



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 161 – FRIDAY 15 MARCH 2013

**WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

MEMBERS PRESENT: Peter McQueen (Chairman), Richard Luxton, Michael Bowman and Allan McKay

APOLOGIES: Keith Aitken

OFFICERS PRESENT: Margaret Macintyre (Secretary), Steven Kubasiewicz and Maree Domelow (Development Assessment Services)

COUNCIL REPRESENTATIVE: Russell Anderson (CEO) and Mike Alarcon

**Meeting opened at 10.15 am and closed at 1.15 pm
Reopened at 2.30 pm and closed at 4 10 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 **SUBDIVISION AND CONSOLIDATION TO CREATE 2 LOTS**
PA2012/1014 **SECTION 3041 (51) CURRAWONG DRIVE & SECTION 4487 (109) SANDPIPER**
APPLICANT **ALAN SPRIGG**
GROVE, HUNDRED OF BAGOT

Mr Alan Sprigg, Mr John Bonney (current owner) and Ms Gail Humble (potential owner) attended.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
79/13 Authority consent to the application to develop Section 3041 (51) Currawong Drive,
Hundred of Bagot and Section 4487 (109) Sandpiper Grove, Hundred of Bagot for
the purpose of a subdivision and consolidation to create two lots, subject to the
following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing numbered 2012/1014/01, 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 water supply, electricity services and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. 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 Bushfires NT.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

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.

Both proposed lots are in excess of the minimum 2 ha lot size requirement for Zone RL (Rural Living) land. It is not clear from the application details whether each of the proposed lots will have 1 ha of unconstrained land, however, the proposal does not affect the area of unconstrained land available in each lot and each of the lots is currently developed for rural living purposes.

The proposed new rear boundary to subdivide the north west portion of Section 4487 from Dutchies Lagoon dissects through poorly drained soils associated with the lagoon. The site does not contain excessive slopes and the proposed boundary line has been previously cleared. The risk of soil erosion and sedimentation of the lagoon, as a result of the subdivision and consolidation, is considered to be minimal. No evidence of erosion has been observed along the proposed boundary line to be created which follows an existing fire break.

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.

Both subject lots are currently developed for rural living purposes and the application does not propose intensification in development on either property. The application will not alter the area of unconstrained land present on either lot, and current development on both lots demonstrates that the sites are capable of supporting rural living activities.

Dutchies Lagoon is an identified Priority Environmental Management Area. The purpose of the subdivision and consolidation is to facilitate a change in ownership of the lagoon to assist in the long-term maintenance and protection of the lagoon environment.

The land is considered capable of supporting the proposed subdivision and consolidation and the proposal will not affect development on neighbouring land.

ACTION: Notice of Consent and Development Permit

**ITEM 2
PA2013/0011
APPLICANT**

**SUBDIVISION TO CREATE 5 LOTS
SECTION 4212 (25) SMYTH ROAD, HUNDRED OF BAGOT
EARL JAMES & ASSOCIATES**

Mr Kevin Dodd (Earl James & Associates) and Mr Tony Hillier (owner) attended.

Mr Dodd tabled at response to submissions and the DAS report.

Submitters in attendance:- Mr Shayne and Mrs Veronica Austerberry.

**RESOLVED
80/13**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Section 4212 (25) Smyth Road, Hundred of Bagot for the purpose of a subdivision to create five lots to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the proposal:

- Confirmation of access arrangements in consultation with, and to the requirements of, Litchfield Council, including any traffic impact assessment to be undertaken;
- A Land Capability Assessment assessing the capability of the land to support onsite effluent disposal at the maximum potential density of development of the site to the satisfaction of the Department of Health; and
- A waste water management plan demonstrating how waste water treatment is to be managed on each lot given the potential for five dwellings to be established on each lot.

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 does not propose to connect to a reticulated waste water treatment system. Provisions of the zone require that the residential development of the land must be compatible with the land capability of the site. The Department of Health have requested that a land capability assessment be submitted so that all the various aspects of the site with regard to waste water collection, treatment and disposal can be identified for each lot and that a waste water management plan for each of the lots is required.

ACTION: Advice to Applicant

ITEM 3
PA2012/0998

**WAREHOUSE AND ANCILLARY OFFICES WITH REDUCED SIDE AND REAR
SETBACKS**

APPLICANT

**SECTION 6352 (4) MIGHALL PLACE, HUNDRED OF BAGOT
ASTERIOS KIRANOU**

Mr Asterios Kiranou and Mr Peter Fulton (owner) attended.

**RESOLVED
81/13**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 6352 (4) Mighall Place, Hundred of Bagot for the purpose of warehouse and ancillary offices with reduced side and rear setbacks, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works an effluent disposal system is to be approved by the Department of Health to the satisfaction of the consent authority. The effluent disposal system must be installed concurrently with the erection of the warehouse and all waste must be disposed of within the cartilage of the property.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered 2012/0998/1 to 2012/0998/2 inclusive, endorsed as forming part of this permit and shall not be altered without further consent of the consent authority.
3. Before the use starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
4. The loading and unloading of goods from vehicles must only be carried out on the land.
5. Before the use of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
6. 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 or commodities to or from the land
 - (b) appearance of any building, works or materials

- (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
- 7. Any upgrading of water services to the building development shall be provided to the satisfaction of the Power and Water Corporation, in accordance with the requirements of the Connection Code, at no cost to Power and Water.
- 8. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities and telecommunication networks to the development shown on the endorsed plan, in accordance with the authorities' requirements and relevant legislation at the time.

NOTES:

- 1. This permit will expire if one of the following circumstances applies:
 - (a) the development and use 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.

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 variation to Clauses 6.1 (Height Control) and 9.1.1 (Industrial Setbacks) is supported. It is considered that the proposed height under the requirement and reduced setback would not have any significant impacts on the amenity of the surrounding area.

- 2. The proposed development is considered to be appropriate for the Light Industry Zone which encourages light industry and also allows for the provision of offices.

The design incorporates landscaping and wide setbacks from the street which would contribute to the amenity of the locality.

ACTION: Notice of Consent and Development Permit

**ITEM 4
PA2013/0044
APPLICANT**

**DEPENDANT UNIT EXCEEDING 50M²
LOT 34 (80) DREAMTIME DRIVE, HUNDRED OF STRANGWAYS
JOHN & SONIA PATTEMORE**

Mr John & Mrs Sonia Pattemore attended.

**RESOLVED
82/13**

That, the Development Consent Authority vary the requirements of Clause 7.10.4 (Dependant Units) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 34 LTO

72/007 (80) Dreamtime Drive, Hundred of Bagot for the purpose a dependant unit in excess of 50m², subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0044/01 and 2013/0044/02, endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities and telecommunication networks to the development shown on the endorsed plan, in accordance with the authorities' requirements and relevant legislation at the time.
3. 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.
4. An approved effluent disposal system to the requirements of the Department of Health and to the satisfaction of the consent authority must be installed concurrently with the erection of the dependant unit and all waste must be disposed of within the curtilage of the property.
5. The Dependant Unit shall only be occupied by persons dependant on the occupants of the principle dwelling on the site.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

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 variation to Clause 7.10.4 (Dependant Units) is supported as the dependant unit will not impact on the amenity of the locality. The dependant unit is well setback from all boundaries and existing vegetation on the property will screen the dependant unit from the street frontage and from neighbouring dwellings.

2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into account the capability of the land to support the proposed development and the effect of the development on adjoining land.

The site is relatively flat, is not affected by seasonal waterlogging and is considered to be unconstrained. The development of a dependant unit at the site will not affect development on adjoining land.

ACTION: Notice of Consent and Development Permit

ITEM 5
PA2013/0031
APPLICANT

3 X 3 BEDROOM MULTIPLE DWELLINGS IN 3 X 2 STOREY BUILDINGS
SECTION 6535 (4) HAVELOCK STREET, HUNDRED OF BAGOT
TRANSFORMING SKILLS NT PTY LTD

Mr Cornelus Koole (Transforming Skills NT) attended.

RESOLVED
83/13

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building setbacks of Residential Buildings) and Clause 7.3.2 (Distance between residential buildings on one site) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 6535 (4) Havelock Street, Hundred of Bagot for the purpose of 3x3 bedroom multiple dwellings in 3 x 2 storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of Litchfield Council and to the satisfaction of the consent authority.
2. Before the development starts, a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The plan must show:
 - (a) details of surface finishes of pathways and driveways;
 - (c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - (d) landscaping and planting within all open areas of the site;
 - (e) provision of an in ground irrigation system to all landscaped areas.All species selected must be to the satisfaction of the consent authority.
3. Prior to the commencement of works (including site preparation), the applicant is to prepare amended plans which show details of fixed external screens to windows of affected habitable rooms (i.e. those facing windows to habitable rooms) which demonstrate that views to adjoining habitable rooms of neighbouring dwellings will be mitigated.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, 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.
6. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
7. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development.
8. Before the occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
9. 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.
10. 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.
11. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Litchfield Council, to the satisfaction of the consent authority.
12. The owner shall:
 - a) remove disused vehicle and/ or pedestrian crossovers;
 - b) collect stormwater and discharge it to the drainage network; and
 - c) undertake reinstatement works;all to the technical requirements of and at no cost to the Litchfield Council, to the satisfaction of the consent authority.
13. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner, to the satisfaction of the consent authority.

NOTES:

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meet minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and 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.
3. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
4. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the authority must consider any planning scheme that applies to the land to which the application relates.

The proposal to develop the lot for the purpose of 3 x 3 bedroom multiple dwellings in 3 x 2 storey buildings is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) which is to provide for a range of housing options to a maximum height of two storeys. The development is considered to be of a scale, character and architectural style of development reasonably anticipated once the remainder of the subdivision is developed.

A variation to Clause 7.3 (Building Setbacks of Residential Buildings) to allow a return wall to extend 1.2 metres into the side setback, being 300 mm from the side boundary is supported on the basis that it has minimal impact on the purpose of the clause, and is consistent with the design of the other two dwellings proposed.

A variation to Clause 7.3.2 (Distance between residential buildings on one site) is supported on the basis that it is proposed to screen fence between each dwelling and on the condition that the windows to affected habitable rooms are screened to reduce any impact on privacy.

5. 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 is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) of the Scheme. The general level of compliance achieved with the Scheme is a representation that the proposal is appropriate for the site and locality, and is not considered to result in any negative impact on the surrounding area.

ACTION: Notice of Consent and Development Permit

ITEM 6
PA2013/0018
APPLICANT

CLEARING OF NATIVE VEGETATION
LOT 12 (1765) LEONINO ROAD, HUNDRED OF CAVENAGH
PAUL PRICE

The applicant did not attend.

RESOLVED
84/13

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 12 (1765) Leonino Road, Hundred of Cavenagh for the purpose of clearing of native vegetation, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of a plan and prior to commencement of works (including site preparation), an amended plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The plan must be generally in accordance with the plan submitted with the application but modified to show:
 - (a) the dimensions of the areas to be cleared clearly labelled in meters
2. 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. 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

3. The works carried out under this permit shall be in accordance with the drawing numbered and endorsed as forming part of this permit.

4. The clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawing to the satisfaction of the consent authority.
5. 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.
6. Clearing is to be undertaken at a time agreed upon with the Department of Land Resource Management only.

Expiry of Permit

This permit will expire if one of the following circumstances applies:

- (a) the development is not substantially commenced 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 an application is made in writing before the permit expires.

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. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Aboriginal Sacred Sites Act*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
3. The permit holder is advised that it is an offence to disturb or destroy prescribed archaeological places without consent under the *Heritage Conservation Act*. Should any heritage or archaeological material be discovered during the clearing operation, cease operation and please phone Heritage Conservation Services of the Department of Lands, Planning and the Environment.
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 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. 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.

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 to clear native vegetation from approximately 60% of the lot in order to establish a custard apple orchard within Zone R (Rural) is compatible with the intent of Clause 5.20 (R – Rural) of the NT Planning Scheme. The intended use qualifies as horticulture, a permitted use in Zone R. The amended plan ensures the application achieves closer compliance with the NT Planning Scheme. The requirement for another amended plan is to ensure dimensions are identified on the endorsed plan.

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.

Written comment from the Department of Land Resource Management combined with land unit and soil drainage mapping indicates that while the land is predominantly capable of supporting the proposal, an area in the north-west appears to be subject to poor soil drainage and subsequently erosion. The amended plan removes this area from the proposal. Further, the requirements to undertake works at a time of year agreed upon with the Department of Land Resource Management, and to implement an approved erosion and sediment control plan during works is expected to further ensure the land is cleared and cultivated for a custard apple orchard in accordance with the land's physical capabilities.

ACTION: Notice of Consent and Development Permit

ITEM 7
PA2012/0994
APPLICANT

UNIT TITLE SCHEME SUBDIVISION TO CREATE NINE UNITS
UNITS 2675 & 2679 (199) DORIS ROAD, HUNDRED OF CAVENAGH
VETKA PTY LTD

Mr Doug Barden (owner) attended.

RESOLVED
85/13

That pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Unit 2675 (Apt 1) and Unit 2679 (Common Property) (199) Doris Road, Hundred of Cavenagh for the purpose of a unit title scheme subdivision to create nine units to require the application to provide the following additional information that the Authority considers necessary in order to enable consideration of the application:

- provide documentary evidence to the satisfaction of the consent authority upon the advice of the Department of Health that the existing effluent disposal system is of sufficient capacity to cope with the projected increased loading.

REASON FOR THE DECISION

1. Pursuant to Section 51 (m) the consent authority must take into account any infrastructure required to be provided by the developer. The subject land has an on site waste water treatment plant. Clarification is sought from the applicant, in consultation with the Department of Health, to demonstrate that the existing on site waste water plant is sufficient to accommodate the proposed development and if not to identify on the plan the area required for any additional waste water treatment facilities.

ACTION: Advice to Applicant

**ITEM 8
PA2012/0718
APPLICANT**

**SUBDIVISION TO CREATE 11 LOTS
SECTION 3323 (395) STUART HIGHWAY, HUNDRED OF BAGOT
ELTON CONSULTING**

DAS tabled an addendum – further information from the applicant.

Mr Martin Klopper (Elton Consulting) and Mr Mark Bowler attended.

Mr Klopper tabled comments from Department of Health dated 11 January 2013.

**RESOLVED
86/13**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to subdivide Section 3323 (395) Stuart Highway, Hundred of Bagot to create 11 lots, 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:

- Provide additional information with regard to how storage, treatment and disposal of effluent can be adequately addressed in both the short and long term for the proposed commercial lots. In the short term the DCA requires additional information that there is adequate physical space on each proposed lot to meet effluent storage and removal requirements once hard stand and developed areas are taken into account.
- Additional information is also requested in relation to who will be responsible for management and removal of the effluent from the holding tanks. In the long term the DCA requires additional information in relation to how future connection to the Power and Water reticulated sewerage system can be guaranteed in a timely manner. If it cannot be guaranteed, it needs to be demonstrated that effluent will be able to be appropriately disposed of in the long term, meeting the requirements of the Department of Health, to the satisfaction of the consent authority.

REASON FOR THE DECISION

1. It has not yet been demonstrated how the storage, treatment and disposal of effluent can be adequately addressed in either the short or long term for the proposed commercial lots. The DCA is seeking clarification for the applicant in this regard.

ACTION: Advice to Applicant

**ITEM 9
PA2012/0956**

**CHANGES TO THE SUBDIVISION APPROVED BY DP10/0358 INCLUDING
1 ADDITIONAL LOT**

APPLICANT

**SECTION 5463 (77) HONEYSUCKLE ROAD, HUNDRED OF STRANGWAYS
AUSTRALIAN NEW ZEALAND RESOURCES CORPORATION PTY LTD**

Mr Graham Chrisp (ANZ Resources Corporation Pty Ltd) and Mr Tony Parsons (Cardno Willing) attended.

Mr Chrisp tabled additional information on the proposed subdivision.

**RESOLVED
87/13**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 5463 (77) Honeysuckle Road, Hundred of Strangways for the purpose of changes to the subdivision approved through DP10/0358 including 1 additional lot, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works, documented evidence from a licensed plumber stating both proposed lots can accommodate on-site waste-water disposal, is to be provided to the satisfaction of the consent authority on the advice of the Department of Health.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawing numbered 2012_0956_01 endorsed as forming part of this permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage, electricity facilities, and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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. 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. 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 (Department of Land Resource Management).
7. Before the 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 both proposed lots indicated on the endorsed drawing. The Caution Notice is to state that: "*This allotment may be subject to periods of waterlogging and inundation. Options for the location of bores and septic systems may be limited*". This is to also include a map of the constrained land areas as identified by the environmental consultant to the satisfaction of the consent authority. Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.
8. In the event that the documentary evidence from a licensed plumber required under Condition 1 reveals that a lot may not have adequate areas of soils suitable for the absorption of effluent disposal, and 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 title of the parent parcel to include the following advice: "*A non-standard septic system may be required on this allotment*". This is to include a map of the constrained land areas as identified by the environmental consultant to the satisfaction of the consent authority. Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - a) the subdivision is not started within two years of the date of this permit;
 - or
 - b) the subdivision 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. 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.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and 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.
4. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities

REASONS FOR THE DECISION

1. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to support the proposed development.

The land is located nearby to perennial Benham's Lagoon. Subdivision and residential development results in road construction, altered natural drainage, and clearing of native vegetation which further impacts on natural drainage. Residential development in unserviced land areas relies on the successful performance of bores and waste-water treatment that achieves adequate separation and complies with relevant legislation.

The applicant, Australia New Zealand Resources Corporation Pty Ltd, and the applicant's consultant, EcOz Environmental Services, contend in statements and reports submitted during the assessment process that the land is subject to only minor land constraints. The Department of Land Resource Management advised in April 2010 that "*areas constrained by drainage in the north extend only slightly inside the northern boundary of proposed Lot 5*" (i.e. proposed lot 1 in current application). The Department of Health advised it has concerns regarding land constraints and the capacity for lots to accommodate the disposal of waste waters. A precedent condition included on the development permit that requires documented evidence be provided from a licensed plumber stating the land can accommodate on-site waste water disposal is expected to address concerns of the Department of Health.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

22/3/13

