

DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 156 – FRIDAY 12 OCTOBER 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, Allison Hooper, Sally Cunningham and Lauren Firby (Development Assessment Services)

COUNCIL REPRESENTATIVE: Ms Jan Salmon (Council Planner) Items 4 & 5 only

Meeting opened at 10.00 am and closed at 12.30 pm

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

ITEM 1 EXCAVATION AND FILL
PA2012/0593 LOT 9 (125) RUSS ROAD, HUNDRED OF CAVENAGH
APPLICANT SHANE LEO

Mr Shane Leo attended and tabled nine photos of the site, a site plan and an email from Department of Land Resources.

Submitters Mr Greg Chapman and Ms Diana Rickard (Environmental Recyclers NT) attended and tabled five sheets of photos showing a total of 17 photos.

RESOLVED
268/12

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 9 (LTO 77007) (125) Russ Road, Hundred of Cavenagh, for the purpose of excavation and fill, 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) the design and location of a spillway to maintain sheet flow; and
 - (b) all works referred to in (a) are to be designed by a suitably qualified engineer.

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. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
5. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the Litchfield Council drains or to any watercourse.

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. For advice on the prevention of mosquito breeding sites please refer to the Department of Health's *Guidelines for Preventing Mosquito Breeding Sites Associated with Aquaculture Developments in the Northern Territory*.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act* the Development 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 relevant objectives of the *Litchfield Planning Concepts and Land Use Objectives 2002* that seek to maintain and enhance the amenity for residents and minimise the impact of development on the environment. The development is consistent with the requirements of Clause 6.16 (Excavation and Fill) of the NT Planning Scheme, and the requirement to undertake soil erosion control methods during the construction stage will minimise the potential impact of any erosion.

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

The public submission received raised concerns regarding retrospective applications, the possibility of the excavation becoming a mosquito breeding area and cane toad habitat, and exacerbation of existing erosion problems in the area. The area naturally holds water and drainage from the site flows into an existing wetland downstream. An advisory note on any permit issued is recommended informing the applicant of information available regarding the prevention of mosquito breeding sites. A condition precedent requires further detail on the location and design of a spillway, which will reduce erosion from the dam as a result of outflow.

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 excavation and fill will not impact significantly on the existing water flows in the locality and will contribute to the amenity enjoyed by the occupants of the existing dwelling on the site.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2012/0570
APPLICANT

**DEPENDENT UNIT IN EXCESS OF 50M2
SECTION 2713 (325) ANGLESEY ROAD, HUNDRED OF STRANGWAYS
GOLDBOX**

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

**RESOLVED
269/12**

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 Section 2713 (325) Anglesey Road, Hundred of Strangways 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 2012/0570/1 to 2012/0570/4 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 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. Only one access to the road network is permitted.
5. The existing effluent disposal system on Section 2713 is to be decommissioned to the requirements of the Department of Health and the Power and Water Corporation and to the satisfaction of the consent authority.
6. 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 development of the dependent unit and all waste must be disposed of within the curtilage of the property.
7. The Dependant Unit shall only be occupied by persons dependant on the occupants of the principle dwelling on the site.

NOTES:

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

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

REASONS FOR THE DECISION

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

A variation to Clause 7.10.4 (Dependant Units) is supported as the dependant unit will not impact on the amenity of the locality. The dependant unit 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.

3. Pursuant section 51(s) of the *Planning Act*, the consent authority must take into account any beneficial uses, quality standards, criteria, or objectives, that are declared under section 73 of the Water Act.

It has been identified that the existing effluent disposal system on Section 2713 does not meet the required 100 m separation distance to the bore on the site and is within the 400 m wellhead protection buffer of a production bore.

The potential risk to water quality and resources in the area will be minimised through the conditions requiring the existing effluent disposal system to be upgraded to the standards of the Department of Health and Power and Water.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2012/0559
APPLICANT

PLANT NURSERY
SECTION 5006 (850) ARNHAM HIGHWAY, HUNDRED OF STRANGWAYS
RAY JANSAN

Mr Ray Jansan and Mr Michael Cooper (NT Consulting Engineers) attended.

RESOLVED
270/12

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) 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 5006 (850) Arnhem Highway, Hundred of Strangways, for the purpose of a plant nursery, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) The provision of 26 on-site vehicle parking bays with compliant bay dimensions and manoeuvring room;
 - b) Relocation of the two landscape supply bins elsewhere on the property so that the vehicle driveway may remain unobstructed by vehicles/machinery during loading/unloading or while accessing the landscaping supply bins;
 - c) A sufficiently sized concrete pad located at the vehicle entrance/exist to prevent vehicles from depositing mud/soil on the adjacent road while leaving the site; and
 - d) Inward swinging property access gates.

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. Before the use of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) suitably dust suppressed with gravel finish as per the endorsed plans;
 - (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.
5. 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.
6. 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.
- 7. 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.
- 8. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
- 9. 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.
- 10. 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.
- 11. 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.
- 12. 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.

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. A groundwater extraction licence is required under the *Water Act* for any bore equipped to supply over 15 litres per second. For advice on water extraction licences please contact the Water Management branch of the Department of Land Resource Management.
- 4. Notwithstanding the approved plans, all signage is subject to the requirements of Clause 6.7 (Signs) of the Northern Territory Planning Scheme.

5. This development permit does not grant "building approval" for the proposed structures, you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition, construction or occupying completed works.

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.

A variation is supported to the requirements of Clause 6.5.3 (Parking Layout) to allow the car parking areas to be finished with gravel rather than an all-weather seal finish. The gravel finish is expected to be more in keeping with the surrounding rural area and will aid the site in appearing more consistent with the natural environment. The site design further allows considerable screening of the parking areas from both Trippe Road and the Arnhem Highway through the placement of two greenhouses and landscaping along the boundary fencing.

The requested amended plans will ensure that:

- a. driveways remain unobstructed to allow vehicles to freely circulate into and out of the site without impacting on traffic using Trippe Road;
 - b. There is sufficient on-site vehicle parking to service the scale of operations and the anticipated demand for parking;
 - c. The design of the gates will not impact on accessibility and safety of the Council control road verge; and
 - d. Limit the transfer of mud/soil from the site onto Trippe Road during wet weather periods.
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 design of the plant nursery incorporates a 20 metre buffer between the nursery and the shared side and rear property boundaries. All existing and proposed structures are located in accordance with the NT Planning Scheme's minimum setback distances which will further ensure adequate separation between uses and a visually consistent streetscape.

ACTION: Notice of Consent and Development Permit

ITEM 4 36 X 2 & 12 X 1 BEDROOM MULTIPLE DWELLINGS IN 2 X 4 STOREY BUILDINGS
PA2012/0628 INCLUDING GROUND LEVEL CAR PARKING
SECTIONS 6516 (27) & 6517 (23) FAIRWEATHER CRESCENT & SECTION 4540
(425) STUART HIGHWAY, HUNDRED OF BAGOT
APPLICANT GWELO DEVELOPMENTS PTY LTD

Ms Tammy Neuman (DKJ Projects), Mr Hans Vos and Mr Vince Albertoni (Gwelo) attended.

**RESOLVED
271/12**

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lots 6516 & 6517 (27 & 23) Fairweather Crescent, Hundred of Bagot, for the purpose of 36 x 2 and 12 x 1 bedroom multiple dwellings in 2x4 storey buildings including ground level car parking, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of Litchfield Council and to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with drawing numbers 2012/0628/01 to 2012/0628/08 endorsed as forming part of this permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. An Occupancy Permit under the *Building Act* must not be issued until Lots 6516 and 6517, Hundred of Bagot, have been consolidated and a new title issued for the consolidated lot.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Litchfield Council, to the satisfaction of the consent authority.
7. 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. 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.
10. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner, to the satisfaction of the consent authority.
11. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.

NOTES:

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meet minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. The Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Department's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
4. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.

REASONS FOR THE DECISION

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

The proposal to develop the lot for the purpose of 36x2 and 12x1 bedroom multiple dwellings in 2x4 storey buildings include ground level car parking and is consistent with the primary purpose of Zone MR

(Medium Density Residential) which is to provide for a range of housing options to a maximum height of four storeys. The development is considered to be of a scale, character and architectural style reasonably anticipated in the area once the remainder of the subdivision is developed.

A variation to Clause 6.5.3 (Parking Layout) of the Scheme is supported as the minor nature of the non-compliance is considered to demonstrate special circumstances to justify the giving of consent. The variation allows a small area of the parking area to be located less than 3m from the front property boundary. The area will be densely landscaping and screen fenced which will screen the parking area from the street. A further variation to this clause is also supported to allow twelve tandem parking bays (designated as 'trailer/boat park spaces' on the "car parking plan") are expected to be used with and unit titled with the adjacent parking bay to ensure on-going access to each bay. The level of compliance achieved and exceeded elsewhere as part of the design, is representation that the land is capable of supporting the proposed development notwithstanding the identified non-compliant parking layout.

2. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the consent authority is required to take into account any submissions made under section 49.

One public submission was received in relation to the application but generally supported the proposal. The submission commented on the lack of play areas for children and the shortage of pedestrian crossings to connect the residential area with the adjacent commercial precinct. The application provides adequate communal and private open space areas in terms of the minimum standards required by the NT Planning Scheme. There is sufficient room within the identified communal open space areas for future play equipment/BBQs or other permanent recreation facilities if the future land owners desire.

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

The application is consistent with the primary purpose of Zone MR (Medium Density Residential) and seeks a variation for what is a minor departure from car parking layout provisions of the Scheme. The level of compliance achieved with the Scheme is a representation that the proposal is appropriate for the site and locality, and is not considered to result in any overwhelming negative impact on the surrounding area. For the above reasons, the proposed development is not expected to negatively impact on the existing and future amenity of the area.

ACTION: Notice of Consent and Development Permit

**ITEM 5
PA2012/0244
APPLICANT**

**SUPPORTING ACCOMMODATION
SECTION 4568 (61) CHALLONER CIRCUIT, HUNDRED OF STRANGWAYS
THE GATHERING INCORPORATED**

Ms Sharon Crook and Ms Sephyr Crook (The Gathering Incorporated) and Mr Michael Cooper (NT Consulting Engineers) attended.

**RESOLVED
272/12**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 4568 (61) Challoner Circuit, Hundred of Strangways for the purpose of supporting accommodation 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 submitted are to show:
 - (a) Clearly dimensioned and scaled site plan showing proposed treatment for car park area;
 - (b) Dimensioned and scaled floor layout plans for the:
 - church building (including kitchen);
 - accommodation buildings; and
 - ablution building.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and telecommunication services to the development shown on the endorsed plan, in accordance with the authorities' requirements and relevant legislation at the time.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. 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.

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" 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 structures, you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals including fire ratings for the relevant class of building before commencing demolition, construction or occupying completed works.

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 complies with the relevant provisions of the NT Planning Scheme and is consistent with the definition of 'supporting accommodation'. Additional car parks have been included in the amended site plan to address the concern of overflow car parking on Challoner Circuit.

2. Pursuant to section 51(h) of the *Planning Act*, the consent authority must take into account the merits of the proposed development as demonstrated in the application.

The proposal will provide accommodation and support for disadvantaged teenagers. This use is in line with the other facilities already provided at the property. Letters of support included in the application highlight the need for such a facility in the area.

3. 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. It is not affected by seasonal waterlogging. Both reticulated water and sewerage are available in the area. The development of supporting accommodation will not affect development on adjoining land.

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

The surrounding properties are predominately Zoned CP (Community Purposes) and are utilised for a number of community and recreational purposes. Section 4568 does not have any residential neighbours. The development of supporting accommodation is unlikely to have any adverse impact on the amenity of the surrounding area.

ACTION: Notice of Consent and Development Permit

ITEM 6
PA2012/0579
APPLICANT

LEISURE AND RECREATION (QUAD MOTOCROSS TRACK)
PART SECTIONS 109 (160) & 118 (220) BRANDT ROAD, HUNDRED OF BAGOT
KAY WALDMANN

Ms Kay Waldman attended.

Submitters in attendance: - Mr Gerry Wood, Mr Kevin Thomas, Mrs Patricia Barz, Ms Trish Gary and Ms Karen Green.

RESOLVED
273/12

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop part Sections 109 and 118 (160 & 220) Brandt Road, Hundred of Bagot for the purpose of Leisure and Recreation (quad motocross track), subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawing numbered 2012/0579/1 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. All proposed works impacting on Brandt Road are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of Litchfield Council. Drawings must be submitted to Litchfield Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
4. "No Entry/No Exit" signs and arrows directing the internal traffic movement on site shall be provided prior to the commencement of use to the requirements and satisfaction of the consent authority.
5. Access to and egress from the site for all vehicles is to be via existing access points only.
6. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Litchfield Council drains or to any watercourse.
7. The use may only operate between the hours of 8am and 6pm.
8. The site identified in the drawings endorsed as forming part of this permit may only be used by quad motorbikes.

9. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
10. The loading and unloading of goods and vehicles must only be carried out on the land identified in the endorsed drawings.
11. Where unfenced, the Brandt Road frontage is to be appropriately fenced to the satisfaction of the consent authority.
12. Soil erosion and dust control measures must be employed throughout the development and operational phases of the use to the satisfaction of the consent authority.
13. 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.
14. This permit will expire on 31 October 2013.

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 phone (08) 8999 4567.
2. 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.
3. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.
4. The development/activity has the potential to cause environmental nuisance including noise and dust. Environmental nuisance is defined under the *Waste Management and Pollution Control Act*. Pursuant to section 83(5) of the *Waste Management and Pollution Control Act* the proponent must not cause an environmental nuisance.

REASONS FOR THE DECISION

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

The application is generally consistent with the relevant provisions of the NT Planning Scheme and the relevant objectives of the *Litchfield Planning Concepts and Land Use Objects 2002*.

2. Pursuant to section 51(e) of the *Planning Act*, the Development Consent Authority must take into account any submissions made under section 49 in relation to the development application.

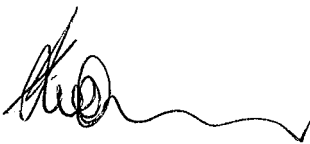
Public submissions received raised concerns regarding location choice, procedures and public consultation, days/hours of operation and length of time of approval, unregulated riding in the area and noise generation and noise testing. Conditions on the permit seek to address the concerns raised by restricting the period of the permit and the hours of operation, restricting the use of the track to quad bikes only and prohibiting the use of loudspeakers on the site.

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

The proposed use of the land as a quad motocross track has the potential to impact on the amenity of the local area, particularly regarding noise and dust generation. Noise generation particularly is a recurring issue in the public submissions received. The Authority considers that should the use be established without limiting the period of the permit has the potential to have a long term impact on nearby residential amenity.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

17/10/12