



## DEVELOPMENT CONSENT AUTHORITY

### LITCHFIELD DIVISION

### MINUTES

MEETING No. 184 – FRIDAY 13 MARCH 2014

WHITEWOOD HALL  
325 WHITEWOOD ROAD  
HOWARD SPRINGS

**MEMBERS PRESENT:** Denis Burke (Chairman), Bob Shewring, Steve Ward and Michael Bowman

**APOLOGIES:** Keith Aitken

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

**COUNCIL REPRESENTATIVE:** Nil

Meeting opened at 9.30 am and closed at 1.45 pm

**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                    CLEARING OF NATIVE VEGETATION  
PA2015/0009           SECTION 1598 (845) ANZAC PARADE, HUNDRED OF GUY  
APPLICANT             DAVID CORMACK

Mr David & Mrs Ruth Cormack attended.

**RESOLVED**             That, pursuant to section 53(a) of the *Planning Act*, the Development Consent  
37/15                     Authority consent to the application to develop Section 1598 (845) Anzac Parade,  
Hundred of Guy for the purpose of clearing of native vegetation, subject to the  
following conditions:

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings numbered 2014/1032/01 endorsed as forming part of this permit.
2. 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.
3. 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.
4. 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.
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. The owner shall undertake reinstatement works to the technical requirements of and at no cost to Litchfield Council to the satisfaction of the consent authority.
7. The spraying of chemicals, fertilisers etc, shall be undertaken in manner that does not result in spray drift of adjoining land.

**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 Anzac Parade road reserve.
3. 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*.
4. 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.
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. 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.

#### 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 application is generally compliant with all relevant requirements 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.

Cucumber Green Mottle Mosaic Virus (CGMMV) has had a significant impact on some properties in the Northern Territory and infected properties have been quarantined. Under these quarantine conditions, there is no movement or sale of the fruit from CGMMV hosts and other plant material from a property within the quarantine areas. Section 1598 and surrounding land held by the developer are currently free of CGMMV.

The clearing of native vegetation to facilitate expansion of melon horticulture by the developer has benefits to the NT economy at a time when much of the melon industry in the Territory has been affected by CGMMV.

3. Pursuant to section 51(j) of the *Planning Act* the consent authority must take into account any potential impact on natural, social, cultural or heritage values.

Section 1598 adjoins the Fogg Dam Conservation Reserve which is recognised for its significant wetlands and fringing vegetation. If not appropriately managed, activities carried out on the land would have the potential to impact upon the Reserve. The authority considers that a buffer to the Fogg Dam Conservation Reserve is not required as the applicant has demonstrated to the satisfaction of the consent authority that a buffer area is not required due to the farming and spraying practices to be employed by the land owner.

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

**ITEM 2**                            **SUBDIVISION TO CREATE 7 LOTS**  
**PA2014/1025**                    **SECTIONS 2293 & 2294 (45 & 50) DODSON ROAD, HUNDRED OF**  
   **STRANGWAYS**  
**APPLICANT**                    **MASTERPLAN NT**

Mrs Linda Henning and Mr Jack Priestly (Masterplan NT) attended)

**RESOLVED**                    That, pursuant to section 53(a) of the *Planning Act*, the Development Consent  
**38/15**                            Authority consent to the proposed development to develop Sections 2293 and 2294  
(45 & 50) Dodson Road, Hundred of Strangways for the purpose of subdivision to  
create seven (7) lots, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works, a stormwater management plan, particularly demonstrating that the table drain(s) and road reserve are designed to cater for both initial storm (Q5) surge and for major storm (Q100) ARI storm events shall be submitted to and approved by the Litchfield Council, to the satisfaction of the consent authority. The stormwater design shall be in accordance with Litchfield Council Planning Development Guidelines for Rural Developments.
2. Prior to the commencement of works, engineering design and specifications for the proposed and affected roads, stormwater drainage and vehicular access shall be submitted to and approved by the Litchfield Council, to the satisfaction of the consent authority.
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 the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning, and in accordance with the IECA Best Practice Erosion and Sediment Control Guidelines 2008. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during both the construction and operational phases. Erosion and sediment control information can also be sourced from the DLRM website at <http://lrm.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. 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 on the plan of subdivision submitted for approval by the Surveyor General.
6. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. In addition to any other works required, Power and Water Corporation will require the installation by the developer of a suitable substation at the front boundary of the northernmost proposed lot adjoining Section 5174.
9. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
10. All proposed works impacting on Dodson 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".
11. 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 the Northern Territory Fire and Rescue Services.
12. 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:
  - (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. The owner of the land can decide where water supply is sourced – eg purchased, collection of rainwaters or extracted by bore.
4. The provision of adequate potable water should be provided for all habitable dwellings. All water supply extraction points must comply with the setback distances to any effluent disposal area or as required in Sections 7.5 and 8.9 of the *NT Code of Practice for Small On-site Sewage and Sullage Treatment Systems*.
5. 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.
6. The applicant is advised to engage a building certifier, within the meaning of the *Building Act*, as to whether the building/s comply with the *Building Act* and associated Regulations.
7. 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.
8. 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.
9. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities

#### **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 subdivision as proposed generally complies with all relevant provisions of the NT Planning Scheme.

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 Suitability Assessment submitted as part of the application identifies the entirety of the development site as unconstrained, this has been confirmed by Department of Land Resource Management in their comments on the application.

In relation to concern expressed by DLRM in relation to groundwater resource sustainability and the impact of cumulative subdivisions in the area, it is noted that land owners are not obliged to source potable water for domestic supply from groundwater. Alternatives may include the collection of rainwater or the purchase of supplies. Notes have been included on the recommended development permit highlighting alternative sources of potable water supply.

- 3 Pursuant to section 51 (m) of the *Planning Act* , the public utilities or infrastructure provided in the area in which the land is situated, the requirements for public facilities and services to be connected to the land and the requirement, if any, for those, facilities, infrastructure or land to be provided by the developer for that purpose.

In consideration of the Litchfield Councils request for a traffic impact assessment and a road design safety audit the authority determined that the traffic impact of this development is not likely to have a significant impact on existing traffic movement and would place a significant cost impost on the developer. Accordingly the authority did not support Councils request for a traffic impact assessment and road design safety audit.

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

**ITEM 3**                      **SUBDIVISION TO CREATE 2 LOTS AND A SHED WITH A REDUCED SIDE**  
**PA2014/1032**                **SETBACK**  
                                 **LOT 6 (90) WELLS CREEK ROAD, HUNDRED OF STRANGWAYS**  
**APPLICANT**            **MASTERPLAN NT**

Mrs Linda Henning and Mr Jack Priestly (Masterplan NT) and Ms Yvonne Fitzgerald (landowner) attended.

Masterplan tabled a report on Councils request for a part of the lots for road widening purposes.

**RESOLVED**  
**39/15**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 6 (90) Wells Creek Road, Hundred of Strangways for the purpose of subdivision to create two (2) lots to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

- Advice from the Department of Lands, Planning and the Environment that land can/cannot be acquired by Council for road widening purposes through a condition on a development permit.

## REASONS FOR DECISION

1. The applicant tabled a report at the meeting questioning the ability for the consent authority to comply with Councils request for a five metre parcel of land to be excised from the proposed lots for road widening purposes. The consent authority is seeking advice on this matter prior to determining whether Councils request can be accommodated.

**ACTION:** Advice to Applicant

### RESOLVED 40/15

That pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman, or in the Chairman's absence any one of the other members of the Litchfield Division the power under section 53 of the Act, to determine the application to develop Lot 6 (90) Wells Creek Road, Hundred of Strangways for the purpose subdivision to create two (2) lots subject to:

- Confirmation as to whether conditions can be placed on the permit requiring a part of the lots for road widening purposes and the permit reflecting that advice.

**ACTION:** Advice to Applicant

### RESOLVED 41/15

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 6 (90) Wells Creek Road, Hundred of Strangways for the purpose of a shed with reduced side setback require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application;

- The application is for both a subdivision and to reduce the setback of an existing shed that results from the relocation of the boundaries proposed by the subdivision. A determination on the reduction of the shed is not required should the subdivision not proceed. Accordingly a determination of the subdivision application is required prior to determining the relocation of the shed.

### RESOLVED 41/15

That pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman, or in the Chairman's absence any one of the other members of the Litchfield Division the power under section 53 of the Act, to determine the application to develop Lot 6 (90) Wells Creek Road, Hundred of Strangways for the purpose of a shed with a reduced side boundary setback subject to;

- To a development permit being issued for the subdivision of the land into two lots.

**ACTION:** Advice to Applicant



ITEM 4  
PA2015/0015  
APPLICANT

**SUBDIVISION TO CREATE 15 LOTS  
LOT 5 (75) PRODUCE ROAD, HUNDRED OF STRANGWAYS  
MASTERPLAN NT**

Mrs Linda Henning and Mr Jack Priestly (Masterplan NT), Mr Peter Harrison (Above Capricorn Technologies) attended.

Mrs Henning tabled a response to the DAS report to the DCA.

Submitter Mr Gerry Wood MLA attended.

**RESOLVED  
42/15**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 5 LTO71/007 (75) Produce Road, Hundred of Strangways for the purpose of a subdivision to create 15 lots in 3 stages 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) A Land Capability Assessment (LCA) to the requirements of the Department of Health, including but not limited to the clear identification of unconstrained land and an indicative on-site wastewater plan;
- (b) A plan showing the existing and nominal locations of onsite wastewater treatment systems and bores to comply with all relevant separation distances in accordance with Clause 11.4.3(2) of the NT Planning Scheme;
- (c) A road safety design audit to the requirements of the Litchfield Council;
- (d) Agreement with the Department of Land Resource Management on the extent of the constrained land boundary, and confirmation of 1ha of accessible, unconstrained land to each proposed lot; and
- (e) An evaluation by a suitably qualified professional of the environmental significance of the native vegetation and land form (eg lagoons, wetlands, rugged terrain and drainage systems), and the impact of the proposed subdivision and potential development on these values, as advised by the Department of Land Resource Management.

**REASONS FOR THE DECISION**

1. Clause 11.4.1 (Site Characteristics of Subdivision of Rural and Unzoned Land) requires that an applicant demonstrate the suitability of the land for the proposed use, including identifying a minimum of 1ha of unconstrained land that is not affected by stormtide, riverine or localised stormwater flooding. The Department of Land Resource Management contests the applicant's identification of the constrained land boundary, thereby impacting on the availability of unconstrained land for a number of proposed lots. The accurate identification of constrained / unconstrained land will determine whether or not the proposed lots are capable of supporting rural living, including onsite wastewater treatment systems, and ancillary uses. Further, the Department of Health has also requested a Land Capability Assessment in order to determine the capability of that unconstrained land to support onsite wastewater disposal.

2. Clause 11.4.1 also requires that, for land identified as a Priority Environmental Management (PEM) area, an evaluation of the environmental significance of the native vegetation and land form. The Department of Land Resource Management has identified the area within and adjacent to the site has significant biodiversity value, including habitat that supports threatened and significant flora and fauna.
3. Litchfield Council identified a potential conflict in traffic movements on Produce Road with traffic from the new subdivision and coming from other local roads in close proximity. A design safety audit is required to ensure that any new intersection constructed as part of the proposed subdivision will not create a traffic hazard and that the safety of all road users will be maintained.

**ACTION:** Advice to Applicant

**ITEM 5  
PA2014/1031**

**INDEPENDENT UNIT WITH FLOOR AREA IN EXCESS OF 80M2 WITH REDUCED  
SIDE AND REAR SETBACKS  
LOT 156 (10) STUCKEY COURT, HUNDRED OF BAGOT  
GEORGE TIMSON**

**APPLICANT**

Mr George and Mrs Paula Timson attended.

**RESOLVED  
43/15**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) and Clause 7.10.4 (Independent Units) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Portion Lot 156 (10) Stuckey Court, Hundred of Bagot for the purpose of an independent unit with floor area in excess of 80m<sup>2</sup> with reduced side and rear setbacks, subject to the following conditions:

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with drawing number 2014/1031/01 to 2014/1031/04 inclusive, endorsed as forming part of this permit.
2. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Litchfield, to the satisfaction of the consent authority.

And

The owner shall:

- (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) collect stormwater and discharge it to the drainage network; and
  - (c) undertake reinstatement works;
- all to the technical requirements of and at no cost to Litchfield Council, 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. The Power and Water Corporation and Water and Sewer Services Development Section can be contacted via ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) These authorities 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.
3. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council 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.

A variation of Clauses 7.3 (Building Setbacks of Residential Buildings) and 7.10.4 (Independent Units) is supported as the structure is existing and no new utilities will be required. Existing landscaping appears to be adequate to screen the independent unit from neighbouring properties and give privacy between this unit and the main house.

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 independent unit utilises an existing building and utilities will therefore not significantly increase density in the area, is reasonably screened from the road, and appropriately serviced. The Independent Unit is not expected to detrimentally impact the existing or future amenity of the area.

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

ITEM 6  
PA2009/0919  
APPLICANT

VARIATION TO DEVELOPMENT PERMIT - DRIVE THROUGH BOTTLE SHOP  
LOT 5 (795) COX PENINSULA ROAD, HUNDRED OF AYERS  
HEINER STRUCTURAL ENGINEERING CONSULTANTS PTY LTD

Ms Annette Joseland (Heiner Structural Engineering Consultants Pty Ltd) and Mr Ian Sloan (licensee) attended.

**RESOLVED  
44/15**

That, pursuant to section 57(3) of the *Planning Act*, the Development Consent Authority consent to the application to vary conditions 1, 2 and 4 of DP09/0528 to facilitate the addition of a drive through bottleshop at Lot 5 (795) Cox Peninsula Road, Hundred of Ayers.

**GENERAL CONDITIONS**

1. Prior to commencement of works line marking and traffic management signage in accordance with AS1742.3 must be designed to the requirements of Litchfield Council, to the satisfaction of the consent authority. The developer must submit technical specifications and plans to Council for approval prior to commencement of works.
2. Except where varied by this approval, the development and use must proceed in accordance with Development Permits DP09/0528, DP09/0528A, DP09/0528B and DP09/0528C.
3. The development as shown on the endorsed plans must not be altered without the further consent of the consent authority
4. No goods are to be displayed, stored or left exposed outside the building so as to impede the use of the loading / unloading area or the free flow of traffic through the site.
5. The finish of any prime identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (ie not flashing or of variable message). The sign shall be positioned so as not to create sun or headlight reflection to motorists; and be located entirely (including foundations and aerially) within the subject Lot.
6. Advertising signage, either permanent or temporary, eg 'A' frame, vehicle or trailer mounted shall not be erected or located within the Cox Peninsula Road road reserve.

**REASONS FOR THE DECISION**

1. Pursuant to section 57 of the *Planning Act*, the consent authority may vary a condition of a development permit if:
  - the proposed variation will not alter a measurable aspect of the development by a margin of greater than 5% and, in the opinion of the consent authority, will not materially affect the amenity of adjoining or nearby land or premises; or
  - If in the opinion of the consent authority, the alteration resulting from the proposed variation is not conveniently measurable and the proposed variation will not materially affect the amenity of adjoining or nearby land or premises.

The proposed variation of conditions 1, 2 and 4 of DP09/0528C to facilitate a drive through bottleshop is not conveniently measurable, and

the variation as proposed is unlikely to affect the amenity of adjoining or nearby land or premises.

**ACTION:** Variation to Development Permit

**ITEM 7**                    **SUBDIVISION TO CREATE 2 LOTS**  
**PA2013/0841**            **SECTION 3816 (30) BROOKING CIRCUIT, HUNDRED OF STRANGWAYS**  
**APPLICANT**            **ARAFURA SURVEYING CONSULTANTS**

Mr David Sach (Arafura Surveying Consultants) and Mr Des Groves (owner) attended.

**RESOLVED**  
**45/15**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defers consideration of the application to develop Section 3816 (30) Brooking Circuit, Hundred of Strangways for the purpose of subdivision to create two lots, and requires the application to provide the following additional information to allow the proper consideration of the application:

- Advice from a suitably qualified professional confirming that the unconstrained land on each of the proposed lots is not subject to riverine or stormwater flooding in accordance with the NT land suitability guidelines.

**RESOLVED**  
**46/15**

That pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman, or in the Chairman's absence any one of the other members of the Litchfield Division the power under section 53 of the Act, to determine the application to develop Lot 6 (90) Wells Creek Road, Hundred of Strangways for the purpose of a subdivision to create two lots subject to;

- Demonstration that each lot has a minimum of 1ha of unconstrained land with regard to stormwater and riverine flooding.

**ACTION:** Advice to Applicant

**ITEM 8**                    **MEDICAL CLINIC AND SHOPS IN A SINGLE STOREY BUILDING**  
**PA2015/0003**            **SECTION 3323 (395) STUART HIGHWAY, HUNDRED OF BAGOT**  
**APPLICANT**            **NORTHERN PLANNING CONSULTANTS**

Ms Valerie Conway (Elton Consulting) attended on behalf of the applicant.

**RESOLVED**  
**47/15**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 3323 (395) Stuart Highway, Hundred of Bagot, for the purpose of a medical clinic and shops in a single storey building in 2 stages, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. 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.

2. 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 plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. 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](http://www.austieca.com.au) and the DLRM website: <http://lrm.nt.gov.au/soil/management>.
3. Before the development starts, a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The plan must show:
  - (a) details of surface finishes of pathways and driveways;
  - (b) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
  - (c) landscaping and planting within all open areas of the site; and
  - (d) provision of an in ground irrigation system to all landscaped areas.All species selected must be to the satisfaction of the consent authority.

#### **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. 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'.
6. The development must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.
7. 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.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. 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.

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.

and

The owner shall:

- (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) provide footpaths/ cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;  
all to the technical requirements of and at no cost to Litchfield Council to the satisfaction of the consent authority.
11. Before the 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.
  12. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
  13. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their clients.
  14. Protective kerbs must be provided to the satisfaction of the consent authority to prevent damage to fences or landscaped areas.
  15. The loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land).
  16. All proposed works impacting on the new subdivision 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 Litchfield Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
  17. 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.

18. All waste material not required for further on-site processing must be regularly removed from the site to an approved facility. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the consent authority.
19. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
20. 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.
21. 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.
22. An Occupancy Permit under the Building Act must not be issued until title to the subdivision approved under DP13/0217A has been issued.

#### NOTES:

1. This permit will expire if one of the following circumstances applies:
  - (a) the development and use is/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. 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.
3. 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.
4. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned:
  - (a) so as not to create sun or headlight reflection to motorists; and
  - (b) be located entirely (including foundations and aerially) within the subject lot.

#### 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 6.5.1 (Parking Requirements) through Clause 6.5.2 (Reduction in Parking Requirements) to reduce the number of car parks required from 52 to 47 is supported as the proposed uses of medical clinic and shop (pharmacy) are complementary to each other, and patients will likely visit both businesses in one visit. Additional space within the car park has been provided for an ambulance bay, loading bay, and waste storage area. The proposal is within an appropriate zone, and is subject to a relatively high car parking ratio compared to other discretionary uses within Zone C (Commercial).

A variation to Clause 6.6 (Loading Bays) to provide a loading bay with a clearance of 3.5m where the Scheme requires a 4m clearance is supported as the nature of the proposed uses and therefore expected deliveries is likely only to be small articles, which are generally delivered in smaller vehicles. There is a cleared driveway to the loading zone that could accommodate any over-height vehicles.

The proposed development is otherwise consistent with the requirements of the NT Planning Scheme, including the purpose of Zone C (Commercial) to provide for a range of business and community uses. The proposed development is of a scale and character appropriate to the growing needs of Coolalinga, which has been identified in the Darwin Regional Land Use Plan as a rural activity centre.

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 subject site is currently under development to create a commercial subdivision. The development will be fully serviced with reticulated services, and the land is considered capable of supporting the proposed development.

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

**ITEM 9**  
**PA2015/0031**  
**APPLICANT**

**CHANGES TO SUBDIVISION AND CONSOLIDATION TO CREATE 11 LOTS**  
**SECTIONS 3323 & 3324 (395 & 391) STUART HIGHWAY, HUNDRED OF BAGOT**  
**ELTON CONSULTING**

Ms Valerie Conway (Elton Consulting) and Mr Denis McDonald (DJ Hire, represent the landowners) attended.

**RESOLVED**  
**48/15**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Sections 3323 & 3324 (395 & 391) Stuart Highway, Hundred of Bagot, for the purpose of changes to DP13/0217A for subdivision and consolidation to create 11 lots, subject to the following conditions:

## CONDITIONS PRECEDENT

1. Prior to the endorsement of plans, and commencement of works in accordance with this permit 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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) integration of the proposed east/west road to adjoining development
  - (b) a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Litchfield Council stormwater drainage system. 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.
2. Prior to the endorsement of plans, and commencement of works in accordance with this permit the Erosion and Sediment Control Plan required by Condition Precedent 3 and endorsed as Drawing Numbers 2012/0718/2 and 2012/0718/3 under DP13/0217 and DP13/0217A is to be amended by a suitably qualified or experienced professional in erosion and sediment control planning to include the additional works, and is to be submitted to and approved by the consent authority on the advice of the Department of Land Resource Management. An endorsed copy of the ESCP will form part of this permit, and all works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and commencement of works in accordance with this permit, the applicant must demonstrate that agreement has been reached with the Road Network Division, Department of Transport in accordance with their requirements detailed in correspondence reference DDLP2011/2618-02, to the satisfaction of the consent authority on the advice of the Department of Transport.
4. Prior to the endorsement of plans and commencement of works in accordance with this permit, evidence of a written agreement for the development and ongoing operation/maintenance of an approved effluent disposal system to the requirements of the Department of Health and the Power and Water Corporation is to be provided to the satisfaction of the consent authority. This system, when endorsed, must be installed concurrently with the subdivision development and all waste must be disposed of within the cartilage of the property. The design of the waste water treatment system must not involve the use of effluent treatment ponds and must not result in any impact on the amenity of the locality through the generation of odours. The sewerage reticulation in road reserves and easements within the subdivision development shall be constructed to the requirements of the Power and Water Corporation.

## GENERAL CONDITIONS

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

6. All the proposed commercial lots shall be connected to the waste water treatment system and to the reticulated water system.
7. 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 on the plan of subdivision submitted for approval by the Surveyor General.
8. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.
9. Prior to the issue of titles the east/west collector road is to be constructed to the requirements of the Litchfield Council.
10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, waste water treatment, drainage, and electricity facilities, and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
11. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of the Litchfield Council and/or the Department of Lands, Planning and the Environment to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
12. Before 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/Northern Territory Fire and Rescue Services.
13. Before issue of titles and pursuant to section 34 of the Land Title Act, a Caution Notice shall be lodged with the Registrar General on the parent parcel to include the following advice on all proposed lots indicated on the endorsed drawings. The Caution Notice is to advise the future owners of the land on the potential for changes to the access arrangements to the lots approved as a part of this subdivision. The wording for the notice must be submitted to and approved by the consent authority on the advice of the Road Network Division. Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.
14. 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'.

#### **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. 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.
3. 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.
4. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
5. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council and/or the Department of Lands, Planning and the Environment) before commencement of any work within the road reserve.
6. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency'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 subdivision design provides lots that are of a size and configuration suitable for commercial development, in accordance with the purpose of Zone C (Commercial).

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 proposed consolidation of and subsequent filling in of the open drain will facilitate a better stormwater management outcome for the site, and will allow development at ground level for the consolidated portion of land. A stormwater management plan to the satisfaction of Litchfield

Council will ensure that stormwater will continue to be directed towards the paperbark swamp towards the rear of the site and not cause issues with the Stuart Highway.

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

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



**DENIS BURKE**  
Chairman

19/3/15

