

## DEVELOPMENT CONSENT AUTHORITY

### LITCHFIELD DIVISION

### MINUTES

**MEETING No. 171 – FRIDAY 17 JANUARY 2014**

**WHITEWOOD HALL  
325 WHITEWOOD ROAD  
HOWARD SPRINGS**

**MEMBERS PRESENT:** Peter McQueen (Chairman), Richard Luxton, Keith Aitken, Michael Bowman and Allan McKay

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Steven Kubasiewicz, Maree Domelow and Allison Hooper (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Joanne Mullins (Admin Assistant Planning) – Item 4 only

**Meeting opened at 10.00 am and closed at 12 noon**

**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**                    **CHANGES TO DP13/0528 FOR AN OFFICE ADDITION TO EXISTING**  
**PA2013/0893**            **WAREHOUSE IN EXCESS OF 8.5M**  
**APPLICANT**            **SECTION 3758 (12) SPENCELY ROAD, HUNDRED OF STRANGWAYS**  
**RAW DESIGNS & ONE PLANNING CONSULT**

The applicant did not attend.

**RESOLVED**  
**04/14**

That, the Development Consent Authority vary the requirements of Clause 6.1 (General Height Control) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 3758 (12) Spencely Road, Hundred of Strangways, for the purpose of changes to DP13/0528 for an office addition to existing warehouse in excess of 8.5m in height, subject to the following conditions:

**CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0893/01 through 2013/0893/05 endorsed as forming part of this permit.
2. 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 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.
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 or occupation of the development starts, the areas 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.

5. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their clients.
6. The landscaping on the site must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of any water and electricity facilities to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
8. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Litchfield Council to the satisfaction of the consent authority.
9. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the Litchfield Council and the consent authority.
10. 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.
11. Protective kerbs must be provided to the satisfaction of the consent authority to prevent damage to fences or landscaped areas.
12. 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.

**NOTES:**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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 development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.
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 the Department of Land Resource Management at <http://lrm.nt.gov.au/soil/management>.

## REASONS FOR DECISION

1. Pursuant to section 51(a) the consent authority must take into account any planning scheme that applies to the land to which the application relates.

The development complies with relevant clauses of the NT Planning Scheme, including Clause 5.11 (Zone LI – Light Industry), Clause 6.5.1 (Parking Requirements), Clause 6.5.3 (Parking Layout), Clause 9.1.1 (Industrial Setbacks) and Clause 6.6 (Loading Bays). The development however fails to comply with Clause 6.1 (Building Height Control) as the warehouse stands at a height that exceeds 8.5m. A variation to this clause can be justified however as the height was previously approved through DP13/0528.

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

**ITEM 2**  
**PA2013/0954**

**2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING WITH REDUCED FRONT SETBACK**

**APPLICANT**

**SECTION 6567 (18) GRICE CRESCENT, HUNDRED OF BAGOT**  
**ABP PERMITS PL**

Mr Chris Lovewell (ABP Permits PL) attended.

**RESOLVED**  
**05/14**

That, the Development Consent Authority vary Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 6567 (18) Grice Crescent, Hundred of Bagot, for the purpose of 2 x 3 bedroom multiple dwellings in a single storey building with reduced front setback, subject to the following conditions:

### GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0954/01 through 2013/0954/05 inclusive, endorsed as forming part of this permit.
2. Prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged to Council's stormwater drainage system, to the requirements of Litchfield Council and to the satisfaction of the consent authority.
3. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be prepared to the requirements of the Litchfield Council. All works relating to this permit are to be undertaken in accordance with the ESCP to the satisfaction of the Litchfield Council and the consent authority.

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, 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. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Litchfield Council to the satisfaction of the consent authority.
6. 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.
7. 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.
8. A "Permit to Work Within a Road Reserve" is required from Litchfield Council before commencement of any work within the road reserve.
9. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseases or damaged plants are to be replaced.
11. 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.
12. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
13. No fence, tree, hedge or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.

**NOTES:**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within

900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.

3. The Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites. 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.

### 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 generally complies with the relevant provisions of the NT Planning Scheme, including Clause 6.5.1 (Parking Requirements), Clause 7.1 (Residential Density and Height Limitations), Clause 7.3.1 (Additional Setback Requirements Residential Buildings Longer than 18m), Clause 7.5 (Private Open Space), Clause 7.6 (Communal Open Space), Clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) and Clause 7.8 (Building Design for Multiple Dwellings, Hostels and Supporting Accommodation). The application however fails to comply with the relevant requirements of Clause 7.3 (Building Setbacks of Residential Buildings). The proposed front setback of the carport is 4.0m, where the clause requires a 4.5m front setback. As this represents only a minor variation to the required setback distance, and the structure is an open structure and does not constitute a solid wall or feature, the proposed variation to the front setback requirement can be supported.

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

**ITEM 3**  
**PA2009/1655**  
**APPLICANT**

**EXTENSION OF TIME**  
**SECTION 4796 (350) ARNHEM HIGHWAY, HUNDRED OF STRANGWAYS**  
**PETER PULJIC**

Mr and Mrs Peter Puljic attended.

**RESOLVED**  
**06/14**

That pursuant to section 59 of the *Planning Act*, the Development Consent Authority consent to extend the period of Development Permit DP10/0131 to expire 3 March 2017.

**ACTION:** Extension of Time

ITEM 4  
PA2013/0936  
APPLICANT

**1112-BED WORKERS' ACCOMMODATION COMPLEX AND ANCILLARY FACILITIES**  
**SECTION 2334 (195) DARWIN RIVER ROAD, HUNDRED OF CAVENAGH**  
**JUNE D'ROZARIO & ASSOCIATES**

DAS tabled comments from Department of Land Resource Management dated 16 January 2014.

Ms June D'Rozario sent her apologies.

Mr Simon Leishout and Mr Mark Leishout (TAG Resorts – The Anywhere Group of Companies) attended.

Submitters who sent their apology:- Mr Ivan Southard, Ms Jodie Barlow and Mr Phil Hickey.

Submitters in attendance:- Ms Anita Southard, Mr Peter & Mrs Jude Ebsworth, Ms Jodie Katarksi, Mr Geoffrey & Mrs Desleigh Dunnett, Mr Greg Chapman, Ms Diana Rickard, Mr Shane Jones, Mr Gerry Wood MLA, Mr Nigel & Mrs Kate Oliver, Ms Jackie & Robin Jessup, Ms Denise Goodfellow and Mr Michael Stott.

**RESOLVED**  
**07/14**

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop sections 2334, 2335 and 2336 (195-245) Darwin River Road) for the purpose of a 1112 bed workers accommodation complex with ancillary facilities for the following reasons:

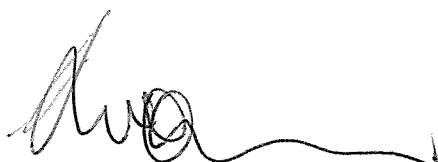
1. Clause 5.10 (Zone TC - Tourist Commercial) of the NT Planning Scheme states that the primary purpose of the zone is to provide for uses or development servicing tourism, including commercial and residential activities. The proposal is inconsistent with the purpose of Clause 5.10 of the Scheme as it will not be providing tourist accommodation or servicing the tourism industry. In the zone purpose it is also stated that development must be of a 'scale and character compatible with uses or development nearby'. The locality is dominated by land zoned R (Rural), with lots typically 8ha or larger and developed for low density rural living and horticulture. The small scale, low density commercial development that is existing on the subject site and adjoining lot are considered to be consistent with the scale and character of the locality. It has not been demonstrated that the proposed workers village is compatible.
2. Clause 4.1(b) (Northern Territory) of the NT Planning Scheme refers to the administration of the Scheme and how it is to 'contribute to the sustainable use and development of land and water resources so that the use and development of land is consistent with the principles of sustainable development and avoids pollution and minimises degradation of the environment or over commitment of water resources.' The application infers that groundwater will be used for all water supply to the development; however, no information has been provided as to the amount of water required, the amount of water available, the long term sustainability of the aquifer to supply the water, and what impact this will have on water availability in the locality. Additionally, the wastewater

management plan submitted with the application does not demonstrate compliance with the relevant regulations for onsite wastewater disposal. Inappropriately managed onsite wastewater treatment and disposal has potential significant consequences for the local environment, including groundwater and surface water runoff.

3. The Litchfield Planning Concepts and Land Use Objectives 2002 (LUOs) specify acceptable type, intensity and location of future land use and development in the Litchfield Shire and it is therefore applicable to the subject site. Key Land Use Objective 2.2 of the LUOs refers to land use structure, and the objective to maximise opportunities for a diversity of land uses within the shire. It states that this can be achieved by: locating commercial, tourist and community uses in existing and proposed district and local centres and local service nodes where infrastructure is appropriately provided; and minimising the potential for increased conflict between uses as overall development intensity in the shire increases. The proposal is inconsistent with Key Land Use Objective 2.2, as the application has failed to demonstrate that appropriate infrastructure is available, namely a potable water supply, onsite wastewater treatment and disposal, or adequate road infrastructure.
4. The proposed development has the potential to significantly impact on the existing and future amenity of the local area in a negative manner. The application is proposing a large scale commercial residential complex that is not in keeping with the low density, rural living nature of the locality. It is considered that the proposed development will have a negative impact on the residential amenity of the locality by significantly increasing the residential density in relation to neighbouring properties. Other impacts on the amenity of the locality include the actual appearance and mass of the development, increased noise from general operations and an increase in traffic, light pollution, and a potential negative impact on local infrastructure.
5. The applicant advised of their intention to develop the proposed accommodation complex in a different manner to that described in the application, and which was beyond the scope of that submitted and placed on public exhibition.

**ACTION:** Notice of Refusal

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



**PETER MCQUEEN**  
Chairman

20/1/14