

## DEVELOPMENT CONSENT AUTHORITY

### LITCHFIELD DIVISION

### MINUTES

MEETING No. 131 – FRIDAY 10 DECEMBER 2010

WHITEWOOD HALL  
325 WHITEWOOD ROAD  
HOWARD SPRINGS

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

**APOLOGIES:** Mary Walshe

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

**COUNCIL REPRESENTATIVE:** Apology

Meeting opened at 9.15 am and closed at 10.45 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**                    **SUBDIVISION TO CREATE ONE LOT**  
**PA2010/1270**           **SECTION 4225 (498) TAYLOR ROAD & PORTION 2820 (325) HOWARD SPRINGS**  
                                 **ROAD, HUNDRED OF BAGOT**  
**APPLICANT**           **EARL JAMES AND ASSOCIATES**

Pursuant to section 97 of the *Planning Act*, Plaxy Purich a member of the Litchfield Division of the Development Consent declared an interest and did not take part in the deliberation of this item.

Mr Kevin Dodd (Earl James & Associates) and Mr David West (Department of Construction and Infrastructure) attended.

Submitter Ms Noel Padgham attended and tabled information on the *Ptychosperma Bleeseri* threatened species of palm.

**RESOLVED**            That, pursuant to section 53(a) of the *Planning Act*, the Development Consent  
**285/10**                   Authority consent to the application to develop Section 4225 (498) Taylor Road,  
                                 Hundred of Bagot for the purpose of a subdivision to create one lot subject to the  
                                 following conditions:

**CONDITION PRECEDENT**

1. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, and proposed fire breaks/access trails is to be submitted to and approved by the consent authority on the advice of the Department of Natural Resources, Environment and the Arts (Natural Resources Management Division); and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

**GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with the drawings numbered 2010/1270 and endorsed as forming part of this permit. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
3. 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.

4. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity, water and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. All proposed works (including provision of services) within or impacting upon the Howard Springs Road, Gunn Point and future access road, road reserves shall be designed, supervised and certified on completion by a practising and registered civil engineer and shall be in accordance with the standards and specifications of the Department of Lands and Planning. Design drawings (together with a copy of the relevant development permit) must be submitted to the Director, Road Network Division for approval in consultation with the Litchfield Council and no works are to commence prior to approval.
6. Before the issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on the advise of the Northern Territory Fire Rescue Service.
7. Prior to issuing of the title the applicants shall demonstrate to the satisfaction of the consent authority that the road reserve has been established
8. Proposed lot A shall be connected to the reticulated power and water supply network.
9. This development may be subject to the Litchfield Shire Council Developer Contribution Plan.

**NOTE:**

1. This permit will expire if one of the following circumstances applies:
  - (a) the development and use are not started within two years of the date of this permit; or
  - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

**REASONS FOR THE DECISION**

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

Clause 11.4.1 (Site Characteristics of Subdivisions of Rural and Unzoned Land) has been achieved by this proposal as the impact on drainage lines and erodible soils has been minimised and the requirement for an erosion sediment control plan prior to works being undertaken will further minimise any potential impact on these areas.

2. Pursuant to section 51(b) of the *Planning Act* the consent authority must take into consideration any proposed amendments to the Planning Scheme.

The subject land is currently the subject of a scheme amendment which seeks to establish a Community Purpose zone over lot A. The nature of the zoning is consistent with the proposed use of Lot A as a correctional facility.

3. Pursuant to section 51 (j) 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 development is to be connected to reticulated power and water services. The development minimises the impact on drainage lines and areas of environmental significance and the development and implementation of an erosion and sediment control plan will ensure that the impact of any works is minimised.

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

**ITEM 2**  
**PA2010/1248**  
**APPLICANT**

**SUPPORTING ACCOMMODATION**  
**SECTION 3300, HOLTZE, HUNDRED OF BAGOT**  
**DEPARTMENT OF HEALTH AND FAMILIES**

Mr Terry Franklin and Ms Genevieve Hoban (Department of Construction and Infrastructure), Ms Leonie Warburton and Ms Rose Rhodes (Department of Health and families) attended.

Submitter Mr Bernard Valdian (Executive Director, Aboriginal Development Foundation) attended.

**RESOLVED**  
**286/10**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 3300, Holtze, Hundred of Bagot for the purpose of supporting accommodation subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, any land filling, and proposed fire breaks/access trails is to be submitted to and approved by the consent authority on the advice of the Department of Natural Resources, Environment and the Arts (Natural Resources Management Division); and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

## GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered 2010\_1248\_01 to 2010\_1248\_06 endorsed as forming part of this permit.
3. Before the development is occupied, 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) a survey (including botanical names) of all 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) landscaping and planting within all open areas of the site;
  - (e) (specify number) canopy trees (minimum two metres tall when planted) in the following areas: (specify location);
  - (f) provision of an in ground irrigation system to all landscaped areas; and
  - (g) details of proposed clearing including identification of large trees for removal.

All species selected must be to the satisfaction of the consent authority.

4. 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.
5. 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.
6. Before the occupation of the development starts, the area(s) 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. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity, water and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

8. Engineering design, calculations and specifications for proposed roads and affected roads and cycle paths, stormwater drainage and vehicular accesses, are to be submitted, for technical approval by the Department of Lands and Planning/ Litchfield Council, prior to commencement of works etc.
9. Where unfenced, the frontage of the subject site is to be appropriately fenced to the satisfaction of Department of Lands and Planning.
10. 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.
11. An approved effluent disposal system to the requirements of the Department of Health and Families and to the satisfaction of the consent authority must be installed concurrently with the erection of the supporting accommodation and all waste must be disposed of within the curtilage of the property.
12. The owner shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) provide footpaths/ cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the Litchfield Council or the Department of Lands and Planning, to the satisfaction of the consent authority.
13. Clearing of native vegetation shall only occur in a manner consistent with the endorsed plan, the landscaping plan and the ESCP.

**NOTES:**

1. This permit will expire if one of the following circumstances applies:
  - (a) the subdivision is not started within two years of the date of this permit; or
  - (b) the subdivision is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. There are statutory obligations under the *Weeds Management Act 2001* to take all practical measures to manage weeds on the property.
3. 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.

The application has demonstrated compliance with all relevant clauses of the NT Planning Scheme, in particular clauses 5.21 (Zone CP – Community Purposes), 6.1 (General Height Control), 6.5.1 (Parking Requirements), 7.3 (Building Setbacks of Residential Buildings), 7.5 (Private Open Space), 7.8 (Building Design for Multiple Dwellings). The requirement for an ESCP and landscaping plan ensures compliance with clauses 6.12 (Landscaping), 7.7 (Landscaping for Multiple Dwellings) and 10.2 (Clearing of Native Vegetation in Zone CP ) whilst minimising the impact on buffer areas associated with seepage lines.

2. Pursuant to section 51(h) of the *Planning Act*, the consent authority must take into consideration the merits of the proposed development as demonstrated in the application.

The application proposes the development of a facility which will provide support to patients and their families who have demonstrated high risk behaviour. The program aims to rehabilitate patients by learning activities of daily living and social interaction skills, and provides patients with intensive care from specialist professionals including occupational therapists, behavioural therapists, social workers, psychologists and psychiatrists.

It is proposed that the facility is located at the end of a designated road on a rural block with established, remnant native vegetation that, supplemented with additional landscaping, would provide fair screening. It is within adequate proximity to hospital/medical services and law enforcement establishments, without being central to high-density development that would undermine the desired amenity for patient rehabilitation. The site provides a suitable location for patients, with relative tranquillity intended to provide opportunities for quiet discussion, contemplation and learning where new skills and attitudes can be developed.

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

It is in the public interest that facilities are provided to cater for members of the community who are in need of intensive assistance and care, and the development of a centre that provides rehabilitation and training for patients demonstrating high risk behaviour.

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

The seepage area in the north-eastern corner of proposed section 6202 has soils subject to poor drainage which are susceptible to erosion. While the application does not propose the development of this area, the facility is located within a 25m buffer to the seepage line. The requirement to clear only for the building pad and nothing else within the 25m buffer, combined with the requirement for an erosion and sediment control plan that incorporates any proposed fill measures can ensure that the land is developed in accordance with its physical capabilities.

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

**ITEM 3**  
**PA2010/1236**  
**APPLICANT**

**SUBDIVISION TO CREATE 1 LOT**  
**SECTION 3300, HOLTZE, HUNDRED OF BAGOT**  
**EARL JAMES & ASSOCIATES**

Mr Kevin Dodd (Earl James & Associates) attended.

**RESOLVED**  
**287/10**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 3300, Holtze, Hundred of Bagot for the purpose of a subdivision to create one lot subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, and proposed fire breaks/access trails is to be submitted to and approved by the consent authority on the advice of the Department of Natural Resources, Environment and the Arts (Natural Resources Management Division); and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

**GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with the drawings numbered 2010\_1236\_01 and endorsed as forming part of this permit.
3. 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.
4. Before the issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority in accordance with Condition 1.



5. Proposed lot 6202 shall be connected to the reticulated power and water supply network.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity, water and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. Engineering design, calculations and specifications for proposed roads and affected roads, stormwater drainage and vehicular accesses, are to be submitted, for technical approval by Litchfield Council, prior to commencement of works etc.
8. Prior to issuing of the title the applicants shall demonstrate to the consent authority that the road reserve has been established.
9. This development may be subject to the Litchfield Shire Council Developer Contribution Plan.

#### NOTES:

1. This permit will expire if one of the following circumstances applies:
  - (a) the subdivision is not started within two years of the date of this permit; or
  - (b) the subdivision is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. There are statutory obligations under the *Weeds Management Act 2001* to take all practical measures to manage weeds on the property.

#### REASONS FOR THE DECISION

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

The proposal is not subject to the development provisions within Part 5 (Subdivision) of the NT Planning Scheme; however the application has demonstrated consistency with the relevant referenced policy document, 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.

Whilst areas of land, on Section 3300, have been identified for Priority Environmental Management in association with soils susceptible to erosion, the proposed lot boundaries do not affect these areas. The requirement to ensure that firebreaks avoid poorly drained soils

susceptible to erosion, combined with the implementation of an erosion and sediment control plan can ensure that the land is developed within its physical capabilities.

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

**ITEM 4**                    **TELECOMMUNICATIONS FACILITY INCLUDING 45M LATTICE TOWER,**  
**PA2010/1139**            **ANTENNAS AND EQUIPMENT SHED**  
**APPLICANT**           **PORTION 2890 (45) THORAK ROAD, HUNDRED OF BAGOT**  
**OPTUS MOBILE PTY LTD**

Ms Kate Large (Aurecon) attended on behalf of the applicant.

**RESOLVED**            That, pursuant to section 53(a) of the *Planning Act*, the Development Consent  
**288/10**                   Authority consent to the application to develop Portion 2890 (45) Thorak Road, Humpty Doo, Hundred of Strangways for the purpose of a telecommunications facility including a 45m telecommunications tower, antennas and ancillary equipment shed subject to the following conditions:

1. Works carried out under this permit shall be in accordance with drawings numbered 2010/1139/1, 2010/1139/2, 2010/1139-3 endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity services to the land show on the endorsed plan in accordance the authorities' requirements and legislation at the time.
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.

**NOTES:**

1. This permit will expire if one of the following circumstances applies:
  - (a) the development and use are 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. Firebreaks along boundaries or at appropriate locations on the subject site should be provided to the requirements of the NT Fire and Rescue Services.

**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 location of the telecommunications tower on the subject site is consistent with the purpose of Clauses 13.5 (Mobile Telephone Communications Towers

Etc) of the NT Planning Scheme which requires that the provision of mobile telecommunications towers and infrastructure does not unreasonably detract from the amenity of the locality.

Furthermore, the application is consistent with the objectives of the Litchfield Planning Concepts and Land Use Objectives 2002, specifically the Key Land Use Objective for Infrastructure at Section 2.5 by improving coverage of the Optus network in the area.

2. Pursuant to section 51(h) of the *Planning Act* the consent authority must take into consideration the merits of the proposal. The proposal will benefit the local community through the provision of improved telecommunication services.

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

**ITEM 5**  
**PA2010/0344**  
**APPLICANT**

**FILL**  
**LOT 31 (30) FLORENZ COURT, HUNDRED OF STRANGWAYS**  
**COSTA SIMEON**

Mr Costa Simeon sent his apologies. Mr Ross Kourouis and Mrs Simeon attended on his behalf.

Submitters Mr Norm Taylor and Mr Craig Dingley attended.

**RESOLVED**  
**289/10**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 31, (30) Florenz Court, Virginia, Hundred of Strangways for the purpose of fill on the site subject to the following conditions:

**CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawing numbered 2010/0344/1 endorsed as forming part of this permit.
2. All works must be undertaken and managed in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the consent authority in consultation with the neighbours and engineers.
3. The applicant shall reinstate the existing natural ground levels along the affected boundary lines.

**NOTES:**

1. This permit will expire if one of the following circumstances applies:
  - (a) the development and use are 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 With 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 applicant has submitted a revised plan prepared by a suitably qualified engineer that demonstrates compliance with Clause 6.16 (Excavation and Fill).

2. Pursuant to Section 51(h) of the *Planning Act*, the consent authority must take into account the merits of the proposed development as demonstrated in the application.


Single dwellings are permitted forms of development in the Rural Living zone. The filling of the land in the manner proposed will facilitate the use of the land for rural living purposes.

3. Pursuant to Section 51 (e) the consent authority must take into account any submissions received in relation to Section 49 of the *Planning Act*

In response to the comments of the submitters the applicants have engaged an appropriately qualified engineer to submit plans which address matters relevant to the scheme and indicates that appropriate drainage can be achieved and appropriate erosion control methods can be employed.

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

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



PETER MCQUEEN  
Chairman

13/12/10