

## DEVELOPMENT CONSENT AUTHORITY

### LITCHFIELD DIVISION

### MINUTES

**MEETING No. 180 – FRIDAY 17 OCTOBER 2014**

**WHITEWOOD HALL  
325 WHITEWOOD ROAD  
HOWARD SPRINGS**

**MEMBERS PRESENT:** Grant Tambling (Deputy Chairman) Keith Aitken, Michael Bowman and Allan McKay

**APOLOGIES:** Denis Burke (Chairman) and Bob Shewring

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Steven Kubasiewicz and Karen McGuigan (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 10.00 am and closed at 1.00 pm**

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

**ITEM 1**                    **INDEPENDENT UNIT IN EXCESS 80 M<sup>2</sup>**  
**PA2014/0705**           **LOT 1 (675) REEDBEDS ROAD, HUNDRED OF CAVENAGH**  
**APPLICANT**           **CAMERON MCDONALD**

Mr Cameron McDonald attended.

**RESOLVED**  
**215/14**

That, the Development Consent Authority vary the requirements of Clause 7.10.4 (Independent Units) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 1 LTO74/010 (675) Reedbeds Road, Hundred of Cavenagh for the purpose of an independent unit with floor area in excess of 80m<sup>2</sup> with independent waste water treatment system 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 on advice from the Department of Health. When approved, the plans will be endorsed and will then form part of the permit.

The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- (a) the location of the proposed effluent disposal system servicing the independent unit; and
- (b) separation distances between the effluent disposal system and any water extraction points (bores) in the area.

#### **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 developer shall engage a licensed electrician to submit a revised overall maximum power demand calculation to Power and Water for assessment.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities to the independent unit shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. An approved effluent disposal system to the satisfaction of the consent authority must be installed concurrently with the erection of the independent unit and all waste must be disposed of within the curtilage of the property.

If a conventional wastewater treatment system is to be installed it must comply with the *NT Code of Practice for Small On-Site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent* (The Code). Once installed, the Certifying Plumber must provide the Department of Lands, Planning and Environment Building Advisory Services (BAS) with all certified documentation for approval and clearance.

6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Litchfield Council, to the satisfaction of the consent authority.

and

The owner shall:

- (a) remove disused vehicle and/ or pedestrian crossovers; and
  - (b) undertake reinstatement works;
- all to the technical requirements of and at no cost to Litchfield Council, to the satisfaction of the consent 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. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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. 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. 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 of Clause 7.10.4 (Independent Units) is supported as the installation of an independent wastewater treatment system is a practical and economically viable solution to servicing the proposed development. The development of an independent unit exceeding 80m<sup>2</sup> is also supported as the proposal makes use of an existing structure and does not significantly increase the residential density of the area.

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 independent unit with independent wastewater system will not significantly increase density in the area, will be reasonably screened from the road, and appropriately serviced. The Independent Unit is not expected to detrimentally impact the existing or future amenity of the area.

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

**ITEM 2**  
**PA2014/0636**  
**APPLICANT**

**INDEPENDENT UNIT**  
**LOT 20 (155H) LOWTHER ROAD, HUNDRED OF STRANGWAYS**  
**BARBARA MCMANUS, BRENDON MCMANUS, ADDIE MCMANUS &**  
**KENNETH MCMANUS**

Ms Addie McManus attended.

**RESOLVED**  
**216/14**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 20 (155H) Lowther Road, Hundred of Strangways for the purpose of an Independent Unit, subject to the following conditions:

#### **CONDITIONS**

1. Works carried out under this permit shall be in accordance with drawing numbers 2014/0636/01 and 2014/0636/02, 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 water supply and electricity to the land 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.

#### **NOTE:**

1. 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'.

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

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

The application is consistent with all of the requirements of the NT Planning Scheme, with the exception of clause 7.10.4 (Independent Units), as a separate effluent disposal system is proposed to be installed

The application is consistent with all of the requirements of the NT Planning Scheme, with the exception of clause 7.10.4 (Independent Units), as a separate effluent disposal system is proposed to be installed on the site to service the independent unit. Due to the siting of the independent unit, the topographical constraints of the land, and the cost and impracticalities involved in providing and maintaining a pumping station in order to utilise the existing system on-site, the existing system is not deemed suitable to support the additional development. Pursuant to part 4(a) of clause 7.10.4 (Independent Units) the applicant has provided documentary evidence from a licensed certifying plumber and drainer stating that utilisation of the existing effluent disposal system is not viable to service the independent unit. For the reasons detailed above, a variation to clause 7.10.4 (Independent Units) is supported.

Lot 1 is located within Locality 13 (Litchfield Central) of the *Litchfield Planning Concepts and Land Use Objectives 2002*. The intent of this locality is for the continued development predominantly of 2 ha lots to accommodate a range of land uses including rural living, agriculture (including horticulture and aquaculture), recreation, tourist, commercial and community purposes subject to consideration of the potential impacts of non-residential activities on residential amenity.

The independent unit will be used for residential purposes, which is consistent with the intent of the *Litchfield Planning Concepts and Land Use Objectives 2002*.

2. 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 land is reasonably flat and is not affected by storm surge, seasonal inundation or waterlogging. The surrounding area has been developed for rural living purposes and a single dwelling has been established on the site for 4 years. As such, the land is considered capable of supporting the proposed development. The Department of Land Resource Management have not identified any concerns.

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

**ITEM 3**  
**PA2014/0712**

**INDEPENDENT UNIT WITH INDEPENDENT WASTE WATER  
TREATMENT SYSTEM  
SECTION 3422 (320) VIRGINIA ROAD, HUNDRED OF STRANGWAYS  
NICHOLAS COE & DIANE COE**

**APPLICANT**

Mr Nicholas and Mrs Diana Coe attended.

**RESOLVED**  
**217/14**

That, the Development Consent Authority vary the requirements of Clause 7.10.4 (Independent Units) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 3422

(320) Virginia Road, Hundred of Strangways for the purpose of an independent unit with independent waste water treatment system subject to the following conditions:

### GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2014/0712/01 to 2014/0712/03 and endorsed as forming part of this permit.
2. The developer shall engage a licensed electrician to submit a revised overall maximum power demand calculation to Power and Water for assessment.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities to the independent unit shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. An approved effluent disposal system to the satisfaction of the consent authority must be installed concurrently with the erection of the independent unit and all waste must be disposed of within the curtilage of the property.

If a conventional wastewater treatment system is to be installed it must comply with the *NT Code of Practice for Small On-Site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent* (The Code). Once installed, the Certifying Plumber must provide the Department of Lands, Planning and Environment Building Advisory Services (BAS) with all certified documentation for approval and clearance.

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.

and

The owner shall:

- (a) remove disused vehicle and/ or pedestrian crossovers; and
  - (b) undertake reinstatement works;
- all to the technical requirements of and at no cost to Litchfield Council, to the satisfaction of the consent 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. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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.

4. 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. 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 Independent Unit generally complies with the requirements of the NT Planning Scheme. A variation of Clause 7.10.4 (Independent Units) is supported as the installation of an independent wastewater treatment system is a practical and economically viable solution to servicing the proposed development.

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 independent unit with independent wastewater system will not significantly increase density in the area, will be reasonably screened from the road, and appropriately serviced. The Independent Unit is not expected to detrimentally impact the existing or future amenity of the area.

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

**ITEM 4  
PA2014/0595  
APPLICANT**

**CHANGES TO DEVELOPMENT APPROVED UNDER DP13/0524  
SECTION 4201 (465) STUART HIGHWAY, HUNDRED OF BAGOT  
ANDREW STAVRI & KLEO STAVRI**

Mr John Stavri and Mr Andrew Stavri attended.

**RESOLVED  
218/14**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 4201 (465) Stuart Highway, Hundred of Bagot for the purpose of changes to the development approved under DP13/0524, subject to the following conditions:

#### **CONDITIONS PRECEDENT**

1. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be submitted to and approved by the consent authority on the advice of the Litchfield Council, the Department of Land Resource Management, and the Department of Transport, 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.

2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Litchfield Council or Department of Transport stormwater drainage system shall be submitted to and approved by the Litchfield Council, the Department of Lands, Planning and the Environment and/or the Department of Transport as the case may be, to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to the system.

## GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings numbered 2014/0595/01 through 2014/0595/05 endorsed as forming part of this permit.
4. The development must proceed in the order of stages as shown on the endorsed plans unless otherwise agreed in writing by the consent authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, electricity facilities and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
7. 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) 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.
8. 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 clients.
9. 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.
10. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.



11. Protective kerbs must be provided to the satisfaction of the consent authority to prevent damage to fences or landscaped areas.
12. Access to and egress from the site for all commercial vehicles (including waste collection vehicles) must only be from the Stuart Highway service road.
13. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bays and must not disrupt the circulation and parking of vehicles on the land.
14. Before the development starts, a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The plan must show:
  - (a) existing vegetation to be retained and/or removed;
  - (b) details of surface finishes of pathways and driveways;
  - (c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
  - (d) provision of an in-ground irrigation system to all landscaped areas.  
All species selected must be to the satisfaction of the consent authority.
15. Before the 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.
16. 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.
17. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Litchfield Council and/or the Department of Transport, to the satisfaction of the consent authority.
18. All proposed works impacting on the Stuart Highway / Service Road road reserve are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Litchfield Council and/or Department of Transport as the case may be. Drawings must be submitted to the Litchfield Council and/or Senior Director, Road Network Division of the Department of Transport for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
19. 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 erection of the development and all waste must be disposed of within the curtilage of the property.
20. 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.

21. In the event that existing bore RN021062 is no longer used on the site or is impacted by the building footprint, the applicant is required to provide evidence that registered bore RN021062 has been decommissioned on the advice of the Water Resources Branch, Department of Land Resource Management to the satisfaction of the consent 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. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or 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 lot.
3. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to the Stuart Highway and road reserve traffic.
4. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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. 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.
6. The developer is required to "Dial before you Dig" to arrange any required relocation of cables.
7. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the *NT Public and Environmental Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.

#### 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 development is compliant with all of the requirements of the relevant clauses of the Northern Territory Planning Scheme, in particular, Clause 6.5.1 (Parking Requirements). The development approved under DP13/0524 required a total of 73 carparking bays and 74 were provided (48 in Stage 1 and 26 in Stage 2); resulting in an excess of one bay. The total carparking required for the overall commercial development on the site, as per the previous assessment, was 137 spaces and the endorsed plans demonstrate provision was made for 143 bays; an excess of six bays.

The new shop addition has a net floor area of 123.7m<sup>2</sup> and generates a further requirement for 8 bays (@6/100m<sup>2</sup> of net floor area). The proposal includes the addition of 5 bays. Incorporating this into the car parking that will be available overall on-site, the overall development will continue to have an excess of six bays; exceeding the requirements of Clause 6.5.1 (Parking Requirements).

A shop is consistent with the intent of the Zone C (Commercial) of the Northern Territory Planning Scheme.

2. Pursuant to section 51(p) of the *Planning Act*, the consent authority must take into consideration the public interest.

The shop addition may increase the passive surveillance of the site, particularly to the car parking area to the rear of the existing shops.

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

The land is currently developed for commercial uses and was deemed capable of supporting further expansion when Development Permit DP13/0524 was issued. As the current proposal is for the addition of one extra shop, to be sited adjacent to the development approved under DP13/0524, it is considered that the land is capable of supporting the additional development.

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

**ITEM 5**                      **HOME BASED CONTRACTING**  
**PA2014/0630**            **LOT 145 (435) PIONEER DRIVE, HUNDRED OF STRANGWAYS**  
**APPLICANT**            **MORROW BUILDERS PTY LTD**

Ms Megan Owen (Morrow Builders) attended.

Submitter Mr Raymond Weston sent his apologies.

**RESOLVED  
219/14**

That, the Development Consent Authority vary the requirements of Clause 7.10.8 (Home Based Contracting) of the NT Planning Scheme and, pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 145 (435) Pioneer Drive, Hundred of Strangways for the purpose of home based contracting, subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), details of anticipated traffic movements and likely impact upon the intersection of Pioneer Drive and Cyrpess Road shall be submitted to and approved by Litchfield Council, to the satisfaction of the consent authority.

**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 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.

and

The owner shall:

- (a) remove disused vehicle and/ or pedestrian crossovers; and
  - (b) undertake reinstatement works;  
all to the technical requirements of and at no cost to Litchfield Council, to the satisfaction of the consent authority.
4. All proposed works impacting on Pioneer Drive 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 Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
  5. No more than five (5) vehicles and two (2) shipping containers associated with the home based contracting are to be stored on the site at any one time and no more than 200m<sup>2</sup> of the site is to be utilised for the home based contracting.
  6. Within three (3) months of the date of issue of this development permit, the developer/land owner is to remove from the Lot all shipping containers and vehicles in excess of that consented to by Condition 5 of this permit.
  7. No servicing or maintenance of vehicles, plant, equipment or machinery associated with the home based contracting is to occur on the site.
  8. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
    - (a) transport of vehicles, materials, goods or commodities to or from the land
    - (b) appearance of any structure, 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

**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. 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.

**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.

While the proposed home based contracting exceeds the provisions of Clause 7.10.8 (Home Based Contracting) in relation to the number of vehicles, the requested variation of this clause and proposed use of the site does not result a significantly more intense development than if it were limited to three vehicles permitted by the clause.

- 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 development of the home based contracting, including the associated road base pad and upgraded driveway, will contribute to improved amenity through dust suppression on the development site.

The location of the proposed outdoor storage area is well setback from boundaries and will be screened from both the street and adjoining property boundaries thus minimising any potential impact upon visual amenity.

Conditions imposed limit the number of vehicles and containers that can be used on the site and the area that can be utilised for the proposed development. The requirement to reduce the number of containers currently on site is to ensure that the impact on the amenity of the locality is minimised.

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

ITEM 6  
PA2014/0007  
APPLICANT

**SUBDIVISION TO CREATE 90 LOTS, INCLUDING CLOSURE OF PUBLIC ROADS  
LOT 1741 & 1747 (175 & 350) LAWTON ROAD, HUNDRED OF CAVENAGH  
PLANIT CONSULTING PTY LTD**

Mr Christopher Cheung (Planit Consulting Pty Ltd) and Mr Ernie Chin (part landowner) attended.

Submitters: - Mr Peter Ebsworth and Mrs Judith Ebsworth and Ms Sarah Hirst attended.

Mr John Whatley (NT Bushfires) attended.

**RESOLVED  
220/14**

That, pursuant to section 53(b) of the *Planning Act*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Sections 1741 and 1747 (175 and 350) Lawton Road, Hundred of Cavenagh for the purpose of a subdivision to create 38 lots, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP) is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning and subsequently approved and implemented to the satisfaction of the consent authority, on the advice of the Department of Land Resource Management. The plan should detail methods and treatments for minimising erosion and sediment from the site during both the construction and operational phases. An endorsed copy of the plan will form part of this permit, and all works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.
2. Prior to the endorsement of plans (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 amended plans must show:
  - (a) Part Lot 1 (in Section 1747) to be consolidated with either lot 23 or 24;
  - (b) Lot 41 and 42 to be consolidated with 29;
  - (c) Lot 21 be consolidated with Part lot 1;
  - (d) Part Lot 40 be consolidated with lot 32;
  - (e) Part Lot 39 be consolidated with either lot 8, 9, 16, or 17;
  - (f) Complete set of amended plans including mapping of constrained and unconstrained land, buffer areas and detailed separation distances reflecting the proposed lot layout as detailed above; and
  - (g) An approved access road across Section 1718 Hundred of Cavenagh to the satisfaction of the Department of Lands, Planning and the Environment (Land Administration) and the Department of Transport (Transport Infrastructure Planning).
3. Prior to the commencement of works (including site preparation), a schematic plan demonstrating the onsite collection of stormwater and its discharge into

Litchfield Council stormwater drainage system shall be submitted to and approved by Litchfield Council to the satisfaction of the consent authority.

4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the developer is to prepare a Fire Access Management Plan detailing the provisions for fire access trails and fire breaks for the development. The plan shall take into consideration the recommendation of the land suitability assessment report prepared by EcOz, that states that no clearing should occur within that part of the land subject to inundation. The Plan is to be submitted to and approved by the consent authority on the advice of Bushfires NT (Department of Land Resource Management), and an endorsed copy of the Plan will form part of this permit.
5. Prior to the commencement of works (including site preparation), a Traffic Impact Report for the development, including the provision for public transport, is to be prepared to the requirements of the Department of Transport, to the satisfaction of the consent authority.
6. Prior to the commencement of works (including site preparation), a Traffic Management Plan (TMP) for the construction phase of the development is to be prepared to the requirements of the Department of Transport, to the satisfaction of the consent authority.

#### **GENERAL CONDITIONS**

7. The works carried out under this permit are to be in accordance with the drawings and documents endorsed as forming part of this permit.
8. The development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
9. 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.
10. 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.
11. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity supply, telecommunication services, and drainage to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
12. The owner of the land is to install a bore for domestic purposes on each lot shown on the endorsed plans, including provision for the bores to be metered, to the requirements of the Department of Land Resource Management (Water Resources Division) in accordance with the authority's requirements and relevant legislation at the time.

13. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/cycle corridors and streetscaping 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. 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'.
14. Any bus stops or provisions for public transport required by the Traffic Impact Report in Condition Precedent 5 are to be constructed by the developer to the requirements of the Department of Transport (Public Transport Division), to the satisfaction of the consent authority.
15. Before the issue of titles, fire access trails and firebreaks as identified in the Fire Access Management Plan shall be provided to the satisfaction of the consent authority on advice from Bushfires NT.
16. Before the issue of titles and pursuant to section 55 of the *Planning Act* and division 5 of the Land Titles Act, a restrictive covenant shall be lodged with the Registrar-General for notation on the titles of all lots shown on the endorsed drawings. The restrictive covenant shall require each lot owner (covenantor) to provide monthly meter readings to the covenantee and to limit their water usage to 3ML/year per lot, to the satisfaction of the consent authority.
17. The developer must annually submit a report containing monthly bore readings for all lots to the Department of Land Resource Management, to the satisfaction of the consent authority.
18. Before the issue of titles and pursuant to section 34 of the *Land Title Act*, a Caution Notice shall be lodged with the Registrar-General on the parent parcel to include the following advice on all proposed lots: "*Part of this allotment may be subject to prolonged periods of water logging and inundation and a non standard waste water treatment system may be required*". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.
19. This development is subject to the Litchfield Council Developer Contribution Plan. The developer shall pay a development levy as per the plan.
20. 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.
21. All proposed work affecting the Cox Peninsula Road road reserve is to be designed, supervised and certified on completion by a practicing and registered Civil Engineer in accordance with the standards and specifications of the Department of Transport to the satisfaction of the consent authority. Drawings must be submitted to the Transport Infrastructure Planning Division of the Department of Transport for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve" from the Department of Infrastructure.



22. All drainage infrastructure not associated with the road network is to be constructed to the technical standards of and at no cost to Litchfield Council to the satisfaction of the consent 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.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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.
4. 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'.
5. 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.
6. 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](mailto:placenames.dpi@nt.gov.au). Further information can be found at <http://www.placenames.nt.gov.au>.
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. A Permit to Burn is required from the Regional Fire Control Office, Department of Land Resource Management, prior to the ignition of any felled vegetation on the property. Fire prevention measures are to be implemented in accordance with the requirements of the *Bushfires Act*.
9. The permit holder is advised that the proposal may have assessment implications under the Commonwealth *Environment Protection and Biodiversity Conservation Act*, contact the Commonwealth Department of

Environment, Water, Heritage and the Arts on  
(02) 6274 1111.

10. The permit holder is advised that the proposal may have assessment implications under the Northern Territory *Territory Parks and Wildlife Conservation Act*, contact the Parks and Wildlife Commission of the Northern Territory on (08) 8999 4555.
11. Excavation and fill requires consent under Clause 6.16 (Excavation and Fill) of the NT Planning Scheme.

### 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 application predominantly complies with the NT Planning Scheme, in particular Clause 11.1.1 (Minimum Lot Sizes and Requirements) with each lot being a minimum of 2ha in size. Clause 11.4.1 (5) and Clause 11.4.1 (6) refer to the ability of the consent authority to consent to a subdivision application, subject to the application being able to demonstrate a minimum of 1ha of accessible, unconstrained land per lot. Litchfield Council has provided comment regarding the requirement for 1ha of unconstrained land per lot. The Department of Land Resource Management has confirmed that the results of the land suitability assessment and have no concerns in regards to the provision of 1ha of unconstrained land as presented.

The authority has determined to alter the application to ensure that no lots are left in isolation and that the alteration is consistent with the comments of the Department of Land Resource Management on lots that have been identified as unconstrained in their natural state.

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 development as altered will result in a minimum of 1ha of unconstrained land with unconstrained access for each lot.


The Department of Land Resource Management has recommended that an Erosion and Sediment Control Plan be prepared and subsequently implemented, and that each new bore is capped at 3ML/y in order to monitor the use of groundwater in the locality. Both requests are addressed through standard and specific conditions on the development permit.

3. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

Consideration has been given to the public submissions received. The subdivision as altered excludes one of the proposed lots from this application as it proposes to establish extensive boundaries through land zoned CN and subject to inundation. Standard and specific conditions on the development permit also address a number of concerns, such as development within and impact on sensitive areas, erosion and sediment control, and traffic impacts.

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

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

  
**GRANT TAMBLING**  
Delegate

27/10/14

