

DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 165 – FRIDAY 12 JULY 2013

**WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

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

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Steven Kubasiewicz and Maree Domelow (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 11.00 am and closed at 11.15 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 **VERANDAH & 2 X CARPORTS WITH REDUCED SIDE SETBACKS**
PA2013/0366 **LOT 58 (55) BARKER ROAD, HUNDRED OF BAGOT**
APPLICANT **STEVE PRATT**

Mr Steve Pratt attended.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 6.11 of
214/13 the Northern Territory Planning Scheme, and pursuant to section 53(a) of the
Planning Act, consent to the application to develop Lot 58 (55) Barker Road,
Hundred of Bagot for the purpose of a verandah and 2 x carports with reduced side
setbacks, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0366/01 to 2013/0366/04 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. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Litchfield Council to the satisfaction of the consent authority.
4. Consent is granted for the structures numbered one (1), three (3) and ten (10) on the endorsed plan. Other structures shown on the endorsed plan are not approved as part of this development permit.

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.

REASON 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 6.11 for reduced side setback distances is supported for the following reasons:

- The affected neighbours on adjoining land parcels did not make any submissions when the application was advertised.
 - The verandah and two carport structures are open sided structures with reduced building mass than enclosed structures.
 - Existing vegetation on the subject land parcel and adjoining land parcels would assist to screen the development.
- The development is considered unlikely to have adverse impacts on the adjoining land parcels or the surrounding community.

ACTION: Notice of Consent and Development

ITEM 2
PA2013/0380
APPLICANT

HOME BASED CONTRACTING
LOT 35 (135) MCMINNS DRIVE, HUNDRED OF STRANGWAYS
BARRAMUNDI CONTRACTING NT PTY LTD

Ms Jennifer Clarke (Barramundi Contracting NT Pty Ltd) attended.

RESOLVED
215/13

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 35 (135) McMinns Drive, Hundred of Strangways for the purpose of Home Based Contracting, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing numbered 2013/0380/1, endorsed as forming part of this permit.
2. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
3. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the Litchfield Council drains or to any watercourse.
4. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Litchfield Council to the satisfaction of the consent authority.
5. 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, commodities or vehicles to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, vibration, small, fumes, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin
6. 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.

NOTE:

1. A "Permit to Work Within a Road Reserve" may be required from the 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 home based contracting will require a variation to Clause 7.10.8 (Home Based Contracting) of the Northern Territory Planning Scheme to allow for the storage of 5 vehicles associated with the home based contracting. The variation is supported due to the substantial landscaped screening which will increase the visual amenity of the site. The description of the use as Home Based Contracting is considered to be appropriate as machinery would not be operated on the site and goods and commodities would not be processed on site. The purpose of the RL (Rural Living) Zone is to provide for a range of uses on large residential lot sizes.

The proposed home based contracting minimises vehicle movements on and off the site, will not generate excessive noise or vibrations, and only minimal works undertaken on business related vehicles. The subject site provides adequate screening through the use of landscaping.

ACTION: Notice of Consent and Permit

**ITEM 3
PA2013/0319
APPLICANT**

**WAREHOUSE WITH OFFICE
SECTION 4091 (25) VEREKER STREET, HUNDRED OF STRANGWAYS
PETER FIXTER & ANGELA HUGHES**

The applicant did not attend.

**RESOLVED
216/13**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consents to the application to develop Section 4091 (25) Vereker Street, Hundred of Strangways for the purpose of warehouse and office, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0319/1 through to 2013/0319/4 endorsed as forming part of this permit.
2. The development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
3. Before the occupation of the development starts, the area set-aside for the parking of vehicles 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 to the satisfaction of the consent authority.
4. 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).
 5. No goods are to be stored or left exposed outside the building so as to be visible from any public street
 6. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) transport of materials, goods or commodities to or from the land
 - (b) appearance of any building, works or materials
 - (c) emission of noise
 7. 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.
 8. 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.
 9. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Litchfield Council, to the satisfaction of the consent authority.
 10. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Litchfield Council to the satisfaction of the consent authority.
 11. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, gas and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

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. A "Permit to Work Within a Road Reserve" may be required from the Litchfield Council before commencement of any work within the road reserve.
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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
4. 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.
5. This Development Permit is only applicable whilst the use is that of 'Warehouse' as defined by the NT Planning Scheme.

REASON 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 of a warehouse with office complies with all of the relevant provisions of the Northern Territory Planning Scheme. The development is considered to be appropriate within the SC (Service Commercial) Zone, is consistent with surrounding development and is not considered to have an adverse affect of the amenity of the surrounding area.

ACTION: Notice of Consent and Development Permit

**ITEM 4
PA2013/0390
APPLICANT**

**THIRD MULTIPLE DWELLING
SECTION 1677 (10) NOLAN ROAD, HUNDRED OF GUY
KYLIE MACKAY**

Pursuant to section 97(1) of the *Planning Act*, Mr Peter McQueen, Chairman of the Development Consent Authority declared a conflict of interest and was not present during or took part in the deliberation or decision of the Division in relation to this item.

That, pursuant to section 101(3) of the *Planning Act*, in the Chairman's absence the members of the Litchfield Division of the Development Consent Authority elect Keith Aitken to preside at the hearing of item 4 on DCA meeting, Friday 12 July 2013.

Mr Lyle and Mrs Kylie MacKay attended.

**RESOLVED
217/13**

That, the Development Consent Authority vary the requirements of Clause 7.2 (Second Dwellings in Zones H and A) of the Northern Territory Planning Scheme, and, pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 1677 (10) Nolan Road, Hundred of Guy, for the purpose of a third multiple dwelling, subject to the following conditions:

CONDITIONS

1. The works carried out under this permit shall be in accordance with drawings numbered 2013/0390/1, 2013/0390/2 and 2013/0390/3, endorsed as forming part of this permit.
2. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage, electricity supply and telecommunication network to the development 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 requirements of the Department of Health and to the satisfaction of the consent authority must be installed concurrently with the erection of the multiple dwelling and all waste must be disposed of within the cartilage of the property.
6. All proposed works impacting on Nolan Road and Wanderrrie Road are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of Litchfield Council. Drawings must be submitted to Litchfield Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
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. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES:

1. In order to ensure that the future horticulture potential of the land is not compromised, any future applications for additional dwellings on the land are unlikely to be supported by the Development Consent Authority.
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. 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.
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.
5. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is available from the Department of Land Resource Management.
6. A groundwater extraction license is required under the *Water Act* for any bore equipped to supply over 15 litres per second. For advice on water extraction licenses please contact the Water Management branch of the 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 account any planning scheme that applies to the land to which the application relates.

Clause 7.2 (Second Dwellings in Zones H and A) of the Northern Territory Planning Scheme allows two dwellings on land within Zone H (Horticulture) without consent. The addition of a 41m² demountable structure to be used as a dwelling (housing for horticulture workers) demonstrates consistency with the purpose of the zone, being to provide land for horticulture purposes as significant buffers have been provided to all boundaries, such that the proposal is unlikely to compromise the future development of this or nearby sites for horticultural use.

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

The subject site diagonally opposite a large precinct of land zoned RL (Rural Living), and developed into 2ha allotments. The addition of a 41m² demountable structure to be used as a dwelling is unlikely to have any perceptible adverse impact on the character, existing amenity or compatibility of land uses in the area. The dwelling will be well screened by an existing native vegetation buffer, and is unlikely to compromise the future development of this or nearby sites for their intended use.

ACTION: Notice of Consent and Development Consent

ITEM 5
PA2013/0383
APPLICANT

**DEPENDANT UNIT IN EXCESS OF 50M2
SECTION 3149 (70) WALLABY HOLTZ ROAD, HUNDRED OF BAGOT
YELLOWCITY PTY LTD**

DAS tabled correspondence from Environmental Health.

The applicant sent his apologies.

**RESOLVED
218/13**

That the Development Consent Authority vary the requirements of 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 3149 Hundred of Bagot, for the purpose of a dependent unit with a floor area exceeding 50m² subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) more embellished landscaping along the western boundary and the road frontage between the dependant unit and the property boundaries.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of access, drainage, water and electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. The dependant unit is to be suitably screened from neighbouring boundaries and the road frontage to minimise any impact on the amenity. A landscaping buffer must be provided and maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
6. It is required that the dependant unit be connected to the effluent treatment system that services the single dwelling and that before the use of the dependant unit commences the owner is to provide documentary evidence to the satisfaction of the consent authority upon the advice of the Department of Health that this system, either existing or replacement, satisfies the legislative requirements of the Department of Health.

7. Groundwater extracted via registered bore RN025252 may be impacted by local effluent disposal and is not to be used for domestic purposes.
8. The dependant unit is to be used only for the purpose of providing accommodation for a dependant of a resident of the existing single dwelling.

Expiry of Permit

This permit will expire if one of the following circumstances applies:

- (a) the development is not substantially commenced 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 an application is made in writing before the permit expires.

NOTE:

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.

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 a floor area exceeding 50m² can be justified by requiring the street frontage and nearest side boundary to be appropriately screened with vegetation. This ensures the development minimizes impacts on local rural amenity. This ensures closer compliance with the intent and requirements of the NT Planning Scheme for development in accordance with Clause 5.19 (Zone RL – Rural Living).

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 application proposes the installation of an additional septic to service the dependant unit. The requirement of a condition included on the recommended permit that evidence be provided that the Department of Health is satisfied with any septic installed on the site, as well as the inclusion of a note that any bore water extracted onsite is not to be used for domestic purposes, is expected to ensure the land is developed in accordance with the physical capabilities of the land.

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 requirement to screen the dependant unit from the closest (western) side boundary and the street frontage with adequate landscaping embellishment is expected to ensure the potential to impact on local rural amenity is minimised.

ACTION: Notice of Consent and Development Permit

ITEM 6
PA2013/0373

SHOPS, OFFICE AND CARETAKERS RESIDENCE IN EXCESS OF 50M² IN A TWO STOREY BUILDING IN TWO STAGES
SECTION 4201 (465) STUART HIGHWAY, HUNDRED OF BAGOT
APPLICANT **ANDREW STAVRI & KLEO STAVRI**

Mr Pavlos Stavri attended.

RESOLVED
219/13

That, the Development Consent Authority vary the requirements of Clause 7.10.3 (Caretaker's Residence) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 4201 (465) Stuart Highway, Hundred of Bagot for the purpose of shops, offices and a caretaker's residence in excess of 50m² floor area in a two storey building in two stages, 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 2013.0373.01 through 2013.0373.05 endorsed as forming part of this permit.

4. The development must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.
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. 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.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
7. 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.
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 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.
10. Protective kerbs must be provided to the satisfaction of the consent authority to prevent damage to fences or landscaped areas.
11. Access to and egress from the site for all commercial vehicles (including waste collection vehicles) must only be from the Stuart Highway service road.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
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 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) 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.
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 application is generally compliant with relevant clauses of the NT Planning Scheme in particular Clause 5.8 (Zone C – Commercial), Clause 6.4 (Plot Ratios), Clause 6.5.1 (Parking Requirements), Clause 6.5.3 (Parking Layout), Clause 6.6 (Loading Bays) and Clause 7.1.2 (Residential Height Limitations). The requirement for more detail regarding landscaping and that solid waste storage be provided and screened to the satisfaction of the consent authority is expected to ensure compliance with Clause 8.2 (Commercial and Other Development in Zone ...C...). The variation required to Clause 7.10.3 (Caretaker's Residence) for the caretaker's residence with a floor area in excess of 50m² can be justified on the basis that it is the only caretaker's residence, on a very large site, which following this development will constitute a significant commercial development along the front of the block. In addition, the caretaker's residence will be situated on the first floor of the development, avoiding

ground level access, but also avoiding the use of ground-level space that is better suited to commercial use/s.

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

The presence of a caretaker and family on this large commercially developed lot frontage, on the Stuart Highway road reserve, may prove advantageous with respect to passive surveillance and site security.

ACTION: Notice of Consent and Development Permit

ITEM 7
PA2013/0419
APPLICANT

CLEARING OF NATIVE VEGETATION
SECTION 224 (470) ACACIA GAP ROAD HUNDRED OF COLTON
TOP END PROPERTY HOLDINGS

The applicant did not attend.

RESOLVED
220/13

That, pursuant to section 53 (a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 224 (470) Acacia Gap Road, Hundred of Colton for the purpose of clearing of native vegetation, 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:
 - a) a buffer of at least 100 metres in width to the monsoon forest; and
 - b) a delineation between areas to be selectively cleared (of Ironwood and Cycad) and areas to be cleared of all native vegetation.
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. The plan is to address the clearing operation and use of the land for cattle grazing. 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. The clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawing to the satisfaction of the consent authority.

5. The permit holder must ensure that the clearing operator has a copy of the permit, including the endorsed drawing, at all times during the clearing operation.
6. Before the vegetation removal starts, the extent of the buffer to the monsoon forest must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the consent authority.
7. Soil erosion control and dust control measures must be employed throughout the clearing operation and use of the land for cattle grazing to the satisfaction of the consent authority.

Expiry of Permit

This permit will expire if one of the following circumstances applies:

- (a) the development is not substantially commenced 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 an application is made in writing before the permit expires.

NOTES:

1. The Department of Land Resource Management advises that Cycads are a threatened species (Vulnerable) under the *Territory Parks and Wildlife Conservation Act*. The proponent should investigate options for the removal of the cycads rather than their destruction.
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 Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Aboriginal Sacred Sites Act*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
4. The permit holder is advised that it is an offence to disturb or destroy prescribed archaeological places without consent under the *Heritage Conservation Act*. Should any heritage or archaeological material be discovered during the clearing operation, cease operation and please phone Heritage Conservation Services of the Department of Lands, Planning and the Environment.
5. 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*.
6. A groundwater extraction licence is required under the *Water Act* for any bore equipped to supply over 15 litres per second. For advice on water extraction

licences please contact the Water Management branch of the Department of Land Resource Management.

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.

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 to clear native vegetation to establish cattle grazing within Zone R (Rural) is consistent with the intent of Clause 5.20 (R – Rural) of the NT Planning Scheme. In addition, the proposal is not prevent the future use of the land for horticulture use consistent with the Litchfield Planning Concepts and Land Use Objectives 2002 which identifies the area as suitable for horticulture.

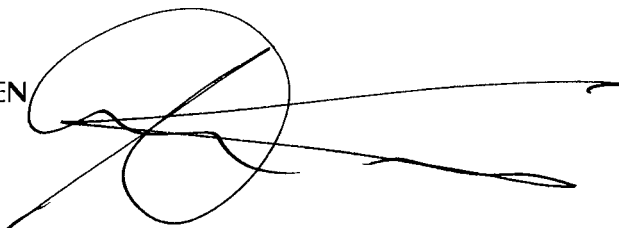
2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into account the capability of the land to which the proposed development relates to support the proposed development.

Written comment from the Department of Land Resource Management combined with aerial photography and land unit and soil drainage mapping indicates the land is physically capable of supporting the proposal. The land is generally flat and dry and capable of supporting the clearing of approximately 37.2ha of native vegetation (29 ha of which is to be selectively cleared) for the purpose of agriculture.

ACTION: Notice of Consent and Development Permit

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

KEITH AITKEN
Delegate



17/7/13

