



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 168 – FRIDAY 11 OCTOBER 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 10.00 am and closed at 1.00 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 **HOME BASED CONTRACTING AND SHED WITH REDUCED FRONT SETBACK**
PA2013/0613 **LOT 21 (80) EDWIN ROAD, HUNDRED OF STRANGWAYS**
APPLICANT **SCOTT HAMMET BUILDING AND CARPENTRY PTY LTD**

Mr Scott and Mrs Rebecca Hammet attended.

RESOLVED
326/13

That, the Development Consent Authority vary the requirements of Clause 6.11 (Garages and Sheds) and Clause 7.10.8 (Home Based Contracting) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 21 (LTO72/005) (80) Edwin Road, Hundred of Strangways for the purpose of home based contracting and a shed with a reduced front setback, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawing numbered 2013/0613/01 through 2013/0613/04 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. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage and electricity facilities to the development on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. 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 and complies with the *NT Code of Practice for Small On-site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent*.
5. Any provision on the land for the storage and collection of garbage and other solid waste must be graded and drained and screened from public view to the satisfaction of the consent authority.
6. All waste material not required for further on-site processing must be regularly removed from the site to an approved facility. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the consent authority.
7. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the Litchfield Council drains or to any watercourse.

8. 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. No works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve" from Litchfield Council.
9. 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, commodities or vehicles to or from the land;
 - (b) Appearance of any building, works or materials;
 - (c) Emission of noise, vibration, smell, fumes, dust, waste water, waste products, grit or oil;
 - (d) Presence of vermin
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 shed and home based contracting is to be suitably screened from the property boundaries to minimise any impact on the amenity. Landscaping must be provided and maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

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. 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.
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. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

REASONS FOR THE DECISION

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

Clause 6.11 (Garages and Sheds) of the Northern Territory Planning Scheme provides for a 10m setback from all boundaries on land within Zone RL (Rural Living). An existing shed with a 6m setback to Edwin Road is to be repaired and extended. A variation to provide only a 6m setback from the primary street frontage to Edwin Road is supported as the existing setback will be maintained, the height and appearance of the structure is varied, and new landscaping will be planted and a new fence installed to assist in screening the structure from the primary and secondary streets. Conditions on the development permit require the landscaping to be established and maintained so as to provide effective screening.

Clause 7.10.8 (Home Based Contracting) of the Northern Territory Planning Scheme permits home based contracting on sites within Zone RL so long as the area of the site used for the home based contracting does not exceed 200m². The site has been used on and off for home based contracting activities for many years, and this application to use 473.7m² for home based contracting is to formalise the use for the current owners. The use will be contained within the proposed extended shed, which will provide sheltered access and secure storage for two (up to three) work vehicles, tools, and excess materials associated with the landowner's building and carpentry business. No works will be undertaken on the site, no deliveries associated with the business will be received, and no staff will work from the site. All other operations occur on the worksite or at a recently secured, appropriately zoned site in Humpty Doo, including storage of containers, trucks and machinery. The nature of the home based contracting necessitates a larger than usual area in order to store vehicles, materials and tools. A variation to the provisions of Clause 7.10.8 in regards to the area used for the home based contracting is supported. Conditions on the development permit require the landscaping to be established and maintained so as to provide effective screening.

2. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application

One public submission was received from Mr Alan Karlake in response to the public exhibition of the proposal. This application will formalise the use of the land for home based contracting for the current owners. The majority of business operations have been relocated to an appropriately zoned site in Humpty Doo, with the subject site only being used for the storage of vehicles, tools and excess materials, which for a number of reasons cannot be stored at the new premises. The proposed use is considered consistent with the purpose of home based contracting,

and proposed landscaping and screen fencing to assist in protecting the amenity of the locality.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2013/0575
APPLICANT

DEPENDANT UNIT WITH FLOOR AREA EXCEEDING 50M²
SECTION 3673 (25) CAVALCADE ROAD, HUNDRED OF STRANGWAYS
GOLDBOX

Ms Maria Pajarillo (Goldbox) and Mr Paul Crijns (Habitat) attended.

RESOLVED
327/13

That the Development Consent Authority vary Clause 7.10.4 (Dependant Units) of the NT Planning Scheme and pursuant to section 53(a) of the *Planning Act* consent to the application to develop Section 3673 (25) Cavalcade Road, Hundred of Strangways for the purpose of a dependent unit with floor area exceeding 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) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - b) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - c) canopy trees (minimum two metres tall when planted) and shrubs (that provides a dense screen within two years) between the dependant unit and the front and north boundary; andAll species selected must be to the satisfaction of the consent authority.

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. 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 owner of the land must enter into agreements with the relevant authorities for the provision of telecommunication and electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

5. 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 dependant unit and all waste must be disposed of within the cartilage of the property.
6. All proposed works impacting on Cavalcade Road are to be designed, supervised and certified on completion on 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".
7. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Litchfield Council, the satisfaction of the consent authority. 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.
8. The dependant unit is to be suitably screened from the northern boundary to minimise any impact on the amenity. A landscaping buffer must be provided and maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
9. 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.
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 dependant unit is to be used only for the purpose of providing accommodation for a dependant/s of a resident of the existing single dwelling.

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. 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
3. The developer is required to "Dial Before You Dig".

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) of the NT Planning Scheme to permit the development of a dependant unit with floor area exceeding 50m² is supported as conditioned, as the proponent states the unit is ancillary to the single dwelling. The amenity of the locality will be maintained through the provision of additional landscaping which will assist in screening the dependant unit from the adjoining property.

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 land is generally flat and currently serviced with reticulated electricity, a septic and bore. The land appears capable of supporting the proposed dependant unit.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2013/0593
PLANNER
APPLICANT

SUBDIVISION TO CREATE 2 LOTS
LOT 10 (470) LOWTHER ROAD, HUNDRED OF STRANGWAYS
JULIE BENNETT
SUSANNE & MARK DUNBAR

Mr Mark & Mrs Susanne Dunbar attended and tabled a plan of unconstrained land.

RESOLVED
328/13

That, the Development Consent Authority vary the requirements of Clause 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land) of the NT Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 10 LTO 76/034 (470) Lowther Road, Hundred of Strangways for the purpose of a subdivision to create two lots subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawing numbered 2013/0593/01 endorsed as forming part of this permit.

2. 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.
3. 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.
4. Before issue of titles and pursuant to section 55 of the Planning Act and division 5 of the Land Titles Act, a restrictive covenant shall be lodged with the Registrar General for notation on the titles of lot 2 as shown on the endorsed drawings. The restrictive covenant shall state that: 'A standard septic tank system cannot be installed and a non-standard sewage treatment (alternative septic system) and effluent disposal system must be provided to the satisfaction of the Department of Health.'
5. 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.
6. All proposed works impacting on Lowther Road 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.
7. 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.
8. A "Permit to Work Within a Road Reserve" is required from Litchfield Council before commencement of any work within the road reserve.
9. 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 Bushfires NT.
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. 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. 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.
3. 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.
4. The extension of the power supply to lot 2 may result in significant costs to a future land owner.

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 subdivision in Zone RL (Rural Living) should have a size and configuration that enables onsite effluent disposal and access to a groundwater extraction point. The purpose of Clause 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land) is to ensure rural subdivisions:

- (a) have lots that are of a size and configuration suited for the intended purpose;
- (b) have lots that are of a size consistent with the topographical constraints of the land (that may dictate that lots are of an area in excess of the specified minimum); and
- (c) do not impose unsustainable demands on groundwater or unreasonably degrade the environment.

In particular a subdivision application should 'show the location of notional and existing bores, wells and on-site effluent disposal systems and allow for effluent disposal systems to be sited at least 50m upslope from any seepage line and above the 1% AEP flood event and at least 100m from any groundwater extraction point;

In the absence of evidence to demonstrate that proposed Lot 2 is of a size and configuration to achieve the separation required a condition requiring a Restrictive Covenant to be placed on the new title is included to ensure that the future owners are aware that a standard septic system is not suitable.

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.

Onsite effluent disposal and extraction of groundwater in close proximity to seepage areas can lead to risks in the contamination of ground and surface waters. An alternative effluent disposal system which takes into account the capability of the land is required to support the creation of an additional lot.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2013/0595
APPLICANT

DEPENDANT UNIT WITH A FLOOD AREA EXCEEDING 50M²
SECTION 5399 (635) GOODE ROAD, HUNDRED OF STRANGWAYS
STEVEN ORBAN

Mrs Jenny Orban (applicant's wife) and Mr Alex Orban (applicant's father), proposed resident with his wife of the proposed dependant unit.

RESOLVED
329/13

That, the Development Consent Authority defer consideration of the application to develop Section 5399 (635) Goode Road, Hundred of Strangways for the purpose of a dependant unit with floor area in excess of 50m² to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- Contours plans for the whole site;
- Finished floor level of the building pad for the dependant unit (minimum finished floor level should be at least 300mm above the higher of the two levels);
- Identify the 1%AEP flood line or any seepage line, whichever is the higher;
- Consideration of siting the dependant unit in a manner that is consistent with the proposed Planning Scheme amendment for independent units; and
- Demonstration that the proposed waste water system can comply with the required separation distances between bores and effluent disposal systems (100m) and between effluent disposal systems and the 1%AEP flood level or upslope from any seepage line (50m).

REASONS FOR THE DECISION

1. Pursuant to Clause 51 (m) 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.
2. The Department of Land Resource Management have noted that any effluent disposal systems need to ensure that minimum separation distances are achieved between bores and standard effluent disposal systems. The Department of Health have noted that the land is located in close proximity to heavily constrained land. The requested information will allow the authority to determine whether the site chosen for the dependant unit can accommodate the development without it impacting on the physical characteristics of the land or on the development itself through flooding.

ACTION: Advice to Applicant

ITEM 5 **VARIATION TO CONDITIONS 2, 3, 4, 8 ,10 AND 11 OF DP10/0358**
PA2009/1671-05 SECTIONS 4740, 3124, 3126, 3127 (72, 71, 77, 76) HONEYSUCKLE ROAD,
HUNDRED OF STRANGWAYS, SECTION 5224 (35) OAKLEY ROAD, HUNDRED
OF STRANGWAYS, SECTION 5529, HUNDRED OF STRANGWAYS & SECTIONS
3112, 3115 (329 & 326) BEDDINGTON ROAD, HUNDRED OF STRANGWAYS
APPLICANT AUSTRALIA NEW ZEALAND RESOURCES CORPORATION PTY LTD

The applicant sent his apologies.

The submitter send his apologies.

DAS tabled a response from the applicant to the DAS report.

Mr Graeme Francis (Manager Planning & Works), Mr Mike Alacorn (Planning Engineer), Mr Derek Tranter (Manager, Governance) and Ms Joanne Mullins (Administration Officer Planning) all from Litchfield Council.

RESOLVED
330/13

That, pursuant to Section 57(5) of the *Planning Act*, the consent authority refuses to vary conditions 2, 3, 4, 8, 10 and 11 of development permit number DP10/0358 for the following reasons.

REASONS FOR THE DECISION

Proposed Condition 2

An ESCP is required to ensure that appropriate measures are in place during the construction phase of the development to ensure the potential for any adverse environmental impacts are minimised from erosion and sedimentation. In this case it would apply primarily to the construction of roads and associated drainage.

It is noted that the original permit required that an ESCP be provided for the whole development.

The applicant sought and was granted a variation to this condition so that an ESCP be provided on a stage by stage basis. This appears to be inconsistent with the proposed changes.

The changes to condition 2 are not supported.

Proposed Condition 3

The applicant requests that the words be changed to this condition so that works are carried out in accordance with plans and documents prepared as a part of this permit, rather than endorsed plans.

Endorsing plans and documents ensures that all parties are aware of the relevant documents that apply to the permit. This includes both service authorities and the Council. It is not uncommon that during the assessment

process several plans and documents may be prepared. If the proposed changes are adopted then potentially any document or plan produced will become a part of the permit.

The changes to condition 3 are not supported

Proposed Condition 4

The applicant requests that the wording of this condition be changed so that all easements and sites for existing and required utility services must be provided free of charge to the Northern Territory Government or local government authority rather than vested in the relevant authority.

The wording of the proposed condition, would restrict the vesting of an easement and site to either the Northern Territory or a local government authority. This would exclude the vesting of these easements to such authorities as the Power and Water Corporation. If the easements are not in favour of the various service agencies it is unclear what legal rights these agencies would have to access this infrastructure over private property to carry on necessary repairs or maintenance.

The changes to condition 4 are not supported.

Proposed Condition 8

The applicant requests that works related to engineering design, calculations and specifications for proposed roads and affected roads, stormwater drainage and vehicular accesses be prepared by an experienced civil engineer with no reference to a technical approval by the Litchfield Council to the satisfaction of the consent authority.

Generally stormwater and drainage infrastructure is vested with the Council. Requiring the technical approval of the Council facilitates a consistent approach to the engineering standards that the Council wishes to apply to infrastructure that they will be responsible for maintaining. This condition would remove any supervisory role by either Council or the DCA. The infrastructure that is established as a result of the ESCP will ultimately become the responsibility of a public authority. The authority must be satisfied that the infrastructure that it takes on satisfies its own requirements.

The changes to condition 8 are not supported.

Proposed Condition 10

The applicant requests that works on or adjacent to any easement only need to be in accordance with plans prepared by an experienced civil engineer in accordance with good practice and the relevant Australian standard.

The proposed condition would restrict the ability for service authorities to manage development that may adversely impact on the infrastructure that the service authority seeks to protect.

The changes to condition 10 are not supported

Proposed Condition 11

Part 6 of the *Planning Act* refers to developer contributions. The *Act* provides the opportunity for service authorities, including local government authorities, to develop a contribution plan requiring a contribution towards the provision of infrastructure.

It is not the responsibility of the consent authority to determine whether the fees charged by the relevant service authorities are reasonable.

The changes to condition 11 are not supported

Adoption of the proposed changes would discourage an efficient and coherent approach to the development of infrastructure and could leave in serious question whether an agency or service authority will be willing to accept responsibility for the long term ownership and maintenance of infrastructure in the absence of that infrastructure meeting its standards.

ACTION: Notice of Refusal

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



PETER MCQUEEN
Chairman

17 /10/13

