DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 191 – FRIDAY 16 OCTOBER 2015

WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS

MEMBERS PRESENT: Denis Burke (Chairman), Keith Aitken, Michael Bowman and Frank Crawley

APOLOGIES: Bob Shewring

OFFICERS PRESENT: Kate Walker (A/Secretary), Steven Kubasiewicz, Allison Hooper, Adam Gauna and Cael Ordogh (Development Assessment Services)

COUNCIL REPRESENTATIVE: Wendy Smith and Edward Li

Meeting opened at 10.30 am and closed at 12.30 pm
ITEM 1  EXCAVATION AND FILL
PA2015/0612  SECTION 2905 (55) BURDENS CREEK ROAD, HUNDRED OF STRANGWAYS
APPLICANT  GLENN WIGHTMAN

Mr Glenn Wightman attended.

RESOLVED  181/15
That, pursuant to section 53(a) of the Planning Act, you consent to the
application to develop 55 Burdens Creek Rd, Virginia, Hundred of Strangways for the
purpose of excavation and fill, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans, 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.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with drawing
endorsed as forming part of this permit.

3. 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.

4. Soil erosion control and dust control measures must be employed throughout
the construction stage of the development to the satisfaction of the consent
authority.

5. 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.

6. Before the use commences firebreaks along boundaries or at appropriate
locations shall be provided to the satisfaction of the consent authority on advice
from the Northern Territory Fire and Rescue Services.

7. Existing fencing in the location of the culverts shall be replaced with fencing
that will minimise the impact of water flows.
NOTES

1. Inspection fees and charges may apply in accordance with Litchfield Council’s current Municipal Plan. Additional information can be found at www.litchfield.gov.nt.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 street network.

REASONS FOR THE DECISION

(a) 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 application is consistent with the objectives of the Litchfield Planning Concepts and Land Use Objectives 2002, as the proposed excavation and fill will facilitate the use of the land for rural living purposes. The Department of Land Resource Management has no objection to the proposal and a hydrological report prepared by an engineer does not raise any concerns regarding the impact of the fill on adjoining land.

(b) Pursuant to section 51(n) of the Planning Act, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated.

Subject to appropriate conditions regarding erosion, sediment and maintenance, the proposal for excavation and fill is unlikely to have any long term impacts on amenity within the area. The site is graded away from the boundaries so as to facilitate drainage away from neighbouring properties and is unlikely to result in flooding impacts.

ACTION: Notice of Consent and Development Permit.

ITEM 2
PA2015/0581
APPLICANT

ADDITIONS TO EXISTING SHED WITH REDUCED REAR SETBACK
SECTION 3414 (355) BRONZEWING AVENUE, HUNDRED OF BAGOT

JAMES BROWN

Mr James (Jim) Brown attended. Submitters Karen White and Robert Jennings also attended.

RESOLVED
182/15

That, pursuant to section 53(a) of the Planning Act, you vary the requirements of Clause 6.11 (Garages and Sheds) and consent to the application to develop Section 3414 (255) Bronzewing Avenue, Hundred of Bagot for the purpose of additions to existing shed with reduced rear setback, subject to the following conditions:
(a) Works carried out under this permit shall be in accordance with drawing numbers 2015/0581/01 and 2015/0581/02, and endorsed as forming part of this permit.

(b) Stormwater is to be collected and discharged into the drainage network to the technical standards of, and at no cost to Litchfield Shire Council, to the satisfaction of the consent authority.

(c) The owner of the land must enter into agreements with the relevant authority for the provision of electricity services to the facility shown on the endorsed plan in accordance with the authority’s requirements and relevant legislation at the time.

(d) 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. 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. This permit will expire if one of the following circumstances applies:
   • the development and use is/are not started within two years of the date of this permit; or
   • the development is not completed within four years of the date of this permit.

   The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

3. All structures on the land should be checked by a Building Certifier.

4. The owner of the land is advised of the following with regard to the use of the land for Home Based Contracting in Zone RL (Rural Living). Home Based Contracting means the storage on the site of a dwelling of materials and/or vehicles associated with a business operated by a person resident in the dwelling, but which business does not operate from the site of the dwelling. A development permit is not required if the land use complies with this definition and the following criteria;
   • The total area of the site used for Home Based Contracting must not exceed 200m2;
   • No greater demand or load is imposed on the services provided by a public utility organisation than that which is ordinarily required in the locality;
   • No sign is displayed other than a business sign that is not more than 0.5m2 in area;
• No goods or equipment are visible from outside of the site;
• And not more than 3 vehicles kept on the site are used for the purpose of the home based contracting

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 6.11 (Garages and Sheds) to permit the shed at 9m from the rear boundary is supported as the proposed shed addition will not significantly detract from the amenity of the locality.

2. Pursuant to section 51(n) of the Planning Act, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated.

The application details note that the shed addition is to be used to store classic motor vehicles that are currently stored in the open, contributing to the general level of amenity in the locality.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2015/0598 WITHDRAWN FROM MEETING

ITEM 4
PA2015/0606 SUBDIVISION TO CREATE 2 LOTS
APPLICANT ARAFURA SURVEYING CONSULTANTS

Mr David Sach attended.

RESOLVED 183/15 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 Section 4188, 60 Galbraith Rd, Virginia, Hundred of Strangways for the purpose of a subdivision to create 2 lots, subject to the following conditions:

1. Works carried out under this permit shall be in accordance with drawing number 2015/0606/01, and endorsed as forming part of this permit.

2. 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.
3. The owner of the land must enter into agreements with the relevant authority for the provision of electricity services to the facility shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

4. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

5. 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.

The owner shall:
- remove disused vehicle and/or pedestrian crossovers;
- collect stormwater and discharge it to the drainage network; and
- undertake reinstatement works;
all to the technical requirements of and at no cost to Litchfield Council to the satisfaction of the consent authority.

6. Before the use commences firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Northern Territory Fire and Rescue Services.

7. This development is subject to the Litchfield Council Developer Contribution Plan. The developer shall pay a development levy as per the plan.

NOTES

(a) 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.

(b) Inspection fees and charges may apply in accordance with Litchfield Council's current Municipal Plan. Additional information can be found at www.litchfield.gov.nt.au.

(c) 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 street network.

(d) 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 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 consideration the planning scheme that applies to the land to which the application relates.

A variation to Clause 11.1.1 (Minimum Lot Sizes and Requirements) of the NT Planning Scheme is supported as the proposed lot sizes are a minor deviation from the standard and are similar in size and scale to existing lots within the area. The minor deviation will not impinge upon or limit the desired rural characteristics and use of the land.

The application is consistent with the objectives of the Litchfield Planning Concepts and Land Use Objectives 2002, specifically the Key Land Use Objective of continued 2 ha land divisions used for the purposes of accommodating rural living and agriculture. The proposed lot sizes are of a scale and size similar to existing lot sizes within the vicinity and are large enough to allow for further rural and agricultural uses. The slight deviation from the required lot size is minimal and will not impact upon amenity and is still in keeping with the rural characteristics of the area.

2. Pursuant to section 51(n) of the Planning Act, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated.

As the proposed lot sizes are largely in keeping with the existing lot sizes and dimensions within the immediate vicinity, the proposed development is unlikely to unreasonably detract from the existing and future amenity of the area.

ACTION: Notice of Consent and Development Permit

ITEM 5  CLEARING OF NATIVE VEGETATION
PA2015/0605  SECTION 1559 (410) ANZAC PARADE, HUNDRED OF GUY
APPLICANT  KSI LAND AND WATER PLANNING

Mr Ian Lancaster attended the meeting on behalf of the applicant. Mr Diana Rickard attended as a submitter.

RESOLUTION 184/15

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Section 1559 (410) Anzac Parade, Hundred of Guy, for the purpose of clearing of native vegetation, subject to the following conditions:

CONDITIONS PRECEDENT

1. 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 Land Resource Management, and an endorsed copy of the Plan will form part of this permit. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during both the clearing and establishment phases. The IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in an ESCP. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the DLRM website: http://lrn.nt.gov.au/soil/management.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawing numbered 2015/0605/1 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. 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 Land Resource Management’.

5. Before the vegetation removal starts, the boundaries of all vegetation stands to be removed and retained must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the consent authority.

6. The clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawing as “Permitted Clearing”. All remaining native vegetation is to be maintained to the satisfaction of the consent authority.

7. The permit holder must ensure that the clearing operator has a copy of the permit, including the endorsed drawing, at all times during the clearing operation.

NOTES

(a) This permit will expire if one of the following circumstances applies:
(a) The development is not started 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 a request is made in writing before the permit expires.

(b) A “Permit to Work Within a Road Reserve” may be required from Litchfield Council before commencement of any work within the road reserve.
(c) A permit to burn is require from the Regional Fire Control Officer, Department of Land Resource management, prior to the ignition of any felled vegetation on the property. Fire prevention measures are to be implemented in accordance with the requirements of the Bushfires Act.

(d) 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.

(e) Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development area available from the Department of Land Resource Management.

REASONS FOR THE DECISION

(a) 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 application for clearing of native vegetation to facilitate horticulture and agriculture is consistent with the intent of Zone H (Horticulture) and expected land uses within that zone.

(b) Pursuant to section 51(j) of the Planning Act, the consent authority must take into account 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 has amended the proposed clearing plan to remove an area of Closed Monsoon Forest, identified as a significant vegetation type, from the area to be cleared. As the proposed pasture will not be irrigated, there are no concerns with regard to water availability or sustainability.

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

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**ITEM 6**
**INDEPENDENT UNIT WITH FLOOR AREA IN EXCESS OF 80M2**
**PA2015/0592**
**SECTION 2920 (247) VIRGINIA ROAD, HUNDRED OF STRANGWAYS**
**APPLICANT**
**NAM NGUYEN**

Mr Nam Nguyen attended the meeting. Mr David Mutagh and Ms Marianne St Clair attended as submitters, and Linda Worsley sent her apologies.

Ms Marianne St Clair tabled a number of photographs in support of her submission.
RESOLVED 185/15 That, pursuant to section 46(4)(b) of the Planning Act the Development Consent Authority defer consideration of the application to develop section 2920 (247) Virginia Road, Hundred of Strangways for the purpose of an Independent Unit with a floor area in excess of 80m2, to require the applicant to provide the following additional information that the authority considers necessary in order to enable the proper consideration of the application;

- Scaled and dimensioned floor plan and elevation drawings of the structure;
- Scaled site plan showing the location of proposed and existing waste water treatment systems, driveways, bores and landscaping to screen the development from Section 2921 (255) Virginia Road.

That pursuant to section 86 of the Planning Act, the authority delegates to the Chairman, or in the Chairman’s absence, any of the other members of the Litchfield Division the power under section 53 of the Act, to determine the application to develop Section 2920 (247) Virginia Road, Hundred of Strangways, for the purpose of an Independent Unit in excess of 80m2.

REASONS FOR THE DECISION

The amended plans are required to determine the impact of the development on the land and on adjoining land.

ACTION: Advice to the applicant

ITEM 7 SUBDIVISION TO CREATE TWO lots
PA2015/0484 SECTION 2633 (445) SPENCER ROAD, HUNDRED OF CAVENAGH
APPLICANT AUSURV SURVEYORS

Mr Chris White attended on behalf of the applicant. Mr Geoffrey Patterson was an apology. Land owners Mr Serge Katarsi and Mrs Lorraine Katarsi attended and tabled an email from Power and Water Corporation.

RESOLUTION 186/15 That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Section 2633 (445) Spencer Road, Darwin River, Hundred of Cavanagh, for the purpose of subdivision to create two lots, 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

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provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
(a) The location and dimension of the unconstrained land

2. 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

3. The works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit

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.

The owner of the land must enter into agreements with the relevant authorities for the provision of drainage, electricity facilities, and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities’ requirements and relevant legislation at the time.

5. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Litchfield Council to the satisfaction of the consent authority.

6. All proposed works impacting on (Insert Name) Road 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".

7. Before the issue of titles, firebreaks shall be slashed along boundaries or at appropriate locations to the satisfaction of the consent authority on advice from Bushfires NT.

8. This development is subject to the Litchfield Council Developer Contribution Plan. The developer shall pay a development levy as per the plan.

NOTES

1. This permit will expire if one of the following circumstances applies:
the development and use is/are not started within two years of the date of this permit; or
the development is not completed within four years of the date of this permit. The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

2. A permit to burn is required from the Regional Fire Control Officer, Department of Land Resource Management, prior to the ignition of any felled vegetation on the property. Fire prevention measures are to be implemented in accordance with the requirements of the Bushfires Act.

3. 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.

4. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the Aboriginal Sacred Sites Act. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.

Enter any notes here e.g Food premises 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.

REASONS FOR 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 subdivision is generally compliant with the requirements of the NT Planning Scheme. The application demonstrates that each lot will have a minimum area of least 1ha of unconstrained land. Amended plans are requested from the applicant demonstrating the location and size of the unconstrained land.

2. Pursuant to section 51(j) of the Planning Act, the consent authority must take into account 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 land is currently developed with a range of sheds and a dwelling. The application details that the water supply is suitable for human consumption and has been used for human consumption since the land has been occupied.
The location of the boundary line through the Priority Management Area follows an existing cleared fence line and is at rights angles to the water flow. No evidence of erosion or impact on the values of the PEM area have been identified as a result of this fence line.

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

ITEM 8 WITHDRAWN FROM MEETING

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

DENIS BURKE
Chairman

21 /10/15

These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.