

## ITEMS FOR CONSIDERATION OF COUNCIL:

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1	[PE] Development Application DA04/1527 for a construction of facilities for the breeding and growing of Morton Bay Bugs (DIPNR DA DA-282-11-2004-I) at Lot 706 DP 1000580, Lot 707 DP 1000580, Lot 708 DP 1000580, Lot 709 DP 1000580, Lot 710 DP 1000580, Lot	7

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## **REPORTS THROUGH THE GENERAL MANAGER**

### **REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT**

#### **MATTERS FOR CONSIDERATION UNDER SECTION 79(C)(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

The following are the matters Council is required to take into consideration under Section 90 of the Environmental Planning and Assessment Act 1979 in assessing a development application.

#### **MATTERS FOR CONSIDERATION**

1. In determining a development application, a consent authority shall take into consideration such of the following matters as are of relevance to the development the subject of that development application:
  - (a) the provisions of
    - (i) any environmental planning instrument; and
    - (ii) any draft environmental planning instrument that is or has been placed on exhibition and details of which have been notified to the consent authority, and
    - (iii) any development control plan, and
    - (iv) any matters prescribed by the regulations,that apply to the land to which the development application relates,
  - (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts of the locality,
  - (c) the suitability of the site for the development,
  - (d) any submissions made in accordance with this Act or the regulations,
  - (e) the public interest.

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- 1 [PE] Development Application DA04/1527 for a construction of facilities for the breeding and growing of Morton Bay Bugs (DIPNR DA DA-282-11-2004-I) at Lot 706 DP 1000580, Lot 707 DP 1000580, Lot 708 DP 1000580, Lot 709 DP 1000580, Lot 710 DP 1000580, Lot

**ORIGIN:**

**Development Assessment**

**FILE NO: DA04/1527**

**SUMMARY OF REPORT:**

Council's Development Assessment Unit received noticed that an Extraordinary Meeting of the Council had been called. The basis of the meeting revolves around the public notification period of the application, in particular whether Council considers that additional time is warranted. Such a resolution will require a formal request to the Department of Infrastructure, Planning and Natural Resources.

**RECOMMENDATION:**

That the Department of Infrastructure, Planning and Natural Resources, as the Consent Authority for Development Application DA04/1527 for a construction of facilities for the breeding and growing of Morton Bay Bugs (DIPNR DA DA-282-11-2004-I) at, No. 355 Cudgen Road Cudgen, be requested to extend the public notification and submission period to 29 January 2005 in order to permit adequate time for interested parties to make a satisfactory level of assessment of and if desired a submission on the Development Application.

## REPORT:

Council's Development Assessment Unit received noticed that an Extraordinary Meeting of the Council had been called. The basis of the meeting revolves around the public notification period of the application, in particular whether Council considers that additional time is warranted. Such a resolution will require a formal request to the Department of Infrastructure, Planning and Natural Resources.

Council received an application referral from the Department of Infrastructure, Planning and Natural Resources, acting as Consent Authority, for a proposed aquaculture facility in Cudgen. Council's role in the assessment process is to assist the Department in their determination of the proposal by providing any issues or matters warranting of further consideration, and includes without prejudice conditions for any approval.

Although Council is not the consent authority it is widely accepted that local councils' by their nature are more attuned to their local environmental context, to the local communities interest and in particular to the evolving demand and trends in land-use. Assessing the level of public opinion is a vital and intrinsic part of Council's assessment in any large scale development proposal.

The documentation provided to Council comprises a Statement of Environmental Effects in two volumes. Section 2.1 of the document describes the development as *significant in scale* and this is reflected in the documentation. The application is presently being assessed by a number of specialised professional Council staff of different disciplines. It is expected that the technical assessment of the application will not be finalised until the end January 2005, at the earliest.

Public notification of the application commenced on 25 November 2004 and is to finish on 7 January 2005. The notification extends through a seasonal time when many of the Shire's resident are away from their homes or otherwise committed, such as caring for school age children being on their holidays or commercially time restricted due to the significant increase in the tourism trade during this period.

The question arises as to whether the public notification period of such a significant and complex application is appropriate. Having regard to such matters as those identified above, in particular the wealth of documentation and information, it is contended that it is not.

It is also understood that there have been requests to Councillors requesting Council to seek an extension to the exhibition period.

It is considered that an extension of the public notification period to 29 January 2005 is warranted.

In light of the above, the Department of Infrastructure, Planning and Natural Resources should be requested to agree to an extension of the public notification period. In the event that the Department does concur, Council should consider now, in order to

expedite notification to the Shire's residents, whether it is prepared to undertake the notification process at its expense.

**OPTIONS**

1. Council resolves in accordance with the recommendation of this report.
2. Council resolves not to make request for a time extension.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**CONCLUSION:**

Having regard the matters raised in this report it is concluded that a request for an extension of time to the notification period is warranted.

**UNDER SEPARATE COVER:**

Nil.

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