

DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 209 – FRIDAY 17 FEBRUARY 2017

**WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

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

APOLOGIES: Keith Aitken

OFFICERS PRESENT: Margaret Macintyre (Secretary), Dawn Parkes and Roxanne Willing
(Development Assessment Services)

COUNCIL REPRESENTATIVE: Natasha McAlister

Meeting opened at 10.00 am and closed at 10.15 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 **RESTAURANT IN A SINGLE STOREY BUILDING**
PA2016/0756 **SECTION 6493 (425) STUART HIGHWAY, HUNDRED OF BAGOT**
APPLICANT **GWELO INVESTMENTS PTY LTD**

Mr Vince Albertoni and Mr Even Lynne (Gwelo Investments) attended.

RESOLVED
31/17

That, the Development Consent Authority vary the requirements of Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development, and consent to the proposed development as altered 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 9 car parking spaces within the drive through facility.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a landscape plan for the proposed restaurant site, to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The landscaping plan must be generally in accordance with the landscape concept plan and must include a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant. All species selected must be to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), an updated Traffic Impact Assessment (TIA) report is to be prepared by a suitably qualified traffic engineer. The TIA must include the proposed changes at the Stuart Highway/Service Road intersection and all proposed site accesses from the Stuart Highway Service Road to the requirements of the Transport and Civil Services Division, Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority.
4. Prior to the commencement of works, the applicant must lodge a variation application to vary Development Permit DP09/1035. The application should reflect the changes proposed as a result of this development and include:

- a) a revised Master Plan for the Coolalinga Retail Precinct, including all proposed site accesses and the location of a taxi terminal, and bus stops for the overall development, to the requirements of the Transport and Civil Services Division, Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority; and
 - b) a revised Landscaping Plan for the site as a whole. The landscaping plan must be generally in accordance with the landscape concept plan and must include a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant. All species selected must be to the satisfaction of the consent authority.
5. 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 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. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

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. All works recommended by the Traffic Impact Assessment report are to be completed to the requirements of the Transport and Civil Services Division, Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority.
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 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.
10. 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.
11. "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.
12. 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.

13. 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.
14. 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.
15. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Litchfield Council and/or the Transport and Civil Services Division, Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority.
16. 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;
 - (g) to the satisfaction of the consent authority.
 - (h) Car spaces, access lanes and driveways must be kept available for these purposes at all times.
17. 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.
18. 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.
19. No goods are to be stored or left exposed outside the building so as to be visible from any public street.
20. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building.
21. 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.
22. Where unfenced, the Stuart Highway 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.

23. 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.
24. 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".
25. 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.

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. 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 Environment and Natural Resources.
9. 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 aurally) 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.

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 89364070 to determine if the proposed works are subject to the Act.
12. 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.

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 reduction of one car parking space to the parking requirements for the development under clause 6.5.2 (Reduction in Parking Requirements) is determined having considered all the relevant matters specified in clause 6.5.2. Specifically, sub-clause 6.5.2(a) - the zoning of the land, the use or development or proposed use or development of the land and the possible future use or development of the land and sub-clause 6.5.2(b) - the provision of car parking spaces in the vicinity of the land. The Authority determined that greater compliance with Clause 6.5.1 (Parking Requirements) could be achieved by altering the internal layout of the building, and shifting the location of the serving window to the western side of the building to increase the number of vehicles accommodated within the drive through facility from 6 spaces to 9 and reducing the parking shortfall to 1.

A reduction to the car parking requirement to approve a shortfall of 1 car parking space is considered appropriate as the overflow during a peak event and associated delays is unlikely to interrupt traffic flow or restrict access to car parking bays in the immediate vicinity and is considered comparable to vehicles yielding to oncoming traffic at an intersection.

Amendments to the proposal are required to illustrate 9 car parking spaces within the drive through facility.

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 shortfall in parking spaces within the drive though facility.

The Authority considers 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 development. In addition, a condition precedent requiring a detailed landscaping plan to illustrate in the type of landscaping proposed within the site boundary between the car parking area and the road is required to lessen the visual impact of the development and parking area.

A condition precedent requiring revised plans to illustrate 9 car parking spaces within the drive through facility has also been included to address the car parking shortfall associated with the restaurant.

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.

Section 6493 is currently being developed for the purpose of the Coolalinga Village Precinct as approved by Development Permit DP09/1035. Overall Section 6493 has been zoned accordingly to accommodate the proposed development, therefore provided all issues raised by service authorities and Development Assessment Services are addressed, and revised drawings are submitted illustrating 9 vehicles within the drive through facility, 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 used for commercial uses. Provided the issues raised by relevant service authorities and Development Assessment Services are addressed, and revised drawings submitted illustrating 9 vehicles within the drive through facility, it is not expected that the proposed development will impact on the existing and/or future amenity of the area.

Submission of an updated Traffic Impact Assessment is necessary to satisfy the Transport and Civil Services Division of the Department of Infrastructure Planning and Logistics concerns relating to the Stuart Highway and Service Road intersection to ensure that an appropriate level of service is maintained at the junction.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2017/0034

SUBDIVISION AND CONSOLIDATION TO CREATE TWO LOTS (BOUNDARY REALIGNMENT)
LOT 2702 (260) WHEEWALL ROAD, HUNDRED OF CAVENAGH & LOT 5745 (51) DUNNART COURT, HUNDRED OF STRANGWAYS
APPLICANT **NORTHERN PLANNING CONSULTANTS PTY LTD**

Mr Brad Cunnington (Northern Planning Consultants) and Mr George Dancic attended.

DAS tabled amended comments from Litchfield Council which support the granting of a Development Permit and withdraw the previous objection under Section 49 of the *Planning Act*.

RESOLVED
32/17

That, the consent authority vary the requirements of Clause 11.1.1 (Minimum Lots Sizes and Requirements) of the NT Planning Scheme and pursuant to section 53(a) of the *Planning Act* consent to the application to develop Section 2702 (260) Wheewall Road, Hundred of Cavenagh and Section 5745 (51) Dunnart Court, Hundred of Strangways, for the purpose of a subdivision and consolidation to create two lots (boundary realignment) subject to the following conditions:

CONDITIONS PRECEDENT

1. 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 the Litchfield Council stormwater drainage system shall be submitted to and approved by the Litchfield Council to the satisfaction of the consent authority.
2. 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 and the NTG website <http://nt.gov.au/environment/soil-land-vegetation>.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.
4. 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.
5. Any development 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. 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 water supply, drainage and electricity facilities and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. 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.

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.

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. Professional advice regarding the 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.
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 are indicative only and are not for addressing purposes.
4. 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.
5. 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 does not comply with Clause 11.1.1 (Minimum Lot Sizes and Requirements) of the NT Planning Scheme as proposed Lot B only includes 1.8ha of land within Zone RL where 2ha is required. A variation to this clause can be granted as it is an existing arrangement and

the proposal increases the area of land within Zone RL to be more compliant with the Scheme.

The proposal is otherwise consistent with the requirements of the Scheme, 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.

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 outlining concerns regarding stormwater management, potential erosion and the historical title arrangements.

The concerns raised in the submissions have been assessed and are considered to have been addressed through the inclusion of appropriate conditions of development including submission of a stormwater management plan and an erosion and sediment control plan.

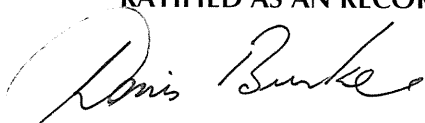
3. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics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

The proposal will formalise an existing arrangement between the owners of the land and is administrative in nature. Therefore, it is considered the land is capable of supporting the proposed subdivision. Additionally, each proposed lot contains at least 1ha of land (and access) that is unconstrained by drainage.

The requirement for a stormwater management plan and an erosion and sediment control plan to be submitted and approved by the relevant authorities has been included as a condition precedent to ensure the subdivision is managed accordingly and will not impact on the land within Zone CN (Conservation). 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.

ACTION: Notice of Consent and Development Permit

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



DENIS BURKE

Chairman

21/3/17

