



**DEVELOPMENT CONSENT AUTHORITY**

**LITCHFIELD DIVISION**

**MINUTES**

**MEETING No. 226 – FRIDAY 10 AUGUST 2018**

**HOWARD HALL  
325 WHITEWOOD ROAD  
HOWARD SPRINGS**

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

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Sally Graetz, Alexander Deutrom and Poppy Zaronias (A/Secretary)  
(Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Natasha McAlister and Nadine Nilon

**Meeting opened at 12 Noon and closed at 1.15pm**

**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 FOUR LOTS WITHIN AN INTERIM**  
**PA2018/0206**           **DEVELOPMENT CONTROL ORDER AREA (IDCO NO. 22)**  
**SECTION 1523 (1030) KENTISH ROAD, HUNDRED OF CAVENAGH**  
**APPLICANT**           **GEORGE LOW**

Mr George Low and Mrs Lyndal Low attended.

**RESOLVED**            That, pursuant to section 53(a) of the *Planning Act*, the Development Consent  
**127/18**                    Authority consent to the application to develop Section 1523 (1030) Kentish Road,  
Hundred of Cavenagh for the purpose of a subdivision to create four 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 with dimensions and two copies must be provided. The plans must be modified to show crossovers and driveways for each of the proposed lots in accordance with Litchfield Council's requirements, to the satisfaction of the consent authority.

**CONDITIONS**

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage, electricity facilities and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. 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.
5. 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.
6. 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.

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 works;
- all to the technical requirements of and at no cost to the Litchfield Council, to the satisfaction of the consent authority.
7. 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>.
  8. 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 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. 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.
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 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 DECISION

1. Pursuant to section 51(a) and (t) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates, together with any other matters it thinks fit.

The Northern Territory Planning Scheme (the Scheme) applies to the land.

The application was considered against clauses 11.1.1 (Minimum Lot Sizes and Requirements), 11.4.1 (Site Characteristics in Subdivisions of Rural Land or Unzoned Land for Lots of 1ha or Greater), 11.4.2 (Infrastructure in Subdivisions of Rural and Unzoned Land) and 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land) of the Scheme.

The assessment report prepared by Development Assessment Services (DAS) found the proposal to comply with the requirements of the Scheme with the exception of clause 11.4.2 (Infrastructure in Subdivisions of Rural and Unzoned Land) subclause 2(d) which states that where no reticulated water connection is available, that the application should demonstrate an adequate supply of ground water. Comments from service authorities raised no issues in relation to the Application, save and except that the Litchfield Council's support for the Application was predicated on approval for appropriate use of water within the area.

Noting the information in the assessment report, the Authority considered that the proposal was fully compliant with the exception of clause 11.4.2 (Infrastructure in Subdivisions of Rural and Unzoned Land) subclause 2(d) which requires applications to demonstrate an adequate supply of groundwater where no reticulated services exist. In the absence of reticulated water in the area, the Applicant proposed construction of three additional bores.

The Authority noted that in considering the requirements of clause 11.4.2, it closely examined the advice provided by the Department of Environment and Natural Resources (DENR) dated 12th June 2018 ("the Advice"). The Advice indicated that the subdivision would invoke a statutory right to access the underlying groundwater resource and that future subdivisions would result in sustainability issues for the groundwater supply and possible impacts on the Berry Springs area.

On 5th July 2018, the Authority received a detailed response to the Advice from the Applicant setting out a history of his dealings with DENR in relation to this Application ("the Response"). The Response was provided to DENR and on 2 occasions prior to the meeting DENR were invited to reply to the specific matters raised in the response. DENR reiterated its previous advice but did not address the specific matters raised by the Applicant in relation to his previous dealings with DENR. DENR was invited to attend the Meeting held on 10th August 2018 but declined that invitation. The Applicant attended the Meeting and relied on the matters raised in the Response and spoke further in relation to those matters.

The Authority considered the detail of the Response, copies of correspondence between the Applicant and DENR, and a draft water trading contract between the Applicant and other land owner/s for the 'trading' of access to ground water.

The Applicant purchased the subject property in 2010. The property was subject to a development permit (Permit DP10/0277) to subdivide the block into 4 lots. The Applicant failed to fully understand the process or time frames involved and was unable to complete the development before the permit lapsed. The current

Application is understood to be consistent with the subdivision approved at the site in 2010.

On 10th June 2016, Interim Development Control Order No. 22 ("The IDCO") came into effect over the Berry Springs aquifer for a period of two years stopping all development that had any additional impact on the aquifer. After consideration of the IDCO, the Applicant concluded that a water trading agreement was within the guidelines of the IDCO and approached Water Recourses to discuss the proposal. After discussions with representatives of DENR it was agreed that decommissioning of the existing, though unutilised bores, and reissue of replacement bore permits would not have any additional impact on the total draw figures from the aquifer provided that bores acquired had been calculated in the total draw calculations. It was agreed that the Applicant would supply a list of potential bores for decommissioning so DENR could assess and approve. A list of 12 potential bores for trade was provided to DENR.

The Applicant pursued the matter and upon contacting DENR was advised that all the bores on the list could be offered up for trade. This advice was confirmed by email dated 26th July 2016. It was agreed that the Applicant would have a contract drafted, taking into account the requirements of all parties involved including, DENR, the vendors, and the Applicant. The Applicant employed a lawyer to undertake drafting of the contract and once that process was complete, the Applicant met with representatives of DENR, on or about 17th August 2016, to confirm that the draft contract covered all requirements of the Department. The Applicant was advised that, on the strength of the draft contract, DENR would be able to issue replacement bore permits to be submitted in support of a development application. It was agreed that DENR would consider the contract to confirm that all requirements of DENR were covered.

After a number of phone calls from the Applicant, a further meeting was arranged, almost a week later, for the Applicant to collect the copy of the draft contract. On the morning of that meeting, the Applicant was contacted by a representative of DENR and advised that, having considered the contract, DENR no longer supported the agreement. DENR met with the Applicant that afternoon to explain the change in position and advised that there was nothing wrong with the contract and that water trading was within the guidelines of the IDCO. However, support was withdrawn as it was believed that it was not in the 'spirit of the moratorium'. The Applicant was advised that a Development Application for a subdivision in the Berry Springs area was being submitted using rainwater tanks and was supported by DENR. A similar approach was suggested to the Applicant but he raised a number of concerns about the use of tanks and declined to proceed in that way.

The Applicant's uncontested evidence was that throughout the meeting he was assured by DENR on at least 3 or 4 separate occasions that the moratorium would not last forever. The clear implication was that if the Applicant waited all would be "ok". The Applicant contacted his lawyer and outlined the meeting with DENR and, in particular, the advice that the contract was not in the 'spirit of the moratorium'. His lawyer advised that he should lodge a Development Application with the contracts in support. If the permit was denied the case would be won at arbitration as the NT government legislation permitted water trading. However, the Applicant accepted DENR's advice and did not proceed.

The Applicant stated, and the Authority accepted, that he has acted in good faith and finds himself in the current position because he relied upon the advice of DENR and delayed his application. As a result he has suffered great financial

detriment. DENR did not contest any of the evidence presented by the Applicant as to representations made to him or the effect upon him.

Section 51 of the *Planning Act* requires the Authority to take into account certain matters in considering a Development Application. Of relevance in this case are Section 51(a) which requires consideration of the Scheme that applies to the land to which the application relates, and Section 51(t), any other matters the Authority thinks fit. Representations made by Government Departments are administrative and not legislative in character, but may give rise to expectations as to how Departments will act in the future. A specific representation made by a government agency as to how it will act in the future is a relevant consideration to be taken into account in the future by a decision-maker. In considering the relevant factors in Section 51, the information presented in the assessment report prepared by DAS, advice from DENR and the extensive response and other evidence presented by the Applicant, the Authority considered that the circumstances of this Application are unique and specific in nature. While in no way dismissing the matters in relation to ground water raised by DENR in both its initial and subsequent comments, the Authority found that in weighing the considerations under section 51(a) and (t), the very specific nature of the various representations made to the Applicant and the severe consequences suffered by him as a result of relying on those representations, the Authority considered that it was provided with no other option than to approve the application. The Authority also noted that, as DENR no longer supports the concept of water trading contracts in this case, there was no utility in requiring such contracts to be entered into by the Applicant, the Authority having no power to direct DENR to be a party to such an arrangement. The Authority stressed again that this particular Application should not be regarded as creating a precedent but is limited to the very specific history of the Applicant's dealings with DENR.

Having considered the history of the matter, the Authority was of the opinion that it was provided with no option other than to consent to the application as exhibited.

2. 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.

Aside from the advice provided by DENR regarding groundwater availability, no other land constraints were identified either in the application or by service authorities. The Authority considered that this, together with the general level of compliance achieved with the basic standards of the Scheme, indicated that the land is capable of supporting the subdivision.

3. Pursuant to section 51(c) of the *Planning Act*, the consent authority must, in considering a development application, take into account an interim development control order, if any, in respect of the land to which the application relates.

The proposal was lodged on 18th May 2018 at which time Interim Development Control Order No. 22 ("the IDCO") was in force. The IDCO applied to the use and development of land, including subdivision in the Berry Springs area. The IDCO lapsed on 10th June 2018 and while the application was lodged while it was still in force, its requirements were no longer applicable at the time of consideration. The purpose of the approval, being initially for the "Subdivision to create four lots within an Interim Development Control Order area (IDCO No. 22)" has therefore been amended by the Authority to remove reference to the IDCO.

4. Pursuant to section 51(t) of the *Planning Act*, the consent authority must, in considering a development application, take into account any other matters it thinks fit.

Having considered the history of the matter, including various representations made by DENR to the Applicant as outlined previously, including the initial availability of water trading, the temporary nature of the moratorium imposed by the IDCO and advice that delaying a Development Application until the end of the moratorium would find a resolution to the issue of water allocation, led the Applicant to act on these representations to his detriment, the Authority determined that the detriment to the Applicant was so great that the Application should be granted. That determination was limited to the very specific facts of this Application.

ACTION: NOTICE OF CONSENT AND DEVELOPMENT PERMIT

ITEM 2  
PA2018/0035

**(CONCURRENT APPLICATION) - REZONE FROM ZONE RL (RURAL LIVING) TO RR (RURAL RESIDENT) AND FD (FUTURE DEVELOPMENT) AND SUBDIVISION TO CREATE 5 LOTS**

APPLICANT

**LOT 2981 (131) MENAJA ROAD, HUNDRED OF BAGOT  
EARL JAMES AND ASSOCIATES**

Mr Kevin Dodd (Earl James and Associates) Mr Tony Thiel and Ms Tania Thiel (Owners) attended.

Submitters: Mr Gerry Wood (MLA) Ms Debbie Higgins and Mr Mark Lowe attended.

Mr Kevin Dodd tabled an amended site plan identifying proposed vehicle access locations.

Litchfield Council tabled a plan that showed how the road layout limited access for Lot 3.

**RESOLVED  
128/18**

Pursuant to section 30P(1)(a) of the *Planning Act*, the consent authority make a preliminary decision that, if the Minister were to approve the amendment proposal to rezone 2981 (131) Menaja Road, Hundred of Bagot that it would be likely to approve to the development proposal seeking consent to subdivide the land into five 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 with dimensions and two copies must be provided. The plans must be modified to show crossovers and driveways for each of the proposed lots in accordance with Litchfield Council's requirements, to the satisfaction of the consent authority.
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

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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.

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 water supply, drainage and electricity facilities to 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.

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 works;

all 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 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 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.
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. 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.
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 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>.
7. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the Aboriginal Sacred Sites Act. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.

## REASONS FOR 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 Northern Territory Planning Scheme (the Scheme) applies to the land.

The amendment proposal accords with the policy for future development of the locality as established by the Litchfield Subregional Land Use Plan and Howard Springs Activity Centre Area Plan.

The subdivision has been assessed against clauses 11.1.1 (Minimum Lot Sizes and Requirements), 11.1.3 (Subdivision of Land in Zone FD), 11.4.2

(Infrastructure in Subdivisions of Rural and Unzoned Land), 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land), 11.4.5 (Subdivision of land in Zone RR) and 14.7.3 (Planning Principles and Area Plan for the Howard Springs Rural Activity Centre) of the Scheme.

A variation is required to clause 11.1.1 to allow Lot 5 to have a lot size of 4000 m<sup>2</sup> instead of a specified minimum of 50 ha for land in Zone FD. The Applicant has demonstrated that the lot is an interim lot to enable further subdivision once servicing needs have been resolved.

The Authority noted the plans tabled at the hearing by both the Applicant and representatives from Litchfield Council and required further development of these plans via condition precedent. This will enable unresolved issues raised by the Council relating to vehicle access and driveways and the stormwater drainage design for the subdivision to be addressed.

2. 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 application was accompanied by a Land Suitability Assessment that confirmed the presence of no land constraints within the property.

The Department of Environment and Natural Resources has advised that groundwater would not be available to support the proposed subdivision, noting over-allocation and sustainability concerns of the existing underground water resource.

The Power and Water Corporation confirmed that reticulated water is available in the area and the application confirmed the intention to connect to this service.

Clause 11.4.5 (Subdivision of Land in Zone RR) prevents the consent authority from approving this subdivision unless the lots will be connected to reticulated water. Noting the above, the consent authority acknowledges the availability of appropriate reticulated services and the Applicant's intention to connect and therefore considers the land capable.

3. 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.

The Power and Water Corporation confirmed that reticulated power and water services are available in the area and the application confirms the developer's intention to connect to these services. The application acknowledges the lack of reticulated sewerage in the area and proposes use of on-site effluent disposal, which was supported by the submitted Land Suitability Assessment which confirms the soils are suitable.

The Authority considered the applicant's request for alteration to conditions 6 and 8 which relate to site access and upgrades to road infrastructure and determined that their inclusion was necessary to ensure appropriate servicing of the lots. It did however make minor changes to the wording of the conditions to clarify their meaning.

4. Pursuant to Section 30P(2)(m) 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 subdivision is generally consistent with the requirements of the Scheme, including provision of appropriate lot configuration, connection to reticulated services and demonstration that the land is capable of supporting the proposed subdivision.

Advice from the Department of Environment and Natural Resources indicated that increased groundwater extraction in this area would impact the sustainability of the groundwater resource which represents an amenity impact for existing and future users.

The Authority considered advice from the Power and Water Corporation, which confirmed that reticulated water is available in the area but that the developer would need to undertake upgrades to the infrastructure to enable connection.

The Authority acknowledged the assurances provided by the Applicant and land owner at the hearing but requires further assurances that the Power and Water Corporation's specific requirements for extension of the reticulation water supply to the subject site will and can be met by the developer/land owner. This will also allow the Authority to be satisfied that the proposal is consistent with Objective 6.2 of Clause 14.7.3 (Planning Principles and Area Plan for the Howard Springs Rural Activity Centre) of the Scheme, which requires this to be demonstrated. This may be in the form of an agreement with the Power and Water Corporation or similar and will assist in addressing the potential amenity impact identified by the Department of Environment and Natural Resources.

The Authority considered the advice of the Medical Entomology division of the Department of Health, which indicated that the Howard Springs area was subject to seasonable mosquito problems. The Department advised that it would not support future urban development of the Zone FD lots until a suitable mosquito and stormwater management plan had been developed for Wadham Lagoon and that a caution notice be included on any development permit issued.

Noting the request by the applicant to have the caution notice removed and evidence available to the Authority at the hearing, including evidence provided by public submitters/local residents in attendance, the Authority were persuaded that removal of this requirement was acceptable.

The level of compliance with the requirements of the Scheme, intended connection to reticulated water supply together with the additional assurances sought by the Authority will enable greater surety that the subdivision will be unlikely to result in any undue amenity impact.

**RESOLVED  
129/18**

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.

**ITEM 3**            **INDEPENDENT UNIT EXCEEDING 80M<sup>2</sup> IN FLOOR AREA, WITH AN**  
**PA2018/0234**   **INDEPENDENT EFFLUENT DISPOSAL SYSTEM SECTION 2407 (350)**  
**APPLICANT**   **SUNTER ROAD, HUNDRED OF STRANGWAYS**  
**TIMOTHY JANS**

Mr Timothy Jans sent his apologies.

Interested Party Ms Stephanie Darlington attended.

**RESOVED**        That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Section 2407 (350) Sunter Road, Hundred of Strangways for the purpose of independent unit exceeding 80 m<sup>2</sup> in floor area, with an independent effluent disposal system. The application was deferred to provide the landowner with the opportunity to address the authority at the next Litchfield Development Consent Authority meeting.

**REASONS FOR THE DECISION FOR DEFERRAL**

The authority will defer the application at the request of the Applicant to enable it to attend the next Development Consent Authority meeting.

**ACTION: NOTICE OF DEFERRAL**

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

**SUZANNE PHILIP**  
**Chair**

22 AUGUST 2018