

COUNCIL ASSESSMENT PANEL MEETING

14 July 2021

AGENDA – 8.3

Applicant: Judith Bradsen	Landowner: J B Bradsen
Agent: N/A	Originating Officer: Amelia De Ruvo
Development Application:	21/304/473 21/D010/473
Application Description: Land division - boundary realignment (2 into 2) (Non-Complying)	
Subject Land: Lot:72 FP:151027 CT:5685/104 Pces: 2 & 3 FP:151757 CT:5283/878	General Location: 117 Sheoak Road, Crafers West Attachment – Locality Plan
Development Plan Consolidated : 8 August 2019 Map AdHi/26 and AdHi/70	Zone/Policy Area: Hills Face Zone Watershed (Primary Production) Zone & Rural Landscape Policy Area.
Form of Development: Non-complying	Site Area: 15.34 Hectares
Public Notice Category: Category 1 Exempt from Public Notification – Category 1 Pursuant to Schedule 9 Part 1 (3)(c)	Representations Received: N/A Representations to be Heard: N/A

1. EXECUTIVE SUMMARY

The purpose of this application is to affect a minor boundary realignment which is to correct an anomaly in the position of current allotment boundaries between existing Allotment 72 and Piece 3*

The Statement of Support provided by the applicant indicates that, *'boundaries of original allotments were once in the same ownership where the current boundary position was of no consequence to the use of the land'*. The current common boundary is not however aligned with existing fencing, which passes through a 45-year-old dam and across the middle of the dwelling's garden and lawn areas on existing Allotment 72. Additionally the vehicle access to the dam which is associated with dwelling on existing allotment 72 passes over piece 3 on the adjoining allotment and is in the wrong tenure.

The subject allotments are located within both the Hills Face Zone and the Land Division (including boundary realignment) is prescribed as a non-complying form of development in the Hills Face Zone.

Land division where the same or lesser number of allotments result (i.e. *boundary realignment*) is identified as a Category 1 form of development pursuant to Schedule 9 Part 1 (3)(c) of the Development Regulations 2008 and accordingly the application is not subject to public notification processes or any representations.

The proposal is fundamentally based upon the need to address and rectify an anomaly in the historic location of the current boundary and in this respect represents a logical and desirable outcome which creates little to no impact in respect of the Adelaide Hills Council Development Plan Policy or, upon the natural environment.

As per the CAP delegations, the CAP is the relevant authority for all non-complying land division applications.

Note that concurrence from SCAP is no longer required for consents to non-complying development effective 15 May 2020 as a result of the COVID-19 Emergency Response (Further Measures) Amendment Bill 2020. In consideration of all the information presented, and following an assessment against the relevant zone and Council Wide provisions within the Development Plan, staff are recommending that the proposal be **GRANTED** Development Plan Consent and Land Division Consent, subject to conditions

2. DESCRIPTION OF THE PROPOSAL

The proposed development seeks planning and land division consent for the realignment of the common boundary between Allotment 72 and Piece 3 of Allotment comprising Pieces 2* and 3*. The proposal development, which will be retaining independent Torrens Titled land parcels, is proposed to specifically address the anomalies in the position of existing boundaries related to the misaligned fence, the dam and its access and dwelling curtilage/garden area.

The proposed boundary realignment exchanges 177m² from existing Allotment 72 to Piece 3* and 7676m² from Piece 3* to existing Allotment 72 resulting in a nett transfer of 7499m² of land.

The resulting allotments have the following attributes:

Existing Allotments

Allotment	Area (ha)	Currently containing
72	7.891	Dwelling, Driveway, multiple Outbuildings, Swimming Pool, Stables & Yards, Water Tanks, Dam & Part Dam.
Pieces 2* & 3* comprising one allotment	2* 7.163	Vacant
	3* 0.0203	Vacant, Dam & Part Dam.

Proposed Allotments

Allotment	Area (ha)	Currently containing
51	8.907	Dwelling, Driveway, multiple Outbuildings, Swimming Pool, Stables & Yards, Water Tanks, 2 Dams.
Allotment comprising Pieces 52* & 53*	52* 6.413	Vacant
	53* 0.0203	Vacant with Dam.

The plan of division (including aerial image overlay) and statement of support include the relevant detail of the elements to be rectified by the boundary realignment.

The proposed alignment of the proposed boundary appears to practicably avoid intact and substantial standing vegetation, following existing fence lines amongst vegetation and in this respect can avoid unnecessary and undesirable impact to the natural environmental characteristics of the locality.

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

The proposal has not undergone any amendments since the initial lodgement of the application. Council staff sought to clarify a few items as part of development which include the location of bores, septs and effluent disposal areas on site, the location of grazing / primary production areas and the location of driveways / manoeuvring areas. Council staff also raised concern with the 'Possible House Location' on Allotment 52, as it will be located on viable primary production land.

Amended Plans were provided by the applicant detailing the requested information above. The applicant further advised that indicated dwelling location is only shown to satisfy Principle of Development Control (PDC) 18 of Watershed (Primary Production) Zone:

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 application is for a boundary re-alignment with the dwelling location not to be considered as part of the development.

Past applications on site are as follows:

Approval Date	Application Number	Description of Proposal
18 April 1996	1996/135/330	Outbuilding
6 April 1984	1984/291	Additions to Dwelling
17 October 1980	13512/1154	Bathroom / Laundry Extension & farm building
21 June 1977	11241	Stone addition to dwelling & stone hayshed & stable
2 February 1976	10219	Stone, laundry, home activities work room
30 August 1974	9338	Stone tool and implement shed, workshop 7 garage to replace existing.

4. REFERRAL RESPONSES

There were no mandatory referrals required pursuant to Schedule 8 of the Development Regulations 2008. Informal referrals were undertaken via the EDALA system to the SA Country Fire Service and the SA Water Corporation:

- **CFS**

The CFS have raised 'no objection' to the proposal and have indicated the following:

The SA Country Fire Service has no objection to the proposed land division (boundary alignment) at Lot 72, Sheoak Rd, Crafers West.

The SA Country Fire Service seeks to comment on any subsequent residential 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.

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

NOTE, PLANNING REFORM

SA CFS notes that applications for residential developments on residential allotments, made after the 19 March 2021, will be assessed against the requirements of 'The Planning and Design Code', Hazards (Bushfire – High Risk) Overlay, as published under the Planning, Development and Infrastructure Act 2016.

ACCESS TO HABITABLE BUILDINGS

'The Planning and Design Code', Hazards (Bushfire – High Risk) Overlay (Performance Objective 6.2) details the mandatory requirements for 'Private' roads and driveways to facilitate safe and effective firefighting and evacuation. These requirements apply when the path of travel to the furthest point of the building is more than 60m from the nearest public road.

Access shall be in accordance with PO 6.2 and the provisions outlined under DTS/DPF 6.2.

WATER SUPPLY

A supply of water to the land division shall be available at all times for fire-fighting purposes. Ministerial Building Standard MBS 008 "Designated bushfire prone areas - additional requirements" July 2020, as published under the Planning, Development and Infrastructure Act 2016, provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone.

- **SA WATER**

SA Water has indicated that it will be necessary for the developer to satisfy the Corporation's requirements, for the financial requirements of SA Water to be met for the provision of water supply, and have also indicated that:

On approval of the application, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

- **SA State Planning Commission SCAP:**

The Commission returned their consultation report on 1 April 2021 reiterating the requirements of the SA Water Corporation and additionally requiring:

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 Development Assessment Commission for Land Division Certificate purposes. (Refer Recommended Land Division Condition 1)

The above responses are included as **Attachment – Referral Responses and the advisory information is included in the Recommended Land Division Notes.**

5. CONSULTATION

The application was determined in accordance with Schedule 9 Part 1 (3)(c) of the Development Regulations 2008, to be a Category 1 form of development as follows:

3. Any development classified as non-complying under the relevant Development Plan which comprises—

(a)

(b)

(c) the division of land where the number of allotments resulting from the division is equal to or less than the number of existing allotments.

As the proposal purports a boundary realignment resulting in the same number of allotments as currently exist, the proposal is determined to be a Category 1 form of development and accordingly the application has not been subject to public notification processes or any representations.

Concurrence from SCAP is no longer required for consents to non-complying development effective 15 May 2020 as a result of the COVID-19 Emergency Response (Further Measures) Amendment Bill 2020

6. PLANNING & TECHNICAL CONSIDERATIONS

In cases where land to be divided lies across two or more Planning Policy Zones, the assessment of the proposal is against the relevant Provisions of both Zones (citing *Hagger v DAC – SAERDC 56/2006*) and accordingly regard is given to both the Hills Face Zone and the Watershed (Primary Production) Zone (and Rural Landscape Policy area) in this Assessment.

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

i. The Site's Physical Characteristics

The subject land parcels are currently 7.891 ha and 7.183 ha in area respectively and will result in adjusted allotments of 8.907 -ha and 6.433 -ha respectively, with a transfer of 7676 m².

The land is moderately undulating, with approximately 60 metres variation in elevation across the whole site, being approximately 480 metres AHD at the north-eastern boundary of existing Allotment 72 adjacent to Sheoak Road, Albert and George Avenues, falling away to its lowest point near the middle of the southern boundary of Piece 3.

The land is sparsely vegetated and contains three dams.

Within the surrounding natural environment, the alteration of boundaries is relatively insignificant and will not detrimentally affect the appearance or configuration of the land.

ii. The Surrounding Area

Similarly, the surrounding locality provides a range of allotment sizes and configurations, with Allotment 72 and combined Pieces 2 and 3 representing the larger

scale of allotments within the locality. In all other respects the allotments exhibit characteristics which are comparable to the broader locality.

The realignment of boundaries also largely retains the 'status quo', in terms of allotment size, increasing (existing Allotment 72 and decreasing Piece 3 by a small degree, with negligible effect on the locality.

iii. Development Plan Policy considerations

a) *Policy Area/Zone Provisions*

The subject land lies within the Hills Face Zone and the Watershed (Primary Production) Zone (and Rural Landscape Policy Area).

The Hills Face Zone provisions seek to preserve and enhance the natural characteristics of land in the area for aesthetic and biodiversity value whilst accommodating sensitive forms of development and low intensity rural land uses.

Similarly, the Watershed (Primary Production) Zone reflects a high degree of environmental sensitivity in maintaining and enhancing natural resources of the Mount Lofty Ranges particularly water resources, protection of long term sustainability of primary production activities and enhancement of amenity and landscape value through preservation and restoration of native vegetation.

The Zone and Policy Area also emphasises low density rural living type land uses and primary production activities prevail.

The following are considered to be the relevant *Zone* provisions:

Hills Face Zone

Objectives: 1 & 2

PDCs: 1 & 3

Watershed (Primary Production) Zone

Objectives: 1, 2, 3, 4 & 5

PDCs: 18, 20, 21 & 22

Rural Landscape Policy Area

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

Objectives: 1, 2, 3 & 4

PDC: 2

Accordance with Zone

The relevant zone provisions (from both zones) illustrate the intention for development to remain unobtrusive and to preserve the natural environment, as a natural backdrop to the Adelaide Plains relative to the Hills Face Zone and, more locally within the Watershed (Primary Production Zone) to preserve a pleasant natural and rural environment.

The proposed boundary realignment preserves all existing natural features, particularly, it does not influence any part of the land within the Hills Face Zone and otherwise produces a relatively minor realignment of boundaries around site features, native vegetation and building curtilage on Existing Allotment 72, without creating any discernible effect upon appearance of the land.

The establishment of the realigned boundary will not increase visibility of any of the buildings concerned and maintains an opportunity for development of an appropriate form to occur on proposed Piece 52.

As discussed previously within this report, the realignment is fundamentally to address the anomaly of the previously established boundary alignment which is reasonably inconsequential to the continued and future use of the land or its appearance in the landscape.

The proposal is not considered to be prejudicial to the natural landscape amenity of the locality and the realignment will not in itself influence the potential for impacts upon natural water resources within the Watershed Area.

b) Council Wide provisions

The Council Wide provisions relevant to the proposed development seek to reinforce safety of life and property from natural hazards, in this instance bushfire, and continue to preserve and enhance the natural environment, watershed area resources and the area's rural characteristics.

The Council Wide land division provisions specifically seek to ensure that the arrangement of land is orderly and does not result in improper arrangement of boundaries, or land parcels which are inappropriate for their intended use.

The balance of these matters is critical to the achievement of the Development Plan policies' intent.

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

Hazards

Objectives: 1 & 2

PDCs: 8 & 13

Additional to the principal intention of the proposed boundary realignment to correct misaligned boundaries, the proposal accords with Hazards provisions, particularly PDCs 8 & 13 by realigning boundaries according to the position of the existing built assets, which will provide the legal capability for the owner to maintain asset protection envelopes upon the relevant land title.

Elements of access, and water supply are existing and established, only the arrangement of the dividing boundary and tenure of the land and affected features will be altered by the realignment. The proposal accordingly represents no further impact to the environment other than the establishment of the new boundary alignment.

Land Division

Objectives: 2 & 4

PDCs: 2 & 7

The proposal accords with the Land Division Objectives 2 & 4 and PDCs 2 & 7 specifically in reasonably correcting the misaligned boundaries around existing features and infrastructure.

Realignment of the boundary returns the composition of the land to a state where it is appropriate and consistent with the established rural living use of the land. .

The proposed development does not create allotments which are compromised for future development and the 'status quo' is largely maintained in this respect.

Natural Resources

Objectives: 8, 10, 13 & 14

PDCs: 6 & 38

The proposal will not perpetuate any additional development within the area beyond that which already exists, and is considered to pursue the Zone and Council wide Natural resources provisions generally seeking protection of the natural landscape and biodiversity values.

The proposed boundary realignment does not propagate any new or increased development opportunity for the subject sites and therefore will not perpetuate pollution potential for the Watershed Area.

The proposal purports no further adverse effects from clearance of native vegetation for the proposed boundaries and therefore avoids further incremental impact upon the natural environment or the Hills Face landscape.

The potential impact of the proposed boundary realignment upon natural resources is considered minimal and in any case is the equivalent of impacts which could occur in respect of the existing boundary alignment.

7. SUMMARY & CONCLUSION

The proposal assessed against the provisions of the Adelaide Hills Development Plan, Consolidated 8 August 2019, is considered to demonstrate appropriate merit to be supported by Council's Assessment Panel.

The fundamentally functional nature of the proposed boundary realignment does not purport any unreasonable impacts to the natural environment or the amenity of the area, but importantly re-establishes the orderly arrangement of boundaries and existing land use.

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

8. RECOMMENDATION

That the Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and GRANTS Development Plan Consent and Land Division Consent to Development Application 21/304/473 (21/D010/473) by Judith Bradsen for Land division - boundary realignment (2 into 2) (Non-Complying) at 117 Sheoak Road and Pieces 2 & 3 in File Plan 151757 Sheoak Road, Crafers West SA 5152 subject to the following conditions:

Planning Conditions

(1) Development in Accordance with the Plans

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

Plan of Division prepared by Steed Surveyors, REFERENCE: 12222 P1.2 dated 30/04/21.

Planning Notes

(1) Development Approval

This development approval is valid for a period of three (3) years from the date of the decision notification. This time period may be further extended beyond the 3 year period by written request to, and approval by, Council prior to the approval lapsing. Application for an extension is subject to payment of the relevant fee. Please note that in all circumstances a fresh development application will be required if the above conditions cannot be met within the respective time frames.

Council Land Division Statement of Requirements

Nil

Council Land Division Notes

Nil

SCAP Land Division Statement of Requirements

(1) Requirement For Certified Survey Plan

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

(2) The financial requirements of the SA Water Corporation shall be met for the provision of water supply. (S A Water H0111865)

On approval of the application, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries

WATER PROTECTION - Due to the sensitivity of development within the Watershed areas SA Water is unable to assess this application until the Planning Decision Notification (PDN) has been issued regarding this development. Please advise as soon as the PDN has been issued and the Corporations requirements can then be confirmed.

SCAP Land Division Notes

- (1) The SA Country Fire Service has no objection to the proposed land division (boundary alignment) at Lot 72 Sheoak Rd, Crafers West.

The SA Country Fire Service seeks to comment on any subsequent residential 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.

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

- (2) **Planning Reform**

SA CFS notes that applications for residential developments on residential allotments, made after the 19 March 2021, will be assessed against the requirements of 'The Planning and Design Code', Hazards (Bushfire – High Risk) Overlay, as published under the Planning, Development and Infrastructure Act 2016.

- (3) **Access to Habitable Buildings**

'The Planning and Design Code', Hazards (Bushfire – High Risk) Overlay (Performance Objective 6.2) details the mandatory requirements for 'Private' roads and driveways to facilitate safe and effective firefighting and evacuation. These requirements apply when the path of travel to the furthest point of the building is more than 60m from the nearest public road.

Access shall be in accordance with PO 6.2 and the provisions outlined under DTS/DPF 6.2.

- (4) **Water Supply**

A supply of water to the land division shall be available at all times for fire-fighting purposes. Ministerial Building Standard MBS 008 "Designated bushfire prone areas - additional requirements" July 2020, as published under the Planning, Development and Infrastructure Act 2016, provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone.

- (5) **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".

Please refer to the NCC, relevant standards and state provisions for construction requirements and performance provisions.

9. ATTACHMENTS

Locality Plan

Proposal Plans

Application Information

Applicant's Professional Reports

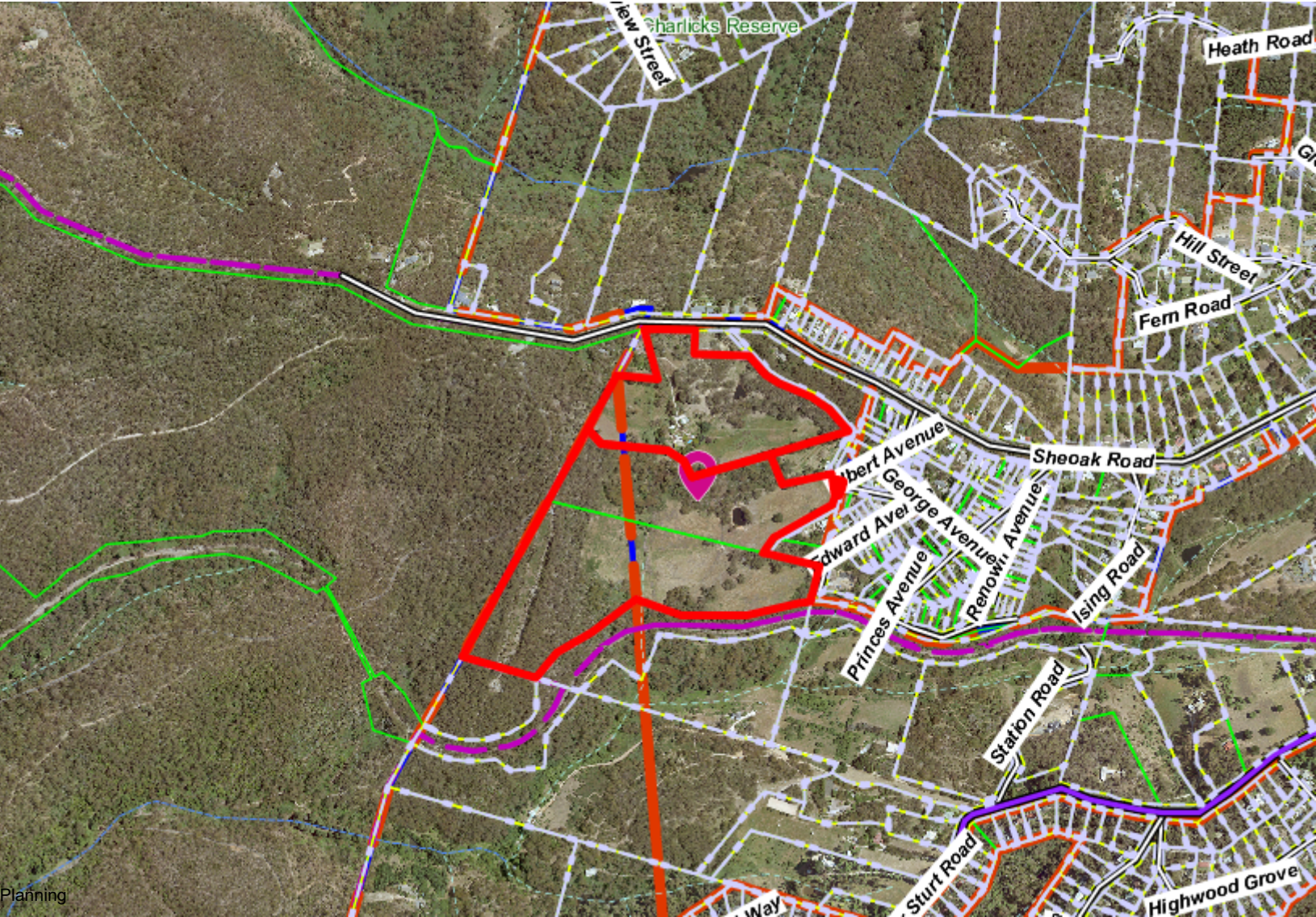
Referral Responses

Respectfully submitted

Concurrence

Amelia De Ruvo
Statutory Planner

Deryn Atkinson
Assessment Manager



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Scale = 1:12065.760

500 m



Annotations

Feature2

Feature1

Planners Summary

PlanningSummary

AHC Core

Parks

Townships

RoadsStreetView

ADJOINING LGA RD

AHC & PRIVATE

AHC RD

DPTI RD

PRIVATE RD

SHARED RD

PropertyOwner

Parcels

Roads

Suburbs

Rivers

River

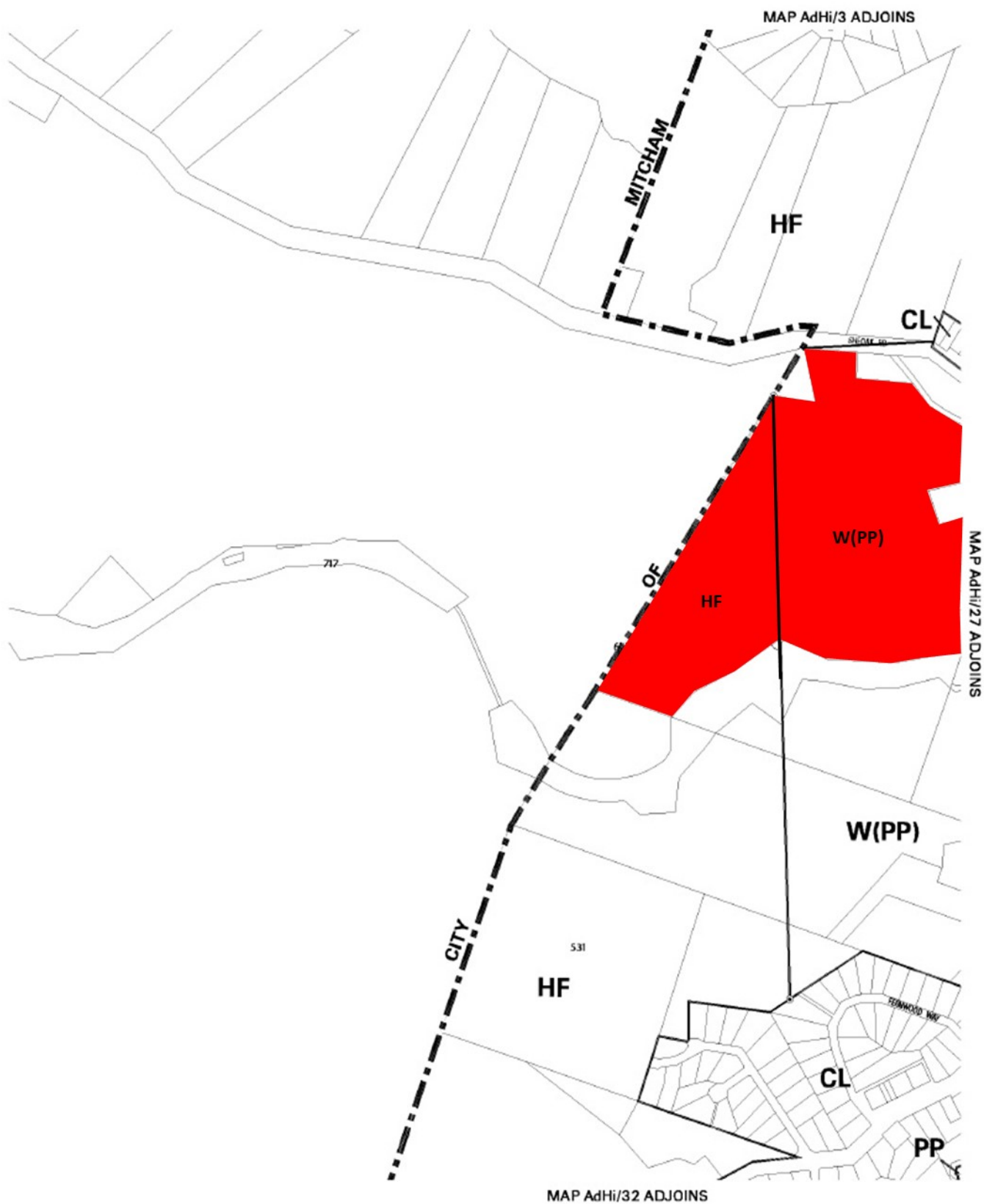
Creeks

Streams

Zones_Policy & Landuse

Zones

Policy



NOTE: For Policy Areas See Map AdHi/70

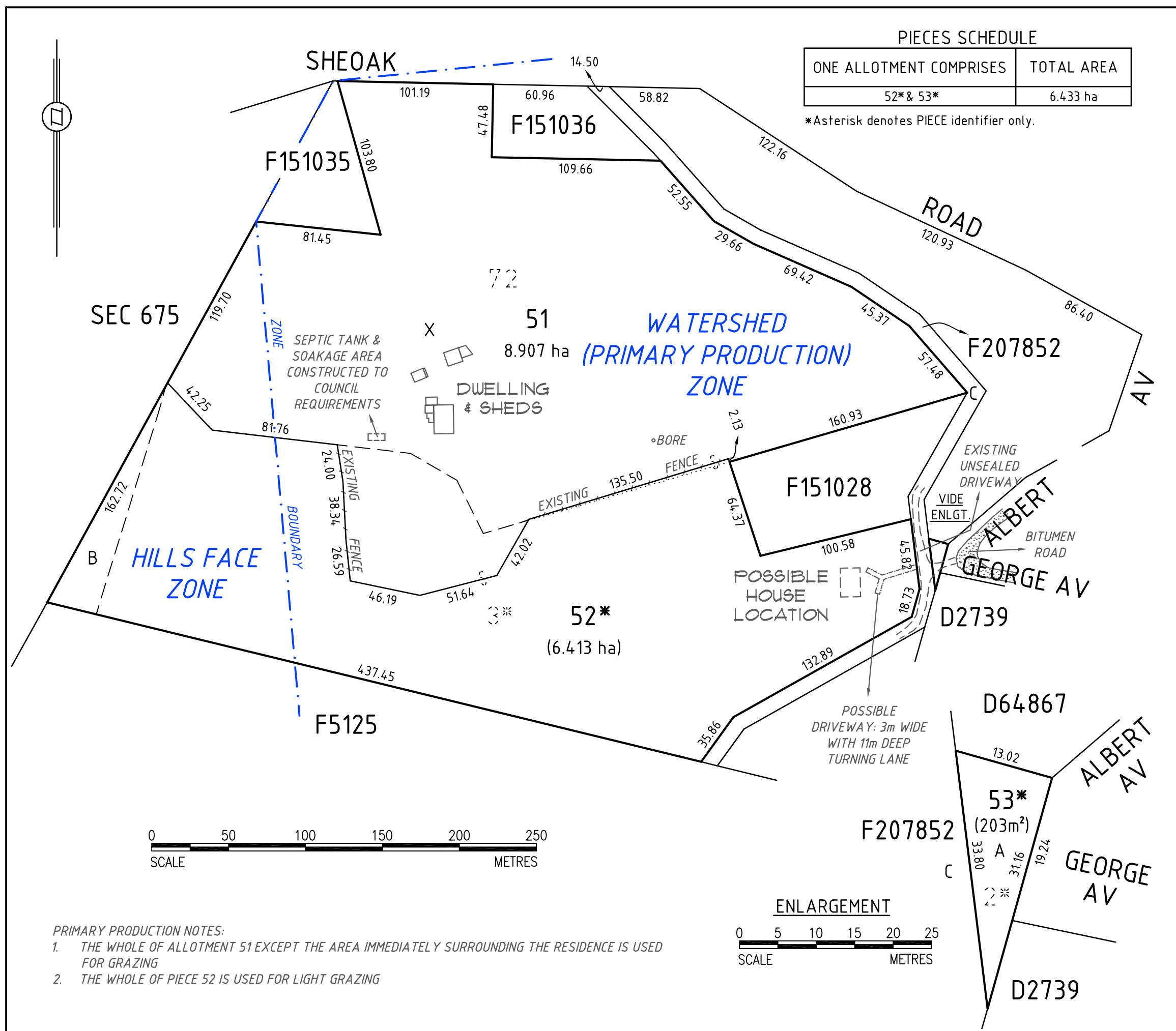
CL Country Living
 HF Hills Face
 PP Public Purpose
 W(PP) Watershed (Primary Production) zone



ADELAIDE HILLS COUNCIL ZONES MAP AdHi/26

— Zone Boundary
 - - - - - Development Plan Boundary

Consolidated - 8 August 2019



PROPOSED PLAN OF DIVISION

SHEET 1 OF 1

MAP REF: 6627-02-d TOTAL AREA: 15.34ha

HUNDRED: ADELAIDE

AREA: CRAFTERS WEST

COUNCIL: ADELAIDE HILLS COUNCIL

TITLE REFERENCE			SUBJECT LAND		
PREFIX	VOLUME	FOLIO	PARCEL(S)	PLAN	SECTION
CT	5685	104	ALLOT 72	F151027	
CT	5283	878	PIECES 2* & 3*	F151757	

AMENDMENT DATE:

DEVELOPMENT NUMBER:

EASEMENT NOTES AND OTHER ANNOTATIONS:

PORTION OF ALLOTMENT 51 MARKED X IS TOGETHER WITH A FREE AND UNRESTRICTED RIGHT OF WAY OVER THE LAND MARKED A.

PORTION OF 52 MARKED B IS SUBJECT TO AN EASEMENT TO ETSA CORPORATION (T 2903112)

THE WITHIN LAND IS TOGETHER WITH RIGHTS OF WAY OVER THE LAND MARKED C (GRO NO 36 BOOK 281)

DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY.

IMPORTANT NOTE: This plan was prepared as an indicative subdivision design and is subject to approval from the Council for the area and any relevant authorities. The information shown on this plan is not suitable for any other purpose. The dimensions and areas of allotments shown on this plan are approximate and may vary when more detailed information is available. Where shown, structures and associated infrastructure are generally not drawn to scale. In particular, no reliance should be placed on the information on this plan for detailed subdivision design or for any financial dealings involved in the land. This note is an integral part of this plan.

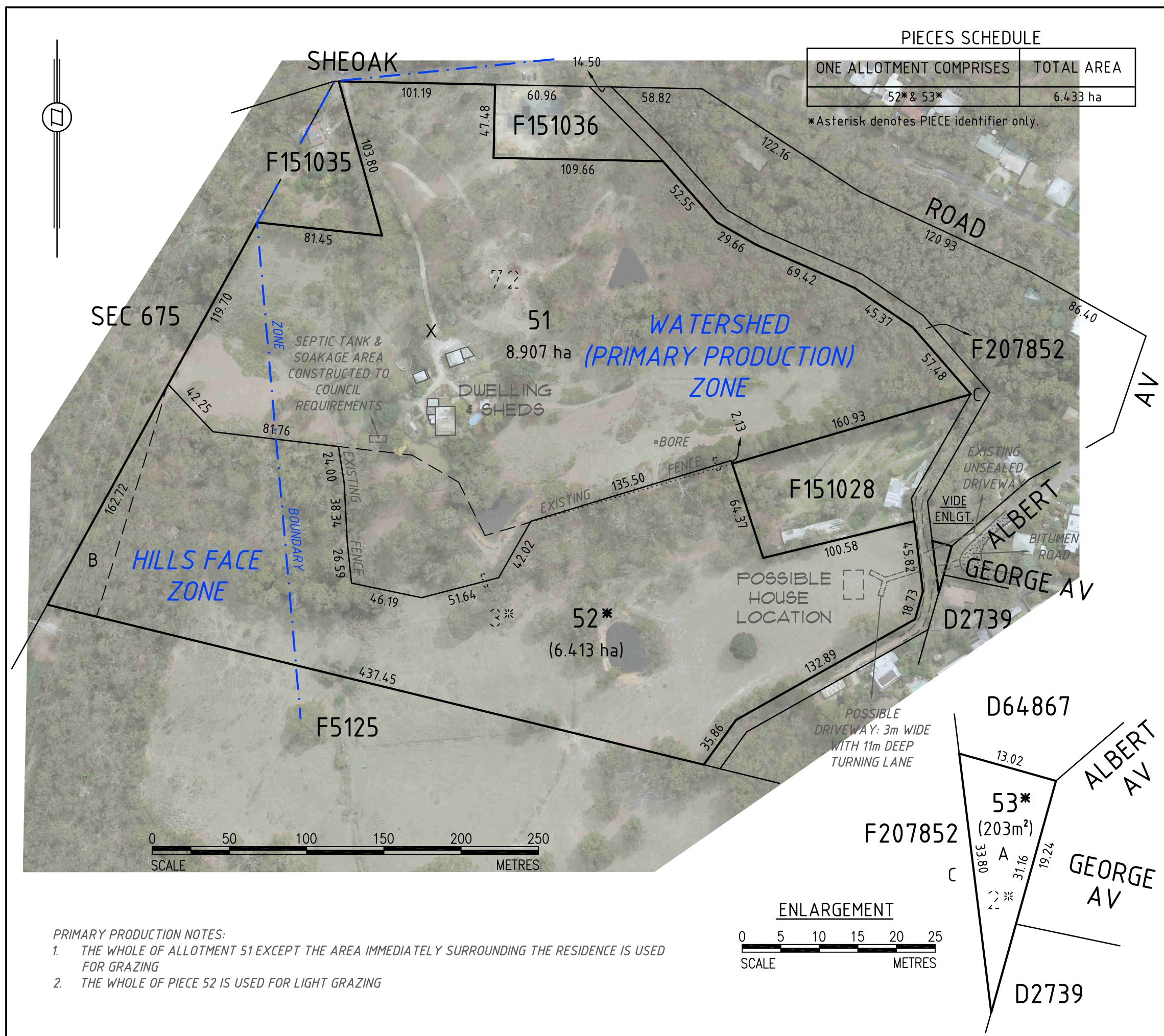
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23 Sydenham Road 5067
Murray Bridge - 08 8532 5200
Murrundi Building, 30 Seventh Street 5253
Kangaroo Island - 08 8559 4283

REFERENCE: 12222P1.2 30/04/21 HMP,FJT



PROPOSED PLAN OF DIVISION

SHEET 1 OF 1

MAP REF: 6627-02-d TOTAL AREA: 15.34ha

HUNDRED: ADELAIDE

AREA: CRAFTERS WEST

COUNCIL: ADELAIDE HILLS COUNCIL

TITLE REFERENCE			SUBJECT LAND		
PREFIX	VOLUME	FOLIO	PARCEL(S)	PLAN	SECTION
CT	5685	104	ALLOT 72	F151027	
CT	5283	878	PIECES 2* & 3*	F151757	

AMENDMENT DATE:

DEVELOPMENT NUMBER:

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PORTION OF 52 MARKED B IS SUBJECT TO AN EASEMENT TO ETSA CORPORATION (T 2903112)

THE WITHIN LAND IS TOGETHER WITH RIGHTS OF WAY OVER THE LAND MARKED C (GRO NO 36 BOOK 281)

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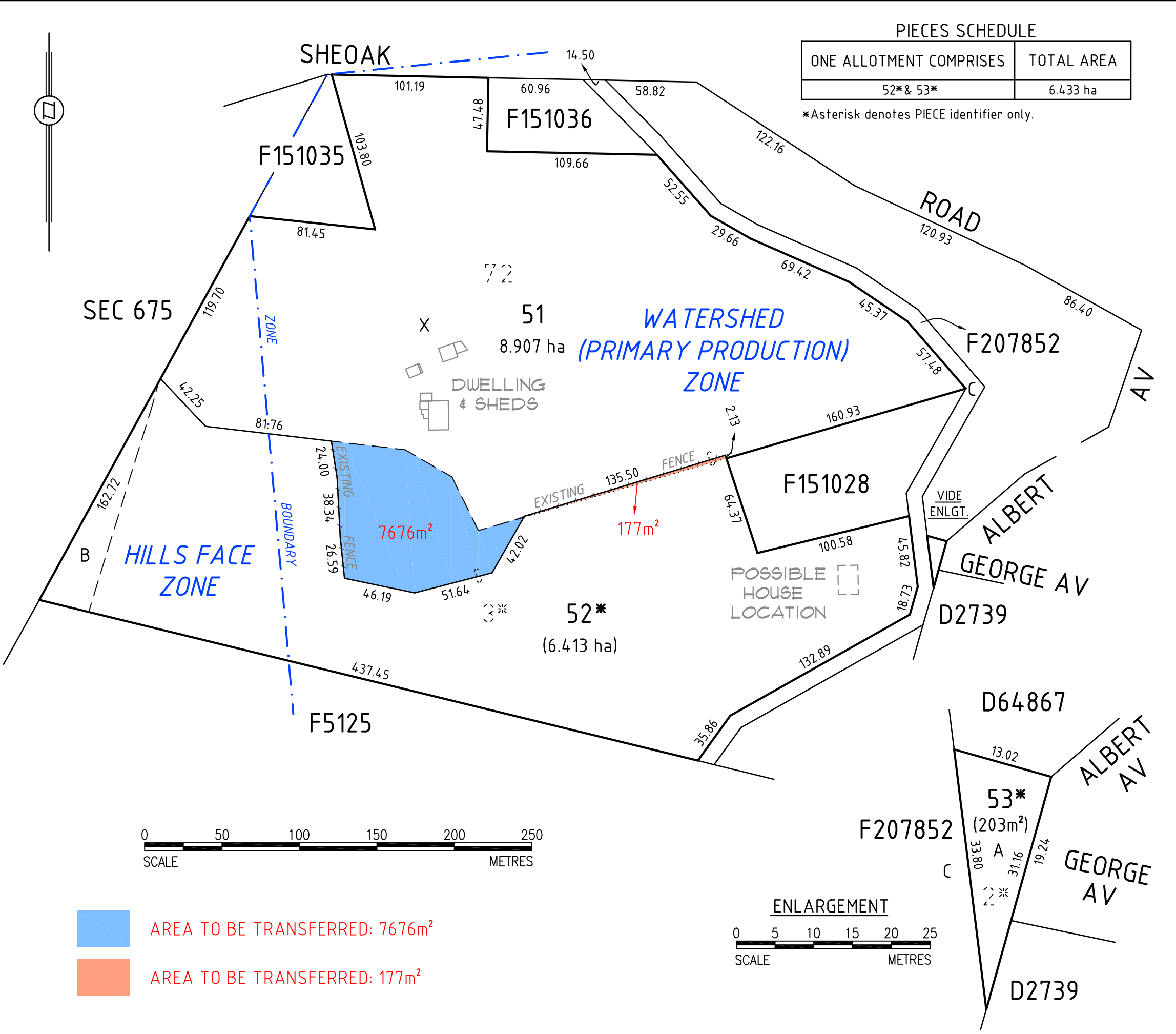
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PROPOSED PLAN OF DIVISION

SHEET 1 OF 1

MAP REF: 6627-02-d TOTAL AREA: 15.34ha

HUNDRED: ADELAIDE

AREA: CRAFTERS WEST

COUNCIL: ADELAIDE HILLS COUNCIL

TITLE REFERENCE			SUBJECT LAND		
PREFIX	VOLUME	FOLIO	PARCEL(S)	PLAN	SECTION
CT	5685	104	ALLOT 72	F151027	
CT	5283	878	PIECES 2* & 3*	F151757	

AMENDMENT DATE:

DEVELOPMENT NUMBER:

EASEMENT NOTES AND OTHER ANNOTATIONS:

PORTION OF ALLOTMENT 51 MARKED X IS TOGETHER WITH A FREE AND UNRESTRICTED RIGHT OF WAY OVER THE LAND MARKED A.

PORTION OF 52 MARKED B IS SUBJECT TO AN EASEMENT TO ETSIA CORPORATION (T 2903112)

THE WITHIN LAND IS TOGETHER WITH RIGHTS OF WAY OVER THE LAND MARKED C (GRO NO 36 BOOK 281)

DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY.

IMPORTANT NOTE: This plan was prepared as an indicative subdivision design and is subject to approval from the Council for the area and any relevant authorities. The information shown on this plan is not suitable for any other purpose. The dimensions and areas of allotments shown on this plan are approximate and may vary when more detailed information is available. Where shown, structures and associated infrastructure are generally not drawn to scale. In particular, no reliance should be placed on the information on this plan for detailed subdivision design or for any financial dealings involved in the land. This note is an integral part of this plan.

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Murrundi Building, 30 Seventh Street 5253
Kangaroo Island - 08 8559 4283

REFERENCE: 12222P1.1 01/03/21 HMP,FJT

DESCRIPTION OF DEVELOPMENT AND APPLICABLE PLANNING ISSUES

1. SUBJECT LAND - Description

Allotment 72 in F151027 Certificate of Title 5685/104 being 117 Sheoak Road, Crafers West.

Allotment comprised of Pieces 2 & 3 in F151757 Certificate of Title 5283/878 being Lot 3 Sheoak Road, Crafers West as referred to by SA Property and Planning Atlas.

Both allotments have a free and unrestricted right of way over adjoining land.

2. SUBJECT LAND – Topography

The allotment 72 is 7.9ha and Pieces 2(203m²) and 3(7.5ha) form combined an allotment of 7.5ha.

The two adjoining allotments fall substantially from Sheoak Road in a southerly direction through several gentle valleys approximately 70m. There are no mapped water courses on these allotments although 3 dams exist. Two of these dams are distinctly located on each respective allotment and a third dam constructed some 45 years ago straddles the existing common boundary between the two allotments.

There exists approximately equal areas of open grass land and wooded areas.

A historical house with associated buildings exists on the current allotment 72.

See attached *12222 Contour & Zones & 12222P1.0- IMAGE*.

3. SUBJECT LAND - Land Use

Allotment 72 is currently being used as a residence as well as for grazing. This allotment has a direct frontage onto Sheoak Road and uses that frontage for access.

Piece 3 does not have any building structures on it and is used solely for grazing purposes. Piece 3, although it has a right of way access to Sheoak Road, uses a legal access to Albert Avenue, via Piece 2 and portion of the right of way.

4. DESCRIPTION OF PROPOSED DEVELOPMENT

A boundary re-alignment is proposed between allotment 72 and piece 3. No additional allotments are to be created. The realignment will create a new allotment 51 with an area of 8.907ha and a new piece 52 with an area of 6.413ha.

Both original allotments were once in the same ownership where the current boundary position was of no consequence to the use of the land. However, this situation has changed because the allotments are now in separate ownership following a divorce settlement. The current common boundary (not aligned with existing fencing) passes through a 45-year-old dam and across the middle of the historical house's garden and

lawn. Vehicle access to the dam which is associated with the house passes over piece 3. The location of the boundary in the vicinity of the house is not practicable to fence and does not reflect how the allotments are used. The re-alignment will place the boundary in a more practical location having regard to the need to maintain the subject land for pastoral purposes. It will cause the dam to be entirely in the proposed allotment 51, providing opportunity for the water resource and its surrounds to be managed and maintained in a sustainable manner by a single responsible property owner. The proposed boundary will also keep the integrity of the house and its garden but without affecting the amount of land presently used for grazing.

Only the new boundaries shown with the distances 42.02, 51.64 and 46.19 are currently not fenced. These three portions of the boundary are in grass land presently used for grazing. Fencing this section of the proposed common boundary will not cause any loss of native vegetation or pasture. The new boundary with the distance 135.50 is to be placed onto the existing established fence.

The proposed boundary shift occurs only in the Watershed (Primary Production) Zone. See *12222P1.1-TRANSFER*, *12222P1.1* & *12222P1.1-IMAGE*.

5. DEVELOPMENT APPROVAL PROCESS

The land exists entirely in Adelaide Hills Council. Most of the subject land is within the Watershed (Primary Production) Zone, Rural Landscape Policy Area with a portion in the Hills Face Zone. Both allotments exist in the Environment and Food Production Areas. See attached *12222 Contour & Zones*.

Although a minor portion of the subject land falls within the Hills Face Zone, the whole of the proposed boundary shift falls within the Watershed (Primary Production) Zone. Those boundaries contained within the Hills Face Zone will remain unaffected.

Within the Watershed (Primary Production) Zone land division that creates no additional allotments is exempt from assessment as non-complying development provided that there is no additional risk of pollution of surface or underground waters. It is submitted therefore that the proposed boundary realignment be assessed as a merit development and that the planning principles for the Watershed (Primary Production) Zone are directly relevant in the development approval process. The subject land falls within the Rural Landscape Policy Area of this zone.

If in any event the mere fact of the inclusion of the Hills Face Zone within the subject land is considered sufficient for the proposed development to require assessment as non-complying, this document should be read as a statement of support for the purposes of regulation 17(1) of the Development Regulations. It is further submitted that the impact of the proposal upon this part of the Hills Face land is so minor as to warrant a decision under regulation 17(6)(c) of the Development Regulations that a Statement of Effect is not required.

It is further submitted that the proposed development requires no public consultation because it is a Category 1 development. As a merit development it would fall within items 2(f) and 2(g) of Schedule 9 to the Development Regulations. If classified as non-complying the proposed development would come within item 3(c) of Schedule 9.

6. CONSIDERATION OF THE RELEVANT PLANNING PRINCIPLES

Council Wide Objectives for Land Division

The proposed boundary realignment is consistent with and indeed will promote the relevant objectives. It will not create any new allotments nor will it change or compromise the existing land use. By enabling the better co-ordination of the management and maintenance of the dam within a single allotment, objectives 2 and 5 of the Council Wide provisions for land division will be enhanced.

Relevant Principles of Development Control

Council Wide Principles - Land Division

1. Existing stormwater management will not be affected (PDC 1)
2. The size and configuration of the proposed resulting allotments are consistent with the intent of council wide PDC 21, 22 and 23.
3. The existing wastewater disposal system associated with the house on the present allotment 72 will not be affected. PDC 1
4. The proposed piece 52 will continue to have vehicle access to all parts of its allotment.
5. Both allotments will continue to have existing legal access to public roads. PDC 2
6. No other surrounding allotments, not being part of this realignment, will be disadvantaged by the boundary realignment.

Watershed Primary Production) Zone

1. A suitable site for a detached dwelling is available on the proposed piece 52 which complies with Table AdHi/5 (PDC 18).
2. The proposed realignment will not change or adversely affect the existing land use. There will be no loss of productive primary production land. There will be no resulting effect upon the surface or groundwater flows or its quality. No erosion will be caused by the proposed boundary shift (PDC 19, 21).
3. The placement of the subject dam within a single allotment is consistent with PDC 20(b)
4. The resulting re-arrangement of the existing boundaries maintains allotment sizes that are consistent with those in the locality (PDC 22).
5. There will be no loss of vegetation due to fencing of the new boundary location (PDC 34)
6. Each allotment will have access to water in dams on each respective allotment. Thus the existing primary production land use will not be adversely affected (PDC 19)

Rural Landscape Policy Area

The proposed boundary realignment meets the objectives of the Rural Landscape Policy Area. In particular the enhanced capacity of the owner of the proposed allotment 51 to maintain the areas to the south of the house and dam will improve the ability to control woody weeds so as to minimise fire risk and enhance the attractive rural character of the area.

Hills Face Zone

The proposed boundary realignment will have no direct impact upon any part of the Hills Face Zone. If it can be said that there are indirect impacts, none of the effects upon the Watershed (Primary Production) Zone discussed above is inconsistent with the objectives and principles of development control applicable within the Hills Face Zone.

Michael Pohl
Licensed Surveyor
4 March 2021



**STATE
COMMISSION
ASSESSMENT
PANEL**

A COMMITTEE OF THE STATE PLANNING COMMISSION

Contact
Telephone
Email

Planning Services
7109 7016
dldptipdclearanceletters@sa.gov.au

State Commission
Assessment Panel

1 April 2021

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

Level 5
50 Flinders Street
Adelaide SA 5000

GPO Box 1815
Adelaide SA 5001

Dear Sir/Madam

08 7109 7061

**Re: Proposed Development Application No.473/D010/21 (ID 70721)
for Land Division by Judith Bradsen**

Further to my letter dated 22 March 2021 and to assist the Council in reaching a decision on this application, copies of consultation agency reports received by the State Commission Assessment Panel (SCAP) are available for your consideration.

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

1. The financial requirements of the S A Water Corporation shall be met for the provision of water supply. (S A Water H0111865)

On approval of the application, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries

WATER PROTECTION - Due to the sensitivity of development within the Watershed areas SA Water is unable to assess this application until the Planning Decision Notification (PDN) has been issued regarding this development. Please advise as soon as the PDN has been issued and the Corporations requirements can then be confirmed.

2. 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 Development Assessment Commission for Land Division Certificate purposes.

Council's particular attention is drawn to the comments by the Country Fire Services for this application.

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

Yours faithfully,

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

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12 March 2021

Our Ref: H0111865

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 JOSIE BONNET
Telephone 7424 1119

PROPOSED LAND DIVISION APPLICATION NO: 473/D010/21 AT CRAFERS WEST

In response to the abovementioned proposal, I advise that pursuant to Section 33 of the Development Act it is necessary for the developer to satisfy this Corporation's requirements, which are listed below.

The financial requirements of SA Water shall be met for the provision of water supply.

WATER PROTECTION - Due to the sensitivity of development within the Watershed areas SA Water is unable to assess this application until the Planning Decision Notification (PDN) has been issued regarding this development. Please advise as soon as the PDN has been issued and the Corporations requirements can then be confirmed.

On approval of the application, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

Yours faithfully

JOSIE BONNET
for MANAGER LAND DEVELOPMENT & CONNECTIONS

DEVELOPMENT ASSESSMENT SERVICE

Your Ref: 473/D010/21
Our Ref: Adelaide Hills DA
Please refer to: 20210401 – 02cs

1 April 2021

State Commission Assessment Panel
GPO Box 1815
ADELAIDE SA 5001

ATTN: BILJANA PROKIC

Dear Biljana

**RE: DEVELOPMENT APPLICATION (LAND DIVISION, BOUNDARY ALIGNMENT) – BRADSEN
LOT 72, SHEOAK RD, CRAFTERS WEST**

Please note that this assessment does not include allotments with already existing dwellings.

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.

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

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

DECISION

The SA Country Fire Service has no objection to the proposed land division (boundary alignment) at Lot 72, Sheoak Rd, Crafters West.

The SA Country Fire Service **seeks** to comment on any subsequent residential 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.

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

NOTE, PLANNING REFORM

SA CFS notes that applications for residential developments on residential allotments, made after the 19 March 2021, will be assessed against the requirements of 'The Planning and Design Code', Hazards (Bushfire – High Risk) Overlay, as published under the Planning, Development and Infrastructure Act 2016.



ACCESS TO HABITABLE BUILDINGS

'The Planning and Design Code', Hazards (Bushfire – High Risk) Overlay (Performance Objective 6.2) details the mandatory requirements for 'Private' roads and driveways to facilitate safe and effective firefighting and evacuation. These requirements apply when the path of travel to the furthest point of the building is more than 60m from the nearest public road.

Access shall be in accordance with PO 6.2 and the provisions outlined under DTS/DPF 6.2.

WATER SUPPLY

A supply of water to the land division shall be available at all times for fire-fighting purposes. Ministerial Building Standard MBS 008 "Designated bushfire prone areas - additional requirements" July 2020, as published under the Planning, Development and Infrastructure Act 2016, provides the technical details of the dedicated water supply for bushfire fighting for the bushfire 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".

Please refer to the NCC, relevant standards and state provisions for construction requirements and performance provisions.

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

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

Yours sincerely,



CAREN SIEGFRIEDT

BUSHFIRE SAFETY OFFICER

DEVELOPMENT ASSESSMENT SERVICE