



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 230 – FRIDAY 14 DECEMBER 2018

**HOWARD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

MEMBERS PRESENT: Suzanne Philip (Chair), Keith Aitken, Bob Shewring and Doug Barden

APOLOGIES: Wendy Smith and Christine Simpson

OFFICERS PRESENT: Margaret Macintyre (Secretary), Alana Mackay, Fiona Ray and Ben Wollinski (Development Assessment Services)

COUNCIL REPRESENTATIVE: Edward Li

Meeting opened at 10.00 am and closed at 12 noon

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 **CAFÉ ADDITION (RESTAURANT) TO AN EXISTING HORTICULTURE**
PA2018/0429 **(MANGO) FARM**
APPLICANT **LOT 2 (70) REEDBEDS ROAD, HUNDRED OF CAVENAGH**
CRAZY ACRES

DAS tabled comments from the Department of Environment and Natural Resources (Environment Division) dated 10 December 2018.

Ms Karen Dean (applicant) attended.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
222/18 Authority consent to the application to develop Lot 2 (70) Reedbeds Road,
Hundred of Cavenagh for the purpose of a Café addition (Restaurant) to an existing
horticulture (mango) farm, subject to the following conditions:

CONDITIONS PRECEDENT

1. 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.
2. Prior to the commencement of works (including site preparation), a waste management plan must be prepared to the requirements of the Litchfield Council, to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings, endorsed as forming part of this permit.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
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. Appropriate soil erosion, sediment and dust control measures must be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be suitably stabilised against erosion at completion of works, to the satisfaction of the Consent Authority.

7. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Litchfield Council as the case may be to the satisfaction of the consent authority.
8. 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.
9. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading area and must not disrupt the circulation and parking of vehicles on the land.
10. 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; and
 - (d) drained;Car spaces, access lanes and driveways must be kept available for these purposes at all times.
11. The use and development of the land must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) Transport of materials, goods or commodities to or from the land;
 - (b) Appearance of any building, works or materials;
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
 - (d) Presence of vermin.
12. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Litchfield Council, to the satisfaction of the consent authority.
13. 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.

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 development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.

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. The permit holder is advised that the proposal may have assessment implications under the Waste Management and Pollution Control Act, More information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>. The applicant is encouraged to contact the NT EPA on (08) 8924 4218 or ntepa@nt.gov.au.
5. The Northern Territory Environment Protection Authority has advised that the proponent must comply with their General Environment Duty provided by section 12 of the Waste Management and Pollution Control Act.
6. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Clause 6.7 (Signs) of the Northern Territory Planning Scheme.

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 Northern Territory Planning Scheme applies to the land to which the application relates. The application was assessed against Clauses 5.20 (Zone R – Rural), 6.1 (General Height Control), 6.5.1 (Parking Requirements), 6.5.3 (Parking Layout), 6.6 (Loading Bays), 10.2 (Clearing of Native Vegetation in Zones H, A, RR, RL, R, CP, CN, RD, and WM and on Unzoned Land) and complies.

The primary purpose of Zone R is to provide for a range of activities including residential, agricultural and other rural activities. The café is considered to remain ancillary to the main use of the site, as the café is used for selling the food produced from the land. The proposal does not deviate from the primary purpose of the zone.

The Litchfield Subregional Land Use Plan is a referenced document in the Northern Territory Planning Scheme, and provides detailed planning specific to the Litchfield subregion and land use concept plans to guide development. The café is considered to:

- Increase rural amenity and lifestyle choice within the area by continuing the use.
 - Be located in an area that would otherwise not be used for horticultural purposes, being located adjacent to the packaging shed, and not impact on lost opportunities for local food production or security.
 - Increase economic opportunities.
 - Be of a size and scale ancillary to the horticulture use of the land.
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 land is capable of supporting the proposed development as the cafe is ancillary to the main use and does not impact on the primary use of horticulture. Furthermore, the service authorities did not raise any concerns with land capability.

3. 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.

The ancillary café (restaurant) addition is of a size and scale that would not negatively impact on the existing and future amenity of the area and has protection from the weather to operate throughout the year. Furthermore, the Litchfield Council is in support of the proposal, particularly the:

- Economic development in the rural area.
- Full time formalisation of the existing successful use on the site.
- Proposal is not expected to have any negative effects upon Council infrastructure.

The café (Restaurant) is therefore considered not to require any usage restrictions and is unlikely or unreasonably detract from the existing and future amenity of the area and the ability of adjacent and nearby property owners to enjoy their land.

ACTION: Notice of Consent and Development Permit

**ITEM 2
PA2018/0453
APPLICANT**

**BUSHFIRE MANAGEMENT CENTRE
SECTION 2900 (2645) STUART HIGHWAY, HUNDRED OF STRANGWAYS
NORTHERN PLANNING CONSULTANTS PTY LTD**

Mr Brad Cunnington (Northern Planning Consultants Pty Ltd) and Ms Collene Bremner (Executive Director Bushfires NT) attended.

Submitter Mr Peter Erbs attended.

**RESOLVED
223/18**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 2900 (2645) Stuart Highway, Hundred of Strangways for the purpose of a Bushfire Management Centre, subject to the following 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's stormwater drainage system shall be submitted to and approved by 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.
 - i. The plan shall demonstrate that stormwater run-off is capable of being discharged across the lot surface to the main drainage system or to an approved alternate connection.
 - ii. Litchfield Council stormwater discharge guidelines do not allow concentrated discharge of stormwater from rural lots to adjoining properties or the road

reserve. All stormwater is to be channelled, piped or dispersed via sheet flow to the road reserve.

- iii. The plan shall demonstrate that the drainage system is designed to cater for both initial storm events (Q5) and major storm events (Q100).
- iv. The applicant's plans shall demonstrate that no contaminated water shall enter any waterway or Litchfield Council's drainage system.

- 2. Litchfield Council requires an Operational Environmental Management Plan (OEMP), to the satisfaction of the Director Infrastructure and Operations, Litchfield Council.

The OEMP must provide details of day to day waste management requirements for the use, including demonstrating how a commercial waste vehicle can enter and exit the site in a forward gear. The use must at all times be conducted in accordance with the plan.

- 3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a traffic impact assessment report is to be prepared by a suitably qualified traffic engineer in accordance with the Austroads Guide to *Traffic Management Part 12: Traffic Impacts of Development*. The Report is to pay particular attention to vehicular, pedestrian, cyclist and public transport issues and opportunities shall be submitted to and approved by Litchfield Council.

The traffic impact assessment Report is to also include swept paths for any vehicles class TB2 or larger (as defined by AustRoads 94) entering and exiting the site. The Report should also identify any necessary upgrades to the surrounding street network as a result of the implications of the development to the requirements of Litchfield Council and *DIPL- Transport and Civil Services Division*. The developer will be required to institute all required upgrade measures at no cost to Council.

- 4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a traffic impact statement in accordance with the Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development. The Report must detail the developments traffic generation, trip distribution, and traffic operation impact on the intersection of Stuart Highway and Townend Road. If the traffic generated by the development increases the existing traffic, existing proportion of heavy vehicle traffic or equivalent standard axles (ESA's) by 5% or more, a full Traffic Impact Assessment needs to be conducted as per the Austroads guide to Traffic Management, Part 12 and the document needs to be approved by the DIPL-Transport and Civil Services Division.

Any intersection and /or road upgrade works required to accommodate the proposed development and within NT Government controlled road reserves shall be carried out by the developer at the Developer's cost, to the standards and requirements of the Department of Infrastructure, Planning and Logistics.

- 5. 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) the driveway crossover must be realigned to be perpendicular to Townend Road to the requirements of Litchfield Council.
 - (b) access culverts to blocks must be a minimum of 3.1 metres wide to allow entry for fire fighting as required by the NT Fire and Rescue Service
6. Before the use starts, an environmental management plan for the management and operation of the use must be prepared to the requirements of an independent suitably qualified professional and approved by the consent authority on the advice of the NT EPA. 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. The environmental management plan must include:
- (a) overall environmental objectives for the operation of the use and techniques for their achievement;
 - (b) procedures to ensure that no significant adverse environmental impacts occur as a result of the use;
 - (c) proposed monitoring systems;
 - (d) identification of possible risks of operational failure and response measures to be implemented;
 - (e) day to day management requirements for the use.
7. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP) is to be submitted to and approved by the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR). The ESCP should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase and that all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works. The IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in an ESCP. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the NTP website: <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be emailed for assessment to: DevelopmentAssessment.DENR@nt.gov.au

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 kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Litchfield Council.

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 satisfaction of the Director Infrastructure and Operations, Litchfield Council and at no cost to the Litchfield Council

10. 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, to the satisfaction of the Director Infrastructure and Operations, 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. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
13. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
14. All proposed work (including the provision or connection of services) within, or impacting upon the Stuart Highway Road reserve shall be in accordance with the standards and specifications of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics. Design documents must be submitted to the Director Corridor Management, Transport and Civil Services Division for Road Agency Approval and no works are to commence prior to approval.
15. Any upgrades to the intersection of Stuart Highway and Townend Road and new access on to Stuart Highway must be subject to Road Safety Audits in accordance with the Department's Policy "Road Safety Audits".
16. No Direct Access on to Stuart Highway will be allowed. All emergency vehicle access and/or general access must be according to the standards and requirements of the Lichfield Council.
17. Where unfenced, the Stuart Highway Road frontage is to be appropriately fenced in accordance with the Transport and Civil Services Division's standards and requirements to deter unauthorised vehicular movement. Any gates provided are to be fixed to open inwards only.
18. Upon completion of any works within Stuart Highway road reserve, the road reserve shall be rehabilitated to the standards and requirements of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics.
19. The clearing and future use of the land shall not be detrimental to the drainage, flood immunity or safety of the Stuart Highway road reserve through the blocking of off-let drains, natural drainage channels or overland flow. Alternative proposals to cater for the above may be considered by the Department.
20. The developer shall ensure that the stormwater run-off from the development site is collected and appropriately discharged into a local stormwater drainage system to the standards and approval of the Lichfield Council, the

Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics.

21. If required, installation of any new services or service connections within the Stuart Highway road reserve is subject to Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics approval. All service related works are to be contained within the appropriate Nominal Service Corridor (refer Standard Drawing CS-3001).
22. Stormwater drainage shall be designed to minimise disturbance to the environment and natural drainage patterns. The Developer must demonstrate that the proposed subdivision will not create a hazard to public safety by worsening flooding of emergency access along/ causing flooding of Stuart Highway Road in a major storm event.
23. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the requirements of the NT EPA, to the satisfaction of the consent authority.
24. Traffic signage installed in accordance with Australian Standards and approved by the Department is to be provided on the Stuart Highway to warn motorists about the emergency vehicle entering.
25. Access culverts to blocks must be a minimum of 3.1 metres wide to allow entry for fire fighting.
26. An approved effluent disposal system prepared by a qualified licensed Self –Certifying plumber to the satisfaction of the consent authority must be installed concurrently with the development of and all waste must be disposed of within the curtilage of the property.
27. All works relating to this permit are to be undertaken in accordance with the approved Erosion and Sediment Control Plan (ESCP) to the requirements of the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR).

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 permit holder is advised that the proposal may have assessment implications under the Waste Management and Pollution Control Act, More information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>. The applicant is encouraged to contact the NT EPA on (08) 8924 4218 or ntepa@nt.gov.au.
3. The Developer, his Contractor or Service Provider is required to obtain a "Permit to Work within NT Government Road Reserves" prior to the commencement of any works within the Stuart Highway road reserve.

4. The Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Northern Territory Environment Protection 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.
5. 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).
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 Environment and Natural Resources

REASONS FOR THE DECISION

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

A fire station and ancillary facilities is an undefined use in the Scheme and generally located in Zone CP (Community Purpose). In the absence of vacant and appropriately located CP land in the vicinity, the development of part Section 2900 would enhance rural fire fighting capacity and services in the rural area. Proximity to the Hughes airfield, which is utilised for water bombing during the fire season, convenient access to main roads and distance from nearby residential or sensitive land uses are advantages of the location. It is critical that a central emergency response facility is located in the rural area. The proposed location enables effective mobilisation of the first response fleet and avoids the conflicts that may arise in more developed areas.

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

One submission was received under section 49 of the *Planning Act* objecting to the development on a number of grounds including access to water, impact on WWII relics and ongoing access to those sites and concerns with waste management. The submitter proposed that the headquarters would be better located adjacent to the Hughes Airfield. The submitter, Mr Erbs, attended the meeting and presented information to support his submission under section 50 of the *Planning Act*.

The authority has considered the issues raised by the submitter and is of the view that the concerns can largely be allayed, with the exception of relocating the facility. Whilst the Hughes Airfield is Crown land, the surrounding Section is in private ownership.

The facility will utilise reticulated water and there will be no demand placed on groundwater. All works must be undertaken with regard to the relevant legislation to ensure that there will be no pollution of land, surface or groundwater. Bushfires NT have indicated that public access to WWII heritage sites on the greater portion of the site will not be limited. Bushfires NT will be responsible for weed management and minimise the spread of weeds, both on the site and as part of day to day operations in the management of vehicles.

3. 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 land is considered capable of supporting the proposed use as reticulated water will be used ensuring no demand will be made on groundwater. The site is relatively flat and not subject to inundation. An Environmental Management Plan will be prepared to manage and mitigate potential impacts.

4. 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
The location of the site adjacent to the Stuart Highway and over 250m from the nearest dwelling serves to mitigate potential impacts on the existing and future amenity of the area. The land immediately opposite the site on Townend Rd is undeveloped Zone R.

ACTION: Notice of Consent and Development Permit

**ITEM 3
PA2018/0456**

INDEPENDENT UNIT IN EXCESS OF 50M2 AND GARAGE ADDITION TO AN EXISTING SINGLE DWELLING WITH REDUCED SIDE AND REAR SETBACKS LOT L (9) RADFORD ROAD, HUNDRED OF BAGOT

APPLICANT

KELLY HEDGER

Mr James Hedger (landowner) attended.

**RESOLVED
224/18**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) and Clause 7.10.4 (Independent Units) 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 L (9) Radford Road, Hundred of Bagot for the purpose of an independent unit in excess of 50m² and garage addition to an existing single dwelling with reduced side and rear setbacks, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, an application for waste water design approval is to be submitted to and approved by the Department of Health, to the satisfaction of the consent authority. Or documentary evidence by a licensed certifying plumber and drainer to the satisfaction of the consent authority, confirms that the existing

effluent disposal system is of sufficient capacity to cope with the projected increased loading.

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. An approved effluent disposal system to the requirements of the Department of Health or to the satisfaction of the consent authority must be installed concurrently with the erection of the independent unit and all waste must be disposed of within the curtilage of the property.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply and electricity facilities, to the development shown on the endorsed plan in accordance with the authorities requirements and relevant legislation at the time.
5. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston 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. 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).

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 development proposed is consistent with the purpose of Zone RR (Rural Residential) of the Northern Territory Planning Scheme. The proposed independent unit and garage are considered to be compatible with the zone and demonstrate the suitability for future land uses and potential impacts on amenity of the locality.

The Litchfield Subregional land Use Plan identifies the site is within an 'Urban/Peri-Urban Area'. A statement of policy for urban areas is to facilitate urban residential land uses within identified urban/peri-urban areas to meet market demand.

The characteristics in the area demonstrate an expansion of higher residential land uses and density within the area, including the new suburb of Zuccoli (Stage 1) adjacent to the lot. The growth of residential lots in the area has been in the form of Zone SD (Single Dwelling) and MD (Multiple Dwelling) lots.

The proposal presents a non-compliance with Clause 7.3 (Building Setbacks of Residential Buildings) and Clause 7.10.4 (Independent Units).

2. Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority) of the Northern Territory Planning Scheme, the authority may consent to a development that does not meet the standard set out in Part 4 and 5 of the Planning Scheme where it is satisfied that special circumstances justify the granting of consent.

Special circumstances exist to vary the requirements of Clause 7.3 (Building Setbacks for Residential Buildings and Ancillary Structures) for the following reasons:

- The 5m setback requirement of the Northern Territory Planning Scheme to allow a firebreak is not required.

A variation to the requirements of Clause 7.3 (Building Setbacks for Residential Buildings and Ancillary Structures) and Clause 7.10.4 (Independent Units) is supported as:

- Special circumstances exist to justify the giving of consent to vary setback requirements on the lot.
- The characteristics in the area demonstrate an expansion of higher land uses and residential density, including adjacent to the lot.
- The development will facilitate urban residential land uses within identified urban/peri-urban areas, consistent with the Litchfield Subregional Land Use Plan.
- The development is consistent with the development pattern and characteristics of the area, with the area demonstrating a development pattern consistent with the higher residential land use of Zone SD (Single Dwelling).
- The proposal is considered compatible with the surrounding development and is a structure that would reasonably be expected in Zone RR (Rural Residential).
- The independent unit is located 2m from the side and rear lot boundaries providing suitable setback for amenity and privacy.
- The size of the independent unit is considered to remain ancillary to the single dwelling on site.

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

Both the Litchfield Council and City of Palmerston were given notice under section 48 of the Act, as the application relates to land within both council areas. Access and infrastructure to the lot along Radford Road is administered within the City of Palmerston, with the lot located

within the Litchfield Council area. Litchfield Council under section 49(3) of the *Planning Act* made a submission.

Addressing the submission raised by the Litchfield Council:

- The topography of the site directs stormwater into the City of Palmerston area of management. The City of Palmerston is accepting of stormwater overland flows across the lot surface to the road reserve as a suitable and manageable outcome for stormwater on the site.
- The sight lines at the road reserve crossover relates to the City of Palmerston management area. The City of Palmerston did not raise concerns regarding sight lines and no development or landscaping is proposed to impact on the driveway crossover.

The applicant also provided additional information and photos which satisfactorily address the Litchfield Councils concerns regarding stormwater, privacy and amenity impacts on neighbouring lots.

4. 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.

The proposal is consistent with the Litchfield Subregional Land Use Plan. The development pattern and characteristics of the area demonstrates residential land uses consistent with the higher residential land use of Zone SD (Single Dwelling). Should the lot be rezoned to Zone SD, the proposal would be compliant with the boundary setbacks.

There is no change of use proposed and the proposed independent unit and garage would be unlikely to have an adverse impact on the existing and future amenity of the area.

ACTION: Notice of Determination

**ITEM 4
PA2018/0437
APPLICANT**

**CHILD CARE CENTRE INCLUDING CARETAKERS RESIDENCE
SECTION 1931 (7) FINN ROAD, HUNDRED OF AYERS
SUTER ENTERPRISES TRUST**

DAS tabled a letter of support from the Berry Springs Primary School Council

Ms Pamela Martin (Draftlink), Mr David Suter (Suter Enterprises Trust), Ms Maria Magbag and Mr Ron Day attended.

Submitter Willing Enterprises represented by Russell Willing attended.

**RESOLVED
225/18**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Section 1931 (7) Finn Road, Hundred of Ayers for the purpose of child care centre to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- Specification of the water requirements of the child care centre and an associated report that provides in detail how sufficient potable water will be

- obtained to enable the centre to operate. The report should include any required permits.
- A Traffic Impact Assessment undertaken to the satisfaction of Litchfield Council and in consideration of future upgrades to Cox Peninsula and Finn Roads.

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 Litchfield Subregional Land Use Plan 2016 (LSLUP) identifies that the Berry Springs Activity Centre provides for the co-location range of commercial and community uses. The Centre was designated to provide a community focus, enable the efficient provision of infrastructure and services, avoid strip development and protect the character and amenity of the rural area. Whilst the preferred location for a child care centre would ideally be in the Berry Springs Activity Centre, a child care centre is a discretionary use in Zone RL (Rural Living) and can be considered.

In support of the application, the site is located in close proximity to the Activity Centre and on a prominent intersection. The proposed location would be accessible to people utilising the activity centre and commuters travelling from Berry Springs to employment destinations to the north and east. The prominence and location of the site give rise to questions relating to traffic management. Transport and Civil Services have requested that a traffic impact statement be prepared to identify impacts on traffic operation and recommended measures to accommodate or mitigate the effects on the Cox Peninsula intersection. Litchfield Council has also requested a traffic study to ensure safe access can be provided from Finn Road.

The applicant proposes to utilise rainwater tanks and bore water, however the water requirements of the centre are not specified. A licence for extraction would be required for the commercial use and the applicant is in discussion with the Department of Environment and Natural Resources. Early indications are that a water extraction licence would not be granted.

As the water requirements for the Centre have not been calculated and access to a reliable and appropriate water supply is also undetermined, the ability of the centre to operate in this location is yet to be established. Further information is also required to determine that safe access and egress to the child care centre can be provided from Finn Road.

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

Willing Enterprises, in their submission, while supporting the establishment of a child-care facility, argued that it should be co-

located with commercial and community activities in the Activity Centre. The submitter noted that the relocation of their hardware business and development of the supermarket was undertaken in accordance with government land use policy and in support of the LSLUP and argued that permitting a commercial use outside the Activity Centre may undermine both the viability of the Centre and land use policy. Specific concerns with the proposed site were raised, including the impacts of the business on road conditions, as Finn Road is a preferred route for commuters to Palmerston and Darwin. Increasing traffic movement in the location was anticipated to increase congestion at peak times. As a commercial enterprise, generating significant levels of traffic and noise, it was conceived to be incongruent with the intent of Zone RL (Rural Living) as a low density, low intensity use. Further it was argued that the application would not fully address Clause 8.1.5 (Child Care Centre) as it was not co located in a commercial centre or adjacent to education facilities. The concerns were mirrored by two other submitters.

The scale of the development was likened by one submitter to a large multiunit development which would impact the amenity of the surrounding rural neighbourhood. The lack of water and sewerage services was raised as a limiting factor with regard to the suitability of the site for the proposed development.

The Authority also recognised that strong support for the proposal was made in two submissions. Submitters indicated that the absence of local child care was limiting workforce participation and study for many parents the area.

There is a demonstrated need for a child care centre in the Berry Springs community. At the current time families are required to utilise services at some distance from their homes. Whilst this may represent a convenient choice for some, a local service would provide opportunity to connect with the local school and meet the needs of people living and working in the local area.

However, consideration by the authority must be have regard to the provision of services to the site, in particular water supply. As the application lacks sufficient detail to provide confidence that the services could be supplied and managed, the Authority determined it was necessary to defer consideration.

3. 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 water demand of the Centre has not been calculated although it is proposed to rely on bore water, rainwater harvest and storage. The caution note on the title referring to groundwater indicates that the land is not capable of supporting the development and alternative measures are required.

Further information is required to confirm that the development can be undertaken on the site in view of identified problems with land capability.

ACTION: Notice of Deferral

ITEM 5 **INTENSIVE ANIMAL HUSBANDRY (DOG BREEDING)**
PA2018/0139 **LOT 13 (295) MCMINNS DRIVE, HUNDRED OF STRANGWAYS**
APPLICANT **BRENT LANG**

DAS tabled a plan provided by Mr Kerry Dysart.

Mr Brent and Mrs Taighen Lang attended.

Mr Kerry Dysart (submitter) attended.

RESOLVED
226/18

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 13 (295) McMinns Drive, Hundred of Strangways for the purpose of Intensive animal husbandry (dog breeding) to consider information from the Environment Division, Department of Environment and Natural Resources and to require the applicant to provide additional information that the authority considers necessary in order to enable the proper consideration of the application:

- Revised plans to indicate the location and detail of the kennels, including individual enclosures and maximum building height and the location, dimensions and surface treatment for visitor car parks, including building setbacks
- Revised plans to indicate an exercise yard (dog run) situated in the northern portion of the site, in an area considered to reduce the impact on the effected neighbour to the south.

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 Northern Territory Planning Scheme (Scheme) applies to the land to which the application relates. To assess compliance with Clause 6.5.1 (Parking Requirements), Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) and Clause 10.1 (Animal Related Use and Development) the authority considers it necessary for the applicant to provide revised plans to illustrate:

- the location and detail of the kennels, including individual enclosures and maximum building height and the location, dimensions and surface treatment for visitor car parks, including building setbacks
- an exercise yard (dog run) situated in the northern portion of the site, in an area considered to reduce the impact on the effected neighbour to the south.

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.

The Northern Territory Environment Protection Authority (NT EPA) is the primary regulator that sets standards, assesses, manages and regulates noise in the Northern Territory. The authority considers it necessary to obtain advice from the Environment Division, Department of Environment and Natural Resources (provides services to the NT EPA) on the additional information provided by the applicant to inform the authority's consideration of matters specified under section 51(n) of the *Planning Act*.

ACTION: Notice of Deferral

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

SUZANNE PHILIP
Chair
20 December 2018