DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 192 – FRIDAY 13 NOVEMBER 2015

WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS

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

APOLOGIES: Bob Shewring and Frank Crawley

OFFICERS PRESENT: Margaret Macintyre (Secretary), Steven Kubasiewicz, Allison Hooper, and Sonia Barnes (Development Assessment Services)

COUNCIL REPRESENTATIVE: Wendy Smith

Meeting opened at 10.00 am and closed at 12 noon
<table>
<thead>
<tr>
<th>ITEM 1</th>
<th>VARIATION TO DP10/0206A – EXTENSION OF TIME</th>
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<tbody>
<tr>
<td>PA2009/1417</td>
<td>SECTION 4617 (850) BEES CREEK ROAD, HUNDRED OF STRANGWAYS</td>
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<tr>
<td>APPLICANT</td>
<td>RALPH MEYERING</td>
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Ms Annette Duncan and Mrs Kath Meyering (owner) attended.

Mrs Meyering tabled further information in response to Litchfield Council’s comments.

**RESOLVED 201/15**

That, pursuant to Section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to vary condition 3 of Development Permit number DP10/0206A for the purpose of extending the time period for a further 10 years for the following reasons

**REASONS FOR THE DECISION**

In its determination to refuse the application to extend the permit for a further 10 years the authority took into consideration the following matters:

- The Darwin Regional Land Use Plan continues to indicate the development of urban peri-urban development on land adjacent to the airstrip;
- The NT Planning Commission is currently developing the Litchfield Subregional Plan, which will provide further direction as to the future potential development in the area;
- The Litchfield Council does not support the proposed extension of time as it should be considered in the context of finalised land use plans for the area;
- The application is premature as the current permit is valid until 20 April 2018; and
- The authority would be prepared to reconsider an extension of time at a time closer to the permit expiring and in consideration of the Litchfield Subregional Plan, should it have been published.

**ACTION:** Notice of Refusal

<table>
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<tr>
<th>ITEM 2</th>
<th>HOME OCCUPATION EXCEEDING 30M2</th>
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<tbody>
<tr>
<td>PA2015/0701</td>
<td>LOT 22 (360) ELIZABETH VALLEY ROAD, HUNDRED OF STRANGWAYS</td>
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<tr>
<td>APPLICANT</td>
<td>WAYNE DARGAN</td>
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Mr Wayne Dargan attended.

**RESOLVED 202/15**

That, the Development Consent Authority vary the requirements of Clause 7.10.7 (Home Occupation) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 22 (360)
Elizabeth Valley Road, Hundred of Strangways for the purpose of home occupation (yoga studio), subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of use, 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) Location and dimensions of a minimum of 7 car parking spaces.

**GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance 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. Prior to the occupation of the shed for the purpose of a home occupation (Yoga classes) the owner shall provide evidence that the classification of the building has been certified by an appropriately qualified building certifier, that the building complies with its relevant classification and a Certificate of Occupancy has been issued.

5. Before the use of the development starts, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
   (a) properly formed to such levels that they can be used in accordance with the plans;
   (b) surfaced to provide all-weather-seal access;
   (c) drained;
   (d) 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.

6. 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.

7. The home occupation approved by this permit must;
   (a) only be carried out only by persons residing in the dwelling.
   (b) no sign is displayed, other than a business sign that is not more than 0.5m2 in area;
   (c) no goods or equipment are visible from outside the site; and
   (d) not more than one vehicle kept on the site is used for the purpose of the home occupation.
(e) The home occupation must be managed so that the amenity of the area is not detrimentally affected through the emission of noise, light, vibration or the movement of vehicles to and from the land.

NOTES:

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

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 applicant is advised to engage a building certifier, within the meaning of the Building Act, to determine whether the building complies with the Building Act and associated Regulations.

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 7.10.7 (Home Occupation) to permit the use of a yoga studio within the existing 64m² shed is supported as the use will not significantly detract from the amenity of the locality.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2015/0702
APPLICANT
 SUBDIVISION TO CREATE 3 LOTS
SECTION 4543 (690) REDCLIFFE ROAD, HUNDRED OF STRANGWAYS
TERRITORY DEVELOPMENT SERVICES

Mr Alan Sprigg (Territory Development Services) and Mr Des Groves (owner) attended.

Mr Sprigg tabled a flood map.

RESOLVED
203/15

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to subdivide Section 4543 (690) Redcliffe Road, Hundred of Strangways to create three lots 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 site plan showing the location of unconstrained land in accordance with the land suitability report prepared by VPS Land Assessment and Planning and the advice from the Department of Land Resource Management;
• Scaled plans nominating the location of nominal bores and septs for the proposed lots within that portion of land identified as unconstrained; and
• Mapping indicating the extent of riverine flooding in the locality.

RESOLVED
204/15
That pursuant to Section 86 of the Planning Act, the authority delegates to the Chairman, or in the chairman’s absence, any other member of the Litchfield Division the power under Section 53 of the Act, to determine the application to develop Section 4543 (690) Redcliffe Road, Hundred of Strangways, for the purpose of a subdivision to create 3 lots.

REASON FOR THE DECISION

The amended plans are required to determine the suitability of the land to accommodate the proposed subdivision.

ACTION: Advice to Applicant

ITEM 4
PA2015/0724
APPLICANT
TERRITORY DEVELOPMENT SERVICES

SUBDIVISION TO CREATE 4 LOTS
SECTION 4553 (586) REDCLIFFE ROAD, HUNDRED OF STRANGWAYS

Mr Alan Sprigg (Territory Development Services) and Mr George and Ms Lyndal Lowe (owners) attended.

Mr Sprigg tabled a flood map

RESOLVED
205/15
That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to subdivide Section 4553 (586) Redcliffe Road, Hundred of Strangways to create four lots 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:

(a) Scaled site plan showing the location of unconstrained land in accordance with the land suitability report prepared by VPS Land Assessment and Planning and the advice from the Department of Land Resource Management;
(b) Scaled plans nominating the location of nominal bores and septs for the proposed lots within that portion of land identified as unconstrained;
(c) Confirmation of lot dimensions and proposed lot sizes;
(d) Confirmation that lot D has a minimum of 1ha of unconstrained land; and
(e) Mapping indicating the extent of riverine flooding in the locality.

RESOLVED
206/15
That pursuant to Section 86(1) of the Planning Act, the authority delegates to the Chairman, or in the chairman’s absence, any other member of the Litchfield Division, the power under Section 53 of the Act, to determine the application to develop Section 4553 (586) Redcliffe Road Hundred of Strangways, for the purpose of a subdivision to create 4 lots.
REASON FOR THE DECISION

The amended plans are required to determine the suitability of the land to accommodate the proposed subdivision.

ACTION: Advice to Applicant

ITEM 5 CLEARING OF NATIVE VEGETATION, CONSTRUCTION OF NEW ACCESS ROAD AND CAR PARK ANCILLARY TO EDUCATION ESTABLISHMENT
PA2015/0719 SECTION 6766 WHITWOOD ROAD, HUNDRED OF BAGOT
APPLICANT BRUSTOLIN BUILDERS PTY LTD

Ms Kelly Hedger (Brustolin Builders), Mr Neil Leek (Business Manager, Good Shepherd Lutheran College) and Mr Tony Parsons (Cardno) attended.

RESOLVED 207/15 That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Section 6766 (8) Whitewood Road, Hundred of Bagot for the purpose of clearing of native vegetation, construction of new access road and car park ancillary to education establishment, 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 provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
   (a) Landscaping details to the proposed access road and car parking area, including a clearing plan;
   (b) A Traffic impact assessment and Road safety audit reflecting the comments of the Litchfield council regarding bus movements in order to determine the intersection capacity at the Whitewood/Stow Road intersection; and
   (c) A design for the Whitewood/Stow road intersection based on the requested traffic impact assessment and road safety audit.

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 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. 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 DLRM. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning and 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 the ESCP. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. 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

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

5. 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.

6. The clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawing numbered. 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.

8. 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.

9. 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 Bushfires NT (Department of Land Resource Management/ Northern Territory Fire and Rescue Services).

10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

11. Before the use or occupation of the development starts, the area(s) 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.

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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.
12. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, and electricity facilities, to the development/each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

13. 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;
- provide footpaths/ cycleways;
- collect stormwater and discharge it to the drainage network; and
- undertake reinstatement works;
all to the technical requirements of and at no cost to the Litchfield Council, to the satisfaction of the consent authority.

14. 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.

15. All proposed works impacting on Stow 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 Litchfield Council. Drawings must be submitted to the council for approval and no works are to commence prior to approval and receipt of a "permit to work within a road reserve".

16. 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. 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.

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. 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. 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.
5. 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.

6. 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 on-site and/or surrounding infrastructure.

7. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority’s Noise Guidelines for Development Sites in the Northern Territory. 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 clearing of native vegetation, construction of a new access road and carparking ancillary to the existing use of education establishment, complies with the relevant clauses of the Planning Scheme and is consistent with the use and intent of the zone.

2. 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 land has been previously assessed as capable of supporting the use as an education establishment and ancillary infrastructure.

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.

It is not anticipated that the proposed development would cause any undue negative impact on the existing and future amenity of the area. The design of the intersection of Stow and Whitewood road is to reflect the anticipated vehicle flows to the appropriate Australian standard.

ACTION: Notice of Consent and Development Permit
ITEM 6  PA2015/0522
REZONE SECTIONS 222 & 223 (310 & 390) ACACIA GAP ROAD, HUNDRED OF COLTON FROM ZONE R (RURAL) TO ZONE H (HORTICULTURE) AND SUBDIVIDE TO CREATE 2 LOTS
SECTION 222 (310) ACACIA GAP ROAD, HUNDRED OF COLTON
APPLICANT
LAND AND ECONOMIC DEVELOPMENT UNIT DLPE

The applicant did not attend.

RESOLVED 208/15
Pursuant to section 30P(1)(a) of the Planning Act, the Development Consent Authority determine that, if the Minister were to approve the amendment proposal of the concurrent application, it would determine to alter the propose development and consent to the proposed development as altered to develop Sections 222 and 223 (310 and 390) Acacia Gap Road, Hundred of Colton for a subdivision to create two lots under section 30W(1)(a) of the Act, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation works), 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. The plans must be generally in accordance with the plans submitted with the application but modified to show the realignment of the Manton Valley Road and Acacia Gap Road intersection to the requirements of Litchfield Council to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

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

4. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement of site is to be created.

5. 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.

6. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/cycle corridors, street-scaping and landscaping of nature strips are to be to the requirements of Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner’s expense. 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 along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from Bushfires NT.

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

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

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. 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.

3. A groundwater extraction licence is required under the Water Act for any bore equipped to supply over 15 litres per second. For advice on water extraction licences please contact the Water Management Branch of the Department of Land Resource Management.

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

REASONS FOR THE DECISION

1. Pursuant to sections 30P(2)(a) and (b) of the Planning Act, the consent authority must take into account any planning scheme that applies to the land to which the application relates and the amendment proposal contained within the application.

   The application is consistent with the provisions of the NT Planning Scheme as they apply to Zone H (Horticulture), specifically Clause 11.1.1 (Minimum Lot Sizes and Requirements) which requires a minimum lot size of 25ha, all unconstrained land. The proposed lots are existing parcels at 1.94km² each and subdivision is required to create current title. As the proposed subdivision is administrative in nature, the appearance of the land at street level will not change.

2. Pursuant to section 30P(2)(f) of the Planning Act, the consent authority must take into account any information received as a result of consultations carried out and submissions received.
Five public submissions were received during the public exhibition period, noting concerns such as impacts to native wildlife and wildlife corridors, and the retention of native vegetation. As the two parcels have not previously been developed and are therefore covered in native vegetation, any future horticultural development on the land will need to apply for a development permit to clear in excess of 1ha of native vegetation.

The determination to alter the proposed subdivision to realign the intersection of Manton Valley Road and Acacia Gap Road is to address Litchfield Council’s concerns regarding safety for road users, by ensuring that distances between intersections meet Australian Standards. Realigning the road as part of this proposed subdivision supports an interconnected local road network.

3. Pursuant to section 30P(2)(j) of the Planning Act, the consent authority must take into consideration the capability of the land to support the development proposal and the effect of the proposal on the land.

Service authority comments provided by DLRM in response to the application identify a concern in regards to groundwater resource sustainability in the context of existing water extraction licences within the area. Water requirements vary from crop to crop, and further investigation will be required at the time of clearing and crop development as to groundwater sustainability for that particular crop. In the interim, DLRM's comments indicate that the site is otherwise capable of supporting horticultural development.

RESOLVED 209/15 That, under section 30Q of the Planning Act, the Development Consent Authority report to the Minister for Lands and Planning on the preliminary decision, the issues raised in the submissions, the issues raised at the hearing, and on any other matters it considers the Minister should take into account when considering the proposal.

RESOLVED 210/15 That, pursuant to section 86(1) of the Planning Act, the Development Consent Authority delegates its powers to the Chairman, or in the absence of the Chairman, any other member of the Litchfield Division of the Authority, to:
• Determine, pursuant to section 30W(1)(a), to consent to the development proposal contained in the concurrent application and consent to the concurrent application after receipt of a notice under section 30U(1) that the Minister has approved the amendment proposal contained in the application;
• Issue a development permit under section 54(1) in relation to the development proposal to develop Sections 222 and 223 (310 and 390) Acacia Gap Road, Hundred of Colton for a subdivision to create two lots reflecting existing survey; and
• Issue the relevant notices under section 30Y.

ACTION: Advice to Applicant

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

DENIS BURKE
Chairman

17/11/15