

DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 167 – FRIDAY 13 SEPTEMBER 2013

**WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

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

APOLOGIES: Nil

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

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 am and closed at 1.30 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 **SERVICE STATION**
PA2013/0521 **SECTION 6493 (425) STUART HIGHWAY, HUNDRED OF BAGOT**
APPLICANT **MEINHARDT INFRASTRUCTURE AND ENVIRONMENT**

Mr Tim Retrot (Meinhardt Infrastructure and Environment) attended.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
284/13 Authority consent to the application to develop Section 6493 (425) Stuart Highway,
Hundred of Bagot for the purpose of a service station, subject to the following
conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be submitted to and approved by the consent authority on the advice of the Litchfield Council and the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.
2. Prior to the commencement of works, an Environmental Management Plan (EMP) for the management and operation of the use must be submitted to and approved by the consent authority on the advice of Litchfield Council. When approved, the EMP will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed plan. The EMP may include but may not be limited to:
 - a) overall environmental objectives for the operation of the use and techniques for their achievement;
 - b) procedures to ensure that no significant adverse environmental impacts occur as a result of the use;
 - c) proposed monitoring systems;
 - d) identification of possible risks of operational failure and response measures to be implemented;
 - e) day to day management requirements for the use
3. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Litchfield Council or Department of Transport stormwater drainage system shall be submitted to and approved by the Litchfield Council and the Department of Transport, to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to the system.

4. Prior to the commencement of works, the developer must advise the NT Environmental Protection Agency of activities to be conducted at this site in the approved format. The required report is to be prepared and implemented on the advice of the NT Environmental Protection Agency to the satisfaction of the consent authority, and when endorsed, will form a part of the permit.
5. Prior to the commencement of building works, detailed plans must be submitted to and approved by the Department of Health via a Building Certifier.
6. 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) existing vegetation to be retained and/or removed;
 - b) details of surface finishes of pathways and driveways;
 - c) 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;
 - 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

7. Prior to the commencement of use, a traffic management plan must be submitted to and approved by the consent authority addressing the use of the property for the purpose of service station. When approved, the plan will be endorsed and will form part of the permit. Traffic and parking operations on and adjacent to the site must conform to this endorsed plan. Two copies of the plan must be submitted. The plan must be developed on the advice of Litchfield Council to the satisfaction of the consent authority. When approved, the plan will be endorsed and will then form part of the permit.
8. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0521/01 through 2013/0521/05 inclusive, and any other plans endorsed as forming part of this permit.
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. Before the use 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) provided with bicycle racks;
 - c) properly formed to such levels that they can be used in accordance with the plans;
 - d) surfaced with an all-weather-seal coat;
 - e) drained;
 - f) line marked to indicate each car space and all access lanes;

- g) clearly marked to show the direction of traffic along access lanes and driveways;
to the satisfaction of the consent authority; and
 - h) access shall be provided to Fairweather Crescent
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. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.
 14. Protective kerbs must be provided to the satisfaction of the consent authority to prevent damage to fences or landscaped areas.
 15. 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 site.
 16. 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.
 17. 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.
 18. 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 the development on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
 19. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Litchfield Council and/or the Department of Transport as the case may be to the satisfaction of the consent authority.
 20. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Litchfield Council or the Department of Transport drains or to any watercourse.
 21. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Litchfield Council and/or the Department of Transport, to the satisfaction of the consent authority.

22. 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 to the consent authority.
23. All proposed works impacting on the Stuart Highway service road reserve or Fairweather Crescent road reserve 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 Litchfield Council and/or Department of Transport as the case may be. Drawings must be submitted to the Litchfield Council and/or Senior Director, Road Network Division of the Department of Transport for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
24. 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.
25. Adequate facilities for the disposal of other liquid waste, including waste oil, hazardous or toxic waste, will need to be provided on the advice of the Department of Health to the satisfaction of the consent authority.
26. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the consent authority.
27. 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.

NOTES:

1. 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 aerially) within the subject lot.
2. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to the Stuart Highway and road reserve traffic.
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.
4. The developer is required to "Dial before you Dig" to arrange any required relocation of cables.

5. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the *NT Public and Environmental Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.
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.
7. Professional advice regarding the development of the report required by condition precedent 3 is available from the NT Environmental Protection Agency at pollution@nt.gov.au.

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.

This proposal predominantly complies with relevant clauses of the Scheme, in particular, Clause 5.8 (Zone C – Commercial), Clause 6.4 (Plot Ratios), Clause 6.5.1 (Parking Requirements) and Clause 14.7.1 (Coolalinga North Planning Principles).

The application does not however provide any visual screening or landscaping as required respectively by Clause 8.1.4 (Service Stations) and 8.2.1 (Commercial and other Development in Zone C).

A landscaping plan has been required by a condition precedent on the recommended permit to ascertain more detail regarding plant species, pot sizes, size at maturity etc. This, combined with a condition on the recommended permit to ensure solid waste storage is provided and screened to the satisfaction of the consent authority, is expected to ensure compliance with Clause 8.2 (Commercial and Other Development in Zone ...C...).

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2013/0574
APPLICANT

ICE VENDING MACHINE
SECTION 1858 (10) DORIS ROAD, HUNDRED OF AYERS
DINKY DI TRADING PTY LTD

Mr Sam Perry (Director Dinky Di Trading Pty Ltd) and Mr Kevin Kennedy attended.

RESOLVED
285/13

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 1858 (10) Doris Road, Hundred of Ayers, for the purpose of an ice vending machine, subject to the following conditions:

CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0574/01 and 2013/0574/02 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. 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/ or suitably dust suppressed;
 - 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.
4. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their clients.
5. The landscaping on the site must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of any electricity facilities to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
7. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
8. 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.
9. Protective kerbs must be provided to the satisfaction of the consent authority to prevent damage to fences or landscaped areas.
10. The development shown on the endorsed plans must be supplied with a potable water supply in accordance with the Department of Health's requirements, to the satisfaction of the consent authority.

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 on-site and/or surrounding infrastructure.
2. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Food Safety Standards.
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 the Department of Land Resource Management.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) the consent authority must take into account any planning scheme that applies to the land to which the application relates.

The development predominantly complies with the relevant clauses of the NT Planning Scheme, being clauses Clause 5.8 (Zone C – Commercial), Clause 6.1 (Building Height Control), Clause 6.5.3 (Parking Layout), Clause 6.6 (Loading Bays) and Clause 8.2 (Commercial and other Development in Zone...C...).

An ice vending machine is an undefined land use and as such the consent authority is required to determine the number whether there has been an adequate supply of carparking spaces in accordance with Clause 6.5.1 (Parking Requirements). Two sealed carparking spaces are to be provided in addition to the 47 car parking spaces already established on the site for the shopping centre and hardware store. The car parking bays provided are of adequate dimensions to comply with Clause 6.5.3 (Parking Requirements) and are considered sufficient to service the development as the products sold on-site are not of a nature that would be consumed on-site but rather purchased, packed and removed from the site relatively quickly. The additional carparking spaces are also to be provided adjacent to the proposed ice vending machine.

2. Pursuant to section 51 (m) the consent authority must 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 requirement, if any, for those facilities, infrastructure or land to be provided by the developer.

The Department of Health requires that the water supply to the ice vending machine be potable and suitable for human consumption. A condition has been placed on the permit requiring that a potable water supply be provided to the requirements of the Department of Health.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2013/0382
APPLICANT

CLEARING OF NATIVE VEGETATION
LOT 11 (60) CORNOCK ROAD, HUNDRED OF CAVENAGH
LEN & JUDY WILSON

Mr Len and Judy Wilson sent their apologies,

Mr Mark Wright attended on the applicants behalf.

RESOLVED
286/13

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 11 (LTO82014A) (60) Cornock Road, Hundred of Cavenagh for the purpose of clearing of native vegetation subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be submitted to and approved by the consent authority on the advice of the Litchfield Council, and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawing numbered 2013/0382/1, endorsed as forming part of this permit.
3. The clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawings as 'Permitted Clearing'. All remaining native vegetation is to be maintained to the satisfaction of the consent authority.
4. 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.
5. Before the vegetation removal starts, the boundaries of all vegetation stands to be removed and retained must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the consent authority.
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. Engineering design and specifications for the vehicular access are to be to the technical requirements of Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

NOTES:

1. 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*.
2. 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.
3. Professional advice regarding the implementation of soil erosion and dust control measures to be employed throughout the construction stage of the development are available from the Department of Land Resource Management.
4. The use and development of land for domestic livestock is subject to the provisions of Clause 10.1 (Animal Related Use and Development) of the Northern Territory Planning Scheme.

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 is generally compliant with the relevant clauses of the NT Planning Scheme, specifically Clause 10.2 (Clearing of Native Vegetation in Zones ...R... and Unzoned Land) in relation to land capability and suitability for the intended use.

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 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 land is relatively flat and unconstrained. The land is not subject to wet or waterlogged soils, drainage systems, or significant habitats. A Condition Precedent requiring an Erosion and Sediment Control Plan will assist in mitigating any impacts that may arise from the clearing works, such as dust. The land is considered capable of supporting the proposed clearing and the intended future use.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2013/0525

**OFFICE AND CARETAKERS RESIDENCE ANCILLARY TO CONCRETE BATCHING
PLANT
SECTION 3760 (7) SPENCELY ROAD, HUNDRED OF STRANGWAYS
NT CONSULTING ENGINEERS**

APPLICANT

Mr Michael Cooper (NT Consulting Engineers) attended.

**RESOLVED
287/13**

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout), Clause 7.10.3 (Caretaker's Residence) and Clause 9.1.1 (Industrial Setbacks) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 3760 (7) Spencely Road, Hundred of Strangways for the purpose of an office and caretaker's residence ancillary to a concrete batching plant, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with drawing numbers 2013/0525/1 through to 2013/0525/4, 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 water supply, drainage, electricity, and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
3. An approved effluent disposal system to the requirements of the Department of Health and to the satisfaction of the consent authority must be installed concurrently with the erection of the office, and all waste must be disposed of within the curtilage of the property.
4. All proposed works impacting on Spencely 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".
5. 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.
6. No goods are to be stored or left exposed outside the building(s) so as to be visible from any public street.
7. 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.
8. 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.
9. Before the use 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.
10. Before the use 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.
11. 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.
12. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
13. 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.

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 on-site and/or surrounding infrastructure.
2. 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 consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

A variation to Clause 7.10.3 (Caretaker's Residence) to provide a net floor area of 87m², where the NT Planning Scheme only permits up to 50m², is supported as the proposed caretaker's residence is to be constructed above the proposed office, and will therefore not increase the building footprint on the site, nor prejudice the use of the site or adjacent land in accordance with the LI (Light Industry) zoning of the locality.

A variation to Clause 6.5.3 (Parking Layout) and Clause 9.1.1 (Industrial Setbacks) to provide a 1m landscaped distance between the Spencely Road frontage and the car parking area instead of the 3m required by the NT Planning Scheme is supported. Compliance with the requirement could result in non-compliance with other provisions of the Scheme, and could impact internal traffic movements and the primary use of the land as a concrete batching plant.

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 is relatively flat and has previously been cleared. It is currently developed with numerous buildings used for light industrial purposes. The land is serviced with reticulated power and water; onsite wastewater treatment will be required to the satisfaction of the Department of Health. The land is considered capable of supporting the proposed development.

ACTION: Notice of Consent and Development Permit

ITEM 5
PA2013/0489
APPLICANT

SUBDIVISION TO CREATE 4 LOTS
LOT 11 (126) PRODUCE ROAD, HUNDRED OF STRANGWAYS
VEKTA PTY LTD

Mr Gregg Hestelow (Vekta Pty Ltd), Mr Justin Groves (owner) and Mr Fabian attended.

RESOLVED
288/13

That, pursuant to section 53(a) of the *Planning Act*, the Authority vary clause 11.1.1 (Minimum Lot Sizes and Requirements) of the NT Planning Scheme and consent to the proposal to develop Lot 11 LTO 74011 (126) Produce Road, Hundred of Strangways for the purpose of a subdivision to create four lots subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be submitted to and approved by the consent authority on the advice of the Litchfield Council, and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.
2. 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) Designate on the plan of subdivision that the proposed road is to be constructed for its entire length.

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. 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 on the plan of subdivision submitted for approval by the Surveyor General.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. Engineering design and specifications for the proposed and affected roads, stormwater drainage and vehicular access, are to be to the technical requirements of Litchfield Council, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
7. All proposed works impacting on Produce Road and Origin Close are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be submitted to the Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
8. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.
9. A "Permit to Work Within a Road Reserve" is required from Litchfield Council before commencement of any work within the road reserve.

10. Before the issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the NT Fire and Rescue Service.
11. This development is subject to the Infrastructure Development Levy. The developer shall pay a development levy and other fees and charges according to the Litchfield Council Municipal Plan.

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 on-site and/or surrounding infrastructure.
2. The installation of septic systems is to be in accordance with the requirements of the *Building Act* and 'NT Code of Practice for Small On-Site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent'.
3. There are statutory obligations under the *Weeds Management Act 2001* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Land Resource Management.
4. Professional advice regarding the implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is 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 proposal is generally consistent with the Litchfield Planning Concepts and Land Use Objective 3.1 (Residential) which provides for residential development that retains the amenity and lifestyle of existing rural areas. It is also consistent with Objective 2.4 (Mobility and Transport), in particular, the intended development of the road network as described in the LUOs and detailed in Figure 14.

A variation to Clause 11.1.1 (Minimum Lot Sizes and Requirements) of the NT Planning Scheme can be supported as the land is unconstrained. The proposed public road further develops the public road network that replaces battleaxe lots in a manner consistent with the LUO's. To achieve the required road width results in lot sizes that are below the minimum prescribed for the zone, however the lots are unconstrained and suitable for the intended purpose of rural living.

Pursuant to clause 2.5 (Exercise of Discretion by the Consent Authority) the consent authority may consent to the development of land that does

not meet the standards set out in Parts 4 or 5 only if it is satisfied that special circumstances justify the giving of consent; and
When consenting to a development of land the consent authority may impose a condition requiring a higher standard of development than is set out in a provision of Parts 4 or 5 if it considered it necessary to do so.

The special circumstances in support of the reduction of the minimum lot size are demonstrated by the ongoing development of a public road in a manner consistent with the LUO's, and to comply with the Council's minimum road reserve width of 30m on land that has been demonstrated as being suitable for the intended purpose.

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 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 site consists of well drained soils on gently undulating land and is deemed suitable for subdivision development. An Erosion and Sediment Control Plan will ensure that appropriate measures are taken to minimise the risk of erosion.

3. Pursuant to Section 51 (m) of the *Planning Act*, the consent authority must 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 requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

The request for amended plans demonstrating that the proposed road reserve is to be constructed for its length is required to ensure that appropriate road infrastructure is provided to ensure that the public road network is in place to achieve the objectives of the LUO's and that connectivity with the existing public road network is achieved with minimal cost to the public purse.

ACTION: Notice of Consent and Development Permit

ITEM 6
PA2013/0531
APPLICANT

SUBDIVISION TO CREATE 20 LOTS
SECTION 4212 (25) SMYTH ROAD, HUNDRED OF BAGOT
EARL JAMES AND ASSOCIATES

Mr Kevin Dodd (Earl James & Associates) and Mr Tony Hillier (owner) attended.

RESOLVED
289/13

That, pursuant to section 46(4)(c) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Section 4212 (25) Smyth Road, Hundred of Bagot for the purpose of a subdivision to create 20 lots subject to the determination of the proposed Planning Scheme Amendment.

REASONS FOR THE DECISION

1. Pursuant to section 51(b) of the *Planning Act*, the consent authority must take into consideration any proposed amendments to such a planning scheme.

A proposed planning scheme amendment is currently on public exhibition to amend the Specific Use Zone that applies to the subject land. The scheme amendment is intended to reflect the proposed subdivision. Although the subdivision application demonstrates notional compliance with the proposed planning scheme amendment, the scheme amendment is subject to change as a result of the public exhibition period and assessment by the Minister for Lands, Planning and the Environment. Any changes may alter the nature of the zoning and as a consequence the subdivision of the land. Deferral of the application until the scheme amendment has been gazetted will ensure that the subdivision application is been assessed against the relevant criteria of the zone.

ACTION: Advice to Applicant

ITEM 7 **VARIATION TO CONDITION 15 OF DP12/0448**
PA2011/0233-03 **SECTIONS 6012, 3926, 5020, 5021, 5022, 5040 & LOTS 18, 19, 20, 21 & 22**
 (365, 435, 303A, 303B, 307B) HICKS ROAD & GIRRAWEE ROAD, HUNDRED
 OF BAGOT
APPLICANT **EARL JAMES AND ASSOCIATES**

DAS tabled three emails from the applicant & owner regarding a Management Plan for Girraween Lagoon.

Mr Kevin Dodd (Earl James & Associates) and Mr Graham Churcher (Owner) attended.

Submitter in attendance:- Mr Gerry Wood MLA.

RESOLVED
290/13

That, pursuant to Section 57(3) of the *Planning Act*, the Development Consent Authority consent to the application to vary Development Permit number DP12/0448 for the purpose of amending Condition 15 so that titles can be issued for stage 3 of the subdivision but not for stage 4 without an endorsed management plan for the long term use of Girraween Lagoon.

REASONS FOR THE DECISION

The proposed variation will not alter a measurable aspect of the development by a margin greater than 5% and, in the opinion of the consent authority, the request to amend condition 15 so that a management plan for the long term use of Girraween Lagoon is prepared prior to the issue of titles for stage four of DP 12/0448 will not materially affect the amenity of adjoining or nearby land or premises.

ACTION: Variation of Development Permit

ITEM 8
PA2013/0513
APPLICANT

**ANIMAL BOARDING
SECTION 4123 (66) IRWIN ROAD, HUNDRED OF BAGOT
JENNIFER WILTON & TORY ST CLAIR**

DAS tabled an email from submitters Mr Geoff and Mrs Selmah Beere.

Ms Jennifer Wilton and Mr Tory St Clair attended.

Submitters who sent their apology:- Mr Geoff and Mrs Selmah Beere, Mr Mark Goller and Ms Jennifer Hicks.

Submitters in attendance:- Ms Roslyn McMillan, Ms Hazel Richardson, Mr Merrick Wade and Mrs Adrienne Wade and Mr Trevor Hunt.

Interested parties in attendance:- Ms Margaret Fuller, Ms Joyce Morrison and Ms Karen Ball.

**RESOLVED
291/13**

That pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Section 4123 (66) Irwin Road, Hundred of Bagot for the purpose of animal boarding for the following reasons:

REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into account the Planning Scheme that applies to the land to which the application relates.

Clause 10.1 (Animal Related Use and Development) of the scheme requires that the development of an animal boarding facility be designed and operated, amongst others, so as to not cause the following;

- create risk of pollution of ground and surface waters
- cause detriment to the amenity of the locality by reason of excessive noise, offensive odours, excessive dust or the attraction of flies, vermin or otherwise, or
- constitute a risk of the spread of infectious disease or other health risk.

Figure A3 of the Litchfield Planning Concepts and Land Use Objectives (LUO's) indicates that the location chosen by the applicants to establish the boarding kennels and associated waste water treatment system is in the portion of land that experiences either high or severe levels of water logging or inundation for extended periods of time. The development of infrastructure associated with the proposed animal boarding facility within an area that may be subject to flooding, water logging and inundation, has the potential to pollute ground and surface waters and constitute a risk of the spread of infectious disease or other health risk. The application fails to demonstrate how this potential impact will be mitigated to the satisfaction of the consent authority.


2. Pursuant to Section 51(e) of the *Planning Act*, the consent authority must take into account any submissions made under Section 49, and any

evidence or information received under Section 50, in relation to the development application. A total of 13 submissions were received as a result of the public exhibition of the application. The submissions raised objections to the establishment of the use on the land due to a number of potential impacts, including the impact of noise and smell on the general level of amenity enjoyed by residents, impacts on the groundwater supply, the impact of the chemicals used to clean the facility and the composition of runoff on the groundwater quality and natural environment, and the impact of increased traffic created by this development on Irwin Road. The applicants have failed to address the concerns raised by the submitters to the satisfaction of the consent authority.

3. 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 subject land is within Zone RL (Rural Living) and land to all boundaries except the western boundary is developed for rural living purposes. The application fails to demonstrate to the satisfaction of the consent authority how the potential noise and smells generated by the proposed development are to be mitigated so that the impact on adjoining land owners is minimised.

ACTION: Notice of Refusal

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



PETER MCQUEEN
Chairman

19 /9/13