



**DEVELOPMENT CONSENT AUTHORITY**

**LITCHFIELD DIVISION**

**MINUTES**

**MEETING No. 231 – FRIDAY 15 FEBRUARY 2019**

**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:** Margaret Macintyre (Secretary), Alana Mackay and Sonia Barnes (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 10.45 am and closed at 11.30 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**                    **SUBDIVISION AND CONSOLIDATION TO CREATE THREE LOTS**  
**PA2018/0474**           **SECTION 2702 (260) WHEEWALL ROAD, HUNDRED OF CAVENAGH**  
                                 **SECTION 5677 (5) NUMBAT COURT, HUNDRED OF STRANGWAYS**  
**APPLICANT**           **SECTION 5745 (51) DUNNART COURT, HUNDRED OF STRANGWAYS**  
                                 **NORTHERN PLANNING CONSULTANTS PTY LTD**

Mr Brad Cunnington (Northern Planning Consultants) and Mr George Danicic (landowner) attended.

**RESOLVED**            That, the Development Consent Authority vary the requirements of Clause 11.1.1  
**14/19**                    (Minimum Lot Sizes and Requirements) of the Northern Territory Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 2702 (260) Wheewall Road, Hundred of Cavenagh, Section 5677 (5) Numbat Court, & Section 5745 (51) Dunnart Court, Hundred of Strangways for the purpose of a subdivision and consolidation to create three 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 and must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) revised boundary to lot 5677 to contain the land in Zone RL land and exclude all CN land.
  - (b) a revised boundary to lot 5745 to include all CN land to the east.
2. 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 Environment and Natural Resources (DENR). The ESCP must be developed by a suitably qualified and experienced professional in soil and conservation or erosion and sediment control planning and should detail methods and treatments for minimising erosion and sediment loss from the site during both the clearing and establishment phases of the development. Information regarding erosion and sediment control and ESCP content is available at [www.austieca.com.au](http://www.austieca.com.au) and the NTP website: <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be emailed for assessment to: [DevelopmentAssessment.DENR@nt.gov.au](mailto:DevelopmentAssessment.DENR@nt.gov.au)

**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. 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 Environment and Natural Resources.

5. All existing or proposed easements or reserves required for the purposes of stormwater drainage, roads, access or for any other purpose, shall be made available free of cost to, and in favour of, Litchfield Council and/or neighbouring property owners.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, gas and telecommunication networks to the development/each lot shown on the endorsed plan in accordance with the authorities requirements and relevant legislation at the time.
7. To obtain power clearance for the proposed subdivision, the Proponent shall provide a copy of the subdivision permit and a copy of the survey plan showing the correct lot numbers.
8. All existing or proposed easements or reserves required for the purposes of stormwater drainage, roads, access or for any other purpose, shall be made available free of cost to, and in favour of, Litchfield Council and/or neighbouring property owners.

**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. A 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. 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).
5. The property falls within the Vernon Arafura Fire Management Zone, which is within the Northern Fire Protection Zone. No burning may take place except where a permit to burn has been obtained. To obtain a permit to burn please contact the local fire brigade.
6. 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.

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 THE DECISION

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

The proposal is generally compliant with the relevant requirements of the NT Planning Scheme in relation to subdivisions of RL (Rural Living) zoned land. A variation to Clause 11.1.1 (Minimum Lot Sizes and Requirements) is supported for proposed Section 5677. The lot contains 1ha of unconstrained land with unconstrained access. The proposed variation to minimum lot size for Section 5677 would avoid the construction of fences and firebreaks in Zone CN. Clause 2.5, sub-clause 4, allows the consent authority to exercise discretion where special circumstances justify giving consent.

Whilst grazing of livestock and cultivation of pasture in Zone CN does not comply with Clause 5.22, the activity has been undertaken as a pre-existing use. As this application will extend Section 5745 to the east it will consolidate the CN land and also the area exposed to grazing.

No additional roads are required and the lots have existing connections to power and water.

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.

All lots contain at least 1ha of land (and access) that is unconstrained by drainage. Each proposed lot has been determined as capable of supporting onsite wastewater systems.

A number of conditions relating to land capability will need to be applied to any permit issued to ensure that all lots approved through the proposed subdivision are suitable to support rural living.

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

**ITEM 2** RE-SUBDIVISION OF EXISTING UNIT TITLES SCHEME TO CREATE 9 UNITS  
**PA2018/0441** UNIT 2676 & UNIT 2679 (COMMON PROPERTY) (199) DORIS ROAD,  
HUNDRED OF CAVENAGH  
**APPLICANT** MASTERPLAN NT

DAS tabled additional information from the applicant; a report by KSI Land and Water Planning titled *PA2018/0441 Sub-division of a unit title scheme to create 9 units – Water Licence BSGS10037, alternative use of part licensed amount for new units.*

Mr Joseph Sheridan (Masterplan NT) and Mr Doug Barden (landowner) attended.

Mr Barden tabled correspondence from the Department of Environment and Natural Resources dated 28/3/2017.

**RESOLVED** That, as requested by the Applicant, pursuant to section 46(4)(b) of the *Planning*  
**15/19** *Act*, the Development Consent Authority defer consideration of the application to develop Unit 2679 (Common Property) and Unit 2676 (199) Doris Road, Hundred of Cavenagh for the purpose of re-subdivision of a unit title scheme to create nine units to allow the applicant to:

- Conduct further discussions with the Department of Environment and Natural Resources on augmenting the existing water extraction licence.
- Await the outcome of a matter currently before the Northern Territory Civil and Administrative Tribunal that relates to subdivision and section 14 of the *Water Act*.

#### **REASON FOR DECISION**

The application is deferred at the request of the applicant.

**ACTION:** Notice of Deferral

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

**SUZANNE PHILIP**  
Chair  
18 February 2019