

**DEVELOPMENT CONSENT AUTHORITY**

**LITCHFIELD DIVISION**

**MINUTES**

**MEETING No. 196 – FRIDAY 11 MARCH 2016**

**WHITEWOOD HALL  
325 WHITEWOOD ROAD  
HOWARD SPRINGS**

**MEMBERS PRESENT:** Denis Burke (Chairman), Bob Shewring and Keith Aitken

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Steven Kubasiewicz, Dawn Parkes, Sonia Barnes and Caleb Khu (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Edward Li (Engineer)

**Meeting opened at 11.00 am and closed at 12 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 4 LOTS**  
**PA2016/0007**              **SECTION 1716 (2180) COX PENINSULA ROAD, HUNDRED OF CAVENAGH**  
**APPLICANT**                **FYFE PTY LTD**

Mr Brian Schindler (Fyfe Pty Ltd) and Mr Pantelis Patsalou (landowner) attended.

Mr Patsalou tabled:-

- correspondence from Aeterna in relation of unconstrained land;
- a table showing December 2015 rainfall against the mean and median rainfall for that month, and
- a subdivision plan showing the location of bores and septic.

**RESOLVED**  
**23/16**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 1716 (2180) Cox Peninsula Road, Hundred of Cavenagh for the purpose of subdivision to create 4 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 must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) the location of notional and existing bores, wells and on-site effluent disposal systems; and
  - (b) access arrangements that meet Austroads Standards, in consultation with Litchfield Council.
2. Prior to the endorsement of plans and prior to commencement of works (including site preparation) provide evidence and agreement from the Department of Land Resource Management that each lot has a minimum of 1ha of land that is unconstrained by drainage and that access to the lots from a public road is similarly unconstrained.
3. Prior to the endorsement of plans and prior to commencement of works (including site preparation) a Land Capability Assessment must be submitted to the requirements of Department of Health, to the satisfaction of the consent authority.
4. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. The plan should detail methods

and treatments for minimising erosion and sediment loss from the site during both the clearing and establishment phases. Erosion and sediment control information can be located on the DLRM website at <http://lrm.nt.gov.au/soil/management>.

## GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. 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.
7. 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.
8. 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.
9. 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.
10. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, upon the advice of the Department of Land Resource Management.
11. Before issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Bushfires NT (Department of Land Resource Management).
12. Before the use commences 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. 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 endorsed as forming part of this permit are indicative only and are not for addressing purposes.
2. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Land Resource Management.

3. The applicant is advised to engage a building certifier, within the meaning of the *Building Act*, as to whether the existing buildings comply with the *Building Act* and associated Regulations.
4. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

## REASONS FOR THE DECISION

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

The proposed subdivision generally complies with the relevant provisions of the NT Planning Scheme and is consistent with the intent of the Litchfield Planning Concepts and Land Use Objectives (LUO) 2002, subject to confirmation from the Department of Land Resource Management that each lot has a minimum 1ha of land that is unconstrained by drainage and that access to the lots from a public road is similarly unconstrained.

The Darwin Regional Land Use Plan indicates the subject site for Rural Lifestyle purposes which is consistent with the proposal.

2. Pursuant to Section 51(e) of the *Planning Act*, the consent authority must take into consideration any public submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

One public submission was received and raised concerns with drainage, groundwater availability and road infrastructure. The Authority considered the matters raised in the submission and determined that the inclusion of a number of condition precedents to ensure that the land is capable of supporting the proposal, sufficiently addresses the concerns with drainage. Concerns regarding groundwater availability and road infrastructure were not raised by the relevant authorities and as such no further action on these matters is considered necessary.

3. 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.

Confirmation from the Department of Land Resource Management that each lot has a minimum of 1ha of land that is unconstrained by drainage and that access to the lots from a public road is similarly unconstrained;

confirmation from the Department of Health that the soils are suitable for the on-site absorption of effluent without detriment to the environment; and demonstration that appropriate access is provided to the proposed subdivision is necessary to ensure that the land is capable of supporting the proposed development.

4. 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.

Confirmation from the Department of Land Resource Management that each lot has a minimum of 1ha of land that is unconstrained by drainage and that access to the lots from a public road is similarly unconstrained; confirmation from the Department of Health that the soils are suitable for the on-site absorption of effluent without detriment to the environment; and demonstration that appropriate access is provided to the proposed subdivision is necessary to ensure that there is no negative impact on the existing or future amenity of the area.

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

**ITEM 2**  
**PA2016/0026**  
**APPLICANT**

**SUBDIVISION TO CREATE 2 LOTS**  
**SECTION 2501(95) PERENTIE ROAD, HUNDRED OF CAVENAGH**  
**EARL JAMES AND ASSOCIATES**

Mr Kevin Dodd (Earl James & Associates) attended.

**RESOLVED**  
**24/16**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 2501 (95) Perentie Road, Hundred of Cavenagh for the purpose of subdivision to create 2 lots, subject to the following conditions:

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with drawing number 2016/0026/01 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. 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.
4. 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.

5. 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.
6. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
7. Before issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Bushfires NT (Department of Land Resource Management).
8. Before the use commences 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. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.
2. 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 endorsed as forming part of this permit are indicative only and are not for addressing purposes.
3. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Land Resource Management.
4. The applicant is advised to engage a building certifier, within the meaning of the *Building Act*, as to whether the existing buildings comply with the *Building Act* and associated Regulations.
5. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
6. PWC note that no power service is available on proposed Lot B and that the land owner will be required to provide their own power service at their own cost.

## REASONS FOR THE DECISION

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

The proposed subdivision complies with the relevant provisions of the NT Planning Scheme and is consistent with the intent of the Litchfield Planning Concepts and Land Use Objectives (LUO) 2002. The Darwin Regional Land Use Plan indicates the subject site for Rural Lifestyle purposes which is consistent with the proposal.

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.

No particular concerns were raised by service authorities with regards to land capability and considering the proposal is to reinstate a previous boundary, the land is considered capable of supporting the proposed subdivision. A number of standard conditions relating to the servicing of the subject land have been applied to the development permit and will help ensure that the land is capable of supporting its intended use.

3. 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 proposal is not expected to impact on the existing or future amenity of the area considering that the subdivision will reinstate a previous boundary.

**ACTION:** Notice of Consent, Development Permit & Plans

**ITEM 3**  
**PA2015/0924**  
**APPLICANT**

**SUBDIVISION TO CREATE 2 LOTS (BOUNDARY REALIGNMENT)**  
**LOT 49 & 57 (35 & 31) MCAULAY ROAD, HUNDRED OF STRANGWAYS**  
**LITCHFIELD COUNCIL**

Mr Edward Li (Engineer Litchfield Council) attended.

**RESOLVED**  
**25/16**

That pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lots 57 and 49 (31) & (35) Mcaulay Road, Hundred of Strangways for the purpose of a subdivision to create 2 lots (boundary realignment) to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

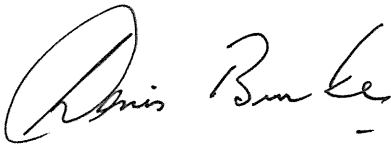
- Clarification and confirmation on access arrangements to the land and the ability to obtain unconstrained access to the unconstrained land on Lot 57 and amended plans that accurately detail the proposed development; and
- Provide the authority with a copy of Councils resolution on the application and the reasons for the subdivision.

#### REASONS FOR THE DECISION

1. It is unclear to the authority on the information before it whether unconstrained access can be provided to the unconstrained portion of Lot 57.
2. The authority considers that the application fails to adequately demonstrate the purpose of the subdivision.

**ACTION:** Advice to Applicant

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



DENIS BURKE  
Chairman

16/3/16