



## DEVELOPMENT CONSENT AUTHORITY

### LITCHFIELD DIVISION

### MINUTES

MEETING No. 198 – FRIDAY 13 MAY 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:** Margaret Macintyre (Secretary), Steven Kubasiewicz and Dawn Parkes (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Edward Li and Natasha McAllister

Meeting opened at 10.30 am and closed at 12.30 pm

**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  
PA2015/0724  
APPLICANT**      **RECONSIDERATION - SUBDIVISION TO CREATE FOUR LOTS  
SECTION 4553 (586) REDCLIFFE ROAD, HUNDRED OF STRANGWAYS  
TERRITORY DEVELOPMENT SERVICES**

Mr Alan Sprigg (Territory Development Services), Mr Graeme Owen (VPS Land Assessment), Mr George & Mrs Lyndal Low (landowners) attended.

Submitters in attendance:- Mr Greg Chapman and Ms Diana Rickard (representing Rural Residents' Rights Group).

**RESOLVED  
64/16**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Section 4553 (586) Redcliff Road Hundred of Strangways for the purpose of a subdivision to create 4 lots 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:

- Confirmation that each lot has a minimum of 1ha of unconstrained land; or
- Amended plans which show lots C & D combined to create a total of three lots

**RESOLVED  
65/16**

That pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman, or in the Chairman's absence any one of the other members of the Litchfield Division the power under section 53 of the Act, to determine the application to develop Section 4553 (586) Redcliff Road Hundred of Strangways for the purpose of a subdivision to create 4 lots subject to the receipt of amended plans showing lots C & D combined to create three lots:

**REASON FOR THE DECISION**

To ensure that each lot has a minimum of 1ha of contiguous unconstrained land.

**ACTION:**                      Advice to Applicant

**ITEM 2  
PA2016/0213  
APPLICANT**      **SUBDIVISION TO CREATE 4 LOTS  
LOT 18 (110) TRIPPE ROAD, HUNDRED OF STRANGWAYS  
MASTERPLAN NT**

Mrs Linda Henning (Masterplan NT) and Mr Lee Evans (Landowner) attended.

**RESOLVED  
66/16**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 18 LTO77/017 (110) Trippe Road, Hundred of Strangways 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:-

- Demonstrate how an adequate supply of water is available for domestic purposes;
- Provision of a road reserve to both the western and southern boundaries in accordance with the requirements of the Litchfield Land Use Objectives and the NTPS.
- A stormwater drainage plan to the requirements of the Litchfield Council;
- Amended plans consistent with the Litchfield Councils requirements
- Amended plans detailing compliance with the requirements of Power and Water regarding the provision of power.

#### **REASON FOR THE DECISION**

The additional information is requested for the following reasons;

- To demonstrate whether a domestic water supply can be provided given that the aquifer is over allocated;
- To ensure that the lots proposed have a permanent means of access and the development takes into account the requirements of the relevant service authorities in a manner consistent with the requirements of the Northern Territory Planning Scheme.

**ACTION:** Advice to Applicant

**ITEM 3  
PA2015/0749  
APPLICANT**

**SUBDIVISION TO CREATE 19 LOTS  
SECTION 1809 (115) OXFORD ROAD, HUNDRED OF AYERS  
EARL JAMES AND ASSOCIATES**

Mr Kevin Dodd (Earl James & Associates) attended.

Submitters in attendance:- Mr Greg Chapman and Ms Diana Rickard (representing Rural Residents' Rights Group) and Ms Heidi Jennings.

**RESOLVED  
67/16**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 1809 (115) Oxford Road, Hundred of Ayers for the purpose of subdivision to create 19 lots, subject to the following conditions:

#### **CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works, the owner must confirm to the satisfaction of the Development Consent Authority, on the advice of the Department of Land Resource Management, and the Department of Health that;
  - (a) an adequate potable water supply for domestic purposes will be available to each proposed lot by
    - a. verification of the availability of a sustainable supply of groundwater from an aquifer other than the Berry Springs Dolostone to provide:
      - i individual bores on all or some of the proposed lots; and/or

- ii a reticulated water supply in accordance with the requirements of relevant authorities (which may include the Utilities Commission) to those lots unable to be serviced by an individual bore and/or;
  - b. the use of rainwater tanks to provide a sustainable water supply to those lots unable to be serviced by an individual bore or reticulated supply: and
- (b) alternate wastewater treatment systems must be utilised on lots within 500 m of any springs within the Berry Springs system.
- 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 local stormwater drainage system shall be submitted to and approved by both the Department of Transport and Litchfield Council, to the satisfaction of the consent authority.
- 3. Prior to the endorsement of plans and prior to the commencement of works, a Traffic Impact Report must be submitted to and approved by the Department of Transport and Litchfield Council, to the satisfaction of the consent authority. The Report is to be in accordance with the Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development and should pay special attention to possible traffic safety issues associated with the Development.
- 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 DLRM. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning, and in accordance with the IECA Best Practice Erosion and Sediment Control Guidelines 2008. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. Information regarding ESCP content is available at [www.austieca.com.au](http://www.austieca.com.au).

## 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. 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 Land Resource Management.
- 7. All works relating to this permit are to be undertaken in accordance with the endorsed Traffic Impact Report to the requirements of the consent authority, upon the advice of the Department of Transport and Litchfield Council.
- 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. 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.

10. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.
11. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage, electricity facilities and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
12. 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.
13. Where unfenced, the Berry Springs Nature Park/Territory Wildlife Park access road and the Cox Peninsular road frontages are to be appropriately fenced in accordance with the Department of Transport's standards and requirements to deter unauthorised vehicular movement, to the satisfaction to the consent authority.
14. All proposed work (including the provision or connection of services or drainage infrastructure) within, or impacting upon the Berry Springs Nature Park/Territory Wildlife Park access road or Cox Peninsular Road 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 Department of Transport. Design documents must be submitted to the Transport Infrastructure Planning Division of the Department of Transport for Road Agency Approval and no works within are to commence prior to gaining approval.
15. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
16. Before issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Bushfires NT (Department of Land Resource Management).
17. Before the use commences the owner must, in accordance with Part 6 of the *Planning Act*, pay a monetary contribution to the Litchfield Council for the upgrade of local infrastructure, in accordance with its Development Contribution Plan.
18. Before issue of titles and pursuant to section 34 of the *Land Title Act*, A Caution Notice shall be lodged with the Register General on the parent parcel to reflect the constraints identified by the Department of Land Resource Management in regards to the availability of groundwater and the use of effluent disposal systems on lots within the 500m radius of any springs within the Berry Springs system. The wording for the notice must be submitted to and approved by the consent authority on the advice of the Department of Land Resource Management. Evidence of lodgement on the parent parcel shall be provided 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](mailto: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 Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Aboriginal Sacred Sites Act*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
3. A "Permit to Work Within a Road Reserve" is required to be obtained from the Department of Infrastructure prior to the commencement of any works within NT Government controlled road reserves.
4. 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.
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 applicant is advised to engage a building certifier, within the meaning of the *Building Act*, as to whether the existing buildings comply with the *Building Act* and associated Regulations.
7. All new roads, including alterations and extensions to existing roads, are required to be named under the Place Names Act. You should immediately make application to the Place Names Committee to commence the road naming process. Contact the Place Names Unit on 8995 5333 or [place.names@nt.gov.au](mailto:place.names@nt.gov.au). Further information can be found at [www.placenames.nt.gov.au](http://www.placenames.nt.gov.au)
8. 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](mailto:surveylandrecords@nt.gov.au) 08 8995 5354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
9. The Department of Transport advise that access to the proposed new lots shall not be permitted from the Berry Springs Nature Park/Territory Wildlife Park access road or Cox Peninsular Road.

## 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 subject site is zoned Rural Living (RL) and Rural (R) and the proposal accords with the purpose of these zones.

Compliance with the relevant provisions of the NT Planning Scheme has been demonstrated and agreement with the Department of Land Resource Management (imposed through a condition precedent) in regards to providing an adequate potable water supply for domestic purposes to each proposed lot, and that alternative wastewater treatment systems will be utilised on lots within 500m of any springs within the Berry Springs system, will ensure that the proposed subdivision will be appropriately serviced and will not have a detrimental impact on Berry Spring, the Berry Springs Nature Park and the Territory Wildlife Park, specifically in regards to water quality and quantity.

2. Pursuant to Section 51(e) of the *Planning Act*, the consent authority must take into consideration any public submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

Thirteen (13) public submissions were received during the exhibition period under Section 49 of the *Planning Act* with respect to the proposal, as well as two petitions. Issues raised in the submissions were considered by the Authority in their determination to defer consideration of the application for further information and clarification on a number of matters raised in the submissions. The additional information satisfies the outstanding matters of deferral and together with the conditions included on the development permit are considered to address the relevant matters raised in submissions.

3. 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.

Agreement with the Department of Land Resource Management (imposed through a condition precedent) regarding water supply and the use of alternative wastewater treatment systems on lots within 500m of any springs within the Berry Springs system will ensure that the land is capable of supporting the proposed subdivision.

A number of conditions relating to the servicing of the subject land have been applied to the development permit and require that appropriate measures are undertaken to ensure that the land is capable of supporting its intended use(s).

4. 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 subdivision is consistent with the zoning of the land and is therefore considered to have little impact on the existing or future amenity of the area. The subject site was rezoned to its current zoning in September 2015 and it is noted that the reasons behind the Minister's decision to rezone the land stated that 'development permissible under Zone RL is not expected to unreasonably intrude on or compromise the privacy of the adjoining locality'.

A condition precedent requiring submission of a stormwater management plan has been included on the request of both Litchfield Council and the Department of Transport to ensure that stormwater drainage is managed appropriately.

A condition precedent requiring submission of a Traffic Impact Report has been included on the request of the Department of Transport. The report is to include details on the proposed upgrade of the Oxford Road and Finn Road intersection as requested by Litchfield Council, which is to be designed in accordance with Litchfield Council's standards. It is considered that implementation of any recommendations contained within the traffic impact report, and the upgrade of the abovementioned intersection, will minimise and adverse effects on the existing road network and the overall amenity of the area.

A condition precedent requiring submission of an Erosion and Sediment Control Plan has been included on the request of the Department of Land Resource Management to ensure appropriate management of erosion and sediment during construction.

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

**ITEM 4**  
**PA2016/0196**

**SHOP INCLUDING A DRIVE THROUGH LIQUOR OUTLET IN A SINGLE STOREY BUILDING AND MEZZANINE FUNCTION AREA SECTIONS 4768 & 5124 (883 & 881) STUART HIGHWAY, SECTIONS 5125, 5126, 5127, 5131 & 5132 (2, 4, 6, 14 & 16) MANDER ROAD, HUNDRED OF BAGOT**  
**APPLICANT** **NORTHERN PLANNING CONSULTANTS PTY LTD**

Mr Brad Cunnington (Northern Planning Consultants Pty Ltd), Mr Gary Coleman (landowner), Mr Scott Simpson and Mr Simon Byrne (Byrne Consulting) attended.

**RESOLVED**  
**68/16**

That, the Development Consent Authority vary the requirements of Clause 8.1.1 (Shops in Zone LI) and Clause 9.1.1 (Industrial Setbacks) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 4768, 5124, 5125, 5126, 5127, 5131 and 5132 (883 & 881 Stuart Highway & 2, 4, 6, 14 & 16 Mander Road), Hundred of Bagot for the purpose of a shop including a drive through liquor outlet in a single storey building and mezzanine function area 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 subdivision concept/master plan that shows 4 separate allotments (from 7 existing) with a lease area in excess of 12 years within proposed lot 1;
  - (b) Separate access and stormwater connection from all lots to Mander Road, Mander Road cul-de-sac and the Stuart Highway;
  - (c) All car parking spaces that are at least 5.5m in length;
  - (d) Basic internal driveway design and material details for lot 1 access driveway (including all proposed signage), to the satisfaction of Litchfield Council;
  - (e) Internal circulation consistent with the layout contained within the final Traffic Impact Report, to the satisfaction of the Department of Transport; and
  - (f) Any references to 'access road' to be replaced with 'driveway' on all plans and within all documents to be endorsed.
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 and the Transport Infrastructure Planning Division of the Department of Transport, 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, a Traffic Impact Report must be submitted to and approved by the Department of Transport and 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, details of the proposed effluent disposal system(s) must be submitted to and approved by the Department of Health, to the satisfaction of the consent authority.
5. Prior to the commencement of works (including site preparation works), a Construction Traffic Management Plan (detailing all appropriate site management measures, including construction site access, proposed haulage routes, vehicle types, protection of existing assets, protection of public access and a risk assessment) is to be submitted to and approved by the Department of Transport, to the satisfaction of the consent authority. An endorsed copy of the Plan will form part of this permit.

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 Land Resource Management, 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](http://www.austieca.com.au) and the DLRM website: <http://lrm.nt.gov.au/soil/management>.

## 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 Report and Construction Traffic Management Plan to the requirements of the consent authority, upon the advice of the Department of Transport and 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 Land Resource Management.
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 and 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;
  - (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 each lot approved by this permit are to meet the technical standards of 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. Access to and egress from the site for all commercial vehicles (including waste collection vehicles) must only be from Mander Road cul-de-sac.
18. 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).
19. 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.
20. 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.
21. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for unit/street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the doors and meters within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.
22. Where unfenced, the Stuart Highway Road frontage is to be appropriately fenced in accordance with the Department of Transport's standards and requirements to the satisfaction to the consent authority.
23. 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 Department of Transport. Detailed design documents must be submitted to the Transport Infrastructure Planning Division of the Department of Transport 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.

24. 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.
25. 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.
26. Dust control measures must be employed throughout the construction stage of the development to the requirements of the NT EPA, to the satisfaction of the consent authority.
27. 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. The subdivision/consolidation must generally reflect the layout shown on Drawing No. 15078-SK06, amendment F, produced by Byrne Design and provided with the development application.

**NOTES:**

1. A "Permit to Work Within a Road Reserve" is required from the Department of Infrastructure before commencement of any works within the Stuart Highway 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. 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.
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. 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 Department of Transport.
6. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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. 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.
9. Litchfield Council note that the internal access driveway is private property and that there will be no expectation or intent to turn the access driveway over to Litchfield Council at any time in the future.

#### **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 development of a bottle shop and drive through liquor outlet may not be appropriate in all light industrial locations but is considered appropriate to the subject site given its prominent location fronting the Stuart Highway. There are a wide range of existing developments and land uses nearby and the proposed development is considered to complement the current offering of services in the area and is not expected to detrimentally affect adjoining or nearby land.*

The proposed development reflects an overall compliance with the provisions of the NT Planning Scheme and is considered suitable for the site, notwithstanding the provisions of Clause 8.1.1 (Shops in Zone LI).

The definition of 'shop' is extremely broad and while Clause 8.1.1 (Shops in Zone LI) may be relevant for 99% of 'shop' uses, in this instance it is not considered relevant or necessary to limit the floor area to 200m<sup>2</sup>. The proposal should be considered along with the overall master plan for the site as it gives a greater understanding of the intended use of the area as a 'one stop shop' highway frontage service centre. An increased floor area of 515m<sup>2</sup> is therefore supported as it reflects a small portion of the overall use of the site when viewed as a whole.

A variation to Clause 9.1.1 (Industrial Setbacks) to allow the roof to encroach 400mm into the street frontage setback is supported *given that the encroachment is limited to the roof structure (some 7m above ground*

level) and therefore the required landscaping can still be achieved and the bulk of the building exceeds the 3m setback requirement.

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. Furthermore, the proposal is reliant on changes to the current lot layout and therefore a condition requiring that the subdivision/consolidation be approved and titles issued, prior to the occupancy of this development, has been included on the development permit.

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

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



**DENIS BURKE**  
Chairman

19/5/16