



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 149 – FRIDAY 16 MARCH 2012

WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS

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

APOLOGIES: Nil

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

COUNCIL REPRESENTATIVE: Derrick Tranter (Governance Manager) and Joanne Mullins (Administration Officer Planning & Works) and for part of the meeting John Delaney (Director of Planning and Works)

Meeting opened at 9.30 am and closed at 11.45 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 **RESTAURANT**
PA2011/0960 **LOT 2 (70) REEDBEDS ROAD, HUNDRED OF CAVENAGH**
APPLICANT **CRAZY ACRES**

Ms Karen Dean (Crazy Acres) attended.

RESOLVED
56/12

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 2 LTO 73004 (70) Reedbeds Road, Hundred of Strangways for the purpose of a restaurant, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with drawings numbered 2011/0960/1 and 2011/0960/2 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 supply to the land shown on the endorsed plan in accordance with the authority's 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. 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.
5. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.
6. Before the use of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan 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.

7. The use and development of the land 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) Appearance of any building, works or materials;
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
 - (d) Presence of vermin.
8. The use may operate only between 1 May and 30 September.

NOTES:

1. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Food Safety Standards.
2. The Power and Water Corporation advises that the Water and Sewer Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

REASONS FOR THE DECISION

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

The proposal is generally consistent with the Litchfield Planning Concepts and Land Use Objectives, which provides opportunities for a range of commercial, industrial, agricultural, community and recreational uses to satisfy the needs of residents and visitors and preserve healthy rural lifestyles. The proposed restaurant (cafe) is based on homegrown produce, and will support both the local horticultural trade and passing tourist trade. The proposal is generally consistent with the relevant provisions of Part 4 (General Performance Criteria) of the NT Planning Scheme.

2. 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 development is located within an existing mango packing shed and retail agricultural stall. The restaurant will operate only when the retail agricultural stall is open, and is unlikely to unreasonably detract from the existing and future amenity of the area and the ability of adjacent and nearby property owners to enjoy their land.

ACTION: Notice of Consent and Development Permit

ITEM 2 **SUBDIVISION AND CONSOLIDATION TO CREATE 2 LOTS**
PA2012/0064 **SECTIONS 5409 & 5410 (2658 & 2660) STUART HIGHWAY, HUNDRED OF**
 STRANGWAYS
APPLICANT **JUNE D'ROZARIO & ASSOCIATES PTY LTD**

Ms June D'Rozario (June D'Rozario & Associates) attended.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
57/12 Authority consent to the application to develop Sections 5409 & 5410 (2658 & 2660)
Stuart Highway, Hundred of Strangways for the purpose of a subdivision and
consolidation to create two lots subject to the following conditions:

CONDITIONS PRECEDENT:

1. Prior to the endorsement of plans the developer shall resolve the location of the proposed right of way with the Department of Lands and Planning (Road Network Division) to the satisfaction of the consent authority.
2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) the location of the proposed right of way easement.

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. In accordance with the approved plan, all existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
5. 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 the Department of Lands and Planning- Road Network Division to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

NOTES:

1. A "Permit to Work Within a Road Reserve" may be required from the Department of Lands and Planning (Road Network Division) 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.
4. There are statutory obligations under the *Weeds Management Act 2001* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Natural Resources, Environment, The Arts and Sport.

REASONS FOR THE DECISION

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

This proposal complies with the relevant provisions of the NT Planning Scheme and provides frontage and access to the Stuart Highway for both Sections 5409 and 5410. The proposal is consistent with the Litchfield Planning Concepts and Land Use Objective 2.4 which is to provide the shire with a coordinated, integrated and efficient transport 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.

The land affected by the changed boundaries is not constrained by slope, soils or drainage and does not significantly affect the amount of unconstrained land available to each section.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2011/0944

**SUBDIVISION TO CREATE 10 LOTS
SECTIONS 2644 & 1545 (1020 & 990) LIVINGSTONE ROAD, HUNDRED OF
CAVENAGH**

APPLICANT
EARL JAMES AND ASSOCIATES

Mr Kevin Dodd (Earl James & Associates) attended.

RESOLVED
58/12

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Sections 1545 and 2644 (990 & 1020) Livingstone Road, Hundred of Cavenagh for the purpose of a subdivision to create 10 lots, 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 infrastructure, stormwater drains and drainage easements, is to be submitted to and approved by the consent Authority on the advice of the Department of Natural Resources, Environment, Arts and Sports (Natural Resources Management Division), and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent Authority.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with drawing number 2011/0944/1, endorsed as forming part of this permit.
3. Before the issue of titles, fire access trails along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from Bushfires NT
4. All existing and proposed easements and sites for existing and required utility services, including roads, must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
5. 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. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation.
7. Engineering design, calculations and specifications for the proposed and affected roads, stormwater drainage, street lighting and vehicular accesses are to be submitted for technical approval to Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

8. 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.
9. This development is subject to the Litchfield Council Developer Contribution Plan. The developer shall pay a development levy for the additional lots created, to the Litchfield Council.

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 Natural Resources, Environment, The Arts and Sport.
2. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve.

REASONS FOR THE DECISION

1. The consent Authority must, pursuant to section 51(a) of the *Planning Act*, take into account any planning scheme that applies to the land to which the proposed development relates.

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

The provision of a public road extending north through the subdivision, and two 30m road reserves to the north of proposed lot 2 and proposed lot 9, respond to Clause 11.4.2.3 (Roads in Rural Subdivisions), to facilitate an integrated road network that can service future development of the subject site and adjoining land.

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.

Current, available information indicates that the Berry Springs Aquifer is high yielding and can support domestic use; however water allocation planning is underway in the area. The proposed subdivision will support the future development of the area by providing suitably sized lots that respond to the physical characteristics of the land, and provide the opportunity for a future interconnected road network that will service the area.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2011/0961
APPLICANT

**SUBDIVISION TO CREATE 6 LOTS
LOTS 6 & 7 (330 & 350) FRED'S PASS ROAD, HUNDRED OF STRANGWAYS
MASTERPLAN NT**

Mr Brad Cunnington (Masterplan NT) attended and tabled and amended subdivision plan.

**RESOLVED
59/12**

That pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lots 6 and 7 LTO 73026 (330 and 350) Freds Pass Road, Hundred of Strangways for the purpose of a subdivision to create 6 lots, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- Identify the location and extent of constrained/unconstrained land of lots E & F. The extent of constrained/unconstrained land must be ground truthed and demonstrate the capacity of lots E & F to provide 1ha of accessible unconstrained land and the suitability of the land for on site waste water disposal as well as satisfying the required separation distances between bores/effluent disposal systems /seepage lines.

REASONS FOR THE DECISION

1. 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 amended plan and supporting documentation provided in the application lacks detail on the capability of lots E & F to allow the authority to determine if the land is capable of accommodating the proposed development.

ACTION: Advice to Applicant

ITEM 5

ADDITIONS AND ALTERATIONS TO EXISTING TOURISM FACILITY
(EXCAVATION AND FILL)

PA2011/0959
APPLICANT

SECTION 3439 (815) MCMILLANS ROAD, HUNDRED OF BAGOT
WILDLIFE MANAGEMENT INTERNATIONAL PTY LIMITED

Mr Grahame Webb (Wildlife Management International Pty Ltd) attended.

RESOLVED
60/12

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 3439 (815) McMillans Road, Hundred of Bagot, for the purpose of additions and alterations to existing tourism facility including excavation and fill, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing numbered 2011-0959-01 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 services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation.
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. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into adjacent Holmes Jungle Nature Reserve or Palm Creek
5. Any increase in the volume of stormwater run-off affecting adjacent vacant Crown Land (proposed Section 5607 Hundred of Bagot) requires prior approval from Crown Land Management, the Department of Lands and Planning
6. A weed management plan should be prepared and implemented to the satisfaction of the Consent Authority on advice from NRETAS.

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 Natural Resources, Environment, The Arts and Sport.
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*.
3. A permit under the *NT Water Act* may be required for the construction of earthworks in a waterway or in a way that affects flow.

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 proposal has demonstrated general compliance with the requirements of the NT Planning Scheme, and in particular Clause 6.16 (Excavation and Fill) of the NT Planning Scheme.

The proposal is consistent with the policy intent contained in the Litchfield Land Use Objectives 2002, which identifies the site as a Tourist Node and promotes the improvement and expansion of tourist facilities in the Litchfield Shire.

2. 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 excavation and fill will not impact significantly on existing water flows in the locality as the ponds, dams, lagoons and channels will effectively retain stormwater in the dry season and control higher stormwater flows during the wet season.

The excavation and fill works will significantly contribute to the operation of the site as a major tourist attraction and improve the amenity enjoyed by the visitors to the facility.

ACTION: Notice of Consent and Development Permit

ITEM 6
PA2011/0157
APPLICANT

CLEARING OF NATIVE VEGETATION
SECTION 4231 (210) MULGARA ROAD, HUNDRED OF STRANGWAYS
VAN BE NGUYEN

Mr and Mrs Van Be Nguyen and Ms Kim Nguyen (niece) attended.

RESOLVED
61/12

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Section 4231 (210) Mulgara Road, Hundred of Strangways for the purpose of clearing of native vegetation to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- Precise description of activities on site now;
- 24hr pump test including information as to exactly what was done and when the bore was tested; and
- Response from NRETAS on the farm plan.

REASONS FOR THE DECISION

1. 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.

Clause 10.3 of the NT Planning Scheme requires that where an application is made for the clearing of native vegetation the application is to demonstrate consideration, amongst other matters, of whether the soils are suitable for the intended use and whether there is sufficient water for the intended use. The Authority requests that the application demonstrate such compliance.

ACTION: Advice to Applicant

ITEM 7
PA2011/0841
APPLICANT

SUBDIVISION TO CREATE 21 LOTS
SECTION 3475 (500) TOWNEND ROAD, HUNDRED OF STRANGWAYS
MASTERPLAN NT

Mr Brad Cunnington (Masterplan NT), Mr Laurence Ah Toy (Owner) and Mr Peter Harrison (Above Capricorn Technologies) attended.

RESOLVED
62/12

That pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Section 3475 (500) Townend Road, Hundred of Strangways for the purpose of a subdivision to create twenty-one (21) lots to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- amended plans and documentation be provided to the authority on the development of the triangular shaped parcel of land adjacent to the southern boundary of lots 1-9 and to the western boundary of lots 14-19. Consideration should be given to including this area in the subdivision proposal.

REASONS FOR THE DECISION

1. The consent Authority must, pursuant to section 51(a) of the *Planning Act*, take into account any planning scheme that applies to the land.

Clause 11.4 (Subdivision of Rural and Unzoned Land) requires that the design of rural subdivision should minimise the alteration or disturbance to natural drainage systems and to retain and protect significant natural features. The Litchfield Land Use Objectives identify the land as containing areas of Priority Environmental Management. The subdivision, as proposed, retains a significant portion of land that will be inaccessible, other than by establishing some means of access to that land over a drainage area. The additional information will allow the authority to determine the impact of this subdivision on the remaining parcel of land.

ACTION: Advice to Applicant

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



PETER MCQUEEN
Chairman

19/3/12