 2) RESOLVE that the State Commission Assessment Panel is satisfied that the proposal generally accords with the related Objectives and Principles of Development Control for the division of land in the Watershed (Primary Production) Zone, Adelaide Hills Council Development Plan (Consolidated 9 January 2014).
- RESOLVE to grant Development Plan Consent (and Land Division Consent) to the proposal by Reginald Fiora for a Land Division (1 into 2) and Boundary Realignment (3 into 2) at Onkaparinga Road, Grivell Road, Beaumont Road, Gallasch Road and Ambulance Road, Verdun (various land parcels) subject to the following reserved matters and conditions of consent.

PLANNING CONDITIONS

- 1. Except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the approved plan for Development Application No 473/D044/15:
 - Proposal Plan Drawing 27405DU1-R1 Rev 1 dated 7 August 2018 prepared by Fyfe Pty Ltd;

Reason for condition: to ensure the development is undertaken in accordance with endorsed plans and application details.

2. The additional allotment created by this development authorisation must not be used for residential development by virtue of the operation of Section 7 of the *Planning*, *Development and Infrastructure Act 2016*.

Reason for condition: To ensure any future development of the land is in accordance with State Legislation.

3. Direct vehicular access to/from the South East Highway (Southern Eastern Freeway) shall not be permitted to serve the plan of division.



Reason for condition: To ensure safe and appropriate access to the development is maintained at all times.

4. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of the South East Highway (Southern Eastern Freeway). Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

Reason for condition: To ensure any alterations to drainage infrastructure meet road authority standards.

LAND DIVISION REQUIREMENTS

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

Reason for condition: To ensure the final plan of division meets current guidelines for the submission of documentation to the Land Titles Office.

ADVISORY NOTES

- The development must be substantially commenced or application for certificate made within 12 months of the date of the operative authorisation, unless this period has been extended by the SCAP.
- The authorisation will lapse if not commenced within 12 months of the date of operative authorisation.
- The applicant is also advised that the final land division certificate must be obtained from the SCAP to complete the development within 3 years of the date of the Notification unless this period is extended by the SCAP.
- The applicant has no right of appeal against the conditions which have been imposed on this Development Plan Consent or Development Approval.
- This plan of division abuts a section of the South East Highway (Southern Eastern Freeway) that was proclaimed as a controlled access road on 18 August 1977 pursuant to Part 2A of the *Highways Act 1926*. Departmental records show that there is no proclaimed or permitted means of access by which persons and vehicles may directly enter or leave the controlled access road from/to this site. Access is available via the adjacent local road network.

LKebe

Laura Kerber
SENIOR PLANNING OFFICER
PLANNING AND LAND USE SERVICES (DPTI)



ATTACHMENT 2: PHOTOS - SITE VISIT 13 NOVEMBER 2018



Reference Plan





1: Driveway (right of way) looking south-east



2: Proposed Lot 206 – potential dwelling site





3: View from western edge of proposed Lot 206 across to Lot 205



4: Existing fence line between proposed Lots 205 and 206





5: View from proposed Lot 205 (potential water disposal site) across to proposed Lot 206



6: View from proposed Lot 205 (potential water disposal site) across to Rep 4s property





7: Existing access track to quarry on Lot 205



8: Existing access track to quarry on Lot 205





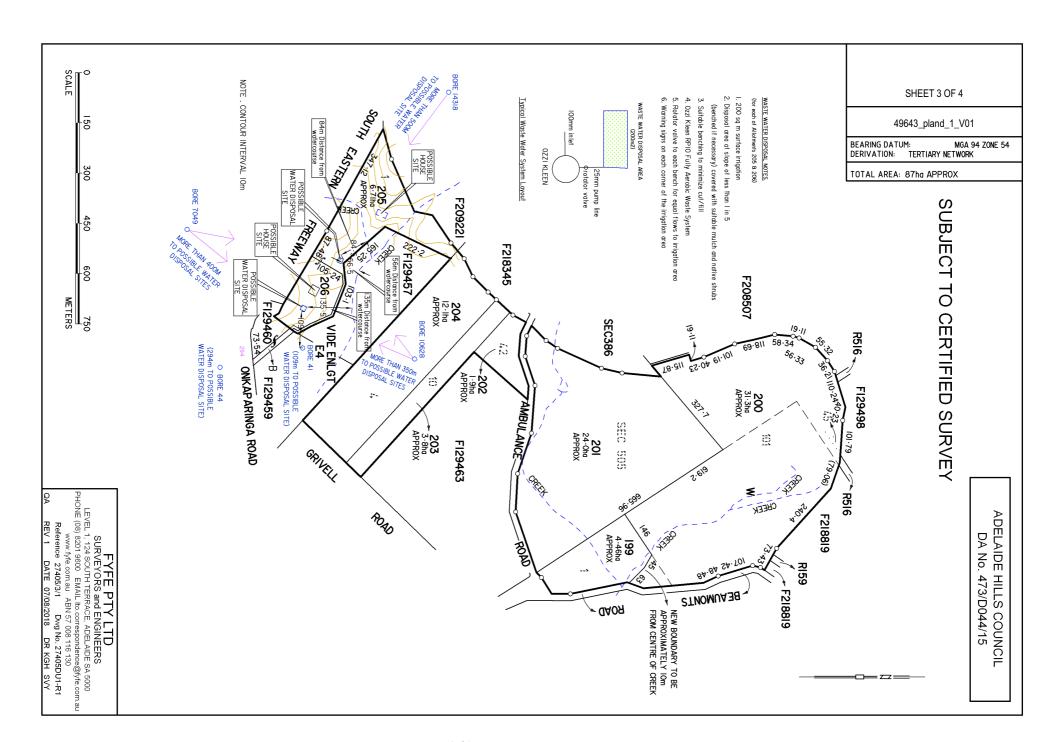
9: Disused quarry (proposed dwelling site) on proposed Lot 205

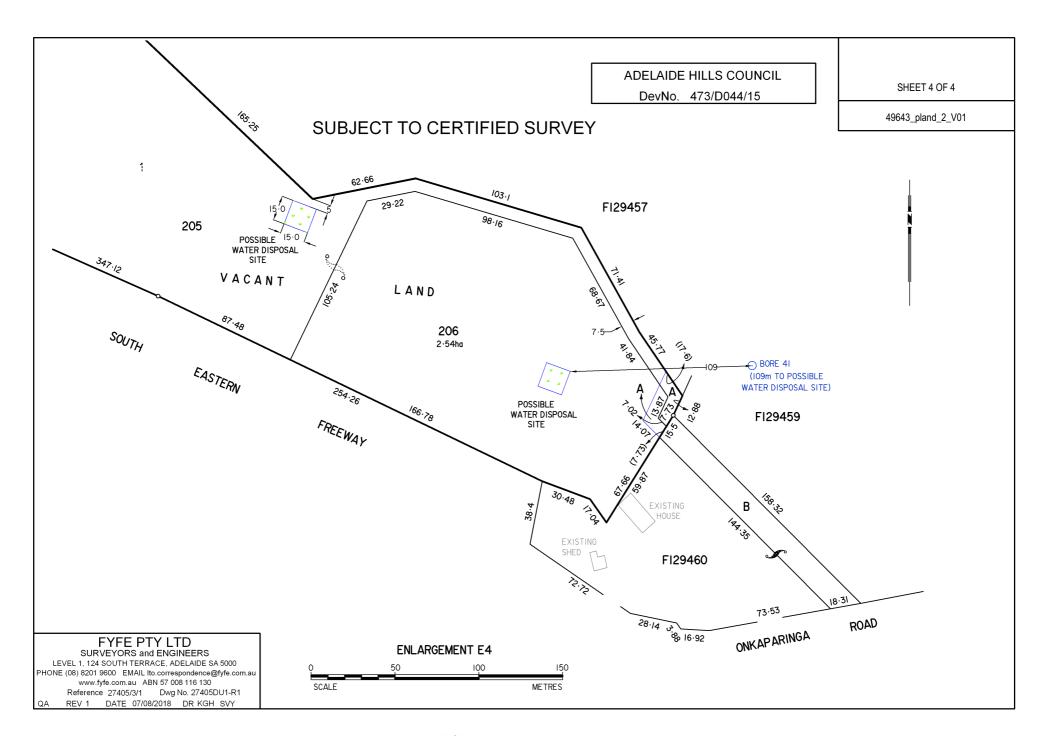


10: Disused quarry (proposed dwelling site) on proposed Lot 205

PURPOSE	Ξ:	DIVISION			AREA NAME	: VERDUI	N		APF	PROVED:		
MAP REF:	:	6628/48/N, 6627/03/D			COUNCIL:	ADELAI	DE HILLS COUNC	IL				
LAST PLA	N:					ENT NO: 473/D04	4/15/001		DE	POSITED/FILED:	CUEET 4 OF	4
LAOTTEA					DEVELOT IV	ENT NO.					SHEET 1 OF 49643_text_01_v01	
AGENT D	ETAILS:	FYFE PTY LTD LEVEL 1, 124 SOUTH ADELAIDE SA 5000 PH: 82019600 FAX:	TERRACE		SURVEYOR CERTIFICA							
AGENT C		ALRF 27405/3/1 DU1-R1										
		ETAILS: FOLIO OTHER	PARCEL ALLOTMEN	T(S)		NUMBER 45	PLAN F	NUMBER 129499	HUNDRED / IA / DIVISION ONKAPARINGA	N TOWN	REFERENCE	NUMBER
СТ	6020	59	ALLOTMEN	T(S)		101	D	77335	ONKAPARINGA			
СТ	5666	31	SECTION(S	·)		505			ONKAPARINGA			
СТ	5885	776	ALLOTMEN	T(S)		42	F	217949	ONKAPARINGA			
СТ	5809	533	ALLOTMEN	T(S)		10	F	129464	ONKAPARINGA			
СТ	5274	987	ALLOTMEN	T(S)		1	F	129455	ONKAPARINGA			
СТ	5809	663	ALLOTMEN	T(S)		4	F	129458	ONKAPARINGA			
СТ	5701	727	ALLOTMEN	T(S)		1	D	18164	ONKAPARINGA			
OTHER T												
EASEMEN STATUS EXISTING		LS: .AND BURDENED	FORM LONG	CATEGORY EASEMENT(S)		DENTIFIER	PURPOSE		IN FAVOUR OF 200 MARKED W	=	CREAT RT 6935	
EXISTING	2	205.206	SHORT	FREE AND UNRESTRICT OF WAY	ED RIGHT(S) A							
EXISTING			SHORT	FREE AND UNRESTRICT OF WAY	ED RIGHT(S) B	1			205.206			

	OUEET O OF A
	SHEET 2 OF 4 49643_text_01_v01
	140040_text_01_v01
ANNOTATIONS: ALLOTMENT(S) 201 TO 204 INCLUSIVE (CT 5666/31, CT 5885/776, CT 5809/533, CT 5809/663) DO NOT FORM PART OF THIS DIVISION.	





LAND DIVISION (BOUNDARY PROPOSED:

REALIGNMENT)

AT: **BEAUMONT ROAD AND ONKAPARINGA**

ROAD, VERDUN

APPLICANT: RM & M FIORA

ADELAIDE HILLS COUNCIL COUNCIL AREA:

APPLICATION: 473/D044/15

Prepared by: Planning Chambers Pty LtdOur Ref: 12-044DAR01

Amended 18.12.15





CONTENTS

1.	Deta	3		
	1.1	Site Details	3	
	1.2	Application Details	3	
2.	Bac	kground	4	
	2.1	Overview	4	
3.	Sub	5		
	3.1	Subject Land	5	
	3.2	Locality	6	
4.	Prop	oosal	8	
	4.1	Land Use & Built Form Elements	8	
	4.2	Relevant Issues	9	
5.	Dev	elopment Assessment	11	
	5.1	Development Plan Provisions	11	
	5.2	Assessment	12	
6.	Con	Conclusion		
	6.1	Summary	20	
	6.2	Consistency with Relevant Provisions	20	

ABBENIBING	0=0=1=10 A==0 0= =1=1 =
APPENDIX 1	CERTIFICATES OF TITLE

APPENDIX 2 PLAN OF DIVISION

APPENDIX 3 PLAN FOR LOT 1 IN FILED PLAN 129499

APPENDIX 4 WASTE DISPOSAL ASSESSMENT

APPENDIX 5 SITE HISTORY REPORT

APPENDIX 6 BUSHFIRE PROTECTION DETAILS



1. Details of Application

1.1 Site Details

Property Description	Lot 45 in FP 129499				
	Lot 101 in DP 77335 Section 505 Hundred of Onkaparinga Lot 42 in FP 217949 Lot 10 in FP 129464 Lot 4 in FP 129458 Lot 1 in FP 129455				
	Lot 1 in DP 18164				
Certificate of Title	Volume 5465 Folio 524				
Refer Appendix 1	Volume 6020 Folio 59				
	Volume 5666 Folio 31				
	Volume 5885 Folio 776				
	Volume 5809 Folio 533				
	Volume 5809 Folio 663				
	Volume 5274 Folio 987				
	Volume 5701 Folio 727				
Area	Total – Approx 86.81ha				
Owner	RM & M Fiora				
Existing Use	Rural Living				
Local Government Authority	Adelaide Hills Council				
Development Plan Zoning and	 Watershed (Primary Production) Zone 				
Policy Area Designation	 Onkaparinga Slopes Policy Area 				

1.2 Application Details

Development Type	Land division (Boundary Realignment)	
Level of Assessment	Merit	
Applicant	RM & M Fiora	
Applicant's Representative	Planning Chambers Pty Ltd	
	PO Box 6196	
	Halifax Street SA 5000	
	Telephone: (08) 8212 9776	
	Facsimile: (08) 8212 5979	
Relevant Plan(s)	Plans prepared by	
Refer Appendix 2	Fyfe	
	Planning Chambers Pty Ltd	



2. Background

2.1 Overview

This Assessment Report has been prepared for Mr RM Fiora, the applicant for the Division of land (Boundary Realignment) at Beaumont Road and Onkaparinga Road, Verdun, as outlined in Application 473/D044/15.



3. Subject Land and Locality

3.1 Subject Land

Legal Description

The land is described in eight Certificates of Title, as identified in the tabulation below. A Location Plan and Copies of the Certificates of Title are included in **Appendix 1**.

Certificates of Title		Description	Location	Area (Ha)
Volume	Folio			
5465	524	Lot 45 in F.P. 129499	Gallasch Rd, Verdun	0.0946
6020	59	Lot 101 in D.P. 77335	Gallasch Rd, Verdun	30.7
5666	31	Section 505 Hundred of Onkaparinga	34 Ambulance Rd, Verdun	23.88
5885	776	Lot 42 in F.P. 217949	Beaumont Rd, Verdun	2.022
5809	533	Lot 10 in F.P. 129464	39 Grivell Rd, Verdun	3.765
5809	663	Lot 4 in F.P. 129458	19 Grivell Rd, Verdun	12.14
5274	987	Lot 1 in F.P. 129455	Princes Highway, Verdun	9.25
5701	727	Lot 1 in D.P. 18164	Beaumont Road, Verdun	5.0

Note: Parcels identified in bold text will be directly affected by the proposed division. Other parcels are part of the division but will not be directly affected by the development.

This proposal anticipates a re-distribution of allotment boundaries. Even though this is so, it is only the first three allotments (Lot 45 in Filed Plan 129499, Lot 101 in Deposited Plan 77335 and lot 1 in DP 18164) and the last allotment (Lot 1 in Filed Plan 129455) that are materially affected. The physical form of intervening allotments will not alter in any way save that they will be given a new legal descriptor which will in time be incorporated into the Certificate of Title.

Physical Description - Existing Allotments 45, 101, and 1 (northern end).

Allotment 45 in Filed Plan 129499 has an approximate area of 946m² and a 38.42 metre long frontage to the Adelaide to Melbourne railway line. This allotment does not have direct access to a public road and is essentially, land locked. Even though that is the case, access via a Right of Way (R.o.W.) which the adjacent land owner has agreed to will be available. The grant of access in this way does not constitute development.

Lot 101 in Deposited Plan 77335 has an approximate area of 30.7 hectares and a 289 metre long frontage to Beaumont Road. (lot 1 in D.P. 18164). Two creeks pass through the northern portion of allotment 101, one creek to the west and one creek to the east of Lot 45.



The two creeks join over the central portion of Lot 101 and then drain southeast towards a neighbouring allotment (lot 1 in DP 18164) and then under Beaumont Road towards the Onkaparinga River.

The land is undulating and rises from an elevation of about 326 metres AHD near the southern corner of Lot 101 to 400 metres AHD near the southwest corner of Lot 101.

A dwelling and implement sheds are located on Lot 101, directly south of the railway line and to the west of Beaumont Road.

Allotment 1 in D.P. 18164 has an approximate area of 5ha. The land has frontages to Beaumont Road and Ambulance Road. A creek passes through the north eastern corner of the land. Another creek separates the northern portion of the allotment from the southern portion of the allotment. There is a dwelling on the land situated near the Ambulance Road frontage.

- Existing Allotment 1 (Southern End)

Allotment 1 in Filed Plan 129455 has an approximate area of 9.25 hectares, a frontage of approximately 300 metres to the South Eastern Freeway. The allotment has 'together with' rights of access across a 15 metre wide R.o.W. over Allotment 6 in Filed Plan 129460. This R.o.W. provides access to Onkaparinga Road.

A 15.1 wide R.o.W. is also located over the far eastern corner of Lot 1. It allows access across Allotment 1 by Allotment 3 in Filed Plan 129457, (adjacent land to the north) to the R.o.W. over Lot 6 (to the southeast) and then to Onkaparinga Road.

A creek passes through Allotment 1 from the South Eastern Freeway, through the western portion of the allotment and north to join another creek which passes through the adjoining allotment to the north, and the northern portion of Allotment 1.

The land is undulating and rises from an elevation of about 350 metres AHD near the southeast corner to an elevation of 400 metres AHD near the north western boundary adjacent to the rail corridor.

There are no buildings constructed upon the land and a rehabilitated quarry is located near the western boundary. Some native vegetation is located on the land, although there is none in the area of the former quarry site and towards the southeast corner.

3.2 Locality

Primary production in the form of grazing and some horticulture are the main activities conducted on the allotments "in" the division.

The northern portion of the locality generally consists of larger allotments but the southern portion surrounding Lot 1in F.P. 129455 has a number of smaller allotments which are occupied by detached dwellings.



The smaller allotments in the locality appear to be used for either country living or rural living purposes. It is equally possible some of the larger land holdings may also be used for rural living purposes, and highly likely that only three allotments "in" the division are actively used for primary production.

The land form in the locality is undulating with drainage lines generally grading down toward the Onkaparinga River to the east.

The locality has a predominant rural and rural living character.



4. Proposal

4.1 Land Use & Built Form Elements

The proposal as set out on the Plan of Division dated 13th October 2015, in **Appendix 2** anticipates three allotments (Lots 45 and 101 and lot 1 in D.P 18164) will have boundaries adjusted to form two allotments (proposed Lot 199 and 200).

This process will facilitate the division of Allotment 1 in Filed Plan 129455 at the south end into two separate allotments (proposed Lots 205 and 206) without increasing the total number of allotments in the division.

The existing parcels of land between proposed Lot 200 and proposed allotments 205 and 206 will not be physically altered, the only change to them being they will in time be allocated new legal identifiers.

Existing Allotments 45, 10 and 1 in D.P. 18164

The proposed boundary adjustment affecting Lots 45, 101, and 1 (north) will create two allotments (Lot 199 & 200) with areas of about 30.7 hectares and 4.46ha respectively. An existing dwelling and implement sheds are located on Lot 101. Lot 45 will be used in conjunction with the existing Lot 101 and the improvements thereon. Proposed lot 200 will be used in the same way as Lot 101 is currently used.

Proposed allotment 199 will have its area reduced from 5ha to 4.46ha. it will continue to function primarily as a rural living allotment in much the same way it has for many years.

Existing Allotment 1 in F.P 129455 (south)

Existing Lot 1 is proposed to be divided into two allotments. The allotment has a frontage to the South Eastern Freeway but does not obtain access therefrom. Vehicular access to the land however is provided via a R.o.W. across an adjoining allotment to the southeast, and then to Onkaparinga Road. No buildings are located on Allotment 1.

The proposal seeks to divide the southeast portion of the land from the remainder of the allotment to create allotments 205 and 206.

Proposed Lot 205 will have an approximate area of 6.71 hectares and proposed Lot 206 will have an area of 2.54 hectares.



4.2 Relevant Issues

A similar but slightly different application for 7 of the 8 allotments involved in this proposal, has previously been considered by DAC.

That previous application was determined to be for a non-complying development as the effect of the "development" (as opposed to the application) was to amalgamate Lot 45 with Lot 101 and the Development Regulations exempt from the definition of development the amalgamation of contiguous allotments. However in this instance whilst Lot 45 is to be amalgamated with Lot 101, importantly that is not the only change to Lot 101. Part of the adjoining land - existing Lot 1 to the South South East of Lot 101 is to be incorporated into Lot 101 so as to create new Lot 200. New Lot 200 therefore is the "end result" of the amalgamation of Lot 45 with Lot 101 together with the incorporation of part of Lot 1. This results in a slight reduction in the size of lot 1 and creates new lot 199.

In any event the previous application (473/D064/10) generated requests for further information which are likely to arise in respect of this application and hence they are addressed below and in the attachments hereto.

- a) In relation to the existing allotment 45 in Filed Plan 129499
- To demonstrate capacity to develop the land with a dwelling sited to comply with the requirements set out in Table AdHi/5 and
- b) In relation to the existing allotment 1 in Filed Plan 129455 (proposed allotments 205 and 206)
- Waste water disposal and compliance with the requirements set out in Table AdHi/5 and the location of bores in proximity to the proposed allotments.
- A site history report addressing possible site contamination from operation of the former quarry on the land.
- CFS requirements.

In relation to these matters the following information, together with plans and details included in the corresponding Appendices to this report, constitute the relevant documents for this application. The matters are discussed in more detail below.

a) Existing Allotment 45 in Filed Plan 129499

This allotment has a triangular shape and as area of about 946m². Access to the land is secured over a track maintained by the owner of existing allotment 101 in Deposited Plan 77335. The access from Beaumont Road can be formalised by grant of right of way over allotment 101 if required.

The plan in **Appendix 3** shows:

- The indicative right of way.
- Access and vehicle turning can be accommodated for a CFS vehicle
- A dwelling can be constructed on the land



- An effluent drainage area can be accommodated in accordance with requirements of Table AdHi/5.
 - b) Allotment 1 in Filed Plan 129455.

This allotment is to be divided to create 2 allotments. It is the land occupied formerly by a quarry.

It has access to Onkaparinga Road via a Right of Way.

i) Waste Water Disposal

The plan enclosed in **Appendix 4** shows the location of proposed house sites, waste disposal sites, the nearest watercourse and identifies distance of the effluent disposal area from the nearest bores. The appendix also includes the drainage report prepared by FMG Engineers.

ii) Site History Report

Mott MacDonald were engaged to prepare a site history report in response to a request from the Environment Protection Agency (EPA)

A copy of the report is included in **Appendix 5**.

It is understood the EPA was satisfied, the subject land did not require further contamination assessment.

iii) Bushfire Requirements

The Country Fire Service (CFS) provided commentary on the previous application. A copy of their advice is included in **Appendix 6**.

In response to the CFS requirements an additional plan was included in the application documents. The plan demonstrates the location of passing lanes to be constructed as part of the land division.



5. Development Assessment

5.1 Development Plan Provisions

The Land Division Application 473/D044/15 was lodged with the Development Assessment Commission (DAC) on 9th October 2015.

I have undertaken an assessment of the proposal against the relevant provisions of the Development Plan, Adelaide Hills Council, consolidated 9th January 2014.

Maps AdHi/3 and AdHi/31 show the subject land as being within the Watershed (Primary Production) Zone. Maps AdHi/42 and AdHi/75 show the subject land is located in the Onkaparinga Valley Slopes Policy Area.

There are a number of Council Wide provisions of the Plan that will be applicable to the assessment of this application, but the provisions of the Plan of relevance to an assessment of the proposal are;

Zone Provisions

Watershed (Primary Production) Zone

Objectives: 1-5

Principles of Development Control (PDC): 1-4, 11, 15-22, 42-44, 70

Policy Area Provisions

Onkaparinga Slopes Policy Area

Objective: 1

Council Wide Provisions

Form of Development Objectives: 1, 5, 6 PDC's: 1-3, 9, 10, 13-15

Land Division Objective: 10

PDC's: 28-32, 36-37

Transportation (Movement of People and Goods)

Objectives: 20, 21 PDC's: 41-43, 58, 59

Public Utilities Objective: 22

Rural Development Objectives: 61, 62



Appearance of Land and Buildings

Objectives: 87, 89, 90 PDC's 228-231, 234

Watershed Protection Objectives: 103-105 PDC's: 296, 297, 299

Bushfire Protection: Objectives: 106, 107 PDC's 300, 305-307 Figure AdHi (BPA)/8

There is a clear emphasis in these provisions upon protection of the Watershed protection of property from bushfire impact, maintenance of rural productivity and maintenance of rural character. I provide the following commentary on the most relevant of those provisions identified above.

5.2 Assessment

Zone Provisions

Watershed (Primary Production) Zone

PDC 70

This PDC sets out those forms of division that are classified as being of a noncomplying kind. It nominates land division, but excludes those forms of division that:

- Do not create any additional allotments, and
- Do not result in a greater risk of pollution than would the development of the existing allotments, and
- Which contain a dwelling site meeting the requirements set out in Table AdHi/5.

Commentary

The PDC does not distinguish between boundary realignments of various types, but rather focuses attention on the characteristics of the allotments as a key determinant of the suitability of a proposed land division to avoid the noncomplying classification.

It is apparent that the Plan makes no distinction between a major or minor boundary re-alignment, in respect to its consistency with the non-complying classification.



More importantly in my view the emphasis is upon the availability of a suitable dwelling site. This emphasis suggests that the intent of development control policy for the division of land is for the purpose of controlling the siting of a dwelling, and control of its establishment in a manner that will not contribute to pollution of the catchment.

Neither Lot 45 nor Lot 1 have dwellings constructed upon them. However as shown in the plans included in **Appendices 3 and 4**, existing allotment 45 and proposed allotments 205 & 206 each have the capacity to accommodate a dwelling that would satisfy the siting requirements of Table AdHi/5 as follows:

- Not located on land subject to flooding as shown on Figures AdHi FPA/1 to 19:
- Can have on-site waste water treatment and disposal which complies with the South Australian Health Commission requirements;
- Not have any part of the waste water irrigation area within 50 metres of a watercourse identified on a 1:50,000 Government Standard topographic map;
- Not have the waste water irrigation area located on land with a slope greater than 20 percent (1 in 5), or depth to bedrock or seasonal water table less than 1.2 metres;
- Not have a septic tank located on land likely to be inundated by a 10 year return period flood event; and
- Can be sited at least 25 metres from the nearest watercourse identified on a current series 1:50,000 Government standard topographic map.

Accordingly the proposed division is of a form that satisfies the requirements for it to be considered a 'consent' or 'merit' development.

PDC's 15-17

PDC's 15-17 inclusive comment on preservation of the rural character, ensuring primary production is not prejudiced, and land which is particularly suitable for primary production, continues to be used for that purpose.

Commentary

For reasons set out in the following discussion on the land division provisions, the proposed land division will not remove productive land from primary production, nor will it prejudice continuation of primary production on the land.

The purpose of the division is to transfer an allotment from an area to the northwest of the railway crossing at Beaumont Road, where it is no longer required, to an allotment near the South Eastern Freeway.

The existing Allotment 45 will then be used in conjunction with the adjacent Lot 101 for primary production. Proposed Allotments 205 and 206 upon which the former quarry activities were conducted, can continue in use for grazing purposes.



PDC 18

This PDC requires a land division to provide a suitable dwelling site.

Commentary

A dwelling and implement sheds are located on Lot 101. Lot 45 is used in conjunction with farming activities conducted on Lot 101. Proposed Lot 200 is to remain in use for grazing and horticultural purposes. Proposed allotment 199 will continue in use as a rural living allotment.

There are no dwellings located on Lot 1. However the plans included in **Appendix 4** demonstrate that proposed Lots 205 and 206 each have sufficient area to accommodate a dwelling and associated effluent drainage areas.

There are numerous potential dwelling sites that meet the criteria nominated in Table AdHi/5 on proposed Lots 205 and 206. However no dwellings are proposed to be constructed on the allotments as part of this land division application.

PDC 19

This PDC comments on the avoidance of pollution and retention of land suitable for primary production.

Commentary

The proposed division will allow for the continuation of primary production activity on proposed Lot 200. Proposed Lots 205 and 206 are densely vegetated with native vegetation. Lots 205 and 206 are not suitable for primary production purposes other than in the form of low intensity grazing as the allotments would have to be almost entirely cleared of native vegetation for substantive primary production activity, to occur.

The continuation of primary production on proposed Lot 200 and the possible future construction of dwellings on proposed Lots 205 and 206 will not increase the risk of pollution since dwellings can be constructed on all the allotments in accordance with the requirements of Table AdHi/5.

Land that is suitable for, and which is currently used for agriculture and horticulture primary production, will continue to be used for those purposes.



PDC 20

This PDC comments on land division indicating that division <u>may</u> be undertaken where no additional allotments are to be created (my emphasis). In a sense it seeks to limit division to the *"minor readjustment of allotment boundaries to correct an anomaly with respect to existing buildings..."* and to *"improve the management of the land for the purposes of primary production...and/or the conservation of its natural features"*.

Commentary

The Development Plan does not describe what constitutes a minor readjustment of allotment boundaries nor does it explain the distinction between an adjustment and a re-adjustment of allotment boundaries.

The qualifications set out in subclauses a) and b) would effectively preclude any form of land division involving a boundary adjustment if a literal interpretation is to be applied to the provision, because the division of land would have to relate to:

- An anomaly with respect to existing buildings and
- Improved management of the land for the purposes of primary production
- And/or conservation of its natural features

Such a strict reading of this provision would require all boundary adjustments to relate to existing buildings and improved management of the land for the purposes of primary production and/or conservation of its natural features.

Furthermore if it is the intent that boundary adjustment (or readjustment) is to occur in the extremely limited and most unlikely circumstances identified in parts (a) and (b) of the PDC, and not in any other circumstances, then one would reasonably expect the extreme limitations to be reflected in the non-complying criteria set out in Zone PDC 70. The fact that PDC 70 does not contain these restrictions suggests that PDC 20 is a policy that can be interpreted and applied with greater flexibility as the circumstances dictate.

Clearly as a policy statement it is <u>not</u> mandatory, but obviously has to be considered in the assessment of an application for land division.

Clause 7 of the 10th Schedule to the *Development Regulations 2008*, refers to circumstances where a land division application is to be determined by the Development Assessment Commission (DAC). The Clause at part a) refers to the realignment of the common boundary between two contiguous allotments. It refers to a change in the boundary affecting more than 10% of either allotment. This is a reference to procedures to be followed in the administration of the Act and cannot and does not provide any guidance as to the interpretation of Zone PDC 20.



Zone PDC 20 is an expression of policy.

If an application for division is proposed that has little or nothing to do with the placement of buildings in the vicinity of a property boundary, the weight to be applied to this particular policy is to be measured having regard to the capacity of the proposed division to improve land management efficiency, in conjunction with all the remaining provisions of the Plan that are relevant in the circumstances. It cannot in the circumstances, be weighted more heavily than the policy intent set out in PDC's 18, 19, 21 or 22.

In this case the division will retain land that is suitable for primary production (proposed Lot 200) and will allow the potential construction of dwellings on proposed Lots 205 and 206 (land which is generally unsuitable for primary production) whilst still permitting the current use of Lot 1 to continue. The creation of Lot 200 will remove an allotment that could potentially have a dwelling constructed upon it and will instead ensure this land is used for primary production purposes in the future.

The division of the Lot 1 into two allotments will facilitate the retention and conservation of the majority of the native vegetation on this land in accordance with the requirements of Zone PDC 20.

The natural features of the land are unlikely to be compromised since the access and possible dwelling sites are located in areas where the natural features have already been disturbed.

The provision is tied to Zone PDC 70 in so far as PDC 70 nominates the creation of an additional allotment in the Zone as a non-complying kind of development, and PDC 20 qualifies the circumstance under which division may be acceptable, by reference to the limitation of "no additional allotment or allotments…" being created.

The proposal <u>does not</u> create an additional allotment in the Zone and so does not offend either PDC 70 or PDC 20. In short as a result of what is proposed in this application there are 3 allotments to be reconfigured into 2 allotments or looked at "collectively" there are 8 allotments currently and after the division there will be 8 allotments. On either view *no additional allotment or allotments...*" will be created

PDC 21

This PDC expresses almost the same policy intent as is expressed in PDC 20 but using positive rather than negative expression. Importantly it is not limited to circumstances where no additional allotments are to be created.

Commentary

As mentioned previously the proposed division will not result in loss of land having capacity for primary production use nor will it have a greater potential to pollute surface or underground waters that does the existing use of the land. It is apparent that the proposal does not offend this provision of the Plan.



PDC 22

This provision seeks to maintain consistency in the size of allotments in any particular locality.

Commentary

It is presumed the reference to 'allotment size' is a reference to land area, but it may also pertain to the shape and proportion of land holdings.

If the reference is to the area of an allotment, then the creation of a single allotment (proposed Lot 200) having an area of about 30 hectares for primary production is a land area consistent with others in the locality currently being used for that purpose. Existing Lot 1 (9.25 hectares in area) will be divided into two separate allotments. Proposed Lot 205 will have an area of 6.71 hectares and proposed Lot 206 will have an area of 2.54 hectares.

Existing allotments in the locality of proposed Lots 205 and 206 abutting Onkaparinga Road, are of similar area but slightly different proportions to the proposed Lots.

Most importantly the impact of the changes will have a positive impact upon the productive capacity of proposed Lot 200 as existing Lot 45 which could accommodate a dwelling will no longer exist and will be incorporated into a new larger allotment as part of an application that involves other boundary adjustments so as to create Lot 200.

It is my opinion that the proposed division does not offend PDC 22.

Policy Area Provisions

Onkaparinga Slopes Policy Area

Objective 1

This Objective envisages retention of low density rural development by the exclusion of rural living areas or uses which would require division of land into smaller holdings.

Commentary

The currently undeveloped allotment (Lot 45) will no longer exist and the "right" to that allotment will be transferred south to create two allotments in a locality that already exhibits rural living characteristics and a dominant area of native vegetation.



Council Wide Provisions

Land Division

Objective 10 & PDC's 28 & 32

This objective seeks land in appropriate localities to be divided in an orderly and economic manner. Land should not be divided if the size, shape and location of the slope and nature of the land contained in each allotment resulting from the division is unsuitable for the purpose for which the allotment is to be used.

Commentary

The land is most suitable for the intended purpose. Proposed Lot 205 has a dwelling site available on cleared land formerly used for quarrying. The quarry has been rehabilitated. The backfill has been benched to create a levelled dwelling site and suitable drainage area that will comply with the requirements of Table AdHi/5. Lot 206 can likewise readily accommodate a dwelling

PDC's 29 & 31

These provisions seek to ensure that each allotment resulting from the division should be provided with safe and convenient access to a carriageway. No allotment should be solely dependent upon a private road, or right of way for access. Provision should also be made for the disposal of waste water and water resources should not be exploited or polluted.

Commentary

The proposed allotments 205 & 206 will each have access to Onkaparinga Road. The R.o.W. exists and serves a number of dwellings. Since the land already has access by R.o.W., use of the R.o.W. by an additional allotment will mean that the R.o.W. will be upgraded to current CFS standards for access. It is a more desirable outcome than leaving the access arrangements as they are currently. It will improve the safety of the existing "rural living" allotments in the area adjacent to Lot 1. The proposed allotments will have areas suitable for wastewater disposal.

PDC's 36, 37 & 38

PDC's 36 and 37 provide design parameters specifically about the creation of an additional allotment, in circumstances where the allotment contains two existing dwellings.

Commentary

The majority of the provision appears to be directed to controlling development where two dwellings are asserted to exist so it is my opinion the provision is seeking to control development in circumstances where there are "two existing dwellings" on the allotment.



The provision is of minor relevance to this development proposal because there are no dwellings on existing allotment 45 or proposed allotments 205 and 206.

Appearance of Land and Buildings

These provisions seek to ensure the siting and design of buildings does not impact upon the amenity of the locality within which they are to be situated.

There is an expressed desire in the provisions to ensure buildings will not be visible from the South Eastern Freeway and that land will not be subject to excessive earthworks.

Commentary

Neither of the dwelling sites identified on the plan for the proposed allotments 205 and 206 will be visible from the freeway. The dwelling sites have been identified in areas that will not require excessive cut and fill. In the case of proposed allotment 205, the dwelling site is identified on a benched platform, created by the former quarry works.

Watershed Protection

The provisions of the Plan have a strong emphasis on protection of the watershed. These requirements include maintenance of isolation distances from bores and drainage lines connecting ultimately to the Onkaparinga River or the River Torrens.

Commentary

The proposal complies with the siting criteria nominated in the Plan.

Bushfire Protection

The subject land is located in an area of high bushfire risk. Development of the land is required to satisfy the Minister's Code: Undertaking Development in Bushfire Prone Areas.

Comment

The proposal envisages installation of passing bays on access roads. The access bays will be created prior to the making of application for Section 51 Clearances for the division.



Conclusion 6.

6.1 Summary

The proposal will involve a land division where by the boundaries of the subject land are redistributed. Only allotment 44 in Filed Plan 129499, allotment 101 in Deposited Plan 77335 and allotment 1 in Filed Plan 129455 and allotment 1 in DP 18164 are materially affected by the re-alignment. The physical form of the remainder of the allotments will not alter in any way save that they will be given a new legal descriptor which will in time be incorporated onto the Certificate of Title.

The proposed land division will entrench the current primary production use of Lot 45 and will remove the opportunity for that land to be developed with a dwelling.

In my opinion the proposed development will not prejudice the attainment of the Objectives and Principles of Development Control for the area. The proposal in my opinion is not seriously at variance with the relevant provisions of the Development Plan, when all the provisions of the Plan are considered in context with the existing development of land in this locality.

As mentioned throughout this assessment, the proposal demonstrates an appropriate degree of consistency with the relevant provisions of the Development Plan.

6.2 **Consistency with Relevant Provisions**

Having regard to the existing use of the land, the proposed development is considered to either be consistent, or have the capacity to result in consistency with, the following provisions of the Development Plan:

Zone Provisions

Watershed (Primary Production) Zone

Objective: 3

Principles of Development Control: 15, 16, 17, 18, 19, 20, 21 and 22

Council Wide Form of Development Objectives: 1, 6

Principles of Development Control: 1, 2, 3, 9

Land Division Objective: 10

Principles of Development Control: 30, 32, 36

ASSESSMENT REPORT



Transportation (Movement of People and Goods)

Objective: 20, 21

Principle of Development Control: 41-43

Rural Development

Objective: 61

Appearance of Land and Buildings

Objectives: 87, 88

Principles of Development Control: 228-230

Watershed Protection Objectives: 103-105

Principles of Development Control: 296, 297, 299

Bushfire Protection Objectives: 106

Principles of Development Control: 305-307

In summary, I am satisfied the proposed development is not seriously at variance with the requirements of the Development Plan.

The proposal demonstrates consistency with the relevant provisions of the Development Plan to an extent that the proposal warrants the grant of consent.

Yours sincerely

Planning Chambers Pty Ltd

Jeff Smith

Director

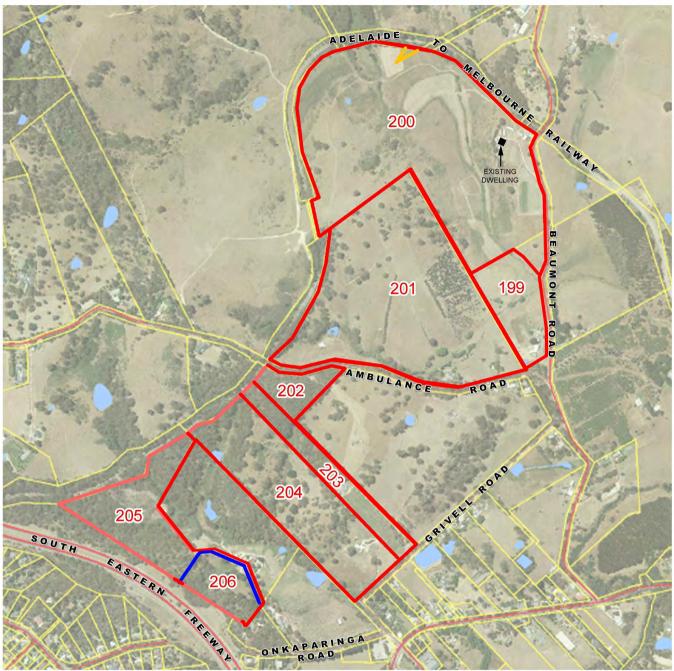
MPIA

18.12.15

CERTIFICATES OF TITLE

Volume 5465 Folio 524 Volume 6020 Folio 59 Volume 5666 Folio 31 Volume 5885 Folio 776 Volume 5809 Folio 533 Volume 5809 Folio 663 Volume 5274 Folio 987 Volume 5701 Folio 727

and Location Plan



BASE IMAGE SOURCE: NATUREMAPS 2014

LEGEND

BOUNDARIES OF ALLOTMENTS AFFECTED BY LAND DIVISON

NEW ALLOTMENT BOUNDARY

REMOVE ALLOTMENT BOUNDARY







LOCATION PLAN

BOUNDARY REALIGNMENTAT BEAUMONT & ONKAPARINGA ROADS
FOR MR REDGE FIORA

12-044-02a

NOVEMBER 2015



Title Register Search

LANDS TITLES OFFICE, ADELAIDE

Issued pursuant to the Real Property Act 1886

LAND TITLES OFFICE ADELAIDE SOUTH AUSTRALIA

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5465 FOLIO 524 *

: \$15.50 (GST exempt)

PARENT TITLE : CT 4027/99

REGION : EMAIL

AUTHORITY : CONVERTED TITLE

AGENT : LVS1 BOX NO : 368

DATE OF ISSUE : 31/10/1997

SEARCHED ON : 11/11/2005 AT : 10:24:50 EDITION

: 3

CLIENT REF 5213

REGISTERED PROPRIETOR IN FEE SIMPLE

_____ CLAIRE FIORA OF PO BOX 158 BALHANNAH SA 5242

DESCRIPTION OF LAND

ALLOTMENT 45 FILED PLAN 129499 IN THE AREA NAMED VERDUN HUNDRED OF ONKAPARINGA

EASEMENTS

SCHEDULE OF ENDORSEMENTS

NIL

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

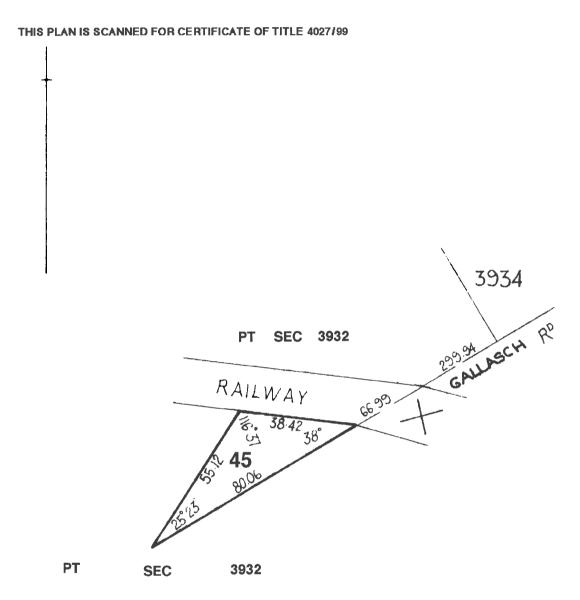
NTT.

REGISTRAR-GENERAL'S NOTES

NIL

LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5465 FOLIO 524 SEARCH DATE: 11/11/2005 TIME: 10:24:50

SEARCH DATE: 11/11/2005 TIME: 10:24:50



0 15 30 45 60 Metres



Title Register Search LANDS TITLES OFFICE. ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 6020 FOLIO 59

: \$18.00 (GST exempt)

PARENT TITLE : CT 5678/193

REGION : EMAIL

AUTHORITY : RTC 10982530

AGENT : LVS1 BOX NO : 368

DATE OF ISSUE : 09/10/2008

SEARCHED ON : 08/04/2010 AT : 12:50:12 EDITION

CLIENT REF 5213

REGISTERED PROPRIETOR IN FEE SIMPLE _____

RAY CHARLES GALLASCH OF BEAUMONT ROAD VERDUN SA 5245

DESCRIPTION OF LAND

ALLOTMENT 101 DEPOSITED PLAN 77335 IN THE AREA NAMED VERDUN HUNDRED OF ONKAPARINGA

EASEMENTS

TOGETHER WITH A RIGHT OF WAY OVER THE LAND MARKED C APPURTENANT ONLY TO

THE LAND MARKED W (RT 6935605)

SCHEDULE OF ENDORSEMENTS

NIL

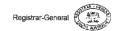
NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

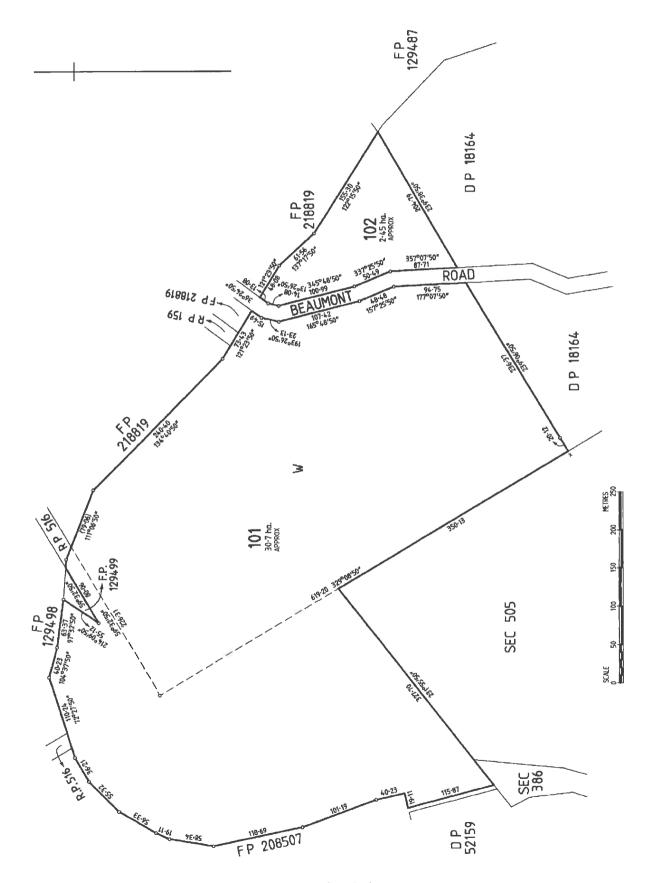
NIL

REGISTRAR-GENERAL'S NOTES

NIL

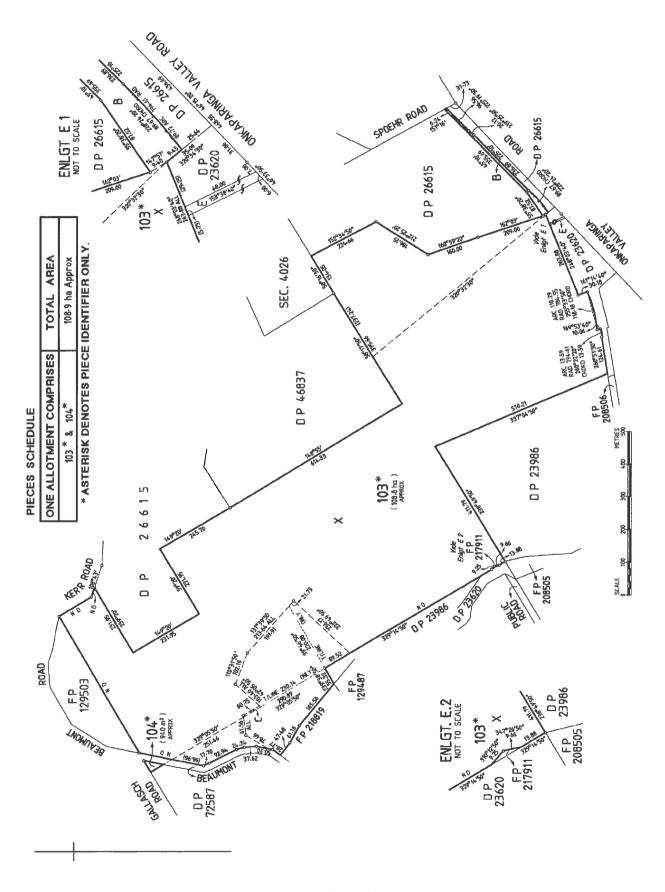


LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 6020 FOLIO 59 SEARCH DATE: 08/04/2010 TIME: 12:50:12



Page 2 of 4

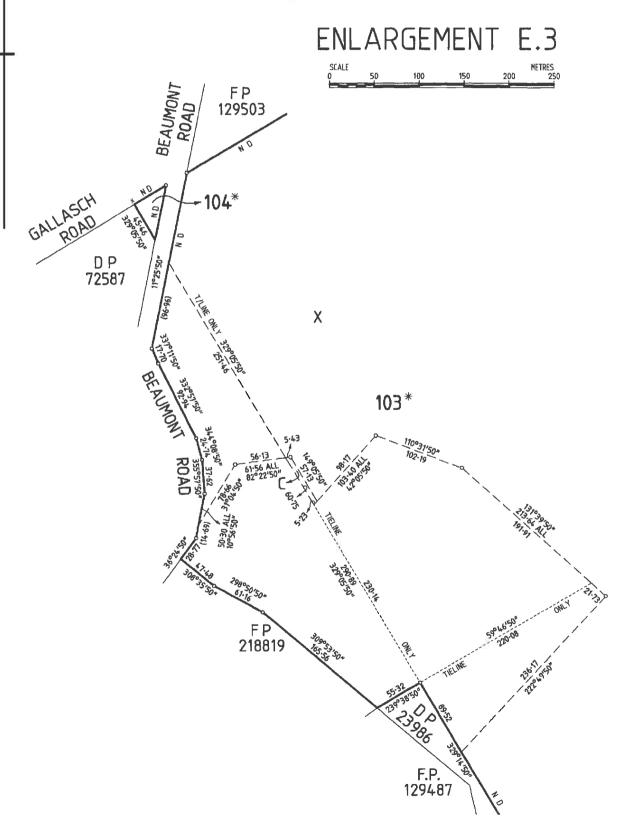
LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 6020 FOLIO 59 SEARCH DATE: 08/04/2010 TIME: 12:50:12



Page 3 of 4

LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 6020 FOLIO 59 SEARCH DATE: 08/04/2010 TIME: 12:50:12

* ASTERISK DENOTES PIECE IDENTIFIER ONLY.



Page 4 of 4



Title Register Search LANDS TITLES OFFICE, ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5666 FOLIO 31

: \$18.70 (GST exempt)

PARENT TITLE : CT 3158/200

REGION : EMAIL

AUTHORITY : CONVERTED TITLE

AGENT : LVS1 BOX NO : 368 DATE OF ISSUE : 25/06/1999

SEARCHED ON : 13/12/2010 AT : 12:19:26 EDITION

CLIENT REF 5213

REGISTERED PROPRIETORS IN FEE SIMPLE ______

JANIS KALNINS AND VERA KALNINS BOTH OF 47 CHURCH TERRACE WALKERVILLE SA

5081 AS JOINT TENANTS

DESCRIPTION OF LAND

SECTION 505

HUNDRED OF ONKAPARINGA

IN THE AREA NAMED VERDUN

EASEMENTS

NIL

SCHEDULE OF ENDORSEMENTS

NIL

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

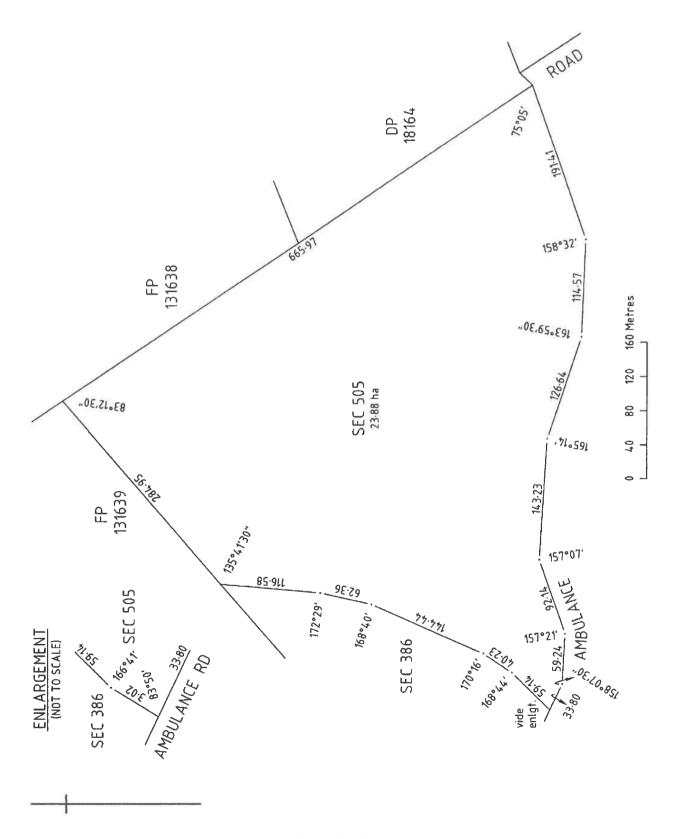
NIL

REGISTRAR-GENERAL'S NOTES

CONVERTED TITLE-WITH NEXT DEALING LODGE CT 3158/200

LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5666 FOLIO 31

SEARCH DATE: 13/12/2010 TIME: 12:19:26



Page 2 of 2



Title Register Search LANDS TITLES OFFICE, ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5885 FOLIO 776 *

COST : \$18.70 (GST exempt) PARENT TITLE : CT 1915/71

REGION : EMAIL AUTHORITY : CONVERTED TITLE

AGENT : LVS1 BOX NO : 368 DATE OF ISSUE : 19/12/2002

SEARCHED ON : 13/12/2010 AT : 12:20:00 EDITION : 2

CLIENT REF 5213

REGISTERED PROPRIETOR IN FEE SIMPLE

AUSTRALIAN RAIL TRACK CORPORATION LTD. OF OFF SIR DONALD BRADMAN DRIVE

MILE END SA 5031

DESCRIPTION OF LAND

ALLOTMENT 42 FILED PLAN 217949

IN THE AREA NAMED VERDUN

HUNDRED OF ONKAPARINGA

EASEMENTS

NIL

SCHEDULE OF ENDORSEMENTS

NIL

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

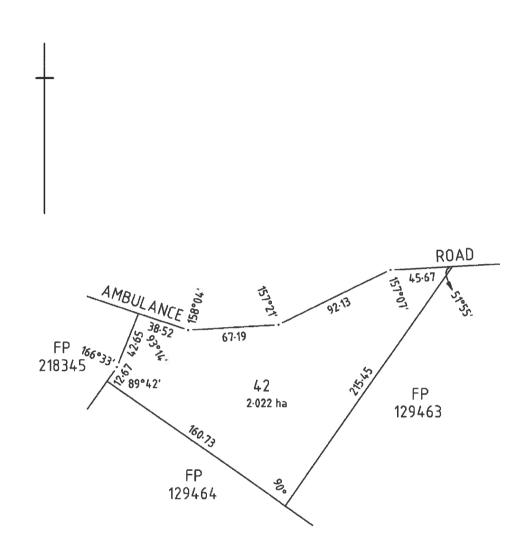
NIL

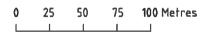
REGISTRAR-GENERAL'S NOTES

NIL

LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5885 FOLIO 776 SEARCH DATE: 13/12/2010 TIME: 12:20:00

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 1915/71





NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION



Title Register Search LANDS TITLES OFFICE, ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5809 FOLIO 533

: \$18.70 (GST exempt)

PARENT TITLE : CT 1597/124

REGION : EMAIL

AUTHORITY : CONVERTED TITLE

AGENT : LVS1 BOX NO : 368

DATE OF ISSUE : 22/09/2000

SEARCHED ON : 13/12/2010 AT : 12:20:28 EDITION

CLIENT REF 5213

REGISTERED PROPRIETOR IN FEE SIMPLE

ROGER STEWART BURBIDGE OF 21 KURLA ROAD BALHANNAH SA 5242

DESCRIPTION OF LAND

ALLOTMENT 10 FILED PLAN 129464 IN THE AREA NAMED VERDUN HUNDRED OF ONKAPARINGA

EASEMENTS

NIL

SCHEDULE OF ENDORSEMENTS ______

9010443 MORTGAGE TO WESTPAC BANKING CORPORATION

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

NIL

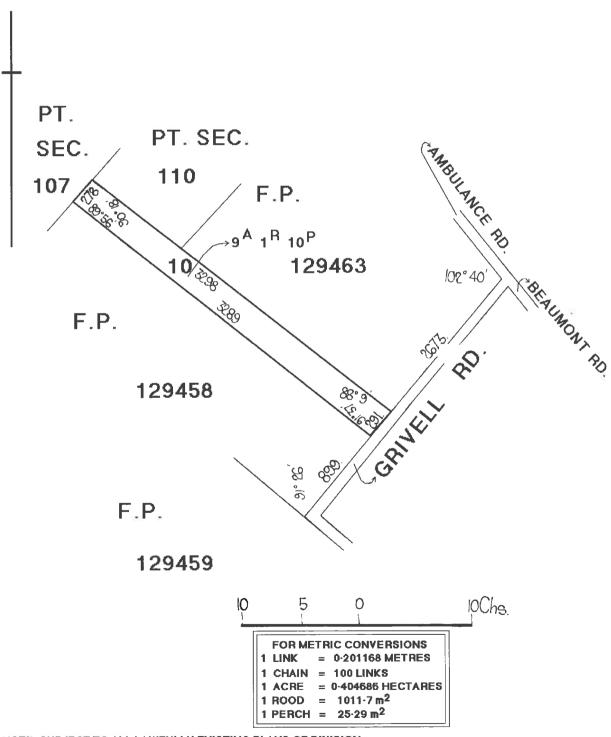
REGISTRAR-GENERAL'S NOTES

NIL



LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5809 FOLIO 533 SEARCH DATE: 13/12/2010 TIME: 12:20:28

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 1597/124



NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION



Title Register Search LANDS TITLES OFFICE, ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5809 FOLIO 663

COST : \$18.70 (GST exempt)

PARENT TITLE : CT 1597/123

REGION : EMAIL

AUTHORITY : CONVERTED TITLE

AGENT : LVS1 BOX NO : 368

DATE OF ISSUE : 22/09/2000

SEARCHED ON : 13/12/2010 AT : 12:20:50 EDITION

EDITION · 3

CLIENT REF 5213

REGISTERED PROPRIETORS IN FEE SIMPLE

JOEL ADAM SCANLON AND NICOLA HELEN DANBY BOTH OF 4 GRIVELL ROAD VERDUN SA 5245 AS JOINT TENANTS

DESCRIPTION OF LAND

ALLOTMENT 4 FILED PLAN 129458 IN THE AREA NAMED VERDUN HUNDRED OF ONKAPARINGA

EASEMENTS

NIL

SCHEDULE OF ENDORSEMENTS

9093481 MORTGAGE TO NATIONAL AUSTRALIA BANK LTD.

10304565 MORTGAGE TO NATIONAL AUSTRALIA BANK LTD. (SINGLE COPY ONLY)

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

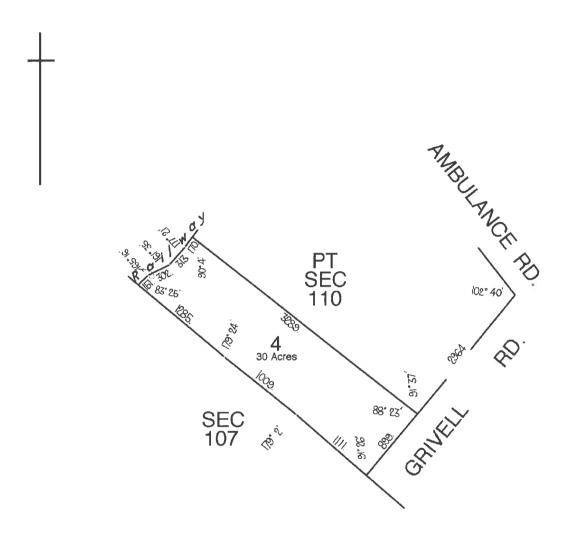
NIL

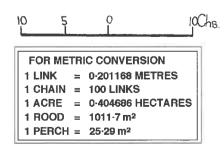
REGISTRAR-GENERAL'S NOTES

NIL

LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5809 FOLIO 663 SEARCH DATE: 13/12/2010 TIME: 12:20:50

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 1597/123





NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION



Title Register Search

LANDS TITLES OFFICE, ADELAIDE

Issued pursuant to the Real Property Act 1886

LAND TITLES OFFICE ADELAIDE SOUTH AUSTRALIA

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5274 FOLIO 987 *

: \$15.50 (GST exempt)

PARENT TITLE : CT 3814/192

REGION : EMAIL

AUTHORITY

: CONVERTED TITLE

AGENT : LVS1

BOX NO : 368

DATE OF ISSUE : 26/06/1995

SEARCHED ON : 11/11/2005 AT : 10:21:54

EDITION

: 2

CLIENT REF 5213

REGISTERED PROPRIETORS IN FEE SIMPLE

REGINALD MORRIS FIORA AND CLAIRE FIORA BOTH OF 6 HAMPTON ROAD MOUNT BARKER SA 5251 AS JOINT TENANTS

DESCRIPTION OF LAND

ALLOTMENT 1 FILED PLAN 129455 IN THE AREA NAMED VERDUN HUNDRED OF ONKAPARINGA

EASEMENTS

SUBJECT TO A FREE AND UNRESTRICTED RIGHT OF WAY OVER THE LAND MARKED A

TOGETHER WITH A FREE AND UNRESTRICTED RIGHT OF WAY OVER THE LAND MARKED B

SCHEDULE OF ENDORSEMENTS

NIL

NOTATIONS

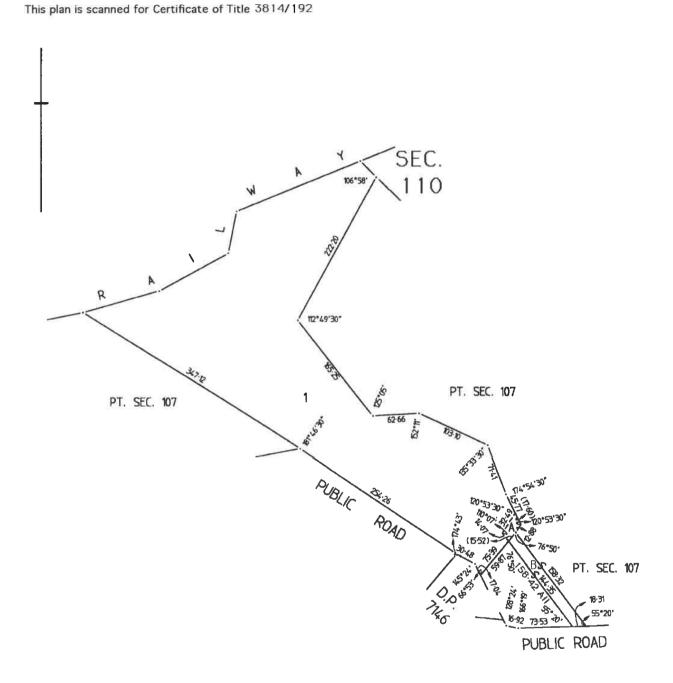
DOCUMENTS AFFECTING THIS TITLE

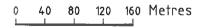
NIL

REGISTRAR-GENERAL'S NOTES

CONTROLLED ACCESS ROAD VIDE PLAN 57

LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5274 FOLIO 987 SEARCH DATE: 11/11/2005 TIME: 10:21:54





Note: Subject to all lawfully existing plans of division



Product Date/Time

Customer Reference

Order ID

Cost

12-044

20151117007988

17/11/2015 02:39PM

Register Search

\$27.25

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.



Registrar-General

South Australia

Certificate of Title - Volume 5701 Folio 727

Parent Title(s)

CT 4272/532

Dealing(s) Creating Title **CONVERTED TITLE**

19/10/1999

Title Issued Edition

3

Edition Issued

26/09/2013

Estate Type

FEE SIMPLE

Registered Proprietor

TREVOR JOHN ADAMS KENNETH ALFRED ADAMS OF 1 PINE DRIVE ABERFOYLE PARK SA 5159 AS JOINT TENANTS

Description of Land

ALLOTMENT 1 DEPOSITED PLAN 18164 IN THE AREA NAMED VERDUN HUNDRED OF ONKAPARINGA

Easements

NIL

Schedule of Dealings

Dealing Number

Description

10307498

MORTGAGE TO BENDIGO & ADELAIDE BANK LTD.

12003990

MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.

Notations

Dealings Affecting Title

NIL



Product
Date/Time
Customer Reference
Order ID

Cost

Register Search 17/11/2015 02:39PM 12-044

20151117007988 \$27.25

Priority Notices

NIL

Notations on Plan

NIL

Registrar-General's Notes

NIL

Administrative Interests

NIL

* Denotes the dealing has been re-lodged.

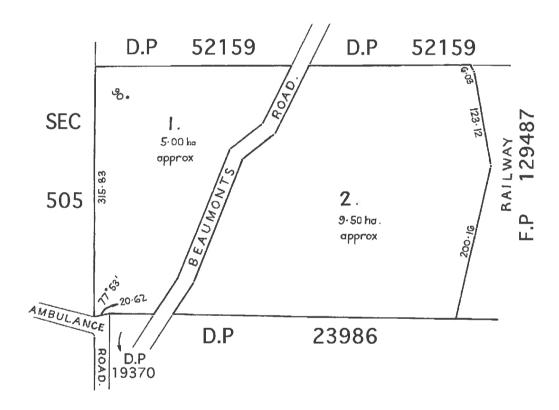
Land Services Group

Page 2 of 3

Product
Date/Time
Customer Reference
Order ID
Cost

Register Search 17/11/2015 02:39PM 12-044 20151117007988 \$27.25





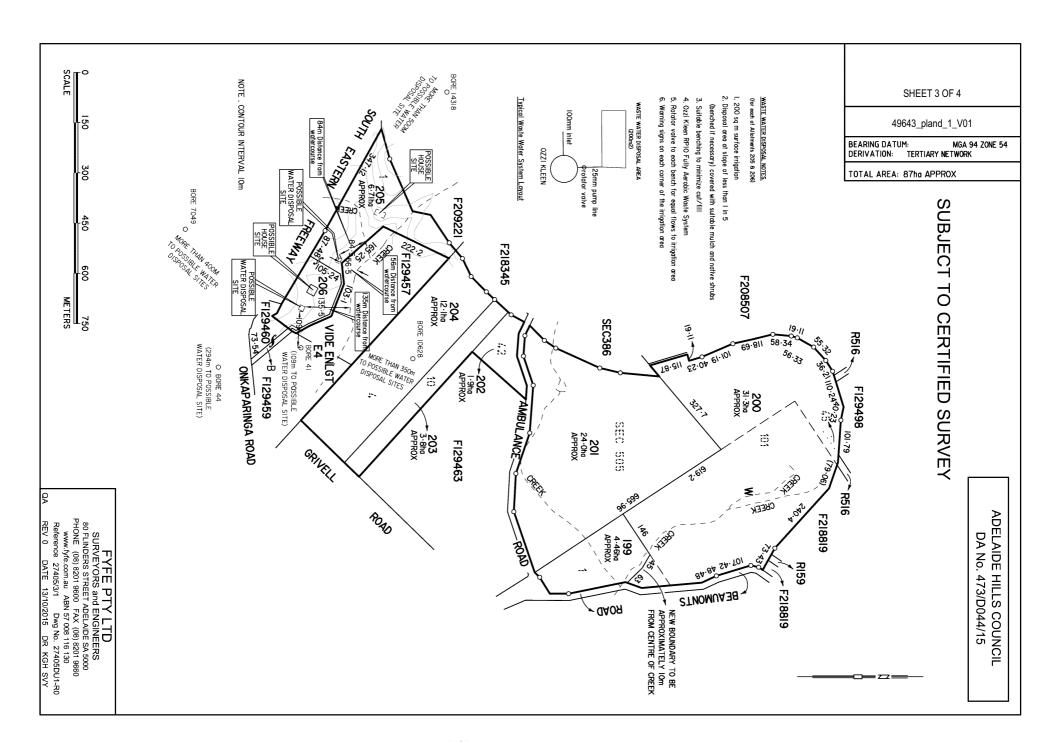
0 50 100 150 200 250 Metres

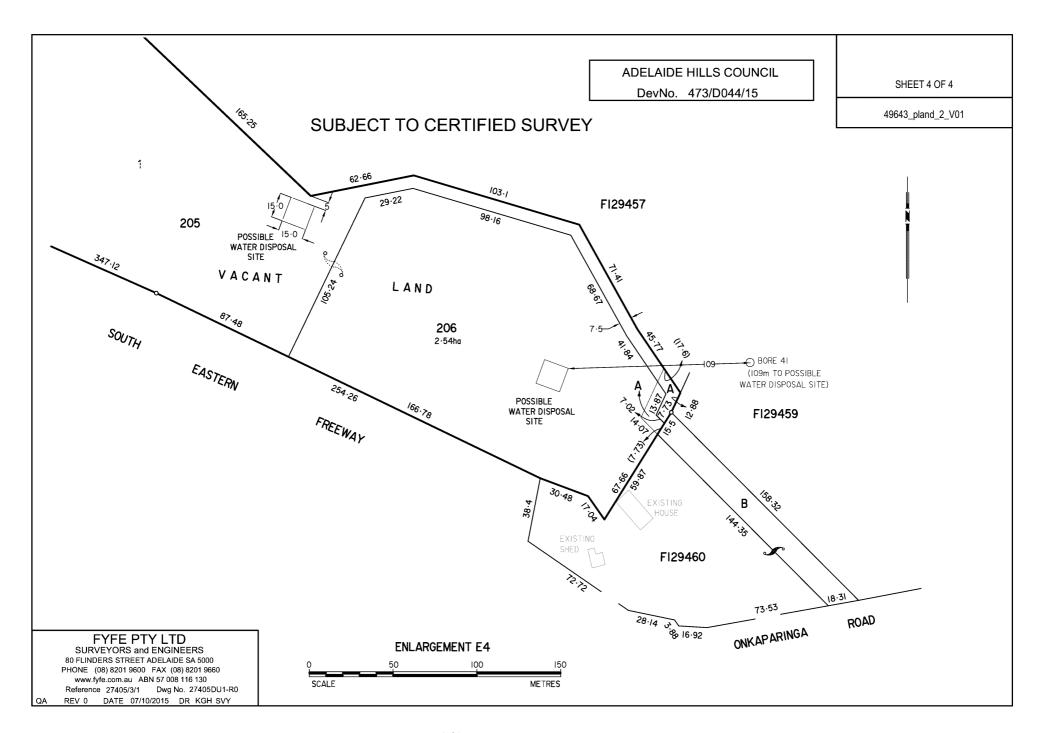
PLAN OF DIVISION

473/D044/15

PURPOSI	Ξ:	DIVISION			AREA NAME:	VERDU	N			APPROVED:	
		0000140181 00071001D			001111011	ADELAK					
MAP REF	:	6628/48/N, 6627/03/D			COUNCIL:	ADELAII	DE HILLS COUNC	ilL			
										DEPOSITED/FILED:	
LAST PLA	N:				DEVELOPME	NT NO: 473/D04	4/15/001				SHEET 1 OF 4
											49643_text_01_v01
AGENT D	NT DETAILS: FYFE PTY LTD LEVEL 3, 80 FLINDERS STREET ADELAIDE SA 5000 PH: 82019600 FAX: 82019650		SURVEYORS CERTIFICATI								
AGENT C	ODE:	ALRF									
REFEREN		27405/3/1 DU1-R0									
SUBJECT PREFIX CT		FOLIO OTHER 524	PARCEL ALLOTMEN	T(S)		NUMBER 45	PLAN F	NUMBER 129499	HUNDRED / IA / DIVIS	SION TOWN	REFERENCE NUMBER
СТ	6020	59	ALLOTMEN	T(S)		101	D	77335	ONKAPARINGA		
СТ	5666	31	SECTION(S)		505			ONKAPARINGA		
СТ	5885	776	ALLOTMEN	T(S)		42	F	217949	ONKAPARINGA		
СТ	5809	533	ALLOTMEN	T(S)		10	F	129464	ONKAPARINGA		
СТ	5274	987	ALLOTMEN	T(S)		1	F	129455	ONKAPARINGA		
СТ	5809	663	ALLOTMEN	T(S)		4	F	129458	ONKAPARINGA		
СТ	5701	727	ALLOTMEN	T(S)		1	D	18164	ONKAPARINGA		
OTHER T	ITLES AFF	ECTED:									
EASEMEI STATUS		S: AND BURDENED	FORM	CATEGORY	ID	ENTIFIER	PURPOSE		IN FAVOUR	R OF	CREATION
EXISTING	_		LONG	EASEMENT(S)		N D77335			200 MARKED		RT 6935605
EXISTING	2	05.206	SHORT	FREE AND UNRESTRICTE OF WAY	ED RIGHT(S) A						
EXISTING			SHORT	FREE AND UNRESTRICTE OF WAY	ED RIGHT(S) B				205.206		

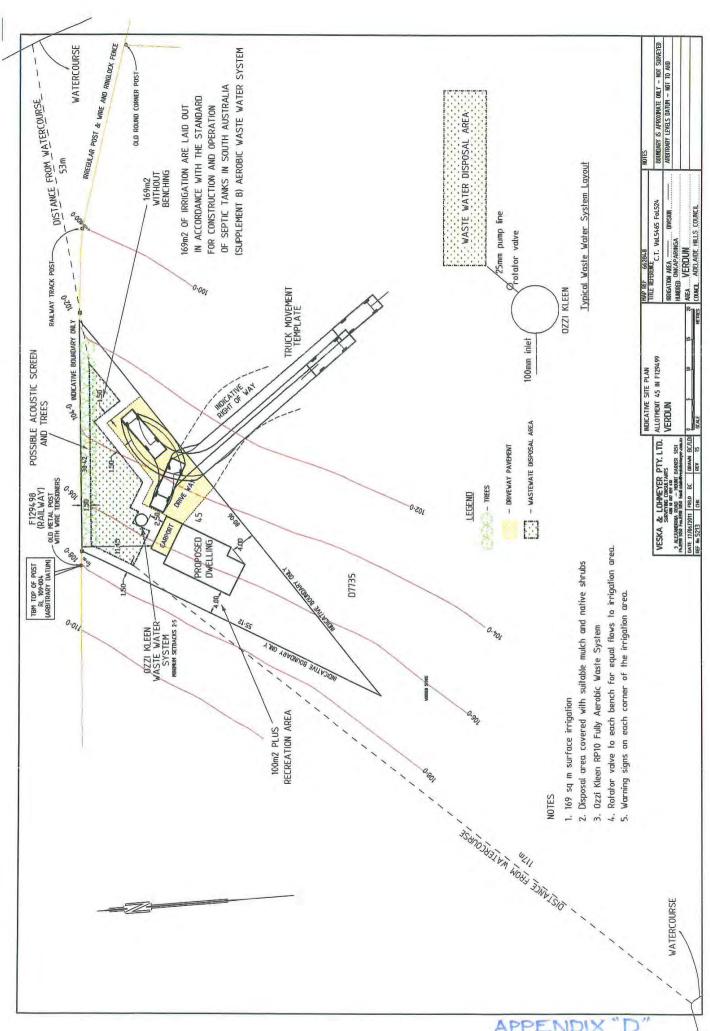
	I
	1
	1
	SHEET 2 OF 4
	49643_text_01_v01
	<u> </u>
ANNOTATIONS: ALLOTMENT(S) 201 TO 204 INCLUSIVE (CT 5666/31, CT 5885/776, CT 5809/533, CT 5809/663) DO NOT FORM PART OF THIS DIVISION.	
	l
	l
	l
	· ·





PLAN OF DEVELOPMENT

Allotment 1 in Filed Plan 129499



WASTE DISPOSAL ASSESSMENT AND WASTE DISPOSAL PLAN FOR PROPOSED ALLOTMENTS 205 & 206

Report by FMG Engineers



PO Box 707
Kent Town SA 5071
42 Fullarton Rd
Norwood SA 5067
P 08 8363 0222
F 08 8363 1555
ABN 58 083 071 185
Imgengineering.com.au

Our ref. 108044

10 June 2011

Michael Lohmeyer 3 Alexander Road Mount Barker SA 5251

Dear Michael

Re: Report on Potential On Site Wastewater Systems for land division DA473/D064/10 for Mr Redge Fiora

We confirm your instructions to consider the impact of the potential installation of wastewater systems on certain land near Verdun being existing allotment 45 and proposed allotments 205 and 206. It is proposed to re-subdivide all of the land such that Lot 45 will be amalgamated into another allotment and it is then proposed to transfer that title for the benefit of the existing allotment 101 so as to create allotments 205 and 206. In considering the land division application it is necessary to consider whether such wastewater systems can be installed in accordance with the current on-site wastewater codes of the Department of Health "The Standard for the Construction, Installation and Operation of Septic Tanks in South Australia (including Supplement "A and B.") and also Table AdHi/5 of the Adelaide Hills Development Plan. In particular you asked us to consider whether by the installation of wastewater systems.

- 1) the development of the proposed allotments does not result in a greater risk of pollution of surface or underground waters than would the development of the existing allotments, and
- provided a suitable site for a detached dwelling is available such that the site and the dwelling would comply with the criteria in Table AdHi/5

An inspection was carried out on 19 May 2011 of lot 45 and existing lot 101. Soil bore logs were taken on lot 45, effectively one each on proposed allotments 205 and 206.

Please find enclosed the results of borehole logging conducted on the above allotments on 19/05/2011. Borelogs were conducted by Geodrill and processed at FMG Engineering's Research House laboratory.

Existing allotment 45 had two bore holes drilled with the results and location defined in Attachment ("A"). The results confirm that there is no bedrock or a water table within 1.2 metres of surface level. The slope of the allotment and the area where the wastewater system can be installed is less than 1 in 5. Details of the location and sitting of a potential dwelling and wastewater system are shown on plan (Attachment "B").

Confirmation of development potential of proposed allotments 205 and 206 can be demonstrated in bore logs 3 and 5 which also confirm that there is no bedrock or a water table within 1.2 metres of surface level. The slope of the ground at both borelog sites is less than 1 in 5 ie the area where the wastewater systems can be installed.



Water courses are shown on the survey plan and the proposals comply with setback requirements.

For existing allotment 45 and proposed allotments 205 and 206 it has been demonstrated that construction of dwellings and on-site wastewater disposal systems can be achieved. It should be noted for the proposed dwellings for 205 and 206 that they can be sited independently of the wastewater fields which can be serviced by rising mains to the sites of borehole location with acceptable soil conditions.

In my opinion the installation of wastewater systems on certain land near Verdun being existing allotment 45 and proposed allotments 205 and 206 will comply with both the current on-site wastewater codes of the Department of Health "The Standard for the Construction, Installation and Operation of Septic Tanks in South Australia (including Supplement "A and B") and also Table AdHi/5 of the Adelaide Hills Development Plan (copy attached). Furthermore the development of proposed allotments 205 and 206 (or one of them) does not result in a greater risk of pollution of surface or underground waters for an approved wastewater system than would the development of the existing allotment 45 having regarded to:

- 1. the soil conditions
- 2. the slope of each of (the three) allotments
- 3. the slope of a suitable and likely area for an on-site wastewater disposal systems
- 4. likely dwelling sites each of (the three) allotments

Yours faithfully

Steve Clarke, CPEng, MIE Australia.

Civil Manager FMG Engineering

FING Engineering

Enclosed: Appendix A - Borehole logs

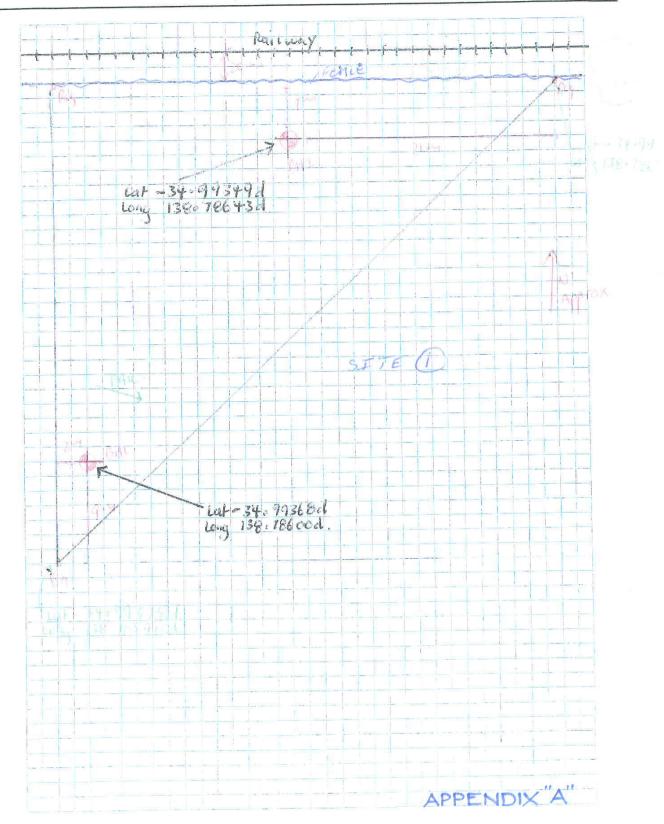
Appendix B - Layout plan

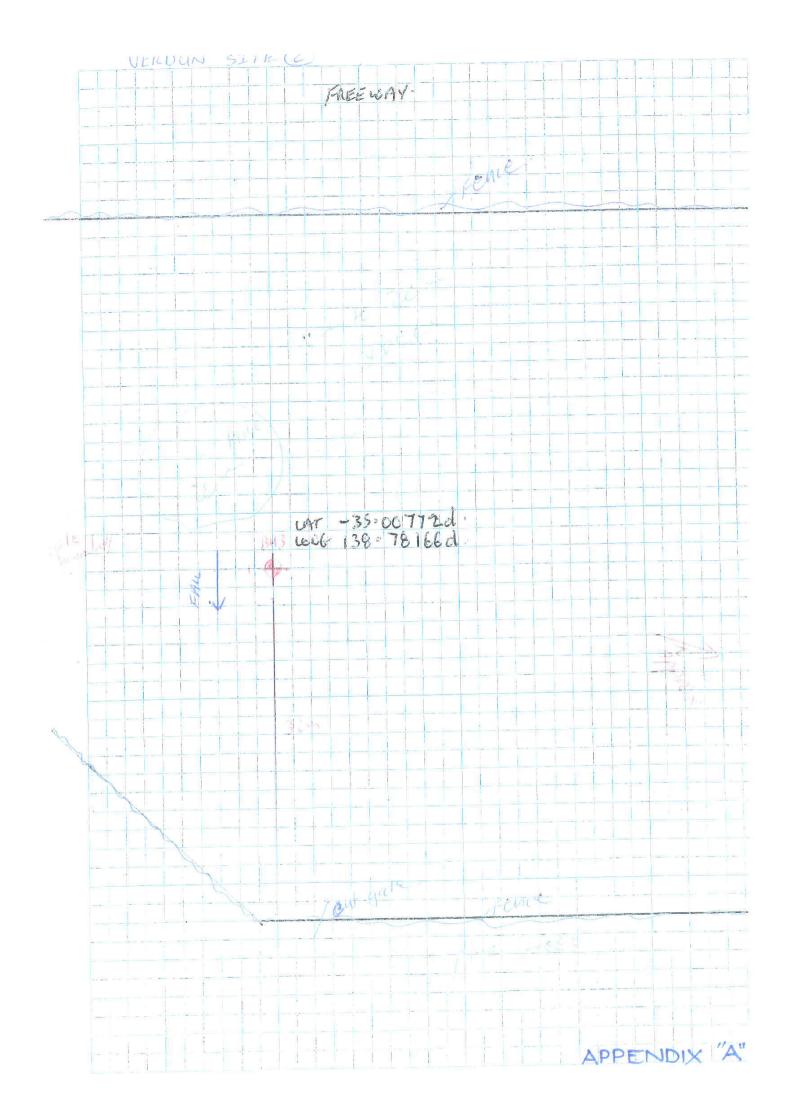
Appendix C - Amended Survey Plan: Veska and Lohmeyer

Appendix D – Wastewater Layout Plan for Lot 45

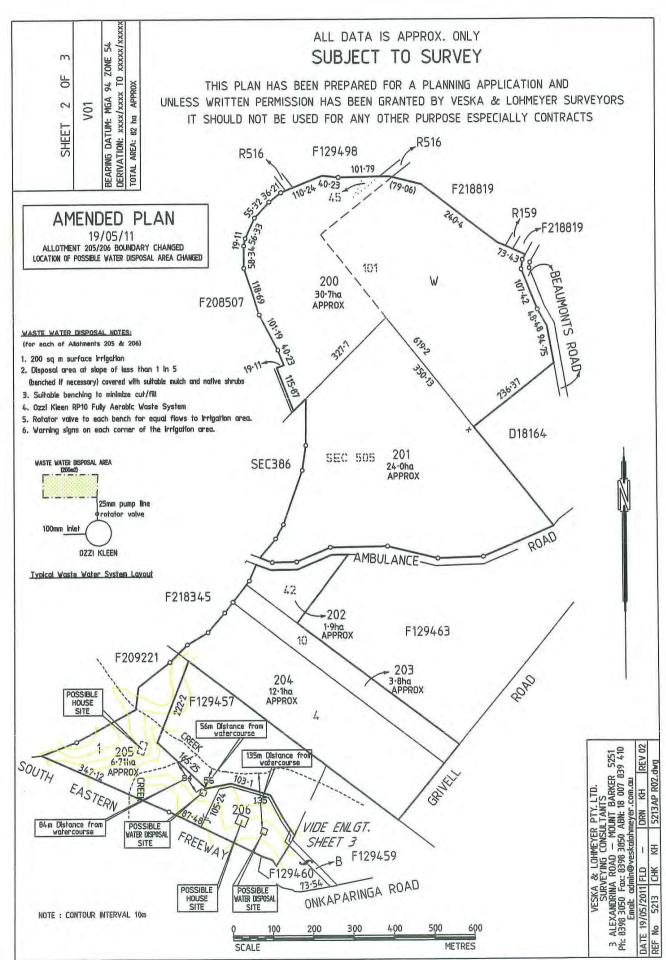
GEODRILL JOB SHEET

Ondaparinga Valley Road VERDUN





M Kene Pest -35.00660 d. UAT Existing LAT - 35.00686d FREEWAY. APPENDIX "A"





FMG ENGINEERING

Sample Date : 19/05/11 Sample Method : RMPT

Site: Ambulance Road VERDUN SA 5245

SURFACE SOIL BORE LOG

Horizon	Hole 1 Depth		Hole 2 Hole 3 Hole 4 Depth Depth Depth (mm) (mm) (mm)	Hole 4 Depth (mm)	Hole 5 Depth (mm)	Description	U/Symb	Moisture	U/Symb Moisture Strength Est lpt Av lpt	Est Ipt	Av Ipt
A	0-02	100	100		0 -	SILTY SAND - grey brown to light grey brown. Some gravels and fine roots.	SM	Damp to moist	Low	0.000	0.000
В	200 -	100 -	100 -			SILTY SANDY CLAY - yellow light orange brown. Some gravels. Medium plasticity.	ਹ	Moist	Medium	0.010	0.010
B1	350 -		250 -			SILTY CLAY - yellow light orange. Trace of sand. Medium plasticity.	ਹ	Moist	Medium 0.010 - 0.013	0.010 -	0.013
B2	750 -	300 -	700-			SANDY SILTY CLAY CLAYEY SAND - orange yellow brown. Trace of sand.	ਠ	Moist	Medium	0.005	0.005
B3					200 -	SILTY SAND SANDY SILT - creamy grey white. Non plastic.	SM - ML	Damp	Low	0.000	0.000
B4/C	1100 -	1050 -			1500 -	WEATHERED SILTSTONE/STANDSTONE - creamy yellow grey blue. Silty clay in seams. Very low plasticity.	,	Damp	1	0.000 - 0.003	0.003
O	1400 -	,	900 -	0-	1700 -	SILTSTONE/SANDSTONE - grey white light yellow. Sand naturally cemented. Fragmented pieces.	1	Damp	Medium to high	0.000	0.000
Ys	_	9	6	0	0	Ys = Characteristic surface movement (mm)					

Ground water not encountered

1.2 pF 4.0 m Surface Suction Change : Depth of Suction Change :





LOT 205.

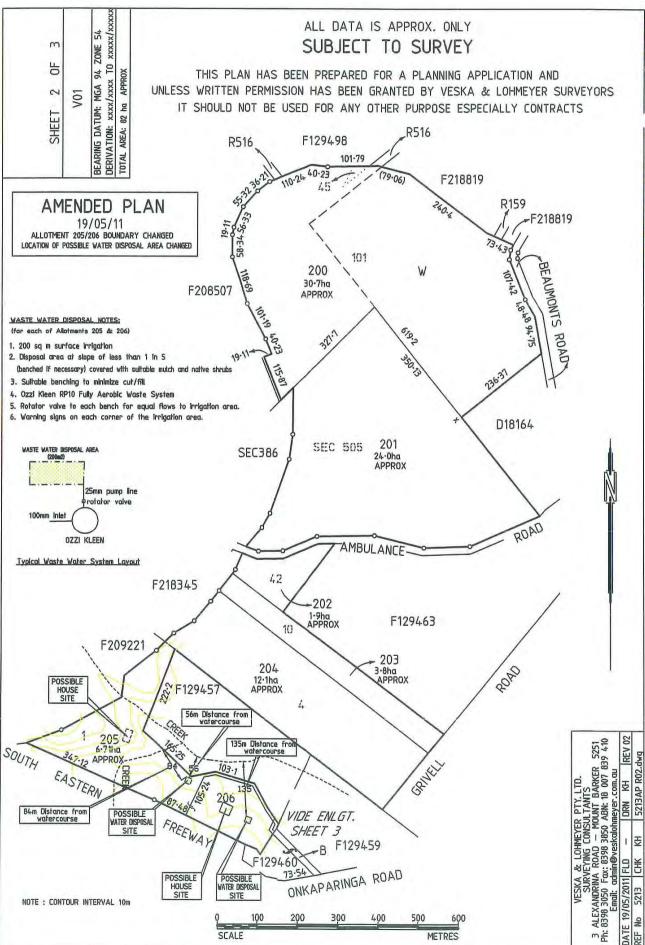
LOT 45

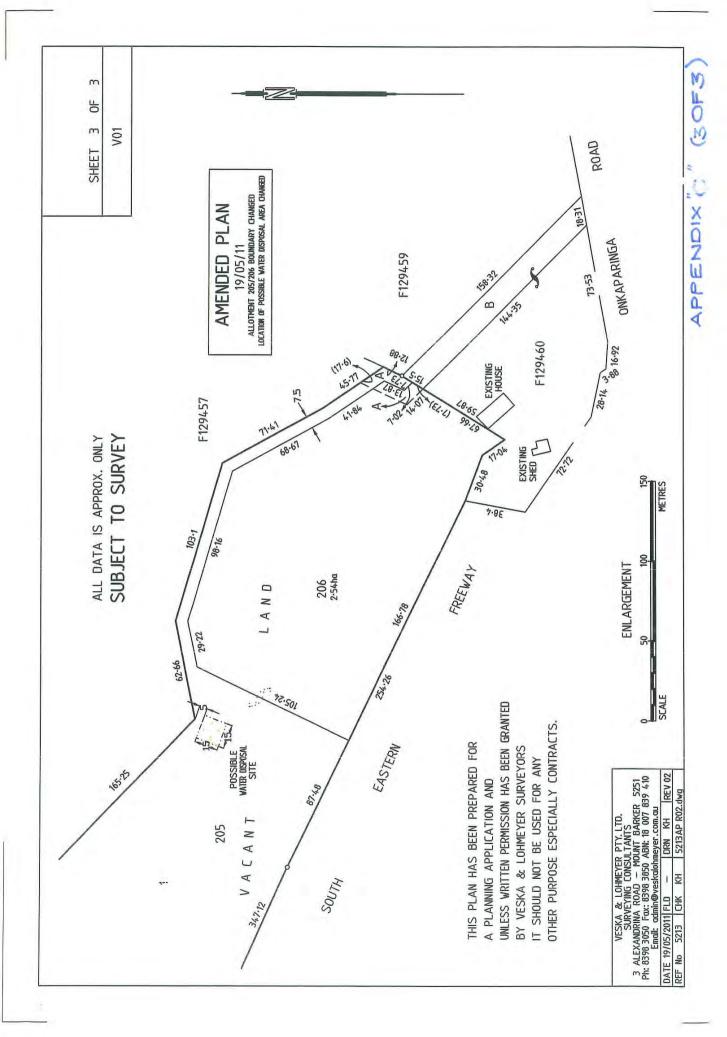


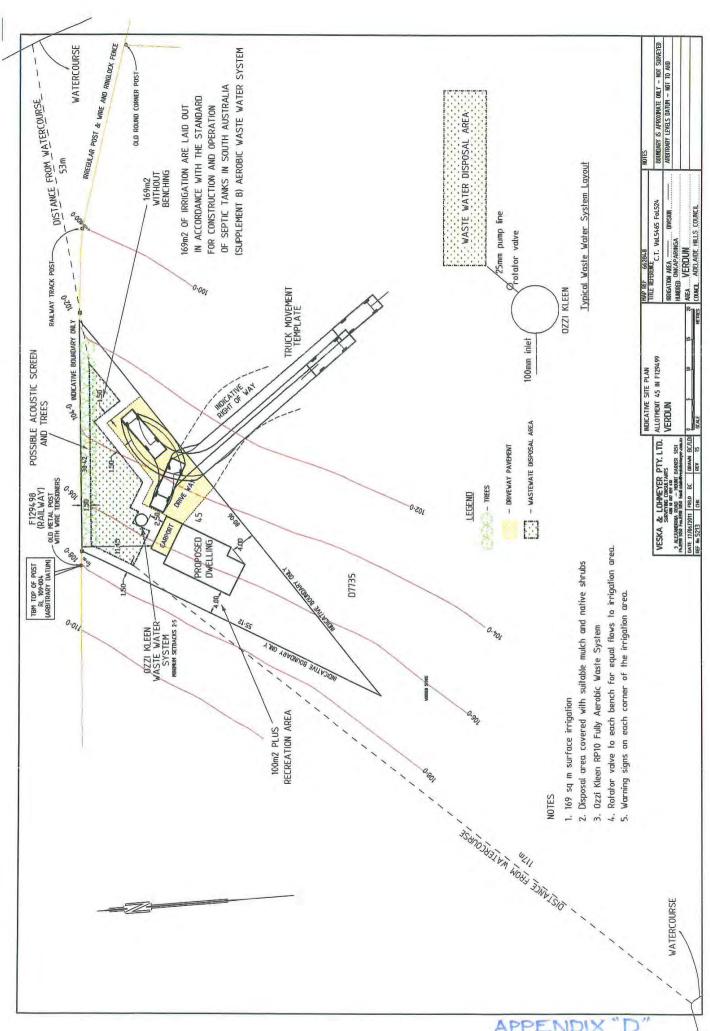


LOT 206.

- ON COE	NOSON			AREA NAME:	VERDUN			APPROVED:	OVED:	
MAP REF:	6627/03/D, 6628/48/N	2		COUNCIL:	ADELAIDI	ADELAIDE HILLS COUNCIL	=			
-AST PLAN:				DEVELOPMENT NO:	NO:			DEPO	DEPOSITED/FILED:	SHEET 1 OF 3 23056_text_01_v01
AGENT DETAILS: AGENT CODE: REFERENCE:	S: VESKA & LOHMEYER PTY LTD 3 ALEXANDRINA ROAD MOUNT BARKER SA 5251 PH: 08 8398 3850 FAX: 08 8398 3850 LVS1 5213	R PTY LTD AD 5251		SURVEYORS CERTIFICATION:						
SUBJECT TITLE DETAILS: PREFIX VOLUME FOLIC CT 5465 524	TITLE DETAILS: VOLUME FOLIO OTHER 5465 524	PARCEL ALLOTMENT(S)	L :NT(S)	~ 4	NUMBER	PLAN	NUMBER 129499	NUMBER HUNDRED / IA / DIVISION 129499 ONKAPARINGA	TOWN	REFERENCENUMBER
CT 6020	59	ALLOTMENT(S)	ent(s)	4	101	۵	77335	ONKAPARINGA		
CT 5666	31	SECTION(S)	(s)	ιń.	505			ONKAPARINGA		
CT 5885	922	ALLOTMENT(S)	:NT(S)	42	~	ш	217949	ONKAPARINGA		
CT 5809	533	ALLOTMENT(S)	:NT(S)	10)	ш	129464	ONKAPARINGA		
CT 5274	786	ALLOTMENT(S)	NT(S)	-		14.	129455	ONKAPARINGA		
CT 5809	663	ALLOTMENT(S)	NT(S)	4		12.	129458	ONKAPARINGA		
OTHER TITLES AFFECTED:	; AFFECTED:									
EASEMENT DETAILS: STATUS LAN	ID BURDENED	FORM	CATEGORY	IDENTIFIER		PURPOSE		IN FAVOUR OF		CREATION
EXISTING	200	LONG	RIGHT(S) OF WAY	C IN D77335	335			200 MARKED W		RT 6935605
EXISTING	206.205	SHORT	FREE AND UNRESTRICTED RIGHT(S) OF WAY	CTED RIGHT(S) A						
EXISTING		SHORT	FREE AND UNRESTRICTED RIGHT(S) OF WAY	CTED RIGHT(S) B				205.206		



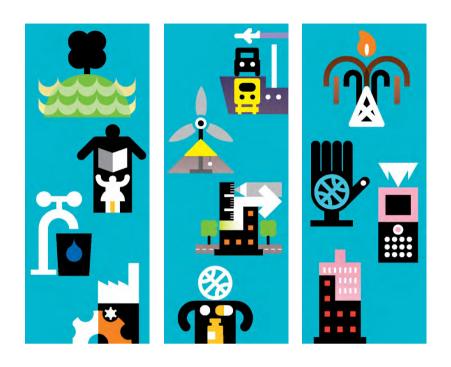




APPENDIX 5

SITE HISTORY REPORT

Prepared by Mott MacDonald



Environmental Site History Assessment

CT5274/987, FP 129455, Lot 1 Onkaparinga Road, Verdun, South Australia

3 November 2014

Littlehampton Brick

Environmental Site History Assessment

CT5274/987, FP 129455, Lot 1 Onkaparinga Road, Verdun, South Australia 3 November 2014

Littlehampton Brick

Environmental Site History Assessment CT5274/987, FP 129455, Lot 1 Onkaparinga Road, Verdun, South Australia



Issue and revision record

Revision A	Date 24/10/14	Originator RL	Checker AM	Approver AM	Description Draft for client review	Secure
0	3/11/14	RL	AM	AM	Final	

This document is issued for the party which commissioned it and for specific purposes connected with the above-captioned project only. It should not be relied upon by any other party or used for any other purpose.

We accept no responsibility for the consequences of this document being relied upon by any other party, or being used for any other purpose, or containing any error or omission which is due to an error or omission in data supplied to us by other parties.

This document contains confidential information and proprietary intellectual property. It should not be shown to other parties without consent from us and from the party which commissioned it..

Contents

Chapter	Title	Page
1	Introduction	1
1.1	Background	1
1.2	Scope of work	
2	Regulatory and Assessment Framework	4
2.1	Site contamination	4
2.2	Environment Protection Act, 1993	
2.3	Assessment Guidelines	5
3	Site Description	6
3.1	Site definition	6
3.2	Site walkover and photographs	6
3.3	Surrounding land use	
3.4	Regional geology and hydrogeology	7
4	Site History Assessment	8
4.1	History of ownership	8
4.2	Aerial photographs	
4.3	Dangerous goods search	
4.4	EPA Section 7 search	
4.5	SA EPA Public Register Directory	
4.6	Acid sulphate soils	
4.7 4.8	Anecdotal information Exposure pathway	
4.0	Areas of environmental interest	
4.9	Aleas of environmental interest	!!
5	Conclusion	12
6	Limitations	13
Annondia	one.	15
Appendic		
	Certificate of title	
	DEWNR groundwater data Historical aerial photographs	
	Dangerous goods licence search results	
	Section 7 search results	19

1 Introduction

1.1 Background

Mott MacDonald Australia Pty Ltd (Mott MacDonald) was engaged by Littlehampton Brick to conduct an Environmental Site History Assessment for FP 129455, Certificate of Title (CT) 5274/987 ('the site') at Lot 1 Onkaparinga Road, Verdun, South Australia.

The context of the site is shown in Figure 1.1 and an aerial photograph showing the approximate CT boundary is shown in Figure 1.2.

We understand that the proposed development would comprise the construction of residential houses at two potential locations at the site. The proposed development plan showing the two development locations is presented in Figure 1.3.

The aim of the work was to assess the potential for gross or widespread soil contamination to exist as a result of current or previous land uses at the site that would be likely to preclude such proposed use.

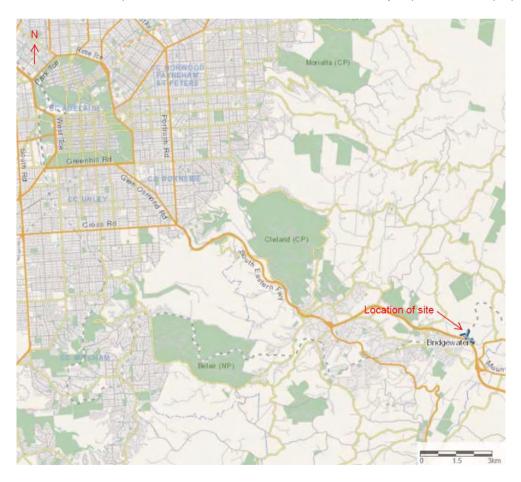


Figure 1.1: Map showing the approximate location of the site (FP 129455, Lot 1 Onkaparinga Road, Verdun, South Australia) (source: http://maps.sa.gov.au)

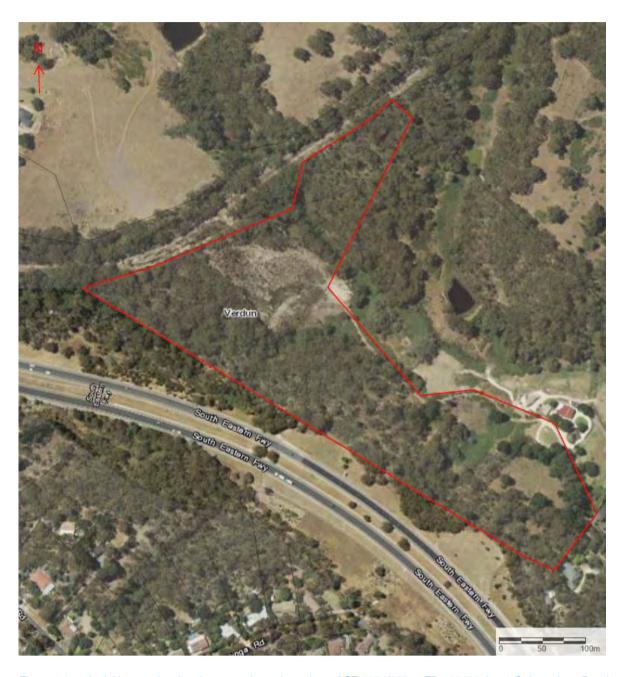


Figure 1.2: Aerial image showing the approximate boundary of CT 5274/987 at FP 129455, Lot 1 Onkaparinga Road, Verdun, South Australia (source: http://maps.sa.gov.au)



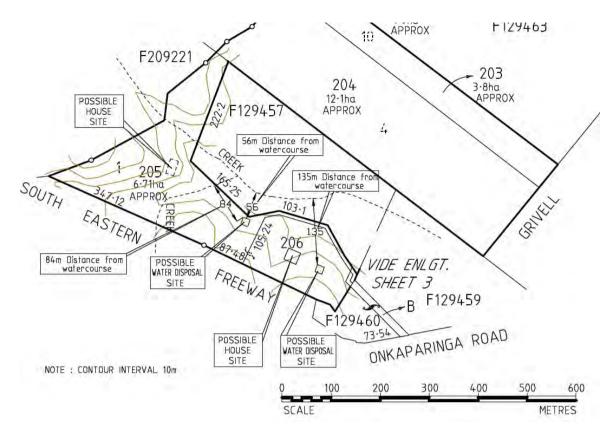


Figure 1.3: Proposed site development plan showing two house location options (supplied by Veska & Lohemeyer Pty Ltd, September 2014)

1.2 Scope of work

The scope of work conducted by Mott MacDonald included consideration of information from the following sources:

- Site walkover
- Information provided by the client
- Department of Planning, Transport and Infrastructure (DPTI) Property Assist Certificate of Title search
- Safework SA Dangerous Goods Licence Search
- Environment Protection Authority (EPA) Section 7 Search
- Department of Environment, Water and Natural Resources (DEWNR) Mapland historical aerial photograph search
- Department of Environment, Water and Natural Resources Groundwater Database search.
- Historical certificate of title search at the Lands Titles Office
- Appendix A of the SA EPA Guidelines Site Contamination Acid Sulfate Soil Materials (November 2007)

2 Regulatory and Assessment Framework

2.1 Site contamination

Soil contamination has the potential to impact adversely on human health and the environment; however in order for a significant or identifiable risk to be present, there must be an exposure pathway. The exposure pathway comprises the following:

- Source The presence of a substance that may cause harm.
- Receptor The presence of a receptor which might be harmed at an exposure point.
- Pathway The existence of a means or mechanism of exposing a receptor to the source.

In the absence of a plausible exposure pathway there can be minimal risk. Therefore, the presence of 'something measureable' i.e. concentrations of a chemical or presence of asbestos does not necessarily imply that there is measurable human harm. It is necessary to have a significant source of contamination, an appropriate or effective pathway for this to be presented to a receptor, and the receptor must have a negative response to this exposure.

Hence, the nature and importance of sources, receptors and exposure routes will vary with every site, situation, intended end use and environmental setting.

It should also be noted that management measures to address any aspect of the above can reduce the significance of any risks.

2.2 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). The EP Act 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; 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, the first stage in determining whether or not site contamination exists 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 that is not trivial.

The professional assessment of site contamination and consequential risk to human health and the environment is guided by the NEPC (1999), National Environment Protection (Assessment of Site Contamination) Measure, December 1999 (ASC NEPM), as amended in 2013, Australian Standards and several guidelines prepared the EPA. The NEPM operates as an environment protection policy under the EP Act.

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.

2.3 Assessment Guidelines

The scope of work, methodology and assessment guidelines adopted for this assessment are based on the guidance provided in the following documents and the experience of Mott MacDonald:

- Standards Australia. Guide to the investigation and sampling of sites with potentially contaminated soil – AS 4482.1-2005.
- NEPC (1999), National Environment Protection (Assessment of Site Contamination) Measure, December 1999 (ASC NEPM), as amended in 2013.

3 Site Description

3.1 Site definition

The site is defined by a portion of CT 5274/987 (Lot 1 in FP 129455) at Lot 1 Onkaparinga Road, Verdun, South Australia, as shown in Figure 1.2. A copy of the CT is included in Appendix A.

The site is approximately 9.4 hectares in size and is situated in the Adelaide Hills Council local government area.

3.2 Site walkover and photographs

A site visit was conducted on 2 October 2014 by a Mott MacDonald representative. The site was undeveloped, containing no structures or sealed areas and was covered in vegetation (Photos 3.1 and 3.2). No obvious odorous or stained soil was observed.

A weigh bridge was located at the entrance of the former quarry (Photo 3.3). A benched area from what is understood to be site sourced quarry material was noted at the north-western face of the site (Photo 3.4). The site topography was undulating.



Photo 3.1 Photo of potential house location (outside of the former quarry footprint)



Photo 3.2 Photo of potential house location (outside of the former quarry footprint)



Photo 3.3 Photo of a weighbridge at the site



Photo 3.4 Photo of site sourced quarry material at the north-western face of the site

3.3 Surrounding land use

The land use surrounding the CT comprises the following:

- North: Railway line, sparse residential landuse, dams, undeveloped scrub and grazing landuse
- East: Sparse residential landuse, dams, undeveloped scrub and a plantation
- West: South Eastern Freeway and undeveloped scrub, beyond which is residential landuse
- South: South Eastern Freeway, undeveloped scrub and sparse residential landuse

The surrounding area is undulating.

3.4 Regional geology and hydrogeology

The regional geology and hydrogeology is presented in Table 3.1.

Table 3.1: Regional geology and hydrogeology

Source	Detail
Geology	
Barker Geological Survey of South Australia, Department of Mines, Adelaide. Published 1962.	Ptm: Dark pyritic shales, quartzitic and sandy at base. Contain reworked chert pebbles at base in Scott Creek region. Calcareous and fine-grained at base in Mt Bold region.
	Ptl: Calcareous beds with interbedded black chert bands and magnesite (MONTACUTE DOLOMITE equivalent). Sandstone and cabonaceous shales with black chert lenses and nodules. Sandstones and cabonaceous slates.
Hydrogeology	
Department of Environment, Water and Natural Resources Groundwater Database	The DEWNR groundwater database indicates that there are 47 groundwater wells within a 1km radius of the site. The recorded standing water levels in the surrounding area are up to 43m bgl. The maximum recorded depth of the wells ranges from 1-168m bgl. The groundwater data report and plan showing the location of groundwater wells are provided in Appendix B.

4 Site History Assessment

4.1 History of ownership

A history of ownership search was conducted through the Lands Title Office for CT 5274/987, dating back to the first recorded owners of the land in 1871. A summary is provided in Table 4.1.

Table 4.1: Ownership summary

Title reference Date Name				
Title reference	Date	Name	Details	
3814/192	12/1/1972 (until present)	Reginald Morris Fiora (Quarryman) and Claire Fiora (wife)	6 Hampton Road Mount Barker	
3722/83	25/09/1970	Reginald Morris Fiora (Quarryman) and Claire Fiora (wife)	6 Hampton Road Mount Barker	
	8/12/1971	Transfer to Kenneth Edwin Sutto of portion	-	
3700/86	18/05/1970	Reginald Morris Fiora (Quarryman) and Claire Fiora (wife)	6 Hampton Road Mount Barker	
	29/7/1970	Transfer to Peter Desmond Carroll and Daphne Doreen Carroll of portion	-	
2741/101	21/03/1960	Leonard Bartlett Jacob (Farmer) and Alice Mary Jacob (Wife)	Verdun	
	23/4/1958	Maxwell Frank Bartsch and Rita Doreen Bartsch	=	
	25/1/1961	Transfer to Sidney James Robins (Grain agent)	Thebarton	
	21/7/1961	Transfer to John Curtis Adams (Dairy farmer)	Stirling	
	19/12/1968	Transfer to Reginald Morris Fiora (Quarryman) and Elaine Fiora (wife)	Mount Barker	
2521/157	13/6/1957	Erhard Christoph Benjamin Hanckel (Farmer)	Fullarton	
	23/4/1958	Transfer to Isabel Perryman Jacob of portion	-	
	23/4/1958	Transfer to Leonard Bartlett Jacob and Alice Mary Jacob of a portion	-	
1610/185	6/1/1933	Ernest Grivell (Gardener)	Verdun	
	14/3/1947	Transfer to Reginal Humble (Accountant)	Salisbury	
	7/7/1947	Erhard Christoph Benjamin Hanckel (Farmer)	Hahndorf	
	24/5/1957	Transfer to Her Majesty Queen Elizabeth the Second of a portion	-	
756/165	15/12/1906	Thomas Grivell (Gentleman)	-	
	8/5/1891	John William Ramsey	-	
	13/3/1895	Transfer to Elizabeth Ramsey	-	
	2/8/1900	Certificate of marriage for Elizabeth Ramsey to James Sadler (Journalist)	London	
	27/4/1918	Transfer to Rupert Richard Grivell and Ernest Grivell (Gardeners)	Verdun	
	26/8/1922	Transfer to Ernest Grivell	-	
613/185	17/10/1896	Thomas Grivell (Gentleman)	-	
157/65	16/8/1871	Johanna Maria Fredericka Stade (Widow)	-	
	6/12/1906	Transfer to John Korbes [name illegible] of a portion	-	
	29/2/1876	George Thomas Light	-	
	11/8/18xx[ille gible]	Transfer to John Clark (Gardener)	-	
	20/4/1883	Transfer to John [Paltidge? illegible] (auctioneer)	Mount Barker	
	20/4/1885	Transfer to John Cornelius and John Luke (Miners)	-	
	16/9/1897	Transfer to John Henry [illegible] (Gardener)	-	
	6/12/1906	Transfer to Thomas Grivell (Gentleman)	-	
395/62	11/7/1882	Thomas Grivell (Gentleman)	-	

Title reference	Date	Name	Details
	13/3/1895	Transfer to Elizabeth Ramsay (wife)	-
	24/9/1896	Transfer to South Australian Railways Commission a portion	-

Source: Lands Title Office, Department of Planning, Transport and Infrastructure, Government of South Australia

4.2 Aerial photographs

Selected aerial photographs of the area were assessed from 1949 at approximately 10 year intervals (where available) to present. The aerial photograph data and observations are presented in Table 4.2 and copies of the photographs are provided in Appendix C.

Table 4.2: Historical aerial photograph review

1 4010 1.2.	2. Thistorical acrial photograph review					
Year	Notes					
1949	The aerial photograph is presented in black and white. No structures are visible at the site. A large area of the site appears to have been excavated in its northern portion. An unsealed access track is visible from this area, running south to the site boundary. The southern portion of the site is partially cleared and covered in trees.					
	The surrounding area is generally either cleared, covered in trees or horticultural, particularly the area to the south-east of the site where large rows of planting are visible. A road is located to the south of the site.					
1956	The aerial photograph is presented in black and white. The scale is 1:45,000, therefore the features of the site and surrounding area are difficult to discern. No major noticeable differences are visible from the previous aerial photograph.					
1968	The aerial photograph is presented in black and white. The excavated area at the site appears to have increased in size and the trees in the southern portion of the site have been removed and this area appears to have also been disturbed.					
	The previously noted agricultural planting south-east of the site appears to have reduced in scale. Structures are visible to the south-west of the site boundary.					
1979	The aerial photograph is presented in colour. An apparent small structure is visible on the eastern boundary of the site. The site appears to contain regrowth vegetation in the area around the excavation.					
	A freeway has been built to the south-west of the site and urban development in the surrounding area has increased, particularly to the south-west of the site beyond the freeway. A transport corridor has been built beyond the northern border of the site.					
1989	This aerial photograph is presented in colour. There appear to be no significant notable differences to the site or surrounding area since the previous aerial photograph was taken, with the exception of the apparent size of the excavated areas having reduced. The previously noted small structure is no longer visible.					
1999	This aerial photograph is presented in colour. The site appears to be similar to the previous aerial photograph, with no significant noticeable differences.					
	The area surrounding the site, particularly to the north and east appears to be largely pastoral with scattered residential development. A second building is visible to the east of the site.					
Current aerial photograph available at time of writing	This aerial photograph is presented in colour. The site and surrounding landuse appear to be similar to the previous aerial photograph, with no significant noticeable differences.					

The aerial photographs appear to indicate that since 1949 the site has not been actively used for any potentially contaminating activities other than the operation of a quarry.

4.3 Dangerous goods search

Safework SA reported the following dangerous goods licences as being recorded for the Princes Highway, Verdun (refer also to Appendix D).

A record was located at Princes Highway, Verdun, SA, 5245 with no specific street address.

Class	Quantity	Storage Type
2	5 KL	Gas Tank Aboveground Internal

1 Princes Highway, Verdun, SA, 5245

1				
	2	4.3KL	Gas Tank Aboveground Internal	

4.4 EPA Section 7 search

A Section 7 search was made under the *Land and Business (Sales and Conveyancing) Act 1994*. The information indicates that no current environmental Performance Agreements, Environment Protection Orders or Clean-up Orders are registered on the site. No known wastes are listed or have been produced on the site.

A copy of the Section 7 information is included in Appendix E.

4.5 SA EPA Public Register Directory

The SA EPA Public Register Directory - Site contamination index was searched. This index lists notifications and reports received by the EPA since 1 July 2009 under the *Environment Protection Act* 1993, including S83A notification, Audit notification, Audit termination and Audit reports. The following are listed in the suburb of Verdun (refer to Table 4.3).

Table 4.3: SA EPA Public Register Directory results for Verdun

Notification no \$	Туре 💠	Address ÷	Potentially contaminating $\stackrel{\clubsuit}{\Rightarrow}$
61194	Audit Notification	Lots 23 & 24 Onkaparinga Valley Road VERDUN SA 5245	Fill or soil importation
61299	Audit Notification	Lots 23 & 24 Onkaparinga Valley Road VERDUN SA 5245	Not recorded
61194	Audit Termination	Lots 23 & 24 Onkaparinga Valley Road VERDUN SA 5245	Not recorded

These unknown but potentially contaminating activities are not considered to be relevant to this assessment as they are located over 2km from the site.

4.6 Acid sulphate soils

There was no evidence of the field indicators used to identify acid sulphate soils as listed in Appendix A of the SA EPA Guidelines Site Contamination – Acid Sulphate Soil Materials (2007).

4.7 Anecdotal information

Information from the client and Veska & Lohmeyer Surveyors indicates that the site is a former rubble/stone quarry.

4.8 Exposure pathway

It is understood that the proposed residential development would comprise a residential slab on ground construction underlain with base coarse material and Forticon plastic. Sealed driveways, entertaining areas and landscaped gardens are also likely. Groundwater would not be abstracted once constructed.

4.9 Areas of environmental interest

Based on this site history assessment, the chemicals presented in Table 4.4 are indicative of the potential historical and current land uses of the site. The chemicals are based on Appendix J of AS 4482.1-2005.

Table 4.4: Summary of potential areas and chemicals of interest based on land use from AS 4482.1

Activity of interest	Chemicals of environmental interest	Medium of interest	Likely significance/risk for sensitive land use
Farming, gardening	Fertilizer, fungicides, herbicides, pesticides	Soil	Low as there is little evidence to suggest any intense agricultural activity was undertaken at the site.
Quarry	Engine works: hydrocarbons, metals, solvents, BTEX Explosives	Soil	Low as the former local rubble quarry operation involved a physical process across a large scale. The possibility of residual associated chemicals is low and is not considered to pose a risk to the proposed development.

These chemicals of environmental interest are not a prescriptive list for further exploratory intrusive assessment, nor a statement of the presence of these chemicals, but rather a list based on AS 4482.1-2005 to be given consideration based on site specific observations and conditions.

5 Conclusion

The site currently comprises undeveloped land of which two small portions are being considered for future residential development. We understand that the proposed buildings would comprise a residential slab on ground construction underlain with base coarse material and Forticon plastic. Groundwater would not be abstracted once constructed.

No surface soil odours or staining were observed during the site walkover. This site history research found no indication of activities conducted at the site that are likely to have contaminated the soil and/or groundwater and resulted in significant gross or widespread soil contamination.

Based on the environmental information obtained, Mott MacDonald is of the opinion that **the likelihood of** gross or widespread soil contamination existing in shallow soils and groundwater at the location of the proposed building envelopes (at concentrations likely to preclude the proposed land use) is low.

6 Limitations

Mott MacDonald Australia Pty Ltd (Mott MacDonald) has prepared this report based on generally accepted practices and standards in operation at the time that it was prepared. No other warranty is made as to the professional advice included in this report. All parties should satisfy themselves that the scope of work conducted and reported herein meets their specific needs before relying on this document.

Mott MacDonald believes that its opinions have been developed according to the professional standard of care for the environmental consulting profession at the date of this document. That standard of care may change as new methods and practices of exploration, testing, analysis and remediation develop in the future, which may produce different results.

Environmental conditions are created by natural processes and human activity, and as such may change over time e.g. groundwater levels may rise or fall, contamination may migrate and fill may be added to the site. This report therefore presents a point in time assessment of the site, and as such can only be valid for the time at which the investigation was undertaken.

Any investigation such as that contained in this report can examine only a fraction of the subsurface conditions at the site. There remains a risk that pockets of contamination or other hazards may not be identified as investigations are necessarily based on sampling at localised points. Certain indicators or evidence of hazardous substances or conditions may have been outside the portion of the subsurface investigated or monitored, and thus may not have been identified or their full significance appreciated. As such, the identified environmental conditions reported are only valid at the points of direct sampling and any derived or interpolated conditions may differ from these targeted locations and cannot be assumed to be indicative of the remainder of the site.

The methodology adopted and the sources of information used are outlined in this report. Mott MacDonald has limited its investigation to the scope agreed for this contract and it is possible that additional sampling and analysis could produce different results and/or opinions. Mott MacDonald has made no independent verification of this information beyond the agreed scope of works and assumes no responsibility for any inaccuracies or omissions.

This assessment assumes that the proposed development meets requirements as outlined in the Building Code of Australia and Australian Standards. If these recommendations are not met, there is potential for the exposure and therefore risk to building users to be higher than that presented in this assessment.

The soil descriptions contained in this report have not been prepared for engineering design purposes and the reinstatement of any sampling locations were not conducted in accordance with any supervised filling or geotechnical standard. The term suitable has been used in the context of a request from the planning authority and means that the concentrations reported did not exceed the guideline concentrations adopted for the proposed land use/exposure pathway.

This report does not include the assessment or consideration of asbestos. Asbestos should be assessed and managed by a qualified and licensed asbestos assessor/contractor.

In general, the available scientific information pertaining to contamination is insufficient to provide a thorough understanding of all of the potential toxic properties of chemicals to which humans may be exposed. The majority of the toxicological knowledge of chemicals comes from experiments with laboratory animals, where there may be interspecies differences in chemical absorption, metabolism, excretion and toxic response. There may also be uncertainties concerning the relevance of animal studies using

exposure routes that differ from human exposure routes. In addition, the frequent necessity to extrapolate results of short-term or subchronic animal studies to humans exposed over a lifetime has inherent uncertainty. Therefore, in order to conduct an environmental assessment, it is necessary to take into account these inherent uncertainties and extrapolate information from the data that is available, considered current and endorsed as acceptable for the assessment of risks to human health. There is therefore inherent uncertainty in the process, and to compensate for uncertainty, conservative assumptions are often made that result in an overestimation rather than an underestimation of risk.

All advice, opinions or recommendations contained in this document should be read and relied upon only in the context of the document as a whole. This report does not purport to give legal advice as this can only be given by qualified legal practitioners. This document does not represent a Site Contamination Audit Report.

Appendices

Appendix A.	Certificate of title	16
Appendix B.	DEWNR groundwater data	17
Appendix C.	Historical aerial photographs	18
Appendix D.	Dangerous goods licence search results	19
Appendix E.	Section 7 search results	20

Appendix A. Certificate of title



Title Register Search LANDS TITLES OFFICE, ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5274 FOLIO 987 *

COST : \$26.50 (GST exempt) PARENT TITLE : CT 3814/192
REGION : EMAIL AUTHORITY : CONVERTED TITLE

AGENT : MMAPP BOX NO : 000 DATE OF ISSUE : 26/06/1995

SEARCHED ON: 08/10/2014 AT: 15:11:57 EDITION: 2

CLIENT REF VERDUN

REGISTERED PROPRIETORS IN FEE SIMPLE

REGINALD MORRIS FIORA AND CLAIRE FIORA BOTH OF 6 HAMPTON ROAD MOUNT BARKER SA 5251 AS JOINT TENANTS

DESCRIPTION OF LAND

ALLOTMENT 1 FILED PLAN 129455 IN THE AREA NAMED VERDUN HUNDRED OF ONKAPARINGA

EASEMENTS

SUBJECT TO A FREE AND UNRESTRICTED RIGHT OF WAY OVER THE LAND MARKED A

TOGETHER WITH A FREE AND UNRESTRICTED RIGHT OF WAY OVER THE LAND MARKED B

SCHEDULE OF ENDORSEMENTS

NIL

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

NIL

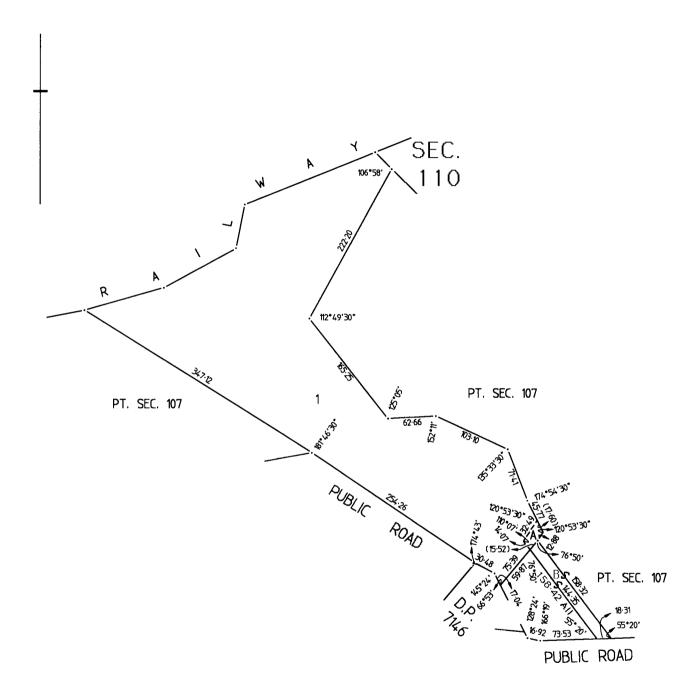
REGISTRAR-GENERAL'S NOTES

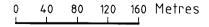
CONTROLLED ACCESS ROAD VIDE PLAN 57

END OF TEXT.

LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5274 FOLIO 987 SEARCH DATE: 08/10/2014 TIME: 15:11:57

This plan is scanned for Certificate of Title 3814/192





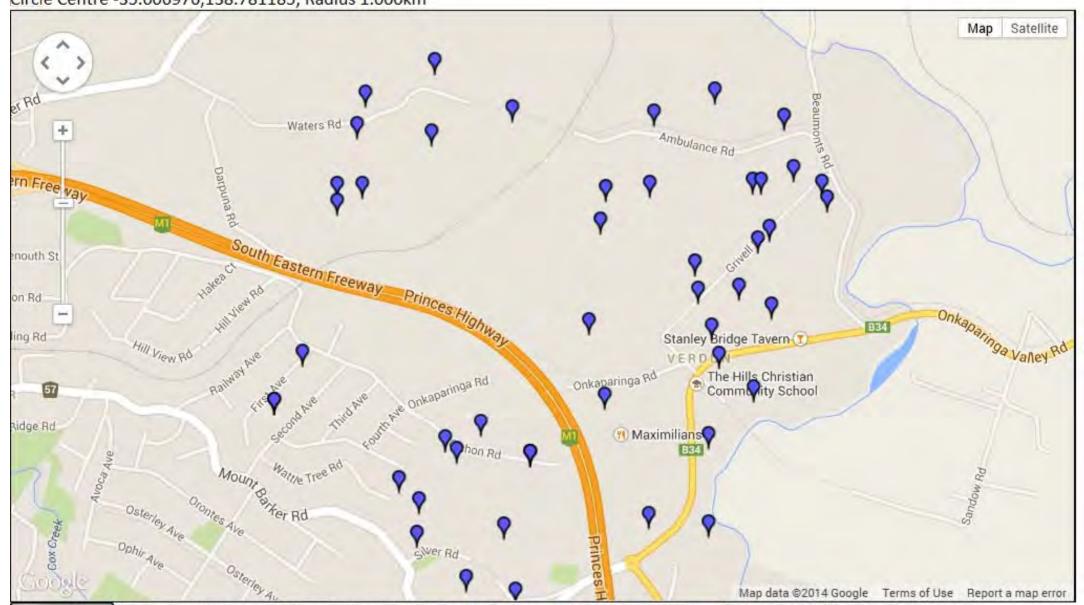
Note: Subject to all lawfully existing plans of division

Appendix B. DEWNR groundwater data

WaterConnect



Circle Centre -35.006976,138.781185, Radius 1.000km





Groundwater Data Report



Circle Centre -35.006976,138.781185, Radius 1.000km

Unit No	Date	Max Depth (m)	Latest Depth (m)	SWL (m)	SWL Date	TDS (mg/L)	TDS Date	Aquifer	Status	Yield (L/sec)	Yield Date	Purpose	Cased To (m)	Permit No
6627-4	01/01/1954	7.01	7.01	4.57	09/03/1954	100	09/03/1954	No						
6627-8	01/01/1954	4.27	4.27	1.52	03/03/1954	829	03/03/1954	Ndw	ABD					
6627-9	01/01/1954	4.27	4.27	1.22	04/03/1954	814	04/03/1954	Ndw	BKF					
6627-22	01/01/1954	3.05		2.13	05/03/1954	2530	05/03/1954							
6627-23	01/01/1954					1440	12/05/1978		OPR	3.82	01/01/1983	IRR		
6627-32		45.72	45.72	3.05	09/03/1954	371	09/03/1954	No		2.53	09/03/1954		11.76	
6627-34	01/01/1954					435	02/05/1978	No						
6627-35	01/01/1954	5.7				71	09/03/1954	Ndw						
6627-36	01/01/1954	7.32		0	03/03/1954	629	03/03/1954		OPR			IRR		
6627-38	13/12/1976	87	87	4	13/12/1976	639	06/05/1978		OPR	1	13/12/1976	DOM	53	745
6627-39		45.69				547	27/04/1978	No		7.64	01/01/1978			
6627-40	01/01/1954	43.5		2	27/04/1978	710	27/04/1978	No		3.82	27/04/1978			
6627-41	14/01/1977	1		0.61	05/05/1978	386	05/05/1978	No						
6627-42	01/01/1954	5.8		4.6	05/05/1978	138	05/05/1978	No						
6627-43	01/01/1954	3.96		1.22	04/03/1954	714	04/03/1954	No						
6627-44	01/01/1954	26.82				386	05/05/1978	No		2.04	01/01/1978			
6627-45		80.67	80.67			561	06/05/1978	No						
6627-2463		2.42	2.42	0	26/07/1982	705	26/07/1982	No	EQP			DOM		
6627-2464		66.3	66.3	0	10/03/1954	821	26/07/1982	No	OPR	1.52	01/01/1982	IRR		
6627-2479		21.34	0	2.44	04/03/1953			No	BKF					
6627-6104		24.3	24.3	7.9	04/08/1982	220	05/08/1982	No						
6627-6894	31/08/1982	69.2	69.2	0.61	31/08/1982	325	31/08/1982	No	OPR	1.25	31/08/1982	DOM	24.6	10709
6627-7005	02/03/1984	14	14	2.5	02/03/1984	400	15/03/2001	No	OPR	1.25	02/03/1984	IRR	14	14073
6627-7006	08/03/1984	72	72	32	08/03/1984	328	08/03/1984	No	OPR	2	08/03/1984	DOM	24	13137
6627-7049	14/12/1983	168	168	27	14/12/1983	314	14/12/1983	No	OPR	1.87	14/12/1983	IRR	65	13396
6627-7207	16/11/1984	73.7	73.7	2.9	16/11/1984	273	16/11/1984	No		3.5	16/11/1984		54	15452
6627-7312	12/12/1984	92	92	25	12/12/1984	378	13/12/1984	No	OPR	1.25	12/12/1984	DOM	36	15695
6627-7352	21/01/1985	80	80			893		No	BKF					16014
6627-7353	22/01/1985	104	104	40	22/01/1985	686	22/01/1985	No	BKF	6.4	22/01/1985			16014
6627-7354	23/01/1985	47	47	1.5	23/01/1985	1228	23/01/1985	No	OPR	11.25	23/01/1985	IRR	23	16014
6627-7452	13/03/1984	82	82	35	13/03/1984	400	13/03/1984	No	OPR	1.75	13/03/1984	DOM	48	14016
6627-7491	17/12/1985	95	95	18.3	28/01/1986	266	12/12/1985	No	OPR	3	17/12/1985	DOM	30	17783
6627-7665	01/06/1986	86	86	10	09/09/1986	2574	09/09/1986			0.7	01/06/1986		31	18515
6627-7693	05/01/1987	105	105	43	14/12/2000	328	05/02/1987	No		3.13	14/12/2000	DEP		54171
6627-7697	11/02/1987	55	55	2	11/02/1987	746	11/02/1987	No		2.5	11/02/1987		45	18371
6627-7985	10/01/1989	90.5	90.5	14	03/02/1989		06/03/2001	No	OPR	0.88	10/01/1989	DOM	23.7	22180
6627-8202	12/04/1990	63	63	12	14/05/1990	672	14/05/1990		OPR	2.25	12/04/1990	IRR	11.7	24084

Page 1 of 2 Wednesday, 8 October 2014, 4:02:10 PM

Unit No	Date	Max Depth	Latest	SWL (m)	SWL Date	TDS (mg/L)	TDS Date	Aquifer	Status	Yield	Yield Date	Purpose	Cased To	Permit No
		(m)	Depth (m)							(L/sec)			(m)	
6627-9206	17/05/1995	84	84			325	17/05/1995	No		4.5	17/05/1995	IRR	35.7	34131
6627-9222	07/06/1995	112	112			534	07/06/1995	No		0.5	07/06/1995	IRR	41.7	34995
6627-9853	10/09/1998	140.8	140.8	9	10/09/1998	420	06/03/2001	No		2.25	10/09/1998	DOM	18	44938
6627-10378														
6627-10379						290	12/03/2001							
6627-10628	18/01/2002	36	36	5	18/01/2002			No		1.25	18/01/2002	DOM	36	57317
6627-13919	26/11/2008	147	147			507	26/11/2008	No		0.29	26/11/2008		48	141516
6627-14318	26/10/2010	140	140	21	26/10/2010	509	25/10/2010	No		2.25	26/10/2010		59.5	188349
6627-14503	23/02/2012	80	80	30	23/02/2012	797	22/02/2012	No		1.8	23/02/2012		36	210112
6627-14894	15/01/2013	154	0	21	15/01/2013	460	16/01/2013		BKF	0.31	15/01/2013			218918

47 records



Except where otherwise noted this work is licensed under a Creative Commons Attribution 3.0 Australia License © Crown in right of the State of South Australia

Page 2 of 2 Wednesday, 8 October 2014, 4:02:10 PM

Appendix C. Historical aerial photographs





Photograph 1: Aerial image showing the approximate location of CT 5274/987 in 1949 (Source: Department of Environment, Water and Natural Resources).





Photograph 2: Aerial image showing the approximate location of CT 5274/987 in 1956 (Source: Department of Environment, Water and Natural Resources).





Photograph 3: Aerial image showing the approximate location of CT 5274/987 in 1968 (Source: Department of Environment, Water and Natural Resources).





Photograph 4: Aerial image showing the approximate location of CT 5274/987 in 1979 (Source: Department of Environment, Water and Natural Resources).





Photograph 5: Aerial image showing the approximate location of CT 5274/987 in 1989 (Source: Department of Environment, Water and Natural Resources).





Photograph 6: Aerial image showing the approximate location of CT 5274/987 in 1999 (Source: Department of Environment, Water and Natural Resources).





Photograph 7: Aerial image showing the approximate location of CT 5274/987 at the time of writing (Source: http://maps.sa.gov.au).

Appendix D. Dangerous goods licence search results



Attorney-General's Department

Licensing Unit

Level 4, World Park A, 33 Richmond Road Keswick SA 5035

GPO Box 465 Adelaide SA 5001

DX 715 Adelaide

Rebecca Lucock Mott MacDonald Level M, 22 King William Street ADELAIDE SA 5000

 Phone
 (08) 8303 0400

 Fax
 (08) 8303 9903

 ABN
 50-560-588-327

www.safework.sa.gov.au

Dear Rebecca

15 October 2014

DANGEROUS SUBSTANCES LICENCE SEARCH

RE: Lot 1 Princes Highway Verdun, SA, 5245

According to the records available to SafeWork SA, please see listed below all historical items located within the specified search criteria.

A record was located at **Princes Highway, Verdun, SA, 5245** with no specific street address.

Class	Quantity	Storage Type
2	5 KL	Gas Tank Aboveground Internal

1 Princes Highway, Verdun, SA, 5245

- 1			
	2	4.3KL	Gas Tank Aboveground Internal

Yours sincerely

MANAGER

LICENSING & AUTHORISATION UNIT

SAFEWORK SA

Appendix E. Section 7 search results





GPO Box 2607 Adelaide SA 5001 250 Victoria Square Adelaide SA T (08) 8204 2000 F (08) 8204 2020 Country areas 1800 623 445



Admin No : 48973 (32043) File Reference: DA32108

Mott MacDonald PO BOX 3400 Rundle Mall ADELAIDE SA 5000



Contact: Section 7 Telephone: (08) 8204 2179 Telephone: (08) 8204 2962

Email: epasection7@epa.sa.gov.au

Contact: Public Register Telephone: (08) 8204 9128

10 October, 2014

Dear Sir/Madam,

Section7 - Land and Business (Sale and Conveyancing) Act 1994

I refer to your enquiry concerning the parcel of land comprised in

Title Reference

CT Volume 5274 Folio 987

Address

Allotment 1 (F129455), Princess Highway, VERDUN SA 5245

I advise as follows:

PARTICULARS OF MORTGAGES, CHARGES PRESCRIBED ENCUMBRANCES AFFECTING THE LAND

9.1	Environment performance agreement under section 59 of the <i>Environment Protection Act 1993</i> that is registered in relation to the land.	NO
9.2.1	Environment protection order issued under section 93 of the <i>Environment Protection Act 1993</i> that is registered in relation to the land.	NO
9.2.2	Section 93A - Environment protection order relating to cessation of activity that is registered in relation to the land.	NO
9.3	Clean-up order issued under section 99 of the <i>Environment Protection Act 1993</i> that is registered in relation to the land.	NO

9.4	Clean-up authorisation issued under section 100 of the <i>Environment Protection Act 1993</i> that is registered in relation to the land.	NO
9.5.1	Section 103H - Site contamination assessment order that is registered in relation to the land.	NO
9.5.2	Section 103J - Site remediation order that is registered in relation to the land.	NO
9.5.3	Section 103N - Notice of declaration of special management area in relation to the land (due to possible existence of site contamination).	NO.
9.5.4	Section 103P - Notation of site contamination audit report in relation to the land.	NO
9.5.5	Section 103S - Notice of prohibition or restriction on taking water affected by site contamination in relation to the land.	NO

PARTICULARS RELATING TO ENVIRONMENT PROTECTION

Section 7 - Land and Business (Sale and Conveyancing) Act 1994

3) Licences and exemptions recorded by EPA in public register

Does the EPA hold any of the following details in the public register:

- a) details of a current licence issued under Part 6 of the Environment Protection Act 1993 to conduct, at the land-
 - i) a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or
 - ii) activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act)?NO

NO

- iii) any other prescribed activity of environmental significance under Schedule 1 of that Act?
- b) details of a licence no longer in force issued under Part 6 of the *Environment Protection*Act 1993 to conduct, at the land-
 - i) a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or

 NO





GPO Box 2607 Adelaide SA 5001 250 Victoria Square Adelaide SA T (08) 8204 2000 F (08) 8204 2020 Country areas 1800 623 445

	ii) activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act)?	NO
	iii) any other prescribed activity of environmental significance under Schedule 1 of that Act?	NO
c)	details of a current exemption issued under Part 6 of the Environmental Protection Act 1993 from the application of a specified provision of that Act in relation to an activity carried on at the land.	NO
d)	details of an exemption that are no longer enforced, issued under Part 6 of the Environmental Protection Act 1993 from the application of a specified provision of that Act in relation to an activity carried on at the land.	NO
e)	details of a licence issued under the repealed South Australian Waste Management Commission Act 1979 to operate a waste depot at the land.	NO
f)	details of a licence issued under the repealed Waste Management Act 1987 to operate a waste depot at the land	NO
g)	details of a licence issued under the repealed South Australian Waste Management Commission Act 1979 to produce waste of a prescribed kind (within the meaning of that Act) at the land.	NO
h)	details of a licence issued under the repealed Waste Management Act 1987 to produce prescribed waste (within the meaning of that Act) at the land?	NO
4) Pollutio	on and site contamination on the land - details recorded by the EPA in public register	
	res the EPA hold any of the following details in the public register in relation to the land or	
a)	details of serious or material environmental harm caused or threatened in the course of an activity (whether or not notified under section 83 of the <i>Environment Protection Act 1993</i>)?	NO
b)	details of site contamination notified to the EPA under section 83A of the <i>Environment Protection Act 1993</i> ?	NO
c)	a copy of a report of an environmental assessment (whether prepared by the EPA or some other person or body and whether or not required under legislation) that forms part of the information required to be recorded in the public register?	NO

	d)	a copy of a site contamination audit report?	NO
	e)	details of an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the <i>Environment Protection Act 1993</i> applies?	NO
	f)	details of an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103l of the <i>Environment Protection Act</i> 1993?	NO
in .	g)	details of an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the <i>Environment Protection Act 1993?</i>	NO
	h)	details of a notification under section 103Z(1) of the <i>Environment Protection Act</i> 1993 relating to the commencement of a site contamination audit?	NO
	i)	details of a notification under section 103Z(2) of the <i>Environment Protection Act 1993</i> relating to the termination before completion of a site contamination audit?	NO
	j)	details of records, held by the former <i>South Australian Waste Management Commission</i> under the repealed <i>Waste Management Act 1987</i> , of waste (within the meaning of that Act) having been deposited on the land between 1 January 1983 and 30 April 1995?	NO
5) Po	llutic	on and site contamination on the land - other details held by EPA	
	Do	es the EPA hold any of the following details in relation to the land or part of the land:	
	a)	a copy of a report known as a "Health Commission Report" prepared by or on behalf of the South Australian Health Commission (under the repealed South Australian Health Commission Act 1976)?	NO
	b)	details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103l of the <i>Environment Protection Act 1993?</i>	NO
	c)	details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the <i>Environment Protection Act 1993</i> ?	NO
	d) -	a copy of a pre-1 July 2009 site audit report?	NO
	e)	details relating to the termination before completion of a pre-1 July 2009 site audit?	NO

CT Volume 5274 Folio 987





GPO Box 2607 Adelaide SA 5001 250 Victoria Square Adelaide SA T (08) 8204 2000 F (08) 8204 2020 Country areas 1800 623 445

All care and diligence has been taken to access the above information from available records. Historical records provided to the EPA concerning matters arising prior to 1 May 1995 are limited and may not be accurate or complete and therefore the EPA cannot confirm the accuracy of the historical information provided.

APPENDIX 6

BUSHFIRE PROTECTION DETAILS

CFS comments on application and Plan showing passing lanes



DEVELOPMENT ASSESSMENT SERVICE



Your Ref: 473/D064/10 Our Ref: Adelaide Hills LD Please refer to: 20141016-03lb

16 October 2014

Development Assessment Commission GPO Box 1815 ADELAIDE SA 5001 ATTN: S GALE

ATTN: S GALE

Dear Steve.

RE: DEVELOPMENT APPLICATION (PLANNING ASSESSMENT) – FIORA, GALLASCH, KALNINS, BURBRIDGE, SCANLON & DANBY LOTS 101, (SEC 505), 42, 10, 1 & 4, SOUTH EASTERN FREEWAY VERDUN

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

A site bushfire attack assessment was conducted with reference to the Building Code of Australia and Australian Standard TM 3959 (AS3959) "Construction of Buildings in Bushfire Prone Areas".

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

The SA Country Fire Service has no objection to the proposed land division at Lots 101, 42, (Sec 505), 10, 1 & 4 South Eastern Freeway, Verdun.

The SA Country Fire Service has no objection to the proposed land division. However, the Bushfire hazard adjacent to the land division has potential for significant impact on the proposed allotments. The SA Country Fire Service seeks to comment on any subsequent development applications on the land division.

ACCESS

Public access created by a land division to and from the proposed allotments shall be in accordance with the Minister's Code Part 2.2.2. Access on and off the allotment shall be in accordance with Minister's Code Part 2.3.3.1

ACCESS (to dedicated water supply)

Access to the dedicated water supply shall be in accordance Minister's Code for development Part 2.3.4.1 and Ministers Specification SA 78







WATER SUPPLY

Ministers Specification SA78 prescribes the dedicated water supply for bushfire fighting for the bushfire zone.

VEGETATION

Landscaping shall include bushfire protection features that will prevent or inhibit the spread of bushfire and minimise the risk to life and/or damage to buildings.

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

Should there be any need for further information please contact the undersigned at the SA CFS Development Assessment Service on (08) 8391 6077

Yours faithfully

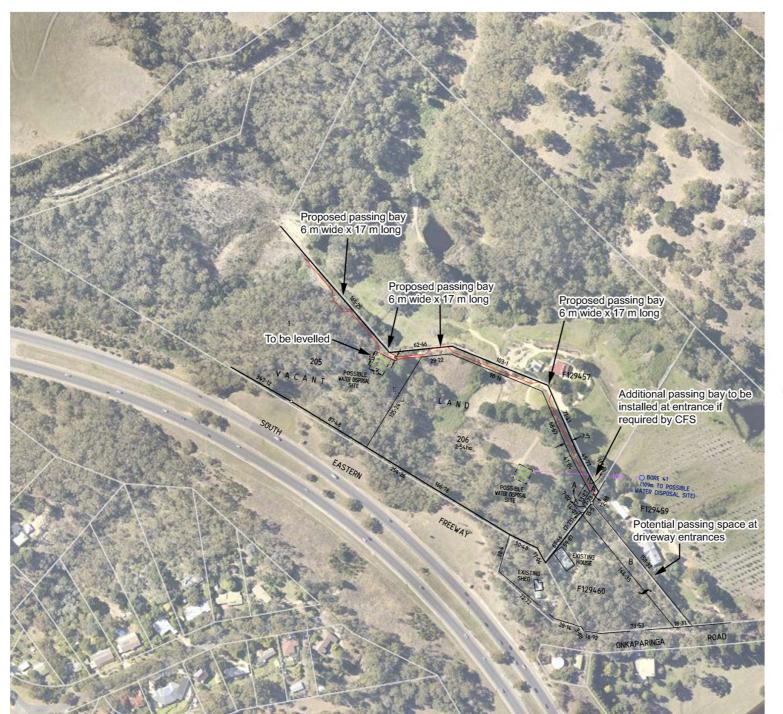
LEAH BERTHOLINI

Best Chi

INFORMATION SUPPORT OFFICER

DEVELOPMENT ASSESSMENT SERVICE

CC:





LEGEND

Proposed passing bay 6 m wide x 17 m long





PROPOSED ACCESS

PROPOSED BOUNDARY REALIGNMENT

AT BEAUMONT & ONKAPARINGA ROADS FOR MR. REDGE FIORA

12-044.03

NOVEMBER 2014

LAND DIVISIONS IN THE FORM OF PROPOSED: **BOUNDARY REALIGNMENT AND**

CREATION OF ADDITIONAL ALLOTMENT

AT: BEAUMONT ROAD AND ONKAPARINGA

ROAD, VERDUN

APPLICANT: RM & M FIORA

ADELAIDE HILLS COUNCIL COUNCIL AREA:

APPLICATION: 473/D044/15

Prepared by: Planning Chambers Pty Ltd Our Ref: 12-044SOE 44.15

Amended 12.09.18





CONTENTS

Details of Application			lication	3
	1.1	Site Deta	ils	3
	1.2	Application	on Details	3
2.	Back	kground_		4
	2.1	Overview	'	4
3.	Subj	ect Land	and Locality	5
	3.1	Subject L	and	5
	3.2	Locality _		7
4.	Prop	osal		8
	4.1	Land Use	e & Built Form Elements	8
	4.2	Relevant	Issues	9
5.	Deve	elopment	Assessment	11
	5.1	Developn	nent Plan Provisions	11
	5.2	Assessm	ent	12
6.	Soci	al, Econo	mic and Environmental Effects	21
7.	Addi	dditional Information		
8.	Con	clusion		23
	8.1	Summary	/	23
	8.2		ncy with Relevant Provisions	
APF	PENDI	X 1	CERTIFICATES OF TITLE	
APF	PENDI	X 2	PLAN OF DIVISION	
APF	PENDI	X 3	PLAN FOR LOT 1 IN FILED PLAN 129499	
APF	PENDI	X 4	WASTE DISPOSAL ASSESSMENT	
APF	PENDI	X 5	SITE HISTORY REPORT	
APF	PENDI	X 6	BUSHFIRE PROTECTION DETAILS	



1. Details of Application

1.1 Site Details

Property Description	Lot 45 in F.P. 129499		
	Lot 101 in D.P. 77335		
	Section 505 Hundred of Onkaparinga		
	Lot 42 in F.P. 217949		
	Lot 10 in F.P. 129464		
	Lot 4 in F.P. 129458		
	Lot 1 in F.P. 129455		
	Lot 1 in D.P. 18164		
Certificate of Title	Volume 5465 Folio 524		
Refer Appendix 1	Volume 6020 Folio 59		
	Volume 5666 Folio 31		
	Volume 5885 Folio 776		
	Volume 5809 Folio 533		
	Volume 5809 Folio 663		
	Volume 5274 Folio 987		
	Volume 5701 Folio 727		
Area	Total – Approx 86.81ha		
Owner	RM & M Fiora		
Existing Use	Rural Living		
Local Government Authority	Adelaide Hills Council		
Development Plan Zoning and	 Watershed (Primary Production) Zone 		
Policy Area Designation	 Onkaparinga Slopes Policy Area 		

1.2 Application Details

Development Type	Land division (Boundary Realignment)	
Level of Assessment	Merit	
Applicant	RM & M Fiora	
Applicant's Representative	Planning Chambers Pty Ltd	
	PO Box 6196	
	Halifax Street SA 5000	
	Telephone: (08) 8212 9776	
	Facsimile: (08) 8212 5979	
Relevant Plan(s)	Plans prepared by	
Refer Appendix 2	Fyfe	
	Planning Chambers Pty Ltd	



2. Background

2.1 Overview

This Assessment Report has been prepared for Mr RM Fiora, the applicant for the Division of land in the form of a boundary realignment at Beaumont Road and Onkaparinga Road, Verdun and creation of an additional allotment at Onkaparinga Road, Verdun as outlined in Application 473/D044/15.

The application plan is presented as a single plan of division even though the Commission has previously determined the application to comprise two applications, one in the form of a boundary re-alignment and the other in the form of division to create an additional allotment.

Further explanation is provided in section 4 of this report.



3. Subject Land and Locality

3.1 Subject Land

- Legal Description

The land is described in eight Certificates of Title, as identified in the tabulation below. A Location Plan and Copies of the Certificates of Title are included in **Appendix 1**.

Certificates of Title		Description	Location	Area (Ha)
Volume	Folio			
5465	524	Lot 45 in F.P. 129499	Gallasch Rd, Verdun	0.0946
6020	59	Lot 101 in D.P. 77335	Gallasch Rd, Verdun	30.7
5701	727	Lot 1 in D.P. 18164	Beaumont Road, Verdun	5.0
5666	31	Section 505 Hundred of Onkaparinga	34 Ambulance Rd, Verdun	23.88
5885	776	Lot 42 in F.P. 217949	Beaumont Rd, Verdun	2.022
5809	533	Lot 10 in F.P. 129464	39 Grivell Rd, Verdun	3.765
5809	663	Lot 4 in F.P. 129458	19 Grivell Rd, Verdun	12.14
5274	987	Lot 1 in F.P. 129455	Princes Highway, Verdun	9.25

Note: Parcels identified in bold text will be directly affected by the proposed divisions. Other parcels are part of the division but will not be directly affected by the development.

This proposal anticipates division both in the form of a boundary realignment and creation of a new allotment but is presented in the form of a re-distribution of allotment boundaries. The plan of division is in a form acceptable to the Land Titles Office. This form of division will ensure that no additional allotments are created in the zone, even though assessment of the application by the State Planning Assessment Commission (SPAC) has concluded the application is for two types of division. It is only the first three allotments (Lot 45 in Filed Plan 129499, Lot 101 in Deposited Plan 77335 and lot 1 in D.P. 18164) and the last allotment (Lot 1 in Filed Plan 129455) that are materially affected. The physical form of intervening allotments will not alter in any way save, that they will be given a new legal descriptor which will in time be incorporated into the Certificate of Title.

Physical Description - Existing Allotments 45, 101, and 1 (northern end).

Allotment 45 in Filed Plan 129499 has an approximate area of 946m² and a 38.42 metre long frontage to the Adelaide to Melbourne railway line. This allotment does not have direct access to a public road and is essentially, land locked.



Even though that is the case, access via a Right of Way (R.o.W.) the grant of which the adjacent land owner has agreed, will be available. The grant of access in this way does not constitute development.

Lot 101 in Deposited Plan 77335 has an approximate area of 30.7 hectares and a 289 metre long frontage to Beaumont Road. (lot 1 in D.P. 18164). Two creeks pass through the northern portion of allotment 101, one creek to the west and one creek to the east of Lot 45.

The two creeks join over the central portion of Lot 101 and then drain southeast towards a neighbouring allotment (lot 1 in D.P. 18164) and then under Beaumont Road towards the Onkaparinga River.

The land is undulating and rises from an elevation of about 326 metres AHD near the southern corner of Lot 101 to 400 metres AHD near the southwest corner of Lot 101.

A dwelling and implement sheds are located on Lot 101, directly south of the railway line and to the west of Beaumont Road.

Allotment 1 in D.P. 18164 has an approximate area of 5ha. The land has frontages to Beaumont Road and Ambulance Road. A creek that passes through the north eastern corner of the land is described above. Another creek separates the northern portion of the allotment from the southern portion of the allotment. That creek joins the northern creek at the Beaumont Road boundary of the land. There is a dwelling on elevated land situated near the Ambulance Road frontage.

- Existing Allotment 1 (Southern End)

Allotment 1 in Filed Plan 129455 has an approximate area of 9.25 hectares, a frontage of approximately 300 metres to the South Eastern Freeway. The allotment has 'together with' rights of access across a 15 metre wide R.o.W. over Allotment 6 in Filed Plan 129460. This R.o.W. provides access to Onkaparinga Road.

A 15.1 wide R.o.W. is also located over the far eastern corner of Lot 1. It allows access across Allotment 1 by Allotment 3 in Filed Plan 129457, (adjacent land to the north) to the R.o.W. over Lot 6 (to the southeast) and then to Onkaparinga Road.

A creek passes through Allotment 1 from the South Eastern Freeway, through the western portion of the allotment and north to join another creek which passes through the adjoining allotment to the north, and the northern portion of Allotment 1.

The land is undulating and rises from an elevation of about 350 metres AHD near the southeast corner to an elevation of 395 metres AHD near the western boundary adjacent to the rail corridor.

There are no buildings constructed upon the land and a rehabilitated quarry is located near the western boundary.



Some native vegetation is located on the land, although there is none in the area of the former quarry site and towards the southeast corner.

3.2 Locality

Primary production in the form of grazing and some horticulture are the main activities conducted on the larger allotments in the northern division.

The southern division surrounding Lot 1 in F.P. 129455 has a number of smaller allotments which are occupied by detached dwellings.

The smaller allotments in the locality appear to be used for either country living or rural living purposes. It is equally possible some of the larger land holdings in the north may also be used for rural living purposes, and highly likely that only one or two allotments in the area affected by the two divisions are actively used for primary production purposes.

The land form in the locality is undulating with drainage lines generally grading down toward the Onkaparinga River to the east.

The locality has a predominant rural and rural living character.



4. Proposal

4.1 Land Use & Built Form Elements

The proposal as set out on the Plan of Division dated 13th October 2015, included in **Appendix 2**. It anticipates three allotments (Lots 45 and 101 and lot 1 in D.P. 18164) will have boundaries adjusted to form two allotments (proposed Lot 199 and 200).

Even though it is a separate division this process will facilitate the division of Allotment 1 in Filed Plan 129455 at the south end into two separate allotments (proposed Lots 205 and 206), without increasing the total number of allotments in the zone.

The existing parcels of land between proposed Lot 200 and proposed allotments 205 and 206 will not be physically altered, the only change to them being they will in time be allocated new legal identifiers.

Existing Allotments 45, 10 and 1 in D.P. 18164 (north)

The proposed boundary adjustment affecting Lots 45, 101, and 1 (north) will create two allotments (Lot 199 & 200) with areas of about 30.7 hectares and 4.46ha respectively. An existing dwelling and implement sheds are located on Lot 101. Lot 45 will be used in conjunction with the existing Lot 101 and the improvements thereon. Proposed lot 200 will be used in the same way as Lot 101 is currently used.

Proposed allotment 199 will have its area reduced from 5ha to 4.46ha. it will continue to function primarily as a rural living allotment in much the same way it has for many years.

Existing Allotment 1 in F.P. 129455 (south)

Existing Lot 1 is proposed to be divided into two allotments. The allotment has a frontage to the South Eastern Freeway but does not obtain access therefrom. Vehicular access to the land however is provided via a R.o.W. across an adjoining allotment to the southeast, and then to Onkaparinga Road. No buildings are located on Allotment 1.

The proposal seeks to divide the southeast portion of the land from the remainder of the allotment to create allotments 205 and 206.

Proposed Lot 205 will have an approximate area of 6.71 hectares and proposed Lot 206 will have an area of 2.54 hectares.



4.2 Relevant Issues

Similar but slightly different applications for division of land in this locality have previously been considered by Development Assessment Commission (DAC).

Previous applications were determined to be for a non-complying development as the effect of the "development" (as opposed to the application) was to amalgamate Lot 45 with Lot 101 and the Development Regulations exempt from the definition of development the amalgamation of contiguous allotments. However in this instance whilst Lot 45 is to be incorporated into Lot 101, that is not the only change to Lot 101. Part of the adjoining land - existing Lot 1 to the South South East of Lot 101 is to be incorporated into Lot 101 so as to create a new Lot 200. The new Lot 200 therefore is the "end result" of the incorporation of Lot 45 with Lot 101 together with the incorporation of part of Lot 1. This results in a slight reduction in the area of lot 1 and creates the new lot 199.

In any event a previous application (473/D064/10) generated requests for further information which are likely to arise in respect of this application and hence they are addressed below and in the attachments hereto.

- a) In relation to the existing allotment 45 in Filed Plan 129499
- To demonstrate capacity to develop the land with a dwelling sited to comply with the requirements set out in Table AdHi/5 and
- b) In relation to the existing allotment 1 in Filed Plan 129455 (proposed allotments 205 and 206)
- Waste water disposal and compliance with the requirements set out in Table AdHi/5 and the location of bores in proximity to the proposed allotments.
- A site history report addressing possible site contamination from operation of the former quarry on the land.
- CFS requirements.

In relation to these matters the following information, together with plans and details included in the corresponding Appendices to this report, constitute the relevant documents for this application. The matters are discussed in more detail below.

a) Existing Allotment 45 in Filed Plan 129499

This allotment has a triangular shape and an area of about 946m². Access to the land is secured over a track maintained by the owner of existing allotment 101 in Deposited Plan 77335. The access from Beaumont Road can be formalised by grant of right of way over allotment 101 if required.

The plan in Appendix 3 shows:

- The indicative right of way.



- Access and vehicle turning can be accommodated for a CFS vehicle
- A dwelling can be constructed on the land
- An effluent drainage area can be accommodated in accordance with requirements of Table AdHi/5.

b) Allotment 1 in Filed Plan 129455.

This allotment is to be divided to create 2 allotments. It is the land occupied formerly by a quarry.

It has access to Onkaparinga Road via a Right of Way.

i) Waste Water Disposal

The plan enclosed in **Appendix 4** shows the location of proposed house sites, waste disposal sites, the nearest watercourse and identifies the distance of the effluent disposal area from the nearest bores. The appendix also includes the drainage report prepared by FMG Engineers.

ii) Site History Report

Mott MacDonald were engaged to prepare a site history report in response to a request from the Environment Protection Agency (EPA)

A copy of the report is included in **Appendix 5**.

It is understood the EPA was satisfied, the subject land did not require further contamination assessment.

iii) Bushfire Requirements

The Country Fire Service (CFS) provided commentary on the previous application. A copy of their advice is included in **Appendix 6**.

In response to the CFS requirements an additional plan was included in the application documents. The plan demonstrates the location of passing lanes to be constructed as part of the land division.



5. Development Assessment

5.1 Development Plan Provisions

The Land Division Application 473/D044/15 was lodged with the Development Assessment Commission (DAC) on 9th October 2015.

I have undertaken an assessment of the proposal against the relevant provisions of the Development Plan, Adelaide Hills Council, consolidated 9th January 2014.

Maps AdHi/3 and AdHi/31 show the subject land as being within the Watershed (Primary Production) Zone. Maps AdHi/42 and AdHi/75 show the subject land is located in the Onkaparinga Valley Slopes Policy Area.

There are a number of Council Wide provisions of the Plan that will be applicable to the assessment of this application, but the provisions of the Plan of relevance to an assessment of the proposal are;

Zone Provisions

Watershed (Primary Production) Zone

Objectives: 1-5

Principles of Development Control (PDC): 1-4, 9-11, 14-22, 42-44, 70

Policy Area Provisions

Onkaparinga Slopes Policy Area

Objective: 1

Council Wide Provisions

Form of Development Objectives: 1, 5, 6 PDC's: 1-3, 9, 10, 13-15

Land Division Objective: 10

PDC's: 28-32, 36-38

Transportation (Movement of People and Goods)

Objectives: 20, 21 PDC's: 41-43, 58, 59

Public Utilities Objective: 22

Rural Development Objectives: 61, 62

PDC: 174



Appearance of Land and Buildings

Objectives: 87, 89, 90 PDC's 228-231, 234

Watershed Protection Objectives: 103-105 PDC's: 296, 297, 299

Bushfire Protection: Objectives: 106, 107 PDC's 300, 305-307 Figure AdHi (BPA)/8

There is a clear emphasis in these provisions upon protection of the Watershed protection of property from bushfire impact, maintenance of rural productivity and maintenance of rural character. I provide the following commentary on the most relevant of those provisions identified above.

5.2 Assessment

Zone Provisions

Watershed (Primary Production) Zone

PDC 70

This PDC sets out those forms of division that are classified as being of a noncomplying kind. It nominates land division, but excludes those forms of division that:

- Do not create any additional allotments, and
- Do not result in a greater risk of pollution than would the development of the existing allotments, and
- Which contain a dwelling site meeting the requirements set out in Table AdHi/5.

Commentary

The PDC does not distinguish between boundary realignments of various types, but rather focuses attention on the characteristics of the allotments as a key determinant of the suitability of a proposed land division to avoid the noncomplying classification.

It is apparent that the Plan makes no distinction between a major or minor boundary re-alignment, in respect to its consistency with the non-complying classification.



More importantly in my view the emphasis is upon the availability of a suitable dwelling site. This emphasis suggests that the intent of development control policy for the division of land is for the purpose of controlling the siting of a dwelling, and control of its establishment in a manner that will not contribute to pollution of the catchment.

Neither Lot 45 in F.P. 129499 nor Lot 1 in F.P. 129455 have dwellings constructed upon them. However as shown in the plans included in **Appendices 3 and 4**, existing allotment 45 and proposed allotments 205 & 206 each have the capacity to accommodate a dwelling that would satisfy the siting requirements of Table AdHi/5 as follows:

- Not located on land subject to flooding as shown on Figures AdHi FPA/1 to 19:
- Can have on-site waste water treatment and disposal which complies with the South Australian Health Commission requirements;
- Not have any part of the waste water irrigation area within 50 metres of a watercourse identified on a 1:50,000 Government Standard topographic map;
- Not have the waste water irrigation area located on land with a slope greater than 20 percent (1 in 5), or depth to bedrock or seasonal water table less than 1.2 metres;
- Not have a septic tank located on land likely to be inundated by a 10 year return period flood event; and
- Can be sited at least 25 metres from the nearest watercourse identified on a current series 1:50,000 Government standard topographic map.

The Courts have determined the proposal comprises two separate land division applications, one of which is a consent application and one which is of a non complying kind.

The form of division that is proposed in this single application will result in the number of allotments in the zone remaining unchanged.

Council staff have suggested the division should take this form rather than being considered as two separate applications so that there is no increase in the number of allotments. The alternative approach, i.e. treating the development as two separate, unrelated applications would essentially increase the number of allotments in the zone.

Ultimately the Commission has determined the division to be of a non complying kind.



PDC's 14-17

PDC's 14-17 inclusive comment on preservation of the natural and rural landscape character, ensuring primary production is not prejudiced, and land which is particularly suitable for primary production, continues to be used for that purpose.

Commentary

For reasons set out in the following discussion on the land division provisions, the proposed land division will not remove productive land from primary production, nor will it prejudice continuation of primary production on the land.

The purpose of the two divisions is to transfer an allotment from an area to the northwest of the railway crossing at Beaumont Road, where it is no longer required, to an allotment near the South Eastern Freeway.

The existing Allotment 45 will then be used in conjunction with the adjacent Lot 101 for primary production. Proposed Allotments 205 and 206 upon which the former quarry activities were conducted, and which have limited capacity for grazing can continue in use for grazing purposes to the same extent as they do currently.

PDC 18

This PDC requires a land division to provide a suitable dwelling site.

Commentary

A dwelling and implement sheds are located on Lot 101. Lot 45 is used in conjunction with farming activities conducted on Lot 101. Proposed Lot 200 is to remain in use for grazing and horticultural purposes. Proposed allotment 199 will continue in use as a rural living allotment.

There are no dwellings located on Lot 1 (D.P. 18164). However the plans included in **Appendix 4** demonstrate that proposed Lots 205 and 206 each have sufficient area to accommodate a dwelling and associated effluent drainage areas.

There are numerous potential dwelling sites that meet the criteria nominated in Table AdHi/5 on proposed Lots 205 and 206. However no dwellings are proposed to be constructed on the allotments as part of this land division application.

PDC 19

This PDC comments on the avoidance of pollution and retention of land suitable for primary production.

Commentary

The proposed division will allow for the continuation of primary production activity on proposed Lot 200. Proposed Lots 205 and 206 are densely vegetated with native vegetation.



Lots 205 and 206 are not suitable for primary production purposes other than in the form of low intensity grazing as the allotments would have to be almost entirely cleared of native vegetation for substantive primary production activity, to occur.

The continuation of primary production on proposed Lot 200 and the possible future construction of dwellings on proposed Lots 205 and 206 will not increase the risk of pollution since dwellings can be constructed on all the allotments in accordance with the requirements of Table AdHi/5.

Land that is suitable for, and which is currently used for agriculture and horticulture primary production, will continue to be used for those purposes.

PDC 20

This PDC comments on land division indicating that division <u>may</u> be undertaken where no additional allotments are to be created (my emphasis). In a sense it seeks to limit division to the "minor re-adjustment of allotment boundaries to correct an anomaly with respect to existing buildings..." and to "improve the management of the land for the purposes of primary production...and/or the conservation of its natural features".

Commentary

The Development Plan does not describe what constitutes a minor readjustment of allotment boundaries nor does it explain the distinction between an adjustment and a re-adjustment of allotment boundaries.

The qualifications set out in subclauses a) and b) would effectively preclude any form of land division involving a boundary adjustment if a literal interpretation is to be applied to the provision, because the division of land would have to relate to:

- An anomaly with respect to existing buildings and
- Improved management of the land for the purposes of primary production
- And/or conservation of its natural features

Such a strict reading of this provision would require all boundary adjustments to relate to existing buildings and improved management of the land for the purposes of primary production and/or conservation of its natural features.

Furthermore if it is the intent that boundary adjustment (or readjustment) is to occur in the extremely limited and most unlikely circumstances identified in parts (a) and (b) of the PDC, and not in any other circumstances, then one would reasonably expect the extreme limitations to be reflected in the non-complying criteria set out in Zone PDC 70. The fact that PDC 70 does not contain these restrictions suggests that PDC 20 is a policy that can be interpreted and applied with greater flexibility as the circumstances dictate.

Clearly as a policy statement it is <u>not</u> mandatory, but obviously has to be considered in the assessment of an application for land division.

Zone PDC 20 is an expression of policy.



If an application for division is proposed that has little or nothing to do with the placement of buildings in the vicinity of a property boundary, the weight to be applied to this particular policy is to be measured having regard to the capacity of the proposed division to improve land management efficiency, in conjunction with all the remaining provisions of the Plan that are relevant in the circumstances. It cannot in the circumstances, be weighted more heavily than the policy intent set out in PDC's 18, 19, 21 or 22.

In this case the division will retain land that is suitable for primary production (proposed Lot 200) and will allow the potential construction of dwellings on proposed Lots 205 and 206 (land which is generally unsuitable for primary production) whilst still permitting the current use of Lot 1 to continue. The creation of Lot 200 will remove an allotment that could potentially have a dwelling constructed upon it and will instead ensure this land is used for primary production purposes in the future.

The division of Lot 1 (D.P. 18164) into two allotments will facilitate the retention and conservation of the majority of the native vegetation on this land in accordance with the requirements of Zone PDC 20.

The natural features of the land are unlikely to be compromised since the access and possible dwelling sites are located in areas where the natural features have already been disturbed.

The provision is tied to Zone PDC 70 in so far as PDC 70 nominates the creation of an additional allotment in the Zone as a non-complying kind of development, and PDC 20 qualifies the circumstance under which division may be acceptable, by reference to the limitation of "no additional allotment or allotments…" being created.

The proposal <u>does not</u> create an additional allotment in the Zone and so does not offend either PDC 70 or PDC 20. In short as a result of what is proposed in this application there are 3 allotments to be reconfigured into 2 allotments at the northern end of the area affected by the application and one allotment to be divided into two at the southern end. Looked at "collectively" there are 4 allotments currently and after the division there will be 4 allotments. On either view *no additional allotment or allotments...*" will be created

PDC 21

This PDC expresses almost the same policy intent as is expressed in PDC 20 but using positive rather than negative expression. Importantly it is not limited to circumstances where no additional allotments are to be created.

Commentary

As mentioned previously the proposed division will not result in loss of land having capacity for primary production use nor will it have a greater potential to pollute surface or underground waters that does the existing use of the land. It is apparent that the proposal does not offend this provision of the Plan.



PDC 22

This provision seeks to maintain consistency in the size of allotments in any particular locality.

Commentary

It is presumed the reference to 'allotment size' is a reference to land area, but it may also pertain to the shape and proportion of land holdings.

If the reference is to the area of an allotment, then the creation of a single allotment (proposed Lot 200) having an area of about 30 hectares for primary production is a land area consistent with others in the locality currently being used for that purpose. Existing Lot 1 (9.25 hectares in area) will be divided into two separate allotments. Proposed Lot 205 will have an area of 6.71 hectares and proposed Lot 206 will have an area of 2.54 hectares.

Existing allotments in the locality of proposed Lots 205 and 206 abutting Onkaparinga Road, are of similar area but slightly different proportions to the proposed Lots.

Most importantly the impact of the changes will have a positive impact upon the productive capacity of proposed Lot 200 as existing Lot 45 which could accommodate a dwelling will no longer exist and will be incorporated into a new larger allotment as part of an application that involves other boundary adjustments so as to create Lot 200.

It is my opinion that the proposed division does not offend PDC 22.

PDC's 42, 43, 44

These provisions comment on the retention of land for primary production purposes, sustainable use of land, and there being no diminution in the productive capacity of rural land.

Commentary

The combination of divisions in this application will:

- Continue the use of land for primary production at the northern end and
- Maintain the capacity of land at the southern end to be used for grazing purposes



Policy Area Provisions

Onkaparinga Slopes Policy Area

Objective 1

This Objective envisages retention of low density rural development by the exclusion of rural living areas or uses which would require division of land into smaller holdings.

Commentary

The currently undeveloped allotment (Lot 45) will no longer exist and the "right" to that allotment will be transferred south to create two allotments in a locality that already exhibits rural living characteristics and has a large area of native vegetation.

Council Wide Provisions

Land Division

Objective 10 & PDC's 28 & 32

This objective seeks land in appropriate localities to be divided in an orderly and economic manner. Land should not be divided if the size, shape and location of the slope and nature of the land contained in each allotment resulting from the division is unsuitable for the purpose for which the allotment is to be used.

Commentary

The land is most suitable for the intended purpose. Proposed Lot 205 has a dwelling site available on cleared land formerly used for quarrying. The quarry has been rehabilitated. The backfill has been benched to create a levelled dwelling site and suitable drainage area that will comply with the requirements of Table AdHi/5. Lot 206 can likewise readily accommodate a dwelling

PDC's 29 & 31

These provisions seek to ensure that each allotment resulting from the division should be provided with safe and convenient access to a carriageway. No allotment should be solely dependent upon a private road, or right of way for access. Provision should also be made for the disposal of waste water and water resources should not be exploited or polluted.

Commentary

The proposed allotments 205 & 206 will each have access to Onkaparinga Road. The R.o.W. exists and serves a number of dwellings. Since the land already has access by R.o.W., use of the R.o.W. by an additional allotment will mean that the R.o.W. will be upgraded to current CFS standards for access.



It is a more desirable outcome than leaving the access arrangements as they are currently. It will improve the safety of the existing "rural living" allotments in the area adjacent to Lot 1. The proposed allotments will have areas suitable for wastewater disposal.

PDC's 36, 37 & 38

PDC's 36 and 37 provide design parameters specifically about the creation of additional allotments in the form of a conventional multi allotment division whereas PDC 38 comments on circumstances where the allotment contains two existing dwellings, and the application is being assessed as a non complying development.

Commentary

PDC's 36 and 37 broadly refer to a division where a number of allotments, roadways and infrastructure are to be provided. In my view these provisions appear to relate strongly to PDC 35 which comments on land division in a Country Township. I consider little weight should be given to these provisions.

The majority of the content of PDC 38 appears to be directed to controlling development where two dwellings are asserted to exist so it is my opinion the provision is seeking to control development in circumstances where there are "two existing dwellings" on the allotment.

The provision is of minor relevance to this development proposal because there are no dwellings on existing allotment 45 or proposed allotments 205 and 206.

Transportation

The Objectives and PDC's are directed towards the maintenance of safety in respect to traffic movements and the design of access and parking arrangements.

Commentary

The proposed land divisions will not result in any changes to access for the northern division and will result in a minor increase in the number of vehicular movements along the private road link to Onkaparinga Road at the southern division. It will improve accessibility for fire fighting vehicles by providing 'passing bays'. It is unlikely there will be any decrease in traffic safety as a consequence of the development.



Rural Development

The Objectives comment on the protection of existing primary production activities and retention of land for that purpose.

Commentary

The proposed divisions will maintain land in primary production and will allow an existing modest level of grazing activity to continue on the land affected by the southern division.

Appearance of Land and Buildings

These provisions seek to ensure the siting and design of buildings does not impact upon the amenity of the locality within which they are to be situated.

There is an expressed desire in the provisions to ensure buildings will not be visible from the South Eastern Freeway and that land will not be subject to excessive earthworks.

Commentary

Neither of the dwelling sites identified on the plan for the proposed allotments 205 and 206 will be visible from the freeway. The dwelling sites have been identified in areas that will not require excessive cut and fill. In the case of proposed allotment 205, the dwelling site is identified on a benched platform, created by the former quarry works.

Watershed Protection

The provisions of the Plan have a strong emphasis on protection of the watershed. These requirements include maintenance of isolation distances from bores and drainage lines connecting ultimately to the Onkaparinga River or the River Torrens.

Commentary

The proposal complies with the siting criteria nominated in the Plan.

Bushfire Protection

The subject land is located in an area of high bushfire risk. Development of the land is required to satisfy the Minister's Code: Undertaking Development in Bushfire Prone Areas.

Comment

The proposal envisages installation of passing bays on access roads. The access bays will be created prior to the making of application for Section 51 Clearances for the division.



6. Social, Economic and Environmental Effects

Regulation 17 (5) (d) requires a Statement of Effect to include commentary on the Social, Economic and Environmental effect of a non complying kind of development.

In this case the proposed divisions will have minimal social effects.

In an economic sense the maintenance of primary production on land currently used for that purpose will have a minor but positive impact on the use of that land. Use of the former quarry for residential purposes, and grazing will likely have improved environmental effects, by removal of the residue of quarrying activity and removal of weed species.



7. Additional Information

Regulation 17 (5) (e) identifies circumstances whereby additional information should be provided with the Statement of Effect.

The State Planning Assessment Commission has not nominated a requirement for additional information to be provided.



8. Conclusion

8.1 Summary

The proposal will involve a land division where by the boundaries of the subject land are redistributed. Only allotment 44 in Filed Plan 129499, allotment 101 in Deposited Plan 77335 and allotment 1 in Filed Plan 129455 and allotment 1 in D.P. 18164 are materially affected by the alteration of allotment boundaries. The physical form of the remainder of the allotments will not alter in any way save that they will be given a new legal descriptor which will in time be incorporated onto the Certificate of Title.

The proposed land division will entrench the current primary production use of Lot 45 and will remove the opportunity for that land to be developed with a dwelling.

In my opinion the proposed development will not prejudice the attainment of the Objectives and Principles of Development Control for the area. The proposal in my opinion is <u>not</u> seriously at variance with the relevant provisions of the Development Plan, when all the provisions of the Plan are considered in context with the existing development of land in this locality.

As mentioned throughout this assessment, the proposal demonstrates an appropriate degree of consistency with the relevant provisions of the Development Plan.

8.2 Consistency with Relevant Provisions

Having regard to the existing use of the land, the proposed development is considered to either be consistent, or have the capacity to result in consistency with, the following provisions of the Development Plan:

Zone Provisions

Watershed (Primary Production) Zone

Objective: 3

Principles of Development Control: 15, 16, 17, 18, 19, 20, 21 and 22

Council Wide Form of Development Objectives: 1, 6

Principles of Development Control: 1, 2, 3, 9

Land Division Objective: 10

Principles of Development Control: 30, 32, 36



Transportation (Movement of People and Goods)

Objective: 20, 21

Principle of Development Control: 41-43

Rural Development

Objective: 61

Appearance of Land and Buildings

Objectives: 87, 88

Principles of Development Control: 228-230

Watershed Protection Objectives: 103-105

Principles of Development Control: 296, 297, 299

Bushfire Protection Objectives: 106

Principles of Development Control: 305-307

In summary, it is my opinion the proposed development is <u>not</u> seriously at variance with the requirements of the Development Plan. The proposal demonstrates consistency with the relevant provisions of the Development Plan to an extent that the application warrants the grant of consent, and the concurrence of the Adelaide Hills Council.

Yours sincerely

Planning Chambers Pty Ltd

Jeff Smith

Director

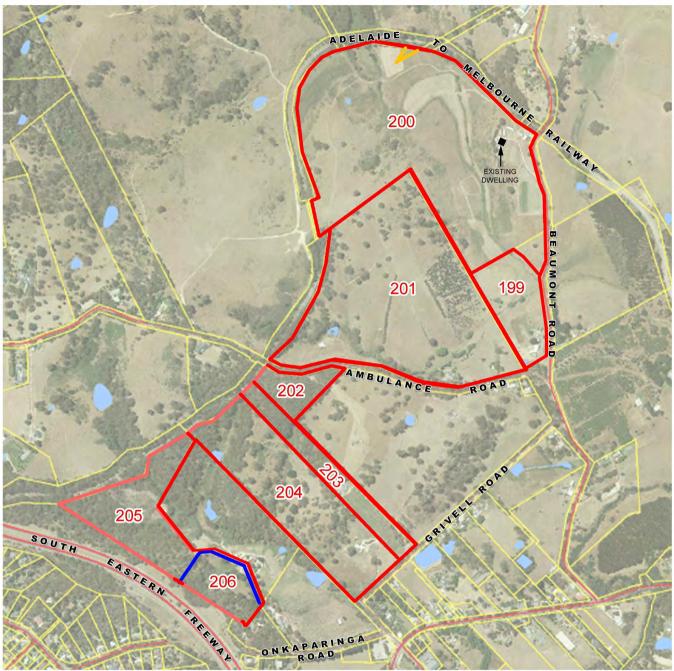
MPIA

September 2018

CERTIFICATES OF TITLE

Volume 5465 Folio 524 Volume 6020 Folio 59 Volume 5666 Folio 31 Volume 5885 Folio 776 Volume 5809 Folio 533 Volume 5809 Folio 663 Volume 5274 Folio 987 Volume 5701 Folio 727

and Location Plan



BASE IMAGE SOURCE: NATUREMAPS 2014

LEGEND

BOUNDARIES OF ALLOTMENTS AFFECTED BY LAND DIVISON

NEW ALLOTMENT BOUNDARY

REMOVE ALLOTMENT BOUNDARY







LOCATION PLAN

BOUNDARY REALIGNMENTAT BEAUMONT & ONKAPARINGA ROADS
FOR MR REDGE FIORA

12-044-02a

NOVEMBER 2015



Title Register Search

LANDS TITLES OFFICE, ADELAIDE

Issued pursuant to the Real Property Act 1886

LAND TITLES OFFICE ADELAIDE SOUTH AUSTRALIA

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5465 FOLIO 524 *

: \$15.50 (GST exempt)

PARENT TITLE : CT 4027/99

REGION : EMAIL

AUTHORITY : CONVERTED TITLE

AGENT : LVS1 BOX NO : 368

DATE OF ISSUE : 31/10/1997

SEARCHED ON: 11/11/2005 AT: 10:24:50 EDITION

: 3

CLIENT REF 5213

REGISTERED PROPRIETOR IN FEE SIMPLE

_____ CLAIRE FIORA OF PO BOX 158 BALHANNAH SA 5242

DESCRIPTION OF LAND

ALLOTMENT 45 FILED PLAN 129499 IN THE AREA NAMED VERDUN HUNDRED OF ONKAPARINGA

EASEMENTS

SCHEDULE OF ENDORSEMENTS

NIL

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

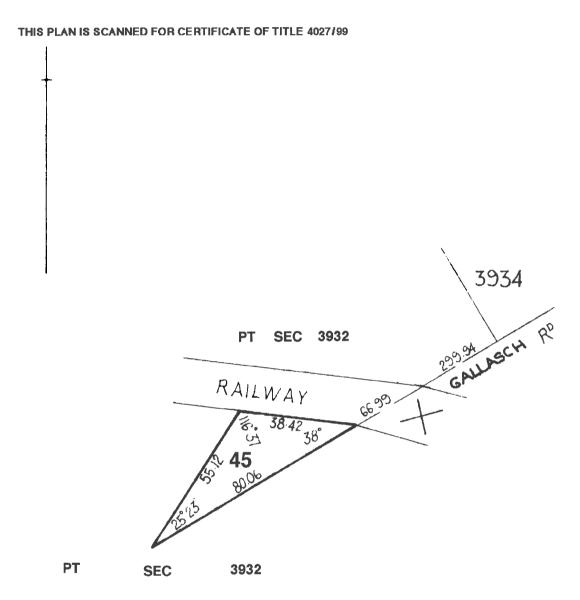
NTT.

REGISTRAR-GENERAL'S NOTES

NIL

LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5465 FOLIO 524 SEARCH DATE: 11/11/2005 TIME: 10:24:50

SEARCH DATE: 11/11/2005 TIME: 10:24:50



0 15 30 45 60 Metres



Title Register Search LANDS TITLES OFFICE. ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 6020 FOLIO 59

: \$18.00 (GST exempt)

PARENT TITLE : CT 5678/193

REGION : EMAIL

AUTHORITY : RTC 10982530

AGENT : LVS1 BOX NO : 368

DATE OF ISSUE : 09/10/2008

SEARCHED ON : 08/04/2010 AT : 12:50:12 EDITION

CLIENT REF 5213

REGISTERED PROPRIETOR IN FEE SIMPLE _____

RAY CHARLES GALLASCH OF BEAUMONT ROAD VERDUN SA 5245

DESCRIPTION OF LAND

ALLOTMENT 101 DEPOSITED PLAN 77335 IN THE AREA NAMED VERDUN HUNDRED OF ONKAPARINGA

EASEMENTS

TOGETHER WITH A RIGHT OF WAY OVER THE LAND MARKED C APPURTENANT ONLY TO

THE LAND MARKED W (RT 6935605)

SCHEDULE OF ENDORSEMENTS

NIL

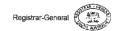
NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

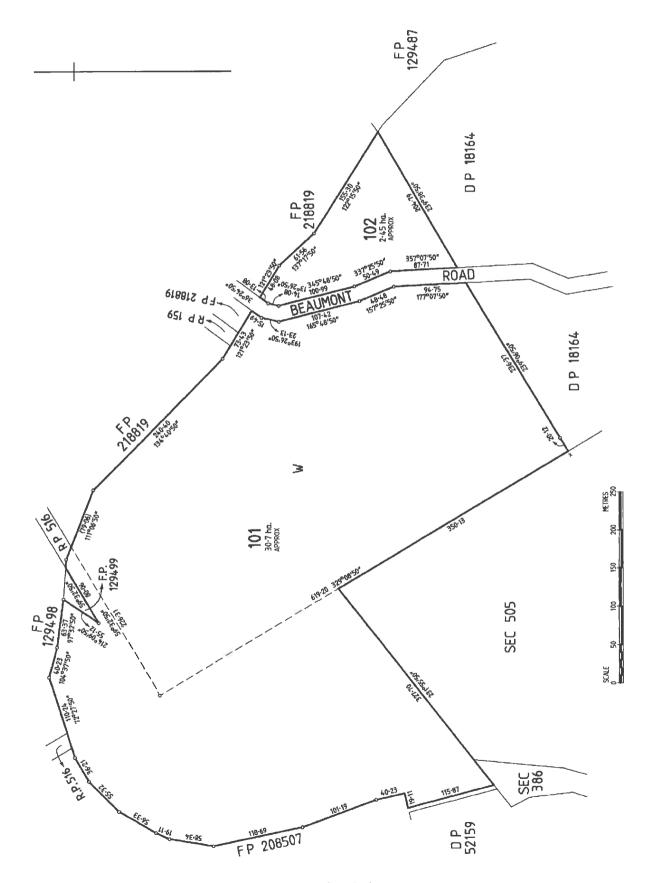
NIL

REGISTRAR-GENERAL'S NOTES

NIL

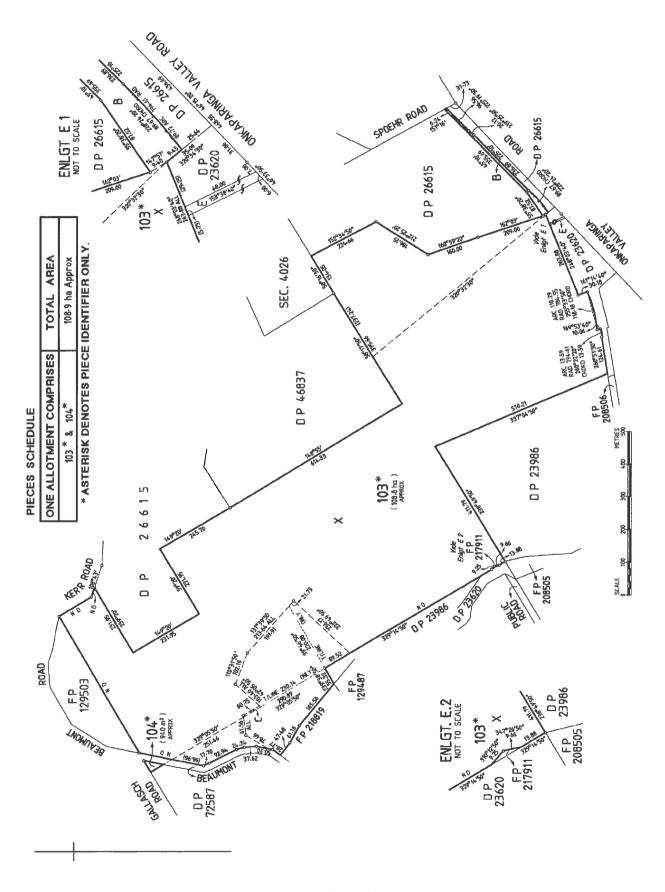


LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 6020 FOLIO 59 SEARCH DATE: 08/04/2010 TIME: 12:50:12



Page 2 of 4

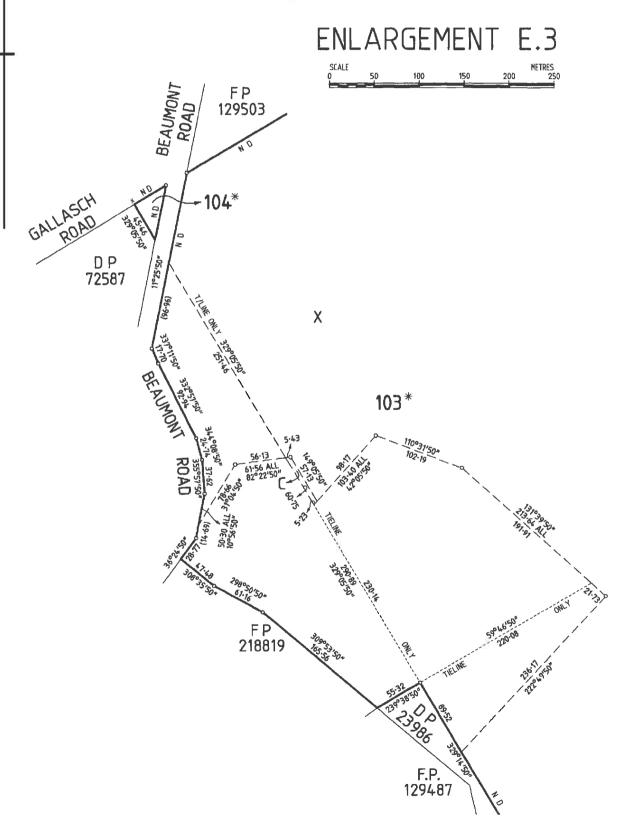
LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 6020 FOLIO 59 SEARCH DATE: 08/04/2010 TIME: 12:50:12



Page 3 of 4

LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 6020 FOLIO 59 SEARCH DATE: 08/04/2010 TIME: 12:50:12

* ASTERISK DENOTES PIECE IDENTIFIER ONLY.



Page 4 of 4



Title Register Search LANDS TITLES OFFICE, ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5666 FOLIO 31

: \$18.70 (GST exempt)

PARENT TITLE : CT 3158/200

REGION : EMAIL

AUTHORITY

: CONVERTED TITLE

AGENT : LVS1

BOX NO : 368

DATE OF ISSUE : 25/06/1999

SEARCHED ON : 13/12/2010 AT : 12:19:26 EDITION

CLIENT REF 5213

REGISTERED PROPRIETORS IN FEE SIMPLE

JANIS KALNINS AND VERA KALNINS BOTH OF 47 CHURCH TERRACE WALKERVILLE SA

5081 AS JOINT TENANTS

DESCRIPTION OF LAND

SECTION 505

HUNDRED OF ONKAPARINGA

IN THE AREA NAMED VERDUN

EASEMENTS

NIL

SCHEDULE OF ENDORSEMENTS

NIL

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

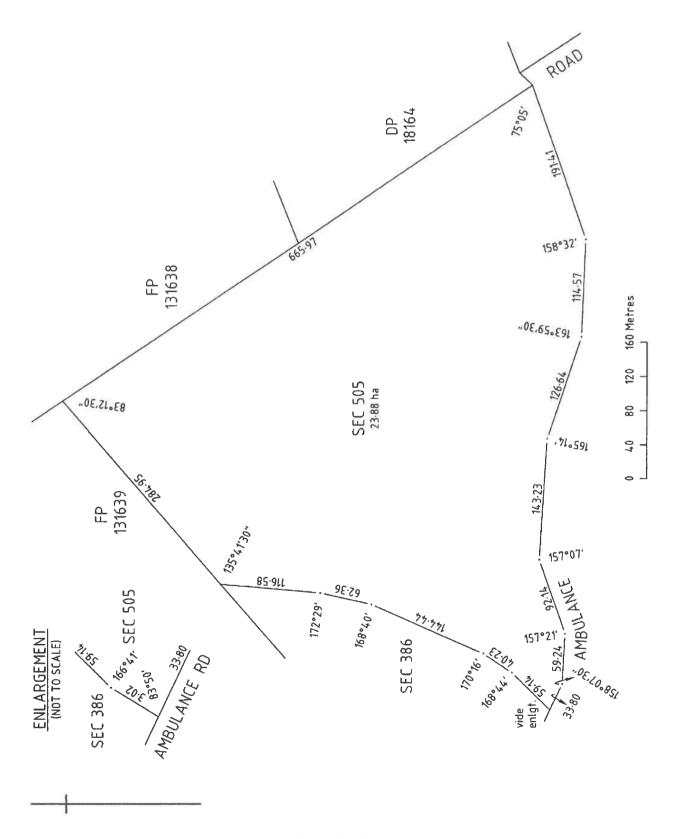
NIL

REGISTRAR-GENERAL'S NOTES

CONVERTED TITLE-WITH NEXT DEALING LODGE CT 3158/200

LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5666 FOLIO 31

SEARCH DATE: 13/12/2010 TIME: 12:19:26



Page 2 of 2



Title Register Search LANDS TITLES OFFICE, ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5885 FOLIO 776 *

COST : \$18.70 (GST exempt) PARENT TITLE : CT 1915/71

REGION : EMAIL AUTHORITY : CONVERTED TITLE

AGENT : LVS1 BOX NO : 368 DATE OF ISSUE : 19/12/2002

SEARCHED ON : 13/12/2010 AT : 12:20:00 EDITION : 2

CLIENT REF 5213

REGISTERED PROPRIETOR IN FEE SIMPLE

AUSTRALIAN RAIL TRACK CORPORATION LTD. OF OFF SIR DONALD BRADMAN DRIVE

MILE END SA 5031

DESCRIPTION OF LAND

ALLOTMENT 42 FILED PLAN 217949

IN THE AREA NAMED VERDUN

HUNDRED OF ONKAPARINGA

EASEMENTS

NIL

SCHEDULE OF ENDORSEMENTS

NIL

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

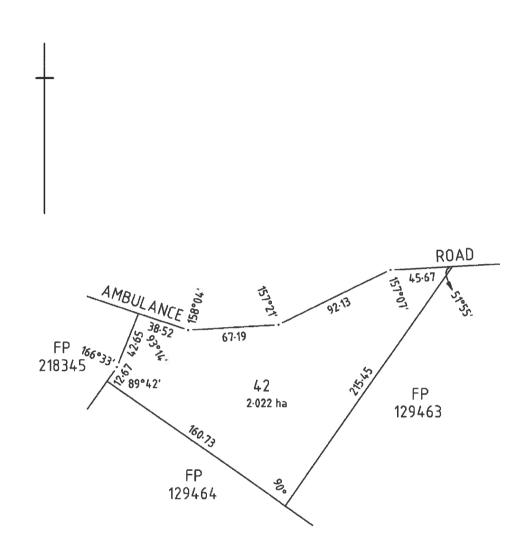
NIL

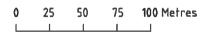
REGISTRAR-GENERAL'S NOTES

NIL

LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5885 FOLIO 776 SEARCH DATE: 13/12/2010 TIME: 12:20:00

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 1915/71





NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION



Title Register Search LANDS TITLES OFFICE, ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5809 FOLIO 533

: \$18.70 (GST exempt)

PARENT TITLE : CT 1597/124

REGION : EMAIL

AUTHORITY : CONVERTED TITLE

AGENT : LVS1 BOX NO : 368

DATE OF ISSUE : 22/09/2000

SEARCHED ON : 13/12/2010 AT : 12:20:28 EDITION

CLIENT REF 5213

REGISTERED PROPRIETOR IN FEE SIMPLE

ROGER STEWART BURBIDGE OF 21 KURLA ROAD BALHANNAH SA 5242

DESCRIPTION OF LAND

ALLOTMENT 10 FILED PLAN 129464 IN THE AREA NAMED VERDUN HUNDRED OF ONKAPARINGA

EASEMENTS

NIL

SCHEDULE OF ENDORSEMENTS ______

9010443 MORTGAGE TO WESTPAC BANKING CORPORATION

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

NIL

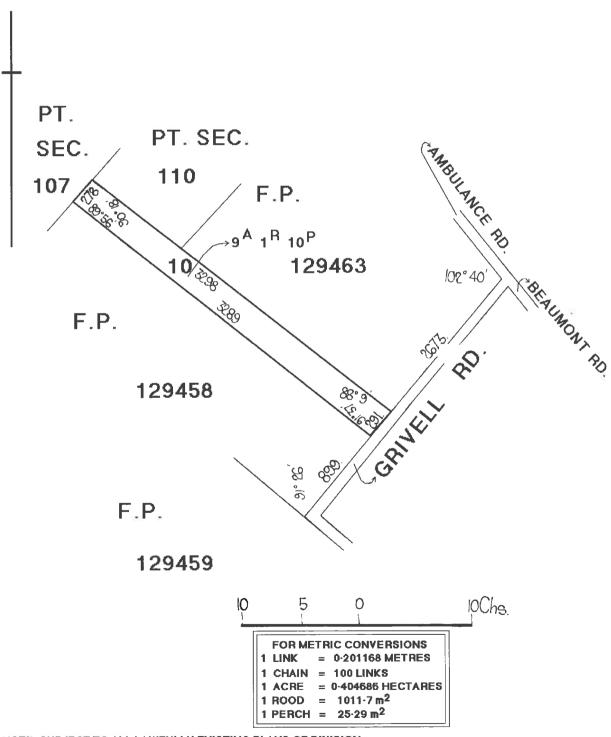
REGISTRAR-GENERAL'S NOTES

NIL



LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5809 FOLIO 533 SEARCH DATE: 13/12/2010 TIME: 12:20:28

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 1597/124



NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION



Title Register Search LANDS TITLES OFFICE, ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5809 FOLIO 663

COST : \$18.70 (GST exempt)

PARENT TITLE : CT 1597/123

REGION : EMAIL

AUTHORITY : CONVERTED TITLE

AGENT : LVS1 BOX NO : 368

DATE OF ISSUE : 22/09/2000

SEARCHED ON : 13/12/2010 AT : 12:20:50 EDITION

EDITION · 3

CLIENT REF 5213

REGISTERED PROPRIETORS IN FEE SIMPLE

JOEL ADAM SCANLON AND NICOLA HELEN DANBY BOTH OF 4 GRIVELL ROAD VERDUN SA 5245 AS JOINT TENANTS

DESCRIPTION OF LAND

ALLOTMENT 4 FILED PLAN 129458 IN THE AREA NAMED VERDUN HUNDRED OF ONKAPARINGA

EASEMENTS

NIL

SCHEDULE OF ENDORSEMENTS

9093481 MORTGAGE TO NATIONAL AUSTRALIA BANK LTD.

10304565 MORTGAGE TO NATIONAL AUSTRALIA BANK LTD. (SINGLE COPY ONLY)

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

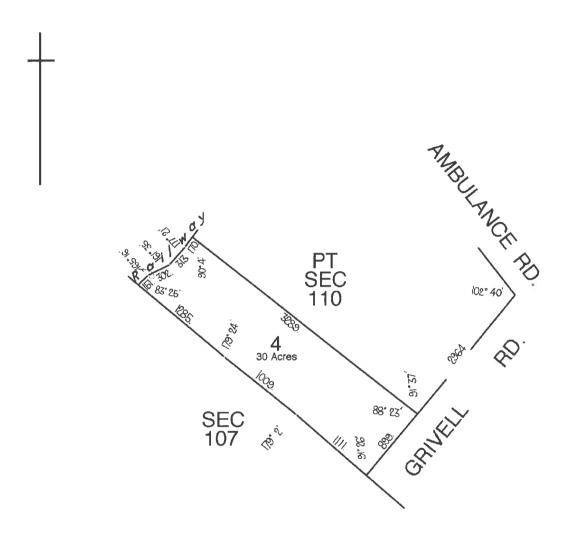
NIL

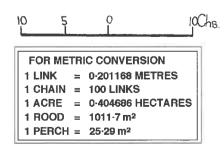
REGISTRAR-GENERAL'S NOTES

NIL

LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5809 FOLIO 663 SEARCH DATE: 13/12/2010 TIME: 12:20:50

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 1597/123





NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION



Title Register Search

LANDS TITLES OFFICE, ADELAIDE

Issued pursuant to the Real Property Act 1886

LAND TITLES OFFICE ADELAIDE SOUTH AUSTRALIA

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5274 FOLIO 987 *

: \$15.50 (GST exempt)

PARENT TITLE : CT 3814/192

REGION : EMAIL

AUTHORITY

: CONVERTED TITLE

AGENT : LVS1

BOX NO : 368

DATE OF ISSUE : 26/06/1995

SEARCHED ON : 11/11/2005 AT : 10:21:54

EDITION

: 2

CLIENT REF 5213

REGISTERED PROPRIETORS IN FEE SIMPLE

REGINALD MORRIS FIORA AND CLAIRE FIORA BOTH OF 6 HAMPTON ROAD MOUNT BARKER SA 5251 AS JOINT TENANTS

DESCRIPTION OF LAND

ALLOTMENT 1 FILED PLAN 129455 IN THE AREA NAMED VERDUN HUNDRED OF ONKAPARINGA

EASEMENTS

SUBJECT TO A FREE AND UNRESTRICTED RIGHT OF WAY OVER THE LAND MARKED A

TOGETHER WITH A FREE AND UNRESTRICTED RIGHT OF WAY OVER THE LAND MARKED B

SCHEDULE OF ENDORSEMENTS

NIL

NOTATIONS

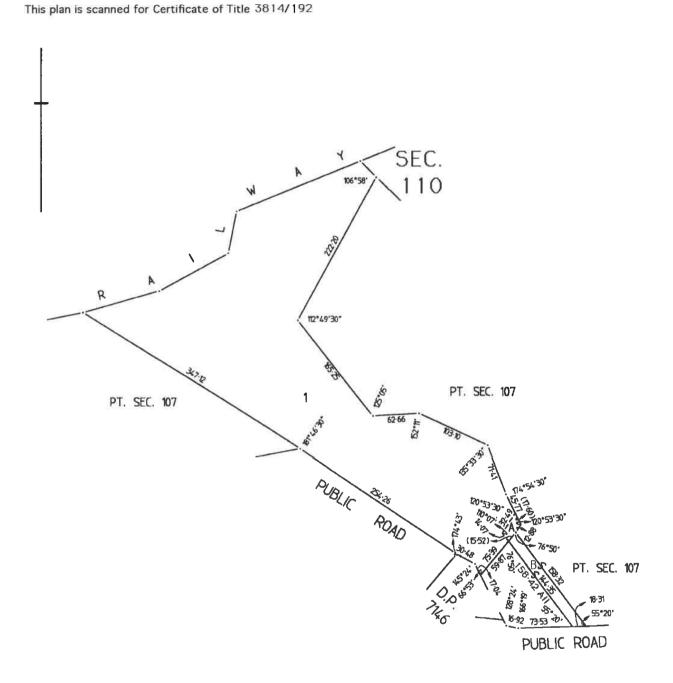
DOCUMENTS AFFECTING THIS TITLE

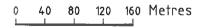
NIL

REGISTRAR-GENERAL'S NOTES

CONTROLLED ACCESS ROAD VIDE PLAN 57

LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5274 FOLIO 987 SEARCH DATE: 11/11/2005 TIME: 10:21:54





Note: Subject to all lawfully existing plans of division



Product Date/Time

Customer Reference

Order ID

Cost

12-044

20151117007988

17/11/2015 02:39PM

Register Search

\$27.25

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.



Registrar-General

South Australia

Certificate of Title - Volume 5701 Folio 727

Parent Title(s)

CT 4272/532

Dealing(s) Creating Title **CONVERTED TITLE**

19/10/1999

Title Issued Edition

3

Edition Issued

26/09/2013

Estate Type

FEE SIMPLE

Registered Proprietor

TREVOR JOHN ADAMS KENNETH ALFRED ADAMS OF 1 PINE DRIVE ABERFOYLE PARK SA 5159 AS JOINT TENANTS

Description of Land

ALLOTMENT 1 DEPOSITED PLAN 18164 IN THE AREA NAMED VERDUN HUNDRED OF ONKAPARINGA

Easements

NIL

Schedule of Dealings

Dealing Number

Description

10307498

MORTGAGE TO BENDIGO & ADELAIDE BANK LTD.

12003990

MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.

Notations

Dealings Affecting Title

NIL



Product
Date/Time
Customer Reference
Order ID

Cost

Register Search 17/11/2015 02:39PM 12-044

20151117007988 \$27.25

Priority Notices

NIL

Notations on Plan

NIL

Registrar-General's Notes

NIL

Administrative Interests

NIL

* Denotes the dealing has been re-lodged.

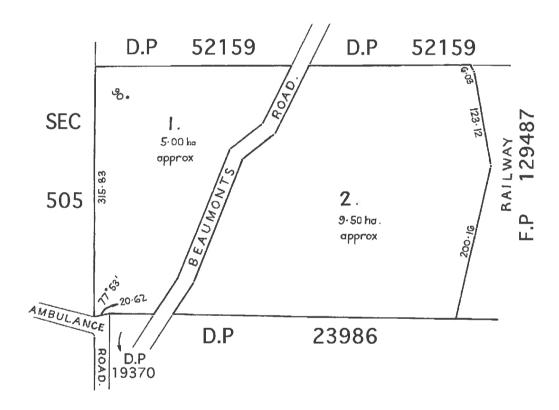
Land Services Group

Page 2 of 3

Product
Date/Time
Customer Reference
Order ID
Cost

Register Search 17/11/2015 02:39PM 12-044 20151117007988 \$27.25





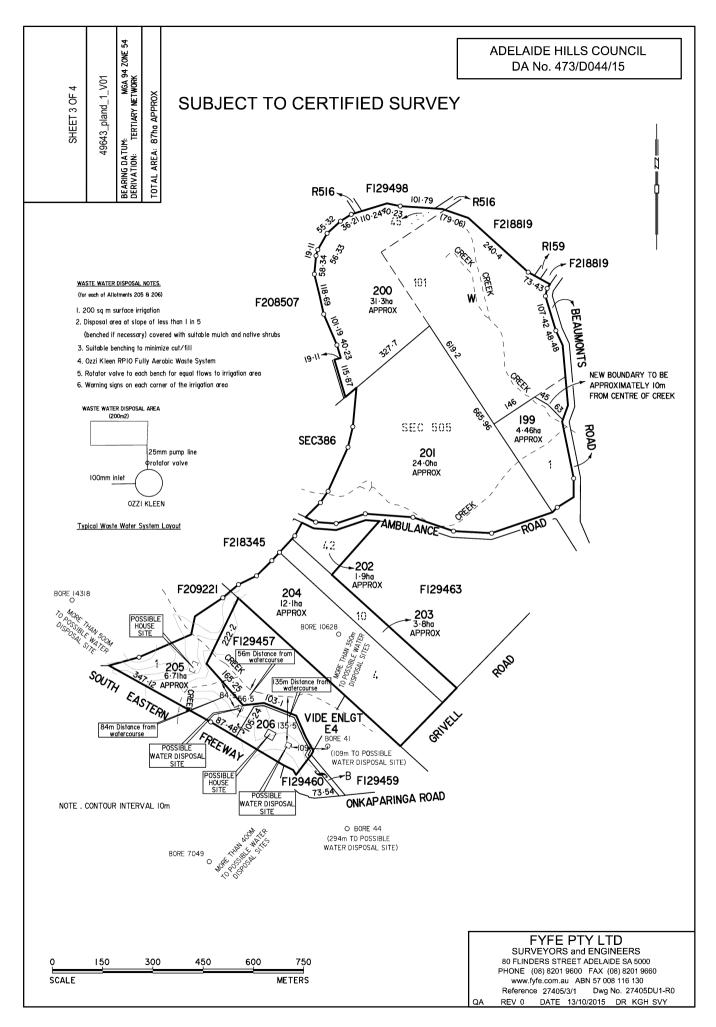
0 50 100 150 200 250 Metres

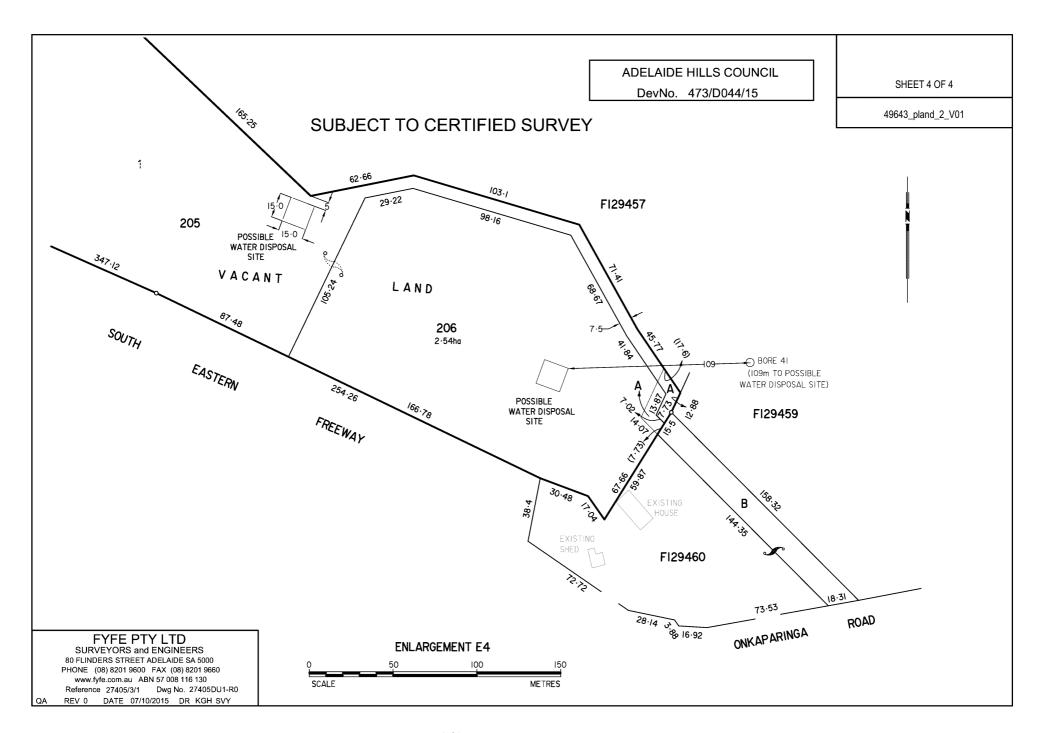
PLAN OF DIVISION

473/D044/15

PURPOSI	Ξ:	DIVISION			AREA NAME:	VERDU	N			APPROVED:	
		0000140181 00071001D			001111011	ADELAK					
MAP REF	:	6628/48/N, 6627/03/D			COUNCIL:	ADELAII	DE HILLS COUNC	ilL			
										DEPOSITED/FILED:	
LAST PLA	N:				DEVELOPME	NT NO: 473/D04	4/15/001				SHEET 1 OF 4
											49643_text_01_v01
AGENT D	NT DETAILS: FYFE PTY LTD LEVEL 3, 80 FLINDERS STREET ADELAIDE SA 5000 PH: 82019600 FAX: 82019650		SURVEYORS CERTIFICATI								
AGENT C	ODE:	ALRF									
REFEREN		27405/3/1 DU1-R0									
SUBJECT PREFIX CT		FOLIO OTHER 524	PARCEL ALLOTMEN	T(S)		NUMBER 45	PLAN F	NUMBER 129499	HUNDRED / IA / DIVIS	SION TOWN	REFERENCE NUMBER
СТ	6020	59	ALLOTMEN	T(S)		101	D	77335	ONKAPARINGA		
СТ	5666	31	SECTION(S)		505			ONKAPARINGA		
СТ	5885	776	ALLOTMEN	T(S)		42	F	217949	ONKAPARINGA		
СТ	5809	533	ALLOTMEN	T(S)		10	F	129464	ONKAPARINGA		
СТ	5274	987	ALLOTMEN	T(S)		1	F	129455	ONKAPARINGA		
СТ	5809	663	ALLOTMEN	T(S)		4	F	129458	ONKAPARINGA		
СТ	5701	727	ALLOTMEN	T(S)		1	D	18164	ONKAPARINGA		
OTHER T	ITLES AFF	ECTED:									
EASEMEI STATUS		S: AND BURDENED	FORM	CATEGORY	ID	ENTIFIER	PURPOSE		IN FAVOUR	R OF	CREATION
EXISTING	_		LONG	EASEMENT(S)		N D77335			200 MARKED		RT 6935605
EXISTING	2	05.206	SHORT	FREE AND UNRESTRICTE OF WAY	ED RIGHT(S) A						
EXISTING			SHORT	FREE AND UNRESTRICTE OF WAY	ED RIGHT(S) B				205.206		

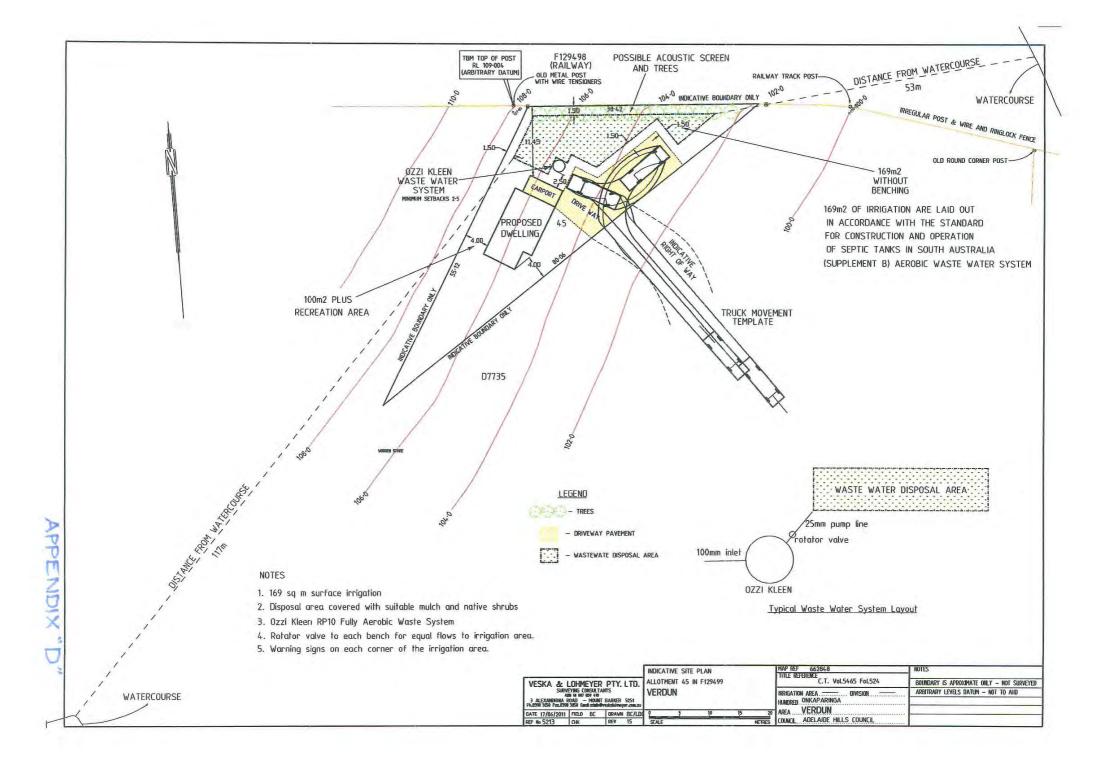
	I
	1
	1
	SHEET 2 OF 4
	49643_text_01_v01
	<u> </u>
ANNOTATIONS: ALLOTMENT(S) 201 TO 204 INCLUSIVE (CT 5666/31, CT 5885/776, CT 5809/533, CT 5809/663) DO NOT FORM PART OF THIS DIVISION.	
	l
	l
	l
	· ·





PLAN OF DEVELOPMENT

Allotment 1 in Filed Plan 129499



WASTE DISPOSAL ASSESSMENT AND WASTE DISPOSAL PLAN FOR PROPOSED ALLOTMENTS 205 & 206

Report by FMG Engineers



PO Box 707
Kent Town SA 5071
42 Fullarton Rd
Norwood SA 5067
P 08 8363 0222
F 08 8363 1555
ABN 58 083 071 185
Imgengineering.com.au

Our ref. 108044

10 June 2011

Michael Lohmeyer 3 Alexander Road Mount Barker SA 5251

Dear Michael

Re: Report on Potential On Site Wastewater Systems for land division DA473/D064/10 for Mr Redge Fiora

We confirm your instructions to consider the impact of the potential installation of wastewater systems on certain land near Verdun being existing allotment 45 and proposed allotments 205 and 206. It is proposed to re-subdivide all of the land such that Lot 45 will be amalgamated into another allotment and it is then proposed to transfer that title for the benefit of the existing allotment 101 so as to create allotments 205 and 206. In considering the land division application it is necessary to consider whether such wastewater systems can be installed in accordance with the current on-site wastewater codes of the Department of Health "The Standard for the Construction, Installation and Operation of Septic Tanks in South Australia (including Supplement "A and B.") and also Table AdHi/5 of the Adelaide Hills Development Plan. In particular you asked us to consider whether by the installation of wastewater systems.

- 1) the development of the proposed allotments does not result in a greater risk of pollution of surface or underground waters than would the development of the existing allotments, and
- provided a suitable site for a detached dwelling is available such that the site and the dwelling would comply with the criteria in Table AdHi/5

An inspection was carried out on 19 May 2011 of lot 45 and existing lot 101. Soil bore logs were taken on lot 45, effectively one each on proposed allotments 205 and 206.

Please find enclosed the results of borehole logging conducted on the above allotments on 19/05/2011. Borelogs were conducted by Geodrill and processed at FMG Engineering's Research House laboratory.

Existing allotment 45 had two bore holes drilled with the results and location defined in Attachment ("A"). The results confirm that there is no bedrock or a water table within 1.2 metres of surface level. The slope of the allotment and the area where the wastewater system can be installed is less than 1 in 5. Details of the location and sitting of a potential dwelling and wastewater system are shown on plan (Attachment "B").

Confirmation of development potential of proposed allotments 205 and 206 can be demonstrated in bore logs 3 and 5 which also confirm that there is no bedrock or a water table within 1.2 metres of surface level. The slope of the ground at both borelog sites is less than 1 in 5 ie the area where the wastewater systems can be installed.



Water courses are shown on the survey plan and the proposals comply with setback requirements.

For existing allotment 45 and proposed allotments 205 and 206 it has been demonstrated that construction of dwellings and on-site wastewater disposal systems can be achieved. It should be noted for the proposed dwellings for 205 and 206 that they can be sited independently of the wastewater fields which can be serviced by rising mains to the sites of borehole location with acceptable soil conditions.

In my opinion the installation of wastewater systems on certain land near Verdun being existing allotment 45 and proposed allotments 205 and 206 will comply with both the current on-site wastewater codes of the Department of Health "The Standard for the Construction, Installation and Operation of Septic Tanks in South Australia (including Supplement "A and B") and also Table AdHi/5 of the Adelaide Hills Development Plan (copy attached). Furthermore the development of proposed allotments 205 and 206 (or one of them) does not result in a greater risk of pollution of surface or underground waters for an approved wastewater system than would the development of the existing allotment 45 having regarded to:

- 1. the soil conditions
- 2. the slope of each of (the three) allotments
- 3. the slope of a suitable and likely area for an on-site wastewater disposal systems
- 4. likely dwelling sites each of (the three) allotments

Yours faithfully

Steve Clarke, CPEng, MIE Australia.

Civil Manager FMG Engineering

FING Engineering

Enclosed: Appendix A - Borehole logs

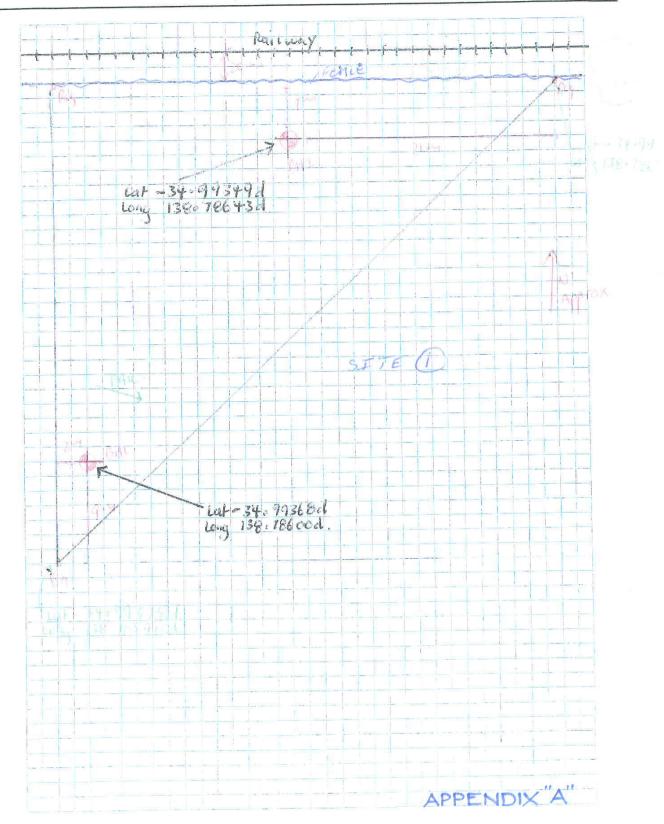
Appendix B - Layout plan

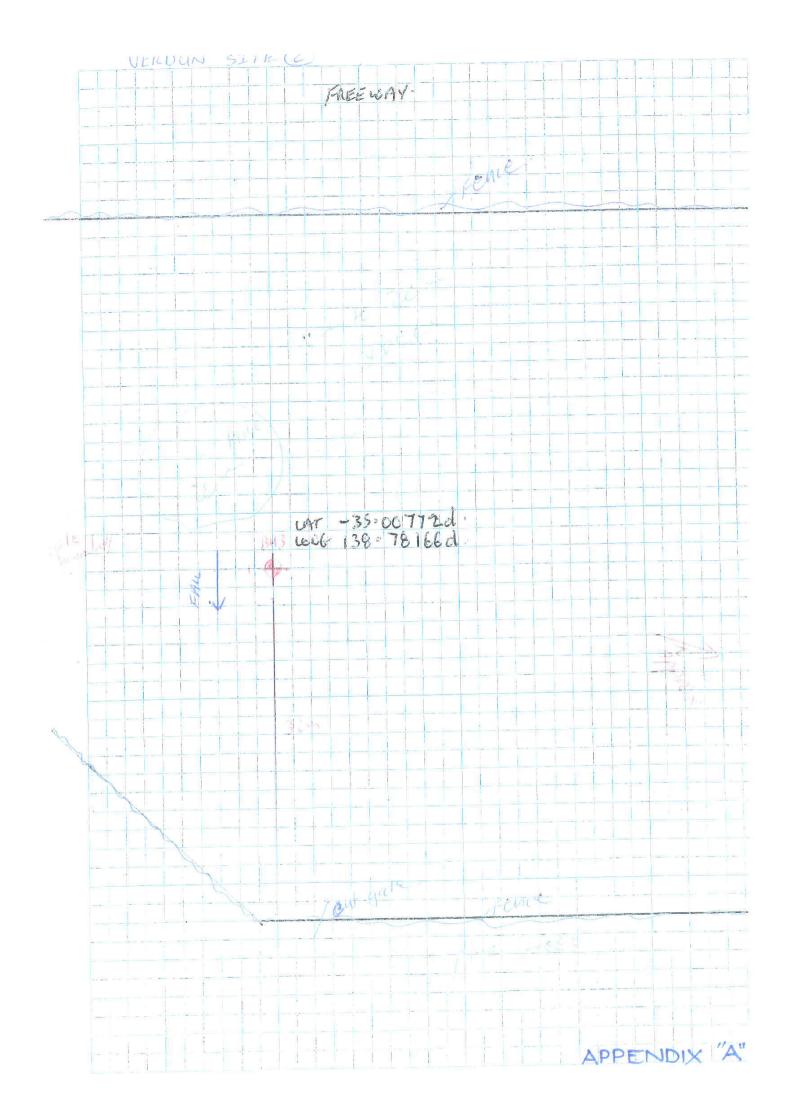
Appendix C - Amended Survey Plan: Veska and Lohmeyer

Appendix D – Wastewater Layout Plan for Lot 45

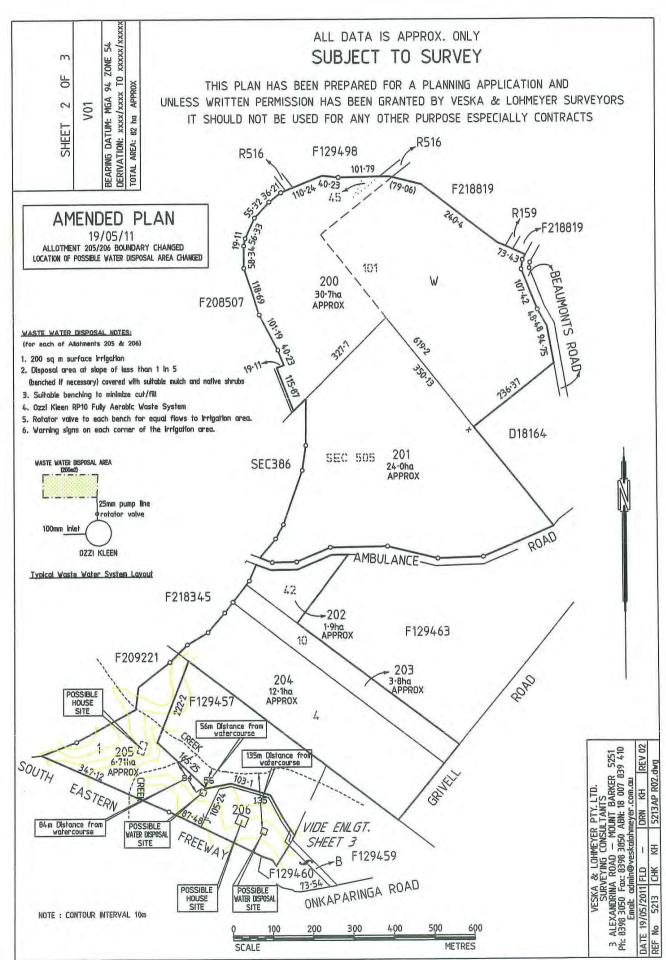
GEODRILL JOB SHEET

Ondaparinga Valley Road VERDUN





M Kene Pest -35.00660 d. UAT Existing LAT - 35.00686d FREEWAY. APPENDIX "A"



FMG ENGINEERING

SURFACE SOIL BORE LOG

Job : 108044 Sample Date : 19/05/11 Site : Ambulance Road VERDUN SA 5245

Sample Method: RMPT

Horizon	Hole 1 Depth (mm)	Hole 2 Depth (mm)	Hole 3 Depth (mm)	Hole 4 Depth (mm)	Hole 5 Depth (mm)	Description	U/Symb	Moisture	Strength	Est lpt	
А	0 - 200	0 - 100	0 - 100		0 - 200	SILTY SAND - grey brown to light grey brown. Some gravels and fine roots.	SM	Damp to moist	Low	0.000	0.000
В	200 - 350	100 - 300	100 - 250			SILTY SANDY CLAY - yellow light orange brown. Some gravels. Medium plasticity.	CI	Moist	Medium	0.010	0.010
B1	350 - 750		250 - 700			SILTY CLAY - yellow light orange. Trace of sand. Medium plasticity.	CI	Moist	Medium	0.010 - 0.015	
B2	750 - 1100	300 - 1050	700 - 900			SANDY SILTY CLAY CLAYEY SAND - orange yellow brown. Trace of sand.	CI	Moist	Medium	0.005	0.005
B3					200 - 1500	- SILTY SAND SANDY SILT - creamy grey white. Non plastic. SM - ML		Damp	Low	0.000	0.000
B4/C	1100 - 1400	1050 - 1100			1500 - 1700	WEATHERED SILTSTONE/STANDSTONE - creamy yellow grey blue. Silty clay in seams. Very low plasticity.	-	Damp	-	0.000 - 0.005	0.003
С	1400 - 2000	1100 - 2000	900 - 2000	0 - 250		SILTSTONE/SANDSTONE - grey white light yellow. Sand naturally cemented. Fragmented pieces.	-	Damp	Medium to high	0.000	0.000
Ys		6	9	0	0	Ys = Characteristic surface movement (mm)					

Ground water not encountered

Surface Suction Change : 1.2 pF

Depth of Suction Change : 4.0 m





LOT 205.

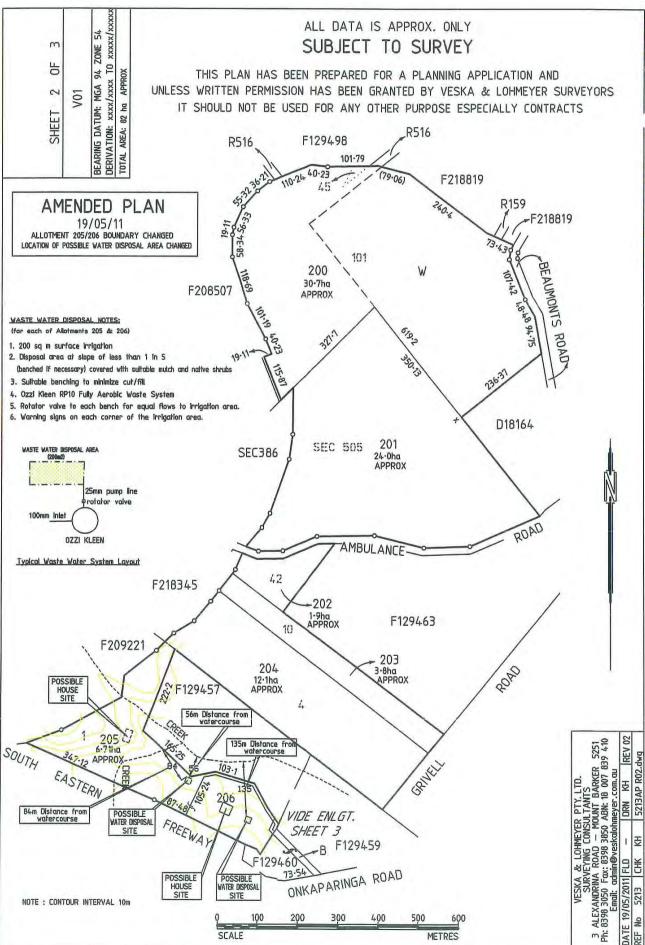
LOT 45

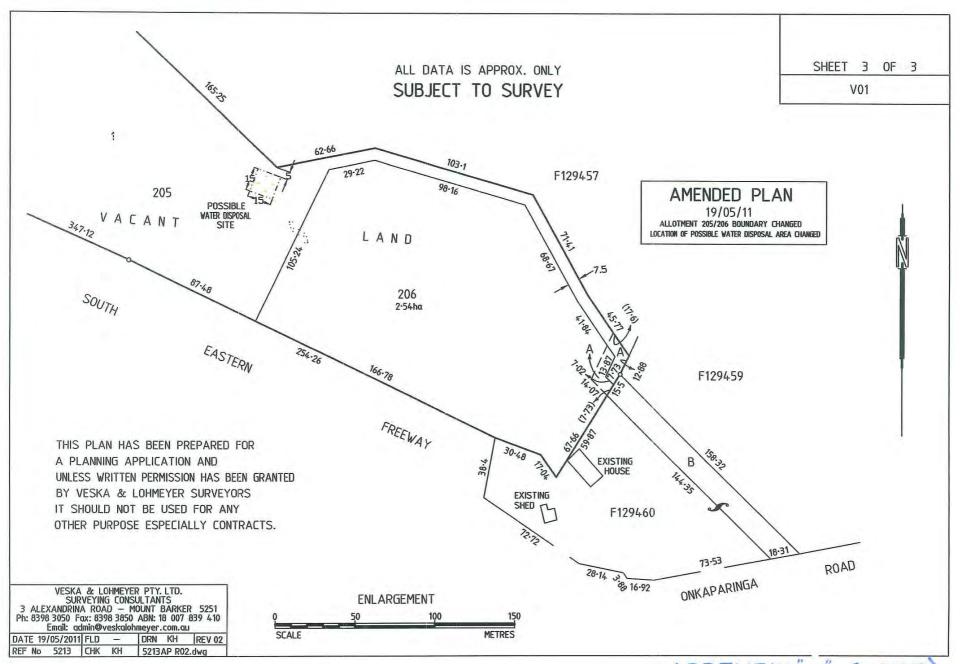


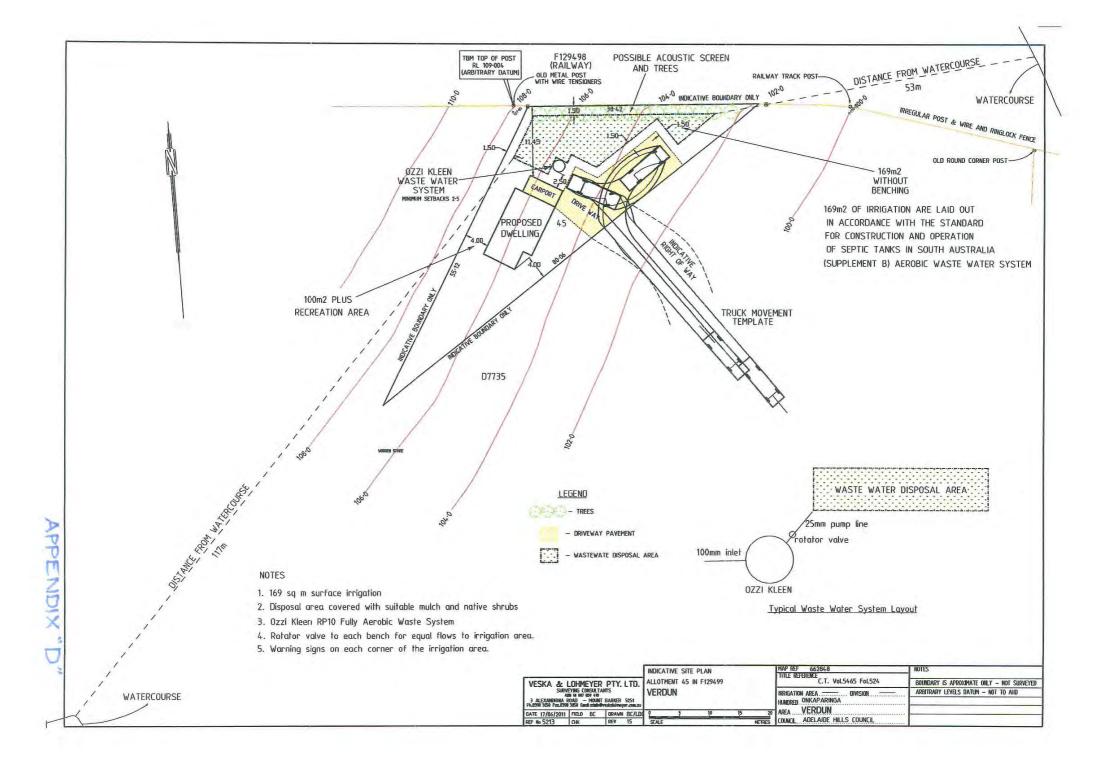


LOT 206.

PURPOS	E:	DIVISION			AREA NAME:	VERDU	IN			APPROVED:	
MAP REF	e:	6627/03/D, 6628/48/N			COUNCIL:	ADELA	IDE HILLS COUN	CIL			
LAST PLA	ΔNI-				DEVEL ODBAEA	IT NO.				DEPOSITED/FILED:	
LIOITE	uv.				DEVELOPMEN	II NO:					SHEET 1 OF 3
											23056_text_01_v01
AGENT [DETAILS	: VESKA & LOHMEYER 3 ALEXANDRINA ROA MOUNT BARKER SA PH: 08 8398 3050 FAX: 08 8398 3850	ND.		SURVEYORS CERTIFICATIO	ON:		1			
AGENT C		LVS1									
REFERE	77 20 20 2	5213									
		DETAILS: //E FOLIO OTHER	PARCE	-		NUMBED	DI ANI	MUMPED	LILINDDED / IA / DIV	101011 701111	A
CT	5465	524	ALLOTM			NUMBER 45	PLAN F	129499	HUNDRED / IA / DIV ONKAPARINGA	ISION TOWN	REFERENCE NUMB
СТ	6020	59	ALLOTM	ENT(S)		101	D	77335	ONKAPARINGA		
СТ	5666	31	SECTION	N(S)		505			ONKAPARINGA		
CT	5885	776	ALLOTM	ENT(S)		42	F	217949	ONKAPARINGA		
СТ	5809	533	ALLOTM	ENT(S)		10	F	129464	ONKAPARINGA		
СТ	5274	987	ALLOTM	ENT(S)		1	F	129455	ONKAPARINGA		
СТ	5809	663	ALLOTM	ENT(S)		4	F	129458	ONKAPARINGA		
OTHER T	TITLES A	FFECTED:									
EASEME	NT DETA										
STATUS		LAND BURDENED	FORM	CATEGORY	IDE	NTIFIER	PURPOSE		IN FAVOU	IR OF	CREATION
EXISTING		200	LONG	RIGHT(S) OF WAY	CIN	D77335			200 MARKE	DW	RT 6935605
EXISTING		206.205	SHORT	FREE AND UNRESTRIC	CTED RIGHT(S) A						
EXISTING			SHORT	FREE AND UNRESTRIC	CTED RIGHT(S) B				205.206		



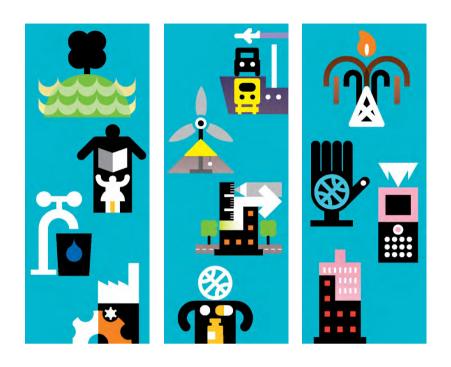




APPENDIX 5

SITE HISTORY REPORT

Prepared by Mott MacDonald



Environmental Site History Assessment

CT5274/987, FP 129455, Lot 1 Onkaparinga Road, Verdun, South Australia

3 November 2014

Littlehampton Brick

Environmental Site History Assessment

CT5274/987, FP 129455, Lot 1 Onkaparinga Road, Verdun, South Australia 3 November 2014

Littlehampton Brick

Environmental Site History Assessment CT5274/987, FP 129455, Lot 1 Onkaparinga Road, Verdun, South Australia



Issue and revision record

Revision A	Date 24/10/14	Originator RL	Checker AM	Approver AM	Description Draft for client review	Secure
0	3/11/14	RL	AM	AM	Final	

This document is issued for the party which commissioned it and for specific purposes connected with the above-captioned project only. It should not be relied upon by any other party or used for any other purpose.

We accept no responsibility for the consequences of this document being relied upon by any other party, or being used for any other purpose, or containing any error or omission which is due to an error or omission in data supplied to us by other parties.

This document contains confidential information and proprietary intellectual property. It should not be shown to other parties without consent from us and from the party which commissioned it..

Contents

Chapter	Title	Page
1	Introduction	1
1.1	Background	1
1.2	Scope of work	3
2	Regulatory and Assessment Framework	4
2.1	Site contamination	4
2.2	Environment Protection Act, 1993	
2.3	Assessment Guidelines	5
3	Site Description	6
3.1	Site definition	6
3.2	Site walkover and photographs	6
3.3	Surrounding land use	
3.4	Regional geology and hydrogeology	7
4	Site History Assessment	8
4.1	History of ownership	8
4.2	Aerial photographs	9
4.3	Dangerous goods search	10
4.4	EPA Section 7 search	
4.5	SA EPA Public Register Directory	
4.6	Acid sulphate soils	
4.7	Anecdotal information	
4.8	Exposure pathway	
4.9	Areas of environmental interest	11
5	Conclusion	12
6	Limitations	13
Appondia	200	15
Appendic		
	Certificate of title	
	DEWNR groundwater data	
	Historical aerial photographs Dangerous goods licence search results	
	. Section 7 search results	19
, who many F.	. Codion i Codion Ioodito	20

1 Introduction

1.1 Background

Mott MacDonald Australia Pty Ltd (Mott MacDonald) was engaged by Littlehampton Brick to conduct an Environmental Site History Assessment for FP 129455, Certificate of Title (CT) 5274/987 ('the site') at Lot 1 Onkaparinga Road, Verdun, South Australia.

The context of the site is shown in Figure 1.1 and an aerial photograph showing the approximate CT boundary is shown in Figure 1.2.

We understand that the proposed development would comprise the construction of residential houses at two potential locations at the site. The proposed development plan showing the two development locations is presented in Figure 1.3.

The aim of the work was to assess the potential for gross or widespread soil contamination to exist as a result of current or previous land uses at the site that would be likely to preclude such proposed use.

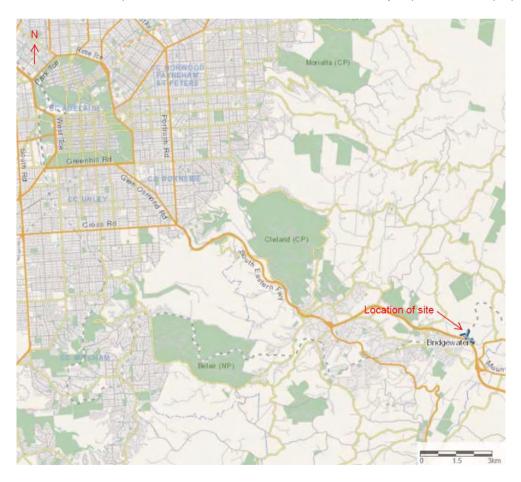


Figure 1.1: Map showing the approximate location of the site (FP 129455, Lot 1 Onkaparinga Road, Verdun, South Australia) (source: http://maps.sa.gov.au)

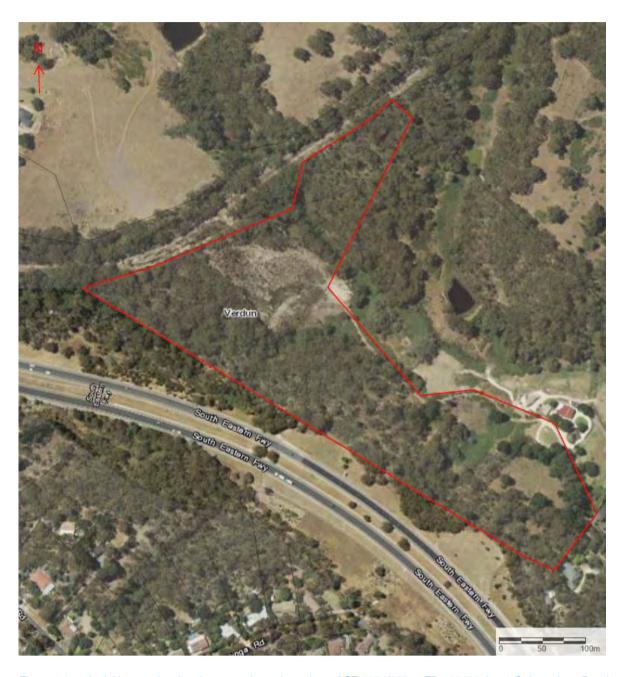


Figure 1.2: Aerial image showing the approximate boundary of CT 5274/987 at FP 129455, Lot 1 Onkaparinga Road, Verdun, South Australia (source: http://maps.sa.gov.au)



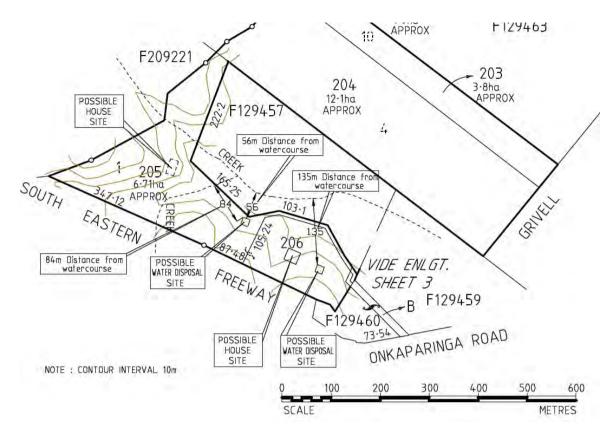


Figure 1.3: Proposed site development plan showing two house location options (supplied by Veska & Lohemeyer Pty Ltd, September 2014)

1.2 Scope of work

The scope of work conducted by Mott MacDonald included consideration of information from the following sources:

- Site walkover
- Information provided by the client
- Department of Planning, Transport and Infrastructure (DPTI) Property Assist Certificate of Title search
- Safework SA Dangerous Goods Licence Search
- Environment Protection Authority (EPA) Section 7 Search
- Department of Environment, Water and Natural Resources (DEWNR) Mapland historical aerial photograph search
- Department of Environment, Water and Natural Resources Groundwater Database search.
- Historical certificate of title search at the Lands Titles Office
- Appendix A of the SA EPA Guidelines Site Contamination Acid Sulfate Soil Materials (November 2007)

2 Regulatory and Assessment Framework

2.1 Site contamination

Soil contamination has the potential to impact adversely on human health and the environment; however in order for a significant or identifiable risk to be present, there must be an exposure pathway. The exposure pathway comprises the following:

- Source The presence of a substance that may cause harm.
- Receptor The presence of a receptor which might be harmed at an exposure point.
- Pathway The existence of a means or mechanism of exposing a receptor to the source.

In the absence of a plausible exposure pathway there can be minimal risk. Therefore, the presence of 'something measureable' i.e. concentrations of a chemical or presence of asbestos does not necessarily imply that there is measurable human harm. It is necessary to have a significant source of contamination, an appropriate or effective pathway for this to be presented to a receptor, and the receptor must have a negative response to this exposure.

Hence, the nature and importance of sources, receptors and exposure routes will vary with every site, situation, intended end use and environmental setting.

It should also be noted that management measures to address any aspect of the above can reduce the significance of any risks.

2.2 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). The EP Act 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; 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, the first stage in determining whether or not site contamination exists 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 that is not trivial.

The professional assessment of site contamination and consequential risk to human health and the environment is guided by the NEPC (1999), National Environment Protection (Assessment of Site Contamination) Measure, December 1999 (ASC NEPM), as amended in 2013, Australian Standards and several guidelines prepared the EPA. The NEPM operates as an environment protection policy under the EP Act.

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.

2.3 Assessment Guidelines

The scope of work, methodology and assessment guidelines adopted for this assessment are based on the guidance provided in the following documents and the experience of Mott MacDonald:

- Standards Australia. Guide to the investigation and sampling of sites with potentially contaminated soil – AS 4482.1-2005.
- NEPC (1999), National Environment Protection (Assessment of Site Contamination) Measure, December 1999 (ASC NEPM), as amended in 2013.

3 Site Description

3.1 Site definition

The site is defined by a portion of CT 5274/987 (Lot 1 in FP 129455) at Lot 1 Onkaparinga Road, Verdun, South Australia, as shown in Figure 1.2. A copy of the CT is included in Appendix A.

The site is approximately 9.4 hectares in size and is situated in the Adelaide Hills Council local government area.

3.2 Site walkover and photographs

A site visit was conducted on 2 October 2014 by a Mott MacDonald representative. The site was undeveloped, containing no structures or sealed areas and was covered in vegetation (Photos 3.1 and 3.2). No obvious odorous or stained soil was observed.

A weigh bridge was located at the entrance of the former quarry (Photo 3.3). A benched area from what is understood to be site sourced quarry material was noted at the north-western face of the site (Photo 3.4). The site topography was undulating.



Photo 3.1 Photo of potential house location (outside of the former quarry footprint)



Photo 3.2 Photo of potential house location (outside of the former quarry footprint)



Photo 3.3 Photo of a weighbridge at the site



Photo 3.4 Photo of site sourced quarry material at the north-western face of the site

3.3 Surrounding land use

The land use surrounding the CT comprises the following:

- North: Railway line, sparse residential landuse, dams, undeveloped scrub and grazing landuse
- East: Sparse residential landuse, dams, undeveloped scrub and a plantation
- West: South Eastern Freeway and undeveloped scrub, beyond which is residential landuse
- South: South Eastern Freeway, undeveloped scrub and sparse residential landuse

The surrounding area is undulating.

3.4 Regional geology and hydrogeology

The regional geology and hydrogeology is presented in Table 3.1.

Table 3.1: Regional geology and hydrogeology

Source	Detail
Geology	
Barker Geological Survey of South Australia, Department of Mines, Adelaide. Published 1962.	Ptm: Dark pyritic shales, quartzitic and sandy at base. Contain reworked chert pebbles at base in Scott Creek region. Calcareous and fine-grained at base in Mt Bold region.
	Ptl: Calcareous beds with interbedded black chert bands and magnesite (MONTACUTE DOLOMITE equivalent). Sandstone and cabonaceous shales with black chert lenses and nodules. Sandstones and cabonaceous slates.
Hydrogeology	
Department of Environment, Water and Natural Resources Groundwater Database	The DEWNR groundwater database indicates that there are 47 groundwater wells within a 1km radius of the site. The recorded standing water levels in the surrounding area are up to 43m bgl. The maximum recorded depth of the wells ranges from 1-168m bgl. The groundwater data report and plan showing the location of groundwater wells are provided in Appendix B.

4 Site History Assessment

4.1 History of ownership

A history of ownership search was conducted through the Lands Title Office for CT 5274/987, dating back to the first recorded owners of the land in 1871. A summary is provided in Table 4.1.

Table 4.1: Ownership summary

rable 4.1. Owl	nership summar	<u> </u>	
Title reference	Date	Name	Details
3814/192	12/1/1972 (until present)	Reginald Morris Fiora (Quarryman) and Claire Fiora (wife)	6 Hampton Road Mount Barker
3722/83	25/09/1970	Reginald Morris Fiora (Quarryman) and Claire Fiora (wife)	6 Hampton Road Mount Barker
	8/12/1971	Transfer to Kenneth Edwin Sutto of portion	-
3700/86	18/05/1970	Reginald Morris Fiora (Quarryman) and Claire Fiora (wife)	6 Hampton Road Mount Barker
	29/7/1970	Transfer to Peter Desmond Carroll and Daphne Doreen Carroll of portion	-
2741/101	21/03/1960	Leonard Bartlett Jacob (Farmer) and Alice Mary Jacob (Wife)	Verdun
	23/4/1958	Maxwell Frank Bartsch and Rita Doreen Bartsch	=
	25/1/1961	Transfer to Sidney James Robins (Grain agent)	Thebarton
	21/7/1961	Transfer to John Curtis Adams (Dairy farmer)	Stirling
	19/12/1968	Transfer to Reginald Morris Fiora (Quarryman) and Elaine Fiora (wife)	Mount Barker
2521/157	13/6/1957	Erhard Christoph Benjamin Hanckel (Farmer)	Fullarton
	23/4/1958	Transfer to Isabel Perryman Jacob of portion	-
	23/4/1958	Transfer to Leonard Bartlett Jacob and Alice Mary Jacob of a portion	-
1610/185	6/1/1933	Ernest Grivell (Gardener)	Verdun
	14/3/1947	Transfer to Reginal Humble (Accountant)	Salisbury
	7/7/1947	Erhard Christoph Benjamin Hanckel (Farmer)	Hahndorf
	24/5/1957	Transfer to Her Majesty Queen Elizabeth the Second of a portion	-
756/165	15/12/1906	Thomas Grivell (Gentleman)	-
	8/5/1891	John William Ramsey	-
	13/3/1895	Transfer to Elizabeth Ramsey	-
	2/8/1900	Certificate of marriage for Elizabeth Ramsey to James Sadler (Journalist)	London
	27/4/1918	Transfer to Rupert Richard Grivell and Ernest Grivell (Gardeners)	Verdun
	26/8/1922	Transfer to Ernest Grivell	-
613/185	17/10/1896	Thomas Grivell (Gentleman)	-
157/65	16/8/1871	Johanna Maria Fredericka Stade (Widow)	-
	6/12/1906	Transfer to John Korbes [name illegible] of a portion	-
	29/2/1876	George Thomas Light	-
	11/8/18xx[ille gible]	Transfer to John Clark (Gardener)	-
	20/4/1883	Transfer to John [Paltidge? illegible] (auctioneer)	Mount Barker
	20/4/1885	Transfer to John Cornelius and John Luke (Miners)	-
	16/9/1897	Transfer to John Henry [illegible] (Gardener)	-
	6/12/1906	Transfer to Thomas Grivell (Gentleman)	-
395/62	11/7/1882	Thomas Grivell (Gentleman)	-

Title reference	Date	Name	Details
	13/3/1895	Transfer to Elizabeth Ramsay (wife)	-
	24/9/1896	Transfer to South Australian Railways Commission a portion	-

Source: Lands Title Office, Department of Planning, Transport and Infrastructure, Government of South Australia

4.2 Aerial photographs

Selected aerial photographs of the area were assessed from 1949 at approximately 10 year intervals (where available) to present. The aerial photograph data and observations are presented in Table 4.2 and copies of the photographs are provided in Appendix C.

Table 4.2: Historical aerial photograph review

1 4010 1.2.	Thistorical actual photograph review				
Year	Notes				
1949	The aerial photograph is presented in black and white. No structures are visible at the site. A large area of the site appears to have been excavated in its northern portion. An unsealed access track is visible from this area, running south to the site boundary. The southern portion of the site is partially cleared and covered in trees.				
	The surrounding area is generally either cleared, covered in trees or horticultural, particularly the area to the south-east of the site where large rows of planting are visible. A road is located to the south of the site.				
1956	The aerial photograph is presented in black and white. The scale is 1:45,000, therefore the features of the site and surrounding area are difficult to discern. No major noticeable differences are visible from the previous aerial photograph.				
1968	The aerial photograph is presented in black and white. The excavated area at the site appears to have increased in size and the trees in the southern portion of the site have been removed and this area appears to have also been disturbed.				
	The previously noted agricultural planting south-east of the site appears to have reduced in scale. Structures are visible to the south-west of the site boundary.				
1979	The aerial photograph is presented in colour. An apparent small structure is visible on the eastern boundary of the site. The site appears to contain regrowth vegetation in the area around the excavation.				
	A freeway has been built to the south-west of the site and urban development in the surrounding area has increased, particularly to the south-west of the site beyond the freeway. A transport corridor has been built beyond the northern border of the site.				
1989	This aerial photograph is presented in colour. There appear to be no significant notable differences to the site or surrounding area since the previous aerial photograph was taken, with the exception of the apparent size of the excavated areas having reduced. The previously noted small structure is no longer visible.				
1999	This aerial photograph is presented in colour. The site appears to be similar to the previous aerial photograph, with no significant noticeable differences.				
	The area surrounding the site, particularly to the north and east appears to be largely pastoral with scattered residential development. A second building is visible to the east of the site.				
Current aerial photograph available at time of writing	This aerial photograph is presented in colour. The site and surrounding landuse appear to be similar to the previous aerial photograph, with no significant noticeable differences.				

The aerial photographs appear to indicate that since 1949 the site has not been actively used for any potentially contaminating activities other than the operation of a quarry.

4.3 Dangerous goods search

Safework SA reported the following dangerous goods licences as being recorded for the Princes Highway, Verdun (refer also to Appendix D).

A record was located at Princes Highway, Verdun, SA, 5245 with no specific street address.

Class	Quantity	Storage Type
2	5 KL	Gas Tank Aboveground Internal

1 Princes Highway, Verdun, SA, 5245

1				
	2	4.3KL	Gas Tank Aboveground Internal	

4.4 EPA Section 7 search

A Section 7 search was made under the *Land and Business (Sales and Conveyancing) Act 1994*. The information indicates that no current environmental Performance Agreements, Environment Protection Orders or Clean-up Orders are registered on the site. No known wastes are listed or have been produced on the site.

A copy of the Section 7 information is included in Appendix E.

4.5 SA EPA Public Register Directory

The SA EPA Public Register Directory - Site contamination index was searched. This index lists notifications and reports received by the EPA since 1 July 2009 under the *Environment Protection Act* 1993, including S83A notification, Audit notification, Audit termination and Audit reports. The following are listed in the suburb of Verdun (refer to Table 4.3).

Table 4.3: SA EPA Public Register Directory results for Verdun

Notification no \$	Туре 💠	Address ÷	Potentially contaminating $\stackrel{\clubsuit}{\Rightarrow}$
61194	Audit Notification	Lots 23 & 24 Onkaparinga Valley Road VERDUN SA 5245	Fill or soil importation
61299	Audit Notification	Lots 23 & 24 Onkaparinga Valley Road VERDUN SA 5245	Not recorded
61194	Audit Termination	Lots 23 & 24 Onkaparinga Valley Road VERDUN SA 5245	Not recorded

These unknown but potentially contaminating activities are not considered to be relevant to this assessment as they are located over 2km from the site.

4.6 Acid sulphate soils

There was no evidence of the field indicators used to identify acid sulphate soils as listed in Appendix A of the SA EPA Guidelines Site Contamination – Acid Sulphate Soil Materials (2007).

4.7 Anecdotal information

Information from the client and Veska & Lohmeyer Surveyors indicates that the site is a former rubble/stone quarry.

4.8 Exposure pathway

It is understood that the proposed residential development would comprise a residential slab on ground construction underlain with base coarse material and Forticon plastic. Sealed driveways, entertaining areas and landscaped gardens are also likely. Groundwater would not be abstracted once constructed.

4.9 Areas of environmental interest

Based on this site history assessment, the chemicals presented in Table 4.4 are indicative of the potential historical and current land uses of the site. The chemicals are based on Appendix J of AS 4482.1-2005.

Table 4.4: Summary of potential areas and chemicals of interest based on land use from AS 4482.1

Activity of interest	Chemicals of environmental interest	Medium of interest	Likely significance/risk for sensitive land use
Farming, gardening	Fertilizer, fungicides, herbicides, pesticides	Soil	Low as there is little evidence to suggest any intense agricultural activity was undertaken at the site.
Quarry	Engine works: hydrocarbons, metals, solvents, BTEX Explosives	Soil	Low as the former local rubble quarry operation involved a physical process across a large scale. The possibility of residual associated chemicals is low and is not considered to pose a risk to the proposed development.

These chemicals of environmental interest are not a prescriptive list for further exploratory intrusive assessment, nor a statement of the presence of these chemicals, but rather a list based on AS 4482.1-2005 to be given consideration based on site specific observations and conditions.

5 Conclusion

The site currently comprises undeveloped land of which two small portions are being considered for future residential development. We understand that the proposed buildings would comprise a residential slab on ground construction underlain with base coarse material and Forticon plastic. Groundwater would not be abstracted once constructed.

No surface soil odours or staining were observed during the site walkover. This site history research found no indication of activities conducted at the site that are likely to have contaminated the soil and/or groundwater and resulted in significant gross or widespread soil contamination.

Based on the environmental information obtained, Mott MacDonald is of the opinion that **the likelihood of** gross or widespread soil contamination existing in shallow soils and groundwater at the location of the proposed building envelopes (at concentrations likely to preclude the proposed land use) is low.

6 Limitations

Mott MacDonald Australia Pty Ltd (Mott MacDonald) has prepared this report based on generally accepted practices and standards in operation at the time that it was prepared. No other warranty is made as to the professional advice included in this report. All parties should satisfy themselves that the scope of work conducted and reported herein meets their specific needs before relying on this document.

Mott MacDonald believes that its opinions have been developed according to the professional standard of care for the environmental consulting profession at the date of this document. That standard of care may change as new methods and practices of exploration, testing, analysis and remediation develop in the future, which may produce different results.

Environmental conditions are created by natural processes and human activity, and as such may change over time e.g. groundwater levels may rise or fall, contamination may migrate and fill may be added to the site. This report therefore presents a point in time assessment of the site, and as such can only be valid for the time at which the investigation was undertaken.

Any investigation such as that contained in this report can examine only a fraction of the subsurface conditions at the site. There remains a risk that pockets of contamination or other hazards may not be identified as investigations are necessarily based on sampling at localised points. Certain indicators or evidence of hazardous substances or conditions may have been outside the portion of the subsurface investigated or monitored, and thus may not have been identified or their full significance appreciated. As such, the identified environmental conditions reported are only valid at the points of direct sampling and any derived or interpolated conditions may differ from these targeted locations and cannot be assumed to be indicative of the remainder of the site.

The methodology adopted and the sources of information used are outlined in this report. Mott MacDonald has limited its investigation to the scope agreed for this contract and it is possible that additional sampling and analysis could produce different results and/or opinions. Mott MacDonald has made no independent verification of this information beyond the agreed scope of works and assumes no responsibility for any inaccuracies or omissions.

This assessment assumes that the proposed development meets requirements as outlined in the Building Code of Australia and Australian Standards. If these recommendations are not met, there is potential for the exposure and therefore risk to building users to be higher than that presented in this assessment.

The soil descriptions contained in this report have not been prepared for engineering design purposes and the reinstatement of any sampling locations were not conducted in accordance with any supervised filling or geotechnical standard. The term suitable has been used in the context of a request from the planning authority and means that the concentrations reported did not exceed the guideline concentrations adopted for the proposed land use/exposure pathway.

This report does not include the assessment or consideration of asbestos. Asbestos should be assessed and managed by a qualified and licensed asbestos assessor/contractor.

In general, the available scientific information pertaining to contamination is insufficient to provide a thorough understanding of all of the potential toxic properties of chemicals to which humans may be exposed. The majority of the toxicological knowledge of chemicals comes from experiments with laboratory animals, where there may be interspecies differences in chemical absorption, metabolism, excretion and toxic response. There may also be uncertainties concerning the relevance of animal studies using

exposure routes that differ from human exposure routes. In addition, the frequent necessity to extrapolate results of short-term or subchronic animal studies to humans exposed over a lifetime has inherent uncertainty. Therefore, in order to conduct an environmental assessment, it is necessary to take into account these inherent uncertainties and extrapolate information from the data that is available, considered current and endorsed as acceptable for the assessment of risks to human health. There is therefore inherent uncertainty in the process, and to compensate for uncertainty, conservative assumptions are often made that result in an overestimation rather than an underestimation of risk.

All advice, opinions or recommendations contained in this document should be read and relied upon only in the context of the document as a whole. This report does not purport to give legal advice as this can only be given by qualified legal practitioners. This document does not represent a Site Contamination Audit Report.

Appendices

Appendix A.	ppendix A. Certificate of title	16
Appendix B.	DEWNR groundwater data	17
Appendix C.	Historical aerial photographs	18
Appendix D.	Dangerous goods licence search results	19
Appendix E.	Section 7 search results	20

Appendix A. Certificate of title



Title Register Search LANDS TITLES OFFICE, ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5274 FOLIO 987 *

COST : \$26.50 (GST exempt) PARENT TITLE : CT 3814/192
REGION : EMAIL AUTHORITY : CONVERTED TITLE

AGENT : MMAPP BOX NO : 000 DATE OF ISSUE : 26/06/1995

SEARCHED ON: 08/10/2014 AT: 15:11:57 EDITION: 2

CLIENT REF VERDUN

REGISTERED PROPRIETORS IN FEE SIMPLE

REGINALD MORRIS FIORA AND CLAIRE FIORA BOTH OF 6 HAMPTON ROAD MOUNT BARKER SA 5251 AS JOINT TENANTS

DESCRIPTION OF LAND

ALLOTMENT 1 FILED PLAN 129455 IN THE AREA NAMED VERDUN HUNDRED OF ONKAPARINGA

EASEMENTS

SUBJECT TO A FREE AND UNRESTRICTED RIGHT OF WAY OVER THE LAND MARKED A

TOGETHER WITH A FREE AND UNRESTRICTED RIGHT OF WAY OVER THE LAND MARKED B

SCHEDULE OF ENDORSEMENTS

NIL

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

NIL

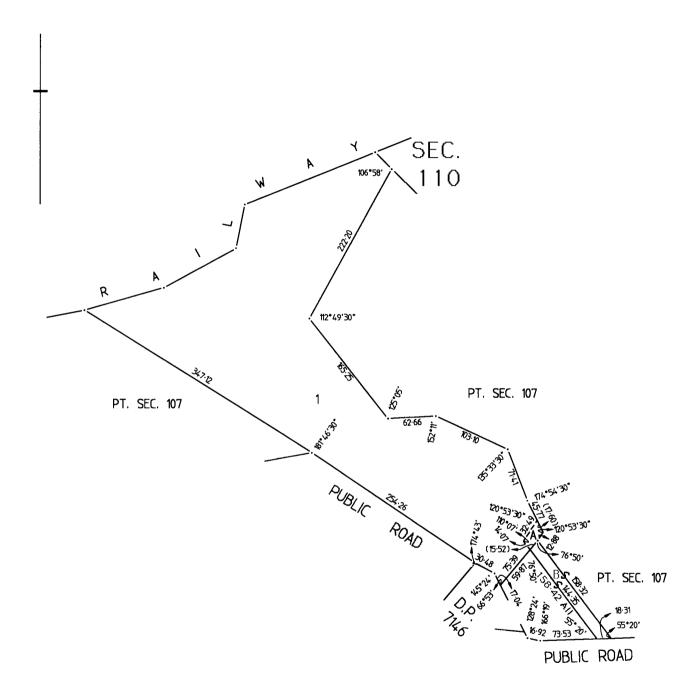
REGISTRAR-GENERAL'S NOTES

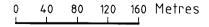
CONTROLLED ACCESS ROAD VIDE PLAN 57

END OF TEXT.

LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5274 FOLIO 987 SEARCH DATE: 08/10/2014 TIME: 15:11:57

This plan is scanned for Certificate of Title 3814/192





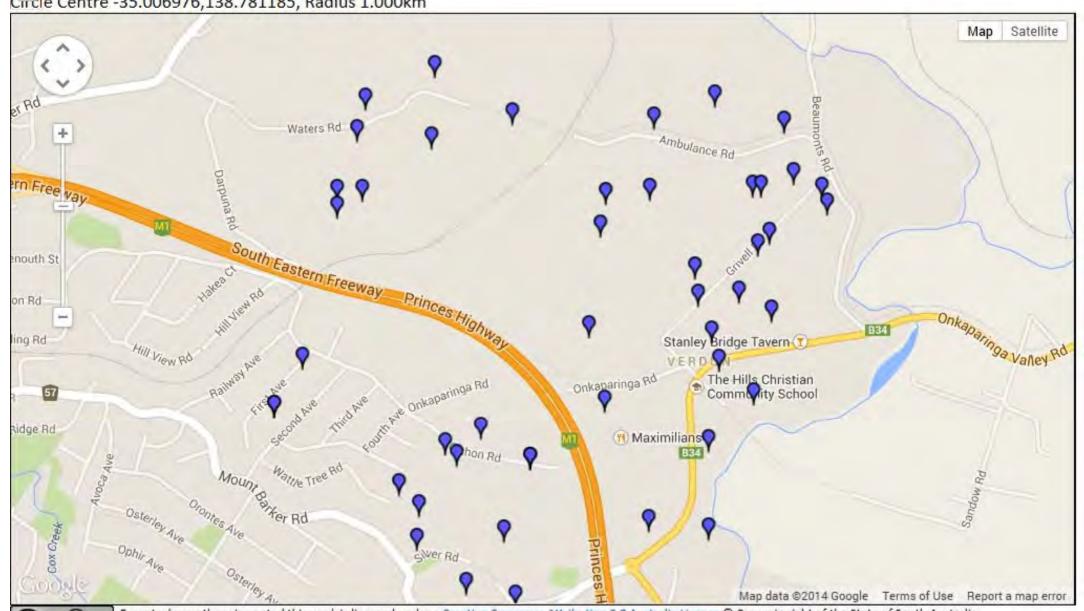
Note: Subject to all lawfully existing plans of division

Appendix B. DEWNR groundwater data

WaterConnect



Circle Centre -35.006976,138.781185, Radius 1.000km





Groundwater Data Report



Circle Centre -35.006976,138.781185, Radius 1.000km

Unit No	Date	Max Depth (m)	Latest Depth (m)	SWL (m)	SWL Date	TDS (mg/L)	TDS Date	Aquifer	Status	Yield (L/sec)	Yield Date	Purpose	Cased To (m)	Permit No
6627-4	01/01/1954	7.01	7.01	4.57	09/03/1954	100	09/03/1954	No						
6627-8	01/01/1954	4.27	4.27	1.52	03/03/1954	829	03/03/1954	Ndw	ABD					
6627-9	01/01/1954	4.27	4.27	1.22	04/03/1954	814	04/03/1954	Ndw	BKF					
6627-22	01/01/1954	3.05		2.13	05/03/1954	2530	05/03/1954							
6627-23	01/01/1954					1440	12/05/1978		OPR	3.82	01/01/1983	IRR		
6627-32		45.72	45.72	3.05	09/03/1954	371	09/03/1954	No		2.53	09/03/1954		11.76	
6627-34	01/01/1954					435	02/05/1978	No						
6627-35	01/01/1954	5.7				71	09/03/1954	Ndw						
6627-36	01/01/1954	7.32		0	03/03/1954	629	03/03/1954		OPR			IRR		
6627-38	13/12/1976	87	87	4	13/12/1976	639	06/05/1978		OPR	1	13/12/1976	DOM	53	745
6627-39		45.69				547	27/04/1978	No		7.64	01/01/1978			
6627-40	01/01/1954	43.5		2	27/04/1978	710	27/04/1978	No		3.82	27/04/1978			
6627-41	14/01/1977	1		0.61	05/05/1978	386	05/05/1978	No						
6627-42	01/01/1954	5.8		4.6	05/05/1978	138	05/05/1978	No						
6627-43	01/01/1954	3.96		1.22	04/03/1954	714	04/03/1954	No						
6627-44	01/01/1954	26.82				386	05/05/1978	No		2.04	01/01/1978			
6627-45		80.67	80.67			561	06/05/1978	No						
6627-2463		2.42	2.42	0	26/07/1982	705	26/07/1982	No	EQP			DOM		
6627-2464		66.3	66.3	0	10/03/1954	821	26/07/1982	No	OPR	1.52	01/01/1982	IRR		
6627-2479		21.34	0	2.44	04/03/1953			No	BKF					
6627-6104		24.3	24.3	7.9	04/08/1982	220	05/08/1982	No						
6627-6894	31/08/1982	69.2	69.2	0.61	31/08/1982	325	31/08/1982	No	OPR	1.25	31/08/1982	DOM	24.6	10709
6627-7005	02/03/1984	14	14	2.5	02/03/1984	400	15/03/2001	No	OPR	1.25	02/03/1984	IRR	14	14073
6627-7006	08/03/1984	72	72	32	08/03/1984	328	08/03/1984	No	OPR	2	08/03/1984	DOM	24	13137
6627-7049	14/12/1983	168	168	27	14/12/1983	314	14/12/1983	No	OPR	1.87	14/12/1983	IRR	65	13396
6627-7207	16/11/1984	73.7	73.7	2.9	16/11/1984	273	16/11/1984	No		3.5	16/11/1984		54	15452
6627-7312	12/12/1984	92	92	25	12/12/1984	378	13/12/1984	No	OPR	1.25	12/12/1984	DOM	36	15695
6627-7352	21/01/1985	80	80			893		No	BKF					16014
6627-7353	22/01/1985	104	104	40	22/01/1985	686	22/01/1985	No	BKF	6.4	22/01/1985			16014
6627-7354	23/01/1985	47	47	1.5	23/01/1985	1228	23/01/1985	No	OPR	11.25	23/01/1985	IRR	23	16014
6627-7452	13/03/1984	82	82	35	13/03/1984	400	13/03/1984	No	OPR	1.75	13/03/1984	DOM	48	14016
6627-7491	17/12/1985	95	95	18.3	28/01/1986	266	12/12/1985	No	OPR	3	17/12/1985	DOM	30	17783
6627-7665	01/06/1986	86	86	10	09/09/1986	2574	09/09/1986			0.7	01/06/1986		31	18515
6627-7693	05/01/1987	105	105	43	14/12/2000	328	05/02/1987	No		3.13	14/12/2000	DEP		54171
6627-7697	11/02/1987	55	55	2	11/02/1987	746	11/02/1987	No		2.5	11/02/1987		45	18371
6627-7985	10/01/1989	90.5	90.5	14	03/02/1989		06/03/2001	No	OPR	0.88	10/01/1989	DOM	23.7	22180
6627-8202	12/04/1990	63	63	12	14/05/1990	672	14/05/1990		OPR	2.25	12/04/1990	IRR	11.7	24084

Page 1 of 2 Wednesday, 8 October 2014, 4:02:10 PM

Unit No	Date	Max Depth	Latest	SWL (m)	SWL Date	TDS (mg/L)	TDS Date	Aquifer		Yield	Yield Date	Purpose	Cased To	Permit No
		(m)	Depth (m)							(L/sec)			(m)	
6627-9206	17/05/1995	84	84			325	17/05/1995	No		4.5	17/05/1995	IRR	35.7	34131
6627-9222	07/06/1995	112	112			534	07/06/1995	No		0.5	07/06/1995	IRR	41.7	34995
6627-9853	10/09/1998	140.8	140.8	9	10/09/1998	420	06/03/2001	No		2.25	10/09/1998	DOM	18	44938
6627-10378														
6627-10379						290	12/03/2001							
6627-10628	18/01/2002	36	36	5	18/01/2002			No		1.25	18/01/2002	DOM	36	57317
6627-13919	26/11/2008	147	147			507	26/11/2008	No		0.29	26/11/2008		48	141516
6627-14318	26/10/2010	140	140	21	26/10/2010	509	25/10/2010	No		2.25	26/10/2010		59.5	188349
6627-14503	23/02/2012	80	80	30	23/02/2012	797	22/02/2012	No		1.8	23/02/2012		36	210112
6627-14894	15/01/2013	154	0	21	15/01/2013	460	16/01/2013		BKF	0.31	15/01/2013			218918

47 records



Except where otherwise noted this work is licensed under a Creative Commons Attribution 3.0 Australia License © Crown in right of the State of South Australia

Page 2 of 2 Wednesday, 8 October 2014, 4:02:10 PM

Appendix C. Historical aerial photographs





Photograph 1: Aerial image showing the approximate location of CT 5274/987 in 1949 (Source: Department of Environment, Water and Natural Resources).





Photograph 2: Aerial image showing the approximate location of CT 5274/987 in 1956 (Source: Department of Environment, Water and Natural Resources).





Photograph 3: Aerial image showing the approximate location of CT 5274/987 in 1968 (Source: Department of Environment, Water and Natural Resources).





Photograph 4: Aerial image showing the approximate location of CT 5274/987 in 1979 (Source: Department of Environment, Water and Natural Resources).





Photograph 5: Aerial image showing the approximate location of CT 5274/987 in 1989 (Source: Department of Environment, Water and Natural Resources).





Photograph 6: Aerial image showing the approximate location of CT 5274/987 in 1999 (Source: Department of Environment, Water and Natural Resources).





Photograph 7: Aerial image showing the approximate location of CT 5274/987 at the time of writing (Source: http://maps.sa.gov.au).

Appendix D. Dangerous goods licence search results



Attorney-General's Department

Licensing Unit

Level 4, World Park A, 33 Richmond Road Keswick SA 5035

GPO Box 465 Adelaide SA 5001

DX 715 Adelaide

Rebecca Lucock Mott MacDonald Level M, 22 King William Street ADELAIDE SA 5000

 Phone
 (08) 8303 0400

 Fax
 (08) 8303 9903

 ABN
 50-560-588-327

www.safework.sa.gov.au

Dear Rebecca

15 October 2014

DANGEROUS SUBSTANCES LICENCE SEARCH

RE: Lot 1 Princes Highway Verdun, SA, 5245

According to the records available to SafeWork SA, please see listed below all historical items located within the specified search criteria.

A record was located at **Princes Highway, Verdun, SA, 5245** with no specific street address.

Class	Quantity	Storage Type
2	5 KL	Gas Tank Aboveground Internal

1 Princes Highway, Verdun, SA, 5245

- 1			
	2	4.3KL	Gas Tank Aboveground Internal

Yours sincerely

MANAGER

LICENSING & AUTHORISATION UNIT

SAFEWORK SA

Appendix E. Section 7 search results





GPO Box 2607 Adelaide SA 5001 250 Victoria Square Adelaide SA T (08) 8204 2000 F (08) 8204 2020 Country areas 1800 623 445



Admin No : 48973 (32043) File Reference: DA32108

Mott MacDonald PO BOX 3400 Rundle Mall ADELAIDE SA 5000



Contact: Section 7 Telephone: (08) 8204 2179 Telephone: (08) 8204 2962

Email: epasection7@epa.sa.gov.au

Contact: Public Register Telephone: (08) 8204 9128

10 October, 2014

Dear Sir/Madam,

Section7 - Land and Business (Sale and Conveyancing) Act 1994

I refer to your enquiry concerning the parcel of land comprised in

Title Reference

CT Volume 5274 Folio 987

Address

Allotment 1 (F129455), Princess Highway, VERDUN SA 5245

I advise as follows:

PARTICULARS OF MORTGAGES, CHARGES PRESCRIBED ENCUMBRANCES AFFECTING THE LAND

9.1	Environment performance agreement under section 59 of the <i>Environment Protection Act 1993</i> that is registered in relation to the land.	NO
9.2.1	Environment protection order issued under section 93 of the <i>Environment Protection Act 1993</i> that is registered in relation to the land.	NO
9.2.2	Section 93A - Environment protection order relating to cessation of activity that is registered in relation to the land.	NO
9.3	Clean-up order issued under section 99 of the <i>Environment Protection Act 1993</i> that is registered in relation to the land.	NO

9.4	Clean-up authorisation issued under section 100 of the <i>Environment Protection Act 1993</i> that is registered in relation to the land.	NO
9.5.1	Section 103H - Site contamination assessment order that is registered in relation to the land.	NO
9.5.2	Section 103J - Site remediation order that is registered in relation to the land.	NO
9.5.3	Section 103N - Notice of declaration of special management area in relation to the land (due to possible existence of site contamination).	NO.
9.5.4	Section 103P - Notation of site contamination audit report in relation to the land.	NO
9.5.5	Section 103S - Notice of prohibition or restriction on taking water affected by site contamination in relation to the land.	NO

PARTICULARS RELATING TO ENVIRONMENT PROTECTION

Section 7 - Land and Business (Sale and Conveyancing) Act 1994

3) Licences and exemptions recorded by EPA in public register

Does the EPA hold any of the following details in the public register:

- a) details of a current licence issued under Part 6 of the Environment Protection Act 1993 to conduct, at the land-
 - i) a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or
 - ii) activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act)?NO

NO

- iii) any other prescribed activity of environmental significance under Schedule 1 of that Act?
- b) details of a licence no longer in force issued under Part 6 of the *Environment Protection*Act 1993 to conduct, at the land-
 - i) a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or

 NO





GPO Box 2607 Adelaide SA 5001 250 Victoria Square Adelaide SA T (08) 8204 2000 F (08) 8204 2020 Country areas 1800 623 445

	ii) activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act)?	NO
	iii) any other prescribed activity of environmental significance under Schedule 1 of that Act?	NO
c)	details of a current exemption issued under Part 6 of the Environmental Protection Act 1993 from the application of a specified provision of that Act in relation to an activity carried on at the land.	NO
d)	details of an exemption that are no longer enforced, issued under Part 6 of the Environmental Protection Act 1993 from the application of a specified provision of that Act in relation to an activity carried on at the land.	NO
e)	details of a licence issued under the repealed South Australian Waste Management Commission Act 1979 to operate a waste depot at the land.	NO
f)	details of a licence issued under the repealed Waste Management Act 1987 to operate a waste depot at the land	NO
g)	details of a licence issued under the repealed South Australian Waste Management Commission Act 1979 to produce waste of a prescribed kind (within the meaning of that Act) at the land.	NO
h)	details of a licence issued under the repealed Waste Management Act 1987 to produce prescribed waste (within the meaning of that Act) at the land?	NO
4) Pollutio	on and site contamination on the land - details recorded by the EPA in public register	
	res the EPA hold any of the following details in the public register in relation to the land or	
a)	details of serious or material environmental harm caused or threatened in the course of an activity (whether or not notified under section 83 of the <i>Environment Protection Act 1993</i>)?	NO
b)	details of site contamination notified to the EPA under section 83A of the <i>Environment Protection Act 1993</i> ?	NO
c)	a copy of a report of an environmental assessment (whether prepared by the EPA or some other person or body and whether or not required under legislation) that forms part of the information required to be recorded in the public register?	NO

	d)	a copy of a site contamination audit report?	NO
	e)	details of an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the <i>Environment Protection Act 1993</i> applies?	NO
	f)	details of an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103l of the <i>Environment Protection Act</i> 1993?	NO
in .	g)	details of an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the <i>Environment Protection Act 1993?</i>	NO
	h)	details of a notification under section 103Z(1) of the <i>Environment Protection Act</i> 1993 relating to the commencement of a site contamination audit?	NO
	i)	details of a notification under section 103Z(2) of the <i>Environment Protection Act 1993</i> relating to the termination before completion of a site contamination audit?	NO
	j)	details of records, held by the former <i>South Australian Waste Management Commission</i> under the repealed <i>Waste Management Act 1987</i> , of waste (within the meaning of that Act) having been deposited on the land between 1 January 1983 and 30 April 1995?	NO
5) Po	llutio	on and site contamination on the land - other details held by EPA	
	Do	es the EPA hold any of the following details in relation to the land or part of the land:	
	a)	a copy of a report known as a "Health Commission Report" prepared by or on behalf of the South Australian Health Commission (under the repealed South Australian Health Commission Act 1976)?	NO
	b)	details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103l of the <i>Environment Protection Act 1993?</i>	NO
	c)	details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the <i>Environment Protection Act 1993</i> ?	NO
	d) -	a copy of a pre-1 July 2009 site audit report?	NO
	e)	details relating to the termination before completion of a pre-1 July 2009 site audit?	NO

CT Volume 5274 Folio 987





GPO Box 2607 Adelaide SA 5001 250 Victoria Square Adelaide SA T (08) 8204 2000 F (08) 8204 2020 Country areas 1800 623 445

All care and diligence has been taken to access the above information from available records. Historical records provided to the EPA concerning matters arising prior to 1 May 1995 are limited and may not be accurate or complete and therefore the EPA cannot confirm the accuracy of the historical information provided.

APPENDIX 6

BUSHFIRE PROTECTION DETAILS

CFS comments on application and Plan showing passing lanes



DEVELOPMENT ASSESSMENT SERVICE



Your Ref: 473/D064/10 Our Ref: Adelaide Hills LD Please refer to: 20141016-03lb

16 October 2014

Development Assessment Commission GPO Box 1815 ADELAIDE SA 5001 ATTN: S GALE

ATTN: S GALE

Dear Steve.

RE: DEVELOPMENT APPLICATION (PLANNING ASSESSMENT) – FIORA, GALLASCH, KALNINS, BURBRIDGE, SCANLON & DANBY LOTS 101, (SEC 505), 42, 10, 1 & 4, SOUTH EASTERN FREEWAY VERDUN

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

A site bushfire attack assessment was conducted with reference to the Building Code of Australia and Australian Standard TM 3959 (AS3959) "Construction of Buildings in Bushfire Prone Areas".

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

The SA Country Fire Service has no objection to the proposed land division at Lots 101, 42, (Sec 505), 10, 1 & 4 South Eastern Freeway, Verdun.

The SA Country Fire Service has no objection to the proposed land division. However, the Bushfire hazard adjacent to the land division has potential for significant impact on the proposed allotments. The SA Country Fire Service seeks to comment on any subsequent development applications on the land division.

ACCESS

Public access created by a land division to and from the proposed allotments shall be in accordance with the Minister's Code Part 2.2.2. Access on and off the allotment shall be in accordance with Minister's Code Part 2.3.3.1

ACCESS (to dedicated water supply)

Access to the dedicated water supply shall be in accordance Minister's Code for development Part 2.3.4.1 and Ministers Specification SA 78







WATER SUPPLY

Ministers Specification SA78 prescribes the dedicated water supply for bushfire fighting for the bushfire zone.

VEGETATION

Landscaping shall include bushfire protection features that will prevent or inhibit the spread of bushfire and minimise the risk to life and/or damage to buildings.

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

Should there be any need for further information please contact the undersigned at the SA CFS Development Assessment Service on (08) 8391 6077

Yours faithfully

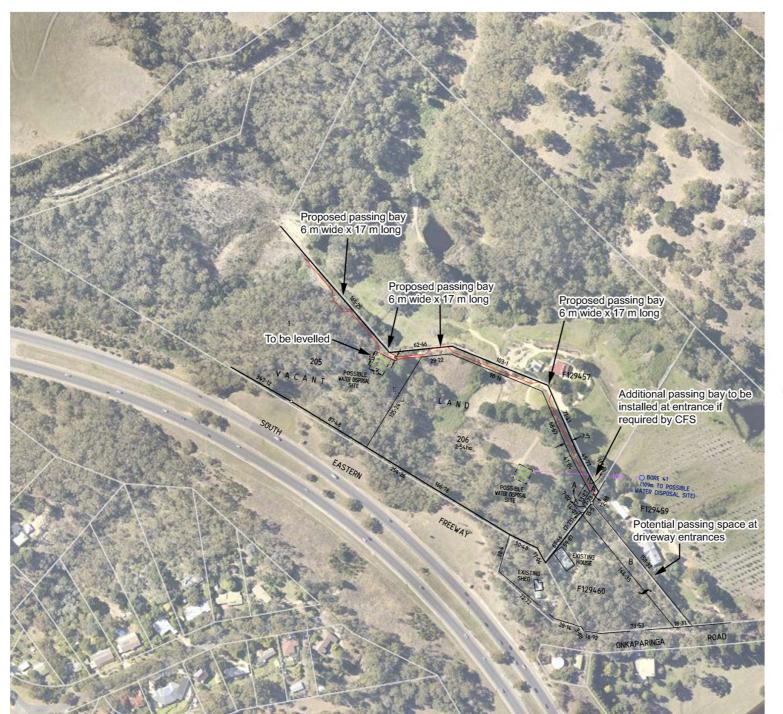
LEAH BERTHOLINI

Best Chi

INFORMATION SUPPORT OFFICER

DEVELOPMENT ASSESSMENT SERVICE

CC:





LEGEND

Proposed passing bay 6 m wide x 17 m long





PROPOSED ACCESS

PROPOSED BOUNDARY REALIGNMENT

AT BEAUMONT & ONKAPARINGA ROADS FOR MR. REDGE FIORA

12-044.03

NOVEMBER 2014



DEVELOPMENT ASSESSMENT SERVICE



Your Ref: 473/D044/15 Our Ref: Adelaide Hills DA Please refer to: 20181019-01lb

19 October 2018

State Commission Assessment Panel GPO Box 1815 ADELAIDE SA 5001

ATTN: L KERBER

Dear Laura,

RE: DEVELOPMENT APPLICATION (LAND DIVISION) – FIORA, SCANLON, DANBY, BURBRIDGE, KALNINS, GALLASCH, & ADAMS ONKAPARINGA AND BURBRIDGE ROADS VERDUN

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

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

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

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

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

The SA Country Fire Service has no objection to the proposed land division at Onkaparinga & Beaumont Roads Verdun, creating no additional allotments.

SA CFS recognises the land division will create 2 allotments (Lot 205 & 206), which are not yet established as residential development. The Bushfire hazard has potential for significant impact on any future residential development. The SA Country Fire Service **seeks** to comment on any subsequent development applications on the land division pursuant to Schedule 8 of the Development Act 1993.

ACCESS

Public access created by a land division to and from the proposed allotments shall be in accordance with the Minister's Code Part 2.2.2.

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





ACCESS (Private)

SA CFS would like the panel to consider that individual applications for residential development will need to address that the access on and off the allotment shall be in accordance with Minister's Code Part 2.3.3.1

SA CFS notes the existing access to the allotments being created (Lots 205 & 206) will need widening and significant vegetation clearance.

SA CFS provides the following, as an example of the conditions that may be placed on future applications for residential development on these allotments.

The Code Part 2.3.3.1 describes the mandatory provision for 'Private' roads and driveways to buildings, where the furthest point to the building from the nearest public road is more than 30 metres, shall provide safe and convenient access/egress for large Bushfire fighting vehicles

- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 4 metres and must allow forward entry and exit for large fire-fighting vehicles.
- The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either –
 - i. A loop road around the building, OR
 - ii. A turning area with a minimum radius of 12.5 metres, OR
 - iii. A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres.
- Private access shall have minimum internal radii of 9.5 metres on all bends.
- Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.
- Understorey vegetation either side of the access road shall be reduced to a maximum height of 10cm for a distance of 3 metres. Mature trees within this fuel reduced zone may remain.
- The gradient of the access road shall not exceed 16 degrees (29%), in steep terrain the construction of the public road or driveway shall be a sealed surface.
- Solid crossings over waterways shall be provided to withstand the weight of large bushfire appliances (GVM 21 tonnes).

WATER SUPPLY

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

VEGETATION

The Code Part 2.3.5 mandates that landscaping shall include Bushfire Protection features that will prevent or inhibit the spread of bushfire and minimise the risk to life and/or damage to buildings and property. If the application proposes a land division adjacent to or within a **High Bushfire Risk Area**, provision shall be made for a bushfire buffer zone as specified in 2.2.3.

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

However, SA CFS would like the panel to consider that the hazard present is such, that the allotment may require more than 20 metres clearance of vegetation in order to reduce the construction costs, and or to site the home to avoid unacceptable bushfire risk.

SITING

The Code Part 2.3.2 describes the requirements for buildings to be sited away from areas that pose an unacceptable bushfire risk. This includes areas with rugged terrain or hazardous vegetation.

- Building envelopes should be sited no less than 40 metres from allotment boundaries, for the purposes of creating an adequate asset protection zone.

BUILDING CONSIDERATIONS

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

For construction requirements and performance provisions, refer to the NCC Part 3.7 "FIRE SAFETY" Australian Standard TM3959 (AS3959) "Construction of Buildings in Bushfire Prone Areas".

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

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

Yours faithfully

LEAH BERTHOLINI

BUSHFIRE SAFETY OFFICER

DEVELOPMENT ASSESSMENT SERVICE

In reply please quote 2018/01938, Process ID: 538838 Enquiries to Matthew Henderson Telephone 0419 747 010 E-mail dpti.luc@sa.gov.au



DEVELOPMENT DIVISION Transport Assessment and Policy Reform

GPO Box 1533 Adelaide SA 5001

ABN 92 366 288 135

3 October 2018

The Presiding Member State Commission Assessment Panel GPO Box 1815 ADELAIDE SA 5001

Dear Ms Fogarty

SCHEDULE 8 - REFERRAL RESPONSE

Development No.	473/D044/15
Applicant	Fyfe Pty Ltd
Location	Onkaparinga & Beaumont Roads, Verdun
Proposal	Boundary realignment (6 into 6)

I refer to the above development application forwarded to the Commissioner of Highways (CoH) in accordance with Section 37 of the *Development Act 1993*. The proposed development involves development adjacent a main road as described above.

The following response is provided in accordance with Section 37(4)(b) of the *Development Act* 1993 and Schedule 8 of the *Development Regulations* 2008.

CONSIDERATION

The plan of division proposes to realign the property boundaries. It appears the intent is to yield allotments that are suitable for residential development. The department does not object inprinciple to the plan of division as provision has been made for access to be available to all allotments via the abutting local road network. In the case of proposed Allotments 205 and 206, this is via rights-of-way linking to Onkaparinga Road. Direct vehicular access to/from the South East Highway (south Eastern Freeway), which is a controlled access road pursuant to Part 2A of the *Highways Act 1926*, will not be permitted.

ADVICE

The planning authority is directed to attach the following condition to any approval:

1. Direct vehicular access to/from South East Highway (South Eastern Freeway) shall not be permitted to serve the plan of division.

The planning authority is advised to attach the following condition to any approval:

2. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of the South East Highway (South Eastern Freeway). Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

The following notes provide important information for the benefit of the applicant and are required to be included in any approval:

• This plan of division abuts a section of the South East Highway (South Eastern Freeway) that was proclaimed as controlled access road on 18 August 1977 pursuant to Part 2A of the Highways Act 1926. Departmental records show that there is no proclaimed or permitted means of access by which persons and vehicles may directly enter or leave the controlled access road from/to this site. Access is available via the adjacent local road network.

Yours sincerely

MANAGER, TRANSPORT ASSESSMENT AND POLICY REFORM

for **COMMISSIONER OF HIGHWAYS**

A copy of the decision notification form should be forwarded to developmentapplications@sa.gov.au



14 September 2018

Our Ref: H0039290

The Chairman State Commission Assessment Panel 50 Flinders St ADELAIDE SA 5000 Dear Sir/Madam SA Water Level 6, 250 Victoria Square ADELAIDE SA 5000 Ph (08) 7424 1119 Inquiries Wendy Hebbard Telephone 7424 1119

PROPOSED LAND DIVISION APPLICATION NO: 473/D044/15 AT VERDUN

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

NO SERVICES AVAILABLE, NO REQUIREMENTS.

Yours faithfully

Wendy Hebbard

for MANAGER LAND DEVELOPMENT & CONNECTIONS



Environment Protection Authority GPO Box 2607 Adelaide SA 5001 211 Victoria Square Adelaide SA 5000 T (08) 8204 2004 Country areas 1800 623 445

EPA Reference: 34486

11 December 2018

Ms Laura Kerber
Senior Planning Officer
State Commission Assessment Panel
L5
50 FLINDERS Street
ADELAIDE SA 5000

Dear Ms Kerber

ADVICE FOR REGARD - Non-complying development within the Mount Lofty Ranges Water Protection Area

Development Application No.	473/D044/15
Applicant	Mr Reginald Fiora (Fyfe Pty Ltd)
Location	A1 FP129455, Hundred Onkaparinga, Onkaparinga Road, Verdun SA 5245. A4 FP129458, Hundred Onkaparinga, 19 Grivell Road, Verdun SA 5245. A1 DP181164, A1 DP18165, Hundred Onkaparinga, 83 Beaumont Road, Verdun SA 5245. A42 FP217949, Hundred Onkaparinga, Hundred Onkaparinga, Beaumont Road, Verdun SA 5245. A101 DP77335, Hundred Onkaparinga, 143 Beaumont Road, Verdun SA 5245. A45 FP129499, Hundred Onkaparinga, Gallasch Road, Verdun SA 5245. S505 HP, Hundred Onkaparinga, 34 Ambulance Road, Verdun SA 5245.
Activity of Environmental Significance	Schedule 8 Item 10(a) - non-complying development in the Mount Lofty Ranges Water Protection Area
Proposal	Boundary adjustment.
Decision Notification	A copy of the decision notification must be forwarded to: Client Services Officer Environment Protection Authority GPO Box 2607

ADELAIDE SA 5001

I refer to the above development application forwarded to the Environment Protection Authority (EPA) in accordance with Section 37 of the *Development Act 1993*. The proposed development involves an activity of environmental significance as described above.

The following response is provided in accordance with Section 37(4)(a)(i) of the *Development Act 1993* and Schedule 8 Item 10(a) of the *Development Regulations 2008*.

In determining this response the EPA had regard to and sought to further the objects of the *Environment Protection Act 1993*, and also had regard to:

- the General Environmental Duty, as defined in Part 4, Section 25 (1) of the Act;
 and
- relevant Environment Protection Policies made under Part 5 of the Act.

Please direct all queries relating to the contents of this correspondence to Michael Guy on telephone (08) 82042129 or facsimile (08) 81244673 or email Michael.Guy@epa.sa.gov.au.

THE PROPOSAL

It is proposed to realign allotment boundaries at the subject site to remove an existing small allotment (allotment 45) and transfer it to existing allotment 101 (which is approximately 1.5km south of allotment 45) to create allotments 205 and 206.

SITE DESCRIPTION

The site of the proposed development is:

- within the Mount Lofty Ranges Water Protection Area as proclaimed under Part 8 of the Environment Protection Act 1993
- within Watershed Area 3, as described within the 30 Year Plan for Greater Adelaide;
- within the Mt Bold and Happy Valley Reservoir catchments which are used to supply mains water to approximately 45% of the metropolitan Adelaide population;
- within the Watershed (Primary Production) Zone and the Onkaparinga Slopes Policy Area 11 of the Adelaide Hills Council Development Plan (consolidated 24 October 2017); and
- not in an area that is serviced by sewer or a community wastewater disposal scheme.

CONSIDERATION

Water Quality

Numerous studies have indicated a relationship between development intensity and the quality of receiving waters. Generally, the more intense the land use, the poorer the quality of water that runs off that area and enters receiving waters (Clark, 1988 *The Export of* Nitrogen, Phosphorus and Turbidity from Catchments with Various Land Uses in the Mount Lofty Ranges of SA, EWS Lib Ref 87/17; Goonetilleke, Thomas, Hergren, Ginn and Gilbert, Page 2 of 4

2004, Urban Water Quality: The Stereotypical Solutions May Not Always be the Answer; Wood 1996, Impact of Land Use on Water Quality and Implications for Reservoir Water Quality Management, EWS Lib Ref 86/19).

Pursuant to the *Environment Protection (Water Quality) Policy 2015*, a person who owns or occupies premises at which a septic system is installed must ensure that waste from the septic system is not discharged into any waters or onto land in a place from which it is reasonably likely to enter any waters (including by processes such as seepage or infiltration or carriage by wind, rain, sea spray or stormwater or by the rising of the water table).

The EPA seeks to ensure that all new development (including boundary realignments) within the Mt Lofty Ranges Water Protection Area has a neutral or beneficial effect on water quality. Boundary realignments can intensify land use by converting allotments that are unsuitable/unviable for residential purposes into allotments that may be suitable for such purposes. Any such boundary rearrangements would lead to cumulative adverse impacts on water quality when compared to the current situation.

Whilst it is accurately stated that the proposed boundary rearrangement would not result in an increase in allotments, the planning authority should be satisfied that the existing Allotment 45 provides a genuine development opportunity that could be used for residential purposes. If this is not the case, the proposal represents an intensification of land use and a refusal should be considered due to the cumulative adverse water quality impacts outlined above.

It is noted that the applicant has provided Drawing Ref. 5213 (dated 17 June 2011) to demonstrate the development potential of Allotment 45, including the theoretical location of a dwelling, carport, driveway and aerobic wastewater irrigation area designed and sized in accordance with the old Standard for Construction and Operation of Septic Tanks in South Australia (Supplement B) Aerobic Waste Water System. As this standard was replaced by the On-site Wastewater Systems Code in April 2013, which is a prescribed code for the purpose of the South Australian Public Health (Wastewater) Regulations 2013, the wastewater irrigation area requirements must be determined on the basis of maximum predicted wastewater flow rates. Section 8.4.5 of the On-site Wastewater Systems Code also requires that the area provided for domestic, social and recreational use must be at least 50% of the surface irrigation area. Therefore, on the basis of the information provided it is not possible to determine whether the theoretical 169 square metre wastewater irrigation area on Allotment 45 (as presented in Drawing Ref. 5213) would be sufficiently large to comply with the current On-site Wastewater Systems Code and whether sufficient domestic, social and recreation areas would be available on the allotment.

Careful consideration also needs to be given to whether the proposed new allotments 205 and 206 provide for genuine and environmentally acceptable residential development opportunities including the theoretical siting of future dwellings and location, size and setback of on-site wastewater disposal areas. Unfortunately, it is not possible to draw any firm conclusions about potential suitable on-site wastewater disposal/irrigation areas on each of these proposed allotments as the 10 June 2011 FMG Engineering report contained in the application documentation has referenced the old Standard for Construction and Operation of Septic Tanks in South Australia requirements as opposed to the April 2013 On-site Wastewater Systems Code requirements.

CONCLUSION

The site of the proposed boundary rearrangement is located within the Mt Bold and Happy Valley reservoir catchments which are used to supply mains water to approximately 45% of the metropolitan Adelaide population.

Whilst the proposed boundary rearrangement would not result in an increase in allotments, the planning authority needs to be satisfied that the existing Allotment 45 and proposed allotments 205 and 206 provide a genuine development opportunity that could be used for residential purposes, including on-site wastewater disposal in accordance with existing standards contained in the April 2013 *On-site Wastewater Systems Code*. If this is not the case, the proposed boundary rearrangement would represent an intensification of land use and a refusal should be considered due to the cumulative adverse water quality impacts when compared to the current arrangement of allotments.

Yours faithfully

Phil Hazell Delegate

ENVIRONMENT PROTECTION AUTHORITY

Native Vegetation Council



TO: Laura Kerber, Development Assessment Commission

81-95 Waymouth St ADELAIDE SA 5000

Level 4

FROM: Alice Everitt, Native Vegetation Branch DEW

GPO Box 1047 ADELAIDE SA 5001

SUBJECT: Application number 473/D044/15

Ph| 08 8303 9777

Subdivision / Boundary realignment – Beaumont Road, Verdun

nvc@sa.gov.au

DATE: 7/12/2018

- Two Significant Environmental Benefit (SEB) areas exist on proposed allotments 205 and 206. These areas have been set aside purely for the conservation of native flora and are not suitable for housing subdivision.
- The Native Vegetation Branch (NVB) is concerned that this part of the proposal will impact
 on native vegetation that should be managed for conservation, and do not support the
 proposal in its current form.

Vegetation

Vegetation mapping for South Australia (Biological Databases of SA) indicates the vegetation present on the subject land contains remnants of:

• Eucalyptus obliqua mid woodland over Pultenaea daphnoides, +/-Hakea rostrata tall shrubs over Lepidosperma semiteres, Pteridium esculentum, Platylobium obtusangulum, Acrotriche serrulata, +/-Xanthorrhoea semiplana ssp. semiplana mid shrubs

Native riparian vegetation is likely to be present in the creeklines running through the subject land, such as *Cyperus* sp, *Juncus* sp and *Pteridium esculentum*. Exotic vegetation is also present on the land, however it should be noted that the large pine trees present may provide foraging habitat for the Yellow tailed Black-Cockatoo (SA Vulnerable). Deep gullies with native vegetation and exotics such as blackberries may also provide habitat for the Southern Brown Bandicoot (EPBC Vulnerable) (See details in attachment 1).

SEB areas

Two Significant Environmental Benefit (SEB) areas exist (see photo 1 - green hatch) on proposed allotments 205 and 206 (Lot 1 in F129455), wherein the Fiora Group has a responsibility to permanently maintain that land for the purpose of growth of native vegetation. These were established as on-ground offsets for approved clearance undertaken in relation to subdivision infrastructure at Hallett Road Littlehampton by the Fiora Group in 2011 and 2015. An approved SEB Management Plan has been in place since 2011 (see attachment 1) and the NVB has received at least one monitoring report on the progress of works there.

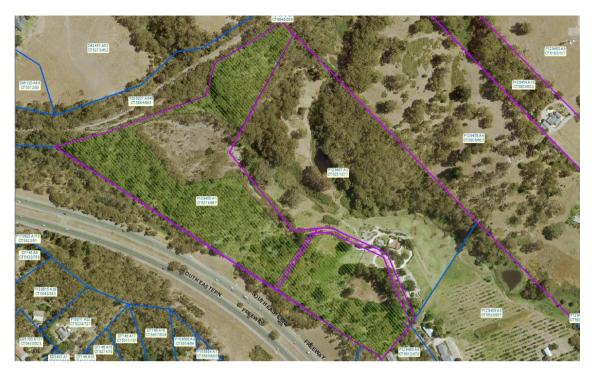


PHOTO 1: SEB areas that exist on proposed allotments 205 and 206

Discussion

The Native Vegetation Council (NVC) is not supportive of proposals that divide remnant vegetation, and particularly where a SEB exists. Both proposed allotments 205 and 206 contain sections that are not covered by SEB however these may not provide enough open space for a house and associated structures without clearance of native vegetation or SEB area that is to be rehabilitated through the Management Plan. The proposed allotments indicate only approximate envelopes for the house and associated structures, and may not have considered the full extent of clearance required to accommodate a house, driveway, tanks, sheds, water disposal systems and the necessary bushfire buffers.

The NVB is concerned that if allotments 205 and 206 are sold for residential allotments that the SEB areas established by the Fiora Group will not be maintained in perpetuity as per the agreement in place. Any proposal to relocate or modify the SEB area in place must be discussed with the NVB and approved by the NVC, which would attract appropriate penalty rates to compensate for the loss of an established SEB area.

The remainder of the proposal is not of concern to the NVB, however it is advised that any proposal to clear native vegetation, including a change in land use such as grazing and cropping (such as the inclusion of allotments into proposed Lot 200), needs application and NVC approval.

Application under the Subdivision Regulation

In line with the Native Vegetation Regulations 2017, all new subdivisions will need to account for the total proposed clearance of native vegetation required for a house site on each new block (including house footprint and associated structures, clearance within 10 metres of a building for maintenance, fences, vehicle tracks and any additional clearance for bushfire

safety). The subdivider must apply for any native vegetation clearance required for the subdivision and meet the requirements of Native Vegetation Regulation 12(35) residential subdivisions. Vegetation clearance applications are encouraged to be made concurrently with a Development Application. If vegetation clearance associated with a subdivision is then approved, the future landowners are not eligible to apply for further clearance within their blocks under regulations pertaining to house blocks. Hence NVC approval for any vegetation clearance that will be required must be applied for at the subdivision stage under regulation 12(35) residential subdivisions, with all expected vegetation clearance accounted for and an appropriate Significant Environmental Benefit (SEB offset) provided by the subdivider.

For any further enquiry please contact me.

Alice Everitt

Native Vegetation Branch

Department for Environment and Water

alice.everitt@sa.gov.au 8207 7715

Appendix 1

NATIVE VEGETATION MANAGEMENT PLAN

For Fiora Group Pty Ltd, 2011

SECTION 1: PROPERTY DETAILS

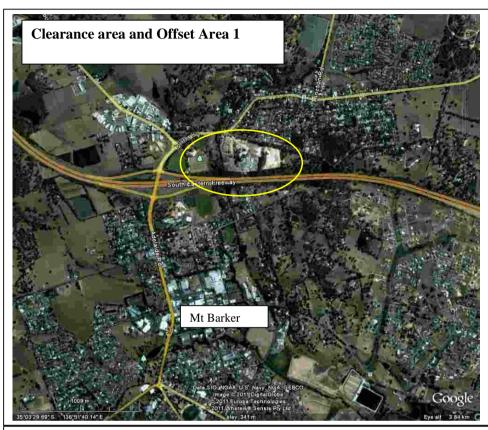
1.1 LAND OWNER and LOCATION DETAILS

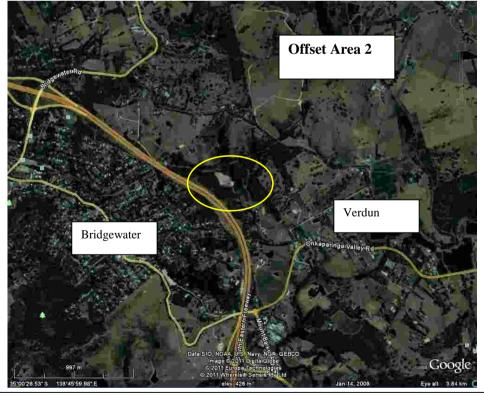
Owner	District Council of Mt. Barker
Address	PO Box 54 MOUNT BARKER SA 5251
Contact for this MP	Mark Fiora, Fiora Group Pty Ltd
Local Government Area	Mt. Barker
NRM Region	SA Murray-Darling Basin
Hundred	Macclesfield
Parcel details	Area 1 Lot 42 F157277, Lot 71 D16250, Lot 102 D57062; Area 2 Lot 1 F129455
Location	Hallett Road, Littlehampton
Mapsheet	Echunga 6627-1

Reason for Management Plan:

This management plan is required as a result of clearance of native vegetation under section 5 (1)(d) of the Native Vegetation Regulations 2003. Compliance with this plan will ensure that a "Significant Environmental Benefit ("SEB") is achieved through:
a) revegetation and management of a "native linear park" that has been set aside for biodiversity and amenity purposes **and supports similar vegetation to that proposed for clearance**; and b) management of a degraded woodland that contains locally uncommon plants and that is providing important habitat for wildlife.

1.2 GENERAL PROPERTY MAP





1.3 PROPERTY DESCRIPTION AND LAND USE HISTORY

The offset areas are in the Hahndorf Environmental Association (3.2.16), which is described as an undulating hilly high (Erosional) plain on shale with narrow, northerly trending quartzite strike ridges. The soil is characteristic of the Courser-grained quartzrich, Hard-setting, Mottled Yellow pedal clays (Heavy Cracking Clay) ¹ and an annual rainfall of 600mm.²

Offset Area 1 is contained within the proposed development, which can be described as "infill" development and is located adjacent to DTEI South Eastern Freeway reserve and with housing to the north. The property is located close to Coppins Bush and is surrounded by remnant native vegetation and/or scattered trees. A large number of scattered trees are being retained on the property despite the proposed housing development. Property boundaries have been planted with buffers, comprising mostly local native species (and including seed brought in from the nearby Coppins Bush), over the past 25 years. During the last 5 years a more concentrated effort to replant and control weeds has been undertaken, with assistance from Adelaide Advanced Trees. The property has been used for mining and grazing in the past.

Offset Area 2 is located on a separate allotment approximately 10 km to the north-west of the clearance area. This allotment comprises remnant native vegetation, intact in some parts and weed-infested in others. Two gullies are included, supporting deeply incised watercourses dominated by ferns, reeds, saw-sedges and Blackberry. A large old quarry is being left to partially regenerate, with the thought that it might provide a suitable future house site. A second potential house site occurs on a flat, benched clearing in the south of the allotment. The owners may apply to subdivide the allotment accordingly in the future.

1.4 WILDLIFE AND WILDLIFE HABITAT

The remnant trees and proposed replanting in Offset Area 1 may provide suitable habitat for the following bird species of conservation significance³:

Common Name	Notes	Conservation Rating		Rating
		AUS	SA	Region
Crested Shrike-tit	From records, Opportune		R	R
Jacky Winter ssp.	From records, Opportune 2203196			
Yellow tailed Black-Cockatoo	From records, Opportune 2738569		V	V
Lewin's Rail	From records, Opportune 168628			V
White-winged Chough	From records, Opportune 2976880			R
Scarlet Robin ssp.	From records, Opportune 2228148			
Great Crested Grebe	From records, Opportune 2290118			

¹ Twidale, CR, Tyler, MJ, Webb BP (1988) *Natural History of the Adelaide Region*. Royal Society of South Australia (Inc.).

² Twidale, CR, Tyler, MJ, Webb BP (1988) *Natural History of the Adelaide Region*. Royal Society of South Australia (Inc.).

³ This list was compiled by G. Carpenter, DENR, for a Mt Barker scattered tree clearance in 2008 comprising the same species.

Offset Area 2 contains Stringybark Open Forest areas that may provide habitat for the following threatened species:

Common Name	Notes	Conser	Conservation status	
		AUS	SA	MLR
Southern Brown Bandicoot		V	V	
Common Brush-tail Possum			R	-
Yellow-footed Antechinus			V	-
Yellow-tailed Black Cockatoo			V	V
Scarlet Robin			R	R
Shining Bronze-cuckoo			U	U
White-throated Treecreeper			U	U
Spotted Pardalote			U	U
Grey Currawong			U	U

Offset Area 2 also contains 2 deeply incised gullies comprising swamp vegetation and as such possibly providing habitat for the following threatened species:

Common Name	Notes	Conserva	Conservation status	
		AUS	SA	MLR
Southern Brown Bandicoot		V	V	
Common Brush-tail Possum			R	-
Yellow-footed Antechinus			V	-
Yellow-tailed Black Cockatoo			V	V
Scarlet Robin			R	R
Crested Shriketit			R	R
Spotted Pardalote			U	U
Spotless Crake			R	R

AUS=Australia SA=South Australia Region= MLR Bird Region E=Endangered: rare and in danger of disappearing from the wild in the short term V=Vulnerable: rare and in danger of disappearing from the wild in the long term R=Rare: occurring infrequently, either locally abundant in a limited area or sparsely distributed over a wide area K=status uncertain, but considered likely to be either rare, vulnerable or endangered U=Uncommon: declining and inadequately conserved, but not yet rare or vulnerable C=Common: not of particular importance⁴

The two offset areas are also providing habitat for a number of common bird, mammal, frog and reptile species. To date there has been four species of frog recorded near to Offset Area 1: *Crinia signifera* (Common Froglet), *Limnodynastes dumerilii* (Banjo Frog), *Limnodynastes tasmaniensis* (Spotted Marsh Frog) and *Litoria ewingii* (Brown Tree Frog) (Biological Databases of South Australia, *Department for Environment & Heritage, Databases*). A similar semi-urban revegetation site nearby supports the Common Froglet and Three-toed Earless Skink (Dumas St Revegetation Group, pers. comm.). Other reptile species expected to occur or return to the site following restoration are *Lampropholis guichenoti* (Garden Skink), *Tiliqua scincoides* (Eastern Blue-tongue)

4

⁴ Definitions based on regional ratings obtained from Carpenter, G & Reid, J (2000) *The Status of Native Birds in South Australia's Agricultural Regions. Unpublished Database, 2000.* Department for Environment & Heritage, South Australia.

and *Christinus marmoratus* (Marbled Gecko). Offset Area 2 supports the preferred vegetation type for the rarely seen Pygmy Copperhead Snake. This species does not have a formal rating due to its large representation on Kangaroo Island. However, the mainland population is small and the persistent of remnants such as this one may be vital to its long-term survival.

The two large River Red Gums could also provide habitat for both *Pseudocheirus* peregrinus (Common Ringtail Possum) and *Trichosurus vulpecula* (Common Brushtail Possum) as well as bats like the *Tadarida australis* (White-striped Free-tailed Bat), *Nyctophilus geoffroyi*, (Lesser Long-eared Bat), *Momopterus* sp. (South-eastern Free-tailed Bat) which are more commonly found in the area.⁵

1.5 PAST & CURRENT DISTURBANCE / VEGETATION HEALTH

Offset Area 1 is a raised area separating two mine sites. Planting was initiated in this location 25 years ago to act as a screen for mining works. Disturbance includes excavation and soil deposition. While some regeneration from deposited soil is occurring, an extensive cover of weeds has also grown.

Offset Area 2 may have been logged in the past, but shows no signs of recent disturbance apart from weed invasion from adjacent cleared areas such as house sites, farming land and the South Eastern Freeway reserve. Many of the Stringybarks are showing signs of dieback as a result of drought and possibly also *Phytophthora cinnamomi* (Root-rot Fungus) infestation (although no definite *Phytophthora* areas were identified during the site inspection). Most of the understorey plants in this offset area appear healthy.

5

⁵ Strahan, R (2008) *The Mammals of Australia*. 3rd Edition. Reed New Holland, Australia.

Present in Set Asides (list which)	Present on other parts of property? Y/N	Disturbance	Present in Set Asides (list which)	Present on other parts of property? Y/N
N	Y	Phytophthora	Possibly A2	Possibly A2
N	N	Dieback (unknown cause)	Y – A2	Possibly occurrences elsewhere on Verdun property
Y- A1	Y - adj to A2	Lerp	N	N
Y- A1	Y, both land parcels	Defoliation (unknown cause)	N	N
Y – possibly A2	Y – possibly both land parcels	Rabbits (sightings, warrens &/or dung)	N	N
N	N	Hares	N	N
N	N	Foxes	N	N
N	N	Feral Cats	Possibly both offset areas	Possibly both land parcels
Y – A1, A2	Y – both land parcels	Feral Deer	N	N
N	N	Cattle	N	N
N (?)	N (?)	Sheep	N	N
N	Y – old powerline in quarry adj to A2	Other grazing (goats, horses, etc.)	N	N
N	N	*Koala	Possibly both offset areas	Possibly both land parcels
N	N	*Western Grey Kangaroo	N	N
N	N	*native plant overgrowth eg Acacia paradoxa	N	N
N	N	*Tammar Wallaby	N	N
N	N	*Mistletoe	N	N
	Set Asides (list which) N	Set Asides (list which)other parts of property? Y/NNYNNY-A1Y-adj to A2Y-possibly A2Y-possibly both land parcelsNNNNNNNNNNNNNNNNNNNNNY-both land parcelsNNNY-old powerline in quarry adj to A2NNNNNNNN	Set Asides (list which) other parts of property? Y/N Phytophthora N Y Phytophthora N N Dieback (unknown cause) Y-A1 Y - adj to A2 Lerp Y-A1 Y, both land parcels Defoliation (unknown cause) Y - possibly A2 Y - possibly both land parcels Rabbits (sightings, warrens &/or dung) N N Foxes N N Foxes N Feral Cats Y - A1, A2 Y - both land parcels Feral Deer N N Cattle N(?) N(?) Sheep N Y - old powerline in quarry adj to A2 Other grazing (goats, horses, etc.) N N *Koala N N *Koala N N *native plant overgrowth eg Acacia paradoxa N N *Tammar Wallaby	Set Asides (list which) other parts of property? Y/N Set Asides (list which) N Y Phytophthora Possibly A2 N N Dieback (unknown cause) Y – A2 Y-A1 Y - adj to A2 Lerp N Y-A1 Y, both land parcels Defoliation (unknown cause) N Y - possibly A2 Possibly both land parcels Rabbits (sightings. warrens &/or dung) N N N Foxes N N N Foxes N N N Feral Cats Possibly both offset areas Y - A1, A2 Y - both land parcels Feral Deer N N N Cattle N N (?) N (?) Sheep N N (?) Sheep N N N *Koala Possibly both offset areas N N *Koala Possibly both offset areas N N *Raparoo N N N *Tammar Wallaby N

^{*} Native species with the potential to cause management problems in particular situations

SECTION 2: NATIVE VEGETATION ACTION PLANS FOR SET ASIDE AREAS

2.1 DESCRIPTION

Offset Area	1	2
Size (ha)	1.6	4.82
Type (category) of Set Aside (from Guide)	Cleared / Revegetation Site	Degraded Remnant
Management Objective (from Guide)	Revegetate to mimic the Pre- European plant community	Protect and actively restore
Remnancy (from NVBMU)	8.3% original vegetation remaining	8.3% original vegetation remaining
No. native species recorded	9	56 (including 7 regionally Uncommon species)
No. weed species recorded	26	15

Photographs of Offset Area 1



Photo 1. Land back-filled ready for additional buffer planting. Remnant vegetation and older plantings to the right of photo over embankment.





Photo 2. Existing remnant vegetation and planted trees in the Linear Park buffer zone.

Photo 3. Native grasses in Linear Park buffer zone.





Photo 4. Western slope of Linear Park buffer zone, showing more recent plantings and regeneration.

Photo 5. Vegetation present in the adjacent South Eastern Freeway reserve to the south. The Linear Park will improve links between this area, Hallett Rd vegetation and Coppins Bush.

Photographs of Offset Area 2



Photo 6. *E. obliqua* (Messmate Stringybark) Open Forest/Woodland present throughout Offset Area 2.



Photo 7. Small clearing with patch of previously controlled (but now regenerating) English Broom (*Cytisus scoparius*).



Photo 8. Clearing with patch of the Uncommon grass species *Austrostipa pubinodis* (Long-shaft Speargrass).



Photo 9. *Ixodia achillaeoides* ssp. *alata* (Hills Daisy) in flower.





Photo 10. Thicket of Hakea carinata (Erect Hakea).

Photo 11. Deeply incised gully with Open Forest on slopes and Ferns, Reeds and Saw-sedges along the watercourse.



Photo 12. *Blechnum minus* (Soft Water Fern, rated Uncommon for the Southern Lofty Region) and *Pteridium esculentum* (Bracken Fern) in gully.



Photo 13. *Epacris impressa* (Common Heath) in flower.

2.2 <u>VEGETATION INFORMATION</u>

AUS=Australia SA=South Australia SL = Southern Lofty Botanical Region E=Endangered: rare and in danger of disappearing from the wild in the short term T=Threatened: likely to be either endangered or vulnerable but insufficient data for a more precise assessment. V=Vulnerable: rare and in danger of disappearing from the wild in the long term R=Rare: occurring infrequently, either locally abundant in a limited area or sparsely distributed over a wide area K=status uncertain, but considered likely to be either rare, vulnerable or endangered U=Uncommon: less common species of interest but not rare enough to warrant special protective measures Q=Not yet assessed but flagged as being of possible significance N=Common: not of particular importance¹

Offset Area 1					
Plant Associations	Plant association name	Location / size within set aside	Dominant understorey species (list 3-5, including weeds)	Conservation status of association	General condition of the association at your site (good, average, poor)
	Eucalyptus camaldulensis var. camaldulensis (River Red Gum) Woodland (small area only) over a very degraded understorey comprising largely weeds but with some small patches of native grass and scattered local plantings. This association probably also originally included E. leucoxylon ssp. leucoxylon (S.A. Blue Gum) and E. viminalis (Manna Gum) as co- dominants.	Southern end of proposed "linear park". The northern end is clear, but has been planted with a small number of Eucalypts and Acacias (to be increased)	Rapistrum rugosum ssp. rugosum (Turnip Weed) Dactylis glomeratus (Cocksfoot) Acacia pycnantha (Golden Wattle - planted) #Ulex europaeus (Gorse) #Crataegus sp. (Hawthorn)	Moderately conserved in SA ⁶ . However, Crompton and Williams consider the association to be Endangered in the Mt Barker District, and no examples are known to be conserved in the Bremer Barker catchment ⁷ .	Southern end – moderate. Some native understorey present, successful understorey plantings, leaf litter, fallen timber, microphytic crust. Northern end (cleared) – poor. Heavily infested with weeds.

[#] Dominant originally but has reduced in cover dramatically following weed control during the last 5 years

⁶ Neagle, N. (1995). An Update of the Conservation Status of the Major Plant Associations of South Australia. Native Vegetation Conservation Section, DENR, SA.

⁷ Crompton, A. & Williams, G. (1998). The Mt Barker District Roadside Vegetation Survey, Mt Barker District Environment Association, Inc.

	Botanical Name	Common Name	Conservation Statu		Status
Plant species			AUS	SA	SL
present	Acacia pycnantha	Golden Wattle			
	Allocasuarina verticillata	Drooping Sheoak			
	Astroloma humifusum	Cranberry Heath			
	Austrodanthonia setacea	Bristly Wallaby-grass			
	Austrodanthonia sp.	Wallaby-grass			
	Austrostipa sp.	Speargrass			
	Dodonaea viscosa	Sticky Hop-bush			
	Eucalyptus camaldulensis				
	ssp. camaldulensis	River Red Gum			
	Olearia ramulosa	Twiggy Daisy-bush			

Plant species to be established	Botanical Name	Common Name	Seed sourced from within 10km of site? Y/N ⁷	Direct-seed or tube stock? D/T ⁹
through	Acacia paradoxa	Kangaroo Thorn		T
revegetation (if	Acacia pycnantha	Golden Wattle		T (advanced)
applicable) ⁸	Acacia verniciflua	Varnish Wattle		T
	Allocasuarina verticillata	Drooping Sheoak		T (advanced)
	Arthropodium strictum	Vanilla lily		D/T
	Austrodanthonia caespitosa	Common Wallaby Grass		D/ T
	Austrodanthonia racemosa	Slender Wallaby Grass		D/ T
	Austrostipa mollis	Soft Spear-grass		D/T
	Billardiera cymosa	Sweet Apple-berry		T
	Bulbine bulbosa	Native Leak		D/T
	Bursaria spinosa	Christmas Bush		T
	Caesia calliantha	Blue Grass-lily		D/ T
	Carex tereticaulis	Rush Sedge		T
	Chamaescilla corymbosa var. corymbosa	Blue Squill		D/ T
	Chrysocephalum apiculatum	Common Everlasting		D/ T
	Dianella revoluta	Black-anther Flax-lily		Т
	Juncus subsecundus	Finger rush		Т

-

⁸ Note this table lists recommended species only. A list of actual species planted will be submitted by the revegetation contractor at the time the revegetation occurs. Seed will be sourced from the nearest available site, within 10km where possible. The lack of remnant River Red Gum Woodland in the district means that seed sourcing for this association may be difficult.

⁹ Planting method is likely to be tubestock for most plants, supplemented by some seed broadcasting as has occurred already. If direct-seeding is considered, the plants in this column should be available for seeding.

Lomandra micrantha ssp. tuberculata	Small-flower Mat-rush	Т
Lomandra multiflora ssp. dura	Hard Mat-rush	Т
Microlaena stipoides ssp. stipoides	Weeping Grass	D/ T
Olearia ramulosa	Twiggy Daisy-bush	Т
Poa clelandii	Matted Tussock-grass	Т
Poa labillarderi	Common Tussock-grass	Т
Themeda triandra	Kangaroo Grass	Т
Xanthorrhoea semiplana ssp. semiplana	Yacca	Т

Weed Species	Botanical Name	Common Name	Abundance — either: 1 —low, a few isolated plants /populations only. 2 —low throughout site. 3 —moderate, plants concentrated in certain areas (e.g. creeklines, scrub margins). 4 — moderate throughout site. 5 —high, plants concentrated in certain areas (eg creeklines, scrub	Status (i.e. Proclaimed? Weed of National Significance? Red Alert Weed?)
			margins). 6 –high, scattered throughout site.	
	*Avena barbata	Bearded Oat	4	
	*Briza maxima	Quaking Grass	4	
	*Bromus catharticus	Prairie Grass	3	
	*Bromus sp.	Brome Grass	4	
	*Casuarina sp.		1	
	*Cichorium intybus	Chicory	3	
	*Conyza sp.	Fleabane	1	
	*Crataegus sp.	Hawthorn	1	
	*Cynodon dactylon var. dactylon	Couch	3	
	*Dactylis glomerata	Cocksfoot	3	
	*Echium plantagineum	Salvation Jane	4	Proclaimed
	*Foeniculum vulgare	Fennel	3	
	*Genista monspessulana	Montpellier Broom	3	Proclaimed, Red Alert Weed
	*Helminthotheca echioides	Ox-tongue	4	
	*Holcus lanatus	Yorkshire Fog	3	
	*Lepidium africanum	Common Peppercress	3	
	*Malva parviflora	Small-flower Marshmallow	3	
	*Phalaris aquatica	Phalaris	3	Red Alert Weed
	*Pinus halepensis	Aleppo Pine	1	
	*Polypogon sp.	Beard-grass	1	
	*Rapistrum rugosum ssp. rugosum	Turnip Weed	6	

*Rubus sp.	Blackberry	1	Proclaimed, Red Alert Weed, Weed of National Significance
*Rumex sp.	Dock	1	
*Solanum nig	grum Black Nightshade	1	
*Sonchus ole	raceus Common Sow-thistle	2	
*Ulex europa	eus Gorse	3	Proclaimed, Red Alert Weed

Plant Associations	Plant association name	Location / size within set aside	Dominant understorey species (list 3-5, including weeds)	Conservatio n status of association	General condition of the association at your site (good, average, poor)
	Eucalyptus obliqua (Messmate Stringybark) Open Forest/Woodland including two deeply incised gullies with reeds/ferns/saw- sedges.	Through out	Pultenaea daphnoides (Large-leaf Bush-pea) Lepidosperma semiteres (Wire Rapier-sedge) *Cytisus scoparius (English Broom) Exocarpos cupressiformis (Native Cherry) Hibbertia spp. (Guinea- flowers) Austrodanthonia pilosa (Velvet Wallaby-grass) and Microlaena stipoides var. stipoides (Weeping Rice- grass) dominant in clearings Pteridium esculentum (Bracken Fern), Phragmites australis (Common Reed), *Rubus sp. (Blackberry) and/or Blechnum minus (Soft Water Fern) dominant in gullies	Moderately conserved in SA ¹⁰ . However, Crompton and Williams consider the association to be Endangered in the Mt Barker District, and no examples are known to be conserved in the Bremer Barker catchment ¹¹ .	Southern end — moderate. Some native understorey present, successful understorey plantings, leaf litter, fallen timber, microphytic crust. Northern end (cleared) — poor. Heavily infested with weeds.

^{*} denotes introduced species

Neagle, N. (1995). An Update of the Conservation Status of the Major Plant Associations of South Australia. Native Vegetation Conservation Section, DENR, SA.

11 Crompton, A. & Williams, G. (1998). The Mt Barker District Roadside Vegetation Survey, Mt Barker

District Environment Association, Inc.

	Botanical Name	Common Name	Conservation Statu		Status
Plant species			AUS	SA	SL
present	Acacia melanoxylon	Blackwood			
	Acacia myrtifolia	Narrow-leaf Myrtle Wattle			
	Acacia pycnantha	Golden Wattle			
	Acacia verticillata ssp.				
	ovoidea	Prickly Moses			
	Acrotriche fasciculiflora	Mount Lofty Ground-berry			U
	Acrotriche serrulata	Cushion Ground-berry			
	Arthropodium strictum	Common Vanilla-lily			
	Austrodanthonia fulva	Leafy Wallaby-grass			U
	Austrodanthonia pilosa	Velvet Wallaby-grass			
	Austrostipa pubinodis	Long-shaft Spear-grass			U
	Austrostipa semibarbata	Fibrous Spear-grass			
	Banksia marginata	Silver Banksia			
	Blechnum minus	Soft Water-fern			U
	Burchardia umbellata	Milkmaids			
	Bursaria spinosa ssp.				
	spinosa	Sweet Bursaria			
	Cassytha glabella f.				
	dispar	Slender Dodder-laurel			
	Daviesia leptophylla	Narrow-leaf Bitter-pea			
	Dianella brevicaulis	Short-stem Flax-lily			
	Dianella revoluta var.				
	revoluta	Black-anther Flax-lily			
	Dichelachne crinita	Long-hair Plume-grass			
	Dillwynia hispida	Red Parrot-pea			
	Epacris impressa	Common Heath			
	Eucalyptus cosmophylla	Cup Gum			
	Eucalyptus obliqua	Messmate Stringybark			
	Exocarpos cupressiformis	Native Cherry			
	Gahnia sieberiana	Red-fruit Cutting-grass			U
	Gonocarpus tetragynus	Small-leaf Raspwort			U
	Grevillea lavandulacea	Sman-icai Kaspwoit			
	ssp. lavandulacea	Spider-flower			
	Hakea carinata	Erect Hakea			
	Hakea rostrata	Beaked Hakea			
	Hibbertia crinita	Beared Harea			
	Hibbertia exutiacies	Prickly Guinea-flower			
	Ixodia achillaeoides ssp.	Therry Guillea-Hower			
	alata	Hills Daisy			
	Juncus pallidus	Pale Rush			
	Lepidosperma semiteres	Wire Rapier-sedge			
		whe Rapier-seuge			
	Leptospermum continentale	Prickly Tea-tree			
	Leptospermum lanigerum	Silky Tea-tree		_	U
	Leptospermum Leptospermum	DIINY 154-USS			U
	myrsinoides	Heath Tea-tree			
	Lomandra fibrata	Mount Lofty Mat-rush		<u> </u>	
	Lomandra multiflora ssp.	Hard Mat rush			
	dura	Hard Mat-rush			

Marianthus bignoniaceus	Orange Bell-climber	U
Microlaena stipoides var. stipoides	Weeping Rice-grass	
Olearia ramulosa	Twiggy Daisy-bush	
Orchidaceae sp.	an Orchid	
Oxalis perennans	Native Sorrel	
Phragmites australis	Common Reed	
Pimelea sp.	a Riceflower	
Pimelea sp. 2	a Riceflower	
Platylobium		
obtusangulum	Holly Flat-pea	
Poa clelandii	Matted Tussock-grass	
Pteridium esculentum	Bracken Fern	
Pultenaea daphnoides	Large-leaf Bush Pea	
Scaevola albida	Pale Fanflower	
Themeda triandra	Kangaroo Grass	
Tricoryne sp.	a Rush-lily	
Xanthorrhoea semiplana ssp. semiplana	Yacca	

Weed Species	Botanical Name	Common Name	Abundance – either: 1 -low, a few isolated plants /populations only. 2 -low throughout site. 3 -moderate, plants concentrated in certain areas (e.g. creeklines, scrub margins). 4 - moderate throughout site. 5 -high, plants concentrated in certain areas (eg creeklines, scrub margins). 6 -high, scattered throughout site.	Status (i.e. Proclaimed? Weed of National Significance? Red Alert Weed?)
	*Acacia longifolia ssp. longifolia	Sallow Wattle	1	Red Alert Weed
	*Anthoxanthum odoratum	Sweet Vernal Grass	1	
	*Briza maxima	Quaking Grass	3	
	*Centaurium sp.	Centaury	2	
	*Cytisus scoparius *Dactylis glomerata	English Broom Cocksfoot	5	Proclaimed, Red Alert Weed
	Buciyus giomeruia	Cocksioot	1	Proclaimed,
	*Disa bracteata		1	Red Alert Weed
	* <i>Erica</i> sp.	Heath	1	Red Alert Weed
	*Grevillea rosmarinifolia ssp. rosmarinifolia	Rosemary Grevillea	1	
	*Hypericum perforatum	St John's Wort	1	Red Alert Weed
	*Pentaschistis pallida	Pussy Tail	5	Red Alert Weed

*Pinus radiata	Radiata Pine	1	Red Alert Weed
*Rosa sp.	Briar	1	Proclaimed
*Rubus sp.	Blackberry	5	Proclaimed, Red Alert Weed, Weed of National Significance
*Senecio pterophorus	African Daisy	1	Red Alert Weed

2.3 <u>MAP</u>

Set Aside A (refer to attached file)

Set Aside B (refer to attached file)

2.4 THREATS/MANAGEMENT ISSUES AND PROPOSED ACTIONS

The table below details the main threats to the ecological values of the offset areas on the property, and is compiled from the weed species list in 2.2 and parts of the disturbance table in 1.5. The table and timeline below will be regularly reviewed to allow for unexpected events such as a flush of weeds.

	Offset Area 1		
Threat/Issue	Proposed Action – what/who/cost	Priority*	Timing
1. Grass + Herbaceous - thistles, mustard,	Handpull/ dig out larger plants from within remnant vegetation/ Contractor + community group if available/ 3 person-hrs per yr.	High	Winter
etc.	Spot spray large infestations and if possible spread mulch from cleared vegetation/ Contractor/ 6 person-hrs per yr.	High	Autumn/ Spring
	If growth prolific along raised area (where there is little already-established vegetation), slashing may be undertaken prior to other weed control works	High	Autumn/ Spring
2. Woody Weeds: Gorse, Hawthorn, Montpellier Broom, Blackberry	Cut and swab/ Contractor/ 2-3 person-hrs per yr first year. Follow up every third year 1 person-hrs per year.	Medium	Summer
3. Aleppo Pine	Ring-bark and fell/Contractor	Low	N/A
4. Fennel	Dig up, ensuring all taproot removed, or spot- spray	Medium	Spring
5. Plant Diversity and habitat structure	Plant a diversity of species and life forms (refer to 2.2 and 2.5). Incorporate fallen timber. Consider use of nestboxes / Revegetation Contractor	Medium	Autumn
6 . Fire Prevention	Consult with CFS and District Council of Mt Barker prior to revegetation works in case plant spacing, plant flammability and vegetation structure is likely to be an issue in the future. Adjust revegetation species list accordingly.	High	N/A

Offset Area 2					
Threat/Issue	Proposed Action – what/who/cost	Priority*	Timing		
 Pussytail Grass (Pentaschistis pallidus) Woody Weeds: 	Spot-spray or trim and paint. Begin in least infested area. This species has spread extensively so eradication may take several years Cut and swab/ Contractor/ 2-3 person-hrs per	Medium Medium	Trial during periods of growth Summer		
English Broom, Blackberry, Briar	yr first year. Follow up every third year 1 person-hrs per year.				
3. Larger weeds: Radiata Pine, Sallow Wattle	Ring-bark or Drill-fill. Wattle infestations may continue to regenerate from seedbank. Seedlings can be pulled.	Low	N/A		
4. African Weed- orchid, African Daisy, St John's Wort	Hand-pull St John's Wort and African Daisy. Dig tubers of Orchid.	High	Late Winter/Sp ring		
5. Other grassy weeds (Cocksfoot, Quaking Grass)	Stands of Cocksfoot can be slashed or sprayed. This may need to be repeated for several years. Isolated plants can be dug up or trimmed then swabbed. Quaking grass can be handpulled, but large areas are probably better sprayed, with follow-up spraying 4-8 weeks later and monitoring in future years.	Low	Trial Spring for Cocksfoot ; Autumn/ Winter for Quaking Grass		
6. Dieback in Eucalypts	If dieback spreads to heath understorey, in particular Yaccas, this is an indication that <i>Phytophthora cinnamomi</i> (Root-rot fungus) is a contributing factor. On noticing this, contact Dept of Environment & Natural Resources for an assessment and advice on preventing spread.	Low at present	N/A		
7. Fuel load	The boundaries of the offset area occur 20m in from vegetation boundaries (no fencing is required because the property will not be stocked) to allow for fuel reduction that may be required close to potential future house sites. Management of fuel reduction areas will occur as per any advice or requirements of the CFS.	Low	N/A		

2.5 FURTHER NOTES

Revegetation of Offset Area 1

Restoration of original vegetation community

To replicate a natural and accurate restoration of the original vegetation community all noxious weed species will need to be removed. There is currently a large weed seed bank – this will require long term management so effort will be spread over a number of years.

Planting of indigenous species which are fast growing will be a key to shading out weed species. Use of perennial grasses will help to outcompete weedy grasses. *Poa clelandii*, *P. labillardieri*, *Themeda triandra* are all good for ground stabilisation and respond well to annual slashing regimes.

Leaf litter and fallen timber will naturally accumulate as revegetation ages. Branches that fall along the multi-use trail area will be moved to the side into vegetated areas. The vision is to integrate the multi-use trail into the plantings and remnant vegetation so as to create a "bushland" feel, thus clearance of timber and/or leaf litter will be restricted only to the trail itself. The trail is envisaged to occur partly on the backfilled land and partly through the remnant vegetation on lower ground.

A diversity of species and plant life forms will be revegetated. Addition of Fauna boxes; Bat, Ringtail / Brush tail, small parrot, large parrots would help provide added habitat and increase species diversity. **Contact:** James Smith, FauNature (mobile 0406 400 933) james.smith@faunature.com.au

Phased planting

Phase 1 will involve establishment of fast growing species from tubestock (there is the option of advanced trees (rocket pots 8" 4-5feet). Phase 2 will involve infill plantings of slower growing species; in particular grasses and ground covers to protect the ground from weed re-establishment. Guarding trees will demonstrate to members of the public that project work is being undertaken. Guarding will also be crucial for survival rates as they create a microclimate for growing, protection from rabbits/hares and spray drift. Tree guards are recommended to stay on for 18-24 months to optimise growth.

Use of cleared vegetation

Should any hollow limbs be present in felled trees (none were observed during the inspection, but some may be present), these will be relocated to the revegetation area to act as habitat. Small branches with mature seed capsules will be spread on the ground to increase regeneration rate. Mulch from cleared trees may be spread thickly over presprayed weed areas to stifle weed growth.

Plant supplies

Tubestock, Advanced rocket pots could be purchased from State Flora nursery, Provenance Indigenous Plants, District of Mt. Barker council or local community group. **State Flora pricing**: Black tubes \$2.95ea or bulk of 50 of the same species \$2.35ea **Provenance Indigenous Plants**: small tubes \$2.50ea

Seed sources

- Cleared vegetation (see paragraph above)
- Coppins Bush
- Dumas St Revegetation Group revegetation site (contact Tanya Milne 0428 278 480)
- Other local sources as used by revegetation contractor

Weed Control

Weed infestation in both offset areas will be a major undertaking and will require extensive labour, other resources and monitoring. Weed control will be undertaken as resources arise, but will occur in a pro-active manner. If improvement is not achieved within the first three years, development of detailed weed action plan/calendar will be undertaken with the assistance of the Adelaide and Mt Lofty Ranges NRM Board. As a general rule weed control should begin in the least infested areas of scrub to prevent new infestations establishing, but there is also value in knocking large infestations to reduce seed set. With this in mind, weed control will be undertaken with an adaptive management philosophy, with monitoring guiding the priority of works each year.

Advice from NRM Board

Additional advice can be sought from the Adelaide and Mt Lofty Ranges NRM Board. Funding may be available to write a specific plan for control of the two key woody weeds in Offset Area 2: Blackberry and English Broom. Blackberry occurs at high density at the bottom of the two gullies, but also in large patches near the offset boundaries and some small occurrences in the interior (more so the southern quarter (refer to aerial plan). English Broom occurs on the slopes, in patches and as scattered individual plants, mostly in the southern quarter (refer to aerial plan).

References for weed control

Muyt, A. (2001). Bush Invaders of South-East Australia. A guide to the identification and control of environmental weeds found in South-East Australia. R.G and F.J. Richardson.

Robertson, M. (1994) Stop Bushland Weeds: A Guide to Successful Weeding in South Australia's Bushland". The Nature Conservation Society of SA, Inc.

Recommended contractors

The applicant may choose to use contractors that they have engaged previously for these works, as well as volunteers. Two further local contacts EAC would recommend are: Habitats SA Revegetation Specialists – Jeff Whittaker 0417807682 and Steve Berry (berrystephen@optusnet.com.au).

Additional information for particular species

Gorse (*Ulex Europaeus*) has been successfully controlled to date in Offset Area 1. Larger regrowth can be cut and swabbed either long arm secateurs/ short arm saw for larger shrubs and a brush or a swab wand for the application of glyphosphate and surfactant. Seedlings may be hand pulled or painted directly with glyphosphate.

Pussytail Grass (*Pentaschistis pallidus*) can be spot-sprayed. Trial this method (or can cut and paint), if not successful contact the NRM Board for advice.

English Broom (*Cytisus scoparius*) can be hand-pulled with the assistance of a Weed Popper (ensure all roots are dug out), cut and swabbed, or sprayed. Remove plants with semi-ripe or ripe fruit from site. Dense patches can be burnt to stimulate weed control but should only be undertaken if resources for follow-up are available.

Blackberry (*Rubus fruticosus* agg.) can be hand-pulled when young in damp soil. Small infestations can be cut and painted or sprayed. Slashing is of limited value.

African Weed-Orchid (*Disa bracteata*) has the potential to spread quickly and in great numbers. This species was observed in small clearings in the southern quarter of Offset Area 2 only. Tubers need to be dug out before plant finishes flowering (Spring). Material needs to be disposed of safely.

African Daisy (*Senecio pterophorus*) was only observed in small numbers in Offset Area 2 and is easy to hand-pull.

St John's Wort (*Hypericum perforatum*) was present in one main area in the southern quarter of Offset Area 2. Eradication of this population is achievable so it should be treated as a priority. Plants are easy to hand-pull, or seedlings can be spot-sprayed.

General weed control principles

The following information is from a draft document obtained from the Native Vegetation and Biodiversity Management Unit, and produced by the Bush Management Advisors, Department for Environment and Heritage, as an Appendix ("Appendix 4") to their Management Action Plan Guide. The applicant will be undertaking weed control with this advice in mind.

			Weed Control Information
CON	ITENTS:		
	A4 .1	W	eed Control – a Summary of Control Methods
	A4 .2	Нє	erbicides
	A4 .	2.1	Terms to Become Familiar With
	A4 .	2.2	Active Ingredients for Bushland Weed Control
- -	A4 .3	(ne	ot included)

A4.1 Weed Control – a Summary of Control Methods

Always think about weed control as a long term project. Numerous follow-up treatments will be required before weeds are fully eradicated.

To promote the replacement of weeds by native plants ensure you minimise the disturbance to existing native plants and to the soil as you control the weeds.

Always start weed control work from the area of good bush and work towards the more degraded areas.

Where native animals are using the weed infestations as habitat, for instance the Southern Brown Bandicoot often survives because of the protection afforded by dense thickets of Blackberry, remove those weeds slowly so that the habitat can be replaced by native species. You don't want to remove all of your native animals as you remove the weeds from your property.

Consider the future of the site as the weeds are removed, in relation to soil erosion and slope stability.

Many weed control options involve the use of herbicides. Keep yourself, other people and your property safe. Use herbicides only in accordance with the relevant recommendations (label, permits etc) and only treat weeds when they are actively growing. Always use the recommended safety equipment and have water available for washing should there be any herbicide contact with your skin.

Hand Pull	Tools and Equipment:	Gloves
	Safety Equipment :	None

Especially good for soft annual weeds and seedlings of woody weeds.

Firmly grip the stem of the weed near ground level and pull the root out of the ground. Beware of back injury. Care must be taken to minimise soil disturbance by for example putting one foot on the ground on either side of the weed to keep the surrounding soil from lifting up and/or waiting until after rain when the soil is wet so the plant comes up more easily.

Digging or Grubbing

Tools and Equipment : Narrow trowel, small grubbing tool (like a small

mattock)

Safety Equipment: None

Especially useful for weeds with underground storage organs (lignotubers, bulbs etc) and individual weeds in bushland areas.

Dig out the underground part of the weed and remove it from the site. The draw backs with this method include the amount of soil disturbance which can promote the establishment of other weeds at the site (this can be minimised by replacing the dislodged soil and leaf litter after the weed is removed), and if not all of the underground parts are removed the weed may resprout.

Cut and Swab

Tools and Equipment: Cut using secateurs, loppers, a handsaw or

chainsaw depending on weed size. Herbicide application using a sponge-topped plastic bottle

similar to a shoe polish bottle.

Safety Equipment: Safety glasses, strong rubber gloves, water for

washing

Especially useful for woody weeds.

Cut the stem(s) close to or at ground level. Keep the applicator sponge clean as contact with the soil may inactivate the herbicide. Apply the herbicide to the cut stump as soon as possible after cutting and definitely within 30 seconds. Systemic herbicides are used in this method which move to and kill the roots of the weed. Stem Scrape and Swab: If the underground parts of the weed are extensive, more herbicide will be needed to kill it. In this case cut the stems higher above the ground and after cutting, scrape off the outer layer (skin) of the remaining part of the stem and apply herbicide to this area as well as to the cut.

Ringbark

Tools and Equipment: Hatchet, machete, hand saw or chainsaw.

Safety Equipment : Safety glasses, gloves

Especially useful for pine trees.

As close to the ground as possible chop out a 2-5cm wide section of the bark and sap wood, exposing the heart wood, to form a disk that completely encircles the tree. For pines, no herbicide need be applied. For other weeds apply herbicide as per the Cut and Swab information above. Ensure that when the tree dies and eventually falls that it will fall into safe place.

Wipe On	Tools and Equipment :	Wick-wand, or 'Tongs of Death' and plastic squeeze bottle with a long narrow tube coming out of the lid		
	Safety Equipment :	Safety glasses, strong rubber gloves, water for washing		
	Especially useful for strap-leaf species such as Watsonia in areas where they are surrounded by native plants.			
	with sponges securely a	to the wick-wand or Tongs of Death (kitchen tongs ttached), and then the leaves of the weed are wiped. ould be coated with herbicide.		

Drill and Fill	Tools and Equipment :	Cordless/battery drill with 6mm drill bit. Plastic squeeze bottle with a long narrow tube coming out of the lid.			
	Safety Equipment :	Safety glasses, strong rubber gloves, water for washing			
	Especially useful for larger woody weeds. The weed is left standing after the treatment, minimising the control effort required and maximising the habitat value.				
	Clear soil and leaf litter a holes 5 – 10mm deep at the stem, or into the light the lower stem which is a 2 - 4cm apart around the	away to allow good access to the base of the weed. away from the base of the stem. Drill a series of a 45° angle (or steeper if possible) into the base of otuber if it is visible. A lignotuber is a swollen part of a type of storage organ. The holes should be drilled base. Fill the holes with herbicide as soon as			

holes 5 – 10mm deep at a 45° angle (or steeper if possible) into the base of the stem, or into the lignotuber if it is visible. A lignotuber is a swollen part of the lower stem which is a type of storage organ. The holes should be drilled 2 - 4cm apart around the base. Fill the holes with herbicide as soon as possible after drilling. Before leaving to start on another plant check the holes and refill them with herbicide. Frill and Fill : A variation of the Drill and Fill
method where a hatchet or machete is used to make lots of horizontal cuts all around the base of the stem so that each cut can hold the herbicide. Apply the herbicide as soon as possible after cutting.

Spot Spray	Tools and Equipment :	Hand-held spray bottle, backpack spray unit or vehicle mounted spray unit
	Safety Equipment :	Safety glasses, mask or ventilator, strong rubber gloves, water for washing, other equipment as specified on the herbicide label.
	Especially useful for large infestations and/or where off target damage to native species (e.g. spray drift) is unlikely.	
	It is very important to ensure you mix the herbicide to the correct dilution for the target weed, as per the label instruction, or in some cases the Off-label Permit instructions. Check on the label to see if a surfactant (also known as a wetting agent) or penetrant is recommended. The weed must be in an active growing stage for the herbicide to work effectively. Ensure a good cover of the herbicide on both sides of the leaves. To minimise off-target damage from spray drift, adjust the nozzle to get droplets of the correct size to cover the leaf (not too small to blow away between the nozzle and the leaf	

and not too big to dribble off the leaf once it hits), use a shield over the spray nozzle and don't spray on windy days. Don't spray when rain is expected (refer to the label for more details)

There are several issues when considering the spot spraying option. It is relatively easy to kill large areas of weeds using this method. If you are working on a slope make sure you are not going significantly increase soil erosion or instability. If there are native animals using the weeds as habitat, what will happen to them? If the weeds are left standing, particularly for dense prickly infestations, how will you get into them later to do the follow up work? How much off-target damage is acceptable?

A4.2 Herbicides

Herbicides are chemicals designed to kill plants. They can be a very effective weed control tool but they must be used at the right concentration and carefully. The safety of people and of the environment must be the main consideration when using them.

Before using herbicides it is recommended that you complete a basic Chemical Handling training session.

Always read the label on the herbicide container. It is a legal requirement that you act in accordance with the instructions and information on the label, or in some cases, in accordance with the Off-label Permit for that herbicide as issued by the Australian Pesticide and Veterinary Medicines Authority. Further information about a herbicide can be found on its Material Data Safety Sheet, which is available at the point of sale or via the internet.

You must always follow the safety instructions closely and wear the recommended protective equipment when mixing or using herbicides.

Only use the herbicide at the dilution rate recommended for a particular species. Only mix up the amount of herbicide that you will use in each weeding session.

A4 .2.1 Terms to Become Familiar With

Residual	Remains active in the soil (anywhere from several weeks to 12 months or more) and is absorbed into the plant via the root system. Herbicides that have long residual times in the soil are generally not used for bushland weed control.
Toxicity	The strength of a herbicide, and hence the level of risk involved in its use.
Systemic	The herbicide is transported around the plant to the roots, which it kills, causing the whole plant to die.
Non-systemic	The herbicide only kills the part of the plant that it contacts. Also known as 'Knockdown' herbicides. Useful for the control of annual weeds.
Selective	The herbicide kills some groups of plants but has little or no effect on others. Common examples are 'broad-leaf selective' herbicides and 'grass selective' herbicides.

Non-selective	The herbicide can kill all groups of plants.
Active Ingredient	The ingredient in the herbicide that actually kills the plant. Don't confuse this with the brand name of a herbicide. The label on every brand of herbicide will show what active ingredient(s) are present and in what concentrations.
Surfactant	A herbicide additive like a strong detergent which assists the herbicide to stick onto the plant thereby increasing the uptake of the active ingredient by the plant. Some brands of herbicide already have a surfactant mixed in or will recommend that one be included with the herbicide for use on a particular species. This information will be shown on the label.
Penetrant	A herbicide additive which assists the active ingredient to move into the plant. Some brands of herbicide already have a penetrant mixed in or will recommend that one be included with the herbicide for use on a particular species. This information will be shown on the label. In most cases the use of additional penetrants is not recommended for bushland weed control and should only be used with great care.

A4 .2.2 Active Ingredients for Bushland Weed Control

Most herbicide use recommended for bushland weed control is based around one or the other of two active ingredients, Glyphosate and Triclopyr.

Glyphosate

- Low toxicity
- Residual (in some cases)
- Systemic
- Non-selective

However some plants are more sensitive than others depending upon the concentration, method of application, growth stage and vigour of the plant, and the presence of surfactants.

 Where the use of the active ingredient Glyphosate is recommended in this plan, use a herbicide brand where Glyphosate is the <u>only</u> active ingredient and is present at a concentration of 360 grams / litre.

Triclopyr

- Moderate toxicity
- Residual in the soil for up to six weeks
- Systemic
- Broad-leaf selective (it does not affect grasses).

- Where the use of the active ingredient Triclopyr is recommended in this plan, use a herbicide brand where Triclopyr is the <u>only</u> active ingredient and is present at a concentration of 600 grams / litre.
- The use of Triclopyr diluted with diesel for Cut and Swab application in bushland is allowed by way of a Permit issued by the Australian Pesticide and Veterinary Medicines Authority – Permit Number PER8897, for the herbicide brand Garlon 600. The permit is valid until 30 May 2011.
- Due to its toxicity level and residual effect, it is recommended that landowners either get licensed contractors to complete treatments using Triclopyr, or complete a Chemical Handling training course themselves before using it.

2.5 MONITORING, ADAPTATION AND REVIEW

Please copy and attach additional sheets if you have multiple Set Aside areas that require different levels of monitoring.

I have spoken to an Assessment Officer with the NVBMU and it has been determined that I will undertake the following type of monitoring:

Level 1	Level 2	Level 3	My own monitoring program
	\checkmark		

Please now fill in the questions over the page for the monitoring program that you will be undertaking (i.e. only fill in one section, unless it has been determined that you will undertake different types of monitoring for different Set Asides on your property).

If you chose "my own monitoring program", you do not need to fill in the questions over the page, but you must attach a description of your proposed monitoring program to this template.

Instructions on how to undertake this monitoring are in the Guide and attached to the Monitoring Data Sheets that you will be required to complete.

Offset Areas 1 & 2
Tick one of the boxes below:
Level 1 monitoring
I understand I must submit a photopoint datasheet to the NVC every 12 months following receipt of my Decision Notification or Regulation Advice Notification (tick box):
Level 2 monitoring
I understand I must submit a photopoint datasheet AND a Monitoring/Work Progress sheet to the NVC every 12 months following receipt of my Decision Notification or Regulation Advice Notification (tick box):
Level 3 monitoring
I understand I must submit a photopoint datasheet and a Monitoring/Work Progress sheet to the NVC every 12 months following receipt of my Decision Notification or Regulation Advice Notification (tick box), AND that Bush Condition Monitoring will be undertaken for one or more quadrats (as determined by a consultant in consultation with the NVC) every 12 months with results submitted once every 5 years (tick box):
Size of Set Aside:6.32 ha
Location of photopoint to be set up in Set Aside (describe, give GPS point or attach mud map):
Offset Area 1. Two photopoints, one at northern end where full revegetation will occur, one at southern end in remnant area where supplementary planting will occur. Offset Area 2. Three photopoints, one in Area of English Broom infestation, one in Gully with Blackberry infestation, one in intact understorey vegetation and/or areas of Stringybark dieback.
Reason for location(s):
Weed control site Regeneration (or envisaged regeneration) site Other – Tree health Revegetation site
29

From: mail@ahc.sa.gov.au [mailto:mail@ahc.sa.gov.au]

Sent: Tuesday, 20 November 2018 1:05 PM

To: DPTI:State Commission Assessment Panel <scapadmin@sa.gov.au>

Subject: Adelaide Hills Council - Schedule 10 Comments - Development Application - 15/1014 - Gallasch Road, Verdun SA 5245 Lot:45 Sec: P3932 FP:129499 CT:5465/524, Lot:101 Sec: P3927 DP:77335 CT:6020/59, Sec: 505 CT:5666/31, Lot:42 Sec: P110 FP:217949 CT:5...

Pursuant to Schedule 10 of the Development Regulations 2008, the Council Assessment Panel considered the application at its meeting on 14 November 2018 and resolved as follows:

The Council Assessment Panel considers that the proposal is not seriously at variance with the provisions of the Adelaide Hills Council Development Plan, and advises the State Commission Assessment Panel that it SUPPORTS the proposal in Development Application 15/1014/473 (15/D044/473) by Reginald Fiora for Land division: 1 into 2 allotments and Boundary Realignment: 3 into 2 allotments (non-complying) (SCAP decision authority) at Lot 45 Gallasch Road, 83 & 143 Beaumont Road, 34 Ambulance Road, 19 & 39 Grivell Road, and Lot 1 Onkaparinga Road Verdun subject to the CFS recommended requirements relating to vegetation management and the widening of the access to proposed Lots 205 & 206 achieving compliance with the Minister's Code Undertaking development in Bushfire Protection Areas December 2009, and the following condition:

1. <u>Development in Accordance with the Plans</u>

The development herein approved shall be undertaken in accordance with the following plans unless varied by a separate condition:

- Plan of Division Drawing 27405DU1-R1 Rev 1 prepared by Fyfe Surveying dated 7 August 2018
- Plan of Proposed Access Drawing prepared by Planning Chambers Pty Ltd dated November 2014

If you require further clarification please do not hesitate to contact the undersigned.

Kind regards,

Sam Clements

Team Leader Statutory Planning | Development & Regulatory Services

w ahc.sa.gov.au

Visit us at: 28 Onkaparinga Valley Road, Woodside SA 5244

PO Box 44 Woodside SA 5244

From: Andris Kalnins [mailto:akalnins@internode.on.net]

Sent: Tuesday, 16 October 2018 5:11 PM

To: DPTI:scapreps

Subject: dev No. 473/D044/15

Dear Sir/Madam,

Please find enclosed a response to the quoted development application.

While this has been listed as a "Boundary Realignment" and "Land Division" it is in fact the creation of a new title.

The boundary realignment of 3 into 2 allotments is in fact not correct, one of these is only a "part" of a title, it makes sense to absorb this into another adjoining title as it is landlocked but this does not result in creation of a free title. The second part or "Land Division" of 1 into 2 allotments is consequently the creation of a new title. This is at odds with the current regulations.

Our reading of this two step process is that it is a sleight of hand application to move what is only part of a title into a newly created title in a different area, this sets a precedent for further land division.

I would appreciate a call for clarification of this matter. (0412 755 078)

Kind Regards,

Dr Andris Kalnins

Consultant Forensic Psychiatrist

Fellow of the Royal Australian and New Zealand College of Psychiatrists

Accredited Member, Forensic Faculty of the RANZCP

PO Box 133 | Balhannah, South Australia 5242 |

The contents of this e-mail transmission are intended solely for the named recipient(s), may be confidential, and may be privileged or otherwise protected from disclosure in the public interest. The use, reproduction, disclosure or distribution of the contents of this e-mail transmission by any person other than the named recipient(s) is prohibited. If you are not a named recipient please notify the sender immediately.

South Australian DEVELOPMENT ACT, 1993 REPRESENTATION ON APPLICATION – CATEGORY 3

Applicant:	Reginald Fiora
Development Number:	473/D044/15
Nature of Development:	Land Division (1 into 2 allotments) and
	Boundary Realignment (3 into 2 allotments)
Zone / Policy Area:	Watershed (Primary Production) Zone, Onkaparinga Slopes Policy Area 11
Subject Land:	Various land parcels at Onkaparinga Road, Grivell Road, Beaumont Road, Gallasch Road and Ambulance Road, Verdun
Contact Officer:	Laura Kerber
Phone Number:	7109 7073
Close Date:	WEDNEDAY 17 OCTOBER 2018
My Name: De Au	My phone number: 0412755078.
Wy Walle.	
Primary method(s) of contact:	Email: akalnins @ internoche. on. net
	Postal Address: P.O. Box 133 Postcode: 52(4)
	BALITANNAT. SILLA.
	ominated PRIMARY METHOD(s) OF CONTACT if you indicate below that you wish to on Assessment Panel in support of your submission.
My interests are:	
(please tick one)	owner of local property
	occupier of local property
Trace of the state	a representative of a company/other organisation affected by the proposal
Trader.	a private citizen
The address of the property affe	
16 GALLASO	17 KD KALHANNAH. Postcode SL42.
My interests are: (please tick one)	I support the development
The state of the s	I support the development with some concerns
	I oppose the development
The energific aspects of the applic	cation to which I make comment on are: Am THE OWNER OF
The specific aspects of the applic	
THS IS BENC	ABSORBED TO EFFECTIVELY MAKE
Uh	45 - WHEN I PURCHASED MY PROPERTY
I WAS ADVIS	ES THIS WOULD NOT BE DONE.
1.	neard in support of my submission
(please do not wish tick one) (Please tick o	201 MOCED MADRECITY H
By: appearing p	personally PHONE CARL TO DISCUSS
•	sented by the following person INUOLUGY
Signature:	
Date: 13 003	2918.

Return Address: The Secretary, State Commission Assessment Panel, GPO Box 1815, Adelaide, SA 5001 /or Email: scapreps@sa.gov.au

REP 2

South Australian DEVELOPMENT ACT, 1993 REPRESENTATION ON APPLICATION – CATEGORY 3

Applicant: Reginald Fiora **Development Number:** 473/D044/15 Land Division (1 into 2 allotments) and **Nature of Development:** Boundary Realignment (3 into 2 allotments) Zone / Policy Area: Watershed (Primary Production) Zone, Onkaparinga Slopes Policy Area 11 **Subject Land:** Various land parcels at Onkaparinga Road, Grivell Road, Beaumont Road, Gallasch Road and Ambulance Road. Verdun **Contact Officer:** Laura Kerber **Phone Number:** 7109 7073 **Close Date: WEDNEDAY 17 OCTOBER 2018** My phone number: My Name: Kevin & Julie-Anne Toohey 0438 248 148 Email: kevin2e@bigpond.net.au Primary method(s) of contact: Postal Address: PO Box 108 Postcode: 5245 Verdun SA You may be contacted via your nominated PRIMARY METHOD(s) OF CONTACT if you indicate below that you wish to be heard by the State Commission Assessment Panel in support of your submission. My interests are: X owner of local property (please tick one) occupier of local property a representative of a company/other organisation affected by the proposal a private citizen The address of the property affected is: Postcode 30A Onkaparinga Road Verdun SA (FP129460) 5245 My interests are: I support the development (please tick one) I support the development with some concerns $\overline{\mathsf{X}}$ I oppose the development The specific aspects of the application to which I make comment on are: Please see attached Submission wish to be heard in support of my submission X I: do not wish to be heard in support of my submission (please tick one) (Please tick one) At this stage we intend to personally attend, however, due to work committments this might change and we may need to have appearing personally X By: someone appear on our behalf or join by phone. (please being represented by the following person tick one) (Please tick one) Signature: 16/10/2018 Date:

Return Address: The Secretary, State Commission Assessment Panel, GPO Box 1815, Adelaide, SA 5001 /or

Email: scapreps@sa.gov.au

Kevin & Julie-Anne Toohey (LOT 6 / FP129460) 30A Onkaparinga Road PO Box 108 Verdun SA 5245 per kevin2e@bigpond.net.au

16 October 2018

The Secretary
State Commission Assessment Panel
GPO Box 1815
Adelaide SA 5001
per scapreps@sa.gov.au

Dear Sir/Madam

Applicant: Reginald Fiora **Application Number:** 473/D044/15

Proposed Development: Land Division: 1 into 2 allotments and

Boundary Realignment: 3 into 2 allotments

Subject Land: Various land parcels at Onkaparinga Road, Grivell Road

Beaumont Road, Gallasch Road and Ambulance Road

Verdun

As residents/owners personally affected by the application listed above, we purchased the property described as LOT 6 (FP129460) in September 2015, we wish to make a submission to oppose the development and wish to be heard in support of our submission.

At that time we purchased the property we were aware from discussions with the owner of LOT 3, 30B Onkaparinga Road (G & C Russ) that an application by Reginald Fiora to create two lots from Lot 1 had not been successful. This was a material consideration in the purchase of the property pursuant to the fact that there is an easement (Controlled Access Road VIDE PLAN 57) subject to free and unrestricted right of way (R.o.W.) over the land marked as 'A' on the Certificate of Title – Volume 5612 Folio 470 (see Appendix 1).

Accordingly, after reviewing the correspondence from the State Commission Assessment Panel, on Monday 15 October 2018 we sought further clarification on the Development Proposal from Laura Kerber (Senior Planning Officer).

We now understand that the proposal was initially lodged in November 2015 and was submitted with a 'Level of Assessment' of Merit. This was challenged in the courts and was revised to Noncomplying. In and of itself this did not/does not cause the application to be voided. The applicant can if the applicant chooses, proceed based on his belief that the application has sufficient positive aspects to continue.

It is understood that historically applications framed in this way have been approved, however, this practice is now under review by the Commission, whereby this application is shaping to be a landmark case.

Property developers are without doubt a creative bunch of people, and this Development Proposal prepared by Mr Jeff Smith (Director) of Planning Chambers Pty Ltd has taken substantial creative licence in its preparation.

In his letter dated 22 June 2018 to Mr Simon Nelder (State Commission Assessment Panel), Mr Smith notes the Commission has determined that the application is **non-complying**. His report sets about trying to mitigate the non-compliance by asserting that the changes proposed, with extremely liberal application of the relevant provisions of Principles of Development Control (PDC), are only 'trivial'. This is not only grossly misrepresenting the significance of the real nature of the proposed boundary realignment/re-distribution, but is also a myopic Developer and Planning Service Provider's view of the world and does not factor in real world impacts. This is expanded upon in the section on 'Non-compliance'.

It is also worthy of consideration at this point that the latest documentation provided to the Commission has in some aspects not been updated to reflect the (actual) current situation. Of note here is that the 'Site History Report' (The Environmental Site History Assessment, Appendix B. DEWNR groundwater data) attached in Mr Smith's letter dated 22 June 2018 is dated 3 November 2014. Since then there have been additional groundwater installations, including but not limited to Unit No. 6627-15297 located on FP129460 (see Appendix 2). It is not known if this will have a material impact on the application or not, but it is understood that the Commission is concerned about the Watershed Zone.

Additionally we note Mr Smith also states that, "The Commission is requested to assess the application as a single application comprising two forms of division, because <u>neither proposal will proceed</u> unless the division of allotment 1 in Filed Plan 129455 is approved. This effectively ensures the merits of each division cannot be individually assessed. See section on 'Co-dependency'.

With the aforementioned as background to our submission, the following sections address the specific topics touched on in the background.

Non-compliance

The application presents the land division proposal both in the form of a <u>boundary realignment</u> and creation of a new allotment but is presented in the form of a <u>re-distribution of allotment boundaries</u> and states that no additional allotments will be created in the Zone. It is the use of the language 'Zone' by the applicant that is enabling the proposition of 'boundary realignment and creation of a new allotment but is presented in the form of a re-distribution of allotment boundaries'.

This, however, distorts the reality that the parcels of land are indeed <u>not related in any way</u>, which we believe should be a key consideration when contemplating compliance with PDC 20.

Furthermore, the strategy being deployed by the proposal seeks to release as a pre-existing allotment, Lot 45 (946m² or 0.09Ha) by consuming that parcel into Lot 101 (DP77335) so that it (the allotment) can be assigned/reassigned as either Lot 205 or Lot 206, which are proposed to be

created out of Lot 1 (FP129455). It seems to suggest that allotments are not fixed to a location, but are merely 'transportable' constructs.

Put simply, this is a significant stretch to be presented as a realignment/re-distribution of allotment boundaries particularly as it appears from the Certificate of Title documentation supplied, the beneficiary of the transportable allotment, Mr Fiora, has no material relationship with Lot 45.

With that in mind, and when assessing the proposed 'realignment /re-distribution of allotment boundaries' against PDC 20, there seems no support for this implementation. In view of this we make the following observations in relation to PDC 20:

- 1) Implicit in the principle of PDC 20 is that it is to support *minor* readjustments. The current proposal would manifestly fail this test, as the realignment/re-distribution of allotment boundaries are both unrelated and are by any measure much more than minor.
- 2) Land division may be undertaken where no additional allotment or allotments are created. Our contention is that the unrelated nature of the boundaries of the affected allotments means a new allotment is indeed being created on Lot 1 (FP129455) making the proposal non-complying.
- 3) Notwithstanding 1) and 2), under PDC 20 minor boundary readjustments are predicated by a need to (a) correct an anomaly in the placement of those boundaries with respect to the location of existing buildings; and (b) to improve the management of the land for the purpose of primary production and/or the conservation of its natural features. Neither of these are realistically applicable. Indeed it could be argued that there will be a negative impact on the native vegetation by separating Lot 1 into two lots.

As boundary realignment/re-distribution of allotment boundaries is the cornerstone of the proposal, which is covered implicitly by PDC 20, we feel this alone should void the application. However, the following sections raise further valid considerations, in particular from a personal perspective the section on Right of Way.

Watershed Zone

There are two primary themes running through the Development Proposal, that there would be no increase in the number of Lots, and that there would be no additional dwelling locations created. Our commentary in relation to PDC 20 covers the proposition of no additional lots, however we feel we should also comment on the presentation that no additional dwelling site would be created.

Mr Smith in his proposal presents that Lot 45 is currently capable of supporting a dwelling and goes to lengths to present this by providing a plan detailing how the Lot could sustain a dwelling.

It is our view that this is a best case conjecture and has not been tested at Council level. The Lot is only 946m2 or 0.09Ha. Looking at the plan supplied it is clear that the compromised proposed visa via the allowance for fire truck turnaround is a significant impost on the property and its appeal. Not to mention the waste water disposal area proposed.

The key factor here is that the proposal is claiming that by virtue of this being a possible dwelling site, this dwelling site too can be reassigned to Lot 1 (for either Lot 205 or 206), thus not increasing the currently allowable dwelling sites.

Re-locating a potential dwelling site in this manner does not seem consistent with the intention of the Zone planning requirements (our wording). Furthermore, if the argument was sustainable, the individual impacts on the Watershed Zone for the alternate dwelling site is not comparable.

We contend that this too is a stretch argument and that in reality any acceptance of making two lots from Lot 1 will create an additional dwelling in the Watershed Zone.

Co-dependency

As noted previously, Mr Smith also states that, "The Commission is requested to assess the application as a single application comprising two forms of division, because neither proposal will proceed unless the division of allotment 1 in Filed Plan 129455 is approved.

We contend that this point illustrates quite clearly that the application is indeed about securing a 'transportable' allotment to meet the desire to turn Lot 1 (FP129455) into two allotments Lot 205 and Lot 206, essentially creating a new allotment.

It would seem clear that an application seeking to create two allotments out of Lot 1 would not be successful (our supposition based on PDC 20) and that the creative solution proposed is an endeavour to circumvent that restriction. Accordingly we would submit that if PDC 20 restricts the creation of additional lots then irrespective of the expressed co-dependency requirement, the proposal should still fail the compliance test.

Right of Way

In addition to the points already raised that we feel should preclude the endorsement of this application, the proposal also fails to consider or indeed does not want to address the real impact the development would have on the R.o.W. easement marked as A on the Certificate of Title for FP129460.

Section 89 of the Real Property Act 1886 provides for a short form description of a free and unrestricted right of way to be used on a plan and title and where used, the short form wording incorporates the corresponding long form description of a right of way as set out in the 5th Schedule of the *Real Property Act 1886*.

Schedule 5—A free and unrestricted right-of-way

(section 89)

A full and free right and liberty to and for the proprietor or proprietors for the time being taking or deriving title under or through this instrument, so long as he or they shall remain such proprietors, and to and for his and their tenants, servants, agents, workmen, and visitors, to pass and repass for all purposes, and either with or without horses or other animals, cart, or other carriages.

Further, the Government of South Australia, Fact Sheet 3, Land Services Group, Easements & Rights of Way, Who maintains the property subject to an easement or right of way, version 1 2011 states:

In the case of an easement being granted, the grantee is generally responsible for the maintenance of the pipes, pumps, electrical cables etc. In the case of a right of way being granted the benefiting party is generally responsible for the maintenance of the right. However, unless the granting document specifies this information then the question of maintenance is one that must be negotiated between the affected parties.

In relation to the R.o.W. easement marked as A on the Certificate of Title for FP129460, there is no specification on the granting document (that we were able to identify) as to who is generally responsible for the maintenance of the noted R.o.W. As such we have negotiated a good neighbour approach to the maintenance of the R.o.W. to the extent that it impacts FP129460.

Accordingly, the Development proposal – which we strongly oppose – sets up a materially increased economic (financial) burden on us personally.

In the proposal Mr Smith notes on page 18 under PCD's 29 & 30, the PDC provisions "seek to ensure that each allotment resulting from the division should be provided with safe and convenient access to a carriageway. No allotment should be solely dependent upon a private road, or right of way for access". He goes on to imply (our wording) that given the issue already exists it is acceptable to further ignore this principle, and that the acceptable compromise is, in his words, "the R.o.W. will be upgraded". The proposal is silent on who is responsible for this.

With this in mind there is a real and material issue around any costs associated with the noted 'upgrading'.

Furthermore, Mr Smith on page 19 of his proposal document under Transportation, asserts that "The proposed land divisions <u>will result in a minor increase</u> in the number of vehicular movements along the private road link to Onkaparinga Road at the southern division." Based on simple logic this is a best case scenario presented as a non-issue and does not truly consider the actual likely traffic that could be associated with the proposed land division.

The private road is currently only used by the residents 30A Onkaparinga Road (K & J Toohey) and 30B Onkaparinga Road (G & C Russ). In total there are four vehicles that very lightly traffic the private road.

The road, constructed of road base rubble originally, slopes down to Onkaparinga Road at a significant grade such that it is subject to substantial erosion during winter where significant repeat rain events of up to 60 mm occur.

Traffic on this road might remain slight as optimistically presented, however, it is inappropriate to not consider the contrary position in such a proposed land division. To do this we would present that the worst case scenario would be a situation where each Lot is purchased by a family of five consisting of two adults and three live at home dependants. In each family both the adults and the dependants are of driving age and have vehicles of their own. This usage scenario would take the number of resident vehicles trafficking the road from four to 14. Simple mathematics shows this is an increase of 250%. The road in its current state could not support that level of traffic.

Consideration needs also to be given to the impact on the road from commercial heavy traffic associated with any building site requirements. When this is factored in, the impost and burden of the proposed land division will be significant, and again we note the proposal is silent on who bears that burden.

Conclusion

It is our position and thereby our submission that the Proposed Development is and remains non-complying.

The intent of the proposal is to creatively present an option to allow the transport of an allotment identity (Lot 45) to Lot 1 for the purpose of creating a new allotment whilst purporting this not to be the case, guising it as simply a realignment/re-distribution of allotment boundaries.

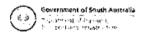
It purports that the proposed land division will have no material impact either social, economic or environmental. We believe we have demonstrated that there would be a real and material impact economically on those currently responsible for the maintenance of the private road associated with FP129460.

Accordingly, we do not support the application and respectfully request that the Commission deny the application.

As a codicil, we would like it noted that we would have liked time to have our submission reflect comments derived from an appropriately qualified professional in the area of land division. Unfortunately, we left for a three week vacation 24 September 2018 and returned 11 October 2018, only learning of this Proposed Development on Friday 12 October 2018 at around midday after collecting our mail from the Post Office. In light of this, we would request consideration be given to allow us to further develop our submission in conjunction with an appropriately qualified professional ahead of being heard in support of our submission should we feel it necessary.

Yours sincerely		
Kevin & Julie-Anne Toohey		

APPENDIX 1 - Certificate of Title FP129460



Product Date/Time Register Search 25/05/2015 02:15PM

Customer Reference Order ID

20150525006099

Cost

\$272.00

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.



Registrar-General

Certificate of Title - Volume 5612 Folio 470

Parent Title(s)

CT 3814/191

Dealing(s) Creating Title CONVERTED TITLE

Creating Title
Title Issued

08/01/1999

Edition

3

Edition issued

29/11/2004

Estate Type

FEE SIMPLE

Registered Proprietor

KYRIAKOS SARANDIS SUSAN MARY MILNE OF LOT 6 ONKAPARINGA VALLEY ROAD VERDUN SA 5245 AS JOINT TENANTS

Description of Land

ALLOTMENT 6 FILED PLAN 129460 IN THE AREA NAMED VERDUN HUNDRED OF ONKAPARINGA

Easements

SUBJECT TO FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED A

Schedule of Dealings

Dealing Number

Description

10111023

MORTGAGE TO WESTPAC BANKING CORPORATION

Notations

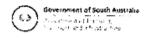
Dealings Affecting Title

NIL

Priority Notices

and Sandage Cour

Page 1 of 3



Product
Date/Time
Customer Reference
Order ID
Cost

Register Search 25/05/2015 02:15PM

20150525006099 \$272.00

NIL

Notations on Plan

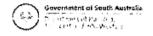
NIL

Registrar-General's Notes
CONTROLLED ACCESS ROAD VIDE PLAN 57

Administrative Interests

NIL

^{*} Denotes the dealing has been re-lodged.



Product Dato/Time **Customer Reference** Order ID Cost

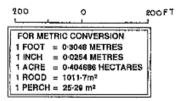
Register Search 25/05/2015 02:15PM

20150525006099 5272.00

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 3814/191 SEE TITLE TEXT FOR EASEMENT DETAILS

LAST PLAN REF: DP 7146





NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION

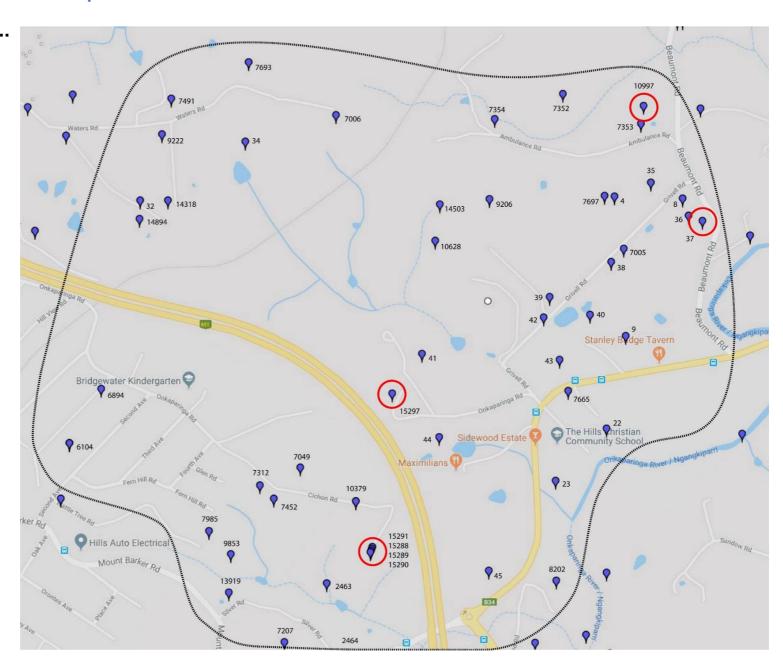
Page 3 of 3

APPENDIX 2 – Groundwater Update

Denotes area addressed in Site History Report 3 November 2014 (The Environmental Site History Assessment, Appendix B. DEWNR groundwater data)



Denotes groundwater installations not noted in Site History Report 3 November 2014 (The Environmental Site History Assessment, Appendix B. DEWNR groundwater data)



		Max	SWL		TDS				Yield				
Unit No	Date	Depth (m)	(m)	SWL Date	(mg/l)	TDS Date	Aquifer	Status	(L/sec)	Yield Date	Purpose	Cased To	Permit No
6627-4	1/01/1954	7.01	4.57	9/03/1954	100	9/03/1954	No						
6627-8	1/01/1954	4.27	1.52	3/03/1954	829	3/03/1954	Ndw	ABD					
6627-9	1/01/1954	4.27	1.22	4/03/1954	814	4/03/1954	Ndw	BKF					
6627-22	1/01/1954	3.05	2.13	5/03/1954	2530	5/03/1954							
6627-23	1/01/1954				1440	12/05/1978		OPR	3.82	1/01/1983	IRR		
6627-32		45.72	3.05	9/03/1954	371	9/03/1954	No		2.53	9/03/1954		11.76	
6627-34	1/01/1954				435	2/05/1978	No						
6627-35	1/01/1954	5.7			71	9/03/1954	Ndw						
6627-36	1/01/1954	7.32	0	3/03/1954	629	3/03/1954	Ndw	OPR			IRR		
6627-37	1/01/1954	6.7	6	1/05/1978	650	1/05/1978	Ndw						
6627-38	13/12/1976	87	4	13/12/1976	639	6/05/1978	No	OPR	1	13/12/1976	DOM	53	745
6627-39		45.69			547	27/04/1978	No		7.64	1/01/1978			
6627-40	1/01/1954	43.5	2	27/04/1978	710	27/04/1978	No		3.82	27/04/1978			
6627-41	14/01/1977	1	0.61	5/05/1978	386	5/05/1978	No						
6627-42	1/01/1954	5.8	4.6	5/05/1978	138	5/05/1978	No						
6627-43	1/01/1954	3.96	1.22	4/03/1954	714	4/03/1954	No						
6627-44	1/01/1954	26.82			386	5/05/1978	No		2.04	1/01/1978			
6627-45		80.67			561	6/05/1978	No						
6627-2463		2.42	0	26/07/1982	705	26/07/1982	No	EQP			DOMSTK		
6627-2464		66.3	0	10/03/1954	821	26/07/1982	No	OPR	1.52	1/01/1982	IRR		
6627-2479		21.34	2.44	4/03/1953			No	BKF					
6627-6104		24.3	7.9	4/08/1982	220	5/08/1982	No						
6627-6894	31/08/1982	69.2	0.61	31/08/1982	325	31/08/1982	No	OPR	1.25	31/08/1982	DOM	24.6	10709
6627-7005	2/03/1984	14	2.5	2/03/1984	400	15/03/2001	No	OPR	1.25	2/03/1984	IRR	14	14073
6627-7006	8/03/1984	72	32	8/03/1984	328	8/03/1984	No	OPR	2	8/03/1984	DOMSTK	24	13137
6627-7049	14/12/1983	168	27	14/12/1983	314	14/12/1983	No	OPR	1.87	14/12/1983	IRR	65	13396
6627-7207	16/11/1984	73.7	2.9	16/11/1984	273	16/11/1984	No		3.5	16/11/1984		54	15452
6627-7312	12/12/1984	92	25	12/12/1984	378	13/12/1984	No	OPR	1.25	12/12/1984	DOM	36	15695
6627-7352	21/01/1985	80			893		No	BKF					16014
6627-7353	22/01/1985	104	40	22/01/1985	686	22/01/1985	No	BKF	6.4	22/01/1985			16014
6627-7354	23/01/1985	47	1.5	23/01/1985	1228	23/01/1985	No	OPR	11.25	23/01/1985	IRR	23	16014

		Max	SWL		TDS				Yield				
Unit No	Date	Depth (m)	(m)	SWL Date	(mg/l)	TDS Date	Aquifer	Status	(L/sec)	Yield Date	Purpose	Cased To	Permit No
6627-7452	13/03/1984	82	35	13/03/1984	400	13/03/1984	No	OPR	1.75	13/03/1984	DOM	48	14016
6627-7491	17/12/1985	95	18.3	28/01/1986	266	12/12/1985	No	OPR	3	17/12/1985	DOM	30	17783
6627-7665	1/06/1986	86	10	9/09/1986	2574	9/09/1986			0.7	1/06/1986		31	18515
6627-7693	5/01/1987	105	43	14/12/2000	328	5/02/1987	No		3.13	14/12/2000	DEP		54171
6627-7697	11/02/1987	55	2	11/02/1987	746	11/02/1987	No		2.5	11/02/1987		45	18371
6627-7985	10/01/1989	90.5	14	3/02/1989	380	6/03/2001	No	OPR	0.88	10/01/1989	DOM	23.7	22180
6627-8202	12/04/1990	63	12	14/05/1990	672	14/05/1990		OPR	2.25	12/04/1990	IRR	11.7	24084
6627-9206	17/05/1995	84			325	17/05/1995	No		4.5	17/05/1995	IRR	35.7	34131
6627-9222	7/06/1995	112			534	7/06/1995	No		0.5	7/06/1995	IRR	41.7	34995
6627-9853	10/09/1998	140.8	9	10/09/1998	420	6/03/2001	No		2.25	10/09/1998	DOM	18	44938
6627-10378													
6627-10379					290	12/03/2001							
6627-10628	18/01/2002	36	5	18/01/2002			No		1.25	18/01/2002	DOMSTK	36	57317
6627-10997		77	22	3/02/2004			Ndw		2.25	3/02/2004		42	
6627-13919	26/11/2008	147			507	26/11/2008	No		0.29	26/11/2008		48	141516
6627-14318	26/10/2010	140	21	26/10/2010	509	25/10/2010	No		2.25	26/10/2010		59.5	188349
6627-14503	23/02/2012	80	30	23/02/2012	797	22/02/2012	No		1.8	23/02/2012		36	210112
6627-14894	15/01/2013	154	21	15/01/2013	460	16/01/2013		BKF	0.31	15/01/2013			218918
6627-15288	27/08/2016	100									GTH	100	262192
6627-15289	26/08/2016	100									GTH	100	262193
6627-15290	25/08/2016	100									GTH	100	262194
6627-15291	29/08/2016	100									GTH	100	262195
6627-15297	17/02/2016	77	14	17/02/2016	344	15/02/2016			1	17/02/2016		77	256533

16.10.18

The Secretary State Commission Assessment Panel GPO Box 1815 Adelaide SA 5001

By email: scapreps@sa.gov.au

Dear Secretary,

RE: Application 473/D044/15

I write in response to the public notification of application 473/D044/15.

My land is affected by the proposed land division.

I support the development.

I wish to address the State Commission Assessment Panel meeting in relation to the application.

Please advise the time and date of the meeting.

Yours sincerely

Trevor Adams

REP 4

South Australian DEVELOPMENT ACT, 1993

REPRESENTATION ON APPLICATION – CATEGORY 3

	:		inald Fiora						
Developm	ent Number:	473	/D044/15						
Nature of	Development	·-	Land Division (1 into 2 allotments) and Boundary Realignment (3 into 2 allotments)						
Zone / Pol	licy Area:	Wa	Watershed (Primary Production) Zone, Onkaparinga Slopes Policy Area 11						
Subject La	nd:		ious land pa lasch Road a				ell Road, Beaur	mont Road,	
Contact O	fficer:	Lau	ıra Kerber						
Phone Nu	mber:	710	9 7073						
Close Date	e:	WE	DNEDAY 17	OCTOBER	2018				
			_		My phone	e number:			
My Name:	Gran	۸و	RUSS	8			041	78746	
Duine a w we a	*h = d/a\ af aawt	o atu	F11.			~			
Primary me	ethod(s) of cont		Email:	grace	مع ۲۰	11.20 o	20.30	0.40	
		Pos	stal Address: _	- 40 - 40	Book Ltdun	112	Postcode	2245	
ou may be e	ontacted via vo	ur nomina	- • ANNIGG hate			CT if you in	dicate helow +l	nat you wish to	
	the State Comm						areate below ti	iac you wish to	
My interest			ner of local pr						
(please tick o	-								
	,		upier of local	property					
	!	T a re	presentative	of a compar	ny/other org	anisation at	fected by the p	roposal	
		T a pr							
	1	a hi	rivate citizen						
•	of the property	affected is		Rd	. Vera	Lun	Postcode	2245	
My interest	of the property (5 + 3) Over the are:	affected is	:: •	RA velopment	. Vera	Lun	Postcode	2>45	
b (10	of the property S+3) Over ts are: one)	affected is	pport the dev		· Ve~a	ncerns	Postcode	2>45	
My interest	of the property (5 + 3) Ov ts are: one)	affected is	pport the dev	velopment v	· Vere	ncerns	Postcode	2245	
My interest (please tick o	of the property (5 + 3) Over ts are: one)	affected is	pport the developose the dev	velopment w				2245	
My interest (please tick o	of the property S + 3) Ov ts are: one)	affected is I su I su I op	pport the devopose the devo	velopment welopment	nt on are:	hun ncerns Couc		5245 egardu	
My interest (please tick o	ts are:	affected is I su I op pplication	pport the developose	velopment welopment ake comment	nt on are:	Couc		2245 egardu	
My interest (please tick o	ts are:	affected is I su I su I op	pport the developose	velopment welopment	nt on are:	Couc		5245 egardu	
My interest (please tick o	ts are:	affected is I su I op pplication	pport the developose	velopment welopment ake comment	nt on are:	Co u c Lavo		2245 egardu	
My interest (please tick of	ts are: one)	affected is I su I su I op pplication axad	pport the dev	velopment welopment ake comment Comme	nt on are: w ath f y wa	Co u c Lavo	urus r	egardu	
My interest (please tick of the specific a	of the property ts are: one) spects of the appropriate the appropriate the property of the appropriate the a	affected is I su I op pplication accord be heard	pport the developose	velopment wellopment was elopment when the comment with t	nt on are: w the contract of	Co u c Lavo	urus r	egardu	
My interest (please tick of	ts are: one) spects of the appropriate wish to do not	affected is I su I op pplication accord be heard	pport the dev	velopment wellopment was elopment when the comment with t	nt on are: w the contract of	Co u c Lavo	urus r	egardu	
My interest (please tick of the specific a	ts are: one) spects of the appropriate wish to do not (Please)	affected is I su I op pplication accord be heard i	pport the developose	velopment wellopment was elopment when the comment with t	nt on are: w the contract of	Co u c Lavo	urus r	egardu	
My interest (please tick of the specific a line)	ts are: one) spects of the appear wish to do not (Please) appear	affected is I su I op pplication accord be heard if wish to be tick one) ing person	pport the developose	welopment welopment was commended to the	ion are:	Co u c Lavo	urus r	egardu	
My interest (please tick of the specific a line) I: (please tick one) By: (please	ts are: one) spects of the appear wish to do not (Please) appear	affected is I su I op pplication accord be heard if wish to be tick one) ing person epresented	pport the developose	welopment welopment was commended to the	ion are:	Co u c Lavo	urus r	egardu	

 $\textbf{Return Address: The Secretary, State Commission Assessment Panel, GPO Box 1815, Adelaide, SA 5001 / or a secretary and a s$

Email: scapreps@sa.gov.au

Comments regarding Application 473/D044/15

- Concern 1 the <u>potential increase in traffic flow</u> along the private road leading from Onkaparinga Rd (labelled RoW B in the plan). This road has been very difficult to maintain because of its construction and significant slope. This road is subject to considerable erosion during winter and increased traffic flow associated with any development (either commercial traffic associated with site development or residential traffic after development) will negatively impact on the quality of access to my property.
- Concern 2 <u>Groundwater flows</u>. Currently after a fall of rain of 60 mm or more (which occurs approximately 4-5 times per year), there is considerable groundwater flow from lot 1 onto my property which causes considerable erosion of my property. I am concerned that with development on lot 1 (in both the proposed new lots 205 and 206) there is no guarantee from the proposal that polluted water would not flow over my property. In particular, the proposed water disposal site on proposed lot 205 is very close to a water course which has always been present but which has been more formally constructed by me which flows directly into the creek on my property. In addition, the proposal is based on an old groundwater plan and apart from the improvements I have initiated on lot 3, I believe that there have been other changes on other lots. There is also a small dam in the south eastern corner of my property which has not been identified in the proposal and I am unsure as to whether it will be impacted.
- Concern 3 Right of Way. The plan mentions the right of way for the proposed new lots 205 and 206, but does not mention my RoW to lot 3 and how that will be impacted by the proposal. I am also concerned that one of the Passing Lanes proposed by the CFS is very close to the house and shed on my property and no consideration has been made to its impact.

I have not commented on the nature of the proposal as it is beyond my expertise but it does seem ingenuous to link a boundary readjustment near Ambulance Rd with a Land Division at Onkaparinga Rd to justify the creation of 2 new allotments. I believe that the creation of these two allotments has the potential to significantly impact on surrounding properties.

South Australian DEVELOPMENT ACT, 1993

REPRESENTATION ON APPLICATION – CATEGORY 3

Applicant:	Reginald Fiora							
Development Number:	473/D044/15							
Nature of Development:	Land Division (1 into 2 allotments) and							
	Boundary Realignment (3 into 2 allotments)							
Zone / Policy Area:	Watershed (Primary Production) Zone, Onkapa	aringa Slopes Policy Area 11						
Subject Land:	Various land parcels at Onkaparinga Road, Griv Gallasch Road and Ambulance Road, Verdun	ell Road, Beaumont Road,						
Contact Officer:	Laura Kerber							
Phone Number:	7109 7073							
Close Date:	WEDNEDAY 17 OCTOBER 2018							
		0413 386009						
My Name: Petra and	Chris Lennon	0402 102827						
Primary method(s) of contact:	Postal Address: Po Box 120	ond-com						
	Postal Address: Po Box 120	Postsodo: 5 11 5						
	Verdun SA	Postcode: 5245						
you may be contacted via your no be heard by the State Commission	minated PRIMARY METHOD(s) OF CONTACT if you in a sessment Panel in support of your submission.	idicate below that you wish to						
My interests are:	owner of local property							
(please tick one)								
	occupier of local property							
Г.	a representative of a company/other organisation af	fected by the proposal						
Γ	a private citizen							
The address of the property affect	and les							
24 Onkaparinga	Fa Veran	Postcode 5245						
My interests are:	I support the development							
(picuse tick one)	I support the development with some concerns							
V	I oppose the development							
		dission of land						
(up to 200%) Inch	M - Isolate Food C	due to : significant						
11 101	sance on private road and on	d ackaparing Rd;						
increased noise nui	sance; moth of private road	kapaninga Rd,						
and unsuitable for wish to be her	ard in support of my submission	ansurable for bring						
	be heard in support of my submission							
tick one) (Please tick one)							
By: appearing per	sonally							
(please being represe tick one) (Please tick one	nted by the following person							
Signature: Plan								
Person								
Date: 17 od 2	218							
Return Address: The Secretary, Email: scapreps@sa.gov.au	State Commission Assessment Panel, GPO Box	1815, Adelaide, SA 5001 /or						



30 November 2018 *12-044let-05*

P.O Box 6196 Halifax Street SA 5000

Office 08 8211 9776

Email admin@planningchambers.com.au

ax 08 8212 5979

ABN 54 093 576 900

Ms L Kerber Senior Planning Officer Development Division Department of Planning, Transport & Infrastructure GPO Box 1815 Adelaide SA 5001

Dear Laura

RE: Land Division 473/D044/15, Fiora

The abovementioned land division relates to land at Beaumont Road, Ambulance Road and Onkaparinga Road, Verdun. The application has been circulated by the State Commission Assessment Panel (SCAP) to the Country Fire Service and the Adelaide Hills Council for comment.

Comments have been receive from both parties. You have provided their comments and have questioned whether my client wishes to provide a response thereto.

I have been requested to provide a response.

Country Fire Service (CFS)

The application envisages two forms of land division in the one application. The CFS response recognises the two components of the application and they provided a comment on each.

In relation to the Beaumont Road division the CFS has no objection to the application.

In relation to the Onkaparinga Road division, the CFS have provided a number of comments. I reproduce the comments and respond to them as follows.

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

SA CFS would like the panel to consider that individual applications for residential development will need to address that the access on and off the allotment shall be in accordance with Minister's Code Part 2.3.3.1.

SA CFS notes the existing access to the allotments being created (Lots 205 & 206) will need widening and significant vegetation clearance.



SA CFS provides the following, as an example of the conditions that may be placed on future applications for residential development on these allotments.

Response

In formulating the Plan of Division the requirements of the Minister's Code 'Undertaking development in Bushfire Protection Areas', 2009, as amended 2012, were considered in detail.

As part of the application documentation a plan showing the access road and sites for passing lanes to accommodate CFS vehicles, was prepared. The plan is included in Appendix 6 of the Statement of Effect. I attach a further copy with this correspondence. The positioning of passing bays took account of the absence of native vegetation along parts of the proposed access way.

In relation to the existing Right of Way (ROW) that services property at 30B Onkaparinga Road, it is noted the access does not accord with the Minister's Code.

The ROW is 15 metres wide. There are locations along the ROW where widening can be undertaken, (notably at driveway entrances) with minimal disruption to Native Vegetation.

a) Water Supply

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

Response

It is common practice for new residential development in bushfire prone areas to be responsible for the provision of adequate water supply for bushfire fighting purposes. There is every reason to expect adequate storage can be provided on the land. Such a requirement is normally a 'condition' imposed on a land use approval for construction of a dwelling.

b) Vegetation

However, SA CFS would like the panel to consider that the hazard present is such, that the allotment may require more than 20 metres clearance of vegetation in order to reduce the construction costs, and or to site the home to avoid unacceptable bushfire risk.

Response

This requirement has been considered when formulating the land division proposal.



In the case of proposed allotment 205, there is an area in the vicinity of the former quarry has dimensions of approximately 100 metres by 100 metres that is clear of native vegetation.

In the case of proposed allotment 206 there is a similar area of 120 metres by 150 metres that can be provided following removal of pine trees.

c) Siting

Building envelopes should be sited no less than 40 metres from allotment boundaries, for the purposes of creating an adequate asset protection zone.

Response

This is an interesting requirement because the distance of 40 metres from property boundaries on my reading of the Ministers Code, is not a requirement.

The only reference to a distance of 40 metres isolation as an asset protection zone is referenced for land having a 20° slope (page 11, Minister's Code). The land in the proposed division identified for possible house sites does not have this slope.

d) Building Considerations

.....require a site bushfire attack assessment in accordance with the National Construction of Australia [NCC] and Australian Standard $^{\text{TM}}$ 3959 (AS3959) "Construction of Buildings in Bushfire Prone Areas".

Response

It is possible to construct a building in accordance with the construction standards set out in Australian Standard 3959 (AS3959) "Construction of Buildings in Bushfire Prone Areas".

Summary

The CFS comments do not raise anything that has not been considered in formulating the development application. Importantly the requirements of the CFS can be satisfied by works proposed as part of this application and by works which can be conditioned when the land use applications are considered for the land.

Adelaide Hills Council

The Council Assessment Panel (CAP) discussed its response to the SCAP at its meeting of 15 November 2018.



My client and I attended the meeting and observed proceedings. We were also afforded an opportunity to respond to questions raised by Panel members.

a) CFS Requirements

The Minutes of the CAP meeting reflect the resolution of the Panel. The Minutes provide qualified support for the proposed development by way of reference to the Ministers Code for Undertaking Development in Bushfire Prone Areas. The Panel recommendation references the 2009 Code but it is my recollection that one member indicated the reference should be to that version of the Code amended in 2012. Comments provided earlier in this correspondence address CFS issues by reference to the latest (2012) version of the Code.

b) Unrecorded Discussion

CAP members discussed a number of related issues when considering their response to SCAP. One issue that was not mentioned in the CAP resolution is the discussion about the impact of the development on Native Vegetation. This is one topic that was raised in the Council staff report and discussed at some length during the meeting.

The staff report expressed concern at the risk of vegetation removal along the access road and fencelines as a consequence of the development.

My client engaged 'Environments by Design' to provide advice about vegetation impact, prior to the Panel meeting. Mr Wayne Brown conducted the initial investigation and has subsequently visited the site to confirm his original advice that the development would result primarily in the removal of weed species, *Pinus radiata*, and a small amount of native vegetation in the vicinity of the access road to the quarry. It is Mr Brown's advice that removal of any native vegetation would be minimal and in accordance with guidelines administered under the Native Vegetation Act.

In relation to new property boundaries (as distinct from existing property boundaries) there will be no impact on native vegetation.

The CFS has not commented on the prospect of alternative access being provided for firefighting egress, but it was mentioned in passing during discussion on native vegetation removal. That factor has been considered as part of the Native Vegetation assessment.

The plans prepared by Environments by Design identify options for construction of emergency egress points to the South Eastern Freeway that would have minimal impact on native vegetation.



I will provide a copy of Mr Brown's assessment for consideration by SCAP under a separate cover.

Summary

The native vegetation assessment undertaken prior to and since the CAP meeting confirms that impact on native vegetation is both minor and within the guidelines administered under the Native Vegetation Act.

Conclusion

I trust the above comments address issues raised by the CFS and Council, satisfactorily.

The comments also address the mater of native vegetation clearance as raised during discussion at the Adelaide Hills CAP meeting.

Should you have any questions arising from your consideration of this response, I will be pleased to assist.

Yours sincerely

Planning Chambers Pty Ltd

Jeff Smith

Director

Enc. Plan Proposed Access

Planning Chambers Pty Ltd 219 Sturt Street, Adelaide SA 5000 Office: (08) 8211 9776 admin@planningchambers.com.au



Proposed passing bay 6 m wide x 17 m long

Additional passing bay to be installed at entrance if required by CFS

Proposed passing bay 6 m wide x 17 m long

Proposed passing bay 6 m wide x 17 m long

To be levelled

Proposed passing bay 6 m wide x 17 m long

PROPOSED ACCESS

ential passing space at

PROPOSED BOUNDARY
REALIGNMENT
AT BEAUMONT & ONKAPARINGA
ROADS
FOR MR. REDGE FIORA

12-044.03



P.O Box 6196 Halifax Street SA 5000

Office 08 8211 9776
Email admin@planningchambers.com.au

ABN 54 093 576 900

12-044 let07

5 May 2020

Ms Laura Kerber Senior Planning Officer

State Commission Assessment Panel Level 5, 50 Flinders Street

Adelaide

SA 5000

Dear Laura

RESPONSE TO EPA COMMENTS

Development Application: 473/D044/15 Applicant: Redge Fiora

Subject Land: Allotment 1 in Filed Plan 129455

Onkaparinga Road, Verdun

By correspondence dated 11th of December 2018 the Environment Protection Agency (EPA) provided comments to the State Commission Assessment Panel (SCAP) upon the above-mentioned application. It appears from a review of my records that no response has previously been provided to SCAP about the content of the EPA comments. I have been engaged by the applicant to provide the response. This correspondence is to be treated as the formal response to the EPA commentary.

The proposed division comprises two parts, one at the northern end (Beaumont Rd) involving allotment 45 in Filed Plan 129499, which together with other lands is to be part of a boundary realignment, and at the southern end on land having access to Onkaparinga Road, the division of allotment 1 in Filed Plan 129455, to create an additional (effectively relocated) allotment.

In its correspondence, headed Advice for Regard, the EPA provided a series of observations about the possible effluent drainage area for the existing allotment 45 and compliance with "The On Site Waste Water Systems Code (April 2013). I refer to this subsequently as the New Code. The correspondence also commented on the content of a report prepared by "Fmg Engineering" in respect to references made by them, about compliance with the wastewater code 'The Standard for Construction, Installation and Operation of Septic Tanks in South Australia'. I refer to this code subsequently as the 'Old Code'. The author of the EPA correspondence correctly identified the references to the Old Code as being an obsolete code for the purposes of assessing this application and that the correct reference should be to 'New Code'. The observation concluded that it was uncertain whether a dwelling could be constructed on allotment 45, and consequently whether dwellings on allotment 1, would therefore have potential to contribute to pollution of the Onkaparinga River catchment.



I have reviewed the EPA correspondence and examined the standards referenced therein. The New Code requires an area of 200 square metres for effluent disposal instead of the lesser area referenced in the Old Code. I attach an amended version of 'Appendix D' to the Fmg report, showing the effluent disposal area for the existing allotment 45. I have marked an additional area of 38.5 m^2 of the allotment that would be available for soakage/ irrigation to bring the total area for effluent disposal to 207.5 m^2 . The 2013 Code also makes references to an area of 200 m^2 for effluent soakage and so the available area for this purpose on allotment 45 is considerably in excess of the additional 31 m^2 minimum standard required by the New Code

The New Code also requires an additional area for domestic, social, and recreational use, equivalent to 50% of the surface irrigation area. You will note the amended plan included with this correspondence also identifies an area of 126 m^2 for this purpose, an area well in excess the required minimum 104m^2 .

Insofar as the 'Fmg report' is concerned, the primary purpose for including this document in the application was to demonstrate the absence of bedrock, and suitability of the soakage area for disposal of effluent. Importantly the plan of division shows areas of 225m². For effluent disposal. The fact is the proposal conforms to the requirements of the New Code, notwithstanding the observations of the EPA in its assessment of the proposal.

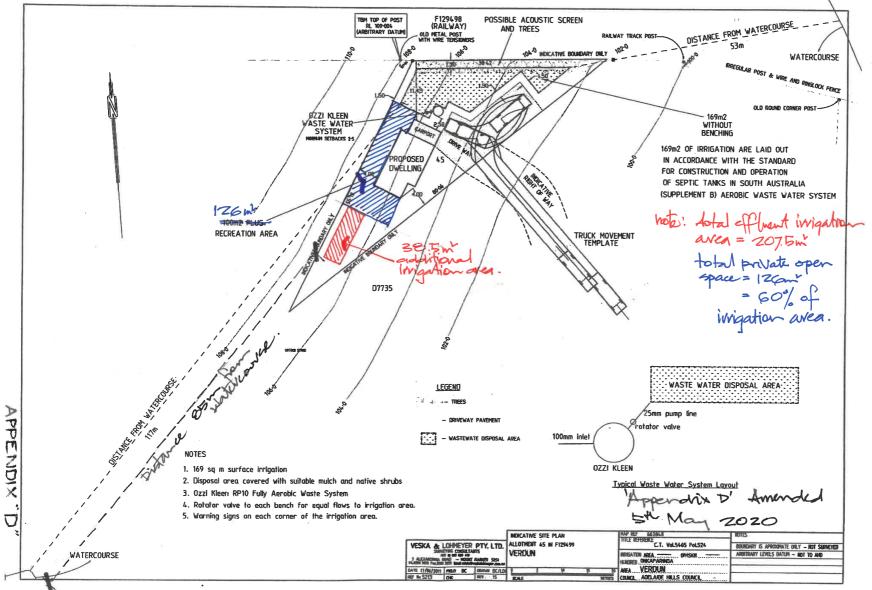
It is noted the EPA acknowledges that a proposal having a neutral or beneficial impact on the catchment would be preferred. Accordingly the negative observations of the EPA when examined in detail are unsubstantiated and the EPA objectives to protect water quality will clearly be satisfied by the proposal.

I trust this response is sufficient to address the matters raised by the EPA, and that the land division application can now be processed.

Yours sincerely,

Jeff Smith PIA Director

Encl. Amended Plan Appendix D



APPENDIX



Office 08 8211 9776

Email admin@planningchambers.com.au

P.O Box 6196 Halifax Street SA 5000

ABN 54 093 576 900

12-044 Let08 11 May 2020

Ms Laura Kerber State Commission Assessment Panel Level 5, 50 Flinders Street Adelaide SA 5000

Dear Laura.

Response to Native Vegetation Council Comments

Development Application: 473/D044/15 Applicant: Redge Fiora

Subject Land: Allotment 1 in Filed Plan 129455,

off Onkaparinga Road, Verdun

By correspondence dated 7th of December 2018 the Native Vegetation Council (NVC) provided comments to the State Commission Assessment Panel (SCAP) upon the above-mentioned application. It appears from a review of my records that no response has previously been provided to SCAP about the content of the NVC comments. I have been engaged by the applicant to provide the response. This correspondence is to be treated as the formal response to the NVC commentary.

The proposed division comprises two parts, one at the northern end (Beaumont Rd) involving allotment 45 in Filed Plan 129499, which together with other lands is to be part of a boundary realignment, and at the southern end on land having access to Onkaparinga Road, the division of allotment 1 in Filed Plan 129455, to create an additional (effectively relocated) allotment.

NVC Comments

In their correspondence the NVC have commented on the existence of areas of Significant Environmental Benefit (SEB) that apply to the proposed allotments 205 and 206 that are to be created from the division of Allotment 1. The comments made by the NVC reference the potential for subsequent residential development of the land to result in the removal of native vegetation. If that is the case the comments assert the provisions of 'regulation 12(35)'(sic), apply. The comments suggest that a variation to the SEB, may be necessary, and that any variation to the SEB may have financial consequences for the subsequent owners of the allotments.

In relation to the existing allotment 45 at the northern end of the division, the comments specifically make reference to a potential for change in land use that involves removal of native vegetation, to require an application to be made to the NVC.



Response

As mentioned earlier in this response, there are two areas affected by the proposed division.

At the northern end, the existing allotment 45 has been grazed or used for horticultural purposes for many years. There is no native vegetation on allotment 45, nor any native vegetation likely to be affected in the establishment of proposed allotment 200.

At the southern end of the division, the creation of proposed allotments 205 and 206, will require consideration of the provisions of the Native Vegetation Act and the Native Vegetation Regulations 2017. Mr Wayne Brown, an accredited Native Vegetation consultant, and the principal of the environmental consultancy, Environments by Design, has provided advice on the impact of the proposal upon areas of Native Vegetation on that land.

The land is the subject of an SEB, but that SEB does not encompass cleared areas upon which a dwelling can be constructed. Mr Brown has also determined that there are significant areas of weed infestation, particularly in the areas to be used for effluent treatment.

The application is not a division for residential purposes. References to residential development arise as a consequence of the requirement in the Development Plan for Adelaide Hills Council, to identify areas that would, subject to compliance with certain criteria, be suitable for the purposes of constructing a dwelling.

There is no Regulation 12(35) that can be identified in the Native Vegetation Regulations 2017. Following consultation with Mr Brown, it has been ascertained that the correct reference should be to Schedule 1, Part 6 'Other Activities' Clauses 33 and 35. These clauses specially refer to the construction of Dwellings, and the Division of land for residential purposes.

This proposal is not for the construction of dwellings, nor is it a division for residential purposes of the type to which the Schedule refers. This is a proposal to divide land that has previously been used as a quarry. It is land that has been grazed in the past. Grazing is a land use activity that can continue without further land use approvals being sought. It is a land use activity that is contemplated in the Watershed (Primary Production) Zone.

Mr Brown has advised that some forms of development of the land may require approval from the Native Vegetation Council. In his report of 29th November 2018, Mr Brown investigated the potential for native vegetation impact to occur from the identification of house sites, effluent disposal areas and further construction of an access road and passing lanes,(to comply with CFS requirements). These investigations arose because of concerns expressed during the conduct of the Adelaide Hills Council Assessment Panel meeting in November 2018.

Conclusion

The application does not propose the residential activity to which the NVC correspondence refers. Reference to residential development of the type referred to in the NVC correspondence is not a part of this proposal. They arise in response to a need to address specific requirements in the Development Plan for Adelaide Hills Council.

In the unlikely event any clearance of Native Vegetation is to occur on the land, Mr Brown will be making the necessary submissions to the NVC.



The NVC is presumptive in considering the proposal will impact areas of Native Vegetation. The report prepared by Mr Brown in response to concerns expressed at the Adelaide Hill CAP meeting is the most relevant, and most informative document. Its conclusions should prevail over the ill-informed concerns expressed by the NVC.

I trust this response enables this matter to progress to assessment, forthwith.

Yours sincerely,

Jeff Smith MPIA

Director.



Native Vegetation Review

Proposed Allotments 205 & 206 Beaumont & Onkaparinga Roads Verdun

Native Vegetation Accredited Consultant - Wayne Brown 30/11/2018

This report provides a review of any possible native vegetation impacts via proposed house sites on either of the allotments.



Prepared for:

Mr Jeff Smith Planning Chambers 219 Sturt Street Adelaide SA 5000 E:admin@planningchambers.com.au

For Project Mr R Fiora

Report Prepared by:

Wayne Brown
Principal Environmental Consultant
For Environments by Design Trust
PO Box 62
Bridgewater SA 5155

Office Contact

Environments by Design Team Message: (08) 8339 5528 Mobile: 0408 813 628

Email: wayne@environmentsbydesign.com.au

Disclaimer

Any advice or information contained in this report has been prepared solely for the use of the project and should not be provided to any other party (in whole or in part) without the prior written consent of the Manager, Environments by Design. No responsibility to any third party is accepted as the report has not been prepared, and is not intended, for any person other than those involved in the project. Environments by Design consultants or sub consultants will not be responsible for the effect upon the accuracy, completeness, currency or reliability of the proposal of any material or information supplied to Environments by Design by the project representatives or any other party.



Contents

Task	4
Site Analysis	
Other Notes	4
Desktop Review	4
Site Map 1	5
Photos A to F	6
Site Map 2	9
Photos H to J	10
Native Vegetation Act and Regulations	12
House sites	12
Vehicle Access and overtaking areas or turn around sites	12
Onkaparinga Road Overtaking	13
Photo - Onkaparinga Road Overtaking 1	14
Photo - Onkaparinga Road Overtaking 2	14
Photo - Overtaking 3	15
Emergency Exits	16
Attachment Δ - Definitions - Intact Vegetation	17



Task

To analyse any potential impacts on native vegetation associated with the development of possible house sites and access roads on proposed allotments 205 and 206 at Beaumont & Onkaparinga Roads, Verdun.

Site Analysis

A review of the allotments was conducted on 13/11/2018 and 26/11/2018. The site reviewed provided evidence that;

- 1. The landscape has been highly modified which <u>does not</u> represent an intact vegetation association (refer to attachment A).
- 2. There exists extensive areas of woody (introduced) weeds(refer to maps following) including;
 - Gorse
 - Erica
 - Blackberry
 - English Broom
 - Pinus Radiata
 - Acacia longifolia
 - and introduced grass and broad leaf species such as Phalaris, Cox-foot and Salvation
 Jane.
- 3. There are indications of a replanting program, most likely associated with a planting activity for the abandoned quarry.
- 4. Natural regeneration around the quarry is sparse and is impacted on by Erica and Acacia longifolia.
- 5. All drainage lines are heavily impacted on by introduced species.
- 6. The remaining native vegetation areas contain moderate to high levels of introduced species.

Other Notes

- During the second visitation it was observed that wild pigs were present in the weedy areas.
- No significant or regulated trees would be effected by any development activity at this site.

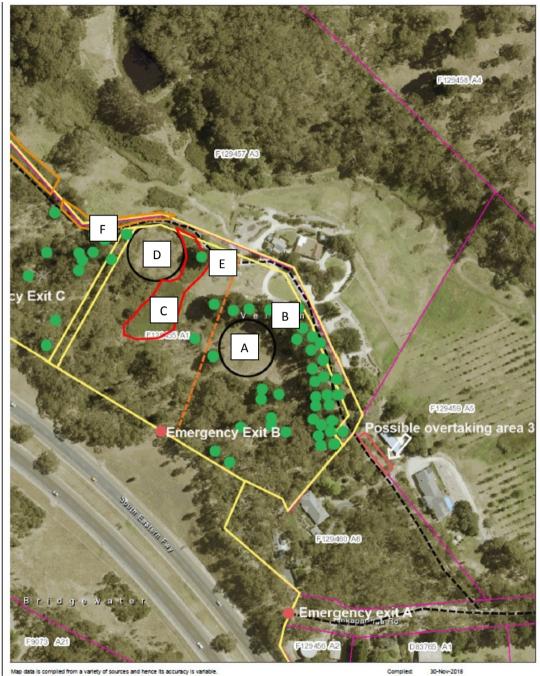
Desktop Review

A desktop review indicated:

- a. No native plant species listed under the NP&W Act or threatened community under the EPBC Act have been recorded in the past.
- b. No Native Vegetation Heritage areas were identified on the property.



Site Map 1

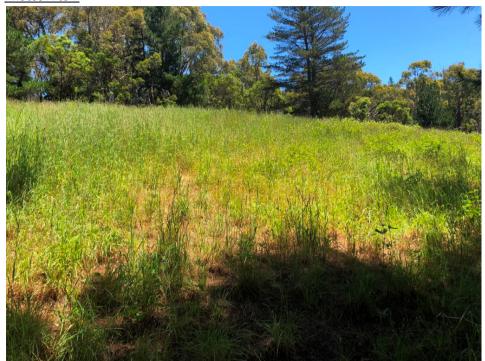


Key to Map

- Yellow Approximate boundary
- Black Circles No Native Vegetation Present potential house sites
- Red area Woody Weed Blackberry
- Green Dot Pinus Radiata
- Orange area Gorse dominant
- Orange dotted line Existing fence



Photos A to F



Map location A - Potential House site



Map location B - Pinus Radiata





Map location C - Drainage line and other weeds



Map location
D - Potential
Houses site





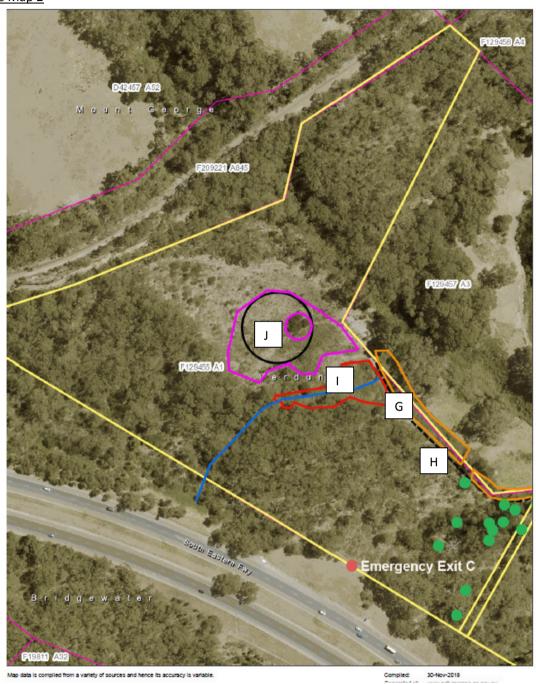
Map location E - Access track a mix of planted species and woody weeds



Map location
F - Access
track a mix of
native trees
and woody
weeds



Site Map 2



Key to Map

- Yellow Approximate boundary
- Black Circle No Native Vegetation Present potential house sites
- Red area Woody Weed Blackberry
- Green Dot Pinus Radiata
- Orange area Gorse dominant
- Purple area High infestation of Erica



Photos H to J



Map location G - Access track dominated by Gorse



Map location H - High infestation of woody weeds into native vegetation along access track





Map location I - High infestation of woody weeds in drainage line



Map location J - Potential house site contains Erica and Acacia longifolia both introduced.



Native Vegetation Act and Regulations

House sites

Two of the sites identified as possible house sites on the survey plan are dominated by introduced species therefore no clearance application is required under the Native Vegetation Act.

The third site has minor regrowth with a high infestation of Erica and Acacia longifolia (introduced). This may require notification to the Native Vegetation Branch however would not be excluded from development due to the degraded nature of the site.

Vehicle Access and overtaking areas or turn around sites

An existing access road is overgrown mostly with Gorse, Blackberry, Pinus radiata and Broom with a very small number of native species.

The improvement or widening of this access area is covered by regulations. Prior to clearance the track should be surveyed and pegged out to minimise removal of native vegetation.

Native vegetation regulations which permit clearance effecting this allotment are:

- a) Regulation 8(13) Vehicle Tracks
- b) Regulation 9(2) (17) & (22) CFS access
- c) Regulation 8 (14) Fences and access
- d) Regulation 8(15) Woody weed controls in native vegetation
- e) Regulation 8(16) Natural Resource Management Problems eg Acacia longifolia & Erica

Conclusion

The areas identified for possible house sites or for the creation of access tracks or the building of fences would not impact on exiting native vegetation outside the existing regulation controls.

It is advisable that a native vegetation consultant assist with on ground marking of areas of impact prior to development.

A management plan for other areas of native vegetation on the property would assist to control the extensive woody weed issues found at the site.

Notification to the Native Vegetation Branch would be advisable prior to development operations.



Onkaparinga Road Overtaking

The following map identifies possible areas for overtaking areas which <u>do not</u> require native vegetation removal to create the passing areas.

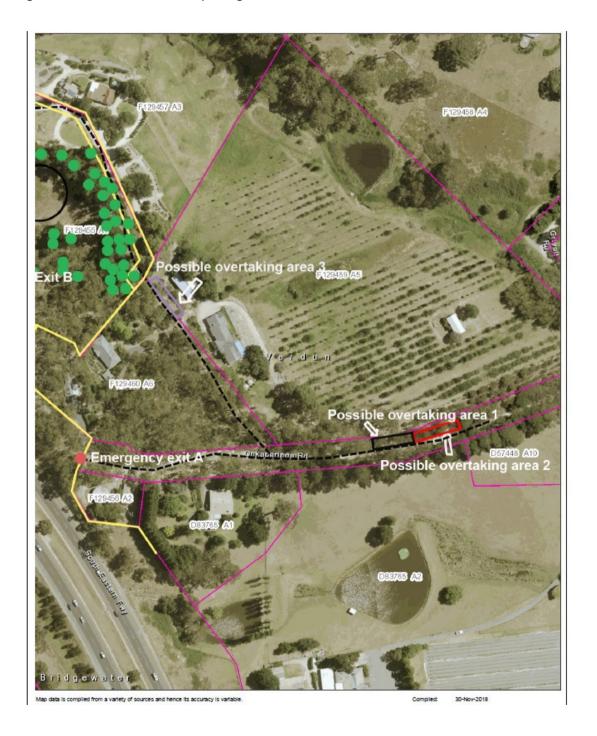




Photo - Onkaparinga Road Overtaking 1



Refer to Black rectangle area on above map Fire fighting plug is located in the middle of this area requiring attention.

Photo - Onkaparinga Road Overtaking 2



Refer to red area on map Oak trees would need removal for an overtaking lane.



Photo - Overtaking 3

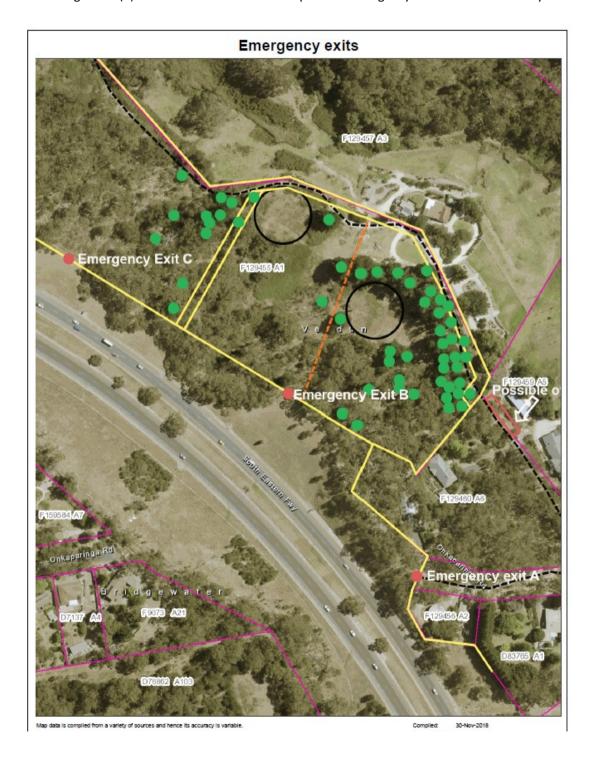


Refer to purple area on map A survey of the actual road boundaries is required. NO native vegetation clearance necessary.



Emergency Exits

The following Three (3) sites have been identified as possible emergency exits to the SE Freeway.





Attachment A - Definitions - Intact Vegetation

A stratum of native vegetation will be taken for the purpose of the Native Vegetation Act to be substantially intact if, in the opinion of the NVC -

- a. the stratum has not been seriously degraded by human activity during the immediate preceding period of 20 years; or
- b. the only serious degradation of the stratum by human activity during that period has been caused by fire.

A stratum of native vegetation means a layer of a plant community consisting of plants that comprise native vegetation and that have a similar growth habit.

DETERMINING THE PRESENCE OF SUBSTANTIALLY INTACT VEGETATION

For the purpose of determining if a stratum is substantially intact the NVC will consider the following factors

- 1. Does the native vegetation constitute a continuous stratum? Each of the following must be satisfied:
 - The plant community within the stratum of interest are growing at original (pre European) density for that community; and
 - Contains a diversity of species similar to original (pre European) vegetation of that community; and
 - Is part of a contiguous area of vegetation consisting of the stratum, including on adjacent properties, that is at least one hectare in area and for linear patches, generally greater that 30m in width. Small. isolated or linear patches of vegetation are subject to significant edge effect and likely to degrade over time; and
 - Does not contain introduced perennial species occupying greater than 20% cover within that stratum.



Planning Chambers Pty Ltd

Office

219 Sturt Street Adelaide SA 5000

Postal Address

P.O Box 6196 Halifax Street SA 5000

08 8212 5979

Office 08 8211 9776

Email admin@planningchambers.com.au

ABN 54 093 576 900

23 November 2018 *12-044RTR01*

Ms Laura Kerber Senior Planning Officer Department of Planning Transport and Infrastructure GPO Box 1815 Adelaide SA 5001

Dear Laura,

RE: Application 473/D044/15 Response to Representations

The abovementioned application is a land division proposal that effectively proposes to relocate an allotment from a predominantly rural locality to a rural living locality. The matter has a long and involved history, the background for which has been provided in summary form by Mr George Manos of Botten Levinson Lawyers. His advice is provided as an attachment to this response.

The abovementioned application has been the subject of Category 3, public notification procedures. In response to the notification, 5 representations have been received. Copies of these representations have been provided to the applicant for consideration and response in accordance with the requirements of Regulation 36 of the Development Regulations 2008.

The representations have been lodged by:

- Mr and Mrs K & JA Toohey
 30A Onkaparinga Road, Verdun
- 2. Mr and Mrs C & P Lennon 24 Onkaparinga Road, Verdun
- Mr G Russ
 30B Onkaparinga Road, Verdun
- 4. Mr T Adams
 Ambulance Road, Verdun
- 5. Dr A Kalnins16 Gallasch Road, Balhannah

Four of these representations oppose the development (Toohey, Lennon, Russ and Kalnins). Four of the persons lodging a representation wish to appear (Toohey, Lennon, Russ and Adams).



Of the four representations opposing the application, one is located near to the 'donor' property at the northern end. Three of the remaining representations have been lodged by persons who occupy land abutting the subject land at the southern end. A plan showing the location of properties from which the representations have been made is included in an attachment to this response.

Before addressing the representation it is appropriate to provide some background to the application.

The subject land (southern end was formerly used as a quarry to extract road base for the construction of the South Eastern Freeway.

The southern land has held the benefit of a registered right of way since division of the land to create the Russ property in about 1970. The right of way was used to provide access to the quarry. The right of way existed when Mr Fiora operated the quarry. He maintained the right of way during the period when the quarry was generating heavy traffic on the roadway.

The Toohey property was subsequently divided from the quarry land in 1971.

I provide the following response to the representations.

1. Mr and Mrs K & JA Toohey

Mr and Mrs Toohey own property abutting the subject land. Their land is subject to the Right of Way (ROW) over which the subject land, and that of Mr Russ, have the right to use.

The Tooheys purchased the property in September 2015. At the time of purchase it is claimed they made enquiries of Mr Russ and were advised the previous development application to divide the quarry property was refused. They claim the refusal was a material consideration when purchasing the property. The representation does not indicate whether enquires were made of the Department of Planning Transport and Infrastructure (DPTI) as the relevant planning authority at the time the land was purchased.

Representation

- a) Report grossly misrepresents the significance and real nature of the proposed boundary realignment.
- b) Additional groundwater well not referenced in the application documents.
- c) Co-dependency Treating the proposal as a single application ensures the two divisions cannot be assessed independently.
- d) Non-compliance The parcels involved are not related.
- e) Inconsistent with PDC 20. This reference is assumed to be to Zone PDC 20.
- f) Lot 45 unsuitable for development. The application documents do not demonstrate this allotment is able to be developed.
- g) Right of Way Increased financial burden on existing land owner and users of the access.
- h) Increase in vehicles numbers Only 4 vehicles currently use the Right of Way. Increase in traffic by 250%.



Response

a) Boundary Re-alignment

Representation

Statement of Effect (SOE) misrepresents the real nature of the development.

Response

On the contrary, the SOE sets out the facts around the land division in considerable detail. When the SOE is read as a whole the proposal is not misrepresented as a boundary realignment, but rather as 'two separate developments in one application'.

One part is a boundary realignment, the effect of which is to extinguish an allotment (title) and the other is the creation of 'an additional allotment'. The net effect however is that there will be no additional allotments created in the Watershed (Primary Production) Zone.

b) Additional Bore

Representation

The representation asserts the application is deficient because it does not include data for a bore drilled in 2016. The representation includes data for that bore. It appears to be located near the Onkaparinga Road boundary of the Toohey land and in a position to the south east of the dwelling.

Response

The drainage field identified for proposed allotment 206 is shown in a position approximately 100 metres to the north west of the new bore.

At this distance the proposed drainage field would satisfy the location/attribute of 50 metres isolation distance from a watercourse, as identified in Table AdHi/5. A watercourse is more likely to be affected by drainage than a bore.

The position of the drainage field is such that should there be any surface flow, it is likely to drain toward the north east, <u>away</u> from the bore on the Toohey land.

c) Co-Dependency

Representation

The application uses a co-dependency as a means of justifying the creation of a new title.

Response

The form of the division is one that has been accepted by the Lands Title Office to deal with boundary adjustments of the type proposed in this case.

Prior to lodging the application staff at the Adelaide Hills Council were consulted to ascertain their views as to the removal/relocation of the 'donor' allotment. Council staff expressed the view that the only way they could be certain no additional titles would be created, was for the two land division components to be joined in the manner shown in the application. That approach was adopted.



The proposal does not use 'sleight of hand' as a means of justifying the proposal.

The proposal could be presented as individual applications but in doing so there would have been no tie between the two to guarantee extinguishment of the 'donor' allotment.

Co-dependency between the two forms of division is a desirable attribute of the proposal rather than being an undesirable one as it ensures there will not be any increase in the number of allotments.

d) Non-compliance

Representation

The proposals are unrelated.

Response

Both parcels are held in the ownership of members of the Fiora family and as set out above are clearly inter-related.

e) Inconsistency with PDC 20

Representation

The proposal is inconsistent with PDC 20.

Response

It is assumed this comment refers to Watershed (Primary Production) Zone, Principle of Development Control (PDC) 20. This PDC relates to minor boundary adjustments. The proposal is not a minor adjustment of allotment boundaries of the form anticipated by PDC 20, but it is a form of boundary adjustment (at the northern end) that will ensure that that land will be used for primary production purposes.

There are five provisions in this section of the Zone provisions that refer to land division. The proposal either satisfies or does not offend the remaining provisions. Failure to comply with one provision of the plan is not fatal to the proposal.

f) Lot 45 is unsuitable for development

Representation

The representation asserts that the application documents do not demonstrate allotment 45 in FP 129499 can be developed.

On the contrary the proposal plans clearly show that allotment 45 in FP 129499 can be developed with a dwelling.



g) Increased Economic Burden

Representation

The representation asserts there will be an increased economic burden on Toohey, allegedly as a consequence of maintaining the right of way.

Response

As a preamble to that assertion the representation cites Fact Sheet 3 issued by the Land Services Group that "...the benefitting party is generally responsible for the maintenance of the right However, unless the granting document specifies this information then the question of maintenance is one that **must be negotiated between the affected parties**" (my emphasis).

The proposal will effectively result in 3 property owners having the responsibility of maintenance rather than 2 currently. The additional participant should reduce the individual maintenance contribution.

Importantly Toohey has the benefit of an alternative access and so is not reliant exclusively upon the Right of Way to secure access to the property he occupies. The fact an additional allotment will be able to use the ROW does not amount to an unreasonable use of the ROW.

h) Traffic

Representation

Increase in traffic on the ROW by 250%.

Response

The Right of Way currently services 3 properties. It is proposed to service one additional property. i.e. now 4 instead of 3. Increase 33%

At worst the land division will allow for 3 properties instead of two to secure access, an increase in traffic by 50%.

The number of vehicle movements per day generated by traffic in near city rural areas is likely to be in the range 6 to 10 vehicle movements per day. On that basis the right of way carries about 20 vpd. This may increase to 30 vpd.

The right of way clearly has adequate capacity to accommodate an increase of 10 vehicle movements per day.

The representation assumes there is only one allotment (Russ) generating traffic using the Right of Way. That assumption is incorrect as the existing allotment has rights to use the ROW, but currently generates little traffic over the ROW. The existing southern land has capacity to be developed with a dwelling, and could generate construction traffic in the manner asserted in the representation. However that is part and parcel of any (future) land use development.

Indeed it is noted that Mr Russ currently has building works being undertaken on his property. Construction traffic associated with those works, has been using the Right of Way.



2. Mr and Mrs C & P Lennon

Mr and Mrs Lennon occupy property at 24 Onkaparinga Road, Verdun. The property abuts the Right of Way that is used to access the subject land. Their property has an abuttal to the subject land of about 13 metres. This boundary is common to the Right of Way applicable to the property at 30b Onkaparinga Road (Russ) and the proposed allotment 205.

It appears from observations made on site the property did at one time use the right of way for access to a carport, but no longer does so.

Representation

The representation comments on:

- a) A significant (up to 200%) increase in traffic using the private road and Onkaparinga Road
- b) Increased dust nuisance
- c) Increased noise nuisance
- The width of the private road being unsuitable for vehicles to pass and fire truck access

Response

The Lennon property abuts the Right of Way but does not secure access from it.

The Right of Way abutting their property is 15.1 metres wide.

It clearly has adequate width to accommodate a 6 metre wide carriageway. A carriageway of that width is normally accepted as a width that would allow vehicles to pass.

In relation to the specific issues raised.

a) Traffic Increase

The response provided to the Toohey representation demonstrates the projected increase in traffic will be about 50% in the worst case by reason of the creation of <u>one</u> additional allotment. This is a reasonable increase in vehicle numbers and an increase well within the capacity of the Right of Way.

b) Increased Dust Nuisance

It is acknowledged that an increase in vehicle numbers using the Right of Way will give rise to the potential to generate additional dust nuisance.

Whether dust is generated will be dependent on the persons using the Right of Way. There is no reason to think the prospective occupiers of both properties (proposed allotments 205 and 206) will not be considerate of their neighbours, to the same extent as the neighbours Russ and Toohey.

c) Increased Noise Nuisance

For reasons outlined in b) above it is reasonable to expect the prospective occupiers of proposed allotments 205 and 206 will be considerate of their neighbours.



d) Width of Right of Way

The current 'pavement' on the Right of Way varies between 3 and 4 metres in width.

The pavement width can be increased if necessary given the width of the Right of Way but given the low volume of traffic likely to be using the right of way there is little need for the pavement to be widened other than to accommodate passing bays for CFS vehicles.

3. Mr G Russ

Mr Russ occupies land at 30b, Onkaparinga Road, Verdun. That land abuts the southern land that is the subject of this application.

Mr Russ takes access to his land via Rights of Way (ROW). One ROW passes through the land occupied by Mr and Mrs Toohey, who hold the servient rights to the land occupied by the ROW. Mr Russ and the applicant hold the dominant rights across the ROW.

Mr Russ also holds dominant rights to traverse a small portion of the land that is the subject of the land division application. That ROW extends into the subject land a width of about 15 metres then turns at right angles for a distance of about 25 metres to access Mr Russ' land. The ROW is only partially utilised by Mr Russ.

The exact position of allotment boundaries is to be the subject of field survey, but it appears Mr Russ utilises a rubbled driveway on the subject land in excess of 120 metres in length over which he has no formal rights, but does so with the agreement of the applicant.

Representation

Mr Russ has expressed concern regarding:

- a) Increased traffic flow and its impact on the roadway, particularly by traffic associated with construction traffic. Construction of the division and subsequently by traffic associated with construction of dwellings on the proposed allotments and subsequently by residential traffic associated therewith.
- b) Groundwater/surface water flow Groundwater that flows from the land currently, causes erosion of the Russ land. Surface water flow may contain pollutants which could affect a dam on the Russ property.
- c) Right of way Failure of the applicant to comment on the ROW to the Russ land and location of a proposed passing lane for CFS vehicles adjacent to his house
- d) The proposal is ingenuous, by linking division near Ambulance Road to this allotment.

Response

a) Increased Traffic Flow

The roadway providing access to proposed allotment 205 is to be contained within that allotment. Allotment 206 will not use that roadway.



Consequently there will not be an increase in traffic flow past the Russ house.

Since the allotment in its current configuration has capacity to be occupied by a dwelling, it is most likely Mr Russ would be exposed to some traffic from that dwelling passing his property.

The additional allotment (206) does not have access to that portion of proposed allotment 205 adjacent to Mr Russ' property. That allotment has a direct frontage to the ROW on the Toohey land.

Mr Russ' concerns as to additional traffic impact cannot be sustained.

Construction Traffic

Similarly there will be a possibility Mr Russ may be affected by traffic associated with construction of a dwelling on allotment 205 but for the reasons above, not from traffic associated with construction of a dwelling on allotment 206.

In relation to construction of the access roadway servicing allotment 205 Mr Russ has expressed concern as to the location of CFS vehicle passing bays.

The roadway is currently located in a position adjacent to Mr Russ' house. He will potentially be affected irrespective of whether or not this land division is approved, because the access road will need to be upgraded when the land is developed with a dwelling.

b) Ground Water and Surface Flow

The representation appears to refer to surface water flows rather than groundwater impacts.

At the moment, surface flows from the proposed allotment 206 may pass through Mr Russ' land in either a controlled or uncontrolled form.

Should the division not be approved the roadway servicing proposed allotment 205 is likely to be upgraded to allow construction of a dwelling on part of the existing allotment.

In those circumstances there is unlikely to be any material change in the flow of surface waters on the Russ' land from that currently existing.

In the event the division is approved one would reasonably expect a dwelling and landscaped gardens to be constructed on the land. In my opinion there is a greater prospect of improvement in the control of stormwater than there would be if the division does not proceed.

c) Right of Way

Currently Mr Russ is using portion of proposed allotments 205 and 206 for access and storage. He does not have right of way over that land but has been allowed to use the land by Mr Fiora. His registered lawful rights are limited to a small area adjacent to the eastern boundary abutting right of way 'B'.

His existing right of way will remain unaltered by the proposed division.



d) Ingenuous Link

Mr Russ has expressed concern that the division is ingenuous.

The plan of division is in a form acceptable to the Land Titles Office. The form of division has been approved on a number of occasions previously by both the Development Assessment Commission and the Registrar General, irrespective of the asserted ingenuousness of the proposal in this case.

It is a genuine form of division acceptable to the Land Titles Office. Should the application be approved the number of allotments will not change as the increase from 1 allotment to 2 at the southern end will be offset by the extinguishment of the title (lot 45) at the northern end.

4. Mr T Adams

Mr Adams has indicated his support for the division. He has indicated a desire to address the State Commission Assessment Panel (SCAP).

Representation

The land division proposal affects Mr Adams' land.

Response

No response is required.

5. Dr A Kalnins

Dr Kalnins is the owner of property located at 16 Gallasch Road, Balhannah. The property is located to the north of the Adelaide-Melbourne railway.

The Kalnins property has a frontage to the railway corridor. It does not have a frontage to the existing allotment 45 in Filed Plan 129499.

Allotment 45 does not have access to Gallasch Road.

Representation

Dr Kalnins opposes the land division application.

Dr Kalnins has commented in his representation to the effect that:

- a) Allotment 45 is only part of a title
- b) Allotment 45 is being absorbed to make a new title
- c) He had previously been advised that b) above, could not be done
- d) The application is a 'Sleight of Hand'
- e) Lot 45 is 'land locked'



Response

It may be that Dr Kalnins has been misinformed or does not fully understand the application.

a) Allotment 45

Allotment 45 land is not part of a title. The land is in fact and law, an independent allotment with its own Certificate of Title.

b) New Title

The Title to allotment 45 is not being absorbed, nor amalgamated to make a new Title. It is land that has its own Title that is essentially being transported to another parcel at the southern end.

c) Professional Advice

My clients were not privy to the advice Mr Kalnins received when he purchased his property. Had he sought professional advice he would have been advised of the options he had at the time. The options would be entirely dependent upon the objectives he sought to achieve.

d) 'Sleight of Hand'

The application is not a 'Sleight of Hand'. The procedures being followed are accepted by the Land Titles Office as a legitimate land division and Title transfer process. Further I repeat the comments above in response to the representation from Mr Russ.

e) Land Locked

Allotment 45 may be land locked but that does not prevent its development. It is possible to secure access to the land via a Right of Way and Mr Gallasch has previously provided the relevant authority for that right to be taken over his land. The grant of a Right of Way is not 'development', as defined. No development approval is required to secure legal access to lot 45.



CONCLUSION

The representations do not raise substantive issues that affect the assessment of the application. The matters raised do not cause me to alter the opinions previously expressed in the SOE.

The proposal remains one that warrants the grant of consent.

Both Mr Manos and I will be available to address the SCAP when the matter is to be considered.

Yours sincerely

Planning Chambers Pty Ltd

Jeff Smith

Director

Enclosed: Advice of George Manos, Botten Levinson Lawyers

Plan showing representors' properties

Our ref: GM/209278

20 November 2018

Mr Jeff Smith
Planning Chambers Pty Ltd
219 Sturt Street
ADELAIDE SA 5000

By email: jeff@planningchambers.com.au

Dear Jeff

DA 473/D044/15 - land division at Verdun

You have sought my comments in relation to some matters raised by some of the representors in relation to land division application to divide certain land at Verdun.

There is a long history to the matter and I have been involved at various stages with this application.

In essence, the application seeks approval for a land division whereby Lot 45 owned by Mr and Mrs Fiora (which I refer to as the northern land) is proposed to be amalgamated with adjoining land owned by Mr Gallasch (together with an adjustment of Mr Gallasch's other land which involves Mr Trevor Adams and the creation of two allotments from one existing allotment known as Lot 1 at the southern end. The southern allotment will be divided into proposed lots 205 and 206.

There has been some legal debate as to the true nature of the application. The courts have decided that the application is non-complying on the basis that in essence there are two separate acts of development via the one application. The courts have said there is a land division at the northern end by reason of the extinguishment of the title to Lot 45 and amalgamating that with the land owned by Mr Gallasch and there is a division of land at southern end by the creation of one additional allotment.

At all times however the effect of the application, if approved, will mean that the total number of allotments preceding and post the division will be the same. An allotment at the northern end – lot 45 will be extinguished thus reducing the total number of allotments by one and contemporaneously with that event, there will then be the creation of an additional allotment at the southern end. This will all occur at the same time so that at all times the number of allotments (in the Zone) remains the same.

Some of the representors have suggested that the approach taken is ingenuous and is using a sleight of hand. Those suggestions are absurd. At all times, there has been full disclosure of the application and the application has been so understood by the relevant planning authorities.

Level 1 Darling Building 28 Franklin Street, Adelaide GPO Box 1042, Adelaide SA 5001

t. 08 8212 9777

BOTTEN

Lawyers

LEVINSON

f. 08 8212 8099

e. info@bllawyers.com.au

In any event, the application is being treated as being for a non-complying development, consistent with the decision by the SA Courts. However that does not alter the fact that the number of allotments both pre and post the division will remain the same.

I understand that this approach is one that has commonly been applied in the past because the threshold test in the Development Plan is that no <u>additional</u> allotment be created in the zone. In this instance, both the lot 45 to the north and lot 1 to the south are in the same zone. No additional allotments will be created if the application is approved.

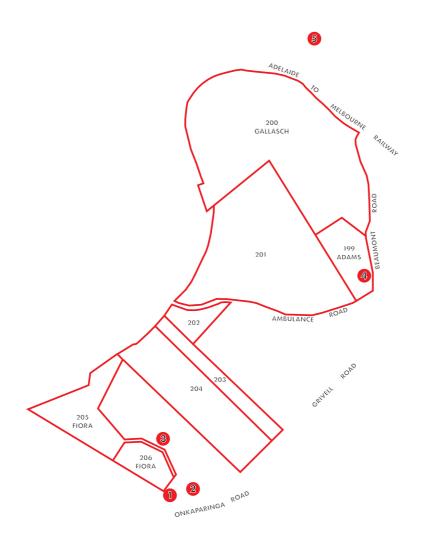
I understand that you propose to attach this advice to the response to representations. I have no objection to you doing so.

Yours faithfully

George Manos BOTTEN LEVINSON

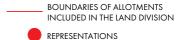
Email: gm@bllawyers.com.au

George Manos





LEGEND



REPRESENTORS

- 1. Mr Kevin and Ms Julie-Anne Toohey 30A Onkaparinga Road, VERDUN (oppose)
- 2. Ms Petra and Mr Chris Lennon 24 Onkaparinga Road, VERDUN (oppose)
- 3. Mr Graeme Russ 30B Onkaparinga Road, VERDUN (oppose)
- 4. Mr Trevor Adams 83 Beaumont Road, VERDUN (oppose)
- 5. Dr Andris Kalnins 16 Gallasch Road, BALHANNAH (oppose)

IMAGE SOURCE: PROPERTY LOCATION BROWSER



SCALE 1:10000



LOCATION OF REPRESENTORS

AT BEAUMONT & ONKAPARINGA ROADS

MR R. FIORA

12.044.03

OCTOBER 2018



ATTACHMENT 8

DEVELOPMENT PLAN PROVISIONS

ADELAIDE HILLS COUNCIL DEVELOPMENT PLAN CONSOLIDATED - 9 JANUARY 14

WATERSHED (PRIMARY PRODUCTION) ZONE

- OB 1 The maintenance and enhancement of the natural resources of the south Mount Lofty Ranges.
- OB 2 The enhancement of the Mount Lofty Ranges Watershed as a source of high quality water.
- OB 3 The long-term sustainability of rural production in the south Mount Lofty Ranges.
- OB 4 The preservation and restoration of remnant native vegetation in the south Mount Lofty Ranges.
- OB 5 The enhancement of the amenity and landscape of the south Mount Lofty Ranges for the enjoyment of residents and visitors.

Land Division

PDC 18 Land Division should only occur where a suitable site for a detached dwelling is available which complies with the criteria detailed in Table AdHi/5.

PDC 19 Land division in rural areas should not occur where the proposed or potential use is liable to:

- (a) result in the pollution of water resources; or
- (b) cause the loss of productive primary production land.
- PDC 20 Land division may be undertaken where no additional allotment or allotments are created and the purpose of the plan of division is to:
- (a) provide for a minor readjustment of allotment boundaries to correct an anomaly in the placement of those boundaries with respect to the location of existing buildings; and
- (b) provide for a minor readjustment of allotment boundaries to improve the management of the land for the purpose of primary production and/or the conservation of its natural features.
- PDC 21 Land division may be undertaken provided that the development of the resulting allotments would not result in a loss of primary production land or in a greater risk of pollution of surface or underground waters than would occur through development of the existing allotments.
- PDC 22 Re-arrangement of allotment boundaries should produce allotments of a size consistent with that in the locality.

ONKAPARINGA SLOPES POLICY AREA 11

OB 1 The retention of low density rural development by the exclusion of rural living areas or uses which would require division of land into smaller holdings.



COUNCIL WIDE

Form of Development

- OB 1 Orderly and economic development.
- OB 2 A proper distribution and segregation of living, working and recreational activities by the allocation of suitable areas of land for those purposes.
- OB 4 The retention of the country town character and protection of the surrounding watersheds and primary production land from urban development.
- OB 6 Protection of productive primary production land from conversion to non-productive or incompatible uses, and encouragement of full-time farming of rural land.
- PDC 2 Development should be orderly and economic.
- PDC 3 Development should take place on land which is suitable for the intended use of that land having regard to the location and condition of that land and the objectives for the zone in which it is located.
- PDC 9 Development should not take place in a manner which will interfere with the effective use of other land in the locality and which will not prevent the attainment of the objectives for that other land.
- PDC 12 In the absence of a reticulated or indirect water supply, development should have an independent water supply of a nature, design, quality and capacity that can be demonstrated as suitable for meeting the ongoing requirements of the development, particularly for domestic, livestock, and fire protection purposes.

Land Division

OB 1 Land in appropriate localities divided into allotments in an orderly and economic manner.

PDC 28 Land should not be divided:

- (a) in a manner which would prevent the satisfactory future division of the land, or any part thereof;
- (b) where community facilities or public utilities are lacking or inadequate;
- (c) where the proposed use of the land is the same as the proposed use of other existing allotments in the vicinity, and a substantial number of the existing allotments have not been used for that purpose;
- (d) where the overall natural slope of the land in any proposed allotment is steeper than a gradient of 1 in 4, except where shown on Residential (Glen Stuart Road) Concept Plan Figure R/1.
- (e) if the proposed use, or the establishment of the proposed use, is likely to lead to erosion of the land in the vicinity thereof;
- (f) unless wastes produced by the proposed use of the land can be managed so as to prevent pollution of a public water supply or any surface or underground water resources;
- (g) if the slope and soil structure of the land is unsuitable for septic tank effluent disposal where required;
- (h) if the size, shape and location of, and the slope and nature of the land contained in each allotment resulting from the division is unsuitable for the purpose for which the allotment is to be used;
- (i) if any part of the land is likely to be inundated by floodwaters and risk of flooding is inappropriate to the intended use of the land;
- (j) without due regard being given to the surface drainage of each allotment created;



- (k) if it will lead to the sterilisation of mineral resources:
- (I) where there would be detrimental effect to the character, integrity and heritage value of the land or detract from buildings or gardens of recognised heritage significance land identified/listed in Tables AdHi/1 and 2; or
- (m) where an underground water supply to be used for the intended development cannot be maintained in the long-term or if the underground water supply of adjacent users will be adversely affected.

PDC 29 When land is divided:

- (a) any reserves or easements necessary for the provision of public utility services should be provided;
- (b) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare;
- (c) for urban purposes, provision should be made for suitable land to be set aside for usable local open space;
- (d) provision should be made for a reserve of at least 30 metres in width along the watercourse when measured from the top of the bank;
- (e) each allotment resulting from the division should be provided with safe and convenient access to the carriageway of an existing or proposed road or thoroughfare. No allotment should be solely dependant upon a private road, or right of way, for access;
- (f) a water supply sufficient for the purpose for which the allotment is to be used should be made available to each allotment; and
- (g) provision should be made for the disposal of waste waters, sewage and other effluent on each allotment without risk to health.
- PDC 30 Allotment boundaries should be located where interference with native vegetation and drainage lines will be minimal and in locations which enhance the management of the natural features.
- PDC 31 No land division should take place where the subsequent development of the land may lead to or result in the exploitation or pollution of a water resource.
- PDC 32 Land division should only occur where the land is suitable for its intended or particular use.

PDC 36 The design of a land division should be capable of or provide for:

- (a) minimised impact on landform and drainage systems;
- (b) land affected by a 1:100 ARI flood event being kept free from development;
- (c) a stormwater drainage system that:
- (i) does not increase the flow rate downstream; and/or
- (ii) where practicable, stormwater flows to be retained and detained for re-use close to its source including possible aquifer storage and re-use;
- (d) maximised interception, retention and removal of water-borne pollutants (including sediment, litter, nutrients, microbial contaminants and other potential toxic materials) prior to their discharge to receiving water;
- (e) the continuation of or assisting in the establishment or restoration of healthy and diverse wetland environments;
- (f) preventing the potential for sewage overflows to enter the system;
- (g) maximising opportunities for aguifer recharge; and
- (h) utilisation of opportunities for storing, treating and retrieving stormwater run-off for subsequent use.
- PDC 37 The arrangement of roads, allotments, reserves and open space should enable the provision of a stormwater drainage system that:
- (a) retains and protects natural watercourses, drainage lines and vegetation;



- (b) incorporates detention1 and/or retention2 basins necessary to maintain the peak volume and rate of peak flow run-off from newly developed areas at levels as near as possible to those which existed prior to urban development;
- (c) provides, where feasible, for aquifer recharge;
- (d) enhances residential amenity;
- (e) integrates with the open space system and surrounding area; and
- (f) directs stormwater generated from roads and car parks through natural stormwater treatment and devices such as swales, bio-retention systems and wetlands.

Transportation (Movement of People and Goods)

- OB 14 A compatible arrangement between land uses and the transport system which will:
- (a) ensure minimal noise and air pollution;
- (b) protect amenity of existing and future land uses;
- (c) provide adequate access;
- (d) ensure maximum safety; and
- (e) protect roadside vegetation.
- OB 20 The safe and efficient movement of people and goods.

Rural Development

OB 61 The retention of rural areas primarily for forestry, primary production and conservation purposes and the maintenance of the natural character and rural beauty of such areas.

PDC 174 Rural land should primarily be retained for agricultural and/or native vegetation retention purposes.

Conservation

- OB 68 The conservation, preservation, or enhancement, of scenically attractive areas, including land adjoining water or scenic routes.
- OB 70 The retention of remaining native vegetation.
- OB 71 The retention of native vegetation where clearance is likely to lead to problems of soil erosion, soil slip and soil salinization, flooding or a deterioration in the quality of surface waters.
- OB 72 The retention of native vegetation for amenity purposes, for livestock shade and shelter, for the movement of native wildlife and for seeds.
- OB 77 The conservation and preservation of the rural character, scenic amenity and bushland of the area.
- OB 78 Buildings and other structures sited on allotments in a manner which minimizes the requirement to clear or remove native vegetation.
- OB 79 Land division, including boundary re-arrangement, which retains areas of native vegetation on single or the least number of allotments.
- PDC 202 Development should be undertaken with the minimum effect on natural features, land adjoining water or scenic routes or scenically attractive areas.
- PDC 203 Natural vegetation should be preserved and replanting should take place.



PDC 204 Development should not impair the character or nature of buildings or sites of architectural, historical or scientific interest or sites of natural beauty.

PDC 205 The rural character, scenic amenity and bushland of the south Mount Lofty Ranges should be conserved and enhanced.

PDC 209 Native vegetation should not be cleared if it:

- (a) provides important habitat for wildlife;
- (b) has a high plant species diversion or has rare or endangered plant species and plant associations;
- (c) has high amenity value;
- (d) contributes to the landscape quality of an area;
- (e) has high value as a remnant of vegetation associations characteristic of a district or region prior to extensive clearance for agriculture;
- (f) is associated with sites of scientific, archaeological, historic, or cultural significance; or
- (g) is growing in, or is characteristically associated with, a wetland environment.

PDC 210 When clearance is proposed, consideration should be given to:

- (a) retention of native vegetation for, or as:
- (i) corridors or wildlife refuges;
- (ii) amenity purposes;
- (iii) livestock shade and shelter; or
- (iv) protection from erosion along watercourses and the filtering of suspended solids and nutrients from runoff;
- (b) the effects of retention on farm management; and
- (c) the implications of retention or clearance on fire control.

PDC 212 Remnants of bushland should be preserved.

PDC 213 Development should conserve fauna and flora.

PDC 214 Trees and other vegetation, including remnants of native flora, should be preserved and protected against disfigurement if they are of:

- (a) particular visual significance or interest;
- (b) scientific interest;
- (c) value as a native fauna habitat;
- (d) historic significance;
- (e) value in the prevention of soil erosion;
- (f) value in screening existing or future buildings or unsightly views or activities;
- (g) value in existing or future developments for shade or windbreak; or
- (h) value as roadside character.

If necessary to fell these trees, replanting should proceed.

PDC 216 The treatment and disposal of effluent and any other waste material should be achieved without risk to health and without pollution of any water resource.

PDC 217 Important natural resources including watercourses and water catchment areas, scenic areas and significant flora and fauna areas should be conserved and protected from development which would affect them adversely.

Appearance of Land and Buildings

OB 87 The amenity of localities not impaired by the appearance of land, buildings and objects.

OB 89 Views from the South Eastern Freeway not impaired by appearance of land and buildings.



OB 90 Development in urban and rural areas in keeping with appearance and character of those areas.

PDC 231 The appearance of land, buildings and objects should not impair the amenity of the locality in which they are situated.

PDC 244 Subject to proper regard to bushfire hazards, trees and other vegetation should be retained or included with development.

Watershed Protection

OB 103 Protection of watersheds from pollution.

OB 104 The protection of the Mount Lofty Ranges Watershed against pollution and contamination.

OB 105 The prevention of development which could lead to a deterioration in the quality of surface or underground waters within the Mount Lofty Ranges Watershed.

PDC 296 Development within the Mount Lofty Ranges should be compatible with its use as a water catchment and storage area, and with its values as an area of primary production and scenic quality.

PDC 297 Development should primarily be limited to that which is essential for the maintenance of sustainable grazing, commercial forestry and primary production activities.

PDC 299 Development should minimise the risk of pollution of water catchment areas.

Bushfire Protection

OB 106 Development should minimise the threat and impact of bushfires on life and property while protecting the natural and rural character.

OB 107 Buildings and the intensification of non-rural land uses directed away from areas of high bushfire risk.

PDC 300 Buildings and structures should be located away from areas that pose an unacceptable bushfire risk as a result of one or more of the following:

- (a) vegetation cover comprising trees and/or shrubs;
- (b) poor access;
- (c) rugged terrain;
- (d) inability to provide an adequate building protection zone; or
- (e) inability to provide an adequate supply of water for fire-fighting purposes.

PDC 304 Land division for residential or tourist accommodation purposes within areas of high bushfire risk should be limited to those areas specifically set aside for these uses.

PDC 305 Where land division does occur it should be designed to:

- (a) minimise the danger to residents, other occupants of buildings and fire fighting personnel;
- (b) minimise the extent of damage to buildings and other property during a bushfire;
- (c) ensure each allotment contains a suitable building site that is located away from vegetation that would pose an unacceptable risk in the event of bushfire; and
- (d) ensure provision of a fire hazard separation zone isolating residential allotments from areas that pose an unacceptable bushfire risk by containing the allotments within a perimeter road or through other means that achieve an adequate separation.



PDC 306 Vehicle access and driveways to properties and public roads created by land division should be designed and constructed to:

- (a) facilitate safe and effective operational use for fire-fighting and other emergency vehicles and residents; and
- (b) provide for two-way vehicular access between areas of fire risk and the nearest public road.

PDC 307 Development in a Bushfire Protection Area should be in accordance with those provisions of the *Minister's Code: Undertaking development in Bushfire Protection Areas* that are designated as mandatory for Development Plan Consent purposes.

Catchment Water Management

OB 119 Protection of the quality and quantity of South Australia's surface waters (inland, marine and estuarine) and underground waters.

OB 122 Development which:

- (a) ensures surface run-off promotes the restoration of natural flow regimes;
- (b) prevents soil erosion and water pollution;
- (c) protects stormwater from pollution sources;
- (d) protects environmental flows required to meet the needs of the natural environment;
- (e) protects water quality and riparian zones8 by providing adequate separation distances from watercourses9, and other water bodies;
- (f) protects water quality from problems associated with salinity;
- (g) maintains natural hydrological systems and existing indigenous vegetation;
- (h) maintains natural water storage capacity whether temporary or permanent; and
- (i) protects aguifers 10, particularly recharge zones and their dependent ecosystems 11.



Minutes of the 87th Meeting of the State Commission Assessment Panel held on Thursday 25 June 2020 commencing at 9.30am via Cisco Webex video conferencing

1. OPENING

PRESENT 1.1.

Rebecca Thomas **Presiding Member**

Members Dennis Mutton (Deputy Presiding Member)

> John Eckert Emma Herriman Paul Leadbeter

Jessie Surace Secretary

DPTI Staff Jason Cattonar (Agenda Item 2.2.1, 2.2.2, 3.1.1)

Simon Neldner (Agenda Item 2.2.1, 3.1.1)

Laura Kerber (Agenda Item 2.2.1) Sarah Elding (Agenda Item 3.1.1) Ben Scholes (Agenda Item 2.2.2)

Gabrielle McMahon (Agenda Item 2.2.2)

1.2. **APOLOGIES Grant Pember**

Note: Meeting procedures of the SCAP have been modified in the light of COVID-19 and State Government protocols. Where possible participation in this meeting has been undertaken remotely to minimise risks.

2. SCAP APPLICATIONS

- 2.1. **DEFERRED APPLICATIONS** - Nil
- 2.2. **NEW APPLICATIONS**

SCAP Minutes - 25 June 2020 Page 1 of 8

2.2.1 Reginald Fiora

473/D044/15

Various land parcels at Onkaparinga Road, Grivell Road, Beaumont Road, Gallasch Road and Ambulance Road, Verdun

Adelaide Hills Council

Proposal: Land Division: 1 into 2 and Boundary Realignment: 3 into 2

The Presiding Member welcomed all in attendance to the State Commission Assessment Panel hearing:

Applicants

- George Manos, Botten Levinson presented
- Jeff Smith, Planning Chambers presented

Council

• Sam Clements, Adelaide Hills Council - presented

Agency

Alice Everitt, Native Veg Council

Representors

- Kevin Toohey presented
- Graeme Russ presented
- Chris Lennon presented

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1. The proposed development is NOT seriously at variance with the policies in the Development Plan.
- 2. The State Commission Assessment Panel is satisfied that the proposal generally accords with the related Objectives and Principles of Development Control for the division of land in the Watershed (Primary Production) Zone, Adelaide Hills Council Development Plan (Consolidated 9 January 2014).
- 3. To grant Development Plan Consent (and Land Division Consent) to the proposal by Reginald Fiora for a Land Division (1 into 2) and Boundary Realignment (3 into 2) at Onkaparinga Road, Grivell Road, Beaumont Road, Gallasch Road and Ambulance Road, Verdun (various land parcels) subject to the following and conditions of consent and the concurrence of the Adelaide Hills Council and the Minister for Planning.

PLANNING CONDITIONS

- 1. Except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the approved plan for Development Application No 473/D044/15:
 - Proposal Plan Drawing 27405DU1-R1 Rev 1 dated 7 August 2018 prepared by Fyfe Pty Ltd;

Reason for condition: to ensure the development is undertaken in accordance with endorsed plans and application details.

2. Direct vehicular access to/from the South East Highway (Southern Eastern Freeway) shall not be permitted to serve the plan of division.

SCAP Minutes – 25 June 2020 Page 2 of 8

Reason for condition: To ensure safe and appropriate access to the development is maintained at all times.

3. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of the South East Highway (Southern Eastern Freeway). Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

Reason for condition: To ensure any alterations to drainage infrastructure meet road authority standards.

LAND DIVISION REQUIREMENTS

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

Reason for condition: To ensure the final plan of division meets current guidelines for the submission of documentation to the Land Titles Office.

ADVISORY NOTES

a. The applicant's attention is drawn to the requirements of Section 7(5)(e) of the *Planning, Development and Infrastructure Act 2016* as it applies to this development approval, which states that:

A development authorisation granted in relation to the proposed development will be taken to be subject to the condition that the additional allotments created will not be used for residential development.

- b. The development must be substantially commenced or application for certificate made within 12 months of the date of the operative authorisation, unless this period has been extended by the State Planning Commission.
- c. The authorisation will lapse if not commenced within 12 months of the date of operative authorisation.
- d. The applicant is also advised that the final land division certificate must be obtained from the SCAP to complete the development within 3 years of the date of the Notification unless this period is extended by the State Planning Commission.
- e. The applicant has no right of appeal against the conditions which have been imposed on this Development Plan Consent or Development Approval.
- f. This plan of division abuts a section of the South East Highway (Southern Eastern Freeway) that was proclaimed as a controlled access road on 18 August 1977 pursuant to Part 2A of the *Highways Act 1926*. Departmental records show that there is no proclaimed or permitted means of access by which persons and vehicles may directly enter or leave the controlled access road from/to this site. Access is available via the adjacent local road network.

SCAP Minutes – 25 June 2020 Page 3 of 8

2.2.2 Taplin Group C/-URPS

110/M014/20

11-23 Jetty Road and 1-3 Colley Terrace, Glenelg

City of Holdfast Bay

<u>Proposal</u>: Alterations and upgrades to ground floor retail tenancies and construction of seven (7) storey motel with ancillary gymnasium, reception, lobby, bar and restaurant facilities and associated car parking.

John Eckert declared a conflict (due to the applicant being a client of his employer) and left the meeting for this item.

The Presiding Member welcomed all in attendance to the State Commission Assessment Panel hearing:

Applicants

- Matthew King, URPS presented
- Andrew Taplin, Taplin Group
- Alexander Brown, Alexander Brown Architects presented
- Phil Weaver, Phil Weaver & Associates
- Matthew John, Alexander Brown Architects

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1. The proposed development is NOT seriously at variance with the policies in the Development Plan.
- 2. The State Commission Assessment Panel is satisfied that the proposal generally accords with the related Objectives and Principles of Development Control of the Holdfast Bay Council Development Plan.
- 3. To grant Development Plan Consent to the proposal by the Taplin Group C/- URPS for Application No. 110/M014/20 for alterations and upgrades to ground floor retail tenancies and construction of seven (7) storey motel with ancillary gymnasium, reception, lobby, bar/restaurant and function room facilities and associated car parking at 13-23 Jetty Road and 1-3 Colley Terrace, Glenelg subject to the following conditions of consent.

PLANNING CONDITIONS

1. That except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the details and plans submitted in Development Application No. 110/M014/20, except where varied by the conditions below.

Reason for condition: to ensure the development is constructed in accordance with endorsed plans and application details

External Materials

2. Prior to Development Approval for superstructure works the applicant shall submit, in consultation with the Government Architect, and to the reasonable satisfaction of the State Planning Commission a final detailed schedule of external materials and finishes along with a physical materials sample board with documented performance to demonstrate suitability of the specified products and materials within a coastal area.

SCAP Minutes – 25 June 2020 Page 4 of 8

In particular this needs to include:

- 1. Expression and materials of the northern podium wall which demonstrate improved facade articulation and detailing; and
- 2. Final specification of the glazing system including colour and environmental performance standards.

Reason for condition: to ensure a high design standard and appearance and that the specified external materials and finishes are appropriate for a coastal environment.

Vehicle Parking and Site Access

3. All vehicle car parks, driveways and vehicle entry and manoeuvring areas shall be designed and constructed in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6.2009) and be constructed, drained and paved with bitumen, concrete or paving bricks in accordance with sound engineering practice and appropriately line marked to the reasonable satisfaction of the State Planning Commission prior to the occupation or use of the development.

Reason for condition: to ensure vehicle parking to be incorporated in the development is designed and constructed in accordance with the relevant standards

Environment

- 4. The hours for waste collection shall be scheduled to occur between:
 - 9:00 a.m. 5:00 p.m. on a Sunday or a public holiday; or
 - 7:00 a.m. 9:00 a.m. on any other day.

Reason for condition: To minimise potential for traffic impacts and vehicle congestion in Durham Street caused during waste collection periods

5. The development shall be designed and constructed to achieve the requirements of Minister's Specification SA 78B – Construction requirements for the control of external sound.

Reason for condition: to protect occupants and users of the development from impacts of existing or future road and rail sound and mixed land use sound sources in the locality

6. Air conditioning or air extraction plant or ducting shall be acoustically screened such that no unreasonable nuisance or loss of amenity is caused to residents and users of properties in the locality to the reasonable satisfaction of the State Planning Commission.

Reason for condition: to ensure mechanical equipment associated with the development does not detrimentally impact on amenity or cause unreasonable nuisance in the locality

7. All external lighting on the site shall be designed and constructed to conform to Australian Standard – AS 4282-1997 (Control of the obtrusive effects of outdoor lighting).

Reason for condition: to ensure external lighting does not introduce undue nuisance for occupants of adjacent land or potential for hazards to users of the adjacent road network in accordance with the necessary standard

8. All stormwater design and construction shall be in accordance with Australian Standard AS/NZS 3500.3:2015 (Part 3 – Stormwater Drainage) to ensure that stormwater does not adversely affect any adjoining property or public road.

Reason for condition: to ensure the development's stormwater management system is designed and constructed in accordance with the recommendations of the Holdfast Bay Council's City Assets Department

SCAP Minutes – 25 June 2020 Page 5 of 8

Infrastructure

9. All Council, utility or State-agency maintained infrastructure (i.e. roads, kerbs, drains, crossovers, footpaths etc.) that is demolished, altered, removed or damaged during the construction of the development shall be reinstated to Council, utility or State agency specifications. All expenses associated with these works shall be met by the applicant proponent.

Reason for condition: to ensure appropriate reinstatement of any Council, utility or stateagency maintained infrastructure affected by construction activities

ADVISORY NOTES

- a. This Development Plan Consent will expire after twelve (12) months from the date of this Notification, unless final Development Approval from Council has been received within that period or this Consent has been extended by the State Planning Commission.
- b. The applicant is also advised that any act or work authorised or required by this Notification must be substantially commenced within one (1) year of the final Development Approval issued by Council and substantially completed within three (3) years of the date of final Development Approval issued by Council, unless that Development Approval is extended by the Council.
- c. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide (telephone number 8204 0289).
- d. As work is being undertaken on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- e. The applicant should ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense.
- f. The applicant, or any person with the benefit of this consent, must ensure that any consent/permit from other authorities or third parties that may be required to undertake the development, have been granted by that authority prior to the commencement of the development including (but not limited to) permits issued under Section 221 of the *Local Government Act 1999* and payment of any associated fee/s.
- g. The applicant is reminded of their obligations under the *Local Nuisance and Litter Control Act 2016* and the *Environment Protection Act 1993*, in regard to the appropriate management of environmental impacts and matters of local nuisance. For further information about appropriate management of construction sites, please contact the City of Holdfast Bay on (08) 8229 9999 or email mail@holdfast.sa.gov.au.
- h. No signage or advertising forms part of this development plan consent. No advertising display or signage shall be erected or displayed upon the subject land without an associated Development Approval first being obtained.
- i. You are advised of the following requirements of the Heritage Places Act 1993:
 - a) if an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified; and
 - b) where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

SCAP Minutes – 25 June 2020 Page 6 of 8

j. If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the Aboriginal Heritage Act 1988.

2.3. **RESERVED MATTERS** - Nil

3. CROWN DEVELOPMENTS (ADVISORY ITEMS)

3.1. **DEFERRED APPLICATIONS**

3.1.1 **Department for Education**

752/V005/20

12 Stadium Drive, Berri

Berri Barmera Council

<u>Proposal</u>: Redevelopment of Glossop High School Senior Campus: construction of two classroom buildings and an extension to the existing administration building and performing arts centre, associated ancillary infrastructure and civil works.

The Presiding Member welcomed all in attendance to the State Commission Assessment Panel hearing:

Applicants

- Simon Frost, Greenway Architects presented
- Jamie Robertson, Department for Education
- Stephanie White, Sitzler Constructions

Council

- Dylan Grieve, Berri Barmera Council
- Karyn Burton, Berri Barmera Council
- Dave Degrancy, Berri Barmera Council

Agency

Aya Shirai-Doull, ODASA

The State Commission Assessment Panel discussed the application.

RESOLVED

That the State Commission Assessment Panel provide its recommendation in confidence to the Minister for Planning.

Note: a Decision Notification Form will be forwarded to all representors once the Minister has made a decision on the application.

3.2. **NEW APPLICATIONS** - Nil

4. MAJOR DEVELOPMENTS - VARIATIONS - Nil

5. OTHER BUSINESS

SCAP Minutes – 25 June 2020 Page 7 of 8

5.1. Procedural Matters – COVID-19 protocols

Noting the State Commission Assessment Panel's desire to return to pre-COVID standard meeting protocols, recognising current and evolving emergency health orders, the Presiding Member of the SCAP will forward correspondence to the Chair of the SPC in relation to COVID-19 protocols following a circular resolution of SCAP members.

6. **NEXT MEETING**

6.1. Thursday 9 July 2020 at ODASA, 28 Leigh Street, Adelaide SA 5000 and via Cisco Webex video conferencing

7. CONFIRMATION OF THE MINUTES OF THE MEETING

7.1. **RESOLVED** that the Minutes of this meeting held today be confirmed.

8. **MEETING CLOSE**

The Presiding Member thanked all in attendance and closed the meeting at 3.23pm.

Confirmed 25/06/2020

Rebecca Thomas
PRESIDING MEMBER

SCAP Minutes – 25 June 2020 Page 8 of 8

Karen Savage

From:

Kerber, Laura (DPTI) < Laura.Kerber@sa.gov.au>

Sent:

Wednesday, 5 August 2020 1:25 PM

To:

Deryn Atkinson

Subject:

TRIM: RE: 473/D044/15 - Land Division by Reginald Fiora - clarification sought on which of the new allotments the EFPA limitation on residential use applies to

Hi Deryn

Thank you for the advice regarding the CAP meeting next week.

In response to your queries:

1. In relation to the advisory note that the additional allotments are subject to a condition that the allotments created will not be used for residential purposes, does this actually apply to both allotments, as there is only one additional allotment?

The land division portion of the application is 1 into 2 (one additional allotment). On this basis, the restriction on residential development only applies to one of the allotments (205 OR 206). The SCAP Members decided not to be prescriptive about which is the 'additional' allotment. It is noted that the Applicant requested that, if SCAP were to identify which of the allotments not be used for residential development, that it be proposed Allotment 205. As noted above the SCAP did not adopt this

advice.

- 2. Could you also confirm the reason it was an advisory note and not a planning condition of approval? The SCAP members felt that an Advisory Note was more appropriate that a Condition. This is because Section 7 of the PDI Act 2016, in and of itself, prevents the additional allotment from being developed for residential purposes (based on the determination that this Section of the Act does apply retrospectively to the application).
- 3. Has the very original application 10/D064/473 been lapsed or withdrawn? DA 473/D064/10 (EDALA ID 36887) remains on hold in the EDALA Land Division System. I expect that we will seek to either lapse, or request that the Applicant withdraw the land division, once 473/D044/15 has been determined.

Kind regards

Laura Kerber

Senior Planning Officer - Major Development and Crown Planning and Land Use Services Department of Planning, Transport and Infrastructure T 7109 7073 (internal 97073) • E <u>Laura.Kerber@sa.gov.au</u> Level 5, 50 Flinders Street Adelaide SA 5000
 GPO Box 1815 Adelaide SA 5001
 DX 171 • www.dpti.sa.gov.au

View the SA Planning Portal • Subscribe to our Newsletters

Part time - Monday to Thursday





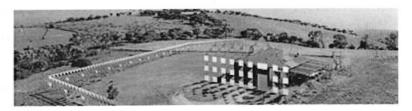




collaboration . honesty . excellence . enjoyment . respect

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

THE NEW PLANNING AND DEVELOPMENT SYSTEM FOR RURAL SOUTH AUSTRALIA IS NOW LIVE



From: Deryn Atkinson [mailto:datkinson@ahc.sa.gov.au]

Sent: Wednesday, 5 August 2020 12:34 PM

To: Kerber, Laura (DPTI) <Laura.Kerber@sa.gov.au> **Cc:** 'simon.nelder@sa.gov.au' <simon.nelder@sa.gov.au>

Subject: 473/D044/15 - Land Division by Reginald Fiora - clarification sought on which of the new allotments the

EFPA limitation on residential use applies to

Hi Laura

I hope you are well.

We are finalising the CAP agenda for our meeting next week and I advise the request for concurrence by SCAP on the Fiora Land Division will be considered by CAP on 12 August 2020.

We have a couple of questions I am hoping you can answer:

- 1. In relation to the advisory note that the additional allotments are subject to a condition that the allotments created will not be used for residential purposes, does this actually apply to both allotments, as there is only one additional allotment?
- 2. Could you also confirm the reason it was an advisory note and not a planning condition of approval?
- 3. Has the very original application 10/D064/473 been lapsed or withdrawn?

Kind Regards

Deryn Atkinson Manager Development Services RPIA



Planning Institute Australia

p 08 8408 0512 m 0408 840 271

e datkinson@ahc.sa.gov.au

w ahc.sa.gov.au

Visit me at: 28 Onkaparinga Valley Road, Woodside SA 5244 PO Box 44 Woodside SA 5244

ADELAIDE HILLS COUNCIL MINUTES OF COUNCIL ASSESSMENT PANEL MEETING **WEDNESDAY 14 NOVEMBER 2018** 63 MOUNT BARKER ROAD, STIRLING

8.4 Development Application 15/1014/473 (15/D44/473) by Reginald Fiora for land division (1 into 2 allotments) and boundary realignment (3 into 2 allotments) (non-complying) (SCAP decision authority) at Lot 45 Gallasch Road, 83 & 143 Beaumont Road, 34 Ambulance Road, 19 & 39 Grivell Road and Lot 1 Onkaparinga Road, Verdun

8.4.1 Representations

The applicant, Reginald Fiora, and his representative, Jeff Smith (Planning Chambers), were invited to answer questions from the Panel.

8.4.2 **Decision of Panel**

The following was adopted by consensus of all members

(56)

The Council Assessment Panel considers that the proposal is not seriously at variance with the provisions of the Adelaide Hills Council Development Plan, and advises the State Commission Assessment Panel that it SUPPORTS the proposal in Development Application 15/1014/473 (15/D044/473) by Reginald Fiora for Land division: 1 into 2 allotments and Boundary Realignment: 3 into 2 allotments (noncomplying) (SCAP decision authority) at Lot 45 Gallasch Road, 83 & 143 Beaumont Road, 34 Ambulance Road, 19 & 39 Grivell Road, and Lot 1 Onkaparinga Road Verdun subject to the CFS recommended requirements relating to vegetation management and the widening of the access to proposed Lots 205 & 206 achieving compliance with the Minister's Code Undertaking development in Bushfire Protection Areas December 2009, and the following condition:

(1) Development in Accordance with the Plans

The development herein approved shall be undertaken in accordance with the following plans unless varied by a separate condition:

- Plan of Division Drawing 27405DU1-R1 Rev 1 prepared by Fyfe Surveying dated 7 August 2018
- Plan of Proposed Access Drawing prepared by Planning Chambers Pty Ltd dated November 2014

12 December 2018

COUNCIL ASSESSMENT PANEL MEETING 14 November 2018 AGENDA – ITEM 8.4

Applicant: Reginald Fiora	Landowner: C Fiora			
Agent: Jeff Smith- Planning Chambers	Originating Officer: Sam Clements			
Development Application: 15/1014/473 (15/D044/473)				
Application Description: Land division: 1 into allotments (non-complying) (SCAP decision auth	2 allotments and Boundary Realignment: 3 into 2 nority)			
Subject Land:	General Location: Lot 45 Gallasch Road,			
Lot:45 Sec: P3932 FP:129499 CT:5465/524	83 & 143 Beaumont Road, 34 Ambulance Road,			
Lot:101 Sec: P3927 DP:77335 CT:6020/59	19 & 39 Grivell Road, and Lot 1 Onkaparinga			
Sec: 505 CT:5666/31	Road, Verdun			
Lot:42 Sec: P110 FP:217949 CT:5885/776				
Lot:10 Sec: P110 FP:129464 CT:5809/533	Attachment – Locality Plan			
Lot:1 Sec: P107 FP:129455 CT:5274/987				
Lot:4 Sec: P110 FP:129458 CT:5809/663				
Lot:1 Sec: P3926 DP:18164 CT:5701/727				
Development Plan Consolidated : 9 January	Zone/Policy Area: Watershed (Primary			
2014	Production) Zone & Onkaparinga Slopes Policy			
Map AdHi/3 & 42	Area			
Form of Development:	Site Area:			
Non-complying	Boundary re-alignment site- 35.76 Ha			
	Additional allotment site- 9.25 Ha			
Public Notice Category: Category 3 Non	Representations Received: 5			
Complying				
	Representations to be Heard by SCAP: 4			
Notice published in the Mt Barker Courier 3				
October 2018 by SCAP				

1. EXECUTIVE SUMMARY

The purpose of this application is for two land divisions combined into the one application, namely a boundary realignment (3 into 2 allotments) and a land division to create one additional allotment (1 into 2 allotments) at Verdun. The purpose of the proposal is essentially to relinquish the claimed residential development rights on existing allotment 45 Gallasch Road in order to justify the creation of an additional allotment some 1.2km to the south-west on existing allotment 1.Hence the reason for combining the boundary re-alignment and land division proposals within the one application. Both of the allotments are in the ownership of Reginald Fiora.

The subject land is located within the Watershed (Primary Production) Zone and the Onkaparinga Slopes Policy Area and the proposal is a non-complying form of development as it results in the creation of an additional allotment. Five representations in opposition were received during the Category 3 public notification undertaken by the State Planning Commission (SCAP).

The proposal does not increase development potential within the Zone as the claimed residential development rights on existing allotment 45 are to be relinquished in this proposal and essentially shifted to the proposed new allotment. It is therefore considered that the overall proposal therefore does not further increase impacts on water quality within the Mount Lofty Ranges Watershed Area. However, the proposal seeks to create an additional allotment in a Zone that does not envisage this. The proposal also increases the number of allotments within an area of native vegetation and places development potential in closer proximity to hazardous vegetation, specifically on a property that features native bushland. The overall land division does not improve the management of the land for primary production and/or for the conservation of its natural resources.

As per the Council Assessment Panel (CAP) delegations, CAP is the relevant authority to provide comments to the SCAP as the decision authority on this matter. The SCAP is the relevant authority as the proposal seeks to create an additional allotment within the Mount Lofty Ranges Water Protection Area. As the proposal is non-complying the SCAP must obtain the concurrence of the Council if it was to consent to the proposal.

The main issues relating to the proposal are whether allotment 45 is developable in its own right, bushfire matters, vegetation and water quality impacts, site contamination, impact on primary production, amenity impacts (dust and traffic movements), the creation of an additional allotment within the subject Zone and an increase to the number of allotments that are solely reliant on rights of way for access.

In consideration of all the information presented, and following an assessment against the relevant zone and Council Wide provisions within the Development Plan, staff are recommending that the Council Assessment Panel **DOES NOT SUPPORT** this application and that the State Commission Assessment Panel are advised accordingly.

2. DESCRIPTION OF THE PROPOSAL

The proposal is for both a boundary re-alignment and the creation of one additional allotment. The below table summarises the two distinct proposals.

Existing Allotments

Allotment	Area (ha)	Currently containing	Access	Proposal	
101	30.7	House and cattle dairy/livestock grazing	Via Beaumont Road	Boundary re- alignment	
45	0.946	Vacant	No access- 'land locked'	Boundary re- alignment	
1 (Beaumont Road)	5	House and livestock grazing	Via Beaumont Road	Boundary re- alignment	
1 (Onkaparinga Road)	9.25	Vacant, abandoned quarry and bushland	Via a right of way over allotment 6 (30A Onkaparinga Road)	Site for the creation of an additional allotment	

The other allotments included in the land division (Section 505, lot 42, lot 10 and 204) are only 'in-between' parcels which are not altering aside from the change in title references and lot numbers by virtue of the proposed deposit plan.

Proposed Allotments

Allotment	Area (ha)	Containing	Access	Proposal
200	31.3	House and cattle dairy/livestock grazing	Via Beaumont Road	Boundary re- alignment
199	4.46	House and livestock grazing	Via Beaumont Road	Boundary re- alignment
206	2.54	Vacant, bushland	Via a right of way over allotment 6 (30A Onkaparinga Road)	Creation of an additional allotment
205	6.71	Vacant, abandoned quarry	Via a right of way over allotment 6 (30A Onkaparinga Road)	Creation of an additional allotment

The plan of division includes:

 The watercourses on the proposed new allotments, contour data, and indicative building envelopes and effluent disposal areas on proposed new allotments 205 and 206

Supplementary documentation that has been provided includes:

- A plan for allotment 45 showing a proposed dwelling, a CFS truck turnaround area including
 an indicative right of way, an effluent disposal area, setback to watercourses, private open
 space and an indicative acoustic fence
- A report on the potential on-site wastewater system for the land division and a surface soil bore log
- Photos of the bore logs being undertaken on each of the sites
- An Environmental Site History Report prepared by Mott MacDonald
- A proposed access plan to demonstrate where passing bays are likely to be located along the right of way and driveway for proposed new allotment 205
- The statement of effect which states the agreement of the owner of allotment 101 has been given to a right of way appurtenant to allotment 45

The proposed plans are included as **Attachment – Proposal Plans** with other information included as **Attachment – Application Information** and **Attachment – Applicant's Professional Reports**.

3. BACKGROUND AND HISTORY

APPROVAL	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
DATE		
Not yet	10/D064/473	Boundary re-alignment
determined		(7 into 7) (non-
		complying)

In 2010 the original land division application 473/D064/10 was lodged that involved these titles. This was lodged as a boundary re-alignment (7 into 7) and was originally treated as an on-merit development by the Development Assessment Commission (DAC now SCAP) and referred to Council for comment. The then CDAP advised DAC that it did not support the proposal. The resolution from the 6 December 2011 meeting is detailed below:

That the Council Development Assessment Panel considers the proposal to be at variance with the relevant provisions of the Adelaide Hills Council Development Plan and does not support the proposal for boundary realignment (DAC Decision) by R M Fiora & M Fiora at 143 Beaumont Road, 34 Ambulance Road, 19 & 39 Grivell Road and Lots 45 Gallasch Road and Lot 1 Onkaparinga Valley Rd, Verdun for the following reasons:

- (1) The Land Division will not improve management of the land for primary production purposes and does not correct a boundary anomaly, which is contrary to Watershed (Primary Production) Zone Principles of Development Control 20(b).
- (2) It has not been adequately demonstrated that current Lot 45 and proposed Lots 205 and 206 are suitable for rural residential use without impacting on primary production having regard to location and size of the allotments, which is contrary to Watershed (Primary Production) Zone Principles of Control 16 and Council Wide Principles of Development Control 3 and 28.

Following receipt of Council's comments it is understood that the DAC later determined the proposed boundary re-alignment to be non-complying development as the proposal created an additional allotment in the Watershed (Primary Production) Zone. This determination was then challenged in the Environment, Resources and Development Court (ERD) and was considered at a hearing on 20 October 2015. The Court upheld the decision to treat this proposal as non-complying and further advised that the proposal was not a boundary realignment in the order made on 28 October 2015 by His Honour Judge Costello. His Honour determined that 'there were several factors pointing to the proposal being for two discrete developments, as opposed to one composite development.' He concluded that the 'essential nature of the proposed development represented two discrete, independent land divisions, one of which seeks to divide a single allotment into two.'

For reasons unknown, the applicant abandoned the above mentioned application (not yet formally withdrawn) and lodged the subject application 15/D044/473 (15/1014/473) on 9 October 2015. It is noted that the lodgement was prior to a determination by the Court on whether the original application 10/D064/473 had been determined correctly as non-complying development.

The applicant then appealed the decision made by the ERD Court to the Supreme Court. The Supreme Court found that both the DAC and the ERD Court were correct in treating the proposal as non-complying as the application represented two discrete, independent land divisions.

Since these judgements, the proposal itself has not been amended but acknowledging that since these orders the development has now been described differently by the SCAP. Whilst the proposals have been determined to be discrete from one another, the SCAP has allowed the two land divisions to be processed in the one application. The proposal is now re-termed as a boundary re-alignment (2 into 3) and a land division to create an additional allotment. The SCAP resolved to proceed with an assessment, re-referred the proposal to the relevant agencies and have undertaken category 3 public notification.

Further to the above, the land division plan has been updated to show more detail, mostly on allotments 205 and 206. The plan now shows contour data, watercourses, and indicative building envelopes and effluent disposal areas but the proposal remains the same as that lodged on 9 October 2015.

4. REFERRAL RESPONSES

EPA

Comments on this proposal have not yet been provided.

However, the EPA's previous comments on 10/D064/473 are of some benefit as the proposal has only changed by virtue of its nature in that it is now described as two distinct proposals applied for in the one application. Also, it is noted and the EPA now only comment on water quality impacts in relation to the non-complying proposals that are not activities of environmental significance within the Mount Lofty Ranges Watershed. Their water quality comments and concerns on the original application are summarised below:

The plan of division has indicated where a dwelling could be located on proposed allotments 205 and 206 and where an associated wastewater disposal area would be located more than fifty metres from the nearest watercourse. This is satisfactory to the EPA.

Concerns on other matters unlikely to be included in comments on this proposal:

The EPA were concerned that the creation of two new residential allotments near the South Eastern Freeway may result in poor amenity and noise nuisance to the future occupants of the dwellings on these allotments. Consideration should be given to the potential noise impacts in process of design and siting of the future dwellings.

In addition, the old quarry on proposed lot 205 may be source of site contamination and potential health impacts to the future residential on that allotment. Prior to making a decision on this application, this matter should be investigated according to the measures outlined in Planning Advisory Notice 20 by Planning SA. To demonstrate that the allotment would be suitable for residential use, the planning authority is recommended to seek further information from the applicant.

• SA WATER

As there are no services available to these allotments SA Water has no comments to make.

NVC

No comment to make on the original proposal. Comments not yet provided on the revised proposal.

DPTI

DPTI raised no objection to the proposal and requested that a condition be included in any consent that highlights that no direct access to the South Eastern Freeway is permitted and access must be via the rights of way to Onkaparinga Road.

CFS

The CFS raised no objection to the proposed land division, but did highlight that 'bushfire hazard' has the potential to significantly impact on these proposed allotments. Some other comments:

- The access to the proposed allotments shall be in accordance with the Minister's Code
- The existing access to proposed allotments 205 and 206 will require widening and significant vegetation clearance
- The hazard present on the proposed allotments 205 and 206 is such that that the allotments may require more than 20 metres of clearance to reduce construction costs and/or to site the home in a location to avoid unacceptable bushfire risk

Comment - No bushfire risk comparison was undertaken that compared the risk for existing allotment 45 to either proposed new allotment 205 or 206.

AHC EHU

Council's Environmental Health Officer advised the waste control system for any site would need to be designed for 6 persons, and would require soil percolation testing and an Engineer's report that certifies the design of such.

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

5. CONSULTATION

The application was categorised as a Category 3 form of development in accordance with Section 38(2)(c) of the Development Act 1993 requiring formal public notification and a public notice. As mentioned above, the SCAP as the decision authority have undertaken this process. Five representations in opposition were received during the Category 3 public notification period and four of these have requested to be heard by the SCAP. A summary of the representations received by the SCAP are detailed below:

	Position	Wish to be heard	Key Issues	Valid				
1	1 Oppose No		 The creation of an additional allotment is inconsistent with current 'regulations' Owner of land adjacent to existing Lot 45 (adjacent railway line) – was advised upon purchase of land that amalgamation of Lot 45 into a new title would not be done 					
2	Oppose	Yes	 Additional groundwater installations (bores) not identified in the Site History Report Inconsistent with PDC 20 (Zone) – not a minor readjustment of boundaries Existing Lot 45 is not capable of being developed; does not provide an existing 'development right'; and therefore the proposal creates an additional allotment in the watershed Impact on existing right of way to provide access to the new allotment; requirement to upgrade (who will pay?); increased vehicular movements 	Yes				
3	General Comment	Yes	Land is affected – no further detail provided	Yes				
4	Oppose	Yes	Increased traffic flowImpact on groundwater flowsImpact on right of way	Yes				
5	Oppose	Yes	 Increase in traffic and dust nuisance on private road and Onkaparinga road Increased noise nuisance Width of private road unsuitable for CFS access 	Yes				

These issues are discussed in detail in the following sections of the report.

6. PLANNING & TECHNICAL CONSIDERATIONS

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

i. <u>The Site's Physical Characteristics</u>

Boundary re-alignment

Allotment 45

This allotment is essentially 'land locked' with an approximate cross fall of 1:5 from the north-west to the south-west which forms part of a drainage area for two creeks to the south east. The parcel of land is an irregular triangular shape, specifically 38.42 metres wide, narrowing to a point in the south-western corner, with the longest boundary being 80min length. No vegetation exists on the allotment. The average rainfall for the area is 987mm and it is located in a 'high' bushfire prone designated area.

Access to allotment 45 would only be possible by extending a portion of the current unmade section of Gallasch Road from the north-east and then developing a suitable safe crossing over the existing railway line. Any extension would require significant earthworks and removal of vegetation in the road reserve. Alternatively, a right of way (RoW) would be negotiated across the adjacent property which is also owned by Mr Gallasch (allotment 101). A RoW would be approximately 500m length and provide access to Beaumont Road. This is the option the applicant pursued and it has been indicated in the statement of effect that Mr Gallasch would be willing to grant such.

Based on a historical title search back to 1921, this allotment was previously part of an allotment comprising two pieces. This allotment was one piece on the southern side of the railway line and the other piece was on the northern side, which is now lot 4 (16 Gallasch Road). This allotment comprising two pieces divided by the railway line was described as portions of Section 3932 on the 1921 Certificate of Title (CT 1219/198). Based on the plan the road reserve appears to have passed the southern frontage of this piece at that time. In 1974, these parcels were separately titled.

Allotment 101

Council's records indicate that this property is used for residential purposes and as a dairy. Inspection of the land indicates the dairy does not seem to be operational. The dwelling and shedding are grouped together in the north-eastern corner of the site with two crossovers to Beaumont Road. There are two watercourses that flow through the site joining in the north-eastern portion of the land. This watercourse then flows to the south-east towards the adjacent allotment to the south and then passes under Beaumont Road. The allotment is undulating with a slope of approximately 1 in 6 to 1 in 10. The steeper portion of the land is the higher lying land in the south-western corner of the site.

Allotment 1 (Beaumont Road)

This allotment features a dwelling and shedding in the south-eastern corner of the site. The land is used for residential and livestock grazing purposes. Watercourses pass through the northern portion of the site. This allotment has a relativity mild slope of approximately 1 in 15.

Land division- creation of an additional allotment

Allotment 1 Onkaparinga Road

This allotment is a vacant bushland block that was once a quarry for rubble. Based on the site history provided, the subject land has been owned by Reginald Morris Fiora (Quarryman) since 18 May 1970. Historical aerial imagery shows the quarry was operational in the 1980's and was located in the north-western portion of the site closer to the railway line. This quarry area is now more vegetated but is still evident on aerial imagery. The access track to this part of the site is narrow and overgrown and at the end of this access track there is a weighbridge. The allotment is densely vegetated with a mixture of vegetation. Substantial clusters/areas of native vegetation are located in the northern and south-western portions of the site. These native vegetation areas are mapped on standard government mapping.

A blue marker indicates that high value native vegetation is located on the southern boundary, along the western end. Two watercourses pass through the north-western portion of the site.

ii. The Surrounding Area

Allotment 45 is significantly smaller than the vast majority of the allotments within the locality. The average size of the larger allotments is in the order of 45ha with the largest being approximately 109ha. The average size of the smaller allotments is approximately 5ha with the smallest being 2ha in area.

The dominant land use within the locality is primary production particularly on the larger allotments, and generally consists of grazing and some horticulture, whilst the smaller parcels are generally rural living lifestyle allotments. The allotments in the southern portion of the locality are predominantly rural living allotments. The topography of the surrounding locality ranges from rolling hills in the north to steeper valleys closer to the South Eastern Freeway with meandering watercourses draining along the valleys.

iii. <u>Development Plan Policy considerations</u>

a) Policy Area/Zone Provisions

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

Policy Area

- The retention of low density rural development by the exclusion of rural living
- Areas or uses which would require division of land into smaller holdings

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

Objectives: 1 PDCs: -

The boundary re-alignment component of the proposal would remove a historical small holding that is not consistent with size of allotments within the locality. However, this allotment is not visible from roadways in the locality and has never been developed due to its constraints and low level of amenity created by its proximity to the railway line. The other component of the proposal is to create an additional allotment for rural living purposes, which is directly contrary to the Policy Area Objective. Allotment 45 is a historic small allotment that was originally a piece of an allotment comprising two pieces. These parcels were allowed to be separately titled in 1974. On balance, the proposal is considered to be inconsistent to Objective 1.

Zone

- Seeks to maintain and enhance the natural resources as well as amenity and the landscape of the south Mount Lofty Ranges
- Maintain water quality and ensure the long-term sustainability of rural production

The following are considered to be the relevant Zone provisions:

Objectives: 1, 2, 3, 4 & 5

PDCs: 1, 2, 3, 4, 9, 14, 15, 16, 17, 18, 19, 20, 21, 22, 31, 32, 34, 36, 37, 42 & 44

Form of Development

It is considered that if increased development potential is created in rural areas (creation of additional allotments), water quality will be incrementally diminished and primary production prejudiced. Also, the natural and rural character of these areas will incrementally be lost and the distinction between townships and rural land diminished. Therefore, a fundamental consideration in this application is whether the proposal will increase the development potential on the land. The proposal includes two distinct land divisions in the one application in an endeavour to justify the creation of an additional allotment within the Zone. The boundary re-alignment involves reducing the number of allotments from three to two and adjusts the boundaries between allotments 1 and 101. There is clearly some subjectivity in considering how far the applicant must go to prove that development rights (for residential development) exist on an allotment, and in this case the ability to develop allotment 45. As mentioned, this is a small, 'land locked' site and that is very constrained with a low level of amenity given its proximity to the railway line. However, it is considered that acoustic matters can generally be overcome. The fact that the allotment is extremely small within a rural area and would not have a sufficient buffer from adjacent rural land and therefore potential intensive rural land uses and activities is a concern though. Whilst development of this existing allotment could prejudice primary production land, this does not make this allotment undevelopable.

The concept provided shows a very small dwelling of approximately 85m² (excluding the carport), with private open space, an effluent irrigation area of 169m² and a CFS appliance turnaround area including a right of way for access and an indicative acoustic fence. It is also noted that any dwelling on this site would also require large water storage tanks for water supply purposes. The applicant's consultant engineers have confirmed that a waste control system on this site could meet the current onsite wastewater codes. Without an in-depth assessment of a dwelling proposal it is considered that, while severely constrained and not particularly suitable for rural residential development, this allotment is developable in its own right whilst limited based on the fundamental matters of waste control, private open space, car parking and access. This is based upon the proviso that consent to provide a right of way is provided in a statutory declaration by the adjacent property owner Mr Gallasch.

A future dwelling on proposed allotment 205 or 206 is unlikely to detract from the natural and rural character of the locality as it should not be visible from roadways and the South-Eastern Freeway due to the location being on the low side of the freeway and there being dense vegetation coverage on these allotments. Any future building is unlikely to be obtrusive and could sufficiently comply with PDCs 1, 2 and 3 which provide guidance on what built form is appropriate in the Zone. The land division will also not result in the creation of any constrained sites in which built form could not achieve compliance with the setback requirement to watercourses (PDC 4). The proposal is considered to be consistent with Objective 5.

The proposal proves that a suitable site for a dwelling could be located on proposed allotments 205 and 206 to comply with Table AdHi/5. The separation distances to watercourses for both an indicative dwelling and effluent disposal area, depth to bedrock and slope comply with these criteria. The proposal is consistent with PDC 18.

The land division should not cause the loss of primary production land. The realignment between allotments 101 and 1 transfers approximately 0.5 of a hectare between these allotments. As this increases the larger of the two allotments and places a portion of land that is naturally divided by a watercourse into the neighbouring allotment, this part of the proposal is not considered to result in a loss of primary production land and is also considered to improve the management of land for primary production purposes. The land to the south which is proposed to be divided has limited primary production potential as proposed allotment 205 is densely covered in native vegetation. The indicative dwelling site and effluent disposal area are the only areas that are not densely vegetated on the site. Allotment 206 has more cleared areas, but it is still constrained for primary production purposes. The proposal therefore is considered to have no impact on primary production activity occurring on the subject land. The proposal is not considered at odds with Objective 3.

Albeit that proposed allotment 205 or 206 is considered to be much more likely to be developed for residential purposes and these allotments could be developed with considerably larger dwellings, the proposal should not result in the pollution of water resources as there is theoretically no increase to development potential on the subject land. It is noted that all dwellings, irrespective of their size are considered 'on-merit' within the Zone, provided that they comply with the exemptions in PDC 70, which includes compliance with Table AdHi/5. The size of the dwellings, the number of occupants within such and the resulting wastewater generation is not a matter heavily scrutinised, and does not have EPA involvement. The proposal is considered to be sufficiently consistent with PDC 19 and Objectives 1 and 2.

The proposal removes a small allotment (lot 45) that has insufficient area to provide for suitable buffers and may therefore remove an allotment that could potentially cause land use conflicts. However, the adjacent land is grazing land currently and is not used for more intensive purposes that would require a significant buffer. The creation of the additional allotment on the southern site should also not prejudice primary production (currently livestock grazing) on adjacent allotment 3 to the north. The southern site is not particularly suitable for primary production. The proposal is considered to accord with PDCs 16 and 17.

Land division

As detailed above, the proposed boundary re-alignment part of the proposal is considered to be relatively minor, resulting in a small percentage of land area being transferred between allotments 1 and 101. This re-alignment could be considered to improve the management of land for primary production as this portion of land is physically divided by a watercourse.

The proposal also seeks to create one additional allotment and is therefore not a readjustment of existing boundaries to address an anomaly or to improve the management of land for primary production or conservation of its natural features. There is no primary production benefit, but there is also likely to be no loss of or impact to such, from the proposal for the reasons highlighted above. The intent of the Zone is to only permit boundary re-alignments and that these will only occur if they are minor re-adjustments and are for purposes set out in PDC 20. The overall proposal is also not for these purposes; its purpose is to facilitate residential development within the Zone and essentially to justify the creation of an additional allotment. As it was legally not possible to do this via a boundary re-alignment without all the intermediary allotments being adjusted in some way, the application has been re-termed to a proposal for two distinct land divisions in the one application. Whilst the boundary re-alignment is its own distinct proposal, it is included in the application for the creation of an additional allotment to justify the creation of this additional allotment. The Zone does not contemplate the creation of additional allotments and even re-alignments to facilitate this, and therefore the proposal is considered to be largely inconsistent with PDC 20.

The EPA has previously accepted that the proposal will not result in a greater risk to water quality, consistent with PDC 21. The re-arrangement of boundaries does produce allotments that are consistent with the locality and the proposal is consistent with PDC 22.

Conservation

The proposal will facilitate a change of the land use in an area that features significant native vegetation. The land is divided in a way that increases the number of allotments in an area of native vegetation. The dividing boundary in-between proposed allotments 205 and 206 could result in the clearance of native vegetation. No details of the extent, proximity and species of vegetation have been provided through this area. The mapped native vegetation areas are located entirely within proposed allotment 205. Aside for clearance for a fence line and for driveway widening, a future proposal for a dwelling on either proposed allotments 205 or 206 is not likely to result in significant clearance of native vegetation noting that there are somewhat clear sites on these allotments. Any future development of these proposed allotments could achieve compliance with PDCs 31 and 32 as this provision refers to adverse impact on native vegetation. The proposal is inconsistent with PDC 34 and Objective 4 as the proposal results in a greater risk of native vegetation clearance than the development of existing allotment 1 or allotment 45

Rural Development

The proposal does not maintain the subject land for primary production purposes and other compatible uses, but the southern site has not been used for such purposes for a significant amount of time and due to the dense vegetation coverage it is not particularly suitable for such. As mentioned, the proposal to create an additional allotment is not likely to prejudice primary production, but generally residential development is still not considered to be compatible with more intensive primary production uses envisaged in the Zone. The proposal is not consistent with PDC 42, but accords with PDC 44.

b) Council Wide provisions

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

- Land in appropriate localities divided into allotments in an orderly and economic manner
- Development to be undertaken on land that is suitable for the intended purpose, whilst also having regard for the zoning of the land
- Protection of productive primary production land from conversion to nonproductive or incompatible uses
- Retention of rural area for the maintenance of the natural character and rural beauty of these areas

Form of Development

Objectives: 1, 4, 5 & 6

PDCs: 1, 2, 3, 9, 18 & 19

The proposal seeks to divide land that is outside of township boundaries. As the proposal seeks to create one additional allotment, the proposal does not prevent the continued encroachment of urban development into rural areas, but contributes to add to it as it creates more attractive allotments for residential development. The proposal is not orderly in that it involves the creation of an additional allotment in rural land outside of the township boundaries, which is not in accordance with the Adelaide Hills Structure Plan, and creates an allotment that is solely reliant on rights of way for access. Whilst the access to the new allotments largely exists, this creates a further economic burden on the land owner of the right of way to maintain the driveway that is some 158 metres in length. The proposal could result in pressure to seal Onkaparinga Road, but aside from this, the proposal is not considered to be uneconomic. It would not substantially increase pressure for urban infrastructure in this area. As previously discussed, allotment 45 is also 'land locked' and the proposal removes this historical allotment, which was previously a piece of an allotment comprised of two pieces. The proposal is therefore not considered to be orderly development. The proposal is inconsistent with Council-wide (CW) Objectives 4 and 5 and PDCs 1, and partly inconsistent with Objectives 1 and PDC 2.

A preliminary site contamination assessment has been undertaken to prove that allotment 205 is suitable for residential development. In the opinion of Mott McDonald Site Contamination Consultants the likelihood of gross or widespread soil contamination existing in shallow soils and groundwater at the location of the proposed building envelopes (at concentrations likely to preclude the proposed land use) is low. Whilst no soil samples have been undertaken, this is a professional expert opinion and therefore this opinion is sufficient to no warrant further assessment. The proposal is consistent with CW PDC 3.

The proposal would not interfere with the effective use of other land in the locality. The proposal accords with CW PDC 9.

Proposed allotments 205 and 206 do not have slope greater than 1 in 4, in particular the indicative sites of the dwellings and effluent disposal areas are an appropriate slope. The proposed allotments 205 and 206 have a sufficient area to allow for effluent disposal and any such system should not lead to pollution of surface or underground water. The proposal is considered consistent with CW PDCs 18 and 19.

The proposal will increase traffic generation within a right of way in the order of 10 vehicle movements per day, noting that allotment 1 could already be developed with one dwelling. Given this number of movements is very minimal it is unlikely to detrimentally affect the amenity of adjacent land, but may cause annoyance and conflict between property owners if the passing bays are not installed. Given the existing surface of this driveway is gravel there is the potential for a minor increase to dust nuisance and ongoing maintenance concerns for the owner of the right of way. The proposal is therefore partly consistent with CW PDC 13.

<u>Land division</u> Objective: 10

PDCs: 28, 29, 30, 31 & 32

Given the subject land is located outside of designated township area, the subject land proposed to be divided to create an additional allotment is not considered to be within an appropriate locality, and is inconsistent with Objective 10.

The proposed allotments 205 and 206 would be suitable for on-site waste disposal and there are suitable dwelling sites with a slope not greater than 1 in 4. Mains sewer and water would not be available to these allotments, but this is typical for rural allotments. The proposal is sufficiently consistent with CW PDC 28.

The proposal may improve safe and convenient access to the subject and adjacent sites that share access to Onkaparinga Road by the provision of passing bays. However, the proposed allotments will be 'land locked' and therefore solely dependent on the unrestricted rights of way over adjacent land. Whilst this right of way over allotment 6 exists, it is undesirable to create an additional allotment that is solely dependent on this arrangement for access. The proposal is partly consistent with CW PDC 29, even though the proposal is clearly inconsistent with part (e) of this provision.

As mentioned, the proposed dividing boundary of allotments 205 and 206 is through an area of native vegetation. The re-adjusted boundary between allotments 1 and 101 is located approximately 10m from the watercourse and therefore any fence line and farming activity such as grazing shall be outside of the watercourse area. The proposed re-adjustment therefore may provide more protection for this watercourse, but this is very dependent on land management practices. The proposal is considered to be partly inconsistent with PDC 30 and consistent with PDC 31. As mentioned, it is has been demonstrated by the site history report that proposed allotment 205 is suitable for residential development. The proposal therefore accords with CW PDC 32.

CW PDC 38 highlights that non-complying land divisions should only be considered for allotments containing two existing dwellings if at least one of the dwellings is identified as a local or state heritage place. Noting this, even when the additional dwellings exist and the additional wastewater generation and water quality impact is already occurring, additional allotments via a non-complying land division are not envisaged. When considering this in conjunction with the Zone provisions, there would need to be an exceptional outcome in relation to heritage preservation, reduced water quality impacts or improvements to primary production or natural resource management to justify such a proposal.

<u>Public Utilities</u> Objective: 22

PDCs: 67, 68 & 69

There is no mains water or sewerage infrastructure available to service these allotments. As mentioned, the proposal is unlikely to increase pressure to provide these services to these allotments, but this is difficult to predict. The existing and proposed allotments are large enough to accommodate on-site waste control systems and noting there are whole townships without access to sewerage infrastructure, there would likely be limited pressure to extend the Community Waste Management System (CWMS) up Onkaparinga Road. Onkaparinga Road is all-weather, but the road is not sealed. Increasing traffic movements along this road may place additional pressure to seal this low-trafficked roadway. The proposal is not contrary with Objective 22 and PDCs 67, 68 and 69.

Rural Development
Objectives: 61 & 62
PDCs: 174

The land division seeks to create an additional allotment within a rural area. The proposal is unlikely to help preserve land primarily for primary production purposes, but it is acknowledged that the subject land where the additional allotment is proposed is not currently used for such and is also constrained due to the extent of vegetation that exists on this allotment. Given there is a small portion of the land that is clear of native vegetation on proposed allotments 205 and 206, this land may not be particularly suitable for primary production purposes. However, the creation of an additional allotment is this area is not likely to improve the conservation of the natural features of this land. Whilst there are relatively clear areas available on both allotments 205 and 206, the proposal seeks to create additional development potential on land that features native vegetation. The boundary re-alignment involving three allotments should not impact on the primary production uses or activities continuing to occur on this land. Given allotment 1 (Onkaparinga Road) is not used for primary production, the proposal is not at odds with CW Objective 62, but the proposal is still considered to be inconsistent with CW Objective 62 and PDC 174.

Conservation

Objectives: 68, 69, 70, 71, 72, 76, 77, 78 & 79
PDCs: 202, 203, 205, 212, 213, 214, 216 & 217

The boundary re-alignment part of the proposal does not impact on native vegetation. Whilst the proposal demonstrates that there are mostly clear areas on the subject land for building envelopes and effluent disposal areas, the proposal seeks to create an additional allotment on land that features native vegetation. The proposal seeks to create an additional allotment and therefore it does not seek to retain native vegetation on a single allotment. It is noted that there is some reseeded understorey native vegetation within the site of the old quarry and there is native vegetation in close proximity to the existing track through the north-eastern portion of proposed allotment 205. Given 'significant vegetation' clearance is required by the CFS for the access driveway, some clearance of native vegetation will be required. The proposal therefore increases the likelihood of native vegetation clearance on the land. As mentioned, the dividing boundary between proposed allotments 205 and 206 is also through an area of native vegetation. Even though the proposal could result in vegetation clearance on either side of the proposed fence line, it is considered that a dwelling could be established on proposed allotments 205 and 206 with minimal clearance of native vegetation. Therefore, clearance of native vegetation is at least minimised by utilising largely cleared areas and an existing track/driveway. As previously mentioned, a dwelling on each allotment could be sited an appropriate distance from the watercourses on the land and compliant waste control systems could be achieved. Therefore, the proposal should have minimal impact on natural features. As the boundary re-alignment involves removing allotment 45, there should be no increase in development potential and therefore there should not be an additional waste control system on the overall site and the proposal will therefore should not pose a greater risk of pollution to water resources. The proposal does not accord with Objective 79 in relation to retaining native vegetation on a single allotment, but sufficiently accords with Objectives 68, 69, 70, 71, 72, 76 and 78, and PDCs 202, 203, 212, 213, 214, 216 and 217.

Any future dwellings are unlikely to be highly visible in the locality and from public roadways. Allotments 205 and 206 are well below the freeway and are densely vegetated. The proposal is considered to be sufficiently consistent with Objective 77 and PDC 205.

Appearance of Land and Buildings

Objectives: 87, 88, 89 & 90

PDCs: 228, 231, 240, 243, 244 & 245

As mentioned above, the proposal would result in an increase to built-form within close proximity to the South Eastern Freeway. However, due to the density of vegetation and the topography of the land, built form on these allotments is unlikely to be visible from the freeway. Given there is a track/driveway that leads to the old quarry and an existing right of way driveway, the extent of driveway on the subject land would be reduced. A new driveway to a future dwelling on proposed lot 206 would be required, but could be designed to follow the contours of the land. The

proposal sufficiently accords with Objectives 87, 88, 89 and 90, and PDCs 228, 231, 240, 243, 244 and 245.

Bushfire Protection

Objectives: 106 & 107

PDCs: 300, 301, 304, 305, 306 & 307

Both the boundary re-alignment site and the site of the land division to create an additional allotment are within a high bushfire hazard area. Whilst the application is for two distinct proposals, the intention of the combined proposal is to justify the creation of an additional allotment by the consolidation of an existing allotment with a boundary re-alignment proposal. It is considered that the proposal moves the development potential on the land to a more a hazardous location. Whilst allotment 45 is a very small allotment, which restricts the owner's ability to provide an adequate building protection zone, this allotment is largely surrounded by open grassland. The proposal seeks to create an additional allotment on a site that features large areas of native bushland. Whilst a dwelling on proposed allotment 205 could be located more than 20 metres (or a greater distance if required by the CFS) from the bushland to avoid an extreme rating (flame zone), the abandoned quarry site is surrounded by native vegetation on all sides, particularly on the northern and southern sides where there are mapped intact areas of native vegetation. It is also considered that the site currently has poor access due to narrow nature of the driveway and the existing vegetation on either side. Whilst the CFS have highlighted that their requirements can be achieved on this site with significant widening of the driveway and vegetation clearance, the creation of an additional allotment in an area of extreme or higher bushfire risk, does not minimise the threat and impact of bushfire on life and property. The proposal is contrary to CW Objective 106. Whilst compliance with PDC 300 can be achieved at the land use stage, it is questionable whether increasing development potential on the southern site is a desirable outcome. It is considered that the proposal will result in an increase to building and the intensification of non-rural land uses (residential) on the southern site, which is considered to be a site of higher risk. The proposal is thus considered to be contrary to CW Objective 107.

As mentioned, a dwelling on proposed allotment 205 would not be sited in an area with low bushfire hazard vegetation, but could be setback at least 20 metres from the vegetation. Any future dwellings on proposed allotments 205 and 206 could achieve compliance with CW PDC 301. It is noted that the site within allotment 205 is on the southern side of ridgetops to the north. The southern site and the whole of the W(PP) Zone is not set aside for residential purposes or the creation of additional residential allotments, irrespective of whether the site is within a mapped high bushfire risk area. The proposed land division seeks to create an additional allotment within a high bushfire risk area that is not envisaged for additional allotments and therefore does not minimise the danger to the occupants of future buildings and fire-fighting personnel. As mentioned, each allotment contains a suitable building envelope located away from vegetation that would likely pose an unacceptable risk and the vehicle access requirements of the CFS could be achieved. The proposal is contrary to CW PDC 304, but is sufficiently consistent with CW PDC 305, and can achieve compliance with CW PDCs 306 and 307.

7. SUMMARY & CONCLUSION

This proposal is unique in that it is a proposal for two land divisions in the one application. The Courts have determined that these are two discrete, independent land divisions. Whilst the nature of the proposal has been redefined, the proposal is still for a land division to create a new allotment for residential purposes, whether the nature of the development is described as a boundary re-alignment or a proposal for two land divisions.

Whilst the proposal may not increase development potential within the Zone and therefore does not increase water quality impacts with the Mount Lofty Ranges Watershed, the proposal seeks to create an additional allotment in a Zone that does not envisage such and the boundary realignment does not correct a boundary anomaly and the overall land division proposal does not improve primary production land management as envisaged by the Zone provisions. The proposal is considered unorderly in that it seeks to create an additional allotment outside of a designated residential area or township.

The proposal increases the number of allotments within an area of native vegetation and places development potential in closer proximity to hazardous vegetation, specifically on a property that features dense bushland. The overall land division does not improve management of the land for primary production and/or for the conservation of its natural resources. While the land division may improve access to at least one adjacent site by the provision of passing bays, this would likely be required in a land use proposal for a dwelling on the southern site (lot 1 Onkaparinga Road) as well. The proposal will create an additional allotment that is solely reliant on rights of way for access and create an additional allotment in an area of high bushfire risk.

The non-complying proposal is not sufficiently consistent with the relevant provisions of the Development Plan, and therefore the proposal is considered to be at variance. In the view of staff, the proposal does not have sufficient merit to warrant consent. Staff therefore recommend that Council Assessment Panel advise the State Commission Assessment Panel that it **DOES NOT SUPPORT** this application.

8. RECOMMENDATION

That the Council Assessment Panel considers that the proposal is at variance with a number of the relevant provisions of the Adelaide Hills Council Development Plan, and advises the State Commission Assessment Panel that it does not support the proposed land division in Development Application 15/1014/473 (15/D044/473) by Reginald Fiora for Land division: 1 into 2 allotments and Boundary Realignment: 3 into 2 allotments (non-complying) (SCAP decision authority) at Lot 45 Gallasch Road, 83 & 143 Beaumont Road, 34 Ambulance Road, 19 & 39 Grivell Road, and Lot 1 Onkaparinga Road Verdun for the following reasons:

- (1) The proposed land division is to create an additional allotment and therefore is not a minor boundary re-alignment to correct an anomaly in placement of boundaries in respect to buildings or to improve conservation of natural features or the management of land for primary production purposes. The proposal is contrary to Watershed (Primary Production) Zone Principle of Development Control 20.
- (2) The proposal seeks to divide land and increase the number of allotments over an area of native vegetation, inconsistent with Watershed (Primary Production) Zone Objective 4 and Principle of Development Control 34, and Council-Wide Objective 79.

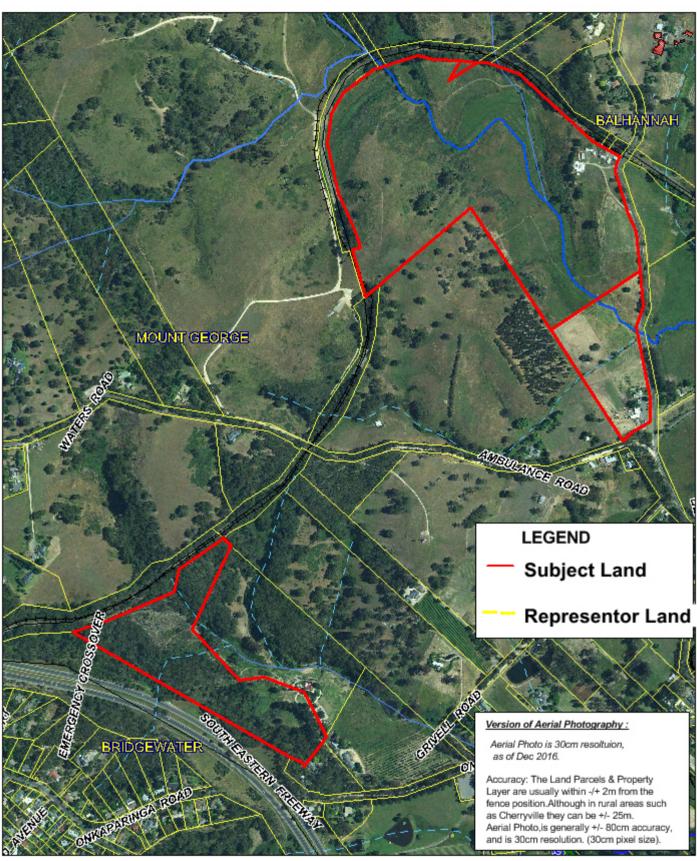
- (3) The proposal seeks to create an additional allotment for rural living purposes outside of township boundaries or a designated country living area. Also, the land proposed to be divided is not within an appropriate locality as it is at odds with the Adelaide Hills Structure Plan and therefore is considered to be inconsistent with Council-Wide Objectives 1, 4 and 10, and Principles of Development Control 1 & 2.
- (4) The land division is unorderly in that it seeks to create an allotment that is solely reliant on rights of way for access. The proposal is inconsistent with Council-Wide Principle of Development Control 29(e).
- (5) The proposal land division seeks to create an additional allotment within a high bushfire risk area and is not within an area set aside for urban or residential development. The proposal places development potential in closer proximity to hazardous vegetation. It is considered that the proposal moves the development potential on the land to a more a hazardous location and therefore does not minimise the threat and impact of bushfire on life and property. The proposal is contrary to Council-Wide Objectives 106 and 107, and Principle of Development Control 304.

9. ATTACHMENTS

Locality Plan
Proposal Plans
Application Information
Applicant's Professional Reports
Referral Responses

Respectfully submitted	Concurrence			
Sam Clements	Deryn Atkinson			
Team Leader Statutory Planning	Manager Development Services			

Attachment - Locality Plan

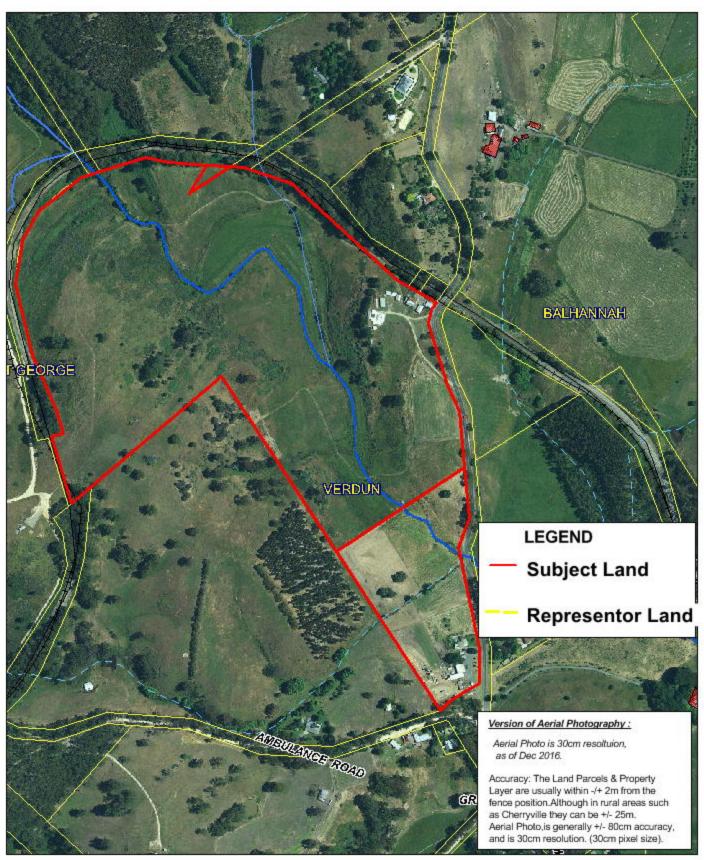


Apart from any use permitted under the Copyright Act 1968, no part may be reproduced by any process without prior written permission obtained from the Adelaide Hills Council. Requests and enquiries concerning reproduction and rights should be directed to the Chief Executive Officer, The Adelaide Hills Council, PO Box 44, Woodside SA 5244. The Adelaide Hills Council, its employees and servants do not warrant or make any representations regarding the use, or results of use of the information contained herein representations regarding the use, or results of use of the information contained herein as to its correctness, accuracy, currency or otherwise. In particular, it should be noted that the accuracy of property boundaries when displayed over aerial photography cannot be considered to be accurate, and that the only certain method of determining boundary locations is to use the services of a licensed Surveyor. The Adelaide Hills Council, its employees and servants expressly disclaim all liability or responsibility to any person using the information or advice contained herein. ©





Attachment - Locality Plan



DISCLAIMER

Apart from any use permitted under the Copyright Act 1968, no part may be reproduced by any process without prior written permission obtained from the Adelaide Hills Council. Requests and enquiries concerning reproduction and rights should be directed to the Chief Executive Officer, The Adelaide Hills Council, PO Box 44, Woodside SA 5244. The Adelaide Hills Council, its employees and servants do not warrant or make any representations regarding the use, or results of use of the information contained herein to be in the content of the content of the protection. as to its correctness, accuracy, currency or otherwise. In particular, it should be noted that the accuracy of property boundaries when displayed over aerial photography cannot be considered to be accurate, and that the only certain method of determining boundary locations is to use the services of a licensed Surveyor. The Adelaide Hills Council, its employees and servants expressly disclaim all liability or responsibility to any person using the information or advice contained herein. ©





Attachment - Locality Plan

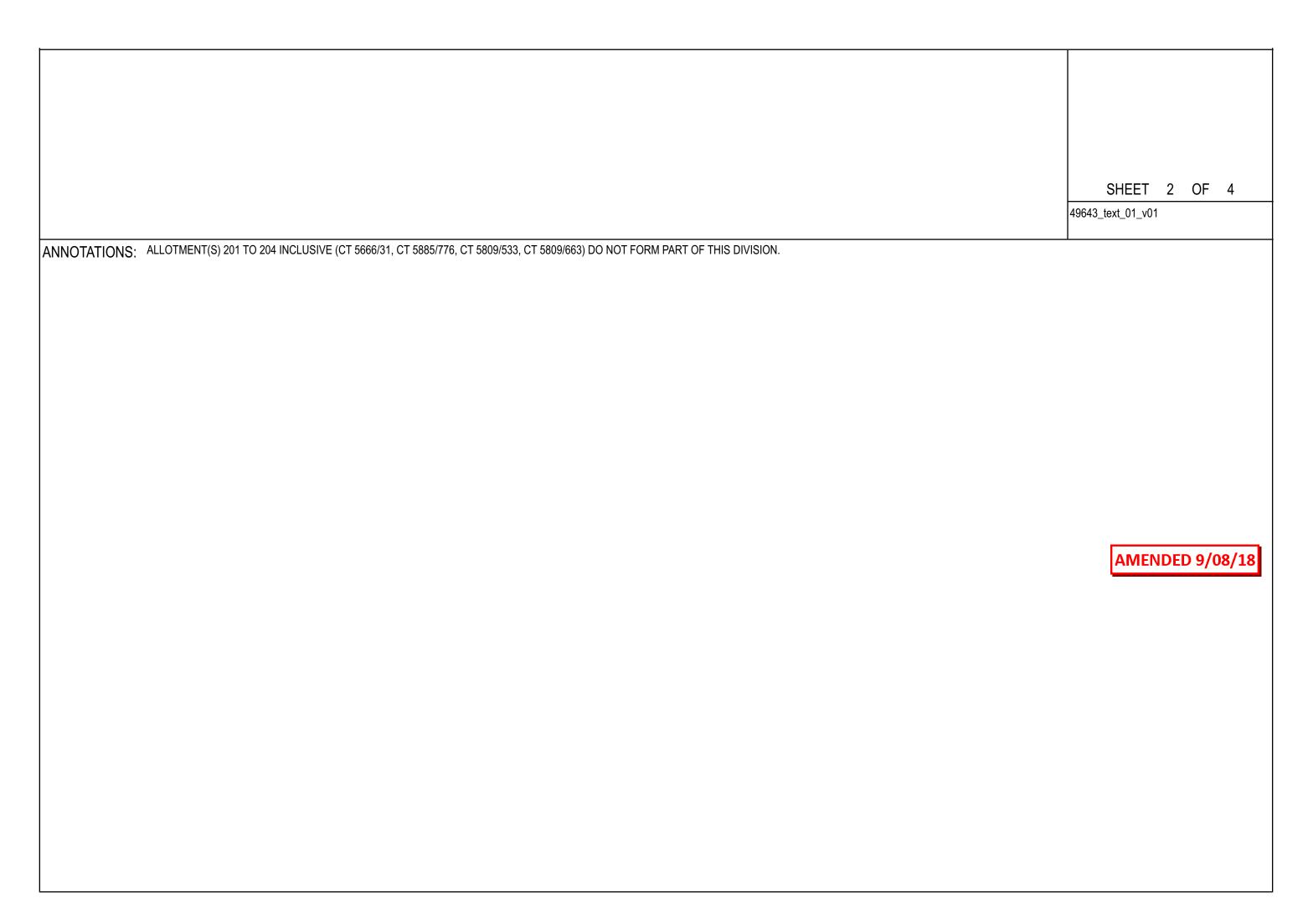


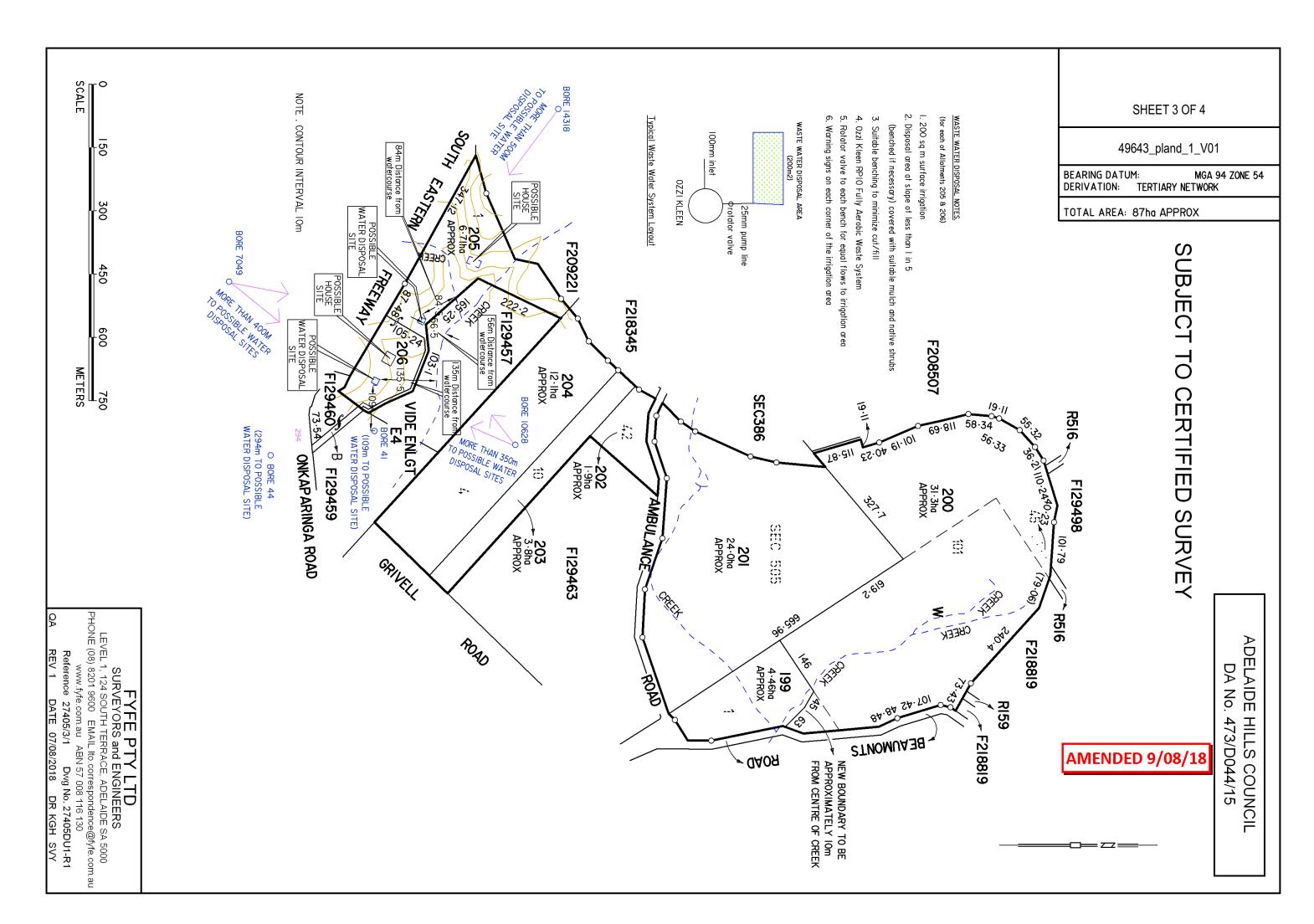
Apart from any use permitted under the Copyright Act 1968, no part may be reproduced by any process without prior written permission obtained from the Adelaide Hills Council. Requests and enquiries concerning reproduction and rights should be directed to the Chief Executive Officer, The Adelaide Hills Council, PO Box 44, Woodside SA 5244. The Adelaide Hills Council, its employees and servants do not warrant or make any representations regarding the use, or results of use of the information contained herein as to its correctness, accuracy, currency or otherwise. In particular, it should be noted that the accuracy of property boundaries when displayed over aerial photography cannot be considered to be accurate, and that the only certain method of determining boundary locations is to use the services of a licensed Surveyor. The Adelaide Hills Council, its employees and servants expressly disclaim all liability or responsibility to any person using the information or advice contained herein. ©

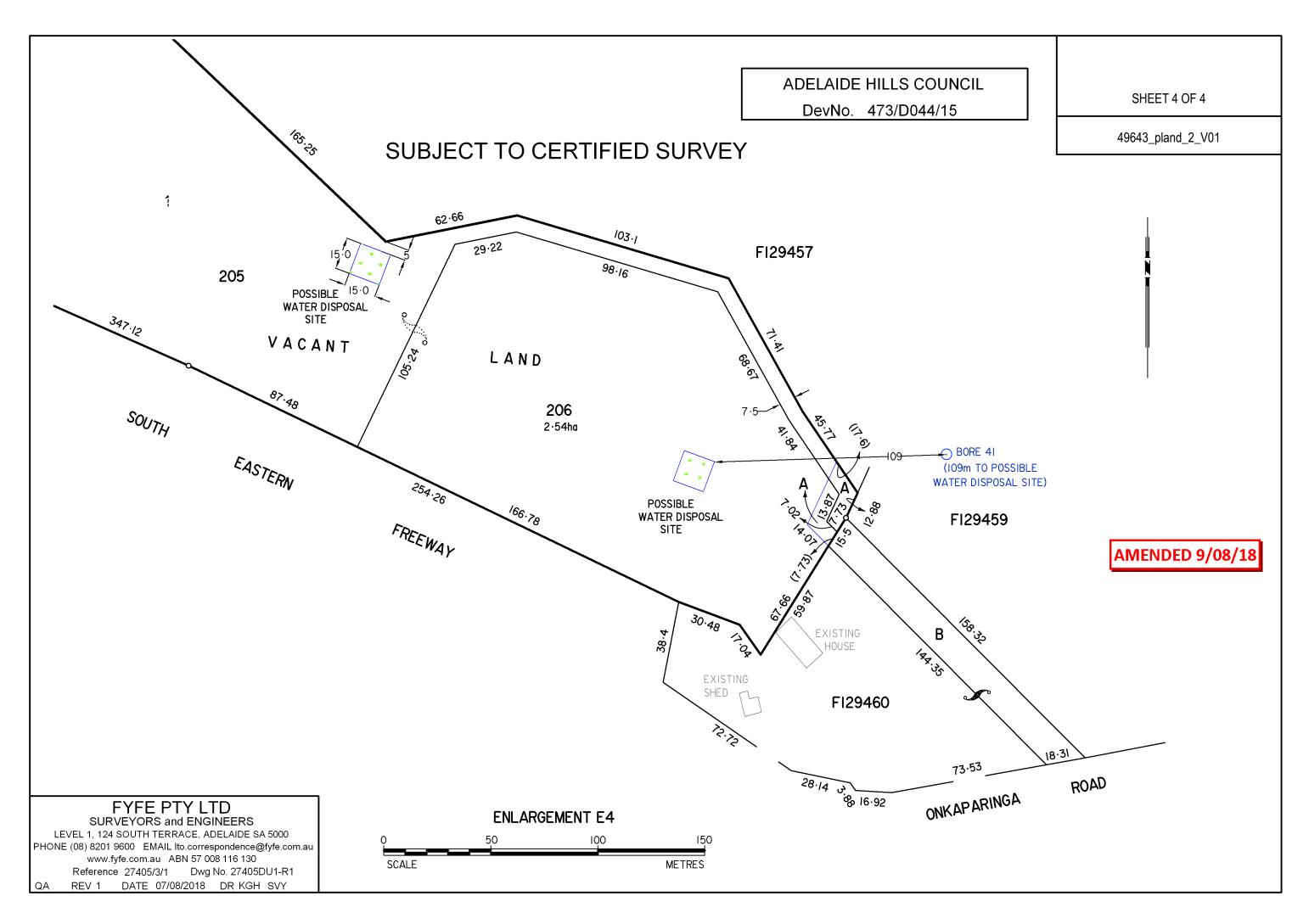


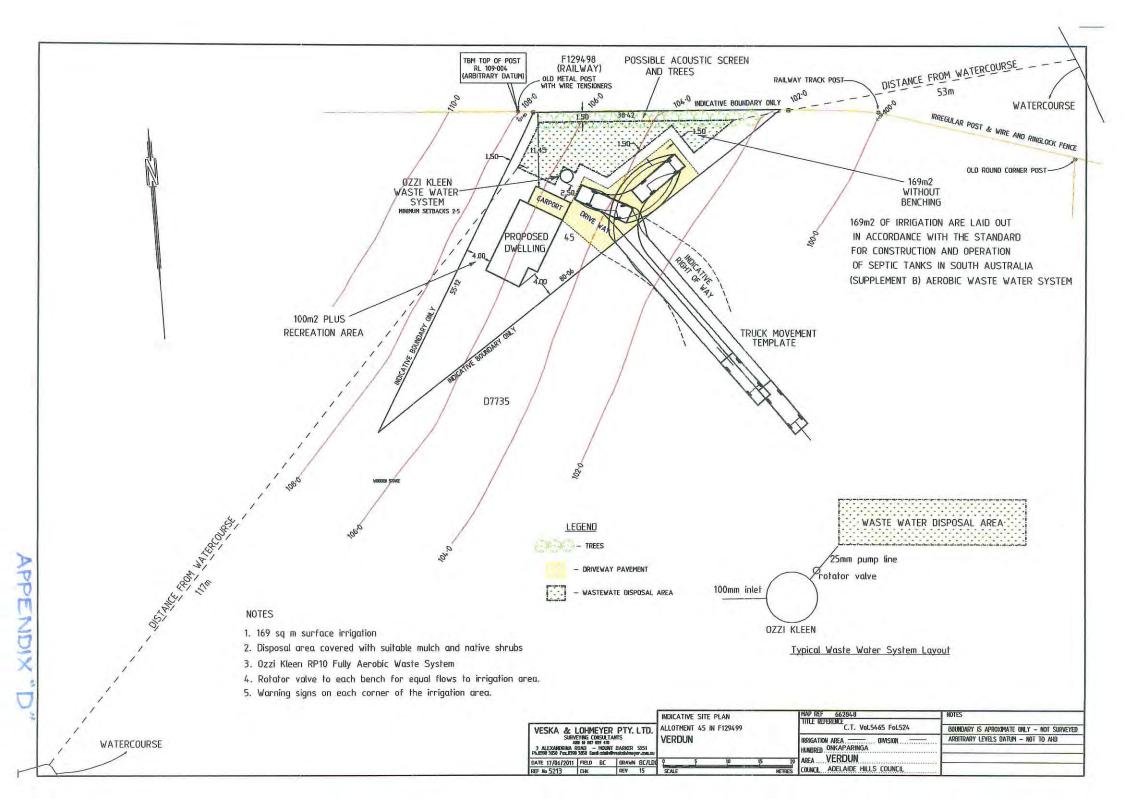


PURPOS	E:	DIVISION			AREA NAME	VERDUI	N		APPRO	VED:	
MAP REF	:	6628/48/N, 6627/03/D			COUNCIL:	ADELAI	DE HILLS COUNC	ilL			
									DEPOS	SITED/FILED:	-
LAST PLA	AN:				DEVELOPME	ENT NO: 473/D04	4/15/001				SHEET 1 OF 4
											49643_text_01_v01
AGENT D	ETAILS:	FYFE PTY LTD LEVEL 1, 124 SOUTH ADELAIDE SA 5000 PH: 82019600 FAX:	TERRACE		SURVEYORS				I		
AGENT C	ODE:	ALRF									
REFERE		27405/3/1 DU1-R1									
SUBJECT PREFIX CT		ETAILS: E FOLIO OTHER 524	PARCEL ALLOTMEN	T(S)		NUMBER 45	PLAN F	NUMBER 129499	HUNDRED / IA / DIVISION ONKAPARINGA	TOWN	REFERENCE NUMBER
СТ	6020	59	ALLOTMEN	T(S)		101	D	77335	ONKAPARINGA		
СТ	5666	31	SECTION(S)		505			ONKAPARINGA		
СТ	5885	776	ALLOTMEN	T(S)		42	F	217949	ONKAPARINGA		
СТ	5809	533	ALLOTMEN	T(S)		10	F	129464	ONKAPARINGA		AMENDED 9/08/18
СТ	5274	987	ALLOTMEN	T(S)		1	F	129455	ONKAPARINGA		
СТ	5809	663	ALLOTMEN	T(S)		4	F	129458	ONKAPARINGA		
СТ	5701	727	ALLOTMEN	T(S)		1	D	18164	ONKAPARINGA		
OTHER T	TITLES AF	FECTED:									
EASEME			FORM	OATEOODY	ID		DUDDOOF		IN FAVOUR OF		ODEATION
STATUS EXISTING	l	LAND BURDENED	FORM LONG	CATEGORY EASEMENT(S)		ENTIFIER N D77335	PURPOSE		IN FAVOUR OF 200 MARKED W		CREATION RT 6935605
EXISTING	2	205.206	SHORT	FREE AND UNRESTRIC							
EXISTING			SHORT	FREE AND UNRESTRIC	TED RIGHT(S) B				205.206		









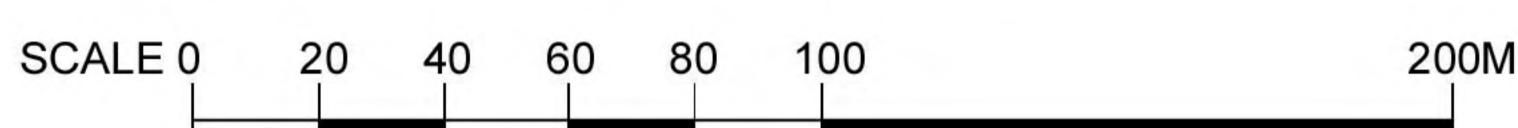


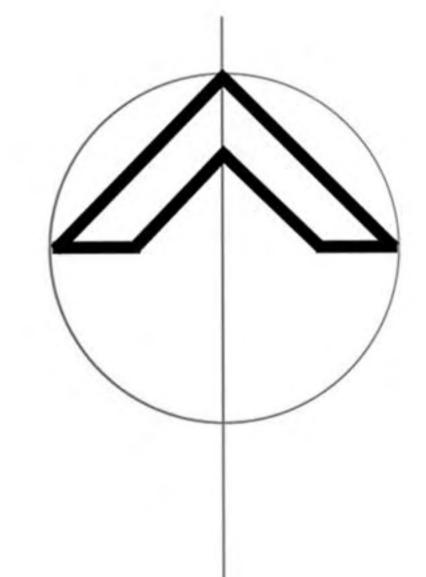


LEGEND

Proposed passing bay

6 m wide x 17 m long



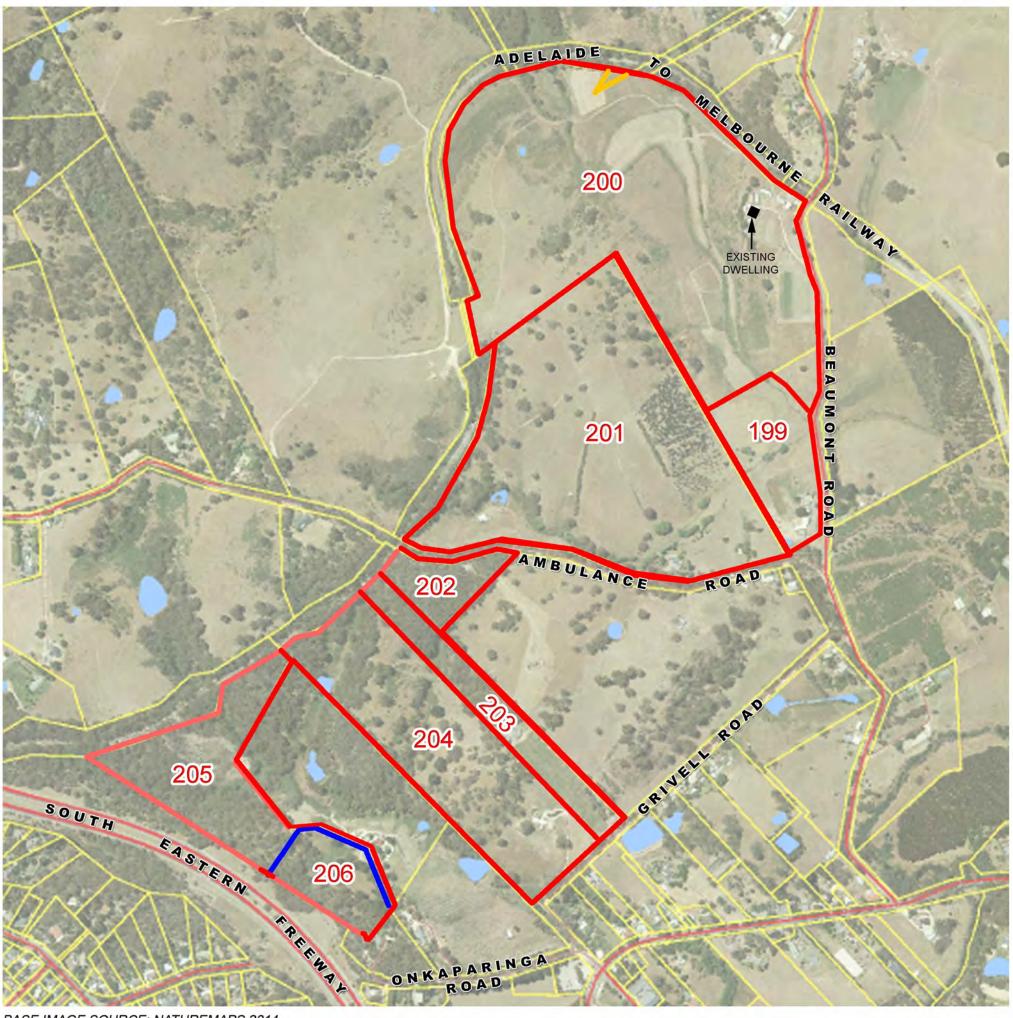


PROPOSED ACCESS

PROPOSED BOUNDARY
REALIGNMENT
AT BEAUMONT & ONKAPARINGA
ROADS
FOR MR. REDGE FIORA

12-044.03

NOVEMBER 2014



BASE IMAGE SOURCE: NATUREMAPS 2014

LEGEND

BOUNDARIES OF ALLOTMENTS AFFECTED BY LAND DIVISON

NEW ALLOTMENT BOUNDARY

REMOVE ALLOTMENT BOUNDARY





LOCATION PLAN

BOUNDARY REALIGNMENT AT BEAUMONT & ONKAPARINGA ROADS FOR MR REDGE FIORA



Title Register Search

LANDS TITLES OFFICE, ADELAIDE

Issued pursuant to the Real Property Act 1886

LAND TITLES OFFICE ADELAIDE SOUTH AUSTRALIA

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5465 FOLIO 524 *

COST : \$15.50 (GST exempt)

PARENT TITLE : CT 4027/99

REGION : EMAIL

AUTHORITY : CONVERTED TITLE

AGENT : LVS1

BOX NO : 368

DATE OF ISSUE : 31/10/1997

SEARCHED ON: 11/11/2005 AT: 10:24:50 EDITION

CLIENT REF 5213

REGISTERED PROPRIETOR IN FEE SIMPLE _____

CLAIRE FIORA OF PO BOX 158 BALHANNAH SA 5242

DESCRIPTION OF LAND ______

> ALLOTMENT 45 FILED PLAN 129499 IN THE AREA NAMED VERDUN

HUNDRED OF ONKAPARINGA

EASEMENTS _____

NIL

SCHEDULE OF ENDORSEMENTS

NIL

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

NIL

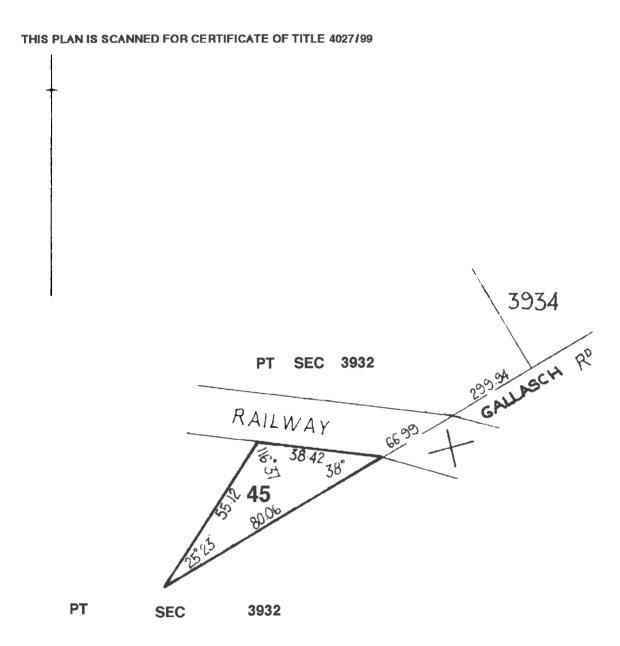
REGISTRAR-GENERAL'S NOTES

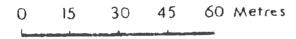
NIL

END OF TEXT.

LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5465 FOLIO 524

SEARCH DATE: 11/11/2005 TIME: 10:24:50







Title Register Search LANDS TITLES OFFICE, ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 6020 FOLIO 59

: \$18.00 (GST exempt)

PARENT TITLE : CT 5678/193

REGION : EMAIL

AUTHORITY : RTC 10982530

AGENT : LVS1

BOX NO : 368

DATE OF ISSUE : 09/10/2008

SEARCHED ON: 08/04/2010 AT: 12:50:12

EDITION

CLIENT REF 5213

REGISTERED PROPRIETOR IN FEE SIMPLE

RAY CHARLES GALLASCH OF BEAUMONT ROAD VERDUN SA 5245

DESCRIPTION OF LAND

ALLOTMENT 101 DEPOSITED PLAN 77335 IN THE AREA NAMED VERDUN HUNDRED OF ONKAPARINGA

EASEMENTS

TOGETHER WITH A RIGHT OF WAY OVER THE LAND MARKED C APPURTENANT ONLY TO

THE LAND MARKED W (RT 6935605)

SCHEDULE OF ENDORSEMENTS

NIL

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

NIL

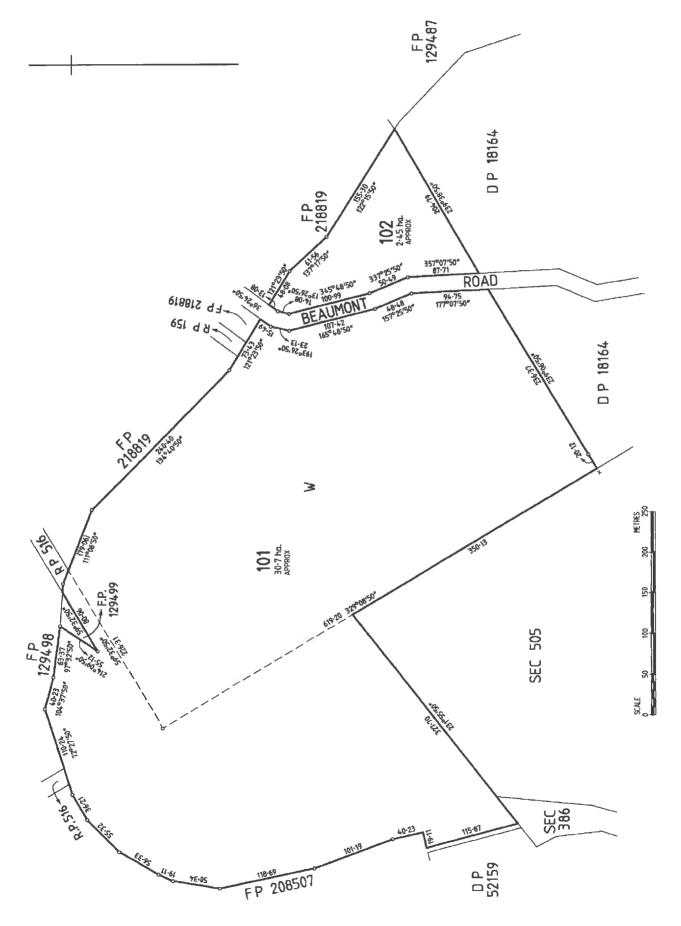
REGISTRAR-GENERAL'S NOTES

NIL

END OF TEXT.

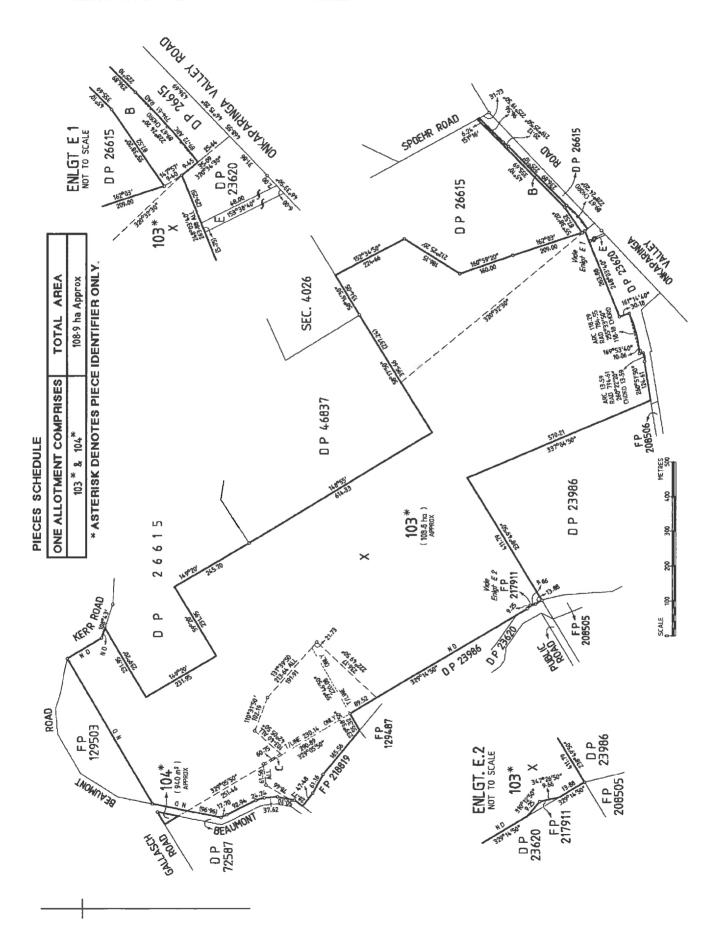


LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 6020 FOLIO 59 SEARCH DATE: 08/04/2010 TIME: 12:50:12



Page 2 of 4

LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 6020 FOLIO 59 SEARCH DATE: 08/04/2010 TIME: 12:50:12



LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 6020 FOLIO 59 SEARCH DATE: 08/04/2010 TIME: 12:50:12

* ASTERISK DENOTES PIECE IDENTIFIER ONLY. ENLARGEMENT E.3 FP 129503 104* D P **72587** Χ 103* FP 218819 F.P. 129487

Page 4 of 4



Title Register Search LANDS TITLES OFFICE, ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5666 FOLIO 31

: \$18.70 (GST exempt)

PARENT TITLE : CT 3158/200

REGION : EMAIL

AUTHORITY : CONVERTED TITLE

AGENT : LVS1 BOX NO : 368

DATE OF ISSUE : 25/06/1999

SEARCHED ON: 13/12/2010 AT: 12:19:26

EDITION

CLIENT REF 5213

REGISTERED PROPRIETORS IN FEE SIMPLE ______

JANIS KALNINS AND VERA KALNINS BOTH OF 47 CHURCH TERRACE WALKERVILLE SA 5081 AS JOINT TENANTS

DESCRIPTION OF LAND

SECTION 505 HUNDRED OF ONKAPARINGA IN THE AREA NAMED VERDUN

EASEMENTS

_____ NIL

SCHEDULE OF ENDORSEMENTS

NIL

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

NIL

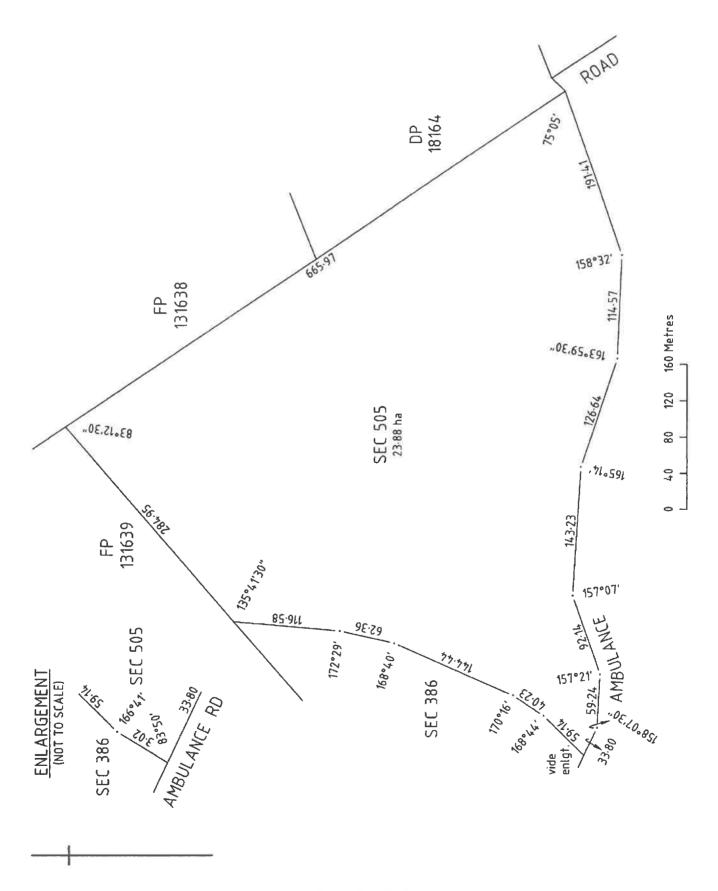
REGISTRAR-GENERAL'S NOTES

CONVERTED TITLE-WITH NEXT DEALING LODGE CT 3158/200

END OF TEXT.



LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5666 FOLIO 31 SEARCH DATE: 13/12/2010 TIME: 12:19:26





Title Register Search LANDS TITLES OFFICE. ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5885 FOLIO 776 *

: \$18.70 (GST exempt)

PARENT TITLE : CT 1915/71

REGION : EMAIL

BOX NO : 368

AUTHORITY : CONVERTED TITLE

AGENT : LVS1

DATE OF ISSUE : 19/12/2002

SEARCHED ON: 13/12/2010 AT: 12:20:00

EDITION

CLIENT REF 5213

REGISTERED PROPRIETOR IN FEE SIMPLE

AUSTRALIAN RAIL TRACK CORPORATION LTD. OF OFF SIR DONALD BRADMAN DRIVE MILE END SA 5031

DESCRIPTION OF LAND

ALLOTMENT 42 FILED PLAN 217949 IN THE AREA NAMED VERDUN HUNDRED OF ONKAPARINGA

EASEMENTS

NIL

SCHEDULE OF ENDORSEMENTS

NIL

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

NIL

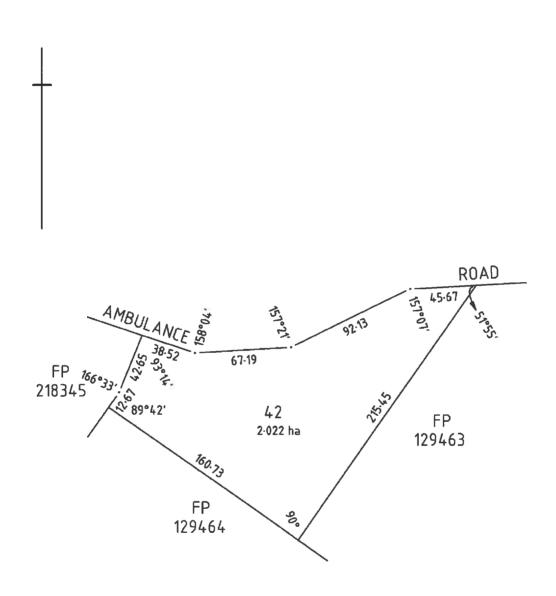
REGISTRAR-GENERAL'S NOTES

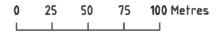
NIL

END OF TEXT.

LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5885 FOLIO 776 SEARCH DATE: 13/12/2010 TIME: 12:20:00

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 1915/71







Title Register Search LANDS TITLES OFFICE. ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5809 FOLIO 533 *

COST : \$18.70 (GST exempt)

PARENT TITLE : CT 1597/124

REGION : EMAIL

AUTHORITY : CONVERTED TITLE

AGENT : LVS1

BOX NO : 368

DATE OF ISSUE : 22/09/2000

SEARCHED ON: 13/12/2010 AT: 12:20:28

EDITION

CLIENT REF 5213

REGISTERED PROPRIETOR IN FEE SIMPLE ______

ROGER STEWART BURBIDGE OF 21 KURLA ROAD BALHANNAH SA 5242

DESCRIPTION OF LAND

ALLOTMENT 10 FILED PLAN 129464 IN THE AREA NAMED VERDUN HUNDRED OF ONKAPARINGA

EASEMENTS _____

NIL

SCHEDULE OF ENDORSEMENTS

9010443 MORTGAGE TO WESTPAC BANKING CORPORATION

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

NIL

REGISTRAR-GENERAL'S NOTES

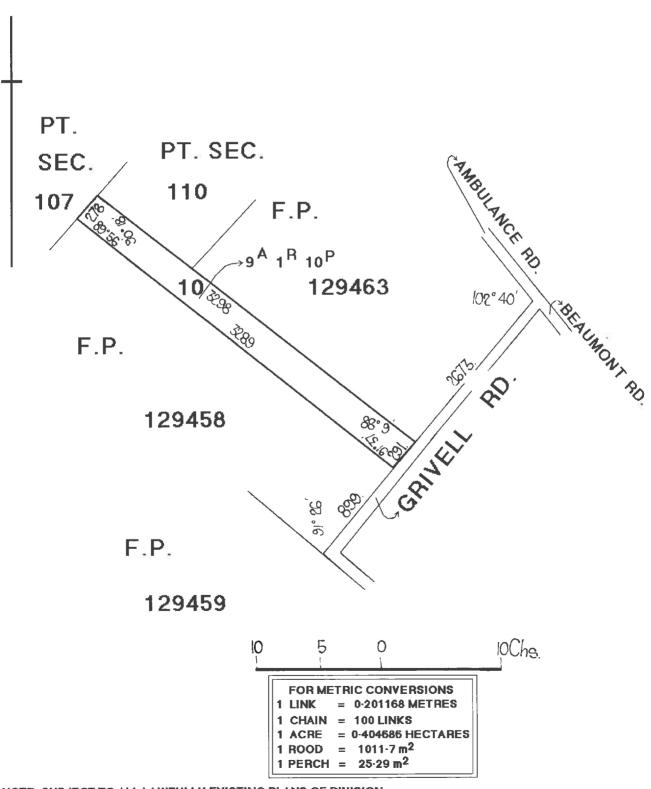
NIL

END OF TEXT.



LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5809 FOLIO 533 SEARCH DATE: 13/12/2010 TIME: 12:20:28

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 1597/124



NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION



Title Register Search LANDS TITLES OFFICE. ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5809 FOLIO 663 *

: \$18.70 (GST exempt)

REGION : EMAIL

PARENT TITLE : CT 1597/123 AUTHORITY : CONVERTED TITLE

AGENT : LVS1

BOX NO : 368

DATE OF ISSUE : 22/09/2000

SEARCHED ON: 13/12/2010 AT: 12:20:50

EDITION

CLIENT REF 5213

REGISTERED PROPRIETORS IN FEE SIMPLE

JOEL ADAM SCANLON AND NICOLA HELEN DANBY BOTH OF 4 GRIVELL ROAD VERDUN SA 5245 AS JOINT TENANTS

DESCRIPTION OF LAND

ALLOTMENT 4 FILED PLAN 129458 IN THE AREA NAMED VERDUN HUNDRED OF ONKAPARINGA

EASEMENTS

NIL

SCHEDULE OF ENDORSEMENTS

9093481 MORTGAGE TO NATIONAL AUSTRALIA BANK LTD.

10304565 MORTGAGE TO NATIONAL AUSTRALIA BANK LTD. (SINGLE COPY ONLY)

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

NIL

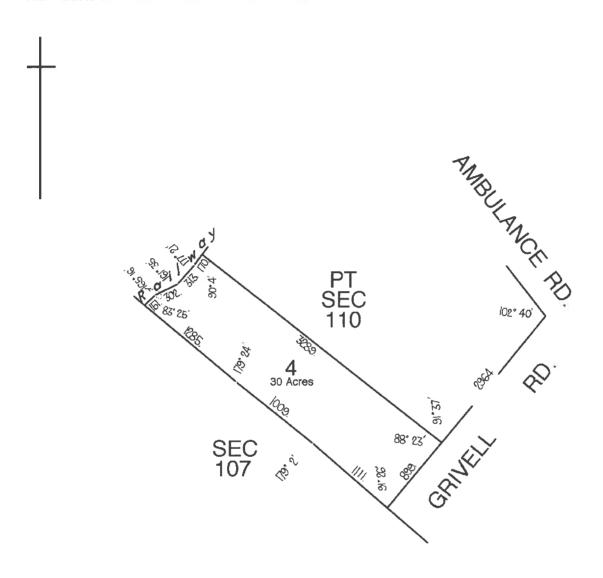
REGISTRAR-GENERAL'S NOTES

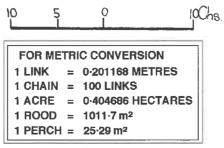
NIL

END OF TEXT.

LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5809 FOLIO 663 SEARCH DATE: 13/12/2010 TIME: 12:20:50

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 1597/123





NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION



Title Register Search LANDS TITLES OFFICE, ADELAIDE

Issued pursuant to the Real Property Act 1886

LAND TITLES OFFICE ADELAIDE SOUTH AUSTRALIA

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5274 FOLIO 987 *

: \$15.50 (GST exempt) COST

PARENT TITLE : CT 3814/192

REGION : EMAIL

AUTHORITY : CONVERTED TITLE

AGENT : LVS1

BOX NO : 368

DATE OF ISSUE : 26/06/1995

SEARCHED ON : 11/11/2005 AT : 10:21:54

CLIENT REF 5213

EDITION

REGISTERED PROPRIETORS IN FEE SIMPLE

REGINALD MORRIS FIORA AND CLAIRE FIORA BOTH OF 6 HAMPTON ROAD MOUNT BARKER SA 5251 AS JOINT TENANTS

DESCRIPTION OF LAND

ALLOTMENT 1 FILED PLAN 129455 IN THE AREA NAMED VERDUN HUNDRED OF ONKAPARINGA

EASEMENT'S

SUBJECT TO A FREE AND UNRESTRICTED RIGHT OF WAY OVER THE LAND MARKED A

TOGETHER WITH A FREE AND UNRESTRICTED RIGHT OF WAY OVER THE LAND MARKED B

SCHEDULE OF ENDORSEMENTS

NIL

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

NIL

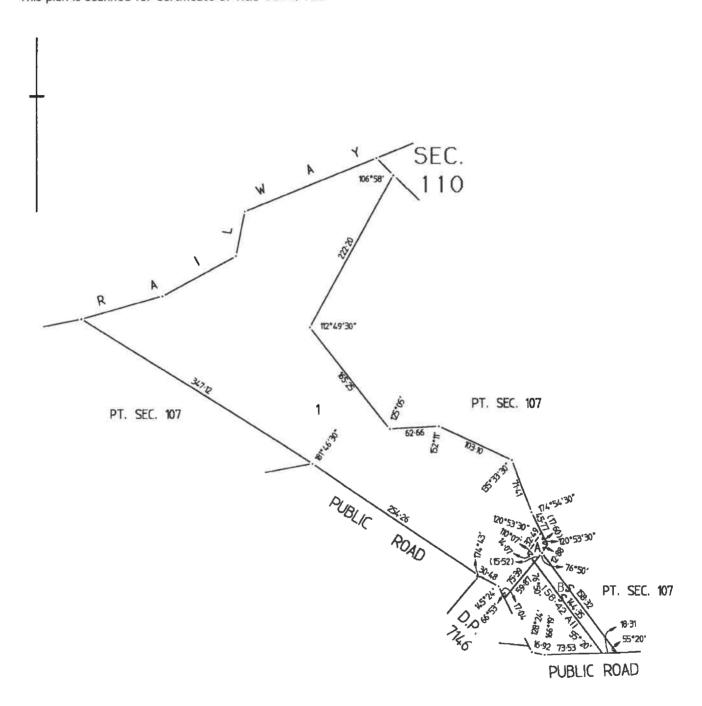
REGISTRAR-GENERAL'S NOTES -----

CONTROLLED ACCESS ROAD VIDE PLAN 57

END OF TEXT.

LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5274 FOLIO 987 SEARCH DATE: 11/11/2005 TIME: 10:21:54

This plan is scanned for Certificate of Title 3814/192



0 40 80 120 160 Metres

Note: Subject to all lawfully existing plans of division



Product Date/Time

Customer Reference

Order ID Cost

Register Search 17/11/2015 02:39PM

12-044

20151117007988

\$27.25

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.



Registrar-General

REAL PROPERTY ACT, 1886

South Australia

Certificate of Title - Volume 5701 Folio 727

Parent Title(s)

CT 4272/532

Dealing(s) Creating Title **CONVERTED TITLE**

Title Issued

19/10/1999

Edition

Edition Issued

26/09/2013

Estate Type

FEE SIMPLE

Registered Proprietor

TREVOR JOHN ADAMS KENNETH ALFRED ADAMS OF 1 PINE DRIVE ABERFOYLE PARK SA 5159 AS JOINT TENANTS

Description of Land

ALLOTMENT 1 DEPOSITED PLAN 18164 IN THE AREA NAMED VERDUN HUNDRED OF ONKAPARINGA

Easements

NIL

Schedule of Dealings

Dealing Number

Description

10307498

MORTGAGE TO BENDIGO & ADELAIDE BANK LTD.

12003990

MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.

Notations

Dealings Affecting Title

NIL

Land Services Group



Product
Date/Time

Customer Reference

Order ID Cost Register Search 17/11/2015 02:39PM

12-044

20151117007988

\$27.25

Priority Notices

NIL

Notations on Plan

NIL

Registrar-General's Notes

NIL

Administrative Interests

NIL

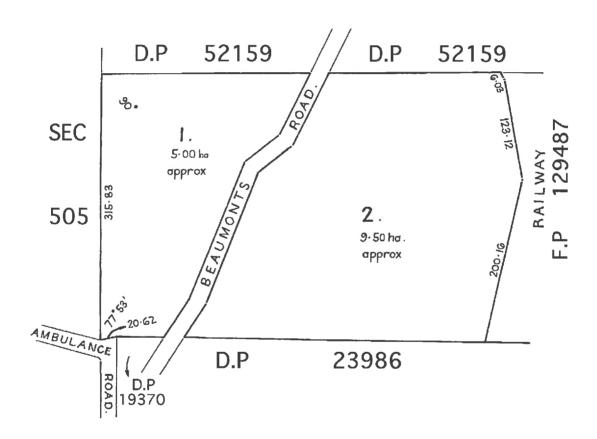
* Denotes the dealing has been re-lodged.

Land Services Group

Product
Date/Time
Customer Reference
Order ID
Cost

Register Search 17/11/2015 02:39PM 12-044 20151117007988 \$27.25





0 50 100 150 200 250 Metres

LAND DIVISIONS IN THE FORM OF PROPOSED:

BOUNDARY REALIGNMENT AND

CREATION OF ADDITIONAL ALLOTMENT

BEAUMONT ROAD AND ONKAPARINGA AT:

ROAD, VERDUN

RM & M FIORA **APPLICANT:**

ADELAIDE HILLS COUNCIL COUNCIL AREA:

APPLICATION: 473/D044/15

Prepared by: Planning Chambers Pty Ltd Our Ref: 12-044SOE 44.15

Amended 12.09.18





CONTENTS

1.	Details of Application				
	1.1	Site Details		3	
	1.2	Application Details		3	
2.	Background				
	2.1	Overview		4	
3.	Subject Land and Locality			5	
	3.1	Subject Land		5	
	3.2	Locality		7	
4.	Proposal				
	4.1	Land Use & Built Form	Elements	8	
	4.2	Relevant Issues		ç	
5.	Deve	lopment Assessment		_11	
	5.1	Development Plan Pro	visions	_11	
	5.2	Assessment		_12	
6.	Socia	al, Economic and Envi	ronmental Effects	_21	
7.	Addi	ional Information		_22	
8.	Cond	lusion		_23	
	8.1				
	8.2		vant Provisions		
APP	ENDIX	(1 CERTIFIC	ATES OF TITLE	3 3 4 4 5 5 5 7 8 8 9 11 11 12 al Effects	
APP	ENDI	(2 PLAN OF	DIVISION		
APP	ENDI	(3 PLAN FO	R LOT 1 IN FILED PLAN 129499		
APP	PENDIX 4 WASTE DISPOSAL ASSESSMENT				
APP	ENDI	(5 SITE HIST	ORY REPORT		
APP	ENDI	(6 BUSHFIR	E PROTECTION DETAILS		



1. Details of Application

1.1 Site Details

Property Description Lot 45 in F.P. 129499 Lot 101 in D.P. 77335 Section 505 Hundred of Onkaparinga			
Section 505 Hundred of Onkaparinga			
Lot 42 in F.P. 217949			
Lot 10 in F.P. 129464			
Lot 4 in F.P. 129458			
Lot 1 in F.P. 129455			
Lot 1 in D.P. 18164			
Certificate of Title Volume 5465 Folio 524	Volume 5465 Folio 524		
Refer Appendix 1 Volume 6020 Folio 59	Volume 6020 Folio 59		
Volume 5666 Folio 31	Volume 5666 Folio 31		
Volume 5885 Folio 776	Volume 5885 Folio 776		
Volume 5809 Folio 533	Volume 5809 Folio 533		
Volume 5809 Folio 663	Volume 5809 Folio 663		
Volume 5274 Folio 987	Volume 5274 Folio 987		
Volume 5701 Folio 727	Volume 5701 Folio 727		
Area Total – Approx 86.81ha	Total – Approx 86.81ha		
Owner RM & M Fiora	RM & M Fiora		
Existing Use Rural Living	Rural Living		
Local Government Authority Adelaide Hills Council	Adelaide Hills Council		
Development Plan Zoning and Watershed (Primary Production) Zone			
Policy Area Designation Onkaparinga Slopes Policy Area			

1.2 Application Details

Development Type	Land division (Boundary Realignment)	
Level of Assessment	Merit	
Applicant	RM & M Fiora	
Applicant's Representative	Planning Chambers Pty Ltd	
	PO Box 6196	
	Halifax Street SA 5000	
	Telephone: (08) 8212 9776	
	Facsimile: (08) 8212 5979	
Relevant Plan(s)	Plans prepared by	
Refer Appendix 2	Fyfe	
	Planning Chambers Pty Ltd	



2. Background

2.1 Overview

This Assessment Report has been prepared for Mr RM Fiora, the applicant for the Division of land in the form of a boundary realignment at Beaumont Road and Onkaparinga Road, Verdun and creation of an additional allotment at Onkaparinga Road, Verdun as outlined in Application 473/D044/15.

The application plan is presented as a single plan of division even though the Commission has previously determined the application to comprise two applications, one in the form of a boundary re-alignment and the other in the form of division to create an additional allotment.

Further explanation is provided in section 4 of this report.



3. Subject Land and Locality

3.1 Subject Land

- Legal Description

The land is described in eight Certificates of Title, as identified in the tabulation below. A Location Plan and Copies of the Certificates of Title are included in **Appendix 1**.

Certificates of Title		Description	Location	Area (Ha)
Volume	Folio			
5465	524	Lot 45 in F.P. 129499	Gallasch Rd, Verdun	0.0946
6020	59	Lot 101 in D.P. 77335	Gallasch Rd, Verdun	30.7
5701	727	Lot 1 in D.P. 18164	Beaumont Road, Verdun	5.0
5666	31	Section 505 Hundred of Onkaparinga	34 Ambulance Rd, Verdun	23.88
5885	776	Lot 42 in F.P. 217949	Beaumont Rd, Verdun	2.022
5809	533	Lot 10 in F.P. 129464	39 Grivell Rd, Verdun	3.765
5809	663	Lot 4 in F.P. 129458	19 Grivell Rd, Verdun	12.14
5274	987	Lot 1 in F.P. 129455	Princes Highway, Verdun	9.25

Note: Parcels identified in bold text will be directly affected by the proposed divisions. Other parcels are part of the division but will not be directly affected by the development.

This proposal anticipates division both in the form of a boundary realignment and creation of a new allotment but is presented in the form of a re-distribution of allotment boundaries. The plan of division is in a form acceptable to the Land Titles Office. This form of division will ensure that no additional allotments are created in the zone, even though assessment of the application by the State Planning Assessment Commission (SPAC) has concluded the application is for two types of division. It is only the first three allotments (Lot 45 in Filed Plan 129499, Lot 101 in Deposited Plan 77335 and lot 1 in D.P. 18164) and the last allotment (Lot 1 in Filed Plan 129455) that are materially affected. The physical form of intervening allotments will not alter in any way save, that they will be given a new legal descriptor which will in time be incorporated into the Certificate of Title.

- Physical Description - Existing Allotments 45, 101, and 1 (northern end).

Allotment 45 in Filed Plan 129499 has an approximate area of 946m² and a 38.42 metre long frontage to the Adelaide to Melbourne railway line. This allotment does not have direct access to a public road and is essentially, land locked.



Even though that is the case, access via a Right of Way (R.o.W.) the grant of which the adjacent land owner has agreed, will be available. The grant of access in this way does not constitute development.

Lot 101 in Deposited Plan 77335 has an approximate area of 30.7 hectares and a 289 metre long frontage to Beaumont Road. (lot 1 in D.P. 18164). Two creeks pass through the northern portion of allotment 101, one creek to the west and one creek to the east of Lot 45.

The two creeks join over the central portion of Lot 101 and then drain southeast towards a neighbouring allotment (lot 1 in D.P. 18164) and then under Beaumont Road towards the Onkaparinga River.

The land is undulating and rises from an elevation of about 326 metres AHD near the southern corner of Lot 101 to 400 metres AHD near the southwest corner of Lot 101.

A dwelling and implement sheds are located on Lot 101, directly south of the railway line and to the west of Beaumont Road.

Allotment 1 in D.P. 18164 has an approximate area of 5ha. The land has frontages to Beaumont Road and Ambulance Road. A creek that passes through the north eastern corner of the land is described above. Another creek separates the northern portion of the allotment from the southern portion of the allotment. That creek joins the northern creek at the Beaumont Road boundary of the land. There is a dwelling on elevated land situated near the Ambulance Road frontage.

- Existing Allotment 1 (Southern End)

Allotment 1 in Filed Plan 129455 has an approximate area of 9.25 hectares, a frontage of approximately 300 metres to the South Eastern Freeway. The allotment has 'together with' rights of access across a 15 metre wide R.o.W. over Allotment 6 in Filed Plan 129460. This R.o.W. provides access to Onkaparinga Road.

A 15.1 wide R.o.W. is also located over the far eastern corner of Lot 1. It allows access across Allotment 1 by Allotment 3 in Filed Plan 129457, (adjacent land to the north) to the R.o.W. over Lot 6 (to the southeast) and then to Onkaparinga Road.

A creek passes through Allotment 1 from the South Eastern Freeway, through the western portion of the allotment and north to join another creek which passes through the adjoining allotment to the north, and the northern portion of Allotment 1.

The land is undulating and rises from an elevation of about 350 metres AHD near the southeast corner to an elevation of 395 metres AHD near the western boundary adjacent to the rail corridor.

There are no buildings constructed upon the land and a rehabilitated quarry is located near the western boundary.



Some native vegetation is located on the land, although there is none in the area of the former quarry site and towards the southeast corner.

3.2 Locality

Primary production in the form of grazing and some horticulture are the main activities conducted on the larger allotments in the northern division.

The southern division surrounding Lot 1 in F.P. 129455 has a number of smaller allotments which are occupied by detached dwellings.

The smaller allotments in the locality appear to be used for either country living or rural living purposes. It is equally possible some of the larger land holdings in the north may also be used for rural living purposes, and highly likely that only one or two allotments in the area affected by the two divisions are actively used for primary production purposes.

The land form in the locality is undulating with drainage lines generally grading down toward the Onkaparinga River to the east.

The locality has a predominant rural and rural living character.



4. Proposal

4.1 Land Use & Built Form Elements

The proposal as set out on the Plan of Division dated 13th October 2015, included in **Appendix 2**. It anticipates three allotments (Lots 45 and 101 and lot 1 in D.P. 18164) will have boundaries adjusted to form two allotments (proposed Lot 199 and 200).

Even though it is a separate division this process will facilitate the division of Allotment 1 in Filed Plan 129455 at the south end into two separate allotments (proposed Lots 205 and 206), without increasing the total number of allotments in the zone.

The existing parcels of land between proposed Lot 200 and proposed allotments 205 and 206 will not be physically altered, the only change to them being they will in time be allocated new legal identifiers.

Existing Allotments 45, 10 and 1 in D.P. 18164 (north)

The proposed boundary adjustment affecting Lots 45, 101, and 1 (north) will create two allotments (Lot 199 & 200) with areas of about 30.7 hectares and 4.46ha respectively. An existing dwelling and implement sheds are located on Lot 101. Lot 45 will be used in conjunction with the existing Lot 101 and the improvements thereon. Proposed lot 200 will be used in the same way as Lot 101 is currently used.

Proposed allotment 199 will have its area reduced from 5ha to 4.46ha. it will continue to function primarily as a rural living allotment in much the same way it has for many years.

Existing Allotment 1 in F.P. 129455 (south)

Existing Lot 1 is proposed to be divided into two allotments. The allotment has a frontage to the South Eastern Freeway but does not obtain access therefrom. Vehicular access to the land however is provided via a R.o.W. across an adjoining allotment to the southeast, and then to Onkaparinga Road. No buildings are located on Allotment 1.

The proposal seeks to divide the southeast portion of the land from the remainder of the allotment to create allotments 205 and 206.

Proposed Lot 205 will have an approximate area of 6.71 hectares and proposed Lot 206 will have an area of 2.54 hectares.



4.2 Relevant Issues

Similar but slightly different applications for division of land in this locality have previously been considered by Development Assessment Commission (DAC).

Previous applications were determined to be for a non-complying development as the effect of the "development" (as opposed to the application) was to amalgamate Lot 45 with Lot 101 and the Development Regulations exempt from the definition of development the amalgamation of contiguous allotments. However in this instance whilst Lot 45 is to be incorporated into Lot 101, that is not the only change to Lot 101. Part of the adjoining land - existing Lot 1 to the South South East of Lot 101 is to be incorporated into Lot 101 so as to create a new Lot 200. The new Lot 200 therefore is the "end result" of the incorporation of Lot 45 with Lot 101 together with the incorporation of part of Lot 1. This results in a slight reduction in the area of lot 1 and creates the new lot 199.

In any event a previous application (473/D064/10) generated requests for further information which are likely to arise in respect of this application and hence they are addressed below and in the attachments hereto.

- a) In relation to the existing allotment 45 in Filed Plan 129499
- To demonstrate capacity to develop the land with a dwelling sited to comply with the requirements set out in Table AdHi/5 and
- b) In relation to the existing allotment 1 in Filed Plan 129455 (proposed allotments 205 and 206)
- Waste water disposal and compliance with the requirements set out in Table AdHi/5 and the location of bores in proximity to the proposed allotments.
- A site history report addressing possible site contamination from operation of the former quarry on the land.
- CFS requirements.

In relation to these matters the following information, together with plans and details included in the corresponding Appendices to this report, constitute the relevant documents for this application. The matters are discussed in more detail below.

a) Existing Allotment 45 in Filed Plan 129499

This allotment has a triangular shape and an area of about 946m². Access to the land is secured over a track maintained by the owner of existing allotment 101 in Deposited Plan 77335. The access from Beaumont Road can be formalised by grant of right of way over allotment 101 if required.

The plan in **Appendix 3** shows:

- The indicative right of way.



- Access and vehicle turning can be accommodated for a CFS vehicle
- A dwelling can be constructed on the land
- An effluent drainage area can be accommodated in accordance with requirements of Table AdHi/5.

b) Allotment 1 in Filed Plan 129455.

This allotment is to be divided to create 2 allotments. It is the land occupied formerly by a quarry.

It has access to Onkaparinga Road via a Right of Way.

i) Waste Water Disposal

The plan enclosed in **Appendix 4** shows the location of proposed house sites, waste disposal sites, the nearest watercourse and identifies the distance of the effluent disposal area from the nearest bores. The appendix also includes the drainage report prepared by FMG Engineers.

ii) Site History Report

Mott MacDonald were engaged to prepare a site history report in response to a request from the Environment Protection Agency (EPA)

A copy of the report is included in **Appendix 5**.

It is understood the EPA was satisfied, the subject land did not require further contamination assessment.

iii) Bushfire Requirements

The Country Fire Service (CFS) provided commentary on the previous application. A copy of their advice is included in **Appendix 6**.

In response to the CFS requirements an additional plan was included in the application documents. The plan demonstrates the location of passing lanes to be constructed as part of the land division.



5. Development Assessment

5.1 Development Plan Provisions

The Land Division Application 473/D044/15 was lodged with the Development Assessment Commission (DAC) on 9th October 2015.

I have undertaken an assessment of the proposal against the relevant provisions of the Development Plan, Adelaide Hills Council, consolidated 9th January 2014.

Maps AdHi/3 and AdHi/31 show the subject land as being within the Watershed (Primary Production) Zone. Maps AdHi/42 and AdHi/75 show the subject land is located in the Onkaparinga Valley Slopes Policy Area.

There are a number of Council Wide provisions of the Plan that will be applicable to the assessment of this application, but the provisions of the Plan of relevance to an assessment of the proposal are;

Zone Provisions

Watershed (Primary Production) Zone

Objectives: 1-5

Principles of Development Control (PDC): 1-4, 9-11, 14-22, 42-44, 70

Policy Area Provisions

Onkaparinga Slopes Policy Area

Objective: 1

Council Wide Provisions

Form of Development Objectives: 1, 5, 6

PDC's: 1-3, 9, 10, 13-15

Land Division Objective: 10

PDC's: 28-32, 36-38

Transportation (Movement of People and Goods)

Objectives: 20, 21 PDC's: 41-43, 58, 59

Public Utilities Objective: 22

Rural Development Objectives: 61, 62

PDC: 174



Appearance of Land and Buildings

Objectives: 87, 89, 90 PDC's 228-231, 234

Watershed Protection Objectives: 103-105 PDC's: 296, 297, 299

Bushfire Protection: Objectives: 106, 107 PDC's 300, 305-307 Figure AdHi (BPA)/8

There is a clear emphasis in these provisions upon protection of the Watershed protection of property from bushfire impact, maintenance of rural productivity and maintenance of rural character. I provide the following commentary on the most relevant of those provisions identified above.

5.2 Assessment

Zone Provisions

Watershed (Primary Production) Zone

PDC 70

This PDC sets out those forms of division that are classified as being of a non-complying kind. It nominates land division, but excludes those forms of division that:

- Do not create any additional allotments, and
- Do not result in a greater risk of pollution than would the development of the existing allotments, and
- Which contain a dwelling site meeting the requirements set out in Table AdHi/5.

Commentary

The PDC does not distinguish between boundary realignments of various types, but rather focuses attention on the characteristics of the allotments as a key determinant of the suitability of a proposed land division to avoid the noncomplying classification.

It is apparent that the Plan makes no distinction between a major or minor boundary re-alignment, in respect to its consistency with the non-complying classification.



More importantly in my view the emphasis is upon the availability of a suitable dwelling site. This emphasis suggests that the intent of development control policy for the division of land is for the purpose of controlling the siting of a dwelling, and control of its establishment in a manner that will not contribute to pollution of the catchment.

Neither Lot 45 in F.P. 129499 nor Lot 1 in F.P. 129455 have dwellings constructed upon them. However as shown in the plans included in **Appendices 3 and 4**, existing allotment 45 and proposed allotments 205 & 206 each have the capacity to accommodate a dwelling that would satisfy the siting requirements of Table AdHi/5 as follows:

- Not located on land subject to flooding as shown on Figures AdHi FPA/1 to 19:
- Can have on-site waste water treatment and disposal which complies with the South Australian Health Commission requirements;
- Not have any part of the waste water irrigation area within 50 metres of a watercourse identified on a 1:50,000 Government Standard topographic map;
- Not have the waste water irrigation area located on land with a slope greater than 20 percent (1 in 5), or depth to bedrock or seasonal water table less than 1.2 metres;
- Not have a septic tank located on land likely to be inundated by a 10 year return period flood event; and
- Can be sited at least 25 metres from the nearest watercourse identified on a current series 1:50,000 Government standard topographic map.

The Courts have determined the proposal comprises two separate land division applications, one of which is a consent application and one which is of a non complying kind.

The form of division that is proposed in this single application will result in the number of allotments in the zone remaining unchanged.

Council staff have suggested the division should take this form rather than being considered as two separate applications so that there is no increase in the number of allotments. The alternative approach, i.e. treating the development as two separate, unrelated applications would essentially increase the number of allotments in the zone.

Ultimately the Commission has determined the division to be of a non complying kind.



PDC's 14-17

PDC's 14-17 inclusive comment on preservation of the natural and rural landscape character, ensuring primary production is not prejudiced, and land which is particularly suitable for primary production, continues to be used for that purpose.

Commentary

For reasons set out in the following discussion on the land division provisions, the proposed land division will not remove productive land from primary production, nor will it prejudice continuation of primary production on the land.

The purpose of the two divisions is to transfer an allotment from an area to the northwest of the railway crossing at Beaumont Road, where it is no longer required, to an allotment near the South Eastern Freeway.

The existing Allotment 45 will then be used in conjunction with the adjacent Lot 101 for primary production. Proposed Allotments 205 and 206 upon which the former quarry activities were conducted, and which have limited capacity for grazing can continue in use for grazing purposes to the same extent as they do currently.

PDC 18

This PDC requires a land division to provide a suitable dwelling site.

Commentary

A dwelling and implement sheds are located on Lot 101. Lot 45 is used in conjunction with farming activities conducted on Lot 101. Proposed Lot 200 is to remain in use for grazing and horticultural purposes. Proposed allotment 199 will continue in use as a rural living allotment.

There are no dwellings located on Lot 1 (D.P. 18164). However the plans included in **Appendix 4** demonstrate that proposed Lots 205 and 206 each have sufficient area to accommodate a dwelling and associated effluent drainage areas.

There are numerous potential dwelling sites that meet the criteria nominated in Table AdHi/5 on proposed Lots 205 and 206. However no dwellings are proposed to be constructed on the allotments as part of this land division application.

PDC 19

This PDC comments on the avoidance of pollution and retention of land suitable for primary production.

Commentary

The proposed division will allow for the continuation of primary production activity on proposed Lot 200. Proposed Lots 205 and 206 are densely vegetated with native vegetation.



Lots 205 and 206 are not suitable for primary production purposes other than in the form of low intensity grazing as the allotments would have to be almost entirely cleared of native vegetation for substantive primary production activity, to occur.

The continuation of primary production on proposed Lot 200 and the possible future construction of dwellings on proposed Lots 205 and 206 will not increase the risk of pollution since dwellings can be constructed on all the allotments in accordance with the requirements of Table AdHi/5.

Land that is suitable for, and which is currently used for agriculture and horticulture primary production, will continue to be used for those purposes.

PDC 20

This PDC comments on land division indicating that division <u>may</u> be undertaken where no additional allotments are to be created (my emphasis). In a sense it seeks to limit division to the "minor re-adjustment of allotment boundaries to correct an anomaly with respect to existing buildings..." and to "improve the management of the land for the purposes of primary production...and/or the conservation of its natural features".

Commentary

The Development Plan does not describe what constitutes a minor readjustment of allotment boundaries nor does it explain the distinction between an adjustment and a re-adjustment of allotment boundaries.

The qualifications set out in subclauses a) and b) would effectively preclude any form of land division involving a boundary adjustment if a literal interpretation is to be applied to the provision, because the division of land would have to relate to:

- An anomaly with respect to existing buildings and
- Improved management of the land for the purposes of primary production
- And/or conservation of its natural features

Such a strict reading of this provision would require all boundary adjustments to relate to existing buildings and improved management of the land for the purposes of primary production and/or conservation of its natural features.

Furthermore if it is the intent that boundary adjustment (or readjustment) is to occur in the extremely limited and most unlikely circumstances identified in parts (a) and (b) of the PDC, and not in any other circumstances, then one would reasonably expect the extreme limitations to be reflected in the non-complying criteria set out in Zone PDC 70. The fact that PDC 70 does not contain these restrictions suggests that PDC 20 is a policy that can be interpreted and applied with greater flexibility as the circumstances dictate.

Clearly as a policy statement it is <u>not</u> mandatory, but obviously has to be considered in the assessment of an application for land division.

Zone PDC 20 is an expression of policy.



If an application for division is proposed that has little or nothing to do with the placement of buildings in the vicinity of a property boundary, the weight to be applied to this particular policy is to be measured having regard to the capacity of the proposed division to improve land management efficiency, in conjunction with all the remaining provisions of the Plan that are relevant in the circumstances. It cannot in the circumstances, be weighted more heavily than the policy intent set out in PDC's 18, 19, 21 or 22.

In this case the division will retain land that is suitable for primary production (proposed Lot 200) and will allow the potential construction of dwellings on proposed Lots 205 and 206 (land which is generally unsuitable for primary production) whilst still permitting the current use of Lot 1 to continue. The creation of Lot 200 will remove an allotment that could potentially have a dwelling constructed upon it and will instead ensure this land is used for primary production purposes in the future.

The division of Lot 1 (D.P. 18164) into two allotments will facilitate the retention and conservation of the majority of the native vegetation on this land in accordance with the requirements of Zone PDC 20.

The natural features of the land are unlikely to be compromised since the access and possible dwelling sites are located in areas where the natural features have already been disturbed.

The provision is tied to Zone PDC 70 in so far as PDC 70 nominates the creation of an additional allotment in the Zone as a non-complying kind of development, and PDC 20 qualifies the circumstance under which division may be acceptable, by reference to the limitation of "no additional allotment or allotments…" being created.

The proposal <u>does not</u> create an additional allotment in the Zone and so does not offend either PDC 70 or PDC 20. In short as a result of what is proposed in this application there are 3 allotments to be reconfigured into 2 allotments at the northern end of the area affected by the application and one allotment to be divided into two at the southern end. Looked at "collectively" there are 4 allotments currently and after the division there will be 4 allotments. On either view *no additional allotment or allotments…*" will be created

PDC 21

This PDC expresses almost the same policy intent as is expressed in PDC 20 but using positive rather than negative expression. Importantly it is not limited to circumstances where no additional allotments are to be created.

Commentary

As mentioned previously the proposed division will not result in loss of land having capacity for primary production use nor will it have a greater potential to pollute surface or underground waters that does the existing use of the land. It is apparent that the proposal does not offend this provision of the Plan.



PDC 22

This provision seeks to maintain consistency in the size of allotments in any particular locality.

Commentary

It is presumed the reference to 'allotment size' is a reference to land area, but it may also pertain to the shape and proportion of land holdings.

If the reference is to the area of an allotment, then the creation of a single allotment (proposed Lot 200) having an area of about 30 hectares for primary production is a land area consistent with others in the locality currently being used for that purpose. Existing Lot 1 (9.25 hectares in area) will be divided into two separate allotments. Proposed Lot 205 will have an area of 6.71 hectares and proposed Lot 206 will have an area of 2.54 hectares.

Existing allotments in the locality of proposed Lots 205 and 206 abutting Onkaparinga Road, are of similar area but slightly different proportions to the proposed Lots.

Most importantly the impact of the changes will have a positive impact upon the productive capacity of proposed Lot 200 as existing Lot 45 which could accommodate a dwelling will no longer exist and will be incorporated into a new larger allotment as part of an application that involves other boundary adjustments so as to create Lot 200.

It is my opinion that the proposed division does not offend PDC 22.

PDC's 42, 43, 44

These provisions comment on the retention of land for primary production purposes, sustainable use of land, and there being no diminution in the productive capacity of rural land.

Commentary

The combination of divisions in this application will:

- Continue the use of land for primary production at the northern end and
- Maintain the capacity of land at the southern end to be used for grazing purposes



Policy Area Provisions

Onkaparinga Slopes Policy Area

Objective 1

This Objective envisages retention of low density rural development by the exclusion of rural living areas or uses which would require division of land into smaller holdings.

Commentary

The currently undeveloped allotment (Lot 45) will no longer exist and the "right" to that allotment will be transferred south to create two allotments in a locality that already exhibits rural living characteristics and has a large area of native vegetation.

Council Wide Provisions

Land Division

Objective 10 & PDC's 28 & 32

This objective seeks land in appropriate localities to be divided in an orderly and economic manner. Land should not be divided if the size, shape and location of the slope and nature of the land contained in each allotment resulting from the division is unsuitable for the purpose for which the allotment is to be used.

Commentary

The land is most suitable for the intended purpose. Proposed Lot 205 has a dwelling site available on cleared land formerly used for quarrying. The quarry has been rehabilitated. The backfill has been benched to create a levelled dwelling site and suitable drainage area that will comply with the requirements of Table AdHi/5. Lot 206 can likewise readily accommodate a dwelling

PDC's 29 & 31

These provisions seek to ensure that each allotment resulting from the division should be provided with safe and convenient access to a carriageway. No allotment should be solely dependent upon a private road, or right of way for access. Provision should also be made for the disposal of waste water and water resources should not be exploited or polluted.

Commentary

The proposed allotments 205 & 206 will each have access to Onkaparinga Road. The R.o.W. exists and serves a number of dwellings. Since the land already has access by R.o.W., use of the R.o.W. by an additional allotment will mean that the R.o.W. will be upgraded to current CFS standards for access.



It is a more desirable outcome than leaving the access arrangements as they are currently. It will improve the safety of the existing "rural living" allotments in the area adjacent to Lot 1. The proposed allotments will have areas suitable for wastewater disposal.

PDC's 36, 37 & 38

PDC's 36 and 37 provide design parameters specifically about the creation of additional allotments in the form of a conventional multi allotment division whereas PDC 38 comments on circumstances where the allotment contains two existing dwellings, and the application is being assessed as a non complying development.

Commentary

PDC's 36 and 37 broadly refer to a division where a number of allotments, roadways and infrastructure are to be provided. In my view these provisions appear to relate strongly to PDC 35 which comments on land division in a Country Township. I consider little weight should be given to these provisions.

The majority of the content of PDC 38 appears to be directed to controlling development where two dwellings are asserted to exist so it is my opinion the provision is seeking to control development in circumstances where there are "two existing dwellings" on the allotment.

The provision is of minor relevance to this development proposal because there are no dwellings on existing allotment 45 or proposed allotments 205 and 206.

Transportation

The Objectives and PDC's are directed towards the maintenance of safety in respect to traffic movements and the design of access and parking arrangements.

Commentary

The proposed land divisions will not result in any changes to access for the northern division and will result in a minor increase in the number of vehicular movements along the private road link to Onkaparinga Road at the southern division. It will improve accessibility for fire fighting vehicles by providing 'passing bays'. It is unlikely there will be any decrease in traffic safety as a consequence of the development.



Rural Development

The Objectives comment on the protection of existing primary production activities and retention of land for that purpose.

Commentary

The proposed divisions will maintain land in primary production and will allow an existing modest level of grazing activity to continue on the land affected by the southern division.

Appearance of Land and Buildings

These provisions seek to ensure the siting and design of buildings does not impact upon the amenity of the locality within which they are to be situated.

There is an expressed desire in the provisions to ensure buildings will not be visible from the South Eastern Freeway and that land will not be subject to excessive earthworks.

Commentary

Neither of the dwelling sites identified on the plan for the proposed allotments 205 and 206 will be visible from the freeway. The dwelling sites have been identified in areas that will not require excessive cut and fill. In the case of proposed allotment 205, the dwelling site is identified on a benched platform, created by the former quarry works.

Watershed Protection

The provisions of the Plan have a strong emphasis on protection of the watershed. These requirements include maintenance of isolation distances from bores and drainage lines connecting ultimately to the Onkaparinga River or the River Torrens.

Commentary

The proposal complies with the siting criteria nominated in the Plan.

Bushfire Protection

The subject land is located in an area of high bushfire risk. Development of the land is required to satisfy the Minister's Code: Undertaking Development in Bushfire Prone Areas.

Comment

The proposal envisages installation of passing bays on access roads. The access bays will be created prior to the making of application for Section 51 Clearances for the division.



6. Social, Economic and Environmental Effects

Regulation 17 (5) (d) requires a Statement of Effect to include commentary on the Social, Economic and Environmental effect of a non complying kind of development.

In this case the proposed divisions will have minimal social effects.

In an economic sense the maintenance of primary production on land currently used for that purpose will have a minor but positive impact on the use of that land. Use of the former quarry for residential purposes, and grazing will likely have improved environmental effects, by removal of the residue of quarrying activity and removal of weed species.

STATEMENT OF EFFECT



7. Additional Information

Regulation 17 (5) (e) identifies circumstances whereby additional information should be provided with the Statement of Effect.

The State Planning Assessment Commission has not nominated a requirement for additional information to be provided.

STATEMENT OF EFFECT



8. Conclusion

8.1 Summary

The proposal will involve a land division where by the boundaries of the subject land are redistributed. Only allotment 44 in Filed Plan 129499, allotment 101 in Deposited Plan 77335 and allotment 1 in Filed Plan 129455 and allotment 1 in D.P. 18164 are materially affected by the alteration of allotment boundaries. The physical form of the remainder of the allotments will not alter in any way save that they will be given a new legal descriptor which will in time be incorporated onto the Certificate of Title.

The proposed land division will entrench the current primary production use of Lot 45 and will remove the opportunity for that land to be developed with a dwelling.

In my opinion the proposed development will not prejudice the attainment of the Objectives and Principles of Development Control for the area. The proposal in my opinion is <u>not</u> seriously at variance with the relevant provisions of the Development Plan, when all the provisions of the Plan are considered in context with the existing development of land in this locality.

As mentioned throughout this assessment, the proposal demonstrates an appropriate degree of consistency with the relevant provisions of the Development Plan.

8.2 Consistency with Relevant Provisions

Having regard to the existing use of the land, the proposed development is considered to either be consistent, or have the capacity to result in consistency with, the following provisions of the Development Plan:

Zone Provisions

Watershed (Primary Production) Zone

Objective: 3

Principles of Development Control: 15, 16, 17, 18, 19, 20, 21 and 22

Council Wide

Form of Development

Objectives: 1, 6

Principles of Development Control: 1, 2, 3, 9

Land Division Objective: 10

Principles of Development Control: 30, 32, 36

STATEMENT OF EFFECT



Transportation (Movement of People and Goods)

Objective: 20, 21

Principle of Development Control: 41-43

Rural Development

Objective: 61

Appearance of Land and Buildings

Objectives: 87, 88

Principles of Development Control: 228-230

Watershed Protection Objectives: 103-105

Principles of Development Control: 296, 297, 299

Bushfire Protection Objectives: 106

Principles of Development Control: 305-307

In summary, it is my opinion the proposed development is <u>not</u> seriously at variance with the requirements of the Development Plan. The proposal demonstrates consistency with the relevant provisions of the Development Plan to an extent that the application warrants the grant of consent, and the concurrence of the Adelaide Hills Council.

Yours sincerely

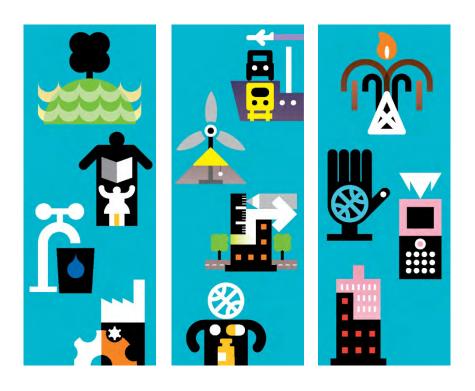
Planning Chambers Pty Ltd

Jeff Smith

Director

MPIA

September 2018



Environmental Site History Assessment

CT5274/987, FP 129455, Lot 1 Onkaparinga Road, Verdun, South Australia

3 November 2014

Littlehampton Brick

Environmental Site History Assessment

CT5274/987, FP 129455, Lot 1 Onkaparinga Road, Verdun, South Australia 3 November 2014

Littlehampton Brick

Environmental Site History Assessment

CT5274/987, FP 129455, Lot 1 Onkaparinga Road, Verdun, South Australia



Issue and revision record

Revision A	Date 24/10/14	Originator RL	Checker AM	Approver AM	Description Draft for client review	Secure
0	3/11/14	RL	AM	AM	Final	

This document is issued for the party which commissioned it and for specific purposes connected with the above-captioned project only. It should not be relied upon by any other party or used for any other purpose.

We accept no responsibility for the consequences of this document being relied upon by any other party, or being used for any other purpose, or containing any error or omission which is due to an error or omission in data supplied to us by other parties.

This document contains confidential information and proprietary intellectual property. It should not be shown to other parties without consent from us and from the party which commissioned it..

Contents

Chapter	Title	Page
1	Introduction	1
1.1	Background	1
1.2	Scope of work	3
2	Regulatory and Assessment Framework	4
2.1	Site contamination	4
2.2	Environment Protection Act, 1993	4
2.3	Assessment Guidelines	5
3	Site Description	6
3.1	Site definition	6
3.2	Site walkover and photographs	6
3.3	Surrounding land use	
3.4	Regional geology and hydrogeology	7
4	Site History Assessment	8
4.1	History of ownership	8
4.2	Aerial photographs	
4.3	Dangerous goods search	
4.4	EPA Section 7 search	
4.5	SA EPA Public Register Directory	
4.6	Acid sulphate soils_	
4.7 4.8	Anecdotal information Exposure pathway	
4.9	Areas of environmental interest	
4.0	Areas of environmental interest	
5	Conclusion	12
6	Limitations	13
Annondia	200	4 5
Appendic		15
	Certificate of title	
	DEWNR groundwater data	
	. Historical aerial photographs Dangerous goods licence search results	
	Section 7 secret results	19

1 Introduction

1.1 Background

Mott MacDonald Australia Pty Ltd (Mott MacDonald) was engaged by Littlehampton Brick to conduct an Environmental Site History Assessment for FP 129455, Certificate of Title (CT) 5274/987 ('the site') at Lot 1 Onkaparinga Road, Verdun, South Australia.

The context of the site is shown in Figure 1.1 and an aerial photograph showing the approximate CT boundary is shown in Figure 1.2.

We understand that the proposed development would comprise the construction of residential houses at two potential locations at the site. The proposed development plan showing the two development locations is presented in Figure 1.3.

The aim of the work was to assess the potential for gross or widespread soil contamination to exist as a result of current or previous land uses at the site that would be likely to preclude such proposed use.

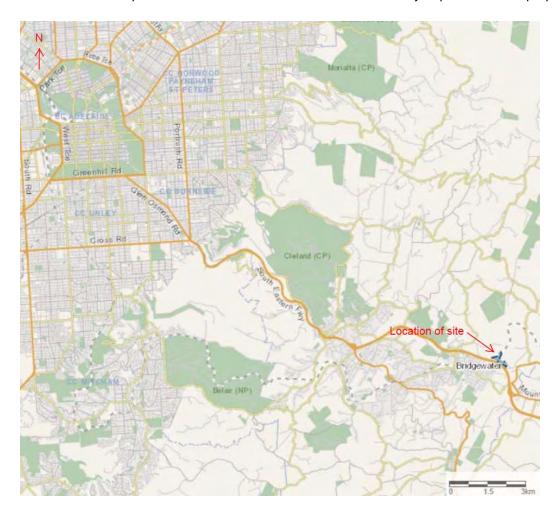


Figure 1.1: Map showing the approximate location of the site (FP 129455, Lot 1 Onkaparinga Road, Verdun, South Australia) (source: http://maps.sa.gov.au)

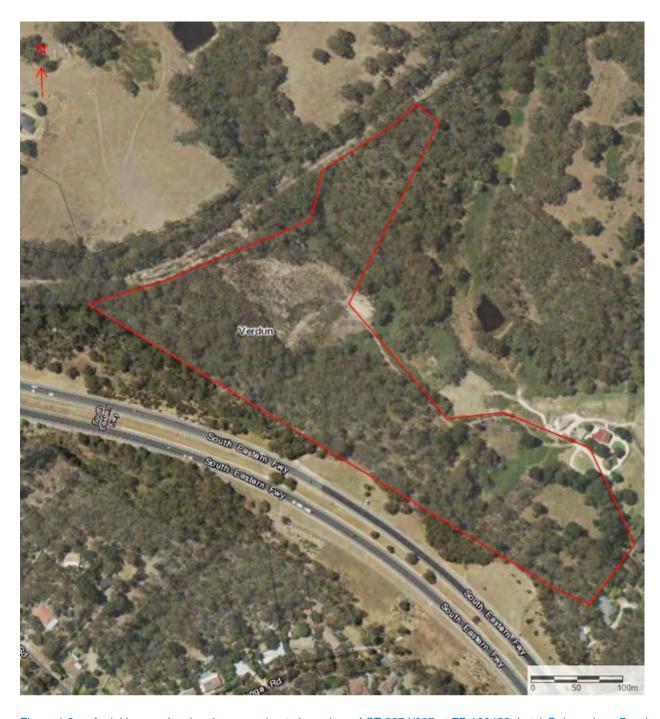


Figure 1.2: Aerial image showing the approximate boundary of CT 5274/987 at FP 129455, Lot 1 Onkaparinga Road, Verdun, South Australia (source: http://maps.sa.gov.au)



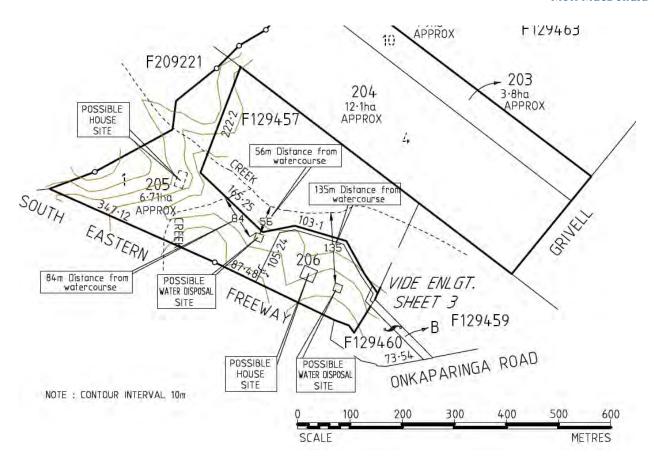


Figure 1.3: Proposed site development plan showing two house location options (supplied by Veska & Lohemeyer Pty Ltd, September 2014)

1.2 Scope of work

The scope of work conducted by Mott MacDonald included consideration of information from the following sources:

- Site walkover
- Information provided by the client
- Department of Planning, Transport and Infrastructure (DPTI) Property Assist Certificate of Title search
- Safework SA Dangerous Goods Licence Search
- Environment Protection Authority (EPA) Section 7 Search
- Department of Environment, Water and Natural Resources (DEWNR) Mapland historical aerial photograph search
- Department of Environment, Water and Natural Resources Groundwater Database search.
- Historical certificate of title search at the Lands Titles Office
- Appendix A of the SA EPA Guidelines Site Contamination Acid Sulfate Soil Materials (November 2007)

2 Regulatory and Assessment Framework

2.1 Site contamination

Soil contamination has the potential to impact adversely on human health and the environment; however in order for a significant or identifiable risk to be present, there must be an exposure pathway. The exposure pathway comprises the following:

- Source The presence of a substance that may cause harm.
- Receptor The presence of a receptor which might be harmed at an exposure point.
- Pathway The existence of a means or mechanism of exposing a receptor to the source.

In the absence of a plausible exposure pathway there can be minimal risk. Therefore, the presence of 'something measureable' i.e. concentrations of a chemical or presence of asbestos does not necessarily imply that there is measurable human harm. It is necessary to have a significant source of contamination, an appropriate or effective pathway for this to be presented to a receptor, and the receptor must have a negative response to this exposure.

Hence, the nature and importance of sources, receptors and exposure routes will vary with every site, situation, intended end use and environmental setting.

It should also be noted that management measures to address any aspect of the above can reduce the significance of any risks.

2.2 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). The EP Act 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; 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, the first stage in determining whether or not site contamination exists 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 that is not trivial.

The professional assessment of site contamination and consequential risk to human health and the environment is guided by the NEPC (1999), National Environment Protection (Assessment of Site Contamination) Measure, December 1999 (ASC NEPM), as amended in 2013, Australian Standards and several guidelines prepared the EPA. The NEPM operates as an environment protection policy under the EP Act.

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.

2.3 Assessment Guidelines

The scope of work, methodology and assessment guidelines adopted for this assessment are based on the guidance provided in the following documents and the experience of Mott MacDonald:

- Standards Australia. Guide to the investigation and sampling of sites with potentially contaminated soil – AS 4482.1-2005.
- NEPC (1999), National Environment Protection (Assessment of Site Contamination) Measure,
 December 1999 (ASC NEPM), as amended in 2013.

3 Site Description

3.1 Site definition

The site is defined by a portion of CT 5274/987 (Lot 1 in FP 129455) at Lot 1 Onkaparinga Road, Verdun, South Australia, as shown in Figure 1.2. A copy of the CT is included in Appendix A.

The site is approximately 9.4 hectares in size and is situated in the Adelaide Hills Council local government area.

3.2 Site walkover and photographs

A site visit was conducted on 2 October 2014 by a Mott MacDonald representative. The site was undeveloped, containing no structures or sealed areas and was covered in vegetation (Photos 3.1 and 3.2). No obvious odorous or stained soil was observed.

A weigh bridge was located at the entrance of the former quarry (Photo 3.3). A benched area from what is understood to be site sourced quarry material was noted at the north-western face of the site (Photo 3.4). The site topography was undulating.



Photo 3.1 Photo of potential house location (outside of the former quarry footprint)



Photo 3.2 Photo of potential house location (outside of the former quarry footprint)



Photo 3.3 Photo of a weighbridge at the site



Photo 3.4 Photo of site sourced quarry material at the north-western face of the site

3.3 Surrounding land use

The land use surrounding the CT comprises the following:

- North: Railway line, sparse residential landuse, dams, undeveloped scrub and grazing landuse
- East: Sparse residential landuse, dams, undeveloped scrub and a plantation
- West: South Eastern Freeway and undeveloped scrub, beyond which is residential landuse
- South: South Eastern Freeway, undeveloped scrub and sparse residential landuse

The surrounding area is undulating.

3.4 Regional geology and hydrogeology

The regional geology and hydrogeology is presented in Table 3.1.

Table 3.1: Regional geology and hydrogeology

Source	Detail
Geology	
Barker Geological Survey of South Australia, Department of Mines, Adelaide. Published 1962.	Ptm: Dark pyritic shales, quartzitic and sandy at base. Contain reworked chert pebbles at base in Scott Creek region. Calcareous and fine-grained at base in Mt Bold region.
	Ptl: Calcareous beds with interbedded black chert bands and magnesite (MONTACUTE DOLOMITE equivalent). Sandstone and cabonaceous shales with black chert lenses and nodules. Sandstones and cabonaceous slates.
Hydrogeology	
Department of Environment, Water and Natural Resources Groundwater Database	The DEWNR groundwater database indicates that there are 47 groundwater wells within a 1km radius of the site. The recorded standing water levels in the surrounding area are up to 43m bgl. The maximum recorded depth of the wells ranges from 1-168m bgl. The groundwater data report and plan showing the location of groundwater wells are provided in Appendix B.

4 Site History Assessment

4.1 History of ownership

A history of ownership search was conducted through the Lands Title Office for CT 5274/987, dating back to the first recorded owners of the land in 1871. A summary is provided in Table 4.1.

Table 4.1: Ownership summary

Title reference	Date	Name	Details
3814/192	12/1/1972 (until present)	Reginald Morris Fiora (Quarryman) and Claire Fiora (wife)	6 Hampton Road, Mount Barker
3722/83	25/09/1970	Reginald Morris Fiora (Quarryman) and Claire Fiora (wife)	6 Hampton Road, Mount Barker
	8/12/1971	Transfer to Kenneth Edwin Sutto of portion	-
3700/86	18/05/1970	Reginald Morris Fiora (Quarryman) and Claire Fiora (wife)	6 Hampton Road, Mount Barker
	29/7/1970	Transfer to Peter Desmond Carroll and Daphne Doreen Carroll of portion	-
2741/101	21/03/1960	Leonard Bartlett Jacob (Farmer) and Alice Mary Jacob (Wife)	Verdun
	23/4/1958	Maxwell Frank Bartsch and Rita Doreen Bartsch	-
	25/1/1961	Transfer to Sidney James Robins (Grain agent)	Thebarton
	21/7/1961	Transfer to John Curtis Adams (Dairy farmer)	Stirling
	19/12/1968	Transfer to Reginald Morris Fiora (Quarryman) and Elaine Fiora (wife)	Mount Barker
2521/157	13/6/1957	Erhard Christoph Benjamin Hanckel (Farmer)	Fullarton
	23/4/1958	Transfer to Isabel Perryman Jacob of portion	-
	23/4/1958	Transfer to Leonard Bartlett Jacob and Alice Mary Jacob of a portion	-
1610/185	6/1/1933	Ernest Grivell (Gardener)	Verdun
	14/3/1947	Transfer to Reginal Humble (Accountant)	Salisbury
	7/7/1947	Erhard Christoph Benjamin Hanckel (Farmer)	Hahndorf
	24/5/1957	Transfer to Her Majesty Queen Elizabeth the Second of a portion	-
756/165	15/12/1906	Thomas Grivell (Gentleman)	-
	8/5/1891	John William Ramsey	-
	13/3/1895	Transfer to Elizabeth Ramsey	-
	2/8/1900	Certificate of marriage for Elizabeth Ramsey to James Sadler (Journalist)	London
	27/4/1918	Transfer to Rupert Richard Grivell and Ernest Grivell (Gardeners)	Verdun
	26/8/1922	Transfer to Ernest Grivell	-
613/185	17/10/1896	Thomas Grivell (Gentleman)	-
157/65	16/8/1871	Johanna Maria Fredericka Stade (Widow)	-
	6/12/1906	Transfer to John Korbes [name illegible] of a portion	-
	29/2/1876	George Thomas Light	-
	11/8/18xx[ille gible]	Transfer to John Clark (Gardener)	-
	20/4/1883	Transfer to John [Paltidge? illegible] (auctioneer)	Mount Barker
	20/4/1885	Transfer to John Cornelius and John Luke (Miners)	-
	16/9/1897	Transfer to John Henry [illegible] (Gardener)	-
	6/12/1906	Transfer to Thomas Grivell (Gentleman)	-

Title reference	Date	Name	Details
	13/3/1895	Transfer to Elizabeth Ramsay (wife)	-
	24/9/1896	Transfer to South Australian Railways Commission a portion	-

Source: Lands Title Office, Department of Planning, Transport and Infrastructure, Government of South Australia

4.2 Aerial photographs

Selected aerial photographs of the area were assessed from 1949 at approximately 10 year intervals (where available) to present. The aerial photograph data and observations are presented in Table 4.2 and copies of the photographs are provided in Appendix C.

Table 4.2: Historical aerial photograph review

1 abie 4.2.	nistorical aerial priotograph review
Year	Notes
1949	The aerial photograph is presented in black and white. No structures are visible at the site. A large area of the site appears to have been excavated in its northern portion. An unsealed access track is visible from this area, running south to the site boundary. The southern portion of the site is partially cleared and covered in trees.
	The surrounding area is generally either cleared, covered in trees or horticultural, particularly the area to the south-east of the site where large rows of planting are visible. A road is located to the south of the site.
1956	The aerial photograph is presented in black and white. The scale is 1:45,000, therefore the features of the site and surrounding area are difficult to discern. No major noticeable differences are visible from the previous aerial photograph.
1968	The aerial photograph is presented in black and white. The excavated area at the site appears to have increased in size and the trees in the southern portion of the site have been removed and this area appears to have also been disturbed.
	The previously noted agricultural planting south-east of the site appears to have reduced in scale. Structures are visible to the south-west of the site boundary.
1979	The aerial photograph is presented in colour. An apparent small structure is visible on the eastern boundary of the site. The site appears to contain regrowth vegetation in the area around the excavation.
	A freeway has been built to the south-west of the site and urban development in the surrounding area has increased, particularly to the south-west of the site beyond the freeway. A transport corridor has been built beyond the northern border of the site.
1989	This aerial photograph is presented in colour. There appear to be no significant notable differences to the site or surrounding area since the previous aerial photograph was taken, with the exception of the apparent size of the excavated areas having reduced. The previously noted small structure is no longer visible.
1999	This aerial photograph is presented in colour. The site appears to be similar to the previous aerial photograph, with no significant noticeable differences.
	The area surrounding the site, particularly to the north and east appears to be largely pastoral with scattered residential development. A second building is visible to the east of the site.
Current aerial photograph available at time of writing	

The aerial photographs appear to indicate that since 1949 the site has not been actively used for any potentially contaminating activities other than the operation of a quarry.

4.3 Dangerous goods search

Safework SA reported the following dangerous goods licences as being recorded for the Princes Highway, Verdun (refer also to Appendix D).

A record was located at **Princes Highway**, **Verdun**, **SA**, **5245** with no specific street address.

Class	Quantity	Storage Type
2	5 KL	Gas Tank Aboveground Internal

1 Princes Highway, Verdun, SA, 5245

12	// 3KI	Gas Tank Aboveground Internal	
	 4.5KL	Gas Tank Aboveground Internal	

4.4 EPA Section 7 search

A Section 7 search was made under the *Land and Business (Sales and Conveyancing) Act 1994*. The information indicates that no current environmental Performance Agreements, Environment Protection Orders or Clean-up Orders are registered on the site. No known wastes are listed or have been produced on the site.

A copy of the Section 7 information is included in Appendix E.

4.5 SA EPA Public Register Directory

The SA EPA Public Register Directory - Site contamination index was searched. This index lists notifications and reports received by the EPA since 1 July 2009 under the *Environment Protection Act* 1993, including S83A notification, Audit notification, Audit termination and Audit reports. The following are listed in the suburb of Verdun (refer to Table 4.3).

Table 4.3: SA EPA Public Register Directory results for Verdun

Notification no \$	Туре 💠	Address ÷	Potentially contaminating \$
61194	Audit Notification	Lots 23 & 24 Onkaparinga Valley Road VERDUN SA 5245	Fill or soil importation
61299	Audit Notification	Lots 23 & 24 Onkaparinga Valley Road VERDUN SA 5245	Not recorded
61194	Audit Termination	Lots 23 & 24 Onkaparinga Valley Road VERDUN SA 5245	Not recorded

These unknown but potentially contaminating activities are not considered to be relevant to this assessment as they are located over 2km from the site.

4.6 Acid sulphate soils

There was no evidence of the field indicators used to identify acid sulphate soils as listed in Appendix A of the SA EPA Guidelines Site Contamination – Acid Sulphate Soil Materials (2007).

4.7 Anecdotal information

Information from the client and Veska & Lohmeyer Surveyors indicates that the site is a former rubble/stone quarry.

4.8 Exposure pathway

It is understood that the proposed residential development would comprise a residential slab on ground construction underlain with base coarse material and Forticon plastic. Sealed driveways, entertaining areas and landscaped gardens are also likely. Groundwater would not be abstracted once constructed.

4.9 Areas of environmental interest

Based on this site history assessment, the chemicals presented in Table 4.4 are indicative of the potential historical and current land uses of the site. The chemicals are based on Appendix J of AS 4482.1-2005.

Table 4.4: Summary of potential areas and chemicals of interest based on land use from AS 4482.1

Activity of interest	Chemicals of environmental interest	Medium of interest	Likely significance/risk for sensitive land use
Farming, gardening	Fertilizer, fungicides, herbicides, pesticides	Soil	Low as there is little evidence to suggest any intense agricultural activity was undertaken at the site.
Quarry	Engine works: hydrocarbons, metals, solvents, BTEX Explosives	Soil	Low as the former local rubble quarry operation involved a physical process across a large scale. The possibility of residual associated chemicals is low and is not considered to pose a risk to the proposed development.

These chemicals of environmental interest are not a prescriptive list for further exploratory intrusive assessment, nor a statement of the presence of these chemicals, but rather a list based on AS 4482.1-2005 to be given consideration based on site specific observations and conditions.

5 Conclusion

The site currently comprises undeveloped land of which two small portions are being considered for future residential development. We understand that the proposed buildings would comprise a residential slab on ground construction underlain with base coarse material and Forticon plastic. Groundwater would not be abstracted once constructed.

No surface soil odours or staining were observed during the site walkover. This site history research found no indication of activities conducted at the site that are likely to have contaminated the soil and/or groundwater and resulted in significant gross or widespread soil contamination.

Based on the environmental information obtained, Mott MacDonald is of the opinion that **the likelihood of** gross or widespread soil contamination existing in shallow soils and groundwater at the location of the proposed building envelopes (at concentrations likely to preclude the proposed land use) is low.

6 Limitations

Mott MacDonald Australia Pty Ltd (Mott MacDonald) has prepared this report based on generally accepted practices and standards in operation at the time that it was prepared. No other warranty is made as to the professional advice included in this report. All parties should satisfy themselves that the scope of work conducted and reported herein meets their specific needs before relying on this document.

Mott MacDonald believes that its opinions have been developed according to the professional standard of care for the environmental consulting profession at the date of this document. That standard of care may change as new methods and practices of exploration, testing, analysis and remediation develop in the future, which may produce different results.

Environmental conditions are created by natural processes and human activity, and as such may change over time e.g. groundwater levels may rise or fall, contamination may migrate and fill may be added to the site. This report therefore presents a point in time assessment of the site, and as such can only be valid for the time at which the investigation was undertaken.

Any investigation such as that contained in this report can examine only a fraction of the subsurface conditions at the site. There remains a risk that pockets of contamination or other hazards may not be identified as investigations are necessarily based on sampling at localised points. Certain indicators or evidence of hazardous substances or conditions may have been outside the portion of the subsurface investigated or monitored, and thus may not have been identified or their full significance appreciated. As such, the identified environmental conditions reported are only valid at the points of direct sampling and any derived or interpolated conditions may differ from these targeted locations and cannot be assumed to be indicative of the remainder of the site.

The methodology adopted and the sources of information used are outlined in this report. Mott MacDonald has limited its investigation to the scope agreed for this contract and it is possible that additional sampling and analysis could produce different results and/or opinions. Mott MacDonald has made no independent verification of this information beyond the agreed scope of works and assumes no responsibility for any inaccuracies or omissions.

This assessment assumes that the proposed development meets requirements as outlined in the Building Code of Australia and Australian Standards. If these recommendations are not met, there is potential for the exposure and therefore risk to building users to be higher than that presented in this assessment.

The soil descriptions contained in this report have not been prepared for engineering design purposes and the reinstatement of any sampling locations were not conducted in accordance with any supervised filling or geotechnical standard. The term suitable has been used in the context of a request from the planning authority and means that the concentrations reported did not exceed the guideline concentrations adopted for the proposed land use/exposure pathway.

This report does not include the assessment or consideration of asbestos. Asbestos should be assessed and managed by a qualified and licensed asbestos assessor/contractor.

In general, the available scientific information pertaining to contamination is insufficient to provide a thorough understanding of all of the potential toxic properties of chemicals to which humans may be exposed. The majority of the toxicological knowledge of chemicals comes from experiments with laboratory animals, where there may be interspecies differences in chemical absorption, metabolism, excretion and toxic response. There may also be uncertainties concerning the relevance of animal studies using

exposure routes that differ from human exposure routes. In addition, the frequent necessity to extrapolate results of short-term or subchronic animal studies to humans exposed over a lifetime has inherent uncertainty. Therefore, in order to conduct an environmental assessment, it is necessary to take into account these inherent uncertainties and extrapolate information from the data that is available, considered current and endorsed as acceptable for the assessment of risks to human health. There is therefore inherent uncertainty in the process, and to compensate for uncertainty, conservative assumptions are often made that result in an overestimation rather than an underestimation of risk.

All advice, opinions or recommendations contained in this document should be read and relied upon only in the context of the document as a whole. This report does not purport to give legal advice as this can only be given by qualified legal practitioners. This document does not represent a Site Contamination Audit Report.

Appendices

Appendix A.	Certificate of title	16
Appendix B.	DEWNR groundwater data	17
Appendix C.	Historical aerial photographs	18
Appendix D.	Dangerous goods licence search results	19
Appendix E.	Section 7 search results	20

Appendix A. Certificate of title



Title Register Search LANDS TITLES OFFICE, ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5274 FOLIO 987

COST : \$26.50 (GST exempt) PARENT TITLE : CT 3814/192

REGION : EMAIL AUTHORITY : CONVERTED TITLE

AGENT : MMAPP BOX NO : 000 DATE OF ISSUE : 26/06/1995

SEARCHED ON: 08/10/2014 AT: 15:11:57 EDITION: 2

CLIENT REF VERDUN

REGISTERED PROPRIETORS IN FEE SIMPLE

REGINALD MORRIS FIORA AND CLAIRE FIORA BOTH OF 6 HAMPTON ROAD MOUNT BARKER SA 5251 AS JOINT TENANTS

DESCRIPTION OF LAND

ALLOTMENT 1 FILED PLAN 129455 IN THE AREA NAMED VERDUN HUNDRED OF ONKAPARINGA

EASEMENTS

SUBJECT TO A FREE AND UNRESTRICTED RIGHT OF WAY OVER THE LAND MARKED A

TOGETHER WITH A FREE AND UNRESTRICTED RIGHT OF WAY OVER THE LAND MARKED B

SCHEDULE OF ENDORSEMENTS

NIL

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

NIL

REGISTRAR-GENERAL'S NOTES

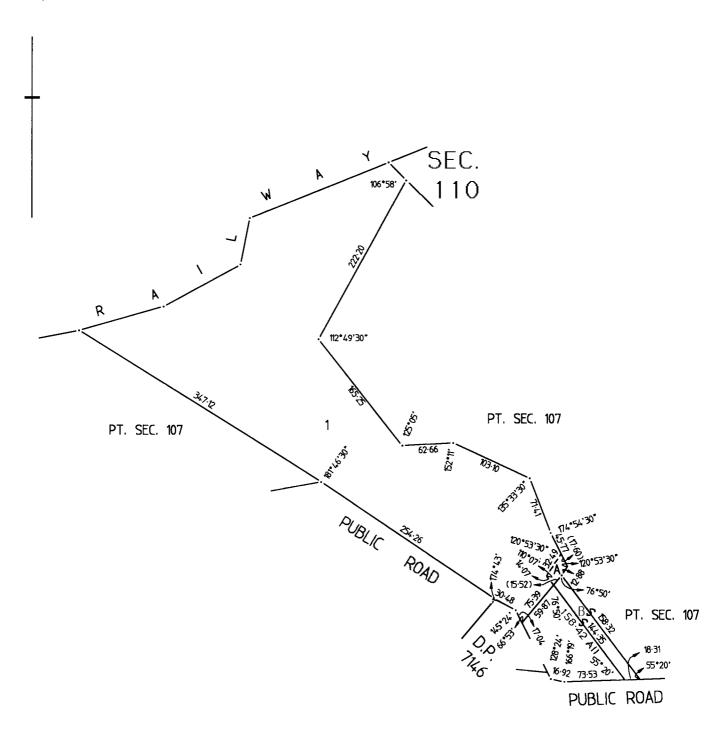
CONTROLLED ACCESS ROAD VIDE PLAN 57

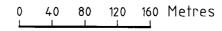
END OF TEXT.



LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5274 FOLIO 987 SEARCH DATE: 08/10/2014 TIME: 15:11:57

This plan is scanned for Certificate of Title 3814/192





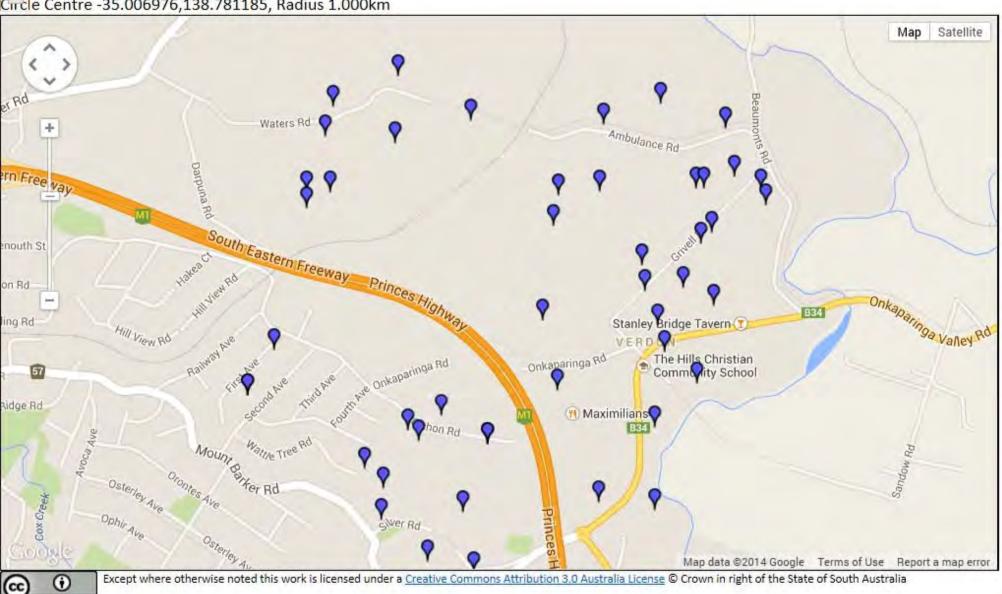
Note: Subject to all lawfully existing plans of division

Appendix B. DEWNR groundwater data





Circle Centre -35.006976,138.781185, Radius 1.000km





Groundwater Data Report

Circle Centre -35.006976,138.781185, Radius 1.000

Unit No		Max Depth (m)	Latest Depth (m)	SWL (m)	SWL Date	TDS (mg/L)		Aquifer	Status	Yield	Yield Date	Purpose	Cased To (m)	Permit No
										(L/sec)				
6627-4	01/01/1954	7.01	7.01	4.57	09/03/1954	100	09/03/1954	No						
6627-8	01/01/1954	4.27	4.27	1.52	03/03/1954	829	03/03/1954	Ndw	ABD					
6627-9	01/01/1954	4.27	4.27	1.22	04/03/1954	814	04/03/1954	Ndw	BKF					
6627-22	01/01/1954	3.05		2.13	05/03/1954	2530	05/03/1954							
6627-23	01/01/1954					1440	12/05/1978		OPR	3.82	01/01/1983	IRR		
6627-32		45.72	45.72	3.05	09/03/1954	371	09/03/1954	No		2.53	09/03/1954		11.76	
6627-34	01/01/1954					435	02/05/1978	No						
6627-35	01/01/1954	5.7				71	09/03/1954	Ndw						
6627-36	01/01/1954	7.32		0	03/03/1954	629	03/03/1954	Ndw	OPR			IRR		
6627-38	13/12/1976	87	87	4	13/12/1976	639	06/05/1978	No	OPR	1	13/12/1976	DOM	53	745
6627-39		45.69				547	27/04/1978	No		7.64	01/01/1978			
6627-40	01/01/1954	43.5		2	27/04/1978	710	27/04/1978	No		3.82	27/04/1978			
6627-41	14/01/1977	1		0.61	05/05/1978	386	05/05/1978	No						
6627-42	01/01/1954	5.8		4.6	05/05/1978	138	05/05/1978	No						
6627-43	01/01/1954			1.22	04/03/1954		04/03/1954							
6627-44	01/01/1954					386	05/05/1978	No		2.04	01/01/1978			
6627-45		80.67	80.67			561	06/05/1978	No						
6627-2463		2.42	2.42	0	26/07/1982	705	26/07/1982	1	EQP			DOM		
6627-2464		66.3	66.3	0	10/03/1954		26/07/1982	+	OPR	1.52	01/01/1982	IRR		
6627-2479		21.34	0	2.44	04/03/1953			No	BKF					
6627-6104		24.3	24.3	7.9	04/08/1982	220	05/08/1982	No						
6627-6894	31/08/1982	69.2	69.2	0.61	31/08/1982	325	31/08/1982	No	OPR	1.25	31/08/1982	DOM	24.6	10709
6627-7005	02/03/1984		14	2.5	02/03/1984		15/03/2001		OPR	1.25	02/03/1984		14	14073
6627-7006	08/03/1984	72	72	32	08/03/1984	328	08/03/1984	No	OPR	2	08/03/1984	DOM	24	13137
6627-7049	14/12/1983	168	168	27	14/12/1983	314	14/12/1983	No	OPR	1.87	14/12/1983	IRR	65	13396
6627-7207	16/11/1984		73.7	2.9	16/11/1984		16/11/1984	+		3.5	16/11/1984		54	15452
6627-7312	12/12/1984	92	92	25	12/12/1984	378	13/12/1984	No	OPR	1.25	12/12/1984	DOM	36	15695
6627-7352	21/01/1985		80			893		No	BKF					16014
6627-7353	22/01/1985		104	40	22/01/1985		22/01/1985	No	BKF	6.4	22/01/1985			16014
6627-7354	23/01/1985		47	1.5	23/01/1985		23/01/1985		OPR	11.25	23/01/1985	IRR	23	16014
6627-7452	13/03/1984		82	35	13/03/1984	400	13/03/1984		OPR	1.75	13/03/1984		48	14016
6627-7491	17/12/1985		95	18.3	28/01/1986		12/12/1985		OPR	3	17/12/1985		30	17783
6627-7665	01/06/1986		86	10	09/09/1986	2574	09/09/1986			0.7	01/06/1986		31	18515
6627-7693	05/01/1987		105	43	14/12/2000		05/02/1987			3.13	14/12/2000	DEP		54171
6627-7697	11/02/1987		55	2	11/02/1987		11/02/1987			2.5	11/02/1987		45	18371
6627-7985	10/01/1989		90.5	14	03/02/1989		06/03/2001	+	OPR	0.88	10/01/1989	DOM	23.7	22180
6627-8202	12/04/1990		63	12	14/05/1990		14/05/1990		OPR	2.25	12/04/1990		11.7	24084

Unit No	Date	Max Depth	Latest	SWL (m)	SWL Date	TDS (mg/L)	TDS Date	Aquifer	Status	Yield	Yield Date	Purpose	Cased To	Permit No
		(m)	Depth (m)							(L/sec)			(m)	
6627-9206	17/05/1995	84	84			325	17/05/1995	No		4.5	17/05/1995	IRR	35.7	34131
6627-9222	07/06/1995	112	112			534	07/06/1995	No		0.5	07/06/1995	IRR	41.7	34995
6627-9853	10/09/1998	140.8	140.8	9	10/09/1998	420	06/03/2001	No		2.25	10/09/1998	DOM	18	44938
6627-10378														
6627-10379						290	12/03/2001							
6627-10628	18/01/2002	36	36	5	18/01/2002			No		1.25	18/01/2002	DOM	36	57317
6627-13919	26/11/2008	147	147			507	26/11/2008	No		0.29	26/11/2008		48	141516
6627-14318	26/10/2010	140	140	21	26/10/2010	509	25/10/2010	No		2.25	26/10/2010		59.5	188349
6627-14503	23/02/2012	80	80	30	23/02/2012	797	22/02/2012	No		1.8	23/02/2012		36	210112
6627-14894	15/01/2013	154	0	21	15/01/2013	460	16/01/2013		BKF	0.31	15/01/2013			218918

47 records



Except where otherwise noted this work is licensed under a Creative Commons Attribution 3.0 Australia License © Crown in right of the State of South Australia

Page 2 of 2
Wednesday, 8 October 2014, 4:02:10 PM

Appendix C. Historical aerial photographs





Photograph 1: Aerial image showing the approximate location of CT 5274/987 in 1949 (Source: Department of Environment, Water and Natural Resources).





Photograph 2: Aerial image showing the approximate location of CT 5274/987 in 1956 (Source: Department of Environment, Water and Natural Resources).





Photograph 3: Aerial image showing the approximate location of CT 5274/987 in 1968 (Source: Department of Environment, Water and Natural Resources).





Photograph 4: Aerial image showing the approximate location of CT 5274/987 in 1979 (Source: Department of Environment, Water and Natural Resources).





Photograph 5: Aerial image showing the approximate location of CT 5274/987 in 1989 (Source: Department of Environment, Water and Natural Resources).





Photograph 6: Aerial image showing the approximate location of CT 5274/987 in 1999 (Source: Department of Environment, Water and Natural Resources).





Photograph 7: Aerial image showing the approximate location of CT 5274/987 at the time of writing (Source: http://maps.sa.gov.au).

Appendix D. Dangerous goods licence search results

Attorney-General's Department

Licensing Unit

Level 4, World Park A, 33 Richmond Road Keswick SA 5035

GPO Box 465 Adelaide SA 5001

DX 715 Adelaide

Rebecca Lucock Mott MacDonald Level M, 22 King William Street ADELAIDE SA 5000
 Phone
 (08) 8303 0400

 Fax
 (08) 8303 9903

 ABN
 50-560-588-327

www.safework.sa.gov.au

Dear Rebecca

15 October 2014

DANGEROUS SUBSTANCES LICENCE SEARCH

RE: Lot 1 Princes Highway Verdun, SA, 5245

According to the records available to SafeWork SA, please see listed below all historical items located within the specified search criteria.

A record was located at **Princes Highway**, **Verdun**, **SA**, **5245** with no specific street address.

Class	Quantity	Storage Type
2	5 KL	Gas Tank Aboveground Internal

1 Princes Highway, Verdun, SA, 5245

2 4	.3KL Gas	ank Aboveground Internal
-----	----------	--------------------------

Yours sincerely

MANAGER LICENSING & AUTHORISATION UNIT

SAFEWORK SA

Appendix E. Section 7 search results







Admin No : 48973 (32043) File Reference : DA32108

Mott MacDonald PO BOX 3400 Rundle Mall ADELAIDE SA 5000



Contact: Section 7

Telephone: (08) 8204 2179 Telephone: (08) 8204 2962

Email: epasection7@epa.sa.gov.au

Contact: Public Register Telephone: (08) 8204 9128

10 October, 2014

Dear Sir/Madam,

Section7 - Land and Business (Sale and Conveyancing) Act 1994

I refer to your enquiry concerning the parcel of land comprised in

Title Reference

CT Volume 5274 Folio 987

Address

Allotment 1 (F129455), Princess Highway, VERDUN SA 5245

I advise as follows:

PARTICULARS OF MORTGAGES, CHARGES PRESCRIBED ENCUMBRANCES AFFECTING THE LAND

9.1	Environment performance agreement under section 59 of the <i>Environment Protection Act</i> 1993 that is registered in relation to the land.	NO
9.2.1	Environment protection order issued under section 93 of the <i>Environment Protection Act 1993</i> that is registered in relation to the land.	NO
9.2.2	Section 93A - Environment protection order relating to cessation of activity that is registered in relation to the land.	NO
9.3	Clean-up order issued under section 99 of the <i>Environment Protection Act 1993</i> that is	NO

CT Volume 5274 Folio 987

page 1 of 5

9.4	Clean-up authorisation issued under section 100 of the <i>Environment Protection Act 1993</i> that is registered in relation to the land.	NO
9.5.1	Section 103H - Site contamination assessment order that is registered in relation to the land.	NO
9.5.2	Section 103J - Site remediation order that is registered in relation to the land.	NO
9.5.3	Section 103N - Notice of declaration of special management area in relation to the land (due to possible existence of site contamination).	NO
9.5.4	Section 103P - Notation of site contamination audit report in relation to the land.	NO
9.5.5	Section 103S - Notice of prohibition or restriction on taking water affected by site contamination in relation to the land.	NO

PARTICULARS RELATING TO ENVIRONMENT PROTECTION

Section 7 - Land and Business (Sale and Conveyancing) Act 1994

3) Licences and exemptions recorded by EPA in public register

Does the EPA hold any of the following details in the public register:

- a) details of a current licence issued under Part 6 of the Environment Protection Act 1993 to conduct, at the land-
 - i) a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or
 - ii) activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act)?
 - iii) any other prescribed activity of environmental significance under Schedule 1 of that Act?
- b) details of a licence no longer in force issued under Part 6 of the *Environment Protection*Act 1993 to conduct, at the land-
 - i) a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or





GPO Box 2607 Adelaide SA 5001 250 Victoria Square Adelaide SA T (08) 8204 2000 F (08) 8204 2020 Country areas 1800 623 445

	ii) activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act)?	NO
	iii) any other prescribed activity of environmental significance under Schedule 1 of that Act?	NO
c)	details of a current exemption issued under Part 6 of the Environmental Protection Act 1993 from the application of a specified provision of that Act in relation to an activity carried on at the land.	NO
d)	details of an exemption that are no longer enforced, issued under Part 6 of the Environmental Protection Act 1993 from the application of a specified provision of that Act in relation to an activity carried on at the land.	NO
e)	details of a licence issued under the repealed South Australian Waste Management Commission Act 1979 to operate a waste depot at the land.	NO
f)	details of a licence issued under the repealed Waste Management Act 1987 to operate a waste depot at the land	NO
g)	details of a licence issued under the repealed South Australian Waste Management Commission Act 1979 to produce waste of a prescribed kind (within the meaning of that Act) at the land.	NO
h)	details of a licence issued under the repealed <i>Waste Management Act 1987</i> to produce prescribed waste (within the meaning of that Act) at the land?	NO
4) Pollutio	on and site contamination on the land - details recorded by the EPA in public register	
	es the EPA hold any of the following details in the public register in relation to the land or rt of the land:	
a)	details of serious or material environmental harm caused or threatened in the course of an activity (whether or not notified under section 83 of the <i>Environment Protection Act 1993</i>)?	NO
b)	details of site contamination notified to the EPA under section 83A of the <i>Environment Protection Act 1993</i> ?	NO
c)	a copy of a report of an environmental assessment (whether prepared by the EPA or some other person or body and whether or not required under legislation) that forms part of the information required to be recorded in the public register?	NO

	d)	a copy of a site contamination audit report?	NO
	e)	details of an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the <i>Environment Protection Act 1993</i> applies?	NO
	f)	details of an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103l of the <i>Environment Protection Act</i> 1993?	NO
int.	g)	details of an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the <i>Environment Protection Act 1993?</i>	NO
,	h)	details of a notification under section 103Z(1) of the <i>Environment Protection Act 1993</i> relating to the commencement of a site contamination audit?	NO
	i)	details of a notification under section 103Z(2) of the <i>Environment Protection Act</i> 1993 relating to the termination before completion of a site contamination audit?	NO
	j)	details of records, held by the former South Australian Waste Management Commission under the repealed Waste Management Act 1987, of waste (within the meaning of that Act) having been deposited on the land between 1 January 1983 and 30 April 1995?	NO
5) Po	ollutio	on and site contamination on the land - other details held by EPA	
	Do	es the EPA hold any of the following details in relation to the land or part of the land:	
	a)	a copy of a report known as a "Health Commission Report" prepared by or on behalf of the South Australian Health Commission (under the repealed South Australian Health Commission Act 1976)?	NO
	b)	details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the <i>Environment Protection Act 1993?</i>	NO
	c)	details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the <i>Environment Protection Act 1993</i> ?	NO
	d)	a copy of a pre-1 July 2009 site audit report?	NO
	e)	details relating to the termination before completion of a pre-1 July 2009 site audit?	NO





GPO Box 2607 Adelaide SA 5001 250 Victoria Square Adelaide SA T (08) 8204 2000 F (08) 8204 2020 Country areas 1800 623 445

All care and diligence has been taken to access the above information from available records. Historical records provided to the EPA concerning matters arising prior to 1 May 1995 are limited and may not be accurate or complete and therefore the EPA cannot confirm the accuracy of the historical information provided.



PO Box 707 Kent Town 5A 5071

42 Fullarton Rd Norwood SA 5067

P 08 8363 0222 F 08 8363 1555 ABN 58 083 071 185

Imgengineering.com.au

Our ref. 108044

10 June 2011

Michael Lohmeyer 3 Alexander Road Mount Barker SA 5251

Dear Michael

Re: Report on Potential On Site Wastewater Systems for land division DA473/D064/10 for Mr Redge Fiora

We confirm your instructions to consider the impact of the potential installation of wastewater systems on certain land near Verdun being existing allotment 45 and proposed allotments 205 and 206. It is proposed to re-subdivide all of the land such that Lot 45 will be amalgamated into another allotment and it is then proposed to transfer that title for the benefit of the existing allotment 101 so as to create allotments 205 and 206. In considering the land division application it is necessary to consider whether such wastewater systems can be installed in accordance with the current on-site wastewater codes of the Department of Health "The Standard for the Construction, Installation and Operation of Septic Tanks in South Australia (including Supplement "A and B.") and also Table AdHi/5 of the Adelaide Hills Development Plan. In particular you asked us to consider whether by the installation of wastewater systems.

- 1) the development of the proposed allotments does not result in a greater risk of pollution of surface or underground waters than would the development of the existing allotments, and
- 2) provided a suitable site for a detached dwelling is available such that the site and the dwelling would comply with the criteria in Table AdHi/5

An inspection was carried out on 19 May 2011 of lot 45 and existing lot 101. Soil bore logs were taken on lot 45, effectively one each on proposed allotments 205 and 206.

Please find enclosed the results of borehole logging conducted on the above allotments on 19/05/2011. Borelogs were conducted by Geodrill and processed at FMG Engineering's Research House laboratory.

Existing allotment 45 had two bore holes drilled with the results and location defined in Attachment ("A"). The results confirm that there is no bedrock or a water table within 1.2 metres of surface level. The slope of the allotment and the area where the wastewater system can be installed is less than 1 in 5. Details of the location and sitting of a potential dwelling and wastewater system are shown on plan (Attachment "B").

Confirmation of development potential of proposed allotments 205 and 206 can be demonstrated in bore logs 3 and 5 which also confirm that there is no bedrock or a water table within 1.2 metres of surface level. The slope of the ground at both borelog sites is less than 1 in 5 ie the area where the wastewater systems can be installed.



Water courses are shown on the survey plan and the proposals comply with setback requirements.

For existing allotment 45 and proposed allotments 205 and 206 it has been demonstrated that construction of dwellings and on-site wastewater disposal systems can be achieved. It should be noted for the proposed dwellings for 205 and 206 that they can be sited independently of the wastewater fields which can be serviced by rising mains to the sites of borehole location with acceptable soil conditions.

In my opinion the installation of wastewater systems on certain land near Verdun being existing allotment 45 and proposed allotments 205 and 206 will comply with both the current on-site wastewater codes of the Department of Health "The Standard for the Construction, Installation and Operation of Septic Tanks in South Australia (including Supplement "A and B") and also Table AdHi/5 of the Adelaide Hills Development Plan (copy attached). Furthermore the development of proposed allotments 205 and 206 (or one of them) does not result in a greater risk of pollution of surface or underground waters for an approved wastewater system than would the development of the existing allotment 45 having regarded to:

- 1. the soil conditions
- 2. the slope of each of (the three) allotments
- 3. the slope of a suitable and likely area for an on-site wastewater disposal systems
- 4. likely dwelling sites each of (the three) allotments

Yours faithfully

Steve Clarke, CPEng, MIE Australia.

Civil Manager FMG Engineering

Enclosed: Appendix A - Borehole logs

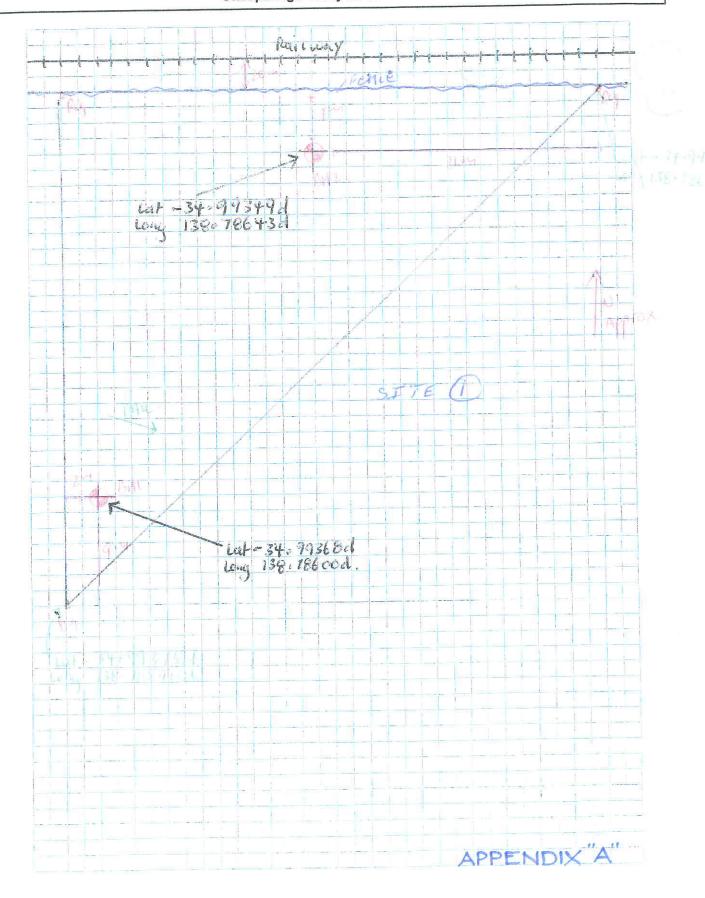
Appendix B - Layout plan

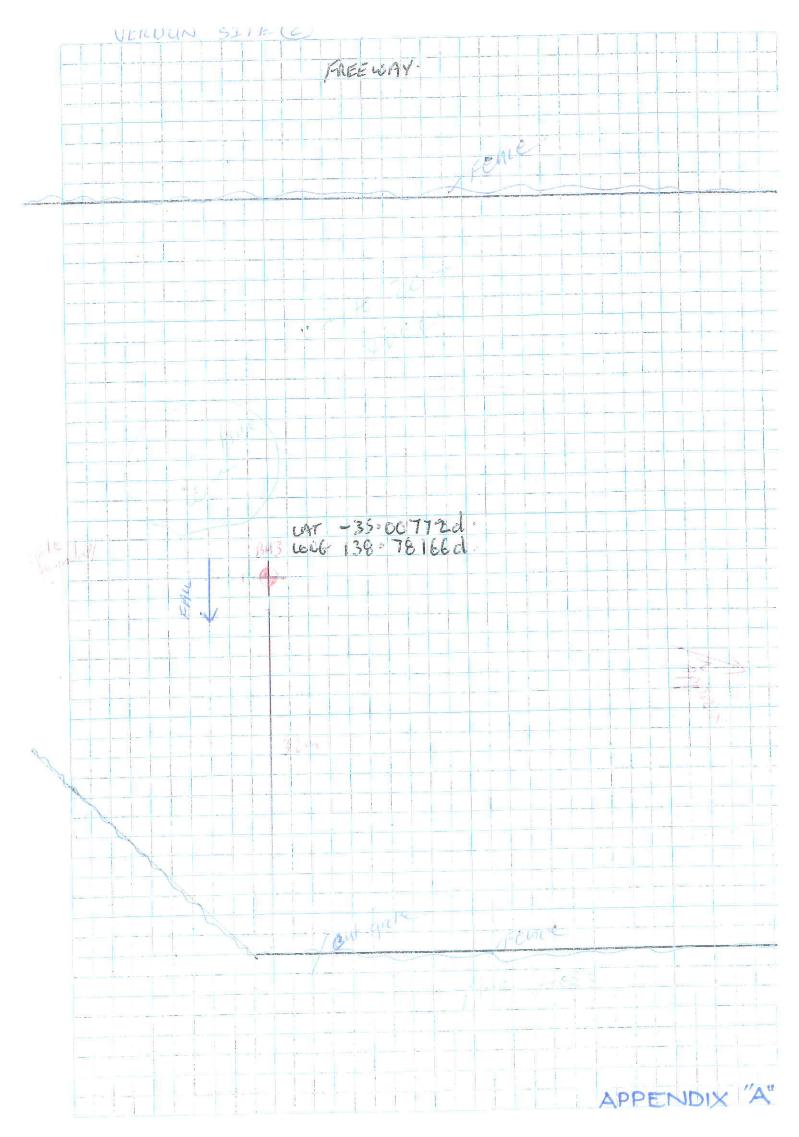
Appendix C - Amended Survey Plan: Veska and Lohmeyer

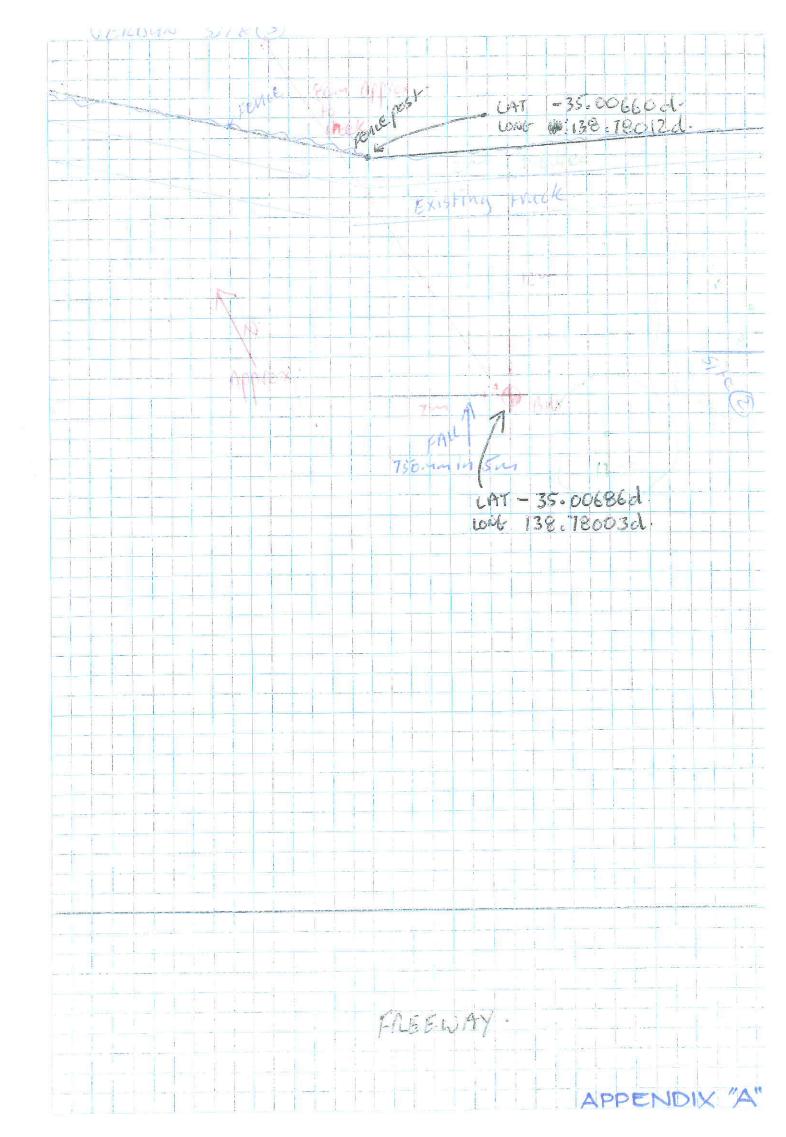
Appendix D – Wastewater Layout Plan for Lot 45

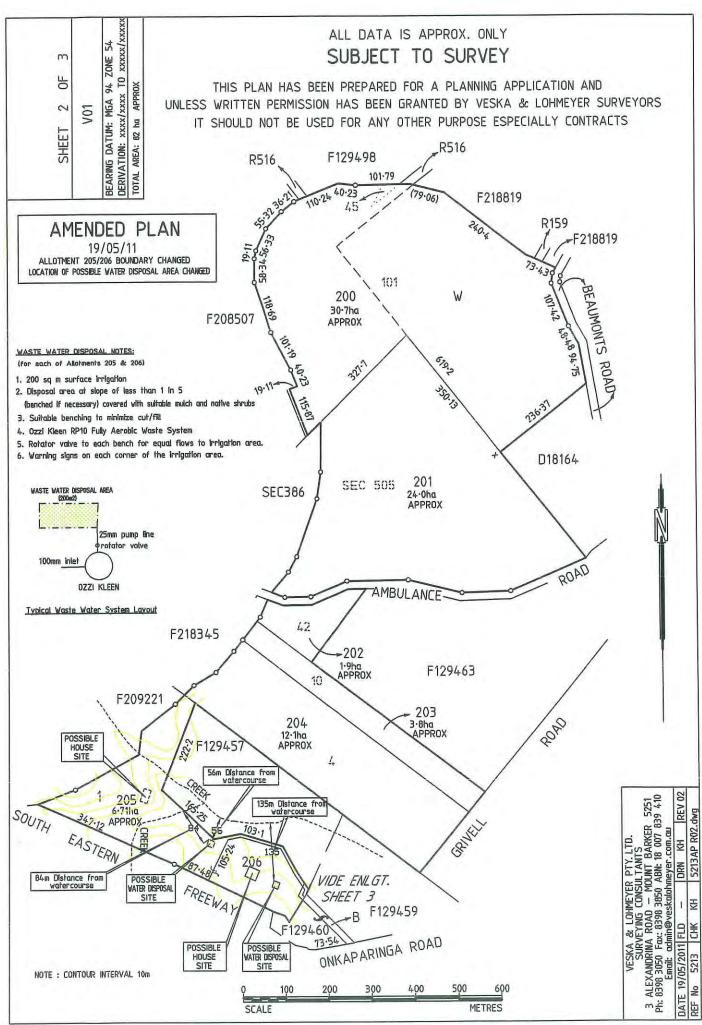
GEODRILL JOB SHEET

Ondaparinga Valley Road VERDUN









FMG ENGINEERING

SURFACE SOIL BORE LOG

 Job
 : 108044
 Site : Ambulance Road

 Sample Date
 : 19/05/11
 VERDUN SA 5245

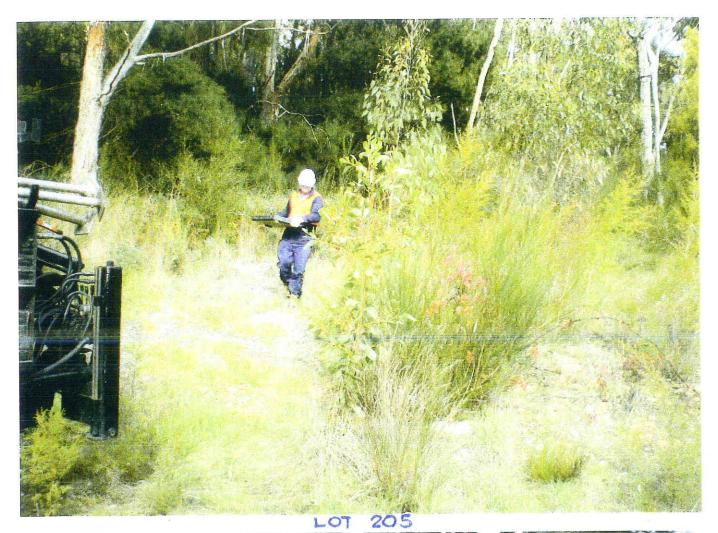
Sample Method: RMPT

Horizon	Hole 1 Depth (mm)	Hole 2 Depth (mm)	Hole 3 Depth (mm)	Hole 4 Depth (mm)	Hole 5 Depth (mm)	Description		Moisture	Strength	Est lpt	Av Ipt
А	0 - 200	0 - 100	0 - 100		0 - 200	SILTY SAND - grey brown to light grey brown. Some gravels and fine roots.	SM	Damp to moist	Low	0.000	0.000
В	200 - 350	100 - 300	100 - 250			SILTY SANDY CLAY - yellow light orange brown. Some gravels. Medium plasticity.	SANDY CLAY - yellow light orange brown. Some CI Moist				
B1	350 - 750		250 - 700			SILTY CLAY - yellow light orange. Trace of sand. Medium plasticity.	Medium	0.010 - 0.015	0.013		
B2	750 - 1100	300 - 1050	700 - 900			SANDY SILTY CLAY CLAYEY SAND - orange yellow brown. CI Moist Med				0.005	0.005
В3	in the second se				200 - 1500	SILTY SAND SANDY SILT - creamy grey white. Non plastic. SM - ML Damp Low		Low	0.000	0.000	
B4/C	1100 - 1400	1050 - 1100			1500 - 1700	EATHERED SILTSTONE/STANDSTONE - creamy yellow grey - Damp - ue. Silty clay in seams. Very low plasticity.				0.000 - 0.005	0.003
С	1400 - 2000	1100 - 2000	900 - 2000	0 - 250	1700 - 1950	ILTSTONE/SANDSTONE - grey white light yellow. Sand - Damp Medium aturally cemented. Fragmented pieces.		0.000	0.000		
Ys		6	9	0	0	Ys = Characteristic surface movement (mm)					

Ground water not encountered

Surface Suction Change : 1.2 pF

Depth of Suction Change : 4.0 m





LOT 205.

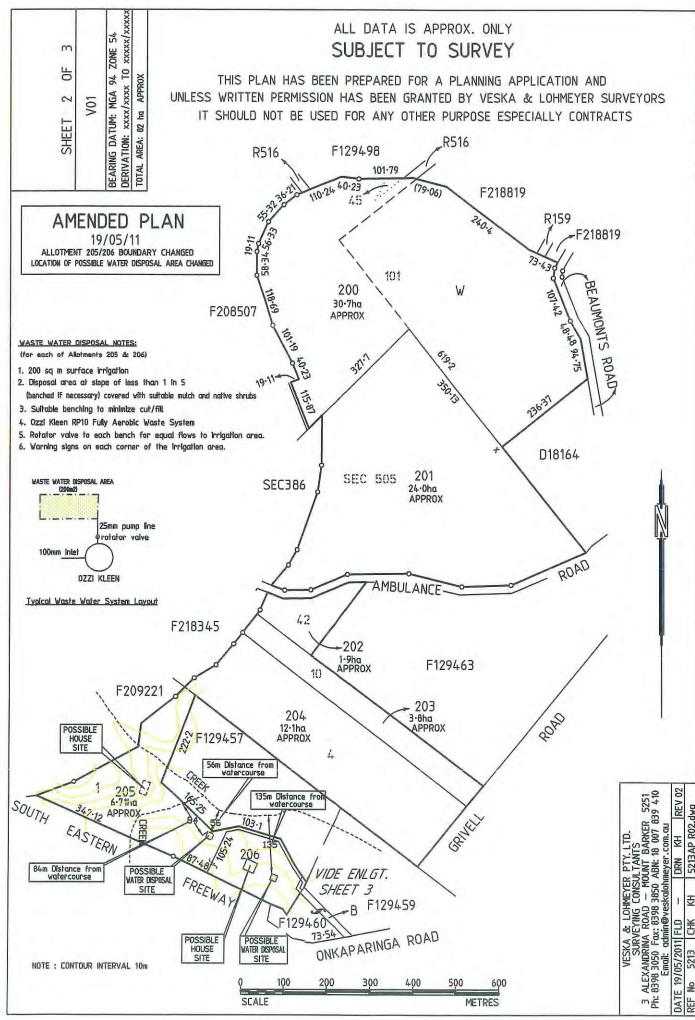
LOT 45

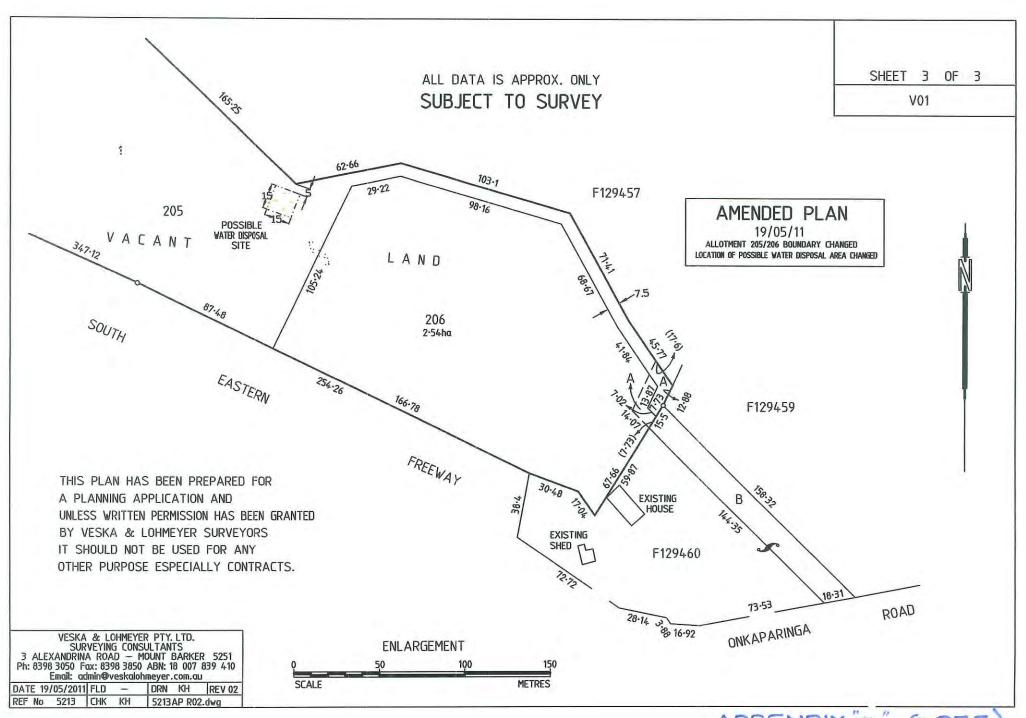


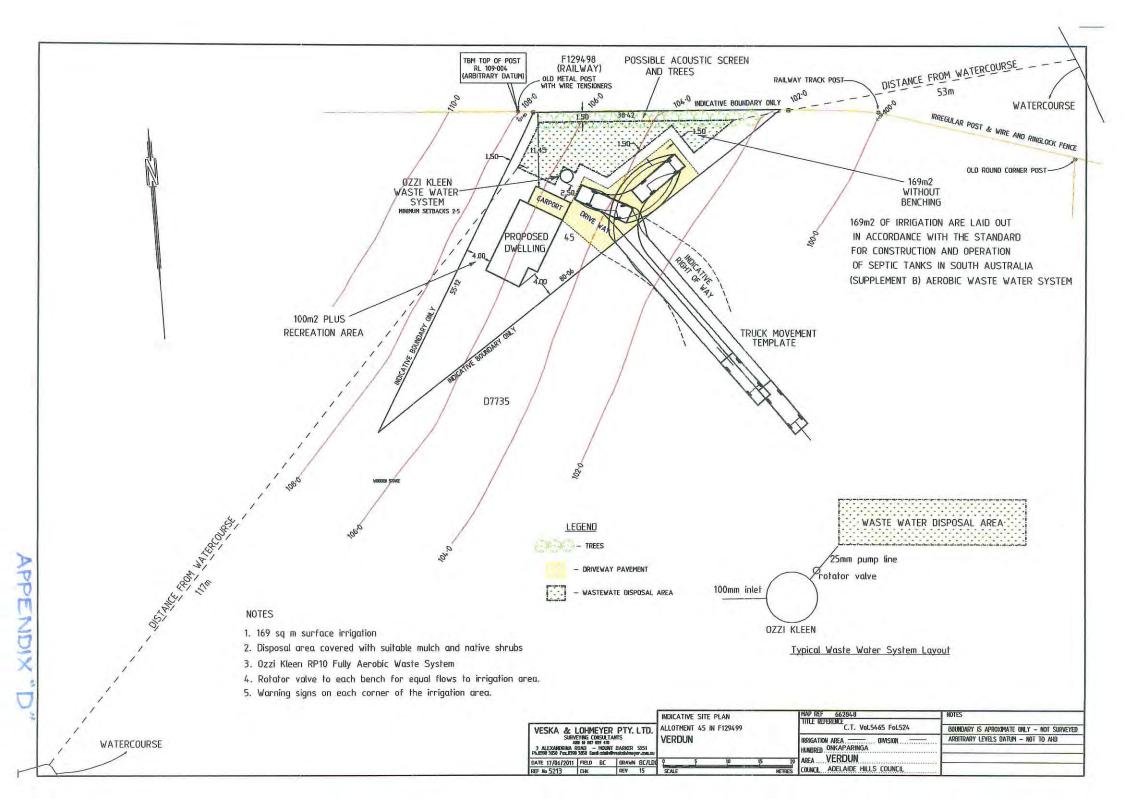


LOT 206.

PURPO	SE:	DIVISION			AREA NAM	E: VERDU	JN			APPROVED:	
MAP RE	iF:	6627/03/D, 6628/48/N			COUNCIL:	ADELA	NDE HILLS COUN	CIL			
LAST PLAN:					DEVELOPM	MENT NO:			DEPOSITED/FILED:	SHEET 1 OF 3 23056_text_01_v01	
	DETAILS	3 ALEXANDRINA RO MOUNT BARKER SA PH: 08 8398 3050 FAX: 08 8398 3850	AD		SURVEYOR CERTIFICA						
AGENT REFER		LVS1 5213									
		DETAILS:									
		ME FOLIO OTHER 524	PARCE ALLOTM			NUMBER 45	PLAN F	NUMBER 129499	HUNDRED / IA / DIV ONKAPARINGA	ISION TOWN	REFERENCE NUMBER
СТ	6020	59	ALLOTM	ENT(S)		101	D	77335	ONKAPARINGA		
СТ	5666	31	SECTION	V(S)		505			ONKAPARINGA		
CT	5885	776	ALLOTM	ENT(S)		42	F	217949	ONKAPARINGA		
СТ	5809	533	ALLOTM	ENT(S)		10	F	129464	ONKAPARINGA		
CT	5274	987	ALLOTM	ENT(S)		1	F	129455	ONKAPARINGA		
СТ	5809	663	ALLOTM	ENT(S)		4	F	129458	ONKAPARINGA		
OTHER	TITLES A	AFFECTED:									
EASEM	ENT DET	AILS: LAND BURDENED	FORM	CATEGORY	Ţi.	DENTIFIER	PURPOSE		IN FAVOL	IR OF	CREATION
EXISTING		200	LONG	RIGHT(S) OF WAY		IN D77335	TOTA COL		200 MARKE		RT 6935605
EXISTING		206.205	SHORT	FREE AND UNRESTRI	CTED RIGHT(S) A						
EXISTING			SHORT	FREE AND UNRESTRI OF WAY (CT 5666/31, CT 5885/776, C				TE STILL SHAPE	205.206		







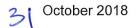
In reply please quote 2018/01938, Process ID: 538838 Enquiries to Matthew Henderson Telephone 0419 747 010 E-mail dpti.luc@sa.gov.au



DEVELOPMENT DIVISION Transport Assessment and Policy Reform

GPO Box 1533 Adelaide SA 5001

ABN 92 366 288 135



The Presiding Member State Commission Assessment Panel GPO Box 1815 ADELAIDE SA 5001

Dear Ms Fogarty

SCHEDULE 8 - REFERRAL RESPONSE

Development No.	473/D044/15
Applicant	Fyfe Pty Ltd
Location	Onkaparinga & Beaumont Roads, Verdun
Proposal	Boundary realignment (6 into 6)

I refer to the above development application forwarded to the Commissioner of Highways (CoH) in accordance with Section 37 of the *Development Act 1993*. The proposed development involves development adjacent a main road as described above.

The following response is provided in accordance with Section 37(4)(b) of the *Development Act* 1993 and Schedule 8 of the *Development Regulations* 2008.

CONSIDERATION

The plan of division proposes to realign the property boundaries. It appears the intent is to yield allotments that are suitable for residential development. The department does not object inprinciple to the plan of division as provision has been made for access to be available to all allotments via the abutting local road network. In the case of proposed Allotments 205 and 206, this is via rights-of-way linking to Onkaparinga Road. Direct vehicular access to/from the South East Highway (south Eastern Freeway), which is a controlled access road pursuant to Part 2A of the *Highways Act 1926*, will not be permitted.

ADVICE

The planning authority is directed to attach the following condition to any approval:

1. Direct vehicular access to/from South East Highway (South Eastern Freeway) shall not be permitted to serve the plan of division.

The planning authority is advised to attach the following condition to any approval:

 Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of the South East Highway (South Eastern Freeway). Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense. The following notes provide important information for the benefit of the applicant and are required to be included in any approval:

• This plan of division abuts a section of the South East Highway (South Eastern Freeway) that was proclaimed as controlled access road on 18 August 1977 pursuant to Part 2A of the Highways Act 1926. Departmental records show that there is no proclaimed or permitted means of access by which persons and vehicles may directly enter or leave the controlled access road from/to this site. Access is available via the adjacent local road network.

Yours sincerely

MANAGER, TRANSPORT ASSESSMENT AND POLICY REFORM for COMMISSIONER OF HIGHWAYS

A copy of the decision notification form should be forwarded to developmentapplications@sa.gov.au



Contact: Josh Hopkins Telephone: (08) 8226 7100

Email: josh.hopkins@health.sa.gov.au

16/12/2015

Development Assessment Commission GPO Box 1815 ADELAIDE SA 5001

To Whom It May Concern,

Regarding 473/D044/15

The allotments must allow for development and wastewater disposal in accordance with the On-Site Wastewater Systems Code, the South Australian Public Health (Wastewater) Regulations 2013 and any other relevant legislation.

For any buildings on the new allotments, the wastewater management systems must be wholly contained within the individual property boundaries and must be in accordance with the setback provisions of the SA Health Onsite Wastewater Systems Code.

It is recommended that the Council's EHO be consulted regarding the potential wastewater management of the proposed allotments.

Please contact this office if you have any further queries.

Regards,

Josh Hopkins Environmental Health Officer



DEVELOPMENT ASSESSMENT SERVICE



Your Ref: 473/D044/15 Our Ref: Adelaide Hills DA Please refer to: 20181019-01lb

19 October 2018

State Commission Assessment Panel GPO Box 1815 ADELAIDE SA 5001

ATTN: L KERBER

Dear Laura,

RE: DEVELOPMENT APPLICATION (LAND DIVISION) – FIORA, SCANLON, DANBY, BURBRIDGE, KALNINS, GALLASCH, & ADAMS ONKAPARINGA AND BURBRIDGE ROADS VERDUN

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

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

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

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

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

The SA Country Fire Service has no objection to the proposed land division at Onkaparinga & Beaumont Roads Verdun, creating no additional allotments.

SA CFS recognises the land division will create 2 allotments (Lot 205 & 206), which are not yet established as residential development. The Bushfire hazard has potential for significant impact on any future residential development. The SA Country Fire Service **seeks** to comment on any subsequent development applications on the land division pursuant to Schedule 8 of the Development Act 1993.

ACCESS

Public access created by a land division to and from the proposed allotments shall be in accordance with the Minister's Code Part 2.2.2.

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





ACCESS (Private)

SA CFS would like the panel to consider that individual applications for residential development will need to address that the access on and off the allotment shall be in accordance with Minister's Code Part 2.3.3.1

SA CFS notes the existing access to the allotments being created (Lots 205 & 206) will need widening and significant vegetation clearance.

SA CFS provides the following, as an example of the conditions that may be placed on future applications for residential development on these allotments.

The Code Part 2.3.3.1 describes the mandatory provision for 'Private' roads and driveways to buildings, where the furthest point to the building from the nearest public road is more than 30 metres, shall provide safe and convenient access/egress for large Bushfire fighting vehicles

- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 4 metres and must allow forward entry and exit for large fire-fighting vehicles.
- The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either –
 - i. A loop road around the building, OR
 - ii. A turning area with a minimum radius of 12.5 metres, OR
 - iii. A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres.
- Private access shall have minimum internal radii of 9.5 metres on all bends.
- Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.
- Understorey vegetation either side of the access road shall be reduced to a maximum height of 10cm for a distance of 3 metres. Mature trees within this fuel reduced zone may remain.
- The gradient of the access road shall not exceed 16 degrees (29%), in steep terrain the construction of the public road or driveway shall be a sealed surface.
- Solid crossings over waterways shall be provided to withstand the weight of large bushfire appliances (GVM 21 tonnes).

WATER SUPPLY

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

VEGETATION

The Code Part 2.3.5 mandates that landscaping shall include Bushfire Protection features that will prevent or inhibit the spread of bushfire and minimise the risk to life and/or damage to buildings and property. If the application proposes a land division adjacent to or within a **High Bushfire Risk Area**, provision shall be made for a bushfire buffer zone as specified in 2.2.3.

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

However, SA CFS would like the panel to consider that the hazard present is such, that the allotment may require more than 20 metres clearance of vegetation in order to reduce the construction costs, and or to site the home to avoid unacceptable bushfire risk.

SITING

The Code Part 2.3.2 describes the requirements for buildings to be sited away from areas that pose an unacceptable bushfire risk. This includes areas with rugged terrain or hazardous vegetation.

- Building envelopes should be sited no less than 40 metres from allotment boundaries, for the purposes of creating an adequate asset protection zone.

BUILDING CONSIDERATIONS

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

For construction requirements and performance provisions, refer to the NCC Part 3.7 *"FIRE SAFETY"* Australian Standard TM3959 (AS3959) "Construction of Buildings in Bushfire Prone Areas".

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

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

Yours faithfully

<u>LEAH BERTHOLINI</u> BUSHFIRE SAFETY OFFICER

DEVELOPMENT ASSESSMENT SERVICE



SA Water Level 6, 250 Victoria Square ADELAIDE SA 5000 Ph (08) 7424 1119 Inquiries Wendy Hebbard Telephone 7424 1119

14 September 2018

Our Ref: H0039290

The Chairman State Commission Assessment Panel 50 Flinders St ADELAIDE SA 5000 Dear Sir/Madam

PROPOSED LAND DIVISION APPLICATION NO: 473/D044/15 AT VERDUN

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

NO SERVICES AVAILABLE, NO REQUIREMENTS.

Yours faithfully

Wendy Hebbard

for MANAGER LAND DEVELOPMENT & CONNECTIONS