

Memo

Development Assessment

To: Development Determination Panel

Cc: Steve Findlay
Manager, Development Assessment

From: Tom Burns
Principal Planner

Date: 3 February 2025

Subject: Late Submission - DA2024/0790

Reference: Late submission from resident objector – George Bromwich

Dear Panel members,

The purpose of this memo is to advise the Development Determination Panel (DDP) that a late submission has been received from George Bromwich.

The additional submission raises the following concerns:

- Prior Unauthorised Works
- Amenity Impacts
- Social and Economic Impacts
- Hazards / Bushfire Risk
- Impacts on Wirreanda Creek Riparian Corridor
- Upgrade to Wirreanda Road
- Amendments to recommended Condition 7

These matters are considered below as follows:

Potential Unauthorised Land Use

The submission contends that the application should be refused due to the potential risk that the development will be used for industrial or commercial purposes, contrary to the horse arena and shed as ancillary uses to the existing dwelling house in which the applicant seeks consent for. The submission argues that this will occur due to prior unauthorised works and land uses carried out on the property by the applicant.

In response, it is noted that these concerns have been assessed in detail within the Assessment Report submitted to the DDP for determination. Condition 7 of the consent is also recommended to ensure that the development is not used for any industrial or commercial activities.

As such, no further assessment on this matter is required.

Amenity Impacts

The submission contends that the development will result in unacceptable amenity impacts, specifically in relation to visual, noise, vibration and air quality impacts.

In response, it is noted that these concerns have been assessed in detail within the Assessment Report submitted to the DDP for determination. The Assessment Report has also recommended several conditions of consent to mitigate the amenity impacts on the surrounding area. These conditions can be summarised as follows:

- Conditions to ensure the external finishes of the development are dark and earthy and conditions precluding outdoor lighting, so as to mitigate the visual impacts of the development.
- Conditions to limit the construction hours of the development, so as to mitigate noise and vibration impacts.
- Conditions pertaining to dust minimisation during construction, so as to ensure that air quality impacts are appropriately mitigated.

As such, no further assessment on this matter is required.

Social and Economic Impacts

The submission contends that the application will result in adverse social and economic impacts on the Crown Land adjoining the site to the north and west.

In response, it is noted that these concerns have been assessed within the Assessment Report submitted to the DDP for determination. As such, no further assessment on this matter is required.

Hazards / Bushfire Risk

The submission states that the Assessment Report has not considered the bushfire risk associated with the storage of fuel and industrial machinery being currently stored on the premises.

In response, it is noted that the development is ancillary to a dwelling house and will not involve the storage of fuel or industrial machinery that are associated with commercial or industrial activities. Additionally, Condition 7 within the Assessment Report would preclude the development from being used for industrial or commercial purposes.

The assessing officer has also recommended slight amendments to Condition 7 in response to this submission, which is discussed in further detail at the conclusion of this memo. These amendments prevent trucks, trailers and fuel associated with commercial or industrial enterprises from being stored within the development.

Impacts on Wirreanda Creek Riparian Corridor

The submission contends that the development will have an adverse impact on the Wirreanda Creek riparian corridor.

In response, it is noted that these concerns have been assessed within the Assessment Report submitted to the DDP for determination. As such, no further assessment on this matter is required.

Upgrade to Wirreanda Road

The submission contends that Wirreanda Road should be upgraded as part of the development.

In response, the assessment finds that the proposed development is not of a scale that would warrant upgrades to Wirreanda Road. Wireanda Road is of a sufficient width to accommodate for construction vehicles and the development will not generate any significant on-going traffic generation that would warrant upgrades to the road network.

Amendments to recommended Condition 7

The submission states that if the DDP were to approve the application, then Condition 7 should be amended to read as follows (Note: red text includes suggested amendments):

7. Horse Arena and Shed not to be used for Commercial or Industrial Purposes

*The approved horse arena and shed **and surrounding area** is to be used as an ancillary use to the existing dwelling house and is not to be used for commercial or industrial purposes. Additionally, the horse arena and shed, **and the surrounding area of the property**, is not permitted to store any **trucks, trailers, fuel, or** industrial machinery associated with any commercial or industrial enterprises.*

Reason: To ensure that the horse arena and shed are not used for commercial and industrial purposes.

In response, the assessment officer considers that it would be unreasonable to impose a condition that precludes the land on the site surrounding the development from being used for commercial or industrial purposes, as it would preclude the applicant from submitting future development applications on the site that seek consent for commercial or industrial purposes. Some commercial and industrial land uses are permitted with consent within the RU2 Rural Landscape zone that applies to the subject site.

Notwithstanding, the assessment officer concurs with the submitter's suggestion to expand upon Condition 7 to prevent trucks, trailers and fuel associated with commercial or industrial enterprises from being stored within the development, noting that the development is ancillary to a dwelling house.

Therefore, it is recommended that Condition 7 be amended to read as follows:

7. Horse Arena and Shed not to be used for Commercial or Industrial Purposes

The approved horse arena and shed is to be used as an ancillary use to the existing dwelling house and is not to be used for commercial or industrial purposes. Additionally, the horse arena and shed is not permitted to store any trucks, trailers, fuel or industrial machinery associated with any commercial or industrial enterprises.

Reason: To ensure that the horse arena and shed are not used for commercial and industrial purposes.

Recommendation

The DDP note the submission and amend Condition 7 within the Assessment Report to read as follows:

7. Horse Arena and Shed not to be used for Commercial or Industrial Purposes

The approved horse arena and shed is to be used as an ancillary use to the existing dwelling house and is not to be used for commercial or industrial purposes. Additionally, the horse arena and shed is not permitted to store any trucks, trailers, fuel or industrial machinery associated with any commercial or industrial enterprises.

Reason: To ensure that the horse arena and shed are not used for commercial and industrial purposes.