

DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 210 – THURSDAY 13 APRIL 2017

**WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

MEMBERS PRESENT: Denis Burke (Chairman), Keith Aitken, Bob Shewring, Wendy Smith and Christine Osborn

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Dawn Parkes and Ann-Marie Dooley (Development Assessment Services)

COUNCIL REPRESENTATIVE: Edward Li and Natasha McAlister

Meeting opened at 10.00 am and closed at 12.30 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 **50M HIGH TELECOMMUNICATIONS FACILITY WITH ASSOCIATED ANTENNAS**
PA2017/0081 **AND EQUIPMENT SHELTER AND CLEARING OF NATIVE VEGETATION**
APPLICANT **LOT 14 (335) VIRGINIA ROAD, HUNDRED OF STRANGWAYS**
 TELSTRA CORPORATION LIMITED

Mr Mark Baade (SK Planning) attended.

RESOLVED
43/17

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 14 (335) Virginia Road, Hundred of Strangways for the purpose of a 50m high telecommunications facility with associated antennas and equipment shelter and clearing of native vegetation, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of DENR. 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 and the DENR website: <https://nt.gov.au/environment/soil-land-vegetation/soil-management-erosion-sediment-control>.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the drawings numbered 2017/0081/01 to 2017/0081/03 inclusive, endorsed as forming part of this permit.
3. 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 Environment and Natural Resources.
4. The clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawing 2017/0081/02 as "Lease Area" and associated access track. All remaining native vegetation is to be maintained to the satisfaction of the consent authority.
5. 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.

6. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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 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.
9. Dust control measures must be employed throughout the construction stage of the development to the requirements of the NT EPA, to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order 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.
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 Environment and Natural Resources.
4. 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.
5. The permit holder is advised that the proposal may have assessment implications under the *Waste Management and Pollution Control Act*. More information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>. The applicant is encouraged to contact the NT EPA on (08) 8924 4218 or ntepa@nt.gov.au.

6. 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 Environment and Natural Resources.
7. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

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.

In this instance, it is considered that the proposed development is an appropriate use in Zone RL (Rural Living) as the telecommunications facility will not impact on the ability of the surrounding land to be developed in accordance with the zone.

Furthermore, it is considered that the proposal complies with the relevant provisions of the Northern Territory 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 Department of Environment and Natural Resources (DENR) confirm that the majority of the site is well drained with gently undulating upland plains with brown earths. While DENR state that soils along the eastern and southern boundaries are poorly drained and the site is located approximately 50m from a Priority Environmental Management Area, the lease area to be cleared is setback 101.5m from the identified drainage area to the south-east boundary, and setback approximately 25m from the Virginia Road road reserve (14m from the lot boundary).

No clearing other than that for the purpose of the telecommunications facility is proposed and the setbacks are considered appropriate, given the primary purpose of those buffers is to retain visual amenity and protect from any chemical spray.

No concerns regarding the capability of the area identified for the development of the proposed telecommunications facility were raised.

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

In this instance, the proposal is considered to be an appropriate use in Zone RL and it is considered the telecommunications facility will not impact the existing or future use of the land for the purpose of rural living.

It is acknowledged that the proposal will have an impact on the existing visual amenity of the area due to its height. It is considered however, that the proposed location setback 25m from the Virginia Road frontage is expected to minimise the visual appearance of the facility when viewed from the nearest residential dwelling which is located in excess of 100m away.

The application also provides a photomontage of the proposed structure to give an idea of the potential visual impact from the surround street network. The application acknowledges that some visual amenity impact will occur from surrounding land but the benefits of increased network services in the rural area outweighs any amenity impacts.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2016/0634
APPLICANT

VETERINARY CLINIC (STAGE 2 - LARGE ANIMAL CLINIC)
SECTION 4211 (290) WHITEWOOD ROAD, HUNDRED OF BAGOT
HODGKISON PTY LTD

Mr Henry Power (Hodgkison Pty Ltd) and Mr Jamin Farebrother (landowner and vet) attended.

RESOLVED
44/17

That, the Development Consent Authority grants a reduction to the parking requirements of Clause 6.5.1 (Parking Requirements) through clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme from 39 to 29 car parking spaces (a reduction of 10), and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 4211 (290) Whitewood Road, Hundred of Bagot for the purpose of Veterinary Clinic (Stage 2 - Large Animal Clinic), subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works an amended Property Management Plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority on the advice of relevant services authorities. The revised Property Management Plan should include, but is not limited to, details of:
 - a. animal waste management, particularly in relation to how and when deceased animals are collected and disposed of off-site;
 - b. waste water disposal, particularly in relation to how contaminants or waste, including sluice and wash water from wash bays will be appropriately disposed of or recycled; and
 - c. measures to be implemented to control odour and noise.

An endorsed copy of the Property Management Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance

with the endorsed Property Management Plan to the satisfaction of the consent authority.

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 the Department of Environment and Natural Resources (DENR). All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the Consent Authority, on advice from DENR. The ESCP 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 and the NT Government website: <https://nt.gov.au/environment/soil-land-vegetation>.
3. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Litchfield Council stormwater drainage system shall be submitted to and approved by the Litchfield Council, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

GENERAL CONDITIONS

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 recommended by the Erosion and Sediment Control Plan (ESCP), are to be completed to the requirements of the Department of Environment and Natural Resources, to the satisfaction of the consent authority.
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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. 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.
9. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.

10. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading area and must not disrupt the circulation and parking of vehicles on the land.
11. Before the use 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.
12. 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.
13. 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;
 - (g) to the satisfaction of the consent authority.
 - (h) Car spaces, access lanes and driveways must be kept available for these purposes at all times.
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. 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.
16. 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.

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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. 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.

3. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
4. Any new on-site wastewater system to be installed must be carried out by a qualified licensed Self-Certifying Plumber and must comply with the NT Code of Practice for Small On-site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent (The Code).
5. The permit holder is advised that the proposal may have assessment implications under the Waste Management and Pollution Control Act, More information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>. The applicant is encouraged to contact the NT EPA on (08) 8924 4218 or ntepa@nt.gov.au.

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 development is 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 veterinary clinic is considered to be of a scale and character appropriate to the site and generally consistent with the purpose of Zone C (Commercial) which is to provide for a range of business and commercial uses.

A reduction in the parking required by Clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme through the provisions of Clause 6.5.2 (Reduction in Parking Requirements) from 39 to 29 car parking spaces (a reduction of 10), is determined having considered all the relevant matters specified in clause 6.5.2. Specifically sub-clause 6.5.2(a) - the zoning of the land, the use or development or proposed use or development of the land and the possible future use or development of the land.

Development Permit DP09/0404 approved a veterinary clinic in two stages with a parking shortfall of nine spaces noting that the size of the clinic to accommodate larger animals skewed the car parking requirements. Minor changes have occurred to the large animal clinic to suit the current requirements of the land owner which have resulted in the generation of one additional car parking space.

A reduction to the parking requirements is considered acceptable as the existing car park was originally constructed to accommodate both clinics. While the Northern Territory Planning Scheme indicates that the use or development of a veterinary clinic requires four car parking spaces per 100m² of floor area, the shortfall in car parking can be largely be attributed to the design of the clinic intended to accommodate the movement of larger animals.

An amended Property Management Plan is recommended to ensure that appropriate management procedures will be in place to ensure the safe and efficient management of animals on site.

2. Pursuant to section 51(e) of the *Planning Act*, any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

One public submission was received from Litchfield Council however it withdrew its submission following the receipt of additional information from the applicant.

3. 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 supported 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.

No significant environmental constraints have been identified on the subject land, the site is generally considered capable of accommodating the proposed development given it has previously been developed for the purpose of a veterinary clinic.

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

The development is expected to be generally compatible with existing built form on site and in the broader area. A revised property management plan is recommended to address any potential concerns that may arise from the management of large animals including odour, noise, dust and the presence of insects.

ACTION: Notice of Consent and Development Permit

Mr Vince Albertoni and Mr Bernie O'Connell (Gwelo Investments Pty Ltd) attended.

RESOLVED
45/17

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 6493 (425) Stuart Highway, Hundred of Bagot for the purpose of a hotel addition to an existing mixed use development 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) a revised site plan illustrating that the access to the loading bay is provided with a minimum width of 3m or additional information which demonstrates that the access to the loading bay is fit for purpose i.e. service/delivery vehicles and waste disposal trucks can easily access the site; and
 - b) suitable site access is provided a minimum of 3.1m wide to allow entry for fire-fighting purposes as per the requirements of Northern Territory Fire & Rescue Service, to the satisfaction of the consent authority.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a landscape plan for the proposed hotel site, 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 landscaping plan must be generally in accordance with the landscape concept plan and must include a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant. All species selected must be to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), an updated Traffic Impact Assessment (TIA) Report is to be prepared by a suitably qualified traffic engineer. The TIA must include the proposed changes at the Stuart Highway/Service Road intersection and all proposed site accesses from the Stuart Highway Service Road to the requirements of the Transport and Civil Services Division, Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority.
4. 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.

5. Prior to the commencement of works, the applicant must lodge a variation application to vary Development Permit DP09/1035. The application should reflect the changes proposed as a result of this development and include:
 - a) a revised Master Plan for the Coolalinga Retail Precinct, including all proposed site accesses and the location of a taxi terminal, and bus stops for the overall development, to the requirements of the Transport and Civil Services Division, Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority; and
 - b) a revised Landscaping Plan for the site as a whole. The landscaping plan must be generally in accordance with the landscape concept plan and must include a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant. All species selected must be to the satisfaction of the consent authority.

GENERAL CONDITIONS

6. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
7. All works recommended by the Traffic Impact Assessment Report are to be completed to the requirements of the Transport and Civil Services Division, Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority.
8. 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.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
10. 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.
11. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.
12. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading area and must not disrupt the circulation and parking of vehicles on the land.

13. Before the use 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.
14. 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.
15. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Litchfield Council and/or the Transport and Civil Services Division, Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority.
16. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Litchfield Council and/or the Transport and Civil Services Division, Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority.
17. No goods are to be stored or left exposed outside the building so as to be visible from any public street.
18. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building.
19. 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.
20. 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.
21. External lights including those associated with illuminated signage must be designed, baffled and located to the satisfaction of the consent authority to prevent any adverse effect on adjoining land and roads.
22. All proposed works impacting on the Stuart Highway are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Department of Infrastructure Planning and Logistics. Drawings must be submitted to the Transport and Civil Services Division, Department of Infrastructure Planning and Logistics, for approval and no works are to

commence prior to approval and receipt of a "Permit to Work Within NT Government Road Reserves".

23. Upon completion of any works within or impacting upon the Stuart Highway/Service Road road reserve, the road reserve shall be rehabilitated to the standards and requirements of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics.
24. 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. 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 hotel development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.
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. 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.

Advertising signage, either permanent or temporary, e.g. 'A' frame, vehicle or trailer mounted shall not be erected or located within the Stuart Highway road reserve.

5. 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.
6. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be

contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

7. Any new on-site wastewater system to be installed must be carried out by a qualified licensed Self-Certifying Plumber and must comply with the NT Code of Practice for Small On-site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent (The Code).
8. 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 Department of Environment and Natural Resources.
9. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Clause 6.7 of the NT Planning Scheme.

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 development is 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 hotel is considered to be consistent with the purpose of the zone as it will further facilitate the intent of the zone as an area servicing the proposed residential aspect of the mixed use development as well as the surrounding population of Coolalinga.

The application complies with the relevant clauses of the Northern Territory Planning Scheme including clauses 6.4 (Plot Ratios), 6.5.1 (Parking Requirements), and Clause 6.5.3 (Parking Layout).

A condition precedent is included which requires further information from the developer to confirm the loading bay access point is fit for purpose i.e. service/delivery vehicles and waste disposal trucks can easily access the site to ensure compliance with Clause 6.6 (Loading Bays) is achieved.

A revised site plan is also required to address Northern Territory Fire & Rescue Service concerns and ensure suitable access is provided for fire-fighting purposes.

2. Pursuant to section 51(e) of the *Planning Act*, any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

One public submission was received during the exhibition period and one late submission was received. Both outlined concerns regarding the

lack of information provided in the original application as well as general liquor licencing concerns.

The revised proposal includes sufficient information and clarifies the location of both the internal and external dining areas, reduces the overall size of the gaming area proposed and includes a basement level for storage. The Authority notes that the revised plans were re-advertised and re-circulated to both submitters for comment however no further comments were received. It therefore considers that the revised plans submitted addresses the concerns raised in the submissions. The Authority also notes that a condition precedent requiring a detailed landscaping plan is required to illustrate in the type of landscaping proposed within the site to provide further detail and to lessen the visual impact of the development on the surrounding area.

3. 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 supported 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.

Section 6493 is currently being developed for the purpose of the Coolalinga Village Precinct as approved by Development Permit DP09/1035. Overall Section 6493 has been zoned accordingly to accommodate the proposed development, therefore provided all issues raised by service authorities are addressed, it is envisaged that the proposed development will have a minimal impact on land and existing development within the general vicinity.

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

The development is located within an existing and mixed use development with surrounding land being primarily used for commercial uses. Provided the issues raised by relevant service authorities are addressed, it is not expected that the proposed development will impact on the existing and/or future amenity of the area.

Submission of an updated Traffic Impact Assessment is necessary to satisfy the Transport and Civil Services Division of the Department of Infrastructure Planning and Logistics concerns relating to the Stuart Highway and Service Road intersection to ensure that an appropriate level of service is maintained at the junction.

ACTION: Notice of Consent and Development Permit

**ITEM 4
PA2016/0579
APPLICANT**

**CHANGE OF USE OF USE FROM SHOP TO HOTEL
LOT 2 (30) VIRGINIA ROAD, HUNDRED OF BAGOT
RAY MCCASKER**

Mr Ray McCasker (applicant and owner), Mr Kevin Dodd (Earl James & Associates) and Mr Damien O'Brien (Virginia Tavern) attended.

DAS tabled comments from Litchfield Council dated 12 April 2017.

Mr McCasker tabled a vehicle access plan, and a copy of Virginia Road Widening Estimates and a copy of his 2000 bank statement.

Mr McCasker showed the DCA members plans of the Litchfield Shire Council booklet Virginia Road Upgrade, surveyed by RHO Surveys written on sheet 2p, in pencil in the area on the plan at the corner of Hinton Road and Virginia Road "we are requesting that you carry out works in this area alternately you provide the funds for LSC to carry out the works".

Mr Kevin Dodd tabled photos – one taken in 2013, two photos in 2004, one photo taken in 2006 and one taken in 2009.

Submitters in attendance: - Ms Roslyn McMillan and Litchfield Council (Represented by Edward Li and Natasha McAllister).

**RESOLVED
46/17**

That, the Development Consent Authority grants a reduction to the parking requirements, of Clause 6.5.1 (Parking Requirements) through Clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme from 30 to 19 car parking spaces (a reduction of 11), and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 2 (30) Virginia Road, Hundred of Bagot for the purpose of a change of use from shop to hotel subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works approved by this permit, 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 either two copies must be provided or they must be submitted electronically. The plans must be drawn to scale with dimensions and either two copies must be provided or they must be submitted electronically. The plans must be generally in accordance with the plans submitted with the application but modified to show the provision of 19 car parking spaces excluding the spaces associated with the fuel bowzers.

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. 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.
5. 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.
6. Before the use or occupation of the development starts, the areas 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.
7. 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.
8. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Litchfield Council, to the satisfaction of the consent authority.
9. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. 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.

3. The proponent must contact advise the Northern Territory Environment Protection Authority and advise of activities to be conducted at this site to ensure the operation of a service station does not cause or result in any breaches of the *Waste Management and Pollution Control Act*.
4. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve.
5. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

REASONS FOR THE DECISION

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

The proposed change of use from shop to hotel (shop 2) is considered to be generally consistent with the purpose of Zone C (Commercial) which is to provide for a range of business and commercial uses.

A reduction in the parking required by Clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme through the provisions of Clause 6.5.2 (Reduction in Parking Requirements) from 30 to 19 car parking spaces (a reduction of 11), is determined having considered the following:

- a) the previous development approved by Development Permit DP03/0291, granted a reduction to the car parking requirements permitting a total of 12 car parking spaces onsite. Although the change of use generates an additional five car parking spaces; the development now includes an additional seven car parking spaces therefore providing a total of 19 spaces onsite;
- b) the service demand and associated car parking is likely to be alleviated in the future through the availability of other commercial facilities in the locality;
- c) a certain degree of cross utilisation is expected given that guests staying in the motel and caravan park are likely to avail of the hotel facilities; and
- d) there are a total of 13 on-street car parking spaces available immediately adjacent with the road reserve (six on Hinton Road and seven on Virginia Road) that could be attributed to the car

parking shortfall given that there are no other commercial businesses in the immediate vicinity that would benefit from these parking spaces.

2. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the consent authority is required to take into account any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

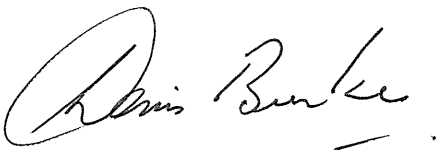
Two public submissions were received in relation to the application raising concerns regarding the increase in the number of gaming machines and the availability of car parking on site. The concerns raised in the submissions have been assessed with (where appropriate) suitable conditions of development included in the development permit.

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.

The proposed development is consistent with the primary purpose of Zone C (Commercial) which is to provide for a range of business and community uses. No significant impacts on existing and future amenity of the area are expected as the proposed hotel is consistent with the amenity and character of existing uses in the area, specifically the existing adjacent hotel. The development will occur within the existing building and will make no major change to the exterior.

ACTION: Notice of Consent and Development Permit

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



DENIS BURKE
Chairman

20/04/17

