



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 254 – FRIDAY 12 FEBRUARY 2021

**HOWARD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

MEMBERS PRESENT: Suzanne Philip (Chair), Keith Aitken and Adam Twomey and Christine Simpson

APOLOGIES: Nil

LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Wendy Smith, Fiona Ray, Elissa Gee and Mia Ifergan (Development Assessment Services)

COUNCIL REPRESENTATIVE: Rodney Jessup

Meeting opened at 10.00 am and closed at 11.00 am

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

**PA2015/0015 EXTENSION OF TIME – DP16/0454A
SECTION 6011 (155) PRODUCE ROAD, HUMPTY DOO, HUNDRED OF STRANGWAYS**

APPLICANT Joseph Sheridan (Masterplan NT)

Mr Joseph Sheridan (applicant), Mr Joseph Godolley and Mr Kristian Kent (landowners) attended.

RESOLVED That, pursuant to section 59(3)(a) of the *Planning Act 1999*, the Development
11/21 Consent Authority consent to the application to extend the base period of the Development Permit DP16/0454A for the purpose of subdivision to create eight lots for two years.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Extension of Time

ITEM 2

**PA2020/0428 CHILD CARE CENTRE
SECTION 1931 (7) FINN ROAD, BERRY SPRINGS, HUNDRED OF AYERS**

APPLICANT Suter Enterprises Trust

DAS tabled

- an amended site plan of the proposed child care centre; and
- a copy of clause 3.2.4 (Car Parking Layout) of the NTPS 2020 and a recommended new condition precedent.

Mr David Duxfield attended on behalf of the applicant.

RESOLVED That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent
12/21 Authority consent to the application to develop Section 1931 (7) Finn Road, Berry Springs, Hundred of Ayers for the purpose of a child care centre, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, a stormwater management plan demonstrating the on-site collection of stormwater and its discharge into the stormwater drainage system prepared in accordance with the NT Subdivision Development Guidelines shall be submitted to and approved by Litchfield Council and the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics, as the case may be, to the satisfaction of the consent authority.

2. Prior to endorsement of plans and prior to commencement of works, a Traffic Impact Assessment Report, prepared by a suitably qualified traffic engineer in accordance with the AustRoads Document Guide to Traffic Management Part 12:Traffic Impacts of Developments, in the report structure provided as Appendix C of that document, with particular attention to vehicular, pedestrian, cyclist and public transport issues and opportunities shall be submitted to and approved by Litchfield Council. The Traffic Impact Assessment report is to also include swept paths for any vehicles Class TB2 or larger (as defined in AustRoads 94) entering and exiting the site.

The report should identify any necessary upgrades to the surrounding street network as a result of the implications of the development to the requirements of Litchfield Council. The developer will be required to institute all required upgrade measures at no cost to Litchfield Council.

3. Prior to the endorsement of plans and prior to commencement of works, a revised plan for internal traffic flow within the site, prepared by a suitably qualified traffic engineer, must be submitted to and approved by Litchfield Council and the consent authority. The Plan must be accompanied by a statement from a suitably qualified traffic engineer to confirm the design meets appropriate Australian standards and is suitable for the childcare use. When approved, the plan will be endorsed and will form part of the permit. Traffic and parking operations on the site must conform to the endorsed plan.
4. Prior to endorsement of plans and prior to commencement of works, an Operational Environmental Management Plan (OEMP) that addresses the day to day waste management requirements for the use shall be prepared to the satisfaction of Litchfield Council. The use must at all times be conducted in accordance with the plan.
5. Prior to commencement of works, a Traffic Management Plan for the construction phase of the development shall be submitted to and approved by Litchfield Council. The plan must address traffic control and haulage routes proposed for the development.

GENERAL CONDITIONS

6. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. 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.
9. The kerb crossings 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.

10. Where unfenced, the Cox Peninsula Road frontage is to be appropriately fenced in accordance with the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics's standards and requirements to deter unauthorised vehicular movement.
11. Upon completion of any works within the Cox Peninsula 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. The installation of any services or service connections within the Cox Peninsula Road road reserve is subject to Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics approval. All service related works are to be contained within the appropriate Nominal Service Corridor (refer Standard Drawing CS-3001).
13. 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 of variable message). The sign shall be positioned:
 - (i) so as not to create sun or headlight reflection to motorists; and
 - (ii) be located entirely (including foundations and aurally) within the subject LotTemporary advertising signage e.g. 'A' frame, vehicle or trailer mounted shall not be erected or located within the Cox Peninsula Road road reserve.

NOTES:

1. Litchfield Council's current Fees and Charges may apply to the above conditions. Additional information can be found at www.litchfield.nt.gov.au.
2. A Works Permit is required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's road network.
3. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Interim Development Control Order 29.
4. The Department of Infrastructure, Planning and Logistics's Transport and Civil Services Division advises that the clearing and future use of the land shall not be detrimental to the drainage of the Cox Peninsula Road road reserve through the blocking of off let drains, natural drainage channels or overland flow.
5. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@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.

6. 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).
7. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at:
<http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>.
8. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* 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.

REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The Northern Territory Planning Scheme 2020 (NTPS 2020) applies to the land and child care centre requires consent under Clause 1.8.1(c) v. As the development is *Impact Assessable*, the strategic framework (Part 2 of the Scheme, including the Litchfield Subregional Land Use Plan 2016 and Part 3 Overlay 3.2 CNV Clearing of Native Vegetation), zone purpose and outcomes of Clause 4.7, Zone RL (Rural Living), and Clauses 5.2.1 General Height Control, 5.2.4 Vehicle Parking, 5.2.6 Landscaping, 5.4.1 Residential Density Limitations, 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures, 5.4.6 Private Open Space and 5.5.7 Child Care Centre need to be considered.

These clauses have been considered and it is found that the proposal can comply with the relevant requirements of the Planning Scheme, although noting that the Litchfield Subregional Plan and NTPS 2020 provisions indicate that the preferred location for a range of goods and services would be within the Berry Springs Activity Centre.

Clause 4.7 Zone RL (Rural Living) subclause 6 states that community focused activities, such a child care centre, are to be of a scale and intensity compatible with the character and amenity of the area and,

wherever possible, are co-located with other non-residential activities in the locality. Also, that the development should avoid adverse impacts on the surrounding road network and be managed to minimise unreasonable impacts on the amenity of surrounding residents.

Consideration of off-site impacts is also raised in the purpose of Clause 5.5.7 Child Care Centres, to ensure that a Centre is developed in a location that provides convenient vehicle access and does not interfere with the safe or efficient operation of the road network, and incorporates appropriate site layout, building and landscape design to ensure that there is no unreasonable loss of amenity for adjoining and nearby properties.

The critical emphasis is that the Centre be managed in a way that is considerate of potential amenity impacts on the neighbourhood and develops appropriate practises to for example, minimise noise early in the morning.

In support of the application, the site is located on a prominent intersection and the accompanying Traffic Impact Assessment states that the increase in traffic would not impact the road network. The proposed location would be accessible to people utilising the activity centre and commuters travelling from Berry Springs to employment destinations to the north and east.

2. Pursuant to section 51(1)(j) of the *Planning Act 1999*, 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 is in possession of commercial licence BSGS10332 with permission to extract groundwater at the rate of 5ML per annum from May 2021 to April 2030. Consideration of a previous application was deferred pending resolution of questions as to water demand and availability. As this critical aspect has been addressed and the Department of Environment, Parks and Water Resources has not raised any further matters, the land is considered to be capable of supporting the development.

3. Pursuant to section 51(1)(n) of the *Planning Act 1999*, 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 application proposes that childcare centre would provide 105 places and offer both long day care and afterschool care. Operating hours were not addressed in the application; however, the traffic impact assessment was based on the centre operating from 6am to 6pm from Monday to Friday. A potential impact of the centre would be increased noise

particularly during the 6am to 8am peak drop off time. Whilst no adverse public submissions were received in response to the application, it is noted that two neighbouring properties are yet to be developed.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION:

Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair

15 February 2021