

DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 164 – FRIDAY 14 JUNE 2013

**WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

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

APOLOGIES: Allan McKay

OFFICERS PRESENT: Sarah Mattson (Acting Secretary), Steven Kubasiewicz, Deanna Klobas and Maree Domelow, (Development Assessment Services) and David Haylock (Lands Planning) for a part of the meeting, and Bryan Baker (sitting as an observer from Department, Lands Resources Management)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.50 am and closed at 11.25 am

MINUTES RECORD THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 **SUBDIVISION TO CREATE TWO LOTS FOR THE PURPOSE OF A LEASE IN EXCESS OF 12 YEARS**
PA2013/0262 **LOT 00018 (110) TRIPPE ROAD HUMPTY DOO, HUNDRED OF STRANGWAYS**
APPLICANT **TELSTRA CORPORATION LTD**

Mr Adam Pfitzner sent his apologies.

RESOLVED That, the development consent authority vary the requirements of clause 11.1.1
172/13 (minimum lot sizes and requirements) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *planning act*, the Development Consent Authority consent to the application to develop lot 18 (LTO 77017) (110) Trippe Road, Hundred of Strangways, for a subdivision to create two lots for the purpose of a lease in excess of 12 years subject to the following conditions:

CONDITIONS:

1. The works carried out under this permit shall be in accordance with the drawing numbered 2013/0262/01, 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. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Before the issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from Northern Territory Fire and Rescue Service.
6. The permit holder must ensure that proper legal access to a formed public road over the parent parcel is made available to the lease parcel.

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. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve.

REASON FOR THE RECOMMENDATION

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 11.1.1 (Minimum Lot Sizes and Requirements) of the Northern Territory Planning Scheme is supported in this case as the proposed subdivision will delineate the current extent of the existing telecommunications facility on the site. The proposed lot size is suitable for the intended purpose of a facilitating a lease agreement for the existing telecommunications tower and associated equipment.

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.

The site is relatively flat and unconstrained. The subdivision will not affect development on adjoining land.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2013/0223
APPLICANT

STOCKPILING OF FILL
LOT 00009 (70) AAAA ROAD, HOWARD SPRINGS, HUNDRED OF BAGOT
ROBERT BOB KERR

Mr Robert Kerr attended.

RESOLVED
173/13

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 9 (LTO 73006) (70) AAAA Road, Hundred of Bagot, for the purpose of stockpiling of fill, subject to the following conditions:

Condition Precedent

1. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains and flows, is to be submitted to and approved by the consent authority on the advice of the Department of Land Resource Management (Natural Resources Management Division), and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

General Conditions

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
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. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Litchfield Council and/or Department of Transport drains or to any watercourse.
5. The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tracking of materials onto streets, 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 site;
 - b) Appearance of any building, works or materials; and
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Notes

1. Professional advice regarding implementation of soil erosion and dust control measures to be employed throughout the construction phase of the development are available from Natural Resources Management Division, Department of Land Resources Management.
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 phone (08) 8999 4567.
3. There are statutory obligations under the Waste Management and Pollution Act for a suitably qualified person to certify all excavated fill prior to its re-use at a new location.

4. A "Permit to Work Within a Road Reserve" may be required from the Litchfield Council and/or the Department of Infrastructure before the commencement of any work within the road reserve.

REASONS FOR THE RECOMMENDATION

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

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

2. Pursuant to Section 51(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

The preparation and implementation of an erosion and sediment control plan will ensure that stormwater flows across the site are appropriately managed and do not detrimentally affect the subject land or adjoining land.

ACTION: Notice of Consent and Development Permit

ITEM 3 **CLEARING OF NATIVE VEGETATION**
PA2011/0157 **SECTION 04231 (210) MULGARA ROAD, BERRY SPRINGS HUNDRED OF**
STRANGWAYS
APPLICANT **VAN BE NGUYEN**

Ms Kim Nguyen, Mr Van Be Nguyen, and Ms Thi Thu Ba Nguyen attended.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
174/13 Authority consent to the application to develop Section 4231 (210) Mulgara Road,
 Hundred of Strangways, for the purpose of clearing of native vegetation subject to the
 following conditions:

Precedent Condition

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 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) A vegetation buffer of 25m minimum along the eastern, southern and western boundaries, plus required firebreak; and
- b) Accurate dimensions of all boundaries, vegetation buffers and of the area to be cleared.

General Conditions

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
4. The clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawings as 'Permitted Clearing'. All remaining native vegetation is to be maintained 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 boundaries of all vegetation stands to be removed and retained must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the consent authority.
7. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

NOTES

1. 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*.
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. 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.
4. Professional advice regarding the implementation of soil erosion and dust control measures to be employed throughout the construction stage of the

Condition Precedent

1. A waste management plan for the existing workshop is to be submitted that meets the requirements of the Department of Natural Resources, Environment, The Arts and Sport, 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 2009/1417-1 to 2009/1417-10 inclusive and endorsed as forming part of DP10/0206
3. This permit will lapse on 20 April 2018
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. No further development associated with aviation activities is to be undertaken on the subject site, without consent.
6. Firebreaks along boundaries or at appropriate locations shall be provided and maintained to the satisfaction of the consent authority on advice from the Northern Territory Fire and Rescue Service. It is recommended that the applicant contact the Service to confirm requirements prior to inspection.
7. Any upgrading of water or sewerage services to the building development shall be provided to the satisfaction of Power and Water, in accordance with the requirements of the Connections Code, at no cost to Power and Water.

Note:

1. There are statutory obligations under the Weeds Management Act to take all practical measure to manage weeds on the property. For advice on weed management please phone (08) 8999 4567.

REASONS FOR THE RECOMMENDATION

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 use of the land.

ACTION:

Notice of Consent and Variation Permit

ITEM 5
PA2013/0100
APPLICANT

PRIVATE AIRSTRIP
SECTION 11678 (790) BEES CREEK ROAD WEDDELL HUNDRED OF
STRANGWAYS
ELTON CONSULTING

Pursuant to section 97(1) of the *Planning Act*, Mr Richard Luxton, a member of the Litchfield Division of the Development Consent Authority declared a conflict of interest and was not present during or took part in the deliberation or decision of the Division in relation to Item 5.

REASON FOR THE CONFLICT OF INTEREST

Mr Luxton is a member of the Top End Flying Club and a member of the MKT who made a submission on the application.

Mr Martin Klopper and Mr Barry Sandford attended.

Mrs Annabel Lawford, Mr Ron Lawford, Mr Geoff Littlewood, Mrs Cynthia Sandford, Mr Kath Meyering, Mr Michael Hutton (Heiner), Mr Caleb Gotts, Ms Teena Sandford.

Mrs Annabel Lawford addressed her submission and tabled a photograph showing a flight circuit.

Mr Ron Lawford tabled a letter.

RESOLVED
176/13

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 1678 (790) Bees Creek Road, Hundred of Strangways for the purpose of a private airstrip, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawing numbered 2013/0187 -01 endorsed as forming part of this permit.
2. This permit is only granted for a period of five years after which the use must cease.
3. Only aircraft privately owned by the current owner of the land (Mr. Barry Sandford) are to operate from the private airstrip and are to be piloted by Mr. Sandford only.
4. The private airstrip must only be used for leisure purposes with a maximum of 18 flights per month.
5. All aircraft movements to and from the private airstrip must be undertaken in accordance with the relevant Civil Aviation Safety Authority standards and procedures including the Civil Aviation Advisory Authority publication CAAP166-1(1) and CAAP166-2(0).
6. The private airstrip must only operate during day light hours.

7. Engineering design and specifications for the proposed and affected roads, vehicular access, are to be to the technical requirements of the Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
8. Prior to the commencement of the use a traffic impact assessment shall be submitted to the Litchfield Council and approved by the consent authority.

Notes

1. A "Permit to Work Within a Road Reserve" may be required from the 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 Planning.
3. 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.
4. 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 Natural Resources, Environment, The Arts and Sport.

REASONS FOR THE RECOMMENDATION

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.

Land in the locality has been identified for the future development of the city of Weddell. The use of the land for a private airstrip has the potential to impact on adjoining land users and the future development of Weddell through noise and perceived overlooking. Restrictions on the nature of the use to the current owner only, for a limited period of time and a limited number of flights minimises the potential to impact on the future development of Weddell.

Given the uncertainty of the future of Weddell a restriction of the use to a period of five years provides the opportunity to reassess the impact that this development may have on the development of Weddell. Relative to the impacts on amenity associated with the adjoining MKT airstrip any additional impacts will be minimal.

Pursuant to section 51(p) of the *Planning Act*, the consent authority must take into account the public interest.

The public interest is represented by the concerns raised by a number of objectors of the potential for a mid air collision due to the orientation and position of the airstrip and that the airstrip will be used more frequently than stated. The applicant has stated that flights will be limited to 18 per month and other conditions on the permit are intended to restrict the use of the airstrip to the current owner only.

In order to ensure that any risks can be minimised due to the location of adjoining runways the pilot is required to comply with the relevant safety standards for collision avoidance and operations in the vicinity of non towered aerodromes prepared by the Civil Aviation Safety Authority. The restriction in the number of flights for the proposed airstrip further minimises the potential for such conflicts to occur if the use of the airstrip was unlimited.

ACTION: Notice of Consent and Development Permit

ITEM 6
PA2013/0100

SUBDIVISION TO CREATE 20 LOTS
SECTION 00683 (469) BROUGHAM ROAD FLY CREEK HUNDRED OF
CAVENAGH, LOT 00008 (407) BROUGHAM ROAD FLY CREEK HUNDRED OF
CAVENAGH

APPLICANT

VEKTA PTY LTD

Mr Gregg Hestelow (Vekta Pty) and Mr Mark Reynolds attended.

RESOLVED
177/13

That the Development Consent Authority vary the requirements of Clause 11.4.1 (Site Characteristics of Subdivisions of Rural and Unzoned Land) and Clause 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act* consent to the application to develop Section 683 (469) and Lot 8 (407) Brougham Road, Hundred of Cavenagh for the purpose of a subdivision to create 20 lots, subject to the following conditions;

PRECEDENT CONDITIONS

1. Prior to the endorsement of any plan and prior to commencement of works (including site preparation), an amended plan to the satisfaction of the consent authority, inclusive of fire access trials on the advice of the Department of Land Resource Management (DLRM), 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 plans submitted with the application but modified to show:
 - (a) *a 50m native vegetation buffer adjacent the riparian zone*
 - (b) *inclusion of endorsed fire access trails as per agreement with DLRM*
 - (c) *inclusion of the location, extent and areas of unconstrained land on each lot*
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. The plan must address existing erosion that has occurred on the land. 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, water sampling undertaken by a suitably qualified professional, is to be subjected to laboratory analysis to determine potential contamination/dissolved heavy metal concentrations. Written documentary evidence is to be provided by a suitably qualified professional that demonstrates that ground water samples comply with the *Australian Drinking Water Guidelines*. One sample can be analysed from existing registered bore RN021657 however an additional sample needs to be drawn from within the High Risk Arsenic area.

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. 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.
7. 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.
8. 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.
9. Before the issue of titles, firebreaks in accordance with the endorsed fire access trails included on the endorsed plan as forming a part of this permit shall be provided to the satisfaction of the consent authority on advice from the Bushfires NT (Department of Land Resource Management).
10. Before issue of titles and pursuant to section 34 of the *Land Title Act*, a Caution Notice shall be lodged with the Registrar-General on the parent parcel to include the following advice on all proposed lots indicated on the endorsed drawings. The Caution Notice is to state that: "*This allotment has potential for seasonal problems caused by pest- and disease-carrying mosquitoes*". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.
11. Before issue of titles and pursuant to section 34 of the *Land Title Act*, a Caution Notice shall be lodged with the Registrar-General on the parent parcel to

include the following advice on all proposed lots indicated on the endorsed drawings. The Caution Notice is to state that: "*There may be limited options for the placement of standard septic on this allotment; a non-standard septic may be required*". 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.

12. The owner/developer is responsible for the payment of applicable levies, fees and charges associated with Litchfield Council's Municipal Plan.
14. The development must conform to the criteria outlined in "Guidelines for Preventing Biting Insect Problems for New Rural Residential Developments or Subdivision in the Top End of the Northern Territory" on the advice of the Department of Health, Medical Entomology Division.

NOTES

1. 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.
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. 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.
4. "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>."
5. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve.
6. 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.

7. 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*.
8. A licence is required to undertake test drills for the purpose of installing a bore. For advice on licences please contact the Water Management Branch of the Department of Land Resource Management.

REASONS FOR THE RECOMMENDATION

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 amended application includes: the removal of the two battle axe handles originally proposed; removal of a proposed lot boundary from the area subject to unsuitable soils and Priority Environmental Management (PEM); a reduction from 14 lots to 6 that exceed the 4:1 length:width ratio requirement; and an improved location of the proposed road. The amended application demonstrates improved compliance with the NT Planning Scheme. Variations to Clause 11.4.1 (Site Characteristics of Subdivisions of Rural and Unzoned Land) and Clause 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land) of the Northern Territory Planning Scheme are required as the application proposes the development of unsuitable soils, excessive slopes, a natural drainage line, a PEM area and 6 lots that exceed the 4:1 length-to-width ratio. The variations are supported as the applicant VEKTA Pty Ltd and their consultant EcOz Environmental Services contend the application is compliant, and support this with a map of proposed unconstrained land areas (>1ha) on each lot, and make the following statement: "*The assessment determined that the clearing of vegetation for fence lines, firebreaks and access roads is unlikely to have significant impact on the broader PEM area subject to the implementation of Erosion and Sediment Control Guidelines and control of weeds*". The requirements for an erosion and sediment control plan and the installation of fire access trails that predominantly avoid excessive slopes is consistent with this. A note on the permit also reflects the requirements under the *Weeds Management Act* to control weeds.

2. 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 requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

The amended plan relocates the proposed new road intersection, consistent with Litchfield Council's preference for staggered intersections.

The amended plan removes the two originally proposed battle axe handles, not supported by the Power and Water Corporation.

The applicant VEKTA Pty Ltd submitted a map of proposed land constraints, contending that the requirement to lodge a copy of this plan on titles, as well as

a caution notice regarding the potential limitations for the placement options of septic systems and the potential requirement for non-standard septic systems, is sufficient to address the Department of Health's requirement for a Land Capability Assessment (LCA).

The applicant also proposes that preparation of an erosion and sediment control plan will address the Department of Land Resource Management's (DLRM) concerns regarding development of excessive slopes and potential for erosion. The applicant contends further that the inclusion of fire access trails on the endorsed plan, on the advice of DLRM, may ensure the installation of fire access trails minimises the erosion risks associated with the development of excessive slopes and thus further address the concerns raised by DLRM. The applicant additionally contends that the requirement to lodge a caution notice on titles regarding the potability of groundwater supplies and the recommendation to arrange for sampling and analysis of groundwater 3 - 6 months after installation of any bore will address DLRM's concerns regarding water quality. DLRM's requirement for a 50m wide buffer adjacent the riparian zone has been addressed by the requirement for an amended plan that indicates this buffer on development plans prior to endorsement.

3. 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 constrained by excessive slopes, seasonally poor soil drainage, high stormwater discharge flows and potential groundwater contamination. Land constraints may impact on the suitability of lots to accommodate the on-site absorption of effluent. The applicant VEKTA Pty Ltd however submitted a map demonstrating the proposed location, extent and area sizes of unconstrained land on each lot, stating this demonstrates also the capability of lots to support effluent disposal. In addition, reports prepared by the applicant's consultant, EcOz Environmental Services, concluded "*The assessment determined that the clearing of vegetation for fence lines, firebreaks and access roads is unlikely to have a significant impact on the broader PEM area subject to the implementation of Erosion and Sediment Control Guidelines and control of weeds*".

A condition of the permit requires the preparation of an erosion and sedimentation control plan, while a note reminds land owner's of their responsibilities to manage weeds in accordance with the *Weeds Management Act*.

In summary:

- (i) the applicant VEKTA Pty Ltd and their consultant EcOz Environmental Services contend the land is capable and provided maps of the proposed location, extent and area size of unconstrained land on each lot;
- (ii) the reconfigured design represents an improved reflection of proposed constraints than the original design;
- (iii) the requirements for an erosion and sediment control plan, and installation of fire access trails in locations determined on the advice of the Department of Land Resource Management, may reduce development of some excessive slopes and reduce anticipated erosion and sedimentation; and

- (iv) the requirement to lodge the applicant's constrained land map on titles, as well as the following caution notices, may provide some address of physical land constraints:
- "There may be limited options for the placement of standard septic on this allotment; a non-standard septic may be required".
 - "There may not be a potable supply of groundwater available on this allotment. Land owners are advised to arrange for sampling and analysis of groundwater 3 - 6 months after installation of any bore on this allotment".

ACTION: Notice of Consent and Development Permit

ITEM 7
PA2013/0320
APPLICANT

SUBDIVISION TO CREATE 5 LOTS
SECTION 06005 (11) GROSVENOR COURT HOLTZ HUNDRED OF BAGOT
BLAKE CORPORATION PTY LTD

No one attended.

RESOLVED
178/13

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 6005 (11) Grosvenor Court, Holze, Hundred of Bagot for the purpose of a subdivision to create five lots subject to the following conditions:

General Conditions:

1. The works carried out under this permit shall be in accordance with the drawing numbered 2013/0320/1 endorsed as forming part of this permit.
2. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity, water and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Engineering design and specifications for the proposed and affected roads, kerb crossovers, street lighting, stormwater drainage (including installation of interceptors for each lot) 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. The owner/developer is responsible for the payment of applicable levies, fees and charges associated with Litchfield Council's Municipal Plan.
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 all proposed lots indicated on the endorsed

drawings. The Caution Notice is to state that: "*A non-standard on-site effluent disposal system may be required on this allotment*". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

Notes:

2. A "Permit to Work Within a Road Reserve" may be required from the Litchfield Council before commencement of any work within the road reserve.
3. The future installation of septic systems is to be in accordance with the requirements of the *Building Act* and 'NT Code of Practice for Small On-Site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent'.
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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
5. 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 and "dial before you dig".
6. 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.
7. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.

REASONS FOR THE RECOMMENDATION

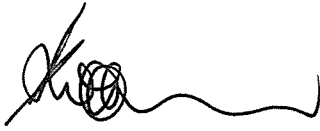
Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The proposal is generally compliant with the relevant provisions of the NT Planning Scheme; the proposed lots comply with the minimum lot size requirements and are of a size and shape capable of accommodating a range of activities and future expansion in accordance with Zone LI (Light Industry).

ACTION:

Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

20/6/13