

DEVELOPMENT CONSENT AUTHORITY

BATCHELOR DIVISION

MINUTES

MEETING No. 32 – FRIDAY 10 APRIL 2017

**CONFERENCE ROOM
LITCHFIELD MOTEL
49 RUM JUNGLE ROAD
BATCHELOR**

MEMBERS PRESENT: Denis Burke (Chairman), Monica Baumgartner, Dave Gray and Max Corliss

APOLOGIES: Andrew Turner and Richard Luxton

OFFICERS PRESENT: Dawn Parkes and Roxanne Willing (Development Assessment Services)
Sherry Cullen (Lands Planning)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 10.40 am and closed at 11.00 am

THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 **CONCURRENT APPLICATION – REZONE PART LOT 320 TOWN OF BATCHELOR FROM ZONE PS (PUBLIC OPEN SPACE) AND ZONE FD (FUTURE DEVELOPMENT) TO ZONE CP (COMMUNITY PURPOSE) AND SUBDIVISION TO CREATE ONE LOT**
PA2017/0005 **LOT 320 (5) RUM JUNGLE ROAD, TOWN OF BATCHELOR**
APPLICANT **DEPARTMENT OF INFRASTRUCTURE, PLANNING AND LOGISTICS**

Mr Nigel Bancroft and Ms Yasmin Barnes (Department of Infrastructure, Planning and Logistics) attended.

Submitter Mr Luxton sent his apologies.

RESOLVED Pursuant to section 30P(1)(a) of the *Planning Act*, the consent authority make a preliminary decision that if the minister were to approve the amendment proposal to rezone Lot 320 (5) Rum Jungle Road, Town of Batchelor from Zone PS (Public Open Space) to Zone CP (Community Purpose) the consent authority would approve the proposal to subdivide the land into one lot, subject to the following conditions:
2/17

1. The works carried out under this permit shall be in accordance with the drawing number 2017/0005/01, endorsed as forming part of this permit.
2. Any development on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
3. 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 water supply, sewerage, drainage, electricity facilities and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of Department of Infrastructure, Planning and Logistics (Transport and Civil Services) and/or Coomalie Community Government Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

6. All proposed works impacting on Rum Jungle 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 Department of Infrastructure, Planning and Logistics (Transport and Civil Services). Drawings must be submitted to the Department of Infrastructure, Planning and Logistics (Transport and Civil Services) for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
7. Where unfenced, the Rum Jungle Road frontage of proposed Lot 320A is to be appropriately fenced in accordance with the Department of Infrastructure, Planning and Logistics (Transport and Civil Services) standards and requirements to the satisfaction to 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. Professional advice regarding the implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Environment and Natural Resources.
3. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 8995 5354. The numbers shown on the plans are indicative only and are not for addressing purposes.
4. 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.
5. There are statutory obligations under the Weeds Management Act to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Land Resource Management.
6. The Department of Infrastructure, Planning and Logistics (Transport and Civil Services) advise that access shall not be permitted to the proposed lot from Rum Jungle Road.

REASONS FOR DECISION

1. Pursuant to sections 30P(2)(a) and (b) of the *Planning Act*, the consent authority must take into account any planning scheme that applies to the land to which the application relates and the amendment proposal contained within the application.

The development is generally in accordance with the policy for future development and intent of the locality as established by the DRLUP and the Batchelor Area Plan. Zone CP (Community Purpose) and Zone PS (Public Open Space) allow similar uses orientated to providing community services and infrastructure. A 'community centre' in Zone PS is a discretionary use while in proposed Zone CP it is a permitted use, ultimately reflecting a level of consistency between the zones and does not undermine the overarching policy.

The Planning Scheme does not have any requirements for the subdivision of land within Zone PS or CP. However it is considered that the proposal is consistent with the requirements of the zone and thus the potential future uses of the land.

2. Pursuant to Section 30P(2)(f) of the *Planning Act*, the consent authority must take into consideration any information received as a result of consultations carried out, submissions received, or evidence given at a hearing.

The public submission raised important concerns with regard to stormwater and access to the land. These concerns have been partly addressed through the conditions which require the developer to suitably service the land so that development can occur under Zone CP. Specific design details will come at a later stage though and will have to be in accordance with the relevant authority's requirements and standards. Otherwise, these issues raise important points about the future development of the land however the change in zoning from Zone PS to CP does not greatly increase the scale or character of development allowed on the land and the access to the site remains the same. Furthermore the size of the site of proposed Lot 320A limits the development potential and thus the likelihood of a use that may affect the airfield. Issues raised have also been considered by service authorities and conditions are included in the development permit to address their requirements.

3. Pursuant to sections 30P(2)(j) of the *Planning Act*, the consent authority must take into account the capability of the land to support the development proposal and the effect of the proposal on the land, and on other land, the physical characteristics of which may be affected by the proposal.

The land is relatively flat and consists of well-draining soils. It is considered the land is capable of supporting the subdivision and the scale of any development that is permitted on the land.

4. Pursuant to Section 30P(2)(l) of the *Planning Act*, the consent authority must take into consideration the capability of the public utilities or infrastructure provided in the area in which the land is situated and any requirement for public facilities and services to be connected to the land; and facilities, infrastructure or land to be provided by the applicant.

Public utilities and infrastructure are available in the area and it is the responsibility of the developer to connect to and manage to the service authorities standards and requirements. A number of conditions have been included on the development permit to ensure that the new lot is appropriately serviced, connected to reticulated services and existing infrastructure is upgraded where necessary.

RESOLVED
3/17

That under section 30Q of the *Planning Act*, the consent authority report to the Minister for Infrastructure, Planning and Logistics advising of the likely decision in relation to the development proposal, issues raised in the submissions, issues raised at the hearing and any other matters it considers the Minister should take into account when considering the amendment proposal.

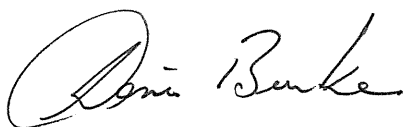
ACTION: Report to the Minister

RESOLVED
4/17

That, pursuant to section 86(1) of the *Planning Act*, the Development Consent Authority delegates its powers to the Chairman or in the absence of the Chairman any member of the Batchelor division to:

- determine pursuant to section 30W(1)(a) to consent to the development proposal contained in the concurrent application and consent to the concurrent application after receipt of a notice under Section 30U(1) that the Minister has approved the amendment proposal contained in the application;
- issue a development permit under section 54(1) in relation to the development proposal to develop Lot 320 (5 Rum Jungle Road) Town of Batchelor for the purpose of subdivision to create one lot; and
- issue the relevant notices under section 30Y.

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



DENIS BURKE
Chairman

11/4/17

