



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 160 – FRIDAY 15 FEBRUARY 2013

**WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

MEMBERS PRESENT: Peter McQueen (Chairman), Richard Luxton, Michael Bowman and Allan McKay

APOLOGIES: Keith Aitken

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

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.45 am and closed at 12.45 pm

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 **CARPORT AND MAINTENANCE SHED ADDITION TO EXISTING COMMERCIAL**
PA2012/0976 **DEVELOPMENT**
 SECTION 4771 (20) HENNING ROAD, HUNDRED OF BAGOT
APPLICANT **BIDDLECOMBE & FANTASY NOMINEES PTY LTD**

Mr Kevin Kennedy attended on behalf of Fantasy Nominees Pty Ltd

RESOLVED That, the Development Consent Authority vary the requirements of Clause 6.5.3
39/13 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section
 53(a) of the *Planning Act*, consent to the application to develop Section 4771 (20)
 Henning Road, Hundred of Bagot for the purpose of a carport and maintenance shed
 addition to existing commercial development subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2012/0976/01 to 2012/0976/03 inclusive, endorsed as forming part of this permit.
2. 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.
3. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply and electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. 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.
6. A "Permit to Work within a Road Reserve" is required from the Department of Transport - Road Network Division and Litchfield Council before commencement of any work within the road reserve.

NOTES:

1. 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 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 variation to Clause 6.5.3 (Parking Layout) of the NT Planning Scheme is supported as the relocation of the 26 car parking spaces will provide a safer environment for patrons to load/unload their vehicles. The carport structures will also provide additional protection from the sun and rain.

The proposed shed is considered to be an ancillary structure and will support the ongoing maintenance of the shopping facilities.

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 land has previously been cleared and developed, and is considered capable of supporting the proposed development.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2012/0968
APPLICANT

DEPENDANT UNIT IN EXCESS OF 50 SQUARE METRES
SECTION 3997 (4) DOWLING ROAD, HUNDRED OF STRANGWAYS
STACEY SEPHTON

Ms Stacey Sephton attended.

RESOLVED
40/13

That, the Development Consent Authority vary the requirements of Clause 7.10.4 (Dependant Units) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 3997 (4) Dowling Road, Hundred of Strangways for the purpose a dependant unit in excess of 50m², subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) landscaping along the Brooking Circuit boundary adjacent to the dependant unit to screen the development from the street; and

- (b) only one access to the site.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, electricity facilities and telecommunication networks to the development shown on the endorsed plan, in accordance with the authorities' requirements and relevant legislation at the time.
4. 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.
5. Before the use commences the owner is to provide documentary evidence to the satisfaction of the consent authority upon the advice of the Department of Health that the existing effluent disposal system is of sufficient capacity to cope with the projected increased loading.
6. 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.
7. The Dependant Unit shall only be occupied by persons dependant on the occupants of the principle dwelling on the site.

NOTES:

1. 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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. A "Permit to Work Within a Road Reserve" is required from Litchfield Council before commencement of any work within the road reserve.

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 7.10.4 (Dependant Units) is supported as the dependant unit will not impact on the amenity of the locality. The dependant unit is well setback from all boundaries and a condition is included that requires landscaping to be established prior to occupation to ensure that the amenity of the locality is maintained.

2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into account the capability of the land to support the proposed development and the effect of the development on adjoining land.

The site is relatively flat, is not affected by seasonal waterlogging and is considered to be unconstrained. The development of a dependant unit at the site will not affect development on adjoining land.

ACTION: Notice of Consent and Development Permit

**ITEM 3
PA2012/0956**

**CHANGES TO THE SUBDIVISION APPROVED BY DP10/0358 INCLUDING 1
ADDITIONAL LOT**

APPLICANT

**SECTION 5463 (77) HONEYSUCKLE ROAD, HUNDRED OF STRANGWAYS
AUSTRALIAN NEW ZEALAND RESOURCES CORPORATION PTY LTD**

Mr Graham Chrisp (Australian New Zealand Resources Corporation Pty Ltd) and Ms Kylie Welch (EcoZ Environmental Services) attended.

**RESOLVED
41/13**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Section 5463 (77) Honeysuckle Road, Hundred of Strangways for the purpose of changes to the subdivision approved through DP10/0358 including 1 additional lot to enable the authority to seek advice from the relevant authorities on the information provided by the applicant on 8 February 2013 to facilitate the proper consideration of the application;

- Referral of the additional information (including more detailed soil analysis) received on 8 February 2013 to the Department of Land Resource Management for advice on whether there is 1 hectare of unconstrained land available in each lot, whether the application proposes the development of unsuitable soils, and whether the soils are suitable for the disposal of effluent and other advice as the Department may consider appropriate.

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 application and supporting documentation submitted 13 December 2013 did not adequately demonstrate that proposed lots comply with the requirements of Clause 11.1.1 (Minimum Lot Sizes and Requirements) and 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land). It is not clear that 1ha of unconstrained land is available on each lot or that access to that land from a public road is similarly unconstrained. Further, it is not clear that soils are suitable for the disposal of effluent of that the proposal avoids the development of unsuitable soils.

2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to support the proposed development. The original application and additional information submitted on 13 December did not demonstrate that adequate and detailed soil analysis had proven definitively that the land was capable of rural subdivision. Given the proximity of the land to a perennial lagoon that may overflow during extreme weather events, combined with the local stormwater drainage infrastructure, it is not clear that bores and septic systems on the proposed lots would be able to function adequately when the land is developed for rural living in future.

ACTION: Advice to Applicant

**ITEM 4
PA2012/0983
APPLICANT**

**CLEARING OF NATIVE VEGETATION
SECTION 1606 (230) ALPHATONIA ROAD, HUNDRED OF GUY
ABOVE CAPRICORN TECHNOLOGIES**

Mr Peter Harrison (Above Capricorn Technologies) attended.

**RESOLVED
42/13**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 1606 (230) Alphatonia Road, Hundred of Guy for the purpose of clearing of native vegetation, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing numbered 2012_0983_01 and endorsed as forming part of this permit.
2. The clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawing to the satisfaction of the consent authority.
3. The permit holder must ensure that the clearing operator has a copy of the permit, including the endorsed drawing, at all times during the clearing operation.
4. Before the vegetation removal starts, the north-eastern boundary/ies abutting Sections 1731 and 1605 must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the consent authority.
5. Clearing is to be undertaken between March and November only.
6. Soil erosion control and dust control measures must be employed throughout the clearing operation to the satisfaction of the consent authority.
7. The owner of the land must enter into agreement with the Litchfield Council for the provision of access to the land in accordance with Litchfield Council's requirements and relevant legislation at the time. The kerb crossovers and driveways to the site are to meet the technical standards of Litchfield Council to the satisfaction of the consent authority.

Expiry of Permit

This permit will expire if one of the following circumstances applies:

- (a) the development is not substantially commenced 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 an application is made in writing before the permit expires.

NOTES:

1. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Land Resource Management.
2. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Aboriginal Sacred Sites Act*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
3. The permit holder is advised that 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, cease operation and please phone Heritage Conservation Services of the Department of Lands, Planning and the Environment.
4. A permit to burn is required from the Regional Fire Control Officer, Department of Land Resource Management, prior to the ignition of any felled vegetation on the property. Fire prevention measures are to be implemented in accordance with the requirements of the *Bushfires Act*.
5. 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 contact the Water Management branch of the Department of Land Resource Management.
6. 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.

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 application to clear native vegetation to establish melons or similar crops on land within Zone H – Horticulture is consistent with the intent of Clause 5.16 (H – Horticulture) of the NT Planning Scheme. In

addition, the proposal is also consistent with the Litchfield Planning Concepts and Land Use Objectives 2002 which identifies the area for continued development of horticulture.

2. Pursuant to section 51(j) of the *Planning Act*, the Consent Authority must take into account the capability of the land to which the proposed development relates to support the proposed development.

Written comment from the Department of Land Resource Management combined with aerial photography and land unit and soil drainage mapping indicates the land is physically capable of supporting the proposal. The land is generally flat and dry and capable of supporting the clearing of approximately 16ha of native vegetation for the purpose of horticulture.

ACTION: Notice of Consent and Development Permit

ITEM 5 **INTENSIVE ANIMAL HUSBANDRY**
PA2012/0949 **LOT 23 (120) BILLABONG ROAD, HUNDRED OF GUY**
APPLICANT **JOHN LEVER**

Mr John Lever attended.

Submitter in attendance:- Mr David Boehme.

RESOLVED
43/13

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 23 (890) Billabong Road, Hundred of Guy for the purpose of intensive animal husbandry, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to include:
 - Identification of the areas where animal waste will be disposed of on site, to the requirements of the Department of Health and Environmental Protection Agency (Department of Lands, Planning and the Environment), to the satisfaction of the consent authority.
 - A crocodile management plan for the evacuation of crocodiles during floods to the requirements of the Environment Protection Agency, to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. Works are to be carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
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. The loading and unloading of goods from vehicles must only be carried out on the land.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Litchfield Council, to the satisfaction of the consent authority.
7. 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.
8. 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, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
 - (d) presence of vermin.
9. No goods are to be stored or left exposed outside the building(s) so as to be visible from any public street
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.
11. The proponent must advise the NT Environment Protection Agency of activities to be conducted at this site, in the approved format.
12. The land use as approved by this permit shall be managed in accordance with the Australian Governments "Code of Practice on the Humane Treatment of Wild and Farmed Australian Crocodiles".

NOTES:

1. 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 onsite and/or surrounding infrastructure.

2. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve.

REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into account any planning scheme that applies to the land to which the proposed development relates.

The proposal to use Lot 23 (120) Billabong Road, Hundred of Guy is generally consistent with the primary purpose of Zone H (Horticulture) and is not considered to compromise the future use of the land for horticultural purposes. The proposed site has been previously cleared of significant vegetation yet is still sufficiently screened from view from the public road. The site is well distanced from surrounding residential properties with the closest houses located between 180m and 470m away. It is not anticipated that the proposed operations will result in excessive noise or dust and with appropriate management of the facility, should not result in excessive odours or the attraction of flies or vermin. Through the submission of additional information to the Department of Health and Environment Protection Authority, the development is considered to be consistent with the intent of Clause 10.1 (Animal Related Development) of the NT Planning Scheme in ensuring that its activities do not detract from the amenity of the surrounding area.

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

The application proposes a relatively small scale operation in a zone identified primarily for use for horticultural purposes. For this reason, the proposed use for intensive animal husbandry is not considered to be likely to significantly offend the current and future amenity of the surrounding area. Furthermore, the developer has attained the relevant approvals from the Department of Land Resource Management (Parks and Wildlife) which impose controls on the use of the land in relation to public safety and animal welfare and humane treatment of crocodiles. Together with the conditions attached to the permit issued by Parks and Wildlife, the conditions of approval for the intensive animal husbandry land use will also further ensure that the use results in no negative impact on the amenity of the surrounding area.

ACTION: Notice of Consent and Development Permit

ITEM 6
PA2012/0581
PLANNERS
APPLICANT

BUSINESS SIGN EXCEEDING 1.5m² AND 3RD DEMOUNTABLE STRUCTURE
LOT 5 (630) ARNHEM HIGHWAY, HUNDRED OF STRANGWAYS
SALLY CUNNINGHAM
JOHN SIMES

The applicant did not attend.

RESOLVED
44/13

That, the Development Consent Authority vary the requirements of Clause 6.7 (Signs) and 6.8 (Demountable Structures) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 5 (630) Arnhem Highway (LTO69004), Hundred of Strangways for the purpose of a business sign exceeding 1.5m² and a third demountable structure, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) the location of the other two demountable structures on the property.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with drawing numbers 2012/0581/01 and 2012/0581/02 endorsed as forming part of this permit.
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. The demountable structure shall only be used for domestic storage or purposes ancillary to the residential use of the land.

NOTES:

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meet minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
2. Home Based Contracting and Home Occupation are permitted land uses within Zone RL (Rural Living) of the NT Planning Scheme. This permit does not authorise use of the land for any commercial activity that does not accord with the provisions of Clause 7.10.7 (Home Occupation) or 7.10.8 (Home Based Contracting) of the NT Planning Scheme.

REASONS FOR THE DECISION

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

The land is within Zone RL (Rural Living) of the NT Planning Scheme. The proposal is generally consistent with the Scheme's requirements but requires variations to the standards of Clauses 6.7 (Signs) and 6.8 (Demountable Structures).

A variation to the requirements of Clause 6.7 (Signs) is supported as:

- The sign is well setback from the Arnhem Highway ensuring that vehicle and pedestrian sight lines are not affected;
- The sign is surrounded by established vegetation;
- The sign is existing and is not considered to offend the existing rural amenity.

A variation to the requirements of Clause 6.8 (Demountable Structures) is supported as:

- The demountable is set back from all property boundaries in accordance with the requirements of Clause 6.8;
- The demountable is located behind two existing sheds which provide some visual screening of the structure from the Arnhem Highway;
- the site is well vegetated in comparison to surrounding properties which will aid in screening the demountable from the Arnhem Highway, adjacent properties and nearby Zamia Road; and
- The third demountable is considered visually consistent with the other structures on the property, as well as structures on adjacent and nearby properties in accordance with the Clause 6.8.

ACTION: Notice of Consent and Development Permit

ITEM 7
PA2012/0718
APPLICANT

SUBDIVISION TO CREATE 11 LOTS
SECTION 3323 (395) STUART HIGHWAY, HUNDRED OF BAGOT
ELTON CONSULTING PTY LTD

Mr Martin Klopper (Elton Consulting) and Mr Mark Bawler attended.

Submitter:- Mr Gerry Wood attended.

RESOLVED
45/13

That, pursuant to section 46(4)(a) of the *Planning Act*, the Development Consent Authority defer consideration of the application develop Section 3323 (395) Stuart Highway, Hundred of Bagot to subdivide to create 11 lots to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

- Provide confirmation from Litchfield Council that it is satisfied that there is a mechanism in place to ensure the future east-west connector road will be constructed (providing a connection to the already developed local road

network to the east) at the time the access to the Stuart Highway service road is restricted to ingress only by Road Network Division.

- Provide the DCA with information in relation to what mechanism will be used so that each prospective and subsequent land owner will be fully informed of interim and future permanent access arrangements.
- Provide additional information in regard to how storage, treatment and disposal of effluent can be adequately addressed in both the short and long term for the proposed commercial lots. In the short term, the Development Consent Authority requires additional information that there is adequate physical space on each proposed lot to meet effluent storage and removal requirements once hard stand and developed areas are taken into account. Additional information is also requested in relation to who will be responsible for management and removal of the effluent from the holding tanks. In the long term the DCA requires additional information in relation to how future connection to the Power and Water reticulated sewerage system can be guaranteed in a timely manner. If it cannot be guaranteed, it needs to be demonstrated that effluent will be able to be appropriately disposed of in the long term, meeting the requirements of the Department of Health, to the satisfaction of the consent authority.
- Provide details of the manner in which stormwater is to be disposed of from the commercial lots and other sealed areas such that it that does not result in erosion and sedimentation or pollution of the wetlands. This information is to be provided in consultation with the Litchfield Council and the Department of Land Resource Management, to the satisfaction of the consent authority.

REASONS FOR THE DECISION

1. Pursuant to Section 51 (m) the consent authority must, in considering a development application, take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirements, if any, for those facilities, infrastructure or land to be provided by the developer for that purposes.

The authority seeks to have the applicant demonstrate that the development of the commercially zoned lots can be accommodated independently of any future development that may or may not occur on the remaining parcel of land.

2. It has not yet been demonstrated how storage, treatment and disposal of effluent can be adequately addressed in either the short or long term for the proposed commercial lots. The DCA is seeking clarification from the applicant in this regard.
3. It has not yet been demonstrated that stormwater can be disposed of from the commercial lots and other sealed areas in a manner that does not result in erosion and sedimentation or pollution of the wetlands at the rear of the property.

4. Confirmation is required from Litchfield Council that there is a mechanism in place to ensure the future east-west connector road will be constructed, as once Road Network Division restricts access to the proposed subdivision in the future to ingress only, there will be no point of egress from the rear of the site (hence making traffic circulation untenable).

ACTION: Advice from Applicant

ITEM 8
PA2012/0993
APPLICANT

2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING
SECTION 6526 (15) HAVELOCK STREET, HUNDRED OF BAGOT
RAW DESIGNS

Mr Rob Watt (Raw Designs) attended.

RESOLVED
46/13

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 6526 (15) Havelock Street, Hundred of Bagot for the purpose of a 2 x 3 bedroom multiple dwellings in a single storey building, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) the applicant is to provide plans, which are drawn to scale and generally in accordance with those submitted with the application, but modified to show:
 - Plans showing the dwellings being setback an additional 1 metre from the street frontage and the landscaping to be provided to the street frontage
2. Prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of Litchfield Council and to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity facilities and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

5. Before the use or 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;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
6. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development.
7. 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.
8. 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.
9. 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.
10. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Litchfield Council, to the satisfaction of the consent authority.
11. The owner shall:
 - a) remove disused vehicle and/ or pedestrian crossovers;
 - b) collect stormwater and discharge it to the drainage network; and
 - c) undertake reinstatement works;all to the technical requirements of and at no cost to the Litchfield Council, to the satisfaction of the consent authority.
12. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner, to the satisfaction of the consent authority.

NOTES:

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meet minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.

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. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
4. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities

REASONS FOR THE DECISION

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

The proposal to develop the lot for the purpose of 2 x 3 bedroom multiple dwellings in a single storey building is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) which is to provide for a range of housing options to a maximum height of two storeys. The development is considered to be of a scale, character and architectural style of development already approved in the area and of development reasonably anticipated once the remainder of the subdivision is developed.

A variation to Clause 6.5.3 (Parking Layout) of the Scheme is supported as the minor nature of the non-compliance is considered to demonstrate special circumstances to justify the giving of consent.

2. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The application is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) of the Scheme. The level of compliance achieved with the Scheme is a representation that the proposal is appropriate for the site and locality, and is not considered to result in any negative impact on the surrounding area.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

20/2/13

