



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 173 – FRIDAY 14 MARCH 2014

**WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

MEMBERS PRESENT: Peter McQueen (Chairman), Richard Luxton, Michael Bowman and Allan McKay

APOLOGIES: Keith Aitken

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

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 10.45 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 **DEPENDANT UNIT WITH FLOOR AREA IN EXCESS OF 50M²**
PA2014/0012 **SECTION 4738 (59)WILLIAMS ROAD, HUNDRED OF BAGOT**
APPLICANT **LIA WEEKS**

Ms Lia Weeks sent her apology. Ms Dianne Harkness (Lia Weeks mother and proposed resident of the dependant unit) attended.

RESOLVED
77/14

That the Development Consent Authority vary Clause 7.10.4 (Dependant Units) of the NT Planning Scheme and pursuant to section 53(a) of the *Planning Act* consent to the application to develop Section 4783 (59) Williams Road, Hundred of Bagot for the purpose of a dependant unit with floor area in excess of 50m² subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawings numbered 2014/0012/01 through 2014/0012/04 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. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities and water supply to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Engineering design and specifications for stormwater drainage and vehicular access 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.
5. The dependant unit is to be suitably screened from the property boundaries to minimise any impact on the amenity. Vegetation is to be maintained and supplemented to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
6. Before the use commences the owner is to provide documentary evidence to the satisfaction of the consent authority upon the advice of the Department of Health that the existing effluent disposal system is of sufficient capacity to cope with the projected increased loading.
7. The dependant unit is to be used only for the purpose of providing accommodation for dependant/s of a resident of the existing single dwelling.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any works within the road reserve.
3. The applicant is advised to engage a building certifier, within the meaning of the *Building Act*, as to whether the building/s comply with the *Building Act*

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) of the NT Planning Scheme to permit the development of a dependant unit with floor area exceeding 50m² is supported, as the proponent states the dependant unit is ancillary to the single dwelling and will only be occupied by a dependant. The dependant unit will use the existing power and water connections to the site and the existing access; however, second effluent disposal system that is already constructed for the existing building will be used. The proposed dependant unit is adequately setback from all boundaries.

2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to support the proposed development.

The subject land is not affected by seasonal inundation or poorly drained soils, nor is it within a Priority Environmental Management Area. The Department of Land Resource Management did not identify any issues of concern relating to the proposal. The land is considered capable of supporting the proposed dependant unit.

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

The subject site has previously been cleared; however, native vegetation has been allowed to grow back and the landowner is complimenting this with additional planting over time. The existing shed is to be converted to the proposed dependant unit, and adequately meets the required setbacks. A condition has been included that requires the dependant unit to be suitably screened at all times and the vegetation to be

maintained. The proposal is unlikely to impact on the amenity of the locality.

ACTION: Notice of Consent and Development Permit

**ITEM 2
PA2014/0065
APPLICANT**

**DEPENDANT UNIT WITH FLOOR AREAS IN EXCESS OF 50M²
SECTION 4023 (85) SANDPIPER GROVE, HUNDRED OF BAGOT
BRADLEY BURGEMEISTER**

Mr Bradley Burgemeister, Ms Sally Walker and Ms Kirsty Palmer (resident of the dependant unit) attended.

Submitters:- Mr Malcolm Barnes and Mr Gerry Wood attended.

**RESOLVED
78/14**

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*, the Development Consent Authority consent to the application to develop Section 4023 (85) Sandpiper Grove, Hundred of Bagot for the purpose of a dependant unit with floor area in excess of 50m², 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 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 landscaping schedule to screen the proposed development from the Sandpiper road frontage. The screening should include a Lattice type screen and plantings that will significantly reduce the visual impact of the structure and take into consideration the need for fire breaks.

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 landscaping shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority within a period of 12 months.
4. 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.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

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.
7. This permit is only valid for period of three years from the date of the permit after which the structure shall be removed.

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 applicant is advised to engage a building certifier, within the meaning of the *Building Act*, as to whether the building/s comply with the *Building Act*.

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.

Clause 7.10.4 (Dependant Units) states that the authority may approve an application for a dependant unit that is greater than 50m² only if it is satisfied the proposed dependant unit is appropriate to the site having regard to the potential impact of the dependant unit on the residential amenity of adjoining and nearby property.

The three bedroom unit has a floor area of 81 m² and there is no other dependant unit on the property. A variation to the requirement for a maximum floor area of 50 m² is supported as it is considered that there is an opportunity to enhance the residential amenity through the provision of a densely planted landscaped property frontage.

ACTION: Notice of Consent and Development Permit

**ITEM 3
PA2014/0020
APPLICANT**

**RURAL INDUSTRY
SECTION 4345 (51) THOMAS ROAD, HUNDRED OF STRANGWAYS
HUMPTY DOO JERKY**

Mr Nigel Nielson (Humpty Doo Jerky) sent his apologies.
Mrs Angie Neilson (Humpty Doo Jerky) attended.

**RESOLVED
79/14**

That, the Development Consent Authority vary the requirements of Clause 10.6 (Rural Industries in Zones RL, R and H) of the Northern Territory Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 4345 (51) Thomas Road, Hundred of Strangways for the purpose of a rural industry with reduced side setback, subject to the following conditions:

CONDITIONS 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 the elevations of the building within which the rural industry will be undertaken.

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 use as shown on the endorsed plans must not be altered without the further consent of the consent authority.
4. The goods produced through the use approved by this permit are not to be sold to the public from the subject site.
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 facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. Before the use commences the owner is to provide a potable water supply to the satisfaction of the consent authority upon the advice of the Department of Primary Industry and Fisheries (Animal Biosecurity Branch).
8. 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.
9. All proposed works impacting on Thomas 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 the Litchfield Council. Drawings must be submitted to the Litchfield Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
10. 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;
 - (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.
11. The loading and unloading of goods from vehicles must only be carried out on the land.
 12. All waste material not required for further onsite processing must be regularly removed from the site to an approved facility. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the consent authority.
 13. 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.
 14. No goods are to be stored or left exposed outside the building so as to be visible from any public street.
 15. The rural industry shed is to be suitably screened from the property boundaries to minimise any impact on the amenity. Vegetation is to be maintained and supplemented to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
 16. Before the use commences the owner is to provide documentary evidence to the satisfaction of the consent authority upon the advice of the Department of Health that the existing effluent disposal system is of sufficient capacity to cope with the projected increased loading.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any works within the road reserve.
3. The applicant is advised to engage a building certifier, within the meaning of the *Building Act*, as to whether the building/s comply with the *Building Act*.
4. 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.

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 10.6 (Rural Industries in Zones RL, R and H) to permit the use of an existing shed within the 50m side setback is supported, as the proposed rural industry is unlikely to impact on the amenity of the locality. The proposed production of beef jerky is a relatively benign and small operation, and will not be open to the public. Existing and further vegetation surrounding the shed will assist in screening the building from adjacent properties.

2. Pursuant to section 51(e) 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.

Two submissions were received during the public exhibition period, and raised concerns regarding the use of the land for industry, and the potential long term impact such land use would have on the amenity of the locality, particularly if the property changed ownership. A number of conditions have been recommended which address these concerns, particularly amenity.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2013/0943
APPLICANT

SUBDIVISION TO CREATE 4 LOTS
SECTION 1678 (65) WALTER ROAD, HUNDRED OF COLTON
LACHLAN MCLEAN

DAS tabled further response from Litchfield Council dated 13 March 2014.

Mr Lachlan McLean and Ms Lilaene Bobescu attended.

RESOLVED
80/14

That, the Development Consent Authority vary the requirements of Clause 11.4.2 (Infrastructure in Subdivisions of Rural and Unzoned Land) of the Northern Territory 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 1678 (65) Walter Road, Hundred of Colton for the purpose of a subdivision to create 4 lots, subject to the following conditions:

CONDITIONS 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:

- Amended subdivision plans taking into account Council's requirement for a five metre road reserve;
- 2. 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 Department of Land Resource Management, 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

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. 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. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage, electricity supply, and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. 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 Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
7. 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.
8. 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 Bushfires NT.
9. Before 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 indicated on the endorsed drawings. The Caution Notice is to state that: "*A large portion of this property forms part of the Acacia Creek Headwaters and is constrained by steep slopes and seasonally water logged soils. Erosion and land degradation may result from removal of vegetation below the seepage line*". Evidence of lodgement on the parent parcel 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 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) 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. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve.
4. A permit to burn is required from the Regional Fire Control Officer, 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*.
5. 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 Land Resource Management.
6. The applicant is advised to engage a building certifier, within the meaning of the Building Act, as to whether the building/s comply with the *Building Act*.
7. The developer is required to contact "Dial Before You Dig" on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

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 development is generally consistent with the requirements of the Scheme. Each lot has a minimum of 1ha of unconstrained land.

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 subject land has been demonstrated as capable of supporting rural living development. Parts of the land are subject to seasonal inundation and steep slopes. A caution notice on the title will ensure that future owners/developers of the land site are aware that parts of each lot are constrained and may not be suitable for further development.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

21/3/14

