DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 206 – FRIDAY 9 DECEMBER 2016

WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS

MEMBERS PRESENT: Denis Burke (Chairman), Bob Shewring, Keith Aitken, Wendy Smith and Christine Osborn

APOLOGIES: Nil

OFFICERS PRESENT: Cael Ordogh, Dawn Parkes, Ann-Marie Dooley and Laura Oakley
(Development Assessment Services)

COUNCIL REPRESENTATIVE: Natasha McAlister and Edward Li

Meeting opened at 10.15 am and closed at 11.30 am
ITEM 1
PA2016/0597
APPLICANT
DEPARTMENT OF INFRASTRUCTURE, PLANNING AND LOGISTICS

SUBDIVISION TO CREATE ONE LOT
SECTION 2934 HUNDRED OF STRANGWAYS

Mr Stuart Cook from the Department of Infrastructure, Planning and Logistics attended the meeting.

RESOLVED
162/16

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Section 2934, Hundred of Strangways for the purpose of a subdivision to create one lot, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings 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 water supply and electricity facilities to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerdevelopmentnorth@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. 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 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 has been assessed against Clauses 5.20 (Zone R- Rural), 11.1.1 (Minimum Lot Sizes and Requirements) and 11.4.5 (Subdivision of Land Zoned RR) and complies with the requirements therein.

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 proposal is to facilitate the titling of the land and will not involve any physical works. No concerns have been raised by service authorities with regards to land capability and given the administrative nature of the proposal the land is considered capable of supporting the proposed subdivision.

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 subdivision complies with the relevant provisions of the NT Planning Scheme. The proposal is not expected to impact on the existing or future amenity of the area particularly given the administrative nature of the proposal.

ACTION: Notice of Consent, Development Permit and Endorsed Plans

ITEM 2
PA2016/0591
APPLICANT
SUBDIVISION TO CREATE THREE LOTS IN TWO STAGES
SECTION 1804 (100) FINN ROAD, HUNDRED OF AYERS
MR JOHN VINCENT ASCOLI & MRS GILLIAN ELSAPETH ASCOLI

Mr John Vincent Ascoli attended.

RESOLVED
163/16
That, the Development Consent Authority vary the requirements of 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 1804 (100) Finn Road, Hundred of Ayers, for the purpose of a subdivision to create three lots in two stages subject to the following conditions.

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of use, 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 must be generally in accordance with the plans submitted with the application but modified to show a revised site plan:
   a. Clearly illustrating the two stages proposed as part of the application; and
   b. Additional information confirming the boundary locations to ensure the subdivision will not detrimentally impact on the creek line and/or the associated riparian area.
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 Litchfield Council’s stormwater drainage system shall be submitted to and approved by Litchfield Council. The plan shall include details of site levels and Council’s stormwater drainage connection point(s). The plan shall demonstrate that stormwater run-off is capable of being discharged across the lot surface to the main drainage system or to an approved alternate connection. The plan shall also illustrate the 1ha of land identified as unconstrained on each proposed lot. Please note: Litchfield Council stormwater discharge guidelines do not allow concentrated discharge of stormwater from rural lots to adjoining properties or the road.

3. 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 Environment and Natural Resources (DENR). All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority on the advice of DENR. 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 reference 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 ESCP content is available at [www.austieca.com.au](http://www.austieca.com.au) and the NTG website [http://nt.gov.au/environment/soil-land-vegetation](http://nt.gov.au/environment/soil-land-vegetation).

**GENERAL CONDITIONS**

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

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 Environment and Natural Resources.

6. 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.

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

8. 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 the Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner’s expense.
9. 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 Environment and Natural Resources).

10. Before the issue of titles, 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.

11. 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 proposed lot C indicated on the endorsed drawings. The Caution Notice is to state that: “The construction of bores to extract groundwater may be restricted or prohibited on this lot. 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.

12. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.

NOTES

1. The Power and Water Corporation advises that the 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.

2. The Power and Water Corporation advise that the internal electrical installation to proposed lot C to ensure that the voltage drop would not exceed the acceptable limit is expensive to prospective land owners (tens of thousands of dollars more compared to a standard lot).

3. A “Permit to Work Within a Road Reserve” may be required from Litchfield Council before commencement of any work within the road reserve.

4. 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 Environment and Natural Resources.

5. 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.

6. 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 surveyelandrecords@nt.gov.au 08 8995 5354. The numbers shown on the plans are indicative only and are not for addressing purposes.
7. 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.

8. 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.

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 is consistent with the residential land use objectives of the Litchfield Subregional Land Use Plan 2016 and the rural lifestyle objectives of the Darwin Regional Land Use Plan 2015.

   The proposal is generally consistent with the Northern Territory Planning Scheme Clauses 11.4.1 (Site Characteristics in Rural Subdivisions) and 11.4.2 (Infrastructure in Rural Subdivisions) and 11.4.3 (Lot Size and Configuration in Rural Subdivisions).

   A variation to Clause 11.4.2 (Infrastructure in Subdivisions of Rural and Unzoned Land) to allow a battle-axe strip in excess of 250m in length is considered acceptable as the access was created as part of a previous subdivision and no issues were raised by service authorities.

2. Pursuant to Section 51(c) of the Planning Act, the consent authority must take into consideration an interim development control order, if any, in respect of the land to which the application relates.

   The proposed subdivision is partially located within the Berry Springs Interim Development Control Order (IDCO) 22 area and as such, the DENR advise that no new bore construction permits will be granted in this area. The requirement to register a caution notice over proposed Lot C will inform future land owners of the potential requirement to provide a domestic water supply other than groundwater.

3. 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.

   Three public submissions were received outlining concerns regarding the appropriateness of subdividing multi zoned land, the potential environmental impact the development of septic tanks may have on the adjacent creek and noting
that development within the Q100 associated with the adjacent Creek should be avoided. The concerns raised in the submissions have been assessed by service authorities with appropriate conditions of development included in the development permit.

4. 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.

All lots meet the minimum size for Rural and Rural Living zoned land and each lot contains at least 1ha of land (and access) that is unconstrained by drainage.

No major concerns were raised by service authorities with regards to land capability of the subject site and the land is considered capable of supporting the proposed subdivision. A number of standard conditions relating to the servicing of the subject land have been applied to the development permit and will help ensure that the land is capable of supporting its intended use.

5. Pursuant to section 51(r) of the Planning Act, the consent authority must take into account any potential impact on natural, social, cultural or heritage values.

While the further subdivision of the land surrounding the Hardy’s Creek Priority Environmental Management Area has the potential to impact upon the natural values of this area, the creation of two additional allotments with adequate areas of unconstrained land represents only a small incremental impact to that which has already occurred within this allotment through the past development of unsuitable constrained land. The large size of proposed Lot A affords an adequate level of protection to the majority of the constrained land within this site at this time.

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

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<tr>
<th>ITEM 3</th>
<th>CHANGE OF USE FROM SHOP TO HOTEL</th>
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<tbody>
<tr>
<td>PA2016/0579</td>
<td>LOT 2 (30) VIRGINIA ROAD, HUNDRED OF BAGOT</td>
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<tr>
<td>APPLICANT</td>
<td>MASTERPLAN NT</td>
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Mrs Kerri-Anne Tatchell from MasterPlan NT and Damien O’Brien, Owner of the Virginia Tavern, attended.

**RESOLVED** 164/16

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Lot 2 (30) Virginia Road, Hundred of Bagot for the purpose of a change of use from shop to hotel 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:

1. Amended plans to show:
   a. The provision of at least 30 car parking spaces as required by the requirements of Clause 6.5.1 (Parking Requirements);
b. Removal of all car parking spaces shown within the Litchfield Council road reserve;

c. A loading bay that meets the requirements of Clause 6.6 (Loading Bays); and

d. An area for the storage of waste disposal bins.

The amended plans must be accompanied with a statement from a suitably experienced and qualified person to confirm that the proposed car parking layout complies with the requirements of Clause 6.5.3 (Parking Layout) and meets the relevant Australian standards.

REASON FOR THE DEFERRAL

1. Pursuant to section 46(4)(b) of the Planning Act, the consent authority may defer consideration of an application if it considers that additional information is necessary to enable the proper consideration of the application.

The Authority does not support a variation to the parking requirements and requires amended plans to show the provision of at least 30 car parking spaces which are required pursuant to Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme.

The Authority determined that the proposed parking layout does not meet the requirements of Clause 6.5.3 (Parking Layout) and therefore, particularly with the addition of further parking on-site, a statement from a suitably experienced and qualified person is required to ensure that the car parking area is appropriately designed, constructed and maintained for its intended purpose as per the purpose of Clause 6.5.3.

The Authority noted that the proposed plans do not include the provision of a loading bay or areas for the storage of waste disposal bins. These details are required to ensure that they can be accommodated on the site and that their locations do not conflict with the proposed parking layout.

The Authority noted the availability of on-street car parking available in the area but requires amended plans to show the removal of all car parking spaces shown within the Litchfield Council road reserve as the proposed development should be contained within the lot boundaries.

ACTION: Letter of Deferral

ITEM 4
PA2010/1102
APPLICANT MR IAN QUIN

Mr Ian Quin attended.

RESOLVED 165/16

That, pursuant to section 59(3)(a) of the Planning Act, the Development Consent Authority alter and approve the proposal to extend the base period of Development Permit DP10/0838 for the purpose of a two lot subdivision at Section 226 (395) Acacia Gap Road, Hundred of Colton for a period of one year.
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:

1. An additional two years in which to commence the development is considered unwarranted given the applicant has advised that the works are complete and the base permit of the period has already been extended for a period of two years once before; and

2. The Authority considered that a further one year period is reasonable to enable the applicant to address the outstanding requirements of the condition precedent and to seek the necessary clearances from the relevant services authorities to enable titles to be issued.

ACTION: Notice of Consent and Development Permit

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

[Signature]
KEITH AITKEN
Delegate

14/12/16