

DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 159 – MONDAY 14 JANUARY 2013

WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS

MEMBERS PRESENT: Richard Luxton (Presiding Member), Michael Bowman and Allan McKay

APOLOGIES: Peter McQueen (Chairman) and Keith Aitken

OFFICERS PRESENT: Margaret Macintyre (Secretary) and Steven Kubasiewicz (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.45 am and closed at 12.30 pm

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 **DEPENDANT UNIT EXCEEDING 50M2**
PA2012/0932 **SECTION 5016 (20) WENBORN COURT, HUNDRED OF STRANGWAYS**
APPLICANT **KAREN YOUNG AND GLEN YOUNG**

Ms Karen Young attended.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 7.10.4
5/13 (Dependant Units) of the Northern Territory Planning Scheme, and pursuant to
section 53(a) of the *Planning Act*, consent to the application to develop Section 5016
(20) Wenborn Court, Hundred of Strangways for the purpose a dependant unit in
excess of 50m², subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2012/0932/01 and 2012/0932/02, 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 and telecommunication networks 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. Before the use commences the owner is to provide documentary evidence to the satisfaction of the consent authority upon the advice of the Department of Health that the existing effluent disposal system is of sufficient capacity to cope with the projected increased loading.
5. An approved effluent disposal system to the requirements of the Department of Health and to the satisfaction of the consent authority must be installed concurrently with the development of the dependant unit and all waste must be disposed of within the curtilage of the property.
6. The Dependant Unit shall only be occupied by persons dependant on the occupants of the principle dwelling on the site.
7. Before the occupation 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.

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. A "Permit to Work Within a Road Reserve" is required from Litchfield Council before commencement of any work within the road reserve.
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 1800 810 443.

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.

A variation to Clause 7.10.4 (Dependant Units) is supported as the dependant unit will not impact on the amenity of the locality. The dependant unit is well setback from all boundaries and a condition is recommended that requires the proposed landscaping to be established prior to occupation to ensure that the amenity of the locality is maintained.

2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into account the capability of the land to support the proposed development and the effect of the development on adjoining land.

The site is relatively flat, is not affected by seasonal waterlogging and is considered to be unconstrained. The development of a dependant unit at the site will not affect development on adjoining land.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2012/0937
APPLICANT

DEPENDANT UNIT EXCEEDING 50M2
SECTION 1833 (12) BRUCE COURT, HUNDRED OF STRANGWAYS
CAROL PHAYER

Mr Carol Phayer attended.

Submitters:- Mr Daniel Bonotto sent his apologies, Ms Kate Peake attended.

**RESOLVED
6/13**

That the Development Consent Authority vary the requirements of Clause 7.10.4 (Dependant Units) 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 1833 (2) Bruce Court, Hundred of Strangways for the purpose of a dependent unit exceeding 50m² subject to the following conditions:

CONDITION 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) the dependant unit be co-located with and ancillary to the existing dwelling and sharing the one effluent disposal system and the one driveway.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
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 owner of the land must enter into agreements with the relevant authorities for the provision of drainage and electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. The dependant unit is to be suitably screened from neighbouring boundaries to minimise the impact on the amenity. A landscaping buffer must be provided and maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
6. Before the use commences the owner is to provide documentary evidence to the satisfaction of the consent authority upon the advice of the Department of Health that the existing effluent disposal system is of sufficient capacity to cope with the projected increased loading.
7. The dependant unit is to be used only for the purpose of providing accommodation for a dependant of a resident of the existing single dwelling.

NOTE:

1. This permit will expire if one of the following circumstances applies:
 - (a) the development is not substantially commenced 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 an application is made in writing before the permit expires.

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.

A variation to Clause 7.10.4 (Dependant Units) of the NT Planning Scheme to permit the development of a dependant unit exceeding 50m² can be justified by altering the proposal to collocate the dependant unit with the existing dwelling to ensure the unit is ancillary to the single dwelling. Relocation can also ensure the dependant unit is connected to the existing septic and driveway, and still adequately setback from boundaries and appropriately screened with vegetation. This further ensures the development is compatible with local residential density and minimizes impacts on local rural amenity. Altering the proposal ensures closer compliance with the intent and requirements of the NT Planning Scheme.

2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to support the proposed development.

The requirement to collocate the dependant unit with the existing dwelling will negate any requirement for an additional septic. This will ensure the land is developed in a more compatible manner with its physical capabilities, particularly as the applicant notes that 'a large part of it is under water in the wet season'.

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 recommended relocation of the dependant unit from the western boundary adjacent the neighbouring dwelling and the requirement for adequate screening and landscaping can ensure the potential to impact on amenity is minimised.

4. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into consideration any public submissions received under Section 49.

The relocation of the dependant unit will address concerns raised in the public submission regarding effluent disposal, options for placement of future infrastructure and impacts on the local amenity. Simultaneously, this relocation negates any requirement to remove vegetation along the western boundary, further protecting the neighbours' amenity and addressing submitters' concerns.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2012/0870
APPLICANT

SUBDIVISION TO CREATE TWO LOTS
LOT 5 (1020) LEONINO ROAD, HUNDRED OF CAVENAGH
EARL JAMES & ASSOCIATES

Mr Kevin Dodd (Earl James & Associates) attended

RESOLVED
7/13

That, the Development Consent Authority vary the requirements of Clause 11.1.1 (Minimum Lot Sizes and Requirements) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 5 (LTO 77022) (1020) Leonino Road, Hundred of Cavenagh, for the purpose of a subdivision to create 2 lots, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with drawing number 2012/0870/1, endorsed as forming part of this permit.
2. Before the issue of titles, fire access trails along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from Bushfires NT.
3. All existing and proposed easements and sites for existing and required utility services, including roads, 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. 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.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation.
6. Engineering design, calculations and specifications for the proposed and affected roads, stormwater drainage, street lighting and vehicular accesses are to be submitted for technical approval to Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

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.

NOTES:

1. 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 Natural Resources, Environment, The Arts and Sport.
2. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve.
3. 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 onsite and/or surrounding infrastructure.
4. 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.

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 proposed development relates.

The application is generally consistent with the provisions of the NT Planning Scheme and the objectives of the *Litchfield Planning Concepts and Land Use Objectives 2002*.

A variation to Clause 11.1.1 (Minimum Lot Sizes and Requirements) is supported as the subdivision design responds to the physical characteristics of the land. The design retains an established wet season creek within Lot B, and both lots are considered capable of supporting rural land uses.

ACTION: Notice of Consent and Development Permit

ITEM 4

WITHDRAWN

ITEM 5
PA2012/0754
APPLICANT

**SUBDIVISION FOR THE PURPOSE OF SEPARATING 2 LOTS FROM ONE TITLE
SECTIONS 46 & 70 (155) MIRA ROAD, HUNDRED OF CAVENAGH
VEKTA PTY LTD**

Mr Gregg Hestelow (Vekta Pty Ltd) attended.

**RESOLVED
8/13**

That, pursuant to section 53(c) of the *Planning Act*, the Development Authority refuse to consent to the application to develop Sections 46 and 70 (155) Mira Road, Hundred of Cavenagh for the purpose of a subdivision for the purpose of separating two lots from one title for the following reasons:

REASONS FOR THE DECISION

1. Pursuant to section 52(1)(b) of the *Planning Act*, the consent authority must not consent to a proposed development if, in its opinion, the proposed development is contrary to the development provisions. The application has failed to demonstrate compliance with Clause 11.1.1 (Minimum Lot Sizes and Requirements), 11.4.1 (Site Characteristics of Subdivisions of Rural and Unzoned Land) and Clause 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land) of the Northern Territory Planning Scheme.
2. 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.

Clause 11.4.1 (Site Characteristics of Subdivisions of Rural and Unzoned Land) requires that subdivision design should avoid the development of unstable or otherwise unsuitable soils (e.g. seasonally waterlogged) and natural drainage features. The current title describes Section 70 as more or less swampy during the wet season. The applicant has not provided any field verified survey that demonstrates the suitability of the land to accommodate the proposed subdivision.

Sub clause 2(e) requires that subdivision design should minimise the alteration or disturbance to natural drainage systems, including drainage areas, recognisable water courses, lagoons and seepage areas. The application fails to nominate any areas of unconstrained land on either section and as a result it is not clear what access arrangements will be required on site and the likely impact of those arrangements, notwithstanding the two options proposed.

Clause 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land) and in particular subclause 2(b) and 2(d) require that each lot have minimum area of 1ha of unconstrained land and unconstrained access to that land and that separation distances be satisfied between bores/on site effluent disposal systems/seepage lines. The plans do not identify any seepage lines or the 1%AEP line and the areas of unconstrained land. Section 70 appears to be severely constrained. The Department of Land Resource Management notes that the eastern portion of Section 70 and the western margin of Section 46 have drainage depressions that traverse in a north-west direction and that

the area to the east of this depression in Section 70 also appears to experience seasonal waterlogging.

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 application does not adequately address the capability of the land to accommodate the development. Section 70 is not considered capable of supporting development in accordance with Zone R (Rural) and 1ha of unconstrained land has not been identified. The proposed right of way easement to provide access to Section 70 traverses though land severely constrained by poorly drained soils susceptible to seasonal waterlogging and inundation for extended periods and contains highly erodible soils. The application does not adequately demonstrate how all weather access to Section 70 would be achieved.

ACTION: Notice of Refusal

ITEM 6
PA2012/0963
APPLICANT

ICE VENDING MACHINE
SECTION 2462 (10) KENNEDY ROAD, HUNDRED OF STRANGWAYS
DAVID WHITEHEAD

Mr David Whitehead (applicant) sent his apologies. Mr Des Allerton, Mr Sam and Ms Phillipa Allerton attended.

Submitters in attendance:- Mr Phillip and Mrs Dianne Mount, Mr Ray Weston and Ms Amelia Weston. Mrs Sue Weston sent her apologies.

RESOLVED
9/13

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Section 2462 (10) Kennedy Road, Hundred of Strangways, for the purpose of an ice vending machine to require the applicant to provide the following additional information that the Authority requires to enable proper consideration of the application:

1. The developer is to prepare a comprehensive Traffic Impact Assessment (TIA) addressing traffic issues directly linked to the development and its use. The TIA is to be to the requirements of the Litchfield Council, to the satisfaction of the consent authority;
2. Amended plans showing the type of seal to be applied to the parking areas and driveways;
 - a) a survey of all existing vegetation to be retained and/or removed;
 - b) details of surface finishes of pathways and driveways;
 - c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant; and

- d) landscaping that achieves compliance with the requirements of Clause 6.5.3 (Parking Layout) including planting between the property boundary and car parking area to a width of 3m.
All species selected must be to the satisfaction of the consent authority.

REASONS FOR THE DECISION

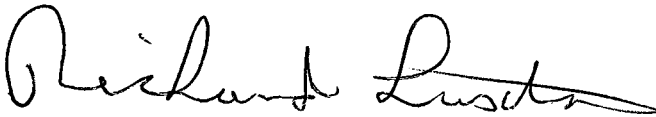
1. Pursuant to section 51(e) the consent authority must, in considering a development application, take into account any submissions made under section 49, and evidence or information received under section 50, in relation to the development application.

Submissions received raise concerns about the potential for this development to impact on the movement of traffic in a location that is in close proximity to the Kennedy Road/Arnhem Highway intersection. The authority requests that the applicant provide a traffic impact assessment to determine the impact of this use on traffic flows in the locality.

In its submission the Litchfield Council have expressed concern about the proximity of the site to the Kennedy Road/Arnhem Highway intersection and that the applicants provide a traffic impact assessment to ascertain how the traffic will be managed. The authority requests that this information be provided prior to the application being determined.

ACTION: Advice to Applicant

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



RICHARD LUXTON
Delegate

15/1/13