



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 135- FRIDAY 29 APRIL 2011

**WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

MEMBERS PRESENT: Peter McQueen (Chairman), Michael Bowman, Mary Walshe and Keith Aitken

APOLOGIES: Richard Luxton and Lissa Herrmann

OFFICERS PRESENT: Mone Coats-Ross (Acting Secretary), Steven Kubasiewicz and Maree Domelow (Development Assessment Services)

COUNCIL REPRESENTATIVE: John Delaney (For session one only)

Meeting opened at 9.45 am and closed at 11.30 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 **SUBDIVISION - LEASE IN EXCESS OF 12 YEARS**
PA2011/0186 **LOT 5 (55) EWART ROAD, HUNDRED OF GUY**
APPLICANT **OPTUS MOBILE PTY LTD**

John Delaney attended the meeting on behalf of Litchfield Council.

RESOLVED
51/11

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 5 (55) Ewart Road, Hundred of Guy for the purpose of a subdivision for a lease in excess of 12 years, subject to the following conditions:

1. Works carried out under this permit shall be in accordance with drawing numbered 2011-0186-01, endorsed as forming part of this permit
2. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity services to the land show on the endorsed plan in accordance the authorities' requirements and legislation at the time.
3. 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.
4. The applicant shall provide the authority with a copy of the lease agreement that demonstrates access to the proposed lease area from a public road, to the satisfaction of the Consent Authority.

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. Clause 2.5 (Exercise of Discretion by the Consent Authority) allows the Authority to issue consent to a subdivision application if minimum lot sizes have not been achieved. The proposed lease area does not meet the minimum lot size in Zone H (Horticulture) of 25Ha as prescribed by Clause 11.1.1 (Minimum Lot Sizes and Requirements). Clause 2.5 allows the Authority to consent to an application if it is satisfied that special circumstances justify the giving of consent. Special circumstances are justified as the proposed lease area of 150m² will not impact on the ability on the remainder of the land to be developed in a manner that is consistent with the zone objectives and provides certainty of tenure in relation to the provisions of communications infrastructure.

Pursuant to section 51(h) of the *Planning Act* the consent authority must take into account the merits of the proposed development as demonstrated in the application. The proposed subdivision facilitates the provision of telecommunications services in the Litchfield Shire. The proposed lease provides security of tenure to the developer to accommodate the existing infrastructure.

ACTION Notice of consent and development permit.

ITEM 2 50 M HIGH TELECOMMUNICATIONS TOWER WITH ASSOCIATED ANTENNAS
PA2011/0140 AND EQUIPMENT SHELTER
APPLICANT SECTION 2558 (15) KINNERLEY ROAD, HUNDRED OF STRANGWAYS
OPTUS MOBILE PTY LIMITED

John Delaney attended the meeting on behalf of Litchfield Council.

RESOLVED Pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority
52/11 consent to the application to develop Section 2558 (15) Kinnerley Road, Virginia, Hundred of Strangways for the purpose of a telecommunications facility including a 50m telecommunications tower, ancillary antennas and equipment shelter subject to the following conditions:

1. Works carried out under this permit shall be in accordance with drawings numbered 2011/0140/1 and 2011/0140/2 endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity services to the land show on the endorsed plan in accordance the authorities' requirements and legislation at the time.
3. 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.
4. Before the use commences, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from Bushfires NT.

NOTE:

1. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve.

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 proposed location of the telecommunications tower on the subject site is consistent with the purpose of Clauses 13.5 (Mobile Telephone Communications Towers Etc) of the NT Planning Scheme which requires that the provision of mobile telecommunications towers and infrastructure does not unreasonably detract from the amenity of the locality.

Furthermore, the application is consistent with the objectives of the Litchfield Planning Concepts and Land Use Objectives 2002, specifically the Key Land Use Objective for Infrastructure at Section 2.5 by improving coverage of the Optus network in the area.

2. Pursuant to section 51(h) of the *Planning Act* the consent authority must take into consideration the merits of the proposal.

The proposal will benefit the local community through the provision of improved telecommunication services.

ACTION Notice of consent and development permit.

ITEM 3 **RECONSIDERATION - SUBDIVISION TO CREATE 8 LOTS**
PA2008/0463 **SECTION 2413 (160) WILLIAM ROAD & SECTION 2592 (105) CARVETH ROAD,**
APPLICANT **HUNDRED OF CAVENAGH**
MEATANT AQUACULTURE

Paul James (Engineer) attended the meeting.

John Delaney attended the meeting on behalf of Litchfield Council.

RESOLVED That, the Authority note all the information provided by the applicant at **Attachment**
53/11 **C** (i.e. the original application, the additional information including the land capability assessment, and the engineered drawings); the three previous reports prepared by Development Assessment Services at **Attachment B** and the service authority comments provided at **Attachment D**.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
54/11 Authority consent to the application to develop Section 2413 (160) William Road and Section 2592 (105) Carveth Road, Hundred of Cavenagh for the purpose of a subdivision to create eight lots, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works 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 provide for conservation easements adjoining the Darwin River to buffer the mangroves.
2. Prior to the commencement of works (including site preparation works) an erosion and sediment control plan is to be submitted to and approved by the Consent Authority, and subsequently implemented, on advice from the Department of Natural Resources, the Environment, The Arts and Sport and Litchfield Council and an endorsed copy of the plan will form part of this permit.

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
3. 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.
4. Engineering design, calculations and specifications for proposed and affected roads, stormwater drainage and vehicular access (including driveway culverts or inverts) are to be submitted, for technical approval by Litchfield Council, prior to the commencement of works, to satisfaction of the consent authority and all approved works constructed at the owner's expense.
5. The proposed new public road shall be sealed for its entire length to the requirements of the Litchfield Council.
6. The owner of the land must reconstruct the 400 meter length of Williams road (East-West Section) to a standard suitable for sealing with associated stormwater drainage infrastructure to the technical requirements of the Litchfield Council to the satisfaction of the consent authority and all works are to be constructed at the owners expense.
7. 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.

8. This development is subject to the Litchfield Council Developer Contribution Plan. The developer shall pay to the Litchfield Council a development levy as per locality 14 of this plan for each additional lot created.
9. Before the 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 titles of the subject lots 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.

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 phone (08) 8999 4567.

REASONS FOR THE DECISION

1. Pursuant to section 51 (a) of the *Planning Act* the Development Consent Authority must not consent to a proposed development if, in its opinion, the proposed development is contrary to a land use objective.

The Litchfield Planning Concepts and Land Use Objectives (2002) guide the type, intensity and location of future land use and development in the Litchfield Shire and are therefore applicable to the subject site. The subject land is in locality 14 "Litchfield South" the intent for which is stated as the continued development predominantly of 8 ha lots to accommodate a range of land uses including rural living, agriculture, recreation, tourist, commercial and community purposes. The application is consistent with the intent of this locality.

The Development 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.

Any development which is approved on this site should demonstrate greater consideration of environmentally sensitive areas, particularly those associated with estuarine/brackish regions of the Darwin River. Subdivision of the subject site, as proposed, could potentially impact upon environmental values associated with Darwin River and consequently undermine the benefit of adjoining areas of Zone CN (Conservation) which have been established to protect the river. The requirement for an erosion and sediment control plan and amended plans to provide better protection of the significant riparian vegetation and areas identified for Priority Environmental Management is anticipated to minimise impacts of the development on these areas.

In this instance the Authority has resolved to approve the proposed development based on the provision of appropriately engineered roads, drainage and erosion control measures which have been purpose-designed to ameliorate the impacts of overland flow on future rural living uses.

2. Pursuant to Section 51 (m) of the *Planning Act* the Development 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 for that purpose.

The Litchfield Council have requested that an existing section of Williams road be upgraded to a standard suitable for sealing. The Authority has resolved to require these works to be done so that appropriate infrastructure is provided, in the form of an accessible public road, suitable to service the subdivision, at the land owners cost.

ACTION Notice of consent and development permit

ITEM 4
PA2010/1387
APPLICANT

RECONSIDERATION - SUBDIVISION TO CREATE 83 LOTS
SECTION 4540 (425) STUART HIGHWAY, HUNDRED OF BAGOT
GWLO INVESTMENTS PTY LTD

Popi Papazoglou, Even Lynne and Bernie O'Connell (Gwelo Investments Pty Ltd) attended the meeting

Barry Hood (GBC) attended the meeting to speak on waste water management.

Ray Hall (Ecoz), Simon Byrne (Byrne Consulting) and Kevin Dodd (Earl James) also attended the meeting in support of the application.

RESOLVED
55/11

That pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Sections 4540, 4541 & 4542 (425, 435 & 445) and Lots 6, 7 & 13 (415, 405 & 455) Stuart Highway, Hundred of Bagot for the purpose of a subdivision to create eighty-three (83) lots subject to the following conditions:

PRECEDENT CONDITIONS

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) Treatment and development of Lot 6
 - (b) Landscaping proposed for Lot 7

2. Prior to the commencement of works, evidence of a written agreement for the development of an approved effluent disposal system to the requirements of the Department of Health and Families and the Power and Water Corporation is to be provided to the satisfaction of the consent authority. This system when endorsed must be installed concurrently with the subdivision development and all waste must be disposed of within the curtilage of the property. The design of the waste water treatment system must not involve the use of effluent treatment ponds and must not result in any impact on the amenity of the locality through the generation of odours.
3. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP) (including details and location of stormwater drainage, dust management, clearing of native vegetation, excavation and fill, and revegetation and rehabilitation) 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 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.
4. Prior to the commencement of works a detailed Stormwater Management Plan 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), the Department of Health and Families (Medical Entomology Division), the Department of Lands and Planning (Land Administration and the Road Network Division) and the Litchfield Council, 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 Stormwater Management Plan to the satisfaction of the consent authority.
5. Prior to the commencement of works a Traffic Impact Assessment, is to be submitted to and approved by the consent authority on the advice of the Road Network Division, Department of Lands and Planning.
6. Prior to the commencement of works (including site preparation works), the owner/developer must enter into a written agreement with the Department of Lands and Planning and Litchfield Council with regard to the treatment of the proposed road/Stuart Highway Service Road intersection to the satisfaction of the consent authority.
7. Prior to the commencement of works the applicant must demonstrate to the satisfaction of the consent authority that the land is suitable for the intended residential use in accordance with the National Environment Protection (Assessment of Contamination) Measures 1999.
8. Prior to the commencement of works, an Construction Environmental Management Plan (CEMP) for the subdivision and associated works 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 Natural Resources, Environment, the Arts and Sport and the Department of Health and Families.

When approved, the CEMP 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 CEMP must include:

- (a) overall environmental objectives for the operation of the use and techniques for their achievement;
- (b) procedures to ensure that no significant adverse environmental impacts occur as a result of the development;
- (c) proposed monitoring systems;
- (d) identification of possible risks of operational failure and response measures to be implemented;
- (e) day to day management requirements for the use

GENERAL CONDITIONS

9. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
10. Any remediation required resulting from the site contamination assessment referred to in condition 7 must be undertaken prior to the issue of titles to the satisfaction of the consent authority.
11. 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.
12. 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.
13. Engineering design, calculations and specifications for proposed and affected roads, stormwater drainage, street lighting, pedestrian paths, cycle paths and vehicular access are to be submitted, for technical approval by the Department of Lands and Planning (Road Network Division) and/or Litchfield Council as the case may be, prior to the commencement of works, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
14. Any proposed work impacting on the Stuart Highway road reserve shall 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 Chief Executive Officer, Department of Lands and Planning. Drawings must be submitted to the Road Network, Department of Lands and Planning for approval, and no works are to commence prior to approval and receipt of a "Permit to Work within a Road Reserve".
15. 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.

16. 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.
17. The clearing of native vegetation within Lot 6 shall only be undertaken in accordance with the endorsed plan for the development of this lot. All remaining native vegetation is to be maintained to the satisfaction of the consent authority. Before the vegetation removal starts, the boundaries of all vegetation stands to be removed and retained must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the consent authority.
18. Before issue of titles, firebreaks to the perimeter of the site subdivision shall be provided to the satisfaction of the consent authority on advice from the Northern Territory Fire and Rescue Services.
19. Before issue of titles, written evidence of an arrangement for the collection of domestic and/or commercial waste is to be provided on the advice of Litchfield Council to the satisfaction of the consent authority.
20. Prior to the issue of titles Lot 6 shall be cleared of all noxious weeds, car bodies and other waste materials 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 phone (08) 8999 4567.
2. A discharge licence pursuant to the Water Act may be required for disposal of treated waste waters.

REASONS FOR THE DECISION

1. The consent Authority must, pursuant to Section 51(a) of the Planning Act, take into account the planning scheme that applies to the land.

The additional information supplementing the original application submitted by the applicant in relation to stormwater management, the road network and the proposed sewerage treatment system has demonstrated that the application can be compliant with relevant clauses under the NT Planning Scheme, in particular, clauses 11.1.1 (Minimum Lot Sizes and Requirements), 11.2.1 (Site Characteristics in Residential Subdivision), 11.2.2 (Infrastructure and Community Facilities and Residential Subdivisions), 11.2.3 (Lot Size and Configuration in Residential Subdivisions) and 14.7.1 (Coolalinga North Planning Principles and Area Plan) and the relevant Zoning clauses under Part 3 of the Scheme.

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 requirement for an erosion and sediment control plan (inclusive of excavation and fill details and clearing of native vegetation) (ESCP), a construction environmental management plan (CEMP), a rehabilitation and revegetation plan, a comprehensive stormwater and drainage management plan (SMP), and adequate wastewater treatment can ensure that the land is developed in accordance with its physical capabilities. The land constraints associated with poorly drained areas should be taken into account in these plans and ensure that impacts of the subdivision development on adjacent Zone CN lot 3377 and Brookings Creek are minimised.

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 a waste disposal service is provided to maintain appropriate levels of public health and amenity. The development of a coordinated waste collection and disposal system to service the development resulting from this subdivision will ensure that an appropriate level of waste collection is provided.

The subdivision will facilitate the development of a range of commercial and residential development. It is in the public interest to ensure that the land is suitable for its intended use with regard to potential site contamination. The requirement to demonstrate that the site is either not contaminated or appropriately remediated in accordance with the National Environment Protection (Assessment of site contamination) Measures will ensure that the land is suitable for its intended purpose.

ACTION

Notice of consent and development permit.

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



PETER MCQUEEN
Chairman

4 /5/11