



## **DEVELOPMENT CONSENT AUTHORITY**

### **LITCHFIELD DIVISION**

### **MINUTES**

**MEETING No. 252 – FRIDAY 13 NOVEMBER 2020**

**HOWARD HALL  
325 WHITEWOOD ROAD  
HOWARD SPRINGS**

**MEMBERS PRESENT:** Suzanne Philip (Chair), Keith Aitken and Adam Twomey  
Wendy Smith (Item 1 only) and Christine Simpson

**APOLOGIES:** Nil

**LEAVE OF ABSENCE:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Alana Mackay, Fiona Ray, Nicole Ng  
and Sonia Barnes (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Hasan Karatas

**Meeting opened at 10.30 am and closed at 12.30 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**

**PA2020/0137 RENEWABLE ENERGY FACILITY (SOLAR FARM)  
SECTIONS 1535 & 1536 (585 & 665) LIVINGSTONE ROAD,  
BERRY SPRINGS, HUNDRED OF CAVENAGH**

**APPLICANT** Northern Planning Consultants

Mr Brad Cunnington (Northern Planning Consultants) and Ms Ilana Eldridge (Livingstone Solar Farm Ltd) attended.

**RESOLVED  
175/20**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Sections 1535 and 1536 (585 and 665) Livingstone Road, Berry Springs, Hundred of Cavenagh for the purpose of a Renewable Energy Facility (solar), 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 must be generally in accordance with *the plans submitted with the application* but modified to show the final site layout and access.
2. Prior to the endorsement of plans and prior to the commencement of works, plans must be submitted to and approved by Litchfield Council detailing the extension of Livingstone Road to the proposed entry to the subject site, as well as the proposed driveway crossover into the subject site. Any required works must be completed at no cost to Litchfield Council.
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 Litchfield Council's stormwater drainage system, shall be submitted to and approved by Litchfield Council. Any required works must be completed at no cost to Litchfield Council.
4. Prior to the commencement of works (including site preparation), a **Type 2** Erosion and Sediment Control Plan (ESCP) must be developed in accordance with the Department of Environment, Parks and Water Security (DEPWS) and ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP must be developed and/or certified by a Certified Professional in Erosion and Sediment Control (CPESC) to the satisfaction of the consent authority. The ESCP should be submitted prior to the commencement of any earth disturbing activities (including clearing and early works) to Development Assessment Services via email: [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au).

5. Prior to the commencement of works (including site preparation), a Construction Environmental Management Plan (CEMP) for the construction stage of the development and all of its components prepared by a suitably qualified professional must be submitted to and approved by the consent authority. The CEMP should specifically address weed management, dust management and clearing procedures. When approved, the CEMP will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed plan.
6. Prior to the commencement of works (including site preparation), NT Solar Futures shall enter into a Connection Agreement with Power Services, Power and Water Corporation to the satisfaction of the consent authority.
7. Before the use starts, an operational environmental management plan for the management of all facets of the operation must be prepared to the requirements of an independent suitably qualified professional to the satisfaction of Litchfield Council and the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed plan.

### **GENERAL CONDITIONS**

8. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
9. The use and/or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
10. The kerb crossovers and/or driveways to the site are to meet the technical standards of Litchfield Council. The owner shall also collect stormwater and discharge it to the drainage network, all to the technical requirements and satisfaction of Litchfield Council, at no cost to Litchfield Council.
11. 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.
12. 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.
13. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
14. All works relating to this permit must be undertaken in accordance with the endorsed Type 2 Erosion and Sediment Control Plan (ESCP) to the requirements of the consent authority. Should the endorsed Type 2 Erosion and Sediment Control Plan (ESCP) need to be amended, the revised ESCP must be developed and/or certified by a Certified Professional in Erosion and Sediment Control (CEPSC) to the satisfaction of the consent authority. The revised ESCP should be submitted for acceptance to Development Assessment, via email; [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au).

15. All reasonable and practicable measures must be undertaken to prevent: erosion occurring onsite, sediment leaving the site, and runoff from the site causing erosion offsite. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development (including clearing and early works) and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. For further information refer to Note 1 below. At completion of works, clearance should be sought from the Department of Environment, Parks and Water Security regarding satisfactory implementation of permanent erosion and sediment control measures and site stabilisation. To arrange a clearance site inspection, email the Land Development Coordination Branch at: [DevelopmentAssessment.DENR@nt.gov.au](mailto:DevelopmentAssessment.DENR@nt.gov.au)
16. The clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawing as "Permitted Clearing". All remaining native vegetation is to be maintained to the satisfaction of the consent authority.
17. 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. 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.
18. Water for construction is to be trucked in and water for firefighting and use by the dwelling-single will be either trucked in or captured from the roof areas and stored in suitable potable water tanks onsite.
19. Before issue of titles and pursuant to section 34 of the *Land Title Act 2000*, 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 is subject to prolonged periods of waterlogging and inundation". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

**NOTES:**

1. Litchfield Council's current Fees and Charges may apply to the above conditions. Additional information can be found at [www.litchfield.nt.gov.au](http://www.litchfield.nt.gov.au).
2. A *Works Permit* is required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's road network.
3. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at [www.austieca.com.au](http://www.austieca.com.au) and the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 and Land Management Factsheets available at: <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.

4. 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 Environment, Parks and Water Security.
5. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>.

The proponent is advised to take notice of the SCHEDULE OF ENVIRONMENTAL CONSIDERATIONS.

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

6. A permit to burn is required from the Regional Fire Control Officer, Department of Environment and Natural Resources, 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 Management Act 2016*.
7. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Northern Territory Aboriginal Sacred Sites Act 1989*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.

## REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The Northern Territory Planning Scheme 2020 (NTPS2020) applies to the land to which the application relates. Renewable Energy Facility (solar) requires consent under Clause 1.8(c)(i) as it is identified as *Impact Assessable*.

The strategic framework (Part 2 of the NTPS2020), including the Litchfield Subregional Land Use Plan, Part 3 Overlays being 3.2 CNV – Clearing Native Vegetation and 3.6 LSR Land Subject to Flooding, Part 4 Zones and Assessment Tables, Clause 4.21 Zone R (Rural) Clause 5.2.1 General Height Control, 5.2.4 Vehicle Parking and Clause 5.8.8 Renewable Energy Facility, need to be considered.

The Authority considered these in making its decision.

The Authority considers that the proposal complies with the relevant requirements of the NTPS2020 with the inclusion of plans to address site access, erosion and sediment control and weed management. A variation to Overlay 3.2 (Clearing of Native Vegetation) to allow reduced native vegetation boundary buffers is supported taking into consideration the retention of vegetation on Section 1536 and the low impact operation of a solar facility.

The Authority considered that the Facility is a suitable use of the land despite it being subject to inundation from localised flooding. A third party review confirmed negligible off site impacts and that the development has provided an appropriate response to address the requirements of Overlay 3.6 (Land Subject to Flooding).

2. Pursuant to section 51(1)(j) of the *Planning Act 1999*, 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 applicant has provided a detailed discussion of the advantages of the subject site and the capability of the land to support the proposed development. Immediate access to the Darwin to Katherine 132kv transmission line was a pivotal factor in site selection and contributes to the economic feasibility of the project noting that the cost of providing additional cabling to connect into the transmission line has been calculated at \$1 million per kilometre for high capacity cabling. Other factors contributing to site selection were that the land was a suitable size with low to moderate slope.

In discussing the obvious site constraints relating to flooding and seasonal waterlogging, the applicant attests that the implications for the operation of the Facility are minimal and can be managed in a way that minimises environmental impact. A flood study accompanying the application indicates that the development would not alter the drainage function of the land, natural flow paths would be maintained and there would be negligible impact on post development flood patterns across the subject site or for adjacent land.

The implementation of erosion and sediment controls in accordance with the certified erosion and sediment control plan would address potential erosion issues relating to the construction phase and ongoing operation of the Facility.

A third party review was undertaken to verify the methodology and conclusion of studies undertaken to support the development and the content of those studies were found to be appropriate. The review supported the inclusion of specific conditions to minimise risks from erosion, the preparation of a stormwater management plan, construction and operational environmental management plans.

3. Pursuant to section 51(1)(n) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The Authority is of the opinion that the development can be undertaken with minimal impact on the existing and future amenity of the area. The retained vegetation buffers moderate any visual impact of the development. The absence of passing traffic, limited overlooking from adjacent properties and low intensity use of the site indicate that there would be negligible effects on existing and future amenity.

**FOR: 5**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION:**

Notice of Consent and Development Permit

**ITEM 2**

**PA2020/0297**

**DWELLING-INDEPENDENT EXCEEDING 80M2 IN FLOOR AREA  
PORTION 2850 (155) SECRETT ROAD, KNUCKEY LAGOON, HUNDRED OF  
BAGOT**

**APPLICANT**

One Planning Consult

Pursuant to section 97 of the *Planning Act 1999*, Ms Wendy Smith a local authority member of the Litchfield Division of the Development Consent Authority declared an interest and was not present during and did not take part in any deliberation or decision of Item 2.

Mr Israel Kgosiemang (One Planning Consult) and Mr Nick Tefanis (Fortcap Pty Ltd – landowner) attended.

Submitter Litchfield Council attended represented by Mr Hasan Karatas.

**RESOLVED  
176/20**

That, pursuant to section 53(c) of the *Planning Act 1999*, the Development Consent Authority refuse to consent to the application to develop Portion 2850 (155) Secrett Road, Knuckey Lagoon, Hundred of Bagot for the purpose of a dwelling-independent exceeding 80m<sup>2</sup> for the following reasons:

**REASONS FOR THE DECISION**

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The Northern Territory Planning Scheme 2020 (NTPS2020) applies to the land to which the application relates. The proposed dwelling-independent requires consent and is identified as merit assessable under Clause 1.8(1)(b)(ii)(2) due to non-compliances with the requirements of Clause 5.4.13 (Dwelling-Independent).

Specifically, the proposed development does not comply with the requirements of Clause 5.4.13 sub-clauses 4, 5, 6 and 7.

The administration of Clause 5.4.13 states:

*The consent authority must not consent to a dwelling-independent that is not in accordance with sub-clauses 4, 8 and 9.*

The land is currently developed at its maximum residential density with a dwelling-single and dwelling-independent and the authority cannot consider the proposal further, as the requirement of sub-clause 4 states '*there will be no more than one dwelling-independent on a site*'. However, the authority noted the Applicant's submission that the existing dwelling-independent would be removed as part of the construction of the proposed new building to maintain the correct density,

The authority, however assessed the proposal against the purpose of Clause 5.4.13 and found that the proposed dwelling-independent did not achieve the purpose of the clause. The clause requires that a dwelling-independent remains ancillary to the dwelling-single on a site. Clause 2.2 of Schedule 2 of the Planning Scheme defines ancillary to mean associated with, but auxiliary and subordinate to the primary land use. It is considered that the size and scale of the proposal does not meet that definition. The area nominated as the dwelling-independent contains an area of 134m<sup>2</sup> and is incorporated in a larger structure which collectively contains a floor area totalling 378m<sup>2</sup>. The nominated dwelling-independent area of 134m<sup>2</sup>, by itself, is well in excess of the maximum floor area of 80m<sup>2</sup> as required by sub-clause 5 and the authority considers the design and scale of the proposal is greater than could reasonably be described as ancillary to the existing dwelling-single as required by Clause 5.4.13.

Consideration was also given to the purpose and outcomes sought for Zone RL (Rural Living). It was found that the proposed development is not considered to achieve Outcome 7 or 8 for Zone RL. The proposal is likely to impose demands on an existing over-allocated groundwater resource should groundwater be used for water provisions, as well as potentially impacting the natural environment by requiring an additional effluent disposal system. Furthermore, the proposal will impact on the local road network by way of a dual access to the land.

The proposal is not an expected outcome in a rural living area and the Authority considered it an overdevelopment of the site. The Authority considered that it would result in an adverse impact on the natural environment and local road network and there is insufficient merit to justify the proposed development.

2. Pursuant to section 51(1)(e) of the *Planning Act 1999*, the consent authority must take into consideration the any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

A submission was received from the local authority objecting to the proposed development, advising that it considers the proposed development to be contrary to the purpose and requirements for the development of dwelling-independents under Clause 5.4.13 of the NTPS2020. The intent of dwelling-independent is not to create a multiple dwelling use or dual occupancy.



Litchfield Council advised that it is of the opinion that the proposed development is not ancillary as defined by being auxiliary and subordinate to the primary use of the site. The proposal is not an adequate size expectant for a dwelling-independent in the zone.

Furthermore the cumulative addition of dwellings has significant impacts on Council's road infrastructure, which is in conflict with the requirements of the NTPS2020 where a dwelling is not to adversely affect the local road network.

A representative from Litchfield Council attended the meeting and spoke to the Council submission, primarily reiterating the matters raised in its submission. The representative confirmed that the existing second cross-over closest to the proposed location of the dwelling-independent does not have Council approval.

3. Pursuant to section 51(1)(t) of the *Planning Act 1999*, the consent authority may consider other matters it thinks fit.

The landowner presented to the Authority that the second cross-over was in place when he purchased the land and that Power and Water Corporation use both accesses to take meter readings. The Authority did not consider this sufficient justification to demonstrate a need for two site access.

The landowner also presented at the meeting that it was his intention to live in the proposed building so that relatives could occupy and use the existing dwelling-single and the large shed. In addition to a residential use, the proposed building would have been used to store machinery, vehicles and other large items (such as boats, bobcats) and provide an office for administrative functions associated with his business (office space totalling 42m<sup>2</sup> in floor area).

The Authority considered that the landowner is likely to comply with the dwelling-independent size and access requirements of the NTPS2020 and the clause purpose, by decommissioning the second cross-over, redesigning components of the proposed dwelling-independent to achieve a floor area of 80m<sup>2</sup>, separating the dwelling-independent from the storage functions of the proposed building and providing appropriate separation of uses within each resultant structure(s).

**FOR: 0**                      **AGAINST: 4**                      **ABSTAIN: 0**  
**ACTION:**                      Notice of Refusal

**ITEM 3**

**PA2020/0204 EDUCATION ESTABLISHMENT WITH ANCILLARY ROOMING ACCOMMODATION SECTION 2284 (175) BEES CREEK ROAD, BEES CREEK, HUNDRED OF STRANGWAYS**

**APPLICANT** Department of Infrastructure, Planning and Logistics and Matthew Stone  
Masterplan NT

Mr Joseph Sheridan (Masterplan NT), Ms Michelle Foster (Senior Director Operations and Support - National Critical Care and Trauma Response (NCCTR)), Professor Len Notaris (NCCTR) and Ms Elle Lyon (DIPL) attended.

**RESOLVED  
177/20**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Section 2284 (175) Bees Creek Road, Bees Creek, Hundred of Strangways for the purpose of an education establishment with ancillary rooming accommodation (National Critical Care Trauma Response Centre), subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans, and commencement of works, an Operational Management Plan (OMP) for the management and operation of the use must be prepared, submitted to and approved by the consent authority, upon the advice of Litchfield Council. When approved, the OMP will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed management plan.

The OMP must include:

- (a) schedule of proposed training courses and hours of operation;
- (b) maximum number of participants/staff;
- (c) transport arrangements for participants/staff;
- (d) day to day management requirements for the use including meal preparation;
- (e) waste management requirements.

2. Prior to the endorsement of plans, and commencement of works, an Onsite Wastewater Management Plan prepared by a qualified licensed self-certifying Plumber, shall be submitted to the consent authority.

The plan is to demonstrate:

- (a) the existing effluent disposal system(s) that are to be retained to service the development and/or design for the installation of any new on-site wastewater system;
- (b) evidence that any existing systems to be retained are of sufficient capacity to cope with the projected increased loading; and
- (c) details of remediation works to decommission/rehabilitate redundant effluent disposal areas;

in accordance 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).

3. Prior to the endorsement of plans, and commencement of works, a Road Safety Audit, prepared by a suitability certified traffic auditor, shall be approved by Litchfield Council. The audit must take into account the new intersection

design at the site of 176A Bees Creek Road. Changes to the intersection design may require relocation and/or upgrading of the existing driveway of 175 Bees Creek Road to service the anticipated vehicular use.

4. 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 must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) an amended site plan – label the caretakers residence and remove any structures not subject to this proposal or those being removed;
  - (b) a car parking layout including mini bus parking and any drop off areas (if required); and
  - (c) location of onsite wastewater management systems being retained.

#### **GENERAL CONDITIONS**

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. The use must at all times be conducted in accordance with the approved Operational Environmental Management Plan.
7. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
8. 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.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, electricity facilities and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
10. Before the use or occupation of the development certification is to be provided that any new on-site wastewater system has been installed by a qualified licensed Self-Certifying Plumber and complies 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).
11. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all-weather-seal coat or dust suppressed surface;
  - (d) drained;
  - (e) line marked to indicate each car space and all access lanes; and

- (f) clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the consent authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

12. The car parking shown on the endorsed plan must be available at all times for the exclusive use of the occupants of the development and their visitors/clients.
13. Any works recommended by the Road Safety Audit are to be completed to the requirements of Litchfield Council to the satisfaction of the consent authority.
14. 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.
15. 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.
16. 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 works;all to the technical requirements of and at no cost to Litchfield Council, to the satisfaction of the consent authority.
17. Provision must be made on the land for the storage and collection of garbage and other solid waste to the requirements of Litchfield Council and to the satisfaction of the consent authority.
18. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
19. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
20. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.

**NOTES:**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@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. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act.

Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>

The proponent is advised to take notice of the SCHEDULE OF ENVIRONMENTAL CONSIDERATIONS provided by DENR.

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

3. The development and use hereby permitted must be in accordance with Northern Territory legislation including (but not limited to) the *Building Act 1993*, the *Public and Environmental Health Act 2011* and the *Food Act 2004*.
4. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.
5. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email ([info@ntbuild.com.au](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
6. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>

7. Litchfield Council's current Fees and Charges may apply to the above conditions. Additional information can be found at [www.litchfield.nt.gov.au](http://www.litchfield.nt.gov.au).
8. A *Works Permit* is required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's road network.
9. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Interim Development Control Order 29.

## REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The Northern Territory Planning Scheme 2020 applies to the land to which the application relates. An 'education establishment with ancillary rooming accommodation' requires consent under Clause 1.8 (When development consent is required).

It is identified as Impact Assessable under Clause 4.7 Zone FD (Future Development), and therefore the strategic framework (Part 2 of the Scheme, including Litchfield Subregional Land Use Plan and the Draft Coolalinga/Freds Pass Area Plan, which are relevant to this application), zone purpose and outcomes of Clause 4.7 Zone FD (Future Development), and Clauses 5.2.1 (General Height Control), 5.2.4 (Vehicle Parking), 5.2.6 (Landscaping), 5.3.4 (Development in Zone FD), 5.4.8 (Building Design for Dwelling-group, Dwelling-multiple, Rooming Accommodation and Residential Care Facility), 5.5.3 (Commercial and other development in Zones HR, CV, CV, C, SC, TC, OR, CP and FD), 5.8.2 (Education Establishment) and 5.8.7 (Demountable Structures), need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Northern Territory Planning Scheme 2020.

The Authority considered 10 vehicle parking spaces were appropriate for the use but provision needed to be made for bus parking/drop off zone and any loading and turn around areas. A condition precedent has been included for the submission of a revised car parking layout to address this matter.

The use of the site for an education establishment with ancillary rooming accommodation (National Critical Care and Trauma Response Centre) is considered an appropriate community use in accordance with the Strategic Framework of the Northern Territory Planning Scheme.

2. Pursuant to Section 51(m) of the *Planning Act 1999*, the consent authority must consider 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 application was circulated to the relevant authorities and comments received from these authorities are addressed by the inclusion of condition precedents, conditions and/or notations on the development permit.

3. Pursuant to section 51(1)(n) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The proposed single storey training centre building and existing structures are located centrally on the site surrounding by large areas of existing native vegetation. The adjoining properties to the north and south are large parcels of undeveloped naturally vegetated land.

The proposal is not considered to impact on the existing or future amenity of the area and is of a scale and character considered appropriate for the use.

Furthermore, conditions have been included on the development permit to address ongoing day to day management of the use so as not to impact on the rural residential area.

**FOR: 5**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION:**

Notice of Consent and Development Permit

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

**SUZANNE PHILIP**

**Chair**

18 November 2020