



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 244 – MONDAY 6 APRIL 2020

TELECONFERENCE

MEMBERS PRESENT: Suzanne Philip (Chair), Keith Aitken and Adam Twomey
Wendy Smith and Christine Simpson (Item 1 only)

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Alana Mackay, Fiona Ray (Item 1 only)
and Ben Wollinski (Item 2 only) (Development Assessment Services)

COUNCIL REPRESENTATIVE: Rodney Jessup

Meeting opened at 10.30 am and closed at 12.15pm

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

**PA2020/0038 SUBDIVISION TO CREATE TWO LOTS
SECTION 2524 (140) COLLARD ROAD, HUMPTY DOO, HUNDRED OF
STRANGWAYS**

APPLICANT Tropics Consultancy Group

Mr Gerard Rosse, Tropics Consultancy Group, attended.

**RESOLVED
59/20**

That, pursuant to section 53(c) of the *Planning Act 1999*, the Development Consent Authority refuse to consent to the application to develop Section 2524 (140) Collard Road, Hundred of Strangways for the purpose of a subdivision to create two lots for the following reasons:

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 (NTPS) applies to the land to which the application relates.

The land is in Zone RL (Rural Living) of the NTPS and the subdivision of land requires consent. In accordance with Clause 2.7 consideration should given to any policy that relates to the land.

The Litchfield Subregional Land Use Plan (LSLUP) supports the subdivision of suitable land outside activity centres into 2ha lots in Zone RL, where there is a reliable water supply. The LSLUP supports sustainable groundwater use. Where land is to be subdivided it is stated that development should not exceed the sustainable recharge of the aquifer.

The Department of Environment and Natural Resources (DENR) has advised that the existing rights to take water from the aquifer (being the McMinn's Howard River sub-catchment of the Mount Partridge Groundwater System) are estimated to be 43% of recharge. The NT Water Allocation Planning Framework establishes a 20% threshold for consumptive use. Where the existing use rights exceed the sustainable recharge of the aquifer further intensification of development is not supported by the LSLUP.

Clause 11.4.2 addresses the matter of infrastructure in subdivisions of rural land. Sub-clause 2(d) states that rural subdivision, should where no reticulated water is available, demonstrate that an adequate supply of groundwater is available for domestic purposes.

Clause 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land) sub-clause 1(c) requires that subdivisions of rural land do not impose unsustainable demands on groundwater or unreasonably degrade the environment.

It is clear that the NTPS emphasises that subdivision of rural land for rural living should only be supported where there is sufficient groundwater to sustain the household, associated garden and domestic livestock. The DENR has identified that the groundwater resource is over allocated among existing users and consequently the Authority cannot support subdivision of the land.

2. 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

There are several related issues that are likely to result in detrimental impacts on the existing and future amenity of the area. As the groundwater system is currently over allocated further development would likely lead to a reduction in the quantity and quality of groundwater. A reduction in groundwater may reduce water available for other users and result in impacts on the broader environment that provides for rural amenity.

3. Pursuant to section 51(t) of the *Planning Act 1999*, the consent Authority may consider other matters as it sees fit.

The Applicant argued that this was an exceptional case as there had been previous subdivision permits granted in respect of the land which had now lapsed due to family circumstances - DP06/0232 subdivision permit for 2 lots, issued 25 May 2006 and DP09/0738 subdivision permit for 3 lots, issued 28 September 2009. Further, the Applicant argued that DENR had issued a bore permit in 2019 for a second bore on the property. The Applicant averred that this permit was issued in response to the previous subdivision and meant that the current proposed subdivision would be serviced by two bores.

The Authority noted the Applicant's arguments and particularly that, apart from the question of availability of groundwater, in "terms of statutory compliance with the planning Scheme, the proposal is entirely compliant with requirements of the scheme and is a logical form of development, mirroring surrounding subdivisions that have occurred in the locality in recent years." However, the Authority considered that the presence of a second bore permit related purely to the existing right for the owner or occupier of Section 2524 (140) Collard Road to extract groundwater for the purposes of Section 14 of the *Water Act 1992*. The bore permit did not create any additional rights for Section 2524 to extract groundwater and such extraction was limited to the right of the owner and occupier to extract water for the specific purposes set out in Section 14. The effect of subdividing Section 2524 would be to create a second right to extract groundwater under Section 14.

The purpose of the *Planning Act 1999* is to provide for appropriate and orderly planning and control of the use of land. The Authority relies on advice from DENR in relation to the potential impacts of subdivision proposals on groundwater resources. In the majority of circumstances in recent times, the Authority has refused applications to subdivide, where they would be reliant on groundwater resources that DENR has advised are from already over allocated groundwater systems.

The Northern Territory Civil and Administrative Tribunal (decision is cited as *Jagdpanzer Pty Ltd & Ors. v Development Consent Authority*) recently upheld a decision by the Development Consent Authority citing that it had made the correct and preferable decision to refuse the subdivision application given the limited water supply.

The Authority considered carefully the submissions, both written and oral, made by the Applicant but is not satisfied that there are any circumstances in relation to this application which justify departure from the decision in *Jagdpanzer Pty Ltd & Ors. v Development Consent Authority*.

ACTION: Notice of Refusal

ITEM 2

PA2017/0401

**SUBDIVISION TO CREATE 12 LOTS IN TWO STAGES
SECTIONS 4185, 4579 & 4580 AND LOTS 16 & 17 (205, 195, 175, 155A & 155B)
LOWTHER ROAD, BEES CREEK, HUNDRED OF STRANGWAYS**

APPLICANT

Nigel Bancroft

Pursuant to section 97 of the *Planning Act 1999*, Ms Wendy Smith and Ms Christine Simpson local authority members of the Litchfield Division of the Development Consent Authority declared an interest and were not present during and did not take part in any deliberation or decision of Item 2.

Mr Nigel Bancroft attended.

Submitters in attendance Ms Christine Simpson and Litchfield Council (represented by Mr Rodney Jessup).

Ms Wendy Smith attended as an interested party.

**RESOLVED
60/20**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Sections 4185, 4579 & 4580 and Lots 16 & 17 (155A, 155B, 175, 195 and 205) Lowther Road, Hundred of Strangways for the purpose of subdivision to create 12 lots in two stages, 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 plan submitted (18-0006-SU-01, Rev. J) but modified to show:

- I. a note on the subdivision layout plan advising: Driveway access to Lot 12 is to have unconstrained access to the unconstrained portion on this lot;
 - II. retention of the existing water supply easement;
 - III. the removal of existing lot boundaries;
 - IV. any other changes required as a result of condition requirements; and
 - V. the access easement to Lot 24 is to be a continuation of road to the boundary of lot 24, to the technical requirements of Litchfield Council.
2. Prior to the endorsement of plans and prior to the commencement of works, a Wastewater Management Plan, with correct subdivision lot layout configuration, in accordance with Zone SL18 requirements, must be submitted to and approved by the Department of Health to the satisfaction of the consent authority.
 3. 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 submitted to and approved by the Litchfield Council, to the satisfaction of the consent authority.
 4. Prior to the endorsement of plans and prior to the commencement of works, a revegetation plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must show:
 - (a) The area within 20m of the lot boundaries fronting Lowther Road is to be revegetated to provide a visual buffer. The revegetation buffer is to have a minimum width of 10m.
 - (b) The area within 15m of the lot boundaries adjoining land Zoned RL (Rural Living) is to be revegetated to provide a visual buffer. The revegetation buffer is to have a minimum width of 10m and located outside of area required for a fire break.
 5. Prior to the commencement of works, a **Type 2** Erosion and Sediment Control Plan (ESCP) must 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 must be developed and/or certified by a Certified Professional in Erosion and Sediment Control (CPESC) to the satisfaction of the consent authority. The ESCP should be submitted for acceptance prior to the commencement of any earth disturbing activities (including clearing and early works) to Development Assessment Services via email: das.ntg@nt.gov.au.
 6. Prior to the commencement of construction works for the following components:
 - a. proposed and affected roads;
 - b. stormwater drainage;
 - c. vehicular accesses;
 - d. removal of disused vehicle crossovers, and
 - e. streetscaping:

the Developer shall submit detailed 'For Construction' design documentation (engineering design, design report and specifications) to the technical

requirements of Litchfield Council for all such proposed works and achieve 'Permission to Use' from Litchfield Council.

GENERAL CONDITIONS

7. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
8. All works (proposed and affected roads, stormwater drainage, site earthworks, vehicular access, removal of disused vehicle crossovers, and streetscaping) are to be constructed to the technical requirements of Litchfield Council and in accordance with the detailed design documentation provided with 'Permission to Use' by Litchfield Council, and all approved works constructed at the owner's expense.
9. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.
10. Before the 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 Environment and Natural Resources).
11. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, electricity and telecommunications facilities to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
12. All existing and proposed easements and sites for existing and required 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.
13. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant local government authority.
14. 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.
15. The developer should implement necessary measures to ensure mosquito breeding does not occur during the construction phase of the development, to the requirements of the Department of Health, to the satisfaction of the consent authority.
16. Before issue of titles, landscaping works shown on the revegetation plans must be carried out and completed to the satisfaction of the consent authority.
17. The owner of the land must ensure that only clean fill (virgin excavated natural material) or inert fill is accepted and that the inert fill has been adequately assessed as being suitable for its intended use.

18. Before issue of titles, a Covenant shall be lodged with the Lands Title Office on the parent parcel, to apply to each lot created. The Covenant is to include the Wastewater Management Plan as part of the endorsed plans. Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.
19. All works relating to this permit must be undertaken in accordance with the endorsed **Type 2** Erosion and Sediment Control Plan (ESCP) to the requirements of the consent authority. Should the endorsed **Type 2** Erosion and Sediment Control Plan (ESCP) need to be amended, the revised ESCP must be developed and/or certified by a Certified Professional in Erosion and Sediment Control (CEPSC) to the satisfaction of the consent authority. The revised ESCP should be submitted for acceptance to Development Assessment Services via email: das.ntg@nt.gov.au .
20. All reasonable and practicable measures must be undertaken to prevent: erosion occurring onsite, sediment leaving the site, and runoff from the site causing erosion offsite. 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. For further information refer to **Note 1** below. At completion of works, clearance should be sought from the Department of Environment and Natural Resources regarding satisfactory implementation of permanent erosion and sediment control measures and site stabilisation. To arrange a clearance site inspection, email the Land Development Coordination Branch at: DevelopmentAssessment.DENR@nt.gov.au
21. Dust control measures must be employed throughout the construction stage of the development to the requirements of the Northern Territory Environment Protection Authority, to the satisfaction of the consent authority.
22. All waste material not required for further on-site processing must be regularly removed from the site to an approved facility. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the consent authority.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the development and use is/are not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

2. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at 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.

3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (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.
4. The Power and Water Corporation advises that the existing water easement over section 4580 is to be retained.
5. The Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Northern Territory Environment Protection Authority's Noise Guidelines for Development Sites. 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. A "Works Permit" may be required from Litchfield Council before commencement of any work within the road reserve, *which would include creation or removal of any driveway crossover connecting to Council's road network.*
7. 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.
8. 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.
9. There are statutory obligations under the *Weeds Management Act 2001* 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.
10. 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 SCHEDULE OF ENVIRONMENTAL CONSIDERATIONS provided by DENR.

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.

11. 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) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
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 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.
13. 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 first exhibited as 'subdivision to create 13 lots in five stages' and was subsequently amended to 'subdivision to create 12 lots in two stages'. The application referred to hereafter is the latter.

The application was assessed against Clauses 2.7 (Reference to Policy – Darwin Regional Land Use Plan 2015 and Litchfield Subregional Land Use Plan 2016), 2.8 (Reference to Guidelines – Northern Territory Land Suitability Guidelines), Zone SL18 (Specific Use Zone Litchfield No. 18), 11.1.1 (Minimum Lot Sizes and Requirements), 11.4.1 (Site 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), 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land) and 11.4.5 (Subdivision of Land Zoned RR).

The purpose of Zone SL18 (Specific Use Zone Litchfield No. 18) is to provide for the rural residential use and development of the land in a

manner that responds to the physical characteristics of the land, its location, availability of services and the amenity of the locality. There are stricter requirements in Zone SL18 that are applied to the land to protect residential amenity in the surrounding area and to reduce potential environmental impacts. These higher standards include building setbacks, buffer areas, visual barriers and wastewater management.

The 12 proposed lots would be connected to reticulated power and water services. The internal roads would connect to Lowther Road (a sealed public road) and would also be sealed.

Reticulated sewerage is not available. In consideration of Clause 11.4.5 and SL18 2(i), a Land Capability Assessment (LCA) by VPS Land Assessment and Planning was provided as part of the application and confirmed that the soils are suitable for standard on-site systems. The soils are suitable for the on-site absorption of effluent without detriment to the environment and in particular, to ground and surface waters.

Sub-clause 11.4.5(6) requires the unconstrained nature of the land to be demonstrated by a land suitability assessment addressing the *NT Land Suitability Guidelines*, prepared by a suitably qualified professional. A Land Suitability Assessment (LSA) by VPS Land Assessment and Planning was provided as part of the application. The assessment identified the land was suitable for subdivision. The subdivision layout has been designed to continue the water flows from adjacent drainage feature within one lot (proposed Lot 9) and has only one crossing that intersects the drainage line.

The LSA confirmed that each proposed lot has 1ha of unconstrained land, and that the proposed lots satisfy the minimum lot size requirements.

While battle axe lots are to be avoided where possible a battle axe access to proposed Lot 12 is supported in this instance. The part of the access that is constrained is addressed by the inclusion of a condition on the development permit requiring it to be constructed so as to be unconstrained.

SL18 2(g) requires that no substantial tree may be felled. The applicant advises that protection of substantial trees is not achievable given the site contours, position of the drainage lines, the size of the area and the requirements to provide road connections to all boundaries. The applicant considers the subdivision pattern reflects a reasonable balance between competing requirements, while also provide the minimum reasonable lot yield. This position is accepted by the Authority in making its determination on the application.

SL18 2(h) requires that roads be designed to:

- i. interconnect with the existing road network;
- ii. provide for connections to potential future subdivision of adjoining lands; and
- iii. prevent individual lot access to major roads.

The application proposed a single road access (proposed Road A) from Lowther Road. Proposed Road B (a cul-de-sac) would connect to proposed Road A and site access for all proposed lots would be from the internal road network; the three proposed lots adjacent to Lowther Road would no longer access the land using existing accesses from Lowther Road.

In respect of subclause SL18 2(h)(i), the proposed Road A satisfies the requirements to interconnect with the existing road network. The configuration also removes the need for direct access to any lots from Lowther Road. Lot access would be by the internal road network only, thereby satisfying sub-clause SL18 2(h)(iii).

A traffic assessment was provided by the applicant. The report advised the provision of access by proposed Road A would be 40m west of Holly Road and it would provide for safe access in accordance with the relevant Australian Standards and Austroads design Guidelines.

SL18 2(h)(ii) requires the roads to be designed to connect to potential future subdivision of adjoining lands. Proposed Road A terminates at the boundary with Lot 18. This configuration is supported as it allows for future subdivision potential of Lot 18. In lieu of constructing a road to Lot 24, the applicant proposed an access easement over proposed Lot 9 to facilitate future road construction. While this provides for legal access to Lot 24 and allows for a future road to be constructed, it does not provide a physical connection the land at the time of subdivision. The road would be constructed at a later date by the developer of a subdivision of Lot 24.

The DCA did not accept this component of the proposal. It considers that it is necessary for a road to be constructed from proposed Road A to Lot 24 as part of Stage Two of the current application to satisfy sub-clause SL18 2(h)(ii). The Authority also notes the comments of Lands Planning that it is “desirable for Lot 24 to have formal access to Lowther Road as part of this subdivision by way of the continuation of the 30m road. This will avoid reliance upon the upgrade of access currently provided within Lot 18 in what appears to be an unformalised manner.”

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 development. The LSA and LCA included as part of the application have been verified by the Department of Environment and Natural Resources.

The subdivision layout has been designed to continue the water flows from adjacent drainage feature within one lot and has only one crossing to minimise potential impacts of the drainage line.

A series of management plans are required to ensure appropriate measures are in place to, including:

- Stormwater Management Plan is required to avoid environmental degradation on the receiving environment. The stormwater management has oversight from the Litchfield Council for stormwater flows and potential impacts from the creation of the road.
 - A Wastewater Management Plan is also required as a condition on the development permit in line with SL18 requirements.
 - An Erosion and Sediment Control Plan, to be prepared by a suitably qualified professional.
3. Pursuant to section 51(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application

Seven public submissions were received under section 49(1) of the *Planning Act 1999*. The Litchfield Council made a submission, objecting to the application, under section 49(3) of the *Planning Act 1999*.

Concerns raised by the public submission mainly relate to the protection of residential amenity, transport safety and the environment. Conditions of approval include providing measures to protect the residential amenity in the area by providing greater setbacks to adjoining lot boundaries and vegetation to provide a visual barrier.

An assessment of an access road on Lowther road was determined to be located a safe distance from Holly Road. The crossovers along Lowther Road will be removed and a single crossing of the drainage line is designed to minimise impacts. This road is to be built at a height above the 1% AEP storm event, with culverts built in accordance with the Litchfield Councils Standards to manage storm water flows.

To ensure the protection of the environment from septic systems, the Wastewater Management Plan illustrates the area for future septic system location per lot, which is to be located in an area with soils that are unconstrained, with separation distances to minimise environmental impacts, including during a stormwater event.

The reasons for the Litchfield Council submission include legal access arrangement to lots, internal roads, stormwater management, and 1ha of unconstrained land per lot. These concerns have now been suitably addressed with the approval permit conditioned accordingly.

4. 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

Zone SL18 includes stringent requirements in relation to building setbacks, the management of wastewater and the clearing of vegetation, which will minimise any possible impacts on adjoining lots. Future development on the lots would need to comply with these strict zoning

requirements, which will minimise amenity impacts on adjacent and nearby land.

It is anticipated that the proposal will not have a detrimental effect on the environment, residential amenity in the area and will maintain rural lifestyle choice.

5. Pursuant to section 51(t) of the *Planning Act 1999*, the consent authority can take into account any matters it thinks fits.

Lots 16, 17 & 24 were created through survey plan LTO73/001. Lots 18 - 24 south of Lot 17, utilise right of way access over Section 4580 (formerly Lot 15 (LTO73/001) and Section 4184 (LTO98/52)). Section 4185 was created through survey plan LTO98/052 and Sections 4579 & 4580 were created through survey plan LTO2001/074.

Easements and legal access arrangements on the relevant survey plans will change under this application. The application proposes the construction of proposed Road A from Lowther Road to the centre of the northern lot boundary of Lot 18 at Stage two. This road would create legal access to Lot 18. Survey, Department of Infrastructure, Planning and Logistics, confirmed that the subdivision proposal would not affect landowners existing access arrangement.

Should Stage two not progress, for whatever reason, the right of way access over Section 4580 (Survey Plan LTO2001/074) would remain in place and legal access would not affect landowners existing access arrangements. The applicant confirmed at the Authority meeting that it would not seek to alter the right of way easement agreements until Stage Two of the proposal.

Power and Water advised that a water easement currently over Section 4580 would need to be retained, which was also confirmed with the applicant. A note on the permit has been included reiterating this advice.

ACTION: Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair

09 April 2020