



DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 95 – WEDNESDAY 1 SEPTEMBER 2010

MEMBERS PRESENT Peter McQueen (Chairman), Anne Shepherd, Jodie Locke and Barry Densley

APOLOGIES: Ian Palmer

OFFICERS PRESENT: Steven Kubasiewicz and Maree Domelow (Development Assessment Services)

COUNCIL REPRESENTATIVE: Geoff Brooks

Meeting opened at 10:30am and closed at 12:00am

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

ITEM 1 **SUBDIVISION TO CREATE FIVE LOTS**
PA2010/0293 **NT PORTION 2518 & 2519 (1305 & 1365) GORGE ROAD, LANSDOWNE**
APPLICANT **TERRITORY DEVELOPMENT CONSULTANTS**

Ms Nanette Helder (Territory Development Consultants) and Ms Penny Tilley (landowner) attended.

Ms Helder tabled 5 photographs taken on the site and three plans of the site.

RESOLVED
59/10

That pursuant to Section 53(b) of the *Planning Act* the Development Consent Authority alters the application and consents to the application as altered to develop NT Portions 2518 and 2519 (1305 & 1365) Gorge Road, Lansdowne for the purpose of subdivision to create three (3) lots.

CONDITION PRECEDENT

- 1 Before work commences (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 and numbered drawing No: 05224-2-A but modified to show:
 - (a) the consolidation of Lots E and F into one lot.
- 2 Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, 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.

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 Engineering design and specifications for the proposed and affected roads, stormwater drainage, and vehicular access, are to be to the technical requirements of the Katherine Council or the Department of Lands and Planning to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

- 5 The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, electricity and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
- 6 Before the issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Bushfires Council of the Northern Territory / Northern Territory Fire and Rescue Services.
7. 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 at no cost to Power and Water. The restrictive covenant shall state that: "*Development activity on this lot is restricted to protect the integrity of the Katherine public water supply. Development shall be in accordance with the Water Management Zoning (Zone WM) under NT Planning Scheme with the exception of the following land uses and activities that require Power and Waters written consent:- Land clearing, storage or use of pesticides, herbicides or fuels, effluent storage and disposal systems, bores and wells; and any development activity not listed in the zoning table . For further information contact Power and Water on 1800 245 091, or visit www.powerwater.com.au .*"
- 7 This development is subject to the Katherine Town Council Developer Contribution Plan. The developer shall pay to the Katherine Town Council a development levy in accordance with the Plan prior to the issue of titles.

NOTES:

- 1 This permit will expire if one of the following circumstances applies:
 - (a) the development is not started within *two* years of the date of this permit; or
 - (b) the development is not completed within *four* years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
- 2 It is an offence to disturb or destroy prescribed archaeological places without consent under the *Heritage Conservation Act 1991*. The Office of Environment and Heritage of the Department of Natural Resources, Environment and the Arts recommends an archaeological survey be undertaken prior to development. Should any heritage or archaeological material be discovered during the development operation, you should cease operation immediately and phone the Office of Environment and Heritage on (08) 8924 4142.

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 purpose of Zone WM (Water Management) is to restrict development within a water catchments area that provides water for public water supplies. The Power and Water Corporation, being the responsible management authority, has indicated that they support the division of land provided that a restrictive covenant is registered on the newly created titles that allows the Corporation, to appropriately manage the public water supply.

Clause 11.4.1. (Site characteristics of Subdivisions of Rural and Unzoned Land) requires that subdivisions respond to the physical characteristics of the land. The proposed subdivision will relocate an existing boundary line that crosses an existing drainage line and the altered plan will avoid the development of boundaries through land that is seasonally water logged. The altered plan minimises the potential for erosion, sedimentation and pollution of the Katherine River water course.

Clause 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land) seeks to ensure that lots are of a size consistent with the topographical constraints of the land. The altered plan seeks to incorporate as far as practical drainage lines and drainage floors within one lot and minimises the number of water course crossings.

2. Pursuant to Section 51 (j) of the *Planning Act*, the Development Consent Authority must take into account the capability of the land to which the proposed development relates to support the proposed development.

The land contains drainage areas and seasonally water logged soils. The relocation of part of the existing boundary that currently intersects a significant drainage line in several locations and the alteration to the plan that deletes an additional boundary line through a drainage area will significantly reduce the risk of erosion and sedimentation of waterways.

3. Pursuant to Section 51 (n) of the *Planning Act*, the Development 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 application proposes to remove an existing boundary line traversing an existing drainage line and the amended plan will remove a proposed boundary line through a lagoon and wetland area. The Department of Natural Resources, Environment, the Arts and Sport consider that lagoons and wetlands have high conservation value as they act as a focal point for species diversity. Minimising the potential for erosion and maintaining

the conservation value of the lagoons and wetland areas will contribute to maintaining the amenity of the area.

ACTION: Notice of Consent and Development Permit.

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



PETER MCQUEEN
Chairman

3/9/10

