

Technical Report			
Application No:	PA17/958 – DR 131 OF 2018		
Lodgement Date:		DAU Date:	
Address:	Lot 2, 206 Firns Road, Serpentine		
Proposal:	Dams		
Land Use:	Rural Use	Permissibility:	'AA'
Owner:	Sara Band Investments PTY LTD		
Applicant:	Sara Band Investments PTY LTD		
Zoning:	'Rural '	Density Code:	
Delegation Type:		Officer:	Manage Statutory Planning and Compliance
Site Inspection:	Yes		
Advertising:	Yes		
Outstanding Internal Referrals:	Yes		
	No		
External Referrals:	Yes – (DWER & DPIRD)		
Within a Bushfire Prone Area:	Yes		

Introduction

The purpose of this report is for Council to reconsider a decision for a development application in accordance with Section 31 of the *State Administrative Tribunal Act 2004*. The proposal seeks:

- Retrospective approval for 6 existing dams;
- Approval for 3 new (interconnected) dams to capture 7.4ML of water;
- Removal of 2 existing dams;
- Approval for the new establishment of 16.7 hectare of orchard for the purposes of producing truffles;
- Removal of 1.14 ha of vegetation;
-

This is for the property at Lot 822 (206) Firns Road, Serpentine.

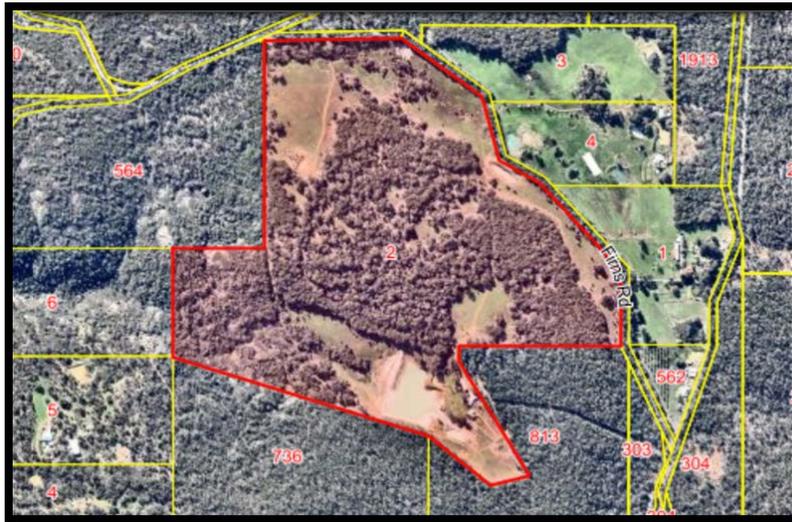
The application is presented to Council in accordance with the request of the State Administrative Tribunal, which is inviting Council to reconsider the original decision. The original decision was a planning refusal, for reasons due to inconsistencies with Local Planning Policy 4.4: Dams and Lakes (LPP 4.4) and inconsistencies with orderly and proper planning. Specifically, in relation to environmental impacts and failure to demonstrate the need for the volume of water when considering the retrospective dams (existing) and the further dams being requested, in the absence of demonstrable need.

The applicant, through the State Administrative Tribunal process, has since provided amended plans which Officers consider now demonstrate general consistency with LPP4.4. The amended application now provides details of the proposed 'Use' to occur onsite, from which the combination of existing and new dams will be supporting. For

the reasons outlined in the assessment, Officers recommended that Council approve the application, subject to appropriate conditions.

Background

The property is zoned 'Rural' under Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2) and is approximately 75.3 hectares in size. The topography of the site is undulating, with a high point of approximately 275 AHD in the south-east corner, 195m AHD on the north-west corner and 155m AHD in the south-west corner. The site consists of vegetated and cleared areas. Aerial image of property follows:

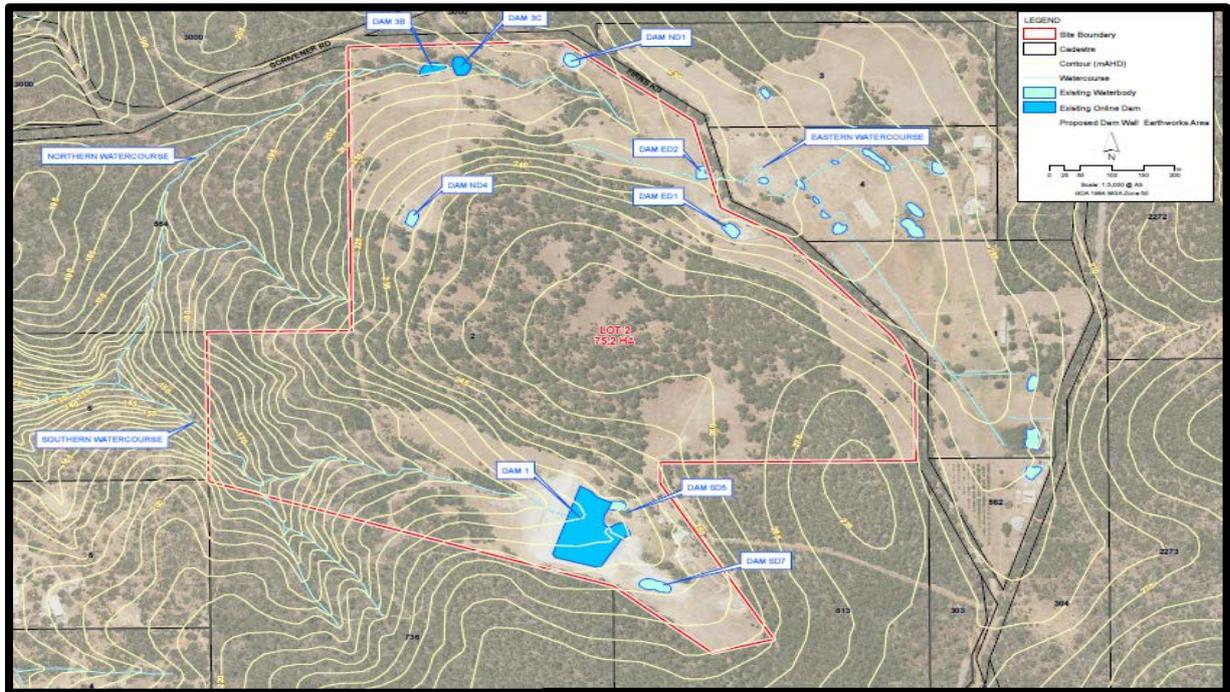


Subject Site – Lot 822 (206) Firms Road, Serpentine

The site comprises of a dwelling and incidental developments are located within the south-east corner of the subject site. There are nine existing dams located onsite with a combined storage capacity of approx. 50ML of water. This application seeks retrospective approval for those dams not currently approved.

The site to the west of the property, Lot 564 Scrivener Road, Serpentine was rezoned 'Conservation' under TPS2 in 2013 due to its high value of native vegetation onsite. The rezoning (amongst other things) was intended to limit use classes which may require clearing and limit the permissible uses to facilitate single house developments and public utility, removing any discretionary uses.

Two watercourses also traverse the site. The northern watercourse traverses westwards across two existing dams and discharges on the west property boundary. The southern watercourse originates on the property and traverses an existing dam discharging on the west boundary. Refer to below image for location of existing dams, the volumes within each dam location of the two watercourses onsite.



Existing Dams	Approximate Capacity of Dams (KL)	Total Volume (KL)
ND1	270	50,156
Dam 3B	1,050	
Dam 3C	1,200	
ND4	820	
ED1	14.4	
ED2	14.4	
SD5	228	
SD7	1,000	
Dam 1	45,560	

Existing Dams and Watercourses on Site – Lot 2 (62) Firms Road, Serpentine

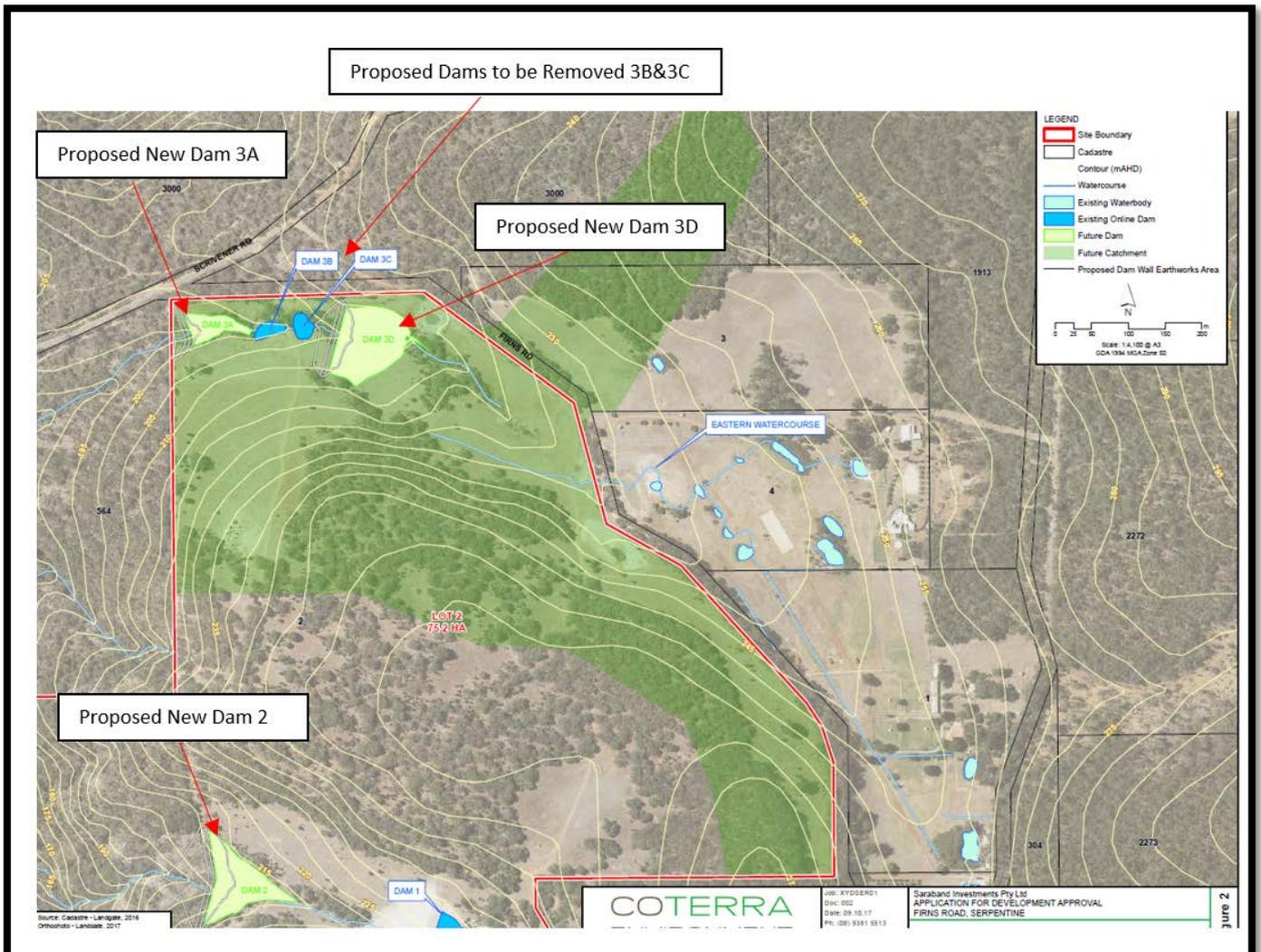
Image 02 – Capacity of Existing Dams

Dam 1 was approved by Council on 29 January, 2013. There are no records of approval for the remaining dams. These form the basis of the retrospective component of the application.

Report

Initial Proposal

The initial proposal was submitted on 7 October 2017 by Coterra. The development application sought the construction of three new dams (Dams 3A and 3D on the northern watercourse), removal of vegetation and the capture of up to 43% of the 68ML modelled water winter flows by the applicant. The dams located within the initial application can be viewed below.



Initial Application – Proposed 3 Dams

The proposal was assessed against then Local Planning Policy 33 (now repealed and replaced by LPP 4.4). The objectives of LPP33 provided for minimisation of environmental impacts of dams on local water resources and vegetation and minimisation the cumulative impacts resulting from indiscriminate construction of dams.

The dam was identified to incorporate 'high risk' characteristics under 'Table 2 – Impact Significance Guidelines', while Schedule 3 and 4 identified general and additional information to supply in terms of 'high impact' proposals as part of an assessment. The general application criteria for 'high impact' proposals require the submission of a detailed description of the purpose of the dams. Water requirements should be justified by agronomist detail or similar to demonstrate the capability of the soil types and condition to cater for the crop type selected, area, irrigation requirements and location of the crops clearly depicted and forming part of the overall development proposal.

A number of technical reports were submitted by the applicant, however, after assessment it was considered that the proposal did not contain adequate justification for the proposed dams. There was no nexus to a legitimate agricultural use or use ancillary to rural activity which could be considered under Table 1 – Zoning Table of the TPS2, warranting the significant increase in water volume/yield/number of dams.

Further to the assessment, in determining potential downstream and environmental impacts in line with Local Planning Policy 33, the proposal was referred to the Department of Water and Environment Regulation (DWER) for comment, who advised amongst other things as follows:

- *“ The total capacity of proposed dams (29 ML) constitutes about 43% of the total average annual runoff (67 ML/year) into the dams*
- *Designing systems to suit the average annual runoff is not recommended as it does not give an indication of the reliability of getting that volume in each year, or any shortfall in water availability in years drier than the average*
- *The report does not contain a comparison of the existing (baseline) situation and the proposed future situation to assess impacts on downstream users so the downstream impacts are unknown. On-stream dams typically delay when the streams start to flow downstream as the dam is being filled.*

The DWER further advised that licensing requirements do not apply under the Right to Water Irrigation Act 1914 (RIWI Act), as the watercourse is located between headwaters of a tributary. As such, there is no licensing requirement under the Act. However, as the water resource is ultimately the DWER to manage, DWER considered an amount that can be sustainably allocated using the Sustainable Diversion Limits (SDL) approach in lieu of any licensing requirements under the RIWI Act with the applicant. DWER advised as follows:

“The Department recommends Sustainable Diversion Limits (SDL’s) as a guide to assess water availability and inform decision-making in surface water catchments. The SDL provides a regional hydrological estimate of the sustainable yield of surface water resources.

The report Approach for Determining Sustainable Diversion Limits for South West Western Australia (SKM, 2008) prepared on behalf of the Department, to develop a method for rapidly and conservatively estimating the winterfill diversion potential for unregulated (and generally ungauged) streams in the south-west of Western Australia. The diversion potential represents an upper limit beyond which there is an unacceptable risk that additional extractions may degrade the riverine environment. This document is available on the Department website at www.dwer.wa.gov.au.

The aforementioned report determines that a take of approximately 10% of mean annual stream flow is considered sustainable to abstract in winter from such surface water catchments”.

The proposal was not amended to reflect the requirements of DWER. As such, Officers had significant concerns of the possible environmental impacts (down-stream) and inconsistencies with Local Planning Policy 33 as mentioned above. The application was refused for the following reasons:

- 1 - *The proposal does not include sufficient information in accordance with Local Planning Policy 33 – Construction of Dams by way of justification of the purpose of the dams and the land use.*
- 2 - *The proposal is inconsistent with the objectives of the ‘Rural’ zone in accordance with Clause 5.10.1 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 as it does not demonstrate a ‘rural pursuit’.*
- 3 - *Insufficient information has been provided in relation to the proposal to be able to determine the land use in accordance with Clause 67 of the Planning and Development (Local Planning Schemes) 2015;*
- 4 - *Insufficient information has been provided to demonstrate the impacts on down-stream users and the environment, inconsistent with the objectives of Local Planning Policy 33 - Construction of Dams and orderly and proper planning;*
- 5 - *The proposal is inconsistent with the Rural Strategy Review and which designates the site as ‘Agricultural Protection’. No detail has been provided to demonstrate the nexus to the agricultural viability of the land.*

SAT Proceedings

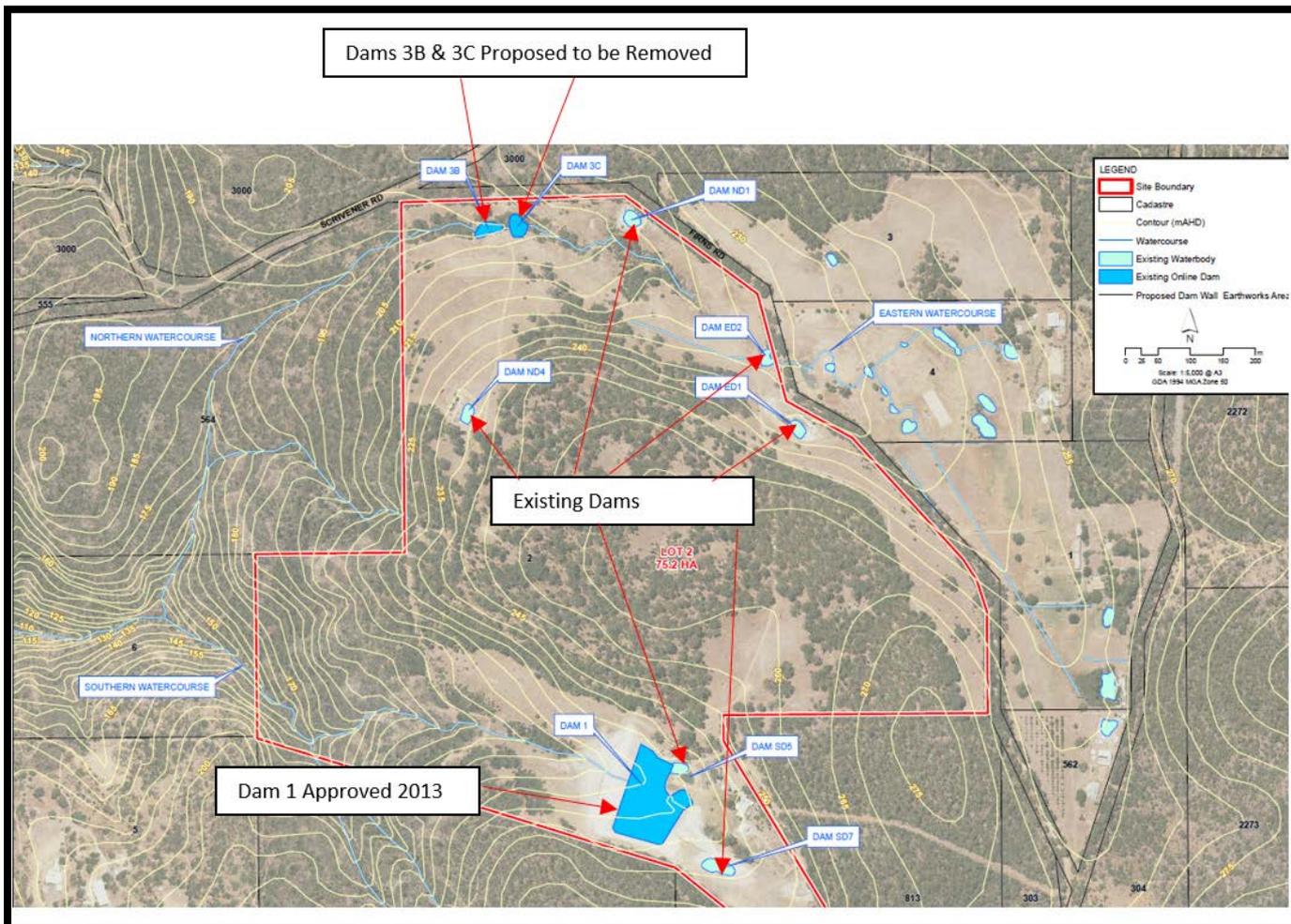
The refusal was subsequently appealed at the State Administrative Tribunal. The Shire and the applicant since this time have been attempting to resolve the matter through mediation, given the predominant issue impacting the Shire has been the lack of information to be able to determine the requirement for further dams. The applicants, after lengthy discussions with the DWER and Shire officers, agreed to provide additional/revised information to the Shire.

The additional information sought to provide clarity to Officers in relation to environmental impacts from the new dams, consideration of the need for the new dams in light of existing dams, the capture of water, and the ultimate land use

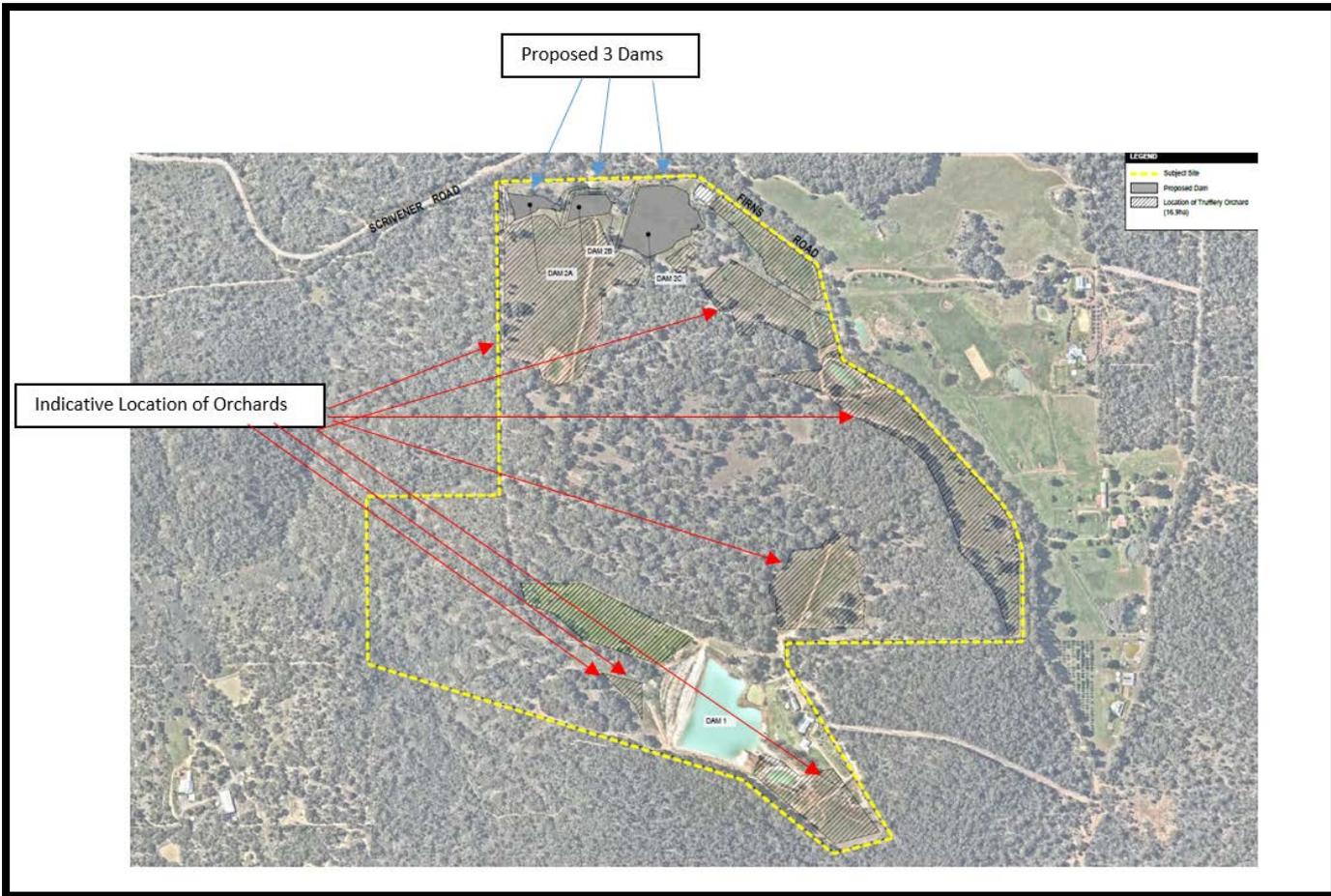
associated with the proposal overall. The additional information in summary provided the following details:

- Indicative location of 16.9 hectares of Orchard for the production of walnuts;
- Construction of three dams setback from the northern watercourse with a total capacity of 29,126KL; the embankments will be constructed with 1:3 batters on the downstream side of the embankment and 1:4 batters on the upstream side. The dam section embankments will include a spillway compromised of twin 600mm diameter pipes with invert levels approximately 1.2 metres below the top of the embankment;
- An inlet structure is proposed upstream of Dam 2, and a bypass is proposed along the northern side of the dam. The bypass will be constructed either as an open channel with sides at a 2:1 grade, or the bypass flow will be conducted via a 600mm pipe (the intent is the proponent will elect which bypass design option to progress prior to commencing construction.)
- Removal of two existing dams (3B and 3C) on the northern watercourse;
- 1.02 hectares of vegetation clearing (as stated within Coterra report);
- Capture no more than 7.4ML (7,400,000 litres) from the northern watercourse resulting from a low flow bypass system; and
- Diversion of the northern water course (by way of a low flow bypass);

Refer to below revised site plans for existing dams being retained, proposed dams and location of proposed orchard:



Dams Proposed to be Removed and Location Existing Dams



Indicative Location of Orchards and Location of Proposed Dams



Design of Proposed Dams

The proposal was referred to DWER, and DWER advised they were satisfied with the amended proposal with regard to the agreed principles for ensuring necessary flows to downstream users and the environment is retained subject to the following:

- *“The second dot point in the applicant’s covering letter states “A low-flow bypass, is now proposed along the northern gully to intercept water before it enters Dam 2. The low flow bypass will be used to divert 89% of winter flows, that is from 15 June to 15 October, downstream of Dam 2*
- *Consistent with what was specified during the State Administrative Tribunal meeting of the 11th September, the sizing of the low flow bypass was to be specified as the assurance to flows being adequately maintained. The Department advised on the day this was to be 0.13ML/day, which is consistent with previous advice provided to the proponent.*
- *As such, if the proponent was to amend the aforementioned bullet point, it should read “A low-flow bypass, sized to allow release or diversion of 0.13 ML per day, is now proposed along the northern gully to intercept water before it enters Dam 2. The low flow bypass will be used to divert 89% of winter flows, that is from 15 June to 15 October, downstream of Dam 2.”*
- *Of further note, and as discussed at the meeting, the proponent will need to submit a new application to DWER for Section 17 Permit under the Rights in Water Irrigation Act authorising works (bed and banks permit) as the one issued previously has expired. The permit application is to include supporting documentation of proposed dam layout, designs and the chosen low flow bypass methods designed to achieve a release 0.13 ML/day between 15 June to 15 October.”*

Officers considered the advice from DWER . Using the SDLs defined by DWER, satisfied the Shire’s concerns over downstream impacts and more generally environmental impacts resulting from the take of water from the northern watercourse.

The application however, still needed to demonstrate the overall need for the dams and their captured water resource. Officers to make this assessment required details relating to the proposed associated rural use, nutrient application to ensure that there were no risks to the quality of water moving downstream, as a basis to understanding whether the additional dams were consistent with the planning framework. Furthermore, amenity impacts resulting from the possible increase of vehicle movements, type of vehicles to access the site, bushfire safety, and possible sale of produce from site etc. were required to be addressed to assist officers in determining the merits of the application. As this further information was not forthcoming, officers remains unable to support the proposal.

Via the SAT process, the matter was scheduled for a formal hearing 11 June 2020, however, on the day of the hearing, the applicants requested a mediation, where the applicants agreed to provide the Shire with the required information to enable a proper assessment in accordance with LPP 4.4. As a result, the SAT has invited the Shire to reconsider its decision.

A reconsideration under section 31 (1) of the *State Administrative Tribunal Act 2004*, allows for Council to either:

- Affirm the decision;
- Vary the decision; or
- Set aside the decision and substitute a new decision;

Council should note that if the original decision by Officers is varied or substituted, the next step depends on the applicant. If the applicant is satisfied with the varied or substituted decisions, they can withdraw the proceedings and the new decision comes into effect. If the applicant is not satisfied with the new decision, the proceedings are resolved before SAT by way of a full hearing.

Revised Proposal

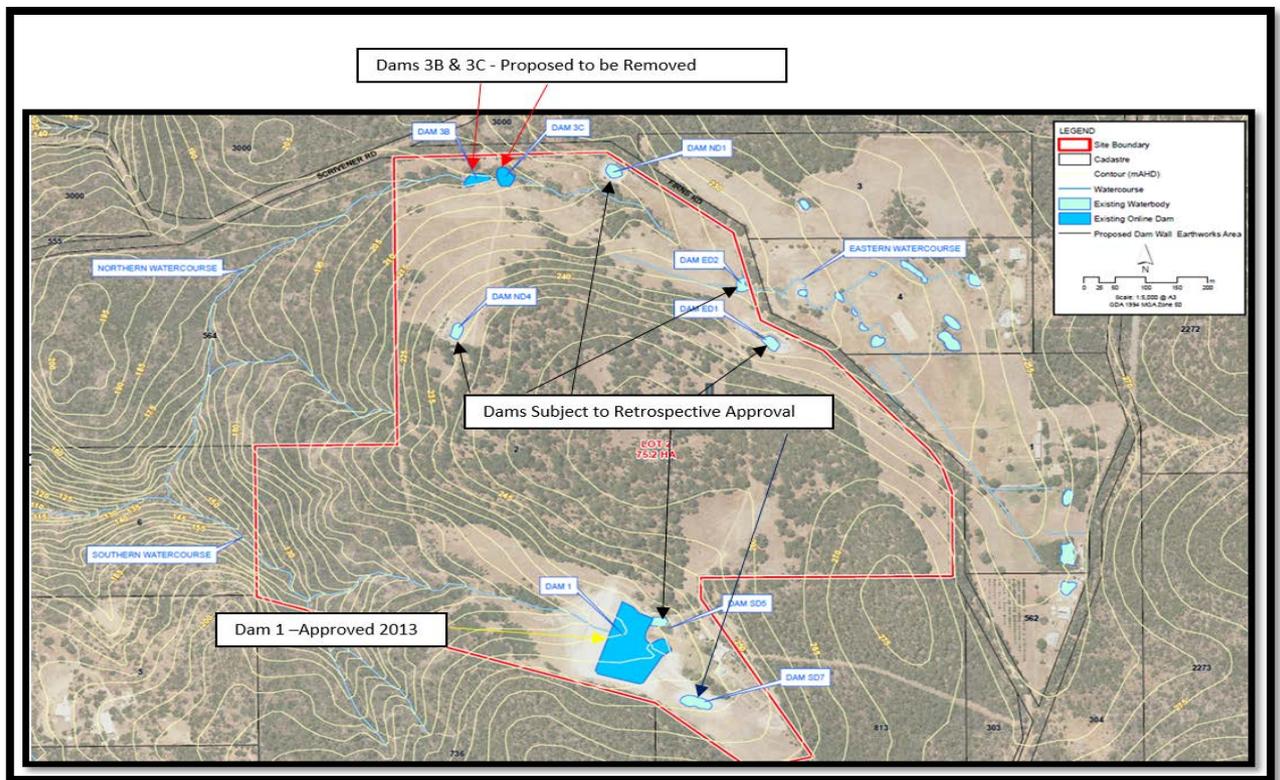
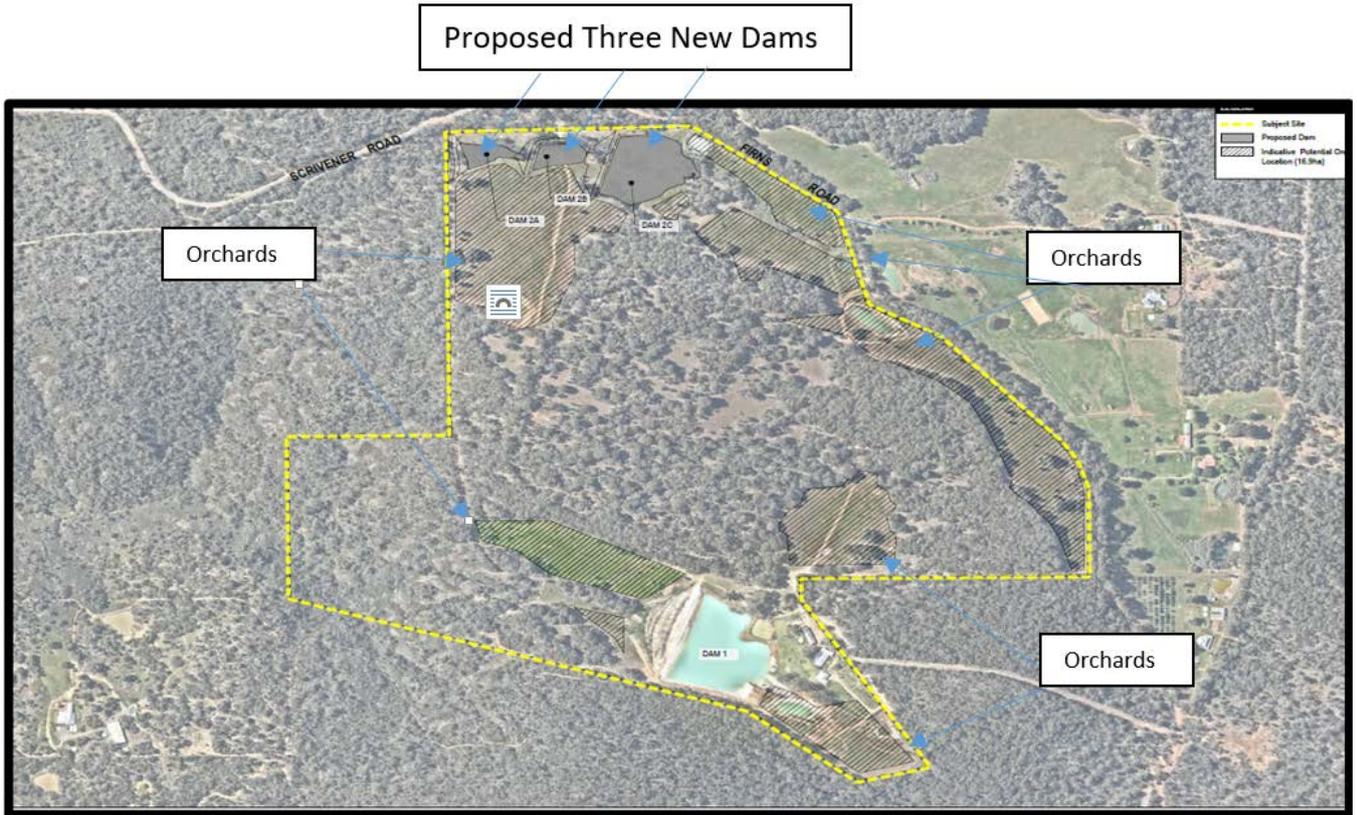
The revised proposal now seeks approval for the following:

- Construction of three off-line dams with a total capacity of 29ML (29,000 KL). The dams will be constructed using a compacted earthfill (clay core) embankment.
 - o The embankments will be constructed with 1:3 batters downstream side of the embankments and 1:4 batters on the upstream side.
 - o The dam section embankments will include a spillway comprised of twin 600mm diameter pipes with invert levels approximately 1.2 m below the top of the embankment.
 - o Scour protection will be installed on the top of the embankment at the spillway locations to manage overtopping during blockage or high water levels;
 - o The dams are connected internally by way of a spillway.
- Removal of existing dams 3B and 3C;
- Retrospective approval of existing 6 dams;
- Diversion of the northern watercourse, by way of a low-flow bypass channel;
- Clearing of 1.14 hectares of vegetation;
- Establishment of 16.9 hectares of Orchards (hazelnuts/oaks) for the growing of truffles (density of 300 trees per hectare) within approximately four years of the construction of the dams;
- Nutrient application details;
- Capture of no more than 7.4ML (7,400,000 litres) between 15 June to 15 October (Winter flows) from the northern watercourse using a low-flow bypass system;
- Construction of a fence surrounding the orchards;

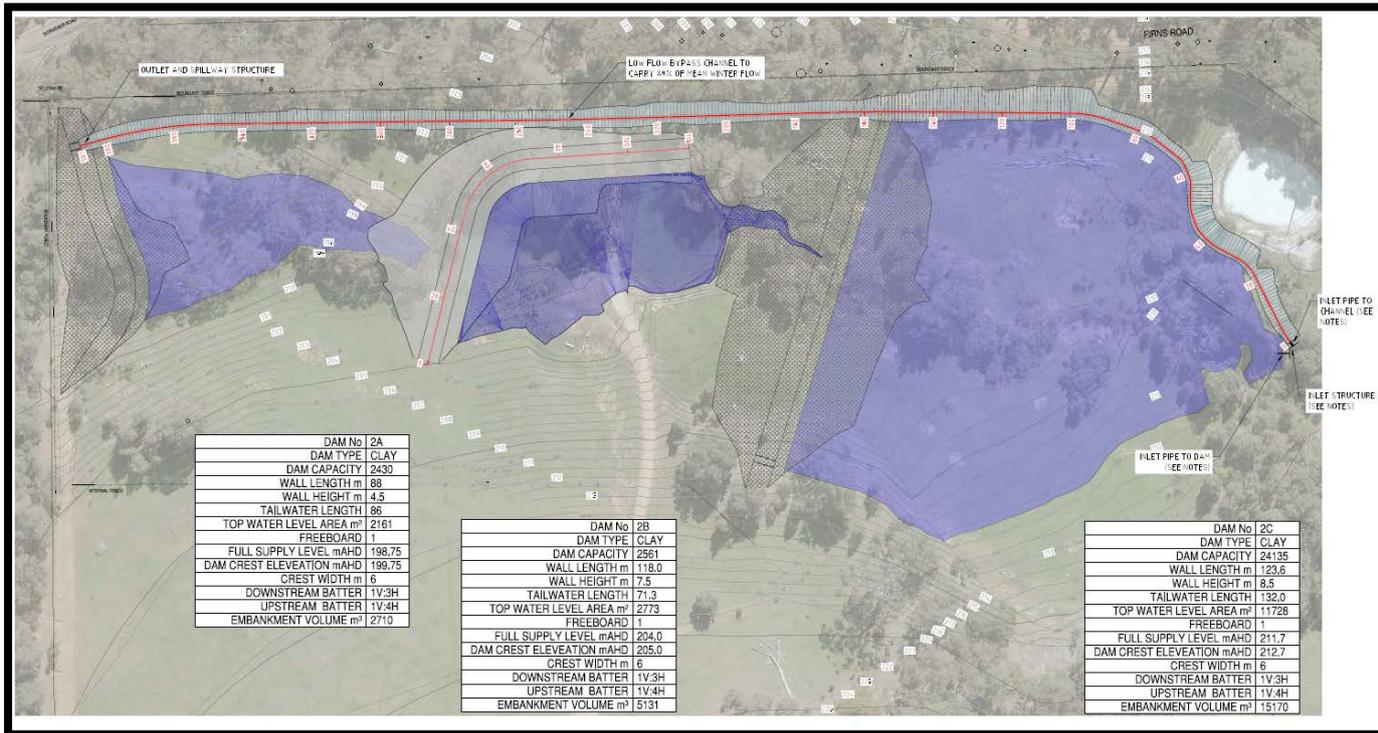
The proposal will require an arborist to visit the site intermittently throughout the year to monitor the growth of the orchard and to monitor the irrigation system. The truffles are proposed to be harvested once they have been established which generally takes up to 7 years to occur.

No retailing of any sort is proposed to occur from the property and the truffles will not require any larger vehicle other than that of a passenger vehicle (utility) to transport the truffles from site to its desired location. Additionally, the hazelnuts/acorns from the orchards are not proposed to be taken offsite or processed.

The layout of the proposal as depicted below has not been modified from the previous proposal as above, the information that was supplied however, provides details surrounding the orchard operations.



Dams Proposed to Removed and Subject to Retrospective Approval



Details of Proposed 3 Dams

Community/Stakeholder Consultation

The initial application and subsequent revision submitted to the Shire as part of the SAT process were both advertised to nearby landowners for comments. The application was also referred to DPIRD and DWER. A number of objections had been received through this process.

The revised application was referred to nearby landowners for a period of three weeks, between 7 July 2020 – 21 July 2020. At the end of the consultation period a total of 3 submissions were received. Of these submissions 2 objected to the proposal. These landowners also provided objections to the previous revisions of the proposal. The application was also referred to DWER and DPIRD which will be discussed further in the report. The issues forming the objections relate to the following:

- Environmental Impacts;
- Permissibility of land use;
- Location of dams (online or offline);
- Validity of surplus water used for firefighting purposes;
- Environmental concerns over vegetation clearing;
- Justification for water;
- Impacts to Neighbouring Conservation zone;
- Nutrient Impacts
-

Department of Water Environment Regulation (DWER)

The DWER have assessed the application and in principle does not object to the proposal, however, provides the following advice:

“The design specifications of dams proposed on the northern gully of the site have been subject to considerable input from the Department. Due to proposed dams are located

within the headwaters of a catchment, the capture of water by these dams is not licensable under the Right in Water Irrigation Act 1914.

However, in accordance with the aforementioned legislation and Water Quality Protection Note 53 - Dam construction and operation in rural areas (DWER, 2018), the dams are still required to ensure downstream flows are sufficiently maintained so as not to detriment the receiving environment or other users of the resource. This sustainable take is referenced as “sensibly diminished” within the Right in Water Irrigation Act 1914.

A hydrological report on behalf of the proponent (Coterra, 2017), estimated flows from the catchment of the northern gully to be 68 megalitres (ML) a year. This information was assessed by the Department, and a sustainable diversion limit was recommended to maintain 89% of the predevelopment flow within the gully downstream, allowing the capture and use of 11% of flow within proposed dams, which is approximately 7.48 ML per year.

The above design specifications were recommended upon the following conditions:

89% of flow within the gully to be bypassed around dams;

A low flow bypass to be installed with a minimum threshold capacity of 0.13 ML/day; and

Harvest of water by dams only to occur during winter flows from 15 June to 15 October each year.

It is recommended the above are included as development conditions, should the Shire approve this proposal. Furthermore, the Shire may consider the installation of flow gauging equipment to assist in compliance reporting for the take of water.

It should also be noted a Bed and Banks permit under the Rights in Water Irrigation Act 1914 will be required to be approved by the Department prior to construction of dams, and this will include relevant detailed designs consistent with the aforementioned specifications”.

DWER also advised that “at present, and not withstanding Perth’s drying climate, it would appear there are insufficient water resources available to support a proposed orchard of 16.9 ha. No information has been provided with regard to how this issue would be managed by staging of the development or securing other water supply options alternative to surface flow. It is recommended this issue is navigated through one of the following options:

- 1. The development application is amended to a reduced footprint of orchard area which corresponds with available irrigation resources, with conditions of approval to include the requirement for a nutrient irrigation management plan; or*
- 2. The development application is approved in its current form with a condition applied for a nutrient irrigation management plan which will clearly identify the staging of development for the orchard relevant to demonstration of secure water resources to support each stage.*

The intent of the latter option is to ensure if development of the 16.9ha of orchard does occur, stages of development can only proceed if a sustainable source of water is demonstrated.

In relation vegetation clearing, DWER have only advised that a clearing permit is required under Section 51C of the Environmental Protection Act 1986”.

Officer comment

The application has been prepared to align with DWER’s comments. The following conditions are proposed specific to the DWER position:

b Prior to commencement of works for the new dams, the applicant shall submit detailed design drawings (prepared by a suitably qualified Civil and Hydrological Engineer) to the Shire of Serpentine Jarrahdale and Department of Water, Environment and Regulation (“DWER”) for approval. The detailed design drawings must demonstrate the following design requirements being achieved to the satisfaction of the Shire of Serpentine Jarrahdale and the DWER:

- A minimum of 89% of flow within the gully to be bypassed around dams;*
- The design limiting no more than 11% of the winter water flow being captured;*
- A low flow bypass to be installed with a minimum threshold capacity of 0.13 ML/day;*
- Flow gauging equipment being installed to regulate and report on an annual basis to both the Shire of Serpentine Jarrahdale and the DWER, that the harvest of water by dams only occurs during winter flows from 15 June to 15 October each year and that bypass flow rates are achieved at all times;*
- Structural integrity of the dams.*

Once approved, development must be undertaken and maintained in accordance with the detailed design drawings, to the satisfaction of the Shire of Serpentine Jarrahdale and the DWER.

c. In respect of the existing dams granted retrospective approval under this determination, a suitably qualified Civil and Hydrological Engineer is to structurally certify these existing dams as being safe and structurally sound, to the satisfaction of the Shire of Serpentine Jarrahdale and DWER. Should the Civil and Hydrological Engineer identify any remediation works being required to achieve structural safety and soundness, these works must be undertaken to the specification required by the suitably qualified Civil and Hydrological Engineer to the satisfaction of the Shire of Serpentine Jarrahdale and DWER.

d. Upon completing the construction of each dam (whether new or remediation works), a suitably qualified Civil and Hydrological Engineer must certify that the dam has been constructed and/or remediated in accordance with the approved plans and are structurally safe, to the satisfaction of the Shire of Serpentine Jarrahdale and DWER. The certification must be submitted to the Shire of Serpentine Jarrahdale and DWER within 28 days after completion of construction and/or remediation of each dam.

h. Prior to the construction of the dams, a Nutrient and Irrigation Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale and DWER. The Nutrient and Irrigation Management Plan is to identify the staging of development for the orchard relevant to demonstration

of secure water resources to support each stage, to the satisfaction of the Shire of Serpentine Jarrahdale and the DWER. Development shall be undertaken in accordance with the Nutrient and Irrigation Management Plan, once approved, and must be implemented at all times.

An advice note is also recommended as follows relating to the advice of the DWER:

“The applicant is advised that a Bed and Banks permit under the Rights in Water Irrigation Act 1914 will be required to be approved by the DWER prior to construction of dams, and this will need to include relevant detailed designs consistent with the specifications contained in the conditions”.

DPIRD

“More than 50 percent of the soils in the 16.9ha to be planted with either oak or hazelnut trees have a very high capability for perennial horticulture, while the remainder have a moderate to high capability;

Inoculated trees will be planted to ensure the production of truffles. The truffle fungus have a symbiotic (mutually) beneficial) association with the host trees. The fungus supplies the tree with nutrients from the soil, while the tree provides the fungus with a place to live and supplies carbohydrates (sugars) for growth. For this reason, only moderate quantities of nutrients are required in the soil.

The annual requirement for nitrogen and phosphorous is very low as an excess of nutrients in the soil can cause the truffles to die. The proposed multiple applications of small quantities of fertiliser will ensure that there is not an abundance of nutrients in the soil at any specific time. This will allow the truffles to develop and limits the possibility of nutrients leaching or being transported off-site due to high rainfall events”.

Officer Comment

Low levels of nutrient have been proposed as part of the application to assist with the growth of the truffles. The application illustrates that the exact quantity of fertiliser will be determined following soil chemical testing. As such, a Nutrient Impact Management Plan has been recommended by Officers to be prepared in accordance with Water Quality Protection Note 33: Nutrient and Irrigation Management Plans (DWER 2010) which will provide details of the application amount, method of application and quantities required during different growth stages.

Statutory Environment

Legislation

- Planning and Development Act 2005;
- Planning and Development (Local Planning Schemes) Regulations 2015;

State Government Policies

- Metropolitan Region Scheme

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2;
- Rural Strategy Review 2013 ;

- Draft Local Planning Scheme No. 3;
- Draft Local Planning Strategy

Planning Assessment

Town Planning Scheme No. 2

The subject site is zoned 'Rural' under TPS2. Clause 5.10.1 sets the objective of the 'Rural' zone 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".

Officers consider the proposed 16.9 hectares orchard for the production of truffles and associated dams meets the objective of the zone as they are considered to be rural pursuits, consistent with the objective of the zone.

Land Use Permissibility

In determining the land use for the proposed development, Officers have considered the following land use definitions under TPS2:

'Orcharding' - *"means the production and operation of fruit nurseries."*

'Rural Use' - *"the use of land for any of the purpose set out hereunder and shall include such buildings normally associated therewith:*

- a The growing of vegetables, fruit cereals, or food crops except for domestic purposes;*
- b the rearing or agistment of goats, sheep cattle or beasts of burden;*
- c the stabling, agistment or training of horses, or other ungulates;*
- d the growing of trees ,plants, shrubs, or flowers for replanting in domestic commercial or industrial gardens;*
- e the sale of produce grown soley on the lot".*

A truffle is more in line with a fungus which is not considered as part of the TPS2 definitions however it is considered most closely related to a 'food crop', which is captured within the 'Rural Use' land use classification of TPS2. The 'Rural Use' land use classification is a 'P' (Permitted) land use in the 'Rural' zone.

In considering Clause 3.2.4 of TPS2 which states *"where in the Zoning table a particular use is mentioned it is deemed to be excluded from any other use class which by its more general terms might otherwise include such particular use"*, the 'Rural Use' classification is considered to be the best fit and the most appropriate.

Local Planning Scheme No. 3

Schedule 2, Part 9, Clause 67(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires a Local Government to consider principles of orderly and proper planning including any proposed Local Planning Scheme.

The subject site is zoned 'Rural' under LPS3 and falls within a Special Control Area. The Special Control Area relates to the Darling Scarp Landscape Protection Area that has the objectives of; preserving the amenity of the scarp, protecting and enhancing the landscape, scenic and townscape values and to maintain the integrity of landscape along scenic routes.

The land use definitions considered relevant under LPS3 are as follows:

'Agriculture-Extensive' - "premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture-intensive or animal husbandry-intensive

The land use under LPS3 is a 'P' land use in the 'Rural' zone which means the development, where no works are proposed, is permitted and does not require development approval.

Officers, in considering the land use classification under draft LPS3, determine that the best fit land use is 'Agriculture-Extensive'. The truffles are considered to fall within the term crop and the nature of the production is considered extensive.

Draft Local Planning Strategy (LPS)

The subject site is designated as 'Rural Land' under the draft LPS. "The Rural land use category provides for a full range of rural land uses, tourism opportunities, rural enterprise and the preservation of the natural landscape. Rural land facilitates agricultural production and the protection of the natural landscape". The proposal, by way of land use, is considered consistent with the draft LPS.

State Planning Policy 2.9 – Water Resources

SPP 2.9 seeks to prevent impacts to water quality. The objectives of SPP 2.9 are:

"protect, conserve and enhance water resources that are identified as having significant economic, social, cultural and/or environmental values; 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 promote and assist in the management and sustainable use of water resources."

DWER have advised that the nutrient application is considered low and unlikely to pose a risk to the quality of water. Notwithstanding this, a Nutrient and Irrigation Management Plan is recommended by way of a condition to align with Water Quality Protection Note 33: Nutrient and Irrigation Management Plans to ensure this is the case

In terms of water resources more broadly, DWER have supported the take of 11% of the winter water flows from the northern watercourse. The 11% take is based on the SDL methodology and considered to be a sustainable approach to water allocation. This is unlikely to cause downstream adverse effects.

Officers consider that the objective of SPP2.9 can be met and a condition requiring a Nutrient Irrigation Management Plan will be recommended accordingly to satisfy concerns relating to water quality impacts resulting from the land use.

Water Quality Protection Note 53: Dam Construction and Operation in Rural Areas (WQPN 53)

WQPN 53 seeks to provide guidance for the construction of dams in rural areas to avoid impacts from changes of ecosystem hydrology, release of sediment, land clearing, changes to aquatic species migration patterns, seepage, dam failure, translocation of aquatic organisms and changes in water quality parameters including nutrients, turbidity, salinity and pathogen levels.

Officers consider that the construction of the dam itself is unlikely to cause disturbance to the watercourse. As mentioned previously, the dam is to be located offline, as the existing watercourse is to be diverted by way of a low flow bypass drain/channel. In this regard, the

possibility of changes to water quality may occur during the construction of the dam period only. Therefore, a condition requiring that flows are to be maintained during construction is recommended. In terms of nutrients, this can be adequately addressed by way of a Nutrient Management Plan as mentioned above.

LPP4.4: Dams and Lakes

The purpose of LPP4.4 Dams and Lakes is to recognise, protect and enhance the natural environment features including areas of high conservation values and watercourses. This is achieved through siting, design and construction of dams that provide safe, equitable water supply and sustainable catchment management. The objectives of the policy are as follows (inter alia):

- Consider dams and lakes where they are demonstrated for use to support an approved land use;
- Minimise environmental impacts of dams and lakes on local water resources and vegetation;
- Avoid visual or aesthetic impacts on landscape values from the construction of dams and lakes;
- Minimise the cumulative impacts resulting from the indiscriminate construction of dams and lakes.

Purpose of Dams	Response
<p>1.1 The construction of dams will generally only be supported where there is a demonstrated need for water storage associated with an agricultural use for domestic purposes</p>	<p>Clause 1.1 of LPP4.4 requires “the construction of dams will generally only be supported where there is a demonstrated need for water storage associated with an agricultural use or for domestic purposes”. In addition Cause 1.2 requires that ‘where an application is made for a new dam on a lot that contains an existing dam, consideration must be given to whether the additional dam is justified in order to support the existing or proposed land use, the proposed dam will not be supported as it does not reflect sustainable water management”.</p>
<p>Where an application is made for a new dam on a lot that contains an existing dam, consideration must be given to whether the additional dam is justified in order to support the existing or proposed land use, the proposed dam will not be supported as it does not reflect sustainable water management</p>	<p>This was one of the main concerns raised by Officers during the initial application process. Limited information was provided in relation to the purpose of the water and why the additional water was required. Subsequently, the applicant has sought specific irrigation requirements from a horticultural consultant. The proposed irrigation requirements for the proposed hazelnut and oak tree species (<i>Quercus ilex</i> and <i>Quercus Robur</i>) ranges between 3,900 KI/ha to 7,900 KL/ha. Based on 16.9 hectares of orchard, the yearly irrigation requirement would be between 65,910KI/ha -133,510 KL/ha per annum. The range is dependent on a number of factors including rainfall, heat, success of production etc. The dams, following the removal of dams 3b and 3c, will have a water storage capacity of 47,906KL. The proposal seeks to store an additional 29,126KL onsite, increasing the overall amount to 77,032KL. The 77,032KL is to allow for any increase in irrigation requirements in excess of the lowest amount being 65,910 KI per year.</p> <p>Should only 65,910KL be used the applicant had advised that the surplus will be left available for firefighting purposes. A summary of the water requirements are reflected in the following table:</p>

	Existing Volume of Dams Onsite	Proposed Volume of New dams	Total Volume of Water Proposed Onsite	Water Required to irrigate 16.9ha
	47,906 KL	29,126KL	77,032 KI	65,910 -133,510KL
	The Shire's Emergency Services Team have supported the proposal as it will provide for an additional water source being made available within an area considered to have a high fire risk.			
2. Environmental Considerations				
2.1 Dams must be located to reduce the potential risk of erosion associated with both the construction and ongoing operation of the dam	The dams are proposed offline. Erosion and sediment management will form a condition of approval to ensure the quality of the water flowing downstream is adequate. The applicant will also need to provide the Shire with a Construction Management Plan to demonstrate to the Shire to prevent contamination of water occurring whilst construction is underway.			
2.2 The potential presence of acid sulphate soils must be considered when preparing an application for the construction of dams	N/A			
3 . Vegetation management				
3.1 – Revegetation and/or additional planting of appropriate native species will be required where a dam has a moderate to high impact or where a dam is visible from neighbouring properties	Vegetation of the banks will be required to address sediment and erosion control. This will be captured within a condition of approval. Officers do not consider that screening is required to neighbouring properties as a result of the development.			
3.2 the batter to any dam must be revegetated with perennial grasses and appropriate native species	This will form a condition of planning approval.			

Impact Matrix

Dam Location	High Impacts	Proposal
Dam Size	Dam used for a large scale agriculture, or other uses	The Dam is proposed to be used for a 16.9 hectare Orchard for the production of walnuts.
Dam Location	Across a watercourse or within a public water supply catchment (within 30 metres if dam is for human consumption and 15 metres for a non-potable water source .	The Dam is proposed across a water course.
Vegetation Clearing	Unsure	No details of vegetation to be cleared.

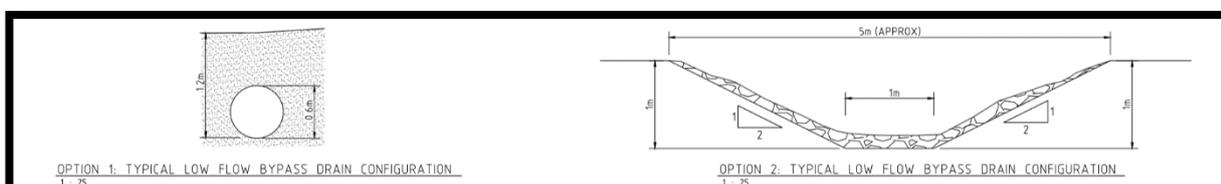
The policy also includes an ‘Impact Matrix’ which is a guide in determining the impacts associated with the construction of the dam. The development has been assessed against the characteristics of the policy. The development is considered to fall within the ‘moderate impact’ category in relation to ‘Dam Size, Dam Location and Vegetation Clearing’. This is a trigger for rigorous assessment and detailed information to be provided to the satisfaction of the Shire, before a proposal can be considered for approval.

Officers have assessed the development against the objectives of the policy to determine whether it is capable of approval. The applicable objectives of LPP4.4 in relation downstream and environment (vegetation clearing) impacts are as follows:

- *Minimise environmental impacts of dams and lakes on local water resources and vegetation;*
- *Minimise cumulative impacts resulting from the indiscriminate construction of dams and lakes;*

Downstream Impacts

The applicant submitted a Water Modelling Assessment which was submitted to DWER for assessment. The model identified that a total of 68ML (68,000,000 litres) of water flows through the northern watercourse during the winter period, being 15 June to 15 October. DWER confirmed after an assessment that the flows were an estimate and provided in-principle support to the methodology used to model the flows. DWER (as previously advised) assessed the application against the SDL methodology which is commonly used to assess sustainable amounts of water that can be allocated without causing downstream impacts outside ‘Proclaimed Areas’. DWER supports an amount of up to 11% being captured from the watercourse (7.4ML (7,400,000 litres)), however, subject to 89% (60.6 ML (60,600,000 litres)) of the winter flows being diverted by way of a low-flow bypass channel/drain appropriately sized as depicted below. This low-flow bypass would ensure that 89% of the water would bypass the dam and continue downstream as per the status quo.



Low Flow Bypass Options

For clarification purposes, it should be noted that the capacity of the new proposed dams is 29ML (29,000,000 litres), however, only up to 7.4ML (7,400,000 litres) can be captured from the watercourse per year (between the winter months) as advised by DWER. As a result, to be in a position to irrigate the required area of orchards, the applicant have advised that it will take up to 4 years to capture the volume required. As such, are seeking to establish the orchards only once the water source has been captured.

In terms of maintaining 89% of the winter water flows, DWER have advised that a low-flow bypass system releasing 0.13ML a day will need to be designed and implemented to divert winter flows downstream. As depicted above, there are two options to achieve this and will be finalised by DWER through a Bed and Banks Application under the RIWI Act to alter the watercourse and for the construction of the dams. This process will require the applicants to demonstrate by way of detailed designs a suitable low flow by pass drain/channel to ensure 89% of the flows are maintained.

Officers consider a condition to limit the duration of time that water can be captured (15 June -15 October) and also that detailed design of the proposed dams which include the low flow bypass sized to allow 0.13ML of water a day to flow downstream is submitted to the Shire prior to construction. This is important to address the planning framework. Officers also recommend a condition which requires the establishment of orchards prior to the construction of the dam to ensure both a sustainable use of water and to ensure the legitimacy of the associated use.

In considering the above, Officers are now satisfied that the development has met the relevant objective of the LPP4.4 and reflects a sustainable approach to water allocation where there are unlikely impacts to downstream users and also the environment.

Environmental Impacts (Clearing)

The application proposes to clear approximately 1.14 hectares of vegetation along the northern watercourse as depicted below:

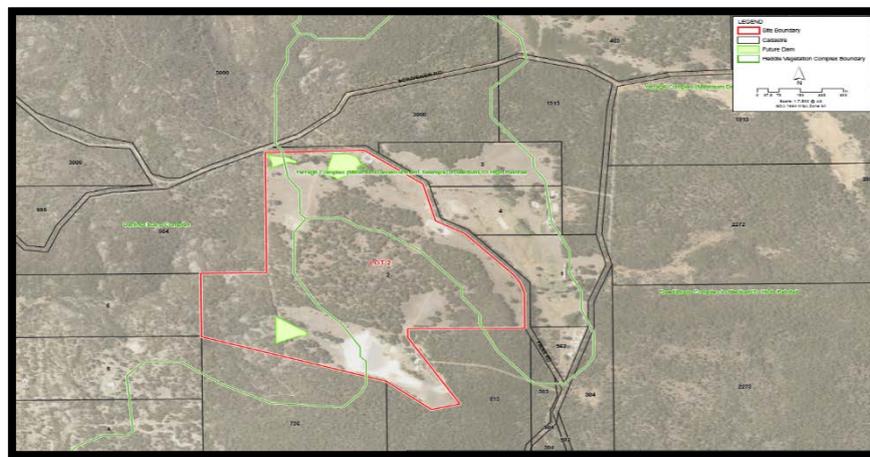


Proposed Area to be Cleared

The applicant has provided technical information relating to the native vegetation proposed to be cleared. The report identifies that the vegetation types proposed to be cleared along the watercourse fall within the Yarragil 1 Complex and Darling Scarp Complex. Mainly consisting of native marri-wandoo woodland, made up from the following species:

- *Corymbia calophylla* and *Eucalutpus wandoo* woodland;
- *Agonis linearolia*;
- *Acaia pulchella*;
- *Xanthorrhoea preissii*;
- *Melaleulka rhapsiophylla* (swamp paperbark);

The vegetation forms part of a greater complex that is situated in close proximity to the site as reflected below:



Extent of Vegetation Complex

DWER previously approved a clearing application for the earlier 2017 iteration of the proposal which sought to clear 1.02 hectares of vegetation in generally the same location. Their assessment of the previous clearing application stated:

The vegetation ranges in conditions from 'Degraded' (structure severely disturbed; regeneration to good condition requires intensive management) to 'Good' (structure significantly altered by multiple disturbance; retains basic structure ability to regenerate), with the majority of the vegetation in 'Degraded' condition. The understorey lacks biodiversity due to the area being heavily grazed and the dominance of invasive species, resulting in vegetation that is largely in a degraded condition

As mentioned above, the vegetation to be cleared forms part of a greater vegetation complex in close proximity to the site. Officers consider the clearing of vegetation, which ranges in quality (good to degraded), to assist in an agricultural/rural activity is justified. Furthermore, it should be noted, the Department of Biodiversity, Conservation and Attractions indicated in 2017 that the remaining extent of each complex in the south west of Western Australia is as follows:

Vegetation Complex	Total Pre-European Extent (ha)	Current Extent (ha and %)
Yarragil 1 (Yg1)	80,202.95 ha	64,981.49 ha (80.02%)
Darling Scarp (DS2)	32,448.29 ha	13,536.76 ha (41.72%)

Remaining Extent of Vegetation Complex

Furthermore, DWER in accordance with 'EPA Guidance Statement No. 3 –Environmental Guidance for Planning and Development' consider ecological communities should be maintained above a 30% threshold above the pre-clearing to ensure ecological values are maintained. In this regard, Officers can advise that the proposed clearing will not fall below the 30% threshold.

The vegetation complex has also been identified as containing the foraging habitat for black Cockatoos (Carnaby's Forest red tailed and Baudin's black cockatoos) which are protected under State and Federal legislation. The information submitted by the applicant indicated that there was also no signs of breeding within the large hollows of the trees proposed to be cleared.

DWER in their previous assessment of the applicants clearing permit advised as (amongst other things as follows:

“ Although the application area contains suitable foraging habitat for black cockatoo species the application area is not likely to be critical for the survival of this species due to its size and the local area (10km radius) contains approximately 55% vegetation which includes a number of large remnants in conservation estate including Serpentine National Park, Karnup Nature Reserve and thirteen Bush Forever Sites

In considering that the ultimate use for the site is for the purpose of agricultural/rural activity, which is supported through the Shire's planning framework, and that the habitat forms part of a greater complex located in close proximity to the site, Officers consider that the removal of vegetation can be supported and that the relevant objectives of the LPP have been met.

In terms of revegetation, the applicant has proposed to vegetate the batters of the dams to address sediment movement and erosion in accordance with LPP4.4. Officers do not consider any further vegetation is required for screening purposes as the dams will not pose a visual impact when seen from Scrivener Road due to the contours of the land.

Safety

Clause 67 of the Deemed Provisions requires consideration of the following matter

“The suitability of the land for the development taking into account the possible risk to human health or safety”

A condition is to be imposed requiring a suitably qualified and certified Civil and Hydrological Engineer to certify the proposed development plans for the NEW dams, as well as the as constructed plans of the EXISTING dams. In respect of the latter, should the as constructed plans of the EXISTING dams reveal remediation works being required, these must be undertaken to the specification required by the suitably qualified and certified Engineer.

Local Planning policy 4.3: Landscape Protection Policy

The site falls within the Shire's Local Planning Policy 4.3: Landscape Protection Area (LPP4.3). LPP 4.3 seeks to ensure that the landscape values of the scarp are maintained. The objectives of the LPP are as follows:

- *To protect and enhance the landscape characteristics of the Darling Scarp; and*
- *To preserve the visual amenity of the Darling Scarp from the coastal plain*

The LPP requires the decision-maker to consider visual impacts from the coastal plain, major roads, tourist routes and recreation areas.

The site also falls within a Special Control Area (SCA) under draft LPS3. The SCA relates to the Darling Scarp Landscape Protection Area. The objectives of the SCA are as follows:

- preserve the amenity of the scarp;
- protect and enhance landscape scenic and townscape values and to maintain the integrity of landscape along scenic routes.

The site is located in an area which cannot be viewed from major roads, the coastal plain and tourist or recreational areas. The dams however, may be able to be viewed from Scrivener Road, due to the undulating nature of the site. In this regard, it is noted that in the location of the proposed dams the sight slopes away from the road before the elevation increases. The dams have been proposed in this low area (with dams depths ranging between 4.5-8 metres) which is not considered to impact the natural landscape when viewed from the local road. Additionally, the proposed vegetation to reduce erosion and sediment movement will improve any visual impacts (if any) in this regard.

Officers consider the development has utilised the natural contours of the site and as the dams are proposed to be below ground they will not have adverse impacts on the rural landform that is currently afforded within this area.

Rural Strategy Review 2013 (Rural Strategy)

The subject site is designated as 'Agricultural Protection' under the Shire's Rural Strategy 2013 Review (Strategy). The purpose of the Agricultural Protection Policy Area is to provide an extra level of protection for productive agricultural land. The relevant universal objectives and the objectives of the Agricultural Protection Policy Area have been assessed in the table below:

Universal Objectives	
Objective	Comment
Ensure that protection and enhancement of biodiversity assets in the Shire is considered early in the planning process.	It is considered that the advice previously provided by DWER is sufficient to demonstrate that the proposal is unlikely to impact on biodiversity assets as the proposal seeks to ensure 89% of the winter flows are maintained downstream
Maintain and enhance the quality and quantity of remnant vegetation throughout the Shire.	The removal of vegetation is considered acceptable as the vegetation complex is of a type which is located in close proximity to the site .Importantly the existing vegetation complex is above the threshold when considering ecological values as detailed within EPA Guidance Statement No.03

Minimise offsite nutrient loading through appropriate land management and drainage considerations.	The application seeks the application of low level of nutrients to assist in the growth of the orchards. Officers consider that any possible impacts associated with the application of nutrient can be managed by the preparation of a Nutrient Impacts Management Plan .
Consider sustainable and efficient groundwater use, allocation and alternative water sources as an integral component of the planning process.	The proposal seeks to capture surface water and not groundwater.
Prevent the worsening of land and water quality as a result of development, particularly on the palusplain.	<p>The site is zoned 'Rural' under TPS 2. The proposed 'Rural Use' is permitted within the zone. Ultimately, the framework seeks to support rural and agricultural land uses within the Shire's rural areas.</p> <p>In terms of water quality, as advised above DWER has advised that 11% is considered as a sustainable take of water using the Sustainable Diversion Limits methodology. This is used to determine the sustainable allocation of water outside proclaimed areas.</p> <p>It is acknowledged that the applicant seeks to use low level of nutrients to assist in the growth of the orchards. Officers consider that a Nutrient Management Plan will address the issue of possible impacts to the water resource. As such, has been recommended.</p>
Agricultural Protection Policy Area Objectives	
To retain and maintain the productive capability of land for agricultural enterprises in proximity to Perth and its markets.	The proposal is considered generally consistent with this objective.
To ensure that productive agricultural enterprise remains the primary land use and to maintain the integrity of agricultural infrastructure.	The proposal is considered generally consistent with this objective.
To support and protect agricultural and horticultural industries through reduced pressure on competition for water rights.	DWER have advised the Shire that 11% of the winter water flow through the northern water course is considered a sustainable take of water.
To minimise or eliminate nutrient (particularly phosphorus) export into the Peel-Harvey estuarine System.	As advised above, the proposal seeks the application of low levels of nutrients to assist the growth of the orchards. A Nutrient Management Plan has been recommended to address possible impacts to the water.

It is considered that the proposal is consistent with the strategic framework.

Conclusion

Officers now consider that the application has demonstrated alignment with LPP 4.4: Dams and Lakes and reflects sustainable water management/allocation based on advice received from the Department of Water and Environment. As such, it is unlikely that based on the amount water proposed to be captured within the proposed dam from the northern watercourse onsite will impact upon the environment and downstream users.

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	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: the proposal is a land use that can be considered in the zone and consistent with the objective.

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	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: the proposal is a land use that can be considered in the zone and consistent with the objectives of draft LPS 3

c) any approved State planning policy	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: Considered to meet relevant SPPs as detailed within the assessment and Council Report

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

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

f) any policy of the State	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Relevant Policies have been assessed against and deemed satisfactory			

g) any local planning policy for the Scheme area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Considered to meet provisions of Local Planning Policy 4.4:Dams and Lakes Policy			

h) any structure plan, activity centre plan or local development plan that relates to the development	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

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>	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

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	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment: the site is not reserved under TPS2 or LPS3.			

Development:

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

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

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	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Proposed development considered acceptable			

n) the amenity of the locality including the following – I. Environmental impacts of the development II. The character of the locality III. Social impacts of the development	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: Environmental and character impacts have been assessed accordingly.

o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: DWER have provided support of the development. Using SDL methodology the proposal is unlikely to impact on natural environment and water resources.

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	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: Landscaping will form part of the erosion sediment plans to be submitted. Landscaping in this regard will be in the area generally associated with the slope and batters.

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	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: Dams will be certified by a suitably qualified persons.

r) the suitability of the land for the development taking into account the possible risk to human health or safety	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: Dams will be certified by a suitably qualified persons.

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

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	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: No changes are proposed to the volumes of traffic resulting from the development.

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	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

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	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

w) the history of the site where the development is to be located	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: DWER have provides comments that the 7.4ML per year water take is considered as a sustainable take using the SDL methodology.			

y) any submissions received on the application	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: All submissions have been considered as part of the application.			

Za) the comments or submissions received from any authority consulted under clause 66	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: All submissions have been considered as part of the application.			

Zb) any other planning consideration the local government considers appropriate	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			