

DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 188 – FRIDAY 10 JULY 2015

**HOWARD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

MEMBERS PRESENT: Denis Burke (Chairman) Keith Aitken, Bob Shewring and Michael Bowman

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Steven Kubasiewicz, Allison Hooper and Adam Gauna (Development Assessment Services)

COUNCIL REPRESENTATIVE: Wendy Smith and Edward Li

Meeting opened at 10.00 am and closed at 11.00 am

MINUTES RECORD THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 **TEMPORARY WORKERS ACCOMMODATION ANCILLARY TO AN EXISTING**
PA2015/0387 **MANGO FARM**
 SECTION 1701 (65) CAIN ROAD, HUNDRED OF GUY
APPLICANT **BONZA MANGOES NT**

The applicant did not attend.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
127/15 Authority consent to the application to develop Section 1701 (65) Cain Road,
 Hundred of Guy for the purpose of hostel for temporary workers accommodation
 ancillary to an existing mango farm subject to the following conditions:

CONDITION PRECEDENT

1. Before the use commences, the owner is to provide documentary evidence to the satisfaction of the consent authority and upon the advice of a Certifying Plumber that the existing effluent disposal system is of sufficient capacity to cope with the projected increased loading.

Should the existing effluent disposal system be found not to be of sufficient capacity, before the use commences an approved effluent disposal system is to be installed and certified by a Certifying plumber and to the satisfaction of the consent authority, in accordance with the *Code of Practice for Small Onsite Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent* (the Code). All waste must be disposed of within the curtilage of the property and all setback distances between water extraction points and any effluent disposal areas must comply with the Code.

GENERAL CONDITIONS

2. The hostel for temporary workers accommodation approved by this permit is limited to the accommodation of a maximum of 30 workers in a maximum of four (4) demountable structures, plus a single ablution demountable.
3. The hostel for temporary workers accommodation approved by this permit is permitted on the site only between 1 September and 31 December annually. The demountable structures associated with the hostel for temporary workers accommodation are not to remain on the site outside of these dates.
4. The hostel for temporary workers accommodation approved by this permit is only to be occupied by people carrying out duties on the subject site for the purposes of horticulture/agriculture.
5. The demountable structures utilised for the hostel for temporary workers accommodation approved by this permit are to be sited generally in the location of buildings 9, 10 and 11 of the facilities layout plan endorsed as

drawing number 2015/0387/01 and forming part of this permit. The demountable structures are to be set back no less than than 40m from the Cain Road frontage.

6. A temporary occupancy permit under the *Building Act* must be obtained annually for the hostel for temporary workers accommodation and no persons are to occupy the structures until such a permit has been issued.
7. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) appearance of any building, works or materials; or
 - (b) generation or emission of noise, artificial light, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or waste products.
8. The landscaping, comprising of grassed areas and trees adjacent to buildings 7 and 8 on drawing number 2015/0387/01, must be maintained to the satisfaction of the consent authority, including that the grassed areas are irrigated as required, and that any dead, diseased or damaged plants are to be replaced.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
10. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the development and use is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit. The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. This development permit does not grant "building approval" for the proposed structures. The applicant is advised to engage a building certifier, within the meaning of the *Building Act*, as to whether the building/s comply with the *Building Act* and associated Regulations and to attain all necessary approvals.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

REASONS FOR THE DECISION

- 1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

A hostel is a prohibited use in Zone H (Horticulture) however as the hostel for temporary workers accommodation is ancillary to the primary use of the land for horticulture, Clause 2.9 (Ancillary Use and Development) of the NT Planning Scheme provides that the use may be permitted with consent.

The proposal could comply with many of the requirements for a hostel however the temporary nature of the accommodation combined with the applicant’s reasonable desire to source the buildings each harvest season from whichever supplier is best able to meet their needs at the time presents some difficulty in providing a definitive statement of compliance with the various development provisions relating to a hostel.

Conditions applied to the development permit will ensure that acceptable standards are met and maintained in the placement and operation of the hostel for temporary workers accommodation.

- 2. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated

The development of a hostel for temporary workers accommodation on the site will increase the number of residents in the area, for a short period of time annually, by up to 30 additional people.

A condition has been applied to address potential impacts upon amenity by way of appearance, noise, artificial light etc.

As the occupancy of the workers accommodation will be limited to a maximum number of people and for a defined period of time each year, it is anticipated that that overall impact of the development on the amenity of the area will be minimal.

ACTION: Notice of Consent and Development Permit

**ITEM 2
PA2015/0334
APPLICANT**

**SUBDIVISION TO CREATE 4 LOTS
LOT 10 (200) TRIPPE ROAD NORTH, HUNDRED OF STRANGWAYS
IRWINCONSULT**

The applicant did not attend.

**RESOLVED
128/15**

That, pursuant to section 46(4)(b) of the *Planning Act* the Development Consent Authority defer consideration of the application to develop Lot 10, (200) Trippe Road North, Hundred of Strangways for the purpose of a subdivision to create 4 lots, to require the applicant to provide the following additional information that the

Authority considers necessary in order to enable the proper consideration of the application;

- Revised plans showing the location of the seepage line and 1%AEP level;
- Accurate mapping of the unconstrained areas taking into consideration the proposed road reserve and other constraints on the land; and
- Demonstrate how the proposed subdivision provides for connections to potential future subdivision.

REASONS FOR THE DECISION

Pursuant to Clause 11.4.1 of the NT Planning Scheme the consent authority must not consent to a subdivision that that does not include 1ha of land per lot identified as unconstrained in relation to stormwater flooding, riverine flooding or localised stormwater flooding.

It is unclear from the details provided in the application whether each lot can provide a minimum of 1ha of unconstrained.

ACTION: Advice to Applicant

**ITEM 3
PA2015/0339
APPLICANT**

**INDEPENDENT UNIT WITH INDEPENDENT EFFLUENT DISPOSAL SYSTEM
LOT 5 (115) KENNEDY ROAD, HUNDRED OF STRANGWAYS
HEINER STRUCTURAL ENGINEERING CONSULTANTS PTY LTD**

Ms Annette Joseland (Heiner Structural Engineering Consultants Pty Ltd) attended.

**RESOLVED
129/15**

That, the Development Consent Authority vary the requirements of Clause 7.10.4 (Independent Units) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 5, (115) Kennedy Road, Hundred of Strangways for the purpose of an Independent unit with independent effluent disposal system, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2015/0339/01 – 2015/0339/04 endorsed as forming part of this permit.
2. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage and electricity facilities to the independent unit shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. All proposed works impacting on Bruce Court are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of Litchfield

Council. Drawings must be submitted to the Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".

5. An approved effluent disposal system to the satisfaction of the consent authority must be installed concurrently with the erection of the independent unit and all waste must be disposed of within the curtilage of the property.
6. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
7. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Litchfield Council drains or to any watercourse.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the development is not started within *two* years of the date of this permit; or
 - (b) the development is not completed within *four* years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. The applicant is advised to engage a building certifier, within the meaning of the *Building Act*, as to whether the building complies with the *Building Act* and associated Regulations.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

A variation of Clause 7.10.4 (Independent Units) is supported as the proposed independent effluent disposal system has been approved by a licensed plumber and service authorities did not raise any issues of concern.

2. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The proposed independent unit is not expected to impact upon the existing and future amenity of the area.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2015/0311
APPLICANT

**SHOWROOM SALES, OFFICES AND STORAGE IN A TWO STOREY BUILDING
SECTIONS 3323 & 3324 (395 & 391) STUART HIGHWAY, HUNDRED OF BAGOT
ANDY MATTHEWSON**

Mr Andy Matthewson attended and tabled a Traffic Impact Assessment Report.

**RESOLVED
130/15**

That, the Development Consent Authority vary the requirements of Clause 6.5.1 (Parking Requirements) and Clause 6.5.3 (Parking Layout) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Sections 3323 (395) and 3324 (391) Stuart Highway, Hundred of Bagot, for the purpose of showroom sales and offices with ancillary restaurant and warehouse in a two storey building, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Litchfield Council stormwater drainage system shall be submitted to and approved by the Litchfield Council, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.
2. Prior to the endorsement of plans and prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of DLRM. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. The IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in an ESCP. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the DLRM website: <http://lrm.nt.gov.au/soil/management>.
3. Prior to the endorsement of plans and prior to the commencement of works, a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The plan must show:
 - (a) details of surface finishes of pathways and driveways;
 - (b) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - (c) landscaping and planting within all open areas of the site; and
 - (d) provision of an in ground irrigation system to all landscaped areas.All species selected must be to the satisfaction of the consent authority.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

5. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, upon the advice of the Department of Land Resource Management'.
6. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Litchfield Council to the satisfaction of the consent authority.
9. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Litchfield Council to the satisfaction of the consent authority.

and

The owner shall:

- (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;
- all to the technical requirements of and at no cost to Litchfield Council to the satisfaction of the consent authority.
10. Before the occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
 11. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
 12. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their clients.
 13. Protective kerbs must be provided to the satisfaction of the consent authority to prevent damage to fences or landscaped areas.

14. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.
15. All proposed works impacting on the new subdivision road are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of Litchfield Council. Drawings must be submitted to Litchfield Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
16. All proposed works impacting on the Stuart Highway and Service Road road reserves are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Department of Transport. Drawings must be submitted to the Transport Infrastructure Planning Division for Road Agency Approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve" from the Department of Infrastructure.
17. Upon completion of any works within or impacting upon the Stuart Highway and Service Road road reserves, the road reserves shall be rehabilitated to the standards and requirements of the Department of Transport.
18. Access to and egress from the site for all vehicles (including construction, delivery and waste collection vehicles) must only be from the new subdivision road.
19. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the consent authority.
20. All waste material not required for further on-site processing must be regularly removed from the site to an approved facility. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the consent authority.
21. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
22. Before the occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
23. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
24. Where unfenced, the Stuart Highway Service Road frontage is to be appropriately fenced in accordance with the Department of Transport's standards and requirements to the satisfaction of the consent authority.

25. An Occupancy Permit under the *Building Act* must not be issued until title to the subdivision approved under DP15/0135A has been issued.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the development is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.
4. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
5. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned:
 - (a) so as not to create sun or headlight reflection to motorists; and
 - (b) be located entirely (including foundations and aurally) within the subject lot.
6. The development and use hereby permitted should be designed, constructed, registered and operated in accordance with the Building Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

A variation to Clause 6.5.1 (Parking Requirements) through Clause 6.5.2 (Reduction in Parking Requirements) to reduce the number of car parks required from 52 to 45 is supported as it provides for improved traffic circulation and vehicle manoeuvrability on land constrained by a drainage easement.

A variation to Clause 6.5.3 (Parking Layout) to provide a 1m landscaped area between the car park and the road/ boundary where the Scheme requires 3m, is supported as the site layout and building footprint is constrained by a drainage easement, and the requirement for a detailed landscaping plan will confirm and support the applicant's assertions that landscaping will provide suitable screening.

A variation to Clause 6.6 (Loading Bays) to provide a loading bay with a clearance of 3.5m where the Scheme requires a 4m clearance is supported as the nature of the proposed uses and therefore expected deliveries is likely only to be small articles, which are generally delivered in smaller vehicles. There is a cleared driveway to the loading zone that could accommodate any over-height vehicles.

The proposed development is otherwise consistent with the requirements of the NT Planning Scheme, including the purpose of Zone C (Commercial) to provide for a range of business and community uses. The proposed development is of a scale and character appropriate to the growing needs of Coolalinga, which has been identified in the Darwin Regional Land Use Plan as a rural activity centre.

2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The subject site is currently under development to create a commercial subdivision. The development will be fully serviced with reticulated services, and the land is considered capable of supporting the proposed development.

ACTION: Notice of Consent and Development Permit

ITEM 5 **DEVELOPMENT OF 2 X SHOPS AND 1 X WAREHOUSE IN 2 SINGLE STOREY**
PA2015/0227 **BUILDINGS**
APPLICANT **LOT 30 (35) HENNING ROAD, HUNDRED OF STRANGWAYS**
NT CONSULTING ENGINEERS

Mr Michael Cooper (NT Consulting Engineers) and Ms Lancia Puddle (landowner) attended.

Submitters in attendance: Mr Kevin & Mrs Shelly Smith, Ms Karen Sinclair, Mr Arthur van Eigen, Mr Brett Sinclair and Mr Peter Dobbe.

RESOLVED That, pursuant to section 46(4)(b) of the *Planning Act* the Development Consent
131/15 Authority defer consideration of the application to develop Lot 30, (35) Henning
Road, Hundred of Strangways for the purpose of 2 shops and 1 warehouse in two
single storey buildings, to require the applicant to provide the following additional
information that the Authority considers necessary in order to enable the proper
consideration of the application;

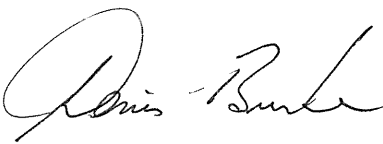
- (a) Amended plans that include:
 - (i) An additional car park to total 88 car parks on the site;
 - (ii) The location of an onsite wastewater treatment system and disposal area; and
 - (iii) Full set of scaled elevation and section drawings of the proposed structures that reflect the slope of the land;
- (b) Landscaping plans and schedule that will actively screen the development from adjoining rural zoned land, including where appropriate existing vegetation on the land should be retained;
- (c) Clarification on the hours of operation;
- (d) The detail provided in support of the storm water management plan (SWMP) is difficult to read. Amended legible plans are required so an appropriate assessment can be made of the proposed works;
- (e) Details of ongoing monitoring and maintenance of any proposed onsite stormwater infrastructure;
- (f) Storm water management should include the treatment of both hard rubbish as well as oils and other substances that are being directed to the basin from the carparking area; and
- (g) Storm water drainage should be directed to the Litchfield Council roadside storm water infrastructure.

REASON FOR THE DECISION

Pursuant to Specific Use Zone SL7 the authority must not consent to the development of the land unless the authority is satisfied appropriate stormwater management plans are in place. The plans provided in support of the development are difficult to read and legible plans are required for the authority to make a decision on the stormwater management being proposed. Elevations and other details, as requested, are required to determine the impact on amenity proposed by this development.

ACTION: Advice to Applicant

RATIFIED AS AN RECORD OF ATTENDANCE AND DETERMINATIONS MADE AT THE MEETING



DENIS BURKE
Chairman

14/7/15