



# DEVELOPMENT CONSENT AUTHORITY

## LITCHFIELD DIVISION

### MINUTES

**MEETING NO. 290 – WEDNESDAY 19 JUNE 2024**

**AGORA ROOM  
HUDSON BERRIMAH  
4 BERRIMAH ROAD  
BERRIMAH**

**MEMBERS PRESENT:** Suzanne Philip (Chair), Adam Twomey, Rick Grant and Doug Barden

**APOLOGIES:** Rachael Wright and Emma Sharp

**LEAVE OF ABSENCE:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), George Maly and Steven Kubasiewicz (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Rodney Jessup and Jaimie O'Connor

Meeting opened at 11.15 am and closed at 12.15 pm

THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED 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**                    **UNIT TITLE SUBDIVISION TO CREATE TWO UNITS AND COMMON**  
**PA2024/0105**           **PROPERTY**  
                              **LOT 2 (30) VIRGINIA ROAD, VIRGINIA, HUNDRED OF BAGOT**  
**APPLICANT**           Earl James and Associates

Doug Barden is a Community Member of the Development Consent Authority and the Mayor respectively, for Litchfield Council. Litchfield Council is a submitter to this application under Section 49 of the *Planning Act 1999*.

The Chair noted that section 98A of the *Planning Act 1999* - Independence of Community Members – contemplates that Community Members, while acting independently, may take account of opinion of a local government council in relation to a development application.

No parties present raised any concerns with Doug Barden considering the application.

Pursuant to section 97 of the *Planning Act 1999*, the Chair determined that Doug Barden's interest or relationship was not significant or relevant, and he was permitted to form part of the quorum and participate in the determination of this item.

DAS tabled information on development permits issued for this site.

Applicant: Kevin Dodd (Earl James and Associates) and Ray McCasker (landowner) attended.

Submitter: Litchfield Council represented by Rodney Jessup and Jaimie O'Connor attended.

Mr Dodd tabled a plan showing access to the caravan park.

**RESOLVED**            That, pursuant to section 53(a) of the *Planning Act 1999* the Development  
**31/24**                    Consent Authority consent to the application to develop Lot 2 (30) Virginia Road,  
                              Virginia, Hundred of Bagot for the purpose of unit title subdivision to create two  
                              units and common property, subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works, amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority on the advice of the Litchfield Council. 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 must be generally in accordance with *the plans submitted with the application* but modified to show:

## Litchfield DCA Meeting No 290 – Wednesday 19 June 2024

- (a) a site plan identifying the location of carparking spaces for Unit 1 and 2 in the common area, consistent with existing development permit conditions;
- (b) location of waste storage and disposal areas as well as loading and unloading bays for Units 1 and 2;
- (c) the loading bay to Unit 2 will be located such that it provides for both the loading/unloading of vehicles on the site and the ability to enter/exit the site in a forward gear; and
- (d) an Operational Environmental Management Plan (OEMP).

The changes requested by this conditions are to be in accordance with the Litchfield Council requirements to the satisfaction of the consent authority.

### 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. Prior to new titles being issued for the units shown on the endorsed drawings, a Scheme Statement meeting the requirements of the *Unit Title Schemes Act 2009* (as confirmed by the Land Titles Office) shall be submitted for endorsement by the consent authority.
- 4. Prior to new titles being issued, it shall be confirmed by the consent authority that all areas shown on the plans endorsed by the consent authority through Development Permit DP24/0136 as service authority easements, shared driveways, or other shared amenities, including carparking are shown of the survey plan as Common Property.
- 5. Prior to new titles being issued for the units shown on the endorsed drawings, confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) demonstrating that the Power and Water Corporation has been provided with a copy of the survey plan with the new lot numbers. This is for the purpose of ensuring the relevant Power and Water Information and Billing System is updated. Please provide a copy of an email addressed to both [landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au) and [powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)
- 6. The loading and unloading of goods from vehicles must only be carried out on the land subject to this permit.
- 7. Loading bays shall be provided with an all-weather surface and demonstrate the ability for service vehicles to enter and leave the loading bays in a forward gear to the satisfaction of the consent authority.
- 8. 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.

## Litchfield DCA Meeting No 290 – Wednesday 19 June 2024

9. 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
10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
11. All parking spaces shall be line larked to the satisfaction of the consent authority.
12. Part V Clearance for subdivision into units under the *Unit Titles Scheme Act 2009* will not be granted until the relevant Certificate of Compliance has been issued for the development as shown on development permit DP24/0136.
13. All proposed works impacting on Virginia and Hinton Roads 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 Litchfield Council. (Drawings must be submitted to the (Litchfield Council) for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".

### NOTES

1. Litchfield Councils current fees and Charges may apply to the above conditions. Additional information can be found at [www.litchfield.nt.gov.au](http://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 Councils road network.
3. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Interim Development Control Order 31.
4. 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>.

## Litchfield DCA Meeting No 290 – Wednesday 19 June 2024

5. 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](mailto:surveylandrecords@nt.gov.au) 08 8995 5356. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
6. All land in the Northern Territory is subject to the *Weeds Management Act 2001* (WM Act). The WM Act describes the legal requirements and responsibilities that apply to owners and occupiers of land regarding declared weeds. Section 9 general duties include the requirement to take all reasonable measures to prevent land being infested with a declared weed and to prevent a declared weed from spreading. There are additional duties including a prohibition on buying, selling, cultivating, moving or propagating any declared weed and the requirement to notify the Weed Management Branch of a declared weed not previously present on the land within 14 days of detection.  
Should you require further weed management advice contact the weed management branch by phone on (08) 8999 4567 or by email to [weedinfo@nt.gov.au](mailto:weedinfo@nt.gov.au)
7. The permit holder is advised that it is an offence to disturb or destroy prescribed archaeological places without consent under the *Heritage Act 2011*. Should any heritage or archaeological material be discovered during the clearing operation, cease operation and please phone Heritage Branch of the Department of Territory Families, Housing and Communities
8. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Northern Territory Aboriginal Sacred Sites Act 1989*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.

### REASONS FOR THE DECISION

1. Pursuant to Section 51 (1) (a) of the NT Planning Scheme 2020 the consent authority has taken into consideration the requirements of the NT Planning Scheme 2020.

Specifically Clause 6.6.1 (Subdivision for the purposes of a Unit Scheme), and specifically Administrative Clause 1 provides for a lawfully established development, on a lot, to be subdivided to create a unit title scheme only if the development has been upgraded to meet the development requirements within Part 3 and 5 of the NTPS2020.

The consent authority have considered the requirements of Part 3 and 5 of the NTPS 2020 and determined that Part 3 is not applicable to the assessment of this application. Clause 5.2.6 (Loading Bays) of the NTPS 2020 requires that one loading bay be provided for the proposed use. The application does provide a loading bay for the exclusive use of Unit 2. In considering the requirements for this loading bay, Clause 6.6.1

## Litchfield DCA Meeting No 290 – Wednesday 19 June 2024

(Subdivision for the purpose of a Unit Title Scheme) requires loading bays to have access that is adequate for its purposes. The authority has considered the existing loading bay proposed for Unit 2 and determined that the access to this bay from Hinton Road is not adequate for its purposes specifically that, the loading bay does not provide for vehicles to be able to enter and exit in a forward gear to a public road and due to this the loading bay is neither functional nor safe.

Given the requirement for a loading bay for the proposed use, and the proposed separation of the uses and the location of the proposed loading bay for Unit 2, consent authority also determined that a loading and unloading space for Unit 1 is also required and should also be shown in the amended plans.

In consideration of the number of carparking spaces provided the consent authority considers that the number of car parking spaces in the common area provided for unit 2, which accommodates the shop/tavern/ancillary petrol filling station, is consistent with the previous development permit issued for the development on the land.

2. Pursuant to Sec 51 (1) (e) the consent authority has taken into consideration any submissions made under Section 49, and any evidence or information received under Section 50, in relation to the development application.

One submission was received from Litchfield Council requesting that the development on the land be upgraded in relation to carparking, loading bays, service vehicle access, waste collection, end of trip facilities, landscaping along Hinton Road and public amenity for neighbouring residents along Hinton Road.

In consideration of this request, the Consent Authority took into account the requirements of Clause 6.6.1 (Subdivision for the purpose of a Unit Title Scheme) and its administrative subclause 1, which states that a lawfully established development on a lot may be subdivided to create a unit tile scheme only if the development has been upgraded to meet the development requirements if within part 3 and Part 5 of the Planning Scheme that applies.

For this reason the consent authority has imposed a condition on any permits granted requiring the loading bay for Unit 2 be upgraded to reflect the requirements of Clause 5.2.6 (Loading Bays) and ensure that any loading and unloading of vehicles can take place on the subject land and any vehicles servicing the site can enter and exit the site in a forward gear.

In consideration of the Councils comments regrading carparking, end of trip facilities and, landscaping along Virginia/Hinton Road the consent authority notes the following;

- Clause 5.3.7 (End of trip facilities in zones HR, CB, C, SC and TC) only applies to new buildings and not to existing buildings;

## Litchfield DCA Meeting No 290 – Wednesday 19 June 2024

- The number of onsite carparking spaces are consistent with existing development permits;
  - The development is generally consistent with the landscaping and screening requirements of Clause 5.5.13 (Caravan Parks). The Virginia road frontage is landscaped while the Hingston Road frontage, including the caravan park is screened by a 1.8m high solid fence; and
  - The car parking spaces on the road reserves have not been endorsed or referenced as being part of any development permit that applies to the land and in consequence kerbside parking should not significantly impact on the potential for the Litchfield Council to re-develop its road reserves.
3. Pursuant to Sec 51 (1) (j) the consent authority has taken into consideration the capability of the land to which the 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.

No land capability concerns have been identified. The subdivision for the purpose of a Unit Title scheme will have no significant impact on the physical characteristics of the land or adjoining properties

4. Pursuant to Sec 51 (1) (n) the consent authority has taken take into account the potential impact on the existing and future amenity of the locality.

No significant impact on the current and future amenity of the locality is anticipated. There will be no change to the existing development on the land nor the access to the subject land. The upgrading required by the consent authority to the Hinton Road loading bay will improve the existing access arrangements by requiring vehicles to enter and exit the site in a forward direction.

**FOR: 4**

**AGAINST: 0**

**ABSTAIN: 0**

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

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

**SUZANNE PHILIP**  
Chair

27 June 2024