



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 176 – FRIDAY 13 JUNE 2014

**WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

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

APOLOGIES: Nil

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

COUNCIL REPRESENTATIVE: Mike Alarcon (Planning Engineer) and Joanna Mullins (Item 4 only)

Meeting opened at 10.00 am and closed at 12 noon

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 **SHOP ADDITIONS TO EXISTING SHOPPING CENTRE**
PA2014/0324 **LOT 42 (12) SMYTH ROAD, HUNDRED OF BAGOT**
APPLICANT **BENNETT DESIGN ARCHITECT**

DAS tabled an addendum – a survey plan.

Mr Lanson Ip (Bennett Design Architect) attended.

RESOLVED
138/14

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 Lot 42 LTO 79/028 (12) Smyth Road, Hundred of Bagot for the purpose of shop additions to existing shopping centre subject to 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) accurate location(s) and dimensions of the proposed development; and
 - (b) compliance with Clause 8.2 (Commercial and Other Development in Zone ...C...), particularly sub-clause 2(g), (m), (n) and (o).
2. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Litchfield Council stormwater drainage system shall be submitted to and approved by Litchfield Council, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system. '
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), an onsite wastewater treatment system is to be designed to the requirements of the Department of Health, to the satisfaction of the consent authority.
4. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of Litchfield Council, and an endorsed copy of the Plan will form part of this permit. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during both the construction and operational phases. The IECA Best Practice Erosion and Sediment Control

Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in an ESCP. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the DLRM website: <http://lrm.nt.gov.au/soil/management>

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
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. "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.
8. The loading and unloading of goods from vehicles must only be carried out within the designated loading bays and must not disrupt the circulation and parking of vehicles on the land.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply and electricity, to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
10. 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;
 - (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, to the satisfaction of the consent authority.

11. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Litchfield Council to the satisfaction of the consent authority.
12. All proposed works impacting on Smyth 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".
13. Prior to the occupation of the development advice is to be provided by the developer from the NT Fire and Rescue Service in regards to the appropriateness of internal fire fighting arrangements to ensure appropriate safety for people and property is to be provided to the satisfaction of the consent authority.
14. 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 installed effluent disposal system is of sufficient capacity to cope with the projected loading.
15. 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.
16. All waste material not required for further on-site 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.
17. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
18. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
19. Soil erosion control and dust control measures must be employed throughout the construction stage of the development, in accordance with the endorsed ESCP, to the satisfaction of the consent authority on the advice of Litchfield Council.

NOTES:

1. The Power and Water Corporation advises that the 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. 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 type and scale of the proposal is consistent with the zoning of the land (Zone C – Commercial); however, amendments to the drawings submitted are required in order to demonstrate greater compliance with the relevant provisions of the NT Planning Scheme. In particular, Clause 8.2 (Commercial and Other Development in Zone C) and the requirements relating to building design and provision of facilities for patrons. These amendments will address the lack of information in the initial application and concerns raised by service authorities.

2. 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.

Whilst the land is generally considered capable of supporting the proposed development, a Condition Precedent has been included requiring the applicant to provide details of an onsite wastewater treatment system to the Department of Health's requirements. This will ensure that a disposal area of suitable size and location is identified prior to the commencement of works.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2013/0940

VERANDAH ADDITION TO EXISTING SHED WITH REDUCED SIDE AND REAR SETBACKS

APPLICANT

**SECTION 5158 (21) BYE COURT, HUNDRED OF STRANGWAYS
STEPHEN MCINNES**

Mr Stephen McInnes (part owner) attended and tabled six photographs, two site plans and a plan of their proposed house.

RESOLVED
139/14

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 5158 (21) Bye Court, Hundred of Strangways for the purpose of a verandah addition addition to an existing shed with reduced side and rear setback, 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 landscaping along the side and rear boundary adjacent the shed.

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 and approval to carry out works shall be obtained prior to the commencement of construction, to the satisfaction of the consent authority.
4. Stormwater collected from the shed roof is to be collected and discharged into the drainage network to the technical standards of and at no cost to Litchfield Council, to the satisfaction of the consent authority.

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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. You are advised 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 development is considered to be consistent with the form of development reasonably expected within Zone RL (Rural Living) of the Northern Territory Planning Scheme (the Planning Scheme).

Clause 2.5.3 of the Planning Scheme allows the Development Consent Authority discretion to consent to development that does not meet a standard set out in Part 4 of the Planning Scheme only if it is satisfied that special circumstances justify the giving of consent. There are a number of circumstances which exist in relation to the proposed development

which, collectively are considered to constitute a reasonable basis for supporting the requested variations, including that:

- The existing shed wall is greater than 10 metres from the boundary and the encroachment into the setback is related to two corners of the new rear verandah only, rather than the full length of the verandah;
- The shed is located close to the rear of the property and is not expected to have any adverse impact on the amenity at street level;
- The adjoining residential buildings are approximately 200 m from the western lot boundary of the subject land and 175 m from the northern boundary;
- The residential building to the west of the subject land is screened by existing native vegetation;
- There is a row of shrubs planted along the northern boundary will lessen the view to the shed from the residential building and associated private open space; and
- The proposed development is not expected to be out of character with established development in the locality.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2014/0301

EXTENSIONS TO EXISTING COMMERCIAL DEVELOPMENT COMPRISING INTERCHANGEABLE USES (SHOP, RESTAURANT, OFFICE, MEDICAL CLINIC) IN A SINGLE STOREY BUILDING

APPLICANT

SECTION 1858 (10) DORIS ROAD, HUNDRED OF AYRES
WILLING ENTERPRISES PTY LTD

Mr Kevin Kennedy and Mr Russell Willing (Willing Enterprises) attended.

RESOLVED
140/14

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 1858 (10) Doris Road, Hundred of Ayers for the purpose of extensions to an existing commercial development comprising interchangeable uses (shop, restaurant, office, medical clinic and veterinary clinic) in a single storey building, 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 pedestrian crossing between the buildings and the car park and other safe pedestrian way finding measures as considered necessary; and
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 Litchfield Council, and an endorsed copy 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.

3. Prior to the endorsement of plans and prior to the commencement of works, a schematic stormwater plan demonstrating the onsite collection of stormwater and its discharge into Litchfield Council's stormwater drainage system shall be submitted to and approved by Litchfield Council to the satisfaction of the consent authority. The plan shall include details of site levels and Councils stormwater drain connection points.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
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. 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 proposed commercial building and all waste must be disposed of within the curtilage of the property.
7. The owner of the land must enter into agreements with the relevant authorities for the connection of electricity and telecommunications services to the development, in accordance with the authorities' requirements and relevant legislation at the time.
8. 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.
9. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
10. Before the occupation of the development starts, the area 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.

11. All proposed works impacting on Doris Road and McGrellis 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."
12. 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 within the site.
13. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Litchfield Council drains or to any watercourse.
14. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Litchfield Council, 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 "staff toilets" shown on Drawing Number 2011/0876/02 of DP12/0115 are to be made available to the public until such time as dedicated public toilets are provided to the site, to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that the 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. 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.

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 proposal is generally compliant with the provisions of the NT Planning Scheme and the intent of the *Litchfield Planning Concepts and Land Use Objectives* for the subject area. Amended plans are required

to demonstrate safe pedestrian access through the car park and to provide public facilities (public toilets).

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.

It is unlikely that the proposed uses will have an adverse impact upon the amenity of existing and future nearby land uses.

ACTION: Notice of Consent and Development Permit

**ITEM 4
PA2014/0007
APPLICANT**

**SUBDIVISION TO CREATE 90 LOTS
LOTS 1741 & 1747 (175 & 350) LAWTON ROAD, HUNDRED OF CAVENAGH
PLANIT CONSULTING**

Mr Christopher Cheung (Planit Consulting), Mr Ernie Chin (part owner), Mr Seth Chin (Mr Chin's son) and Mr Simon Byrne (Byrne Design – Civil Engineering Consultants) attended.

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

Ms Hirst tabled:-

- Land for wildlife brochure (Greening Australia);
- Caring for wildlife in your garden (Wildcare);
- Caring for wildlife on the road (Wildare);
- Tips to keep your dog at home (Litchfield Council); and
- Responsible dog ownership (Litchfield Council).

**RESOLVED
141/14**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to sections 1741 and 1747 (175 & 350) Lawton Road, Hundred of Cavenagh, for the purpose of a subdivision to create 84 lots in 2 stages, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- (a) The DCA requires additional information demonstrating a minimum of 1ha of land unconstrained by drainage per lot to the satisfaction of the consent authority.
 - i. Conflicting documentation is provided in the application as to whether an engineering solution is proposed to achieve the required minimum 1ha of unconstrained land per lot.
 - ii. An assessment undertaken by AEC Environmental primarily refers to the ability of the site to accommodate onsite wastewater treatment.
 - iii. The AEC land capability assessment rural subdivision report does not sufficiently map the extent of land constrained by drainage at an appropriate scale and detail for the DCA to be satisfied that at least 1 ha of unconstrained land is available on every proposed lot. The NT Planning Scheme, Clause 11.1.1 (Minimum Lot Sizes and Requirements),

- requires that at least 1 ha of unconstrained land is available on every proposed lot within Zone RL (Rural Living).
- iv. The DCA requires a detailed field verified investigation, undertaken by a suitably qualified professional with considerable local soil-landscape and vegetation knowledge and experience, that clearly and accurately indicates the extent of constrained land as outlined in the NT Land Suitability Guidelines.
 - v. Service authorities have advised that a mosaic of constrained land occurs across Sections 1741 and 1747, and that all lots may not satisfy the minimum 1 ha requirement.
 - vi. The Authority needs to be provided with information that clearly demonstrates;
 - the extent of land that in its natural state is constrained;
 - the extent of land proposed for engineering works to alleviate drainage constraints; and
 - supporting evidence so that Authority can be assured that following any engineering works being undertaken, that the minimum 1 ha requirement has been achieved to such a state as to meet the definition of 'unconstrained' in the Land Suitability Guidelines.
- (b) Additional information demonstrating how the subdivision design proposes to minimise the alteration or disturbance to natural drainage systems and minimise erosion hazard, sedimentation and pollution of water courses. The subdivision design results in numerous boundary lines being established on land that is zoned CN (Conservation), which is a part of the natural drainage system of the area. Clearing for firebreaks and establishing fencing within the CN zoned land has the potential to result in erosion and sedimentation within the drainage area. The authority requires this information prior to the determination of the application so that it can assess the potential impact on the natural drainage areas resulting from the clearing for fire breaks and the impact that fencing along the boundaries may have on the free flow of drainage waters.

ACTION: Advice to Applicant

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



PETER MCQUEEN
Chairman

20 /6/14

