



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 259 – FRIDAY 16 JULY 2021

**HOWARD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

MEMBERS PRESENT: Suzanne Philip (Chair), Keith Aitken and Christine Simpson

APOLOGIES: Adam Twomey

LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary); Wendy Smith, Sonia Barnes and Breanna Lusty (Development Assessment Services)

COUNCIL REPRESENTATIVE: Mark Hogan

Meeting opened at 11.15 am and closed at 11.40 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

PA2018/0441 RE-SUBDIVISION OF EXISTING UNIT TITLES SCHEME TO CREATE 9 UNITS UNIT 2679 (COMMON PROPERTY) & UNIT 2676 (199) DORIS ROAD, BERRY SPRINGS, HUNDRED OF CAVENAGH

APPLICANT MasterPlan NT

Mr Alex Deutrom (MasterPlan NT), Mr Doug Barden (landowner) and Mr Ian Lancaster (Consultant – KSI Land and Water Planning) attended.

**RESOLVED
60/21**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority, consent to the application to develop Unit 2679 (Common Property) & Unit 2676 (199 Doris Road), Berry Springs, Hundred of Cavenagh for the purpose of a unit title scheme subdivision to create nine units, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works, the proponent must provide evidence of approval from the Controller of Water Resources for take of water, such that a reticulated water supply to each unit title lot could be provided, without creating additional pressure to the groundwater resource, to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Prior to new titles being issued for the units shown on the endorsed drawings, a Scheme Statement meeting the requirements of the *Unit Title Schemes Act 2009* (as confirmed by the Land Titles Office) shall be submitted for endorsement by the consent authority.
4. 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.
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. Prior to the issue of certificate of compliance under section 62 of Part 5 clearance of the *Planning Act 1999*, confirmation from a suitably qualified hydraulic engineer must be provided that a suitable reticulated water supply has been constructed and installed to each unit title lot, to the satisfaction of the consent authority.

7. The developer must enter into agreements with the relevant authorities for the provision of electricity and telecommunications to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. 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.
9. Before the use commences the owner must, in accordance with Part 6 of the *Planning Act 1999*, pay a monetary contribution to Litchfield Council for the upgrade of local infrastructure, in accordance with its Development Contribution Plan.
10. 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 NT (Department of Environment, Parks and Water Security).
11. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development (including clearing and early works) and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information resources are available on the IECA website www.austieca.com.au and the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.

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. 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 endorsed as forming part of this permit are indicative only and are not for addressing purposes.
3. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* 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.

4. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>.
5. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>.

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act 1999*, 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 2020 is the relevant planning scheme.

Clause 1.8 (1)(b)(iii) states that the use and development of land requires consent and is Merit Assessable when it is for the consolidation of land or a subdivision for the purpose of a Unit Title Scheme for a development that has previously been granted consent.

Clause 1.10 (3) requires in considering an application for consent for a use or development identified as Merit Assessable the consent authority must take into account all of the following:

- (a) the relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6; Northern Territory Planning Scheme 2020 Part 1-6
- (b) any Overlays and associated requirements in Part 3 that apply to the land;
- (c) the guidance provided by the relevant zone purpose and outcomes in Part 4 relevant to a variation of requirements in Parts 5 or 6; and
- (d) if an Area Plan in Part 2 applies to the land, any component relevant to a variation of requirements in Parts 5 or 6.

The subject site, and surrounding allotments, falls within Clause 4.13 Zone TC (Tourist Commercial) which purpose is to facilitate commercial and residential development that caters for the needs of visitors, supports tourism activities, and is of a scale and character compatible with surrounding development.

The proposed lots sizes of 1220m² and 1230m² are considered appropriate to provide recreational tourist accommodation and can be connected to reticulated water and wastewater services supplied and maintained by the body corporate, which complies with zone outcomes 5, 6 and 7. Existing unit title premises on the site utilise self-contained individual effluent collection systems and discharge to a communal wastewater disposal system maintained by the Body Corporate; it is understood that this communal system has been designed to accommodate the expected load increase of the additional nine units proposed.

There is no minimum lot size requirements specified in Part 6 of the planning scheme.

The purpose of Clause 6.6.1 (Subdivision for the purpose of a Unit Title Scheme) sub-clause (c) states that development will not have a detrimental environmental effect on the land or result in a loss of amenity within the locality.

The application is considered to be compliant with Clause 6.6.1 sub-clauses 3, 4, and 7.

The Authority has received advice from the Department of Environment, Parks and Water Security that the use of water for domestic purposes would require licensing for the purpose of public water supply.

In consultation with the Department of Environment, Parks and Water Security (DEPWS), the inclusion of a condition precedent has been recommended that requires the proponent to provide evidence of approval from the Controller of Water Resources for take of water, such that a reticulated water supply to each unit title lot could be provided, without creating additional pressure to the groundwater resource, to the satisfaction of the consent authority.

Accordingly, the proposed subdivision is not considered to further affect the environmental impacts on the land or locality.

2. Pursuant to section 51(j) of the *Planning Act 1999*, 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 authority has considered the advice from DEPWS and is satisfied that any additional impact on the groundwater resource has been addressed by the proponent providing reticulated water and is to be supplied, installed and maintained by the body corporate. The

anticipated water use for the domestic supply is considerably lower than water allocation currently approved under the existing industrial bore licence.

Accordingly, the land is considered capable of supporting the proposed unit title scheme subdivision to create nine units subject to compliance with the conditions included on the development permit.

3. Pursuant to section 51(1)(n) of the *Planning Act 1999*, 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 unit title scheme subdivision is not considered to further impact on the existing amenity of the area and complies with the purpose of the zone and zone outcomes. The lots are of a size considered capable of supporting future development of tourist accommodation facilities in accordance with the zone.

FOR: 3

AGAINST: 0

ABSTAIN: 0

ACTION:

Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair

19 July 2021