



## **DEVELOPMENT CONSENT AUTHORITY**

### **LITCHFIELD DIVISION**

### **MINUTES**

**MEETING No. 218 – FRIDAY 15 DECEMBER 2017**

**WHITEWOOD HALL  
325 WHITEWOOD ROAD  
HOWARD SPRINGS**

**MEMBERS PRESENT:** Suzanne Philip (Chair), Bob Shewring, Wendy Smith and Christine Simpson

**APOLOGIES:** Keith Aitken

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Ann-Marie Dooley, Fiona Ray, Roxanne Willing, Ben Wollinski and Alexander Deutrom (Development Assessment Services) and Allison Hooper (Lands Planning)

**COUNCIL REPRESENTATIVE:** Edward Li

**Meeting opened at 10.15 am and closed at 2.45 pm**

**MINUTES RECORD THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.**

**ITEM 1**  
**PA2010/1102**  
**APPLICANT**      **EXTENSION OF TIME**  
**SECTION 226 (395) ACACIA GAP ROAD, HUNDRED OF COLTON**  
**IAN QUIN**

The applicant did not attend.

**RESOLVED**  
**168/17**      That, pursuant to section 59(3)(a) of the *Planning Act*, the Development Consent Authority consent to the application to extend the base period of Development Permit DP10/0838 to develop Section 226 (395) Acacia Gap Road, for the purpose of subdivision to create two lots for a period of three months.

**REASON FOR THE DECISION**

1. An additional three month period is considered reasonable to enable the applicant to seek the necessary clearances from the relevant services authorities in relation to the subdivision to create two lots.

**ACTION:**                      Extension of Time

**ITEM 2**  
**PA2017/0380**  
**APPLICANT**      **RECONSIDERATION - MIXED USE DEVELOPMENT COMPRISING OF**  
**SHOPS AND MEDICAL CLINIC IN A SINGLE STOREY BUILDING**  
**SECTION 4097 (3) SKEWES STREET, HUNDRED OF STRANGWAYS**  
**MKEA ARCHITECTS P/L**

Mr Ross Connolly (MKEA Architects) and Mr Ken Jones (Humpty Doo Developments/Landowner), Ms Robyn Jones, Mr Greg Broadfoot (Danila Dilba) attended.

**RESOLVED**  
**169/17**      That, the Development Consent Authority vary the requirements of Clause 6.3.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 4097 (3) Skewes Road, Hundred of Strangways for the purpose of a mixed use development comprising of shops and medical clinic in a single storey building, 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 low-level dense landscaping along the northern boundary off the proposal.

2. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Litchfield Council stormwater drainage system shall be submitted to and approved by 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.

## CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. 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.
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 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.
6. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - a. constructed;
  - b. properly formed to such levels that they can be used in accordance with the plans;
  - c. surfaced with an all-weather-seal coat;
  - d. drained;
  - e. line marked to indicate each car space and all access lanes; and
  - f. clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the consent authority.Car spaces, access lanes and driveways must be kept available for these purposes at all times.
7. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their visitors/ clients.
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. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.
10. Before the occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.

11. 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.
12. 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.
13. 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.
14. The owner shall:
  - a. remove disused vehicle and/ or pedestrian crossovers;
  - b. provide footpaths/ cycleways; and
  - c. undertake reinstatement works; all to the technical requirements of and at no cost to the Litchfield Council, to the satisfaction of the consent authority.
15. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
16. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s).
17. Prior to the use/occupation of the development, the existing access easement granted to the proprietor(s) of Lot 4099 Hundred of Strangways is to be extinguished and a new access easement in favour of the proprietor(s) of Lot 4099 Hundred of Strangways is to be registered on Section 4097 Hundred of Strangways to reflect the new right of way proposed. An Occupancy Permit will not be able to be granted until such time as addressing is obtained."

#### **NOTES:**

1. This permit will expire if one of the following circumstances applies:
  - a. the development and use is/are not started within two years of the date of this permit; or
  - b. the development is not completed within four years of the date of this permit.

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



3. 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>.
4. 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](mailto: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 proposal includes a medical clinic and a shop in a single storey building within Zone C (Commercial) at the Humpty Doo Activity Centre. The proposal is predominately compliant with the requirements of the planning scheme apart from minor non-compliances at Clause 6.3.3 (Parking Layout).

A variation to Clause 6.5.3 (Parking layout) to allow a reduction in the depth of landscaping provided (from 3m to a varying depth of 2m to 0.5m) is considered acceptable as special circumstances under Clause 2.5 (Exercise of Discretion by the Consent Authority) apply given the unusual shape of the parcel and the allowance for a compliant loading bay and car parking. The development also provides a level of landscaping to soften the visual impact of the development and ensure an acceptable level of visual amenity is achieved when viewed from the Skewes Street. Furthermore, additional landscaping to a depth of 3.5m is proposed at the southern boundary to counteract the reduced landscaping along the northern boundary.

A condition has been included that requires the existing access easement associated with Lot 4099 Hundred of Strangways to be extinguished and a new access easement registered on Section 4097 Hundred of Strangways in favour of Lot 4066 to reflect the new right of way proposed as part of the development.

2. Pursuant to Section 51 (m) of the *Planning Act*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

Litchfield Council did not support the original proposal considering the shortfall in car parking spaces and the applicant's identification of council car parking areas in the vicinity of the land. The proposal has since been amended to reduce the overall floor area of the building proposed and include the required number of spaces. The revised development is considered to satisfy council's concerns.

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 support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The land is relatively flat and cleared. The adjoining sites are developed and the proposal is considered to be compatible with the design and use of these developments. Provided stormwater is appropriately managed, the land is considered capable of supporting the proposed development.

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 proposal is consistent with adjoining development and will result in a well-integrated commercial complex. The site will be appropriately landscaped and is not considered to unreasonably impact on the amenity of the area.

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

**ITEM 3**  
**PA2017/0285**

**APPLICANT**

**CONCURRENT APPLICATION: REZONE FROM R (RURAL) TO RL (RURAL LIVING) AND SUBDIVISION TO CREATE THREE LOTS  
LOT 9 (35) FINN ROAD, HUNDRED OF AYERS  
EARL JAMES & ASSOCIATES**

Mr Kevin Dodd (Earl James & Associates) and Ms Fiona Gorman (landowner) attended.

Mr Dodd tabled a suggested subdivision concept; a Notice of Consent, Development Permit and signed plans for a subdivision with lots less than 2 hectares and two plans showing an approved subdivision with some lots less than 2 hectares.

**RESOLVED**  
**170/17**

As required by section 30P(1)(a), the consent authority must make a preliminary decision that, if the Minister were to approve the amendment proposal to rezone Lot 9 Hundred of Ayers (35 Finn Road, Berry Springs) that it would be likely to determine to consent to the development under section 30W(1)(a) conditionally for the purpose of a subdivision to create three lots 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



- part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be modified to show:
- a. all lots to meet the minimum lot size requirement for zone RL (Rural Living) in accordance with Clause 11.1.1 (Minimum Lot Size Requirements) of the NT Planning Scheme; and
  - b. revised lot layout resulting in lots of a regular configuration (boundaries that are parallel and perpendicular to the adjacent roads).
2. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Litchfield Council stormwater drainage system shall be submitted to and approved by 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 or an alternate approved connection.

### CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage, sewerage, 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.
5. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
6. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors and street scaping are to be to the technical requirements of Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
7. 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.
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.  
and  
The owner shall:
  - a. remove disused vehicle and/ or pedestrian crossovers;
  - b. provide footpaths/ cycleways;
  - c. collect stormwater and discharge it to the drainage network; and
  - d. undertake reinstatement worksall to the technical requirements of and at no cost to the Litchfield Council, to the satisfaction of the consent authority.

9. Appropriate erosion and sediment control measures should be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the Consent Authority. Information can be obtained from the IECA Best Practice Erosion and Sediment Control Guidelines 2008 available at [www.austieca.com.au](http://www.austieca.com.au) and the NTG website <https://nt.gov.au/environment/soil-land-vegetation>.
10. Before issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Bushfires NT (Department of Environment and Natural Resources).
11. Before the issue of titles, the owner must, in accordance with Part 6 of the *Planning Act*, pay a monetary contribution to the Litchfield Council for the upgrade of local infrastructure, in accordance with its Development Contribution Plan.
12. Before issue of titles and pursuant to section 34 of the *Land Title Act*, a Caution Notice shall be lodged with the Registrar-General on the parent parcel to include the following advice on all proposed lots indicated on the endorsed drawings. The Caution Notice is to state that: "*No bore shall intersect the Berry Springs Dolostone Aquifer, including remediation bores*". Evidence of lodgement on the parent parcel shall be provided 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.
3. 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).
4. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Environment and Natural Resources.
5. A groundwater extraction licence may be required under the *Water Act* for any bore used for purposes other than rural stock and domestic water supply. For advice on water extraction licences please contact the Policy and Planning Branch of the Department of Environment and Natural Resources.



6. 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 are indicative only and are not for addressing purposes.
7. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from the Department of Environment and Natural Resources. Information can be obtained from the IECA Best Practice Erosion and Sediment Control Guidelines 2008 available at [www.austieca.com.au](http://www.austieca.com.au) and the NTG website <https://nt.gov.au/environment/soil-land-vegetation>.

## REASONS FOR THE DECISION

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

The amendment proposal accords with the policy for future development of the locality as established by the LSRLUP and will provide opportunity to rezone land from Zone R (Rural) to Zone RL (Rural Living), to cater for the growing demand for rural living.

Council supports the rezoning proposal but does not support the subdivision proposal given the proposed lot sizes do not meet the minimum requirement of the Northern Territory Planning Scheme.

A variation to Clause 11.1.1 (Minimum Lot Size Requirements) to allow proposed Lots B and C to have an area of 1.82ha and 1.98ha respectively is not supported as the authority considers that the applicant did not provide special circumstances to justify departing from lot size requirements outlined for Zone RL (Rural Living) in the Northern Territory Planning Scheme.

Amended plans are required as a condition precedent to require the applicant to alter the proposed subdivision layout to comply with the minimum lot size set out in Clause 11.1.1 (Minimum Lot Size Requirements) for Zone RL (Rural Living) of the Northern Territory Planning Scheme. The amended plans should also ensure lots are of a regular configuration i.e. new boundaries are parallel and perpendicular to the adjacent roads.

It is recommended the authority make a preliminary decision to approve the proposal as altered, requiring the applicant to comply with the minimum lots sizes for Zone RL (Rural Living).

2. Pursuant of section 30P(2)(d) of the *Planning Act*, the consent authority must take into account any interim development control order in force for the land.

The proposed subdivision is located within the Berry Springs Interim Development Control Order (IDCO) number 22 area, and Berry Springs water allocation plan area. The Department of Environment and Natural Resources advises that suitable water supply for domestic purposes can be intersected in the sediments of the South Alligator Group formation and there is no issue with water quality. The requirement of a caution notice stating that "No bore shall intersect the Berry Springs Dolostone Aquifer, including remediation bores" will inform future landowners that any bores drilled on the new lots must not source water from the Berry Springs Dolostone Aquifer.

3. Pursuant of section 30P(2)(j) of the *Planning Act*, the consent authority must take into account the capability of the land to support the development proposal and the effect of the proposal on the land, and on other land, the physical characteristics of which may be affected by the proposal;

The development as altered will ensure all lots meet the minimum size for RL zoned land of 2ha and that each lot contains at least 1ha of land that is unconstrained by drainage.

The Department of Environment and Natural Resources advises that no significant habitats or Priority Environmental Management areas are present on or immediately adjacent to the parcel and provided erosion control measures are put in place, there are no concerns with the capability of the land to support the proposed development as there is 1ha of unconstrained land at each proposed parcel.

4. Pursuant to Section 30P(2)(l) of the *Planning Act*, the consent authority must take into consideration the capability of the public utilities or infrastructure provided in the area in which the land is situated and any requirement for public facilities and services to be connected to the land; and facilities, infrastructure or land to be provided by the applicant.

Service authority requirements in relation to infrastructure and technical standards are appropriately addressed through standard conditions applied to the Development Permit.

**RESOLVED  
171/17**

That under section 30Q of the *Planning Act*, the consent authority report to the Minister for Infrastructure, Planning and Logistics advising of the likely decision in relation to the development proposal, issues raised in the submissions, issues raised at the hearing and any other matters it considers the Minister should take into account when considering the amendment proposal.

**ACTION:**

Report to Minister

**ITEM 4  
PA2017/0528  
APPLICANT**

**SUBDIVISION TO CREATE TWO LOTS  
NT PORTION 2626 (3820) GUNN POINT ROAD, KOOLPINYAH  
JUNE D'ROZARIO & ASSOCIATES PTY LTD**

Ms June D'Rozario (June D'Rozario Associates), Mr Chris Mitchell (Project Seafarm) and Ms Sarah Day attended.

Submitters in attendance: Mr Gerry Wood MLA, Ms Shar Molloy, Mr Laurence Ah Toy and Mrs Marian Ah Toy.

Mr Ah Toy tabled an aerial map of the site and surrounding area.

**RESOLVED  
172/17**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority (DCA) defer consideration of the application to develop NT Portion 2626 (3820) Gunn Point Road, Koolpinyah for the purpose of a subdivision to create two lots to provide all parties with the opportunity to review the advice received from the Northern Territory Environmental Protection Authority (NT EPA) on 13 December 2017 and enable all parties to convey any further concerns to the authority. Further comments should be submitted to the DCA for consideration by the 23 January 2017. The application is to be heard at the next Development Consent Authority meeting dated 9 February 2018.

**REASONS FOR THE DECISION**

1. Pursuant to section 51(g) of the *Planning Act*, the consent authority must take into consideration that if a public environmental report, or an environmental impact statement, has been prepared or is required under the *Environmental Assessment Act* in relation to the proposed development – the report or statement and the results of any assessment of the report or statement under that Act by the Minister administering that Act.

On 13 December 2017, the Northern Territory Environmental Protection Authority (NT EPA) provided formal comments in relation to the application. The NT EPA advised that assessment under the *Environmental Assessment Act* is not required, provided a number of conditions precedent be included in any development permit issued by the Development consent authority. Given the date of the advice received from NT EPA and the number of conditions recommended; the Authority determined to defer the application to enable proper consideration of the advice received.

**ACTION:** Notice of Deferral

**ITEM 5  
PA2017/0529**

**INTENSIVE ANIMAL HUSBANDRY (PRAWN FARM) INCLUDING 2 X 3  
BEDROOM SINGLE DWELLINGS IN 2 X SINGLE STOREY BUILDINGS  
NT PORTION 2626 (3820) GUNN POINT ROAD, KOOLPINYAH  
APPLICANT JUNE D'ROZARIO & ASSOCIATES PTY LTD**

Ms June D'Rozario (June D'Rozario Associates), Mr Chris Mitchell Project Seafarms), and Ms Sarah Day attended.

Submitters in attendance: Mr Gerry Wood MLA, Ms Shar Molloy, Mr Laurence Ah Toy and Mrs Marian Ah Toy and Ms Grusha Leeman.

Mr Ah Toy tabled an aerial map of the site and surrounding area.

**RESOLVED  
173/17**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop NT Portion 2626 (3820) Gunn Point Road, Koolpinyah for the purpose of intensive animal husbandry (prawn farm) including 2 x 3 bedroom single dwellings in 2 x single



storey buildings to provide all parties with the opportunity to review the advice received from the Northern Territory Environmental Protection Authority (NT EPA) on 13 December 2017 and enable all parties to convey any further concerns to the authority. Further comments should be submitted to the DCA for consideration by the 23 January 2017. The application is to be heard at the next Development Consent Authority meeting dated 9 February 2018.

## REASONS FOR THE DECISION

1. Pursuant to section 51(g) of the *Planning Act*, the consent authority must take into consideration that if a public environmental report, or an environmental impact statement, has been prepared or is required under the *Environmental Assessment Act* in relation to the proposed development – the report or statement and the results of any assessment of the report or statement under that Act by the Minister administering that Act.

On 13 December 2017, the Northern Territory Environmental Protection Authority (NT EPA) provided formal comments in relation to the application. The NT EPA advised that assessment under the *Environmental Assessment Act* is not required, provided a number of conditions precedent be included in any development permit issued by the Development consent authority. Given the date of the advice received from NT EPA and the number of conditions recommended; the Authority determined to defer the application to enable proper consideration of the advice received.

**ACTION:** Notice of Deferral

ITEM 6  
PA2017/0189  
  
APPLICANT

**RECONSIDERATION - SUBDIVISION TO CREATE FOUR LOTS  
(PREVIOUSLY SIX LOTS)  
SECTION 2866 (2180) COX PENINSULA ROAD, HUNDRED OF CAVENAGH  
PETER PATSALOU**

Mr Peter Patsalou attended and showed members various documents.

**RESOLVED  
174/17**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Section 2866 (2180) Cox Peninsula Road, Hundred of Cavenagh for the purpose of subdivision to create four lots to require the applicant to provide the following additional information that the authority considers necessary in order to enable the proper consideration of the application:

1. a subdivision plan illustrating the four lots proposed inclusive of a minimum of 1ha of unconstrained land within each lot and illustrating that access to that land from a public road is similarly unconstrained; and
2. a stormwater management plan including but not limited to; the potential impact on neighbouring land, external roads, internal roads and the 1ha of land identified as unconstrained, the upstream and downstream flows and any proposed mitigation measures.

The applicant may also wish to submit a written response to the Department of Environment and Natural Resources comments dated 8 December 2017.

## 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.

Notwithstanding the information submitted, the authority requires further information including a revised subdivision plan to demonstrate that a minimum of 1ha of unconstrained land is available within each lot and that this land has access from a public road that is similarly unconstrained. The authority also requests that a stormwater plan be submitted to reflect the current subdivision layout proposed (subdivision to create four lots).

**ACTION:** Notice of deferral and advice to NTCAT

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



**SUZANNE PHILIP**  
Chair

26 /12/17

