



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 280 – WEDNESDAY 21 JUNE 2023

**AGORA ROOM
HUDSON BERRIMAH
4 BERRIMAH ROAD
BERRIMAH**

MEMBERS PRESENT: Suzanne Philip (Chair), Adam Twomey, Rick Grant, Rachael Wright and Doug Barden

APOLOGIES: Emma Sharp

LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), George Maly, Emily Hardy, Joshua Larder (Development Assessment Services) and Sam Pallet (Lands and Planning)

COUNCIL REPRESENTATIVE: Julie Hillier and Perupkar Singh

Meeting opened at 10.45 am and closed at 12.10 pm

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 TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1
PA2023/0097

SUBDIVISION TO CREATE 5 LOTS

SECTION 6118 (240) MORGAN ROAD, VIRGINIA, HUNDRED OF STRANGWAYS

APPLICANT

Cunnington Rosse Town Planning and Consulting

DCA Members were provided with a copy of decision on a similar subdivision on Morgan Road and the applicant was advised of this.

Applicant Brad Cunnington (Cunnington Rosse Town Planning and Consulting) attended.

Mr Cunnington tabled advice from PowerWater received yesterday that reticulated water is available for the subdivision.

Interested parties in attendance from Cunnington Rosse Town Planning and Consulting Alex Deutrom and Gerard Rosse.

RESOLVED
45/23

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Section 6118 (240) Morgan Road, Virginia, Hundred of Strangways for the purpose of a subdivision, to create five lots subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater, and its discharge into Litchfield Council's stormwater drainage system, shall be submitted to and approved by Litchfield Council.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawing numbered 2023/0097/01, 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 water supply, electricity and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notations 2, 3 and 4 for further information.

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5. 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.
6. 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.

NOTES

1. The development must comply with the technical standards of the Northern Territory Subdivision Development Guidelines for the construction of public infrastructure as part of subdivision works to the requirements of the relevant local and service authorities. Prior to any works commencing, it is encouraged that you engage early with the relevant authorities to confirm their requirements, and any variations that may be sought to the Subdivision Development Guidelines, to ensure the works are completed to the relevant authorities' requirements. The Northern Territory Subdivision Development Guidelines can be found at: <https://www.ntlis.nt.gov.au/sdg-online/>.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@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.
3. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be able to access an exemption from these arrangements in some circumstances. For more information visit www.infrastructure.gov.au/tind.
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>.

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5. A “Works Permit” may be required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Council’s road network.
6. Litchfield Council’s current Fees and Charges may apply to the above conditions. Additional information can be found at www.litchfield.com.au.
7. Any new on-site wastewater management system is to be installed in accordance with the Code of Practice for Wastewater Management.
8. 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 5356. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
9. 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.

REASONS FOR THE DECISION

1. Pursuant to section 51(1)(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 NT Planning Scheme 2020 applies to the land and subdivision to create five lots requires consent under Clause 1.8 (When development consent is required). It is identified as Impact Assessable under Clause 1.8(1)(c)(ii), therefore the strategic framework (Part 2 of the Scheme, including the Litchfield Subregional Land Use Plan 2016, which is relevant to this application), zone purpose and outcomes of Clauses 4.7 (Zone RL – Rural Living), and Clauses 6.3.2 (Lot Size and Configuration for Subdivision in Zones RL, R and H, and Unzoned Land) 6.3.3 (Site Characteristics for Subdivision for Lots of 1ha or Greater in Zones RR, RL, R and H, and Unzoned Land) and 6.3.4 (Infrastructure for Subdivision in Zones RL, R and Unzoned Land) need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme.

2. Pursuant to section 51(1)(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.

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With a site area of area of 28.83 hectares, the subject land is capable of accommodating the proposed five lot subdivision. A land suitability assessment (LSA) has been undertaken to review drainage, the potential for onsite wastewater management, erosion risk, soil salinity, acid sulphate soils and the risk of flooding. The LSA has determined the land to be suitable for the proposed subdivision, with each lot having one hectare of unconstrained land and unconstrained access to a public road. The subject land has connection to reticulated power and water.

The application was circulated to the relevant service authorities and requirements have been addressed through conditions and/or notations on the permit.

Power and Water Corporation has confirmed that reticulated power and water services are available in the area and the developer's intention is to connect to the services. The applicant acknowledged the lack of reticulated sewerage in the area and provided an assessment of the suitability of each lot to accommodate the onsite effluent disposal systems.

Conditions imposed on the development permit will ensure all engineering works associated with the subdivision will be designed, approved and constructed to the technical standards of the relevant service authority without adversely impacting on the access to each parcel and to surrounding land or existing infrastructure.

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 Authority noted the comments from the Department of Environment, Parks and Water Security that the subject overlies the Mitchell Creek management zone of the Burrell Creek formation, which is classified as over-used.

The Authority, however, considered that the availability of reticulated water, the requirement to connect to it and the limitations on permitted uses within Zone RL mitigated the potential impact on the existing and future amenity.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2023/0031

CONCURRENT APPLICATION: REZONE FROM ZONE RL (RURAL LIVING) TO ZONE RR (RURAL RESIDENTIAL); AND SUBDIVISION TO CREATE THREE LOTS LOT 34 (20) MACLEOD ROAD, HOWARD SPRINGS, HUNDRED OF BAGOT,
Cunnington Rosse Town Planning and Consulting

APPLICANT

Rachael Wright and Doug Barden are community members of the Development Consent Authority and Councillor and Mayor respectively for Litchfield Council.

Litchfield Council is a submitter to this application under Section 30M(1) of the *Planning Act 1999*.

The Chair noted that section 98A of the *Planning Act 1999* - Independence of Community Members – contemplates that Community Members of the Development Consent Authority, while acting independently, may take account of opinion of a local government/council in relation to a development application.

No parties present raised any concerns with Ms Wright or Mr Barden's considering the application.

Pursuant to section 97 of the *Planning Act 1999*, the Chair determined that Ms Wright and Mr Barden's interest or relationship was not significant or relevant, and both were permitted to form part of the quorum and participate in determination of this item.

Applicant Gerard Rosse (Cunnington Rosse Town Planning and Consulting) attended.

Submitter Litchfield Council represented by Julie Hillier attended.

RESOLVED
46/23

Pursuant to section 30P(1)(a) of the *Planning Act 1999*, the consent authority make a preliminary decision that, if the Minister were to approve the amendment proposal to rezone Lot 34 (20) Macleod Road, Howard Springs, Hundred of Bagot that it would determine to consent to the development under section 30W(1)(a) conditionally, for the purpose of a subdivision to create three lots, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works, crossover design approval is to be obtained from Litchfield Council.
2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater, and its discharge into Litchfield Council's stormwater drainage system, shall be submitted to and approved by Litchfield Council.

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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. 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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, electricity and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notations 2, 3 and 4 for further information.
6. 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.
7. 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.

NOTES

1. The development must comply with the technical standards of the Northern Territory Subdivision Development Guidelines for the construction of public infrastructure as part of subdivision works to the requirements of the relevant local and service authorities. Prior to any works commencing, it is encouraged that you engage early with the relevant authorities to confirm their requirements, and any variations that may be sought to the Subdivision Development Guidelines, to ensure the works are completed to the relevant authorities' requirements. The Northern Territory Subdivision Development Guidelines can be found at: <https://www.ntlis.nt.gov.au/sdg-online/>.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@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.
3. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be able to access an

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exemption from these arrangements in some circumstances. For more information visit www.infrastructure.gov.au/tind.

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. A “Works Permit” may be required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Council’s road network.
6. Litchfield Council’s current Fees and Charges may apply to the above conditions. Additional information can be found at www.litchfield.com.au.
7. Any new on-site wastewater management system is to be installed in accordance with the Code of Practice for Wastewater Management.
8. 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 5356. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
9. 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.

REASONS FOR DECISION

1. Pursuant to sections 30P(2)(a) and (b) of the *Planning Act 1999*, the consent authority must take into account any planning scheme that applies to the land to which the application relates and the amendment proposal contained within the application.

The Northern Territory Planning Scheme 2020 (NTPS 2020) applies to the land and subdivision of land requires consent under Clause 1.8 (When development consent is required).

It is identified as Impact Assessable under Clause 1.8(1)(c)(ii), therefore the strategic framework (Part 2 of the Scheme, including the Howard Springs Rural Activity Centre Area Plan, which is relevant to this application), zone purpose and outcomes of Clauses 4.6 (Zone RR – Rural Residential), and

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Clauses 6.3.1 (Subdivision in Zone RR) and 6.3.3 (Site Characteristics for Subdivision for Lots of 1ha or Greater in Zones RR, RL, R and H, and Unzoned Land), need to be considered.

These clauses have been considered and it is found that the subdivision to create three lots complies with the relevant requirements of the NTPS 2020.

2. Pursuant to section 30P(2)(f) of the *Planning Act 1999*, the consent authority must take into account any information received as a result of consultations carried out, submissions received, or evidence given at a hearing.

The application was placed on public exhibition for a period of 28 days in accordance with the requirements of the *Planning Act 1999*, and advertised online from 21 April 2023 through to 19 May 2023. One public submission was received after the exhibition date closed on 30 May 2023. On this basis the submission was considered but the issues raised did not inform the recommendation.

The issues raised in the submissions relate to the location of the existing bore relative to the new septic system; changes to the Water Act and its impact on any new bores; and the layout of the subdivision with a preference having a shared access or a cul-de-sac.

3. Pursuant to section 30P(2)(j) of the *Planning Act 1999*, the consent authority must take into account the capability of the land to support the development proposal and the effect of the proposal on the land, and on other land, the physical characteristics of which may be affected by the proposal.

With a site area of 1.99ha, the subject land is capable of accommodating the proposed subdivision, which provides an appropriate level of services and infrastructure including connection to reticulated power and water. Each lot can also manage wastewater via an onsite wastewater management system. The Land Suitability Assessment submitted with the application does not identify any land constraints occurring within the site. Additionally, the Department of Environment, Parks and Water Security did not identify or raise any issues of concern in relation to land capability.

4. Pursuant to Section 30P(2)(l) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the public utilities or infrastructure provided in the area in which the land is situated and any requirement for public facilities and services to be connected to the land; and facilities, infrastructure or land to be provided by the applicant.

Litchfield Council objected to the granting of a planning scheme amendment and development permit as it considers the proposal to be inconsistent with the Howard Springs Rural Activity Centre Area Plan. The Area Plan identifies indicative subdivision boundaries resulting in two lots fronting Macleod Road, and a configuration that gives options for future

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road connection along the eastern boundary only, maximising potential for an interconnected street network. The proposed subdivision design does not adopt this future road connection configuration.

Council has requested two conditions precedent be placed on the any permit issued prior to the commencement of works, if the proposal was to be approved. These include crossover design approval and a schematic plan demonstrating the on-site collection of stormwater and its discharge into Council's drainage system. Council's request had been addressed.

Power and Water Corporation advised that they do not support the battle-axe design for Lot 2 and Lot 3 due to the much higher costs in installing the internal electrical reticulation to meet an acceptable voltage drop for appliances to properly function. They also advised that reticulated sewer services are currently unavailable in the area and that reticulated water services are available but the parent parcel is currently not serviced.

5. Pursuant to Section 30P(2)(m) 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 subdivision is consistent with the purpose and outcomes of the zone and the development requirements of the NTPS2020, in providing for appropriate lot configuration, connection to reticulated services and demonstration that the land is capable of supporting the proposed subdivision. On this basis, the proposed subdivision is not expected to impact on the amenity of the locality.

RESOLVED 47/23

That under section 30Q of the *Planning Act 1999*, the consent authority report to the Minister for Infrastructure, Planning and Logistics advising of the likely decision in relation to the development proposal, issues raised in the submissions, issues raised at the hearing and any other matters it considers the Minister should take into account when considering the amendment proposal.

RESOLVED 48/23

That, pursuant to section 86(1) of the *Planning Act 1999*, the Development Consent Authority delegate to the Chair or in the Chair's absence or inability to act the power under sections 30W(1)(a), 54(1) and 30Y of the *Planning Act 1999*, to any one of the members of the Litchfield Division of the Authority to:

- determine pursuant to Section 30W(1)(a) to consent to the development proposal contained in the concurrent application and consent to the concurrent application after receipt of a notice under Section 30U(1) that the Minister has approved the amendment proposal contained in the application;
- issue a development permit under section 54(1) in relation to the development proposal to develop Lot 34 (20) Macleod Road, Howard

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Springs, Hundred Bagot for the purpose of subdivision to create three lots;
and

- issue the relevant notices under Section 30Y.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION: Report to Minister

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

SUZANNE PHILIP

Chair

27 June 2023