



## **DEVELOPMENT CONSENT AUTHORITY**

### **LITCHFIELD DIVISION**

### **MINUTES**

**MEETING No. 148 – FRIDAY 10 FEBRUARY 2012**

**WHITEWOOD HALL  
325 WHITEWOOD ROAD  
HOWARD SPRINGS**

**MEMBERS PRESENT:** Peter McQueen (Chairman), Richard Luxton, Keith Aitken, Mary Walshe and Michael Bowman

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Steven Kubasiewicz and Michael O'Neill (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** John Delaney (Director of Planning and Works)

**Meeting opened at 9.45 am and closed at 12.00 noon**

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

**ITEM 1**                      **SUBDIVISION TO CREATE 2 LOTS**  
**PA2011/0807**              **SECTION 2434 (669) REEDBEDS ROAD, HUNDRED OF CAVENAGH**  
**APPLICANT**              **WAYNE & STEPHANIE BRIDGEFORD**

Mr Wayne Bridgeford attended.

**RESOLVED**              That the Development Consent Authority vary clause 11.4.2 (Infrastructure in  
**27/12**                      Subdivisions of Rural and Unzoned Land) and clause 11.4.3 (Lot Size and  
Configuration in Subdivisions of Rural and Unzoned Land) of the NT Planning  
Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application  
to develop Lot 2434 (669) Reedbeds Road, Hundred of Cavenagh to create 2 lots  
subject to the following conditions.

**CONDITION PRECEDENT**

1. Prior to the commencement of works, evidence shall be provided that a right of way has been created over the rail corridor to provide access to Lot A and B to the satisfaction of the consent authority.

**GENERAL CONDITIONS**

2. Works are to be carried out in accordance with plan numbered PA2011/0807/1 endorsed as part of this permit.
3. Before the issue of titles, fire access trails are to be installed on the advice of the Bushfires Council of the NT, to the satisfaction of the consent authority.
4. 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.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation.
6. Engineering design, calculations and specifications for stormwater drainage and vehicular accesses are to be submitted for technical approval to Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
7. 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.

8. This development is subject to the Litchfield Council Developer Contribution Plan.
9. The developer is to ensure all development work is undertaken in a manner that prevents the creation of a public health nuisance from dust or other particulate matter.
10. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

#### NOTES:

1. This development must conform to the criteria outlined in *"Guidelines for Preventing Biting Insect Problems for New Rural Residential Developments or Subdivision in the Top End of the Northern Territory"*. The permit holder is to liaise with the Senior Medical Entomologist, Department of Health and Community Services regarding advice on potential impact of biting insects to the development and appropriate measures to minimise the potential for creating mosquito breeding sites.
2. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property.
3. It is an offence to interfere with or cause damage to sacred sites identified in accordance with the *Aboriginal Sacred Sites (NT) Act* and as such the developer should obtain an 'Authority Certificate' from the Aboriginal Areas Protection Authority prior to the commencement of any works.
4. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve.

#### REASONS FOR THE DECISION

1. The consent Authority must, pursuant to section 51(j) of the *Planning Act*, take into account 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 proposal has demonstrated sufficient unconstrained land to support subdivision development. Land unit mapping and the Litchfield LUO's flooding map indicate that large parts of the land are characterised by gravelly, well drained soils that are not subject to flooding or inundation. A separation distance of at least 100m between the bore and septic system may be achieved, and each lot contains at least 1ha of unconstrained land and access to that land from a public road is similarly unconstrained.

Furthermore, the subdivision design avoids establishing boundaries over land constrained by a large watercourse area and associated poorly

drained soils in the south western corner of proposed Lot A which is identified for PEM. The containment of the large watercourse wholly within the confines of proposed Lot A will minimise disturbance of this PEM area that contains riparian vegetation that provides an important habitat for plants and animals.

2. The consent Authority must, pursuant to section 51(a) of the *Planning Act*, take into account any planning scheme that applies to the land to which the proposed development relates.

The battleaxe handle that provides access to proposed lot A is 1017m and proposed Lot B is 754m in length, in excess of the 250m minimum. A variation to clause 11.4.2 (Infrastructure in Subdivisions of Rural and Unzoned Land) may be justified on the basis that the developer will be responsible for the costs for providing power to proposed Lot B and the proposed access arrangements reflect the existing property boundaries of the land.

The portions of Lot A and B to the east of the railway corridor may be accessed by establishing a right of way or similar easement over the existing rail corridor. The Land Administration Branch of the Department of Lands and Planning, the owner of the land, has indicated that a proposed access easement to establish lawful access to the land may be applied for. The development permit will contain a condition that instructs the developer to obtain legal access to the land from the landowner prior to works commencing.

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

**ITEM 2**                    **40M TELECOMMUNICATIONS TOWER AND EQUIPMENT SHELTER**  
**PA2011/0913**            **LOT 20 (135) SOUTHPORT ROAD, HUNDRED OF CAVENAGH**  
**APPLICANT**            **NBN CO LIMITED**

Mrs Kate Large (Aurecon Australia P/L) attended on behalf of the applicant and tabled amended plans showing the removal of the equipment shed.

**RESOLVED**            That, pursuant to section 53(a) of the *Planning Act* the Development Consent  
**29/12**                    Authority consent to the application to develop Lot 20 LTO 77030 (135) Southport  
Road, Hundred of Cavenagh for the purpose of a 40m telecommunications tower,  
subject to the following conditions:

1. Works carried out under this permit shall be in accordance with drawing numbers 2011/0913/1, 2011/0913/2 and 2011/0913/3, and endorsed as forming part of this permit.
2. 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.

3. The owner of the land must enter into agreements with the relevant authority for the provision of electricity services to the facility shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
4. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
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.

and

The owner shall:

- (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) collect stormwater and discharge it to the drainage network; and
  - (c) undertake reinstatement works;
- all to the technical requirements of and at no cost to Litchfield Council to the satisfaction of the consent authority.
6. Before the use commences firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Northern Territory Fire and Rescue Services.

**NOTE:**

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.

**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 application is consistent with the objectives of the *Litchfield Planning Concepts and Land Use Objectives 2002*, specifically the Key Land Use Objective for Infrastructure at Section 2.5 by providing infrastructure that will enable high speed broadband through a combination of fibre, wireless and satellite technology through the rollout of the National Broadband Network (NBN).

2. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated.

All infrastructure associated with the facility will be well screened from adjoining land by existing vegetation and the lattice design of the tower will minimise its visual impact. The proposed development is unlikely to unreasonably detract from the existing and future amenity of the area.

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

**ITEM 3**  
**PA2011/0912**  
**APPLICANT**

**40M TELECOMMUNICATIONS TOWER AND EQUIPMENT SHELTER**  
**LOT 2 (275) ELIZABETH VALLEY ROAD, HUNDRED OF STRANGWAYS**  
**NBN CO LIMITED**

Mrs Kate Large (Aurecon Australia P/L) attended on behalf of the applicant and tabled amended plans showing removal of the equipment shed and direct access from Elizabeth Valley Road.

**RESOLVED**  
**30/12**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 2 LTO 77029 (275) Elizabeth Valley Road, Hundred of Strangways for the purpose of a 40m telecommunications tower, subject to the following conditions:

1. Works carried out under this permit shall be in accordance with drawing numbers 2011/0912/1, 2011/0912/2 and 2011/0913/3 and endorsed as forming part of this permit.
2. 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.
3. The owner of the land must enter into agreements with the relevant authority for the provision of electricity services to the facility shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
4. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
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.  
and  
The owner shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) collect stormwater and discharge it to the drainage network; and
  - (c) undertake reinstatement works;all to the technical requirements of and at no cost to Litchfield Council to the satisfaction of the consent authority.

6. Before the use commences firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Northern Territory Fire and Rescue Services.

**NOTE:**

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.

**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 application is consistent with the objectives of the *Litchfield Planning Concepts and Land Use Objectives 2002*, specifically the Key Land Use Objective for Infrastructure at Section 2.5 by providing infrastructure that will enable high speed broadband through a combination of fibre, wireless and satellite technology through the rollout of the National Broadband Network (NBN).

2. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated.

All infrastructure associated with the facility will be well screened from adjoining land by existing vegetation and the lattice design of the tower will minimise its visual impact. The proposed development is unlikely to unreasonably detract from the existing and future amenity of the area.

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

ITEM 4  
PA2011/0927  
APPLICANT

40M TELECOMMUNICATIONS TOWER AND EQUIPMENT SHELTER  
SECTION 2534 (20) KENTISH ROAD, HUNDRED OF CAVENAGH  
NBN CO LIMITED

DAS tabled an addendum with response from the applicant to Litchfield Council's comments.

Mrs Kate Large (Aurecon Australia P/L) attended on behalf of the applicant and tabled amended plans.

**RESOLVED**  
**31/12**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 2534 (20) Kentish Road, Hundred of Cavenagh for the purpose of a 40m telecommunications tower and equipment shelter, subject to the following conditions:

1. Works carried out under this permit shall be in accordance with drawing numbers 2011/0927/1, 2011/0927/2 and 2011/0927/3, and endorsed as forming part of this permit.
2. 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.
3. The owner of the land must enter into agreements with the relevant authority for the provision of electricity services to the facility shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
4. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
5. Engineering design, calculations and specifications for stormwater drainage and vehicular accesses are to be submitted for technical approval to Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

**NOTE:**

1. 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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.



## 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 complies with Clause 13.5 (Mobile Telephone Communications Towers etc) as the application demonstrates that the telecommunications tower will not 'unreasonably detract from the amenity of the locality'.

The application is consistent with the objectives of the *Litchfield LVO's*, particularly the 'Key Land Use Objective for Infrastructure' (Section 2.5) by providing infrastructure that will enable high speed broadband through a combination of fibre, wireless and satellite technology through the rollout of the National Broadband Network (NBN).

2. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated.

The telecommunication tower is unlikely to have a negative impact on the amenity of the area as:

- the infrastructure associated with the facility will be well screened at ground level
- the facility provides for 'sufficient spatial separation' from sensitive land uses being located approximately 130m from the nearest residential dwelling, including a vegetation buffer
- the facility will be located approximately 100m from the Stuart Highway which is considered an appropriate buffer distance to minimise the visual impact of the proposal on passing traffic.

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

**ITEM 5**  
**PA2011/0840**  
**APPLICANT**

**DEPENDENT UNIT IN EXCESS OF 50M<sup>2</sup>**  
**SECTION 1842 (3) BRUCE COURT, HUNDRED OF STRANGWAYS**  
**KYM & TANYA RIZONICO**

Mr Michael Cooper (NT Consulting Engineers) and owner Ms Tanya Rizonico and her father attended.

DAS tabled an addendum that included information provided by the applicant in support of their application.

**RESOLVED**  
**32/12**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Section 1842 (3) Bruce Court, Hundred of Strangways for the purpose of a dependant unit in excess of 50 square meters in floor area 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:

- so that the applicant can consider alternative designs that significantly reduces the floor area of the dependant unit.

#### **REASONS FOR THE DECISION**

1. Pursuant to section 46 (4) (b) of the *Planning Act*, the consent authority may require the applicant to provide it with additional information that it considers necessary in order to enable the proper consideration of the of the application.

The consent authority considers that the proposed dependant unit is not ancillary to the existing single dwelling on the site and requires the applicant to provide additional information showing a dependant unit with a significantly reduced floor area.

**ACTION:** Advice to the Applicant

**ITEM 6**  
**PA2011/0876**

**COMMERCIAL DEVELOPMENT COMPRISING INTERCHANGEABLE USES (SHOP, RESTAURANT, OFFICE, MEDICAL CLINIC AND VETERINARY CLINIC) IN A SINGLE STOREY BUILDING**  
**SECTION 1858 (10) DORIS ROAD, HUNDRED OF AYERS**  
**WILLING ENTERPRISES PTY LTD**

**APPLICANT**

DAS tabled the applicants response to submissions received.

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

**RESOLVED**  
**33/12**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 1858 (10) Doris Road, Hundred of Ayers for the purpose of a commercial development comprising interchangeable uses (shop, restaurant, office, medical clinic and veterinary clinic) in a single storey building, subject to the following conditions:

#### **CONDITION 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) fenestration of the northwest and southwest walls; and
  - (b) landscaping within the proposed car parking area to provide shade and screening.

## GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. Before the use commences the owner is to provide documentary evidence to the satisfaction of the consent authority upon the advice of the Department of Health that the existing effluent disposal system is of sufficient capacity to cope with the projected increased loading.
5. Any new effluent disposal system (or connections to the existing system) must be to the requirements of the Department of Health and to the satisfaction of the consent authority, and must be installed concurrently with the erection of the proposed additions and all waste must be disposed of within the curtilage of the property.
6. The owner of the land must enter into agreements with the relevant authorities for the connection of electricity and telecommunications services to the development, in accordance with the authorities' requirements and relevant legislation at the time.
7. 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.
8. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
9. Before the occupation of the development starts, the area set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all-weather-seal coat;
  - (d) drained;
  - (e) line marked to indicate each car space and all access lanes; and
  - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority.  
Car spaces, access lanes and driveways must be kept available for these purposes at all times.

10. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles within the site.
11. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Litchfield Shire Council drains or to any watercourse.
12. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Litchfield Shire Council and/or the Department of Lands and Planning, to the satisfaction of the consent authority.
13. Before the 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.
14. 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.
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 occupation of the development, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Bushfires NT.

**NOTES:**

1. This permit will expire if one of the following circumstances applies:
  - (a) the development is not started within two years of the date of this permit; or
  - (b) the development is not completed within four years of the date of this permit.

The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

2. 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.
3. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Food Safety Standards.
4. Any additional bore on the property would require a Bore Construction Permit. The developer should note that the Department of Natural Resources, Environment, The Arts and Sport is currently developing a water allocation plan

for the Berry Springs Aquifer, which is the groundwater resource under this site. There are concerns that the aquifer may already be at the maximum sustainable level of extraction. It is highly likely that within the next few years, a limit to extraction will be placed upon the Berry Springs Aquifer, and any new commercial water use from bores will need to be regulated. The developer should be aware of these potential changes to licensing requirements in this area.

#### REASON FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposal is generally compliant with the provisions of the NT Planning Scheme and the intent of the *Litchfield Planning Concepts and Land Use Objectives* for the subject area.
2. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. It is unlikely that the proposed uses would have an adverse impact upon the amenity of existing and future nearby land uses.

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

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



**PETER MCQUEEN**  
Chairman

18/12/12

