



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 265 – FRIDAY 11 FEBRUARY 2022

**HOWARD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

MEMBERS PRESENT: Suzanne Philip (Chair), Keith Aitken, Adam Twomey, Emma Sharp and Doug Barden

APOLOGIES: Rachael Wright
LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Sonia Barnes and Josh Larder (Development Assessment Services)

COUNCIL REPRESENTATIVE: Mark Hogan and Jaimie O'Connor

Meeting opened at 11.30 am and closed at 12 noon

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 **CHANGE OF USE FROM WAREHOUSE, OFFICE AND SHOWROOM TO**
PA2021/0396 **MOTOR VEHICLE REPAIR AND VEHICLES SALES AND HIRE WITH**
ANCILLARY WAREHOUSE AND OFFICE
SECTION 4654 (3) BUTLER PLACE, HOLTZE, HUNDRED OF BAGOT
APPLICANT Tatam Planning Co

Cat Tatam (Tatam Planning Co) attended.

RESOLVED
6/22

That, the Development Consent Authority reduce the car parking requirements pursuant to Clause 5.2.4.2 (Reduction in Parking Requirements outside of Zone CB) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Section 4654 (3) Butler Place, Holtze, Hundred of Bagot for the purpose of a change of use from warehouse, office and showroom to motor repair station and vehicle sales and hire with ancillary warehouse and office, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. The uses as shown on the endorsed plans must not be altered without the further consent of the consent authority.
3. 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.
4. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
5. 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.
6. Before the use or occupation of the development starts, the areas 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 parking spaces, access lanes and driveways must be kept available for these purposes at all times.
7. 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 visitors/clients.
 8. 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.
 9. No goods are to be stored or left exposed outside the building(s) so as to be visible from any public street.
 10. Storage for waste disposal bins is to be provided to the requirements of Litchfield Council to the satisfaction of the consent authority.
 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 landscaping must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@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.
2. A "Works Permit" may be required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Council's road network.
3. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Interim Development Control Order 29.

REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 (Scheme) applies to the land which is within Zone LI (Light Industry). The proposed uses of 'motor repair station' and 'vehicles sales and hire' are permitted in Zone LI (Light Industry), except where these uses does not comply with the relevant development requirements set out in Part 5 of the Scheme. As this proposal seeks a variation to Clauses 5.2.4 (Parking Requirements), it does not comply with Part 5, and it therefore becomes 'Merit Assessable' under Clause 1.8(1)(b)(ii)(2) of the Scheme.

2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
 - (a) The purpose and administration clauses of the requirement; and
 - (b) The considerations listed under Clause 1.10(3) or 1.10(4).

The purpose of Clause 5.2.4.1 Parking Requirements is to ensure that sufficient off-street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of a site.

A total of 34 car parking spaces are required for the change of use, with 18 car parking spaces provided on site, resulting in a shortfall of 16 spaces.

A reduction in the parking by Clause 5.2.4.1 (Parking Requirements) through the provision of Clause 5.2.4.2 (Reduction in Parking Requirements outside of Zone CB) is supported as follows:

- The motor repair station use has operated on the site for a number of years with no noticeable concerns in relation to the lack of parking for that use; the recent concern with a need for additional parking by the vehicle sales and hire use has been rectified by the relocation of those vehicles to another site.
 - The site is occupied by two businesses owned by the same company. Reciprocal utilisation of services occurs between the businesses, in that the vehicles owned by the vehicle sales and hire business can be scheduled for service within the motor repair station use at times that do not conflict with use by private vehicles.
 - A condition on the permit to ensure that car parking on the site is available at all times for use by site visitors and clients can assist in ensuring parking spaces are not used for outdoor storage in the future.
3. Pursuant to section 51(1)(j) of the *Planning Act 1999*, 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 nature and scale of the development is consistent with that anticipated in the light industrial zone and no land capability issues have been identified.

4. Pursuant to section 51(1)(n) of the *Planning Act 1999*, 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 nature of the primary use of motor repair station is consistent with that anticipated in Zone LI (Light Industry), taking into account the pre-existing use of the site including warehouse and office.

The assessment notes that the nature of the vehicle sales and hire component is integrated within the development and is not considered to impact other (industrial) activities in the zone.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION:

Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair

14 February 2022