DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 213 – FRIDAY 11 AUGUST 2017

WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS

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

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Dawn Parkes and Ann-Marie Dooley (Development Assessment Services)

COUNCIL REPRESENTATIVE: Natasha McAllister

Meeting opened at 10.15 am and closed at 11.00 am
ITEM 1  
PA2017/0282  
ALTERATIONS AND ADDITIONS TO AN EXISTING AIRSTRIP (STORAGE STRUCTURES)  
SECTION 4617 (850) BEES CREEK ROAD, HUNDRED OF STRANGWAYS  
APPLICANT  
MOONBEAM DESIGN  
Mr Chris Renehan (Moonbeam Design) attended.

RESOLVED  
98/17  
That, pursuant to Section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Section 4617 (850) Bees Creek Road, Hundred of Strangways for the purpose of alterations and additions to an existing airstrip (storage structures) subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing/s endorsed as forming part of this permit.

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

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. 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.

5. The owner shall:
   a) remove disused vehicle and/or pedestrian crossovers;
   b) provide footpaths/cycleways;
   c) collect stormwater and discharge it to the drainage network; and
   d) undertake reinstatement works;

   all to the technical requirements of and at no cost to the 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.

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

8. No further development associated with aviation activities is to be undertaken on the subject site, without consent.
9. The use of the land for the purpose of alterations and additions to an existing airstrip (storage structures) must cease upon the expiration of Development Permit DP16/0088.

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

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

3. 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.

4. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Clause 6.7 of the Northern Territory Planning Scheme.

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.

   Zone FD (Future Development) is an interim zone identifying an area that is intended for future rezoning and development in accordance with an Area Plan (where applicable) and its purpose is to limit uses and development within the zone to a level that will not prejudice the future development and provide for development in accordance with the Area Plan (where applicable) once services are (or can be) made available to the land.

   While there is no Area Plan in place, both the Darwin Regional Land Use Plan and Litchfield Sub-Regional Land Use Plan identify the locality for urban/peri-urban development. Therefore both the existing and proposed uses are considered incompatible with the future development of future City of Weddell and as the future City and surrounding area develops, there is the likelihood of increased land use conflict.

   Notwithstanding the above, the subject site has approval for the purpose of a private airstrip, 12 hangers, 4 single dwellings, a workshop and a clubhouse until 2028; therefore provided the use is permitted for a limited timeframe to correspond to the existing development permit, DP16/0088, and does not lead to the permanent
establishment of aviation activities; the proposal will not prejudice the future use or development of the land.

2. Pursuant to 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.

This application must be considered in the context of future amenity of the City of Weddell. Aviation activity associated with the private airstrip will have an adverse impact on any future urban or intensified rural living developments in the locality.

However, as competing and/or conflicting residential land uses are not expected to develop in the locality in the near future and approval has been granted until 2028 for the site to be utilised for a private airstrip; consent for the proposed additions for a limited period of time would not restrict or adversely impact the future City of Weddell.

3. Pursuant to section 55 of the Planning Act, the consent authority may impose on a development the conditions it thinks fit and specifies in the development permit, including a provision for the permit to lapse on a specified date.

Section 4617 has approval to be used for the purpose of a private airstrip, 12 hangers, 4 single dwellings, a workshop and a clubhouse until 2028; therefore provided the use proposed is permitted for a limited timeframe to correspond to the existing development permit, DP16/0088, and does not lead to the permanent establishment of aviation activities; the proposal will not prejudice the future use or development of the land.

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

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**ITEM 2**

**PA2017/0294**

**APPLICANT**

RESTAURANT IN A SINGLE STOREY BUILDING

SECTION 6493 (425) STUART HIGHWAY, HUNDRED OF BAGOT

GWELO INVESTMENTS PTY LTD

Mr Bernie O’Connell and Mr Vince Albertoni (both from Gwelo Investments Pty Ltd) attended.

Submitter: Litchfield Council (represented by Natasha McAllister) attended.

**RESOLVED 99/17**

That, the Development Consent Authority vary the requirements of Clause 6.7 (Signs) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Section 6493 (425) Stuart Highway, Hundred of Bagot for the purpose of a restaurant in a single storey building, 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 loading bay with minimum dimensions 7.5m x 3.5m (including a height
clearance of at least 4m);
(b) a total of 16 car parking spaces allocated to the restaurant; and
(c) additional information to demonstrate how refuse trucks will access this
area without restricting pedestrian access to the restaurant.

2. 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, to the satisfaction of the consent authority. The plan
shall include details of site levels and Council's stormwater drain
connection point/s and should ensure it reflects the approved development
site layout. The plan shall also indicate how stormwater will be collected on
the site and connected underground to Council's system.

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 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.

5. 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.

6. 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.

7. The owner shall:
(a) remove disused vehicle and/or pedestrian crossovers;
(b) provide footpaths/cycleways;
(c) collect stormwater and discharge it to the drainage network; and
(d) undertake reinstatement works;
all to the technical requirements of and at no cost to the Litchfield Council,
to the satisfaction of the consent authority.

8. Stormwater is to be collected and discharged into the drainage network to
the technical standards of and at no cost to Litchfield Council and/or the
Transport and Civil Services Division, Department of Infrastructure
Planning and Logistics, to the satisfaction of the consent authority.

9. Where unfenced, the Stuart Highway Service Road frontage is to be
appropriately fenced in accordance with the Transport and Civil Services
Division of the Department of Infrastructure, Planning and Logistics'
standards and requirements to the satisfaction to the consent authority.
10. Headlight barriers shall be installed to the drive through area along the Stuart Highway Service Road frontage to prevent headlights being noticeable or causing a nuisance to Stuart Highway Service Road traffic in accordance with requirements of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics’ standards and requirements to the satisfaction to the consent authority.

11. Upon completion of any works within or impacting upon the Stuart Highway/Service Road road reserve, the road reserve shall be rehabilitated to the standards and requirements of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics.

12. All proposed works impacting on the Stuart Highway 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 the Department of Infrastructure Planning and Logistics. Drawings must be submitted to the Transport and Civil Services Division, Department of Infrastructure Planning and Logistics, for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within NT Government Road Reserves".

13. Before the occupation of the development starts, the area(s) 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. “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.

16. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading area and must not disrupt the circulation and parking of vehicles on the land.

17. Before the use 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.

18. 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.
19. 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.

20. No goods are to be stored or left exposed outside the building so as to be visible from any public street.

21. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building.

22. 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.

23. External lights including those associated with illuminated signage must be designed, baffled and located to the satisfaction of the consent authority to prevent any adverse effect on adjoining land and roads.

24. 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. A “Permit to Work Within NT Government Road Reserves” may be required from the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics, before commencement of any work within the Stuart Highway road reserve.

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

3. The restaurant development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Food Safety Standards.

4. 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.

5. 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.

6. 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 Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics.

7. Any floodlighting or security lighting provided on site is to be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway traffic.

8. 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.

9. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is available from Department of Environment and Natural Resources.

10. 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.

11. 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 89384070 to determine if the proposed works are subject to the Act.

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 proposed development is consistent with the requirements of the NT Planning Scheme, including the purpose of Zone C (Commercial) to provide for a range of business and community uses. The proposed restaurant is considered to be consistent with the purpose of the zone as it will further facilitate the intent of the zone as an area servicing the proposed residential aspect of the mixed use development as well as the surrounding population of Coolalinga.

A revised site plan is required to ensure a suitable loading bay is provided in accordance with Clause 6.6 (Loading bays). The drawing is also required to illustrate a total of 16 car parking spaces are

These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.
allocated to the development to ensure continued compliance with Clause 6.5.1 (Parking Requirements).

A condition precedent is included which requires further information from the developer to confirm the loading bay access point is fit for purpose i.e. service/delivery vehicles and waste disposal trucks can easily access the site to ensure compliance with Clause 6.6 (Loading Bays) is achieved.

A variation to the requirements of Clause 6.7 (Signs) is considered acceptable as the development is consistent with the purpose of the clause “to ensure that business signs and promotion signs on zoned land are of a size and location that minimises detriment to the amenity of the area”. The overall design is largely consistent with the standard requirements of the NTPS for a development of this type and the signage is consistent with similar contemporary restaurant developments in the locality.

In addition, the façade signage is proportionate to the area of the facades on which they will appear; the signage will occupy a total area of approximately 12% of the north western façade and approximately 3.4% of the south eastern façade. While these signs will be visible from the highway, all will be set back more than 10m from the highway boundary of the site. In addition, the pylon sign is consistent with the nature of the development, and is a standard feature of many contemporary fast food restaurants.

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.

Two public submissions were received in relation to the application raising concerns regarding the landscaping (or lack thereof) associated with new businesses recently developed along the Stuart Highway and the proposed car parking layout shown on the stormwater management plan.

It is considered that the proposal will form part of the Coolalinga Village Precinct which was approved in December 2009, and that works associated with DP09/1035 are ongoing and the landscaping associated with this development is likely to be established nearing the completion of this restaurant development. In addition, a detailed landscaping plan was submitted which includes the type of landscaping proposed within the site boundary for this development which will be endorsed and will form part of the development permit.

With regards to the stormwater management plan, a condition precedent has been included which requires the applicant to submit revised stormwater drawings for the site illustrating the correct site layout.

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 supported 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 site does not appear to contain any constraints that would affect the development or cause the development to impact on other land in the vicinity. Overall Section 6493 has been zoned accordingly to accommodate the proposed development, therefore provided that all issues raised by service authorities in their comments are addressed, it is envisaged that the proposed development will have a minimal impact on land and existing development within the general vicinity.

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 development is located within an existing and mixed use development with surrounding land being primarily use for commercial uses. As such it is not expected that the proposed development will impact on the existing and/or future amenity of the area.

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

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

SUZANNE PHILIP
Chair

15/8/17