



**DEVELOPMENT CONSENT AUTHORITY**

**LITCHFIELD DIVISION**

**MINUTES**

**MEETING No. 240 – FRIDAY 15 NOVEMBER 2019**

**HOWARD HALL  
325 WHITEWOOD ROAD  
HOWARD SPRINGS**

**MEMBERS PRESENT:** Suzanne Philip (Chair), Keith Aitken, Adam Twomey, Wendy Smith and Christine Simpson

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Breanna Lusty (A/ Secretary), Julie Hillier, Ben Wollinski, Sonia Barnes and Anthony Brennan (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Rodney Jessup for Items 2 and 3.

**Meeting opened at 11.00 am and closed at 12.46 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**ITEM 1 WITHDRAWN**

**ITEM 2 UPGRADE TO EXISTING TELECOMMUNICATIONS FACILITY**

**PA2019/0388**

**SECTION 5391 (175) CALLISTEMON ROAD, HOWARD SPRINGS,  
HUNDRED OF BAGOT**

**APPLICANT**

Axicom Services Pty Ltd

DAS tabled amended site plan prepared by applicant.

**RESOLVED  
180/19**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Section 5391 (175) Callistemon Road, Hundred of Bagot for the purpose of upgrades to existing telecommunications facility, subject to the following conditions:

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings 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 facilities to each lot 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.

**NOTES:**

1. 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.
2. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Council's road network.
3. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Clause 6.7 (Signs) of the Northern Territory Planning Scheme.

## REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The Northern Territory Planning Scheme (the Scheme) applies to the land to which the application relates. The application was assessed against Clauses 1.3 (Exceptions), 2.7 (Reference to Policy – Litchfield Subregional Land Use Plan 2016), 5.22 (Zone CN – Conservation), 6.1 (General Height Control), 13.5 (Telecommunication Facilities), and was found to be compliant.

The primary purpose of Zone CN is to conserve and protect the flora, fauna and character of natural areas. The upgrading of the existing facility to replace and install new telecommunication infrastructure will have minimal impact on the environment.

The changes do not increase the existing height of the structure and the design of the new lens antenna and upgrading of existing antennas is in keeping with the current design of the antennas already installed. The replacement and installation of telecommunications infrastructure on the existing structure is anticipated to have minimal visual impacts in the surrounding area.

The Litchfield Subregional Land Use Plan (LSLUP) is a referenced document in the Northern Territory Planning Scheme and provides detailed planning specific to the Litchfield subregion and land use concept plans to guide development. The LSLUP includes land use policy that provides opportunities for urban growth in both the short and long term, whilst supporting the rural land uses and environment and respecting cultural heritage.

The LSLUP identifies the site is within a 'Rural Area'. A statement of policy for rural areas is to maintain rural amenity and lifestyle choice.

The proposal is to improve telecommunications in the area for rural residents and business.

2. Pursuant to section 51(n) of the *Planning Act 1999*, 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 addition of a telecommunication facility would be unlikely to have an adverse impact on the existing and future amenity of the area, as:

- the structure is pre-existing with only minor installation and replacement of telecommunication equipment;
  - visual impact on adjoining properties will be minimal as the tower is located approximately 160m and 210m away from the two closest existing dwellings; and
- the site is outside of urban and peri-urban areas.

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

ITEM 3  
PA2019/0329

## SUBDIVISION TO CREATE 6 LOTS

APPLICANT

**SECTION 1905 (1000) CHANNEL ISLAND ROAD, HUNDRED OF AYERS  
AND SECTION 1902, WICKHAM, HUNDRED OF AYERS**  
Earl James and Associates

Kevin Dodd (Earl James and Associates) attended.  
Natasha Cercarelli, Michael Visentin, Daniel Cameron and Jeff Richardson (Land Development Corporation) and Paul Brandos (Burn Consultants) attended.

RESOLVED  
181/19

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Section 1902, Wickham, Hundred of Ayers and Section 1905 (1000) Channel Island Road, Hundred of Ayers for the purpose of subdivision to create 6 lots, 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 stormwater drainage system (or Crown Land where applicable) shall be submitted to and approved by Litchfield Council and the Lands and Planning Division, Department of Infrastructure, Planning and Logistics and the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics as the case may be, to the satisfaction of the consent authority.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) an updated Traffic Impact Report is to be prepared in accordance with the Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development is required for the proposed subdivision. The Report must detail the development's traffic generation, trip distribution, traffic operation impact, the nature and timing of impacts, and recommended measures required to accommodate and/or mitigate the traffic impacts of the development, including construction traffic. All road sections and/or intersections where traffic generated by the development increases the existing traffic, existing proportion of heavy vehicle traffic or equivalent standard axles (ESAs) by 5% or more must be assessed. The Report shall be submitted to and approved by Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics and Litchfield Council as the case may be.
3. Prior to the endorsement of plans and prior to the commencement of works, Litchfield Council approval of the road design for proposed Roads 1 and 2 is required.
4. Prior to the commencement of works, a Construction Traffic Management Plan (detailing all appropriate site management measures, including construction access, proposed haulage routes, vehicle types, protection of existing assets, protection of public access and a risk assessment) shall be submitted to and approved by the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics and Litchfield Council as the case may be.
5. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering Crown Land and other Department of Infrastructure, Planning and Logistics assets, to the requirements of the

Lands and Planning Division, Department of Infrastructure, Planning and Logistics.

6. Prior to the commencement of works, a Type 2 Erosion and Sediment Control Plan (ESCP) must be developed in accordance with the Department of Environment and Natural Resources ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP must be developed and/or certified by a Certified Professional in Erosion and Sediment Control (CPESC) to the satisfaction of the consent authority. The ESCP should be submitted for acceptance prior to the commencement of any earth disturbing activities (including clearing and early works) to Development Assessment Services via email: [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au).
7. Prior to the commencement of construction works for the following components:
  - a) proposed and affected roads;
  - b) stormwater drainage;
  - c) street lighting;
  - d) vehicular accesses;
  - e) pedestrian/cycle paths (if required);and streetscaping:

the Developer shall submit detailed 'For Construction' design documentation (engineering design, design report and specifications) for all such proposed works and achieve 'Permission to Use' from by Litchfield Council and the Lands and Planning Division, Department of Infrastructure, Planning and Logistics –and the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics as the case may be. All designs that relate to the Lands and Planning Division's infrastructure are to comply with Litchfield Council Development and Subdivision Standards, be to the satisfaction of Lands and Planning Division, meet Austroads standards and must be prepared and certified by a chartered professional civil engineer.

## **GENERAL CONDITIONS**

8. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
9. All works [proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors (if required) and streetscaping] are to be constructed in accordance with the detailed design documentation provided with 'Permission to Use' by Litchfield Council and the Lands and Planning Division, Department of Infrastructure, Planning and Logistics and the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics as the case may be, to the satisfaction of the consent authority, and all approved works constructed at the owner's expense.
10. Any proposed new intersection with Channel Island Road shall be located such that it meets the appropriate sight and stopping distance and spatial separation criteria. The geometry of the intersection shall be suitable for the expected levels of traffic impact and accommodate the turning paths of all vehicles utilising the intersection. The intersection shall be designed and constructed in accordance with relevant Austroads Guides and Australian

Standards, to the requirements and approval of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics.

11. Any intersection and / or road upgrade works required as a result of the Traffic Impact Assessment to accommodate the proposed development and within NT Government controlled road reserves shall be carried out by the Developer, at the Developer's cost, to the standards and requirements of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics and Litchfield Council as the case may be.
12. Any new intersection will be subject to Road Safety Audits in accordance with the Department of Infrastructure, Planning and Logistics Policy "Road Safety Audits".
13. No sediment from the development site is to enter Crown Land or other Lands and Planning Division, Department of Infrastructure, Planning and Logistics assets. If it is evident that sediment has entered the Lands and Planning Division's assets from the site, the Lands and Planning Division will require that all sediment are removed.
14. Any new road reserves (distributor, collector or local roads) created via this subdivision shall be vested with the relevant local authority and shall be noted on the survey plan as such. The NT Government will not accept new distributor, collector or local roads in existing local government areas.
15. 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.
16. 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.
17. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities, and telecommunication networks to the development/each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
18. Before issue of titles and pursuant to section 34 of the *Land Title Act 2000*, 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 shall be prepared in consultation with the Power and Water Corporation and is to state that: "There is limited capacity in reticulated water available for commercial purposes in the area". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.
19. Where unfenced, the Channel Island Road frontage is to be appropriately fenced in accordance with the Transport and Civil Services Division's standards and requirements to deter unauthorised vehicular movement. Alternative treatments such as the installation of drains or landscaping that creates a barrier to unauthorised access traffic access will be considered at the discretion of TCSD.

20. The installation of any services or service connections within the Channel Island Road road reserve is subject to Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics approval. All service related works are to be contained within the appropriate Nominal Service Corridor (refer Standard Drawing CS-3001).
21. 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 of 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
  - c. Temporary advertising signage e.g. 'A' frame, vehicle or trailer mounted shall not be erected or located within the Channel Island Road road reserve.
22. All works relating to this permit must be undertaken in accordance with the endorsed Type 2 Erosion and Sediment Control Plan (ESCP) to the requirements of the consent authority. Should the endorsed Type 2 Erosion and Sediment Control Plan (ESCP) need to be amended, the revised ESCP must be developed and/or certified by a Certified Professional in Erosion and Sediment Control (CEPSC) to the satisfaction of the consent authority. The revised ESCP should be submitted for acceptance to Development Assessment Services via email: [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au).
23. All reasonable and practicable measures must be undertaken to prevent erosion occurring onsite, sediment leaving the site, and runoff from the site causing erosion offsite. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development (including clearing and early works) and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. For further information refer to Note 1 below. At completion of works, clearance should be sought from the Department of Environment and Natural Resources regarding satisfactory implementation of permanent erosion and sediment control measures and site stabilisation. To arrange a clearance site inspection, email the Land Development Coordination Branch at [DevelopmentAssessment.DENR@nt.gov](mailto:DevelopmentAssessment.DENR@nt.gov).
24. All reasonable and practicable measures must be undertaken to ensure the subdivision works are not detrimental to the drainage, flood immunity or safety of the Channel Island Road road reserve through the blocking of off-let drains, natural drainage channels or overland flow. Alternative proposals to cater for the above may be considered by the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics. At completion of works, clearance should be sought from the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics
25. Dryland grassing shall be established on the Channel Island Road verge fronting the development and shall be undertaken to the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics standards and requirements.



26. Upon completion of any works within the Channel Island 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.
27. The Developer shall undertake all reinstatement works to the technical requirements of and at no cost to the Lands and Planning Division. Any damaged or affected Lands and Planning Division's asset shall be rehabilitated to the standards and requirements of the Lands and Planning Division, Department of Infrastructure, Planning and Logistics.

**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. Litchfield Council has advised that;
  - i. Inspection fees and charges may apply in accordance with Litchfield Council's current Fees and Charges. Additional information can be found at [www.litchfield.nt.gov.au](http://www.litchfield.nt.gov.au)
  - ii. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Clause 6.7 (Signs) of the Northern Territory Planning Scheme
3. The Department of Primary Industry and Resources advises that Onshore Pipeline Licences (PL) granted under the *Energy Pipelines Act 1981* exist over Section 1905 Hundred of Ayers, and extractive mineral titles granted under the Mineral Titles Act 2010 exist within Section 1905 Hundred of Ayers. It is recommended that you contact the Department of Primary Industry and Resources at [DPIRPetroleumOperations@nt.gov.au](mailto:DPIRPetroleumOperations@nt.gov.au) (for Onshore Pipeline Licence queries) or [Mineralinfo.DPIR@nt.gov.au](mailto:Mineralinfo.DPIR@nt.gov.au) (for Extractive Licence queries) to discuss any future requirements.
4. 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.
5. Works on site are to be undertaken in accordance with conditions listed in Authority Certificate C2019/029 issued by the Aboriginal Areas Protection Authority.
6. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is



required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>.

The proponent is advised to take notice of the SCHEDULE OF ENVIRONMENTAL CONSIDERATIONS provided by DENR.

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

7. There are statutory obligations under the *Weeds Management Act 2001* 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.
8. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at [www.austieca.com.au](http://www.austieca.com.au) and the Department of Environment and Natural Resources ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
9. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2009* 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](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
10. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records [surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au) 08 8995 5354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
11. All new roads, including alterations and extensions to existing roads, are required to be named under the *Place Names Act 1967*. You should immediately make application to the Place Names Committee to commence the road naming process. Contact the Place Names Unit on 8995 5333 or [place.names@nt.gov.au](mailto:place.names@nt.gov.au). Further information can be found at [www.placenames.nt.gov.au](http://www.placenames.nt.gov.au)
12. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least

3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>

13. The Department of Infrastructure, Planning and Logistics advise that there is currently no agreement in place with the Land Development Corporation for the Department of Infrastructure, Planning and Logistics to accept any remanent land parcels in the Kittyhawk Development.

## REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The proposal has been assessed against the relevant clauses of the Northern Territory Planning Scheme being Clause 2.7 policies and planning concepts expressed in those documents appearing in Part 8 or Schedule 2 and ensure that a use or development or proposed use or development is consistent with them.

The Darwin Regional Land Use Plan 2015 contains key objectives for the development of strategic industry. The priority being to 'ensure detailed planning for future development in the region takes account of the limited opportunities to locate strategic industrial development to minimise the potential for future land use conflict and detrimental impact on the environment'.

Land on Middle Arm was identified in previous regional land use plans as an area with potential for a deep water port and associated strategic industry development. Construction of the Liquefied Natural Gas (LNG) facility at Wickham Point from 2003 to 2006 established the purpose of the area and has led the way for further development of the off-shore oil and gas industry and is Zoned accordingly. The identification of the Peninsula for strategic industry is reiterated in the Litchfield Subregional Plan 2016.

The subdivision addresses the relevant clauses pertaining to industrial subdivision being Clauses 11.3.1 (Site Characteristics in Industrial Subdivisions), 11.3.2 (Infrastructure in Industrial Subdivisions) and 11.3.3 (Lot Size and Configuration in Industrial Subdivisions) and has been determined to comply with those clauses.

It is clear from the service authority comments received during the exhibition period that the application has been subject to oversight from all relevant government agencies and the Litchfield Council. Consequently the development is required to meet detailed and extensive requirements to the satisfaction of those parties.

2. Pursuant to section 51(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

One submission was received raising concerns with the establishment of an industrial subdivision citing a perceived oversupply of existing industrial land, and also raised issues with the impact on groundwater, suitability/capability of the land for industrial purposes, and the location of the land for the purpose of gas and chemical based industry relative to Palmerston and Darwin.

The existing supply or otherwise of industrial land is not a valid town planning ground of submission. The land is considered capable and suitably located for an industrial subdivision as it is appropriately zoned and has been the subject of extensive review by relevant service authorities, with all identifying the land suitable subject to relevant conditions. The Department of Environment and Natural Resources identified that as the subdivision will be connected to a reticulated water supply the likelihood of future owners accessing water supply through groundwater bores is low, and as such any impact on the groundwater resource is likely to be low. Other issues raised by the submission will be more appropriately considered through any future development application on the newly created lots.

3. Pursuant to section 51(j) of the *Planning Act 1999*, 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 DENR comment indicates that land constrained by drainage is restricted to the outer edges of the upland plain where it falls away into the intertidal zone. Slope and highly erodible soil types have been identified with suitable measures proposed to resolve those matters. Works required to facilitate the subdivision will be subject to erosion and sediment control plans to the requirements of DENR.

The proponent advises that Department of Health has identified that the site is not suitable for primary wastewater treatment and that secondary treatment systems will be required, however this would be the subject of future development applications.

It is determined that suitable engineering measures would render the site capable of supporting the proposed development.

4. Pursuant to section 51(n) of the *Planning Act 1999*, 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 Middle Arm Peninsula has long been identified as having strategic value to provide for the development of gas based, rail or port related activities. Developing a clear strategic intent has allowed for the development of necessary infrastructure, the separation of development from sensitive uses and environmental assessment to inform mitigation and address potential amenity impacts.

The development of the Middle Arm for an industrial subdivision meets the intent of regional strategic plans and the purpose of Zone DV (Development) being to provide for the development of major strategic

industry to contribute to the future economic development of the Territory.

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

**ITEM 4**  
**PA2019/0221**

**72 X 1 BEDROOM (SINGLE & DOUBLE) HOTEL ACCOMMODATION UNITS IN FOUR SINGLE STOREY BUILDINGS (TO BE DEVELOPED IN THREE STAGES) AND ALTERATIONS AND ADDITIONS TO AN EXISTING HOTEL (FUNCTION ROOM IN A TWO STOREY BUILDING, POOL/DECK AND ABLUTION FACILITIES); THE COMBINED DEVELOPMENT WOULD OCCUR IN FOUR STAGES SECTION 2334 (195) DARWIN RIVER ROAD, DARWIN RIVER, HUNDRED OF CAVENAGH**

**APPLICANT**

Ocean View Developments

Paul Winter (Ocean View Developments) attended. Litchfield Council tabled request for additional conditions regarding drainage.

**RESOLVED**  
**182/19**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Section 2334 (195) Darwin River Road, Hundred of Cavenagh for the purpose of 72 x 1 bedroom (single & double) hotel accommodation units in four single storey buildings (to be developed in three stages) and alterations and additions to an existing hotel (function room in a two storey building, pool/deck and ablution facilities); the combined development would occur in four stages, 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, on the advice of the Department of Environment and Natural Resources. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to confirm:
  - a) the location and registered number of all bores to be retained on the property;
  - b) the required 100m separation distance from all bores to be retained to the existing and proposed onsite effluent disposal systems; and
  - c) dimensions of the loading bay in accordance with Clause 6.6 (Loading Bays).

When approved, the plans will be endorsed and will then form part of the permit.

2. Prior to endorsement of plans and prior to commencement of works, confirmation is required that a groundwater extraction licence has been obtained from the Controller of Water Resources which can support the approved development.
3. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating that stormwater run-off is capable of being discharged across the lot surface to the main drainage system or to an approval alternate connection shall be submitted to and approved by Litchfield

Council, to the satisfaction of the consent authority. Litchfield Council stormwater discharge guidelines do not allow concentrated discharge of stormwater from rural lots to adjoining properties.

#### **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. The development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
6. The development must proceed with Stage One first. Subsequent stages may proceed in any order at the discretion of the proponent.
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 sewerage, electricity and telecommunication 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 and/or Transport Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
10. Before the use or occupation of Stage One of the development, the electricity supply easement shown on drawing B-2019-0270-01-A for the existing 22kv overhead power line and the pole mount substation 0434 on Lot 2334 shall be lodged with the Registrar-General on the title. Evidence of lodgement on the land parcel shall be provided to the satisfaction of the consent authority.
11. Before the use commences, certification is to be provided that any new on-site wastewater system has been installed by a qualified licensed Self-Certifying Plumber and complies 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).
12. Before the use or occupation of Stage One of the development, all works recommended by Traffic Impact Assessment document no. 19T290 dated 20 September 2019 by SJ Traffic Consulting are to be completed to the requirements of the Transport Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
13. Before the use or occupation of Stage One of the development, access to the site shall be via a reciprocal right of way easement on Section 2333 and 2334 covering the shared internal driveway. The easement shall be lodged with the Registrar-General on the land titles. Evidence of lodgement on the land parcel shall be provided to the satisfaction of the consent authority.

14. All proposed works impacting on Darwin River 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 the Transport Civil Services Division of the Department of Infrastructure, Planning and Logistics. Drawings must be submitted to the Transport Civil Services Division of the 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 a Road Reserve".
15. Upon completion of any works within or impacting upon the Darwin River Road road reserve, the road reserve shall be rehabilitated to the standards and requirements of the Department of Infrastructure, Planning and Logistics.
16. Where unfenced, the Darwin River Road frontage is to be appropriately fenced in accordance with Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics standards and requirements, to the satisfaction to the consent authority.
17. 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.
18. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors/clients.
19. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bays and must not disrupt the circulation and parking of vehicles on the land.
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. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
22. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.



23. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Darwin River Road traffic.
24. Before the use/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.
25. 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.
26. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development (including clearing and early works) and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information resources are available on the IECA website [www.austieca.com.au](http://www.austieca.com.au) and the Department of Environment and Natural Resources ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.

#### NOTES:

1. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act.

Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>.

The proponent is advised to take notice of the SCHEDULE OF ENVIRONMENTAL CONSIDERATIONS provided by the Department of Environment and Natural Resources.

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

2. For the purposes of best practice land management and environmental protection it is recommended that a **Type 1** Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Environment and Natural Resources ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil



surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.

3. There are statutory obligations under the *Weeds Management Act 2001* 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 Power and Water Corporation advises that the 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.
5. A "Permit to Work Within Northern Territory Government Road Reserves" may be required from Transport Civil Services Division of the Department of Infrastructure, Planning and Logistics before commencement of any work within the Darwin River Road road reserve.
6. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Clause 6.7 (Signs) of the Northern Territory Planning Scheme.
7. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* 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](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
8. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development.

Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>

## REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

Section 2334 (195) Darwin River Road is 15.26ha of land within Zone TC (Tourist Commercial). The primary purpose of Zone TC is to provide for uses or development servicing tourism, including commercial and residential activities.

A total of 72 x 1 bedroom hotel rooms are proposed - in 4 single storey buildings constructed of concrete blockwork and custom orb roof

cladding. The buildings will be developed over Stages One, Two and Three. Stage Four proposes alteration and additions to the existing tavern include a pool and deck connecting to a two storey function room building with large open verandahs and additional ablution facilities.

The proposal has been assessed against Clause 5.10 Zone TC (Tourist Commercial), Clause 6.5 (Plot Ratios), Clause 6.5.1 (Parking Requirements), Clause 6.12 (Landscaping) and Clause 8.2 (Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T) of the Northern Territory Planning Scheme (NTPS) and complies.

The proposed additions to the existing tavern are considered appropriate for the site and will provide an extension of the existing lounge bar/beer garden, dining on the deck and cater for private functions, as well as providing additional accommodation facilities.

The proposal is consistent with the purpose Zone TC (Tourist Commercial) to expand on existing facilities and provide for accommodation options to support tourism in the surrounding region.

2. Pursuant to section 51(j) of the *Planning Act 1999*, 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) advised the land is not constrained by drainage issues, vegetation has been previously cleared and therefore the site is heavily modified. There are no land assessment issues and the land is considered suitable for the proposed development.

Prior to the endorsement of plans and any development works, the proponent is required to obtain and provide a copy to the authority, the approved groundwater extraction licence issued by the Controller of Water Resources, confirming that the site is, and can continue to be, serviced by appropriate groundwater supply. The condition precedent is recommended by DENR on the basis that the target aquifer is not currently over allocated in terms of the NT Water Allocation Planning Framework.

Additionally, amended plans are to be submitted to confirm the location and registration details of bores to be retained on the property and to confirm the 100m separation distance can be achieved to the existing and proposed on site effluent disposal areas.

3. Pursuant to section 51(e) of the *Planning Act 1999* any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application

The submitter raised concerns regarding the impact of the development upon water resources, septic requirements, wider roads, noise and lighting that would impact amenity, and stress on the environmental integrity of the wetland and riparian wildlife corridors, commenting that the neighbouring Woodfords Lagoon is nearly dry due to drought and

fires. The submitter further commented on the inappropriateness of an urban village within a rural area and noise and light spill impacts on rural amenity.

In response, the property is not identified within a Priority Environment Management Area under the Litchfield Subregional Land Use Plan 2016. The Department of Environment and Natural Resources advised there are no land assessment issues and the land is considered suitable for the proposed development. A groundwater extraction licence is required as a condition precedent and must be obtained prior to endorsement of plans.

Environment Division advise there are statutory obligations under the *Waste Management and Pollution Control Act 1998* and the proponent is advised to take notice of the Schedule of Environmental Considerations provided for the development.

A Traffic Impact Assessment has been undertaken and the access off Darwin River Road will be upgraded accordingly to provide safe entry and egress from the site.

Conditions have been included on the development permit that are considered to appropriately address matters raised by the submitter and works are to be undertaken in accordance with the recommendations of the relevant service authorities.

4. Pursuant to section 51(n) of the *Planning Act 1999*, 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.

In consideration of the range of existing uses on the site, the zoning of the land, the large size of the property and significant setbacks to property boundaries, it is considered the proposal is unlikely to detrimentally affect the existing and future amenity of the area.

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

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

**SUZANNE PHILIP**  
Chair

20 November 2019