



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 153 – FRIDAY 13 July 2012

**WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

MEMBERS PRESENT: Peter McQueen (Chairman), Richard Luxton, Allan McKay and Michael Bowman

APOLOGIES: Keith Aitken

OFFICERS PRESENT: Margaret Macintyre (Secretary) and Steven Kubasiewicz and Lauren Firby
(Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 10.00 am and closed at 11.45 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 **SUBDIVISION TO CREATE 5 LOTS**
PA2012/0346 **SECTION 1742 (45) STOCKWELL ROAD, HUNDRED OF CAVENAGH**
APPLICANT **KELVIN GARDNER**

Mr Kelvin and Donna Gardner (owners) attended.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
176/12 Authority consent to the application to develop Section 1742 (45) Stockwell Road,
Hundred of Cavenagh for the purpose of a subdivision to create five lots in 2 stages
subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing numbered 2012/0346/1 endorsed as forming part of this permit.
2. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.
3. In accordance with the approved plan, 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.
4. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage and vehicular access 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.
5. 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.
6. 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 plan in accordance with the authorities' requirements and relevant legislation at the time.
7. This development is subject to the Litchfield Shire Council Developer Contribution Plan.

NOTES:

1. A "Permit to Work Within a Road Reserve" may be required from the Litchfield Council before commencement of any work within the road reserve.
2. The installation of septic systems is to be in accordance with the requirements of the *Building Act* and 'NT Code of Practice for Small On-Site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent'.
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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

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.

This proposal complies with the relevant provisions of the NT Planning Scheme. The proposed lots comply with the minimum lot size requirements and each lot contains a minimum of 1ha unconstrained land and unconstrained access to that land. The proposed new road will interconnect with the existing road network.

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.

Proposed Lots 1-4 are relatively flat and are not affected by seasonally waterlogged areas, drainage lines or watercourses. Lot 5 does contain a creek, however the proposed boundary lines are not considered to impact on this area. The land is considered capable of supporting the proposed subdivision.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2012/0396
APPLICANT

DEPENDENT UNIT IN EXCESS OF 50M²
SECTION 4221 (105) VIRGINIA ROAD, HUNDRED OF BAGOT
ANDREW HUDSON

DAS tabled comments from Department of Health.

Mr Andrew Hudson (owner) attended.

RESOLVED

That, the Development Consent Authority vary the requirements of Clause 7.10.4

(Dependant Units) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 4221 (105) Virginia Road, Hundred of Strangways for the purpose a dependent unit in excess of 50m², subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2012/0396/1 to 2012/0396/3 inclusive, 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 and telecommunication services to the development 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 of the relevant service authority to the satisfaction of the consent authority.
4. 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.
5. The Dependant Unit shall only be occupied by persons dependant on the occupants of the principle dwelling on the site.

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. 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 to Clause 7.10.4 (Dependant Units) is supported as the dependant unit will not impact on the amenity of the locality. The dependant unit will be screened from neighbouring properties by existing and proposed vegetation and is well setback from all boundaries.

2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into account the capability of the land to support the proposed development and the effect of the development on adjoining land.

The site is relatively flat, is not affected by seasonal waterlogging and is considered to be unconstrained. The development of a dependant unit at the site will not affect development on adjoining land.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2012/0244
APPLICANT

SUPPORTING ACCOMMODATION
SECTION 4568 (61) CHALLONER CIRCUIT, HUNDRED OF STRANGWAYS
THE GATHERING INCORPORATED

Ms Sephyr Crook and Ms Sharon Crook attended.

RESOLVED
178/12

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Section 4568 (61) Challoner Circuit, Hundred of Strangways for the purpose of supporting accommodation to require the applicant to provide the following additional information that the Authority considers necessary to enable proper consideration of the application:

- Clarification on the nature of the use, including the number of persons to be accommodated and the nature of that accommodation;
- A detailed site plan and floor plan of the buildings and a complete set of elevations;
- A detailed management plan covering the present and proposed operations of the facility; and
- Provision of letters of support from relevant government agencies.

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.
2. The authority has requested clarification on the nature and management of the use so that it can determine whether the use is appropriate for the zone and can be accommodated on the land.

ACTION: Advice to applicant/defer

ITEM 4
PA2012/0381
APPLICANT

ADDITIONS TO VETERINARY SURGERY
SECTION 4769 (452) STUART HIGHWAY, HUNDRED OF BAGOT
MICHAEL COOPER

The applicant did not attend.

**RESOLVED
179/12**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 4769 (452) Stuart Highway, Hundred of Bagot for the purpose of additions to veterinary surgery subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans, additional 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 submitted are to show:
 - (a) an additional 3 car parking spaces; and
 - (b) removal of notations referring to past Development Permits.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. 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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply and electricity to the development shown on the endorsed plan, in accordance with the authorities' requirements and relevant legislation at the time.
5. Before the use commences the owner is to provide documentary evidence to the satisfaction of the consent authority upon the advice of the Department of Health and Families that the existing effluent disposal system is of sufficient capacity to cope with the projected increased loading.
6. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) emission of noise or smell.

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. The applicant is advised that the fire separation requirements of the Building Code of Australia and all other relevant parts, are to be complied with.

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 generally compliant with the relevant provisions of the NT Planning Scheme; however no additional car parks are proposed to accommodate the increase in the floor area of the veterinary clinic. It is considered that the 3 additional car parks are required as the incremental increase in the floor area of individual shops over time has the potential to cause a large increase in the floor area of the overall shopping complex.

2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into account the capability of the land to support the proposed development and the effect of the development on adjoining land.

The land has previously been cleared and developed, and is considered capable of supporting the proposed development.

ACTION: Notice of Consent and Development Permit

**ITEM 5
PA2012/0418
APPLICANT**

**SUBDIVISION TO CREATE 2 LOTS
SECTION 4451 (150) PRODUCE ROAD, HUNDRED OF STRANGWAYS
FYFE PTY LTD**

Mr Brad Cunnington and Ms Adele Godfrey (Masterplan) attended on behalf of the applicant.

**RESOLVED
180/12**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 4451 (150) Produce Road, Hundred of Strangways for the purpose of a subdivision to create 2 lots subject to the following conditions:

GENERAL CONDITIONS

1. Works are to be carried out in accordance with plan numbered 2012/0418/01 endorsed as part of this permit.
2. Before the issue of titles, fire access trails are to be installed on the advice of the Bushfires Council of the NT, to the satisfaction of the consent authority.
3. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.

4. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity, sewerage and water services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation.
5. Engineering design, calculations and specifications for the proposed and affected roads, stormwater drainage, street lighting and vehicular accesses are to be submitted for technical approval to Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
6. 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.
7. This development is subject to the Litchfield Shire Council Developer Contribution Plan.
8. The developer is to ensure all development work is undertaken in a manner that prevents the creation of a public health nuisance from dust or other particulate matter.

NOTES:

1. This development must conform to the criteria outlined in *"Guidelines for Preventing Biting Insect Problems for New Rural Residential Developments or Subdivision in the Top End of the Northern Territory"*. The permit holder is to liaise with the Senior Medical Entomologist, Department of Health and Community Services regarding advice on potential impact of biting insects to the development and appropriate measures to minimise the potential for creating mosquito breeding sites.
2. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property.
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. The consent authority must, pursuant to section 51(j) of the *Planning Act*, take into account the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The subject site is relatively flat and comprises well drained soils. NRETAS have advised that the land is not constrained under natural conditions. Sufficient groundwater is available for domestic purposes and there is enough unconstrained land to achieve adequate separation distances between bores and onsite effluent disposal systems. The land is therefore

suitied to rural residential subdivision consistent with Zone RL (Rural Living).

2. The consent authority must, pursuant to section 51(m) of the *Planning Act*, take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement 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

Each proposed lot has access to a sealed road and reticulated electricity services. Bores and onsite effluent disposal systems may be utilised for water and sewerage services. The proposal will result in the imposition of unreasonable demands on utility services.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

16/17/12

