DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 205 – FRIDAY 11 NOVEMBER 2016

WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS

MEMBERS PRESENT: Denis Burke (Chairman), Keith Aitken, Bob Shewring, Wendy Smith and Christine Osborn

APOLOGIES: Nil

OFFICERS PRESENT: Kate Walker (Secretary), Dawn Parkes, Sonia Barnes and Ann-Marie Dooley (Development Assessment Services)

COUNCIL REPRESENTATIVE: Natasha McAlister

Meeting opened at 10.15 am and closed at 10.35 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
PA2016/0495
CLEARING OF NATIVE VEGETATION FOR THE PURPOSE OF STORMWATER INFRASTRUCTURE (CULVERT AND DRAIN)
SECTION 4228 (60) THORNGATE ROAD, HUNDRED OF BAGOT
APPLICANT
DEPARTMENT OF INFRASTRUCTURE, PLANNING AND LOGISTICS

The Department of Infrastructure, Planning and Logistics sent their apology. Submitter Mr Gerry Wood sent his apology.

RESOLVED
149/16
That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Section 4228 (60) Thorngate Road, Hundred of Bagot for the purpose of clearing of native vegetation for the purpose of stormwater infrastructure (culvert and drain), subject to the following conditions:

CONDITIONS PRECEDENT

1. 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 DENR. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the Consent Authority, on advice from DENR. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. 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 DENR website: https://nt.gov.au/environment/soil-land-vegetation/soil-management-erosion-sediment-control.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered 2016/0569/01 – 2016/0569/02, endorsed as forming part of this permit.

3. All works relating to this permit are to be undertaken in accordance with the endorsed Erosion and Sediment Control Plan to the requirements of the consent authority, upon the advice of the Department of Environment and Natural Resources.

4. 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.

5. Before the vegetation removal starts, the boundaries of all vegetation stands to be removed and retained must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the consent authority.
6. The clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawing as "Permitted Clearing". All remaining native vegetation is to be maintained to the satisfaction of the consent authority.

7. 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.

NOTES

1. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve.

2. A permit to burn is required from the Regional Fire Control Officer, Department of Environment and Natural Resources, 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.

3. 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 Environment and Natural Resources.

4. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development area available from the Department of Environment and Natural Resources.

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 generally complies with the requirements of the Northern Territory Planning Scheme. A condition precedent requiring the submission of an Erosion and Sediment Control Plan prior to the commencement of works has been included to minimise any environmental impacts that could potentially result from the clearing and the subsequent construction of the stormwater infrastructure.

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.

The site has been previously disturbed for the development of a cycle path and clearing has previously been undertaken for the construction of a power line. It is unlikely that the proposed clearing will impact upon wildlife corridors, threatened species or regional biodiversity.

ACTION: Notice of Consent, Development Permit and Endorsed Plans
Ms June D’Rozario attended the meeting. Submitter Mr Gerry Wood sent his apology.

RESOLVED 150/16

That, the Development Consent Authority vary the requirements of Clause 6.7 (Signs); Clause 8.1.4 (Service Station) and Clause 9.1.1 (Industrial setbacks) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the Planning Act, alter the proposed developed and consent to the proposed development as altered to develop Sections 4768 (883) & 5124 (881) Stuart Highway, and 5126 (4) & 5132 (16) Mander Road, Hundred of Bagot for the purpose of a service station 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 and must be generally in accordance with the plans submitted with the application but modified to show:
   (a) A reduction in the height of the pylon sign to be a maximum height of 8.5m.

2. Prior to the endorsement of plans and prior to the commencement of works, a Construction Traffic Management Plan must be submitted to and approved by the Transport Infrastructure Planning Division of the Department of Infrastructure, Planning and Logistics and Litchfield Council, to the satisfaction of consent authority.

3. Prior to the endorsement of plans and prior to the commencement of works, a Traffic Impact Assessment Report must be submitted to and approved by the Litchfield Council, to the satisfaction of consent authority. The Report is to be in accordance with the Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development and should include swept path diagrams for the maximum sized vehicle intended to access the lot.

4. 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 the Litchfield Council, to the satisfaction of the consent authority.

5. Prior to the commencement of works, a Construction Environmental Management Plan (CEMP) for the management and operation of the use must be prepared to the requirements of an independent suitably qualified professional and submitted to and approved by the consent authority upon the advice of the Litchfield Council. When approved, the CEMP will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed plan. The CEMP must include:
   a) overall environmental objectives for the operation of the use and techniques for their achievement;

These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.
b) procedures to ensure that no significant adverse environmental impacts occur as a result of the use;

c) proposed monitoring systems;

d) identification of possible risks of operational failure and response measures to be implemented; and

e) day to day management requirements for the use.

6. 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 the Department of Environment and Natural Resources, and an endorsed copy of the Plan will form part of this permit. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning and 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 the ESCP. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the DENR website: https://nt.gov.au/environment/soil-land-vegetation/soil-management-erosion-sediment-control.

GENERAL CONDITIONS

7. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

8. All works relating to this permit are to be undertaken in accordance with the endorsed Traffic Impact Assessment Report and Construction Traffic Management Plan to the requirements of the consent authority, upon the advice of the Transport Infrastructure Planning Division of the Department of Infrastructure, Planning and Logistics and the Litchfield Council.

9. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, upon the advice of the Department of Environment and Natural Resources.

10. 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.

11. 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.

12. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity facilities, and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

13. Before the use or occupation 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;

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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.

14. 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.

15. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Transport Infrastructure Planning Division of the Department of Infrastructure, Planning and Logistics and Litchfield Council, to the satisfaction of the consent authority.

16. “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.

17. 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).

18. Before the use/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.

19. 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.

20. Where unfenced, the Stuart Highway Road frontage is to be appropriately fenced in accordance with the Transport Infrastructure Planning Division of the Department of Infrastructure, Planning and Logistics' standards and requirements to the satisfaction to the consent authority.

21. All proposed work (including the provision or connection of services) within, or impacting upon the Stuart Highway road reserve shall 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 Transport Infrastructure Planning Division of the Department of Infrastructure, Planning and Logistics. Detailed design documents must be submitted for Road Agency Approval, irrespective of approvals granted by other Authorities. No works within, or impacting upon NT Government road reserves are to commence prior to gaining Road Agency Approval.
22. 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.

23. The location and details of the signs, including those of the supporting structure, as shown on the endorsed plans, must not be altered without the further consent of the consent authority.

24. An Occupancy Permit under the Building Act must not be issued until Sections 4768, 5124, 5125, 5126, 5127, 5131 and 5132 (883 & 881 Stuart Highway & 2, 4, 6, 14 & 16 Mander Road). Hundred of Bagot have been subdivided/consolidated and new titles issued for the consolidated lots (in accordance with Development Permit DP16/0351).

NOTES

1. A “Permit to Work Within a Road Reserve” is required from the Transport Infrastructure Planning Division of the Department of Infrastructure, Planning and Logistics and the Litchfield Council before commencement of any works within the Stuart Highway and/or Mander Road road reserve.

2. No temporary access for construction purposes shall be permitted from the Stuart Highway road reserve. Construction and delivery vehicles shall not be parked on the Stuart Highway road reserve.

3. Upon completion of any works within or impacting upon the Stuart Highway road reserve, the road reserve shall be rehabilitated to the standards and requirements of the Transport Infrastructure Planning Division of the Department of Infrastructure, Planning and Logistics.

4. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway traffic.

5. 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.

Advertising signage, either permanent or temporary, e.g. ‘A’ frame, vehicle or trailer mounted shall not be erected or located within the Stuart Highway road reserve.

6. 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.

7. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority’s Noise
Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

8. The proponent must contact advise the Northern Territory Environment Protection Authority and advise of activities to be conducted at this site to ensure the operation of a service station does not cause or result in any breaches of the Waste Management and Pollution Control Act.

9. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

**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.

The proposal is considered consistent with the purpose of Zone LI (Light Industry) to provide for light industry uses or development activities that will not by the nature of their operations, detrimentally affect adjoining or nearby land.

A variation to the requirements of Clause 6.7 (Signs) to consent to a total area of 63.11m² of signage is considered acceptable as the development is consistent with the purpose of the clause “to ensure that business signs and promotion signs on zoned land are of a size and location that minimises detriment to the amenity of the area”. The overall design is largely consistent with the standard requirements of the Scheme for a development of this type and the signage is consistent with similar contemporary service station developments in the locality.

A variation to the requirements of Clause 8.1.4 (Service Station) to allow the fuel bowser to be visible from the adjacent commercial development (liquor store) is considered acceptable as the fuel bowser face the side parking area of the adjacent commercial development and the effect of the bowser on visual amenity is minimal in the context of the character of the overall development. Suitable landscaping is proposed to soften the visual impact of the development and to ensure an acceptable level of visual amenity is achieved when viewed from the Stuart Highway and from the access road to the north east. The site configuration proposed provides a more appropriate site configuration, optimising internal traffic circulation and maximising sight-lines to the internal driveways.

A variation to Clause 9.1.1 (Industrial Setbacks) to allow the pylon sign to be located 2.0m from the Stuart Highway Road Reserve is considered acceptable as:

- The purpose of this clause relates primarily to buildings and is largely irrelevant for structures such as advertising signs;
- The sign is located in the southern corner of the lot and only encroaches into a small portion of the setback as the site has an frontage of approximately 46m to the Stuart Highway and the sign has a depth of approximately 0.50m;
- Only half of the sign encroaches into the setback (as the sign has a width of approximately 3m); and
- The sign is consistent with setbacks for pylon signs in the locality.

A variation to Clause 6.1 (General Height Control) to allow the pylon sign to be a height of 10m was not supported and amended plans are required to show the pylon sign with a maximum height of 8.5m. The Authority considered that there was no adequate justification to support a variation to the requirements of Clause 6.1 and that a maximum height of 8.5m would be more consistent with the purpose of the clause, which is to ensure that the height of buildings in a zone is consistent with development provided for in that zone.

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.

A number of conditions have been applied to the development permit to ensure that the land is capable of supporting the proposed development. Conditions precedent require submission of a number of documents prior to the commencement of any works on site, including a Traffic Impact Report, a Stormwater Management Plan and an Erosion and Sediment Control Plan.

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 proposed development is located on appropriately zoned land and is consistent with the relevant provisions of the NT Planning Scheme. A number of conditions have been applied to the development permit to ensure that the amenity of the area is not adversely impacted during construction; as a result of servicing requirements; or as a result of increased traffic.

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

**ITEM 3  PA2015/0775**

5 X DEMOUNTABLE STRUCTURES IN ASSOCIATION WITH HOME BASED CONTRACTING

SECTION 4092 (61) BRANDT ROAD, HUNDRED OF BAGOT

APPLICANT TRAVIS DRENTH CONSTRUCTIONS PTY LTD

Neither the applicant or submitters were present at the meeting. Submitter Mr Gerry Wood sent his apology. Litchfield Council tabled a photograph of the deteriorated driveway and page two of their submission dated 13 October 2016.
RESOLVED 151/16

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Section 4092 (61) Brandt Road, Hundred of Bagot, for the purpose of 5 x demountable structures in association with home based contracting 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:

1. Amended plans to show:
   a. all demountable structures located at least 10m from all boundaries;
   b. landscaping or architectural embellishments to the demountable structures that will enhance the appearance of the structures; and
   c. the total area of the site that is used for home based contracting (including areas used temporarily).

2. The total amount of vehicles kept on the site for the purpose of the home based contracting.

3. Clarification on the operation of the business and the use of the demountable structures. This information should include, but is not limited to:
   a. Where and when the business operates;
   b. The types of materials being stored on site;
   c. The frequency that the materials are transported to and from site; and
   d. The frequency and number of staff on site.

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 primary purpose of Zone RL (Rural Living) is to provide for low density rural living and a range of rural land uses including agriculture and horticulture.

Home Based Contracting is a permitted use in Zone RL subject to compliance with the requirements of Clause 7.10.8 (Home Based Contracting). The Authority could not determine from the application the total area of the site being used for home based contracting purposes, the amount of vehicles kept on site for the purpose of the home based contracting and whether or not the use would comply with the requirements of this clause. The Authority requested further information on the operation of the business and the use of the demountable structures to enable the proper consideration of the application.

The application proposes a total of five demountable structures on site. Two demountable structures are permitted subject to compliance with the requirements of Clause 6.8 (Demountable Structures). The Authority requires clarification on the use of the demountable structures; the quantity on site at any one time; the temporary nature of the structures; and the methods proposed to enhance the appearance of the structures.

Table to Clause 6.8 requires 10m setbacks from all boundaries in Zone RL (Rural Living). The Authority determined that the application did not demonstrate any special circumstances as to why the demountable structures cannot be located within...
the required 10m setbacks and therefore amended plans are required to show the structures within the required setbacks.

ACTION: Deferral Letter

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

DENIS BURKE
Chairman

16/11/16