

DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 154 – FRIDAY 14 SEPTEMBER 2012

**WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

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

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Steven Kubasiewicz and for part of the meeting Lauren Firby, Allison Hooper and Sally Cunningham (Development Assessment Services)

COUNCIL REPRESENTATIVE: Mr John Delaney (Director of Planning and Works) and Ms Jan Salmon (Planner)

Meeting opened at 10.15 am and closed at 2.00 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 **SINGLE DWELLING WITH REDUCED SIDE SETBACK**
PA2012/0506 **SECTION 4201 (465) STUART HIGH WAY, HUNDRED OF BAGOT**
APPLICANT **MICHAEL COOPER**

DAS tabled an addendum to the DAS report and comments from Litchfield Council.

Mr Michael Cooper (NT Consulting Engineering) attended.

RESOLVED That, pursuant to section 53(c) of the *Planning Act*, the Development Consent
233/12 Authority refuse to consent to the application to develop Section 4201 (465) Stuart
Highway, Hundred of Bagot, for the purpose of a single dwelling with a reduced side
setback, for the following reasons:

REASONS FOR THE DECISION

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

A reduction in the setback provisions of the NT Planning Scheme is not supported as the proposed setback of 1.5m will detract from the amenity enjoyed by the proposed occupants of the dwelling and adjoining land. The proposed setback is more consistent with an urban residential environment rather than a rural environment. The application fails to demonstrate that any special circumstances justify the granting of a variation to the requirements of the Scheme.

The application does not take into consideration the future development of the locality with regard to local road networks and has the potential to detrimentally impact on the future strategic planning for the locality.

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 considered sufficiently sized and without physical constraint to allow for the dwelling to be sited in an alternative location and be fully compliant with the Northern Territory Planning Scheme.

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

The proposed side setback of 1.5m would provide only a minimal separation between a number of permitted rural land uses and would have a negative impact on the amenity of the surrounding area, particularly the adjacent property. Additionally, no details of landscaping or other screening that would otherwise increase the amenity and privacy of residents has been provided.

ACTION: Notice of Refusal

**ITEM 2
PA2012/0429**

**EXCAVATION AND FILL AND THE REMOVAL OF NATIVE VEGETATION TO
CONSTRUCT A ROAD
PORTION 2864 (10) CAMPBELL ROAD, HUNDRED OF BAGOT
APPLICANT COLIN TRAPP AND ASSOCIATES PTY LTD**

Ms Diane Lund (Colin Trapp and Associates Pty Ltd, Mr Paul Tutenberg (SKM) and Mr David Tipping (Department of Defence) attended.

Submitter Mr Gerry Wood attended.

**RESOLVED
234/12**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 2864 (10) Campbell Road, Hundred of Bagot for the purpose of excavation and fill and removal of native vegetation to construct a road, 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 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.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with drawings numbered 2012/0429/1 through to 2012/0429/4 inclusive and endorsed as forming part of this permit.
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 boundaries of all vegetation stands to be removed, must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the consent authority. Any cycads (cycas armstrongii) located within the area to be cleared are to be relocated.

5. The clearing and future use of the land shall not be detrimental to the drainage of the McMillans Road road reserve through the blocking of offlet drains, natural drainage channels or overland flow, to the satisfaction of the consent authority on advice from Road Network Division, Department of Transport.
6. Details of potential flood impacts from the proposed access road alignment, the management of drainage, and drainage infrastructure required across the proposed access road are to be provided to Road Network Division, Department of Transport at the design detail stage, to the satisfaction of the consent authority.
7. The loads of all trucks entering and leaving the site of works are to be constrained such a manner as to prevent the dropping or tracking of materials onto streets, to the satisfaction of the consent authority.
8. All proposed works impacting on McMillans 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 the Department of Lands and Planning. Drawings must be submitted to the Director, Road Network Division of the Department of Transport for approval (regardless of approval from other agencies) and no works are to commence prior to approval.
9. Only clean fill or inert fill that has been adequately assessed as being suitable for the intended use is to be used for the works approved by this Permit, to the satisfaction of the consent authority.
10. Works associated with this Permit are only to be undertaken during the period 1 May – 31 September.

NOTES:

1. All clearing operations on Zone CP (Community Purpose) should be done in accordance with the *NT Land Clearing Guidelines (2010)*, specifically all areas of piled vegetation should be flattened and the soil dispersed to reduce the likelihood of water concentration and channelling.
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 phone (08) 8999 4567.
3. There are statutory obligations under the *Waste Management and Pollution Act* for a suitably qualified person to certify all excavated fill prior to its re-use at new location.
4. A permit to burn must be obtained from the Regional Fire Control Officer, Department of Land Resource Management, prior to the ignition of any felled vegetation on the property. For a permit to burn please phone (08) 8922 0844. Fire prevention methods are to be implemented in accordance with the requirements of the *Bushfire Act*.

5. Prior to the commencement of works, the area to be cleared should be appropriately identified onsite, and the Department of Land Resource Management, contacted to arrange a site inspection to confirm the extent of the proposed works.
6. The Developer is required to obtain a 'Permit to Work Within a Road Reserve' from the Department of Infrastructure prior to the commencement of any works within the McMillans Road 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 application relates.

The proposed clearing, excavation and fill works are required to construct a new access road from McMillans Road to the Joint Logistics Unit (North) within Robertson Barracks. The proposal generally complies with the requirements of the NT Planning Scheme, including the Litchfield Planning Concepts and Land Use Objectives 2002, and the NT Land Clearing Guidelines, in relation to the subject land. Disturbance to the environment is minimised through the alignment of the proposed road along an existing fire access trail.

2. Pursuant to section 51(j) of the *Planning Act* the consent authority must consider the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The subject land is relatively flat and unconstrained, apart from approximately 400m at the western end which traverses an area of poorly drained soils subject to seasonal inundation. The methods of construction provide an engineering solution to constructing the road over this area. Clearing and construction works are recommended to be undertaken during the dry season to minimise impacts on seasonally waterlogged soils and surrounding vegetation. The land is considered capable of supporting the proposed clearing.

3. Pursuant to section 51(m) of the *Planning Act* the consent authority must consider 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.

Significant works will be undertaken to upgrade the intersection with McMillans Road to ensure that traffic entering to and egressing from the proposed road does so in a safe manner. The traffic impact study undertaken by the applicant identifies that the proposed road will reduce traffic on the local road network.

ACTION: Notice of Consent and Development Permit

**ITEM 3
PA2012/0525
APPLICANT**

**SUBDIVISION TO CREATE 5 LOTS
SECTION 6004 (12) GROSVENOR COURT, HUNDRED OF BAGOT
EARL AND JAMES ASSOCIATES**

Mr Kevin Dodd (Earl James & Associates) attended.

**RESOLVED
235/12**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 6005 (12) Grosvenor Court, Hundred of Bagot for the purpose of a subdivision to create five lots subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works, a Land Capability Assessment to the satisfaction of the consent authority must be submitted to and approved by the consent authority upon the advice of the Department of Health.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawing numbered 2012/0525/1 endorsed as forming part of this permit.
3. 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.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity and water services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Engineering design and specifications for the proposed and affected roads, street lighting, 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. This development is subject to the Litchfield Shire Council Developer Contribution Plan.

7. Should the land capability assessment, required by Condition 1 determine that the site cannot support standard effluent disposal systems, then before the issue of titles and pursuant to section 34 of the *Land Title Act*, a Caution Notice shall be lodged with the Registrar-General on the parent parcel to include the following advice on all proposed lots indicated on the endorsed drawings. The Caution Notice is to state that: "A non-standard on-site effluent disposal system will be required on this allotment". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

NOTES:

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

The proposal is generally compliant with the relevant provisions of the NT Planning Scheme; the proposed lots comply with the minimum lot size requirements and are of a size and shape capable of accommodating a range of activities and future expansion.

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 site is relatively flat is considered suitable for the subdivision. A land capability assessment is required to determine if the site is suitable for the onsite disposal of effluent or if future development of the lots will require the installation of non-standard effluent disposal systems.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2012/0539
APPLICANT

**SUBDIVISION TO CREATE 7 LOTS
SECTION 1548 (880) LIVINGSTONE ROAD, HUNDRED OF CAVENAGH
VEKTA PTY LTD**

Mr Gregg Hestelow (Vekta Pty Ltd) attended.

**RESOLVED
236/12**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 1548 (880) Livingstone Road, Hundred of Cavenagh for the purpose of a subdivision to create seven lots in two stages subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), the applicant is to ground truth Lot 1 to determine the extent of seasonal inundation in the lot. An amended plan illustrating this area is to be submitted to the satisfaction of the consent authority on advice from the Department of Land Resource Management.
2. Prior to the endorsement of plans and prior to the commencement of works for stage 1 an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be submitted to and approved for stage 1 by the consent authority on the advice of 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 staging and endorsed ESCP 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. Prior to the commencement of works for stage 2 an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be submitted to and approved for stage 2 by the consent authority on the advice of 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 staging and endorsed ESCP to the satisfaction of the consent authority.
5. 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.
6. Engineering design and specifications for the proposed and affected roads, street lighting, 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. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.
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. 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.
10. This development is subject to the Litchfield Council Developer Contribution Plan.
11. Before issue of titles for stage 2 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 title of Lot 1 established pursuant with this permit. The restrictive covenant shall state that: "No clearing or excavation is to take place within the designated area of seasonal inundation on this property without the written approval of the Executive Officer of the Department of Lands, Planning and the Environment."
12. Before the issue of titles for Stage 2, documentary evidence shall be provided to the satisfaction of the consent authority that the existing road reserve between the subject site and Section 1546 has been incorporated into Lots 1 and 3.
13. 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.

NOTES:

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

Proposed Lots 2-7 comply with the relevant provisions of the NT Planning Scheme. Further investigation is required to determine if proposed Lot 1 contains a minimum of 1 ha unconstrained land. Access to all lots is unconstrained. The proposed new road will interconnect with the existing road network.

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.

Proposed Lots 2-7 are relatively flat and are not affected by seasonally waterlogged areas, drainage lines or watercourses. Lot 1 does contain seasonally inundated soils; the extent of this area will need to be determined by a land capability assessment.

The inclusion of a condition precedent to determine the extent of inundated land in Lot 1 and the placement of a covenant on the title restricting clearing within this constrained area will minimise the risk to prospective land owners and to the environment. The land is considered capable of supporting the proposed subdivision.

ACTION: Notice of Consent and Development Permit

**ITEM 5
PA2012/0509
APPLICANT**

**DEPENDANT UNIT IN EXCESS OF 50 SQUARE METRES
PORTION 2873 (20) MCINTYRE ROAD, HUNDRED OF BAGOT
RACHAEL JOHNS**

Ms Rachael Johns attended.

**RESOLVED
237/12**

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 Portion 2873 (20) McIntyre Road, Hundred of Bagot for the purpose a dependent unit in excess of 50m², subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2012/0509/1 to 2012/0509/2 inclusive, endorsed as forming part of this permit.

2. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity and telecommunication services to the development shown on the endorsed plan, in accordance with the authorities' requirements and relevant legislation at the time.
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 kerb crossings 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.
5. A "Permit to Work Within a Road Reserve" is required from Litchfield Council before commencement of any work within the road reserve.
6. 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. This development permit does not grant "building approval" for the proposed dependant unit. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before the dependant unit is established on site.

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 will be screened from neighbouring properties by existing vegetation and is well setback from all boundaries.

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 6 **TWO DEMOUNTABLES WITH REDUCED SIDE AND REAR BOUNDARY**
PA2012/0165 **SETBACKS AND STORAGE OF TWO DEMOUNTABLE STRUCTURES**
SECTION 3618 (4) FOREST DRIVE, HUNDRED OF STRANGWAYS
APPLICANT **GEORGE KAMMAS**

The applicant did not attend.

RESOLVED That, pursuant to section 53(b) of the *Planning Act*, the Development Consent
238/12 Authority alter the proposed development and consent to the proposed development as altered to develop Section 3618 (4) Forest Drive, Hundred of Strangways for the purpose of six demountable structures, subject to the following conditions;

CONDITION PRECEDENT

1. Prior to the endorsement of plans, 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 eastern and southern boundaries adjacent to the demountable structures to screen the development from neighbouring properties; and
 - b) The plans are to nominate the intended use of the demountables; and
 - c) Compliance with the minimum setback requirements of 10 metres from all boundaries for all demountable structures.

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. If demountables 4, 5 and 6 are sold no additional demountable structures are to be brought to the site without prior approval from the consent authority.
4. No goods are to be stored or left exposed outside the building so as to be visible from any public street.
5. No works associated with the home based contracting business are to be undertaken on site.
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.

NOTE:

This development permit does not grant "building approval" for the proposed demountable structures. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before for the demountable structures to be retained on site.

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 6.8 is not supported. The Authority has altered the application as it considers that the demountable structures can be accommodated on the site in a manner that is consistent with the setback requirements without affecting the use of the demountables whilst at the same time minimising the impact on the amenity of the locality.

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 and unconstrained. The development of demountable structures will not affect development on adjoining land.

ACTION: Notice of Consent and Development Permit

**ITEM 7
PA2012/0472**

**60M HIGH TELECOMMUNICATIONS FACILITY WITH ASSOCIATED ANTENNAS
AND EQUIPMENT SHELTERS**

APPLICANT

**LOT 82 (740) GIRRAWEE ROAD, HUNDRED OF STRANGWAYS
TELSTRA CORPORATION LTD**

Pursuant to section 97 of the *Planning Act*, Mr Peter McQueen, Chairman of the Development Consent Authority declared an interest and absented himself from the meeting for the deliberation of this item.

Pursuant to section 101(3) of the *Planning Act*, in the Chairman's absence the members of the Litchfield Division of the Development Consent Authority elect Mr Keith Aitken to preside during Item 7 only at the meeting held on 14 September 2012.

Mr John Ganter (Aurecon) attended.

**RESOLVED
239/12**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 82 (740) Girraween Road, Hundred of Strangways for the purpose of a 60m telecommunications tower and one equipment shelter, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2012/0472/1 to 2012/0472/3 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. The owner of the land must enter into agreements with the relevant authority for the provision of electricity and telecommunication services to the facility shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
4. 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.
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. Before the use commences firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Northern Territory Fire and Rescue Services.
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.

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.

The application is consistent with the objectives of the *Litchfield Planning Concepts and Land Use Objectives 2002*, specifically the Key Land Use

Objective for Infrastructure at Section 2.5 by providing infrastructure that will enable coverage of the Telstra Next G mobile and data service in the Girraween locality.

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.

All infrastructure associated with the facility will be well screened from adjoining land by existing vegetation and the lattice design of the tower will minimise its visual impact. The proposed development is unlikely to unreasonably detract from the existing and future amenity of the area.

ACTION: Notice of Consent and Development Permit

**ITEM 8
PA2012/0415
APPLICANT**

**STORAGE AND WASTE MANAGEMENT FACILITY
SECTION 5724 (11) MANDER ROAD, HUNDRED OF BAGOT
MASTERPLAN NT**

Mr Brad Cunnington (Masterplan NT), Mr Richard Worsnop and Mr Jim Pugh (Tox Free Solutions Pty Ltd owners and operators of the site) attended.

**RESOLVED
240/12**

That, the Development Consent Authority vary the requirements of Clause 6.1 (Building Height Control), 6.8 (Demountable Structures) and 9.1.1 (Industrial Setbacks) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Section 5724 (11) Mander Road, Hundred of Bagot for the purpose of a storage and waste management facility, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to the 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 shall be provided on site to the western side of the Mander Road frontage, that aids in providing a visual screen of the development from Mander Road;
 - (b) the provision of two informal vehicle parking bays on the site; and
 - (c) internal vehicle movement areas to be established with road base/ blue metal surfacing.

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 car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
5. 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) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
 - (c) presence of vermin.
6. 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.
7. 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 owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. Within three months of the date of the permit, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
10. 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.
11. 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.
12. The proponent must ensure that stormwater quality is not compromised by the proposal, to the satisfaction of the Authority on advice from the Department of Lands Planning and the Environment.

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.
3. This development permit does not grant "building approval" for the proposed demountables to be used on the land. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before the demountables are established on site

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.
Section 5724 (11) Mander Road sits within Zone LI (Light Industry) of the Northern Territory Planning Scheme. Use of the land for the purpose of a storage and waste management facility has been assessed as consistent with the primary purpose of the zone as the use will not by the nature of their operations detrimentally affect adjoining or nearby land.

A variation to the requirements of Clause 6.1 (Building Heights) of the Scheme is supported to allow the vertical tank structure to exceed 8.5m in height as the area of non-compliance is considered to be a minor departure from the requirements of the Scheme. The non-compliance relates to the height of one vertical tank used as part of the oily water treatment process with the offending piece of the structure relating only to the safety rail and ladder used for accessing and maintaining the tank. The structure is located toward the rear of the property and its presence is not prominent from Mander Road or the Stuart Highway.

A variation to the requirements of Clause 6.8 (Demountable Structures) of the Scheme is supported to allow four demountable structures on the land as this number of demountables is consistent with the nature of the land use. Four demountables are located permanently on the property and used for the purposes of secure storage and machinery housing. All containers are located away from the front of the property.

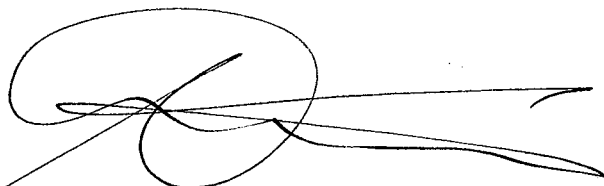
A variation to the requirements of Clause 9.1.1 (Industrial Setbacks) of the Scheme is supported to allow for a reduction in the extent of landscaping to the Mander Road frontage. On site screening landscaping is to be provided to ensure that the site is adequately screened in a manner consistent with the locality.

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 proponent demonstrates consideration for the existing and future amenity of the area through its preparation of the Environmental Management Plan and through continual assessment and refinement of on-site operations. Subject to continued compliance with the requirements of the *Waste Management and Pollution Control Act*, the *Planning Act* and NT Public Health legislation that relate to on-site operations, the land use is not anticipated to result in any detrimental impact on the existing or future amenity of the area.

ACTION: Notice of Consent and Development

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



KEITH AITKEN
Delegate

18/9/12