

DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 178 – FRIDAY 15 AUGUST 2014

**WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

MEMBERS PRESENT: Keith Aitken (Presiding member), Bob Shewring, Michael Bowman and Allan McKay

APOLOGIES: Denis Bourke (Chairman)

OFFICERS PRESENT: Nicole Negrete (A/Secretary), Steven Kubasiewicz, Allison Hooper, (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 10.00 am and closed at 11.00 am

MINUTES RECORD THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 **CHANGE IN USE FROM DEPENDANT UNIT TO INDEPENDENT UNIT IN EXCESS OF 80 SQUARE METRES**
PA2014/0498 **SECTION 4783 (59) WILLIAMS ROAD, HUNDRED OF BAGOT**
APPLICANT **LIA WEEKS**

Lia Weeks (Applicant) attended

RESOLVED
166/14

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority vary the requirements of Clause 7.10.4 (Independent Units) of the NT Planning Scheme and consent to the application to develop Section 4783 (59) Williams Road, Girraween, Hundred of Bagot for the purpose of an independent unit with floor area in excess of 80m² subject to the following conditions:

CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing numbered 2014/0498/01 to 2014/0498/03 endorsed as forming part of this permit.
2. The independent unit is to be suitably screened from the property boundaries to minimise any impact on the amenity. Vegetation is to be maintained and supplemented to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the development and use is not started 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 a request is made in writing before the permit expires.

REASONS FOR THE RECOMMENDATION:

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 (Independent Units) of the NT Planning Scheme to permit the change of use from a dependant unit to an independent unit with floor area exceeding 80m² is supported as:

- the independent unit remains ancillary to the single dwelling on the lot;
- the change of use from a dependant unit to an independent unit is not expected to place any additional demand on the existing power, water and

- effluent disposal services currently servicing the approved dependant unit; and
 - the independent unit is adequately setback from all boundaries
- 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 subject land is not affected by seasonal inundation or poorly drained soils, nor is it within a Priority Environmental Management Area. The Department of Land Resource Management did not identify any issues of concern relating to the proposal. The land is considered capable of supporting the proposed dependant unit.
- 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 subject site has previously been cleared; however, native vegetation has been allowed to grow back and the landowner is complimenting this with additional planting over time. The existing building adequately meets the required setbacks. A condition has been included that requires the independent unit to be suitably screened from the boundary and the vegetation to be maintained. The proposal is unlikely to impact on the amenity of the locality.

ACTION: Notice of Consent and Development Permit

ITEM 2 **WAREHOUSE AND ANCILLARY OFFICE**
PA2014/0496 **LOT 1 (10) ARNHAM HIGHWAY, HUNDRED OF STRANGWAYS**

APPLICANT **SHARYN INNES**

Sharyn Innes (applicant) and Dennis McCarthy (land owner) attended

RESOLVED That, pursuant to section 53(a) of the Planning Act, the Development Consent
167/14 Authority consent to the application to develop Lot 1 (10) Arnhem Highway,
Hundred of Strangways for the purpose of Showroom, Warehouse and Ancillary
Office, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), 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. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning and the IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in the ESCP.

GENERAL CONDITIONS:

3. Works carried out under this permit shall be in accordance with drawing numbers 2014/0496/1 through to 2014/0496/4 inclusive, endorsed as forming part of this permit.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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. 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.
7. All proposed works within, or impacting upon, the Stuart Highway and Arnhem Highway are to be designed, supervised and certified on completion by a practising and registered Civil Engineer in accordance with the standards and specifications of the Department of Transport, to the satisfaction of the consent authority.
8. Before the use/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.
9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
9. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.

10. 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.
11. 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.
12. No goods are to be stored or left exposed outside the buildings or approved external storage areas so as to be visible from any public street

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. A "Permit to Work Within a Road Reserve" may be required from the Department of Infrastructure before commencement of any work within the road reserve.
3. A Development Permit issued under the Planning Act is not an approval for access to undertake works within a Territory Road. Approval for any works within an NT Government Controlled road reserve rests solely with the Department of Transport as the approving Road Agency.
4. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the DLRM website: <http://lrm.nt.gov.au/soil/management>
5. The property owner must be aware that if, at any time, any on-site waste water system on their property gives rise to a 'Public Health Nuisance' or in any way contravenes the NT Public and Environmental Health Act and associated Regulations that enforcement action may result.
6. The Developer is to ensure all development work is undertaken in a manner that prevents the creation of a public health nuisance from dust or other particulate matter.

REASONS FOR THE RECOMMENDATION:

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 proposed area for development is located within Zone SL15 (Specific Use Litchfield 15) of the Northern Territory Planning Scheme. The purpose of this zone is to facilitate the use and development of the land as a service centre

providing a range of services to the rural community, with a predetermined limit on the size and scale of the intended development in order to uphold the amenity of the area and to mitigate traffic impacts on the Arnhem Highway. The proposed development is for office, showroom sales and warehouse uses that will allow for the operation of the site as a rural centre, which is in accordance with the intent of the new zone. The development fully complies with all of the requirements of Zone SL15. The subject site is located on the corner of the Stuart and Arnhem Highways on a large parcel in excess of 8 hectares. The commercial element of the site will be setback a minimum of approximately 124m from the shared boundary with the closest rural living allotments (Lots 15 and 18). The Arnhem and Stuart Highway frontages will be screened with landscaping to a minimum depth of 17m; to minimise the visual impacts of the development upon the road frontages.

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.

Lot 1 consists of flat to gently undulating upland slopes (gradient 0-2%) and Class 1 (rapidly, well and moderately well-draining) soils (3a) at the front half (northern section) of the allotment and broad, lowland plains (gradient negligible (gradient <0.5%) Class 3 (poorly and very poorly drained) soils within the rear (southern) half. All of the proposed and existing buildings on the site are located within the unconstrained areas towards the front section of the block. The Department of Land Resource Management have not raised any issues regarding land capability other than the recommendation that an Erosion and Sediment Control Plan (ESCP) is developed and approved on-site, due to the scale of the development. For these reasons it is considered that the land is capable of supporting the additional development.

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.

Provided that an appropriate ESCP is implemented on-site, that the septic system is capable of supporting the development and landscaping is established along the Stuart Highway and Arnhem Highway frontages to screen the development, it is considered that there will be minimal impact upon the amenity of the surrounding area.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2014/0426

**SUBDIVISION TO CREATE 47 LOTS
SECTIONS 368 & 5546 (200 & 220) STRANGWAYS RD, HUNDRED OF
STRANGWAYS**

APPLICANT EARL JAMES AND ASSOCIATES

Kevin Dodd (Earl & James Associates), Dan Cameron (Consultant) and John Piening (Developer) attended.

Mr Dodd tabled an amended plan and a written response to the issues raised in the report.

DAS tabled additional documentation.

**RESOLVED
168/14**

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Sections 368 & 5546 (200 & 220) Strangways Road, Hundred of Strangways for the purpose of a subdivision to create 47 lots, subject to the following conditions:

Conditions precedent:

1. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Litchfield Council stormwater drainage system and the detention basin on Section 368 Hundred of Strangways, shall be submitted to and approved by Litchfield Council and the Department of Lands, Planning and the Environment (Land Administration) to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.
2. Prior to the commencement of works a Traffic Impact Assessment is to be prepared, to the requirements of Litchfield Council to the satisfaction of the consent authority.
3. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), 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. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during both the construction and operational phases. The IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in an ESCP. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the DLRM website: <http://lrm.nt.gov.au/soil/management>

GENERAL CONDITIONS:

4. The works carried out under this permit are to be in accordance with the drawings endorsed as forming part of this permit.
5. Any developments on or adjacent to any easements on site shall be carried out to the satisfaction of the relevant service authority to the satisfaction of the consent authority.
6. 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.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity, water supply, drainage and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. Reticulated sewerage to the development is to be provided to the requirements of Power and Water Corporation and the Department of Lands, Planning and the Environment (Land and Economic Development Division), to the satisfaction of the consent authority.
9. Before the issue of titles, the developer is to enter into an agreement with Power and Water regarding the interim servicing of the centralised downstream manhole.
10. Before the issue of titles, the developer is to enter into an agreement with the Department of Lands, Planning and the Environment (Land Administration) regarding the use of Section 368 Hundred of Strangways for a detention basin.
11. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/ cycle corridors and street scaping 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.
12. 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.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the development is not started 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 a request is made in writing before the permit expires.
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.

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.
5. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve.
6. 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.
7. 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 at <http://lrm.nt.gov.au/soil/management/factsheets>.
8. All new roads are required to be named under the Place Names Act. You should immediately make application to the Place Names Committee to commence the road naming process. Contact the Place Names Unit on 8995 5333 or placenames.dpi@nt.gov.au. Further information can be found at <http://www.placenames.nt.gov.au>.

REASONS FOR THE RECOMMENDATION:

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 generally complies with the requirements of the NT Planning Scheme, including the provision of reticulated power, water and sewer. An interim centralised downstream manhole / holding tank is required until construction of a new pump station to service the locality is completed. The subject site is zoned LI (Light Industry) and will be an expansion of the existing industrial estate along Spencely Road.

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.

The land is reasonably flat and no major land capability concerns have been raised by service authorities. A Stormwater Management Plan is required to determine the design details of stormwater drains, culverts and detention basins.

ACTION: Notice of Consent and Development Permit

ITEM 4 **SUBDIVISION FOR THE PURPOSE OF SEPARATING 3 LOTS FROM 1 TITLE**
PA2014/0506 **SECTIONS 50 & 51 (195 & 205) MIRA ROAD AND SECTION 66 TUMBLING**
WATERS, HUNDRED OF CAVENAGH

APPLICANT **FYFE PTY LTD**

Brian Schindler (FYFE Pty Ltd), Damian Coombs (land owner) attended.

Mr Coombs tabled an amended plan.

RESOLVED That, pursuant to section 46(4)(b) of the Planning Act the Development Consent
169/14 Authority defer consideration of the application to develop Sections 50 (195) and 51
(205) Mira Road and Section 66, Tumbling Waters, Hundred of Cavenagh for the
purpose of a subdivision to separate three lots from one title in order to enable the
proper consideration of the application.

The applicant tabled an amended plan at the meeting that consolidated sections 51
and 66 to form one lot. Consultation with the Litchfield Council and the Department
of Land Resource Management and circulation to the submitters of the amended plan
is required.

REASONS FOR THE RECOMMENDATION:

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 details have been amended including a reduction in the number of lots from 3 to 2 and changes to the property boundaries. Advice on the proposed changes is required to determine if the amended plans are consistent with the requirements of the NT Planning Scheme.

ACTION: Advice to applicant

RESOLVED That pursuant to section 86 of the *Planning Act*, and with reference to section 42 of
170/14 the *Interpretations Act*, the Authority delegates to the Chairman, or in the Chairman's
absence any one of the other members of the Litchfield Division or an employee
within the meaning of the *Public Sector Employment and Management Act*, acting in
or performing the duties of Director, Development Assessment Services or Officer, at
level SP1 or above, in the Department of Lands, Planning and the Environment, the
power under section 53(b) of the Act, determine the application to develop Sections
50 (195) and 51 (205) Mira Road and Section 66, Tumbling Waters, Hundred of
Cavenagh for the purpose of a subdivision to separate three lots from one title
including with respect to granting any variations to the relevant requirements of the
NT Planning Scheme subject to:

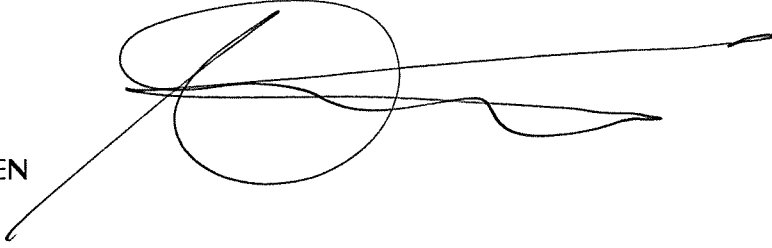
- The Department of Land Resource Management and Litchfield Council confirming the amended plan complies with Clause 11.4.1 of the NT Planning Scheme;

- The amended plan being circulated to those people who made submissions under section 49 of the *Planning Act* and no further submissions being received;
- All matters raised by service authorities being suitably addressed by either amended plans or appropriate conditions on a development permit.

ACTION: If delegation exercised Notice of Consent and Development Permit

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

KEITH AITKEN
Delegate

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line and a long, sweeping tail that extends to the right.

21/8/14