



## **DEVELOPMENT CONSENT AUTHORITY**

### **LITCHFIELD DIVISION**

### **MINUTES**

**MEETING No. 241 – FRIDAY 13 DECEMBER 2019**

**HOWARD HALL  
325 WHITEWOOD ROAD  
HOWARD SPRINGS**

**MEMBERS PRESENT:** Suzanne Philip (Chair), Keith Aitken, Adam Twomey, Christine Simpson and Doug Barden

**APOLOGIES:** Wendy Smith

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Julie Hillier, Fiona Ray, Ben Wollinski and Sonia Barnes (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Rodney Jessup

**Meeting opened at 10.30 am and closed at 11.45 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**

**PA2019/0360 CLEARING OF NATIVE VEGETATION  
SECTION 4904 (275) COX PENINSULA ROAD, BERRY SPRINGS, HUNDRED  
OF STRANGWAYS**

**APPLICANT** Matthew Bosanac

DAS tabled an amended recommended condition precedent and comments from DENR dated 9 December 2019.

Mr Matthew Bosanac attended.

**RESOLVED  
199/19**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Section 4904 (275) Cox Peninsula Road, Hundred of Strangways for the purpose of clearing native vegetation subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the 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 generally in accordance with the plans submitted with the a authority but modified to show:
  - the parcel boundaries;
  - the boundary of the area proposed for clearing labelled as “permitted clearing”;
  - the boundary of the area or areas proposed for retaining as a buffer and/or revegetation; and
  - any areas of riparian vegetation and locations of buffers provided to this vegetation.
  
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 Litchfield Council's stormwater drainage system shall be submitted to and approved by Litchfield Council. The plan shall include details of site levels and Council's stormwater drainage connection point(s).
  - i. The plan shall demonstrate that stormwater run-off is capable of being discharged across the lot surface to the main drainage system or to an approved alternate connection.
  - ii Litchfield Council stormwater discharge guidelines do not allow concentrated discharge of stormwater form rural lots to adjoining properties or the road reserve.
  - iii. The applicant's plans shall demonstrate that no contaminated water shall enter any waterway or Litchfield Council's drainage system.

## GENERAL 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 kerb crossovers and/or driveways to the site are to meet the technical standards of Litchfield Council. The owner shall remove disused crossovers; provide footpaths/cycleways, as required by Litchfield Council; collect stormwater and discharge it to the drainage network; and undertake reinstatement works; all to the technical requirements and satisfaction of the Director Infrastructure and Operations, Litchfield Council, and at no cost to Litchfield Council.
5. Any developments on or adjacent to any easements on site in favour of Council shall be carried out to the requirements and satisfaction of the Director Infrastructure and Operations, Litchfield Council.
6. The clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawing as "Permitted Clearing". All remaining native vegetation is to be maintained to the satisfaction of the consent authority.

The permit holder must ensure that the clearing operator has a copy of the permit, including the endorsed drawing, at all times during the clearing operation.

Before the vegetation removal starts, the boundaries of all vegetation stands to be removed and retained must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the consent authority.

7. Appropriate erosion and sediment control measures must be effectively implemented throughout the clearing and establishment phase of the development including measures to address seasonal timing of works, management of groundcover and minimisation of bare ground, crop layout and maintenance of natural sheet flow patterns, avoidance or removal of soil windrows or other surface modifications that create concentrated flow paths for runoff, and the installation of erosion controls on access tracks, fencelines and firebreaks where appropriate. All disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information resources are available on the IECA website [www.austieca.com.au](http://www.austieca.com.au) and the Department of Environment and Natural Resources ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment-soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.

## NOTES:

1. Inspection fees and charges may apply in accordance with Litchfield Council's current Fees and Charges. Additional information can be found at [www.litchfield.nt.gov.au](http://www.litchfield.nt.gov.au).
2. 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 road network.

3. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Clause 6.7 of the NT Planning Scheme.
4. The proponent is reminded to avoid and/ or minimise potential environmental impacts of the proposed action. The following guidance indicates when the Northern Territory Environment Protection Authority (NT EPA) may have an interest in potential impacts:
  - NT EPA Environmental Factors and Objectives  
[https://ntepa.nt.gov.au/data/assets/pdf\\_file/0005/546791/guideline\\_environmental\\_factors\\_objectives.pdf](https://ntepa.nt.gov.au/data/assets/pdf_file/0005/546791/guideline_environmental_factors_objectives.pdf) Referring a Proposal to the NT EPA  
[https://ntepa.nt.gov.au/data/assets/pdf\\_file/0011/570872/guideline\\_referring\\_proposal\\_to\\_ntepa.pdf](https://ntepa.nt.gov.au/data/assets/pdf_file/0011/570872/guideline_referring_proposal_to_ntepa.pdf)
5. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under section 12 of the Act. There is also requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act.
6. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority (NT EPA) website at: <https://ntepa.nt.gov.au/waste-pollution/guidelines/guidelines>. The proponent is advised to take notice of the attached Schedule of Environmental considerations. The Act, administered by the NT EPA, is separate to and not reduced or affected in any way by other legislation administered by other departments or authorities. The Environmental Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act. Any queries in relation to this matter should be directed to Michael Browne, Planning Team Leader, on (08) 8924 4149 or by email via: [eia.ntepa@nt.gov.au](mailto:eia.ntepa@nt.gov.au).

## REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The use of land in Zone R (Rural) for fodder production and grazing of cattle accords with the purpose of the Zone and does not require irrigation. The Department of Environment and Natural Resources (DENR) Flora and Fauna Division supports the applicants approach to retaining a buffer to the riparian zone that exceeds the standard requirement of 25m to first order streams. The revegetation proposed by the applicant will over time increase the extent of native vegetation on the property. It is considered that the proposed buffer of 50m to the property boundary is acceptable as the land has been cleared for a number of years and the landowner intends to revegetate within the buffers. The affected boundaries adjoin land which is primarily cleared on three sides and a railway line.

2. Pursuant to section 51(j) of the *Planning Act 1999*, 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 Department of Environment and Natural Resources has determined that the land is capable of supporting the proposed use, being the cultivation of fodder for hay without requiring irrigation.

3. Pursuant to section 51(n) of the *Planning Act 1999*, 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 development would not be expected to impact existing and future amenity and is supported by the Litchfield Council.

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

**ITEM 2**

**PA2019/0402**

**INDEPENDENT UNIT IN EXCESS OF 80M2**

**LOT 18 (375) WHITEWOOD ROAD, HOWARD SPRINGS, HUNDRED OF BAGOT**

**APPLICANT**

Tropics Consultancy Group

Mr Gerard Rosse (Tropics Consultancy Group) attended.

Submitter Litchfield Council represented by Rodney Jessup attended.

**RESOLVED  
200/19**

That, the Development Consent Authority vary the requirements of Clause 7.10.4 (Independent Units) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 18 (375) Whitewood Road, Hundred of Bagot for the purpose of an independent unit in excess of 80m<sup>2</sup>, subject to the following conditions:

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply and electricity facilities, to the development shown on the endorsed plan in accordance with the authorities requirements and relevant legislation at the time.
3. 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.
4. A schematic plan demonstrating the on-site collection of stormwater and its discharge into the Litchfield Council's 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.

5. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Litchfield Council to the satisfaction of the consent authority.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Litchfield Council, to the satisfaction of the consent authority.
7. 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.

#### **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, which would include creation of any driveway crossover connecting to Council's road network.
3. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Clause 6.7 (Signs) of the Northern Territory Planning Scheme.
4. 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>

#### **REASONS FOR THE DECISION**

1. Pursuant to section 51(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The Northern Territory Planning Scheme applies to the land to which the application relates. The application was assessed against Clauses 2.7 (Reference to Policy – The Litchfield Subregional Land Use Plan 2016), 5.19 (Zone RL – Rural Living), 6.5.1 (Parking Requirements), 7.1 (Residential Density and Height Limitations), 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures), 7.5 (Private Open Space), 7.10.4 (Independent Units), and does not comply with clause 7.10.4.

The primary purpose of Zone RL (Rural Living) is to provide for low-density rural living and a range of rural land uses including agriculture and horticulture.

The independent unit is for residential purposes ancillary to the single dwelling use on the land and is consistent with the primary purpose of the zone in providing for low-density rural living.

The proposal has been assessed against the relevant clauses of the Northern Territory Planning Scheme and does not comply with Clause 7.10.4 (Independent Units).

The primary purpose of this clause is to ensure that an independent unit does not detrimentally impact on the amenity of adjoining and nearby property and remains ancillary to the single dwelling on a site.

The maximum floor area of an independent unit in Zone RL (Rural Living) shall not exceed 80m<sup>2</sup>. The proposed floor area of the independent unit is 114m<sup>2</sup>.

It is considered that the independent unit does not detrimentally impact on the amenity of adjoining and nearby properties as:

- The boundary setbacks of 58m to the front and 25m to the closest side boundary far exceed the minimum setback requirement of 10m to all boundaries.
  - The location of private open space and the carport is located centrally on the lot as to not unduly affect neighbouring residential amenity or overlooking from neighbouring lots.
  - The impacts of overlooking of adjoining neighbours from this ground level dwelling are negligible.
  - There is existing established landscaping providing a visual barrier from the street frontage and neighbouring properties.
  - The independent unit will remain ancillary to the single dwelling on the site and is expected to have a lower impact on residential amenity to the neighbouring properties than the previous use as a single dwelling.
  - The proposed independent unit is currently an existing single dwelling that complies with the NT Planning Scheme and is to become an independent unit with a floor area 34m<sup>2</sup> greater than the maximum permitted area of 80m<sup>2</sup>, by virtue of the landowners' intention to construct a new larger dwelling.
  - The independent unit is appropriate to the site, having regard to the potential impact of the independent unit on the amenity of adjoining and nearby properties.
2. Pursuant to section 51(j) of the *Planning Act 1999*, 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 has access to reticulated power and water services, and has an effluent system that is capable of supporting the proposed development. The independent unit is not within a defined flood area and is considered capable of supporting the proposed development.

Additionally, the Department of Environment and Natural Resources did not raise any issues of concern in relation to land capability.

**ACTION:** Notice of Determination

**NOTE:** Authority member Mr Adam Twomey abstained from voting on this application.

**ITEM 3**

**PA2019/0430 ALTERATIONS AND ADDITIONS TO AN EXISTING HOLIDAY RESORT (INCLUDING GAMING ROOM)**

**APPLICANT SECTION 3277 (901) STUART HIGHWAY, HOLTZE, HUNDRED OF BAGOT**  
Goldbox

Mr Paul Winter attended on behalf of Goldbox.

**RESOLVED 201/19**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Section 3277 (901) Stuart Highway, Hundred of Bagot for the purpose of alterations and additions to an existing 'holiday resort' (sports bar and gaming room), subject to the following conditions:

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings 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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Before the use of the development starts, the areas 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.

5. The car parking shown on the endorsed plan must be available at all times for the exclusive use of the occupants of the development and their visitors/clients.
6. 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.

**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. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Clause 6.7 (Signs) of the Northern Territory Planning Scheme.

**REASONS FOR THE DECISION**

1. Pursuant to section 51(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

Section 3277 is 3.15ha of land within Zone TC (Tourist Commercial) and is developed as the Free Spirit Resort.

The application proposes a partial internal fit out of the existing main building footprint, for the use of a gaming room and sports bar.

The proposal is considered a partial change of use from 'restaurant' to 'hotel' and has been assessed against Clause 6.5.1 (Parking Requirements), Clause 6.5.3 (Parking Layout), Clause 6.6 (Loading Bays) and Clause 8.2 (Commercial and other developments in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T) of the Northern Territory Planning Scheme and complies.

2. Pursuant to section 51(j) of the *Planning Act 1999*, 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 considered capable of supporting the proposed changes to the existing tourist commercial use. The Department of Environment and Natural Resources did not raise any issues of concern in relation to the application.

3. Pursuant to section 51(n) of the *Planning Act 1999*, 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 internal change of use for a gaming room and sports bar is subject to the applicable licencing requirements and is not expected to impact on the existing amenity of the site.

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

**ITEM 4**

**PA2019/0337**

**CONCURRENT APPLICATION - REZONE FROM ZONE R (RURAL) TO ZONE RL (RURAL LIVING) AND SUBDIVISION TO CREATE THREE LOTS  
LOT 3321 (50) SECRETT ROAD, KNUCKEY LAGOON, HUNDRED OF BAGOT**

**APPLICANT**

Earl James and Associates

Mr Kevin Dodd (Earl James and Associates) attended.

**RESOLVED  
202/19**

Pursuant to section 30P(1)(a) of the *Planning Act 1999*, the consent authority makes a preliminary decision that, if the Minister were to approve the amendment proposal to rezone Lot 3321 (50) Secrett Road, Hundred of Bagot that it would be likely to determine to consent to the development under section 30W(1)(a) of the *Planning Act 1999* conditionally for the purpose of a subdivision to create three lots subject to the following conditions:

**CONDITION PRECEDENT**

1. 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's 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.

**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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply and electricity facilities to each lot shown on the endorsed plan in accordance with the authorities requirements and relevant legislation at the time.
4. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Litchfield Council to the satisfaction of the consent authority.
5. 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 the 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 the Litchfield Council, to the satisfaction of the consent authority.
7. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the Litchfield Council's drains or to any watercourse.
8. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development (including clearing and early works) and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information resources are available on the IECA website [www.austieca.com.au](http://www.austieca.com.au) and the Department of Environment and Natural Resources ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
9. Before the use commences the owner must, in accordance with Part 6 of the *Planning Act 1999*, pay a monetary contribution to Litchfield Council for the upgrade of local infrastructure, in accordance with its Development Contribution Plan. Note: This monetary contribution can be made at any time during or at completion of the subdivision by contacting Litchfield Council <https://www.litchfield.nt.gov.au/>.

#### **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. For the purposes of best practice land management and environmental protection it is recommended that a Type 1 Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Environment and Natural Resources ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
3. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection

Authority website at <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>.

The proponent is advised to take notice of the attached Schedule of Environmental Considerations.

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

4. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Council's road network.
5. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Clause 6.7 (Signs) of the Northern Territory Planning Scheme.
6. 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>

## REASONS FOR THE DECISION

1. Pursuant to sections 30P(2)(a) and (b) of the *Planning Act 1999*, 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 to which the application relates. The application was assessed against Clauses 2.7 (Reference to Policy – Darwin Regional Land Use Plan 2015 – Litchfield Subregional land Use Plan 2016), 2.8 (Reference to Guidelines – Northern Territory Land Suitability Guidelines), 5.19 (Rural Living), 11.1.1 (Minimum Lot Sizes and Requirements), 11.4.1 (Sight Characteristics in Subdivision of Rural Land or Unzoned Land for lots of 1ha or Greater), 11.4.2 (Infrastructure in Subdivision of Rural and Unzoned Land), and 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned land).

The primary purpose of Zone RL is to provide for low-density rural living and a range of rural land uses including agriculture and horticulture. If lots are unsewered, provision for the disposal of effluent must be made onsite so that the effluent does not pollute ground or surface waters.

The subdivision is to facilitate future residential development. Each lot has a minimum of 1ha of unconstrained land with unconstrained access from a public road and each lot achieves a normal subdivision configuration with a depth to width not exceeding 4:1.

The Department of Environment and Natural Resources did not raise concerns regarding the ability of the lots provide for an effluent disposal systems for residential use. However, raised concerns regarding the availability of groundwater to support the proposed development.

While groundwater is limited, there is access to reticulated water for domestic purposes and the development will require connection to reticulated water prior to the issuing of land titles. As such, groundwater is not required to support land capability.

The proposal has been assessed against the relevant clauses of the Northern Territory Planning Scheme and does not comply with Clause 11.4.2 (Infrastructure in Subdivision of Rural and Unzoned Land).

The purpose of Clause 11.4.2 (Infrastructure in Subdivision of Rural and Unzoned Land) is to ensure that subdivisions of rural and unzoned land are integrated with infrastructure, community services and facilities. Rural subdivision design should minimise disturbance through earthworks associated with the provision of infrastructure.

Roads in rural subdivision should provide direct access to lots and avoid battleaxe strips, however, where justified, battle axe strips should be not less than 10m wide and less than 250m in length.

The width and length of the lot limits the ability to create a subdivision layout that does not contain a battleaxe configuration. The proposed driveway access is slightly greater than the maximum 250m length requirement. While a reconfiguration of the lot layout could achieve compliance with the battleaxe driveway length, the width of the driveway would be reduced to maintain the minimum 2ha lot sizes.

Justification for having a driveway access greater than 250m in length is supported as:

- A width of 30m conform to council's road reserve width standards.
- Council support the driveway width of 30m.
- Providing a driveway width of 30m will allow for the future development of a road, as well as, the rear lot potential to be subdivided further in the future.

The Darwin Regional Land Use Plan (DRLUP) is a referenced document in the Northern Territory Planning Scheme, and provides a strategic framework to anticipate and manage future growth in the Darwin Region. The DRLUP presents a broad rational foundation for long term use and development of land and other natural resources, highlighting key regional policies that respond to the immediate and foreseeable issues associated with the region's natural environment and the human communities within it.

The DRLUP endorses the continuation and ongoing development of rural lifestyle lots within the Litchfield municipality with an increase range of lot sizes particularly in rural activity centres.

Undeveloped sites within the broader rural lifestyle areas, particularly those located adjacent to transport networks and/or existing and identified activity centres, have the potential to provide increased housing choice within the context of the increasing focus on improving efficiencies and affordability.

The subdivision is located centrally between Casuarina, Darwin City and Palmerston. The approach to offer rural lifestyle lots in this location offers a practical response to predicted population growth in the rural areas. The location of the subdivision is generally consistent with the objectives for rural lifestyle areas in the DRLUP.

The Litchfield Subregional Land Use Plan (LSLUP) is a referenced document in the Northern Territory Planning Scheme and provides detailed planning specific to the Litchfield subregion and land use concept plans to guide development. The LSLUP includes land use policy that provides opportunities for urban growth in both the short and long term, whilst supporting the rural land uses and environment and respecting cultural heritage.

There is reticulated water and power available for the new lots. The lots are capable of supporting an effluent disposal system. There are no works impacting stormwater on adjoining parcels or up-stream/down-stream flows.

It is anticipated that the proposal will not have a detrimental effect on residential amenity in the area and will maintain rural lifestyle choice. The proposal is consistent with the LSLUP and statement of policy for providing suitable land for subdivision for rural residential use.

2. Pursuant to Section 30P(2)(m) of the *Planning Act 1999*, 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.

Rural residential lifestyle lots are anticipated within the area and is consistent with the existing zoning pattern. The neighbouring lots directly north and west are Zone RL (Rural Living). The adjoining Zone R (Rural) lots are considered as compatible adjoining zoning and is not expected to have any conflicting land use activities that would impact on the primary purpose of the zone to provide for rural residential, horticultural or agricultural uses.

The application to rezone the land is to facilitate a rural residential subdivision. The proposal is consistent with the capabilities of the land, provides for the continued enjoyment of the natural environment by the current residents whilst providing a balance of rural lifestyle for future residents.

**RESOLVED  
203/19**

That under section 30Q of the *Planning Act 1999*, 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.

**RESOLVED  
204/19**

That, pursuant to section 86(1) of the *Planning Act 1999*, the Development Consent Authority delegates its powers to the Chairman or in the absence of the Chairman any member of the Litchfield Division of the Authority to:

- determine pursuant to Section 30W(1)(a) of the *Planning Act 1999*, to consent to the development proposal contained in the concurrent application and consent to the concurrent application after receipt of a notice under Section 30U(1) of the *Planning Act 1999*, that the Minister has approved the amendment proposal contained in the application;
- issue a development permit under section 54(1) of the *Planning Act 1999*, in relation to the development proposal to develop Lot 3321 (50) Secrett Road, Hundred of Bagot for the purpose of subdivision to create three lots; and
- issue the relevant notices under Section 30Y of the *Planning Act 1999*.

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

**SUZANNE PHILIP**  
Chair

18 December 2019