DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 201 – FRIDAY 12 AUGUST 2016

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), Hanna Stevenson and Sonia Barnes (Development Assessment Services)

COUNCIL REPRESENTATIVE:  Edward Li

Meeting opened at 9.30 am and closed at 11.30 am
MINUTES RECORD THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE SEPARATELY. THESE
MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT
DIFFERENT TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY
STAGE ONLY.

ITEM 1
PA2015/0724
APPLICANT

SUBDIVISION TO CREATE 4 LOTS
SECTION 4553 (586) REDCLIFFE ROAD, HUNDRED OF STRANGWAYS
TERRITORY DEVELOPMENT SERVICES

Mr Alan Sprigg (Territory Development Services) and Mr George Low (landowner)
attended.

The applicant tabled a subdivision plan.

RESOLVED
116/16

That, pursuant to section 53(a) of the Planning Act, the Development Consent
Authority consent to the application to develop Section 4553 (586) Redcliff Road,
Hundred of Strangways 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 authority. When
approved, the plans will be endorsed and will then form part of the permit.
The plans must be drawn to scale and must be generally in accordance with the
plans submitted with the application but modified to show:
(a) The proposed subdivision layout labelled with the correct dimensions and lot
areas ensuring that each lot is a minimum of 2ha.

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. All existing and proposed easements and sites for existing and required utility
services must be vested in the relevant authority for which the easement or site
is to be created on the plan of subdivision submitted for approval by the
Surveyor General.

4. The owner of the land must enter into agreements with the relevant authorities
for the provision of electricity facilities, and telecommunication services to each
lot shown on the endorsed plan in accordance with the authorities' requirements
and relevant legislation at the time.

5. Engineering design and specifications for the proposed and affected roads,
street lighting, stormwater drainage, vehicular access, pedestrian/ cycle
corridors and streetscaping are to be to the technical requirements of the
Litchfield Council to the satisfaction of the consent authority and all approved
works constructed at the owner's expense.
6. All access must be taken from Whittaker Road. No new access will be permitted from Redcliffe Road.
7. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
8. Before the issue of titles, firebreaks along boundaries shall be slashed to the satisfaction of the consent authority on the advice of Bushfires NT.
9. 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.

NOTES:

1. The Power and Water Corporation advises that the 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 Land Resource Management.
4. A permit to burn is required from the Regional Fire Control Officer, Department of Land Resource Management, prior to the ignition of any felled vegetation on the property. Fire prevention measures are to be implemented in accordance with the requirements of the Bushfires Act.
5. Cycad Cycas armstrongii are present on Section 4553 and should either be conserved within the development or salvaged as per the Management Program for Cycads in the Northern Territory of Australia 2009-2014. For further advice please contact the Department of Land Resource Management.
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 Land Resource Management.
7. 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.
8. 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 08 8995 5354. The numbers shown on the plans are indicative only and are not for addressing purposes.

9. 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.

   The application is consistent with the relevant requirements of the Northern Territory Planning Scheme. Amended plans are required to reflect the correct dimensions of the proposed lots and to ensure that each lot is a minimum of 2ha.

2. Pursuant to Section 51(e) of the *Planning Act*, the consent authority must take into consideration any public 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 and raised concern about the lack of infrastructure to support the development and objected to the use of a battle-axe lot. The subdivision design has since been amended and avoids the use of a battle-axe lot. Service authorities are supportive of the proposal and the land has been identified as being capable of supporting the proposed development.

3. Pursuant to section 51 (j) of the *Planning Act*, the consent authority must take into account the capability of the land to which the prosed 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 considered capable of supporting the proposed subdivision given that both Council and the Department of Land Resource Management have confirmed that each proposed lot has a minimum 1ha of land that is unconstrained in relation to storm tide/riverine or localised stormwater flooding. A nominal bore and septic plan has been provided and demonstrates that the required separation distances can be met. Access to each lot will be from Whittaker Road and reticulated electricity will be provided to each lot.
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.

There is no reason to suggest that the proposed subdivision will have any significant impact on the existing or future amenity of the area. The subject land was rezoned from R (Rural) to RL (Rural Living) in October 2014 to accommodate 2ha lots and was found at the time to be in accordance with the Litchfield Planning Concepts and Land Use Objectives 2002.

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

**ITEM 2**
**UNIT TITLE SCHEME SUBDIVISION TO CREATE 53 LOTS AND COMMON PROPERTY**
**SECTIONS 1603 & 1607 (185) CYRUS ROAD, HUNDRED OF AYERS**

**APPLICANT**
**MASTERPLAN NT**

Mr Jack Priestly and Ms Kerri-Anne Tachell (both from Masterplan) and Mr Brad Fullwood (landowner) attended.

The applicant tabled a rezoning plan of the area and a desktop review of land capability for on site wastewater management by VPS Land Assessment and Planning.

Submitters in attendance:- Mr Adam Body, Mr Gerry Wood MLA, Ms Heidi Jennings, Mr Doug Nelson, Ms Grace Graveson and Ms Miriam Gardiner

Interested party in attendance:- Mr Des Groves, Mr Kevin Dodd and Mr Keith Schulz.

**RESOLVED**
**117/16**

That, the Development Consent Authority vary the requirements of Clause 11.1.1 (Minimum Lot Sizes and Requirements), Clause 11.4.2 (Infrastructure in Subdivision of Rural and Unzoned Land) and Clause 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Sections 1603 and 1607 (185) Cyrus Road, Hundred of Ayers for the purpose of a subdivision to create 53 lots and common property 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 authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and must be generally in accordance with the plans submitted with the application but modified to show:

   (a) The provision of a drainage easement in favour of Litchfield Council over the drainage outlets and area of concentrated stormwater flow, to include the land within the Q100 flood extents, on the advice of Litchfield Council; and

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*These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.*
(b) Fencing of the proposed road within Section 2790 and the western, eastern and northern boundaries of the subdivision to restrict access onto adjacent land.

2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), a revised notional bore and wastewater disposal plan must be submitted to and approved by the consent authority. The plan must be drawn to scale and must be generally in accordance with the plan submitted with the application but modified to show:
   (a) The use of alternative wastewater systems on all lots adjacent to conservation zoned land; and
   (b) The deletion of proposed bores on all lots that rely on utilisation of groundwater sourced from the Berry Springs Dolostone Aquifer (or a notation to achieve the same).

An endorsed copy of the Plan will form part of this permit.

3. Prior to the endorsement of plans and prior to the commencement of works, an updated Traffic Impact Assessment Report must be submitted to and approved by the Department of Transport and Litchfield Council, to the satisfaction of consent authority. The Report is to be in accordance with the Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development. An endorsed copy of the Plan will form part of this permit.

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.

5. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of DLRM. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning and 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 the ESCP. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the DLRM website: http://lrn.nt.gov.au/soil/management.

6. Prior to the commencement of works (including site preparation), a laboratory analysis of the groundwater (to include heavy metals) from the subdivision area underlain by the Burrell Creek Formation Aquifer System to demonstrate that the groundwater is potable is to be supplied to the requirements of the relevant authority, to the satisfaction of the consent authority.

7. Prior to the commencement of works (including site preparation works), a Construction Traffic Management Plan (detailing all appropriate site management measures, including 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 Department of Transport and Litchfield Council, to the satisfaction of the consent authority. An endorsed copy of the Plan will form part of this permit.

GENERAL CONDITIONS

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

9. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, upon the advice of the Department of Land Resource Management.

10. All works relating to this permit are to be undertaken in accordance with the endorsed Traffic Impact Assessment Report and Construction Traffic Management Plan to the requirements of the consent authority, upon the advice of the Department of Transport and Litchfield Council.

11. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.

12. 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.

13. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage and electricity facilities and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities’ requirements and relevant legislation at the time.

14. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/cycle corridors and streetscaping are to be to the technical requirements of Litchfield Council and the Department of Transport to the satisfaction of the consent authority and all approved works constructed at the owner’s expense.

15. All proposed work (including the provision or connection of services) within, or impacting upon the Cox Peninsular Road road reserve shall 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 Transport. Design documents must be submitted to the Transport Infrastructure Planning Division of the Department of Transport for Road Agency Approval, irrespective of approvals granted by other Authorities. No works within, or impacting upon NT Government road reserves are to commence prior to gaining Road Agency Approval.

16. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.

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17. Before the issue of titles, evidence must be provided that a road in the general location shown on the endorsed plans within Section 2790 has been legally created, dedicated to the Litchfield Council and constructed to Litchfield Council’s standards.

18. 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: “The physical characteristics of the land require that individual aerated wastewater treatment systems must be installed on each lot identified on the endorsed notional bore and wastewater disposal plan for the treatment and disposal of wastewater until such time as the lot can be connected to a reticulated sewer system”. Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

19. 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: “The construction of bores that to extract groundwater maybe restricted or prohibited in this area. Landowners maybe responsible for providing their own domestic water supply other than groundwater (eg, Rainwater Tanks). Further information regarding the disinfection of water tanks and private water supply management can be obtained from www.health.nt.gov.au ”. Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

20. Where unfenced, the Cyrus Road frontage, proposed road and the northern, eastern and western boundaries are to be appropriately fenced to restrict any vehicular access to and from the lots to the satisfaction to the consent authority.

21. Prior to new titles being issued for the units shown on the endorsed drawings, a Scheme Statement meeting the requirements of the Unit Title Schemes Act (as confirmed by the Land Titles Office) shall be submitted for endorsement by the consent authority. The Scheme Statement must include details on:
   (a) The requirement and provision of the required 10m setbacks to all internal unit boundaries; and
   (b) The ongoing management of the common property to ensure it is undertaken to an appropriate standard.

22. Prior to new titles being issued for the units shown on the endorsed drawings, confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) demonstrating that the Power and Water Corporation has been provided with a copy of the survey plan with the new lot numbers. This is for the purpose of ensuring the relevant Power and Water Information and Billing System is updated. Please provide a copy of an email addressed to both landdevelopmentnorth@powerwater.com.au and powerconnections@powerwater.com.au.

23. Prior to new titles being issued for the units shown on the endorsed drawings, confirmation shall be provided to Development Assessment Services (in the form
of an email addressed to the Power and Water Corporation) from a suitable qualified professional (being the Licensed Surveyor in most instances) confirming that all new UTS number labels have been correctly installed at the Customer’s Metering Panel(s). Please provide a copy of an email addressed to both landdevelopmentnorth@powerwater.com.au and powerconnections@powerwater.com.au.

24. Before the issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Bushfires NT.

25. 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.

NOTES:

1. The Power and Water Corporation advises that the 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. A “Permit to Work Within a Road Reserve” is required to be obtained from the Department of Infrastructure prior to the commencement of any works within the Cox Peninsular Road road reserve.

4. A Works Permit is required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council’s street network.

5. A permit to burn is required from the Regional Fire Control Officer, Department of Land Resource Management, prior to the ignition of any felled vegetation on the property. Fire prevention measures are to be implemented in accordance with the requirements of the Bushfires Act.

6. There are statutory obligations under the Weeds Management Act to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Land Resource Management.

7. The permit holder is advised that the proposal may have assessment implications under the Commonwealth Environment Protection and Biodiversity Conservation Act, contact the Commonwealth Department of Environment, Water, Heritage and the Arts on (02) 6274 1111

8. All new roads, including alterations and extensions to existing roads, are required to be named under the Place Names Act. 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. Further information can be found at www.placenames.nt.gov.au

9. 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.

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 surveyandrecords@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. 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 8936 4070 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 is generally compliant with the relevant requirements of the NT Planning Scheme in relation to subdivisions of RL (Rural Living) zoned land. A variation to Clause 11.1.1 (Minimum Lot Sizes and Requirements) is supported for proposed lots 38 and 39 given that a small portion of the lots have been excised to accommodate a future road connection to Cyrus Road. The lots still contain at least 1ha of unconstrained land and the small decrease in overall size is not considered to prejudice the use of the land in accordance with the provisions of zone RL.

A variation to Clause 11.4.2 (Infrastructure in Subdivisions of Rural and Unzoned Land) in particular to subclause 2(d) could be supported given that extensive information has been provided to demonstrate that the use of rainwater tanks could be used in the absence of a groundwater supply to ensure that a domestic supply of potable water is available to each proposed lot. The Department of Land Resource Management and the Department of Health do not have any objection to the use of rainwater tanks on the proposed lots that cannot access the Berry Springs Dolostone Aquifer. If the proposed battle-axe lot (8) is supported than a variation to subclause 3(f) will also be necessary to accommodate the increased length.

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A variation to Clause 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land) is required as subclause 2(c) requires that lots have a depth to width ratio not exceeding 4:1. The proposed lots which don’t meet this requirement have been assessed to be of a suitable size and configuration to provide for rural living. In addition, the lot configuration responds to the natural topography of the area and the location of the new road.

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

22 public submissions and a petition containing 49 signatures were received in relation to the proposed subdivision. The submissions covered a range of issues including roads and traffic, the conservation value of the land, the proximity to Berry Springs Nature Park and the Territory Wildlife Park, groundwater and effluent disposal, zoning, amenity and management concerns as well as concerns with the amended proposals use of rainwater tanks. All submissions were read in detail and formed an important part of the assessment process. The current proposal and recommended conditions of approval are considered to address a number of the matters raised by submitters.

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.

All lots meet the minimum size for RL zoned land of 2ha (or a variation to the minimum lot size has been supported) and each lot contains at least 1ha of land (and access) that is unconstrained by drainage.

A number of conditions relating to land capability will need to be applied to any permit issued to ensure that all lots approved through the proposed subdivision are suitable to support rural living.

The Department of Land Resource Management and the Department of Health do not have any objection to the use of rainwater tanks on the proposed lots that cannot access the Berry Springs Dolostone Aquifer. There is some concern with the quality of water from the Burrell Creek Aquifer which will need to be tested for Arsenic and Salinity.

The Land Capability Assessment identifies that some parts of the subject site are suitable for standard wastewater treatment systems but lots adjacent to the conservation zoned land will require aerated wastewater treatment systems (AWTS).

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.
Extensive consideration has been given to protecting the amenity of the area and to limiting any potential impact on the future amenity of the area. Limitations on the extraction of groundwater, the types of effluent disposal systems to be used, the clearing of native vegetation, the methods of providing firebreaks, the provision of fencing, the provision of a protected wildlife corridor as well as the upgrade of the surrounding road network all contribute to protecting the amenity of the area and ensuring that the proposed subdivision has minimal adverse impacts on the future amenity of the area.

ACTION: Notice of Consent and Development Permit

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

DENIS BURKE
Chairman

19/8/16