



DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 149 – WEDNESDAY 3 AUGUST 2016

**TRAINING ROOM
1ST FLOOR GOVERNMENT CENTRE
5 FIRST STREET
KATHERINE**

MEMBERS PRESENT Denis Burke (Chairman) and Alan Sprigg (from Darwin via linkup with Katherine), Allan Domaschensz, Donald Higgins and Peter Gazey

APOLOGIES: Nil

OFFICERS PRESENT: Anthony Brennan (from Darwin via linkup with Katherine) and Joseph Sheridan (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 am and closed at 10.30am

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

ITEM 1 **SUBDIVISION TO CREATE 5 LOTS**
PA2016/0362 **NT PORTION 6504, 6790 & 6792 (340) SHADFORTH ROAD, COSSACK**
APPLICANT **EARL JAMES & ASSOCIATES**

DAS tabled an amended subdivision plan from the applicant.

Mr Kevin Dodd (from Darwin via linkup with Katherine) attended.

RESOLVED
54/16

That, pursuant to section 53(b) of the *Planning Act*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop NT Portion 6790 (293) Florina Road and NT Portion 6792 (345) Florina Road for the purpose of a subdivision to create 3 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) Proposed Lot C removed from the subdivision,
 - (b) Proposed Shadforth Road extension removed from the subdivision, and
 - (c) A right of way access easement in favour of Lot D is to be shown over Lot E.
2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), a Land Capability Assessment (LCA) must be undertaken to determine the capability for each lot to be serviced by onsite wastewater treatment systems.
3. Prior to the endorsement of plans and prior to commencement of works (including site preparation), written confirmation shall be provided from Power and Water Corporation confirming that power supply can be provided to Lot D to Power and Water Corporation's satisfaction.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit
5. All 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. 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.
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, a right of way access easement in favour of Lot D is to be established over Lot E to the satisfaction of the consent authority.
9. Before the issue of titles, the applicant shall demonstrate to the satisfaction of the Authority on the advice of the Department of Land Resource Management that the bore water to be sourced from the Jinduckin Aquifer for water supply will meet human drinking water guidelines.
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.
11. 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 (NT Portion 6790) to include the following advice on all proposed lots indicated on the endorsed drawings. The Caution Notice is to state that: *"Due to the physical characteristics of the land an alternative on-site wastewater treatment system may be required to dispose of effluent in the absence of reticulated sewerage"*. Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.
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 (NT Portion 6790) to include the following advice on all proposed lots indicated on the endorsed drawings. The Caution Notice is to state that: *"Development activity on this lot is restricted to protect the integrity of the Katherine public water supply. Development shall be in accordance with the Water Management Zone (Zone WM) of the NT Planning Scheme with the exception of the following land uses and activities that require Power and Water's written consent: - Land Clearing, storage or use of pesticides, herbicides or fuels, effluent storage and disposal systems, bores and wells, and any development activity not listed in the zoning table. Any existing on-site sewerage treatment system may require upgrading to Power and Water requirements. For further information contact Power and Water's Services Development Section (waterdevelopmentnorth@powewater.com.au)"*. 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 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 Katherine Town 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. The Department of Land Resource Management advise that there is a moderate to high likelihood that Mertens' Water Monitor occurs on Portions 6790 and 6792, and it is recommend that suitable native vegetation buffers be maintained. For further advice please contact the Department of Land Resource Management.
5. The Department of Land Resource Management advise that the billabongs on Portions 6790 and 6792 are classified as sensitive/significant and a minimum vegetation buffer of 50m should be maintained around these wetlands. For further advice please contact the Department of Land Resource Management.
6. The Department of Health advise that where the water supply is sourced from rainwater collection the owner is responsible for ensuring a safe supply of safe potable water, particularly with respect to microbiological quality.
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 Department of Land Resource Management.
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.
10. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.

REASONS FOR THE DECISION

1. The requirement to alter the proposal to remove Lot C is considered acceptable to ensure the proposal achieves the objectives identified in the Katherine Land Use Plan which is to protect agriculture and horticulture activities from encroachment of sensitive uses including rural lifestyle lots. The removal of Lot C also minimises the intersection of boundaries and drainage lines to land management issues.
2. The requirement to alter the proposal to allow access to Lot D via a right of way easement over Lot E is considered acceptable as the authority has determined that an extension of Shadforth Road does not ensure sufficiently reliable access due to its location within a known flood area. The authority considers that in this instance the preferred access is via Florina Road along the existing internal road and is satisfied that a right of way easement in favour of Lot D to be established over Lot E will provide practical and reliable access.
3. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The proposal as altered is generally consistent with the requirements of the Scheme and the Katherine Land Use Plan. Each lot has 1ha of land unconstrained by storm tide flooding, riverine flooding or localised stormwater flooding, and provided the subdivision is carried out in accordance with the conditions of the permit the proposal can achieve compliance with the relevant provisions of the Northern Territory Planning Scheme.

4. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into account the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. In addition, 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.

Concerns were raised with respect to onsite wastewater disposal, quality of water supply for domestic purposes, and the intersection of proposed boundaries and drainage lines. Precedent and general conditions on the development permit require:

- The removal of Lot C'
- A Land Capability Assessment to be prepared to determine the capability for each lot to be serviced by onsite wastewater treatment systems'
- Demonstration that the bore water to be sourced from the Jinduckin Aquifer for water supply will meet human drinking water guidelines, and

- Caution notices placed on title advising that the land may require alternate wastewater treatment system as well as restricted development in accordance with Zone WM (Water Management) and Power and Water Corporation requirements.

It is anticipated that these measures, combined with standard conditions relating to the connection and upgrade of utility services and erosion and sediment control, are expected to ensure that the land is developed in accordance with physical capabilities; address concerns raised by service authorities; and, ensure utility and infrastructure requirements are appropriately addressed.

5. 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.

Provided Lot C is removed from the subdivision it is considered unlikely that the revised layout would impact on the existing and future amenity of the area or impact on agriculture and horticulture activities from encroachment of sensitive uses.

ACTION: Notice of Consent and Development Permit

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



DENIS BURKE
Chairman

5/8/16