DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 217 – FRIDAY 10 NOVEMBER 2017

WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS

MEMBERS PRESENT: Suzanne Philip (Chair), Keith Aitken, Bob Shewring, Wendy Smith and Christine Simpson

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Ann- Marie Dooley, Roxanne Willing and Sonia Barnes (Items 1 – 3 only) (Development Assessment Services)

COUNCIL REPRESENTATIVE: Natasha McAlister

Meeting opened at 10.00 am and closed at 11.50 am
ITEM 1
PA2013/0593
APPLICANT
EXTENSION OF TIME
LOT 10 (470) LOWTHER ROAD, HUNDRED OF STRANGWAYS
EARL JAMES & ASSOCIATES

The applicant did not attend.

RESOLVED
146/17
That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 10 (470) Lowther Road, Hundred of Strangways to extend the base period of Development Permit DP13/0726 for a period of six months.

REASON FOR THE DECISION

Pursuant to Section 59(4) of the Planning Act, if the Authority makes a determination under subsection (3) other than in accordance with an application, it must give to the applicant a statement of its reasons. These include:

- A further six month period is considered reasonable to enable the applicant to address complete the subdivision proposal and subsequently seek the necessary clearances from the relevant services authorities.

ACTION: Extension of Time

ITEM 2
PA2017/0453
APPLICANT
SUBDIVISION TO CREATE ONE LOT FOR THE PURPOSE OF A LEASE IN EXCESS OF 12 YEARS
DEPARTMENT OF INFRASTRUCTURE, PLANNING AND LOGISTICS

The applicant did not attend.

RESOLVED
147/17
That, the Development Consent Authority vary Clause 11.1.1 (Minimum Lot Size and Requirements) and Clause 11.4.2 (Infrastructure in Subdivisions of Rural and Unzoned Land) and pursuant to section 53(a) of the Planning Act, consent to the application to develop Section 674 (645) Parkin Road, Hundred of Cavenagh for the purpose of a subdivision to create one lot for the purpose of a lease in excess of 12 years, subject to the following conditions:

CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing numbers 2017/0453/01 and 2017/0453/02 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 on the plan of subdivision submitted for approval by the Surveyor General.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage, sewerage and electricity facilities to each lot shown on the endorsed plan in accordance with the authorities requirements and relevant legislation at the time.

4. 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 Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner’s expense.

5. All proposed works impacting on Parkin Road road reserve 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 Litchfield Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".

6. 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.

7. Before the issue of titles, firebreaks along boundaries shall be provided to the satisfaction of the consent authority on advice from the Bushfires NT (Department of Environment and Natural Resources/ Northern Territory Fire and Rescue Services).

8. Before issue of titles and pursuant to section 34 of the Land Title Act, a Caution Notice shall be lodged with the Registrar-General on the parent parcel to include the following advice on all proposed lots indicated on the endorsed drawings. The Caution Notice is to state that: “The construction of bores to extract groundwater may be restricted or prohibited in this area. Landowners may be responsible for providing their own domestic water supply other than groundwater (e.g. Rainwater Tanks). Further information regarding the disinfection of water tanks and private water supply management can be obtained from www.health.nt.gov.au”. Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

9. Appropriate erosion and sediment control measures should be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the Consent Authority. Information can be obtained from the IECA Best Practice Erosion and Sediment Control Guidelines 2008 available at www.austieca.com.au and the NTG website https://nt.gov.au/environment/soil-land-vegetation.

NOTES:

1. Any new on-site wastewater system to be installed must be carried out by a qualified licensed Self-Certifying Plumber and must comply 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).
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. 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 endorsed as forming part of this permit are indicative only and are not for addressing purposes.

4. 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.

5. A groundwater extraction licence may be required under the Water Act for any bore used for purposes other than rural stock and domestic water supply. For advice on water extraction licences please contact the Policy and Planning Branch of the Department of Environment and Natural Resources.

6. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.

REASONS FOR THE DECISION

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

The primary purpose of Zone R (Rural) is to provide for a range of activities including residential, agricultural and other rural activities and the use of the land by the Labasheeda Park Volunteer Bushfire Brigade Inc is considered consistent with the intent of the zone.

The subdivision has been assessed against Clause 11.4.1 (Site Characteristics in Subdivision of Rural Land or Unzoned Land for Lot of 1ha or greater) and Clause 11.4.2 (Infrastructure in Subdivision of Rural and Unzoned Land) and complies therein.

The application does not comply with Clause 11.1.1 (Minimum Lots Sizes and Requirements). Table to Clause 11.1.1 requires a minimum lot size in Zone R (Rural) of 8ha with a minimum 1ha of unconstrained land. The proposed subdivision will create one lot of 2ha.
A variation to Clause 11.1.1 (Minimum Lot Sizes and Requirements) is supported as the size of the lot is considered appropriate for the intended use. The subdivision to create a parcel of land of 2ha for the use by volunteer fire fighting services, less than the typically required minimum lot size of 8ha, can be considered suitable to support community uses in the area.

Clause 11.4.2 (Infrastructure in Subdivisions of Rural and Unzoned Land) Subclause 2 (d) states “where no reticulated water is available, demonstrate that an adequate supply of groundwater is available for domestic purposes”.

A variation to Clause 11.4.2–2(d) is supported as the proposed future use is not considered to be for domestic use. The subdivision is to create a lot for the specific purpose of a lease in excess of 12 years to be used as a community volunteer fire fighting service. The proposed use of a water tank to provide water supply is considered acceptable for the intended use.

A caution notice has been recommended for registration on the title advising that “the construction of bores to extract groundwater may be restricted or prohibited in this area. Landowners may be responsible for providing their own domestic water supply other than groundwater (e.g. Rainwater Tanks)”.

2. Pursuant to section 51(j) of the Planning Act, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The overall site is identified partially within a Litchfield Priority Environmental Management Area (PEM) for drainage and riparian values under the Litchfield Subregional Land Use Plan. However the proposed subdivision lot is outside of the PEM affected area and therefore does not present any conflict with the intent of the land use plan.

The Department of Land Resource Management advised that given the size of the lot, it poses a negligible risk to threatened flora or fauna on the basis of existing knowledge and data and the information supplied in the application.

No other issues of concern in relation to land capability were raised.

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 site is surrounded by large parcels of undeveloped land and the subdivision is not expected to detrimentally affect the existing or future amenity of the area.

ACTION: Notice of Consent and Development Permit
Mr Darron Lyons (DPL Developments) attended.

That, pursuant to section 46(4)(c) of the Planning Act, the Litchfield Division of the Development Consent Authority defers consideration the application to develop Section 7098 (2) Patsalou Road, Hundred of Bagot for the purpose of a showroom, offices and motor repair station in a two storey building including mezzanine level, to require the applicant to provide the following information that the authority considers necessary to enable proper consideration of the application:

- Swept path diagrams to demonstrate:
  - the proposed waste disposal for the site is accessible to ensure a rubbish collection vehicle can enter and exit the site in a forward gear without compromising other activities;
  - the proposed loading bays for the site are accessible to ensure delivery vehicles can enter and exit the site in a forward gear without compromising other activities; and
  - manoeuvrability within the car parking area.

- Reconfigure the car parking area to provide a complaint number of car parking spaces for the uses proposed on site in accordance with Clause 6.5.1 (Parking Requirements).

**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.

   Swept path diagrams are required to demonstrate vehicles including delivery vehicles and a rubbish collection vehicle can easily access/egress to and from the site.

   The proposal does not comply with Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme as 24 car parking spaces are provided where 26 spaces are required. A reduction in the number of car parking spaces is not supported due to the nature of the use (showroom, offices and motor repair station). Amended plans are required to demonstrate compliance with Clause 6.5.1 (Parking Requirements).

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

   One public submission was received in relation to the application raising concerns regarding proposed landscaping along the road frontages, waste management at the site and space for cars being worked on. The revised information requested by the Authority has the potential to address the submitter’s concerns.

**ACTION:** Advice to Applicant
MIXED USE DEVELOPMENT COMPRISING OF SHOPS AND MEDICAL
SECTION 4097 (3) SKEWES STREET, HUNDRED OF STRANGWAYS
MKEA ARCHITECTS P/L

Mr Ross Connolly (MKEA Architects), Mr Ken Jones (Humpsty Doo Developments – Landowner), Mr Greg Broadfoot (Danila Dilba) and Angelique and Liz (both from GHD) attended.

RESOLVED
149/17

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Section 4097 (3) Skewes Road, Hundred of Strangways for the purpose of a mixed use development comprising of shops and medical clinic in a single storey building, to require the applicant to provide the following information that the authority considers necessary to enable proper consideration of the application:

➢ Amended plans to provide a complaint number of car parking spaces for the uses proposed on site in accordance with Clause 6.5.1 (Parking Requirements).

➢ Reduce the number of consulting rooms associated with the medical clinic proposed to four consulting rooms to reduce the overall number of car parking spaces required.

REASONS FOR THE DECISION

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

The proposal does not comply with Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme as 18 are provided where 34 spaces are required. A reduction in the number of car parking spaces is not supported as the authority considers the site to be over developed resulting in a substantial car parking shortfall. Amended plans are required to demonstrate compliance with Clause 6.5.1 (Parking Requirements).

ACTION: Advice to Applicant

SUBDIVISION TO CREATE THREE LOTS
LOT 2 (265) WHITEWOOD ROAD, HUNDRED OF BAGOT
NORTHERN PLANNING CONSULTANTS PTY LTD

Mr Brad Cunnington (Northern Planning Consultants) attended.

Submitters Mr Terry and Mrs Ann Dent sent their apologies.

RESOLVED
150/17

That, pursuant to section 46(4)(c) of the Planning Act, the Litchfield Division of the Development Consent Authority defers consideration of the application to develop Lot 2 (265) Whitewood Road, Hundred of Bagot, for the purpose of a subdivision to create three lots, until such time as the Minister makes a decision about the exhibited proposed planning scheme amendment to include planning principles and an area plan for the Howard Springs Rural Activity Centre.
Should no determination be made by 1 March 2018, the application is to be reheard at the Litchfield DCA meeting on 16 March 2018.

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 proposed subdivision complies with the relevant requirements of the NT Planning Scheme. Both the DRLUP and LSLUP state the intention to develop more detailed Area Plans for the Rural Activity Centres which are to be supported by infrastructure and traffic assessments and further community consultation. A proposal to include Area Plan and planning principles for the Howard Springs Rural Activity Centre was placed on public exhibition prior to the proposed subdivision application with the intention to build upon principles and supersede concepts within the DRLUP and LSLUP. The application should be deferred in anticipation of the area plan for the Howard Springs Rural Activity Centre being released to allow an appropriate, coordinated assessment to take place.

2. Pursuant to section 51(b) of the Planning Act, the consent authority must take into consideration any proposed amendments to such a planning scheme: that have been or are on exhibition under Part 2, Division 3; in respect of which a decision has not been made under Part 2, Division 5; and that are relevant to the development proposed in the development application.

The Department is currently processing a planning scheme amendment on behalf of the Minister to introduce Planning Principles and an Area Plan for the Howard Springs Rural Activity Centre, including the subject land. Exhibition of this planning scheme amendment ran from 4 August 2017 to 1 September 2017. A key feature of the area plan is the introduction of a new connection from Madsen Road via Whitewood Road through to Smyth Road. Part of this connection is proposed through the land subject to the proposal.

While the proposed subdivision includes a road easement through the subject land to facilitate a new connection between Madsen Road and Whitewood Road, the easement has a different alignment from the area plan. Any decision on the subdivision at this stage would be premature and pre-empt the Minister’s decision and therefore it is recommended the proposal is deferred in anticipation of a decision on the Howard Springs Rural Activity Centre Area Plan.

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

Two public submissions were received during the exhibition period under Section 49 of the Planning Act with respect to the proposal. One submission raised concerns about the impact on amenity and
the presumptions about the final area plan while the other supported the proposal and the proposed road alignment.

Deferral will enable the appropriate discussions to take place as the final area plan will be able to guide discussions and development.

4. Pursuant to section 51(m) of the Planning Act, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

Council states that discussions with the NT Government regarding the acquisitions of land and funding for infrastructure has not taken place and nothing is agreed upon at this time. Assurances should be made through this subdivision application that land required for the road is not developed on and may be available to be developed in the future, in accordance with the final road alignment. Therefore, it is premature for any proposed access easement to be in favour of council.

Deferral will enable the appropriate discussions to take place as the final area plan will be able to guide discussions and development.

5. 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 proposal does have the capacity to impact on the future amenity of the area and the subregion by withholding a vital connector road integral to the Howard Springs Activity Centre Area Plan and the opportunity to establish a viable public transport route through Howard Springs to the regional hospital at Holtze and Palmerston. The may also prejudice key amenity outcomes of the draft area plan and therefore should be deferred pending release of the final area plan.

RESOLVED 151/17

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 Lot 2 (265) Whitewood Road, Hundred of Bagot, for the purpose of a subdivision to create three lots subject to:

A determination by the Minister of Infrastructure, Planning and Logistics on the planning scheme amendment to include planning principles and an area plan for the Howard Springs Rural Activity Centre provided:
- the amendment illustrates the same road alignment proposed as part of this application; and
- an easement is included on the title to ensure the future road corridor remains unencumbered and free of development.

**ACTION:** Advice to applicant

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

SUZANNE PHILIP  
Chair  
17/11/17