



DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 108 – WEDNESDAY 6 JUNE 2012

MEMBERS PRESENT Peter McQueen (Chairman), Henry Higgins (Council) Steven Rose (Council), Barry Densley and Anne Shepherd

APOLOGIES: Nil.

OFFICERS PRESENT: Steven Kubasiewicz and Julie Bennett (Development Assessment Services)

COUNCIL REPRESENTATIVE: David Laugher

Meeting opened at 10.45 am and closed at 12 noon

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 THREE LOTS**
PA2012/0201 **NT PORTION 2925 (404) ZIMIN DRIVE, COSSACK**
APPLICANT **TERRITORY DEVELOPMENT CONSULTANTS**

Ms Sue Brosnan (Elders Real Estate acting on behalf of the land owner) attended.
Mr David Higgins (land owner) attended. Applicant did not attend.

RESOLVED
26/12

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the proposed development to develop NT Portion 2925 (404) Zimin Drive, Cossack for the purpose of a subdivision to create three lots, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation), the results from recent water quality tests on the bores numbered RN21096 (within proposed Lot 1) and RN27669 (within proposed Lot 2) must be submitted to the Department of Health and the Department of Natural Resources, Environment the Arts and Sport, to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with drawing numbered 2012/0201 - 01 endorsed as forming part of this permit.
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. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity supply and telecommunications 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 stormwater drainage, vehicular access and streetscaping are to be the technical requirements of the Katherine Town Council, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

6. 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: "The groundwater from the Jinduckin Aquifer underlying this allotment may not meet drinking water guidelines". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.
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 lot 2 as shown on the endorsed drawings. The restrictive covenant shall state that: "A standard septic tank system cannot be installed and a non-standard sewage treatment (alternative septic system) and effluent disposal system must be provided to the satisfaction of the Department of Health."
8. 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 Fire and Rescue Service.
9. A Right of Way easement is to be registered over Lot 2 in favour of lease holder Telstra Corporation Ltd to permit access to administrative parcel NT Portion 6357(A) to the satisfaction of the consent authority.

NOTES

1. The permit holder must take into account the requirements of the lease registered on NT Portion 2925 to Telstra Corporation Ltd and the related survey plan identifying the lease boundary and right of way as shown on S2004/196.
2. The developer is to contact Dial Before You Dig on 1100 to obtain a location of the Telstra Network and arrange for relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
3. The Power and Water Corporation advises that the 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.

REASON FOR THE DECISION

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 subdivision complies with the requirements of Clause 11.1.1 (Minimum Lot Sizes and Requirements) with each lot having an area in excess of 8 ha within Zone R (Rural), 2 ha within Zone RL (Rural Living) and at least one hectare of unconstrained land within each lot.

The purpose of Clause 11.4.1 (Site Characteristics in Rural subdivision) is to ensure that rural subdivisions respond to the physical characteristics of the land. Whilst presence of some surface and subsurface rock was noted the land had been developed for the purpose of a mango orchard and contained two residences and ancillary rural buildings.

The extent of flooding within a 1% AEP event was limited to the southern part of each lot and would not impact on the land adjacent the public road available for development for rural purposes.

The purpose of Clause 11.4.2 (Infrastructure in Rural Subdivisions) is to ensure rural subdivisions are integrated with infrastructure, community services and facilities. The land is not connected to reticulated water and sewerage services and there is a potential that groundwater supplies may not meet drinking water standards due to the nature of the underlying aquifer. Future owners will be informed through a caution notice which will prepare them to source drinking water from elsewhere if required.

The provision of water quality testing is to verify the existing bores within 100 metres of septic tanks contain a potable water supply.

Lot 2 will be limited to the installation of an alternative on site effluent treatment and disposal system, due to the existing location of bores and the presence of scattered limestone rock and shallow soils. A restrictive covenant on the title of proposed Lot 2 is included to ensure future owners are aware of this restriction.

ACTION: Notice of Consent and Development Permit.

ITEM 2
PA2012/0193
APPLICANT

SUBDIVISION TO CREATE THREE LOTS
NT PORTION 3348 (120) CUMMINGS ROAD, COSSACK
TERRITORY DEVELOPMENT CONSULTANTS

Sue Brosnan (Elders Real Estate acting on behalf of the land owner) and land owner David Higgins attended the meeting. Applicant did not attend.

RESOLVED
27/12

That, the Development Consent Authority vary the requirements of clause 11.1.1 (Minimum lot size and requirements) of the Northern Territory Planning Scheme and pursuant to section 53(b) of the *Planning Act*, alter and consent to the proposed development as altered to develop NT Portion 3348 (120) Cummings Road, Cossack for the purpose of a subdivision to create three lots, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works an amended plan is to be provided to the satisfaction of the consent authority that shows the boundary between proposed Lot B and C is realigned to contain the remnant native vegetation within Lot C only (in addition to land to accommodate a 4 metre firebreak).

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the plans endorsed as forming a 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. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity supply and telecommunications to each lot shown on the endorsed plan in accordance with the authorities requirements and relevant legislation at the time.
4. Engineering design and specifications for the stormwater drainage, vehicular access and streetscaping are to be the technical requirements of the Katherine Town Council, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
5. 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: "*The groundwater from the Jinduckin Aquifer underlying this allotment sometimes does not meet drinking water guidelines*". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.
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 NT.

NOTES

1. The developer is to contact Dial Before You Dig on 1100 to obtain a location of the Telstra Network and arrange for relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
2. The Power and Water Corporation advises that the 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.

REASON 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 Clause 11.4.1 (Site Characteristics in Rural subdivision) is to ensure that rural subdivisions respond to the physical characteristics of the land. Approximately 100 metres of the boundary between Lot B and Lot C is through sensitive riparian vegetation. Altering the application, by relocating the boundary line, will avoid the disturbance of sensitive riparian vegetation and retain all remnant native vegetation within one lot.

Clause 2.5 (Exercise of Discretion by the Consent Authority) allows for the consent authority to consent to a development that is not in accordance with Part 5 of the NT Planning Scheme if it is satisfied that special circumstances justify the giving of consent.

The alteration to the lot boundary will result in the reduction of the size of Lot B below the 8 ha minimum specified by Clause 11.1.1 (Minimum Lot Sizes and Requirements). The variation is supported as the altered lot boundary will reduce the potential for erosion to occur as a result of clearing along the proposed boundary for fire breaks/access purposes and the impact on the existing riparian vegetation.

The purpose of Clause 11.4.2 (Infrastructure in Rural Subdivisions) is to ensure rural subdivisions are integrated with infrastructure, community services and facilities. The land is not connected to reticulated water and sewerage services and there is a potential that groundwater supplies may not meet drinking water standards. Future owners will be informed through a caution notice that ground water may not meet drinking water guidelines and that an alternative source may be required.

ACTION: Notice of Consent and Development Permit.

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



PETER MCQUEEN
Chairman

(2/06/12