

DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 186 – FRIDAY 15 MAY 2015

**WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

MEMBERS PRESENT: Denis Burke (Chairman), Keith Aitken, Bob Shewring, Michael Bowman and Frank Crawley

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Allison Hooper and Dawn Parkes (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 am and closed at 2.00 pm

MINUTES RECORD THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 **SUBDIVISION TO CREATE FOUR LOTS FOR THE PURPOSE OF LEASES IN**
PA2014/1005 **EXCESS OF 12 YEARS**
APPLICANT **LOT 82 (740) GIRRAWEEEN ROAD, HUNDRED OF STRANGWAYS**
TELSTRA CORPORATION LIMITED

The applicant did not attend.

RESOLVED That, pursuant to section 52(3)(a) of the *Planning Act*, the Development Consent
81/15 Authority notifies the Minister that it intends making a decision that is contrary to a
planning scheme provision referred to in section 9(1)(a) of the Act.

RESOLVED That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent
82/15 Authority defer consideration of the application to develop Lot 82 (740) Girraween
Road, Hundred of Strangways for the purpose of subdivision to create 4 lots for the
purpose of leases in excess of 12 years, in order to enable the Authority to write to
the Minister to inform him that the Authority intends making a decision that is
contrary to a planning scheme provision referred to in section 9(1)(a) of the Act.

RESOLVED That, pursuant to section 86 of the *Planning Act*, the Authority delegates to the
83/15 Chairman, or in the Chairman's absence any one of the other members of the
Litchfield Division, the power under section 53 of the Act, to determine the
application to develop Lot 82 (740) Girraween Road, Hundred of Strangways for the
purpose of a subdivision to create 4 lots for the purpose of leases in excess of 12 years
subject to a response from the Minister under section 52(3)(b)(i) or no response being
received under section 52(3)(b)(ii) of the Act.

REASONS FOR THE DECISION

1. Section 52(1) of the Act states that the Development Consent Authority must not consent to a proposed development under section 53 if (a) in its opinion, the proposed development is contrary to a planning scheme provision referred to in section 9(1)(a) (ie the Northern Territory Planning Scheme). Despite this, section 52(3) states that the Development Consent Authority may consent to a proposed development under section 53 although the proposed development is contrary to a planning scheme provision if (a) the Authority notifies the Minister in writing and (b) either the Minister gives approval to the giving of consent, or does not respond within 14 days of being notified.

2. Deferral of the application is considered necessary in order to enable the Authority to write to the Minister to inform him that the Authority intends making a decision that is contrary to a planning scheme provision referred to in section 9(1)(a) of the Act. Without undertaking the act of writing to the Minister, the proposal cannot be approved.

ACTION: Advice to Applicant

**ITEM 2
PA2015/0239
APPLICANT**

**INDEPENDENT UNIT WITH INDEPENDENT EFFLUENT DISPOSAL SYSTEM
LOT 32 (505) STRANGWAYS ROAD, HUNDRED OF STRANGWAYS
ONE PLANNING CONSULT**

Mr Israel Kgosiemang (One Planning Consult) attended.

**RESOLVED
84/15**

That, the Development Consent Authority vary the requirements of Clause 7.10.4 (Independent Units) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 32 (505) Strangways Rd, Hundred of Strangways for the purpose of an independent unit with independent effluent disposal system, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) All existing and proposed crossovers and driveways servicing both the single dwelling and independent unit (if any new access is proposed, approval from Litchfield Council will also need to be submitted).

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The owner of the land must enter into agreements with the Power and Water Corporation for the provision of electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. An approved effluent disposal system to the requirements of the Department of Health and to the satisfaction of the consent authority must be installed concurrently with the erection of the independent unit and all waste must be disposed of within the curtilage of the property.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the development is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. The applicant is advised to engage a building certifier, within the meaning of the *Building Act*, as to whether the building complies with the *Building Act* and associated Regulations.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

A variation of Clause 7.10.4 (Independent Units) is supported as the proposed independent effluent disposal system has been approved by a licensed plumber and service authorities did not raise any issues of concern.

2. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The proposed independent unit would be unlikely to have an adverse impact on the existing and future amenity of the area. The size of the independent unit is within the permitted allowance and setbacks in excess of the required 10m are provided to all boundaries.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2015/0221

**INDEPENDENT UNIT WITH FLOOR AREA IN EXCESS OF 80M² AND
INDEPENDENT EFFLUENT DISPOSAL SYSTEM
SECTION 2230 (365) SPENCER ROAD, HUNDRED OF CAVENAGH
HEINER STRUCTURAL ENGINEERING CONSULTANTS PTY LTD**

APPLICANT

The applicant sent their apologies.

RESOLVED
85/15

That, the Development Consent Authority vary the requirements of Clause 7.10.4 (Independent Units) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 2330 (365) Spencer Road, Hundred of Cavanagh for the purpose of an independent unit with a floor area in excess of 80m² and independent effluent disposal system, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show dimensioned elevation drawings, site plan and floor plan, drawn to scale.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the development is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

A variation of Clause 7.10.4 (Independent Units) to enable the floor area of the independent unit to exceed 80 m² is supported as the lot is over four times the minimum lot size in Zone R and the independent dwelling is located approximately 169 m from the neighbouring dwelling such that

there is unlikely to be any impact on the amenity of the single dwelling, or any adjoining properties.

A separate wastewater treatment system was confirmed as being appropriate to the site by a licenced certifying plumber and there were no objections received from the Department of Health or Department of Land Resource Management.

2. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The proposed independent unit is not expected to impact upon the existing and future amenity of the area.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2015/0188
APPLICANT

SUBDIVISION TO CREATE TWO LOTS
SECTION 2463 (130) WILLIAM ROAD, HUNDRED OF CAVENAGH
MASTERPLAN NT

Mr Jack Priestly (Masterplan NT) attended and tabled a response to submissions.

RESOLVED
86/15

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 2463 (130) William Road, Hundred of Cavenagh for the purpose of subdivision to create 2 lots, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works, a schematic plan demonstrating the onsite collection of stormwater and its discharge into the Litchfield Council stormwater drainage system shall be submitted to and approved by Litchfield Council to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s.
2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) Widening of the existing Right of Way Easement along the western boundary to 30m.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

4. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage and electricity facilities and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
7. Engineering design and specifications for the affected roads, stormwater drainage and vehicular access are to be to the technical requirements of Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
8. Before the issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Northern Territory Fire and Rescue Services.
9. A Right of Way Easement is to be registered in favour of Section 1607 Hundred of Ayers over proposed lot 1.
10. This development is subject to the Litchfield Council Developer Contribution Plan. The developer shall pay a development levy as per the plan.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the development is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
4. The developer is required to contact "Dial Before You Dig" on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

5. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Land Resource Management.
6. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from the Department of Land Resource Management.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The application is consistent with the provisions of the NT Planning Scheme, including the demonstration and provision of 1ha of unconstrained land per lot. The retention of the existing right of way access along the western boundary in favour of Section 1607 to the north will ensure continued access to that parcel, which is currently landlocked. Widening this access to 30m will ensure security of access to Section 1607 and provide an interconnected road network in accordance with Clause 11.4.2(3) (Infrastructure in Subdivisions of Rural and Unzoned Land) of the NT Planning Scheme, which provides that roads in rural subdivisions are to be designed for connections to potential future subdivisions of adjoining lands.

2. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

Two public submissions were received in respect of the application. The submissions raised concerns over access to the property and the integration of the subdivision with anticipated future development to the north of the subject site. Both proposed lots will have direct access to William Road, with any new accesses required to be constructed to the technical standards of Litchfield Council. The applicant is retaining a Right of Way easement to Section 1607 to the north. Any future development of that parcel is outside the realm of the current application.

ACTION: Notice of Consent and Development Permit

**ITEM 5
PA2015/0236
APPLICANT**

**MOTOR REPAIR STATION ANCILLARY TO EXISTING CATTLE YARDS
SECTION 1714 (1955) STUART HIGHWAY, HUNDRED OF STRANGWAYS
GL TOWN PLANNING**

Mr Israel Kgosiemang (One Planning Consult) attended on behalf of the applicant.

RESOLVED
87/15

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Section 1714 (1955) Stuart Highway, Hundred of Strangways, for the purpose of a Motor Repair Station ancillary to existing cattleyards to require the applicant to provide the following additional information that the authority considers necessary in order to enable the proper consideration of the application:

1. An Operational Environmental Management Plan (OEMP) including, but not limited to:
 - (a) overall environmental objectives for the operation of the site and techniques for their achievement;
 - (b) procedures to ensure that no significant adverse environmental impacts occur as a result of the use;
 - (c) proposed monitoring systems;
 - (d) identification of possible risks of operational failure and response measures to be implemented; and
 - (e) day to day management requirements for the use.

The OEMP should be developed in consultation with Litchfield Council, the Department of Health and the Northern Territory Environment Protection Authority.

2. Amended plans to show the location of:
 - (a) effluent disposal systems;
 - (b) areas for the storage of waste;
 - (c) wash down bays;
 - (d) grease traps/separation drains (or other methods used for the prevention of leakage of materials into nearby watercourses); and
 - (e) any other requirements identified through the OEMP.

REASONS FOR THE DECISION

1. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The consent authority determined that there was insufficient detail contained within the application to make an informed decision regarding the capability of the land to support the proposed development. The consent authority require further information that the proposed development will not detrimentally affect the physical and environmental characteristics of the land or other land through the leakage and/or disposal of hazardous materials associated with a motor repair workshop.

2. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The consent authority is concerned about approving an expansion of a pre-existing use that is inconsistent with the current zoning of the land.

There are existing environmental concerns that have not been addressed within the application. The proposed expansion of the motor repair station could exacerbate these concerns and affect the future amenity of the area if they are not appropriately addressed.

ACTION: Advice to Applicant

**ITEM 6
PA2015/0110
APPLICANT**

**RURAL INDUSTRY WITH ANCILLARY BOTTLE MANUFACTURING
SECTION 4840 (610) MONCK ROAD, HUNDRED OF STRANGWAYS
BENNETT DESIGN PTY LTD**

Mr Randall Gregory (Bennett Design), Mr Hugh Jones (NT Beverages Group), Mr Neil Esterhuizen, Mr Mark Smeaton (Aherns Constructions), Mr Jeff Stewart & Ms Nicky D'Antoine (Department of Business) attended.

Submitters in attendance:- Mr Joe & Mrs Lyn Walters, Mr Tony Carter, Mr Lyle Hebb, Mr Trevor White, Ms Tracy Blackney, Ms Susan Black, Ms Anna Malgorzewicz, Mr Mark Scott, Ms Susan Heywood, QMNT – represented by Ms Monica Baumgartner,

Interested parties in attendance:- Mr Lee Travis and three other people.

**RESOLVED
88/15**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 4840 (610) Monck Road, Hundred of Strangways for the purpose of rural industry (water extraction), subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and before the commencement of works, the developer must provide a report on the capability of bore RN036906 to sustain the projected water supply requirements of the proposed development without impacting on the reliability and security of private water supply bores in the vicinity of the proposed development. This report must be written to the satisfaction of the Department of Land Resource Management (DLRM) by a qualified groundwater professional who has undertaken, and analysed the results from, test pumping of bore RN036906 and monitored groundwater levels in at least 2 other bores in the vicinity of the proposed development for 48 hours. IF this report does not satisfy DLRM that there is adequate water to support the development, the development will be unable to proceed.
2. Prior to the endorsement of plans and before the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Litchfield Council stormwater drainage system shall be submitted to and approved by Litchfield Council, to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in

accordance with the plans submitted with the application but modified to show:

(a) a Fencing Plan that identifies all existing and proposed fencing on the site, and accurate locations for any security access gates.

4. Prior to the commencement of works, a Traffic Impact Assessment is to be undertaken to the requirements of Litchfield Council to the satisfaction of the consent authority.
5. Prior to the commencement of works, a Traffic Management Plan, incorporating the recommendations of the Traffic Impact Assessment, is to be prepared to the requirements of Litchfield Council to the satisfaction of the consent authority.

GENERAL CONDITIONS

6. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of the permit.
7. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
8. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
10. Any security boom, barrier or similar device controlling vehicular access to the premises must be located in accordance with the Traffic Management Plan, or a minimum of six metres inside the property (whichever is greater) to allow vehicles to stand clear of the Monck Road pavement.
11. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Litchfield Council to the satisfaction of the consent authority.

and

The owner shall:

- (a) Remove disused vehicle crossovers;
 - (b) Collect stormwater and discharge it to the drainage network; and
 - (c) Undertake reinstatement works;
- All to the technical requirements of and at no cost to Litchfield Council, to the satisfaction of the consent authority.
12. All proposed works impacting on Monck Road and Townend Road are to be designed, supervised and certified on completion by a practising and registered civil engineer, and shall be in accordance with the standards and specification

of Litchfield Council. Drawings must be submitted to Litchfield Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".

13. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Litchfield Council to the satisfaction of the consent authority.
14. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the consent authority.
15. All waste material not required for further onsite processing must be regularly removed from the site to an approved facility. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the consent authority.
16. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) Transport of materials, goods or commodities to or from the land;
 - (b) Appearance of any building, works or materials; and the
 - (c) Emission of noise, artificial light, vibration, dust, waste water or waste products.
17. The use may only operate between the hours of 7am and 7pm weekdays, including deliveries to and from the site.
18. The use is limited to the access of 6 water tankers / heavy vehicles per day to remove extracted water.
19. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
20. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the development is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of onsite and/or surrounding infrastructure.

3. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Land Resource Management.
4. A groundwater extraction license is required under the *Water Act* for any bore equipped to supply over 15 L/s. For advice on water extraction licenses please contact the Water Management branch of the Department of Land Resource Management.
5. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from the Department of Land Resource Management.
6. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The proposed development is consistent with the purpose of Zone R (Rural) and Clause 10.6 (Rural Industries in Zone RL, R and H) of the NT Planning Scheme. The proposed shed exceeds the required boundary setbacks and the site is covered by extensive existing native vegetation. Visually, the development will be no different to any other rural shed and additional screening is not considered necessary.

A Traffic Impact Assessment and Traffic Management Plan will assist in identifying any potential impacts on the road network, and provide a mitigation strategy to address them. Potential impact on the amenity of the locality through vehicle movements has been minimised through the revised proposal.

2. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

Forty-four (44) public submissions were received during the public exhibition period, with an additional 3 being received during the re-circulation period. The public submissions raised concerns regarding the impact on natural resources and the natural environment, amenity, infrastructure, zoning and development. Most of the public concerns have been addressed through the revised proposal, and conditions have been imposed regarding noise and light emissions and visual appearance. A condition precedent regarding bore testing is also included to address concerns regarding the potential impact of the rural industry on the

availability of groundwater for local residents. Concerns raised at the DCA meeting in regards to inconsistency in the provision of fencing and access is addressed through the requirement for a fencing plan as a condition precedent.

3. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The land itself is generally considered capable of supporting the proposed development, and the applicant has instigated a 25m buffer to the constrained land at the rear of the site. What is unclear is the availability of an appropriate and sustainable groundwater source, as the applicant has not quantified the performance of the existing bore and the impact on adjacent properties from the proposed rate of water extraction. The applicant proposes, and the Department of Land Resource Management supports, the application of a condition precedent requiring the applicant to undertake bore tests to demonstrate that the required rate and level of extraction will not impact on the reliability and security of private water supply bores in the vicinity of the proposed development. Concern regarding the future of the proposed development should the bore tests fail to identify an appropriate water source is addressed through the condition precedent, in that the development will not be able to proceed.

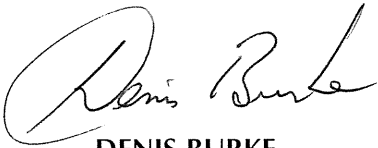
4. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

Public submissions against the initial application highlighted a major concern for the potential impact on the rural amenity of the locality through light, noise, visual appearance and increase in traffic. Conditions regarding lighting have been included on the permit to ensure that any lighting is considerate of neighbouring properties; however, the lighting required for the revised application is unlikely to impact on the locality. The revised application has a significantly reduced building footprint and the shed will be well screened by existing native vegetation, minimising any impact on visual amenity. The bore to supply the rural industry is to be housed within the proposed shed, which will reduce noise travel in the locality. A Traffic Impact Assessment and a Traffic Management Plan will assist in identifying any potential impacts in regards to noise generation by vehicles and provide a mitigation strategy to address them.

A general condition is included on the permit that requires the developer to manage the operations in a manner that will not affect the amenity of the locality. A further condition limits the hours of operation and the number of heavy vehicles allowed to access the site will ensure that the use operates in a manner consistent with the zone and the purpose of Clause 10.6 (Rural Industries in Zones RL, R and H). Overall, the proposed rural industry is unlikely to impact on the existing or future amenity of the area.

ACTION: Notice of Consent and Development Permit

RATIFIED AS AN RECORD OF ATTENDANCE AND DETERMINATIONS MADE AT THE MEETING



DENIS BURKE
Chairman

20/5/15

