



## **DEVELOPMENT CONSENT AUTHORITY**

### **LITCHFIELD DIVISION**

### **MINUTES**

**MEETING No. 127 – FRIDAY 10 SEPTEMBER 2010**

**WHITEWOOD HALL  
325 WHITEWOOD ROAD  
HOWARD SPRINGS**

**MEMBERS PRESENT:** Peter McQueen (Chairman), Richard Luxton, Michael Bowman and Plaxy Purich

**APOLOGIES:** Keith Aitken and Mary Walshe

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Steven Kubasiewicz and Ann-Marie Dooley (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Apology

**Meeting opened at 9.45am and closed at 11.00am**

**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**                    **CLEARING OF NATIVE VEGETATION**  
**PA2009/1539**           **SECTION 1545 (990) LIVINGSTONE ROAD, HUNDRED OF CAVENAGH**  
**APPLICANT**           **EARL JAMES AND ASSOCIATES**

Mr Kevin Dodd (Earl James & Associates) and Mr David Trow (owner) attended.

Mr Dodd tabled a response to submissions.

**RESOLVED**  
**228/10**

That pursuant to Section 46(4)(b) of the *Planning Act* the Development Consent Authority defer consideration of the application to develop Section 1545, (990) Livingstone Road, Hundred of Cavenagh for the purpose of clearing of native vegetation to allow the applicant to provide the following additional information that will enable the authority to properly consider the application:-

- Plotting existing sink holes and bores on the site plan and indicate proposed vegetation buffers to these sinkholes;
- A report prepared by a suitably qualified expert/s (with demonstrated expertise in the field) that demonstrates that the proposed Teak and Mahogany plantation can be established and maintained without the need for water drawn from the existing bores on site. The report must also demonstrate what the overall impact on the aquifer will be as a result of the removal of the native vegetation and establishment of the proposed plantation; and
- Alternatively if the use of bore water is proposed then the applicant must provide the authority with a report prepared by a suitably qualified expert/s (with demonstrated expertise in the field) that demonstrates the quantity of water required for the plantation over its life and the impact of this water draw down on the aquifer.

#### **REASONS FOR THE DECISION**

The Authority request that additional information be provided on the location of sink holes on the subject land to enable appropriate buffers to be established around the sink holes to ensure that the quality of water in the aquifer is appropriately protected.

In consideration of Clause 10.3 (Clearing of Native Vegetation – Performance Criteria) of the NT Planning Scheme, the authority requires the information to determine whether there is sufficient water for the intended use.

Advice from a suitably qualified expert/s is required to demonstrate to the authority that the impact on the existing aquifer as a result of the intended land use, as a timber plantation, has been appropriately considered.

**ACTION:** Advice to Applicant

**ITEM 2**  
**PA2010/0976**  
**APPLICANT**

**SUBDIVISION TO CREATE 3 LOTS**  
**LOT 13 (90) PRODUCE ROAD, HUNDRED OF STRANGWAYS**  
**EARL JAMES AND ASSOCIATES**

Mr Kevin Dodd (Earl James & Associates) and Mr Justin Groves (owner's husband) attended.

**RESOLVED**  
**229/10**

That, the Authority vary clause 11.1.1 (Minimum Lot Sizes and Requirements) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the proposal to develop Lot 13, (90) Produce Road, Hundred of Strangways for the purpose of a subdivision to create three lots subject to the following conditions:

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawing numbered PA2010-0976-01 endorsed as forming part of this permit.
2. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
3. 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 the NT Fire and Rescue Service.
4. 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.
5. Engineering design, calculations and specifications for proposed roads and affected roads, stormwater drainage and vehicular accesses, are to be submitted, for technical approval by Litchfield Council, prior to commencement of works etc.
6. This development is subject to the Litchfield Shire Council Developer Contribution Plan. The developer shall pay a development levy as per locality 13A of this plan for the additional lot created, to the Litchfield Council.

7. 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 proposed lot B as indicated on the endorsed drawings. The Caution Notice is to state that: "*Sites for the location of bores and effluent disposal areas are limited due to existing infrastructure*". Evidence of lodgement shall be provided to the satisfaction of the consent authority.

#### NOTES:

1. This permit will expire if one of the following circumstances applies:
  - (a) the subdivision is not started within two years of the date of this permit; or
  - (b) the subdivision 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. 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. There are statutory obligations under the *Weeds Management Act 2001* to take all practical measures to manage weeds on the property.
4. The applicant is required to contact the Water Resources Branch of the Department of Natural Resources, Environment and the Arts to confirm the location of existing bores.

#### 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 waiver to Clause 11.1.1 (Minimum Lot Sizes and Requirements) of the NT Planning Scheme can be supported as this will protect the options for further subdivision of proposed lot C and enable the future creation of a road from the battleaxe handle/s to facilitate potential subdivision of adjoining parcels of land.
2. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must have regard to 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 Objective 3.1 (Residential) which provides for residential development that retains the amenity and lifestyle of existing rural areas. It is also consistent with Objective 2.4 (Mobility and Transport), in particular, the intended development of the road network as described in the LUOs and detailed in Figure 14.

3. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into account the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. The site consists of well drained soils on flat land and is deemed suitable for subdivision development.

**ACTION:** Notice of Consent and Development Permit

**ITEM 3**  
**PA2010/0646**  
**APPLICANT**

**TROPICAL DISPLAY GARDENS AND PLANT NURSERY**  
**SECTION 3909 (445) COX PENINSULA ROAD, HUNDRED OF STRANGWAYS**  
**MICHAEL & JENNY WARD**

Mr Michael and Mrs Jenny Ward attended.

**RESOLVED**  
**230/10**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority, consent to the application to develop Section 3909 (445) Cox Peninsula Road, Hundred of Strangways, for the purpose of tropical display gardens and a plant nursery, subject to the following conditions:

#### **CONDITION PRECEDENT**

1. Prior to the commencement of works amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a. a detailed landscaping plan illustrating suitable screening along the eastern boundary and to Cox Peninsula Road.
  - b. details of any proposed signage

#### **GENERAL CONDITIONS**

2. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
3. The car parking areas are to be screened from the road and adjoining properties at the completion of construction to the satisfaction of the consent authority.
4. 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. appearance of any building, works or materials; or
  - c. emission of noise, artificial light, smell, dust, waste water, or waste products.

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 and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. 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.
8. The Developer shall ensure that the stormwater run-off from the development site is collected and appropriately discharged into the local stormwater system to the standards and approval of the Litchfield Council. Stormwater design plans submitted for approval shall provide details of the site levels.
9. Before the use/occupation of the development starts the landscaping works shown on endorsed plans must be carried out and completed to the satisfaction of the consent authority.
10. The landscaping shown on 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. 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 any driveway and the public street.
12. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night, readability is the same and is on consent display (i.e. not flashing of variable message). The sign shall be positioned:
  - a. so as not to create sun or headlight reflection to motorists; and
  - b. be located entirely (including foundations and aerially) within the subject site.
13. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Department of Lands and Planning to the satisfaction of the consent authority.

**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 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 *Litchfield Planning Concepts and Land Use Objectives 2002* promote "the existing and proposed district and local centres and local service nodes as the principal locations for commercial, industrial and community uses." The proposal is consistent with the relevant objectives, specifically Section 2.1 (Culture and Lifestyle) and 2.2 (Land Use Structure). A tropical display garden is an undefined use within the NT Planning Scheme and is considered to be a diverse and distinctive development. The proposal is also deemed an appropriate use within Zone R (Rural). a plant nursery is appropriately sited within Zone R (Rural) and provides a local service to the rural community.

The application is consistent with the relevant provisions relating to a plant nursery. The site has ample parking including an area approximately 75m x 300m. Plant Nurseries are discretionary uses in the Zone R (Rural), the primary purpose of Zone R is to provide for a range of activities including residential, agricultural and other rural activities. The proposal as a whole is consistent with relevant provisions of the NT Planning Scheme.

2. Pursuant to section 51 (n) the Development 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 provision of additional landscaping and the sealing of the carparking areas in accordance with the proposed conditions will significantly reduce any potential impact of the proposed development on the locality.

**ACTION:** Notice of Consent and Development Permit

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



**PETER MCQUEEN**  
Chairman

13/9/10