

#13837831

**Susan Merret**

Land division – realignment of allotment boundaries – two (2) into two (2).

**136 Valley Road, Montacute.**

DA 473/D001/15

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## **OVERVIEW**

<b>Application No</b>	473/D001/15
<b>Unique ID/KNET ID</b>	#13837831; 2015/03008/01.
<b>Applicant</b>	Susan Merret.
<b>Proposal</b>	Land division to realign allotment boundaries – two into two.
<b>Subject Land</b>	136 Valley Road, Montacute.
<b>Zone/Policy Area</b>	Watershed (Primary Production) Zone – Water Protection (Marble Hill) Policy Area.
<b>Relevant Authority</b>	State Commission Assessment Panel
<b>Lodgement Date</b>	10/01/2015
<b>Council</b>	Adelaide Hills Council.
<b>Development Plan</b>	Consolidated 09/01/2014.
<b>Type of Development</b>	Merit
<b>Public Notification</b>	Category 1
<b>Representations</b>	Not Applicable.
<b>Referral Agencies</b>	Department for Environment & Water (Native Vegetation Council), SA Country Fire Service, Department of Health, SA Water.
<b>Report Author</b>	Malcolm Govett, Planning Officer
<b>RECOMMENDATION</b>	Development Approval, with Land Division Consent, subject to conditions

## **EXECUTIVE SUMMARY**

Susan Merret has applied for Development Approval to undertake land division within the Watershed (Primary Production) Zone – Water Protection (Marble Hill) Policy Area at Valley Road, Montacute in the area of the Adelaide Hills Council.

The proposed land division is for the realignment of boundaries, i.e. two-into-two and would not create any additional allotments. The proposal is classified as a form of merit development.

The proposed development is not subject to any form of public notification because it is assigned as a Category 1 development.

The Adelaide Hills Council indicates it does not support the proposed development because it is not considered to be a minor readjustment of boundaries as it would not correct an anomaly, and would not improve the management of the land for conservation or primary production purposes. The proposal would not represent an orderly form of development as one of the allotments would be separated by an unmade public road and would rely on a right of way for access for management. Also, the proposal would result in the creation of a part allotment over an area of native vegetation.

On balance, it is considered the application has sufficient merit to warrant support. It is considered the land division is consistent with the provisions of the Watershed (Primary Production) Zone because it would not create any additional allotments or opportunities for development, it would not significantly or adversely impact the quality of water resources, and it would not cause the loss of productive primary production land.

It is also considered the design of the proposal would minimise impacts on the natural features of the topography by reducing the need for excavation works and the removal of native vegetation cover.

It is recommended the Panel grant development approval (Development Plan Consent and Land Division Consent).

## **ASSESSMENT REPORT**

### **1. BACKGROUND**

#### **1.1 Relevant Authority**

At the date of lodgement of the application (10/01/2015), the State Commission Assessment Panel (SCAP) was the relevant planning authority for this application pursuant to Item 7 under Schedule 10 of the *Development Regulations 2008*. This was because the proposal would be for the division of allotments outside a designated township in or by a Development Plan in the Mount Lofty Ranges Watershed Protection Area, and would not:

- be for the purpose of realigning the common boundary between two contiguous allotments where less than ten percent of either allotment is affected by the change in boundary, or
- be for the purpose of dividing an allotment on which two habitable dwellings are situated into two allotments so that each dwelling will be situated on a separate allotment.

In this regard, more recent amendments to the Regulations limit the role of the SCAP to the division of land creating one or more additional allotments within the Mount Lofty Ranges Water Protection Area.

#### **1.2 SCAP Delegation**

In respect of section 33 (1) of the *Development Act 1993*, relating to the power, as the relevant authority, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development)

- the provisions of the appropriate Development Plan;
- in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) on the satisfaction of the conditions specified in Section 33 (1) (d) of the Act

Except where:

- A State Agency or a Council has requested to be heard by the SCAP.

In this regard, the Adelaide Hills Council has requested to be heard on the application by the SCAP.

#### **1.3 Status of Development**

In the Adelaide Hills Council Development Plan, pursuant to Principle of Development Control 70 for the Watershed (Primary Production) Zone, "Land Division" is shown as a form of non-complying development within the Zone, except if each of the following exemptions apply:

- a) where no additional allotments are created, either partly or wholly, within the Watershed (Primary Production) Zone, and
- b) 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

- c) 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*

In this regard, it is considered the proposal would satisfy the exemptions (a), (b) and (c) above. Consequently, it is considered appropriate for the proposal to be categorized as a form of merit development.

## **2. DESCRIPTION OF PROPOSAL**

Application details are contained in **Attachments 1 & 2**.

### **2.1 Amended Application**

When the application was originally submitted in January 2015, it proposed land division affecting four separately titled allotments. The proposal was for the realignment of property boundaries, i.e. four-into-four, but without creating any additional allotments.

In September 2018, the applicant amended the proposal so as to include only two separately titled allotments

### **2.2 The Land Division**

The proposed development is for land division to realign property boundaries, i.e. two-into-two, but without creating any additional allotments (see **Attachment 1**).

The configuration of the proposed allotments would be:

- New Allotment 101 of 13.9 hectares, which would contain a shed and a dam.
- New Allotment comprising Pieces 102 and 103. Piece 102 of 11.2 hectares would contain a shed, and Piece 103 of 17 hectares, would contain a habitable dwelling and the former ruins of a stone cottage.

Pieces 102 and 103 would be separated by an unmade public road (Big Range Road).

The western side of an unsealed fire track would delineate a significant proportion of the boundary between proposed Allotment 101 and Piece 102. The remainder of the boundary would be a 201 metres long straight line running west to east through a clearing, where it would intersect the property boundary of the Montacute Conservation Park.

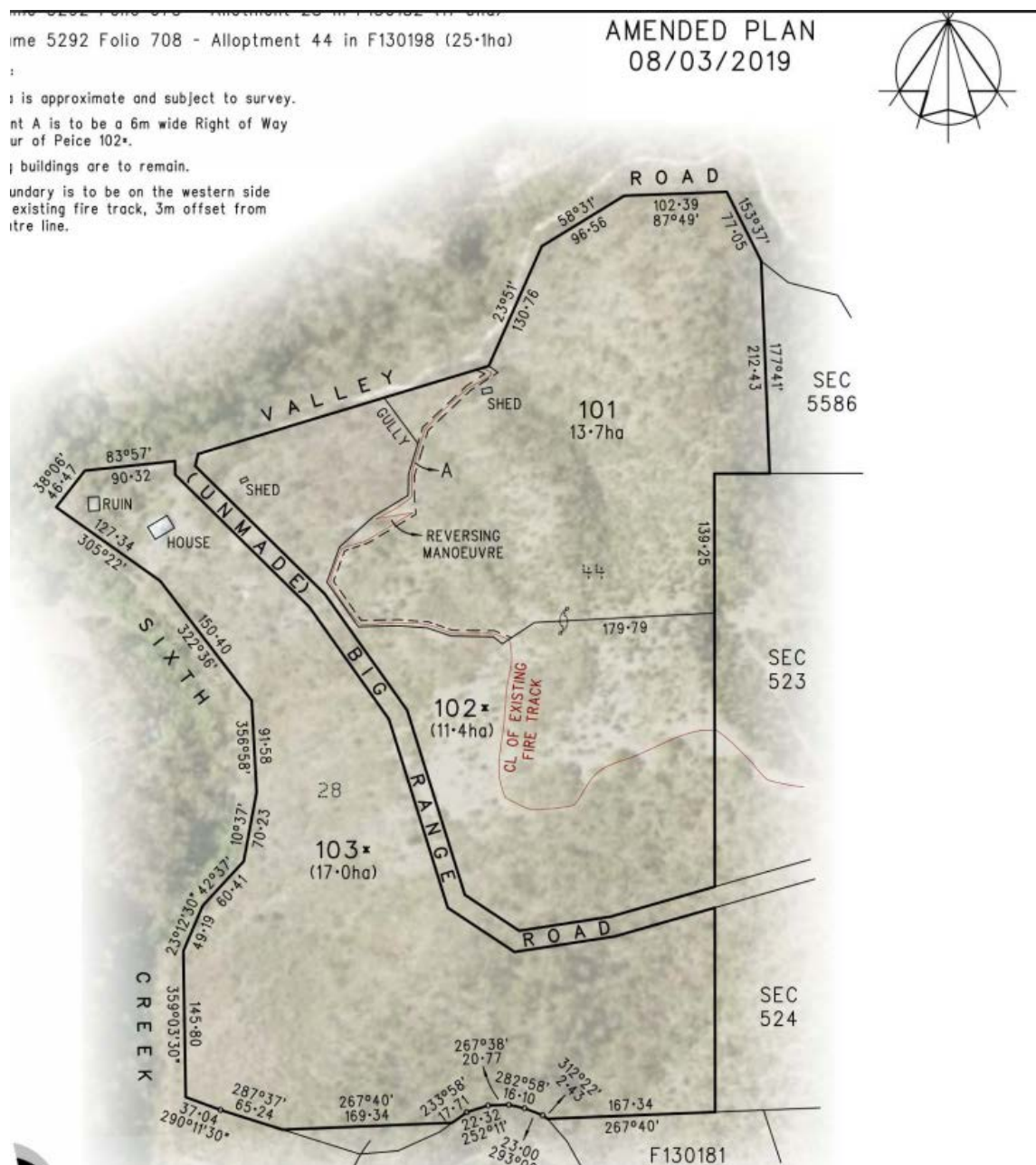
An unrestricted right-of-way would be created over the fire track in favour of Piece 102.

There is no intention to close the unmade public road.

The applicant believes there would be minimal clearance of native vegetation due to the property boundary being delineated by the fire track, in comparison to the current boundary, which is delineated by an unmade public road.



**Figure 1: Proposed Land Division.**



### 2.3 On-Site Wastewater Management Feasibility Assessment

In support of the application, the applicant has provided an on-site wastewater management feasibility assessment report.

The assessment assumes that any potential residential development at the site is restricted to one dwelling for up to a maximum of ten persons. It also identified existing water bodies as sensitive receptors, i.e. the prescribed watercourse on the northern side of Valley Road and the dam on proposed Allotment 101.

The assessment found the following:

- The site varied in gradient from areas with a gradient of greater than 20 per cent (1-in-5) to a significantly sized levelled bench area.
- The water-table was not intersected in either of the boreholes installed at the site to a maximum depth of two (2) metres.
- Depth to bedrock is greater than two (2) metres.
- There is adequate area outside of the prescribed 50 metre setback distances from sensitive receptors for the on-site management of wastewater.

The assessment concluded that residential development of the site, undertaken with a correctly assessed and designed on-site wastewater management system, would provide an improvement to the existing wastewater management conditions. Such proposal would provide negligible risk, or potentially reduce the risk of pollution, to the identified sensitive water body receptors.

### **3. SITE AND LOCALITY**

#### **3.1 Site Description**

The site consists of two (2) allotments, described as follows:

<b>Lot No</b>	<b>Plan No</b>	<b>Street</b>	<b>Suburb</b>	<b>Hundred</b>	<b>Title</b>
A28	F130182	136 Valley Road	Montacute	Adelaide	CT5292/675
A44	F130198	136 Valley Road	Montacute	Adelaide	CT5292/708

The subject land has a total land area of about 42.1 hectares, which comprises irregular shaped Allotment 28 of 17 hectares and irregular shaped Allotment 44 of 25.1 hectares.

A prescribed watercourse, which is a tributary of Sixth Creek, is located opposite the subject land and runs along the northern side of Valley Road. Sixth Creek runs along the western side of Sixth Creek Road.

Existing Allotment 28 is enclosed by Valley Road to the north, Sixth Creek Road to the west and the south, the Montacute Conservation Park and an unmade public road (Big Range Road) to the east. The allotment contains a habitable dwelling and the ruins of a former stone cottage, which are located near to its northern boundary, adjacent to Valley Road.

The land in the immediate vicinity of the dwelling has a land slope of about 1-in-7, while the balance of the allotment is steeper at a slope of about 1-in-3 and heavily vegetated.

Existing Allotment 44 is enclosed by Valley Road to the north, an unmade public road (Big Range Road) to the west and the south, and the Montacute Conservation Park to the east. The allotment contains two sheds, a dam and an unsealed fire track constructed by the local Country Fire Service station. The two sheds are located adjacent to the northern property boundary, in close proximity to Valley Road. The shed on the eastern side of the fire track has a toilet and sits on a long and narrow bench, which appears to have been constructed into the hillside rather than being a natural feature of the topography.

The fire track links Valley Road to the boundary of the conservation park. It incorporates a 'switch-back' manoeuvre and is accessible only by four wheel drive vehicles.

Notwithstanding the long, narrow bench on which the shed is located, Allotment 44 is generally steep with a land slope of about 1-in-3 and heavily vegetated.

On the southern portion of the allotment however, closer to the ridge, there is a lower density of native vegetation cover but a higher prevalence of weed species (olives and blackberries), and the land slope is about 1-in-4.

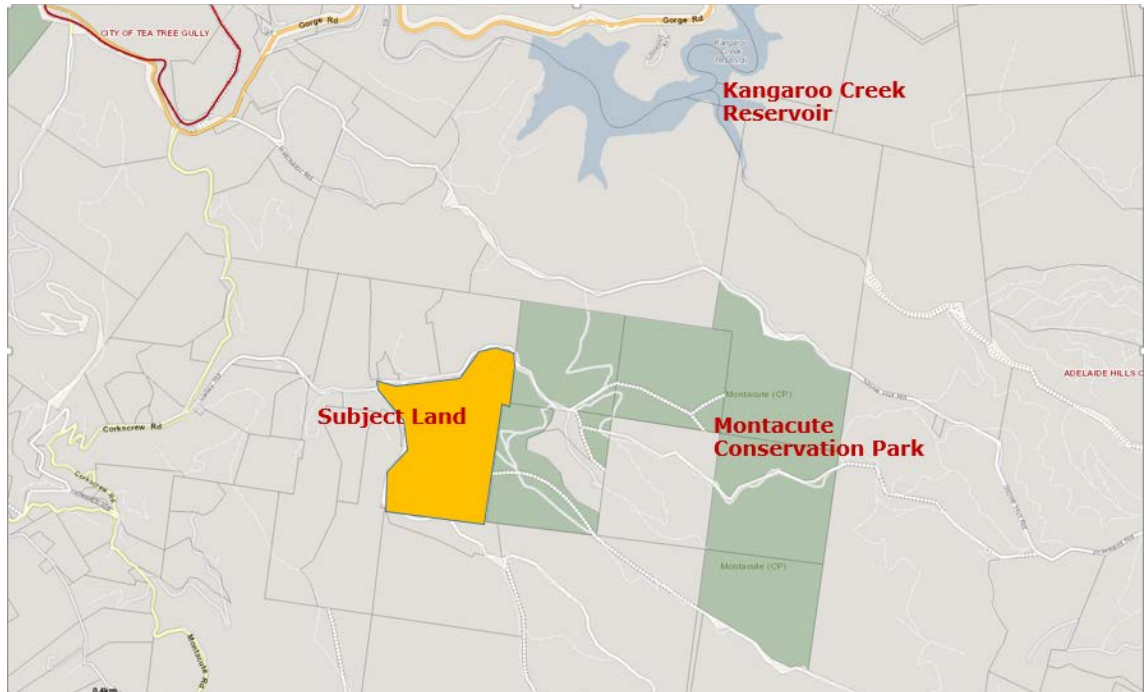
The primary vehicle access to the subject land is from Valley Road, which is a narrow, unsealed but compacted, heavily vegetated, dead-end road.

### **3.2 Locality**

The locality lies within a high bushfire risk area (see Figure AdHi(BPA)/1 contained within **Attachment 5**).

The subject land shares similar topographic features to land elsewhere in the locality, which is characterised by steep gradients and dense vegetation cover. The predominant land use is rural living while primary production activities are significantly curtailed by the predominant topographic features.

**Figure 2: Locality Map.**



#### 4. REFERRAL BODY COMMENTS

##### 4.1 SA Country Fire Service

The Country Fire Service (CFS) has no objection in principle to the proposal to undertake residential development on the allotment.

The 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.

The CFS notes that a proposed building envelope has not been specified. It recommends the extent of the access to the allotment being created (Lot 101) will be determined by the location of the proposed building envelope. Access may be difficult to achieve due to vegetation hazard and steep terrain. Therefore the CFS recommends the building envelope should only be located within 100m of the existing public road.

The CFS has assessed the newly created allotments as suitable for future development applications and compliance against the mandatory requirements.

The existing vegetation on the subject site is an extreme hazard and will require extensive modification to create a suitable site for development. The modification of vegetation will be subject to Native Vegetation Act and Regulations.

The CFS suggests 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.

A full copy of the referral response is contained in **Attachment 3**.

##### 4.2 Department for Environment and Water (Native Vegetation Council)

The Department for Environment and Water advises it does not support the proposal for land division because the subject land is considered to have a high environmental value and the proposal significantly increases the risk of native vegetation clearance.

The DEW advises it is not generally supportive of proposals that divide remnant vegetation, as this one does. It is concerned the clearance envelopes that would be required to accommodate a house, associated infrastructure (driveway, tanks, sheds, water disposal systems) and the necessary bushfire buffers could be extensive considering the location of the allotments.

The DEW suggests there could be areas further south of Valley Road, up the slope to provide development sites while minimising impacts on native vegetation. However, it also acknowledges that such potential development sites may not comply with the Country Fire Service's assessment for suitable house sites due to the terrain and density of surrounding vegetation.

If the proposed development is to be approved, the DEW recommends the following actions:

- A condition of approval for the subdivision should be that a fence is not built along the new boundaries.
- Subject to CFS clearance, sites with a low density of native vegetation cover should be preferred for future development.



- A Land Management Agreement be placed over the majority of native vegetation on the allotment, outside of a suitable housing envelope.
- The subdividing landowner must apply for any native vegetation clearance required for the subdivision and meet the requirements of *Native Vegetation Regulation 12(35) residential subdivisions*.

A full copy of the referral response is contained in **Attachment 3**.

#### 4.3 Department of Health

The Department of Health advises it has no comment to make on the proposed development.

#### 4.4 SA Water

SA Water advises it has no requirements for land division as there is no water or sewer available to the subject land.

A full copy of the referral response is contained in **Attachment 3**.

### 5. COUNCIL COMMENTS

#### 5.1 Adelaide Hills Council

The Council Development Assessment Panel considers the proposal is at variance with the relevant provisions of the Adelaide Hills Council Development Plan and advises it does not support the proposal.

Its reasons for not supporting the proposal are:

- It is inconsistent with Watershed (Primary Production) Zone Principle of Development Control 20 as it is not considered to be a minor readjustment of boundaries. The proposal does not correct an anomaly, and the readjustment will not improve management of the land for conservation or primary production purposes.
- It is inconsistent with Council Wide Objective 1 & Principle of Development Control 2 as the allotment arrangement comprising Pieces 102\* and 103\* separated by an unmade road is not an orderly form of development and relies on a right of way for access for management.
- It is inconsistent with Watershed (Primary Production) Zone Principles of Development Control 33 & 34 and Council Wide Objective 79 as it will result in a part allotment created over an area of native vegetation.

A full copy of the Council's referral response is contained in **Attachment 4**.

### 6. PUBLIC NOTIFICATION

The application was assigned as a Category 1 development pursuant to Item 2 (f) in Part 1 under Schedule 9 of the *Development Regulations 2008*, because it is for "the division of land which creates not more than 4 additional allotments". Public notification was not required to be undertaken.

## **7. POLICY OVERVIEW**

The subject site is within the Watershed (Primary Production) Zone – Water Protection (Marble Hill) Policy Area as described within the Adelaide Hills Council Development Plan Consolidated 9 January 2014. Relevant planning policies are contained in **Attachment 5** and are summarised below.

### **7.1 Zone**

The primary purpose of the Watershed (Primary Production) Zone is to enhance the Mount Lofty Ranges Watershed as a source of high quality water supply (Objective 2) and to ensure the long term sustainability of rural production (Objective 3). In addition, remnant native vegetation is to be preserved and restored (Objective 4) and the amenity of the landscape is to be enhanced for the enjoyment of residents and visitors (Objective 5). A sustainable tourism industry should be developed with an emphasis on accommodation, attractions and facilities which increase the opportunities for visitors to stay overnight (Objective 6).

Principle of Development Control 70 lists all kinds of development as being non-complying in the Watershed Zone. However, a proposal for “land division” can be exempted where:

1. no additional allotments are created partly or wholly within the Zone, and
2. the development of the proposed allotments does not result in a greater risk of pollution of surface or underground waters than the development of the existing allotments, and
3. it provides a suitable dwelling site which would comply with the criteria in Table AdHi/5

Principles of Development Control 18 to 22 inclusive, refer specifically to land division within the Zone. Principle 18 recommends that land division should only occur where there is a suitable site for a dwelling which complies with a number of quantitative criteria contained in Table AdHi/5 (see **Attachment 5**) aimed at protecting the quality of water resources.

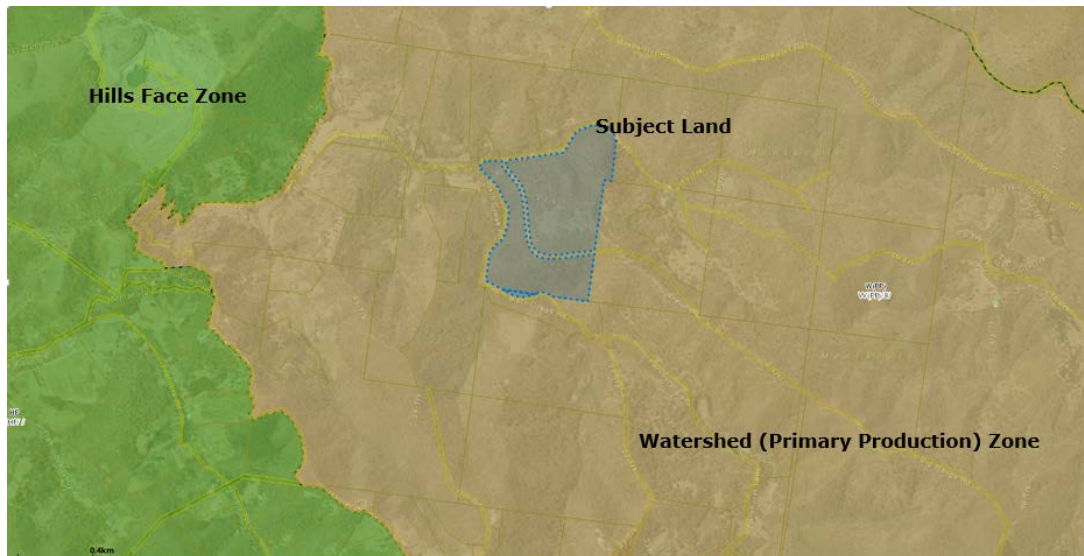
Principles of Development Control 19, 21 and 22 recommend that land division should not result in the pollution of water resources and the loss of productive primary production land, and produce allotment sizes consistent with that in the locality.

Principle of Development Control 20 recommends that land division should not create additional allotments and be limited to the minor readjustment of allotment boundaries either to correct an anomaly or to improve the management of land for primary production purposes and/or the conservation of its natural features.

Principles of Development Control 29 to 32 inclusive, recommend that development either should not be located in areas of native vegetation. Alternatively, they should be located in existing cleared areas or be located to minimise the interference or disturbance to native vegetation.

Principles of Development Control 33 and 34 discourage the realignment of allotment boundaries over areas of native vegetation in order to prevent the disturbance or removal of flora through the construction of boundary fences and associated fire breaks.

**Figure 3: Zoning Map.**



## 7.2 Policy Area

The policy framework for the Water Protection (Marble Hill) Policy Area provides more detailed advice on the siting and location of development within the local district.

In this regard, development should be sited and designed to: protect the general rural character and amenity of the landscape (Objectives 2, 4 and 5 and Principles of Development Control 1, 3, 4, 6, 8, 10, 11 and 15); not prejudice primary production (Principle of Development Control 7); and protect water resources (Objective 3).

## 7.3 Council Wide

The Council Wide sections of the Adelaide Hills Council Development Plan contain broad policies relating to:

- Form of Development;
- Land Division;
- Conservation;
- Watershed Protection; and
- Bushfire Protection.

## 8. PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Adelaide Hills Council Development Plan, consolidated on 9 January 2014, which are contained in **Attachment 5**.

### 8.1 Categorization of Application

The application is categorized as a form of merit development because it is considered it does not activate any of the triggers for the non-complying development process in respect of land division. In this regard, the relevant triggers expressed in Principle of Development Control 70 for the Watershed (Primary Production) Zone are:

- a) *"where no additional allotments are created, either partly or wholly, within the Watershed (Primary Production) Zone, and*
- b) *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*
- c) *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".*

It is considered the proposal would comply with (a) above because the land division proposes the realignment of boundaries but without creating any additional allotments or development opportunities and the subject land lies wholly within the area of the Watershed (Primary Production) Zone.

Both (b) and (c) above are directed at protecting the quality of water resources within the watershed area. In this regard, Table AdHi/5 (see **Attachment 5**) requires there to be a suitable site for a dwelling which complies with the following quantitative criteria:

- not be located on land subject to flooding by a 1-in-100 year event, and
- be setback at least 25 metres from a watercourse, and
- not have its wastewater disposal area within 50 metres of a watercourse, and
- not have its wastewater disposal area on any land with a slope greater than 20 percent or depth to bedrock or water table of less than 1.2 metres, and
- not have its wastewater treatment facility located on land likely to be inundated by a 1-in-10 year flood event

Having regard to the levels survey details and the on-site wastewater assessment provided by the applicant (see **Attachment 2**), it is considered that a suitable dwelling site would:

1. Not be located on land subject to flooding by a 1-in-100 year event because there would be sufficient elevation between the watercourse at 194m AHD and the long, narrow bench on proposed Allotment 101 at 218m AHD.
2. Be setback more than 25 metres from the nearest watercourse because the distance from the prescribed watercourse to the southern side of Valley Road is about 50 metres.
3. Not have its waste disposal area within 50 metres of a watercourse because the distance from the prescribed watercourse to the southern side of Valley Road is about 50 metres.
4. Have a depth to bedrock or water-table of more than 1.2 metres.
5. Not have its wastewater treatment facility located on land likely to be inundated by a 1-in-10 year flood event because there would be sufficient elevation between the watercourse at 194m AHD and the likely waste disposal site at 211m AHD to 217m AHD.

It is considered the proposal would comply with the range of criteria expressed in Principle of Development Control 70. As a result, it is considered appropriate for the proposal to be categorized as a form of merit development.

## 8.2 Adjustment of Boundaries

Principles of Development Control 18 to 22 inclusive for the Watershed (Primary Production) Zone seek to limit the impacts of any form of land division there.

It is considered that the information provided by the applicant in support of the proposal shows beyond reasonable doubt that the proposal would not result in the pollution of water resources, which is perhaps the prime consideration in the area of the watershed.



In addition, it is considered the proposal would not cause the loss of primary production land. This is because the topography of the affected land, in respect of its relatively steep gradients and dense vegetation cover, would render it unsuitable for primary production activities.

Currently, the applicant could dispose of existing Allotment 44 for development because it is separately titled and does not contain a dwelling. It is considered that this scenario would likely increase the risk of the removal of significant native vegetation cover. This is because existing Allotments 44 and 28 are separated by an unmade public road and either owner may be inclined to mark their property boundary by erecting a post and wire fence through areas of dense native vegetation cover, as well as provide a suitable fire break on both sides of the fence.

Council has also expressed its strong concerns about the proposal creating a part allotment over an area of native vegetation and thereby being inconsistent with Principles of Development Control 33 and 34 for the Watershed (Primary Production) Zone and Council Wide Objective 79.

It is considered the proposed land division would significantly minimise the need for vegetation removal associated with the construction of any boundary fences. This is because the existing fire track, where vegetation clearance has already occurred, would form part of the boundary between proposed Allotment 101 and Piece 102. The alignment of the remaining 200 metre long section of the boundary would be across partially cleared where the construction of a fence and associated fire breaks would have minimal impact on vegetation cover.

### **8.3 Orderly Form of Development**

The Council believes the proposal would not be consistent with Council Wide Objective 1 and Principle of Development Control 2 by reason that it would not be an orderly form of development due to:

- the creation of pieces of land to form an allotment and which would be separated by an unmade public road, and
- the reliance on a right of way for access to manage proposed Piece 102.

It is considered that in practical terms, the creation of pieces of an allotment on either side of the unmade public road would not jeopardise orderly development. This is because it is highly unlikely the public road would ever be opened under the Roads (Opening and Closing) Act 1991, due to the significant economic and environmental costs the features of the local topography would impose on its construction. It is considered that it is probably destined to remain unmade in perpetuity.

It is also considered that the creation of a right of way over the existing fire track to enable vehicle access to proposed Piece 102 would help to protect the character of the locality. This is because the creation of a shared vehicle access, as opposed to a new and additional access roadway, would minimise the need for additional earthworks and the associated removal of native vegetation.

**Figure 4: Part of the existing fire track – western boundary for proposed Allotment 101.**



#### **8.4 High Bushfire Risk**

It is noted that any future proposal for the construction of a detached dwelling on proposed Allotment 101 would be able to be considered under a new and separate development application. Also, such application would be subject to the mandatory requirements of the Country Fire Service, which would have the power of direction pursuant to Item 18 under Schedule 8 of the Development Regulations 2008.

On this proposal for land division, the CFS has provided comments for regard only. For public and fire-fighting safety reasons, the CFS encourages any habitable building to be located within 100 metres of Valley Road and the creation of a vegetation management zone which may need to exceed 20 metres clearance.

Due to the features of the local topography (steep gradients and dense vegetation), it is considered that any proposal to construct a dwelling on proposed Allotment 101

would necessitate the removal of native vegetation and earthworks. The extent of vegetation cover and the volume of earthworks required could be mitigated to some degree by the use of sensitive siting and design for the dwelling. In this regard, it is considered that the existing long and narrow bench on the hillside would probably have to be widened in order to accommodate a new dwelling and associated infrastructure items.

It is considered that an alternative dwelling site probably exists on the land holding but it would present significant difficulties. Such alternative site would be at the southern end of the land holding, near the ridge and adjacent to the boundary with the Montacute Conservation Park. This location would provide panoramic outward views. Also, the vegetation density is low, due to previous land clearing, and a proportion of the vegetation cover consists of large weeds such as olives and blackberries. However, this site would be a considerable and unsafe distance from Valley Road, as well as necessitating significant benching earthworks, the construction of retaining walls and the installation of stormwater infrastructure in order to make the fire track accessible for two-wheel drive vehicles. Moreover, this potential alternative site is proposed to be located within proposed Piece 102 rather than Allotment 101.

## 9. CONCLUSION

On balance, the application is considered to display sufficient merit to warrant support.

Overall, it is considered the proposed land division is consistent with the provisions of the Watershed (Primary Production) Zone because it would not create any additional allotments or opportunities for development, and would not significantly or adversely impact the quality of water resources.

It is also considered the proposal would not cause the loss of productive primary production land because the subject land would not be viable for primary production due to the natural topographical constraints of steep gradients and dense native vegetation cover.

It is considered the proposal would minimise impacts on the natural features of the topography through part of the boundary for proposed Allotment 101 being aligned along the existing fire track where vegetation cover has already been removed, and the remainder of the boundary being aligned across partially cleared land.

It is also considered the proposal would reduce excavation and vegetation clearance impacts on the local topography adjacent to Valley Road through the shared use of the existing fire track for vehicle access, via a right of way.

It is considered that any future proposal for the construction of a dwelling on proposed Allotment 101 would be able to be adequately considered under a new and separate development application. It is further considered that modification of the local topography would be necessary in order to accommodate a dwelling and its associated infrastructure.

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 NOT seriously at variance with the provisions of the 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 of the Adelaide Hills Council Development Plan.
- 3) RESOLVE to grant Development Approval (including Land Division Consent) to the proposal by Susan Merret in DA 473/D001/15 to undertake land division to realign property boundaries at 136 Valley Road, Montacute subject to the following conditions of consent.

### PLANNING CONDITIONS:

1. The development granted Development Approval shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.

*Reason: To achieve an orderly form of development.*

### LAND DIVISION CONDITIONS:

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 State Commission Assessment Panel for Land Division Certificate purposes.

*Reason: To achieve an orderly form of development.*

### ADVISORY NOTES

- a. The development must be substantially commenced or application for certificate made within 12 months of the date of this Notification, unless this period has been extended by the State Commission Assessment Panel (SCAP).
- b. The authorisation will lapse if not commenced within 12 months of the date of this Notification.
- c. 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.



**Malcolm Govett**  
**PLANNING OFFICER**  
**PLANNING AND LAND USE SERVICES DIVISION**  
**DEPARTMENT OF PLANNING, TRANSPORT and INFRASTRUCTURE**



# LAND DIVISION PROPOSAL PLAN

in the area named

## **MONTACUTE**

CT Volume 5292 Folio 675 - Allotment 28 in F130182 (17.0ha)

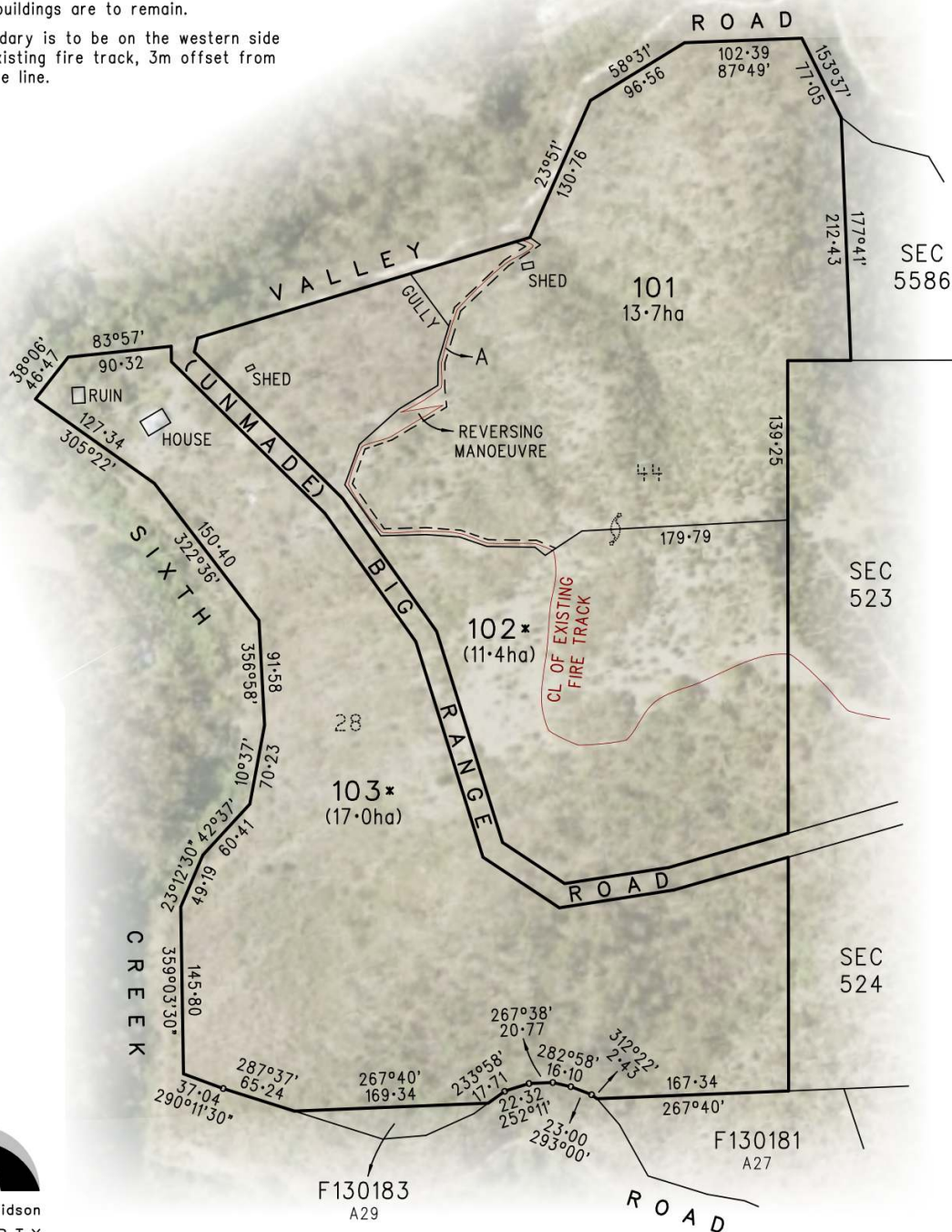
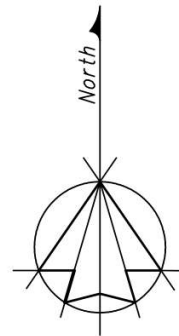
CT Volume 5292 Folio 708 - Allotment 44 in F130198 (25.1ha)

### Notations:

- All data is approximate and subject to survey.
- Easement A is to be a 6m wide Right of Way in favour of Peice 102\*.
- Existing buildings are to remain.
- New boundary is to be on the western side of the existing fire track, 3m offset from the centre line.

DA 473/D001/15  
Adelaide Hills Council

AMENDED PLAN  
08/03/2019



Andrew Davidson

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CONSULTANTS

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www.andrewdavidson.com.au

ACN 007 904 396

DATE: 08 March 2019

OUR REF: 3547-PT101.v2

### PEICES SCHEDULE

ONE ALLOTMENT COMPRISES	TOTAL AREA
102* AND 103*	28.4ha

\* Asterisk denotes PIECE identifier only





FP 130182

ACCEPTED FOR FILING  
28/11/1994

REGISTRAR-GENERAL

**AREA : MONTACUTE**  
**LGA : DISTRICT COUNCIL OF EAST TORRENS**  
**HUNDRED : ONKAPARINGA**  
**SECTION : P S 5526**

Total Area = 17.0 ha approx.

Note : Subject to all lawfully existing plans of division



# S.A. LANDS TITLES OFFICE RE-IDENTIFICATION PLAN

AREA : MONTACUTE  
LGA : DISTRICT COUNCIL OF EAST TORRENS  
HUNDRED : ONKAPARINGA  
SECTION : P S 5524

PLAN NUMBER

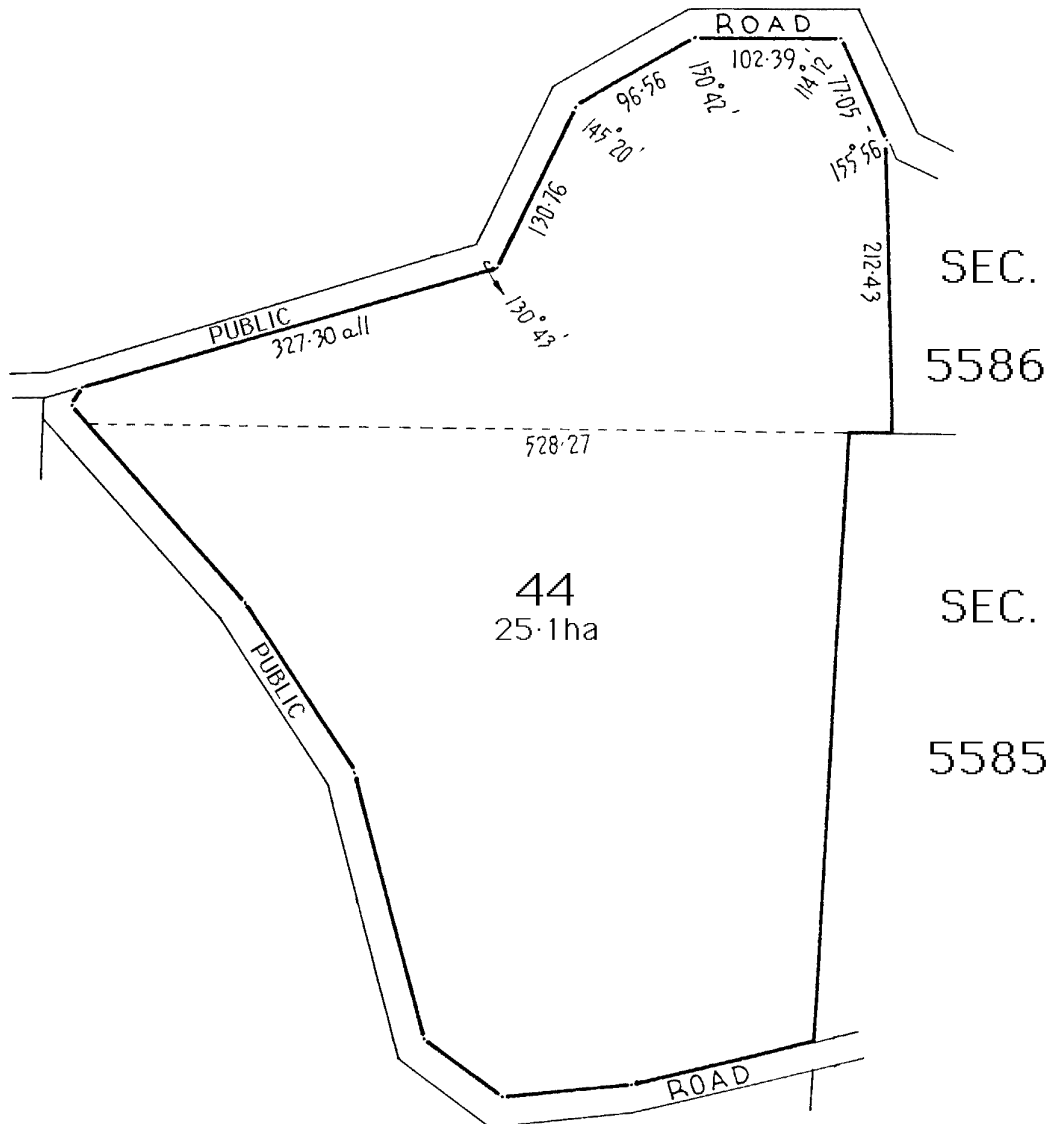
**FP 130198**

SHEET 1 OF 1

ACCEPTED FOR FILING  
28/11/1994

REGISTRAR-GENERAL

This plan is scanned for Certificate of Title 4128/283



Note : Subject to all lawfully existing plans of division

Our Ref: 3547  
Your Ref: DA473/D001/15 – Amended Plan 18-09-2018



**Andrew Davidson**

**PROPERTY  
DEVELOPMENT  
CONSULTANTS**

PO Box 654  
Glenside SA 5065

**T 08 8390 0099**  
**F 08 8390 0066**

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ABN: 51 754 353 913

26<sup>th</sup> September 2018

TO WHOM IT MAY CONCERN

Adelaide Hills Council  
State Commission Assessment Panel  
Country Fire Service  
Native Vegetation Council

## **RE Boundary Adjustment Land Division DA473/D001/15**

I have been engaged by owner Dr Susan Merrett to take over (from Cameron Stock) and alter this land division application.

I attach the "Amended Plan 18-09-2018" – now only involving my client's 2 titles - C'sT 5292/675 F130182A28 and 5292/708 F130198A44.

The alteration to this plan is the removal of C'sT 5292/706 F130183 A29 and 5292/709 F130184 A30 thereby removing the technicality of trying to create the allotment 441 containing the ruin. My client chooses now to avoid this "stumbling block".

This plan now involves the alteration to the boundary between the 2 larger titles. The proposed boundary, as indicated and shown on the plan, intends to coincide with the western edge of an existing fire track linking through the property from Valley Rd along the north to Montacute Conservation Park adjoining the eastern boundary of the site.

From a bend in the fire track near the crest of the ridge the proposed boundary leaves the track turning easterly through a clearing to meet the park boundary thereby creating proposed Allotment 101.

The balance of the land comprises the Pieces 102\* & 103\* to form one allotment. It is intended for the Piece 102\* which adjoins the existing fire track to have a free and unrestricted right of way over it, labelled A on the plan.

With this proposed altered boundary arrangement, a) the resulting allotments have similar sizes to the existing titles, b) minimal clearance of Native Vegetation will occur because the boundary coincides with an existing fire track c) considerably more Native Vegetation could have been cleared with the existing boundaries adjoining "Big Range Rd".

It should be noted that existing "Big Range Rd" passing through my client's property is unmade and unlikely ever to be because of the terrain. My client would be happy for this public road to be closed and incorporated into her property (as it is currently occupied) but is not willing to undertake the process to enable this to happen.

I trust that this land division will now track a less cumbersome assessment process to reach the point of planning approval. I suggest that if anyone wishes to visit the site they could do so by arrangement with my client, realising that because of the revised boundary position = fire track, it is quite easy to physically review.

Should you have any queries, don't hesitate to contact me.  
Yours faithfully,

**Andrew Davidson**  
Managing Director



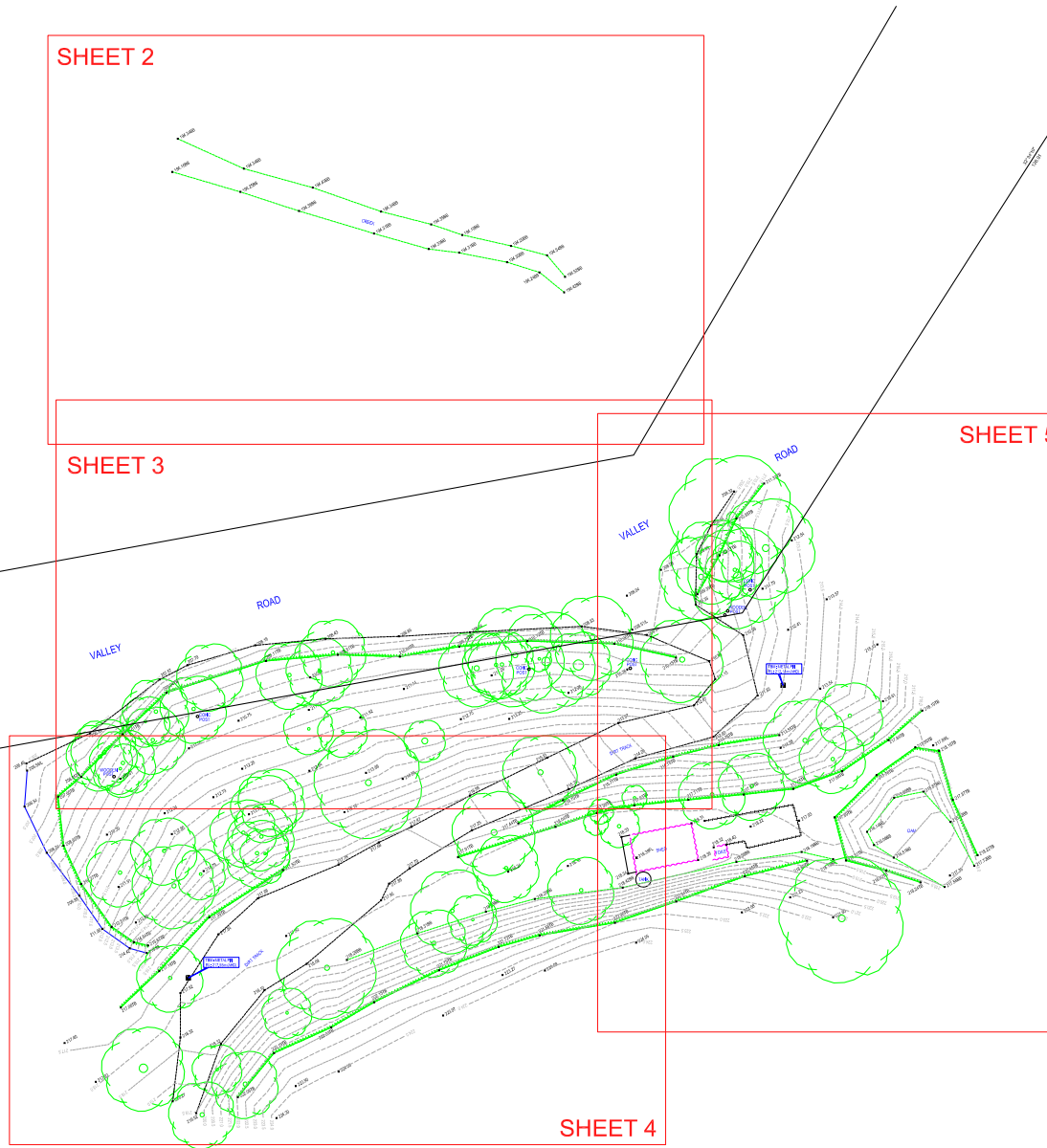


SHEET 2

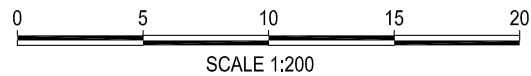
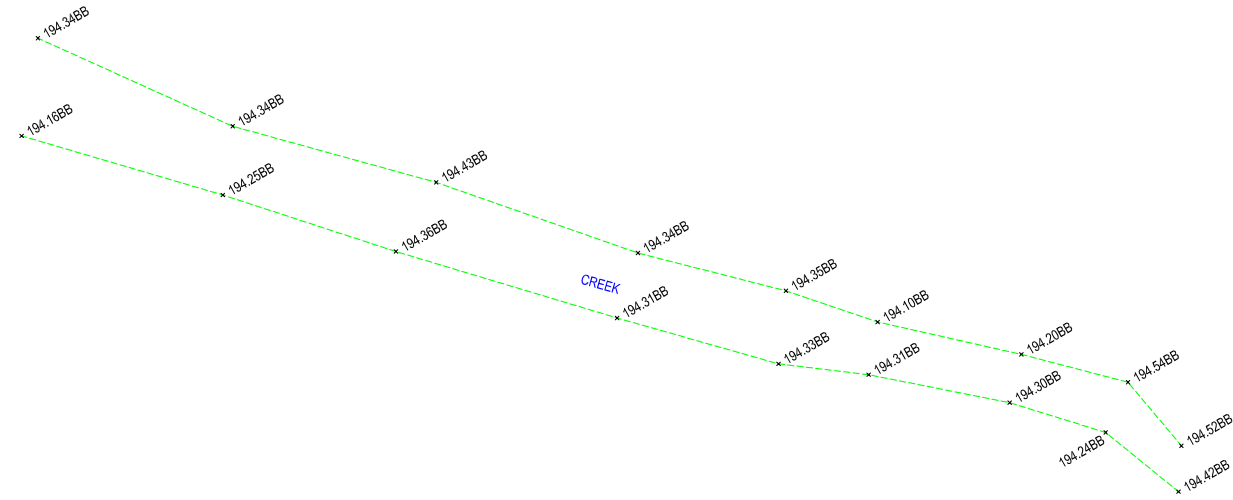
SHEET 3

SHEET 5

SHEET 4



PRINTED: JULY 11, 2019 FILE: 190711\_PL9840\_MONTACUTE\_DET\_BM.DWG



LEGEND			
<ul style="list-style-type: none"> <li>■ SURVEY MARK</li> <li>○ GI NAIL</li> <li>● SPIKE</li> <li>○ BOLLARD</li> <li>■ STOBIE</li> <li>○ E.T.S.A. CONN.</li> <li>● S.P.</li> <li>● S.M.H.</li> <li>○ FIRE HYDRANT</li> <li>○ FIRE PLUG / STOP VALVE</li> <li>■ GRATING</li> </ul>	<ul style="list-style-type: none"> <li>BRICK PAVERS</li> <li>WALL</li> <li>BUILDING</li> <li>CENTRE OF CORNICE</li> <li>BANK TOP</li> <li>BANK BOT</li> <li>EDGE BITUMEN</li> <li>EDGE TRACK</li> </ul>	<ul style="list-style-type: none"> <li>■ GRATING</li> <li>○ TREE</li> <li>○ SHRUB</li> <li>▲ CABLE MARKER</li> <li>○ TELCO PIT</li> <li>■ E.T.S.A. METER</li> <li>○ G.M.</li> <li>○ G.A.S. METER</li> <li>■ I.C.V.</li> <li>■ IRRIGATION</li> <li>○ TAP</li> <li>○ BORE</li> <li>○ SHRUB</li> </ul>	<ul style="list-style-type: none"> <li>EDGE TRACK</li> <li>EDGE CONC</li> <li>VERANDAH</li> <li>ROOF LINE</li> <li>WALL</li> <li>EDGE VEGETATION</li> <li>BUILDING GI</li> <li>EDGE GARDEN</li> </ul>

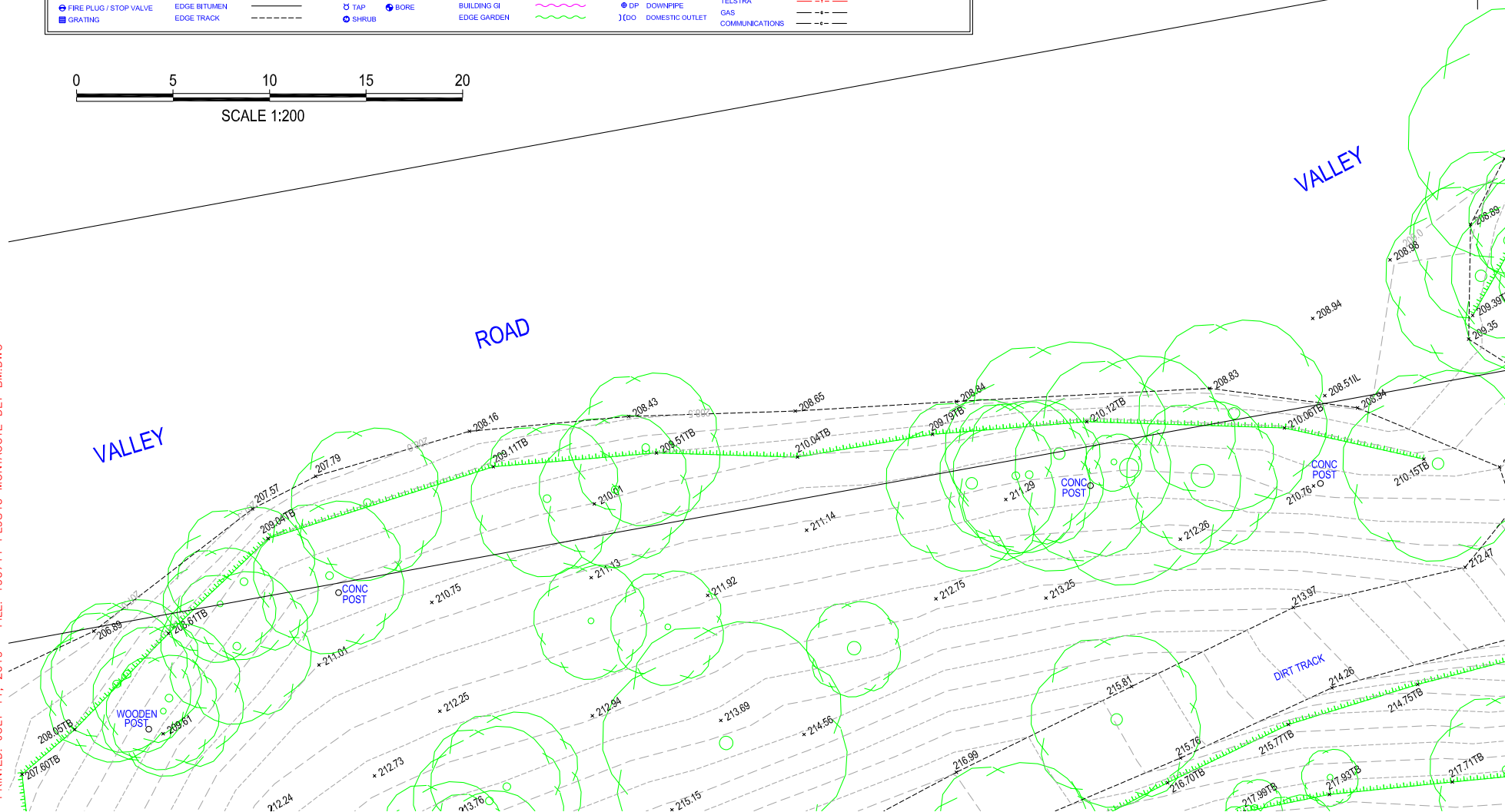
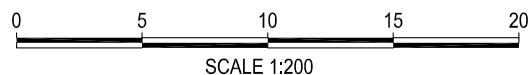
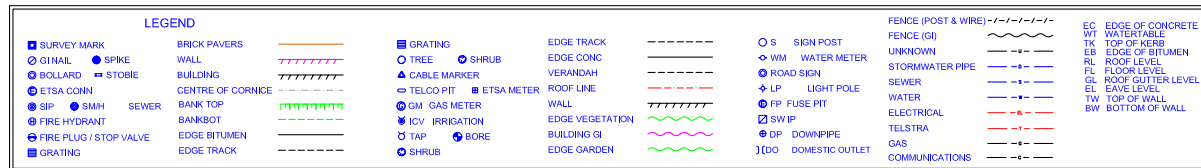
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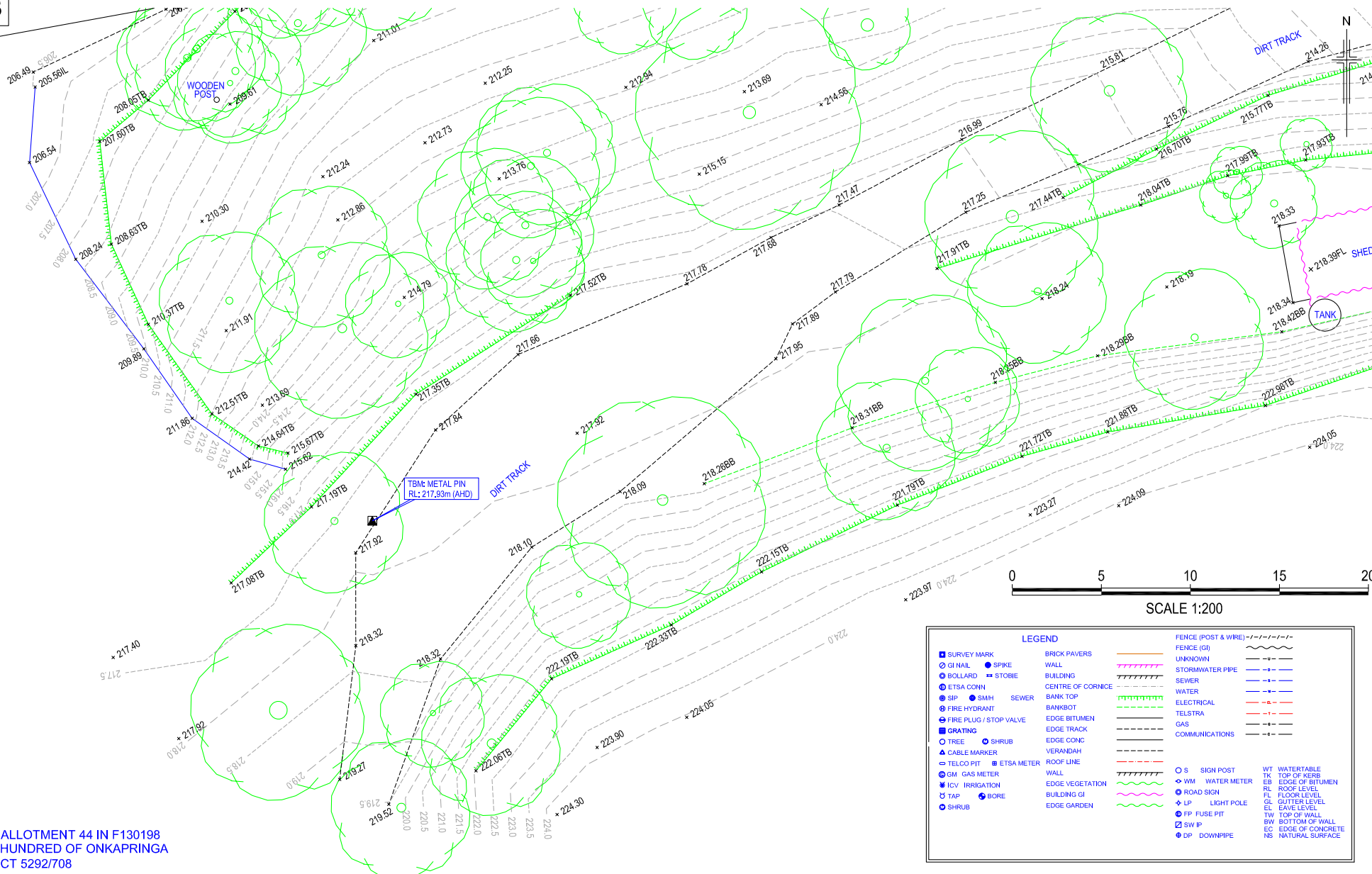
ONLY VISIBLE SERVICES HAVE BEEN LOCATED AND PYPER LEAKER SURVEYING SERVICES TAKE NO RESPONSIBILITY FOR THE ACCURACY OF THE SERVICE TYPES SHOWN ON THIS PLAN.

SCALE: 1:200  
SURVEY DATE: 04/07/2019  
SURVEYED BY: WC  
COORDS BASED ON: MGA2020  
PSM 6628/37423 RL: 187.503m  
HEIGHT DATUM: AHD  
CONTOUR INTERVAL: 0.20m

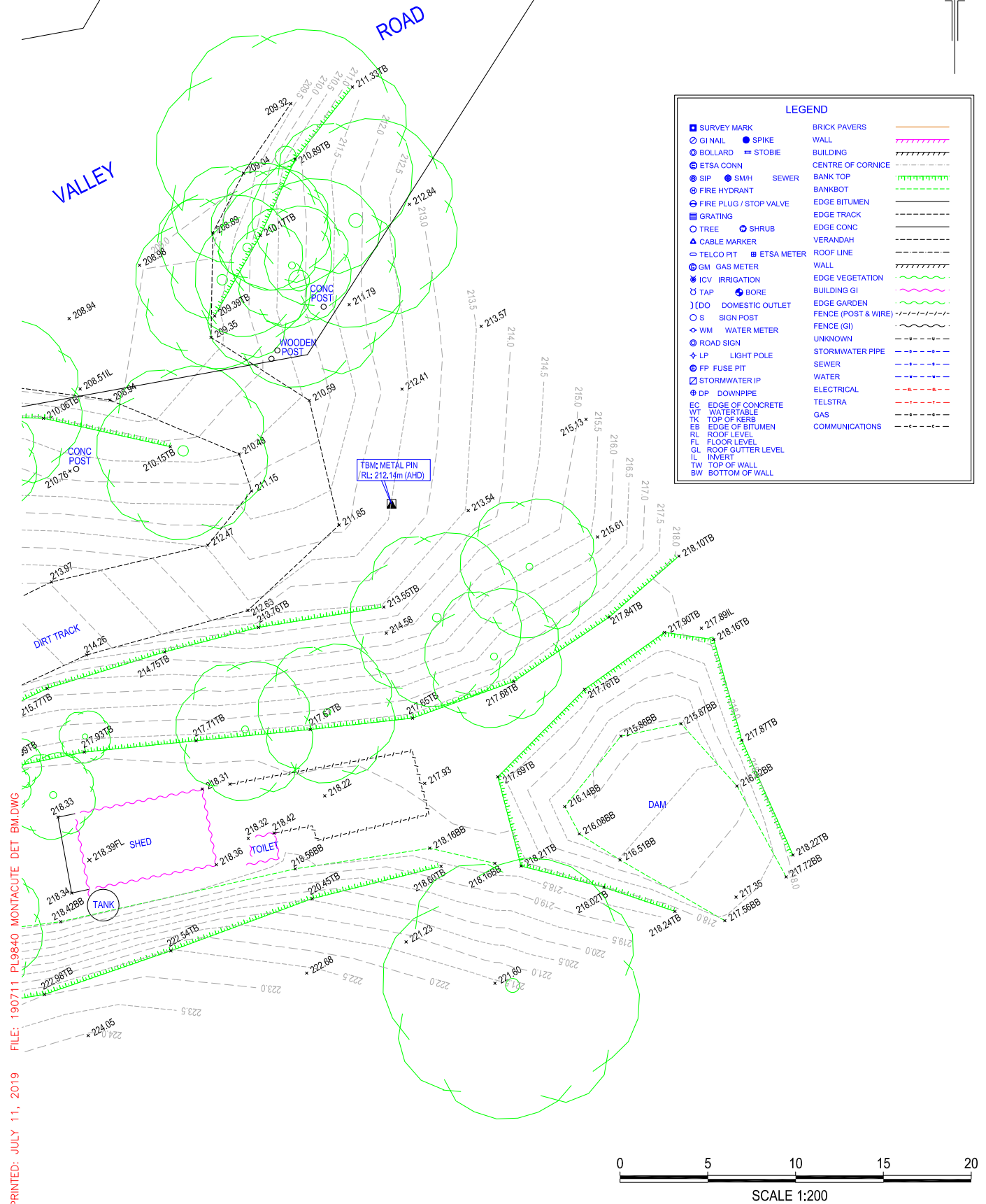
DETAIL & LEVELS SURVEY  
136 VALLEY ROAD  
MONTACUTE

PROJECT REF: PL 9840 SHT: 2 OF 5 REV: 0









FILE: 190711 PL9840 MONTACUTE DET BM.DWG  
PRINTED: JULY 11, 2019

**PyperLeaker**  
surveying services

08 8373 3880  
85 Goodwood Road  
Wayville SA 5034  
info@pyperleaker.com.au

### NOTES

ONLY VISIBLE SERVICES HAVE BEEN LOCATED AND  
PYPER LEAKER SURVEYING SERVICES TAKE NO  
RESPONSIBILITY FOR THE ACCURACY OF THE  
SERVICE TYPES SHOWN ON THIS PLAN.

### INFO

SCALE: 1:200  
SURVEY DATE: 04/07/2019  
SURVEYED BY: WC  
COORDS BASED ON: MGA2020  
PSM 6628/37423  
HEIGHT DATUM: AHD  
CONTOUR INTERVAL: 0.20m

### PROJECT

**DETAIL & LEVELS SURVEY**  
**136 VALLEY ROAD**  
**MONTACUTE**

PROJECT REF: PL 9840 SHT: 5 OF 5 REV: 0



6 August 2019

Mr Andrew Davidson  
Andrew Davidson Property Development Consultants  
PO Box 654  
Glenside SA 5065

## ON-SITE WASTEWATER MANAGEMENT FEASIBILITY ASSESSMENT – 136 VALLEY ROAD, MONTACUTE, SOUTH AUSTRALIA 5134

Dear Mr Andrew Davidson,

### INTRODUCTION

RFE Consulting Pty Ltd ('RFE') were engaged to undertake an assessment of the suitability for on-site wastewater management for domestic waste as a result of the potential residential development of the site located at 136 Valley Road, Montacute, South Australia ('the site').

More specifically, this assessment addresses the potential for an increase in the risk of pollution to surface and/or groundwater resources as a result of the proposed residential development and associated on-site wastewater management for domestic waste.

For the purposes of this assessment, it is assumed that the potential residential development at the site is restricted to one dwelling for up to a maximum of 10 equivalent persons.

The assessment was completed with reference to:

- the Government of South Australia, Department of Health and Ageing (DHA) *On-site Wastewater Systems Code* ('the Code') dated April 2013.
- AS/NZS 1547 *On-site domestic wastewater management*

Site summary information is provided in Table 1.

*Table 1 Site summary information*

Item	Detail
Subject Land	FP1310198, A44 Certificate of Title Volume 5308 Folio 58, Hundred of Onkaparinga
Postal Address	136 Valley Road, Montacute, South Australia 5134
Municipality	Adelaide Hills Council
Current Land Use	Some form of occupancy appears to have been occurring within the shed at the site, at some point in time (refer Photo G, Attachment 3).
Proposed Land Use	Develop the site for residential land use.
Design Flow	125 L/p/d based on the proposed roof catchment and storage water supply.

## AIM

The aim of this assessment is to determine the suitability for the on-site management of wastewater at the site considering the potential residential development for the site.

More specifically, this assessment addresses the potential for the development of the site to be undertaken whilst not resulting in a greater risk of pollution of surface or underground water bodies to the current site setting.

## METHODOLOGY

RFE Consulting completed a site walkover on 19 July 2019 to assess the site features and setting and determine potential drilling locations to assess the lithology at the site.

Drilling was completed by JR Soil Sampling on 26 July 2019 using portable drilling equipment and representative soil cores were retrieved from 63mm stainless steel push tubes.

The key features summarised in Table 2 are based on the desktop review of available desktop information as well as an intrusive soil assessment.

## SITE FEATURES

A summary of the key site features is provided in Table 2.

*Table 2 Key site land features*

Feature	Description	Recommendations
Landscape Elements		
Site setting	<p>The site is positioned to the south of Valley Road on a steeply sloped hill with a northern aspect. The gradient varies across the site and there is a levelled benched area where the track accessing the site widens and a shed and outhouse with a toilet inside is positioned.</p> <p>The shed appears to have some form of occupancy in the past if not presently occupied.</p> <p>Identified sensitive site receptors include the dam which is located adjacent and to the east of the shed and toilet and the Creek, a tributary of Sixth Creek, located to the North of the site.</p>	<p>The site features are illustrated in Drawing RFE-0040-01 (Attachment 1).</p> <p>The boreholes (BH1 and BH2) are indicated in RFE-0040-01. Both boreholes were installed outside of the 50m prescribed set-back from the identified sensitive site receptors (the dam and creek), along a contour within an area with a slope of moderate gradient.</p> <p>Additionally, the boreholes are positioned down slope of the levelled area (to facilitate gravity flow to a potential wastewater management system should a residence be built on the levelled area).</p> <p>The prescribed 50m set-back distances from the identified sensitive receptors (water bodies being the dam and creek) are illustrated in RFE-0040-01.</p>
Soil	<p>A total of two soil boreholes were installed to provide an indication of the lithology at the site. The Boreholes (BH1 and BH2) were positioned down gradient of the levelled area.</p> <p>The boreholes have been positioned to ensure they are outside the 50m set-back distances from the Creek to the north (a tributary of Sixth Creek) and the dam to the east of the shed.</p> <p>Lithological borehole logs for the soil core retrieved are appended to this report (Attachment 2).</p>	<p>The proposed design shall be based on the lithology encountered at the site to ensure that the potential migration of contaminants from the land application is mitigated ensuring the sensitive receptors at the site (surface water and groundwater bodies) are not impacted.</p>

Feature	Description	Recommendations
	<p>Both boreholes were terminated at 2.0m below ground level (bgl).</p> <p>Both boreholes encountered a surficial dark brown silty sandy CLAY with some roots and organics. This surficial layer extended to a depth of 0.1m bgl in both boreholes.</p> <p>The subsurface horizon, extending to a depth of 1.1m bgl in BH1 and 0.9m bgl in BH2 and comprised a red brown mottled brown CLAY of high plasticity.</p> <p>From 1.1 to 1.85m bgl in BH1 and 0.9 to 1.0m bgl in BH2, a Gravelly CLAY of medium to high plasticity was encountered.</p> <p>A layer of medium to coarse grained red brown SAND extended from 1.0 to the termination of BH2 at 2.0m bgl.</p> <p>From 1.85m bgl to the termination of BH1 at 2.0m bgl, a dark brown / dark grey gravelly CLAY of low to medium plasticity and medium to coarse gravels comprising extremely weather rock (red brown fragments) was encountered.</p>	
Slope	<p>The site is positioned on a slope with a northern aspect, varying in gradient from areas with a gradient of greater than 20% to a significantly sized levelled benched area.</p>	<p>A diversion swale / trench shall be installed upgradient of the proposed land application area to ensure surface water flows upgradient of the land application area are diverted around the designated land application area.</p> <p><u>Surface Irrigation:</u></p> <p>Should an AWTS to surface irrigation land application be adopted for the site, the positioning of the irrigation area shall be positioned within areas of the site with a gradient of less than 20% with appropriate mitigation controls to ensure the secondary treated wastewater does not have the potential to migrate towards identified sensitive receptors (water bodies – dam and creek).</p> <p>Engineering controls shall be installed to retain treated wastewater (i.e. retention bunding) to within the designated application area to mitigate the potential for migration of secondary treated wastewater towards sensitive receptors.</p> <p><u>Subsurface soakage:</u></p> <p>Subsurface soakage trench / bed areas shall be constructed along the contour of any slope that it may be positioned on to ensure a levelled base.</p>
Hydrogeology	<p>Based on the groundwater database search, there are no operational boreholes located within the 50m setback of the proposed site.</p>	<p>None.</p>
Surface Water	<p>There is both a prescribed watercourse (tributary of Sixth Creek) and a dam positioned on or</p>	<p>As can be seen in Drawing RFE-0040-01 (Attachment 1), there is adequate area</p>

Feature	Description	Recommendations
	adjacent the site. The prescribed 50m set-back distance from each identified sensitive receptor overlap the site.  It is noted that the dam is not identified as a water body in the DEWNR Nature Maps database, however the protection of this water body, which is likely to contribute to flows of the down gradient creek, should be protected.	positioned outside of the prescribed setback distances for the on-site management of wastewater.
Water Table	The water table was not intersected in either of the boreholes installed at the site to a maximum depth of 2.0m bgl.	None.
Bedrock	Bedrock was not encountered within the two boreholes drilled at the site to a depth of 2.0m bgl.	Based on the drilling of two boreholes at the site, the depth to bedrock is greater than 2.0m bgl.
Rainfall	Annual rainfall of 686.0 mm.	Based on data between 2001 and present from the Bureau of Meteorology Montacute station (ID: 23892).
Recommended Separation Distances	The location of the proposed wastewater management device (Septic Tank, AWTS, reed bed or other) and land application (surface irrigation, subsurface soakage or other) shall be installed in accordance with the prescribed minimum setback distances in accordance with the Code .	Requirements as specified by Appendix B, Tables B1, B2 and B3 of the Code.
Infrastructure		
Reticulated Water	It is understood that the site will be serviced by roof catchment and storage supply only (I.e. there is no reticulated water system servicing this area).	In accordance with the Code, a daily flow of 125 L/p/d is inferred.



## CURRENT SYSTEM

The current wastewater management at the site appears to be a toilet facility (Photo D, Attachment 3), which is located within the 50m setback from the identified dam at the site.

The toilet does not appear to have been designed or installed in accordance with current legislative requirements or guideline documentation (I.e. the Code, AS1547).

Should the site be developed for residential use, it is recommended that the existing on-site wastewater management system is decommissioned and replaced with a wastewater system designed in accordance with legislative requirements and guideline documentation.

## PROPOSED SYSTEM

Based on the assessment completed at the site, opportunity exists to decommission and replace the existing wastewater management infrastructure with an appropriately designed system based on the adopted wastewater loadings deemed appropriate for the proposed development. The proposed design shall be completed compliant with legislative requirements and guideline documentation.

There is adequate area within the site and external to the 50m prescribed setbacks from the sensitive (water bodies) receptors identified at the site.

A correctly designed and installed wastewater management system at the site is likely to result in negligible or a reduced risk of pollution to surface and/or underground water bodies due to the following:

- Provision of a correctly designed system in accordance with legislative requirements and guideline documents, to manage the potential impacts from site generated wastewater;
- Provision of an SA Health approved treatment device for the management on-site wastewater;
- Provide a design which manages and mitigates any potential impacts based on the adopted wastewater loading deemed appropriate for the proposed development;
- Design to include land application in accordance with the necessary design requirements including positioning outside of the prescribed set-back distances; and
- Decommissioning of all existing on-site wastewater infrastructure currently present at the site which shall be replaced with the proposed correctly designed system appropriate for the site setting.

## CONCLUSION & RECOMMENDATIONS

It is considered that the proposed residential development of the site, undertaken with a correctly assessed and designed on-site wastewater management system, can provide an improvement to the existing wastewater management conditions, thereby providing negligible risk, or potentially reducing the risk of pollution to the identified sensitive water body receptors.

It is recommended that the design of the on-site wastewater management system be completed based on a detailed assessment and shall include engineering controls to mitigate any potential for the migration of potential contaminants resulting from the site's wastewater.

An options assessment is recommended to provide the most appropriate design for the site and should include, at a minimum, consideration of the following potential on-site wastewater management systems:

- Septic tank to soakage trench/bed;
- Aerated Wastewater Treatment System (AWTS) to surface irrigation or subsurface soakage;
- AWTS to Evapo-Transpiration Absorption (ETA) Bed

Should an increased risk of pollution to sensitive receptors be assessed as a result of developing the site for a residential use and adopting the above options, a closed system such as a reed bed, is considered likely to provide an appropriate solution to the on-site management of domestic wastewater.

A detailed site-specific design for the on-site wastewater management system shall be provided for approval prior to installation.

The proposed on-site wastewater management system approved for the site shall be installed by an appropriately qualified Plumber in accordance with:

- Legislative requirements (including but not limited to AS3500, AS1547, the Code and the Plumbing Code of Australia); and
- Any relevant manufacturers requirements.

#### CLOSURE

We trust this assessment is suitable for your purposes. Please contact me on 0439 034 900 should you have any queries.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ross Fitzgerald', is positioned above the printed name.

**Ross Fitzgerald** BEng Civil/Environmental MIEAust NER  
Principal Environmental Engineer

#### Attachments:

Attachment 1 – Figure

Attachment 2 – Soil Borehole Logs

Attachment 3 – Photographs

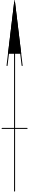


## Attachment 1 – Figure





**SITE LAYOUT PLAN**  
SCALE 1 : 250 (A1)



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ross@rfeconsulting.com.au  
+61 439 034 900  
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REV	AMENDMENTS	DATE	BY
1	ISSUED FOR PRELIMINARY REVIEW	03/08/19	S.S.

SCALES:	1:250 @ A1
DESIGNED:	R.F.
CHECKED:	R.F.
DRAWN:	S.S.
CHECKED:	R.F.
DATE:	03/08/19

PLUMBER:

CLIENT:  
**DAVIDSON PROPERTY  
DEVELOPMENT CONSULTANTS**  
ADDRESS:  
136 VALLEY ROAD,  
MONTACUTE.

PROJECT NAME:  
**ON-SITE WASTEWATER  
MANAGEMENT FEASIBILITY**

**ON-SITE WASTEWATER**

**SITE LAYOUT PLAN**

ORIGINAL DRAWING AT A1 DO NOT SCALE DIRECTLY OFF DRAWING.  
DIRECT ANY QUERIES AND OR DISCREPANCIES TO RFE CONSULTING.

DRAFT ISSUE	
DRAWING NUMBER:	REV:
<b>RFE-0040-01</b>	<b>1</b>



## Attachment 2 – Soil Borehole Logs



Project No:	RFE0040	Drilling Method:	Push Tube - Portables	Date:	26 July 2019	
Client:	Andrew Davidson Property Development Consultants	Drilled and Logged by:	Drilled: Jed, JR Soil Sampling Logged: RFE Consulting, Ross Fitzgerald			
Site Address:	135 Valley Road, Montacute, South Australia					
Soil Horizon Depth (m)		Soil Description	Soil Colour	Unified Soil Classification Symbol (USCS)	Moisture Content	Soil Classification (in accordance with the Code)
BH1	BH2					
0.0 – 0.1	0.0 – 0.1	Silty Sandy CLAY, low to medium plasticity, with some organics, roots and fibres	Dark Brown	CL - CI	≤ PL (due to recent rains)	Practically Impermeable
0.1 – 1.1	0.1 – 0.9	CLAY, high plasticity	Red Brown mottled Brown	CH	<PL	Practically Impermeable
1.1 – 1.85	0.9 – 1.0	Gravelly CLAY, medium to high plasticity, with calcrete gravels	Grey mottled Red Brown	CI / CH	<PL	Practically Impermeable
-	1.0 – 2.0	SAND, medium to coarse grained	Red Brown	SM	Dry	Poor Soakage
1.85 – 2.0	-	Silty CLAY, high plasticity, with some gravels (red brown angular gravels)	Dark Brown / Dark Grey	CH	<PL	Practically Impermeable
Comments:	Lost recovery of sample in BH2 from 1.85 – 2.0m in sand.					

### Attachment 3 – Photographs



Photograph A – Location of borehole BH1.



Photograph B – Location of borehole BH2.





Photograph C – Existing shed and outhouse at site, positioned adjacent the on-site dam



Photograph D – Existing toilet located in outhouse positioned at the rear of the shed.





Photograph E – Levelled area, with access track and shed in the background.



Photograph F – Dam positioned approximately east of the shed and toilet. The dam was dry at the time of the initial site walkover undertaken on 19 July 2019.





Photograph F – Levelled area looking from in front of the shed (west of the shed) in an approximately westerly direction.



Photograph G – Photo showing the inside of the shed on-site.



**DEVELOPMENT ASSESSMENT SERVICE**

Your Ref: 473/D001/15  
Our Ref: Adelaide Hills Council DA  
Please refer to: 20181129-011b

29 November 2018

State Commission Assessment Panel  
GPO Box 1815  
ADELAIDE SA 5001

**ATTN: M GOVETT**

Dear Malcolm,

**RE: DEVELOPMENT APPLICATION (LAND DIVISION) – MERRET  
VALLEY ROAD/FOX CREEK ROAD MONTACUTE**

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

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), 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 [SA 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 <sup>TM</sup>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.

In order for SA CFS to consider the concept of land division to create allotments for residential building construction, the applicant is required to demonstrate how any future development can be undertaken in accordance with the regulatory constraints imposed by Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Minister's Specification SA78 May 2011 (Additional requirements in bushfire prone areas' and the National Construction Code (NCC), whilst also meeting **Adelaide Hills Council** Development Plan Bushfire Protection Objectives and Principles of development control.

- Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.1 states "applications for Development Plan Consent are assessed against the planning policies contained in the Development Plan for the relevant Council".
- **Adelaide Hills Council** Bushfire Protection Objectives and Principles of Development Control:

SA CFS has assessed the plans provided dated 'Amended Plan 18/09/2018', and notes proposed allotment 102 & 103 (combined) already has an established residential building. Therefore SA CFS has assessed proposed **allotment 101** against the provisions of the Ministers Code and provides the following advice to the assessment panel and council for consideration:

---

Level 5, 60 Waymouth Street, Adelaide SA 5000  
T 08 8463 4151 E [das@cfs.sa.gov.au](mailto:das@cfs.sa.gov.au)  
ABN 97 677 077 835 [www.cfs.sa.gov.au](http://www.cfs.sa.gov.au)

## ACCESS

Public access created by a land division to and from the proposed allotments shall be in accordance with the Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012) Part 2.2.2.

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

**The existing public road named Valley Road, fronts the subject site and will be the primary access route to the newly created allotments. This road is a narrow, heavily vegetated, unsealed, dead end road and the proposed land division is approximately 1.5 km from the nearest cross street.**

## 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 that a proposed building envelope has not been specified. SA CFS recommends the extent of the access to the allotment being created (Lot 101) will be determined by the location of the proposed building envelope. Access may be difficult to achieve due to vegetation hazard and steep terrain. Therefore SA CFS recommends building envelope should only be located within 100m of the existing public road.**

**SA CFS provides the following, as an example of the conditions that may be placed on future applications for residential development on these allotments.**

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012) 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 3 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.
- 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

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012) Part 2.3.4.1 prescribes the mandatory provision of a dedicated and accessible water supply to be made available at all times for fire-fighting.

Minister's Specification SA78 May 2011 'Additional requirements in bushfire prone areas' prescribes the dedicated water supply to each allotment for bushfire fighting for the bushfire zone.

**SA CFS has assessed the newly created allotments as suitable for future development applications and compliance against the above requirements.**

**SA CFS provides the following, as an example of the conditions that may be placed on future applications for residential development on these allotments.**

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## CFS Mission

To protect life, property and the environment from fire and other emergencies whilst protecting and supporting our personnel and continuously improving.

- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 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.
- 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).

#### ACCESS (to dedicated water supply)

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012) Part 2.3.4.1 requires a dedicated and accessible water supply to be made available at all times for fire-fighting.

**SA CFS has assessed the newly created allotments as suitable for future development applications and compliance against the above requirements.**

**SA CFS provides the following, as an example of the conditions that may be placed on future applications for residential development on these allotments.**

- Water supply outlet shall be easily accessible and clearly identifiable from the access way, that is a distance of no greater than 30 metres from the proposed habitable building. Stand alone tanks shall be identified with the signage 'WATER FOR FIRE FIGHTING' and the tank capacity written in 100mm lettering on the side of each tank and repeated so that the sign is visible from all approaches to the tank. The sign shall be in fade-resistant lettering in a colour contrasting with that of the background (ie blue sign with white lettering.)
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- Provision shall be made adjacent to the water supply for a flat hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
- SA CFS appliance inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.
- A gravity fed water supply outlet may be remotely located from the tank to provide adequate access.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.

## VEGETATION

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012) 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.

***The existing vegetation on the subject site is an extreme hazard and will require extensive modification to create a suitable site for development. Modification of vegetation will be subject to Native Vegetation Act and Regulations.***

***SA CFS would also 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.***

- 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.

## SITING

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012) 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 20 metres from allotment boundaries, for the purposes of creating an asset protection zone.

***However, SA CFS would like the panel to consider that the hazard present is such, that the allotment may require more than 20 metres separation from boundaries adjacent sites where hazardous vegetation is present in order to reduce the construction costs.***

## 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".

**An initial assessment of the site (Lot 101) suggests that any building envelope would currently be subject to a BAL Rating of Flame Zone (FZ).**

For construction requirements and performance provisions, refer to the NCC Part 3.7 "FIRE SAFETY" Australian Standard™ 3959 (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**

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CFS Mission

To protect life, property and the environment from fire and other emergencies whilst protecting and supporting our personnel and continuously improving.

# Native Vegetation Council

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**TO:** Malcolm Govett, Development Assessment Commission

**FROM:** Alice Everitt, Native Vegetation Branch DEW

**SUBJECT:** Application number 473/D001/15

Subdivision / Boundary realignment – Valley Road, Montacute

**DATE:** 22/11/2018

Level 4  
81-95 Waymouth St  
ADELAIDE SA 5000

GPO Box 1047  
ADELAIDE SA 5001

Ph| 08 8303 9777

[nvc@sa.gov.au](mailto:nvc@sa.gov.au)

- The Native Vegetation Branch (NVB) do not support the subdivision proposal as the subject land is considered to have high environmental value, and NVB is concerned about the impacts of the proposal on native vegetation.
- The new allotments do not provide suitable already cleared areas for new dwellings to be accommodated, and the subdivider would need to submit an application to seek approval for any clearance required to accommodate housing on the new blocks under the new subdivision regulation.

## Background

NVB comment on a previous iteration of the subdivision proposal on the subject land highlighted the value of native vegetation at the site and that the proposal contravened principles of development control relating to Land Division contained in the Development Plan for the Adelaide Hills Council. The current proposal has attempted to minimise the possible impacts on native vegetation by aligning with an existing fire track for part of the new boundary.

## Vegetation

Vegetation mapping for South Australia (Biological Databases of SA) indicates the vegetation present on the subject land to comprise two associations, with the first covering a greater proportion of the land:

1. *Eucalyptus camaldulensis* var. *camaldulensis* mid woodland over *Acacia pycnantha*, *Acacia* sp. Swamp (N.M.Smith 3022), *Callistemon sieberi* over *Briza maxima*, *Cyperus vaginatus*, *Themeda triandra*, *Senecio pterophorus* mid tussock grasses
2. *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

Google Earth street view provides a closer look at the vegetation and suggests that it has a sparse shrub and ground layer (possibly managed for fuel reduction), and some substantial patches of leaf litter. Understorey species include *Xanthorrhoea semiplana* ssp. *semiplana* (Yacca), *Acacia pycnantha* (Golden Wattle), other shrubs, native grasses and irongrasses. Woody weeds, likely Broom or Olives, are apparent in patches.



The site occurs in the Central Hills area, which was identified in the Biodiversity Plan for the Mount Lofty Ranges SA (DEWNR, 2002) as being a 'Key Biodiversity Area', i.e. an area considered a priority for conservation.

Species of state conservation significance that occur in the vicinity of the property, and for which the property is likely to be providing important habitat, include Cunningham's Skink, rated Endangered, the Yellow-tailed Black Cockatoo, rated Vulnerable, and the Crested Shrike-tit, Restless Flycatcher and Manna Gum, all rated Rare.

### Discussion

The Native Vegetation Council is not generally supportive of proposals that divide remnant vegetation, as this proposal does. It is recognised that the landholder has attempted to minimise vegetation impacts since the original proposal, however the NVC remains concerned about the impacts that will result from the subdivision. Allotment 101 and 102 do not provide enough open space for a house and associated structures without clearance of native vegetation. Clearance envelopes that would be required to accommodate a house, associated infrastructure (driveway, tanks, sheds, water disposal systems) and the necessary bushfire buffers could be extensive considering the location of the allotments. Native vegetation on the northern sections of the allotments would be at a higher risk of clearance if the subdivision was to go ahead.

There appear to be areas further south of Valley Road, up the slope which may have a higher proportion of exotic vegetation and (given their removal) these could theoretically provide some areas to accommodate developments while minimising impacts on native vegetation. However, considering the terrain and density of surrounding vegetation it's likely that these locations would conflict with a CFS assessment of suitable house sites.

### 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.

## Recommendations

The NVB recommend that a subdivision is not appropriate on the subject land as it significantly increases the risk of native vegetation clearance. However, if the current proposal is to be approved:

- the NVB is more supportive of the boundary going up an existing track (current proposal) in preference to the unmade road reserve (previous proposal)
- A condition of approval for the subdivision should be that a fence is not built along the new boundaries
- Any development on the allotments should seek to clear areas that contain a higher proportion of exotic vegetation in preference to removing native vegetation, providing the locations further from Valley Road can be CFS approved and do not need larger clearance envelopes that would impact on a larger area of native vegetation anyway
- A Land Management Agreement could be placed over the majority of native vegetation on the allotment, outside of a suitable housing envelope
- The subdividing landowner must apply for any native vegetation clearance required for the subdivision and meet the requirements of *Native Vegetation Regulation 12(35) residential subdivisions*.

Alice Everitt

**Native Vegetation Branch**

Department for Environment and Water

[alice.everitt@sa.gov.au](mailto:alice.everitt@sa.gov.au) 8207 7715



16 August 2019

Our Ref: H0028419

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

Dear Sir/Madam

**PROPOSED LAND DIVISION APPLICATION NO: 473/D001/15 AT MONTACUTE**

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

Boundary alteration- no water or sewer available- no requirements

Yours faithfully

JOSIE BONNET

**for MANAGER LAND DEVELOPMENT & CONNECTIONS**

SA Water  
Level 6, 250 Victoria Square  
ADELAIDE SA 5000  
Ph (08) 7424 1119  
Inquiries JOSIE BONNET  
Telephone 7424 1119

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 13 MARCH 2019  
63 MOUNT BARKER ROAD, STIRLING**

*[Please Note: These minutes are unconfirmed until 10 April 2019]*

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**8.2 Development Application 15/36/473 (15/D1/473) by Susan Merrett for amended Land Division – boundary realignment (2 allotments into 2 allotments) (SCAP relevant authority) at 136 Valley Road, Montacute**

**8.2.1 Representations**  
Nil

**8.2.2 Decision of Panel**

**The following recommendation was adopted by consensus of all members (8)**

The Council Development Assessment Panel considers that the proposal is at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and it is recommended that Council should advise the State Commission Assessment Panel that it DOES NOT SUPPORT the amended proposed boundary realignment in Development Application 15/36/473 (15/D001/473) by S Merrett for Land division - boundary realignment (2 allotments into 2 allotments) at Lots 28 and 44 Valley Road, Montacute for the following reasons:

- The proposal is inconsistent with Watershed (Primary Production) Zone PDC 20 as it is not considered to be a minor readjustment of boundaries. The proposal does not correct an anomaly, and the readjustment will not improve management of the land for conservation or primary production purposes.
- The proposal is inconsistent with Council Wide Objective 1 & PDC 2 as the allotment arrangement comprising pieces 102\* and 103\* separated by an unmade road is not an orderly form of development and relies on a right of way for access for management.
- The proposal is inconsistent with Watershed (Primary Production) Zone PDCs 33 & 34 and Council Wide Objective 79 as it will result in a part allotment created over an area of native vegetation.

**COUNCIL ASSESSMENT PANEL MEETING**  
**13 March 2019**  
**AGENDA – ITEM 8.2**

<b>Applicant:</b> Susan Merret	<b>Landowner:</b> S E Merrett
<b>Agent:</b> Andrew Davidson	<b>Originating Officer:</b> Marie Molinaro
<b>Development Application:</b>	15/36/473 (15/D1/473)
<b>Application Description: AMENDED</b> - Land division - boundary realignment (2 allotments into 2 allotments) (SCAP relevant authority)	
<b>Subject Land:</b> Lot:28 Sec: P5526 FP:130182 CT:5292/675 Lot:44 Sec: P5524 FP:130198 CT:5292/708	<b>General Location:</b> 136 Valley Road, Montacute  <b>Attachment – Locality Plan</b>
<b>Development Plan Consolidated :</b> 9 January 2014 <b>Map</b> AdHi/3, 47, 48	<b>Zone/Policy Area:</b> Watershed (Primary Production) Zone Water Protection (Marble Hill) Policy Area
<b>Form of Development:</b> Merit	<b>Site Area:</b> 42.1 hectares
<b>Public Notice Category:</b> 1	<b>Representations Received:</b> N/A  <b>Representations to be Heard:</b> N/A

**1. EXECUTIVE SUMMARY**

In January 2015 a land division for a boundary realignment application was lodged for 136 Valley Road, Montacute involving four allotments.

The allotments are in the Water Protection (Marble Hill) Policy Area of the Watershed (Primary Production) Zone and at the time of lodgement the former Development Assessment Commission (DAC) were the relevant authority, as per now rescinded clause 7(a) of Schedule 10 of the Development Regulations (2008).

The proposal was subsequently amended for the re-arrangement of three allotments into three allotments.

The former Council Development Assessment Panel (CDAP) considered this proposal at its meeting on 7 June 2016, and advised the DAC that the proposal was considered to be at variance with the relevant provisions of the Development Plan, and that it did not support the proposal.

The proposal considered by CDAP, and the CDAP meeting minutes from 7 June 2016 are included as **Attachment – Superseded Plan & Minutes From June 7 2016 CDAP Meeting**.

The current State Commission Assessment Panel (SCAP) accepted a further amended proposal for a land division boundary realignment involving two allotments.

Proposed allotment 29 has been removed from the proposal, with the ruin as annotated now to remain on the same allotment as the dwelling on proposed piece 103\*, retaining the status quo. The shared boundary between proposed piece 102\* and proposed Allotment 101 has



been re-adjusted to follow an existing fire track, rather than running directly north-south as per the original proposal considered by CDAP.

SCAP remain the relevant authority as per the Regulations in place at the time when the application was originally lodged and they have accepted the amended proposal as an amendment to the original application.

As per the CAP delegations, the CAP is relevant authority as the amended proposal will vary a decision (Council comment) previously made by the CDAP. Council staff do not consider the amended proposal to be a minor variation.

The main issues relating to the proposal are whether it is sufficiently consistent with the intended purpose of land division in the Watershed (Primary Production) Zone, whether the allotment arrangement is an orderly form of development and whether the allotments increase the likelihood of native vegetation clearance.

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** the amended application, and advises the State Commission Assessment Panel accordingly.

## 2. DESCRIPTION OF THE PROPOSAL

The amended proposal is for a boundary realignment involving two contiguous allotments.

### Existing Allotments

Allotment	Area (ha)	Currently containing
28	Approx. 17.96 hectares	Dwelling, associated wastewater system, water storage tanks, ruin & native vegetation
44	Approx. 25.1 hectares	Two store buildings (shed structures), native vegetation & unsealed fire track

### Amended Proposed Allotments

Allotment	Area (ha)	Containing
101	13.9 hectares	Store building (shed), native vegetation & unsealed fire track. The unsealed fire track is to be designated as a right of way in favour of proposed allotment comprising pieces 102* & 103*.
Comprising pieces 102* & 103*	28.2 hectares	Dwelling, associated wastewater system, water storage tanks, ruin, shed (second of the store buildings contained on current allotment 44) and native vegetation.

The amended plan of division is included in **Attachment – Amended Proposal Plan**, with other information included as **Attachment – Applicant’s Information**.

### 3. BACKGROUND AND HISTORY

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
17 April 2001	01/W61/473	Council approved a waste control system
7 April 1993	030/206/92	District Council of East Torrens issued Development Approval for a private dwelling

Since receipt of the further amended plan of division, Council staff have been in contact with staff at SCAP regarding timeframe for Council comment.

Council staff understood that an extension of time had been granted for Council comment, and on this basis requested additional information from the applicant on 15 January 2019.

This request for additional information was based in part to gain a better understanding of the rationale of the proposal and to incorporate building envelope detail for proposed allotment 101 as per advice from the CFS and the Native Vegetation Council.

After this request was made, the applicant arranged a site meeting with SCAP staff, Council staff and representatives of the CFS and Native Vegetation Council on 22 February 2019.

At this meeting, SCAP staff indicated their support for the proposal and noted in their opinion that the additional information sought by Council was not relevant to the assessment of the proposal.

Based on this, SCAP are now seeking Council comment without the further information request being fulfilled. However, it is acknowledged that part of the further information request was fulfilled verbally during site meeting discussions. That being rationale for the proposal and preferred CFS building location.

### 4. REFERRAL RESPONSES

- **Country Fire Service (CFS) (Informal Referral)**

The CFS assessed proposed allotment 101 for its suitability for future residential development against the Minster’s Code requirements for Undertaking Development in Bushfire Protection Areas and relevant provisions of the Council Development Plan.

Example conditions for future residential development were provided, but the CFS also sought building envelope information to provide further advice.

During the site meeting, the CFS further nominated the ‘shed’ area on proposed allotment 101 as their preferred residential building location. The CFS recommended that the boundary between proposed allotment 101 and piece 102\* be re-adjusted so that allotment 101 was larger to allow for vegetation asset management. A draft further

amended plan of division was prepared by the applicant on this basis. Please see ***Attachment – Draft Further Amended Plan of Division in Response to CFS Site Meeting Advice.***

SCAP staff have advised that they will seek the applicant to formalise this plan as the final plan of division, pending receipt of Council comment.

- **Native Vegetation Council (NVC) (Informal Referral)**

The Native Vegetation Council summarised their advice as follows:

- There is lesser objection to this further amended proposal, than the last superseded proposal.
- A condition should be attached to approval (if granted) that no fencing shall be installed along the new boundaries.
- It would be preferable for future development on allotment 101 to be located further south of (away from) Valley Road, as this area contains a higher proportion of exotic vegetation. However such locations would also need to be suitable to the CFS.
- A Land Management Agreement could be placed over the majority of native vegetation outside of the building area on proposed allotment 101.
- The current owner proposing the land division must apply for any native vegetation clearance required; and meet the requirements of Native Vegetation Regulation 12(35) for residential subdivisions. Vegetation clearance applications are encouraged to be made concurrently with the land division application.

If vegetation clearance associated with a land division is approved, the future landowners are not eligible to apply for further clearance.

- **SA WATER**

No requirements - as there is no sewer or mains water connection to the allotments.

- **Council Environmental Health Unit (EHU)**

There is potential for proposed allotment 101 to support a wastewater system on the flatter areas of the land, using the AS1547 approach, rather than the Onsite Waste Water Code. It is understood from Environmental Health that wastewater systems can be designed either in accordance with the Australian Standard AS1547 or the Onsite Waste Water Code. The Australian Standard provides more design options than the Code; and is often used for steep sites.

- **Council Rates**

Proposed allotment 101 without a dwelling on it would receive a rural property address number upon separate application to Rates.

The above responses are included as ***Attachment – Referral Responses.***

## 5. CONSULTATION

The application was categorised by SCAP as a Category 1 form of development not requiring formal public notification.

## 6. PLANNING & TECHNICAL CONSIDERATIONS

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

### i. The Site's Physical Characteristics

Existing allotment 28 is irregular in shape with a frontage width of approximately 141m to Valley Road which tapers out to a width of approximately 553m at the rear. The allotment is bounded by an unmade road reserve (Big Range Road) on the east and Sixth Creek Road on the west. The allotment contains a dwelling, associated wastewater system, water storage tanks and ruin (former stone cottage). These structures have been developed near the northern portion of the allotment close to Valley Road. To the south of these structures the allotment is steep and covered in dense vegetation.

Existing allotment 44 is irregular in shape with a frontage of approximately 700m to Valley Road. The allotment is bounded by an unmade road reserve (Big Range Road) on the west and conservation park land to the east. The allotment contains two store buildings (sheds) which are approximately 240m apart. Both sheds are located on the flatter southern portion of the land nearer to Valley Road.

An unsealed fire track is located between the two shed structures, which winds its way up to the ridgeline near the boundary with the conservation park land.

The area around the shed buildings on the allotment have a natural slope of approximately 1 in 3.5, falling away to Valley Road.

### ii. The Surrounding Area

Adjacent allotments typically range in size from 2 hectares to 26 hectares. Adjacent allotments share features similar to the subject land in that they are steep and densely vegetated.

### iii. Development Plan Policy considerations

#### a) Policy Area/Zone Provisions

The subject land lies within the Water Protection (Marble Hill) Policy Area of the Watershed (Primary Production) Zone and these provisions seek:

Water Protection (Marble Hill) Policy Area

- *Retention of agricultural activities which have low pollution potential.*
- *Restricted residential development on existing allotments only, provided water resources are provided.*
- *No intensification of urban development.*



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

*Objectives:* 3, 4

*PDCs:* 7

Objective 3 seeks restricted residential development on existing allotments only, provided water resources are protected.

A strict literal interpretation of this Objective would signal that no land division should occur, including boundary realignments as these do create new allotments. However, a more flexible interpretation of this Objective is that residential development should be restricted by not allowing the creation of additional residential allotments.

The proposal is not increasing the number of allotments, so therefore it is not increasing residential development potential and for all intents and purposes is consistent with Objective 3.

It is assumed that the likely future use of proposed allotment 101 will be for residential purposes in consideration of the steep sloping terrain of the site and dense vegetation. These features are considered to make the site unlikely to be desirable for primary production purposes.

However, this situation does not change as a result of the proposal. If the status quo is maintained, current allotment 44 could support a dwelling subject to future development approval.

The CFS confirmed during the site meeting that for their purposes both 'shed' areas on current allotment 44 could be suitable sites for residential development. That is, the proposal does not create a less suitable area for residential development for bushfire protection purposes compared to existing allotment 44 in its current arrangement.

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

- *The maintenance and enhancement of the natural resources of the south Mount Lofty Ranges.*
- *The enhancement of the Mount Lofty Ranges Watershed as a source of high quality water.*
- *The long term sustainability of rural production in the south Mount Lofty Ranges.*
- *The preservation and restoration of remnant vegetation in the south Mount Lofty Ranges.*
- *The enhancement of the amenity and landscape of the south Mount Lofty Ranges for the enjoyment of residents and visitors.*

The following are considered to be the relevant Zone provisions:

*Objectives:* 1, 2, 3, 4, 5

*PDCs:* 16, 17, 18, 19, 20, 21, 22, 33, 34

*Form of Development*

Objective 3 and PDCs 16 and 17 seek to ensure the long term sustainability of primary production in the Zone.

The subject site is not used for primary production, and is considered to have low primary production potential. Proposed allotment 101 is not nearby to primary production on adjacent sites that could lead to land use conflicts – e.g. spray drift to future possible residential development on this allotment.

The proposal does not offend these Principles and Objectives.

*Land Division*

PDC 18 states that land division should only occur where a suitable site for a detached dwelling is available which complies with criteria detailed in Table AdHi/5 of the Development Plan.

Non-compliance with Table AdHi/5 is a non-complying development trigger as it relates to the establishment of dwellings in the Watershed (Primary Production) Zone.

In order to avoid non-complying status, it must be demonstrated with development applications for dwellings that the dwelling;

- is sited at least 25m from watercourses
- that a wastewater system can be approved
- that the waste water system is at least 50m from watercourses
- that the waste water system is established on a slope gradient of no more than 1 in 5; and
- that the wastewater system can achieve a depth to bedrock of no less than 1.2m.

Proposed allotment comprising pieces 103\* and 102\* would contain a dwelling, so only proposed allotment 101 would need to comply with the Table AdHi/5 requirements.

The Council Environmental Health Unit have advised that there is potential on proposed allotment 101 to accommodate a waste control system. Waste control systems can be engineered to comply with the above as it relates to slope gradient and the nearest watercourse is approximately 70m away on the opposite side of Valley Road. The proposal is considered to sufficiently accord with PDC 18.

PDCs 19 and 21 are similar in that they both seek land division proposals that do not:

- result in an increased pollution risk to water resources; or
- cause the loss of productive primary production land.

The proposal is sufficiently in accord with PDCs 19 and 21 as it will not result in either an increased pollution risk to water resources, or loss of productive primary production land.

There are no increased development opportunities as a result of the proposal which would increase risk pollution risk to water resources. Existing allotment 44 is considered to be developable in reference to Table AdHi/5 so there is no increased development opportunity created by the amended proposal.

As discussed above, the proposal will have no impact on primary production.

PDC 20 provides guidance as to the circumstances where land division proposals are appropriate in the Watershed (Primary Production) Zone. It is considered to be one of the most pertinent controls directly relating to an assessment of the proposal.

This PDC states in full:

*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 [encroachment\*] 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.*

The proposal is consistent with the first part of PDC 20 as no additional allotments will be created. However, the proposal is not considered to be undertaken with regard to either criteria a) or b) of this PDC.

The owner and applicant confirmed during the site meeting that the purpose of the proposal is to incorporate the shed building near the western side boundary on current allotment 44 with the allotment containing the dwelling.

Whilst a precursory assessment would conclude then that the proposed allotment arrangement would be correcting an anomaly consistent with part a) of PDC 20, a more detailed review concludes that this not the case and the proposal is not consistent with part a) of PDC 20.

Council has no record of the shed approval. If this shed is used for domestic storage purposes it would be more convenient for it to be located nearer the dwelling. The shed is approximately 85m east of the dwelling, and separated by an unmade road. PDC 9 of the Watershed (Primary Production) Zone does seek for the number of outbuildings to be limited and clustered together.

The proposal is not consistent with part b) of PDC 20 either as the adjustment does not improve the management of the land for primary production purposes, or assist in conserving its natural features.

Native vegetation on the land is considered to be a natural feature, and the proposal places native vegetation at risk of clearance with respect to possible clearance along the shared boundary between piece 102\* and allotment 101. Whilst the Native Vegetation Council is more supportive of the current further amended proposal, the presence of an additional boundary line through the native vegetation presents an additional opportunity for clearance along fence lines. If the status quo was maintained there would not be any boundary lines intersecting the native vegetation on existing allotment 44.

The Native Vegetation Council did recommend a condition that if the proposal is supported that no fencing shall be installed along the new boundaries. This type of condition is considered to be rather restrictive as it is common for shared allotment boundaries to be delineated in rural areas with post & wire type fencing, or similar. Such restriction would not be necessary if the status quo was maintained and allotment 44 was not altered. On this basis it is considered that the proposal is not in keeping with the spirit or intended purpose of PDC 20 and it is not consistent with either part a) or b) of this provision.

However, it is noted that the proposal could have some potential benefit in conserving native vegetation if the Native Vegetation Council were able to work with the land owner in negotiating a Heritage Agreement over proposed allotment 101 with the owner. This process could occur irrespective of the land division, but using the proposal as a driver or catalyst for this process could have some benefit.

Consistency with PDC 20 is fundamental to the assessment of land division proposals in the Watershed (Primary Production) Zone, and it is considered that as much weight or emphasis should be placed on achieving consistency with the latter part of point b) of this PDC as with ensuring that such proposals do not threaten water quality or primary production.

PDC 22 provides guidance to the size of allotments in the Zone, and states that the re-arrangement of boundaries should result in allotments that are of a size consistent with other allotments in the locality. The proposed allotments are considered to be of a similar size to other allotments in the locality, so the proposal is consistent with PDC 22.

#### Conservation

PDCs 33 and 34 are similar in that they both seek land division proposals that do not increase the number of allotments or part allotments over areas of native vegetation.

The proposal will result in a part allotment being created over an area of native vegetation, so it is inconsistent with PDCs 33 and 34.

As discussed above, whilst the further amended proposal under consideration is preferred by the Native Vegetation Council to the superseded proposal considered previously by CDAP, the proposal still puts native vegetation at risk of possible clearance along the boundary shared between piece 102\* and proposed allotment 101.



*b) Council Wide provisions*

The Council Wide provisions of relevance to this proposal seek:

- *Orderly and economic development.*
- *Protection of productive primary production land from conversion to non-productive or incompatible uses, and encouragement of full-time farming of rural lands.*
- *Land in appropriate localities divided into allotments in an orderly and economic manner.*
- *The retention of rural areas primarily for primary production purposes and the maintenance of the natural character and rural beauty of such areas.*
- *Land division, including boundary re-arrangement, which retains areas of native vegetation on single or the least number of allotments.*
- *Protection of watersheds from pollution, and prevention of development which would lead to deterioration in the quality of surface or underground waters within the Mount Lofty Ranges Watershed.*
- *Development that minimises the threat and impact of bushfires on life and property while protecting the natural and rural character.*

*Objectives: 1, 4, 6, 10, 61, 62, 79, 103, 104, 105, 106*

*PDCs: 2, 3, 28, 29, 30, 31, 32, 36*

*Form of Development*

Objective 1 and PDC 2 seek development that is orderly and economic.

Proposed allotment comprised of pieces 102\* and 103\* is separated by an unmade road reserve (Big Range Road).

The separation of the pieces in this way is considered to be a fragmented, awkward arrangement that is not orderly. The rationale for this arrangement to include a small shed on the same allotment as the dwelling is not considered to be sufficient to negate the awkward piece allotment arrangement.

Advice from the applicant is that the owner has considered seeking separate Council approval for a road closure and purchase of the unmade road, but is unwilling to go through this process. If the unmade road was approved for closure and purchase it could be amalgamated with existing allotment 28, which would negate the proposed piece arrangement.

PDC 3 calls for development to take place on land which is suitable for its intended use taking into account the location and condition of the land and the objective for the Zone in which it is located.

The development of proposed allotment 101 for residential purposes would not compromise water quality, or prejudice primary production in the Watershed (Primary Production) Zone.

There are no rural land use conflicts, and proposed allotment 101 should be suitable for residential use as it relates to the potential risk of site contamination. The land is not currently used for potentially contaminating activities expected in the Zone such as horticulture, and a review of Council's historic aerial photography did not reveal any previous primary production activity.

The proposal for these purposes then is consistent with PDC 3. Despite this, Council staff would have preferred to make comment to SCAP with building envelope information for proposed allotment 101. The building envelope information was sought by the CFS so they could provide further certainty to their comments relating to mandatory requirements for dwellings. The Native Vegetation Council sought building envelope information to ensure compliance with the Regulations which seek that land division proponents, rather than the future developers clearly set out an area for clearance for a dwelling, and pay for this clearance if it acceptable to the Native Vegetation.

Whilst it is acknowledged that if the status quo is maintained a dwelling application could be made for current allotment 44 without any building envelope information, using the land division process as a driver to set-out clear building parameters is considered to be a benefit of the proposal. Due to its slope and dense vegetation the land will present challenges at the land use application stage that will need to be managed in terms of balancing CFS requirements with minimising alteration to the natural form of the land. A building envelope will assist with managing these matters by setting clear parameters upfront.

Building envelopes are not enforceable unless defined through a Land Management Agreement, but nevertheless they are a useful guide to developers and Council staff in consideration of a future land use application.

Council staff would have liked the opportunity before finalising comments to work with the Native Vegetation Council to ensure the building envelope area they may consider is large enough to cater for a dwelling and associated infrastructure – wastewater disposal area, water storage tanks and stormwater disposal. A concurrent land division and clearance assessment approach was recommended by the Native Vegetation Council.

#### Land Division

Amongst other matters, PDCs 28 and 29 state that land should not be divided unless:

- waste produced by the proposed use of the land can be managed so as to; prevent pollution of water resources and risk to health
- the slope and soil structure of the land is unsuitable for septic tank effluent disposal
- due regard is given to the surface drainage of each allotment created; and
- each allotment resulting from the allotment is provided with a safe and convenient access to the carriageway of an existing or proposed road thoroughfare. No allotment should be solely dependent upon a private road, or right of way for access

Council Environmental Health have advised that proposed allotment 101 should be able to accommodate an on-site waste system and surface drainage for proposed allotment 101 will need to be considered further at the land use application stage.

The existing access to proposed piece 103\* containing the dwelling is to be maintained, and it is anticipated that access to proposed allotment 101 will be via the existing fire track and a proposed right of way (easement A) is shown on the plan of division.

Piece 102\* containing the shed building does not have a cross-over to Valley Drive. An application could be made for a cross-over to this piece but it would result in the clearance of native vegetation and would also likely result in extensive earthworks to achieve a suitable gradient.

It is for these reasons that right of way over proposed allotment 101 is required to allow access along an existing track for maintenance of piece 102\*. Whilst piece 102\* may not be solely reliant on the proposed right of way if a cross-over to Valley Road was approved and constructed, this right of way would not be required if the status quo was maintained and lot 44 was not realigned.

The right of way is considered to contribute to the awkward unorderedly proposed allotment arrangement. The proposal is only considered partly consistent with PDCs 28 and 29.

PDC 30 states that allotment boundaries should be located where interference with native vegetation will be minimal; and in locations which enhance the management of the natural features.

The amended proposal has been designed with more regard to the management of the natural features of the land as the boundary line intersecting current allotment 44 now follows an existing track, giving it some rationale compared to the superseded proposal considered by CDAP, whereby the boundary line ran straight north south through the allotment.

The Native Vegetation Council advised by separate further advice post their formal comment, that the vegetation near the proposed boundary is degraded in quality. This advice was provided following the site meeting with all parties.

The proposal is partly consistent with PDC 30 as if the status quo was maintained and current allotment 44 was not realigned then there would be less opportunity for interference with native vegetation.

#### Conservation

Objective 79 seeks boundary re-arrangements which retain areas of native vegetation on single, or the least number of allotments.

This Objective is similar to Watershed (Primary Production) Zone PDCs 33 and 34. Refer earlier discussion on Zone provisions above.

The proposal is at variance with Objective 79.

Watershed Protection

Objectives 103 – 105 seek special control of development in the Watershed to ensure a continued economic supply of safe drinking water. In particular there should be no additional allotments created since these are likely to give rise to additional development activities.

These Objectives are similar to Watershed (Primary Production) Zone Objectives 1 and 2 and PDCs 18, 19, and 21. Refer earlier discussion on Zone provisions above.

The proposal is consistent with Objectives 103, 104 & 105.

Bushfire Protection

Objective 106 and PDCs 304 and 305 seek development that minimises the threat and impact of bushfires on life and property while protecting the natural and rural character.

PDC 305 relates directly to land division proposal and states in full:

*Where land division does occur it should be designed to:*

- a) minimise the danger to residents, other occupants of building 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 risk by containing the allotments within a perimeter road or through other means that achieve an adequate separation.*

Consistency with part c) of PDC 305 is not yet fully known as a building envelope (building site) has not been formalised for proposed allotment 101. Verbal advice has been received from the CFS that the shed area on proposed allotment 101 is the preferred building area however they are also seeking an amendment to the land division layout so that proposed allotment 101 is increased in size to achieve adequate separation for asset (vegetation) management.

The applicant has made a draft amendment to proposed allotment 101 to this effect. However, SCAP staff have sought that this amendment only be formalised at the end of the assessment process. It is unclear if SCAP staff will consult with the CFS to ensure that the further final amended proposal is satisfactory and therefore consistent with part d) of PDC 305.

## **7. SUMMARY & CONCLUSION**

The proposal is for a land division - boundary realignment between two contiguous allotments in the Watershed (Primary Production) Zone. Both allotments are under the same ownership.

The proposal has been amended since it was first considered by the former CDAP in June 2016. The amended proposal is considered to be an improvement on the proposal considered by CDAP. However, the proposal is still considered to be undertaken without regard to the circumstances in which land division proposals should occur in the Zone. Further to this, it will result in an unorderly allotment arrangement that increases the number of part allotments over an area of native vegetation.

It is acknowledged that there will be no water quality impacts, or threat to primary production resulting from the proposal which are key objectives of the Zone. However, it is considered that equal emphasis should also be placed on ensuring consistency with Watershed (Primary Production) Zone PDC 20 which sets out the circumstances in which land division should occur. The proposal does not satisfy either of criteria of PDC 20.

The proposal is not considered to be an improvement on the existing allotment configuration, which is considered to be the intent of Watershed (Primary Production) Zone PDC 20.

Given all of the above, the proposal is considered to be finely balanced but it is the opinion of staff that the amended proposal in its current form does not have sufficient merit to warrant consent.

Staff therefore recommend that the State Commission Assessment Panel be advised that the Council does not support the proposal.

## **8. RECOMMENDATION**

**That the Council Development Assessment Panel considers that the proposal is at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and it is recommended that Council should advise the State Commission Assessment Panel that it DOES NOT SUPPORT the amended proposed boundary realignment in Development Application 15/36/473 (15/D001/473) by S Merrett for Land division - boundary realignment (2 allotments into 2 allotments) at Lots 28 and 44 Valley Road, Montacute for the following reasons:**

- **The proposal is inconsistent with Watershed (Primary Production) Zone PDC 20 as it is not considered to be a minor readjustment of boundaries. The proposal does not correct an anomaly, and the readjustment will not improve management of the land for conservation or primary production purposes.**
- **The proposal is inconsistent with Council Wide Objective 1 & PDC 2 as the allotment arrangement comprising pieces 102\* and 103\* separated by an unmade road is not an orderly form of development and relies on a right of way for access for management.**
- **The proposal is inconsistent with Watershed (Primary Production) Zone PDCs 33 & 34 and Council Wide Objective 79 as it will result in a part allotment created over an area of native vegetation.**



**9. ATTACHMENTS**

Locality Plan  
Superseded Plan & Minutes from CDAP Meeting 7 June 2016  
Amended Proposal Plan  
Applicant's Information  
Referral Responses  
Draft Further Amended Plan of Division in Response to CFS Site Meeting Advice

Respectfully submitted

Concurrence

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**Marie Molinaro**  
**Statutory Planner**

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**Deryn Atkinson**  
**Manager Development Services**

## COUNCIL WIDE

### Introduction

The following objectives and principles of development control, in the Council Wide section, apply within the boundary of the Adelaide Hills Council.

Reference should be made to the Council Wide objectives and principles of development control as well as those applying in the Zone, to determine all the policies relevant to any kind of development.

### Form of Development

#### OBJECTIVES

**Objective 1:** Orderly and economic development.

**Objective 2:** A proper distribution and segregation of living, working and recreational activities by the allocation of suitable areas of land for those purposes.

The direction of the future expansion of metropolitan Adelaide is influenced by the Mount Lofty Ranges and the sea, which restrict development to the east and west, and by the cost of providing water supply and sewerage services to hilly land and to low-lying coastal areas.

The future form and nature of the existing metropolitan area will be influenced by meeting housing choice in the metropolitan area. Current and anticipated demographic trends in the metropolitan area indicate population growth but a changing population structure, with falling dwelling occupancy rates and declining population in many areas, particularly in the inner and middle suburbs, will necessitate increasing dwelling density to maintain population levels.

While taking these trends into account, there are social, environmental and economic benefits to be gained from higher residential densities within the metropolitan area.

It is an essential element in the future development of the Council area, to address concerns about increased housing demand, efficient use of urban infrastructure and population change. This can be achieved by increasing the number of dwellings that can be accommodated within the existing boundary of urban and township areas, and arresting and perhaps reversing the decline in population which is becoming evident.

**Objective 3:** The proper location of public and community facilities by the reservation of suitable land in advance of need.

Substantial areas of land are required by the various public authorities responsible for transport, public services, and the provision of other public facilities. Land required for such public purposes should be available in the right place at the right time. This should be done by reserving the land for future acquisition to ensure that, in the meantime any private development does not hinder the purposes for which the land is reserved.

**Objective 4:** The retention of the country town character and protection of the surrounding watersheds and primary production land from urban development.

**Objective 5:** Prevention of the continued encroachment of urban development into rural areas.

**Objective 6:** Protection of productive primary production land from conversion to non-productive or incompatible uses, and encouragement of full-time farming of rural land.

**Objective 7:** The appropriate location of sufficient land to meet demands for industrial, commercial, retailing and office development.

**Objective 8:** Provision for increased employment opportunities.

**Objective 9:** Development designed and located to prevent or minimise the risk of downstream flooding.

#### PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Development should be in accordance with the Adelaide Hills Structure Plan, Map AdHi/1 (Overlay 1).
- 2 Development should be orderly and economic.
- 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.
- 4 Building development should not take place unless reasonable and effective precautions are taken against risk of damage from ground instability.
- 5 Development on land adjoining the Hills Face Zone should be similar in design and scale to the development within the Hills Face Zone so as to retain the aesthetics and character of the area.
- 6 Land, particularly steeply sloping land used for the erection of buildings, should be stable.
- 7 The excavation and/or filling of land should:
  - (a) be kept to a minimum and be limited to no greater than 1.5 metres to preserve the natural form of the land and the native vegetation;
  - (b) only be undertaken to reduce the visual impact of buildings, including structures, or to construct water storage facilities for use on the allotment;
  - (c) only be undertaken if the resultant slope can be stabilised to prevent erosion; and
  - (d) result in stable scree slopes which are covered with top soil and landscaped to preserve and enhance the natural character or assist in the re-establishment of the natural character.
- 8 Extensions of built-up areas should not be in the form of ribbon development along roads.
- 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.
- 10 Development should not be undertaken on land subject to flooding as shown on Figures AdHiFPA/1 to 19, or within other areas subject to flooding or inundation by a 100 year return period flood event, unless buildings are designed and constructed to prevent the entry of floodwaters from a 1 in 100 year average return interval flood event.
- 11 Development located on land subject to flooding as shown on Figures AdHiFPA/1 to 19, or within other areas subject to flooding or inundation by a 1 in 100 year average return interval flood event, should not:
  - (a) impede the flow of floodwaters through the land or other surrounding land;
  - (b) occur where the risk of flooding is unacceptable having regard to personal and public safety and to property damage;
  - (c) increase the potential hazard risk to public safety of persons during a flood event;
  - (d) aggravate the potential for erosion or siltation or lead to the destruction of vegetation during a flood;
  - (e) cause any adverse effect on the floodway function;

- (f) increase the risk of flooding of other land; or
- (g) obstruct a watercourse.

*Note: In order to avoid pollution of receiving waters, development located on land subject to flooding as shown on Figures AdHIFPA/1 to 19, or within other areas subject to flooding or inundation by a 1 in 100 year average return interval flood event, should not involve the storage of any substance which is listed in Schedule 4 Part 1 of the Environment Protection (Water Quality) Policy 2003.*

- 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.
- 13 Development should not detrimentally affect the character or amenity of its locality or cause nuisance to the community:
  - (a) by the emission of noise, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, waste products, electrical interference or light; or
  - (b) by stormwater, or the drainage of run-off from the land; or
  - (c) if the slope and soil structure of the land is unsuitable for septic tank effluent disposal where required; or
  - (d) by the loss of privacy; or
  - (e) traffic generation; or
  - (f) storage of inflammable or toxic waste, or
  - (g) unsightly appearance.
- 14 Development should not be undertaken in the vicinity of known mineral deposits:
  - (a) until the full extent and significance of such deposits has been determined;
  - (b) if such development would be incompatible with mining operations; or
  - (c) if it would add to the cost of extracting the resource.
- 15 Development should not be undertaken if the construction, operation and/or management of such development is likely to result in:
  - (a) unnecessary loss or damage to native vegetation;
  - (b) the denudation of pastures;
  - (c) erosion;
  - (d) dust;
  - (e) noise nuisance;
  - (f) sealing of large areas of ground likely to result in increased stormwater run-off.
- 16 New housing and other urban development should:
  - (a) be limited to infilling of existing built-up areas and compact extensions within defined boundaries;
  - (b) be located so as to achieve economy in the provision of public services; and

- (c) create a safe, convenient and pleasant environment in which to live.
- 17 Development in localities having a bad or unsatisfactory layout, or unhealthy or obsolete development should improve or rectify those conditions.
- 18 Except where shown on Residential (Glen Stuart Road) Concept Plan [Figure R/1](#), development should not be undertaken where the overall natural slope of the allotment is greater than 1 in 4.
- 19 Septic tanks should:
  - (a) not be installed where effluent is likely to lead to pollution of surface or underground water;
  - (b) be installed on allotments large enough to allow disposal of effluent within the allotment boundaries; and
  - (c) be located so as to permit the most effective (in accord with SA Water and South Australian Health Commission standards) disposal of effluent within the allotment, notwithstanding other design and siting principles.
- 20 Effluent and other waste materials from development should be capable of being treated and disposed of without risk to health, or impairment to amenity.
- 21 Activities which produce large amounts of waste water should not be established unless they can be connected to an approved sewerage or common effluent scheme.
- 22 Buildings should be clad in materials which are non-reflective and which do not detract from the amenity and character of the locality by reason of unsightly appearance.
- 23 Buildings should be deeply set-back from the road frontage to enable retention of the beauty and wooded character of the locality.
- 24 Other than Centre zones the following building set-backs apply to boundaries not being a boundary with a road:
  - (a) one metre within Country Township and Residential Zones;
  - (b) two metres within any other zone other than the State Heritage Area (Mount Torrens) Zone;
  - (c) as specified in the Principles of Development Control for development within the State Heritage Area (Mount Torrens) Zone.
- 25 Other than in Centre zones buildings and structures should be set-back a minimum of eight metres from the road boundary of an allotment. Where an allotment has multiple road frontages, buildings and structures should be set-back a minimum of eight metres from the major road and 2.5 metres from the minor road(s).
- 26 Buildings should not adversely affect by way of their height and location the long-term operational, safety and commercial aviation requirements of Adelaide International Airport and Parafield Airport.
- 27 Buildings which exceed the heights shown on [Map AdHi/1 \(Overlay 3\) Part A and Part B](#) and which penetrate the obstacle limitation surfaces (OLS) should be designed, marked or lit to ensure the safe operation of aircraft within the airspace around the Adelaide International Airport and Parafield Airport.



## Land Division

### OBJECTIVES

**Objective 10:** Land in appropriate localities divided into allotments in an orderly and economic manner.

The large area of land needed and the cost of providing essential public services such as water and sewerage, make it essential that the development of urban and township areas proceeds in an orderly and convenient manner, making full use of the State's economic resources. It is costly to provide services to scattered development caused by the haphazard and premature division of land.

Land should be divided at a rate based on the building demand to prevent premature division and scattered and haphazard development. Vacant land within the urban area should be developed in order to contain the spread of the urban area.

The selection of areas for expansion is influenced by a number of factors. These include physical restrictions, the need to preserve resources such as water, minerals and scenic features, and the lack of public services in certain areas, and the need to retain buffer areas and open spaces.

### PRINCIPLES OF DEVELOPMENT CONTROL

**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;
- (l) 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.

**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.
- 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.
- 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.
- 32** Land division should only occur where the land is suitable for its intended or particular use.
- 33** Allotments adjacent to roads shown as being required for road widening on the Plan deposited under the provisions of the *Metropolitan Adelaide Road Widening Plan Act 1972* shall allow for the road widening proposed in that Plan.
- 34** Roads should be designed to enhance the safety and convenience of all users (motorists, cyclists and pedestrians).
- 35** Land division within the Country Township Zones should comply with the following criteria:
- (a) allotments intended or suitable for residential purposes should be greater than 1000 square metres in area and have a minimum road frontage of 25 metres; smaller allotments may be considered if the character of the township is not adversely affected and if each allotment is connected to a sewer or common effluent drain;
  - (b) adequate arrangements should be made for a water and electricity supply to be made to each proposed allotment; power and telephone cables should be installed underground where practicable;
  - (c) easements should be provided and suitable arrangements made for the installation of sewers, common effluent drains and stormwater drains;
  - (d) provision should be made, to separate pedestrians and cyclists from traffic movements;
  - (e) roads should be provided for the safe and convenient inter-communication with neighbouring localities; new roads should be graded to connect safely and conveniently with existing roads;



- (f) access should be provided to or from any road through adjoining land, wherever appropriate, and to and from any existing or proposed road on adjoining land;
- (g) any proposed road should be at least 15 metres wide and 20 metres wide if used frequently by commercial vehicles; the head of a cul-de-sac should be at least 25 metres wide and 25 metres long with adequate provision for the turning of vehicles; and
- (h) the gradient of any portion of a road should not be steeper than 1-in-8.

**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 aquifer recharge; and
- (h) utilisation of opportunities for storing, treating and retrieving stormwater run-off for subsequent use.

**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 detention<sup>1</sup> and/or retention<sup>2</sup> 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.

<sup>1</sup> 'Detention Basin' is a basin/structure to hold run-off for a short period of time to reduce flow rates and later release run-off into the drainage system to continue in the hydrological cycle. The volume of run-off remains relatively unchanged in the process.

<sup>2</sup> 'Retention Basin' holds run-off for considerable periods causing water to continue in the hydrological cycle by infiltration, percolation or evapotranspiration. These structures result in a reduction in the volume of water discharged to the downstream drainage system.

- 38** The creation of an additional allotment (by way of a non-complying development application) will only be considered for allotments containing two existing dwellings if at least one of the existing dwellings is identified as a local heritage place in Table AdHi/2 or as a state heritage place in Table AdHi/1 and where:
- (a) each dwelling is habitable without needing any significant improvements; and
  - (b) the adaptation of a local or state heritage place to a new use involves additional construction, part demolition, or alterations to the fabric of the place, and those changes do not detract from, nor destroy the cultural significance of the place; and
  - (c) any allotment created has a frontage to a public road; and
  - (d) the current Valuer General's records indicate that more than one dwelling exists on the property and Council records do not indicate that the use of those dwellings has changed; and
  - (e) each building has been erected initially as a dwelling (or has been approved for use as a dwelling) and has not been erected for any other purpose; and
  - (f) the newer of the dwellings should not have been constructed for the purpose of replacing the older dwelling.
- 39** Allotments created by the division of land adjoining a State or Local Heritage Place, or in a Heritage (Conservation) Policy Area should result in an allotment pattern which can satisfactorily accommodate development in a form which reinforces and complements the heritage character of the area or adjoining heritage place.
- 40** Land division within an area identified as being 'Excluded Area from Bushfire Protection Planning Provisions' on Bushfire Protection Area Figures AdHi(BPA)/1 to 14 should be designed to make provision for:
- (a) emergency vehicle access through to the Bushfire Protection Area and other areas of open space connected to it;
  - (b) a mainly continuous street pattern serving new allotments that eliminates the use of cul-de-sacs or dead end roads; and
  - (c) 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

## Transportation (Movement of People and Goods)

The main elements of the transport system are shown on Map AdHi/1 (Overlay 1).

### OBJECTIVES

**Objective 11:** A comprehensive, integrated, and efficient, public and private transport system which will:

- (a) provide access to adequate transport services for all people, at an acceptable cost;
- (b) effectively support the economic development of metropolitan Adelaide and the State;
- (c) ensure a high level of safety; and
- (d) maintain the options for the introduction of suitable new transport technologies.

- (h) ensure disposal of industrial waste waters or effluent by connection to a sewer or by another suitable method; industrial-type waste waters or effluent is not to be discharged into a common effluent drainage system;
- (i) ensure no noise, odour, smoke, dust or waste substance which may cause nuisance to neighbouring properties is generated;
- (j) ensure the hours of operation are within reasonable limits to minimize nuisance to neighbours; and
- (k) ensure there is no pollution of any water resource through disposal of liquid wastes or other materials.

## Conservation

### OBJECTIVES

**Objective 68:** The conservation, preservation, or enhancement, of scenically attractive areas, including land adjoining water or scenic routes.

The retention of the natural character of the south Mount Lofty Ranges is of the utmost importance to present and future generations of city dwellers.

The natural slopes of the foothills and the wooded character of the face of the ranges rising to Mount Lofty, provide a pleasant contrast to the suburbs on the Adelaide Plain, and give Adelaide a special character. It is necessary, therefore, that the face of the ranges and the skyline as seen from various points in the metropolitan area should retain a natural character.

Whilst the whole of the face of the ranges is of great importance aesthetically, there are several other areas particularly worthy of conservation, such as Black Hill, Athelstone, where rare species of flora exist, parts of Anstey Hill and the upper reaches of the River Torrens.

The ranges are still attractively wooded, providing areas of considerable beauty, readily accessible from the Adelaide Plain. However, any action likely to diminish these wooded areas, such as subdivision into unduly small residential allotments, should be resisted. Acquisition of suitable areas for public use would ensure their retention.

Tree planting should be encouraged, dwellings should be of good design and set well back from the roads. Advertisements should not mar the landscape and overhead services should be carefully sited against tree and hill backgrounds.

The watercourses with their natural vegetation are a most significant natural features. The trees and natural vegetation add to the attractiveness of the area and, wherever possible, these features should be incorporated in the layout of residential areas.

The land bordering watercourses should be reserved for public use. Buildings should be set well back, and front onto a road and reserve along a watercourse. The reserve could be used for public recreation and provide easy access for maintenance of the watercourse. The setting back of buildings from a watercourse reduces the need for costly engineering works to prevent erosion and flooding.

The gorge of the River Torrens through the south Mount Lofty Ranges is of special scenic value, needing particular attention to ensure that the natural character is preserved.

The character of the built-up area largely depends on the attractiveness of parks and recreation reserves, and every endeavour should be made to plant and develop reserves as soon as they become available.

The beauty of scenic approaches to Adelaide by road through the south Mount Lofty Ranges should be maintained. The roads wind through attractively wooded country, with frequent views of the city and suburbs spread out over the Adelaide Plain below, against the background of the sea.



**Objective 69:** Preservation and enhancement of the physical (including flora and fauna), cultural and social heritage of the area; and restoration and conservation of items and areas, including land, buildings and structures which have historical, architectural, scientific, natural, social, cultural or other heritage significance.

There are many buildings and sites of architectural, historical, and scientific, interest in the area that warrant preservation. An awareness of their existence is the first stage in preservation.

**Objective 70:** The retention of remaining native vegetation.

Although South Australia has a reasonably comprehensive National Parks reserve system, there is a considerable amount of native vegetation on private and public land which it is impractical to incorporate into the reserve system.

Because the loss of native vegetation since settlement has reached a stage where any further losses could lead to unacceptable species extinctions, it is now necessary to conserve this off-park vegetation wherever possible.

The retention of native vegetation also has benefits in respect of landscape amenity, water quality and soil stability.

**Objective 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.

**Objective 72:** The retention of native vegetation for amenity purposes, for livestock shade and shelter, for the movement of native wildlife and for seeds.

**Objective 73:** The preservation of trees of historic, local, or particular visual significance.

**Objective 74:** The preservation and replanting of roadside vegetation.

**Objective 75:** Replanting of native vegetation in appropriate locations.

**Objective 76:** Conservation and retention of flora and fauna including significant stands of vegetation.

The retention of large bushland areas, roadside vegetation, and clumps of trees on hilltops, and elsewhere, is important, not only to preserve scenic beauty, but also for wildlife habitats, ecological study, recreation areas, and for the control of soil erosion and water quality.

Steps should be taken to conserve as much of the remaining vegetation as possible and to encourage land owners to set aside, fence and manage, areas of native vegetation. Encouragement should be given to the replanting of indigenous species as a means of restoring native vegetation to parts of the area. If it is necessary to fell trees of visual significance, replanting should be undertaken.

**Objective 77:** The conservation and preservation of the rural character, scenic amenity and bushland of the area.

The outstanding scenery and rural character of the south Mount Lofty Ranges provide a visual contrast with the suburbs on the Adelaide Plain and a convenient refuge for recreation in a countryside setting.

These features should be protected against mismanagement and more intensive development which may degrade the quality of the landscape.

Bushland areas, indigenous roadside vegetation and stands of trees contribute greatly to the landscape character of the south Mount Lofty Ranges. Their retention is invaluable to preserve areas of scenic beauty, wildlife habitats and in control of soil erosion, weed infestation and water quality.

In many instances, it is appropriate that areas which contain natural vegetation, wildlife habitats and outstanding scenery remain under private ownership or lease, with arrangements which are mutually agreed to by the owner and the government to protect their significant natural features.

Encouragement should also be given to replanting of indigenous species as a means of restoring native vegetation to parts of the south Mount Lofty Ranges. In particular, some areas which in time, prove to be uneconomic for primary production, should be considered for a program of re-afforestation.

New planting's of pine forests should only be established on cleared land which is not in close proximity to native forests, bushland, or parks, unless separated by adequate buffers of agricultural land as a protection against spread of fire and to reduce weed invasion of bushland by seedling pine trees.

The multiple use of forest areas for commercial production, water and nature conservation, and for recreation, should be encouraged wherever possible.

Motor and equestrian sports are increasing in popularity in the south Mount Lofty Ranges. Before sites are selected for activities such as circuit racing, rally-cross, motor cycle scrambling and organised horse riding, full consideration should be given to any disturbance such activities may cause by noise, traffic generation and damage to vegetation and soil stability. Wider ranging activities such as trail bike riding can seriously damage vegetation, erode soil and cause noise disturbance to built-up areas and country landowners. The unlawful use of trail bikes in State parks and on private properties should be strictly policed in an effort to minimize further damage to environmental areas.

**Objective 78:** Buildings and other structures sited on allotments in a manner which minimizes the requirement to clear or remove native vegetation.

Proposals for the establishment of buildings or other structures on allotments which are wholly or partly covered in native vegetation should be designed and sited in a manner which requires the least area of vegetation to be cleared and the least fragmentation of homogenous areas of native vegetation.

**Objective 79:** Land division, including boundary re-arrangement, which retains areas of native vegetation on single or the least number of allotments.

## PRINCIPLES OF DEVELOPMENT CONTROL

**202** Development should be undertaken with the minimum effect on natural features, land adjoining water or scenic routes or scenically attractive areas.

**203** Natural vegetation should be preserved and replanting should take place.

**204** Development should not impair the character or nature of buildings or sites of architectural, historical or scientific interest or sites of natural beauty.

**205** The rural character, scenic amenity and bushland of the south Mount Lofty Ranges should be conserved and enhanced.

**206** New planting's of pine forests should only be established on cleared land which is not in close proximity to native forests, bushland or parks, unless separated by adequate buffers of intensive agricultural land as a protection against spread of fire.

**207** *Pinus radiata* forests should not be planted at the expense of existing native vegetation.

**208** Recreation activities such as circuit racing, rally cross, motor cycle scrambling and organised horse riding should be located where there is a minimum of disturbance caused by noise, traffic generation and damage to vegetation and soil stability.

**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.

**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.

**211** Roadside vegetation should be preserved and replanted where practicable.

**212** Remnants of bushland should be preserved.

**213** Development should conserve fauna and flora.

**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.

**215** Buildings, structures, land and sites of architectural, historic, archaeological, scientific, social, cultural, aesthetic or other heritage significance should be preserved and, where possible, restored. Alterations to land or buildings of significance should be carried out to substantially retain or restore those aspects of importance.

**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.

**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.



- 290** Landscaping and fencing associated with a State or local heritage place should complement and reinforce the historic value of the place.
- 291** Within a Historic (Conservation) Policy Area as shown on Maps AdHi/65, 66, 72, 87 development should:
- (a) conserve, maintain, enhance and reinforce the existing streetscape character of the Policy Area and the historic value of individual buildings;
  - (b) exhibit architectural design, roof-forms, street frontage widths, materials, colours, fences and landscape settings which complement, without attempting to reproduce, historic buildings or their detailing.
- 292** Within a Historic (Conservation) Policy Area as shown on Maps AdHi/65, 66, 72, 87:
- (a) Front and side boundary set-backs of development should complement the predominant pattern established by historic buildings in the immediate locality with particular regard to adjacent a State and local heritage place and be used to incorporate landscaping to screen buildings from neighbouring allotments; and
  - (b) Landscaping, access/driveway design and fencing should complement and reinforce the historic value and significance of the area
- 293** The use to which a State or local heritage place is put should support financially the maintenance and restoration of such place.
- 294** Development associated with a local heritage place, or within the Historic (Conservation) Policy Areas - (Ayers Hill Road or Mylor Township), may have applied variations to the applicable detailed design principles of development control where it facilitates appropriate and complementary conservation of the place or item providing that any variation:
- (a) is justified by significantly unusual and difficult constraints created by their retention, conservation or unique circumstances; and
  - (b) avoids compromise or an adverse impact upon the integrity and appropriate setting, and overall is beneficial to the desired and general character and amenity of the locality; and
  - (c) does not compromise fundamental development management objectives, policy or functional criteria.
- 295** Telecommunication towers and monopoles should not be erected within, or within 100 metres of a Historic (Conservation) Policy Area or within 100 metres of a State or local heritage place identified in Tables AdHi/1 or 2.

## **Watershed Protection**

### **OBJECTIVES**

**Objective 103:** Protection of watersheds from pollution.

**Objective 104:** The protection of the Mount Lofty Ranges Watershed against pollution and contamination.

**Objective 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.

The quality of Adelaide's water depends upon the effectiveness of pollution controls in watersheds.

The Adelaide Hills includes land within the watershed of the south Mount Lofty Ranges (refer Figures MtLRWA/1 and MtLRWA/2 which contains the catchment areas for existing and proposed reservoirs serving metropolitan Adelaide and adjacent areas. The quality of water within the existing reservoirs is deteriorating at an alarming rate. It is also important that development minimises the level of pollution within the Watershed. Wineries should be restricted in scale and restaurants should not occur in Watershed Area 1 (refer to Figures AdHi(WA1)/1 to 16) unless connected to mains sewerage or a common effluent scheme.

Special control of development in the watershed is necessary to ensure a continued economic supply of safe drinking water. In particular there should be no additional allotments created since these are likely to give rise to additional development and activities. It is also important that no development which increases the level of pollution within the watersheds takes place.

Steps should be taken to prevent illicit dumping of solid, and liquid wastes and to remove existing deposits of waste materials along creeks within the watersheds. Organised refuse collection services should be improved for waste disposal.

#### **PRINCIPLES OF DEVELOPMENT CONTROL**

- 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.
- 297** Development should primarily be limited to that which is essential for the maintenance of sustainable grazing, commercial forestry and primary production activities.
- 298** Activities which produce strong organic, chemical, or other intractable wastes, should not be established (other than wineries, where the risk to water supply is negligible with appropriate management, design and siting).
- 299** Development should minimise the risk of pollution of water catchment areas.

#### **Bushfire Protection**

Bushfire Protection Objectives and Principles of Development Control apply to the General, Medium and High Bushfire Risk areas shown on Bushfire Protection Area Figures AdHi(BPA)/1 to 14, except where exempted.

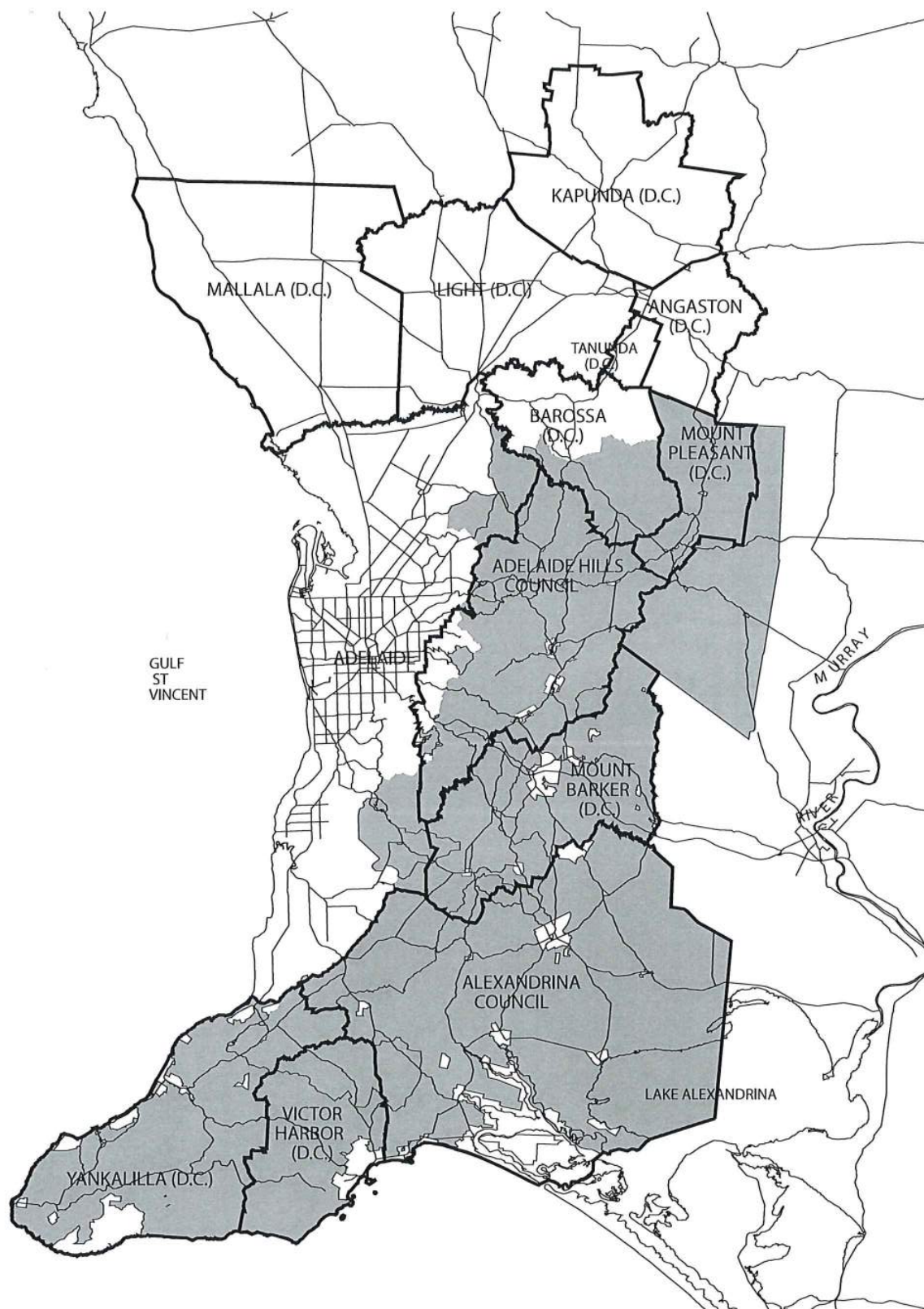
#### **OBJECTIVES**

- Objective 106:** Development should minimise the threat and impact of bushfires on life and property while protecting the natural and rural character.
- Objective 107:** Buildings and the intensification of non-rural land uses directed away from areas of high bushfire risk.

#### **PRINCIPLES OF DEVELOPMENT CONTROL**

- 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.





NOTE: This illustrated boundary may not accurately reflect the definition for the Mount Lofty Ranges Watershed set out in the Regulations under the Water Resources Act 1997.

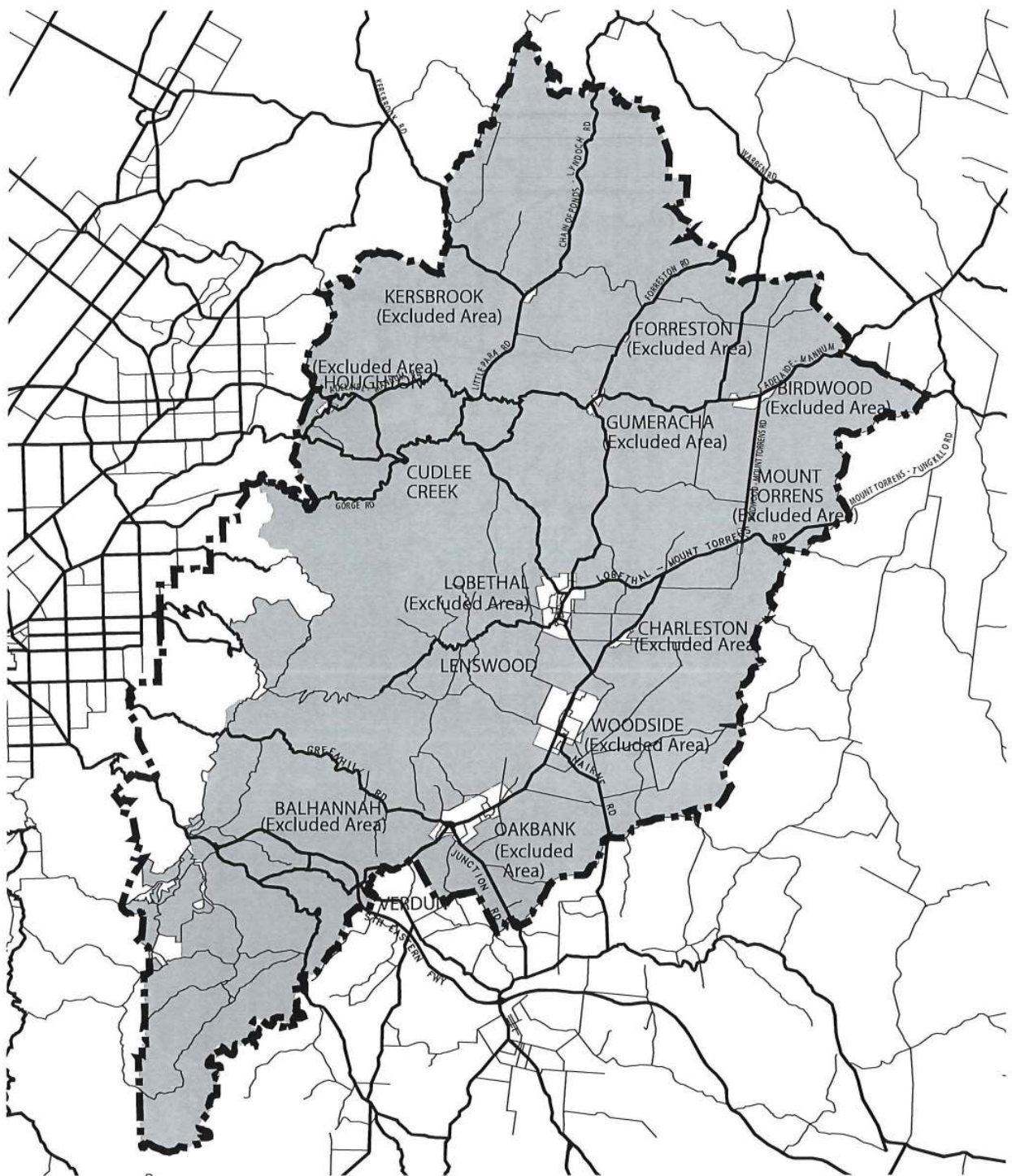


0 20km

— Development Plan Boundary

## **ADELAIDE HILLS COUNCIL** **MT LOFTY RANGES WATERSHED AREA**

**Figure MtlRWA/1**  
 Consolidated - 9 January 2014



NOTE: This illustrated boundary may not accurately reflect the definition for the Mount Lofty Ranges Watershed set out in the Regulations under the Water Resources Act 1997.

— ■ — Development Plan Boundary



0 10km

## ADELAIDE HILLS COUNCIL MT LOFTY RANGES WATERSHED AREA

**Figure MtLRWA/2**  
Consolidated - 9 January 2014





Development Plan Boundary

Watershed Area 1

Note: Shaded area extends all the way to LGA boundary unless shown other wise.



# **ADELAIDE HILLS COUNCIL** **WATERSHED AREA 1** **FIGURE AdHi(WA1)/7**

Consolidated - 9 January 2014

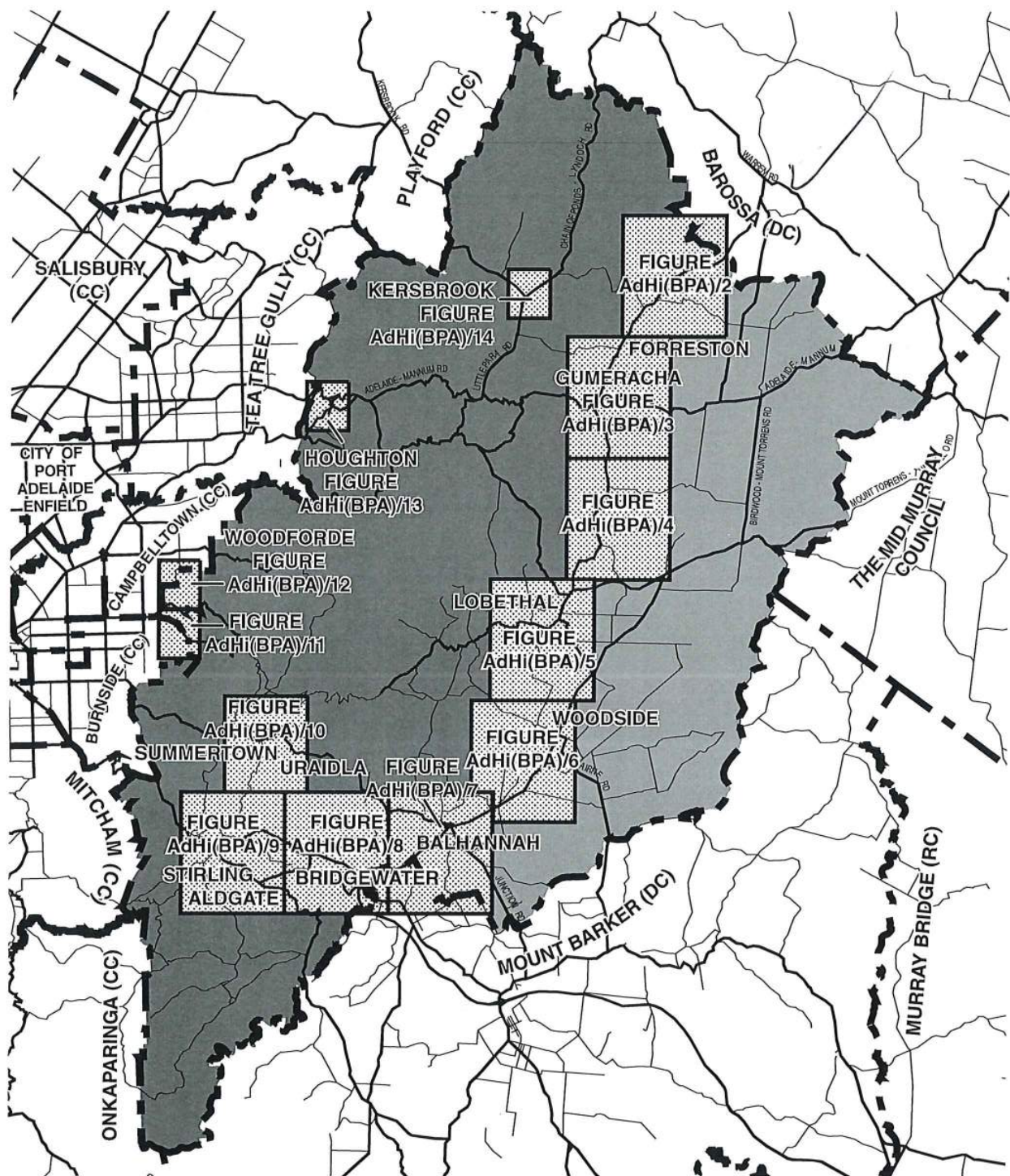


— — — Development Plan Boundary  
 Watershed Area 1

# **ADELAIDE HILLS COUNCIL** **WATERSHED AREA 1** **FIGURE AdHi(WA1)/8**

Consolidated - 9 January 2014





Scale 1:240000



# **ADELAIDE HILLS COUNCIL** **INDEX TO** **BUSHFIRE PROTECTION AREA** **FIGURE AdHi(BPA)/1**

-  High Bushfire Risk
-  Medium Bushfire Risk
-  Development Plan Boundary

Consolidated - 9 January 2014

**301** Residential, tourist accommodation and other habitable buildings should:

- (a) be sited on the flatter portion of allotments and avoid steep slopes, especially upper slopes, narrow ridge crests and the tops of narrow gullies, and slopes with a northerly or westerly aspect;
- (b) be sited in areas with low bushfire hazard vegetation and set back at least 20 metres from existing hazardous vegetation; and
- (c) have a dedicated and accessible water supply available at all times for fire fighting.

**302** Extensions to existing buildings, outbuildings and other ancillary structures should be located and constructed using materials to minimise the threat of fire spread to residential, tourist accommodation and other habitable buildings in the event of bushfire.

**303** Buildings and structures should be designed and configured to reduce the impact of bushfire through using simple designs that reduce the potential for trapping burning debris against the building or structure, or between the ground and building floor level in the case of transportable buildings.

**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.

**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.

**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.

**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.

## **Waste Management**

### **OBJECTIVES**

**Objective 108:** The orderly and economic development of waste management facilities in appropriate locations.

**Objective 109:** Minimisation of environmental impacts from the location and operation of waste management facilities.

**Objective 110:** Waste management facilities to be protected from incompatible development.



## WATERSHED (PRIMARY PRODUCTION) ZONE

### Introduction

The objectives and principles of development control that follow apply to the Watershed (Primary Production) Zone as shown on Maps AdHi/3 to 10, 12 and 14 to 40. In this section, policies are expressed firstly in relation to the whole of the Watershed (Primary Production) Zone and then for parts of the zone referred to and defined as policy areas on Maps AdHi/42 to 90. All the policies expressed for the Watershed (Primary Production) Zone and for the policy areas are additional to those expressed for the whole of the council area.

### OBJECTIVES

- Objective 1:** The maintenance and enhancement of the natural resources of the south Mount Lofty Ranges.
- Objective 2:** The enhancement of the Mount Lofty Ranges Watershed as a source of high quality water.
- Objective 3:** The long-term sustainability of rural production in the south Mount Lofty Ranges.
- Objective 4:** The preservation and restoration of remnant native vegetation in the south Mount Lofty Ranges.
- Objective 5:** The enhancement of the amenity and landscape of the south Mount Lofty Ranges for the enjoyment of residents and visitors.
- Objective 6:** The development of a sustainable tourism industry with accommodation, attractions and facilities which relate to and interpret the natural and cultural resources of the south Mount Lofty Ranges, and increase the opportunities for visitors to stay overnight.

### PRINCIPLES OF DEVELOPMENT CONTROL

#### Form of Development

- 1 Buildings, should be located in unobtrusive locations and, in particular, should:
  - (a) be located well below the ridge line;
  - (b) be located within valleys or behind spurs;
  - (c) be located not to be visible against the skyline when viewed from public roads and especially from the Mount Lofty Ranges Scenic Road;
  - (d) be set well back from public roads, particularly when the allotment is on the high side of the road;
  - (e) be sited on an excavated rather than a filled site to reduce the vertical profile of the building;
  - (f) where possible be screened by existing native vegetation when viewed from public roads and especially from the Mount Lofty Ranges Scenic Road; and
  - (g) maximize the retention of existing native vegetation and the protection and retention of watercourses in their natural state.
- 2 Buildings should be unobtrusive and not detract from the desired natural character of the Zone and, in particular:
  - (a) the profile of buildings should be low and the roof lines should complement the natural form of the land;

- (b) the mass of buildings should be minimized by variations in wall and roof lines and by floor plans which complement the contours of the land; and
  - (c) large eaves, verandahs and pergolas should be incorporated into designs to create shadowed areas which reduce the bulky appearance of buildings.
- 3 Buildings:
  - (a) should have a year-round water supply and a safe and efficient effluent disposal system which will not pollute watercourses or underground water resources or be a risk to health; and
  - (b) should have a safe, clean, tidy and unobtrusive area for the storage and disposal of refuse so that the desired natural character of the Zone is not adversely affected.
- 4 Buildings and structures should not be located within 25 metres of a watercourse and buildings and structures including chain mesh and solid fences should not be located on land subject to flooding as shown on Figures AdHiFPA/1 to 19 or within other areas subject to flooding or inundation by a 1 in 100 year average return interval flood event.
- 5 Fences located on land subject to flooding as shown on Figures AdHiFPA/1 to 19 should be designed to allow for the free flow of water in the event of a flood.
- 6 Additions to dwellings located on land subject to flooding as shown on Figures AdHiFPA/1 to 19 or within other areas subject to flooding or inundation by a 1 in 100 year average return interval flood event, should be in the form of upper level additions and should not increase the total floor area at ground level of the dwelling.
- 7 Additions to buildings should:
  - (a) be located on the side of the dwelling which minimizes the obtrusiveness of the completed building; and
  - (b) comply with the previously mentioned principles of development control relating to the location and design of buildings.
- 8 The number of outbuildings should be limited, and where appropriate they should be grouped together, located in unobtrusive locations and comply with the previously mentioned principles of development control relating to the location and design of buildings.
- 9 Driveways and access tracks should follow the contours of the land to reduce their visual impact and erosion from water run-off and be surfaced with dark materials. The excavation/filling of land should be kept to a minimum to preserve the natural form of the land and the native vegetation.
- 10 Native trees, shrubs and ground covers should be established to screen development, including scree slopes created as a result of the excavation and/or filling of land, in such a way that the bushfire hazard is not increased. Screening mounds may also be appropriate.
- 11 Buildings should not impair the character of rural areas by reason of their scale or siting. If necessary, buildings should be screened by trees or shrubs.
- 12 Shops or offices should not be established unless they are incidental or ancillary to the agricultural use of land.
- 13 Industries should not be established unless:
  - (a) the industry is associated with the processing of local primary products;
  - (b) the industry is a support or service industry to primary producers; and
  - (c) it is inappropriate to locate the industry in an industrial area.

- 14 Development should not detract from the natural and rural landscape character of the region.
- 15 The rural character, comprising natural features and man-made activities, should be preserved by careful siting, design and landscaping of new building development and/or intensive land uses.
- 16 Development should ensure that primary production activity is not prejudiced.
- 17 Land which is particularly suitable for primary production should be used or remain available for such purposes.

#### **Land Division**

- 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.
- 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.
- 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.
- 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.
- 22 Re-arrangement of allotment boundaries should produce allotments of a size consistent with that in the locality.

#### **Residential Development**

- 23 Dwellings should be located to maximize the retention of existing vegetation by either:
  - (a) being located on an existing cleared site of sufficient size to ensure the safety of the proposed detached dwelling from fire hazard without the need for further clearance;
  - (b) being built within the limitations of the exemptions provided for in the Native Vegetation Regulations, and addressing the safety of the proposed detached dwelling without the need for further clearance; or
  - (c) sited and constructed in such a way which provides appropriate bushfire prevention measures without the need for further clearance of native vegetation on the allotment or sited in such a way that provides for the removal of native vegetation within the limits of the exemptions provided by the Native Vegetation Regulations without the need for further clearance
- 24 The erection of a shed, garage or outbuilding should only be undertaken where:
  - (a) it is an ancillary use to an existing dwelling or business; or
  - (b) it is erected for a period not exceeding 12 months:
    - (i) to enable the erection of a dwelling on the same allotment to proceed;

- (ii) is used for storage of building materials or tools only; and
  - (iii) is removed at the expiration of that period if construction of the dwelling has not been substantially completed.
- 25 No caravan or motor-powered van should be located on any vacant allotment and used for human habitation unless:
- (a) it is an ancillary use to an existing dwelling or business;
  - (b) the land forms part of an existing caravan park; or
  - (c) the construction of a dwelling has been approved on the same allotment and the caravan or motor-powered van is sited for a period not exceeding six months to enable the erection of the dwelling to proceed. The caravan or motor-powered van is to be removed at the expiration of that period if construction of the dwelling has not been substantially completed.
- 26 No caravan or motor-powered van should be located on any vacant allotment and used for human habitation unless it is connected to an approved effluent disposal system.

### Conservation

- 27 Linkages between significant regional recreational and conservation features should be established or enhanced.
- 28 The nature, features and general character of areas and items, other than building development and vegetation, should be conserved which are of special:
- (a) historical (including archaeological) significance or heritage value;
  - (b) scientific interest; or
  - (c) scenic value or natural beauty.
- 29 Buildings should not be located within areas of native vegetation.
- 30 Buildings near native vegetation should be sited only where there is an existing cleared area of sufficient size to ensure the safety of the proposed structures from fire hazard without the need for further clearance.
- 31 No change of land use should occur in or near areas of native vegetation which are likely to adversely impact on the vegetation.
- 32 The provision of services, including power, water, effluent and waste disposal, access roads and tracks should be effected over areas already cleared of native vegetation or, if this is not possible, cause the minimum interference or disturbance to native vegetation.
- 33 Proposals to divide land or re-arrange allotment boundaries should not increase the number of allotments adjoining allotments on which there is native vegetation.
- 34 Land should not be divided, or allotment boundaries re-arranged in a way which increases the number of allotments or part allotments over areas of native vegetation.
- 35 No development or change in land use should occur where its proximity to a swamp or wetland, whether permanently or periodically inundated, has the potential to damage or interfere with the hydrology or water regime of the swamp or wetland.
- 36 Development should take place in a manner which will not interfere with the utilisation, conservation or quality of water resources and protects the natural systems that contribute to natural improvements in water quality.



**Appearance of Land and Buildings**

- 37 Trees, other vegetation and earth mounding should be retained or provided as part of the development where the environment will be visually improved by such a provision.
- 38 Buildings and structures which are necessary for efficient farm management should, as far as possible, be located to form part of existing homestead clusters.
- 39 Buildings should not impair the character of rural areas by reason of their scale or siting. If necessary, buildings should be screened by trees or shrubs.

**Rural Development**

- 40 Within the Zone:
  - (a) no new piggeries or feedlots should be established;
  - (b) existing piggeries or feedlots should be phased out;
  - (c) no new intensive uses such as poultry sheds and stables should be established; and
  - (d) existing intensive uses should only remain provided they are not enlarged and approved waste disposal facilities are installed and maintained.
- 41 Primary production should be carried out with regard to water conservation, the preservation of bushland remnants and landscape beauty.
- 42 Rural areas should be retained for primary production purposes and other uses compatible with maintaining rural productivity.
- 43 Development should ensure the sustainable use of land for primary production by the use of sound land management practices.
- 44 Development which would remove productive land from primary production or diminish its overall productivity for primary production, should not be undertaken unless the land is required for essential public purposes.
- 45 No more than two dogs should be kept on any land for racing, breeding or boarding purposes.
- 46 Horse keeping and dairy activities should be located at least 100 metres from watercourses, townships and residential development, and provision should be made for the disposal of associated wastes that does not pollute the water catchment areas or create a health risk.
- 47 The keeping of animals and other agricultural activities should not be undertaken without appropriate regard for the carrying capacity of the land, soil conservation and the prevention of water pollution.

**Agricultural Industries (small-scale and not including wineries)**

- 48 Agricultural industries (small-scale) should:
  - (a) include at least one of the following activities normally associated with the processing of primary produce:
    - (i) washing;
    - (ii) grading;
    - (iii) processing (including bottling);
    - (iv) packing or storage; and

may include an ancillary area for sale and/or promotion of produce (including display areas);



- (b) have a total combined area for any one or any combination of these activities (including ancillary sales area) not exceeding 250 square metres per allotment with a maximum building area of 150 square metres, including a maximum area of 50 square metres for ancillary sale and display of goods manufactured in the industry;
- (c) process primary produce from within the Mount Lofty Ranges Region;
- (d) only occur on an allotment where a habitable dwelling exists.

#### **Mineral Water Extraction and Processing Plants**

**49** Mineral water extraction and processing plants should:

- (a) include at least one of the following activities normally associated with the extraction and processing of mineral water:
  - (i) extraction;
  - (ii) bottling;
  - (iii) packaging;
  - (iv) storage;
  - (v) distribution; and

may include ancillary activities of administration and sale and/or promotion of mineral water product;
- (b) have a total combined area for any one or any combination of these activities (including ancillary sale and/or promotion areas) not exceeding 450 square metres per allotment with a maximum building area of 250 square metres, including a maximum area of 50 square metres for ancillary sale and/or promotion of mineral water product;

#### **Wineries and Ancillary Activities outside of the Watershed**

**50** Wineries should:

- (a) include at least one of the following activities normally associated with the making of wine:
  - (i) crushing;
  - (ii) fermenting;
  - (iii) bottling;
  - (iv) maturation/cellaring of wine; and

may include ancillary activities of administration, sale and/or promotion of wine product and dining;
- (b) be located within the boundary of a single allotment, which adjoins or is on the same allotment as a vineyard;
- (c) process primary produce primarily sourced from within the Mount Lofty Ranges Region;
- (d) only include dining facilities as an ancillary use to the winery;
- (e) where of 500 tonnes or greater crush capacity per annum be located not closer than 300 metres to a dwelling or tourist accommodation that is not in the ownership of the winery applicant.

**Wineries and Accessory and Subordinate Activities in the Watershed**

- 51 Wineries should be located on an allotment with a vineyard or adjacent to an allotment with a vineyard.
- 52 Wineries should only be established in Watershed Area 1, as shown on Figures AdHi(WA1)/1 to AdHi(WA1)/16, where:
- (a) the processing of grapes or grape product is less than the equivalent of a 250 tonne crush per annum; or
  - (b) the method of wastewater disposal is by means of a mains sewerage or common effluent scheme.
- 53 Wineries processing grapes or grape product exceeding the equivalent of a 500 tonne crush per annum should:
- (a) not store winery waste water in holding tanks; and
  - (b) locate winery waste water treatment equipment, effluent dams, buildings containing wine-making activities or buildings containing bottling activities no closer than 300 metres to:
    - (i) tourist accommodation (except where it is sited on the same allotment as the winery);
    - (ii) residential development (except where it is sited on the same allotment as the winery);
    - (iii) a zone that includes any of the following wording in its title:
      - (A) residential;
      - (B) country living;
      - (C) country township;
      - (D) public purpose;
      - (E) tourist accommodation;
      - (F) heritage.
- 54 Winery development should be of a scale that does not result in:
- (a) detrimental impacts upon rural landscapes, infrastructure and services; or
  - (b) the processing of grapes or grape product exceeding the equivalent of a 2500 tonne crush per annum on an allotment.
- 55 Winery development (including any accessory and subordinate uses) should be located within the boundary of a single allotment and there should be no more than one winery on an allotment.
- 56 Winery development should provide that all structures involving wine-making, wine storage, packaging and bottling are housed within enclosed buildings.
- 57 Wineries should be sited as follows:
- (a) a minimum of 300 metres from a:
    - (i) watercourse, where a watercourse is identified as a blue line on a current series 1:50 000 Government standard topographic map or where there is observed a clearly defined bed and banks and where water flows at any time;

- (ii) dam (but not including an effluent dam), bore or well

other than where an associated spill retention basin(s) is constructed, in which circumstances the setback can be reduced to 50 metres;

- (b) not within areas subject to inundation by a 100-year period flood event or sited on land fill which would interfere with the flow of such flood waters;
- (c) on land with a slope less than 20 percent (1 in 5).

**58** Wineries incorporating a spill retention basin(s), for the purposes of reducing the setback to a watercourse, dam, bore or well, should site and design the basins(s):

- (a) on the same allotment as the winery;
- (b) in close proximity to the wine-making, wine storage and waste water treatment facilities;
- (c) to minimise the risk of spills entering a downhill:
  - (i) watercourse, where a watercourse is identified as a blue line on a current series 1:50 000 Government standard topographic map or where there is observed a clearly defined bed and banks and where water flows at any time;
  - (ii) dam (but not including an effluent dam), bore or well
- (d) to capture at least 120 percent of the aggregate volume of juice, wine, brine and untreated waste water of the associated winery, which can be contained or produced at any one time during the peak of vintage;
- (e) to be impervious; and
- (f) to minimise the interception of any natural or artificial stormwater flow.

**59** Wineries involving the on-site treatment and disposal of waste water should:

- (a) connect to a system capable of treating the winery waste water to a biological oxygen demand (BOD) of less than 100 mg/litre before it is stored in the open for more than 48 hours;
- (b) dispose the treated winery waste water to a suitable irrigation field; and
- (c) mound the irrigation field in a manner that would direct excess effluent runoff to a spill retention basin(s) and minimise the potential for treated waste water to enter:
  - (i) an adjacent allotment;
  - (ii) public land;
  - (iii) a watercourse, where a watercourse is identified as a blue line on a current series 1:50 000 Government standard topographic map or where there is observed a clearly defined bed and banks and where water flows at any time;
  - (iv) a dam (but not including an effluent dam), bore or well.

**60** Winery waste water holding tanks should:

- (a) have a total storage capacity of more than four days total flow during the peak of vintage; and
- (b) be contained within an impervious, bunded area having a total liquid holding capacity of more than 120 percent of the total holding tank capacity.



### **Agricultural Industries (small-scale), Wineries, Mineral Water Extraction and Processing Plants**

**61** Agricultural industries, mineral water extraction and processing plants and wineries should:

- (a) incorporate all-weather on-site parking ( including for commercial vehicles) with safe and convenient access for staff and visitors;
- (b) utilise existing buildings and, in particular, buildings of heritage value, as an alternative to constructing new buildings (other than wineries in the Watershed);
- (c) locate any effluent system or effluent drainage field within the allotment of the development;
- (d) incorporate effluent management systems which ensure protection of surface and ground water and reduce the need for on-site storage systems and should accord with the following:
  - (i) effluent management systems and any malodours not impacting on the local environment, surface or ground water, and nearby soil and crop conditions;
  - (ii) storm water run-off from areas at wineries which are contaminated with grape or grape products be drained to winery effluent management systems during vintage periods;
  - (iii) storm water from roofs and clean hard paved surfaces at a winery diverted away from winery effluent management systems and disposed of in an environmentally sound manner or used for productive purposes;
  - (iv) storm water management incorporating techniques which avoid erosion and maintain water quality, through development of on-site detention, retention basins or other appropriate means;
- (e) be set-back at least 50 metres (other than wineries in the Watershed) from any bore, well or watercourse, where a water course is identified as a blue line on a current series 1:50 000 Government standard topographic map, or where there is observed a clearly defined bed and banks and where water flows at any time and includes a;
  - (i) dam or reservoir that collects water flowing in a watercourse;
  - (ii) lake through which water flows;
  - (iii) channel into which water has been diverted;
  - (iv) known underground seepage condition;
- (f) be located within the boundary of a single allotment including any ancillary uses and there should be not more than one industry located on an allotment;
- (g) process primary produce that is grown within the Mount Lofty Ranges Region as shown on Figure 1 Mount Lofty Ranges Region and sell goods manufactured and produced by the industry;
- (h) enhance the rural/agricultural character and/or heritage features and tourist activities of the Mount Lofty Ranges Region;
- (i) include signage, which is designed and located to complement the features of the surrounding area, enhance visitors' experience of the Mount Lofty Ranges Region and facilitate access to the site and which:
  - (i) does not exceed 2 square metres in area per sign;
  - (ii) is limited to 1 sign per establishment (for agricultural and home based industries);
  - (iii) is not internally illuminated.



**62** Agricultural industries, mineral water extraction and processing plants and wineries should not:

- (a) necessitate significant upgrading of public infrastructure including roads and other utilities, unless upgrading would be required through normal maintenance or was imminent due to growth in demand in the locality;
- (b) generate traffic beyond the capacity of roads necessary to service the development;
- (c) result in traffic volumes that would be likely to adversely alter the character and amenity of the locality;
- (d) generate significant additional traffic noise or other nuisance which would detract from residents' or other land holders' enjoyment of the locality;
- (e) generate noise of greater than 40 decibels during the hours of 10 pm to 7am and 47 decibels between 7 am to 10 pm respectively as measured at the nearest neighbouring dwelling or boundary of a vacant allotment; and
- (f) be located on land with a slope greater than 20 percent (1 in 5).

**63** Agricultural industries, wineries (but not including those located in the Watershed) and mineral water extraction and processing plants should not be located:

- (a) on land that is classified as being poorly drained or very poorly drained;
- (b) within 800 metres of a high water level of a public water supply reservoir; or
- (c) closer than 300 metres to a dwelling or tourist accommodation that is not in the ownership of the applicant.

**64** Agricultural industries (not including wineries) and mineral water extraction and processing plants should not be located within a 900 millimetres or greater rainfall per year area in the Watershed, with the exception of mineral water extraction and processing plants where bottling and packaging of mineral water in non-refillable containers for sale and distribution is to be undertaken.

**Watershed Areas - Cellar Door Sales Outlets, Restaurants and Shops where the tasting of wine and retail sale of wine are the predominant activities and where the sale of wine is limited to that which is uniquely the licensee's own product**

**65** Restaurants should only be established in Watershed Area 1, as shown on Figures AdHi(WA1)/1 to AdHi(WA1)/16, where connected to a mains sewerage or common effluent scheme.

**66** Restaurants should:

- (a) be established on the same allotment as, and be visually associated with a winery or shop where the tasting of wine and retail sale of wine are the predominant activities and where the sale of wine is limited to that which is uniquely the licensee's own product;
- (b) not result in more than 75 seats for customer dining purposes on the allotment; and
- (c) not result in a gross leasable area of greater than 25 square metres for the display and sale of any non-beverage or non-food items on the allotment.

**67** Cellar door sales outlets should:

- (a) be established on the same allotment as a winery;
- (b) primarily sell and offer the tasting of wine that is produced within the Mount Lofty Ranges Region, as shown on Mount Lofty Ranges Region Figure 1;
- (c) not result in a gross leasable area of greater than 25 square metres for the display and sale of any non-beverage or non-food items on the allotment; and

- (d) not result in a gross leasable area of greater than 250 square metres for wine tasting and retail sales (and this includes any retail sale of non-beverage or non-food items).
- 68 Shops where the tasting of wine and retail sale of wine are the predominant activities and where the sale of wine is limited to that which is uniquely the licensee's own product should:
- (a) be established on the same allotment as a vineyard, where the vineyard should be at least 0.5 hectares;
  - (b) primarily sell and offer the tasting of wine that is produced within the Mount Lofty Ranges Region, as shown on Mount Lofty Ranges Region [Figure 1](#);
  - (c) not result in a gross leasable area of greater than 25 square metres for the display and sale of any non-beverage or non-food items on the allotment; and
  - (d) not result in a gross leasable area of greater than 250 square metres for wine tasting and retail sales (and this includes any retail sale of non-beverage or non-food items).
- 69 Restaurants, cellar door sales outlets and shops where the tasting of wine and retail sale of wine are the predominant activities and where the sale of wine is limited to that which is uniquely the licensee's own product should:
- (a) not be sited:
    - (i) within areas subject to inundation by a 100-year period flood event or sited on land fill which would interfere with the flow of such flood waters;
    - (ii) on land with a slope more than 20 percent (1 in 5);
  - (b) be setback a minimum of 25 metres from any bore, well or watercourse, where a watercourse is identified as a blue line on a current series 1:50 000 Government standard topographic map or where there is observed a clearly defined bed and banks where water flows at any time and includes all:
    - (i) dams or reservoirs that collect water flowing in a watercourse;
    - (ii) lakes through which water flows;
    - (iii) channels into which water has been diverted; and
    - (iv) any known underground seepage condition;
  - (c) be setback a minimum of 50 metres from a road other than where occupying a local or state heritage listed building;
  - (d) not result in ribbon development along roads; and
  - (e) maintain a clear delineation between urban and rural development.

#### Non-complying Development

- 70 All kinds of development are **non-complying** in the Watershed (Primary Production) Zone except for the following:

##### Advertisements

- (a) within a 60 km/h or 80 km/h speed restriction; or
- (b) where the advertisement has an advertisement area of two square metres or less, and providing the message contained thereon relates entirely to a lawful use of land. The advertisement is erected on the same site as that use, and the advertisement will not result in more than two advertisements on the site

Additions and alterations to an existing building, and extensions to an existing use or activity on the land, which is being lawfully undertaken, where the total floor area or site area of the extension does not exceed 25 percent of the total floor area or site area of that building or use as at 25 May 2006

Agricultural industry (not including wineries) where:

- (a) at least one of the following activities associated with the processing of primary produce takes place.
  - (i) washing;
  - (ii) grading;
  - (iii) processing (including bottling);
  - (iv) packing or storage; and may include an ancillary area for sale of produce (including display areas); and
- (b) the total combined area for any one or any combination of these activities (including ancillary activities) does not exceed 250 square metres per allotment with a maximum building area of no greater than 150 square metres, including a maximum area of 50 square metres for sale and display of goods manufactured in the industry; and
- (c) the industry, including any ancillary uses, is located within the boundary of a single allotment; and
- (d) there is no more than one industry located on an allotment; and
- (e) the industry is not located in areas subject to inundation by a 100 year return period flood event or sited on land fill which would interfere with the flow of such flood waters; and
- (f) the industry is connected to an approved effluent disposal scheme or has an on site waste water treatment and disposal method which complies with the requirements of the South Australian Environment Protection Authority, and
- (g) the industry effluent system and any disposal area are located within the allotment of the development; and
- (h) the industry is not located:
  - (i) within a 900 millimetres or greater rainfall per year area;
  - (ii) on land with a slope greater than 20 percent (1 in 5);
  - (iii) on land that is classified as being poorly drained or very poorly drained;
  - (iv) within 50 metres of any bore, well or watercourse, where a water course is identified as a blue line on a current series 1:50 000 Government standard topographic map, or where there is observed a clearly defined bed and banks and where water flows at any time;
  - (v) within 800 metres of the high water level of a public water supply reservoir; and
- (i) the industry does not have a septic tank and sub-surface soakage field or disposal area or any other waste water treatment facility located on land subject to inundation by a 10 year return period flood event.

Alterations or additions to an existing dwelling where;

- (a) the extension does not exceed 50 percent of the floor area of an existing dwelling; or
- (b) the extension does exceed 50 percent of the floor area of an existing dwelling, and which comply with the criteria in Table AdHi/5

Aviary

Cabin within a Caravan Park in the Caravan and Tourist Park Policy Area

Camping ground in association with and ancillary to tourist accommodation in the Caravan and Tourist Park Policy Area

Caravan Park including alterations and additions to existing facilities in the Caravan and Tourist Park Policy Area

Caravan permanently fixed to land in the Caravan and Tourist Park Policy Area 40

Carport

Cellar door sales outlet, where:

- (a) the tasting of wine and retail sale of wine are the predominant activities;
- (b) it does not result in a gross leasable area of greater than 250 square metres for wine tasting and retail sales on the allotment (and this includes any retail sale of non-beverage or non-food items);
- (c) the method of waste water disposal does not involve the storage of wastewater in holding tanks;
- (d) the development is setback at least 25 metres from a bore, well or watercourse identified as a blue line on a current series 1:50 000 Government standard topographic map or where there is observed a clearly defined bed and banks in which water may flow at any time; and
- (e) no part of the development is undertaken in areas subject to inundation by 1 in 100-year average flood or sited on land fill that would interfere with the flow of such flood waters.

Commercial Forestry

Commercial Forestry Building

Community Centre

Community Facility

Dairy

Dam associated with and ancillary to farming, horticulture, horse keeping or commercial forestry

Deck attached to a dwelling

Dwelling comprising a manager's residence in association with and ancillary to tourist accommodation within the Caravan and Tourist Park Policy Area

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

Domestic Outbuilding

Environmental Cover(s) associated with horticulture

Excavation and/or filling of land (excluding the forming of a levee or mound) subject to flooding as shown on Figures AdHiFPA/1 to 19 or within other areas subject to flooding or inundation by a 1 in 100 year average return interval flood event

Farming

Farm Buildings

Fence

Fire Station

Forming of a levee or mound provided it is not located on land designated as subject to flooding on Figures AdHiFPA/1 to 19

Frost Fan

Garage



Horse keeping and associated and ancillary buildings and structures including stables, shelters and exercise yards where:

- (a) associated and ancillary buildings and structures are not located in areas subject to inundation by a 1:100 ARI flood event; and
- (b) not located on land where any part of the land has a slope exceeding 12 degrees; and
- (c) the average rainfall does not exceed 1000 millimetres annually; and
- (d) associated and ancillary buildings, structures and intensive exercise areas are not located within 25 metres of any watercourse

#### Horticulture

##### Horticultural Building

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

Land Division where no additional allotments are created, either partly or wholly, within the Caravan and Tourist Park Policy Area, and where a lease or license agreement is made, granted or accepted under the Residential Parks Act 2007

Mineral water extraction and processing plant where:

- (a) at least one of the following activities associated with the extraction and processing of mineral water takes place;
  - (i) extraction;
  - (ii) bottling;
  - (iii) packaging;
  - (iv) storage,
  - (v) distribution; and may include ancillary activities of administration and sale or promotion of mineral water product; and
- (b) the total combined area for any one or any combination of these activities (including ancillary activities) does not exceed 450 square metres per allotment with a maximum building area of no greater than 250 square metres, including a maximum area of 50 square metres for sale and display of goods manufactured in the industry; and
- (c) the industry, including any ancillary uses, is located within the boundary of a single allotment; and
- (d) there is no more than one industry located on an allotment; and
- (e) the industry is not located in areas subject to inundation by a 100 year return period flood event or sited on land fill which would interfere with the flow of such flood waters; and
- (f) the industry is connected to an approved sewage effluent disposal scheme or has an on site waste water treatment and disposal method which complies with the requirements of the South Australian Environment Protection Authority; and
- (g) the industry effluent system and any effluent drainage field are located within the allotment of the development; and
- (h) the building for bottling/packaging of mineral water for sale and distribution in refillable containers is not located:

- (i) within a 900 millimetres or greater rainfall per year area;
- (ii) on land with a slope greater than 20 percent (1 in 5);
- (iii) on land that is classified as being poorly drained or very poorly drained;
- (iv) within 50 metres of any bore, well or watercourse, where a water course is identified as a blue line on a current series 1: 50 000 Government standard topographic map, or where there is observed a clearly defined bed and banks and where water flows at any time;
- (v) within 800 metres of the high water level of a public water supply reservoir; and
- (i) the industry does not have a septic tank or any other waste water treatment facility located on land subject to inundation by a 10 year return period flood event.

Organic waste processing facility where:

- (a) a leachate barrier is provided between the operational areas and the underlying soil and groundwater of an organic waste processing operation proposed to be located on a site that is wholly or partly within a water protection area; and
- (b) the proposed organic waste processing operation is located on a site with ground slopes no greater than 6 percent; and
- (c) the proposed organic waste processing operation is located a minimum distance of 100 metres from any dam, river, creek, natural watercourse, channel or bore and not within the area of a 1 in 100 year flood event; and
- (d) the proposed organic waste processing operation is located on land with a depth to subsurface seasonal, tidal or permanent groundwater of 2 metres or greater; and
- (e) the land to be used for the organic waste processing operation is at least a distance of 500 metres from the nearest dwelling, shop, office, public institution or other building designed primarily for human occupation; or
- (f) the proposed organic waste processing operation employs an in-vessel or fully enclosed composting system where a lesser distance to the nearest dwelling, shop, office, public institution or other building designed primarily for human occupation may be appropriate.

Outbuilding  
Recreation Area

Restaurant located in Watershed Area 1, as shown on Figures AdHi(WA1)/1 to AdHi(WA1)/16, where:

- (a) it is located on the same allotment as a winery or a shop where the tasting of wine and retail sale of wine are the predominant activities and where the sale of wine is limited to that which is uniquely the licensee's own product;
- (b) the method of waste water disposal is by means of a mains sewerage or common effluent scheme;
- (c) it does not result in more than 75 seats for customer dining purposes on the allotment;
- (d) the development is setback at least 25 metres from a bore, well or watercourse identified as a blue line on a current series 1:50 000 Government standard topographic map or where there is observed a clearly defined bed and banks in which water may flow at any time; and
- (e) no part of the development is undertaken in areas subject to inundation by a 1 in 100-year average flood or sited on land fill that would interfere with the flow of such flood waters.

Restaurant located outside of Watershed Area 1, as shown on Figures AdHi(WA1)/1 to AdHi(WA1)/16, where:

- (a) it is located on the same allotment as a winery or a shop where the tasting of wine and retail sale of wine are the predominant activities and where the sale of wine is limited to that which is uniquely the licensee's own product;
- (b) the method of waste water disposal does not involve the storage of waste water in holding tanks;
- (c) it does not result in more than 75 seats for customer dining purposes on the allotment;
- (d) the development is setback at least 25 metres from a bore, well or watercourse identified as a blue line on a current series 1:50 000 Government standard topographic map or where there is observed a clearly defined bed and banks in which water may flow at any time; and
- (e) no part of the development is under taken in areas subject to inundation by a 1 in 100-year average flood or sited on land fill that would interfere with the flow of such flood waters.

Retaining Wall

Shop where:

- (a) the tasting of wine and retail sale of wine are the predominant activities;
- (b) the sale and tasting of wine is limited to that which is uniquely the licensee's own product;
- (c) it is established on the same allotment as a vineyard, where the vineyard is at least 0.5 hectares;
- (d) it does not result in a gross leasable area of greater than 250 square metres for wine tasting and retail sales on the allotment (and this includes any retail sale of non-beverage or non-food items);
- (e) the method of waste water disposal does not involve the storage of wastewater in holding tanks;
- (f) the development is setback at least 25 metres from a bore, well or watercourse identified as a blue line on a current series 1:50 000 Government standard topographic map or where there is observed a clearly defined bed and banks in which water may flow at any time; and
- (g) no part of the development is undertaken in areas subject to inundation by 1 in 100-year average flood or sited on land fill that would interfere with the flow of such flood waters.

Swimming Pool associated with a dwelling and intended primarily for use by occupants of that dwelling

Telecommunications Facilities below 30 metres in height

Tennis Court Fence where the tennis court is associated with a dwelling

Tennis Court Light poles and lighting where the tennis court is associated with a dwelling

Tourist Accommodation and ancillary uses:

- (a) within part of or as an extension to a dwelling or lawful tourist accommodation existing as at 14 September 1990, and where up to eight guests are accommodated in hosted accommodation; or
- (b) wholly within a dwelling or lawful tourist accommodation existing as at 14 September 1990, and where up to ten guests are accommodated in non-hosted accommodation; or



- (c) wholly within or within part of or as an extension to a State or Local Heritage Place identified in Tables AdHi/1 to 2, and where no more than 30 guests are accommodated on a single allotment and where no other habitable building erected after 21 September 2000 exists;

and which in all cases complies with the criteria in Table AdHi/5

Tourist Park in the Caravan and Tourist Park Policy Area

Verandah

Water Tank

Wind farm and ancillary development such as substations, maintenance sheds, access roads and connecting power lines (including to the National Electricity Grid) located outside the Barossa Valley Character Preservation District as defined by Character Preservation legislation

Wind monitoring mast located outside the Barossa Valley Character Preservation District as defined by Character Preservation legislation

Wind turbine within the Barossa Valley Character Preservation District as defined by Character Preservation legislation where the turbine generates power to be used wholly for activities to be located on the property upon which the turbine is situated and the turbine does not exceed 10 metres in height

Winery located in Watershed Area 1, as shown on Figures AdHi(WA1)/1 to AdHi(WA1)/16, where:

- (a) it includes at least one of the following activities associated with the making of wine:

- (i) grape crushing;
- (ii) juice fermentation;
- (iii) wine maturation

and may include one or more of the following as accessory and subordinate activities:

- (iv) administration;
- (v) bottling;
- (vi) packaging;
- (vii) storage of wine;
- (viii) waste water treatment, storage and disposal (where the processing of grapes or grape product does not exceed the equivalent of a 250 tonne crush per annum);

- (b) at least one of the following applies:

- (i) the processing of grapes or grape product does not exceed the equivalent of a 250 tonne crush per annum; or
- (ii) the proposed method of waste water disposal is by means of a mains sewerage or common effluent disposal scheme;

- (c) the development is setback at least 50 metres from a bore, well or watercourse identified as a blue line on a current series 1:50 000 Government standard topographic map or where there is observed a clearly defined bed and banks in which water may flow at any time;

- (d) no part of the development is undertaken in areas subject to inundation by 1 in 100-year average flood or sited on land fill which would interfere with the flow of such flood waters; and



- (e) all structures involving wine-making, wine storage, packaging and bottling are housed within enclosed buildings.

Winery located outside of Watershed Area 1, as shown on Figures AdHi(WA1)/1 to AdHi(WA1)/16, where:

- (a) it includes at least one of the following activities associated with the making of wine:
  - (i) grape crushing;
  - (ii) juice fermentation;
  - (iii) wine maturation
 and may include one or more of the following as accessory and subordinate activities:
  - (iv) administration;
  - (v) bottling;
  - (vi) packaging;
  - (vii) storage of wine;
  - (viii) waste water treatment, storage and disposal;
- (b) the processing of grapes or grape products exceeds the equivalent of a 500 tonne crush per annum, the method of waste water disposal does not involve the storage of waste water in holding tanks;
- (c) the development is setback at least 50 metres from a bore, well or watercourse identified as a blue line on a current series 1:50 000 Government standard topographic map or where there is observed a clearly defined bed and banks in which water may flow at any time;
- (d) no part of the development is undertaken in areas subject to inundation by 1 in 100-year average flood or sited on land fill which would interfere with the flow of such flood waters; and
- (e) all structures involving wine-making, wine storage, packaging and bottling are housed within enclosed buildings.

#### Public Notification

- 71** The following kinds of development (including any combination of any of the following or more than one of a particular kind) are assigned as **Category 1**, other than where the development is classified as non-complying:

##### Advertisements

Any alteration or addition to a local heritage place

Aviary with a floor area of 30 square metres or less

Combined fence and retaining wall where the total height does not exceed 2 metres measured from the lower of the two adjoining finished ground levels

Commercial forestry building with a floor area of 300 square metres or less

Dam with a wall height not exceeding 2 metres in height above natural ground level

Deck attached to a dwelling with a maximum height not exceeding 1 metre above natural ground level

Excavation and/or filling of land not incidental to building work but which constitutes development where the maximum depth of excavation or height of fill is 1.5 metres

Fence constructed of post and wire or mesh and not exceeding 2.5 metres in height above natural ground level

Horse Keeping Building with a floor area of 100 square metres or less

Horticultural building with a floor area of 300 square metres, or less, and a maximum wall height of 6 metres and a maximum total height of 8.0 metres above natural ground level  
 Partial demolition of a local heritage place  
 Recreation Area  
 Retaining Wall not exceeding 1.5 metres in height above natural ground level  
 Water Tank

- 72 The following kinds of development (including any combination of any of the following or more than one of a particular kind) are assigned as **Category 2**, other than where the development is classified as non-complying:

Agricultural Industry  
 Cellar Door Sales Outlet  
 Combined fence and retaining wall where the total height exceeds 2 metres measured from the lower of the two adjoining finished ground levels  
 Community Centre  
 Community Facility  
 Dairy  
 Deck attached to a dwelling (where not assigned as Category 1)

Dwelling where:

- (a) it is to be established adjacent to an allotment that contains a lawfully existing winery processing grape or grape product exceeding the equivalent of a 500 tonne crush per annum; or
- (b) it is to be established within 300 metres of any winery wastewater treatment equipment, effluent dam, building containing wine-making activities, and buildings containing bottling activities associated with a lawfully established winery processing grape or grape product exceeding the equivalent of a 500 tonne crush per annum

Environmental Cover(s) associated with horticulture  
 Excavation and/or filling of land not incidental to building work but which constitutes development (where not assigned as Category 1)  
 Fire Station  
 Horticultural Building (where is not assigned as Category 1)  
 Horticulture, other than olive growing  
 Mineral Water Extraction and/or Processing Plant where bottling plants only use non refillable containers  
 Restaurant  
 Retaining Wall (where not assigned as Category 1)

Shop where:

- (a) the tasting of wine and retail sale of wine are the predominant activities;
- (b) the sale and tasting of wine is limited to that which is uniquely the licensee's own product;
- (c) it is established on the same allotment as a vineyard, where the vineyard is at least 0.5 hectares.

Tennis Court Fence where the tennis court is associated with a dwelling  
 Tennis Court Light Poles and lighting where the tennis court is associated with a dwelling  
 Tourist Accommodation

Winery processing grapes or grape product less than the equivalent of a 500 tonne crush per annum

Winery where:

- (a) the processing of grapes or grape product exceeds the equivalent of a 500 tonne crush per annum; and

- (b) winery waste water treatment equipment, effluent dams, buildings containing wine-making activities and buildings containing bottling activities are located more than 300 metres from:
  - (i) tourist accommodation (except where it is sited on the same allotment as the winery);
  - (ii) residential development (except where it is sited on the same allotment as the winery);
  - (iii) a zone that includes any of the following wording in its title:
    - (A) residential;
    - (B) country living;
    - (C) country township;
    - (D) public purpose;
    - (E) tourist accommodation;
    - (F) heritage.

## Rural Landscape Policy Area

### Introduction

The objectives and principles of development control that follow apply in the Rural Landscape Policy Area of the Watershed (Primary Production) Zone shown on Maps AdHi/42, 62 to 64, 66 to 76 and 78 to 89. They are additional to those expressed for the whole of the council area.

### OBJECTIVES

- Objective 1:** A Policy Area primarily for Primary Production with rural living in localities where the allotments are small.
- Objective 2:** Retention of low density rural and rural living activities and exclusion of land uses which would create nuisance to surrounding properties.
- Objective 3:** A scenically attractive rural character.
- Objective 4:** A pleasant rural character derived from the retention of existing flora and fauna, including significant stands of vegetation.
- Objective 5:** Protection of water, air and land resources from pollution.
- Objective 6:** Minimization of fire risk.

### PRINCIPLES OF DEVELOPMENT CONTROL

#### Form of Development

- 1 Development should be primarily for farming and horticulture, with natural open space in order to retain the qualities and amenity of the locality.
- 2 Development not being primary production should be for residential and ancillary purposes, not causing nuisance to neighbouring allotments.

#### Centres and Shops

- 3 Shops, motor repair stations and petrol filling stations in the villages of Longwood and Bradbury should be appropriate to the requirements of residents of the locality and the amenity of the locality should not be detrimentally affected by the development.



- (a) development should not generate significant increases in traffic;
  - (b) the location and design of access points and car parking should ensure the safe and convenient movement of people and goods;
  - (c) the layout of car parking areas should be designed to enable vehicles to access and egress the site in a forward direction; and
  - (d) the development should provide sufficient off-street car parking at a rate of one car parking space per 15 square metres of gross leasable floor area.
- 19 A stall should not be located on land abutting roads unless vehicles are able to access and egress the site in a safe and convenient manner.
- 20 Access points onto Greenhill Road should not be allowed unless they are safe and convenient and would not lead to disruption of the free flow of traffic on Greenhill Road.
- 21 Development should not cause unreasonable overshadowing on adjoining allotments, or glare, reflections, or any other undesirable micro-climate effect.
- 22 Existing indigenous mature trees and bushland areas should, wherever possible and not inconsistent with good bushfire protection management, be preserved.
- 23 Buildings should be in sympathy with the features and amenity of the rural environment and designed to blend with and enhance its open and attractive appearance.
- 24 No development should impair, disfigure, interfere with or be detrimental to the amenity, aesthetic appearance or scenic beauty of the locality.
- 25 Landscaping should be provided where necessary to screen buildings from any public road.
- 26 Development or activities associated with development should not be undertaken unless effluent and other waste can be effectively disposed of without risk to public health or damage to the environment.

## **Water Protection (Marble Hill) Policy Area**

### **Introduction**

The objectives and principles of development control that follow apply in the Water Protection (Marble Hill) Policy Area of the Watershed (Primary Production) Zone shown on Maps AdHi/42, 43, 47 to 49, 51, 52, 59, 60, 62 to 64, 66, 67 and 69. They are additional to those expressed for the whole of the council area.

### **OBJECTIVES**

- Objective 1:** Retention of agricultural activities which have low pollution potential.
- Objective 2:** Processing activities and facilities associated with horticulture should be sited to ensure all buildings and structures are clustered.
- Objective 3:** Restricted residential development on existing allotments only, provided water resources are protected.
- Objective 4:** No intensification of urban development.
- Objective 5:** Protection of the surrounds of the townships of Summertown and Uraidla to enhance the country town atmosphere and character.



## PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Residential development should be limited to detached dwellings only and sited and designed so that:
  - (a) it does not adversely affect the general rural character and amenity of the landscape by way of siting, bulk or appearance;
  - (b) it is compatible with the nature and type of adjoining development;
- 2 Light industrial development should be limited to the handling, washing, packing, bottling, canning, labelling and processing of primary produce.
- 3 Light industrial development should involve, but not necessarily be limited to, the processing of produce grown on the property on which the industry is situated.
- 4 The site area allocated to processing in association with light industrial development (other than access and car parking areas) should not exceed 2000 square metres.
- 5 Store and warehouse development should involve, but not necessarily be limited to, the storage and carrying out of commercial transactions of produce grown on the property on which the store or warehouse is situated.
- 6 The site area allocated for storage of goods within a store, or the storage of goods and carrying out of commercial transactions within a warehouse, should not exceed 2000 square metres.
- 7 Development should:
  - (a) be of a scale and intensity which is unlikely to have a detrimental impact on the locality; and
  - (b) not prejudice primary production within the locality.
- 8 No building should be erected within 25 metres of a public road where it would impair, disfigure, interfere with or be in any way detrimental to the aesthetic appearance or natural beauty which is characteristic of the locality.
- 9 No part of any non-residential building should be located closer than 20 metres from the side and rear boundaries of the allotment.
- 10 Buildings should not exceed ten metres in height above natural ground level.
- 11 Buildings should be unobtrusively located, particularly when near public roads and scenic vantage points.
- 12 Landscaping to screen buildings should form an integral part of the development.
- 13 Existing indigenous mature trees, bushland and areas of significant natural habitat should, subject to good bushfire protection management, be preserved.
- 14 Development should not cause unreasonable overshadowing on adjoining allotments, or glare, reflections, or create any other undesirable micro-climate effect.
- 15 Buildings associated with horse keeping should blend in with the natural environment and not detrimentally affect the amenity of the locality in which they are situated.

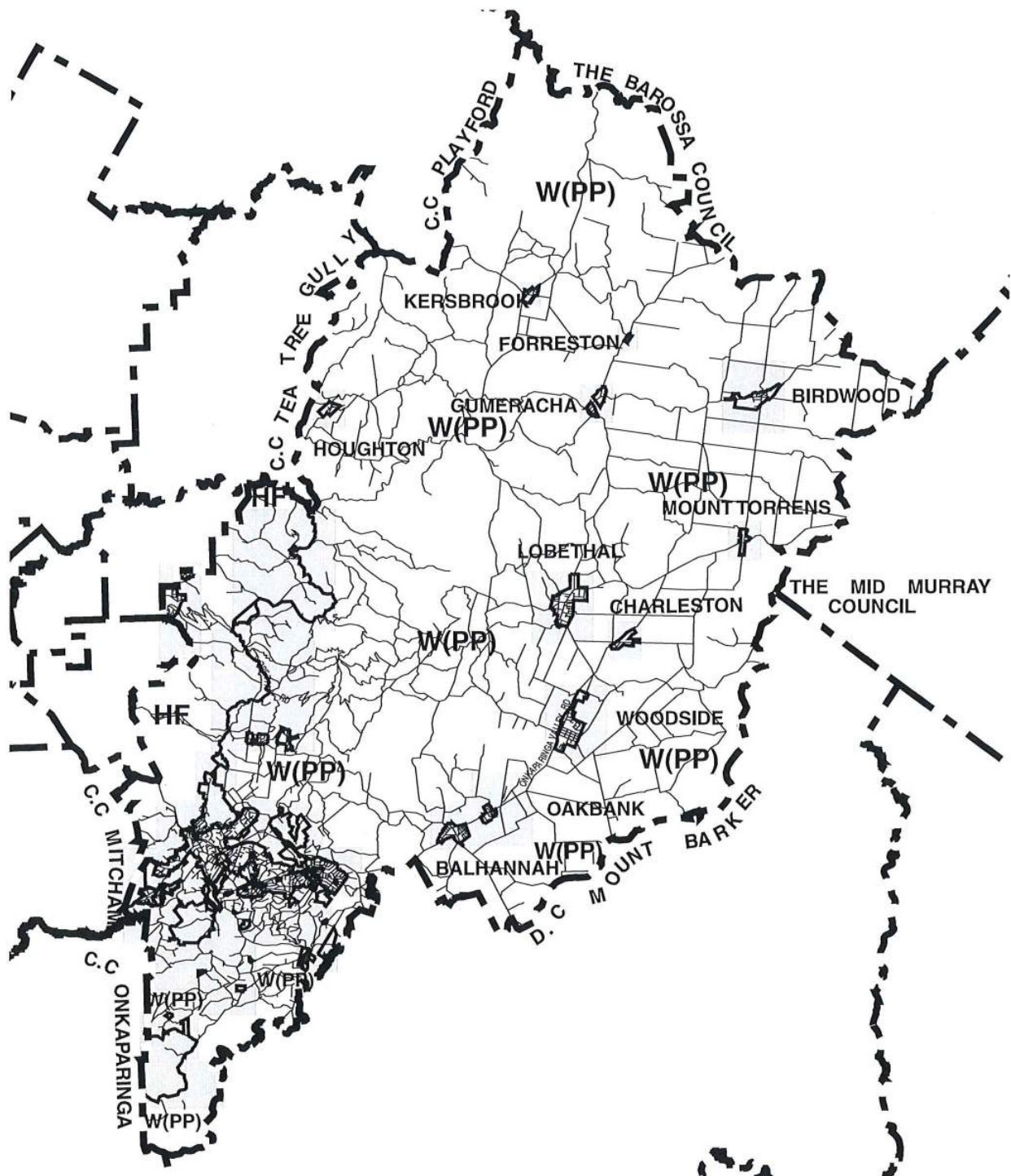
## Rural (Norton Summit) Policy Area

### Introduction

The objectives and principles of development control that follow apply to the Rural (Norton Summit) Policy Area of the Watershed (Primary Production) Zone shown on [Maps AdHi/47 and 51](#). They are additional to those expressed for the whole council area.

**TABLE AdHi/5****Non-complying Exemptions**

- (a) Is not located on land subject to flooding as shown on Figures AdHiFPA/1 to 19 or other areas subject to flooding or inundation by a 1 in 100 year average return interval flood event or situated on land fill which would interfere with the flow of flood waters.
- (b) Is connected to an approved sewerage or common effluent disposal scheme or has an existing, or approved, on-site waste water treatment and disposal method which complies with the Standard for the Installation and Operation of Septic Tank Systems in South Australia (including Supplements A & B) as prepared by the South Australian Health Commission;
- (c) Does not have any part of a septic tank effluent drainage field or any other waste water disposal area (eg irrigation area) located within 50 metres of a watercourse identified on a current series 1:50 000 Government standard topographic map and when locating tourist accommodation for eleven guests or more any effluent generated is not disposed onto land:
  - (i) In a high rainfall zone (>900 mm/year);
  - (ii) Within 200 metres of a major watercourse (3<sup>rd</sup> or higher order);
- (d) Does not have a waste water disposal area located on any land with a slope greater than 20 percent (1 in 5), or depth to bedrock or seasonal or permanent watertable less than 1.2 metres;
- (e) Does not have a septic tank or any other waste water treatment facility located on land likely to be inundated by a 10 year return period flood event;
- (f) Is sited at least 25 metres from any watercourse identified on a current series 1:50 000 Government standard topographic map;
- (g) In the case of tourist accommodation, has a secure, potable water supply that can provide at least 125 litres per person per day (including staff) that meets the South Australian Health Commission standards.



NOTE: For Policy Index See MAP AdHi/41  
 HF Hills Face  
 W(PP) Watershed (Primary Production) zone



## ADELAIDE HILLS COUNCIL ZONES MAP AdHi/3

— Zone Boundary  
 - - - Development Plan Boundary