

DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 256 – FRIDAY 16 APRIL 2021

**HOWARD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

MEMBERS PRESENT: Keith Aitken (Presiding Member), Adam Twomey and Christine Simpson

APOLOGIES: Nil

LEAVE OF ABSENCE: Suzanne Philip (Chair)

OFFICERS PRESENT: Margaret Macintyre (Secretary), Wendy Smith, Fiona Ray and Stuart Harris (Development Assessment Services)

COUNCIL REPRESENTATIVE: Gerard Rosse (Items 1 and 3 only)

Meeting opened at 11.00 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.

That, pursuant to section 101(3) of the *Planning Act 1999*, in the chair's absence the members of the Litchfield Division of the Development Consent Authority elect Keith Aitken to preside at the meeting on Friday 16 April 2021.

ITEM 1

PA2021/0054

CARAVAN PARK

LOT 3 (610) ARNHEM HIGHWAY, HUMPTY DOO, HUNDRED OF STRANGWAYS

APPLICANT

Northern Planning Consultants Pty Ltd

Mr Brad Cunnington (Northern Planning Consultants Pty Ltd) attended via videoconference, Ms Cat Tatum and Mr Rodney Parry (Landowner) attended.

**RESOLVED
38/21**

That the Development Consent Authority vary the requirements of Clause 5.2.4.1 Vehicle Parking and Clause 5.5.13 Caravan Park, subclause 9 in reference to screen fencing and subclauses 13 and 14 of the Northern Territory Planning Scheme, and, pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 3 (610) Arnhem Highway, Humpty Doo, Hundred of Strangways for the purpose of a caravan park for 31 self-contained motorhomes and/or caravans, subject to the following conditions:

CONDITIONS PRECEDENT

1. 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 Litchfield Council's stormwater drainage system shall be submitted to and approved by Litchfield Council.
2. Prior to the endorsement of plans and prior to the commencement of works, a landscape plan 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 and must show:
 - (a) details of surface finishes of pathways and driveways, including any relevant dust suppression measures and
 - (b) landscaping and planting within all open areas of the site, including existing mature trees and 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.

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. Access to the site shall be via the existing access on Zamia Road, to the standards and approval of the Litchfield Council.

5. 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.
6. 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.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities, to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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. 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 public street, to the satisfaction of Litchfield Council.
10. 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:
 - so as not to create sun or headlight reflection to motorists; and
 - 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 Arnhem Highway road reserve.
11. Before the use or occupation of the development, certification is to be provided that any new on-site wastewater system has been installed by a qualified licensed Self-Certifying Plumber and complies with the NT Code of Practice for Small On-site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent (The Code).
12. 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.

NOTES:

1. The Power and Water Corporation advises that the Power Network Engineering Section (powerdevelopment@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. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is

required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at: <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>.

The proponent is advised to take notice of the Schedule of Environmental Considerations provided by DEPWS. The Schedule is not exhaustive and the proponent is responsible for ensuring their activities do not result in non-compliance with the Act. The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

3. A "Permit to Work Within a Road Reserve" is required from Litchfield Council and/or Transport Civil Services Division of the Department of Infrastructure, Planning and Logistics, as the case may be, before commencement of any work within the road reserve.
4. Litchfield Council's current Fees and Charges may apply to the above conditions. Additional information can be found at www.litchfield.nt.gov.au
5. A groundwater extraction licence may be required under the Water Act 1992 for any bore used for purposes other than rural stock and domestic water supply. For advice on water extraction licences please contact the Water Licensing and Regulation Branch of the Department of Environment and Natural Resources.

REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land and a caravan park requires consent under Clause 1.8 (b)(i). A caravan park is identified as Merit Assessable under Clause 1.10.3 (a), and, therefore, the zone and purpose outcomes of Clause 4.13 TC (Tourist Commercial), Clause 5.2.4 Vehicle Parking, Clause 5.2.6 Landscaping, Clause 5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC, Clause 5.5.2 Plot Ratios in Commercial Zones and Clause 5.5.13 Caravan Parks are to be considered.

These clauses have been considered and it is found that the proposal largely complies with the relevant requirements of the Planning Scheme with variations requested to Clause 5.2.4 Vehicle Parking and Clause 5.5.13 Caravan Parks.

The consent authority may consent to a use or development that is not in accordance with the Table to Clause 5.2.4 only if it is satisfied the use or development is appropriate to the site having regard to the purpose of this clause and the potential impact on the surrounding road network and the amenity of the locality and adjoining property. The variation to this clause relates to the formal designation of the car parking spaces on the site, rather than the capacity of the site for the required 35 car parking spaces.

It is considered the site contains the capacity to provide for 31 self-contained motorhome (RVs) and caravan spaces plus 9 visitor spaces, though the spaces are not intended to be marked on site. The variation allows the parking spaces to not be formally designated on site but rather managed by the on-site caretaker manager, as a result of information provided with the application indicating the appropriate number of spaces can be accommodated on the site. The park is gated with limited access for visitors. Overflow parking for nine vehicles is available on site if required, at the discretion of the caretaker/site manager. Taking into consideration the operation of the park, a variation to the spaces being formally marked on site is not considered to impact the surrounding road network or the amenity of adjoining property.

Clause 5.5.13 sub-clause 13 relates to the provision of a communal recreation building for the use of guests and sub-clause 14 provides direction as to the provision and location of ablutions and laundry amenities. The Authority has discretion to consent to a development that is not in accordance with the sub-clauses if the outcome is appropriate for the site. As the park is designed to provide short-term sites for self-contained vehicles, provision of facilities for shared use is not expected or required. Variations to these clauses can be supported.

2. Pursuant to section 51(1)(j) of the *Planning Act 1999*, 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 does not have access to reticulated water or sewer. Bore RN00881 is located adjacent to an area currently utilised as part of an onsite wastewater system. Effluent is currently irrigated across the site proposed for use by the caravan site. The land is fenced and signage is displayed not to drink and to avoid contact with the irrigated water.

The development of the caravan park will require that the existing onsite wastewater system is modified and integrated with the new system installed for the park. Any new system must be appropriately certified. Information provided with the application indicates that a park of the subject size can suitably operate with water supply from the rainwater tanks proposed for the site. As it is intended that the water supply for guests is provided from those rainwater tanks and not groundwater, it is considered that the site is capable of supporting the development.

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|----------------|--|-------------------|
| FOR: 3 | AGAINST: 0 | ABSTAIN: 0 |
| ACTION: | Notice of Consent and Development Permit | |

ITEM 2

PA2014/0795

**EXTENSION OF TIME FOR FOUR YEARS
SECTIONS 5186 & 5187 (105) TRIPPE ROAD, HUMPTY DOO, HUNDRED OF
STRANGWAYS**

APPLICANT

Michelle Doody

Mrs Michelle Doody and Mr Shane Doody and Mr Gerard Rosse (Tropics Consultancy Group) attended.

RESOLVED

39/21

That, pursuant to section 59(3)(a) of the *Planning Act 1999* the Development Consent Authority consent to the application to extend the base period of Development Permit DP15/0234A for the purpose of 41 lot subdivision in five stages at Sections 5186 (105) Trippe Road, Hundred of Strangways for two years.

REASON FOR DECISION

As the applicant indicated in the DCA meeting that two years would be sufficient time to complete the subdivision, the DCA accepted the applicant's proposal.

FOR: 3

AGAINST: 0

ABSTAIN: 0

ACTION:

Extension of Time

ITEM 3

PA2021/0039

**DWELLING-INDEPENDENT WITH A SECOND EFFLUENT DISPOSAL SYSTEM
PORTION 2850 (155) SECRETT ROAD, KNUCKEY LAGOON, HUNDRED OF
BAGOT**

APPLICANT

One Planning Consult

DAS tabled an addendum – an additional landscaping condition.

Mr Israel Kgosiemang (One Planning Consult) attended via videoconference, Mr Nick Tefanis (Director - Fortcap Pty Ltd- landowner) attended.

RESOLVED

40/21

That the Development Consent Authority vary the requirements of Clause 5.4.13 (Dwelling Independent) of the Northern Territory Planning Scheme 2020, and, pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Portion 2850 (155) Secrett Road, Knuckey Lagoon, Hundred of Bagot for the purpose of a Dwelling-independent with second effluent disposal system, subject to the following conditions and for the following reasons:

CONDITIONS PRECEDENT

1. Prior to the commencement of works, the existing detached dwelling and associated services (including wastewater treatment system) must be decommissioned and removed from the site.
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 the Litchfield Council, to the satisfaction of the consent authority.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), 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 landscaping plan must be generally in accordance with the landscape concept plan and must include a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant. All species selected must be to the satisfaction of the consent authority.

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. The owner of the land must enter into agreements with the relevant authorities for the provision of reticulated water supply and electricity facilities, to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. 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.
7. 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.
8. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Litchfield Council, to the satisfaction of the consent authority.
9. Sight lines must be provided at crossovers to public streets to the requirements of Litchfield Council to the satisfaction of the consent authority. 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 any driveway and the public street.
10. 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.

NOTES:

1. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory Building Act 1993 before commencing any demolition or construction works.
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. Litchfield Council's current Fees and Charges may apply to the above conditions. Additional information can be found at www.litchfield.nt.gov.au
4. A "Permit to Work Within a Road Reserve" is required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's road network.

REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies and the land is in Zone RL (Rural Living). Clause 1.8 (When development consent is required) sub-clause (b)(ii)(2) states that consent is required where the use or development of land is shown as *Permitted* on the relevant assessment table in Part 4, but does not comply with the relevant development requirements as set out in Part 5. The application therefore requires *Merit Assessment* as whilst the development complies with most requirements, a variation is sought to the Dwelling-independent requirements under Part 5.

2. Clause 1.10 (Exercise of Discretion by the Consent Authority) requires the consent authority in considering an application under Clause 1.8(b)(ii)(2) to consider the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements. A variation is sought to requirement 7 of Clause 5.4.13 (Dwelling-independent), as a separate waste water treatment system is proposed to service the proposed development.

The Development Consent Authority may consent to this variation subject to a licensed certifying plumber verifying that a second waste water treatment system is required on site, and that a second system can be provided on site that is appropriate for the proposed development. The applicant has submitted a letter from a licensed plumber who has confirmed that the existing system is insufficient for the proposed dwelling-independent and has recommended an acceptable waste water treatment system for the proposed dwelling-independent. This satisfies administration requirement 3 of Clause 5.4.13 (Dwelling-independent) and allows the DCA to consent to a variation of requirement 7 in this instance. It is also noted that the total number of waste water treatment systems on site will remain unchanged, being that there are currently two on site (one servicing the current detached dwelling) and the other servicing the primary dwelling. The existing system servicing the detached dwelling will be decommissioned and a new aerated waste water treatment system which is more environmentally friendly installed in accordance with the licensed plumbers recommendation.

When considering the proposal against the purpose of Clause 5.4.13 (Dwelling-independent), it is noted that the proposal is 79.9m² and contains only one bedroom, therefore supporting housing choice whilst remaining ancillary to the primary residential dwelling on the property. The dwelling-independent is co-located with a proposed shed and designed with architectural features and existing and proposed additional vegetation to provide visual screening of the development when viewed from the street to prevent any adverse impacts on the amenity of the surrounding area. A condition for a landscaping plan is included to ensure the vegetation provides visual screening. The use is not expected to impact on the natural environment, given that it is at a scale anticipated for a dwelling-independent and able to connect to reticulated water. No changes to traffic volumes from the site are expected as a result of the proposed development, noting that the existing detached dwelling will be decommissioned and this new dwelling-independent will act as a replacement. For these reasons, the proposed development is considered to satisfy the purpose of Clause 5.4.13.

It is noted that sub-clause 1 of Clause 5.4.13 (Dwelling-independent) makes it clear that the consent authority cannot consent to a development that conflicts with requirement 4 of Clause 5.4.13. Requirement 4 will only allow up to one dwelling-independent on a site. The consent authority cannot approve a proposal that results in more than one dwelling-independent on a site. The application material advises that there is an existing detached dwelling on the site (approved under Development Permit DV2351) and that this will be decommissioned and removed to enable approval of the newly proposed dwelling-independent. To ensure that this occurs to the satisfaction of requirement 4, a condition will be imposed on any development permit issued requiring the removal of the existing dwelling-independent on site to ensure there will only be a single dwelling-independent on the site at any time.

3. Pursuant to section 51(1)(j) of the *Planning Act 1999*, 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 land is currently serviced by a single bore in the south-west cover of the site adjacent to the existing dwelling-single. The underlying groundwater resource is 'Palmerston Dolostone, Micket Creek North' which has been identified as over-used in the Department of Environment, Parks and Water Security report titled 'Status of groundwater resources in the Darwin Rural Water Control District and Palmerston municipality', dated December 2020, reference 2/2021.

Subject to the proposed development being connected to reticulated water, it is considered that the land is capable of supporting the proposed development. No other land capability matters affect the ability to develop the site.

4. Pursuant to section 51(1)(n) of the *Planning Act 1999*, 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 development is not anticipated to have any adverse impacts on the amenity of the area. The development will be located at an appropriate distance from the boundaries of the site and will incorporate architectural embellishments. Existing landscaping will further contribute to maintaining the amenity of the area.

FOR: 3

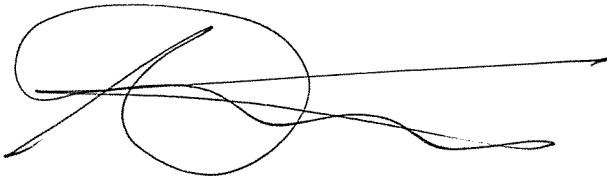
AGAINST: 0

ABSTAIN: 0

ACTION:

Notice of Consent and Development Permit

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



KEITH AITKEN
Delegate

23 April 2021