



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 170 – FRIDAY 13 DECEMBER 2013

**WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

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

APOLOGIES: Nil

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

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 am and closed at 2.30 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 TO CREATE 4 LOTS**
PA2013/0796 **LOT 11 (450) LOWTHER ROAD, HUNDRED OF STRANGWAYS**
APPLICANT **ARAFURA SURVEYING CONSULTANTS**

Mr Peter Harrison (Above Capricorn Technologies) and Mr Des Groves (landowner) attended on behalf of the applicant.

RESOLVED
396/13

That, the Development Consent Authority vary the requirements of Clause 11.1.1 (Minimum Lot Sizes and Requirements) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 11 (450) Lowther Road, Hundred of Strangways for the purpose of a subdivision to create 4 lots, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works a Land Capability Assessment is to be undertaken to the satisfaction of the consent authority on the advice of the Department of Health. This must include but is not limited to the identification of lots that do not have adequate land areas of soils suitable for accommodating standard effluent disposal.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawing numbered 2013/0796/01 endorsed as forming part of this permit.
3. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be submitted to and approved by the consent authority on the advice of the Department of 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.
4. Where the Land Capability Assessment required under Condition 1 identifies 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 parent title with the following advice: "A non-standard septic system may be required on allotment X of the development plan" as the case may be. Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

5. Engineering design and specifications for the affected road, stormwater drainage and vehicular accesses 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. 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, 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.
8. Before the issue of titles, firebreaks shall be provided to the satisfaction of the consent authority on advice from the Bushfires Council NT (Department of Land Resource Management).

Expiry Of A Permit

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.

NOTES:

1. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve.
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. 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 at <http://lrm.nt.gov.au/soil/management/factsheets>.
5. You are advised to contact the relevant service provider prior to construction works to determine any relevant telecommunication network servicing requirements for the development.

6. The extension of the power supply from the reticulated service to future development on lots B and C may result in significant costs to a future land owner.

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.

This application predominantly complies with the NT Planning Scheme, in particular Clause 5.19 (Zone RL – Rural Living) and Clause 11.1.1 (Minimum Lot Sizes and Requirements).

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.

The Department of Land Resource Management has not identified any concerns with lots comprising 1ha of unconstrained land. The Department does however recommend the incorporation of erosion and sediment control measures and this has been reflected by a standard condition and notation on the development permit.

3. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirements for public facilities and services to be connected to the land and the requirements, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

The Department of Health's request for a Land Capability Assessment has been required by a condition of the permit with a subsequent requirement that should any lots be deemed incapable of supporting a standard septic, a caution notice is to be registered on the current title stating: "A non-standard septic system may be required on allotment X of the development plan".

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2013/0742
APPLICANT

CHANGES TO DP13/0220 TO CREATE 5 LOTS BELOW 2HA
SECTION 4574 (655) REDCLIFFE ROAD, HUNDRED OF STRANGWAYS
EARL JAMES & ASSOCIATES

Mr Kevin Dodd (Earl James & Associates) and Mr Dave Hutchins (developer) attended.

RESOLVED
397/13

That, the Development Consent Authority vary the requirements of Clause 11.1.1 (Minimum Lot Sizes and Requirements), and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 4574 (655) Redcliffe Road,

Hundred of Strangways for the purpose of a subdivision to create 43 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 drains, 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.
2. 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. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected to Council's system.
3. Prior to the commencement of works, a traffic assessment must be undertaken on the advice of the Litchfield Council and to the satisfaction of the consent authority.
4. Prior to the commencement of works a Land Capability Assessment is to be undertaken to the satisfaction of the consent authority on the advice of the Department of Health. This must include but is not limited to the identification of lots that do not have adequate land areas of soils suitable for accommodating standard effluent disposal.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawing numbered 2013/0742/01 endorsed as forming part of this permit.
6. Engineering design and specifications for the proposed and affected roads, street lighting, 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. 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.
8. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.
9. 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.

10. Before the issue of titles, firebreaks shall be provided to the satisfaction of the consent authority on advice from the Bushfires Council NT (Department of Land Resource Management).
11. Before the issue of titles the applicant is to ensure that a water monitoring bore is installed on the site on the advice of the Department of Land Resource Management to the satisfaction of the consent authority. Easements as required are to be provided to ensure access to the bore is available.
12. 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 proposed lots indicated on the endorsed drawing. The Caution Notice is to state that: "*There may not be a potable supply of groundwater available on this lot. Land owners are advised to arrange for sampling and analysis of groundwater 3-6 months after installation of any bore on this lot*". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.
13. Where the Land Capability Assessment required under Condition 4 identifies 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 parent title with the following advice: "*A non-standard septic system may be required on allotment X of the development plan*" as the case may be. 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 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. 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.

5. The extension of the power supply from the reticulated service to future development on lots 40 and 42 may result in significant costs to a future land owner.
6. You are advised to contact the relevant service provider prior to construction works to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
7. All new roads are required to be named under the *Place Names Act*. You should immediately make application to the Place Names Committee to commence the road naming process. Contact the Place Names Unit on 8995 5333 or placenames.dpi@nt.gov.au. Further information can be found at <http://www.placenames.nt.gov.au>.
8. 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.
9. 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.

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.

This application predominantly complies with the NT Planning Scheme. The Department of Land Resource Management advised that each lot contains 1ha of unconstrained land. Lots 1 – 5 however are less than the 2ha minimum required. A variation to Clause 11.1.1 (Minimum Lot Sizes and Requirements) can be justified as the location of infrastructure in the road reserve has resulted in a larger-than-expected road corridor and hence smaller lots.

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.

The Department of Land Resource Management requested that a monitoring bore be established on the land as there is a risk of the bores not producing water that meets the standards of the Australian Drinking Water Guidelines. It was recommended by the Department that future land owners test the water quality between 3-6 months after the bore has been established to determine water quality. This requirement was included on the original permit and has been included on this permit

also. Registration of a caution notice on lot titles, also required by the original permit, to advise future land owners in relation to water quality and availability considerations has also been replicated from the original permit.

3. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirements for public facilities and services to be connected to the land and the requirements, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

Litchfield Council previously requested that a traffic impact assessment and a stormwater drainage design be prepared to satisfy their requirements. Conditions have been attached to the permit that require the applicants to provide details to the Council addressing these matters prior to works commencing. The Department of Land Resource Management previously required an erosion and sediment control plan and this requirement has also been maintained by a precedent condition of the permit. The Department of Health's requirement for a Land Capability Assessment has been addressed by conditions of the development permit.

ACTION: Notice of Consent and Development Permit

**ITEM 3
PA2013/0595
APPLICANT**

**DEPENDANT UNIT WITH FLOOR AREA EXCEEDING 50M²
SECTION 5399 (635) GOODE ROAD, HUNDRED OF STRANGWAYS
STEVEN & JENNIFER ORBAN**

The applicants Mr Steven & Mrs Jennifer Orban attended and tabled a google earth map of the site showing the location of the current and proposed dwelling and bore locations. The applicants advised they intend on submitting new plans for a demountable structure measuring 72m² instead of constructing the proposed dependant unit under consideration.

**RESOLVED
398/13**

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Section 5399 (635) Goode Road, Hundred of Strangways for the purpose of a dependant unit with floor area in excess of 50m², for the following reasons:

REASONS FOR THE DECISION

1. Pursuant to section 52(1)(a) of the *Planning Act* the Development Consent Authority must not consent to a proposed development if, in its opinion, the proposed development is contrary to the provisions of the NT Planning Scheme.

The proposed dependant unit does not comply with the size requirements of Clause 7.10.4 (Dependant Units) nor does it adequately demonstrate that the development will be appropriately ancillary to the single dwelling. The size (106m²) and location of the proposed

dependant unit, the additional infrastructure required and the physical characteristics of the land demonstrates a level of independence that is inconsistent with the purpose of Clause 7.10.4 for a dependant unit to be ancillary to the single dwelling on a site.

2. The applicant advised of their intention to discontinue with the development in its current form and instead wish to proceed with a revised design of a 72m² demountable structure. Such a revised design represents a substantial change to the information previously exhibited and considered by the Authority. The Authority considers that given the circumstances and the information presented, a new application should be lodged that provides specific information based on the revised design. The Authority encourages the applicant to consider relocating the proposed dependant unit adjacent to the existing single dwelling to maintain the rural living amenity of the subject site and the locality.

ACTION: Notice of Refusal

ITEM 4
PA2013/0757
APPLICANT

4 X 3 BEDROOM MULTIPLE DWELLINGS IN A TWO STOREY BUILDING
SECTION 6564 (12) GRICE CRESCENT, HUNDRED OF BAGOT
ONE PLANNING CONSULT

Mr Israel Kgosiemang (One Planning Consult) attended.

RESOLVED
399/12

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 6564 (12) Grice Crescent, Hundred of Bagot, for the purpose of 4 x 3 bedroom multiple dwellings in a two storey building, subject to the following conditions:

CONDITION 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 to Council's stormwater drainage system, to the requirements of Litchfield Council and to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0757/1 through 2013/0757/7 inclusive, 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 water supply, sewerage 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.

4. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Litchfield Council to the satisfaction of the consent authority.
5. 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.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Litchfield Council to the satisfaction of the consent authority.
7. A "Permit to Work Within a Road Reserve" is required from Litchfield Council before commencement of any work within the road reserve.
8. 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.
9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseases or damaged plants are to be replaced.
10. 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.
11. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
12. No fence, tree, hedge or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.

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.
2. 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 meets 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 demolition or construction works.

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.

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 development generally complies with the relevant provisions of the NT Planning Scheme, including requirements for car parking, building setbacks, private open space and landscaping.

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.

No land capability concerns were identified during the assessment of this proposal. The proposal is consistent with the MD (Multiple Dwelling Residential) zoning of the property. The development of multiple dwellings at the site will not affect development on adjoining land.

ACTION: Notice of Consent and Development Permit

**ITEM 5
PA2013/0764
APPLICANT**

**CLEARING OF NATIVE VEGETATION
N.T. PORTION 6920 (460) ALPHATONIA ROAD, LAMBELLS LAGOON
ABOVE CAPRICORN TECHNOLOGIES**

Mr Peter Harrison (Above Capricorn Technologies) attended.

**RESOLVED
400/13**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop NT Portion 6920 (460) Alphatonia Road, Lambells Lagoon for the purpose of clearing of native vegetation, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must generally be in accordance with the plans submitted with the application but modified to show:
 - a) the exclusion of the surveyed wildlife corridor from the area to be cleared; and

- b) a 50m buffer of dense, low vegetation to the sinkhole
- 2. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and locations of stormwater drains, 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 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 drawings and documents 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. Before the vegetation removal starts, the southern extent of the wildlife corridor must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the consent authority.
- 7. Before the use commences, the 50m buffer surrounding the sinkhole is to be replanted with appropriate dense, low vegetation to the satisfaction of the consent authority.
- 8. Before the use commences, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from Bushfires NT (Department of Land Resource Management).

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 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 is generally consistent with the provisions to clear native vegetation within Zone H (Horticulture). Amended plans to exclude the wildlife corridor from the area to be cleared, and to replant a 50m buffer to the identified sinkhole with appropriate dense, low vegetation will provide a greater level of consistency with the requirements of Clause 10.3 (Clearing of Native Vegetation – Performance Criteria) of the NT Planning Scheme, the Litchfield Planning Concepts and Land Use Objectives, and the NT Land Clearing Guidelines.

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 aerial photography and land unit and soil drainage mapping indicates the land is physically capable of supporting the proposal. The land is generally flat and dry and capable of supporting the clearing of native vegetation for the purpose of horticulture.

ACTION: Notice of Consent and Development Permit

ITEM 6
PA2013/0737

HOSTELS FOR TEMPORARY WORKERS ACCOMMODATION FOR 33 PERSONS IN 9 STRUCTURES, ANCILLARY TO THE PRIMARY USE OF THE LAND SECTIONS 1606, 1611 & 1688 (230, 255 & 405) ALPHATONIA ROAD, HUNDRED OF GUY

APPLICANT

MARVOE MANAGEMENT PTY LTD

Mr David Webb (Site Manager) attended on behalf of the applicant.

RESOLVED
401/13

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consents to the application to develop Sections 1606, 1611 & 1688 (230, 255 & 405) Alphatonia Road, Hundred of Guy for the purpose of a hostel for

temporary workers accommodation for 34 persons in 9 structures, ancillary to the primary use of the land, subject to the following conditions:

1. Works carried out under this permit shall be in accordance with the drawings numbered 2013/0737/1 through 2013/0737/12 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. The developer must enter into agreements with the relevant authorities for the provision of drainage, telecommunications, sewerage and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. 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).
5. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
6. The accommodation is only to be occupied by workers engaged to work on Sections 1606, 1611 and 1688 Hundred of Guy.
7. The accommodation is only to be occupied from 25 March to 7 November each year.
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.
10. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the consent authority.
11. 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 hostel for workers accommodation, and all waste must be disposed of within the curtilage of the property.
12. The kerb crossings and driveways to the site approved by this permit are to meet the technical standards of Litchfield Council, the satisfaction of the consent authority,

13. The owner shall:
 - a) Removed disused vehicle and/or pedestrian crossovers;
 - b) Collect stormwater and discharge it to the drainage network; and
 - c) Undertake reinstatement worksAll to the technical requirements of and at no cost to Litchfield Council, to the satisfaction of the consent authority.

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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. 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.
3. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Food Safety Standards.
4. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is available from the Department of Land Resource Management.
5. A groundwater extraction license is required under the *Water Act* for any bore equipped to supply over 15 litres per second. For advice on water extraction licenses please contact the Water Management branch of the 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 proposal for a hostel to accommodate up to 34 farm workers in demountable structures on Section 1606 is considered ancillary to the primary use of the land for horticultural activities. The subject land is 3.7km² in area, of which the proposed development will comprise only 0.25ha (0.06%). The accommodation facility is being provided only for those employees who work on the subject land. Additionally, the buildings will only be occupied between April to October. These factors demonstrate that the accommodation is ancillary to the primary use of the land and can therefore be considered as a consent use.

As an ancillary use, the proposal is generally compliant with the provisions for car parking, dwelling height and density, landscaping and building design.

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.

No land capability issues have been identified in association with the site. The application states that the land is relatively flat, has previously been cleared, and is not subject to seasonal waterlogging or inundation.

ACTION: Notice of Consent and Development Permit

ITEM 7
PA2013/0847
APPLICANT

SUBDIVISION TO CREATE 4 LOTS
LOT 10 (128) PRODUCE ROAD, HUNDRED STRANGWAYS
NEVILLE JONES

Mr Neville Jones, Mr Tony Hardwick (landowner) and Mr Peter Chapman (Azimuth Infrastructure Engineering P/L) attended.

RESOLVED
402/13

That, the Development Consent Authority vary clause 11.1.1 (Minimum Lot Sizes and Requirements) of the NT Planning Scheme and, pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 10 (128) Produce Road, Hundred of Strangways for the purpose of a subdivision to create four lots subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and the commencement of works (including site preparation works), a Land Capability Assessment is to be undertaken to the satisfaction of the consent authority on the advice of the Department of Health.
2. Prior to the endorsement of plans a hydrological assessment is to be submitted to and approved by the consent authority on the advice of the Litchfield Council and the Department of Land Resource Management, and an endorsed copy will form part of this permit. This assessment may be inclusive of but not limited to proposed schematic stormwater management planning as well as the mapping of the extent and location of anticipated areas of unconstrained land, including 1ha contiguous unconstrained land on each lot.
3. Prior to the endorsement of plans and 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. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

4. Prior to the endorsement of plans and the commencement of works (including site preparation works), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plan submitted with the application but modified to show:
 - a) A 5m widening to the Produce Road road reserve; and
 - b) A site plan that shows the full extent of the battleaxe strip with an accurate lot size for Lot C.
5. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be submitted to and approved by the consent authority on the advice of the Litchfield Council, 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

6. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
7. 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.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. 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.
10. All proposed works impacting on Produce Road and Origin Close are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be submitted to the Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
11. Where the Land Capability Assessment required under Condition 1 identifies that a lot may not have adequate areas of soils suitable for the absorption of effluent disposal, 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 title with the following advice: "A non-standard septic system may be required on allotment 'x' of the development plan" as the case may be. Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

12. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.
13. A "Permit to Work Within a Road Reserve" is required from Litchfield Council before commencement of any work within the road reserve.
14. 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.
15. This development is subject to the Infrastructure Development Levy. The developer shall pay a development levy and other fees and charges according to the Litchfield Council Municipal Plan.

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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The installation of waste water treatment systems and bores is to be in accordance with the requirements of the *Building Act* and 'NT Code of Practice for Small On-Site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent'.
3. There are statutory obligations under the *Weeds Management Act 2001* 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 the implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is 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 proposal is generally consistent with the Litchfield Planning Concepts and Land Use Objective 3.1 (Residential) which provides for residential development that retains the amenity and lifestyle of existing rural areas. It is also mostly consistent with Objective 2.4 (Mobility and Transport), in particular, the intended development of the road network as described in the LUOs and detailed in Figure 14. A cul-de-sac will be constructed at the northern end of Origin Close instead of creating a through road in response to the physical characteristics of the land.

A variation to Clause 11.1.1 (Minimum Lot Sizes and Requirements) of the NT Planning Scheme can be supported as the land is unconstrained, will replace the existing long battleaxe access with direct access to a new public road, and will provide additional rural living opportunities.

2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into account the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The site consists of well drained soils on gently undulating land and is deemed suitable for subdivision development. An Erosion and Sediment Control Plan will ensure that appropriate measures are taken to minimise the risk of erosion. The development of a hydrological assessment as well as a schematic stormwater management plan, as required by conditions of the development permit, are anticipated to ensure that extending the road as proposed and subsequently altering natural drainage will not impact on the ability of lots to provide 1ha of unconstrained land adjacent the access.

3. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirements for public facilities and services to be connected to the land and the requirements, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

A Land Capability Assessment is required as per the request from the Department of Health to demonstrate that adequate land is available for the onsite disposal of waste water. A subsequent condition requires that should any lots not be capable of being serviced by a standard septic, a caution notice is to be registered on the current title stating: "*A non-standard septic system may be required on allotment X of the development plan*".

ACTION: Notice of Consent and Development Permit

ITEM 8
PA2013/0840
APPLICANT

386 SINGLE BERTH ACCOMMODATION VILLAGE IN 2 STAGES
SECTION 1864 (1235) CHANNEL ISLAND ROAD, HUNDRED OF AYERS
NEVILLE JONES SERVICES

DAS tabled and recommended additional condition precedent.

Mr Neville Jones (Neville Jones Services) attended.

RESOLVED
403/13

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 1864 (1235) Channel Island Road, Hundred of Ayers for the purpose of a 386 single berth accommodation village in 2 stages, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works the existing Erosion and Sediment Control Plan (ESCP) for the site is to be revised to the requirements of an independent suitably qualified professional and 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

2. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Prior to the commencement of works a Traffic Impact Assessment must be submitted to and approved by the consent authority. The Report must detail the development's traffic generation, trip distribution, traffic operation Impact, the nature and timing of impacts, and recommended measure required to accommodate and/or mitigate the traffic impacts of the development, including construction traffic. All road sections and/or intersection where traffic generated by the development increases the existing traffic or existing portion of heavy vehicle traffic or equivalent standard axles must be assessed. When approved, the plan will be endorsed and will form part of the permit. Two copies of the plan must be submitted. The plan must be developed in consultation the Department of Transport.
4. Prior to the commencement of works a Biting Insect Management Plan (BIMP) must be submitted to and approved by the consent authority upon the advice of Department of Health (Medical Entomology Branch). When approved, the plan will be endorsed and will then form part of the permit.
5. A site-specific design-approved waste-water treatment 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 development and all waste must be disposed of within the curtilage of the property.
6. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority and approval to carry out works shall be obtained prior to the commencement of construction, to the satisfaction of the consent authority.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, electricity services and telecommunications to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into any watercourse.

9. Stormwater run-off from the development site onto Channel Island Road is not permitted. The developer shall ensure that the stormwater run-off from the development site is collected to prevent uncontrolled discharge to adjoining lands to the requirements of the Department of Transport to the satisfaction of the consent authority.
10. Before the use or occupation of the development 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;Car spaces and driveways must be kept available for these purposes at all times.
11. Any intersection and/or road upgrade works required to accommodate the proposed development and within NT Government controlled road reserves should be carried out by the developer, at the developer's cost, to the standards and requirements of the Department of Transport to the satisfaction of the consent authority.
12. All proposed works within, or impacting upon, Channel Island Road are to be designed, supervised and certified on completion by a practising and registered Civil Engineer in accordance with the standards and specifications of the Department of Transport, to the satisfaction of the consent authority.
13. Access to the site, both for construction purposes and permanently, shall be via the existing intersection from Channel Island Road only to the requirements of the Department of Transport to the satisfaction of the consent authority.
14. Before the use/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.
15. 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.
16. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
17. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
18. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained to the satisfaction of the consent authority.

19. All waste material must be regularly removed to an approved facility. Vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the consent authority.
20. Before the use commences fire-fighting infrastructure/capacity is to be provided to the development on the advice of the Northern Territory Fire and Rescue Service to the satisfaction of the consent authority.
21. Before the use commences firebreaks along boundaries or at appropriate locations shall be provided on the advice of the Northern Territory Fire and Rescue Services to the satisfaction of the consent authority.
22. The use of the land for the purpose of a Workers Accommodation Village must cease on five (5) years from the date of commencement of use.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the 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.
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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. The Environment Protection Authority advises that construction work should be conducted in accordance with the Authority'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. The development and use hereby permitted should be designed, constructed, registered and operated in accordance with the Building Code of Australia, the *NT Public Health Act* and Regulations, the NT Food Act and National Food Safety Standards.
5. The developer, his contractor or service provider is required to obtain a Permit to Work Within a Road Reserve, from the Department of Infrastructure prior to the commencement of any works within the Channel Island Road road reserve.
6. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Channel Island Road traffic.

REASONS FOR THE DECISION

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

The proposal is consistent with the primary objective of the DV zone in providing support for the development of gas based industry.

2. A total of 127 car parks determined through the provisions of clause 6.5.1 (Parking Requirements) of the NT Planning Scheme is considered to be sufficient as:
 - Using parking provisions for hostel as guidance, which requires 1 parking space for every 5 persons; plus 1 for every staff member; plus 1, the proposal would require 104 parking bays where 127 are being proposed. This would leave 23 parking spaces for maintenance personnel and visitors to the site; and
 - The application proposes that, persons residing in the Village will be 'fly-in/fly-out' employees of contractors engaged on the Wickham Industrial Estate project and will generally not own vehicles. Project developers prohibit entry by private vehicles to the construction sites and travel to work will be predominantly by bus.

For the above reasons, the purpose of the clause 6.5.1 (Parking Requirements) is considered to be satisfied and the provision of 146 parking spaces can therefore be supported.

3. Pursuant to Section 51 (h) of the Planning Act the consent authority must consider the merits of the proposed development as demonstrated in the application.

The application demonstrates that there is a demand for dedicated workers accommodation in close proximity to major construction projects and the provision of such facilities will assist the development of strategic industries.

ACTION: Notice of Consent and Development Permit

ITEM 9
PA2013/0787
APPLICANT

SUBDIVISION TO CREATE 3 LOTS
LOT 26 (485) PIONEER DRIVE, HUNDRED OF STRANGWAYS
AAM PTY LTD

Mr Gergg Hestelow (AAM Pty Ltd) and Mr Gunter Trinkka (landowner) attended.

RESOLVED
404/13

That, the Development Consent Authority vary the requirements of Clause 11.1.1 (Minimum Lot Sizes and Requirements) of the NT Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 26 (485) Pioneer Drive, Hundred of Strangways for the purpose of a subdivision to create three lots subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works the applicant must demonstrate to the satisfaction of the consent authority, on the advice of Environment Protection Authority that the land is suitable for the intended rural use in accordance with the National Environment Protection (Assessment of Site Contamination) Measures 1999 (with respect to proposed Lot 1 and 3).
2. Prior to the commencement of works a Land Capability Assessment is to be undertaken to the satisfaction of the consent authority on the advice of the Department of Health. This must include but is not limited to the identification of lots that do not have adequate land areas of soils suitable for accommodating standard effluent disposal.
3. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show a 5 metre wide excision of land along the southern boundary) to be incorporated into the Litchfield Council Pioneer Drive road reserve.

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. Where the Land Capability Assessment required under Condition 2 identifies 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 parent title with the following advice: "A non-standard septic system may be required on allotment A of the development plan" as the case may be. Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.
6. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be submitted to and approved by the consent authority on the advice of the Department of 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.
7. 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.

8. 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.
9. 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.
11. Before the issue of titles, firebreaks shall be provided to the satisfaction of the consent authority on advice from the Bushfires NT (Department of Land Resource Management).

Expiry of a Permit

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.

NOTES:

1. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve.
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. 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 at <http://lrm.nt.gov.au/soil/management/factsheets>.
5. You are advised to contact the relevant service provider prior to construction works to determine any relevant telecommunication network servicing requirements for the development.
6. The extension of the power supply from the reticulated service to future development on lots B and C may result in significant costs to a future land owner.

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.

This application predominantly complies with the NT Planning Scheme, in particular Clause 5.19 (Zone RL – Rural Living). A variation to Clause 11.1.1 (Minimum Lot Sizes and Requirements) can be justified as the reduction in lot sizes will not hinder the ability to use the land in accordance with the zone and facilitates the widening of the Pioneer Drive road reserve as per Litchfield Council's requirement.

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.

The Department of Land Resource Management has not identified any concerns with lots comprising 1ha of unconstrained land. The Department does however indicate that the extent of poorly drained soils identified in the application was not consistent with the observed soil types and that there is a potential for flooding along the eastern border of the site associated with Howard River. In addition the potential use of the land for intensified rural living is in question due to the presence of horticultural development that could present a risk of site contamination. The land capability issues must be addressed prior to the creation of the lots through conditions of approval requiring that the developer demonstrate that the land is suitable for the intended rural use.

4. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirements for public facilities and services to be connected to the land and the requirements, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

The Department of Health's request for a Land Capability Assessment has been required by a condition of the permit with a subsequent requirement that should any lots not be capable of being serviced by a standard septic, a caution notice is to be registered on the current title stating: "*A non-standard septic system may be required on allotment X of the development plan*".

ACTION: Notice of Consent and Development Permit

ITEM 10 **CLEARING OF NATIVE VEGETATION**
PA2013/0791 **SECTION 1656 (15) WEBB ROAD, HUNDRED OF GUY**
APPLICANT **TRUSTEE FOR ECOSERVICES NT**

DAS tabled a google map of the site.

Dr Brooke Rankmore and Mr Laurence Ah Toy (landowner) attended.

Dr Rankmore tabled correspondence in response to the recommendation for the 25 metre corridor along the western boundary.

**RESOLVED
405/13**

That, pursuant to section 53(b) of the *Planning Act*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Section 1656 (15) Webb Road, Hundred of Guy for the purpose of clearing of native vegetation, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show a native vegetation buffer of at least 25 metres wide along the length of the western boundary (not including a firebreak up to 10 metres wide).
2. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be submitted to and approved by the consent authority on the advice of the Department of 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.
3. Prior to the commencement of works a bore must be successfully drilled on the subject land which demonstrates that an adequate supply of water is available to support the intended use, upon the advice of the Department of Land Resource Management, and to the satisfaction of the consent authority.

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 clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawing 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 extent of the buffer to the monsoon forest must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the consent authority.
8. Soil erosion control and dust control measures must be employed throughout the clearing operation to the satisfaction of the consent authority.

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 to establish horticulture within Zone H (Horticulture) is consistent with the intent of Clause 5.16 (H – Horticulture) of the NT Planning Scheme. In addition, the proposal will support the achievement of horticulture in the locality as identified in the Litchfield Planning Concepts and Land Use Objectives 2002.

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.

This application has not demonstrated consideration of the purpose and requirements under Clause 5.8 Zone C (Commercial), Clause 6.5.1 (Parking Requirements), Clause 6.5.3 (Parking Layout), Clause 6.6 (Loading Bays) and Clause 8.2 (Commercial and other Development in Zones CCV, CB, C, SC, TC, OR, CP, FD and T).

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.

Whilst the development of an addition to a shopping centre improves the operation of the centre and increases the size of the facility to service the community, a focus on pedestrian access, safety and protection from the elements would further benefit the amenity of the area.

ACTION: Notice of Consent and Development Permit

ITEM 12 **VARIATION TO DP10/0358D TO VARY THE LOT BOUNDARIES AND AREAS**
PA2009/1671-06 **SECTIONS 3124, 4740, 3126, 3127, 3128 & 3126 (71, 72, 74, 76 77)**
HONEYSUCKLE ROAD, SECTION 5224 (35) OAKLEY ROAD, SECTIONS 3112 &
3115 (326 & 329) BEDDINGTON ROAD, HUNDRED OF STRANGWAYS
APPLICANT **AUSTRALIA NEW ZEALAND RESOURCES CORPORATION PTY LTD**

Mr Graham Chrisp (Australia New Zealand Resources Corporation Pty Ltd) attended.

RESOLVED That, the Authority vary the requirements of Clause 11.1.1 (Minimum Lot Sizes and
407/13 Requirements) of the NT Planning Scheme, and pursuant to Section 57(3)(a) of the
Planning Act, consent to the application to vary Development Permit number
DP10/0538 for the purpose of varying Condition 3 of Development Permit
DP10/0358 for the purpose of variations to lot boundaries and dimensions in
accordance with drawing numbers 2009/1671/E1, 2009/1671/E2 and 2009/1671E3.

REASON FOR THE DECISION

This proposed variation does not alter the development by a margin greater than 5%. This change is unlikely to affect the amenity of the locality and is consistent with the existing approved development of the land.

ACTION: Variation to Permit

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



PETER MCQUEEN
Chairman

18/12/13

