



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 133 – FRIDAY 25 FEBRUARY 2011

**WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

MEMBERS PRESENT: Peter McQueen (Chairman), Richard Luxton, Keith Aitken, and Lissa Herrmann

APOLOGIES: Michael Bowman and Mary Walshe

OFFICERS PRESENT: Margaret Macintyre (Secretary) and Steven Kubasiewicz (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 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 **CLEARING OF NATIVE VEGETATION**
PA2009/1539 **SECTION 1545 (990) LIVINGSTONE ROAD, HUNDRED OF CAVENAGH**
APPLICANT **EARL JAMES & ASSOCIATES**

Mr Kevin Dodd (Earl James & Associates) and Mr David Trow (owner) attended.

RESOLVED
24/11

That pursuant to Section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 1545, (990) Livingstone Road, Hundred of Cavenagh, for the purpose of clearing of native vegetation, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawing numbered 2009_1624_01.
2. No additional clearing is to occur on this property except for the purpose of fire break maintenance.
3. The permit holder must ensure that clearing areas are clearly identified to the clearing operator and that the operator has a copy of the permit, including the endorsed drawing, at all times during the clearing operation.
4. The clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawing as "Clearing". All remaining native vegetation is to be retained to the satisfaction of the consent authority.
5. The permit holder shall notify the Manager, Land Resources Branch (08) 8999 4571 and provide the contact details of the clearing operator and the estimated start date for clearing, to ensure records are accurate and so that conditions of the clearing permit and legal obligations can be explained in full.

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. All clearing operations should be done in accordance with the *NT Land Clearing Guidelines (2010)*, specifically all areas of piled vegetation should be flattened and the soil dispersed to reduce the likelihood of water concentration and channelling.

3. The permit holder is advised that there are statutory obligations under the *Weed Management Act* to take all practical measures to manage weeds on the property. For advice on weed management please phone (08) 8999 4567.
4. It is an offence to disturb or destroy prescribed archaeological places without consent under the *Heritage Conservation Act*. Should any heritage or archaeological material be discovered during the clearing operation, you should cease operation immediately and phone the Department of Natural Resources, Environment, the Arts and Sports on (08) 8924 4142.
5. It is an offence to interfere with or cause damage to sacred sites identified in accordance with the *Aboriginal Sacred Sites (NT) Act* and as such the developer should obtain an 'Authority Certificate' from the Aboriginal Areas Protection Authority prior to the commencement of any works. All works should be in accordance with an Authority Certificate issued by the Aboriginal Areas Protection Authority.
6. This development permit to clear native vegetation does not in any way confer to the permit holder the right to conduct irrigated agriculture, nor should the permit be seen as an irrigation licence. Any approval to conduct irrigated agriculture must be licensed under the *Water Act*, in accordance with the requirements of that Act. It is recommended that the permit holder secure the appropriate approvals under the *Water Act* prior to the clearing of each stage of the proposed development.
7. The permit holder is advised that a groundwater extraction licence is required under the *Water Act* for any bore equipped to supply over 15 litres per second. For advice on water extraction licences please phone (08) 8999 3678.
8. A permit to burn must be obtained from the Regional Fire Control Officer, Department of Natural Resources, Environment, the Arts and Sport, prior to the ignition of any felled vegetation on the property. For a permit to burn please phone (08) 8976 0098. Fire prevention measures are to be implemented in accordance with the requirements of the *Bushfires Act*.
9. The permit holder is advised that the proposal may have assessment implications under the Commonwealth Environment Protection and Biodiversity Conservation Act. For assessment and approval provisions of the *Environment Protection and Biodiversity Conservation Act*, contact the Commonwealth Department of the Environment, Water, Heritage and the Arts on (02) 6274 1111.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must take into account any planning scheme that applies to the subject land.

The subject site is within a zone and locality that is consistent with agricultural development; the revised site plan addressed concerns

previously raised by the Department of Natural Resources, Environment, the Arts and Sport.

The proposed development is generally consistent with the NT Planning Scheme, particularly clauses 10.2 (Clearing of Native Vegetation in Zone R) and 10.3 (Clearing of Native Vegetation – Performance Criteria) as 50m buffer zones have been proposed and the clearing will not adversely affect the surrounding environment. Furthermore, the proposed clearing is consistent with the NT Land Clearing Guidelines, which is a reference document to the NT Planning Scheme.

2. Pursuant to section 51(1)(j) of the *Planning Act* the Development Consent Authority must consider 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 revised proposal is considered to have minimal impact on the physical characteristics of the land and nearby land. As the future use is improved pasture, the land is considered capable of supporting the proposed works associated with clearing and the intended future use.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2010/1445
APPLICANT

HELIPAD AND ASSOCIATED HANGER
SECTION 4532 (550) LOWTHER ROAD, HUNDRED OF STRANGWAYS
PHIL O'DRISCOLL

Mr Phil O'Driscoll attended.

Submitters who attended: June Lindsay-Lorman, Barbara Backers, George Turner, Jana Lai and Steve Thomas.

Mr Steve Thomas tabled a further submission.

Interested parties who attended:- Samantha Phelan, Bill Duminski, Tylin Tsui (Jana Lai's mother), Terri Thomas (Steve Thomas's wife) and Kezia Purich.

RESOLVED
25/11

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Section 4532 (550) Lowther Road, Hundred of Strangways for the purpose of a helipad and associated hanger for the following reasons:

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.

Clause 2.7 of the NT Planning Scheme requires that a consent authority must have regard to the planning concepts appearing in Schedule 2. The *Litchfield Planning Concepts and Land Use Objectives (LUO's)* are relevant to the assessment of this application. The application fails to comply with the Key Land Use Objectives 2.1 Culture and Lifestyle and 2.2 Land Use Structure. The proposed development has the potential to significantly impact on the amenity enjoyed by adjoining land users.

Clause 5.19 (Zone RL – Rural Living) states the primary purpose of the zone is to provide for low density rural living and a range of rural land uses. No residential land use exists on the subject land. Approving the development will establish a land use that is not consistent with the zoning and incorporates land use activities that are prohibited uses in the zone.

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

The current locality is characterised by rural residential land uses. Establishing a helipad and hanger has the potential to adversely impact on the amenity of the locality through the generation of noise associated with the operation of helicopters.

3. Pursuant to section 51 (p) of the *Planning Act*, the consent authority must, in considering a development application take into account the public interest.

Nine public submissions were received raising objections to the proposed development. The consent authority considers that the comments raised by the submitters demonstrates significant concern about the impact of establishing a helipad and hanger on the land and its impact on their amenity.

ACTION: Notice of Refusal

ITEM 3
PA2010/1415
APPLICANT

RURAL INDUSTRY
SECTION 5341 (98) KELESON ROAD, HUNDRED OF STRANGWAYS
JASON MOON

Mr Jason Moon attended.

RESOLVED
26/11

That, pursuant to section (53)(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 5341 (98) Keleson Road, Hundred of Strangways for the purpose of Rural Industry subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with drawings numbered 2010/1415-1, 2010/1415-2 and 2010/1415-3 and endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
3. No polluted and/or sediment laden run-off is to be discharged directly or indirectly and into and Litchfield council drains or to any watercourse.
4. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) transport of materials, goods or commodities to or from the land;
 - (b) appearance of any building, works or materials;
 - (c) emission of noise, artificial light, smell, dust, waste water or waste products;; and
 - (d) presence of vermin.
5. The use as approved by this permit shall be limited to wholesale supply of goods only.

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 development and use hereby permitted should be registered and operate in accordance with the *Australian Standard for Hygienic Production of Pet Meat* and be subject to regulatory oversight by the Department of Resources.

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.

The proposal has demonstrated compliance with all relevant clauses of the NT Planning Scheme and the *Litchfield Planning Concepts and Land Use Objectives (2002)* key land use objective 'To maintain and enhance the high level of amenity for residents of the shire and visitors'.

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.

It is considered the proposal will not adversely impact on the rural amenity of the area as a small part of an existing building will be utilised to accommodate the rural industry and acoustic impacts are minimised given the separation distances between adjoining properties.

The shed is well setback being approximately 120m from Keleson Road with substantial screening on site which reduces the visual impact on neighbouring properties.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

25/2/11

