DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 190 – FRIDAY 11 SEPTEMBER 2015

WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS

MEMBERS PRESENT: Denis Burke (Chairman), Keith Aitken, Bob Shewring, Michael Bowman and Frank Crawley

APOLOGIES: Nil

OFFICERS PRESENT: Kate Walker (A/Secretary), Steven Kubasiewicz and Allison Hooper (Development Assessment Services), Jan Kinsella and Chris Humphries (Lands Planning)

COUNCIL REPRESENTATIVE: Valerie Conway and Edward Li

Meeting opened at 10.20 am and closed at 11.00 am
Mr David Yesberg attended the meeting.

RESOLVED

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 00036 (170) Scrutton Road, Livingstone, Hundred of Cavenagh for the purpose of clearing of native vegetation, subject to the following conditions:

CONDITIONS PRECEDENT

1. 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, and an endorsed copy of the Plan will form part of this permit. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during both the clearing and establishment phases. Erosion and sediment control information can be located on the DLRM website at [http://lrn.nt.gov.au/soil/management](http://lrn.nt.gov.au/soil/management).

The ESCP should include, but not be limited to the following:

- timing of vegetation knockdown and subsequent development activities and timelines;
- establishment and maintenance of pasture/groundcovers, including species and management;
- management (removal) of windrows or similar surface modifications that could alter and concentrate natural surface flow patterns;
- use of filter strips where appropriate; and
- use of graded banks where appropriate.

2. 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 25m buffer of native vegetation to be retained to the Scrutton Road frontage.
GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

4. The permit holder must ensure that the clearing operator has a copy of the permit, including the endorsed drawing, at all times during the clearing operation.

5. 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.

6. The number of domestic livestock kept on the land shall not exceed 1 per hectare.

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. A permit to burn is required from the Regional Fire Control Officer, Department of Land Resource Management, prior to the ignition of any felled vegetation on the property. Fire prevention measures are to be implemented in accordance with the requirements of the Bushfires Act.

3. The developer is required to contact “Dial Before You Dig” on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

4. A groundwater extraction licence is required under the Water Act for any bore equipped to supply over 15 litres per second. For advice on water extraction licences please contact the Water Management branch of the Department of Land Resource Management.

REASONS

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 clearing of native vegetation generally complies with all relevant NT Planning Scheme requirements and the authority has considered the requirements of the NT Land Clearing Guidelines. The site has previously been cleared and is currently characterised by poor quality native regrowth and

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Reliance on these minutes should be limited to exclude uses of an evidentiary nature.
several weed infestations. A 25meter buffer of native vegetation is to be retained to the Scrutton Road frontage.

2. Pursuant to section 51(j) of the Planning Act, the consent authority must 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 land is to be cleared to accommodate the keeping of domestic livestock to manage an ongoing weed problem. The number of domestic stock to be kept on the land is to be limited by condition to no more than 1 per hectare.

3. 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 retention of a native vegetation buffer to the Scrutton Road frontage will minimise the visual impact of the clearing on the streetscape.

ACTION: Notice of Consent and Development Permit

ITEM 2  CONCURRENT APPLICATION TO REZONE FROM ZONE RR (RURAL RESIDENTIAL) AND ZONE PM (PROPOSED MAJOR ROAD) TO ZONE CP (COMMUNITY PURPOSE) AND ZONE FD (FUTURE DEVELOPMENT) AND SUBDIVIDE TO CREATE 3 LOTS
APPLICANT SECTION 4231 (213) TAYLOR ROAD, HUNDRED OF BAGOT LAND AND ECONOMIC DEVELOPMENT

Mr Lawson Broad of the Department of Lands, Planning and the Environment attended the meeting on behalf of the applicant and tabled an amended plan with an explanatory document.

RESOLVED 165/15
Pursuant to section 30P(1)(a) the Development Consent Authority, determine that if the Minister were to approve the amendment proposed by the concurrent application, the Development Consent Authority would be likely to determine to vary the requirements of Clause 11.1.1 (Minimum Lot Sizes and Requirements) of the NT Planning Scheme, and consent to the application to develop Section 4231 (213) Taylor Road, Hundred of Bagot, for the purpose of a subdivision to create 3 lots under section 30W(1)(a) subject to the following conditions:

1. Works carried out under this permit shall be in accordance with drawing number 2015/0370/1, endorsed as forming part of this permit.

2. 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.

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. 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.

5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, electricity supply and telecommunications to each lot shown on the endorsed plan in accordance with the authorities’ requirements and relevant legislation at the time.

6. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

7. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of Litchfield Council or the Department of Transport, as the case may be, to the satisfaction of the consent authority and all approved works constructed at the owner’s expense.

8. All proposed work (including provision of services) within, or impacting upon the Stuart Highway, Glyde Point arterial, Temple Terrace and Roystonea Avenue road reserves 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 Chief Executive, Department of Transport. Drawings must be submitted to the Director Roads for Road Agency, Department of Transport, irrespective of approvals granted by other Authorities. No works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve”.

9. Before the issue of titles, 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.

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. The Developer, his Contractor or Service Provider is required to obtain a “Permit to Work within a Road Reserve” from the Manager Road Operations, Road Projects Division, Department of Construction and Infrastructure (2nd Floor, Highway House, Palmerston) prior to the commencement of any works within the Stuart Highway and Glyde Point arterial road reserves.

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3. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.

4. All new 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 placenames.dpt@nt.gov.au. Further information can be found at http://www.placenames.nt.gov.au.

5. Clause 10.2 (Clearing of Native Vegetation) of the NT Planning Scheme requires that any clearing of native vegetation in excess of 1ha in aggregate on a site within Zone CP (Community Purpose) requires consent.

6. 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.

7. 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.

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 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.

REASONS

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.

A variation to Clause 11.1.1 (Minimum Lot Sizes and Requirements) of the NT Planning Scheme is supported as the proposed size and configuration of Lot B is suitable for the intended future use and will not prejudice future development of the site as a health precinct. Lots A and B have been configured taking into account the proposed road network, the natural landscape, and the intended future use. The proposal is otherwise generally consistent with the requirements of the proposed scheme amendment.

2. Pursuant to Section 30P(2)(f) any information received as a result of consultations carried out, submissions received, or evidence given at a hearing.

Three public submissions were received during the public exhibition period. The submissions raised concerns regarding the strategic planning implications of
locating the Palmerston Regional Hospital at the proposed location, concerns regarding the proposed rezoning without a current Area Plan, and concerns regarding the provision of infrastructure, clearing of native vegetation and access.

Concerns regarding the provision of infrastructure, clearing of native vegetation and access will be addressed through any future development application to develop the site. The preparation, exhibition and inclusion of the Holtze Area Plan is being undertaken independently of this application by the NT Planning Commission; however the proposed subdivision of the subject site is generally in accordance with Government’s intentions for the locality.

3. Pursuant to Section 30P(2)(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 applicant and the Department of Land Resource Management acknowledge the presence of several threatened and vulnerable species of flora and fauna as identified by Territory and Commonwealth legislation. Whilst considerations will need to be given to management of these species, specifically cycads present on the site, their presence does not preclude the proposed subdivision from occurring as it is administrative in nature with minimal ground works. Issues relating to biodiversity and erosion and sediment control are to be addressed in more detail at development application stage. The evidence provided indicates that the land is capable of supporting the intended future development of the site for a hospital.

**ACTION:** Advice to applicant

**RESOLVED 166/15**

That under section 30Q of the Planning Act, the Development Consent Authority report to the Minister for Lands and Planning on the preliminary decision, 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 proposal.

**RESOLVED 167/15**

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 Litchfield Division of the Development Consent Authority 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 Section 4231 (213) Taylor Road, Hundred of Bagot for the purpose of a subdivision to create 3 lots; and
- issue the relevant notices under Section 30Y.

ITEM 3  
PA2015/0520  
HOSPITAL IN ACCORDANCE WITH PROPOSED ZONE CP (COMMUNITY PURPOSES)  
SECTION 4231 (213) TAYLOR ROAD, HUNDRED OF BAGOT  
APPLICANT  
DEPARTMENT OF INFRASTRUCTURE

Mr Glen Brady and Mr Brett Brogan of the Department of Infrastructure attended the meeting on behalf of the applicant and tabled an amended site plan.

RESOLVED  
168/15  
That, pursuant to section 46(4)(c) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Section 4231 (213) Taylor Road, Hundred of Bagot for the purpose of a hospital in accordance with proposed Zone CP (Community Purpose) subject to the determination of the proposed Concurrent Application PA2015/0370.

RESOLVED  
169/15  
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 4231 (213) Taylor Road, Hundred of Bagot for the purpose of a hospital in accordance with proposed Zone CP (Community Purpose), subject to the determination of the proposed Concurrent Application PA2015/0370.

REASONS FOR THE DECISION

Pursuant to section 51(b) of the Planning Act, the consent authority must take into consideration any proposed amendments to such a planning scheme.

A proposed planning scheme amendment, contained within a concurrent application, has been on public exhibition and proposes to amend the zoning of the subject site from Zone RR (Rural Residential) and Zone PM (Proposed Main Road) to Zone CP (Community Purpose) and Zone FD (Future Development). The proposed development of a hospital is prohibited within the current RR zoning, and whilst the application is generally consistent with the proposed CP zoning, the consent authority cannot determine the proposal until the outcome of the concurrent application is finalised.

ACTION: Advice to Applicant

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

DENIS BURKE  
Chairman  
14/9/15