



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 238 – FRIDAY 13 SEPTEMBER 2019

**HOWARD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

MEMBERS PRESENT: Suzanne Philip (Chair), Keith Aitken, Adam Twomey
Wendy Smith and Christine Simpson

APOLOGIES: Nil

OFFICERS PRESENT: Breanna Lusty (A/Secretary), Alana Mackay and Ben Wollinski
(Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 11.30 am and closed at 12.40pm

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 **ALTERATIONS AND ADDITIONS TO AN EXISTING CROCODILE FARM**
PA2019/0290 **PORTION 1098 (125) LAGOON ROAD, KNUCKEY LAGOON, HUNDRED OF**
APPLICANT **BAGOT**
NORTHERN PLANNING CONSULTANTS

Brad Cunnington (Northern Planning Consultants) attended.

RESOLVED That, pursuant to section 53(a) of the *Planning Act 1999*, the Development
143/19 Consent Authority consent to the application to develop Portion 1098 (125) Lagoon
Road, Hundred of Bagot, for the purpose of alterations and additions to an existing
crocodile farm, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of stage 2 works, an updated environmental management plan for the management and operation of the use must be prepared to the requirements of an independent suitably qualified professional and approved by the consent authority on the advice of the Department of Health (Medical Entomology) and the Litchfield Council. When approved, the plan will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed plan. The environmental management plan must include:
 - a. overall environmental objectives for the operation of the use 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;
 - e. management measures to avoid and mitigate the creation of mosquito breeding sites; and
 - f. day to day management requirements for the use (including waste management).

2. Prior to the commencement of stage 2 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 the Litchfield Council, to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply and electricity facilities to the development on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

4. The kerb crossings 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.

5. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
6. 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.
7. All waste material not required for further on-site processing must be regularly removed from the site to an approved facility. All vehicles removing waste 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.
8. The use must at all times be operating in accordance with the approved Environmental Management Plan (EMP) for the development.

Notes

1. 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.
 - Full lot fire coverage cannot be achieved from existing hydrants. Internal firefighting arrangement must be made to the satisfaction of the NT Fire and Rescue Service. An internal break tank may be required for firefighting, as direct pumping from PWC water mains is not permitted. PWC recommends that the developers' hydraulic consultant confirm internal firefighting requirements with PWC prior to the development, so that flow capacity can be adequately assessed.
2. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under section 12 of the Act. There is a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority (NT EPA) website at <http://ntepa.nt.gov.au/waste-pollution/guidelines/guidelines>.

The proponent is advised to take notice of the Schedule of Environmental Considerations provided by the Department of Environment and Natural Resources.

The Act, administered by the NT EPA, is separate to and not reduced or affected in any way by other legislation administered by other departments or authorities. The Environmental Operations Branch of the Environment Division

may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

REASONS FOR THE RECOMMENDATION

1. Pursuant to section 51(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The application is for alterations and additions to an existing crocodile farm at Portion 1098 (125) Lagoon Road, Hundred of Bagot. A crocodile farm is considered to fit with the defined land use of 'intensive animal husbandry' of the Northern Territory Planning Scheme (NTPS). The land is identified as being within Zone R (Rural) of the NTPS where intensive animal husbandry is discretionary and therefore requires development consent.

The application includes alterations to previously approved works, a building addition and upgrades to the water treatment facility servicing the development. More specifically, works comprise:

- Construction of three new hatchling pens (two previously approved)
- Alteration to the 16 new finishing pens previously approved
- Removal of 13 approved grow-out pens
- Replacement of existing/approved sediment pits (for waste processing) with a single Spirac Spiroguard water treatment facility. The new water treatment facility will improve the onsite treatment of pond/pen wastewater prior to its discharge to the aeration ponds also on the site.
- Removal of the wetland containment and bio-filtration system; and
- Extension of the existing food processing and storage building comprising a 9m long enclosed addition and a 6m long open vehicle wash down bay

The proposal has been assessed against the requirements of the NTPS including Clauses 5.20 (Zone R – Rural), 6.1 (General Height Control), 10.1 (Animal Related Use and Development) and 10.2 (Clearing of Native Vegetation in Zones H, A, RR, RL, R, CP, CN, RD and WM and on Unzoned Land). The proposal complies with the requirements of the NTPS.

The recommended conditions of approval include a requirement to update the Environmental Management Plan for the site to ensure requirements of service authorities are addressed and ongoing compliance with the requirements of Clause 10.1 (Animal Related Use and Development) of the NTPS.

2. Pursuant to section 51(j) of the *Planning Act 1999*, 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 is appropriately zoned for the style of development proposed and the application satisfies the minimum standards of the NTPS.

A number of service authorities have provided advice in relation to the proposal and did not raise any land capability concerns. Information and further input sought by service authorities can be addressed by conditions of development approval.

No land capability concerns were identified during the assessment of the application.

3. Pursuant to section 51(n) of the *Planning Act 1999*, 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 application acknowledges inadequacies of current onsite water treatment systems with this application proposing methods to rectify the issue.

The site is currently operated with an Environmental Management Plan (EMP). A requirement to update the EMP as part of stage 2 works is included in the recommended conditions of development approval to ensure that the document remains current given the alterations proposed and new water treatment facility to be installed. The site is required to be operated in accordance with an approved EMP with this requirement included to ensure that potential environmental and amenity impacts are addressed.

Both the Department of Environment and Natural Resources and application confirm that an Environment Protection Authorisation (EPA) and Environment Protection Licence (EPL) are required under the *Waste Management and Pollution Control Act 1998* due to the nature of activities carried out on site. The application indicates that the EPL process is underway. Formalisation of this process will further ensure that any potential amenity impacts are appropriately managed and mitigated.

In addition, the application was referred to relevant service authorities for information. Advice received is noted with no service authorities raising any significant issues that cannot be addressed through conditions of development approval. Appropriate conditions of development approval have therefore been recommended for inclusion in any permit issued.

ACTION: Notice of Consent and Development Permit

ITEM 2 **LIGHT INDUSTRY BUILDING EXCEEDING 8.5M IN HEIGHT**
PA2019/0279 **SECTION 5544 (2658) STUART HIGHWAY, LIVINGSTONE, HUNDRED OF**
STRANGWAYS
APPLICANT **ELTON CONSULTING**

Hanna Steevens (Elton Consulting), Gerard Rosse, Alicia Hill and Adrian Brown (Bilba Capital Pty Ltd) attended.

Heidi Jennings (Submitter) attended.

**RESOLVED
144/19**

That, the Development Consent Authority vary the requirements of Clause 6.1 (General Height Control) and Clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme and pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Lot 5544 (268) Stuart Highway, Hundred of Strangways for the purpose of a light industry building (light industry specifically for high-quality poly pipe and irrigation production) in excess of 8.5m, 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 include:
 - a. a site plan showing the full extent of the driveway access, connecting the development site with the external road network.
 - b. proposed surfacing of parking areas, driveways, vehicle turning areas and loading areas, including locations and dimensions.
 - c. setbacks and buffers in accordance with Specific Use Zone Litchfield 23
 - d. landscape plan for Area A including a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - e. there should be no reference to a "road" within the development site. "Internal access road" and "service roads" to be labelled as access ways or driveways.

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. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a. constructed;
 - b. properly formed to such levels that they can be used in accordance with the plans;
 - c. sealed (dust suppression may be an acceptable alternative to sealed surfaces);
 - d. drained;
 - e. line marked to indicate each car space and all access lanes; and
 - f. clearly marked to show the direction of traffic along access lanes and driveways
 - i. to the satisfaction of the consent authority.
 - ii. car spaces, access lanes and driveways must be kept available for these purposes at all times.

4. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
6. 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.
7. 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.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, gas and telecommunication networks to the development/each lot shown on the endorsed plan in accordance with the authorities requirements and relevant legislation at the time.

Notes

1. Inspection fees and charges may apply in accordance with Litchfield Council's current Fees and Charges. Additional information can be found at www.litchfield.nt.gov.au.
2. A Works Permit is required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's road network.
3. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Clause 6.7 of the NT Planning Scheme.
4. Internal firefighting arrangements must be made to the satisfaction of NT Bushfires, Department of Environment and Natural Resources.
5. 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.
6. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act.

There is also requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act.

Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution/guidelines/guidelines>

The proponent is advised to take notice of the Schedule of Environmental Considerations provided by the Department of Environment and Natural Resources.

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

7. A groundwater extraction licence is required under the *Water Act 1992* for any bore used for purposes other than rural stock and domestic water supply. For advice on water extraction licences please contact the Water Licensing and Regulation Branch of the Department of Environment and Natural Resources.

REASONS FOR THE RECOMMENDATION

1. Pursuant to section 51(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The Northern Territory Planning Scheme applies to the land.

The land is located in Specific Use Zone **SL23** Area A. The zone purpose is to facilitate the development for uses related to or servicing the agriculture, horticulture or mining industries in northern Australia, and which address the rural character of the area. With consent, Area A may be used for development in accordance with Zone GI (General Industry) for a Fuel Depot, General Industry, Office and Warehouse. The development of the land for a building to house an HDPE pipe manufacturing operation and an ancillary office is consistent with the uses that can be undertaken in Area A of **SL23**.

The manufacture process is considered by the applicant to meet the light industry definition, as it is not of such a kind as to adversely affect the amenity of the surrounding locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise. Supporting material provided by the applicant describes the operation as being undertaken in an 'almost closed environment' to avoid dust entering or leaving the building. Noise generated by the process was assessed to be less than the standard exposure for occupational environments, the process does not generate vibration or fumes and water used in the process is recirculated, then used to irrigate landscaping and suppress dust in the yard.

Comment provided by the Environment Division, Department of Environment and Natural resources referred to the 'Guideline: Recommended Land Use Separation Distances'. The Guidelines do not specifically list 'plastic products manufacturing' and as such the use was assessed as 'miscellaneous manufacturing' requiring separation distances of between 250m – 500m. On balance, the Division determined that the ability of the site to achieve a 300m buffer would be sufficient to minimise potential land use conflicts. As statutory obligations under the *Waste Management and Pollution Control Act 1998* remain, it is considered that based on the material provided by the applicant and the Division comment that the proposed manufacture operation can be undertaken in **SL23**.

Sub-clause 6(a) and (b) of **SL23** require that development in Area A is screened from the Stuart Highway by established vegetation. As the site is currently in full view, the development is required to establish and maintain the required vegetation buffers to meet the intent of **SL23** to address the rural character of the area.

Clause 2.4 (Specific Uses) of the Northern Territory Planning Scheme states that the provisions of Parts 1, 2, 4, 5, 7 and 8 apply to development in Schedule 1 except where they conflict with any conditions specified in the Schedule.

Clause 6.1 (General Height Control) ensures that the height of the building is within a zone is consistent with development provided for by that zone. The clause provides that the height of any part of a building is not to exceed 8.5m above ground level unless it is a flag pole, aerial or antenna. The building exceeds the 8.5m height limit being 10.95m at the highest point.

In considering this variation, the circumstances identified that the additional height is required to accommodate the machinery that manufactures the pipe. The visual impact of the building will to some extent be off-set by the building setback of 50m from the Stuart Highway and 20m vegetated buffer plantings within the site. Overall, the circumstances provided are considered to be special and unique and warrant the height variation sought.

Clause 6.5.1 (Parking Requirements) designates car parking requirements for industrial and office uses. The application seeks a variation to car parking in accordance with Clause 6.5.2, 2(a) on the basis that the operation of the business is undertaken by seven staff. The business employs two office staff with five people undertaking manufacture at any one time. Whilst the shed is large, the dimensions are necessary to accommodate machinery rather than staff. Provision of 41 car parking spaces would appear sufficient and able to accommodate shift changes, visitors and allow for some growth in employment. The variation to car parking is considered warranted. However, it is conditional on the development permit specifying that the purpose is for the light industry for high-quality poly pipe and irrigation production. In making this decision, the DCA acknowledged that should the building be used for any other purpose and the existing car parking would be utilised, the person using the land may need to apply for a development permit to seek a car parking reduction for that specific purpose.

Clause 6.5.3 (Parking Layout) makes provision for driveways internal to site. Whilst the driveways in the development area meet the dimensions required by the Northern Territory Planning Scheme, the unusual aspect is the absence of a connection between the site and the external road network. It is usual for those connections to have been determined during a subdivision process, however this land referred to as Area A is not subdivided. An easement over Section 5543 is provided to the south of the site connecting to the driveway. The concept plan indicates that the internal driveway would be connected to the southern access but no further detail is provided to confirm the assumption.

The applicant confirmed at the meeting that it has an agreement in place to utilise the easement over Section 5543, the general terms of easements are that it can improve the easement to the standard required and that it had no issue with sealing the access.

Clause 6.6 (Loading Bays) provides that the loading and unloading of vehicles associated with the use of the land. While the conceptual plans indicate that compliance with this clause can be achieved, it was not reflected on the plan set. A condition precedent is included on the development permit to address this matter.

2. Pursuant to section 51(e) of the *Planning Act 1999*, the consent authority must take into account any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

One submission was made under section 49, raising a number of concerns. These included the visual impact of the height of the building and the introduction of industrial uses in the rural area. Detailed concerns were expressed with regard to the potential impact on groundwater and the health of the aquifer.

The change of use from rural to industrial use on Area A, has come about with the creation of **SL23**. As the application addresses the requirements of **SL23** it is consistent with the intended use of the Zone. The authority has discretion to vary clause 6.1 (General Height Control) where the applicant is able to demonstrate that the development requires special consideration. As the variation to height is tied to the requirements of the manufacturing infrastructure, the variation was considered necessary and appropriate. The permit will provide a condition to require the establishment and maintenance of a vegetated buffer to screen the development and minimise the visual impact.

The matter of groundwater impacts is one where the authority relies upon the advice provided by the Department of Environment and Natural Resources (DENR). In this instance, the DENR has advised that the applicant to apply for a groundwater extraction licence as there was likely to be availability.

At the meeting, Mr Brown confirmed that an interim agreement has been made with the Power and Water Corporation to source water from the town mains water supply until such time that a groundwater extraction licence can be obtained.

With regard to the concerns raised, that the proposed use will produce emissions and potentially contaminate water and soil, the Authority has relied upon advice provided by DENR and the applicant. The DENR assessed the application and is of the view that the development would not require specific mitigation to address risk or impact. Also, the operations will be subject to ongoing scrutiny in accordance with the *Waste Management and Pollution Control Act 1998* should issues arise.

The submitter holds concerns with regard to the development and these have been considered by the Authority. However, on the basis of advice provided by the relevant service authorities, the development was found not to pose a risk to groundwater or the surrounding environment. Overall, the proposed development is considered to meet the intent of the Zone and is supported.

3. Pursuant to section 51(j) of the *Planning Act 1999*, 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 capability of the land has been previously considered through the introduction of the Specific Use Zone **SL23**. The lot is generally flat, cleared and above a 1%AEP flood event. The DENR has advised that the applicant would be required to obtain a water extraction licence to support the use and that it is likely groundwater water is available.

ACTION: Notice of Consent & Development Permit

ITEM 3 **HOME OCCUPATION (TRAINING) EXCEEDING 30M²**
PA2019/0219 **SECTION 5521 (325) GULNARE ROAD, BEES CREEK, HUNDRED OF**
STRANGWAYS
APPLICANT **ONE PLANNING CONSULT**

Israel Kgosiemang (One Planning Consult) and Evelyn Clarke (landowner) attended.

Janine & Peter Goodwin (submitters) attended.

RESOLVED That, the Development Consent Authority vary the requirements of Northern
145/19 Territory Planning Scheme Clause 7.10.7(f) to allow two vehicles to be kept on site to be used for the purpose of home occupation by ECB Training Services and pursuant to section 53(a) of the *Planning Act 1999*, alter the proposed development and consent to the development as altered to develop Section 5521, Hundred of Strangways for the purpose a home occupation of 30m² 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 must be generally in accordance with the plans submitted with the application but modified to show:

- a. 30m² area for the purpose of home occupation
- b. landscaping to screen the rear of the shed from neighbouring property.

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. 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.
5. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and public street, to the satisfaction of the Director Infrastructure and Operations, Litchfield Council.
6. Any developments on or adjacent to easements on site in favour of Council shall be carried out to the requirements and satisfaction of the Director Infrastructure and Operations, Litchfield Council.
7. The land owner shall engage an NT licensed electrician to inspect and provide a Certificate of Compliance for applicable internal electrical installation for the constructed class 10a shed in accordance with Power and Water's current Installation Rules, Service Rules and Metering Manual.

Notes

1. Inspection fees and charges may apply in accordance with Litchfield Council's current Fees and Charges. Additional Information can be found at www.Litchfield.nt.gov.au
2. A Works Permit is required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's road network.
3. Notwithstanding any approved plans signs within Litchfield Council's municipal boundaries are subject to approval under Clause 6.7 of the NT Planning Scheme.

REASONS FOR THE RECOMMENDATION

1. Pursuant to section 51(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The Northern Territory Planning Scheme allows for home occupation in Zone RL (Rural Living) to be undertaken where the occupation is carried out by persons residing in the dwelling and where the total of the floor area used for the home occupation does not exceed 30m².

The Statement of Effect and supporting information provided by the landowner/ business operator suggests that the business could be undertaken within 30m². A statement provided by Craig Bayley, Director of ECB Training Services, affirms that ECB Training Services has an administrative office at 325 Gulnare Road, Bees Creek and that no accredited training is completed at this venue. As ECB Training Services is primarily conducted on the client's site and at the main venue at Altona the justification for requiring an area larger than 30m² is not demonstrated.

Litchfield Council expressed reservations that making provision for a home occupation of 70m² may lead to inappropriate uses establishing on Section 5521, Hundred of Strangways in the future.

It is recognised that as a labour hire and recruitment agency ECB Training Services may require an additional vehicle to transport clients from a central site to a place of employment. A variation is approved to sub-clause (f) of Clause 7.10.7 to allow two vehicles to be kept on site for the purpose of home occupation.

2. Pursuant to section 51(e) of the *Planning Act 1999*, the consent authority must take into account any submission made under section 49, and any evidence or information received under section 50, in relation to the development application.

The submission received from the neighbour identified that they had experienced an impact on amenity. It is reasonable to assume, on the basis of the history of uses on site that business undertaken on Section 5521 has created an amenity impact. The construction of a two storey shed with large windows overlooking the rear of the property and utilised as a waiting room is not a usual use of a shed. Whilst the structure is similar in size to sheds on neighbouring properties, the design and use has generated a more intense use than similar structures on in the vicinity. It is considered that the issue of a permit that allows for home occupation for a ground floor office of 30m² with provision for two vehicles, would provide certainty with regard to the scale of use that is appropriate for a lot in Zone RL (Rural Living).

A landscape condition is included on the development permit to address concerns expressed with regard to overlooking from the two storey shed.

3. Pursuant to section 51(n) of the *Planning Act 1999*, 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 purpose of Zone RL (Rural Living) is to provide for low-density rural living and a range of rural uses including agriculture and horticulture. A home occupation use can be conducted in the zone without consent if it is undertaken in an area of 30m² or less, does not detract from the residential amenity of the locality and is undertaken by the residents of the dwelling. The use in this instance is undertaken in an area significantly larger than 30m² and operated in a manner that has impacted the residential amenity of a neighbour. Litchfield Council, whilst supporting a home based office, notes that approving a home occupation of 70m² in this location could generate impacts if utilised for

activities other than an office. Craig Bayley, Director ECB Training Services, provided information to confirm that the premises is used for the purposes of administering the functions of the Registered Training Operation, labour hire and recruitment arm of the business with accredited training conducted at client's sites and the main venue, located in Altona, Victoria.

On the basis of the information provided and in consideration of future amenity, a home occupation use of 70m² is not supported. It is determined that administration activities can be undertaken in an area of 30m² with provision made for the business to operate two vehicles from the site.

The site should not operate as a car parking area for individuals being transported to work off-site.

ACTION: Notice of Consent & Development Permit

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

SUZANNE PHILIP
Chair

17 September 2019