

<b>Technical Report</b>			
<b>TRIM Number:</b>	<b>PA21/1002</b>	<b>Synergy Number:</b>	<b>PA21/1002</b>
<b>Lodgement Date:</b>	<b>14/10/2021</b>	<b>DAU Date:</b>	
<b>Address:</b>	<b>Lots 13 and 14, 1201 Nettleton Road, Karrakup</b>		
<b>Proposal:</b>	<b>Groundwater Extraction</b>		
<b>Land Use:</b>	<b>Use Not Listed</b>	<b>Permissibility:</b>	<b>Refer to land use section</b>
<b>Owner:</b>	<b>Laytome Pty Ltd</b>		
<b>Applicant:</b>	<b>Burgess Urban Design</b>		
<b>Zoning:</b>	<b>Rural</b>	<b>Density Code:</b>	<b>R2</b>
<b>Delegation Type:</b>	<b>12.1.1</b>	<b>Officer:</b>	<b>Ryan Fleming</b>
<b>Site Inspection:</b>	<b>No</b>		
<b>Advertising:</b>	<b>Yes</b>		
<b>Outstanding Internal Referrals:</b>	<b>No</b>		
<b>External Referrals:</b>	<b>No</b>		
<b>Within a Bushfire Prone Area:</b>	<b>Yes</b>		

### **Introduction:**

The purpose of this technical assessment is to support the report for Council to consider a development application for a proposed Groundwater Extraction business at Lots 13 and 14, 1201 Nettleton Road, Karrakup.

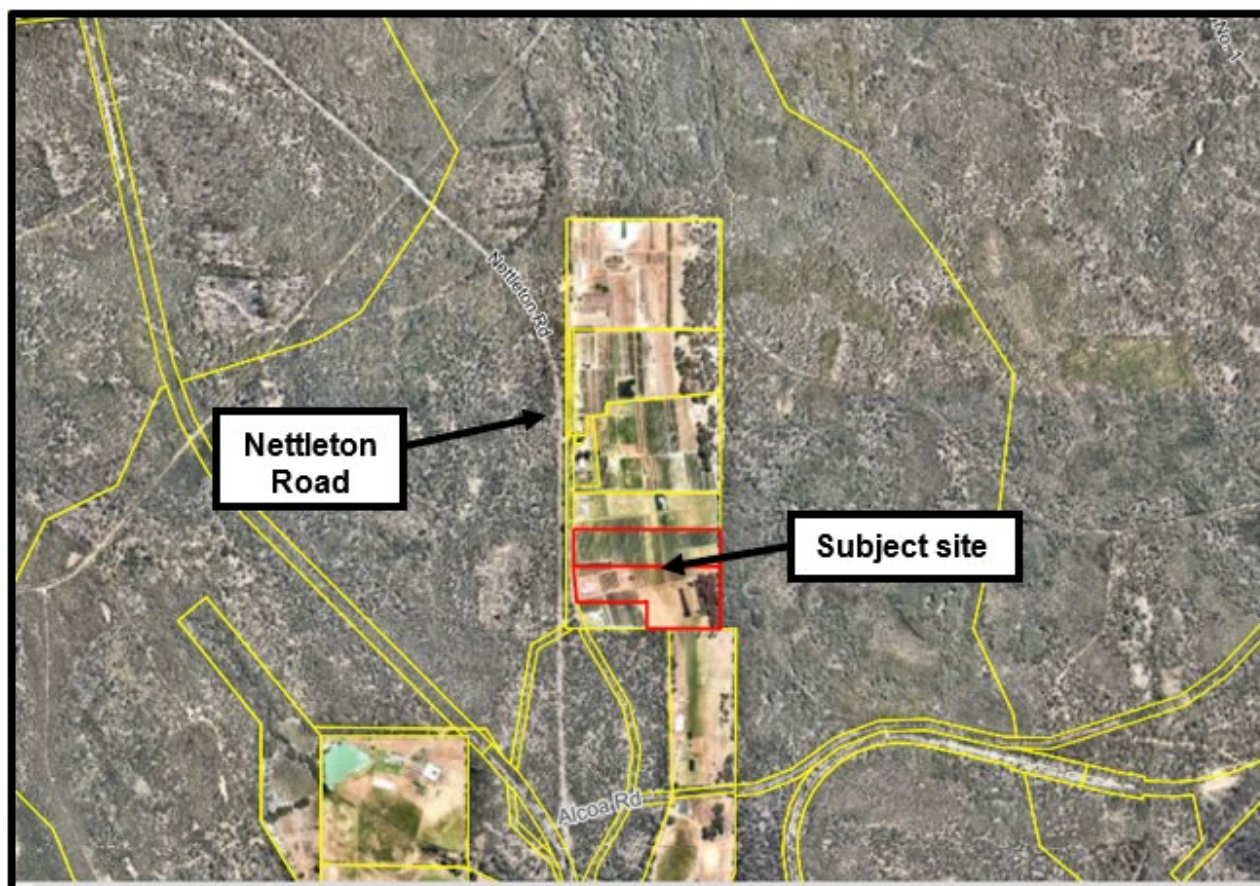
The application is presented to Council as 48 submissions were received during the advertising process either objecting or raising concerns about the proposed development. Officers do not have delegated authority to determine development applications where objections cannot be addressed by way of amendments or through the imposition of planning conditions, in accordance with Delegated Authority 12.1.1 – Determination of Development Applications.

Officers consider the proposed development, as a use not listed in the zoning table, does not meet the objective of the Rural zone, and is not consistent with various aspects of the prevailing planning framework. As such, Officers recommend that the application should be refused.

### **Background:**

#### Existing Development:

The subject site is located on the eastern side of Nettleton Road, in a small pocket of rural lots surrounded by State Forrest and historically used for orcharding. The application area covers the two southernmost lots in this area, as shown in Figure 1 below.



**Figure 1: Locality Plan**

The subject site is currently established for orcharding and features rows of fruit trees, dams, and sheds associated with the orchard's operations. The current orcharding operations, as set out in the application, are estimated to use 60,000KL of bore water annually for irrigation. Figure 2 below shows the layout of the site.



**Figure 2: Site Layout Plan**



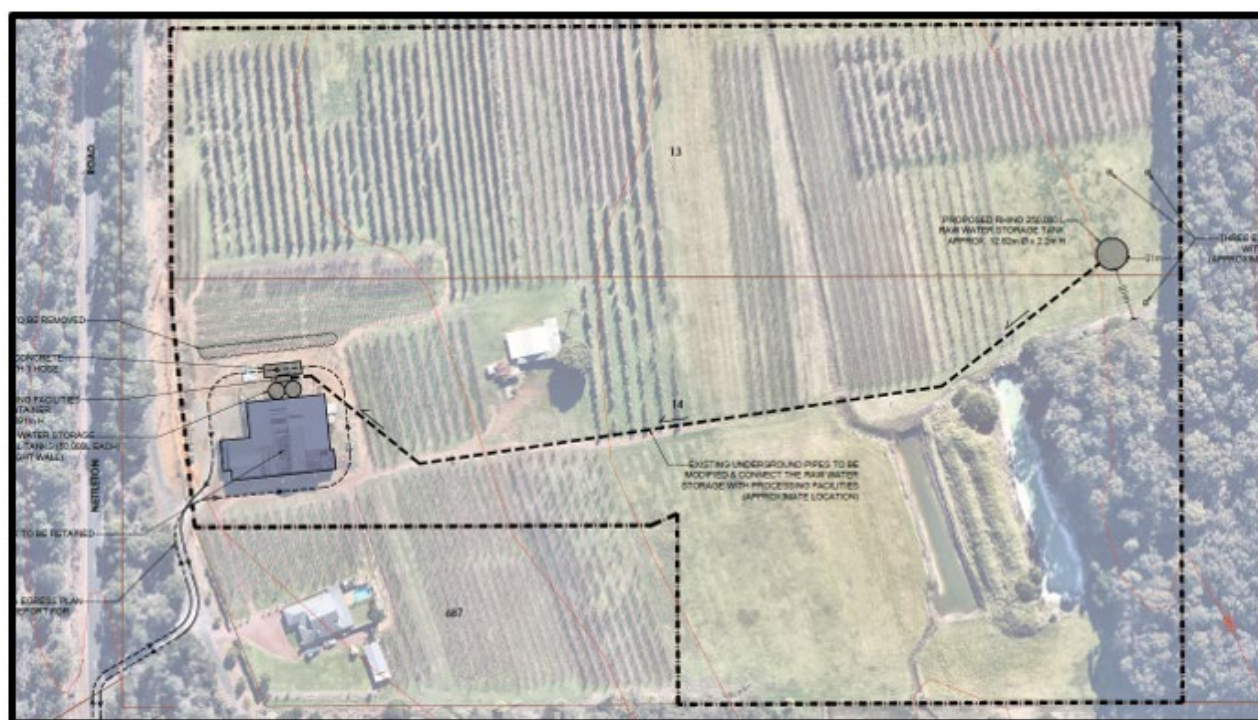
### Proposed Development:

The application seeks approval for a Groundwater Extraction facility on the subject site. The purpose of the facility is to extract groundwater for off-site bottling and sale. The operations proposed to occur on-site entails both the extraction and preliminary filtering of bore water. Key aspects of the proposal are as follows:

- The extraction of 50,000KL of groundwater annually from three existing bores (extracting water 24/7);
- The construction of one 250,000L water tank used to hold water pumped from the bores;
- The installation of a sea container, internally fitted to filter water;
- The construction of two 50,000L water tanks used to hold filtered water;
- Construction of a hardstand for the parking of water tanker trucks; and
- A maximum of four water tanker trucks attending site per day to load water.

In terms of the proposed water extraction volume, the applicant has clarified that the overall water taken from the site will not change. The intent of the application is to divert 50,000KL of the water currently used by the orchard to the proposed groundwater extraction business. The orchard is proposed to be reduced in scale.

The application includes relevant technical reports, including a Hydrogeological Assessment that was provided to set out potential impacts to water resources as a result of the proposed development. In accordance with the planning framework, the Shire engaged a suitably qualified independent consultant to peer review the Hydrogeological Assessment, in order to assist the Shire in its merits based assessment. This peer review assists the Shire in aspects of merits based assessment of the planning framework.



**Figure 3: Proposed development**

### **Community / Stakeholder Consultation:**

The application was advertised to landowners within a 1km radius of the subject site for a period of 28 days from 28 October 2021 – 25 November 2021, in accordance with Local Planning Policy 1.4 - Consultation on Planning Matters (LPP1.4). During the consultation period, a total of 48 submissions were received, all of which either objected to the proposal, or raised questions/concerns. The grounds of the objections are broadly summarised as follows:

- Concerns with the methodology used in the Hydrogeological Assessment;
- Concerns about impacts to water availability and water quality for surrounding properties;
- Concerns about the sustainability of the development;
- Concerns about impacts to the nearby national forest: vegetation, wildlife and tourism;
- Concerns about noise and traffic safety from trucks; and
- Concerns about the appropriateness and consistency of the development within a rural area.

The full details of the submissions can be viewed in the summary of submissions.

### Department of Water and Environmental Regulation

The application was also referred to the Department of Water and Environment Regulation (DWER) for technical comment in relation to the proposal. DWER provided a submission, which does not object to the proposal but provides advice in relation to groundwater, native vegetation and waste management issues.

### **Statutory Environment:**

#### Legislation

- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- Metropolitan Region Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No.2

#### State Government Policies

- State Planning Policy 2.5 – Rural Planning;
- State Planning Policy 2.9 – Water Resources;

#### Local Planning Framework

- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3
- Shire of Serpentine Jarrahdale Local Planning Strategy
- Local Planning Policy 1.4 - Consultation on Planning Matters (LPP1.4)

### **Planning Assessment:**

A comprehensive assessment has been undertaken in accordance with section 67 of the Planning and Development Regulations 2015, the assessment can be viewed as follows and summaries in the Clause 67 attachment to this assessment.

Land Use:

The proposed development is not considered to fall within any of the land use definitions contained within the Shire of Serpentine Jarrahdale's Town Planning Scheme No.2 (TPS2).

For development that does not reasonably fall within the interpretation of any of the use categories under TPS2, clause 3.2.5 requires consideration against the objective of the relevant zone to determine whether the development can be approved. The subject site is zoned 'Rural' under TPS2, the objective of the 'Rural' zone is provided in clause 5.10.1 of TPS2, as follows:

*"The purpose and intent of the Rural Zone is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area."*

While TPS2 does not define a 'rural pursuit', the general definition as determined by SAT relates to 'characteristics of the country' (*Attwell and City of Albany [2009] WASAT 38*). Officers are not satisfied that the proposal, involving the extraction of water for offsite bottling and sale, could reasonably be considered a 'characteristic of the country'. This suggests such development would be either commonplace or exclusively occurring in the country.

The proposed development entails the extraction of water for human consumption. Perth's main drinking water supply is sourced primarily from a combination of desalination plants, aquifers and dams. The infrastructure associated with this is spread across the metropolitan area in coastal areas, urban areas, rural areas and State Forests. This type of development is considered neither commonplace nor exclusive to country areas and is therefore not considered to be a characteristic of the country.

The objective for the Rural zone, however, does not require a development to be a rural pursuit where it is an 'associated activity' to a rural pursuit. The extraction of water may be considered an associated activity where the end use of the water is in conjunction with a development that is 'characteristic of the country'. This may include water extraction for the irrigation of pastures, or water extraction to fill dams to water stock. In this case the water is extracted to be bottled for sale for general human consumption. Bottling and sale of water is not considered to be either commonplace or exclusively occurring in the country.

Officers consider the proposed development is neither a rural pursuit nor associated activity and conclude that the use is therefore not permitted in the zone in accordance with clause 3.2.5 of TPS2.

Shire of Serpentine Jarrahdale Draft Local Planning Scheme No.3 (LPS3):

The proposed development is not considered to fall within any of the land use definitions contained within Draft LPS3. For development that does not reasonably fall within the interpretation of any of the use categories under LPS3, clause 18(4) requires consideration against the objective of the relevant zone to determine whether the development can be approved. The subject site is proposed to remain zoned 'Rural' under LPS3, the objectives of which are as follows:

- i. To provide for the maintenance or enhancement of specific local rural character.*
- ii. To protect and accommodate broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.*
- iii. To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies including groundwater, to protect sensitive areas especially the natural valley and watercourse systems from damage.*
- iv. To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.*

- v. *To provide for a limited range of non-rural land uses only where they have demonstrated a direct benefit to the local community and are compatible with surrounding land uses.*

The proposed development seeks to reallocate 50,000KL of the 60,000KL of water currently allocated to orcharding activities occurring on the site. This is proposed to be managed through a corresponding reduction in the size (and thus irrigation needs) of the orchard, to suit the proposed development. The reallocation of the water resource, as a result of the proposed development, is not considered to reflect the objectives of the zone. The proposed development can only be accommodated through a reduction in orcharding activities, which is considered to conflict with the zone based objective ii.

Officers are not satisfied there is sufficient information to demonstrate the proposed development would not have an adverse impact on the groundwater. This takes account of the independent peer review findings, and the associated merits based assessment pertaining to potential environment impacts on the groundwater resource. This places the proposed development in an inconsistent position with zone based objective iii.

The proposed development is considered to be a non-rural land use. The application has not demonstrated that the proposed development would have a direct benefit to the local community nor that the proposed development is compatible with surrounding uses. With groundwater availability being a significant strategic resource to support primary rural uses, the proposed development is not considered to be compatible with surrounding land uses.

Officers consider that the proposal would not be consistent with the objectives of the 'Rural' zone under LPS3. This places the proposed development in an inconsistent position with zone based objective v.

#### Shire of Serpentine Jarrahdale Local Planning Strategy (LPS):

The subject site is designated 'Rural' under the LPS. The description of the Rural area under the LPS states that Rural land facilitates agricultural production and the protection of the natural landscape. The rationale underpinning the objectives of for Rural areas under LPS states the following:

*'The Shire considers it is important to maintain rural land in close proximity to Perth to accommodate various rural industries and food production activities for the growing population. It is important that rural land is preserved for this purpose and is not consumed by the encroachment of inappropriate activities or suburban expansion.'*

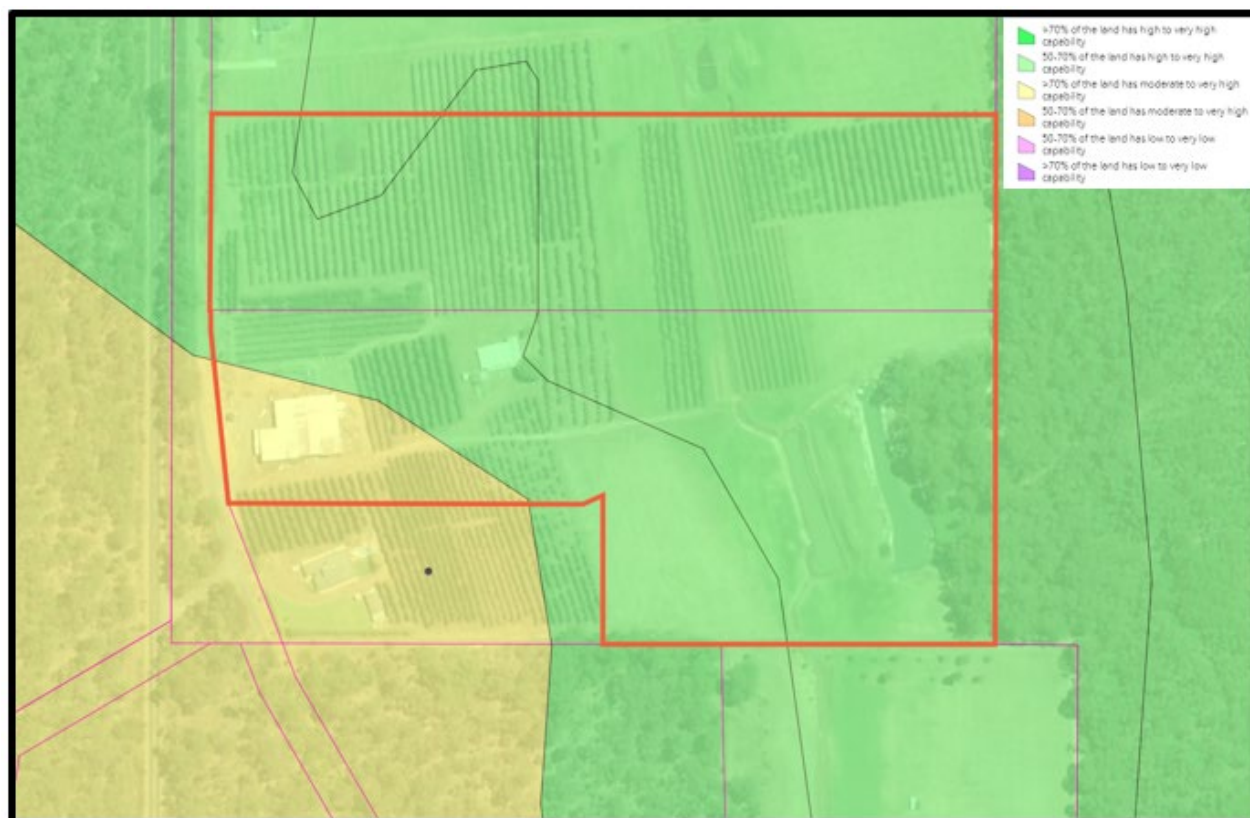
In achieving this, the LPS establishes three key areas of consideration and breaks them down into targeted objectives. The relevant objectives for consideration of the proposed development have been listed below:

- Strengthen agricultural production as a significant economic contributor to the Shire and the broader region;
- Protect land for agricultural enterprises in proximity to Perth and its markets;
- Protect large rural lots and land for a range of agricultural enterprises reflective of the rural landscape and economic value to the shire; and
- Provide specific controls in relation to water management.

The first three objectives listed above relate to the strengthening and protection of rural land for agricultural production or enterprises. The LPS places a greater emphasis on the protection of rural land for agricultural purposes where the soil type and land capability for agricultural activities is highest. The rationale for Rural land states the following in this respect:

*'In order to protect the Shire's agricultural areas, it is important to preserve land capable of supporting specific types of agricultural production without causing damage. A number of different Landscape Systems are located throughout the Shire. Each landscape system is defined based on the soil types found and their characteristics. This also provides correlation between the landscape system and land capability. Areas of low, moderate and high capability soil types exist across the Shire.'*

The subject site is located in an area identified as having 50-70% of the land with a high to very high land capability for annual horticulture, such as orcharding. This is shown in an extract from the Department of Primary Industry and Regional Development land capability mapping in the figure below:



**Figure 4: Land Capability**

The site is also listed as having a similarly high land capability for dryland cropping, grazing, perennial horticulture (growing of trees and shrubs) and for vineyards.

The reduction of the existing orchard to facilitate a non-rural development on a lot with a high land capability for a broad range of agricultural activities is in conflict with the objectives for the Rural area to protect and strengthen agricultural production. Furthermore, the capacity of the remaining vacant portion of the site to be used for other agricultural purposes would be diminished. The proposed development is inconsistent with these objectives for rural land.

The final objective relevant for consideration relates to water management. For the reasons identified later in this assessment, Officers consider the application does not adequately address water management and cannot conclude the proposed development would align with this objective.

#### State Planning Policy 2.5 – Rural Planning (SPP2.5):

The broad policy intent of SPP2.5 is set out as follows:

*“The purpose of this policy is to protect and preserve Western Australia’s rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. Ensuring broad compatibility between land uses is essential to delivering this outcome.”*

Furthermore, SPP2.5 identifies the following key objectives:

*“(a) support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;*

*(b) provide investment security for existing, expanded and future primary production and promote economic growth and regional development on rural land for rural land uses;*

*...(g) protect and sustainably manage environmental, landscape and water resource assets.”*

As outlined earlier in this assessment, the subject site falls within an area of the Shire that has a high land capability for the full range of agricultural activities. In order to facilitate the proposed development, the existing orchard on the site is proposed to be reduced.

In relation to sustainable use of water resources, Officers are not satisfied that the application has adequately addressed water issues and cannot conclude that the proposed development would not adversely impact water resources.

Officers consider that the proposal does not align with the intent or objectives of SPP2.5 and that it should not be supported.

#### State Planning Policy 2.9 – Water Resources (SPP2.9):

SPP2.9 provides guidance to planning decision makers for consideration of water resources in land use planning. The objectives of SPP2.9 are to:

1. *Protect, conserve and enhance water resources that are identified as having significant economic, social, cultural and/or environmental values;*
2. *Assist in ensuring the availability of suitable water resources to maintain essential requirements for human and all other biological life with attention to maintaining or improving the quality and quantity of water resources; and*
3. *Promote and assist in the management and sustainable use of water resources.*

The SPP2.9 objectives are facilitated through policy measures, which are to be considered when assessing a development application. The key measures of SPP2.9, applicable to this proposal, are listed below:

#### 5.1 General Measures

*(ii) Aim to prevent or, where appropriate, ameliorate the following potential impacts:*

- *any adverse effects on water quality and quantity and, as a minimum, proposed development should aim to maintain water quality and ensure water quantity is compatible with the receiving waters;*

#### 5.2 Surface and Groundwater Resources

*(ii) Protect, manage, conserve and enhance surface and groundwater catchments and recharge areas supporting significant ecological features or having identified environmental values, by ensuring, where possible, appropriate management or limiting inappropriate land use/s to maintain water quality and quantity for existing and future environmental and human uses.*



- (iii) *Ensure the availability of water resources is compatible with the future requirements of the proposed and surrounding land use through an assessment of quantity and quality requirements for both the development and the environment.*

The proposed development entails the extraction of groundwater, and the removal of this from the associated water ecology of the area. Furthermore, as an area with a high land capability for agriculture, maintaining a reliable source of groundwater for such uses is a high priority.

Officers are not satisfied that the application has adequately addressed water availability issues and cannot conclude that the proposed development would not adversely impact water resources. This has been addressed in further details under the headings below.

#### Methodology and Peer Review of the Hydrogeological Assessment:

The methodology used in the preparation of the Hydrogeological Assessment (HA) was raised as a point of concern through submissions and identified as an issue through the peer review. The peer review has identified a number of deficiencies of the HA, as detailed below:

- The report does not include any sources or raw data in an appendix to support the findings of the assessment;
- The report does not provide any justification for the claim that the development will only slightly, if at all, reduce the amount of stream flow towards the Serpentine River;
- Test pumping to inform aquifer parameters was not undertaken in accordance with Australian Standards;
- The report states the test pumping is considered suitable for rudimentary test pumping analysis; however, the deficiencies of the testing programme are not described and the data from the test pumping is not provided;
- There is an inconsistency in the assumed saturated aquifer thickness in different sections of the report;
- Estimations on aquifer throughflow provided in the report rely on several assumptions that are not sourced or supported by other data in the report;
- The average hydraulic gradient (slope of the water table) of 0.014 is not confirmed by the groundwater levels given in Table 3 of the report, which show no consistent gradient;
- The width of the aquifer is assumed to be about double the width of the cleared area of 80m, that is 160 m west-to-east, but this assumption is not justified;
- The report has not accounted for the drying climate of the southwest of Western Australia. The annual estimated recharge figure of 6% of 1,000mm/yr rainfall identified in the report is a realistic estimate; however, longer term estimates accounting for reduced rainfall have not been provided;
- The drawdown figures provided account for one year of pumping. It is more realistic to present estimates after two years of pumping, by which time drawdown will have essentially stabilised;
- The report states that groundwater use for orchard irrigation is estimated to have decreased by 216,000KL since 2003, based on aerial photography. While this is a reasonable method of estimation, the aerals relied on to make this estimation have not been provided;
- The report provides some inconsistency in pumping water levels in different sections of the report.

In summary, the peer review states that the HA has not conclusively established that a bore or several bores in the aquifer can sustain the supply required for the proposal, nor that adverse impacts will be avoided to bores on neighbouring properties.

The applicant's consultant provided a response to the peer review as part of the response to submissions. The response clarifies some matters but does not address the majority of issues raised

by the peer review. Officers consider the HA contains insufficient information to provide certainty in the results presented and based on this, cannot conclude that the proposed development is consistent with the planning framework.

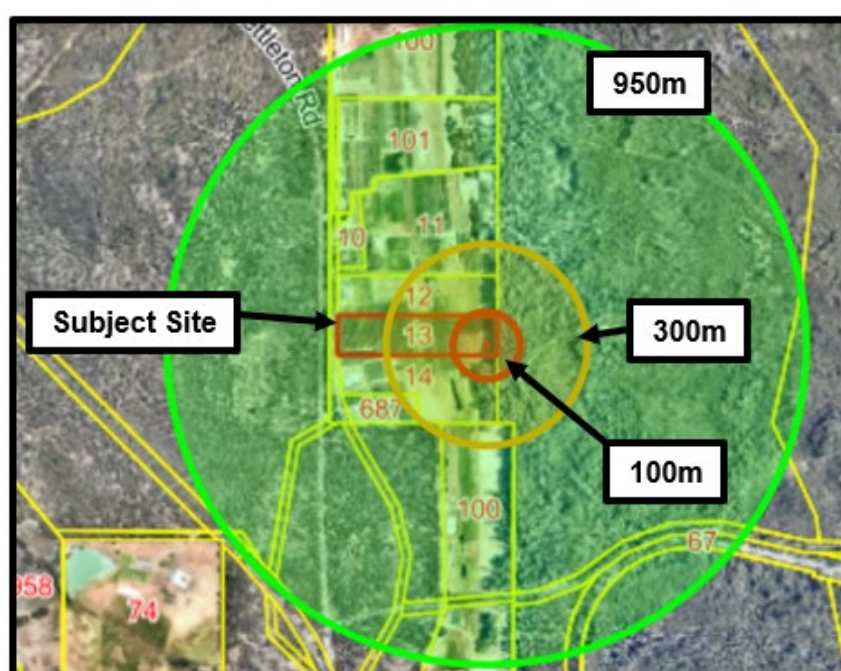
#### Water Availability, Sustainability and Water Quality Impacts:

The HA relies on the rationale that the proposed development will not require any more water than the current operations to justify the sustainability of the development and maintenance of water availability. This is based on an estimated annual water consumption of 60,000KL by the existing orcharding operations. The HA does not provide any supporting evidence to substantiate the estimated annual usage. Furthermore, there is no clear analysis in respect of how the extraction and reapplication (through orcharding) of groundwater, vs extraction and export from site of groundwater, will impact or influence the groundwater balance of the local ecology. This is a key issue, especially given the pressures being placed upon the groundwater balance, due to changing rainfall patterns and a drying climate.

The HA provides predictions for the potential impacts of the proposed development on groundwater availability. The predictions show the change in the groundwater level as a result of the proposed development. The HA only provided predictions after one year of pumping. The peer review recommended predictions should consider two years of pumping, at which stage groundwater levels would have stabilised, and provided predictions based on the information available. A comparison of the first year and second year predictions is provided below:

Drawdown Impact Predictions by Distance		
Distance from bore	Year 1 change (as identified by the applicants HA)	Year 2 change (as identified by the peer review)
100m	- 2.7m	- 3.3m
300m	- 1.1m	- 1.8m
500m	- 0.4m	- 1.1m
550m		- 0.9m
640m	0.0m	
900m		0.0m

**Table 1: Drawdown Impact Predictions**



**Figure 5: Aerial image showing the areas impacted by groundwater change**

The predictions are based solely on the proposed developments drawdown and do not account for drawdown impacts from existing residential and rural land uses within the locality or groundwater recharge. The HA provided predictions for the groundwater recharge rate separately, being approximately 195,000KL/yr for the wider locality. The peer review agrees with this prediction; however, adds that this is likely to change over time due to the drying climate of the south west of Western Australia and a reasonable longer-term prediction would see this reduce to 140,000 KL/yr.

No commentary was provided in the HA to account for existing water usage from nearby residential and rural uses. The locality comprises primarily of orchards, many of a similar size as the current operations occurring on the subject site. The applicant indicates the existing orcharding operations uses 60,000KL of groundwater annually. Assuming the surrounding orchards require a similar annual groundwater usage, the drawdown impacts of the proposed development could be greater than predicted.

The HA does not account for future development. This is particularly important as there is a broad range of water intensive agricultural uses that are permitted in the Rural zone and would not require development approval. DWER provided advice that the locality does not fall within a proclaimed area and so there are no licencing requirements in place to ensure water security. As a result, it is uncertain if the proposal will impact the capacity of surrounding operations to expand or be used for other purposes for which the zone is intended.

On top of the uncertainty around the predicted impact to groundwater levels, there is also uncertainty around the point at which neighbouring bores may be impacted. This is because there is no data or study to show the current depth of other bores in the area.

Officers consider that insufficient information is available to be able to conclusively establish the impacts of the proposed development on groundwater availability and subsequent sustainability of the development in the long term.

In relation to groundwater quality, this was not addressed in the HA. Given the operations are limited to extracting, filtering and storing water, it is unlikely the development itself would adversely impact on the quality of groundwater as the proposed operations do not involve any risk of nutrient or contaminant export.

#### Environmental Impacts:

Concerns were raised in submissions about the impacts of the development upon the environment. The concerns relate in part to the impact of water extraction on vegetation within the adjoining State Forrest and in part to the impact of water extraction on lakes, wetlands and the like.

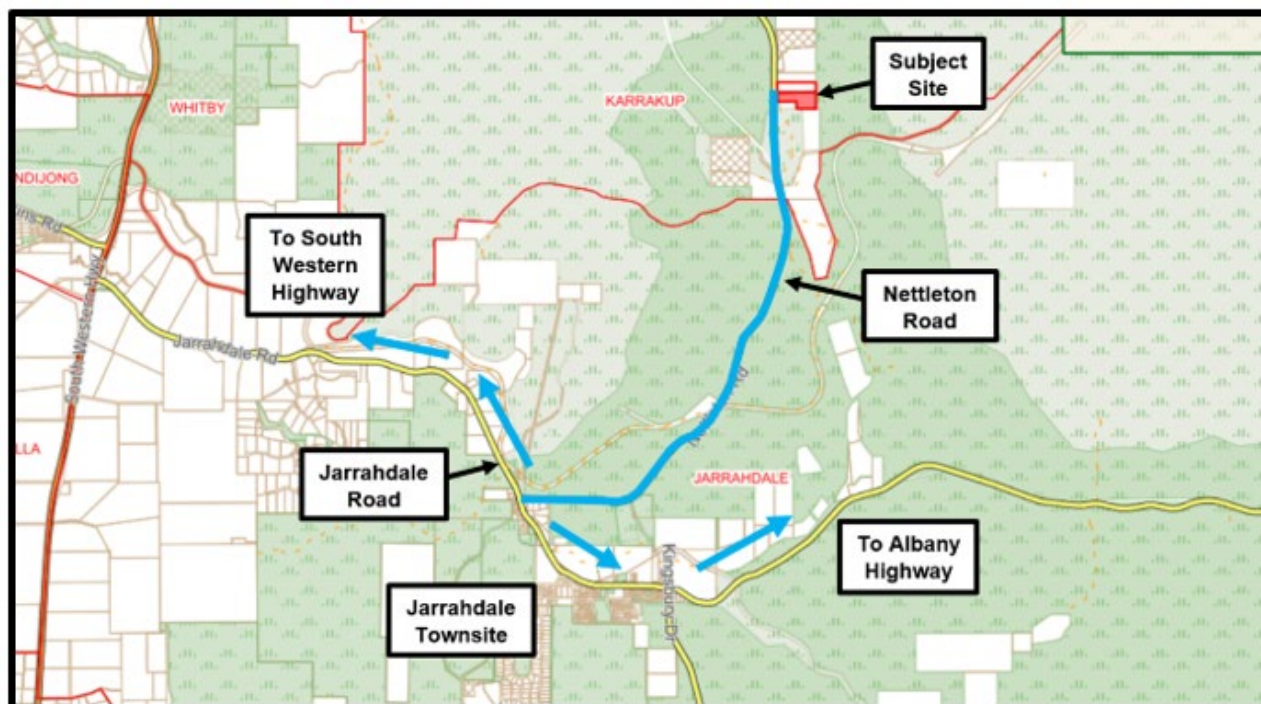
The HA states the impact will be negligible due to the proposed extraction of water remaining consistent with estimated historical usage; however, due to the uncertainty around the impact of the proposed development on groundwater levels it is difficult to substantiate this.

Officers consider there is insufficient information to adequately address the impacts of the development on the environment more broadly.

#### Traffic:

The applicant proposes that the extracted water would be loaded into water tankers, being either 15.5m single or 19m pocket B-Double trucks. Four tankers are expected to access the site daily to load water. In order to support this component of the application, the applicant has provided a Transport Impact Statement (TIS).

The TIS identifies the route the water tankers would take, heading north on Nettleton Road and making a right turn into the property. The trucks would then leave by the same route, heading south on Nettleton Road. This route results in trucks travelling through the Jarrahdale Townsite to get to and from the site. Neither Nettleton Road nor Jarrahdale Road are part of the RAV network.



**Figure 5: Proposed water tanker truck route**

The Shire's current vehicle traffic statistics indicate traffic in this area is primarily local residents, tourists attending the Jarrahdale Region and vehicles associated with nearby rural businesses. The traffic volumes in the vicinity of the site are approximately 450 vehicles per day. This is inclusive of approximately 25 to 30 heavy vehicle movements per day. The proposed development would generate an additional eight heavy vehicle movements. The applicant has justified these vehicle movements in the TIS by implying that the low number of additional vehicle trips associated with this development is acceptable and can be accommodated due to the existing low traffic volumes on Nettleton Road.

While traffic volumes in the area are relatively low, the proposal presents an increase to the number of heavy vehicle movements in the locality by approximately 30%. This is significant from both an amenity perspective for local residents and a road safety perspective. It is noted that the road pavement is narrow in sections of the local road network, with no edge lines or sealed shoulders.

Regarding intersection safety, Nettleton Road is a 100km/hr speed zone at the point of access to the subject site. The TIS indicates that sight distance to the south is restricted by a vertical crest and therefore the required stopping sight distance of 190m is not available (albeit it is close to being achieved according to the report). This presents a potential conflict hazard particularly due to the slower acceleration characteristics of heavy vehicles turning out of the site and the 100km/h speed limit on Nettleton Road.

Officers consider that while the road has capacity to cater for the vehicles, the TIS has not adequately addressed the risk to road safety as a result of the limited sight distances at the point of access to the site.



## Options and Implications:

### Option 1

That Council REFUSES the application for the following reasons:

- a. The proposed land use is not consistent with the objective of the 'Rural' zone and is therefore not approvable in accordance with clause 3.2.5 (a) of Shire of Serpentine Jarrahdale Town Planning Scheme No.2.
- b. The proposed land use is not consistent with the objectives of the 'Rural' zone as contained within draft Local Planning Scheme No.3 and would therefore be a use that is not capable of approval under Local Planning Scheme No.3.
- c. The proposed development does not achieve the objectives of the Local Planning Strategy relating to rural land.
- d. The proposed development is inconsistent with the objectives of State Planning Policy 2.5 – Rural Planning, in so far as the development is not an agricultural development and is in competition with surrounding agricultural development for essential resources.
- e. The proposed development is inconsistent with the objectives of State Planning Policy 2.9 – Water Resources, in so far as the proposal has not conclusively established its level of impact on the groundwater resource.
- f. Insufficient information has been provided to adequately address traffic safety issues arising from the proposed development, specifically in relation to the inadequacy of sight lines identified at the intersection of Nettleton Road.

### Option 2

That Council APPROVES the application subject to the following conditions:

- a. The development is to be carried out in compliance with the plans and documentation dated 14 October 2021 and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.
- b. A building permit application is to be submitted to, and approved by, the Shire of Serpentine Jarrahdale prior to the commencement of any works.
- c. Plans submitted for a building permit application are to demonstrate an upgrade to the intersection of Nettleton Road and the access to be used by the development, to the satisfaction of the Shire of Serpentine Jarrahdale. This upgrade is to include suitable widening of the northbound carriageway of Nettleton Road both north and south of the driveway intersection, so that trucks accessing the driveway from a northbound direction do not impede the safe through flow of other northbound traffic. Once approved, the upgrades to Nettleton Road and the driveway intersection must be undertaken prior to operation of the development.

Option 1 is recommended.

## Conclusion:

The subject application seeks approval for a groundwater extraction operation at the subject site. Officers are unable to conclude from the information provided with the application that the proposed development would not have an adverse impact on the availability of the water resource. Further to

this, the proposed use does not meet the objectives of the 'Rural' zone and, as a use not listed in the zoning table, is not permissible on this basis. As a result, the application is recommended for refusal.

### Attachments:

Deemed Provisions – CI 67 Matters to be considered by local Government

### Land Use:

a) The aims and provisions of this Scheme and any other local planning scheme operating within the area	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<b>Comment: Refer to TPS2 section</b>			

b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<b>Comment: Refer to LPS3 draft section</b>			

c) any approved State planning policy	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<b>Comment: Refer to SPP2.5 and SPP2.9 sections</b>			

d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d)	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			

e) any policy of the Commission	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			

f) any policy of the State	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<b>Comment: Refer to SPP2.5 and SPP2.9 sections</b>			

g) any local planning policy for the Scheme area	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
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<b>Comment: LPP1.4 considered in advertising process</b>
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h) any structure plan, activity centre plan or local development plan that relates to the development	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			

i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			

j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			

## Development:

k) the built heritage conservation of any place that is of cultural significance	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			

l) the effect of the proposal on the cultural heritage significance of the area in which the development is located	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			

m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			

n) the amenity of the locality including the following –	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
I. Environmental impacts of the development			
II. The character of the locality			
III. Social impacts of the development			
<b>Comment: Refer to the planning assessment section</b>			

o) the likely effect of the development on the natural environment or water resources and any means that are	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
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proposed to protect or to mitigate impacts on the natural environment or the water resource			
<b>Comment: Refer to the planning assessment section</b>			

p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<b>Comment: Refer to the planning assessment section</b>			

q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<b>Comment: Refer to the planning assessment section</b>			

r) the suitability of the land for the development taking into account the possible risk to human health or safety	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			

s) the adequacy of – I. The proposed means of access to and egress from the site; and II. Arrangements for the loading, unloading, manoeuvring and parking of vehicles	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<b>Comment: Refer to the planning assessment section</b>			

t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity off the road system in the locality and the probable effect on traffic flow and safety	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<b>Comment: Refer to the planning assessment section</b>			

u) the availability and adequacy for the development of the following – I. Public transport services II. Public utility services III. Storage, management and collection of waste IV. Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities) V. Access by older people and people with disability	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			

v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
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<b>Comment:</b>
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w) the history of the site where the development is to be located	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
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<b>Comment:</b>
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x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
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<b>Comment: Refer to the planning assessment section</b>
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y) any submissions received on the application	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
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<b>Comment: Refer to the community consultation section</b>
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Za) the comments or submissions received from any authority consulted under clause 66	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
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<b>Comment: Refer to the section on DWER consultation</b>
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Zb) any other planning consideration the local government considers appropriate	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
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<b>Comment:</b>
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