



NT PLANNING SCHEME
AMENDMENT No. 496
LOT 9, LTO76/018 HUNDRED OF AYERS

MINISTER FOR INFRASTRUCTURE, PLANNING AND LOGISTICS

[Signature]
Date 29/5/18



Department of Infrastructure, Planning and Logistics



Scale 1: 8000 @ A4



File No.PA2017/285

Date: 27-Apr-18

Drawing Name: Lot 9 LTO 76_018 Ayers.dgn



DEPUTY CHIEF MINISTER
MINISTER FOR INFRASTRUCTURE, PLANNING AND LOGISTICS

Parliament House
State Square
Darwin NT 0800
minister.manison@nt.gov.au

GPO Box 3146
Darwin NT 0801
Telephone: 08 8936 5547
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Mr Kevin Dodd
Earl James and Associates
GPO Box 884
DARWIN NT 0801

Email: kdodd@eja.com.au

Dear Mr Dodd

NOTICE OF AMENDMENT DECISION – AMENDMENT NUMBER 496
CONCURRENT APPLICATION – LOT 9, LTO76/018 HUNDRED OF AYERS
(35 FINN ROAD, BERRY SPRINGS)

I am pleased to advise that I have decided, pursuant to Section 30R(2)(a)(i) of the *Planning Act*, to approve the amendment proposal as specified in the concurrent application, to rezone 35 Finn Road, Berry Springs from Zone R (Rural) to Zone RL (Rural Living).

This proposal is suitable because:

- it is consistent with the Darwin Regional Land Use Plan and the Litchfield Subregional Land Use Plan;
- it will contribute to the diversification of residential living options in the rural area;
- it is consistent with the character of the neighbourhood, as 2 ha lots are present in the subdivision pattern to the north and south of the land;
- the land is free from environmental constraints that limit the use of the land; and
- potable water is not being sourced from the Berry Springs Dolostone Aquifer.

Please note that the amendment decision does not determine the concurrent application, and the amendment decision will take effect:

- (i) only if the consent authority consents to the development proposal under section 30W(1)(a) or (b) and, after the determination of any appeals under Part 9, issues a development permit under section 54 for the proposal; and
- (ii) if a development permit is issued - on the date on which it is issued.

Please contact the Darwin office of the Department of Infrastructure, Planning and Logistics on 8999 8963 or planning.ntg@nt.gov.au if you wish to discuss this matter.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Nicole Manison', with a long, sweeping horizontal line extending to the right.

NICOLE MANISON

29 MAY 2018

NORTHERN TERRITORY OF AUSTRALIA

Planning Act - sections 54 and 55

DEVELOPMENT PERMIT

DP18/0223

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Lot 00009, LTO Plan 76018
Hundred of Ayers
35 FINN RD, BERRY SPRINGS

APPROVED PURPOSE


To use and develop the land for the purpose of a subdivision to create three lots, in accordance with the attached schedule of conditions.

VARIATIONS GRANTED

Nil.

BASE PERIOD OF THE PERMIT

Subject to the provisions of sections 58, 59 and 59A of the Planning Act, this permit will lapse two years from the date of issue.


Suzanne
Philip
2018.07.02
14:26:42
+09'30'

SUZANNE PHILIP
Delegate
Development Consent Authority

02 July 2018

DEVELOPMENT PERMIT

DP18/0223

SCHEDULE OF CONDITIONS

CONDITIONS PRECEDENT

1. 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 or an alternate approved connection.

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. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage, sewerage, electricity facilities and telecommunication networks to the development/each lot shown on the endorsed plan in accordance with the authorities requirements and relevant legislation at the time.
4. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
5. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors and street scaping 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. 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.
7. 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.
and
The owner shall:
 - a. remove disused vehicle and/ or pedestrian crossovers;
 - b. provide footpaths/ cycleways;
 - c. collect stormwater and discharge it to the drainage network; and
 - d. undertake reinstatement worksall to the technical requirements of and at no cost to the Litchfield Council, to the satisfaction of the consent authority.
8. Appropriate erosion and sediment control measures should be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be satisfactorily

stabilised against erosion at completion of works, to the satisfaction of the Consent Authority. Information can be obtained from the IECA Best Practice Erosion and Sediment Control Guidelines 2008 available at www.austieca.com.au and the NTG website <https://nt.gov.au/environment/soil-land-vegetation>.

9. Before issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Bushfires NT (Department of Environment and Natural Resources).
10. Before the issue of titles, the owner must, in accordance with Part 6 of the Planning Act, pay a monetary contribution to the Litchfield Council for the upgrade of local infrastructure, in accordance with its Development Contribution Plan.
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: "No bore shall intersect the Berry Springs Dolostone Aquifer, including remediation bores". Evidence of lodgement on the parent parcel shall be provided 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. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve.
3. Any new on-site wastewater system to be installed must be carried out by a qualified licensed Self-Certifying Plumber and must comply with the NT Code of Practice for Small On-site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent (The Code).
4. There are statutory obligations under the Weeds Management Act to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Environment and Natural Resources.
5. A groundwater extraction licence may be required under the Water Act for any bore used for purposes other than rural stock and domestic water supply. For advice on water extraction licences please contact the Policy and Planning Branch of the Department of Environment and Natural Resources.
6. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 8995 5354. The numbers shown on the plans are indicative only and are not for addressing purposes.

7. 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 the Department of Environment and Natural Resources. Information can be obtained from the IECA Best Practice Erosion and Sediment Control Guidelines 2008 available at www.austieca.com.au and the NTG website <https://nt.gov.au/environment/soil-land-vegetation>.

Development Consent Authority

Northern Territory



GPO BOX 1680
DARWIN NT 0801

Telephone No: (08) 8999 6046
Facsimile No: (08) 8999 6055

In reply please quote: PA2017/0285
PZ

Kevin Dodd
Earl James & Associates

kdodd@eja.com.au

Dear Sir

NOTICE OF CONSENT (SECTION 53B OF THE *PLANNING ACT*) LOT 9 (35) FINN ROAD HUNDRED OF AYERS

The Development Consent Authority has determined in accordance with section 53(a) of the *Planning Act*, to grant consent to the proposal to use and develop the abovementioned land for the purpose of Concurrent Application: Rezone from R (Rural) to RL (Rural Living) and subdivision to create three lots, subject to the conditions specified on the attached Development Permit DP18/0223.

Reasons for the Determination

1. Pursuant to sections 30W(2) of the *Planning Act*, the consent authority must take into account any planning scheme that applies to the land to which the application relates and the amendment proposal contained within the application.

The amendment proposal accords with the policy for future development of the locality as established by the LSRLUP and will provide opportunity to rezone land from Zone R (Rural) to Zone RL (Rural Living), to cater for the growing demand for rural living.

Council supports the rezoning proposal but did not support the subdivision proposal given the proposed lot sizes did not meet the minimum requirement of the Northern Territory Planning Scheme. The applicant has since amended the subdivision design to comply with Clause 11.1.1 (Minimum Lot Size Requirements) and now complies with all requirements of the NT Planning Scheme.

2. Pursuant of section 30W(2) of the *Planning Act*, the consent authority must take into account any interim development control order in force for the land.

The proposed subdivision is located within the Berry Springs Interim Development Control Order (IDCO) number 22 area, and Berry Springs water allocation plan area. The Department of Environment and Natural Resources advises that suitable water supply for domestic purposes can be intersected in the sediments of the South Alligator Group formation and there is no issue with water quality. The requirement of a caution notice stating that "No bore shall intersect the Berry Springs Dolostone Aquifer, including remediation bores" will inform future landowners that any bores drilled on the new lots must not source water from the Berry Springs Dolostone Aquifer.

3. Pursuant of section 30W(2) of the *Planning Act*, the consent authority must take into account the capability of the land to support the development proposal and the effect of the proposal on the land, and on other land, the physical characteristics of which may be affected by the proposal.

The development will ensure all lots meet the minimum size for RL zoned land of 2ha and that each lot contains at least 1ha of land that is unconstrained by drainage.

The Department of Environment and Natural Resources advises that no significant habitats or Priority Environmental Management areas are present on or immediately adjacent to the parcel and provided erosion control measures are put in place, there are no concerns with the capability of the land to support the proposed development as there is 1ha of unconstrained land at each proposed parcel.

4. Pursuant to Section 30W(2) of the *Planning Act*, the consent authority must take into consideration the capability of the public utilities or infrastructure provided in the area in which the land is situated and any requirement for public facilities and services to be connected to the land; and facilities, infrastructure or land to be provided by the applicant.

Service authority requirements in relation to infrastructure and technical standards are appropriately addressed through standard conditions applied to the Development Permit.

Right of Appeal


Applicants are advised that a right of appeal to the Northern Territory Civil and Administrative Tribunal exists under Part 9 of the *Planning Act*. An appeal under section 114 against a determination of a development application must be made within 28 days of the service of this notice.

The Northern Territory Civil and Administrative Tribunal can provide information regarding the Notice of Appeal form and fees payable. The address for lodgement of a Notice of Appeal is: Northern Territory Civil and Administrative Tribunal, PO Box 41860 CASUARINA NT 0810 or Level 1, The Met Building, 13 Scaturchio Street, CASUARINA NT 0810 (Telephone: 08 8944 8720 or Facsimile 08 8922 7201 or email AGD.ntcat@nt.gov.au).

There is no right of appeal by a third party under section 117 of the *Planning Act* in respect of this determination as there were no submissions received under section 49 of the Act.

If you have any queries in relation to this Notice of Consent or the attached Development Permit, please contact Development Assessment Services on telephone (08) 8999 6046.

Yours faithfully

 Suzanne Philip
2018.07.02
14:28:36
+09'30'

SUZANNE PHILIP

Delegate

02 July 2018

Attachment

cc Litchfield Council