



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 216 – FRIDAY 13 OCTOBER 2017

**WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

MEMBERS PRESENT: Suzanne Philip (Chair), Keith Aitken, Bob Shewring, Wendy Smith and Christine Osborn

APOLOGIES: Nil

OFFICERS PRESENT: Ayla McGavin (A/Secretary), Dawn Parkes, Roxanne Willing (Development Assessment Services), and Allison Hooper (Lands Planning)

COUNCIL REPRESENTATIVE: Edward Li

Meeting opened at 11.00 am and closed at 11.55 am

MINUTES RECORD THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 SUBDIVISION TO CREATE THREE LOTS IN TWO STAGES
(EXHIBITED AS: SUBDIVISION TO CREATE FIVE LOTS IN THREE STAGES)
PA2017/0378 PORTION 2295 (265) TAYLOR ROAD, SECTION 4229 (102) WALLABY
HOLTZE ROAD & SECTION 4231 (213) TAYLOR ROAD, HUNDRED OF
BAGOT
APPLICANT DEPARTMENT OF INFRASTRUCTURE, PLANNING AND LOGISTICS

Nigel Bancroft and Graeme Finch (Applicants) attended. Gerry Wood, Alistair Lear, Heather Lear, and Michael Hanley (Submitters) attended.

RESOLVED 129/17 That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Portion 2295 (265) Taylor Rd, Section 4229 (102) Wallaby Holtze Rd and Section 4231 (231) Taylor Rd, Hundred of Bagot for the purpose of a subdivision to create three 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 plans submitted with the application but modified to show:
 - (a) the boundary of Section 4231 (proposed Lot D) in its entirety.
2. Prior to the commencement of **Stage 2** works, an environmental assessment is to be submitted to and approved by the consent authority on the advice of DENR. The assessment must demonstrate that an environmental assessment has been undertaken of threatened species and/or species of conservation significance where these may be impacted by proposed new lot boundaries (of proposed lots D and E) and determinations made in respect to the conservation in-situ or alternative management responses for such species and modification of lot boundaries as may result within the constraint of the need to establish the Glyde Point Arterial reserve west to east through the site.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by 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. 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.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, 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.
10. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, 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.
11. All proposed works impacting on the Stuart Highway or the Glyde Point Road road reserves shall be in accordance with the standards and specifications of the Transport and Civil Services Division, DIPL and Approval under project 2015-0195.
No works are to commence prior to approval and receipt of a "Permit to Work Within NT Government Road Reserves".
12. No Lot access shall be permitted directly from the Glyde Point Road road reserve.
13. Upon completion of any works within or impacting upon the Stuart Highway or Glyde Point Road road reserves, the road reserves shall be rehabilitated to the standards and requirements of the Transport and Civil Services Division, DIPL.
14. 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.
15. Part V will not be issued until a statement is provided from a suitably qualified professional confirming that the subdivision is compliant with the *NT Building Act* and Building Code of Australia, to the satisfaction of the consent authority.
16. Soil erosion control and dust control measures must be employed throughout the construction stage of the development 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. 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.
3. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve.
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. 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.
6. The Environment Division of the Department of Environment and Natural Resources request that any future proposal to subdivide, develop or clear within 100m of areas identified as containing important populations of *T. praetermissum* or Darwin Cycad, by referred to the NTEPA for consideration under the *Environmental Assessment Act*.
7. The permit holder is advised that the proposal may have assessment implications under the Commonwealth *Environment Protection and Biodiversity Conservation Act*. The applicant is encouraged to contact the Commonwealth Department of Environment, Water, Heritage and the Arts on (02) 6274 1111.
8. The permit holder is advised that the proposal may have assessment implications under the *Waste Management and Pollution Control Act*. More information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution> The applicant is encouraged to contact the NT EPA on 08 8924 4218 or ntepa@nt.gov.au
9. 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 8936 4070 to determine if the proposed works are subject to the Act.

REASONS FOR THE DECISION

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

The proposal for the subdivision to create three lots in two stages creates lots that are consistent with the minimum lot size

requirements of Zones CP (Community Purposes), FD (Future Development) and RL (Rural Living). The proposed lot sizes will be able of accommodating future uses consistent with the purpose of the respective zones.

The proposal complies with the relevant requirements of the NT Planning Scheme including the Holtze Urban Planning Principles and Area Plan.

The proposal has been assessed against the Litchfield Subregional Land Use Plan (LSLUP) 2016 and Darwin Regional Land Use Plan (DRLUP) 2015 and will create lots that can be developed in the future consistent with the principles of both the LSLUP and the DRLUP.

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

Eleven public submissions were received in relation to the proposal and all submissions have been considered in the assessment of the application. Many comments related to the future development of the land which are matters that do not form part of the current proposal and are matters that will subsequently be addressed through future development applications. Some submissions made reference to the rezoning of the land and it is noted that no rezoning is taking place as part of this proposal.

The revised application to remove two lots is considered to alleviate some concerns regarding the natural values of the land. Appropriate conditions have been applied to the development permit to address service authority comments, including the requirement for an environmental assessment to be undertaken and submitted prior to the commencement of stage 2 works.

One submission raised concern with the fact that Section 4231 was not shown in its entirety on the plan of subdivision. An appropriate condition has been included on the development permit to correct this omission.

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 land is considered capable of supporting the proposed three lot subdivision subject to the inclusion of relevant conditions of approval to address service authority requirements relating to servicing requirements and the protection of key biodiversity values.

4. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated.

The proposed subdivision is largely administrative in nature to facilitate the continued development of the Palmerston Regional Hospital and associated health precinct. Slight boundary realignments are proposed to better accommodate the existing zoning of the land to facilitate future development. Given the administrative nature of the proposal and that no changes to zoning or built form is occurring as a result of this proposal, the amenity of the area in which the land is situated is considered to be unaffected by the proposed subdivision.

ACTION: Notice of Consent and Development Permit

ITEM 2 **CONCURRENT APPLICATION: REZONE FROM ZONE R TO ZONE RL AND A SUBDIVISION TO CREATE FOUR LOTS**
PA2017/0133 **SECTION 2865 (94) STOCKWELL ROAD, HUNDRED OF CAVENAGH**
APPLICANT **PLANIT CONSULTING**

Adam Griffiths (Owner) and Gerry Wood (Submitter) attended.

RESOLVED Pursuant to section 30P(1)(a) of the *Planning Act*, the Consent Authority make a preliminary decision that, if the Minister were to approve the amendment proposal to rezone Section 2865 (94) Stockwell Road, Hundred of Cavenagh, that it would be likely to approve the development proposal seeking consent to subdivide the land into four lots, subject to necessary and appropriate conditions.
130/17

CONDITIONS PRECEDENT

1. 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 minimising erosion and sediment loss from the site during the construction phase and that all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the NT Government website: <https://nt.gov.au/environment/soil-landvegetation>. The ESCP should be emailed for assessment to: DevelopmentAssessment.DENR@nt.gov.au.
2. Prior to the commencement of works, a pumped water sample for laboratory analysis of the groundwater (to include arsenic in the heavy metal analysis) from the subdivision area underlain by the Burrell Creek Formation aquifer system is to be collected. The sample is to be analysed by an accredited laboratory and the report to be provided to the Department of Environment and Natural Resources (DENR) to demonstrate that the groundwater is potable for human consumption to the satisfaction of the consent authority.
If the pumped water sample analyses show that arsenic levels exceed the National Health and Medical Research Council 2011 Guideline values, a Caution Notice will need to be lodged on the parent parcel as per general condition 12.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, upon the advice of the Department of Environment and Natural Resources.
5. Any development 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.
6. 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.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of sewerage, 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.
8. 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.
9. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of Lichfield Council, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
10. 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).
11. 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.
12. Subject to the results of the pumped water sample required through condition precedent 2, 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 advising that the groundwater contains levels of arsenic that exceed the National Health and Medical Research Council 2011 Guideline value and that landowners may be responsible for providing their own domestic water supply other than groundwater (e.g. Rainwater Tanks). The wording for the notice must be submitted to and approved by the consent authority. 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 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 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 Lichfield Council before commencement of any work within the road reserve.
3. Professional advice regarding the implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from 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.
5. 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.
6. 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.
7. A permit to burn is required from the Regional Fire Control Officer, Department of Environment and Natural Resources, prior to the ignition of any felled vegetation on the property. Fire prevention measures are to be implemented in accordance with the requirements of the Bushfires Act.
8. The permit holder is advised that the proposal may have assessment implications under the Commonwealth Environment Protection and Biodiversity Conservation Act, contact the Commonwealth Department of Environment, Water, Heritage and the Arts on (02) 6274 1111
9. 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).

**RESOLVED
131/17**

That under section 30Q of the *Planning Act*, the consent authority report to the Minister for Infrastructure, Planning and Logistics advising of the likely decision in relation to the development proposal, issues raised in the submissions, issues raised at the hearing and any other matters it considers the Minister should take into account when considering the amendment proposal.

ACTION:

Report to Minister

**RESOLVED
132/17**

That, pursuant to section 86(1) of the *Planning Act*, the Development Consent Authority delegates its powers to the Chair or in the absence of the Chair any member of the Authority to:

- determine pursuant to Section 30W(1)(a) to consent to the development proposal contained in the concurrent application and consent to the concurrent application after receipt of a notice under Section 30U(1) that the Minister has approved the amendment proposal contained in the application;
- issue a development permit under section 54(1) in relation to the development proposal to develop Section 2865 (94 Stockwell Road, Blackmore), Hundred of Cavenagh for the purpose of a subdivision to create four lots; and
- issue the relevant notices under Section 30Y.

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



SUZANNE PHILIP
Chair

17/10/17