



PRECISE PLANNING

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INTEGRATED DEVELOPMENT APPLICATION

Statement of Environmental Effects

Proposed use of land for intensive plant agriculture, expansion of earth dam

140 Ashwood Road Wilton (Lot 542 DP 559948)

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This Report has been prepared exclusively for submission to Council as an accompaniment to a Development Application, which seeks approval to the use of land for intensive plant agriculture, expansion of an existing earth dam, together with associated civil works.

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GLOSSARY AND ABBREVIATIONS

ABBR. /
TERM DESCRIPTION

APZ	Asset Protection Zone
BCA	NSW Biodiversity Conservation Act 2016
BHAR	Bushfire hazard assessment report
CEEC	Critically endangered ecological community
DA	Development application
DCP	Development Control Plan
DPE	Department of Planning and Environment
EEC	Endangered ecological community
EPA Act	NSW Environmental Planning and Assessment Act 1979
EPA Reg's	NSW Environmental Planning and Assessment Regulations 2000
EPBC Act	Commonwealth Environment Protection and Biodiversity Conservation Act 1999
EPI	Environmental Planning Instrument
ESA	Environmental Site Assessment (Stage 1)
FFA	Flora and fauna assessment
ha	Hectares
LEP	Local Environmental Plan
LGA	Local Government Area
LES	Local environmental study
PBP	Planning for Bushfire Protection 2006
PESA	Preliminary Environmental Site Assessment (Stage 2)
REP	Regional Environmental Plan (Deemed SEPP)
RF Act	NSW Rural Fires Act 1997
RFS	NSW Rural Fire Service
SANSW	Subsidence Advisory New South Wales
SEPP	State Environmental Planning Policy
TIA	Traffic impact assessment
TSC Act	NSW Threatened Species Conservation Act 1995
VPA	Voluntary planning agreement
WDCP	Wollondilly Development Control Plan 2016
WLEP	Wollondilly Local Environmental Plan 2011

EXECUTIVE SUMMARY

Consideration	Detail	Response
Subject land	Legal description	140 Ashwood Road Wilton (Lot 542 DP 559948)
Proposal (for which this application seeks consent)	Description of development proposal	Use of the land for intensive plant agriculture, expansion of an existing earth dam, together with associated civil works, as detailed on the proposed development plan set by Martens & Associates,
Type of development	Integrated development pursuant to S4.46(1) EPA Act	Requires Council to refer application to Subsidence Advisory, Water NSW and/or NRAR for concurrence
Existing improvements	Current structures on the land	Two (2) small dwellings and three (3) sheds, farm dams
Compliance	EPA Act EPA Reg's Water Management Act WLEP Wollondilly DCP 2016	Capable of compliance
Non-compliance	Wollondilly DCP 2016	No variations proposed
Noise	Whether anticipated noise from the proposed land use is acceptable	Refer to acoustic report
Biodiversity	Assess impacts on biodiversity	The proposed development is restricted to the front section of the site, which is almost completely cleared of trees (refer to landscape plan)
Contamination	Whether the land is fit for the proposed use	The existing and proposed land use is rural. No contamination assessment has been carried out.
Traffic	Potential traffic impacts	Traffic impact assessment considered unnecessary in this circumstance
Mine Subsidence	MS District	No
Services	Provision of electricity, water, sewerage, telecommunications and gas services to the land	Electricity and telecommunications are already available to the land. Tanks provide water to the land. Sewerage facilities and gas services are not available.
Stormwater	Details of stormwater management	To be managed generally in accordance with the plans by Martens and Associates
Landscaping	Vegetative screening to comply with WDCP	Plan by HLS Pty Ltd.

The proposed subdivision is considered to be efficient and proper management of the land resource, consistent with Council and the community's expectation for the land and with manageable built and natural environmental impacts. The proposal is worthy of Council's support.

1.

INTRODUCTION

1.1 General

This planning report has been prepared to accompany a development application, which seeks approval to the use of the land for intensive plant agriculture (market gardening) and expansion of an existing earth dam, together with associated civil works, as detailed on the proposed development plan set by Martens & Associates. Approval will also be sought for a groundwater bore.

Type of application

The proposal is lodged as ***nominated integrated development***, requiring Council to seek concurrence from the Natural Resource Access Regulator ('**NRAR**') under s.91 *Water Management Act 2000*, as works are proposed within 40 metres of the bank of a mapped watercourse. In addition, the proposed dam expansion works and groundwater bore are likely to require approval under s.90 *Water Management Act 2000* and a water access licence is likely to be required to access the water from the proposed dam expansion and groundwater bore under s.89 *Water Management Act 2000*, as the maximum harvestable rights ('**MHR**') for this property is calculated at 1.0ML (the storage capacity of the proposed expanded dam is 3.5ML, so a licence is required for the additional 2.5ML).

The proposal is ***integrated development*** requiring Council to refer to seek concurrence from Subsidence Advisory ('**SA**') under s.22 *Coal Mine Compensation Act 2017*, as the land is located in a Mine Subsidence District.

1.2 Site identification

Street Address	Existing lot / DP	Area of existing lots	Improvements
140 Ashwood Road Wilton	Lot 542 DP 559948	10.12ha	Two (2) dwellings, three (3) sheds, farm dams

TABLE 1

Land particulars

1.3 Supporting documentation

The application is supported by the following documents:

Document	Author	Reference
Detail survey	Rein Warry	File No 7473DA 'original issue' dated 3 September 2018
Concept grading and stormwater management plan	Martens & Associates	Project No 1907243 Rev B dated 15 October 2019
Planning report	Precise Planning	1514 dated October 2019
Landscape plan	HLS Landscape Architects	L 01 (issue A dated 15 October 2019)
Acoustic report	White Noise Acoustics	19080_221019_Noise Impact Assessment_BW_R0 dated 22 October 2019

TABLE 2

List of supporting documentation

1.4 Zone and permissibility

The land is zoned RU2 Rural Landscape ('**RU2**') pursuant to WLEP. **Agriculture** (of which **Intensive Plant Agriculture** is a type, and **Water Supply Systems (water storage facility)** are both uses which are permissible with consent in the RU2 Rural Landscape zone.

1.5 Planning considerations

Consideration	Response
Zone	RU2 Rural Landscape
Compliance with aims of WLEP and regard to zone objectives	Refer to s.5.3 of this report
Compliance with DCP provisions	Refer to s.5.5 of this report
Bushfire prone land	Yes, but bushfire report not required for this proposal
Contamination	No investigations undertaken
Mine Subsidence District	Yes
WLEP lot size map	16ha (no subdivision proposed by this application)
Additional permitted uses map	No
Height of buildings map	No

Consideration	Response
Land Reservation Acquisition map	No
Heritage map	No
Natural resources - biodiversity map	No
Natural resources - water map	Yes, 10m sensitive buffer along Horse Point Creek
Original holdings map	No
Urban release areas map	No
Odour buffer map	No
Water catchment area	No
Endangered ecological communities	Proposal only affects area already disturbed. No other investigation carried out

TABLE 3

Planning considerations

1.6 Site-specific constraints

Based on the conclusions of the various specialist reports, the site has no major constraints that would hinder or prevent the development of the site as proposed.

2.

SITE ANALYSIS (existing)

Characteristic	Analysis
Property description	140 Ashwood Road Wilton (Lot 542 DP 559948)
Location, dimensions, shape, area, orientation	East side of Ashwood Road generally rectangular – shaped lot comprising 10.12ha, orientated east west.
Access	Existing access point along Ashwood Road frontage
Contours and levels	Shown on detail plan
Existing vegetation	Mostly cleared paddock where the market garden is proposed.
Existing improvements	Two (2) dwellings, three (3) sheds, farm dams
Significant views	The site enjoys limited district views
Stormwater	The site generally flows in an eastern and north-eastern direction
Electricity	Existing overhead supply in Ashwood Road
Water	No reticulated water in the vicinity
Sewer	Onsite effluent disposal only
Gas	No gas supply
Microclimate	The location and topography does not create a microclimate
Fences, easements	Generally rural fencing; no easements
Natural features	There are no noteworthy natural features, except Horse Point Creek, which forms the eastern boundary of the subject land.
Surrounding development	General rural lots
Street frontage features	There are no noteworthy street frontage features
Significant noise sources	No significant noise sources affecting the land
Bushfire risk	Land is shown as bushfire prone
Contamination	No investigations carried out
Salinity	No investigations carried out
Acid sulphate soil	No investigations carried out
Flooding	Not considered flood-prone

TABLE 4

Site analysis

3.

PROPOSED USES

3.1 Intensive plant agriculture (market garden)

Location

The proposed development plan set by Martens & Associates identifies the areas intended for the market garden. The proposed location is intended to take best advantage of the topography and orientation for solar access. None of the cropping areas identified exceed 10% slope and all areas comply with the minimum setback requirements contained in the WDCP 2016.

Crops proposed

It is proposed to grow a range of crops, mainly *chinese vegetables* such as bok choy, choy sum, chinese broccoli, baby bok choy, coriander, shallots, parsley, spinach and baby radish.

Water source

The water source for the proposed market garden is from the enlarged existing dam, supplemented by a proposed groundwater bore. Water is pumped from the dam to water the crops via a sprinkler system. Where the natural runoff is supplemented by bore water, it is pumped as needed and stored in the dams for use as required.

Planting and harvesting

The proponent will undertake all planting using a tractor and all harvesting by hand.

Employees

The operation will have two (2) employees.

Loading, unloading, transportation, storage

Following harvesting, produce is transferred by tractor to a cool-room, to be installed in the existing farm shed. Typically, twice a week, produce is loaded onto a small,

fixed axle box truck (Isuzu NPR fitted with a box body) by means of a forklift. The loading will be done wholly within, or adjacent to, the proposed shed.

Loading of produce will occur around 9pm to 930pm. Days attending the market is dependent on market demand.

Chemicals

Type	Specifics	Application detail
Herbicide	Gramoxone	As per manufacturer's specifications, application technique is dependent on weather conditions
Insecticides	Ambush and Lannate	As per manufacturer's specifications

TABLE 5

Details of chemicals used

All chemicals will be stored in a designated area within the existing farm shed when not in use.

All chemicals used will be applied by hand sprayers.

Hours of operation

Due to the nature of farming, work will be undertaken in the field seven days a week, from daylight till dark.

3.2 Expansion of existing dam

The existing dam which straddles the boundary between the subject and adjoining site will not be altered. An adjacent spill area that has been excavated will be expanded and constructed as a new dam as per the details set out in the plans by Martens. The dam enlargement will be constructed in accordance with Council's specifications.

The dam has a proposed storage capacity of 3.5ML. The MHR calculation for the subject site is 1.0ML, therefore a licence will be required to pump the additional 2.5ML from the proposed groundwater bore.

3.3 Waste management

Waste generated from the field-based cropping is generally only produce that may have been damaged on the vine or in the ground due to excessive rain and the like. This damaged produce is usually ploughed back into the soil.

4.

IMPACTS AND MITIGATION - Specialist studies

4.1 Ecology

A flora and fauna assessment ('FFA') was considered unnecessary for this proposal, as it is confined to the front area of the site, which consists of pastured paddocks.

4.2 Irrigation

The proposed dam will have a storage capacity of 2.5ML. Where surface runoff is inadequate, water storage will be supplemented by the proposed groundwater bore. Water will be pumped from the dam through a sprinkler system to water the crops.

4.3 Traffic

The proposed development generates negligible addition traffic and therefore a traffic study is not required. The transportation of produce to the market involves a single truck, two or three times a week.

4.4 Noise and light spill

Scare guns

The proponents do not use scare guns or any other noises to scare birds.

Forklift

All loading will occur inside the proposed farm shed. This will reduce noise and light spill impacts. The opening of the farm shed faces away from the neighbour to the east, to further mitigate noise and light spill.

Acoustic report

In order to assess whether the proposed operation will have an acceptable noise impact in the vicinity, an acoustic impact assessment was undertaken.

The resultant report (**‘acoustic report’**) details the measurement of background noise levels and then makes an assessment of impact on sensitive receivers based on the following likely activities:

- Tractor in use;
- Loading of materials onto truck;
- Use of forklift;
- People talking.

Table 4 of the acoustic report reviews each potential sensitive receiver and determines that each of the activities listed would be compliant with the set criteria at each of the sensitive receivers identified.

4.5 Odour

Fertiliser will be used occasionally to assist growth. The fertiliser used is a slow-release pellet, applied by hand, which has minimal odour. Where chicken manure is used, it is ploughed into the ground to minimise odour impacts.

4.6 Spray

Herbicides and insecticides are applied by hand. Spraying will not occur on occasions where the wind is likely to create spray drift nuisance to adjoining properties.

4.7 Visual impacts

HLS Pty Ltd has prepared a landscape plan which includes street tree planting for each proposed road.

5.

STATUTORY PROVISIONS

5.1 Environmental Planning & Assessment Act 1979

Element	Component	Specifics	Response
Objects of the Act			<i>This proposal is either consistent with, or else does not hinder the attainment of, the relevant objects of the Act, specifically objects (a)(i), (ii) and (vi).</i>
S.4.15 assessment	EPIs	SEPPs	SEPP 44 – No core koala habitat in the area proposed for the market garden
		REPs	Sydney REP 20 – see s.5.2 of this report
		LEPs	WLEP 2011 – see s.5.3 of this report
	Draft EPIs		None of relevance
	DCPs	WDCP 2016	See s.5.5 of this report
	Planning agreements		No planning agreements proposed
	EPA Regs		The proposal is capable of compliance with the relevant requirements of the Regulations
	Coastal Zone Management Plan		Not applicable
	Likely impacts		See s.4 of this report
	Suitability of the site		See s.5.9 of this report
	Submissions		A matter for Council's consideration
	Public interest		See s.5.11 of this report

TABLE 6
EPA Act 1979

5.2 State Environmental Planning Policies

Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997)

The *general planning considerations* (cl.5) and *specific planning policies and recommended strategies* (cl.6) have been considered in the design of this proposal.

In relation to cl.5, there are no feasible alternatives to the proposal, given the objective of encouraging sustainable primary industry production and diversity in primary industry enterprises.

In relation to cl.6:

(1) Total Catchment Management – Stormwater will be managed in accordance with Council's engineering standards and the concept stormwater plans.

(3) Water Quality – Water quality will be managed in accordance with the concept stormwater plans.

(4) Water Quantity – Water quantity will be managed in accordance with the concept stormwater plans.

(6) Flora and fauna – the area proposed for the market garden is cleared paddocks

(8) Agriculture – Priority is given to agriculture by this proposal. The site is considered able to sustain the proposed use over the long term.

5.3 Wollondilly Local Environmental Plan 2011 (WLEP 2011)

5.3.1 Aims / objectives of the Plan

The particular aims of WLEP 2011 are as follows:-

- (a) *to provide for the management of natural resources and the protection of the natural landscape character,*
- (b) *to protect, conserve and enhance the built, landscape and Aboriginal cultural heritage,*
- (c) *to protect water quality in land that is situated within water supply catchments,*
- (d) *to encourage development that provides for an integrated transport and infrastructure system and adequate facilities and service provision for future growth,*
- (e) *to recognise, manage and protect rural resource lands for sustainable agriculture and extractive industry practices,*
- (f) *to maintain the separation between towns and villages to retain their unique character and rural and natural settings.*

The proposal is generally consistent with, or else does not hinder the attainment of, the relevant aims of the Plan.

5.3.2 Zone and zone objectives

Cl.2.3(2) of WLEP 2011 requires the consent authority to have regard to the objectives for development in the zone. The following table is included to assist Council with this task.

RU2 Rural Landscape zone

Zone objective	Response
<i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base</i>	<i>The proposal will utilise the land for sustainable primary industry production</i>
<i>To encourage diversity in primary industry enterprises and systems appropriate for the area</i>	<i>The proposed uses are permissible in the zone</i>
<i>To maintain the rural landscape character of the land</i>	<i>The proposal is a genuine agricultural use which helps maintain the rural character of the area</i>
<i>To provide for a range of compatible land uses, including extensive agriculture</i>	<i>The proposed land use is permissible with consent in the zone</i>
<i>To provide areas where the density of development is limited in order to maintain a separation between urban areas</i>	<i>The site is not proximate to an urban area</i>

TABLE 7

RU2 zone objectives

5.3.3 Land Use permissibility

Agriculture (Intensive plant agriculture) and water storage facilities are both permissible uses in the RU2 Agricultural Landscape zone.

5.3.4 Other Relevant Clauses

There are no other relevant clauses in the WLEP.

5.4 Relevant Draft Environmental Planning Instruments

We are not aware of any draft local environmental plans that would impact on this proposal.

5.5 Relevant Development Control Plans

Wollondilly Development Control Plan 2016

Volumes 1 and 8 of WDCP are relevant to this proposal.

VOLUME 1 – General; PART 2 – General considerations for all development

DCP reference	Response
Part 1 - Preliminary	<i>Noted</i>
Part 2 – General considerations for all development	<ol style="list-style-type: none"> 1. The relevant safety and human health risks listed have been considered in the various specialist reports accompanying the application 2. N/A 3. N/A 4. N/A 5. The land is not located within a drinking water catchment.
Part 3 – Variations to this plan	<i>Noted</i>
Part 4 – Community engagement	<i>Noted</i>
Part 5 – Colonial Heritage (General)	<i>Noted. There are no items of heritage significance located either on or in the vicinity of the subject land.</i>
Part 6 – Heritage (Specific locations)	N/A
Part 7 – Aboriginal Heritage	No assessment undertaken on this occasion
Part 8 – Flooding	We are not aware if the land is flood-prone
Part 9 – Environmental Protection	The proposed area for the market garden is already cleared paddocks
Part 10 – Tree removal	One trees will be removed during the course of construction of the market garden
Part 11 – Landscaping	Refer to the landscape plan prepared by HLS Pty Ltd
Part 12 – Signage	N/A

TABLE 8

Volume 1, WDCP 2016

VOLUME 8 – Primary agricultural and rural uses

PART 3 – Specific land use controls

Element	Objective	Control	Response
3.4 Intensive plant agriculture			
	To minimise the impacts of horticulture on adjoining properties		Impacts have been minimised. Refer to part 4 of this report
	To control the		The proposal has been

Element	Objective	Control	Response
3.4.3 Noise and odour	impacts of horticulture by appropriate site buffer or setback distances		designed to comply with relevant setbacks
	To minimise the impacts of development on the natural environment		Impacts have been minimised. Refer to part 4 of this report
	To provide a consistent approach to planning for the development of new horticulture farms and facilitate additions to existing farms		The proposal is compliant with the relevant controls and guidelines
		1. Setbacks	Achieved
		<ul style="list-style-type: none"> Residential zones – 50m Dwelling on same ppty – 20m Dwelling on neighbouring pptides – 50m 	
		2. Building locations	N/A – no additional buildings proposed
		3. Building locations	N/A – no additional buildings proposed
		4. Slope not to exceed 10%	Achieved
	To minimise the noise and odour impacts of intensive plant agriculture on the amenity of the surrounding land uses		Potential noise and odour impacts will be minimised through appropriate management farming and practices and achieving the guidelines identified below
		1. Where possible, buildings and facilities are to be located out of the line of sight of adjoining neighbours	All buildings are existing
		2. Prevent entry of drainage/seepage water into site sheds and storage facilities through the construction of earth contour banks and drainage	Achieved. The shed will not allow entry of drainage/seepage
		3. Appropriately silenced forklifts should be utilised to reduce night noise generation	Noted. May be made a consent condition
		4. Noise levels generated must not exceed the requirements of the NSW Industrial Noise Policy (NSW EPA, 2000)	Achieved, refer to acoustic report
		5. Where practical, major truck deliveries and produce transport should be scheduled for reasonable hours of the day. Council acknowledges that farmers need to access markets early in the morning therefore requiring night time vehicle movements	Only one truck, leaving the site around 11pm, 2 to 3 times per week, returning around 8am. This is insignificant.

Element	Objective	Control	Response
3.4.4 Soil, waste and water management		6. Locate all stationary noise generating machinery within sheds and where practical away from property boundaries	Irrigation pumps will be appropriately housed and located to minimise noise impacts if required
	To minimise the impact of development on soil erosion		Refer to erosion control plan
	To encourage the improvement of soil organic matter and reduce soil compaction		The growing areas will be appropriately managed to promote healthy soil
	To minimise the impact of stormwater and surface runoff on receiving water courses or water bodies and on adjacent lands		Refer to stormwater management concept by Martens
	To ensure drainage systems efficiently control water flows and minimise the impact on natural drainage patterns of the site		Refer to stormwater management concept by Martens
		1. Provide a grassed surface between production areas	Achieved. Refer to details on plan set and report by Martens & Associates
		2. Assess soil moisture content	May be made a consent condition, as moisture content is variable
		3. Viticulture farms	N/A
		4. Cultivation to follow contour	Achievable. Can be conditioned
		5. Adequate water supply	Water will be sourced from natural runoff and supplemented with an existing bore
		6. Water from a nearby river	N/A
		7. Stormwater drains	Achieved. Refer to plans by Martens & Associates
		8. Local drainage patterns maintained	Achieved.
		9. Diversion banks and sedimentation ponds	Achieved. Refer to plans by Martens & Associates
3.4.5 Pest Management		10. Runoff capture from buildings	May be made a consent condition
		11. Divert water from compost	Noted
		12. Viticulture	N/A
	To ensure pest management is		Noted

Element	Objective	Control	Response
3.4.5 Transport and Access (note section number in DCP repeated)	<i>undertaken in a responsible and sustained manner</i>		
		1. Pesticide use must meet requirements of relevant legislation	Noted. May be made a condition of consent
		2. Storage, transport and record keeping of pesticide use must be in accordance with relevant legislation	Noted. May be made a condition of consent
	To minimise the noise and environmental impacts of vehicle movements to and from the site		Vehicle movement is minimal. Noise and environmental impacts are considered unlikely
	To ensure adequate access to the development is provided		Noted. The access proposed will be adequate
		1. Internal access roads must be of all-weather design construction and have turning areas to accommodate large articulated vehicles where required	The access is existing. The turning area is around the shed
		2. The location of roads, parking and turning areas must recognise potentially sensitive areas such as neighbouring houses	Existing driveway .
		3. The timing and manner of transport activities associated with the development including the frequency, times, routes and number of deliveries and pick-ups must take into consideration the impact on adjoining neighbours	Noted, achieved.
3.4.6 Landscaping	Two objectives		Achieved, refer to landscape plan
	Various guidelines		Achieved, refer to landscape plan
3.5 Farm buildings			
3.5.1 Siting and design	To ensure that farm buildings are designed and constructed to minimise the visual impact with the character of the rural landscape		No additional buildings proposed
	To ensure that farm buildings are sited to minimise the visual		No additional buildings proposed

Element	Objective	Control	Response
3.5.2 Bulk and scale	<i>impact on the amenity of the rural landscape</i>		
		1. Not located in visual prominent areas	No additional buildings proposed
		2. Not located on slopes in excess of 10%	No additional buildings proposed.
		3. Max 2m cut and 1m fill	No additional buildings proposed
		4. Setbacks to comply with dwelling house setbacks	No additional buildings proposed
	<i>Minimise impact of development on the landscape</i>		Achieved with landscaping
	<i>Ensure the size of the buildings relate to its intended use, size of the property and dominant land use</i>	Maximum 500sqm floor area	No additional buildings proposed

TABLE 10

Volume 8, WDCP 2016

5.6 Planning Agreements

No planning agreements are proposed.

5.7 Relevant Provisions of the Regulations

This proposal is capable of compliance with the relevant provisions of EPA Regs.

5.8 Impact of the Development

Potential impacts and mitigation measures (where necessary) are discussed in section 4 of this report.

5.9 Suitability of the site

It is considered that the land is generally suitable for the proposed development.

5.10 Submissions

Public submissions will be a matter for consideration by Council.

5.11 Public Interest

It is considered that the proposal is in the public interest. It proposes a genuine agricultural land use which is consistent with the objectives of the RU2 zone and is consistent with the various controls and guidelines contained in the WLEP and WDCP, with manageable impact to the natural or built environment and placing negligible increased demands on public infrastructure.

6.

CONCLUSION

On merit it is considered that this application be approved subject to conditions. It does not seek to vary any guidelines or requirements of the planning controls applying to the proposed land uses. On balance it is considered that this application seeks consent to a reasonable proposal. It is requested that Council officers exercise delegated authority to approve this development.

Yours faithfully

PRECISE PLANNING