

**DEVELOPMENT CONSENT AUTHORITY**

**LITCHFIELD DIVISION**

**MINUTES**

**MEETING No. 139 – FRIDAY 15 JULY 2011**

**WHITEWOOD HALL  
325 WHITEWOOD ROAD  
HOWARD SPRINGS**

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

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Stephen Kubasiewicz and Ann-Marie Dooley (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 9.45 am and closed at 10.15 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 AND CONSOLIDATION TO CREATE 7 LOTS**  
**PA2011/0335**        **LOTS 14 & 15 AND SECTION 5495 (86, 88, 90) PRODUCE ROAD, HUNDRED OF**  
                                 **STRANGWAYS**  
**APPLICANT**        **EARL JAMES & ASSOCIATES**

Mr Kevin Dodd (Earl James & Associates) and Mr Justin Groves, Mr Fabian Walmsley, Mr Giovanna Faoro and (co owners) attended.

**RESOLVED**            That, the Authority vary clause 11.1.1 (Minimum Lot Sizes and Requirements) of the  
**95/11**                    NT Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to  
the application to develop Section 5495 (90), Lots 14 & 15 (88 & 86) Produce Road,  
Hundred of Strangways for the purpose of a subdivision and consolidation to create  
seven lots subject to the following conditions:

**CONDITION PRECEDENT**

1. 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**

2. The works carried out under this permit shall be in accordance with the drawings numbered 2011/0335/01 and 2011/0335/02 and 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 and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Engineering design and specifications for the proposed and affected roads, stormwater drainage and vehicular access, 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. This development is subject to the Litchfield Shire Council Developer Contribution Plan. The developer shall pay a development levy as per locality 13A of this plan for the additional lot created, to the Litchfield Council.
7. The developer is to allow for a 5m road widening of Produce Road to the requirements of the Litchfield Council.
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 NT Fire and Rescue Service.

**NOTES:**

1. The installation of septic systems is to be in accordance with the requirements of the *Building Act* and 'NT Code of Practice for Small On-Site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent'.
2. There are statutory obligations under the *Weeds Management Act 2001* to take all practical measures to manage weeds on the property.
3. The applicant is required to contact the Water Resources Branch of the Department of Natural Resources, Environment and the Arts to confirm the location of existing bores.

**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. A waiver to Clause 11.1.1 (Minimum Lot Sizes and Requirements) of the NT Planning Scheme can be supported as the creation of a public road will facilitate further subdivision of land in a manner consistent with the Rural Living zoning; replaces historical battleaxe allotments and promotes orderly development.

The proposal is generally consistent with the Litchfield Planning Concepts and Land Use Objective 3.1 (Residential) which provides for residential development that retains the amenity and lifestyle of existing rural areas. It is also consistent with Objective 2.4 (Mobility and Transport), in particular, the intended development of the road network as described in the LUOs and detailed in Figure 14.

2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must 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 site consists of well drained soils on flat land and is deemed suitable for subdivision development. An erosion and sediment control plan will ensure that appropriate measures are taken to minimise the risk of erosion.

ACTION: Notice of Consent and Development Permit

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



**PETER MCQUEEN**  
Chairman

15/7/11