



## DEVELOPMENT CONSENT AUTHORITY

### LITCHFIELD DIVISION

### MINUTES

MEETING No. 147 – FRIDAY 9 DECEMBER 2011

WHITEWOOD HALL  
325 WHITEWOOD ROAD  
HOWARD SPRINGS

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

**APOLOGIES:** Mary Walshe

**OFFICERS PRESENT:** Margaret Macintyre (Secretary) and Steven Kubasiewicz (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

Meeting opened at 9.45 am and closed at 10.30 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** HOME BASED CONTRACTING  
**PA2011/0783** LOT 12 (60) LOVELOCK ROAD, HUNDRED OF STRANGWAYS  
**APPLICANT** JULIE-ANNE CAREW & TERRANCE CAREW

Mrs Julie-Anne Carew attended.

Submitters Mr Geoffrey and Mrs Sandra Orridge sent their apologies.

**RESOLVED**  
**195/11**

That, the Development Consent Authority vary the requirements of Clause 7.10.8 (Home Based Contracting) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 12 LTO 78003 (60) Lovelock Road, Hundred of Strangways for the purpose of home based contracting, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawing numbered 2011/0783/1, endorsed as forming part of this permit.
2. 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.
3. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the Litchfield Council drains or to any watercourse.
4. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - (a) Transport of materials, goods, commodities or vehicles to or from the land;
  - (b) Appearance of any building, works or materials;
  - (c) Emission of noise, vibration, smell, fumes, dust, waste water, waste products, grit or oil;
  - (d) Presence of vermin
5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
6. The number of vehicles kept on site associated with this permit must not exceed 6 vehicles.

#### **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 application is consistent with the relevant objectives of the *Litchfield Planning Concepts and Land Use Objectives 2002* that seek to maintain and enhance the amenity for residents and minimise the impact of development on the environment.

The proposed home based contracting will require a variation to Clause 7.10.8 (Home Based Contracting) of the NT Planning Scheme to allow the storage of 6 vehicles associated with the home based contracting. The variation is supported because of the ongoing landscaped screening works to increase the visual amenity of the subject site and consistency with the purpose of Zone RL (Rural Living) to provide for a range of rural land uses.

2. 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 proposed home based contracting minimises vehicle movements on and off the site, will not generate excessive noise or vibrations with only minimal works undertaken on business related vehicles. The subject site provides adequate screening through the use of landscaping, which as it matures will further enhance the amenity of the area.

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

**ITEM 2**  
**PA2011/0791**  
**APPLICANT**

**EXCAVATION AND FILL**  
**LOT 2 (335) OLD BYNOE ROAD, HUNDRED OF CAVENAGH**  
**ADAM GRIFFITHS**

Mr Adam Griffiths and his father Mr Rex Griffiths attended.

**RESOLVED**  
**196/11**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 2 LTO 76006 (335) Old Bynoe Road, Hundred of Cavenagh, for the purpose of excavation and fill, subject to the following conditions:

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings 2011/0791/1 to 2011/0791/4 inclusive endorsed as forming part of this permit.
2. 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.
3. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the Litchfield Council drains or to any watercourse.

4. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
5. The dam shall be constructed in accordance with relevant engineering design principles.

**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 Natural Resources, Environment, The Arts and Sport.
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*.

**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 application is consistent with the relevant objectives of the *Litchfield Planning Concepts and Land Use Objectives 2002* that seek to maintain and enhance the amenity for residents and minimise the impact of development on the environment. The development is consistent with the requirements of Clause 6.16 (Excavation and Fill) of the NT Planning Scheme, and the site is considered suitable for the proposed use.

2. 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 proposed excavation and fill will not impact significantly on the existing water flows in the locality and will contribute to the amenity enjoyed by the occupants of the existing dwelling on the site.

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

ITEM 3  
PA2011/0771  
APPLICANT

**SUBDIVISION TO CREATE 9 LOTS  
SECTION 275 (200) WHITSTONE ROAD, HUNDRED OF COLTON  
EARL JAMES & ASSOCIATES**

Mr Kevin Dodd (Earl James & Associates) and Mr Mark Harris (owner) attended.

**RESOLVED  
197/11**

That the Authority vary clause 11.4.2 (Infrastructure in Subdivisions of Rural and Unzoned Land) and, pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 275 (200) Whitstone Road, Hundred of Colton for the purpose of a subdivision to create 8 lots subject to the following conditions.

**CONDITIONS PRECEDENT**

1. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater infrastructure, stormwater drains and drainage easements, is to be submitted to and approved by the consent Authority on the advice of the Department of Natural Resources, Environment, Arts and Sports (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. Works are to be carried out in accordance with plan numbered 2011.0771.01 endorsed as part of this permit.
3. Before the issue of titles, fire access trails are to be installed on the advice of the Bushfires Council of the NT, to the satisfaction of the consent authority.
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 electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation.
6. Engineering design, calculations and specifications for the proposed and affected roads, stormwater drainage, street lighting and vehicular accesses are to be submitted for technical approval to Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
7. 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.
8. This development is subject to the Litchfield Shire Council Developer Contribution Plan.

9. The developer is to ensure all development work is undertaken in a manner that prevents the creation of a public health nuisance from dust or other particulate matter.

#### NOTES:

1. This development must conform to the criteria outlined in *"Guidelines for Preventing Biting Insect Problems for New Rural Residential Developments or Subdivision in the Top End of the Northern Territory"*. The permit holder is to liaise with the Senior Medical Entomologist, Department of Health and Community Services regarding advice on potential impact of biting insects to the development and appropriate measures to minimise the potential for creating mosquito breeding sites.
2. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property.
3. It is an offence to interfere with or cause damage to sacred sites identified in accordance with the *Aboriginal Sacred Sites (NT) Act* and as such the developer should obtain an 'Authority Certificate' from the Aboriginal Areas Protection Authority prior to the commencement of any works.
4. 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. 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 amended subdivision design predominantly avoids establishing boundaries within land constrained by seepage areas, poorly drained soils, Acacia Creek and associated drainage protection areas identified for PEM. The amended layout provides a superior design to that originally submitted and demonstrates a better consideration of physical land constraints. Concerns of Litchfield Council and NRETAS regarding unconstrained access to lots 6, 7, 8 and 9 have been addressed by the amended design which relocates several accesses to land that appears from land unit mapping and aerial photography to be much less likely to be constrained. The amended plan combined with the requirement for erosion and sedimentation control and stormwater and drainage management can enable subdivision development of Section 275 that capitalises on unconstrained land areas, minimises development of and impacts on land less capable of supporting subdivision, and as such helps to maintain the integrity of areas identified for Priority Environmental Management. This in turn will minimise impacts on amenity and minimise impacts on local natural values.

2. The consent Authority must, pursuant to section 51(a) of the *Planning Act*, take into account any planning scheme that applies to the land to which the proposed development relates.

The battleaxe handle proposed for lot 8 is 556m in length, well in excess of the 250m minimum. A variation to clause 11.4.2 (Infrastructure in Subdivisions of Rural and Unzoned Land) can however be justified as it is in a superior location than originally proposed and the developer will be responsible for the costs for providing power to the battleaxe handle access.

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

**ITEM 4**  
**PA2011/0014**  
**APPLICANT**

**SUBDIVISION TO CREATE 6 LOTS**  
**SECTION 4775 & 4779 (20) ROGERS ROAD & (27) WILLIAMS ROAD, HUNDRED OF BAGOT**  
**THE SUNNERS FAMILY TRUST NO 2**

Mr Neil Sunners (The Sunners Family Trust No 2) attended.

**RESOLVED**  
**198/11**

That, pursuant to Section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 4779 (27) Williams Road, Hundred of Bagot for the purpose of a subdivision to create two lots subject to the following conditions:

**CONDITIONS**

1. Works are to be carried out in accordance with the plan numbered 2011.0014.01 endorsed as part of this permit.
2. Before the issue of titles, fire access trails are to be installed on the advice of the Bushfires Council of the NT, to the satisfaction of the consent authority.
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. 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.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity and water services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation.
6. Engineering design, calculations and specifications for the proposed and affected roads, stormwater drainage and vehicular accesses are to be submitted

for technical approval to Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

7. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve.
8. This development is subject to the Litchfield Shire Council Developer Contribution Plan.
9. 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 proposed lots as indicated on the endorsed drawings. The Caution Notice is to state that: "*The installation of site-specific design-approved effluent treatment may be required. Consent is required from both the Department of Health and the Power and Water Corporation for the installation any effluent treatment infrastructure. The establishment of a bore for domestic purposes is prohibited on this lot*". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.
10. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

#### NOTES:

1. This development must conform to the criteria outlined in "*Guidelines for Preventing Biting Insect Problems for New Rural Residential Developments or Subdivision in the Top End of the Northern Territory*". The permit holder is to liaise with the Senior Medical Entomologist, Department of Health and Community Services regarding advice on potential impact of biting insects to the development and appropriate measures to minimise the potential for creating mosquito breeding sites.
2. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property.
3. It is an offence to interfere with or cause damage to sacred sites identified in accordance with the *Aboriginal Sacred Sites (NT) Act* and as such the developer should obtain an 'Authority Certificate' from the Aboriginal Areas Protection Authority prior to the commencement of any works.
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 Natural Resources Management Division, Department of Natural Resources, Environment, the Arts and Sport.

#### REASONS FOR THE DECISION

1. The consent Authority must, pursuant to section 51(a) of the *Planning Act*, take into account any planning scheme that applies to the land to which the proposed development relates.



The amended plan now demonstrates compliance with clause 11.1.1 (Minimum Lot Sizes and Requirements) of the NT Planning Scheme as both lots proposed are in excess of 2ha each.

2. The consent Authority must, pursuant to section 51(m) of the *Planning Act*, 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.

The amended plan no longer proposes any development of Section 4775. Consequently, the proposed subdivision only impacts on the 400-600m "management zone" applicable to production bore RN6231/M55 and not the 400m "exclusion zone". As such, the inclusion of a condition on the draft permit that requires the developer to register a caution notice on titles relating to the requirement for non-standard effluent treatment can address concerns previously raised by the Power and Water Corporation and the Department of Health and negate any risk to the water quality of the Howard Springs Production Bore.

The requirement that this caution notice also prohibit the installation of bores on new lots combined with the requirement to connect to reticulated water services can ensure that as per requirements of the Power and Water Corporation, no further bores are sunk within the 600m buffer zone of production bore RN6231/M55.

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

ITEM 5  
PA2011/0743  
APPLICANT

SUBDIVISION AND CONSOLIDATION TO CREATE 1 LOT  
SECTIONS 325, 329, 4558 (360, 420, 400) GULNARE ROAD HUNDRED OF  
STRANGWAYS  
SHARYN & JOHN CALVANO

Mrs Sharyn & Mr John Calvano attended.

RESOLVED  
199/11

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Sections 325, 329 and 4558 (360, 420 & 400) Gulnare Road, Hundred of Strangways, for the purpose of a subdivision and consolidation to create 1 lot, subject to the following conditions:

#### CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing numbered 2011/0743/1, 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 supply to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. 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.
5. 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.

#### NOTE:

1. There are statutory obligations under the *Weeds Management Act 2001* to take all practical measures to manage weeds on the property.

#### 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 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.

The proposal complies with the relevant provisions of Part 5 of the NT Planning Scheme.

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

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



**PETER MCQUEEN**  
Chairman

12 /12/11

