

## DEVELOPMENT CONSENT AUTHORITY

### LITCHFIELD DIVISION

### MINUTES

MEETING No. 130 – FRIDAY 26 NOVEMBER 2010

WHITEWOOD HALL  
325 WHITEWOOD ROAD  
HOWARD SPRINGS

**MEMBERS PRESENT:** Peter McQueen (Chairman), Richard Luxton, Keith Aitken and Plaxy Purich (till 10.35am)

**APOLOGIES:** Michael Bowman and Mary Walshe

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

**COUNCIL REPRESENTATIVE:** Apology

Meeting opened at 10.30 am and closed at 11.50 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**                    **ANCILLARY TRAINING ROOM TO AN EXISTING FIRE STATION**  
**PA2010/1175**            **SECTION 3563, (563) PIONEER DRIVE, HUNDRED OF STRANGWAYS**  
**APPLICANT**            **KOOLPINYAH VOLUNTEER FIRE BRIGADE INCORPORATED**

Mr Robert Cowan attended on behalf of the applicant.

**RESOLVED**  
**276/10**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 3563 (563) Pioneer Drive, Hundred of Strangways for the purpose of an ancillary training room to an existing fire station subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawings numbered 2010/1175/1 and 2010/1175/2 endorsed as forming part of this permit.
2. Any developments on or adjacent to any easements on site shall be carried out to the requirements and satisfaction of the relevant service authority at no cost to the relevant service authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Before the occupation of the development, 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 Service*.

**NOTE:**

1. This permit will expire if one of the following circumstances applies:
  - (a) the development and use are 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.

**REASONS FOR THE DECISION**

1. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must take into account the planning scheme that applies to the land to which the application relates.

The training room is consistent with the intent for this locality as identified by the Litchfield Planning Concepts and Land Use Objectives, a policy document to which the consent authority must have regard in accordance with Clause 2.7 of the NT Planning Scheme. The training

room also complies with the relevant provisions of the NT Planning Scheme.

2. Pursuant to section 51(h) of the *Planning Act*, the consent authority must take into consideration the merits of the proposed development as demonstrated in the application.

The training room will provide a facility for the Koolpinyah Volunteer Fire Brigade to conduct training throughout the year in a purpose built facility which will assist in retaining existing volunteers for this essential community service.

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

**ITEM 2**  
**PA2010/1156**  
**APPLICANT**

**HOME OCCUPATION (MOTOR VEHICLE REGISTRATION INSPECTIONS)**  
**LOT 20 (55) EUGENE ROAD, HUNDRED OF STRANGWAYS**  
**GARY FIEN**

Mr Gary Fien attended.

**RESOLVED**  
**277/10**

That, the Development Consent Authority vary Clause 7.10.7 (Home Occupation) of the NT Planning Scheme to allow more than one vehicle to be kept on the site for the purpose of the home occupation and, pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 20 (55) Eugene Road, Hundred of Strangways for the purpose of a home occupation subject to the following conditions:

1. Works carried out under this permit shall be in accordance with drawings numbered 2010/1156/1 and 2010/1156/2 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 services to the land show on the endorsed plan in accordance the authorities' requirements and legislation at the time.
3. No polluted and/or sediment laden run-off is to be discharged directly or indirectly and into and Litchfield council drains or to any watercourse.
4. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - (a) transport of materials, goods or commodities to or from the land;
  - (b) appearance of any building, works or materials;
  - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
  - (d) presence of vermin.
5. The use may operate only between the hours of 8:00am and 6:00pm Monday to Friday.
6. Deliveries to and from the site (including waste collection) must only take place between the hours of 7:00am and 6:00pm Monday to Friday.

7. No more than 5 vehicles associated with the activity are to be on the premises at any one time.
8. The use as approved by this permit shall only be carried out by persons residing in the dwelling on site.

**NOTE:**

1. This permit will expire if one of the following circumstances applies:
  - (a) the development and use are 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.

**REASONS FOR THE DECISION**

1. Pursuant to section 51(a) of the Planning Act, the consent authority must take into consideration any planning scheme that applies to the land to which the application relates. A variation to clause 7.10.7 (Home Occupation) is supported to enable more than one vehicle to be kept on the site that's associated with the home occupation. The variation is minor by nature and will not contribute towards detracting from the amenity of the area. A condition of the development permit will restrict the number of vehicles kept on the site to 5 that are associated with the use of the land.
2. Pursuant to section 51(e) of the Planning Act, the consent authority must take into consideration any submissions made under section 49. One submission was received and the concerns raised by the submitter can be suitably addressed by conditions of the permit.
3. Pursuant to section 51(h) of the Planning Act, the consent authority must take into consideration the merits of the proposed development as demonstrated in the application. The existing home occupation business provides a service in the local area for the local population that is in demand. The nature and scale of the business is consistent with expectations for development of this kind in the rural area.
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 existing home occupation business is extensively setback on the site and substantially screened by mature vegetation to the road frontage. The nature of the home occupation is not dissimilar to a form of development that could be reasonably expected on the site and conditions attached to the permit will guide the future intensity and nature of the home occupation.

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

ITEM 3  
PA2010/1174

**45 M HIGH TELECOMMUNICATIONS TOWER, ANTENNAS AND EQUIPMENT  
SHED  
PORTION 1674 (40) HOWARD SPRINGS ROAD, HUNDRED OF BAGOT  
OPTUS MOBILE PTY LTD**

APPLICANT

Mrs Kate Large (Aurecon ) attended on behalf of the applicant.

**RESOLVED  
278/10**

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Portion 1674 (40) Howard Springs Road, Howard Springs, Hundred of Bagot for the purpose of a telecommunications facility including a 45m lattice tower, antennae and equipment shed subject to the following conditions:

1. Works carried out under this permit shall be in accordance with drawings numbered 2010/1174/1 and 2010/1174/2 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 services to the land show on the endorsed plan in accordance with the authorities' requirements and legislation at the time.
3. The Developer shall ensure that the stormwater run-off from the development site is collected and appropriately discharged into the local stormwater system to the standards and approval of the Department of Lands and Planning (Road Network Division). Stormwater design plans submitted for approval shall provide details of the site levels.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements and satisfaction of the relevant service authority, to the satisfaction of the consent authority.
5. The kerb crossings and driveways to the site approved by this permit are to meet the technical standards of the Department of Lands and Planning (Road Network Division), to the satisfaction of the consent authority.
6. Where unfenced, the Howard Springs road frontage is to be appropriately fenced in accordance with the Department of Lands and Planning standards and requirements to the satisfaction of the consent authority.

**NOTES:**

1. This permit will expire if one of the following circumstances applies:
  - (a) the development and use are 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.
2. A "Permit to Work Within a Road Reserve" may be required from the Department of Lands and Planning before commencement of any work within the road reserve.

## 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 site of the proposed telecommunications tower, antennas and equipment shed is consistent with the purpose of Clauses 13.5 (Mobile Telephone Communications Towers Etc) of the NT Planning Scheme which requires that the provision of mobile telecommunications towers and infrastructure does not unreasonably detract from the amenity of the locality.

Furthermore, the application is consistent with the objectives of the Litchfield Planning Concepts and Land Use Objectives 2002, specifically the Key Land Use Objective for Infrastructure at Section 2.5 by improving the coverage of the Optus network in 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. The nature of the use of the subject site has been predetermined by existing telecommunications infrastructure. This application will therefore consolidate similar infrastructure on one site. Residential development is also substantially setback from the site and is largely screened by existing mature vegetation on the subject site and adjoining properties. The development is consistent with expectations for development on the site and is not considered to unreasonably detract from the amenity of the area.
3. Pursuant to section 51 (h) of the *Planning Act* the consent authority must take into consideration the merits of the proposal. The proposal will benefit the local community through the provision of improved telecommunication services and consolidating existing and proposed telecommunications structures on one site.

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

**ITEM 4**  
**PA2010/1203**  
**APPLICANT**

**CLASSROOM ADDITION TO AN EXISTING EDUCATIONAL ESTABLISHMENT**  
**SECTION 5857 (9) KUNDOOK PLACE, HUNDRED OF BAGOT**  
**GOOD SHEPHERD LUTHERAN COLLEGE NT INC**

The applicant did not attend.

**RESOLVED**  
**279/10**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 5857 (9) Kundook Place, Hundred of Bagot, for the purpose of a classroom addition to an existing educational establishment, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawings numbered 2010-1203-01, 2010-1203-02, 2010-1203-03 and 2010-1203-04.

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

**NOTE:**

1. This permit will expire if one of the following circumstances applies:
  - (a) the development and use are 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.

**REASONS FOR THE DECISION**

1. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must take into account the planning scheme that applies to the land to which the application relates. The proposal is consistent with relevant clauses of the NT Planning Scheme.
2. Pursuant to section 51(h) of the *Planning Act*, the Development Consent Authority must take into account the merits of the proposal. The proposed additions will facilitate the expansion of an existing educational establishment, which will support the growth, provision of community facilities and the sustainability of the local community.

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

**ITEM 5  
PA2010/1029**

**RECONSIDERATION - SINGLE DWELLING AND SHED WITH REDUCED FRONT  
AND SIDE SETBACKS**

**APPLICANT**

**LOT 176 (30) AUSTIN STREET, TOWN OF SOUTHPORT  
PETER MCNAMARA**

Mrs Vicki McNamara attended.

**RESOLVED  
280/10**

That, the Development Consent Authority vary Clause 7.3 (Building Setbacks for Residential Buildings) and reduce the front and northern boundary setback of the dwelling to 6 meters and 4 meters respectively and vary Clause 6.11 (Garages and Sheds) to reduce the southern side setback of the shed to 2.4 meters, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 176 (30) Austin Street, Town of Southport, for the purpose of a single dwelling and a shed with reduced front and side setbacks, subject to the following conditions:

1. Works carried out under this permit shall be in accordance with the drawings numbered 2010-1029-01, 2010-1029-02, 2010-1029-03 and 2009-1189-04, endorsed as forming part of this permit.

2. The owner of the land must enter into agreements with the relevant authorities for provision of water and electricity services to the land 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 and satisfaction of the relevant service authority at no cost to the relevant service authority.

**NOTE:**

1. This permit will expire if one of the following circumstances applies:
  - (a) the development and use are 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.

**REASONS FOR THE DECISION**

1. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must take into account the planning scheme that applies to the land to which the application relates.

The proposal is consistent with the intent for this locality as identified by the Litchfield Planning Concepts and Land Use Objectives, a policy document to which the consent authority must have regard in accordance with Clause 2.7 of the NT Planning Scheme.

A variation to Clause 6.11 (Sheds and Garages) of the NT Planning Scheme is supported as the shed has been located in consideration of existing site constraints and local density.

A variation to Clause 7.3 (Building Setbacks for Residential Buildings) is supported as the dwelling is suitable screened from the neighbouring property and is unlikely to have an adverse impact on the streetscape or amenity of the adjoining properties. Furthermore, the neighbouring properties indicated no objection to the development.

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

**ITEM 6**  
**PA2010/1090**  
**APPLICANT**

**SHED AND DEMOUNTABLE STRUCTURE WITH REDUCED SIDE SETBACK**  
**LOT 13 (30) IRWIN ROAD, HUNDRED OF BAGOT**  
**THOMAS PETHICK**

Mr Thomas Pethick attended.

**RESOLVED**  
**281/10**

That, the Development Consent Authority vary clause 6.8 (Demountable Structures) and clause 6.11 (Sheds) of the NT Planning Scheme to allow a side setback of 5.2m and, pursuant to section 53(a) of the *Planning Act*, consent to the application to



develop Lot 13 (30) Irwin Road, Hundred of Bagot for the purpose of a shed and demountable structure with a reduced side setback subject to the following conditions:

1. Works carried out under this permit shall be in accordance with drawings numbered 2010/1090/1, 2010/1090/2, 2010/1090/3 and 2010/1090/4 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 to the land shown on the endorsed plans in accordance the authorities' requirements and legislation at the time.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements and satisfaction of the relevant service authority at no cost to the relevant service authority.

**NOTE:**

1. This permit will expire if one of the following circumstances applies:
  - (a) the development and use are 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.

**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 proposal is consistent with the provisions of the NT Planning Scheme and the relevant reference document, the Litchfield Planning Concepts and Land Use Objectives.

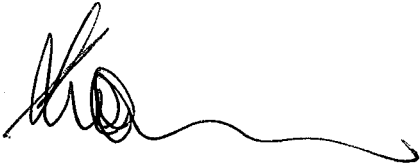
A variation to clauses 6.8 (Demountable Structures) and 6.11 (Sheds) to allow a side setback of 5.2m for each building is justified as they will not unreasonably detract from the amenity of the area.

2. 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 proposed shed and existing demountable structure contain extensive setbacks to the west, north and southern boundaries. The proposed location of the buildings establishes significant separation distances to existing dwellings on adjoining properties and the subject site contains adequate vegetation along each boundary for screening. Minimal impact to the amenity of the area is expected.

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

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



**PETER MCQUEEN**  
Chairman

26 /11/10