



**DEVELOPMENT CONSENT AUTHORITY**

**LITCHFIELD DIVISION**

**MINUTES**

**MEETING No. 223 – FRIDAY 11 MAY 2018**

**WHITEWOOD HALL  
325 WHITEWOOD ROAD  
HOWARD SPRINGS**

**MEMBERS PRESENT:** Suzanne Philip (Chair), Bob Shewring, Doug Barden and Christine Simpson

**APOLOGIES:** Wendy Smith and Keith Aitken

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Ann- Marie Dooley, Fiona Ray and Sally Graetz (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Sharon McTaggart (Item 1 only) and Edward Li

**Meeting opened at 10.00 am and closed at 12.45 pm**



**ITEM 2**  
**PA2018/0124**  
**APPLICANT**

**EXTENSIONS TO EXISTING INTENSIVE ANIMAL HUSBANDRY  
(AQUACULTURE) INCLUDING EXCAVATION AND FILL  
LOT 28 (100) MAHAFFEY ROAD, HUNDRED OF BAGOT  
AQUAGREEN**

Mr David Wilson (Aquagreen) attended.

Mr Wilson tabled:

- Environment Management Plan for Aquagreen; and
- A publication from the National Centre for Engineering in Agriculture- University of Southern Queensland, Toowoomba on Controlling Evaporation Loss From Water Storages using NetPro Shade Cloth

**RESOLVED**  
**76/18**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 28 (100) Mahaffey Road, Hundred of Bagot for the purpose of extensions to existing intensive animal husbandry (aquaculture) including excavation and fill, subject to the following conditions:

**CONDITION PRECEDENT**

1. 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's 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 point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system or an alternate approved connection.

**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. Appropriate erosion and sediment control measures should be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the Consent Authority. Information can be obtained from the IECA Best Practice Erosion and Sediment Control Guidelines 2008 available at [www.austieca.com.au](http://www.austieca.com.au) and the NTG website <https://nt.gov.au/environment/soil-land-vegetation>.
4. Dust control measures must be employed throughout the construction stage of the development to the requirements of the NT EPA, to the satisfaction of the consent authority.
5. 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.
6. 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) remove disused vehicle and/ or pedestrian crossovers;
  - (b) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;
- all to the technical requirements of and at no cost to the Litchfield Council, to the satisfaction of the consent authority.
- 7. 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.
  - 8. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
    - a) transport of materials, goods or commodities to or from the land
    - b) appearance of any building, works or materials
    - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
    - d) presence of vermin

**NOTES:**

- 1. 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.
- 2. The Northern Territory Environment and Protection Authority has advised that the proponent must comply with their General Environment Duty provided by section 12 of the *Waste Management and Pollution Control Act*.
- 3. A groundwater extraction licence may be required under the *Water Act* for any bore used for purposes other than rural stock and domestic water supply. For advice on water extraction licences please contact the Water Licensing and Regulation Branch of the Department of Environment and Natural Resources.
- 4. 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.

**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 application proposes an extension of the existing aquarium plant nursery to include five new 12m x 12m (144m<sup>2</sup>) ponds for aquaculture to produce small quantities of fish for ornamental purposes.

The applicant is considered to have adequately addressed the requirements of the NT Planning Scheme including requirements that relate to excavation and construction of the ponds and ongoing animal related activities.

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.

The proponent has demonstrated that there is adequate available and suitable land for the development and that through appropriate management of the facility, as outlined in the application, that no adverse impact on the physical characteristics of the land are likely.

3. Pursuant to section 51 (m) of the *Planning Act*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose

In acknowledgement of the clarification provided by Litchfield Council and the applicant's willingness to undertake the works required, a condition is included in the standard conditions of consent that requires the driveway be upgraded to Council's standards.

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.

The proponent has outlined measures for protecting the existing and future amenity of the area which include provision of 20m setbacks between the outermost ponds and property boundaries, inclusion of plants and animal species to protect water quality, control mosquito and algae and minimise offensive odours. As a result, the Authority considers that the development is unlikely to have a detrimental impact on the amenity of the area or natural environment.

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

**ITEM 3  
PA2018/0133  
APPLICANT**

**SHED ADDITION WITH A REDUCED SIDE SETBACK  
SECTION 3222 (9) PHOEBE COURT, HUNDRED OF BAGOT  
PROJECT BUILDING CERTIFIERS PTY LTD**

Mr Tom Williamson (Project Building Certifiers) attended and tabled an email from the neighbour submitters and a site plan.

Submitter Litchfield Council represented by Edward Li attended.

**RESOLVED  
77/18**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 3222 (9) Phoebe Court, Hundred of Bagot for the purpose of a shed addition with a reduced side setback, subject to the following conditions:

**CONDITION PRECEDENT**

1. 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's storm water drainage system shall be submitted to and approved by Litchfield Council, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system or an alternate approved connection.

**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. 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.
4. 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.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply and electricity facilities to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.

**NOTES:**

1. 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.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (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.

## 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 Northern Territory Planning Scheme applies to Section 3222 (9) Phoebe Court, Hundred of Bagot. Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) requires a setback of 10m from all property boundaries. The application is for a shed addition with a setback of 1.5m from the eastern side boundary.

While the setback is a considerable departure from the minimum setback required under the NT Planning Scheme, continuation of the existing setback for the extension provides a more visually consistent building line as viewed from within the site and neighbouring property. In addition, the Authority considers that the slight irregularity of the block and letter of support from the affected adjoining neighbour further supports the suitability of the reduced setback in this case.

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.

One public submission was received under Section 49 of the *Planning Act*. The submission did not object but requested that in consenting to the proposal, that the authority consider stipulating an alternative colour finish to the wall adjacent the boundary.

The authority notes that the applicant tabled a further submission from the adjoining landowner confirming there is no objection to the existing shed as built.

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.

The shed addition is existing. The land is considered generally capable of accommodating the shed. No visible land constraints were observed during an inspection of the site.

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.

Having considered the letter of support from the neighbouring land owner and information contained within the application and assessment report, the Authority expects no negative impact on the existing and future amenity of the area as a result of the shed addition.

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



**ITEM 4 WITHDRAWN**

**ITEM 5 SUBDIVISION TO CREATE TWO LOTS**  
**PA2016/0651 LOT 4 (70) WELLS CREEK ROAD, HUNDRED OF STRANGWAYS**  
**APPLICANT MASTERPLAN NT**

Mr Kevin and Mrs Shelley Smith (landowners) attended.

**RESOLVED**  
**78/18**

That, the Development Consent Authority vary the requirements of Clause 11.4.1 (Site Characteristics of Subdivisions of Rural and Unzoned Land for lots greater than 1ha); Clause 11.4.2 (Infrastructure in Subdivision of Rural and Unzoned Land) and Clause 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of *the Planning Act*, the Development Consent Authority consent to the application to develop Lot 4 (70) Wells Creek Road, Hundred of Strangways for the purpose of a subdivision to create two lots subject to the following conditions:

#### **CONDITIONS PRECEDENT**

1. 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's 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 point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system or an alternate approved connection.
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 erosion and sediment control planning and in accordance with the Key Principals of erosion and sediment control as specified in the IECA Best Practice Erosion and Sediment Control Guidelines 2008. The ESCP should detail methods and treatments for minimizing erosion and sediment loss from the site during the construction phase and that all disturbed soil surfaces must be satisfactorily stabilized against erosion at completion of works. Information regarding erosion and sediment control and ESCP content is available at [www.austieca.com.au](http://www.austieca.com.au) and the NTG 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 approved Erosion and Sediment Control Plan (ESCP) to the requirements of the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR).



5. 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.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage, sewerage, electricity facilities and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, 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.
8. 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 Environment and Natural Resources).
9. Before the issue of titles, 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.
10. Before 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 parent parcel to include the following advice on all proposed lots indicated on the endorsed drawings. The Caution Notice is to state that: "Access to this allotment may be subject to periods of waterlogging and short periods of inundation during an average recurrence interval (ARI) 100 year flood event" Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

**NOTES:**

1. The Power and Water Corporation advises that the Power Network Engineering Section (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.
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 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.
4. 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 are indicative only and are not for addressing purposes.

5. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act 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.
6. 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).
7. 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.

### **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.

Clause 11.1.1 (Minimum Lot Sizes and Requirements) requires that lots in Zone RL (Rural Living) be a minimum size of 2ha with a minimum 1ha of unconstrained land. The application demonstrates compliance with the requirements of this clause.

Sub-clause (2)(b) and (3) of Clause 11.4.1 (Site Characteristics of Subdivisions of Rural and Unzoned Land for lots greater than 1ha). The sub-clauses require a Stormwater Management Plan identifies the potential impact on neighbouring land. The Stormwater Management Plan is also required to address any constraints identified in the stormwater management plan.

The Stormwater Management assessment submitted as part of the application indicated that a creek (Wells Creek) crosses the eastern portion of the site from north to south, constraining development in this area and discharges into the neighbouring allotment downstream (to the south). It also included an existing culvert assessment for the driveway access and stated that in a 1 in 100yr average recurrence interval (ARI) event peak flow would exceed the culverts capacity however the application did not propose any upgrades as part of the subdivision and indicated that the existing culvert/access is appropriate in its current form.

Litchfield Council, the controlling agent in relation to stormwater, advised that a Stormwater Management Plan illustrating the existing stormwater drainage could be considered for endorsement by Litchfield Council provided a caution notice advising future landowners of the potential access constraints associated with the allotment during an ARI 100 year flood event is included as a condition of consent. The

relevant stormwater conditions and caution notice are included as conditions of consent and the provisions outlined in sub-clause (2)(b) and (3) of Clause 11.4.1 are considered to be addressed.

Clause 11.4.2 (Infrastructure in Subdivisions of Rural and Unzoned Land) sub-clause 2 (d) requires 'where no reticulated water is available, demonstrate that an adequate supply of groundwater is available for domestic purposes'.

Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority) of the Northern Territory Planning Scheme the Authority may consent to a development that does not meet the standard set out in Part 4 and 5 of the Planning Scheme where it is satisfied that special circumstances justify the granting of consent.

The authority noted that the subdivision application was lodged in October 2016. Following public exhibition and circulation to relevant service authorities, concerns were raised by Litchfield Council in relation to stormwater drainage. As a result of this, the application was voluntarily deferred by the proponent to enable this matter to be addressed.

The Department of Environment and Natural Resources (DENR) indicated in its comments dated 12 December 2016, that the proposed subdivision overlies an aquifer that is considered to be over allocated. At that point in time, it was not communicated in DENR comments that Section 14 of *Water Act* invokes a right to access groundwater for domestic purposes, including drinking water for grazing stock on the land or irrigating a garden not exceeding 0.5 hectares. Consequently, the authority was not in a position to envisage that the creation of an additional lot would invoke a right to access the underlying groundwater resources that cannot otherwise be controlled. When determining subdivision applications at that time where an aquifer was considered to be over allocated, the authority included a caution notice advising that landowners may be responsible for providing their own domestic water supply other than groundwater. Following revised comments from DENR on 7 March 2018, the authority now understand that the creation of an additional lot will invoke a right to access groundwater as described above regardless of any conditions included on the development permit.

The authority considers that the circumstances for making a determination on this application are unique in that the proposal was deferred by the proponent in good faith to address a matter unrelated to groundwater, and in the period between the application being deferred and considered by the authority, the advice from DENR in relation to groundwater has changed. In the interests of procedural fairness, the authority considers that in this instance, given the stormwater management issues have been resolved, the outstanding issues initially raised have been addressed. The authority acknowledges that a determination to approve this application will create an additional lot that invokes a right to access the underlying groundwater resources that cannot otherwise be controlled, however in the interests of procedural fairness and natural justice, have determined it to be the correct decision in this instance.

Furthermore, the authority stresses that this determination was made on the basis of the specific facts unique to this situation, and is in no way representative of future decisions or validates other subdivision applications, current or otherwise.

Sub-clause (2)(b) of Clause 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land) states that subdivision design in relation to lot size and configuration is to ensure that each lot has a minimum of 1ha of unconstrained land and that access to that land from a public road is similarly unconstrained.

The authority noted Litchfield Council comments in relation to stormwater management and considers the inclusion of relevant stormwater conditions and caution notice appropriate to address the requirements of sub-clause (2)(b) of Clause 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land).

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.

One public submission was received under Section 49 of the *Planning Act*. The submission raises concerns in relation to the availability of unconstrained land, the length of the battle axe access and the lack of reticulated services available to support the development.

The authority notes that assessment of the application is based on comments received from relevant agencies and the proposals ability to demonstrate compliance with the relevant clauses of the NT Planning Scheme. The battle-axe access meets the requirements stipulated in the NT Planning Scheme and the matters raised by Litchfield Council are capable of being addressed through precedent and standard conditions of consent.

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.

Stormwater management conditions have been included as conditions of consent to reflect advice from Litchfield Council in relation to existing stormwater drainage on site. The requirement of a caution notice is included as a condition of consent to ensure future landowners are aware of the potential access constraints associated with the allotment during an average recurrence interval (ARI) 100 year flood event.

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.

The authority notes advice from the Department of Environment and Natural Resources indicates that further development will impact on the sustainability of the underlying groundwater resources and

acknowledges that a determination to approve this application will create an additional lot that invokes a right to access the underlying groundwater resources that cannot otherwise be controlled. However, it considers the circumstances for making a determination in this instance are unique given the proposal was deferred by the proponent to address an unrelated stormwater management issue and in the interests of procedural fairness, the authority considers the outstanding issues initially raised have been addressed.

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

**ITEM 6  
PA2018/0082  
APPLICANT**

**CLEARING OF NATIVE VEGETATION  
SECTION 3377 (241) STOW ROAD, HUNDRED OF BAGOT  
DEPARTMENT OF INFRASTRUCTURE, PLANNING AND LOGISTICS**

Ms Cassandra Wadrop (Environmental Service Officer) and Mr Darryl Brown (both DIPL) attended.

Submitter Mr Gerry Wood MLA attended.

**RESOLVED  
79/18**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop part Section 3377 (214) Stow Road, Hundred of Bagot for the purpose of clearing native vegetation, subject to the following conditions:

**CONDITION PRECEDENT**

1. 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. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system or an alternate approved connection.

**GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit. The development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
3. The clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawing as "Permitted Clearing". All remaining native vegetation is to be maintained to the satisfaction of the consent authority.
4. The permit holder must ensure that the clearing operator has a copy of the permit, including the endorsed drawing, at all times during the clearing operation.

5. 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.

#### **NOTES:**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (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.
2. 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).
3. A Works within a Road Reserve Permit - Works Associated with a Development 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.
4. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Clause 6.7 of the NT Planning Scheme.
5. The application identified the potential for the presence of soil contamination due to historical activities and illegal dumping of waste along the proposed corridor. It is noted that the applicant has committed to removal of the waste and contaminated soil from the proposed corridor. Consideration should also be made for, but not limited to the potential for asbestos, pesticides, heavy metals and hydrocarbons to be present within the proposed cycle corridor.
6. Consideration and reference should be made to the following guidelines as part of the environmental assessment and waste classification:
  - National Environment Protection (Assessment of Site Contamination) Measure, 1999
  - NT EPA, Northern Territory Contaminated Land Guideline, 2017
  - NSW EPA, Waste Classification Guidelines, Part 1: Classifying waste, 2014 and associated waste classification guidelines (<http://www.epa.nsw.gov.au/yourenvironment/waste/classifying-waste/waste-classification-guidelines>) It is recommended that guidance be sought from a suitably qualified environmental consultant regarding waste classification procedures for the proposed excavated material and subsequent validation of any stockpile areas.

#### **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.



Policy statements for the Darwin Regional Land Use Plan promote the development a connected transport network incorporating walking, cycling and public transport. The clearing of native vegetation to enable the extension of the cycle path from Howard Springs to Coolalinga facilitates the policy intent for the Darwin Region.

The clearing proposal addresses the requirements for Clearing of Native Vegetation as required by the Northern Territory Planning Scheme.

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 application.

One submitter wrote in support of the proposal on the proviso that as much vegetation as possible is retained to provide shade and enhance the aesthetics of the path. It is considered that the proposal limits clearing to the extent required to construct the cycle path. The path will be landscaped to enhance the existing and future amenity of the corridor. Consideration will also be given to reinforcing the heritage of the path as the original corridor for the Northern Australia Railway.

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 corridor is currently overgrown and impacted by weeds. Public access is limited and the heritage values of the corridor are not immediately visible. The proposed clearing will facilitate the construction of a landscaped cycle path, extending the active transport network and enhancing the existing and future amenity of the land.

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

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

**SUZANNE PHILIP**  
**Chair**

23 May 2018