

## DEVELOPMENT CONSENT AUTHORITY

### LITCHFIELD DIVISION

### MINUTES

**MEETING No. 187 – FRIDAY 12 JUNE 2015**

**WHITEWOOD HALL  
325 WHITEWOOD ROAD  
HOWARD SPRINGS**

**MEMBERS PRESENT:** Denis Burke (Chairman), Bob Shewring, Michael Bowman and Frank Crawley

**APOLOGIES:** Keith Aitken

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Steven Kubasiewicz, Karen McGuigan & Adam Gauna (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Edward Li and Natasha McAllister

**Meeting opened at 10.30 am and closed at 1.15 pm**

**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**                      **EXCAVATION AND FILL**  
**PA2015/0216**            **SECTION 2651 (195) HOPEWELL ROAD, UNITS 2675, 2676 & 2678 (APT'S 1, 2 & 4) & UNIT 2679 (COMMON PROPERTY) (199) DORIS ROAD, HUNDRED OF CAVENAGH**  
**APPLICANT**            **MASTERPLAN NT**

Mr Jack Priestly (Masterplan NT) attended.

**RESOLVED**            That, pursuant to section 53(a) of the *Planning Act*, the Development Consent  
**107/15**                    Authority consent to the application to develop Section 2651 (195) Hopewell Road & Units 2675 – 2679 (199) Doris Road, Hundred of Cavenagh, for the purpose of excavation and fill, subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning, and in accordance with the IECA Best Practice Erosion and Sediment Control Guidelines 2008. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during both the construction and operational phases. Erosion and sediment control information can also be sourced from the DLRM website at <http://lrm.nt.gov.au/soil/management>.
2. Prior to the commencement of works a hydrodynamic assessment is to be undertaken and approved by the consent authority on the advice of the NT Environment Protection Authority.

**GENERAL CONDITIONS**

3. The works carried out under this permit shall be in accordance with drawings numbered 2015/0216/1 and 2015/0216/2, endorsed as forming part of this permit.
4. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, upon the advice of the Department of Land Resource Management.
5. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the Litchfield Council drains or to any watercourse.

6. Only clean fill or inert fill that has been adequately assessed as being suitable for the intended use is to be used for the works approved by this Permit, 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 contact the Department of Land Resource Management.
2. For advice on the prevention of mosquito breeding sites please refer to the Department of Health's *Guidelines for Preventing Mosquito Breeding Sites Associated with Aquaculture Developments in the Northern Territory*.
3. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.
4. A permit to burn is required from the Regional Fire Control Officer, Department of Land Resource Management, prior to the ignition of any felled vegetation on the property. Fire prevention measures are to be implemented in accordance with the requirements of the *Bushfires Act*.
5. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before the commencement of any work within the road reserve.
6. A groundwater extraction licence is required under the *Water Act* for any bore equipped to supply over 15L/s. For advice on water extraction licences please contact the Water Resources Division of the Department of Land Resource Management.

#### REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act* the Development Consent Authority must take into consideration the planning scheme that applies to the land to which the application relates.

The proposed excavation and fill works are consistent with the requirements of Clause 6.16 (Excavation and Fill) of the NT Planning Scheme, and is unlikely to impact on the hydrological system of the locality.

2. Pursuant to Section 51(j) of the *Planning Act*, 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.

Engineering reports provided with the application attest to the low-risk nature of the proposed excavation and fill to negatively impact on the local environment and the flow of floodwaters in the locality. The

Department of Land Resource Management has not raised any specific concerns in regards to land capability. The preparation and implementation of an appropriate erosion and sediment control plan will minimise any adverse impact on the surrounding locality.

**ACTION:** Notice of Consent and Development Permit

**ITEM 2**  
**PA2015/0234**  
**APPLICANT**

**CLEARING OF NATIVE VEGETATION**  
**SECTION 6222 (325) WILLARD ROAD, HUNDRED OF BAGOT**  
**MASTERPLAN NT**

DAS tabled an addendum, regarding information from the application on Erosion and Sediment Control and a Weed Management and Land Rehabilitation Plan.

Mr Jack Priestly (Masterplan NT) attended.

Interested party in attendance:- Mr Gerry Wood MLA.

**RESOLVED**  
**108/15**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 6222 (325) Willard Road, Hundred of Bagot for the purpose of clearing of native vegetation and ancillary horticulture, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of DLRM , and an endorsed copy of the Plan will form part of this permit.. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during both the clearing and establishment phases. Erosion and sediment control information can be located on the DLRM website at <http://lrm.nt.gov.au/soil/management>.

The ESCP should include, but not be limited to the following:

- timing of vegetation knockdown and subsequent development activities and timelines;
  - installation and/or repair of roll-over diversion banks on access tracks, in accordance with Technical Note No. 8 ([www.lrm.nt.gov.au/soil/management/technotes](http://www.lrm.nt.gov.au/soil/management/technotes))
  - establishment and maintenance of pasture/groundcovers, including species and management;
  - management (removal) of windrows or similar surface modifications that could alter and concentrate natural surface flow patterns;
  - use of filter strips where appropriate; and
  - use of graded banks where appropriate.
2. Prior to the commencement of works, a Weed Management and Land Rehabilitation Plan, is to be submitted to and approved by the consent authority on the advice of DLRM , and an endorsed copy of the Plan will form part of this permit.

The plan should address, but not be limited to the following:

- responsibilities of contractors and workers to weed identification;
  - management of weed spread and incursions in and around the correctional facility;
  - vehicle and machinery hygiene procedures; and
  - topsoil management and rehabilitation weed control.
3. Prior to the commencement of works a permit shall be obtained from Territory Parks and Wildlife for the removal of any *Cycas armstrongii*.

#### **GENERAL CONDITIONS**

4. The works carried out under this permit shall be in accordance with the drawings numbered 2015/0234/01 endorsed as forming part of this permit.
5. The clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawing as "Permitted Clearing". All remaining native vegetation is to be maintained to the satisfaction of the consent authority.
6. The permit holder must ensure that the clearing operator has a copy of the permit, including the endorsed drawing, at all times during the clearing operation.
7. 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.
8. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, upon the advice of the Department of Land Resource Management.
9. All works relating to this permit are to be undertaken in accordance with the endorsed Weed Management and Land Rehabilitation Plan to the requirements of the consent authority, upon the advice of the Department of Land Resource Management.
10. The removal of *Cycas armstrongii* shall only occur in accordance with the permit issued by Territory Parks and Wildlife.
11. The spraying of chemicals, fertilisers etc, in association with both the clearing of native vegetation and the ongoing ancillary horticulture shall be undertaken in manner that does not result in spray drift of adjoining areas including the prison.

#### **NOTES:**

1. This permit will expire if one of the following circumstances applies:
- (a) the development is not started within two years of the date of this permit; or
  - (b) the development is not completed within four years of the date of this permit.
- The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

2. A permit to burn is required from the Regional Fire Control Officer, Department of Land Resource Management, prior to the ignition of any felled vegetation on the property. Fire prevention measures are to be implemented in accordance with the requirements of the *Bushfires Act*.
3. The developer is required to contact "Dial Before You Dig" on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
4. The commercial salvage of *Cycas armstrongii* requires approval under the *Territory Parks and Wildlife Conservation Act*.

## 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 clearing of native vegetation and ancillary horticulture generally complies with all relevant NT Planning Scheme requirements and the NT Land Clearing Guidelines. While reduced buffers to clearing areas are suggested in some areas, these are compensated by extensive buffers to other areas.

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 area proposed to be cleared has suitable soils for the intended end use of horticulture;
- The water usage proposed by the application is achievable and sustainable given the estimated water usage and the calculated total recharge over the section; and
- The imposition of conditions requiring the preparation and implementation of an Erosion and Sediment Control Plan and a Weed Management and Land Rehabilitation Plan will ensure that the clearing of the land and operation of the horticulture use will not detrimentally impact upon surrounding lands.

3. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated

The application proposes the clearing of native vegetation and horticulture within a secure correctional facility, in a location where the surrounding area is currently undeveloped. The application addresses potential impacts upon the natural environment and provides buffers of

retained native vegetation to site boundaries, ensuring that the amenity of the surrounding area will be maintained into the future.

**ACTION:** Notice of Consent and Development Permit

**ITEM 3  
PA2015/0283  
APPLICANT**

**SUBDIVISION TO CREATE 6 LOTS  
SECTION 618 (160) MIRA ROAD SOUTH, HUNDRED OF CAVENAGH  
EARL JAMES AND ASSOCIATES**

Mr Kevin Dodd (Earl James & Associates) and Mr Brendan Sawyer (owner) attended.

Mr Dodd tabled a copy of the Litchfield Shire Council Developer Contributions plan for roads and drainage.

**RESOLVED  
109/15**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 618 (160) Mira Road South, Hundred of Cavenagh for the purpose of a subdivision to create 6 lots, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. The IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in an ESCP. Information regarding erosion and sediment control and ESCP content is available at [www.austieca.com.au](http://www.austieca.com.au) and the DLRM website: <http://lrm.nt.gov.au/soil/management>.
2. Prior to the commencement of works a Land Capability Assessment is to be submitted to and approved by the consent authority on the advice of the Department of Health.
3. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Litchfield Council stormwater drainage system shall be submitted to and approved by the Litchfield Council to the satisfaction of the consent authority.

**GENERAL CONDITIONS**

4. The works carried out under this permit shall be in accordance with drawing number 2015/0283/01, endorsed as forming part of this permit.
5. All works undertaken as part of this subdivision are to be in accordance with the endorsed Erosion and Sediment Control Plan, to the satisfaction of the consent authority on the advice of the Department of Land Resource Management.

6. 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.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage, and electricity facilities, and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. All proposed works impacting on Mira Road South are to 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 Litchfield Council. Drawings must be submitted to the Litchfield Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
9. Before the issue of titles, firebreaks along boundaries or at appropriate locations shall be slashed to the satisfaction of the consent authority on the advice of the Bushfires NT.
10. 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: "*Parts of this allotment is subject to prolonged periods of waterlogging and inundation*" and "*Bores may produce water that does not satisfy the Australian Drinking Water Guidelines. Water samples should be tested prior to the consumption and monitored to ensure compliance with the relevant standard*". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.
11. This development is subject to the Litchfield Council Developer Contribution Plan. The developer shall pay a development levy as per the plan.

**NOTES:**

1. This permit will expire if one of the following circumstances applies:
  - a) the development and use is/are not started within two years of the date of this permit; or
  - b) the development is not completed within four years of the date of this permit. The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve.
3. A permit to burn is required from the Regional Fire Control Officer, Department of Land Resource Management, prior to the ignition of any felled vegetation on the property. Fire prevention measures are to be implemented in accordance with the requirements of the *Bushfires Act*.



4. 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 contact the Department of Land Resource Management.
5. A groundwater extraction licence is required under the *Water Act* for any bore equipped to supply over 15 litres per second. For advice on water extraction licences please contact the Water Management branch of the Department of Land Resource Management.
6. 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](mailto: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.

## 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 application is generally consistent with the requirements of the Northern Territory Planning Scheme. Boundary lines are proposed through land that has been identified as constrained and subject to inundation. The application of an Erosion and Sediment Control Plan and the slashing of fire breaks will minimise the potential for erosion and sedimentation resulting from having fire breaks through areas subject to inundation.

The subdivision retains the Priority Environmental Management area within one lot and is consistent with the intent to preserve areas of environmental significance.

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 Department of Land Resource Management have confirmed that the recharge capability of the aquifer exceeds the likely use resulting from this development. Each of the lots has a minimum of 1ha of unconstrained land suitable to accommodate rural living purposes.

3. Pursuant to Section 51(p) the consent authority must take into account the public interest.

Parts of the land are subject to inundation and the quality of the bore water may not comply with the relevant Australian Standards. It is in the public interest to ensure that future land owners are aware of these conditions in the interest of public health and promoting sustainable economic development. Caution notices are to be attached to the parent parcel and to the subsequent lots created by this subdivision advising that

the bore water should be tested prior to consumption and that parts of each lot are subject to inundation.

**ACTION:** Notice of Consent and Development Permit

**ITEM 4**  
**PA2015/0256**  
**APPLICANT**

**CLEARING OF NATIVE VEGETATION**  
**LOT 1754 (225) NORTHSTAR ROAD, HUNDRED OF COLTON**  
**KARL HELL**

DAS tabled an addendum, further comments from DLRM.

Mr Karl Hell attended and tabled five photographs of the site.

**RESOLVED**  
**110/15**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Section 1754 (225) Northstar Road, Hundred of Colton for the purpose of clearing of native vegetation to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- Amended plans that demonstrate:
  - the exclusion from clearing of native vegetation of any areas with slope greater than 2%; and
  - Increased buffers of retained native vegetation, with minimum width of 25m, to the boundaries of the lot.
- Amended water usage estimate based on the revised clearing area.

**RESOLVED**  
**111/15**

That pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman, or in the Chairman's absence any one of the other members of the Litchfield Division the power under section 53 of the Act, to determine the application to develop Section 1754 (225) Northstar Road, Hundred of Colton for the purpose of clearing of native vegetation subject to the provision of

- Amended plans from the applicant addressing the deferral matters; and
- Advice from the Department of Land Resource Management in relation to the amended plans and water usage estimate.

And further subject to conditions as determined by the delegate.

#### **REASONS FOR THE DECISION**

1. In determining an application, the Consent Authority, pursuant to section 51(a) of the *Planning Act*, must take into consideration the planning scheme that applies to the land to which the application relates.

The application as submitted included the clearing of areas with slope greater than 2%, contrary to the recommendations of the *NT Land Clearing Guidelines*, (a guideline document referenced by Clause 2.8 of the NT Planning Scheme). The Department of Land Resource

Management, in providing comment on the application, recommended that these areas of high slope be excluded from clearing.

Further, DLRM advised that the water usage proposed by the application, and the further information submitted by the applicant, do not demonstrate a sustainable use of the available groundwater. The amendment of the clearing area will result in an altered water demand for the proposed end use of hobby farming and therefore warrants an amended water usage calculation.

The authority considers that while some areas of the Lot are inappropriate for clearing due to excessive slopes, other areas of the land may be cleared and utilised as proposed by the application; by deferring further consideration of the application, the applicant is provided with the opportunity to amend the proposal and address the concerns raised by DLRM, submitters to the application and non-compliance(s) with the *NT Land Clearing Guidelines*.

**ACTION:** Advice to Applicant

**ITEM 5  
PA2014/0765  
APPLICANT**

**VARIATION TO DEVELOPMENT PERMIT – SUBDIVISION TO CREATE 2 LOTS  
SECTION 4649 (120) BASTIN ROAD, HUNDRED OF BAGOT  
ARAFURA SURVEYING CONSULTANTS**

Mr David Sach (Arafura Surveying Consultants), Mr Des Groves (owner) and Mr Graeme Owen (VPS Planning and Environmental Consultant) attended.  
Submitter in attendance:- Mr Gerry Wood MLA.

Interested party in attendance:- Mr Alan Sprigg (Planning Consultant).

Mr Peter Vasel (A/Director Pollution Control, EPA) and two other members of the EPA attended.

**RESOLVED  
112/15**

That, pursuant to section 57 (3) of the *Planning Act*, the Development Consent Authority consent to the application to vary Development Permit DP14/0894 that applies to Section 4649 (120) Bastin Road, Hundred of Bagot by removing Condition Precedent 1.

#### **REASONS FOR THE DECISION**

1. Pursuant to section 57(3) of the *Planning Act* the consent authority must only vary a condition of a development permit if the proposed variation will not alter a measurable aspect of the development by a margin greater than 5% (or is not conveniently measurable) and, in the opinion of the consent authority, will not materially affect the amenity of adjoining land or premises.

The removal of Condition Precedent 1 of DP14/0894 does not alter a measurable aspect of the approved development by a margin greater than 5% and would be unlikely to result in an adverse impact on the amenity of adjoining or nearby land.

It is considered that the retention of the condition precedent in this instance is onerous on the developer given that the zoning of the land is not changing and that the intended and permitted land uses on the land are unaltered from those presently permitted.

While the Authority recognises a duty of care in relation to ensuring that land to be developed is suitable for its intended purpose and not subject to contamination, the Authority is concerned that at this point in time the development community have not been adequately consulted or made aware of the potential time and cost ramifications of the application of the National Environmental Protection Council (Assessment of Site Contamination) Measure 1999 (ASC NEPM), particularly in the rural areas where horticulture and other rural uses with potential for contaminating activities have historically been common.

The Consent Authority understands that the NT EPA is currently undergoing a reform/ framework development process in relation to the application of the ASC NEPM. The development community require a clear and transparent process and a level of certainty when considering undertaking any development, therefore the Authority recommends that as part of the reform / framework process the NT EPA undertake a consultation and/or education process with a particular focus on the potentially broad ranging implications of the active implementation/ enforcement of the ASC NEPM to the development community.

**ACTION:** Variation to Development Permit  
**ACTION:** Chairman to write to:

- o the Minister for Lands and Planning;
- o the Minister for the Environment;
- o Chairperson of the NT Planning Commission; and
- o Chairman of the NT EPA

**ITEM 6**  
**PA2015/0252**  
**APPLICANT**

**SUBDIVISION TO CREATE 2 LOTS**  
**SECTION 2523 (138) COLLARD ROAD, HUNDRED OF STRANGWAYS**  
**JOHN LIEW**

Mr John Liew attended and tabled advice in relation to the farming of the lot and a google plan of area.

**RESOLVED**  
**113/15**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 2523 (138) Collard Road, Hundred of Strangways for the purpose of subdivision to create two (2) lots, subject to the following conditions:

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawing number 2015/0252/1 endorsed as forming 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 facilities services 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 affected roads, street lighting, stormwater drainage, 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.
5. Prior to the issue of Titles the applicant shall provide the Water Resources branch of the Department of Land Resources advice regarding the existing bore on Section 2523 to the satisfaction of the consent authority.
6. This development is subject to the Litchfield Council Developer Contribution plan. The developer shall pay a levy as per the plan.

**NOTES:**

1. This permit will expire if one of the following circumstances applies:
  - (a) the development is not started within two years of the date of this permit; or
  - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve.
3. 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 contact the Department of Land Resource Management.
4. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.
5. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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.
6. 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](mailto: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.

## 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 subdivision was assessed against the NT Planning Scheme and generally complies with all relevant provisions. Lot sizes proposed are 2ha and 2.05ha meeting minimum lot size requirements for the zone. Both lots will be connected to reticulated power supply and serviced by bore and on-site effluent disposal systems.

Section 2523 appears to be generally capable of supporting the subdivision to create two lots as proposed by the application. The land is generally flat with slopes less than 2% across the site and there are no identified watercourses or drainage lines within proximity of the proposed subdivision.

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 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.

In consideration of the NT EPA's recommendation that a condition precedent be placed on the permit requesting certification that the site is suitable for its intended use the consent authority considered that this condition is onerous and that the intended and permitted land uses on the land are unaltered from those presently permitted.

While the Authority recognises a duty of care in relation to ensuring that land to be developed is suitable for its intended purpose and not subject to contamination, the Authority is concerned that at this point in time the development community have not been adequately consulted or made aware of the potential time and cost ramifications of the application of the National Environmental Protection Council (Assessment of Site Contamination) Measure 1999 (ASC NEPM), particularly in the rural areas where horticulture and other rural uses with potential for contaminating activities have historically been common.

The Consent Authority understands that the NT EPA is currently undergoing a reform/ framework development process in relation to the application of the ASC NEPM. The development community require a clear and transparent process and a level of certainty when considering undertaking any development, therefore the Authority recommends that as part of the reform / framework process the NT EPA undertake a consultation and/or education process with a particular focus on the

potentially broad ranging implications of the active implementation/enforcement of the ASC NEPM to the development community.

3. Pursuant to Section 51(n) of the *Planning Act*, 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 of Section 2523 to create two lots of 2ha and 2.05ha in area is consistent with existing development in the area and unlikely to detrimentally impact upon the existing and future amenity of the area.

**ACTION:** Notice of Consent and Development Permit

**ITEM 7**  
**PA2015/0318**  
**APPLICANT**

**INDEPENDENT UNIT WITH INDEPENDENT EFFLUENT DISPOSAL SYSTEM**  
**SECTION 2057 (95) SHEWRING ROAD, HUNDRED OF STRANGWAYS**  
**RODNEY HART**

The applicant did not attend.

**RESOLVED**  
**114/15**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Section 2057 (95) Shewring Road, Hundred of Strangways for the purpose of an independent unit with independent effluent disposal system to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- Details of the effluent disposal system selected, and confirmation from Power and Water Corporation and Department of Health that the proposed system is acceptable within the Wellhead Protection Zone.

**RESOLVED**  
**115/15**

That pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman, or in the Chairman's absence any one of the other members of the Litchfield Division the power under section 53 of the Act, to determine the application to develop Section 2057 (95) Shewring Road, Hundred of Strangways for the purpose of an independent unit with independent effluent disposal system subject to the provision of:

- Details of the effluent disposal system selected, and confirmation from Power and Water Corporation and Department of Health that the proposed system is acceptable within the Wellhead Protection Zone.

And further subject to conditions as determined by the delegate.

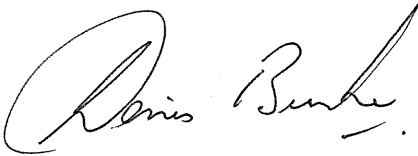
**REASONS FOR THE DECISION**

1. The proposed independent unit is generally compliant with NT Planning Scheme requirements, except for the proposed installation of an independent effluent disposal system.

2. Section 2057 (95) Shewring Road, Hundred of Strangways is within an identified Wellhead Protection Zone. The installation of an appropriate effluent disposal system to the requirements of Department of Health and Power and Water Corporation is necessary to ensure continuing protection of public drinking water supplies. The applicant is in ongoing discussions with both parties to determine the most appropriate effluent disposal system for the location.

**ACTION:** Advice to Applicant

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



**DENIS BURKE**  
Chairman

19/6/15