

## **DEVELOPMENT CONSENT AUTHORITY**

### **LITCHFIELD DIVISION**

### **MINUTES**

**MEETING No. 171 – FRIDAY 16 JANUARY 2014**

**WHITEWOOD HALL  
325 WHITEWOOD ROAD  
HOWARD SPRINGS**

**MEMBERS PRESENT:** Denis Burke (Chairman), Keith Aitken, Bob Shewring, Michael Bowman and Allan McKay

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary) Allison Hooper, Sharon Reid and Sonia Barnes (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 10.45 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**                    **SINGLE DWELLING AND INDEPENDENT UNIT WITH REDUCED SIDE SETBACKS**  
**PA2014/0894**           **LOT 374 (38A) KERSLEY STREET, TOWNSITE OF SOUTHPORT**  
**APPLICANT**           **PARAMJIT SINGH GILL**

The applicant did not attend.

**RESOLVED**  
**08/15**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 374 (38A) Kersley Street, Townsite of Southport for the purpose of a single dwelling and independent unit with reduced side setbacks, subject to the following conditions:

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings numbered 2014/0984/01 through to 2014/0894/06 inclusive 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 electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
3. 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.  
and  
The owner shall:
  - (a) collect stormwater and discharge it to the drainage network; and
  - (b) undertake reinstatement works;  
all to the technical requirements of and at no cost to the Litchfield Council to the satisfaction of the consent authority.
4. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Litchfield Council to the satisfaction of the consent authority.
5. All proposed works impacting on Kersley Street are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of Litchfield Council. Drawings must be submitted to Litchfield Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".

6. An approved effluent disposal system to the requirements of the Department of Health and to the satisfaction of the consent authority must be installed concurrently with the erection of the single dwelling and independent unit and all waste must be disposed of within the curtilage of the property.

#### NOTES:

1. This permit will expire if one of the following circumstances applies:
  - (a) the development is 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. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve.
3. 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.
4. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.

#### 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.

Lot 374 is a relatively small and narrow Lot, similar in size to many urban and urban fringe lots. A variation of Clause 7.3 (Building Setbacks of Residential Buildings) is supported as it would facilitate a more useable building envelope that is consistent with setbacks requirements imposed on residential lots of similar size in an urban context.

2. 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 residential density proposed by the application could reasonably be expected within Zone RR (Rural Residential). The imposition of conditions relating to effluent disposal and stormwater drainage management are considered sufficient to minimise any adverse impacts on the existing and future amenity of the area

**ACTION:** Notice of Determination

ITEM 2  
PA2014/0867  
APPLICANT

EXCAVATION AND FILL  
SECTION 2702 (260) WHEEWALL ROAD, HUNDRED OF CAVENAGH  
NORTHERN PLANNING CONSULTANTS

Mr Brad Cunnington (Northern Planning Consultants), Mr George Dancic (owner), Mr Alan Barlee (Chiplee) and Mr Norberto Alya-Samalea (Byrne Design) attended.

Submitter Dr Regina Wulf sent her apologies.

Submitter Mr Gerry Wood MLA attended and tabled a further written submission including five photographs.

RESOLVED  
09/15

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Section 2702 (260) Wheewall Road, Hundred of Cavenagh, for the purpose of excavation and fill, for the following reasons:

The purpose of Clause 6.16 (Excavation and Fill) of the NT Planning Scheme is to ensure that the excavation and filling of land does not adversely affect adjacent land or waters, or the quality of adjacent waterways, and associated riparian areas and is suited to the intended future use of the site. The subject site is multizoned (RL – Rural Living and CN – Conservation), and contains a drainage system within the Zone CN portion of the site.

1. The Authority notes that the boundaries of Zone CN do not necessarily represent the extent of land that could be potentially inundated. The plan of filling prepared in support of the application nominates the flood level as being at 22.2RL and this extends beyond the boundaries of zone CN onto the subject land. The authority considers that the application fails to demonstrate that the proposed filling of the land will not adversely affect adjacent land or water as the filling is proposed for land that is potentially subject to inundation.
2. The statement of effect provided in support of the application advises that the “purpose of the fill is to physically raise the level of the existing areas of the site subject to seasonal inundation, above the flood level to ensure there is a minimum 2 hectares of unconstrained land, to facilitate a future subdivision into 2 lots.” Zone RL requires a minimum lot size of 2ha per lot. The nominal subdivision plan provided proposes to create 1 lot with an area of 1.75ha. In consideration of the applicants intended development of the land to create two lots with one lot significantly below the minimum required in zone RL the authority considers that the development is inconsistent with the intended future use/development of the land.
3. Public submissions received identified concerns with the proposed alterations to the drainage area, namely the potential impact of the fill on the adjacent drainage corridor, and the possibility of the fill to displace floodwaters in the locality. The Authority considers that the proposal fails to demonstrate that the filling of the land will not adversely affect adjacent land or waters, specifically the drainage line contained on the subject site.

**ACTION:**

Notice of Refusal

**ITEM 3  
PA2014/0795  
APPLICANT**

**SUBDIVISION TO CREATE 42 LOTS  
SECTION 5186 (105) TRIPPE ROAD, HUNDRED OF STRANGWAYS  
PLANIT CONSULTING PTY LTD**

Ms Julie Giguere (Planit Consulting Pty Ltd) attended.

Submitter Mr Gerry Wood MLA attended.

**RESOLVED  
10/15**

That, pursuant to section 53(b) of the *Planning Act*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Section 5186 (105) Trippe Road, Hundred of Strangways, for the purpose of a subdivision to create 35 lots in 4 stages, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation 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. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) The consolidation of lots 35-42 to create 1 lot; and
  - (b) 30m wide road reserves for all new roads.
2. Prior to the endorsement of plans and prior to the commencement of works, a Concept Stormwater Management Plan demonstrating the onsite 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. The plan shall include details of site levels and Council's stormwater drain connection points.
3. 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 ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning and the IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in the ESCP. Information regarding erosion and sediment control and ESCP content is available at [www.austieca.com.au](http://www.austieca.com.au) and the DLRM website: <http://lrm.nt.gov.au/soil/management>.

**GENERAL CONDITIONS**

4. The works carried out under this permit are to be in accordance with the drawings endorsed as forming part of this permit.
5. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.

6. Any developments on or adjacent to any easements on site shall be carried out to the satisfaction 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 on the plan of subdivision submitted for approval by the Surveyor General.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. All proposed work affecting the Trippe Road and On Road road reserves is to be designed, supervised and certified on completion by a practicing and registered Civil Engineer in accordance with the standards and specifications of the Litchfield Council to the satisfaction of the consent authority. Drawings must be submitted to the Litchfield Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve" from Council.
10. All proposed work the Arnhem Highway road reserve is to be designed, supervised and certified on completion by a practicing and registered Civil Engineer in accordance with the standards and specifications of the Department of Transport to the satisfaction of the consent authority. Drawings must be submitted to the Department of Transport (Transport Infrastructure Planning Division) for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve" from the Department of Infrastructure.
11. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/cycle corridors and streetscaping are to be to the technical requirements of Litchfield Council and/or the Department of Transport as the case may be, to the satisfaction of the consent authority and all approved works constructed at the owners expense.
12. Where unfenced, the Arnhem Highway frontage is to be appropriately fenced in accordance with the Department of Transport's standards and requirements to the satisfaction of the consent authority.
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 Northern Territory or local government authority.
14. 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 Bushfires NT.

15. Before the issue of titles and pursuant to section 34 of the *Land Title Act*, a Caution Notice shall be lodged with the Registrar-General on the consolidated lot (35-42) a statement to the effect that: "*Large areas of this lot are subject to prolonged periods of inundation*". Evidence of lodgement on the parcel shall be provided to the satisfaction of the consent authority.
16. 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.
17. This development is subject to the Litchfield Council Developer Contribution Plan. The developer shall pay a development levy as per the plan.

#### NOTES:

1. This permit will expire if one of the following circumstances applies:
  - (a) the development is 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. 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 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.
4. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
5. 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 at <http://lrm.nt.gov.au/soil/management/factsheets>.
6. All new roads are required to be named under the *Place Names Act*. You should immediately make application to the Place Names Committee to commence the road naming process. Contact the Place Names Unit on 8995 5333 or [placenames.dpi@nt.gov.au](mailto:placenames.dpi@nt.gov.au). Further information can be found at <http://www.placenames.nt.gov.au>.
7. The Power and Water Corporation advise that the internal electrical installation to a battle-axe lot to ensure the voltage drop would not exceed the acceptable limit is expensive to the prospective owner.



## 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 applicant has provided a preliminary Land Suitability Assessment in accordance with Clause 11.4.1 (Site Characteristics of Subdivisions of Rural and Unzoned Land) of the NT Planning Scheme. The assessment demonstrates, and the Department of Land Resource Management has confirmed, that 1ha of contiguous unconstrained land is available to each proposed lot 1-41. However, until such time as the future ownership of the constrained land can be resolved, lots 35-42 are to be consolidated into one lot to ensure that maintenance and development of the land is commensurate with its capability and suitability for rural living purposes.

The consolidated lot will contain a large area of constrained land that is unsuitable for development; however, in the event that the parcel is disposed of and developed in the future for rural living purposes, a Caution Notice is required on the title of the consolidated lot identifying that large areas of the parcel are subject to inundation. The consolidated lot will contain a minimum of 1ha of unconstrained land with access to a public road.

2. Pursuant to section 51(e) of the *Planning Act*, 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.

Four public submissions were received during the public exhibition period, generally in support of retaining the constrained land within a single allotment, but concerned as to the future of the land in regards to maintenance. Until such time as a public agency is willing to accept care and control for the constrained land, it is to be consolidated with adjoining lots and maintenance will rest with the private land owner. The Authority encourages the applicant to consult with relevant public agencies to determine the future ownership of the constrained land.

3. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into account the capability of the land to support the proposed development.

The capability of the land to support the proposed subdivision has been demonstrated through the preliminary land suitability assessment. A Caution Notice is required on the title of the consolidated lot (35-42) identifying that large areas of the parcel are subject to inundation. A condition is also included that requires the developer to employ erosion and sediment control measures throughout the construction stage of the subdivision in accordance with an endorsed Erosion and Sediment Control Plan.

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

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**These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.**

ITEM 4  
PA2014/0913  
PLANNER  
APPLICANT

**SUBDIVISION TO CREATE TWO LOTS  
SECTION 4074 (140) PRODUCE ROAD, HUNDRED OF STRANGWAYS  
ALLISON HOOPER  
EARL JAMES & ASSOCIATES**

Mr Kevin Dodd (Earl James & Associates) attended.

Submitter Mr Raymond Weston attended.

**RESOLVED  
11/15**

That, the Development Consent Authority vary the requirements of Clause 11.1.1 (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 4074 (140) Produce Road, Hundred of Strangways for the purpose of subdivision to create two (2) lots, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawing numbered 2014/0913/01, endorsed as forming part of this permit.
2. 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.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage and electricity facilities and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
5. Engineering design and specifications for the affected roads, stormwater drainage, 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. 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 Northern Territory Fire and Rescue Services.
7. This development is subject to the Litchfield Council Developer Contribution Plan. The developer shall pay a development levy as per the plan.

**NOTES:**

1. This permit will expire if one of the following circumstances applies:
  - (a) the development is 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. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve.
3. 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.
4. The developer is required to contact "Dial Before You Dig" on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
5. 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.

### 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.

With the exception of Clause 11.1.1 (Minimum Lot Sizes and Requirements), the proposed subdivision complies with all relevant provisions of the NT Planning Scheme.

The variation of Clause 11.1.1 (Minimum Lot Sizes and Requirements) is supported as:

- the land made available for road widening as part of the subdivision removes approx. 856m<sup>2</sup> of land that had been previously available for development/subdivision;
- the proposed lot sizes are consistent with recent subdivisions in the area;
- the variation requested is not a significant deviation from Planning Scheme requirements (less than 5%); and
- the land appears capable of supporting two rural living lots.

2. Pursuant to section 51(e) of the *Planning Act*, 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.

Submitters expressed concern regarding pressures being placed on water resources and electricity infrastructure as a result of the application. Service authority comments and advice on the application does not reflect these concerns and the imposition of conditions on the development permit will ensure that appropriate services are provided to each of the new lots with minimal impact on the surrounding area.

In relation to rural lifestyle, noise and traffic concerns, the proposed subdivision would result in the creation of only one additional lot in the area. The impact of a single additional lot on the amenity of the area as a whole is expected to be minimal. Future use and development of the additional lot will be restricted by the requirements of Zone RL (Rural Living) of the NT Planning Scheme.

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

**ITEM 5**  
**PA2014/0985**  
**APPLICANT**

**CLEARING OF NATIVE VEGETATION**  
**SECTION 1765 (206) NORTHSTAR ROAD, HUNDRED OF COLTON**  
**BTO PTY LTD**

Mr Ken Gardiner & Mr Damien Loller (BTO Pty Ltd)

**RESOLVED**  
**12/15**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Section 1765 (206) Northstar Road, Hundred of Colton for the purpose of clearing of native vegetation, to require the applicant to provide the following information that the Authority considers necessary in order to enable the proper consideration of the application:

- Detailed calculations as to the amount of water required for the proposed mango farm and the sustainable annual yield for the aquifer, so as to demonstrate the availability of water for the proposed use without detrimentally impacting on the domestic water supply of the surrounding residents.

**REASONS FOR THE DECISION**

1. Clause 10.3(2)(g) (Clearing of Native Vegetation – Performance Criteria) of the NT Planning Scheme requires that the applicant demonstrate that there is sufficient water for the intended use. The applicant has not clearly demonstrated that the water required for the proposed mango farm is sustainable from the groundwater supply without having a detrimental impact on the domestic water supply of local residents.

**ACTION:** Advice to Applicant

**RESOLVED**  
**13/15**

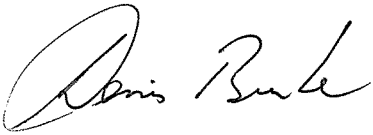
That, pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman, or in the Chairman's absence any one of the other members of the Litchfield Division the power under section 53 of the Act, to determine the application to develop Section 1765 (206) Northstar Road, Hundred of Colton for the purpose of clearing of native vegetation subject to:

- Detailed calculations as to the amount of water required for the proposed mango farm and the sustainable annual yield for the aquifer, so as to demonstrate the availability of water for the proposed use without detrimentally impacting on the domestic water supply of the surrounding residents.

and any conditions as determined by the delegate.

**ACTION:** Advice to Applicant

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



**DENIS BURKE**  
Chairman

28 /1/15

