



## **DEVELOPMENT CONSENT AUTHORITY**

### **LITCHFIELD DIVISION**

### **MINUTES**

**MEETING NO. 292 – WEDNESDAY 21 AUGUST 2024**

**AGORA ROOM  
HUDSON BERRIMAH  
4 BERRIMAH ROAD  
BERRIMAH**

**MEMBERS PRESENT:** Suzanne Philip (Chair), Adam Twomey, Rick Grant, Emma Sharp and Rachael Wright

**APOLOGIES:** NIL

**LEAVE OF ABSENCE:** Nil

**OFFICERS PRESENT:** Elya Sugg (Secretary), George Maly, Sebit Rambang, Wayne Vowles (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Jaimie O'Connor

**Meeting opened at 11.15 am and closed at 12.15 pm**

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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 TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

**ITEM 1**                    **CONCURRENT APPLICATION**  
**PA2024/0023**        **REZONE FROM RL (RURAL LIVING) TO RR (RURAL RESIDENTIAL) AND**  
**SUBDIVISION TO CREATE 3 LOTS**  
**SECTION 4213 (10) MACLEOD ROAD, HOWARD SPRINGS**

**APPLICANT**        Earl James and Associates

**RESOLVED**        As required by section 30P(1)(a), the consent authority make a preliminary  
**41/24**                decision that, if the Minister were to approve the amendment proposal to rezone  
Section 4213 (10) Macleod Road, Howard Springs, Hundred of Bagot that it  
would determine to consent to the development under section 30W(1)(a)  
conditionally for the purpose of a subdivision to create three lots subject to the  
following conditions:

### **CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works, 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 must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) amended boundary orientation consistent with that shown for the subject parcel in the Howard Springs Rural Activity Centre Area Plan; and
  - (b) proposed on-site collection of stormwater, and its discharge into Litchfield Council's stormwater drainage system, to the satisfaction of Litchfield Council.

### **GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, electricity and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notations 2, 3 and 4 for further information.

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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 Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
6. 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.
7. 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.
8. Before the issue of a certificate of compliance and pursuant to section 34 of the Land Title Act, a Caution Notice shall be lodged with the Registrar General on the newly created parcels stating that: "The land is subject to seasonal mosquito problems, and the owner/occupier is responsible for managing mosquito problems that occur on this land. This could be via the use of personal insect repellents, avoidance of outdoor areas during periods of pest biting insect problems, use of protective clothing, use of insect screening on dwellings and outdoor patios and verandas, and the use of adult biting insect control insecticides around houses and in shrub areas, applied by a qualified pest controller." Evidence of lodgement on the parcel shall be provided to the satisfaction of the consent authority.

### NOTES

1. The development must comply with the technical standards of the Northern Territory Subdivision Development Guidelines for the construction of public infrastructure as part of subdivision works to the requirements of the relevant local and service authorities. Prior to any works commencing, it is encouraged that you engage early with the relevant authorities to confirm their requirements, and any variations that may be sought to the Subdivision Development Guidelines, to ensure the works are completed to the relevant authorities' requirements. The Northern Territory Subdivision Development Guidelines can be found at: <https://www.ntlis.nt.gov.au/sdg-online/>.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@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.

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3. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be able to access an exemption from these arrangements in some circumstances. For more information visit [www.infrastructure.gov.au/tind](http://www.infrastructure.gov.au/tind).
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>.
5. A “Works Permit” 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.
6. Litchfield Council’s current Fees and Charges may apply to the above conditions. Additional information can be found at [www.litchfield.com.au](http://www.litchfield.com.au).
7. Notwithstanding any approved plans, signs within Litchfield Council’s municipal boundaries are subject to approval under Interim Development Control Order (No.31).
8. For the purposes of best practice land management and environmental protection it is recommended that an Erosion and Sediment Control Plan (ESCP) be developed. 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. The Department of Environment, Parks and Water Security Erosion and Sediment Control Plan (ESCP) procedures are available at: <https://depws.nt.gov.au/land-management>.
9. Resources to assist with the preparation of an ESCP are available on the IECA website [www.austieca.com.au](http://www.austieca.com.au) and Land Management Factsheets at [nt.gov.au/environment/soil-land-vegetation](http://nt.gov.au/environment/soil-land-vegetation). For further advice, contact the Development Coordination Branch: (08) 8999 4446.
10. All land in the Northern Territory is subject to the *Weeds Management Act 2001* (WM Act). The WM Act describes the legal requirements and responsibilities that apply to owners and occupiers of land regarding declared weeds. Section 9 general duties include the requirement to take all reasonable measures to prevent land being infested with a declared weed and to prevent a declared weed from spreading. There are additional duties including a prohibition on buying, selling, cultivating, moving or propagating

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any declared weed and the requirement to notify the Weed Management Branch of a declared weed not previously present on the land within 14 days of detection. Gamba grass is subject to a statutory weed management plan. Management obligations outlined in this plan is legally binding on all owners and occupiers. Management requirements and copies of statutory weed management plans are available at:

<https://nt.gov.au/environment/weeds/weed-management-planning>

11. All persons are required to comply with the General Environmental Duty under section 12 of the *Waste Management and Pollution Control Act 1998* (NT) (WMPC Act). Activities that require authorisation are listed in Schedule 2 of the WMPC Act. The proponent is responsible for ensuring their activities comply with the WMPC Act. Any new on-site wastewater management system is to be installed in accordance with the Code of Practice for Wastewater Management.
12. 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 5356. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
13. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* 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](mailto:info@ntbuild.com.au)) or by phone on (08) 8936 4070 to determine if the proposed works are subject to the Act.

### REASONS FOR THE DECISION

1. Pursuant to 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 2020 (Planning Scheme) applies to the land and subdivision of land requires consent under Clause 1.8 (When development consent is required).

It is identified as Impact Assessable under Clause 1.8(1)(c)(ii), therefore the strategic framework (Part 2 of the Planning Scheme, including the Howard Springs Rural Activity Centre Area Plan, which is relevant to this application), zone purpose and outcomes of Clauses 4.6 (Zone RR – Rural Residential), and Clauses 6.3.1 (Subdivision in Zone RR) and 6.3.3 (Site Characteristics for Subdivision for Lots of 1ha or Greater in Zones RR, RL, R and H, and Unzoned Land), need to be considered.

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These clauses have been considered and it is found that the subdivision to create three lots complies with the relevant requirements of the Planning Scheme.

2. Pursuant to section 30P(2)(f) of the *Planning Act 1999*, the consent authority must take into account any information received as a result of consultations carried out, submissions received, or evidence given at a hearing.

The application was placed on public exhibition for a period of 28 days in accordance with the requirements of the *Planning Act 1999*, and advertised online from 17 May 2024 through to 14 June 2024. No public submissions were received.

3. Pursuant to section 30P(2)(j) of the *Planning Act 1999*, 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.

With a site area of 1.99ha, the subject land is capable of accommodating the proposed subdivision, which provides an appropriate level of services and infrastructure including connection to reticulated power and water. Each lot can also manage wastewater via an onsite wastewater management system. The Land Suitability Assessment submitted with the application does not identify any land constraints occurring within the site. Additionally, the Department of Environment, Parks and Water Security did not identify or raise any issues of concern in relation to land capability.

The Department of Environment, Parks and Water Security (DEPWS)-Rangelands Division suggest the inclusion of a general condition for erosion and sediment control measures, as well as the inclusion of notes in relation to the development of an Erosion and Sediment Control Plan and the *Weeds Management Act 2001*. DEPWS-Environment Division note that all persons are required to comply with the General Environmental Duty under section 12 of the *Waste Management and Pollution Control Act 1998 (NT) (WMPC Act)*, which is proposed as a note within the recommendation.

The Department of Health-Medical Entomology supports the development, however, in noting the proximity of the subject land to mosquito breeding sites, the department recommends a caution notice be placed on the title of each newly created lot to alert potential buyers of this issue. A caution notice in relation to biting insects is included as a condition of approval to address this issue.

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

Litchfield Council supports the proposal subject to a number of requirements being addressed in relation to infrastructure and planning matters including drainage, crossovers, landscaping and the delivery of services to the site.

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Council's request for a stormwater drainage plan is supported as it will confirm and determine any changes or works required to the road and drainage infrastructure as a result of the proposed subdivision and rezoning. Council's requirement has been addressed via condition precedent to ensure that any changes required can be suitably addressed via plans of the subdivision.

Council's request for a Traffic Impact Assessment (TIA) is not supported as the lot boundaries are being re-oriented to their original alignment consistent with that shown in the Howard Springs Rural Activity Centre Area Plan and the consent authority considered that the final location of access to each site can be approved by the Council through Condition 4, which requires all street infrastructure to be provided to Council's approval.

Council's request for the provision of landscaping along the street frontage cannot be supported as there are statutory limits on conditions of development permits issued for the purpose of subdivisions.

Council's comments that Objective 6.2 of the Area Plan for an infrastructure plan to be developed by the relevant DIPL divisions is noted however this is not a requirement that can be addressed by the applicant or land owner.

Power and Water Corporation (PWC)-Water Services advise reticulated sewer is not available in the area. A site and soil suitability assessment report prepared by WANT Geotechnics included with the application notes that systems that meet the requirements of the Northern Territory Code of Practice for Wastewater Management can be placed on each new lot provided the relevant requirements of the Code of Practice are met. The report shows that nearest bore is approximately 140m away.

PWC-Water Services have no objections to the proposed development provided existing water reticulation services are upgraded and extended to each of the proposed lots.

PWC-Power Networks advise on upgrades and servicing requirements to the power network, including the staging of connections to newly created lots, are to be in accordance with PWC standards and requirements.

5. 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.

The subdivision is consistent with the purpose and outcomes of the proposed zone and the development requirements of the Planning Scheme, in providing for appropriate lot configuration, connection to reticulated services and demonstrates that the land is capable of supporting the proposed subdivision. On this basis, the proposed subdivision is not expected to impact on the amenity of the locality.

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**RESOLVED  
42/24**

Pursuant to 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.

**FOR: 5**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION:**

Report to the Minister

**RESOLVED  
43/24**

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

- determine pursuant to Section 30W(1)(a) 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) that the Minister has approved the amendment proposal contained in the application;
- issue a development permit under section 54(1) in relation to the development proposal to develop Section 4213 (10) Macleod Road, Howard Springs, Hundred of Bagot for the purpose of subdivision to create three lots; and
- issue the relevant notices under Section 30Y.

**FOR: 5**

**AGAINST: 0**

**ABSTAIN: 0**

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

**SUZANNE PHILIP  
Chair**

26 August 2024