



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 142 – FRIDAY 16 SEPTEMBER 2011

**WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

MEMBERS PRESENT: Peter McQueen (Chairman, Michael Bowman, Mary Walshe and Richard Luxton

APOLOGIES: Keith Aitken

OFFICERS PRESENT: Margaret Macintyre (Secretary), Steven Kubasiewicz, Hanna Stevenson and Allison Hooper (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 am and closed at 12.15 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 **SUBDIVISION TO CREATE 92 LOTS**
PA2011/0081 **SECTIONS 2934 VIRGINIA, 3996 (220) BROOKING CIRCUIT, 4018 (240)**
 MORGAN ROAD & 4534 (34) DOWLING ROAD AND LOTS 1, 2, 10, 11, 12, 13,
 14 & 15 (610, 630, 640E, 640D, 640C, 640B, 640A & 660) LOWTHER ROAD,
 HUNDRED OF STRANGWAYS
APPLICANT **J DEVRIES CONSULTING CIVIL ENGINEER**

Mr J De Vries (J De Vries Consulting Civil Engineer) and Mr Frank Morandini (landowner) attended.

Submitter Mr Steve Thomas sent his apologies.

Submitter Mr Dick Guit attended.

RESOLVED That pursuant to section 46(4)(b) of the *Planning Act*, defer consideration of the
117/11 application to subdivide sections 2934 Virginia, 3996 (220) Brooking Circuit,
 4018 (240) Morgan Road & 4534 (34) Dowling Road and Lots 1, 2, 10, 11, 12, 13,
 14 & 15 (610, 630, 640e, 640d, 640c, 640b, 640a & 660) Lowther Road, Hundred
 of Strangways to create seventy two (72) lots to require the applicant to provide the
 following additional information that the Authority considers necessary in order to
 enable proper consideration of the application:

- Plans that demonstrate the location of the physical constraints of the land in consideration of the comments received from NRETAS recommending the consolidation of lots.
- Identify areas of unconstrained land on each lot and their areas.
- Consideration be given by the applicant that access to each lot not be over constrained land.

REASONS FOR THE DECISION

To allow for the proper consideration by the Authority of the subdivision against the provisions of the Northern Territory Planning Scheme relating to rural subdivisions.

ACTION: Advice to Applicant

ITEM 2 **EXCAVATION AND FILL**
PA2011/0524 **SECTION 5498 (867) ARNHAM HIGHWAY, HUNDRED OF STRANGWAYS**
APPLICANT **DAVID WATTAM**

Mr David Wattam (landowner) and Mr James Adock (VDM Consulting) sent their apologies.

Mr Pablo Elizondo (VDM Consulting) attended on behalf of the applicant.

**RESOLVED
118/11**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 5498 (867) Arnhem Highway, Hundred of Strangways, for the purpose of excavation and fill, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawing numbered 2011/0524/1 endorsed as forming part of this permit.
2. 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.
3. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the Department of Lands and Planning drains or to any watercourse.
4. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTE:

1. 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 Natural Resources, Environment, The Arts and Sport.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act* the Development 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 objectives of the *Litchfield Planning Concepts and Land Use Objectives 2002* that seek to maintain and enhance the amenity for residents and minimise the impact of development on the environment. The development is consistent with the requirements of Clause 6.16 (Excavation and Fill) of the NT Planning Scheme, and the requirement to undertake soil erosion control methods during the construction stage will minimise the potential impact of any erosion.

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

The proposed excavation and fill will not impact significantly on the existing water flows in the locality and will contribute to the amenity enjoyed by the occupants of the existing dwelling on the site.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2010/0527
APPLICANT

**SUBDIVISION TO CREATE 13 LOTS
SECTION 2444 (1500) LEONINO ROAD, HUNDRED OF CAVENAGH
EARL JAMES & ASSOCIATES**

Mr Kevin Dodd (Earl James & Associates) and Mr Dave Hutchinson (owner) attended.

Mr Dodd tabled a response to the DAS report.

**RESOLVED
119/11**

That, pursuant to Section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to subdivide Lot 2444 (1500) Leonino Road, Darwin River, Hundred of Cavenagh for the purpose of creating twelve (12) lots.

REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act* the Consent Authority must, in considering a development application take into account any planning scheme that applies to the land to which the application relates. The Northern Territory Planning Scheme (NTPS) applies. The majority of lots are considered to be compliant with the requirements of the Scheme, in particular clauses 11.1.1 (Minimum Lot Sizes and Requirements); 11.4.1 (Site Characteristics of Subdivisions of Rural and Unzoned Land); 11.4.2 (Infrastructure in Subdivisions of Rural and Unzoned Land); and 11.4.3 (Lot Size and Configuration in Subdivisions of Rural and Unzoned Land). However it is considered that lots 4,8, 11 and 12 are constrained by the physical characteristics of the land to such an extent that they are not capable of supporting permitted uses as per Clause 5.20 (Zone R – Rural). The consent authority must consider the proposed subdivision in its entirety and ensure all lots are suitable to support the intended use. As four lots are not considered compliant with the NTPS requirements the consent authority should not consent to the proposal in its current form.

Clause 2.7 (Reference to Policy) of the NTPS requires that a consent authority must have regard to the policies and planning concepts expressed in Schedule 2, being the Litchfield Planning Concepts and Land Use Objectives (2002) (LUOs) and ensure that a use or development or proposed use or development is consistent with them.

The proposal is inconsistent with and fails to achieve, the objectives of the LUO's in relation to Sections 2.3, Natural Resource Management, 3.6 Environmental Management and 3.1, Residential Development of the LUO's. The application fails to address the physical constraints of the land for all lots, and natural values in a manner that satisfies the requirements of the LUO's.

2. The consent Authority must, pursuant to section 51(j) of the *Planning Act*, 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.

The application has addressed for the majority of lots the physical land capability limitations. However, some lots are considered not suitable for rural purposes due to areas of excessive slope, drainage floors, seepage areas, drainage lines, and poorly drained soils susceptible to erosion.

3. The consent Authority must, pursuant to section 51(r) of the *Planning Act*, take into account the potential impact on natural values.


Natural values of the site are recognised by the designation as a Priority Environmental Management area as indicated in the Environmental Values mapping of the LUOs (Figure 13). The application proposes to establish a public road adjacent to a Priority Environmental Management, drainage and seepage areas that has the potential to impact significantly on hydrology, wildlife corridors, habitat and landscape connectivity, and the integrity of identified natural values including local biodiversity conservation.

4. The consent authority must pursuant to section 51(p) of the *Planning Act* take into account the public interest when considering an application.

The creation of additional lots and resultant increased residential traffic in a locality which has access limitations during heavy or prolonged rainfall events has the potential to increase the risk to the community. The presence of a floodway on Leonino Road prior to the access road to the subdivision has the potential to either isolate residents or expose them to the risk of crossing an inundated road surface. In the absence of elevation of the Leonino Road road surface to reduce the incidence of flooding the creation of additional lots in proximity to the crossing represents an increased risk to community safety.

ACTION: Notice of Refusal

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



PETER MCQUEEN
Chairman

20 /9/11

