

DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 145 – FRIDAY 11 NOVEMBER 2011

**WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

MEMBERS PRESENT: Peter McQueen (Chairman, Richard Luxton and Mary Walshe

APOLOGIES: Keith Aitken, Michael Bowman and Lissa Herrmann

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

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.45 am and closed at 10.30 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 **EXCAVATION AND FILL**
PA2011/0691 **LOT 13 (111) FINN ROAD, HUNDRED OF AYERS**
APPLICANT **DANIEL CLEE**

Ms Ailsa Robertson (Sinclair Knight Merz) attended on behalf of the applicant.

RESOLVED
166/11

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 13 LTO 76018 (111) Finn Road, Hundred of Ayers, for the purpose of excavation and fill, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to the 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) the design of the dam, bund and spillway; and
 - (b) all works referred to in (a) are to be designed by a suitably qualified engineer.

GENERAL CONDITIONS

2. All works undertaken in relation to Condition 1 are to be certified by a suitably qualified engineer.
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 document titled "111 Finn Road Berry Springs NT – Dam Construction and Maintenance – Environmental Management Plan (27 September 2011)" endorsed as forming part of this permit.
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.
6. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the Litchfield Council drains or to any watercourse.

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.

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. For advice on the prevention of mosquito breeding sites please refer to the Department of Health's *Guidelines for Preventing Mosquito Breeding Sites Associated with Aquaculture Developments in the Northern Territory*.
3. A permit under the *NT Water Act* may be required for the construction of earthworks in a waterway or in a way that affects flow.
4. All necessary permits for the removal of materials off the site should be obtained from the relevant authority.

REASONS FOR THE DECISION

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

The application is consistent with the relevant objectives of the *Litchfield Planning Concepts and Land Use Objectives 2002* that seek to maintain and enhance the amenity for residents and minimise the impact of development on the environment. The development is consistent with the requirements of Clause 6.16 (Excavation and Fill) of the NT Planning Scheme, and the requirement to undertake ongoing soil erosion control methods will minimise the potential impact of any erosion.

The inclusion of the Condition Precedent requiring amended plans certified by a suitably qualified engineer will ensure that the spillway will appropriately disperse water and minimise erosion.

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

The proposed excavation and fill will not impact significantly on the existing water flows in the locality and will contribute to the amenity enjoyed by the occupants of the existing dwelling on the site.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2011/0081

SUBDIVISION TO CREATE 92 LOTS
SECTIONS 2934 VIRGINIA, 3996 (220) BROOKING CIRCUIT, 4018 (240)
MORGAN ROAD & 4534 (34) DOWLING ROAD AND LOTS 1, 2, 10, 11, 12, 13,
14 & 15 (610, 630, 640E, 640D, 640C, 640B, 640A & 660) LOWTHER ROAD,
HUNDRED OF STRANGWAYS

APPLICANT
J DEVRIES CONSULTING CIVIL ENGINEER

Mr Jack De vries and Mr Frank Morandini attended.

Submitter – Ms Stacey Sephton and her father-in-law attended.

RESOLVED
167/11

That, pursuant to section 53(b) of the *Planning Act*, the Development Consent Authority alter the proposed development and consent the proposed development as altered to subdivide Lots 1-2 and 10-15, and Sections 2934, 3996, 4018 and 4018, Hundred of Strangways to create sixty-seven (67) lots, subject to the following precedent and general 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. amalgamation of lots 33, 34, 35 and 36 into one lot and amalgamation of lots 66 and 67 into one lot;
 - b. staging; and
 - c. dimensions of individual lots
 - d. all affected lands showing all lots on one plan
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.
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 Services, to the satisfaction of the consent authority.

GENERAL CONDITIONS

4. Works are to be carried out in accordance with plans endorsed as part of this permit.

5. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity, telecommunication and water services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation.
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. Engineering design, calculations and specifications for the proposed and affected roads, stormwater drainage, street lighting and vehicular access are to be submitted for technical approval by the Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
9. All stormwater drainage and associated infrastructure is to be designed and constructed so that it does not result in the upstream ponding of water.
10. A traffic management plan is to be developed and approved on the advice of Litchfield Council to the satisfaction of the consent authority.
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 all lot titles to include the following advice: "A non-standard septic system may be required on this allotment". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.
12. 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.
13. This development is subject to the Litchfield Council Developer Contribution Plan. The developer shall pay a development levy as per locality 14 of this plan for the additional lot created, to the Litchfield Council

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.

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 application relates.

Altering the proposal to reduce the number of allotments to 67 will facilitate the provision of adequate areas of unconstrained land for each lot in accordance with Clause 11.1.1 (Minimum Lot Sizes and Requirements) of the NTPS. In its altered form the subdivision is generally compliant with the requirement of the NTPS.

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 development contains areas of land constrained by poorly drained soils, seepage lines, soils subject to seasonal inundation and excessive slopes. The Department of Natural Resources, Environment, the Arts and Sports (NRETAS) advises poorly drained soils are more extensive than identified in the application. Altering the proposal will result in a reduction in the number of lots and the impact on constrained areas. Concerns of the Department of Health regarding land constraints and the suitability of the land for standard effluent disposal systems has been addressed by the requirement of a Caution notice to be registered on all new titles.

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

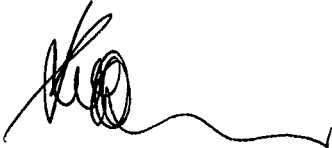
Brookings and Wells Creeks and associated drainage areas have been zoned CN and identified for Priority Environmental Management. Drainage areas associated with these creeks are located on subject sites. A reduction in the number of allotments and subsequent boundary lines reduces the potential impact on the integrity of the identified natural values.

4. The consent Authority must, pursuant to Section 51(p) of the Planning Act, take into the public interest.

The altered proposal will meet the requirements of the Department of Health with regard to lot sizes and the location of Midge lines.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

11/11/11

