



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 154 – FRIDAY 10 AUGUST 2012

**WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

MEMBERS PRESENT: Peter McQueen (Chairman), Keith Aitken, Richard Luxton, Michael Bowman and Allan McKay

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Steven Kubasiewicz and Allison Hooper (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 am and closed at 1.00 pm

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 21 LOTS**
PA2011/0841 **SECTION 3475 (500) TOWNEND ROAD, HUNDRED OF STRANGWAYS**
APPLICANT **MASTERPLAN NT PTY LTD**

DAS tabled an addendum to the report.

Mr Brad Cunnington and Ms Adelle Godfrey (Masterplan NT Pty Ltd) and Mr Laurence Ah Toy (owner) attended.

RESOLVED
203/12

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 3475 (500) Townend Road, Hundred of Strangways for the purpose of a subdivision to create twenty one (21) lots subject to the following conditions:

CONDITION 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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - Unconstrained land on each lot
 - Demonstrate that the required separation distances can be achieved between notional bores, notional on site effluent disposal systems and seepage lines within the unconstrained parcel of land.

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings 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. 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
4. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage, electricity, and telecommunication services to

each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

5. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, are to be to the technical requirements of the 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 Bushfires NT
7. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
8. This development is subject to the Litchfield Council Developer Contribution Plan.

NOTES:

1. A Permit to Work Within a Road Reserve may be required from Litchfield Council before commencement of any work within the road reserve.
2. It is recommended that the permit holder obtain an Authority Certificate to indemnify against prosecution under the Aboriginal Sacred Sites Act. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
3. The permit holder is advised that it is an offence to disturb or destroy prescribed archaeological places without consent under the Heritage Conservation Act. Should any heritage or archaeological material be discovered during the clearing operation, cease operation and please phone Heritage Conservation Services of the Department of Natural Resources, Environment, The Arts and Sport.

REASONS FOR THE DECISION

1. The consent Authority must, pursuant to section 51(a) of the *Planning Act*, take into account any planning scheme that applies to the land to which the proposed development relates.

The subdivision is generally compliant with the requirements of the NT Planning Scheme. Amended plans identifying the location of the unconstrained land and the ability to accommodate the required separation distances between bores/effluent and seepage areas demonstrates that suitable areas of unconstrained land can be provided.

The layout of the subdivision is generally compliant with the provisions of the Litchfield Planning Concepts and Land Use Objectives and will not significantly detract from the natural attributes of the locality.

2. The consent Authority must, pursuant to section 51(j) of the *Planning Act*, take into account 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 information provided by the applicant has demonstrated that the land is physically capable of accommodating the proposed development. The location of boundary lines minimise the impact on areas identified for Priority Environmental Management

3. The consent Authority must, pursuant to section 51(r) of the *Planning Act*, take into account any potential impact on natural, social, cultural or heritage values

The authority considers that the boundary lines through the Priority Environmental Management areas will not significantly impact on the ability of the land and associated vegetation to retain its natural value and interconnectivity between other natural areas in the locality.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2012/0513
APPLICANT

CONSTRUCTION WORKERS CAMP
SECTION 1864 (1235) CHANNEL ISLAND ROAD, HUNDRED OF AYERS
NEVILLE JONES SERVICES

Mr Neville Jones (Neville Jones Services), Ms Ainslee Jones (Tripang P/L) and Mr John Berryman (Group 1 Consulting) attended.

Submitter Ms Margaret Clinch (PLan) attended.

RESOLVED
204/12

That the Development Consent Authority determine 146 car parks are required in accordance with the provisions of clause 6.5.1.3 (Parking Requirements) of the NT Planning Scheme and, pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 1864, (1235) Channel Island Road, Hundred of Ayers for the purpose of a Workers Accommodation Village for 516 workers in 2 stages subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of construction (including site preparation), an Environmental Management Plan (EMP) for the construction and operation of the use to the satisfaction of the consent authority must be submitted to and approved by the consent authority upon the advice of Department of Natural Resources, Environment, the Arts and Sport (Natural Resources Management Division.) When approved, the plan will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed plan. The environmental management plan must include:

- the permit. The use must at all times be conducted in accordance with the endorsed plan. The environmental management plan must include:
- a) procedures to ensure that no significant adverse environmental impacts occur as a result of the use;
 - b) proposed monitoring systems;
 - c) identification of possible risks of operational failure and response measures to be implemented; and
 - d) day to day management requirements for the use.
2. Prior to the commencement of works (including site preparation) 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 Natural Resources, Environment, the Arts and Sport (Natural Resources Management Division) and the Department of Health and Families (Medical Entomology Unit), and an endorsed copy of the Plan will form part of this permit. The ESCP must include:
- a) details of protection measures along boundaries;
 - b) anticipated period of construction;
 - c) stormwater management and discharge on and off site;
 - d) mitigation measures for dust generation; and
 - e) measures to be implemented for the prevention of biting insects breeding sites.
- All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.
3. Prior to the commencement of works the applicant must demonstrate that the existing waste disposal arrangement on-site is of sufficient capability to accommodate additional loading and that the land is capable of supporting alternative methods of waste disposal if required, to the satisfaction of the consent authority on the advice of the Department of Health (Environmental Health) and the Department of Natural Resources, Environment, the Arts and Sport (Natural Resources Management Division).
4. Prior to the commencement of works a Traffic Management Plan (TMP) for the construction phase of the development (including the transport and delivery of the Modular Transportable Accommodation units) to the satisfaction of the consent authority must be submitted to and approved by the consent authority upon the advice of Department of Land and Planning (Road Network Division.) When approved, the plan will be endorsed and will then form part of the permit.
5. Prior to the commencement of works a Biting Insect Management Plan (BIMP) for the operational phase of the development, to the satisfaction of the consent authority must be submitted to and approved by the consent authority upon the advice of Department of Health (Medical Entomology Branch). When approved, the plan will be endorsed and will then form part of the permit.
6. Prior to the commencement of works a landscaping plan 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 be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show;

- a) details with regards to plant species, quantities, pot sizes and size at maturity;
- b) provision of a landscaped buffer that softens the visual impact of the built form and car park areas when viewed from Channel Island Road;
- c) existing vegetation to be retained and removed;
- d) details of surface finishes of pathways, open areas and driveways; and
- e) details of irrigation measures.

GENERAL CONDITIONS

- 7. Works carried out under this permit shall be in accordance with the drawings numbered 2010/1351/1 and 2010/1351/2.
- 8. The development must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.
- 9. Any developments on or adjacent to any easements on site shall be carried out to the requirements and satisfaction of the relevant service authority.
- 10. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained to the satisfaction of the consent authority.
- 11. All waste material must be regularly removed to an approved facility. 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.
- 12. All areas set aside for landscaping on the endorsed plan shall be planted and continuously maintained to the satisfaction of the consent authority.
- 13. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) constructed;
 - b) properly formed to such levels that they can be used in
 - c) accordance with the plans;
 - d) surfaced with an all-weather-seal coat;
 - e) drained;
 - f) line marked to indicate each car space and all access lanes; and clearly marked to show the direction of traffic along access lanes and driveways; to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
- 14. No entry/no exit signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.
- 15. Access to the site shall only be at the nominated crossing shown on the endorsed plan. The crossing and road pavement works are to be constructed to the requirements of Department of Lands and Planning to the satisfaction of the consent authority.

16. Engineering design and specifications for the proposed and affected roads, street lighting, fencing and vehicular access, are to be to the technical requirements of the Department of Lands and Planning, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
17. All proposed works within, or impacting upon, Channel Island Road are to be designed, supervised and certified on completion by a practising and registered Civil Engineer in accordance with the standards and specifications of the Department of Lands and Planning, to the satisfaction of the consent authority.
18. An approved effluent disposal system must be installed to the requirements of the Department of Health and Families and the Department of Natural Resources, Environment, the Arts and Sport (to the satisfaction of the consent authority).
19. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into any watercourse.
20. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, electricity and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
21. Before the use commences 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.
22. The use of the land for the purpose of a Workers Accommodation Village must cease five (5) years from the date of commencement of use.

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. 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 phone (08) 8999 4567.
3. The permit holder is advised to prepare a Conservation Management Plan in consultation with the Heritage Conservation Services of the Department of Natural Resources, Environment, The Arts and Sport to ensure that due caution is taken to protect the values of the subject and adjoining sites.

4. A Land Capability Assessment (LCA) will be required to be submitted and approved by the Department of Health for any proposals to utilise treated wastewater for irrigation purposes.
5. Any upgrades to the existing wastewater treatment plant with a harbour discharge will require a waste water discharge license, issued from the Department of Natural Resources, Environment, the Arts and Sport.

REASONS FOR 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.

A total of 146 car parks determined through the provisions of clause 6.5.1.3 (Parking Requirements) of the NT Planning Scheme are considered to be sufficient as:

- Using parking provisions for hostel as guidance, which requires 1 parking space for every 5 persons; plus 1 for every staff member; plus 1, the proposal would require 140 parking bays where 146 are being proposed. This would leave 6 parking spaces for maintenance personnel and visitors to the site;
- The application proposes that, for the workers accommodation facility, the majority of workers will be transported to and from the site by a bus. A shuttle bus station is located within the Immigration Facility car parking area, which is considered suitable for accommodating bus movements.

For the above reasons, the purpose of the clause 6.5.1 (Parking Requirements) is considered to be satisfied and the provision of 146 parking spaces is supported.

2. Pursuant to Section 51 (h) of the *Planning Act* the consent authority must consider the merits of the proposed development as demonstrated in the application.

The application demonstrates that there is a demand for dedicated workers accommodation in close proximity to major construction projects and the provision of such facilities will assist the development of strategic industries.

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

Provided that visual impact of the development is minimised through the retention of existing vegetation and through the provision of landscaping and provided that all the potential environmental impacts are suitably addressed the proposed accommodation facility is unlikely to adversely impact on the amenity of the locality.

The proximity of the site to biting insects breeding areas leads to some concern that midges and other biting insects will impact on the future residential amenity of the site's occupants. Appropriate conditions are included in the recommendation below to attempt to minimise this potentially severe impact on the amenity of rural areas.

4. Pursuant to Section 51 (j) of the *Planning Act* the consent authority must consider 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.

Provision of a condition requiring confirmation that the existing on-site package treatment plant on-site is of sufficient capacity to accommodate increased loads prior to the commencement of the use will ensure that the land is capable of accommodating further development.

5. The duration of the permit is limited to five (5) years to allow for redevelopment of the site in the future for uses consistent with the purpose of the zone and locality.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2012/0124
APPLICANT

SUBDIVISION TO CREATE 4 LOTS
SECTION 4775 (20) ROGERS ROAD, HUNDRED OF BAGOT
THE SUNNERS FAMILY TRUST NO 2

Mr Neil Sunners (The Sunners Family Trust No 2) attended and tabled five plans showing the easement layout and correspondence from Minter Ellison on the proposed sewerage easements.

Submitter Mr Patrick Gray sent his apologies.

RESOLVED
205/12

That pursuant to Section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 4775 (20) Rogers Road, Hundred of Bagot for the purpose of a subdivision to create four lots subject to the following conditions.

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) Easements to have a minimum width of 3 meters

2. Prior to the commencement of works (including site preparation), details on the proposed waste water treatment and disposal system is to be submitted to and approved by the consent authority on the advice of the Department of Health. When approved, the plans and any associated report will be endorsed and will then form part of the permit. The report must address the details requested by the Department of Health in correspondence dated 9 July 2012 (ref DF2012/86) to Development Assessment Services and the plans must be generally in accordance with the requirements for plans in condition 1. This includes the requirement for a land capability assessment and endorsement of all plans and drawings by a hydraulic engineer.

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. Before the issue of titles, fire access trails are to be installed on the advice of the Bushfires Council of the NT, to the satisfaction of the consent authority.
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 on the plan of subdivision submitted for approval by the Surveyor General.
6. 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.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity, effluent treatment and storage systems and water services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation.
8. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority
9. Engineering design, calculations and specifications for the proposed and affected roads, stormwater drainage and vehicular accesses are to be submitted for technical approval to Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
10. This development is subject to the Litchfield Council Developer Contribution Plan.
11. 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 proposed lots as indicated on the endorsed drawings. The Caution Notice is to state that: "*The installation of site-specific design-approved effluent treatment will be required. Consent is required from both the Department of Health and the Power and Water Corporation for the*

installation of any effluent treatment infrastructure". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

12. Before issue of titles and pursuant to section 55 of the *Planning Act* and division 5 of the Land Titles Act, a restrictive covenant shall be lodged with the Registrar-General for notation on the titles of all lots shown on the endorsed drawings. The restrictive covenant shall state that:
 - Bores and wells are prohibited
 - The keeping of domestic livestock (such as horses and other equine and bovine animals, pigs and camels) is prohibited.
 - Any effluent disposal system requires the approval of the Department of Health.
 - The owner of each lot is responsible for the maintenance and operation of each lots effluent treatment and disposal system to the requirements of the Department of Health.

NOTES:

1. This development must conform to the criteria outlined in "*Guidelines for Preventing Biting Insect Problems for New Rural Residential Developments or Subdivision in the Top End of the Northern Territory*". The permit holder is to liaise with the Senior Medical Entomologist, Department of Health and Community Services regarding advice on potential impact of biting insects to the development and appropriate measures to minimise the potential for creating mosquito breeding sites.
2. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property.
3. It is an offence to interfere with or cause damage to sacred sites identified in accordance with the *Aboriginal Sacred Sites (NT) Act* and as such the developer should obtain an 'Authority Certificate' from the Aboriginal Areas Protection Authority prior to the commencement of any works.
4. 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 Natural Resources Management Division, Department of Natural Resources, Environment, the Arts and Sport.
5. A "Permit to Work Within a Road Reserve" may be required from the Litchfield Council before commencement of any work within a road reserve.

REASONS FOR THE DECISION

1. The consent Authority must, pursuant to section 51(a) of the *Planning Act*, take into account any planning scheme that applies to the land to which the proposed development relates.

A variation to the minimum lot size provisions is supported as there is only a marginal short fall in the lot size and the development proposes to provide additional infrastructure in the form of connecting to the

reticulated water system and providing site specific effluent storage and treatment infrastructure.

2. The consent Authority must, pursuant to section 51(m) of the *Planning Act*, take into account 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.

The land is in close proximity to a production bore. The Power and Water Corporation have established a buffer zone around the production bore to protect the water supply. The Department of Health has indicated that they have no objection to the proposed methods of waste water treatment on the land, subject to certain requirements that are reflected in the conditions. The Power and Water Corporation have indicated that they have no objection to the proposal provided that the Department of Health are satisfied.

3. The consent Authority must, pursuant to section 51 (p) of the *Planning Act* take into account the public interest.

It is in the public interest to ensure that the proposed development and the associated waste water treatment systems do not pollute the public water supply. Both the Department of Health and the Power and Water Corporation have indicated that provided such systems are installed that they have no objections to the proposal.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2011/0561
APPLICANT

SUBDIVISION TO CREATE 14 LOTS
SECTION 148 (195) NORTHSTAR ROAD, HUNDRED OF COLTON
RON DAY

Mr Paul James (OPUS) & Mr Ron Day (owner) attended and tabled a lot layout plan and a potential bore location plan.

RESOLVED
206/12

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 148 (195) Northstar Road, Hundred of Colton, for the purpose of a subdivision to create 8 lots, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- (a) consolidation of lots 4 – 11 and realignment of other lot boundaries as required, including appropriate buffers to the seepage zone of Guys Creek and Pass Creek;
 - (b) notional bore and septic locations on all lots as amended;
 - (c) reopening of the public road along the southern boundary of lot 148 Hundred of Colton; and
 - (d) all areas of constrained and unconstrained land clearly identified.
2. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater infrastructure, stormwater drains and drainage easements, is to be submitted to and approved by the consent Authority on the advice of the Department of Natural Resources, Environment, Arts and Sports (Natural Resources Management Division), and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent Authority.

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. Before the issue of titles, fire access trails along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from Bushfires NT
5. All existing and proposed easements and sites for existing and required utility services, including roads, 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.
6. 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.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation.
8. 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: "*A non-standard on-site effluent disposal system may be required on this allotment*". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.
9. All proposed works impacting on Northstar Road 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 the (Litchfield Council). 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".

10. Engineering design, calculations and specifications for the proposed and affected roads, stormwater drainage, street lighting and vehicular accesses are to be submitted for technical approval to Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
11. This development is subject to the Litchfield Council Developer Contribution Plan. The developer shall pay a development levy as per locality 12A of this plan for the additional lot created, to the Litchfield Council.

NOTES:

1. 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 Natural Resources, Environment, The Arts and Sport.
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.
3. Telstra should be contacted prior to the commencement of works at <http://www.telstrasmartcommunity.com> to facilitate the installation of the Telstra Network.
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. The installation of septic systems is to be in accordance with the requirements of the *Building Act* and 'NT Code of Practice for Small On-Site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent'.
6. The subdivision should conform to applicable sections of the Medical Entomology (Department of Health) guideline 'Guidelines for preventing biting insect problems for new rural residential developments or subdivisions in the Top End of the NT'.
7. A permit to burn is required from the Regional Fire Control Officer, Department of Natural Resources, Environment, the Arts and Sport, 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 it is an offence to disturb or destroy prescribed archaeological places without consent under the Heritage Conservation Act. Should any heritage or archaeological material be discovered during the clearing operation, cease operation and please phone Heritage Conservation Services of the Department of Natural Resources, Environment, The Arts and Sport.

REASONS FOR THE DECISION

1. The consent Authority must, pursuant to section 51(a) of the *Planning Act*, take into account any planning scheme that applies to the land to which the proposed development relates.

The application does not comply in part with numerous sub-clauses of the NT Planning Scheme, including:

- Clause 11.1.1 Minimum Lot Sizes and Requirements;
- Clause 11.4.1 Site Characteristics of Subdivisions of Rural and Unzoned Land;
- Clause 11.4.2 Infrastructure in Rural Subdivisions; and
- Clause 11.4.3 Lot Size and Configuration in Subdivision of Rural and Unzoned Land.

The purpose of these clauses collectively is to ensure that subdivisions of rural and unzoned land respond to the physical characteristics of the land, including the appropriate provision of infrastructure and adequate lot sizes that are consistent with the topographical constraints of the land. The eastern half of the subject land is constrained by the presence of creeks and associated riparian areas that are within a PEM area, and areas of significant slope across lots 4 through to 11. These constraints represent the majority of the non-compliance issues with the NT Planning Scheme. Altering the application to a subdivision to create 8 lots, including the consolidation of lots 4-11, will retain the constrained land within one lot and allow it to comply with the requirements of the Scheme. Lots 1-3 and 12-15 generally comply with the provisions of the Scheme.

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

One public submission was received from Margaret Clinch on behalf of PLan. By altering the application for a subdivision to create 8 lots, including the consolidation of lots 4-11, the environmental constraints, including the natural drainage lines, will be included within one lot.

3. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into account 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 subject land contains a number of constraints, including creeks and associated riparian areas that are within a PEM area, and areas of significant slope across lots 4 through to 11. The applicant has not satisfactorily demonstrated that all proposed lots are capable of supporting the proposed rural living use, in terms of providing sufficient land that is able to support the required infrastructure. An alter and approve determination allows those lots that are capable of development to be subdivided, whilst consolidating those lots that are severely constrained and where land capability has not been adequately demonstrated.

ACTION: Notice of Consent and Development Permit

**ITEM 5
PA2009/1671**

TO INCLUDE DRAINAGE EASEMENTS ON LOTS 14, 18, & 26 AND TO REALIGN THE BOUNDARY OF LOT 26 SECTIONS 4740, 3124, 3126, 3127 & 3128 (72, 71, 77, 76 & 74) HONEYSUCKLE ROAD, SECTION 5224 (35) OAKLEY ROAD & SECTIONS 3112 & 3115 (329 & 326) BEDDINGTON ROAD, HUNDRED OF STRANGWAYS

APPLICANT

AUSTRALIA NEW ZEALAND RESOURCES CORPORATION PTY LTD

Mr Graham Chrisp (Australia New Zealand Resources Corporation Pty Ltd) attended.

**RESOLVED
207/12**

That, pursuant to Section 57(3)(a) of the *Planning Act*, the Authority consent to the application to vary Development Permit number DP10/0358 for the purpose of varying condition 2 for the endorsement of a revised staging plan to allow boundaries to incorporate relevant drainage and development works in accordance with drawing numbers 2009/1671/04 through to 2009/1671/07 inclusive.

REASON FOR THE DECISION

The proposed variation does not change the amount of unconstrained land on the affected lots and access to the affected lots from the proposed new road also remains unconstrained.

ACTION: Variation to Development Permit

**ITEM 6
PA2011/0233**

SUBDIVISION TO CREATE 93 LOTS SECTION 6012 (269) HICKS ROAD, SECTIONS 3926, 5020, 5021, 5022 & 5040 (365, 435, 303A, 303B & 307B) GIRRAWEE ROAD & LOTS 18, 19, 20, 21 & 22, HUNDRED OF BAGOT

APPLICANT

EARL JAMES AND ASSOCIATES

Mr Kevin Dodd (Earl James & Associates) attended.

**RESOLVED
208/12**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Sections 6012, 3926, 5020-5022, 5040 and Lots 18-22 (LTO 77010), Hicks & Girraween Roads, Hundred of Bagot, for the purpose of a subdivision to create 85 lots, in five 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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) a staging plan for all lots that are a part of the subdivision.
2. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater infrastructure, stormwater drains and drainage easements, is to be submitted to and approved by the consent authority on the advice of the Department of Natural Resources, Environment and the Arts (Natural Resources Management Division); and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.
3. Prior to the commencement of works, a Property Fire Management Plan is to be prepared and approved by the Northern Territory Fire and Rescue Service, to the satisfaction of the consent authority.
4. Prior to the commencement of works, a Land Capability Assessment (LCA) for Lots 56 and 75 which is to the satisfaction of the consent authority must be submitted to and approved by the consent authority upon the advice of the Department of Health. When approved, the LCA will be endorsed and will then form part of the permit. The LCA must include:
 - (a) Land Capability Assessment;
 - (b) Detailed wastewater system design;
 - (c) Detailed lot configuration with application areas; and
 - (d) Cumulative risk assessment and/or pollutant modelling.

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. 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. 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 owner of the land must enter into agreements with the relevant authorities for the provision of electricity, bus stops, water supply and telecommunication

services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

9. Engineering design and specifications for the proposed and affected roads, stormwater drainage, street lighting and 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.
10. 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.
11. Before the issue of titles, firebreaks in accordance with the endorsed Property Fire Management Plan shall be provided to the satisfaction of the consent authority on advice from the Northern Territory Fire and Rescue Services.
12. Before issue of titles and pursuant to section 55 of the *Planning Act* and division 5 of the *Land Titles Act*, a restrictive covenant shall be lodged with the Registrar-General for notation on the titles of all lots shown on the endorsed drawings. The restrictive covenant shall state that: "*a non-standard septic system is required on this allotment*". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.
13. Before issue of titles and pursuant to section 55 of the *Planning Act* and division 5 of the *Land Titles Act*, a restrictive covenant shall be lodged with the Registrar-General for notation on the titles of all lots affected by the Power and Water corporation's buffer areas around production bore RN6310. The nature of the covenant is to be submitted to and endorsed by the consent authority on the advice of the Power and Water Corporation.
14. This development is subject to the Litchfield Council Developer Contribution Plan. The developer shall pay a development levy as per locality 13A of this plan for the additional lot created, to the Litchfield Council.
15. Before the issue of titles, the developer is to prepare a management plan for the long term use of Girraween Lagoon, 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. The installation of septic systems is to be in accordance with the requirements of the *Building Act* and 'NT Code of Practice for Small On-Site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent'.

3. 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 Natural Resources, Environment, The Arts and Sport.
4. A permit to burn is required from the Regional Fire Control Officer, Department of Natural Resources, Environment, the Arts and Sport, 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.
5. The permit holder is advised that it is an offence to disturb or destroy prescribed archaeological places without consent under the Heritage Conservation Act. Should any heritage or archaeological material be discovered during the clearing operation, cease operation and please phone Heritage Conservation Services of the Department of Natural Resources, Environment, The Arts and Sport.
6. The applicant is advised that a permit to divert stormwater away from the lagoon may be required pursuant to the *Water Act*.

REASONS FOR THE DECISION

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

The proposal is generally consistent with the NT Planning Scheme and the Litchfield Planning Concepts and Land Use Objective 3.1 (Residential) which provides for residential development that retains the amenity and lifestyle of existing rural areas. It is also consistent with Objective 3.6 (Environmental Management), to protect the natural attributes of Litchfield Shire as important contributors to the amenity of the area.

2. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into account any submissions made under section 49 in relation to the development application

Standard conditions have been included in the development permit, such as the requirement for an Erosion and Sediment Control Plan, which will protect the natural integrity of Girraween Lagoon. Specific conditions have also been included in relation to the effluent disposal that seeks to protect the integrity of the Lagoon.

3. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into account 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 proposed lots provide a minimum of 1ha of unconstrained land and are capable of supporting the proposed subdivision. Ground truthing has been undertaken to determine the capability of individual lots identified by the Department of Health and the Department of Natural Resources, Environment, The Arts and Sport. A Land Capability Assessment for lots 56 and 75 is required to satisfy the requirements of the Department of Health.

4. Pursuant to section 51(m) of the Planning Act, the consent authority must take into account 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.

The use of covenants on the title will ensure that future land owners will be advised of the restrictions that apply to developing the land with regard to effluent disposal/treatment and storage.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

15/8/12