

DEVELOPMENT CONSENT AUTHORITY
LITCHFIELD DIVISION

NORTHERN TERRITORY PLANNING SCHEME 2020

AGENDA ITEM: **3** MEETING DATE: 19/03/2025 FILE: PA2024/0145

APPLICATION: Dwelling-single and ancillary outbuilding (shed), on land in proximity to airports
APPLICANT/CONTACT: Developing the North Pty Ltd
LAND OWNER: Miss Beata Small & Mr Adam Small
BENEFICIARY: Miss Lucy Reilly, Miss Beata Small, Mr Adam Small
LOCATION: Section 3372, (70) Lagoon Road, Hundred of Bagot, Knuckey Lagoon (**Bookmark A**)
ZONE: R (Rural)
AREA: 40,800m²

1. PROPOSAL

The application is for a dwelling-single and ancillary outbuilding (shed), on land in proximity to airports. A copy of the application is at **Bookmark B**.

2. REASON FOR APPLICATION AND LEVEL OF ASSESSMENT

An application is required for planning permission as the proposed development requires consent under the Northern Territory Planning Scheme 2020 (NTPS), because it is in Zone R (Rural), and pursuant to Clause 3.5 (LPA - Land in Proximity to Airports Overlay), has become Merit Assessable under Clause 1.8(1)(b)(ii)(1) of the NTPS:

(b)*Merit Assessable* – use and development that requires the exercise of discretion by the Consent Authority to ensure it can be established and operated in a way that does not impact on the **amenity** of the area and accords with the relevant zone purposes and outcomes. Use and development of land requires **consent** and is *Merit Assessable* when any of the following apply:

ii. it is shown as Permitted on the relevant assessment table in Part 4 but: **(1) requires consent by virtue of the Overlay as set out in Part 3.**

Zoning	Part 3 - Overlays	Part 5 - General Development Requirements	Part 5 - Specific development Requirements
Zone R (Rural)	CNV (Clearing of Native Vegetation) LPA (Land in Proximity to Airports)	5.2.1 (General Height Control) 5.2.4.1 (Car Parking Spaces) 5.2.6 (Landscaping)	5.4.1 (Residential Density) 5.4.3 (Building Setbacks for Residential Buildings and Ancillary Structures) 5.4.6.1 (Private Open Space for Dwellings-single, Dwellings-independent and Dwellings-group) 5.8.7 (Demountable Structures)

The exercise of discretion by the Consent Authority that applies is clause 1.10(3) of the NTPS: In considering an application for **consent** for a use or development identified as *Merit Assessable* the Consent Authority must take into account all of the following:

- (a) the relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6,
- (b) any Overlays and associated requirements in Part 3 that apply to the land; and,
- (c) the guidance provided by the relevant zone purpose and outcomes in Part 4 relevant to a variation of requirements in Parts 5 or 6.

3. ASSESSMENT SYNOPSIS

This report concludes that the Authority should approve the application subject to conditions on the development permit as detailed in section 9 of this report.

4. BACKGROUND

This development application was registered on 24 June 2024. The application, as originally submitted, sought consent for the proposed ancillary shed only.

During the assessment of the application, it was established that there had been a dwelling-single at the site, but it was destroyed by fire in 2022. A dwelling-single (in two demountable structures) had subsequently been placed at the site at the end of 2023, to provide temporary accommodation for the landowners.

This existing dwelling-single had not been subject to a development application or any building permit / certification. There was therefore no record of an existing dwelling-single at the site for the proposed shed to be ancillary to.

Dwelling-single is normally a permitted use in the Zone R (Rural); however, due to the LPA (Land in Proximity to Airports) Overlay being applicable at this site, it becomes a Merit Assessable use and therefore requires consent. The applicant has therefore been requested to update the application to include details of the existing dwelling-single, so that it could be assessed together with, and in addition to, the proposed ancillary shed.

The applicant had requested the application be deferred to allow time for the application to be amended, and this request had been granted to ensure the application and the compliance process could be concluded in a manner provided for by the *Planning Act 1999* (the Act).

During the initial exhibition period, neighbours lodged submissions raising objections and concerns with civil and commercial operations being undertaken at the site. Concerns were raised regarding noise, traffic and visual amenity impacts. Concerns were also raised regarding the storage of materials at the site and the number of other buildings at the site, some of which have reduced boundary setbacks and have not been subject to development applications or building permits.

Separate to the submissions made on this development application, formal complaints have been made regarding the civil / commercial operations raised in the submissions.

When questioned on matters raised in complaints, the landowner has advised that there is a home-based business operating from the site. A site inspection, undertaken by Development Assessment Services (DAS) in October 2024, confirmed that there are multiple buildings being utilised for commercial / civil purposes at the site. There were also materials and vehicles being

stored at the site, which appeared to also be associated with the commercial / civil operations at the site.

The landowner has been advised of the planning requirements for a home-based business and that their home-based business appeared to be sized and operated beyond those requirements. The landowner was also advised that another application must be submitted in order to continue operating in the manner observed and to formally clarify the extent of the civil and commercial operations at the site. Such an application then allows for a technical assessment of the home-based business operations against the requirements of the NTPS and the Act and provides the community with a formal process to examine and comment on proposals.

The applicant, acting on behalf of the owners, has requested they be provided with sufficient time to prepare and formally submit a proposal for a home-based business and confirmed that a development application for the home-based business will be lodged prior to 19 March 2025. At the time of writing this report, the application has not yet been submitted.

To confirm, the home-based business operations are not the subject of this development application, which relates solely to the proposed new shed which is ancillary to the existing dwelling-single on site. This dwelling-single and ancillary shed would ordinarily be permitted in Zone R (Rural), but consent is required in this instance due to the LPA (Land in Proximity to Airports) overlay.

Planning History

DP02/0282 – Storage Shed and Office Area – Approved November 2002 (**Bookmark C**).

5. PUBLIC EXHIBITION

The original application for the ancillary shed was placed on public exhibition for a period of two weeks from 28/06/2024 until 12/07/2024. Two public submissions were received under section 49(1) of the Act.

As noted above, the application was subsequently amended to include details of the existing Dwelling-single in addition to the ancillary shed. The application was readvertised for a period of three weeks from 14/02/2025 until 07/03/2025. Two additional public submissions were received under section 49(1) of the Act.

The content of these submissions (provided at **Bookmark E**) is discussed later in this report.

6. THIRD PARTY APPEAL RIGHTS

There is no right of appeal by a third party under section 117 of the Act in respect of this determination.

7. MATTERS TO BE TAKEN INTO ACCOUNT (SECTION 51 OF THE PLANNING ACT)

Pursuant to Section 51(1) of the Act, a Consent Authority must, in considering a development application, take into account any of the following relevant to the development:

(a) any planning scheme that applies to the land to which the application relates

Section 51 sub-clause 3 states that when considering a development application under subsection (1), the Consent Authority must apply the relevant considerations to only those

components of the development that triggered the requirement for consent under the planning scheme.

The proposal has been assessed in the attached Technical Assessment (**Bookmark D**) against the relevant requirements of the NTPS. The proposal has been found in accordance with all relevant requirements.

- (b) any proposed amendments to such a planning scheme:**
- (i) that have been or are on exhibition under Part 2, Division 3;**
 - (ii) in respect of which a decision has not been made under Part 2, Division 5; and**
 - (iii) that are relevant to the development proposed in the development application**

There are no proposed amendments to the NTPS which affect this proposal.

- (c) an interim development control order, if any, in respect of the land to which the application relates**

There are no interim development control orders relevant to the site.

- (d) an environment protection objective within the meaning of the Waste Management and Pollution Control Act 1998 that is relevant to the land to which the application relates**

There are no environmental protection objectives relevant to the land.

- (e) any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application**

Four public submissions under section 49 of the Act were received with respect to the proposal.

The application as originally submitted was exhibited from 28/06/2024 until 12/07/2024. During this exhibition period, two submissions were made under section 49 of the Act. The submitters were Paul Nyhuis & Elizabeth Fisher, of 80 Lagoon Road, Knuckey Lagoon, and Herman Nyhuis & Lynn Nyhuis, 90 Lagoon Road, Knuckey Lagoon.

Following the amendment of the application, it was re-exhibited from 14/02/2025 until 07/03/2025. A further two submissions made under section 49 of the Act, by Paul Nyhuis & Elizabeth Fisher, and Herman Nyhuis & Lynn Nyhuis.

Summary of Submissions

The issues raised in the submissions made under section 49 of the Act are summarised below, along with responses from DAS:

- Concerns that the proposal is not for a shed, but actually a new dwelling.
 - **DAS Response** – If planning approval is granted for a shed, the new building cannot legally be certified for use as a dwelling. A condition precedent is recommended for inclusion on any development permit, to add a note to the endorsed plans, confirming the shed will only be used for storage.
- That there is already sufficient storage space on the site, as there are existing outbuildings / shipping containers / a stable. Therefore, there is no requirement for an additional shed to be constructed.

Item 3

- **DAS Response** - The applicant has confirmed (**Bookmark B6**) that the proposal is for a storage shed and that the upstairs layout with the individual rooms is required for specific storage of documents, horse tack and artworks. The proposal has been found to be in accordance with all requirements of the NTPS in the Technical Assessment (**Bookmark D**).
- Noted that construction of the groundworks for the proposed shed have already commenced, including the septic facilities.
 - **DAS Response** - In this instance, there are no applicable NTPS requirements that relate to the installation of new septic facilities. However, should the existing dwelling-single and ancillary shed be approved, and the landowner seeks building certification, the associated septic facilities will be subject to the requirements of the *Building Regulations 1993*, including the *Code of Practice for Wastewater Management 2020*. It is recommended that reference to septic facilities be removed from the plans prior to endorsement as no documentation has been submitted with the application to confirm the septic facilities are in an appropriate location. The Consent Authority cannot therefore approve the proposed location at this time. An appropriate condition precedent is recommended for inclusion on any development permit to reflect this.
- It was noted in a submission made during the first exhibition period that the occupants of the site are living in one of the existing buildings on site, and that the main dwelling at the site had burnt down.
 - **DAS Response** - It was subsequently established that an existing dwelling-single (in two demountable structures) exists on the site and is now subject of this application.
- Various ongoing amenity concerns, relating to noise, privacy and visual impacts. Noted that the commercial / civil operations at the site are not compatible with the zoning of the land. Concerns that the storage of materials and unapproved existing buildings at the site, could be hazardous in the event of a cyclone.
 - **DAS Response** - Should the submitter's concerns relating to other buildings at the site, materials being stored, or amenity impacts continue, that formal complaints be made to the Compliance and Investigations Unit of the Department of Lands, Planning and Environment. Additional submissions can also be made under section 49(1) of the Act, once the application for the home-based business is submitted.
- Concerns regarding impacts on property values.
 - **DAS Response** - These concerns are noted; however, property values are not a planning consideration.
- Concerns were raised regarding the amount of time taken to consider this application and for any action to be taken by DAS in response to complaints and submissions.
 - **DAS Response** - The submissions received during the exhibition periods have been considered and taken very seriously by the Consent Authority. It is noted that complaints have been received regarding the commercial and civil operations at the site. The Consent Authority have responsibility for the

compliance and enforcement processes under the Act and the determination of this planning application.

- The Act sets out a compliance and enforcement regime, with escalating enforcement powers including enforcement notices, penalty infringement notices and prosecution in the local court. The Act provides for processes and timeframes associated with each, which includes opportunity for rights of reply from the person / entity being investigated. These processes, as well as the need to establish required facts and gather evidence, can mean that compliance and enforcement processes can take time.
- As noted above, the landowner has advised, in response to enquiries from DAS, that there is a home-based business operating from the site. The landowner has been advised that an application for a home-based business must therefore be submitted prior to 19 March 2025, to clarify the extent of the civil and commercial operations at the site. The application will allow an assessment of the home-based business operations against the requirements of the NTPS and the Act. Impacts on local amenity will also be considered and a decision made if a development permit should be issued.

(f) a matter that the Minister has, under section 85, directed it to consider in relation to development applications generally

The Minister has made no direction in relation to the application.

(h) the merits of the proposed development as demonstrated in the application

The application states that the proposal has the following merits:

- *The development will add overall value to the allotment.*
- *The development will provide the owners with much needed storage space for personal equipment.*
- *The development will provide protection from Darwin's harsh weather conditions.*
- *The development will help local businesses and trades through the supply of labour and materials.*
- *The development will support rural lifestyle living.*
- *The development will have no impact on the public's interests or surrounding development.*

(j) 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

It is considered the land can support the proposed development, which is ancillary to an existing dwelling-single.

The site does not have any social, environmental or heritage considerations which would prevent development. The land can support this proposed development, which is compatible with the rural zoning. No adverse impacts on Darwin Airport are anticipated subject to an appropriate note on any development permit. Subject to a condition precedent requiring a revised site plan removing reference to septic facilities / absorption trenches, the development does not have a detrimental effect on any physical characteristics of the site.

Additionally, the Rangelands Division of the Department of Environment, Parks and Water Security did not identify or raise any issues of concern in relation to land capability.

- (k) *the public facilities or public open space available in the area in which the land is situated and the requirement, if any, for the facilities, or land suitable for public recreation, to be provided by the developer*

It is not a requirement that this development provides additional facilities or open space for public use.

- (m) *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 proposal was circulated to the following authorities for comment:

Local Authority:

Litchfield Council

Council provided a letter in July 2024 (**Bookmark F1A**) that supported the proposal subject to standard conditions regarding stormwater / easements; and the following matters being addressed:

- Confirmation that the shed will be ancillary to an existing dwelling-single.
- Note there appear to be existing structures on site which have not been granted consent.

Council provided an updated letter in March 2025 (**Bookmark F1B**) noting that it does not support the granting of a development permit. It is noted that this comment has not been made under section 49(3) of the Act, so this cannot be taken as a formal objection.

A summary of the response is provided below:

- Note that the existing Dwelling-single does not have building certification recorded on the title register that classifies it as a residential dwelling, therefore Council is unclear whether it should consider it suitable for the purpose of this development application.
- Given the certification is unclear, Council also questions the compliance of the structure against Clause 5.8.7 (Demountable Structures) of the NTPS, given the other existing buildings on site, including shipping containers.

It should be noted that the buildings other than the dwelling-single and ancillary shed are not subject of this application and are not to be considered as part of this (Merit Assessable) application.

The Consent Authority may wish to advise Council that if it has concerns, these can be raised by way of a formal complaint.

The conditions that have been suggested by Council are supported and are included below in recommendation section of this report, for inclusion on any development permit.

Service Authorities:

Department of Defence **Bookmark F2**

The Service Authority has no objections to the proposal and provided standard comments relating to aircraft noise (that may impact on the existing Dwelling-single), use of appropriate lighting and minimising the use of reflective surfaces. Appropriate notes are recommended for inclusion on any development permit to reflect these comments.

Power & Water Corporation – Power Services – **Bookmark F3**

No objections to the proposal. Standard notes are recommended for inclusion on the development permit to address comments in the response relating to power servicing.

Power & Water Corporation – Water Services – **Bookmark F4**

No objections to the proposal. Note that reticulated sewer services are unavailable in the area. Standard notes are recommended for inclusion on the development permit to address comments relating to firefighting and water servicing.

(n) *the potential impact on the existing and future amenity of the area in which the land is situated*

The proposed shed is ancillary to the existing dwelling-single and this use is compatible with the rural zoning of the site the surrounding area.

The existing and proposed structures are setback adequately from all site boundaries and comply with the maximum height requirements. Therefore, no adverse amenity impacts on the surrounding area are anticipated.

Amenity concerns have been raised in the public submissions made by neighbours (**Bookmark E**); however, these largely relate to the commercial / civil activities occurring at the site. These amenity impacts will be considered as part of the assessment of the home-based business application, which is expected to be submitted by 19 March 2025. These issues are separate from this application for the dwelling-single and ancillary shed.

The public submissions have been addressed in the preceding sections of this report. No adverse amenity impacts are anticipated as a result of the proposed shed and existing dwelling-single.

(p) *the public interest, including (if relevant) how the following matters are provided for in the application:*

- (i) *community safety through crime prevention principles in design;***
- (ii) *water safety;***
- (iii) *access for persons with disabilities***

Not relevant to the proposed development which relates to an existing dwelling-single and ancillary shed. No impacts on community safety are expected and no new water features are proposed.

(pa) *for a proposed subdivision or consolidation of land in a Restricted Water Extraction Area – whether the subdivision or consolidation complies with the restrictions of sections 14A and 14B of the Water Act 1992 and the requirements of section 14C(1) of that Act;*

Not applicable to the proposed development, as it is not for the subdivision or consolidation of land.

- (q) for a proposed subdivision of land on which a building is, or will be, situated – whether the building complies, or will comply, with any requirements prescribed by regulation in relation to the building (including, for example, requirements about the structural integrity and fire safety of the building)**

Not applicable to this application.

- (r) any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the Heritage Act 2011**

There are no known natural, social, cultural or heritage values on the site or in the immediate surrounding area. The Rangelands Division of the Department of Lands, Planning and Environment were also notified of the application, but did not provide a response or raise any issues.

- (s) any beneficial uses, quality standards, criteria, or objectives, that are declared under section 73 of the Water Act 1992**

The following declared beneficial uses (as per the NT Government Natural Resource Maps) apply to the subject land:

- Darwin Harbour Region: Aquaculture, environment, cultural, rural stock and domestic.
- Darwin Rural Water Control District: Agriculture, aquaculture, public water supply, environment, cultural, industry, rural stock and domestic, mining activity and petroleum activity.

This application relates to an existing dwelling-single and ancillary shed, which are not anticipated to adversely impact on the declared beneficial uses. It is the responsibility of the developer and landowner to ensure that land use does not result in a contravention of the *Water Act 1992*.

- (t) other matters it thinks fit**

No other matters are raised for consideration by the Consent Authority.

Section 51(2) of the Planning Act 1999

If a development proposal is required to be referred to the NT EPA under Part 4, Division 3 of the Environment Protection Act 2019, the Consent Authority must not make a decision under this Division in relation to a development application for the proposal unless:

- (a) the NT EPA has determined that an environmental impact assessment is not required under that Act for that proposal; or***
(b) if the NT EPA has determined that an environmental impact assessment is required – an environmental approval has been granted under that Act for the proposal and the decision is consistent with that approval; or
(c) the Environment Protection Act 2019 otherwise permits the making of the decision.

The *Environment Protection Act 2019* otherwise permits the making of the decision by virtue that referral is not required.

8. RECOMMENDATION

That, pursuant to section 53(a) of the Act, the Litchfield Division of the Development Consent Authority consent to the application to develop Section 3372, (70) Lagoon Road, Knuckey Lagoon, Hundred of Bagot, for the purpose of a dwelling-single and ancillary outbuilding (shed) addition, within land in proximity to airports, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works, revised 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 show dimensions and must be generally in accordance with the plans submitted with the application but modified to:
 - A) Remove any reference to proposed septic facilities / absorption trench; and,
 - B) Add a note stating the proposed outbuilding (shed) is non-habitable and is to be used for storage purposed only.

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. The owner shall collect stormwater and discharge it to the drainage network, to the technical requirements and satisfaction of Litchfield Council, at no cost to Litchfield Council.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements and satisfaction of the relevant Service 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
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. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Interim Development Control Order 29.
4. The applicant is advised that the provision of lighting at the site is required to be consistent with the Civil Aviation Safety Authority Manual of Standards (MOS-139) Aerodromes to minimise the potential for conflict with aircraft operations. The design of lighting is a developer responsibility and if it is later found that lights or glare endangers the safety of aircraft operations, the Department of Defence NT or the Civil Aviation Safety Authority may require the lighting to be extinguished, or surfaces suitably modified.
5. Department of Defence NT recommends the dwelling comply with the indoor design sound levels for determination of aircraft noise reduction as outlined in AS2021-2015 Acoustics – Aircraft noise instruction – Building siting and construction.

6. This property is currently provided with limited capacity of power supply from overhead electricity reticulation on Lagoon Road. The landowner shall engage a licensed electrician to submit a revised overall maximum power demand calculation for both the existing residence and new shed on Section 3372 to the Power & Water Corporation for assessment on applicable power supply capacity upgrade requirements in accordance with the current Australian Energy Regulator (AER) process. The engaged electrician shall carry out customer's internal electricity reticulation upgrade works for the proposed shed in accordance with Power & Water Corporations current NP003-Installation Rules, NP007-Service Rules and NP010-Meter Manual.
7. Reticulated sewer services are currently unavailable in the area. The developer must contact relevant authorities to discuss servicing requirements for the proposed development.
8. Full lot fire coverage cannot be achieved from existing hydrants. Internal firefighting arrangements must be made to the satisfaction of NT Fire and Rescue Service. Power & Water Corporation recommends that the developers' hydraulic consultant confirm internal firefighting requirements with Power & Water Corporation prior to the development, so that flow capability can be adequately assessed.

9. REASONS FOR THE RECOMMENDATION

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 NT Planning Scheme 2020 applies to the land and a dwelling-single and ancillary outbuilding (shed), requires consent under Clause 1.8 (When development consent is required). It is identified as Merit Assessable under Clause 1.8(1)(b)(ii)(1) due to the requirements of Clause 3.5 (Overlay LPA – Land in Proximity to Airports).

Therefore, the zone purpose and outcomes of Clause 4.21 (Zone R – Rural), Clause 5.2.1 (General Height Control), Clause 5.2.4.1 (Car Parking Spaces), Clause 5.2.6 (Landscaping), Clause 5.4.1 (Residential Density), Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), Clause 5.4.6.1 (Private Open Space for Dwellings-single, Dwellings-independent and Dwellings-group) and Clause 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 Planning Scheme.

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 site does not have any social, environmental or heritage considerations which would prevent development. The land can support this proposed development, which is compatible with the rural zoning. No adverse impacts on Darwin Airport are anticipated subject to an appropriate note on any development permit. Subject to a condition precedent requiring a revised site plan removing reference to septic facilities / absorption trenches, the development does not have a detrimental effect on any physical characteristics of the site. Additionally, the Rangelands Division of the Department of

Environment, Parks and Water Security did not identify or raise any issues of concern in relation to land capability.

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 shed is ancillary to the existing dwelling-single and both are compatible with the rural zoning of the site the surrounding area. The development provides amenity benefits to the current occupants of the site by providing additional storage space. Amenity concerns have been raised in the public submissions made by neighbours; however, these largely relate to the commercial and civil operations occurring at the site, separate from this application. No adverse amenity impacts are therefore anticipated as a result of granting consent for the existing dwelling-single and ancillary shed.

4. Pursuant to section 51(1)(e) of the *Planning Act 1999*, 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.

A total of four submissions made under section 49 were received during the exhibition and re-exhibition periods. The content of these submissions has been considered and largely relates to the amenity impacts of the commercial and civil activities being undertaken at the site. However, these are not the subject of this application. As part of ongoing enforcement investigations, the landowner has been requested to submit a development application for a home-based business. This will allow a complete assessment to be made regarding the amenity impacts and scale of the civil / commercial operations being undertaken at the site. Appropriate action can be taken by the Consent Authority at that time.

Comments were also made in the submissions relating to the use of the proposed ancillary shed; however, the applicant has demonstrated in the application that the shed will be used for personal storage purposes. This will be ensured by requiring submission of revised plans, including a note that the new shed will be non-habitable and used for storage purposes only. This is acceptable with regard to the rural zoning of the land and complies with the requirements of the LPA (Land in Proximity to Airports) Overlay. No adverse amenity impacts are anticipated as a result of the existing dwelling-single.

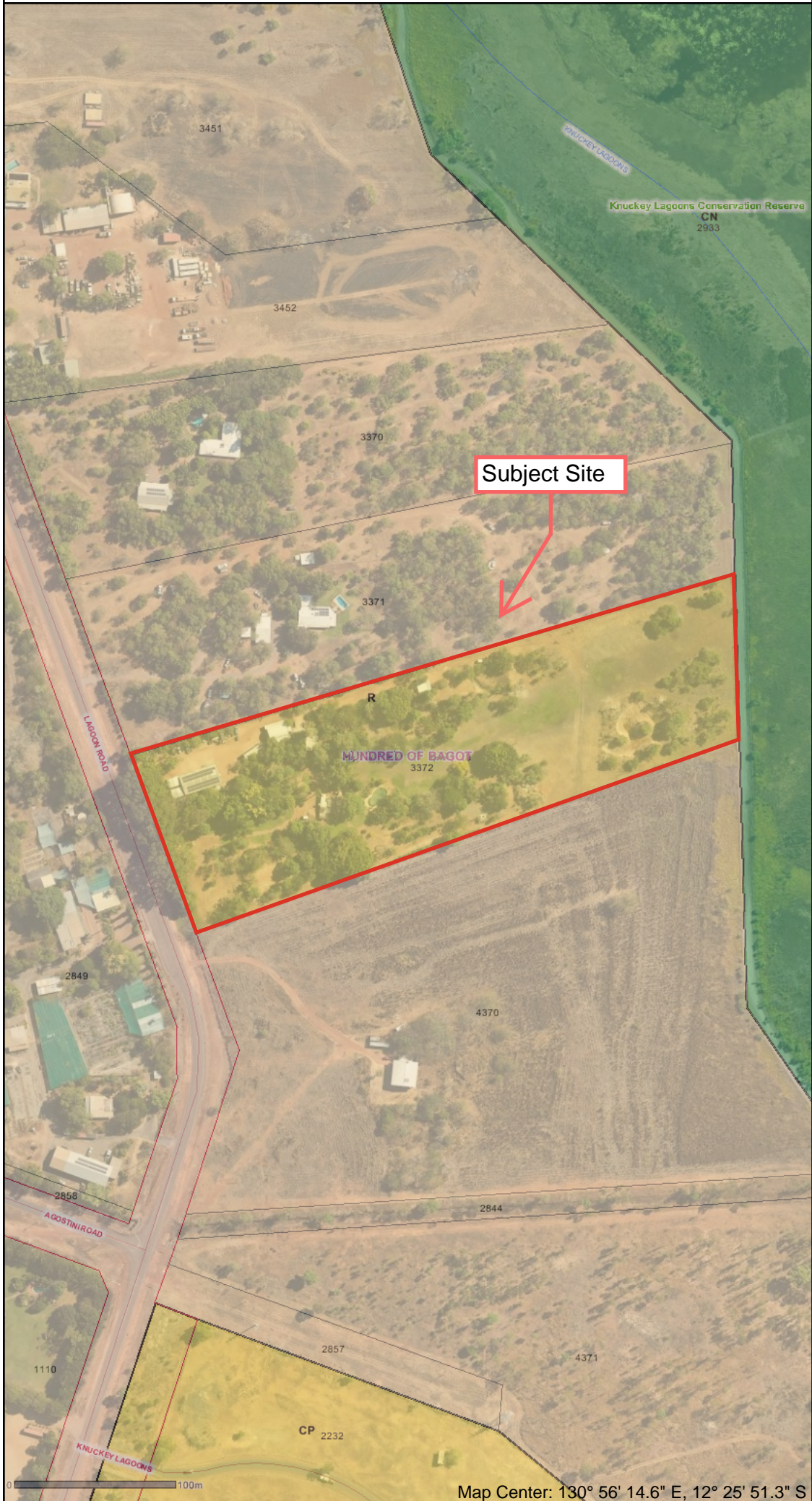


AUTHORISED:

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Senior Planner

DEVELOPMENT ASSESSMENT SERVICES



Subject Site

- LTO Plans
- Rivers Lakes
- General Lines
- Lot Boundaries
- Road Boundaries
- Hundreds
- Town Planning Zones
- A - Agriculture
- CV - Caravan Park
- CB - Central Business
- C - Commercial
- CL - Community Living
- CP - Community Purpose
- CN - Conservation
- DV - Development
- RR - Rural Residential
- GI - General Industry
- HT - Heritage
- HR - High Density Residential
- H - Horticulture
- LI - Light Industry
- M - Main Road
- MR - Medium Density Residential
- LMR - Low-Medium Density Residential
- CA - No Planning Scheme Controls
- OR - Organised Recreation
- PM - Proposed Main Road
- PS - Public Open Space
- RW - Railway
- RD - Restricted Development
- R - Rural
- RL - Rural Living
- SC - Service Commercial
- LR - Low Density Residential
- S - Specific Use
- TC - Tourist Commercial
- U - Utilities
- WM - Water Management
- FD - Future Development
- RJ - Residential Jabiru
- PSJ - Public Open Space Jabiru
- ORJ - Organised Recreation Jabiru
- CJ - Commercial Jabiru
- SCJ - Service Commercial Jabiru
- TCJ - Tourist Commercial Jabiru
- CPJ - Community Purpose Jabiru
- FDJ - Future Development Jabiru
- IJ - Industrial Jabiru
- MJ - Main Road Jabiru
- UJ - Utilities Jabiru
- NT Parks and Reserves
- Road Labels**
- Road Centrelines**
- Highway
- Other Road
- Parcel Numbers**
- Cadastre
- Coastline

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Bottom Left: 130° 56' 06", -12° 26' 02"
 Top Right: 130° 56' 22", -12° 25' 40"
 Approximate Scale: 1:3,400
 Datum: GDA 1994
 Data for information purposes only
 - accuracy not guaranteed
 N.T. Land Information System
 Copyright Northern Territory of Australia

Land owner/s authorisation to lodge a development application under the Planning Act 1999

****signatures from ALL landowners registered on the land title must be provided****

The owners and/or persons duly authorised as signatory on behalf of the landowner**, hereby authorise:		
NAME OF CONSULTANT OR ACTING AGENT ON BEHALF OF LANDOWNER (please print)	LUCY REILLY Developing the North Pty Ltd	
Contact number:	Ph:	Mob: 0466359187
to lodge a development application under the <i>Planning Act 1999</i> over the property described as:		
LOT/ NT PORTION:		
LOCATION/TOWN	Knuckey Lagoon	
STREET ADDRESS:	70 Lagoon Rd Knuckey Lagoon NT 0828	
PROPOSED DEVELOPMENT:		

OWNER'S SIGNATURE:	<i>Beata Small</i>	
FULL NAME: (please print)	Beata Small	
TITLE: (ie. company director/secretary)	Director	
COMPANY NAME:	AB Small Pty Ltd	
Contact number:	Ph:	Mob: 0477338420
DATE:	22/04/2024	

OWNER'S SIGNATURE:	<i>Adam Small</i>	
FULL NAME: (please print)	Adam Small	
TITLE: (ie. company director/secretary)	Secretary	
COMPANY NAME:	AB Small Pty Ltd	
Contact number:	Ph:	Mob: 0430184927
DATE:	22/04/2024	



STATEMENT OF EFFECT

PROPOSED STORAGE SHED

ADDRESS:

LOT 3372, (70) Lagoon Road, Knuckey Lagoon

Revision E- 9th February 2025



1. INTRODUCTION

We have been engaged by Beata Small to complete a planning application for a proposed shed with ablutions and a mezzanine floor at Lot 3372, (70) Lagoon Road, Knuckey Lagoon. The proposed shed is ancillary to an existing single dwelling. The allotment is zoned R (Rural) and under the NT Planning Scheme 2020 the proposed Shed is considered ancillary to the existing use.

The requirement for planning approval is triggered as Lot 3372, (70) Lagoon Road, Knuckey Lagoon has an LPA (*Land in Proximity to Airports*) overlay on the allotment. The proposed shed with ablutions will predominantly be used as storage of personal belongings such as;

Area 1: This space will be used to store documents and paperwork that are related to personal needs. It is essential to have a dedicated, secure area for this type of storage to ensure proper organization and accessibility.

Area 2: This area will house saddles and leather goods, which require a dry and controlled environment to prevent damage. We have designed this space with appropriate ventilation and humidity control to ensure the proper preservation of these items.

Area 3: This is a dedicated storage area for valuable personal artworks. Given the nature of the items, the space is designed with a secure and climate-controlled environment to protect the artwork from potential damage.

Area 4: Personal machinery & storage of personal materials.

The proposed development is compliant with the zone purpose / outcomes. The zone purpose for Rural is to provide for residential, horticultural, agricultural and other rural activities on large lots.

2. BACKGROUND OF SITE

To provide context to the background of the site & a chronological explanation we note the following;

- a) One of the zone outcomes of this property is low density rural living in the form of a single-dwelling.
- b) The allotment originally contained a single dwelling that the owners of the property occupied with their 2 children.

- c) Due to a very tragic event, the family lost their home to a fire in November 2022. The single dwelling burnt down entirely.
- d) The family of 4 were able to stay with other relatives for a certain period after losing their home, however then had to install a demountable single dwelling at the end of 2023 for their family to live in after the fire. The design of this single dwelling provides internal space of 40.8m², with an external verandah totaling 40m².
- e) This single dwelling was intended to be temporary until the family were able to arrange the necessary steps to build a new home. The current single dwelling is engineered & has achieved structural engineering certification.
- f) Due to the family home being burnt down, and the minimal space available in the current single dwelling, the owners sought additional storage space for their personal belongings and have proceeded down the path of a development application for this purpose.
- g) During the design process of the proposed shed it was determined that a development application would be required due to the overlay of building on Land in Proximity to Airports.
- h) A development application was submitted for the proposed shed ancillary to the existing single dwelling on site. The proposed shed fully complies with all clauses of the NT Planning Scheme.
- i) Throughout the assessment of this application, the governing authorities queried the circumstances of the previous dwelling & the temporary existing dwelling. It was advised that the existing dwelling would also require approval due to the 'Land in Proximity to Airports' overlay applicable to the property at the time the dwelling was installed.
- j) Due to the strenuous circumstances of needing somewhere to live quickly, and as the owners were not aware that this overlay triggered a development application at the time, a single dwelling was installed without a development permit.
- k) We are submitting this addendum to provide supplementary information regarding the existing single dwelling currently on site, as well as the proposed ancillary shed for which we are seeking approval.
- l) It is the owners intention in the near future to submit a development application for a permanent single dwelling as their new family home. The designs for this new permanent dwelling are in preliminary stage and they anticipate a construction program of 1 year. In the meantime, however, this shed will provide additional personal storage capacity, and also allow them the capacity to store the necessary materials inside the shed for the construction of the new dwelling.

m) The allotment therefore always has a dwelling on it and the proposed shed remains ancillary to the existing use (low density rural living). The proposed shed will support the rural lifestyle by providing much needed storage facilities.

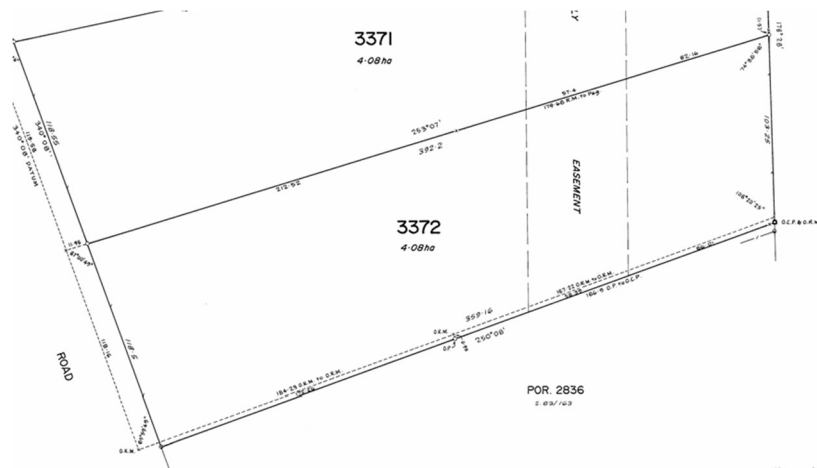
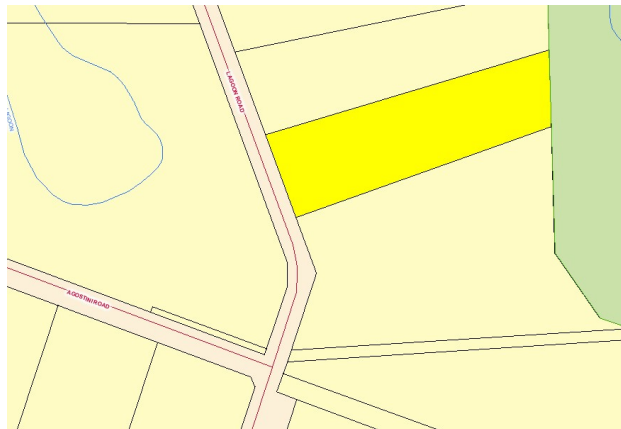
To clarify, this application is solely for the development of a proposed shed that is ancillary to the existing single dwelling currently on site.

The future proposal for the new dwelling would be submitted through a separate application for review & approval by the Development Consent Authority at that time.

We provide the following information in supporting evidence of why we believe this application should be approved.

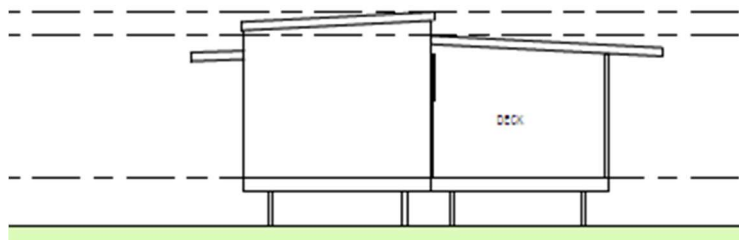
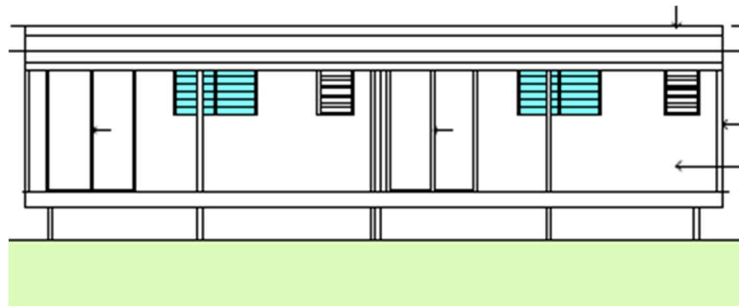
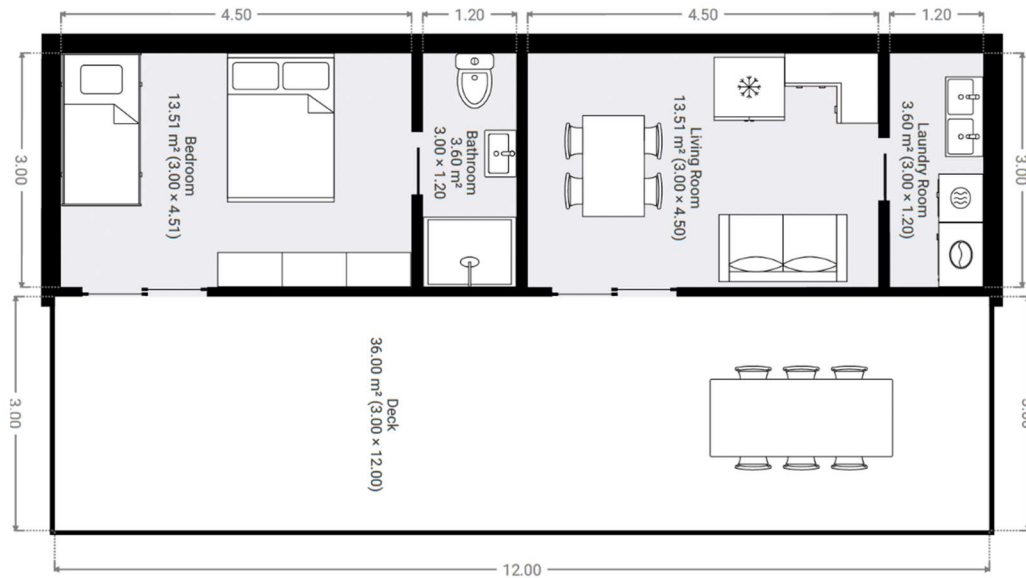
3. SITE & LOCALITY

The site Lot 3372, (70) Lagoon Road, Knuckey Lagoon is being used for rural living and has a total area of 4 hectares 800m². There is an electricity supply easement near the back of the allotment however the proposal will not encroach the easement.



4. EXISTING SINGLE DWELLING ON THE ALLOTMENT

Below is the proposed floor layout plan & elevations of the single dwelling currently on the allotment. Currently there are two bathrooms in the single dwelling that the owners wish to convert 1 of those to a laundry adjacent a living area. This has been reflected in the plan below.



The following addresses the requirements of the NT Planning Scheme & the existing single dwelling currently on site;

1. **Zone Purpose** – A single dwelling is compliant with the zone purpose of providing for residential use on larger lots.
2. **Zone Outcomes** – The existing single dwelling complies with zone outcomes by supporting low-density living in an agricultural area. It is appropriately sited to avoid conflicts with surrounding rural activities and respects land constraints like flooding as it is semi-elevated. The design is sensitive to the natural environment being surrounded by vegetation, ensuring minimal impact on the rural character of the locality.
3. **Overlays;**
 - CNV – Clearing of Native Vegetation: No native vegetation is being cleared.
 - LPA – Land in proximity to Airports. The site is primarily located between expose contours 25 and 30.
4. **Development Requirements;**
 - 5.2.1 General Height Control: The height of the existing single dwelling does not exceed 8.5m. Complies.
 - 5.2.4 Carparking: There are 2 carparking spaces provided on the property for the single dwelling. Complies.
 - 5.2.6 Landscaping: There is a dense landscaping buffer along the front of the property providing privacy & visual appeal at the street frontage. There is ample natural landscaping on the property with significant trees and vegetation that contribute to the character and amenity of the site. Complies.
 - 5.2.7 Setbacks for development adjacent to land in zones LR, LMR, MR or HR: NA
 - 5.4.1 Residential Density: There is only 1 single dwelling on this property, complies.
 - 5.4.3 Building Setbacks for Residential Buildings & Ancillary Structures: The existing dwelling is setback from the boundaries as per below; Complies.
 - Front Boundary – 15m
 - Side Boundary – 15m
 - Side Boundary – 50m
 - Rear Boundary – 350m

5.4.6 Private Open Space: The single dwelling meets the required open space standards by providing accessible, functional outdoor areas with views of natural features and minimal overlooking. At least half of the space is permeable to allow stormwater infiltration, and more than 50m² is open vertically to the sky, with no dimension less than 1.5m² provided.

5. PROPOSED SHED ANCILLIARY TO EXISTING DWELLING

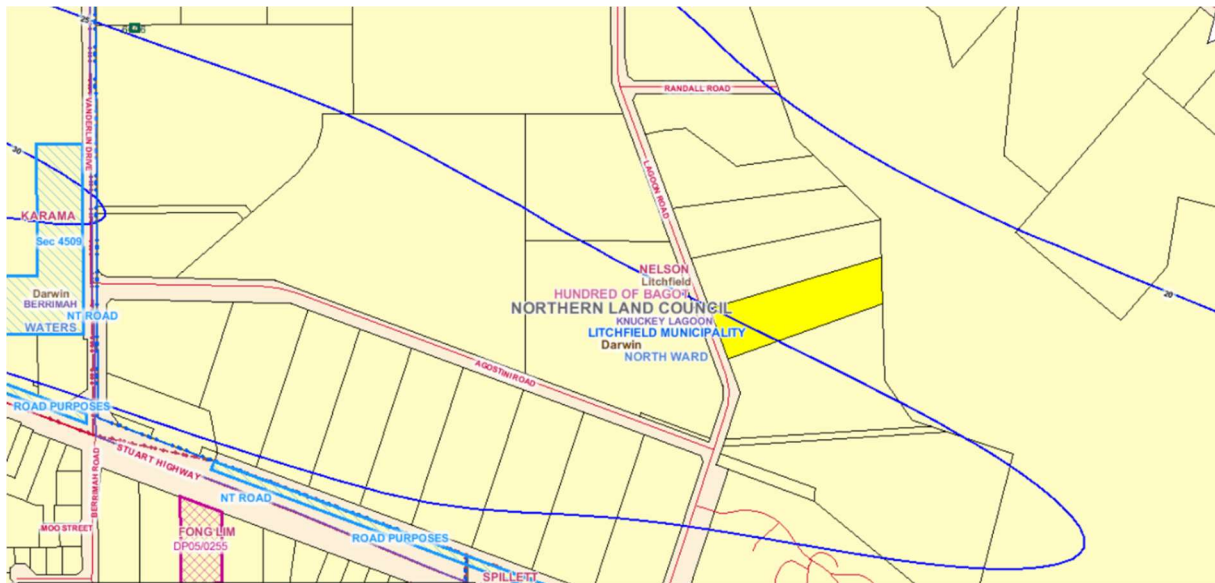
Our client is looking to construct a new shed with ablutions and a mezzanine floor at Lot 3372, (70) Lagoon Road, and Knuckey. The proposed shed is ancillary to the existing single dwelling use and will be predominantly used for storage of the owner's personal equipment.

The proposed shed will have a total floor area of 356.45m² which includes a 61m² mezzanine floor being used for storage and awnings totaling 118.55m² to provide sufficient weather protection. It will be a well-designed building constructed of steel components that will be sympathetic to the existing streetscape, scale and character of the surrounding development.

There is significant vegetation surrounding the proposed shed that will remain to provide adequate screening to the streetscape and neighboring properties. The proposal is compliant with all relevant clauses of the NT Planning Scheme, 2020.

- a) **Zone Purpose:** The shed, ancillary to the dwelling, supports residential storage activities on a large lot.
- b) **Zone Outcomes:** The shed, ancillary to the existing single dwelling, will promote rural activities by providing essential storage and workspace for these uses. Its scale and function support low-density rural living while maintaining compatibility with surrounding agricultural and rural activities. The shed is designed to fit within the rural character of the area, ensuring that it does not conflict with more intensive uses like animal boarding. Its placement has been carefully considered to respond to the land's physical constraints, such as flooding or bushfire risks, and to ensure the development aligns with the area's primary use for rural activities.
- c) **Overlays:**
 - a. **CNV – Clearing of Native Vegetation:** Only a small portion of vegetation is required to be removed for the proposed shed with ablutions. As demonstrated on the site plan attached there is significant vegetation remaining on the allotment that provides adequate screening.
 - b. **LPA – Land in proximity to Airports:** Lot 3372, (70) Lagoon Road, Knuckey Lagoon is an allotment that is considered land in proximity to airports and according to the ANEF charts the shed is located between exposure contours 25 and 30. Table 2.1 below is an extract from Australian Standard AS2021:2015 (*Acoustics – aircraft noise intrusion – Building siting and construction*) that illustrates the acceptability of the building dependent on the type and location in relation to the exposure contours.

As mentioned above the proposed shed with ablutions and mezzanine is only being used for personal storage purposes. As it is not nominated within the table below the proposed shed is considered acceptable and there is no need for the building construction to provide protection specifically against aircraft noises.



d) Section 46 (3) (A) of the NTPS;

General Development Requirements

5.2.1 – General Height Control: The proposed shed will measure approximately 7.3m above ground level which is considered compliant with clause 5.2.1 of the NT Planning Scheme which specifies a maximum of 8.5m.

5.2.4 – Car Parking: The existing dwelling has nominated car parking compliant with the NT Planning Scheme. No further car parking is being proposed as part of this application nor is it required.

5.2.5 – Loading Bays: N/A – No loading bays are required for the proposed works.

5.2.6 – Landscaping: N/A – There is no requirement for landscaping to be installed in zone R.

5.2.7 – Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR: N/A – The adjacent land is either zoned R or CN and this clause is therefore not applicable.

Specific Development Requirements

5.4.1 – Residential Density Limitations

There was initially a single dwelling on the allotment that burnt down during a house fire. The owners installed a temporary dwelling on the allotment that they are currently residing in. The client is intending on constructing a new dwelling in approximately 2 years and will remove the temporary dwelling once construction is finalised. There will therefore only be 1 single dwelling on the allotment.

5.4.2 – Residential Height Limitations

The proposed shed will measure approximately 7.3m above ground level which is considered compliant with clause 5.4.2 of the NT Planning Scheme which specifies a maximum of 8.5m.

5.4.3 – Building Setbacks of Residential Buildings and Ancillary Structures: As nominated on the site plan attached the proposed shed will be setback 11m from the side boundary (South East) and 50m from the front boundary (South West). The remaining boundary setbacks are all greater than 10m as required under the NT Planning Scheme.

5.4.6 – Private Open Space – The allotment has sufficient private open space nominated on the site plan. No further private open space is required as part of this application.

6. STRATEGIC FRAMEWORK

The following strategic frameworks relate to the allotment:

Regional Plan: Darwin Regional Land Use Plan

The proposed shed is considered ancillary to the existing use and helps support the rural lifestyle choice by providing much needed storage space. The allotment is already an established Rural lot with existing services. The key objective is to broaden the available residential options in the region and the proposal supports this objective by enhancing rural living.

Sub Regional Plan: Litchfield Subregional Land Use Plan

The proposed shed helps maintain the amenity of rural lifestyle choices. The allotment already contains reliable water supply as well as sufficient stormwater drainage suitable to the existing residential buildings. The proposed shed will have no impact on the stormwater drainage or the receiving environment. Only a small portion of vegetation will require removal therefore will have little impact on the environment. There are already interconnected road networks between the allotment and surrounding area. The land is suitable for a proposal of this nature and the shed meets the key objectives for Rural allotments outlined in the Litchfield subregional land use plan.

7. SECTION 46 (3) OF THE ACT – REMAINING REQUIREMENTS:

7.1 46 (3)(b) – Interim Development Control Orders

An interim development control order is not applicable for this parcel of land.

7.2 46 (3)(c) - Refer to the NT EPA

An environmental impact statement and report is not required or applicable for the proposed development.

7.3 46 (3)(d) – Merits of the Proposed Development

The merits behind supporting the proposed development may include but are not limited to the following:

- The development will add overall value to the allotment.
- The development will provide the owners with much needed storage space for personal equipment.
- The development will provide protection from Darwin’s harsh weather conditions.
- The development will help local businesses and trades through the supply of labour and materials.
- The development will support rural lifestyle living.
- The development will have no impact on the public’s interests or surrounding development.

7.4 46 (3)(e) - Suitability of Land for Development and Impacts of Development

The proposed shed with ablutions is considered ancillary to the existing use and is compatible with the surrounding development. The land is relatively flat and is suitable for the proposed development and its intended use.

7.5 46(3)(f) – Available Public Facilities and Public Open Spaces

Public facilities and open spaces within the surrounding area may include the Knuckey Lagoon Hip Camp, Conservation Reserve, Big 4 Hidden Valley Holiday Park, Flightpath Golf & Outdoor Recreation, JB Hi Fi & Berrimah Business park that contains numerous facilities. No further public facilities or public open space is being proposed as part of this application.

7.6 46 (3)(g) – Available Public Utilities / Infrastructure

Reticulated power and water is provided to this allotment. No further public utilities or Infrastructure is being proposed as part of this application.

7.7 46 (3)(h) – Impact on Amenity

The Proposed development will not have an impact on the amenity as it is consistent with the surrounding area.

7.8 46 (3)(i) – Benefits or Detriments to the Public Interest

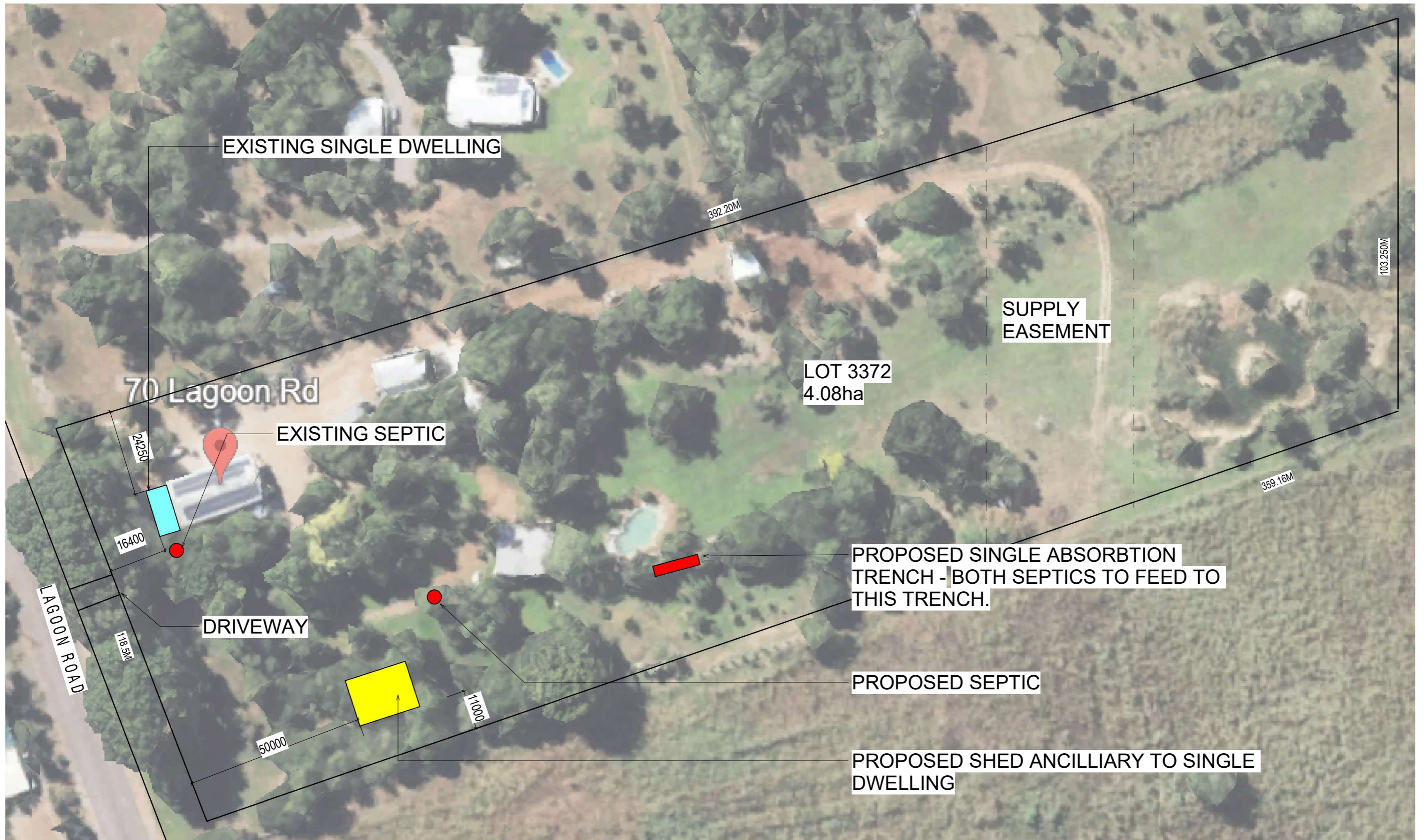


The proposed development will have no detriment on the public's interest. The construction of the proposed shed with ablutions and mezzanine floor would promote local businesses and trades within the vicinity. It will add value to the property overall, provide storage facilities, weather protection and promote the lifestyle of rural living.

Closing:

I hope you find this application favorably and should you wish to discuss further or require additional information please don't hesitate to contact myself.

Kind Regards
Lucia Reilly
DTN



PROPOSED SITE LAYOUT PLAN

70 LAGOON ROAD, KNUCKEY LAGOON, NT



ISSUED FOR INFORMATION

DOCUMENTED BY: LUCIA REILLY

SITE LAYOUT PLAN

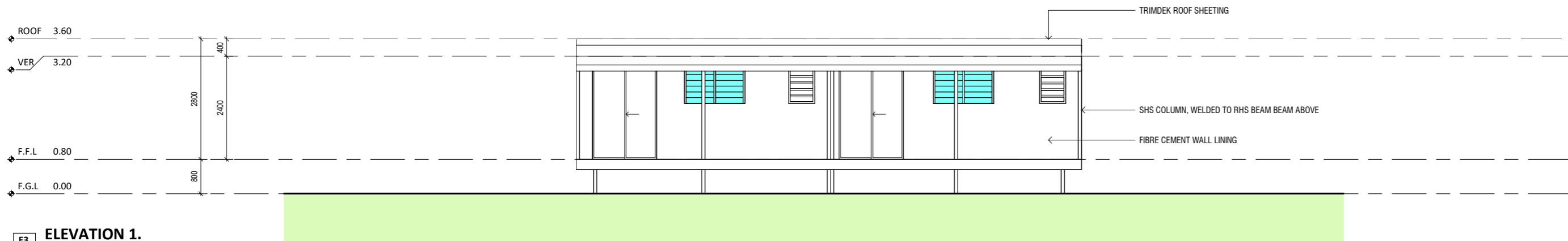
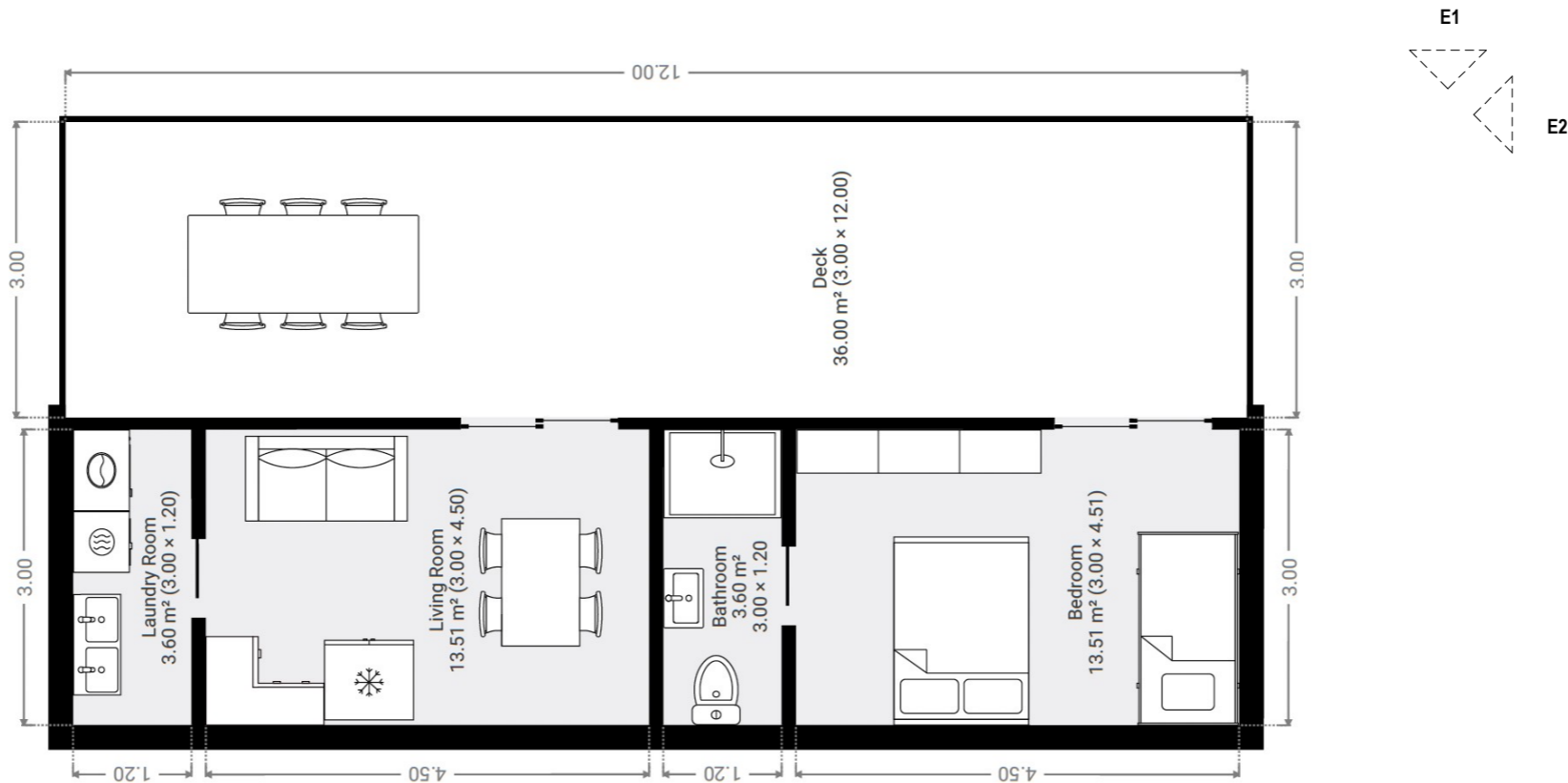
lucy@dtn.net.au - 0466 359 187

Date
FEB 2025

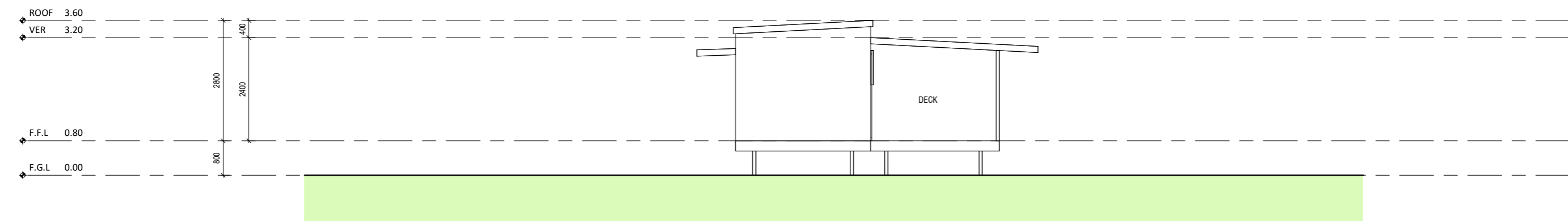
A	ISSUE A FOR APPROVAL	18.02.25
ISSUE	REVISION	DATE

Sheet No
A01

FLOOR LAYOUT PLAN



E3
ELEVATION 1.
A02 1:1 0 0 @ A1, 1:2 0 0 @ A3



E4
ELEVATION 2.
A02 1:1 0 0 @ A1, 1:2 0 0 @ A3

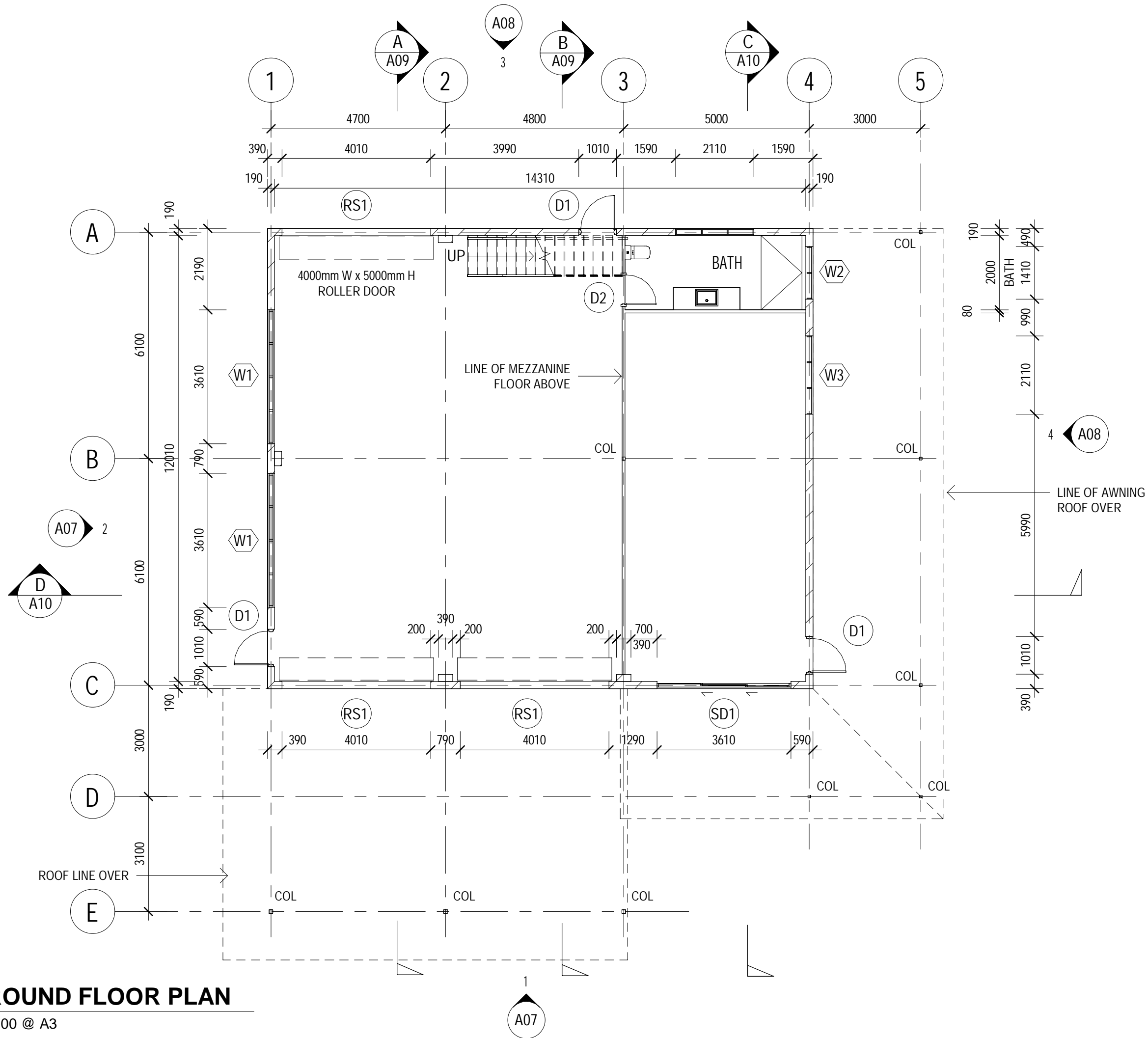
ISSUED FOR INFORMATION

FLOOR PLAN / ELEVATIONS

SINGLE DWELLING

70 LAGOON ROAD, KNUCKEY LAGOON

Date	FEB 2025
Sheet No	A0



GROUND FLOOR PLAN

1 : 100 @ A3

DO NOT SCALE THIS DRAWING verify all dimensions on site prior to commencing site works.

ISSUE	AMENDMENT	DATE
0	ISSUED FOR APPROVALS	29.01.24
D	UPDATED ISSUED FOR CLIENT APPROVAL	10.09.23
C	UPDATED ISSUE FOR REVIEW	21.08.23
B	ISSUED FOR CLIENT APPROVAL	14.08.23
A	PRELIMINARY DRAWINGS	19.05.23

project
PROPOSED SHED
 LOT 3372 (70) Lagoon Road, Knuckey Lagoon

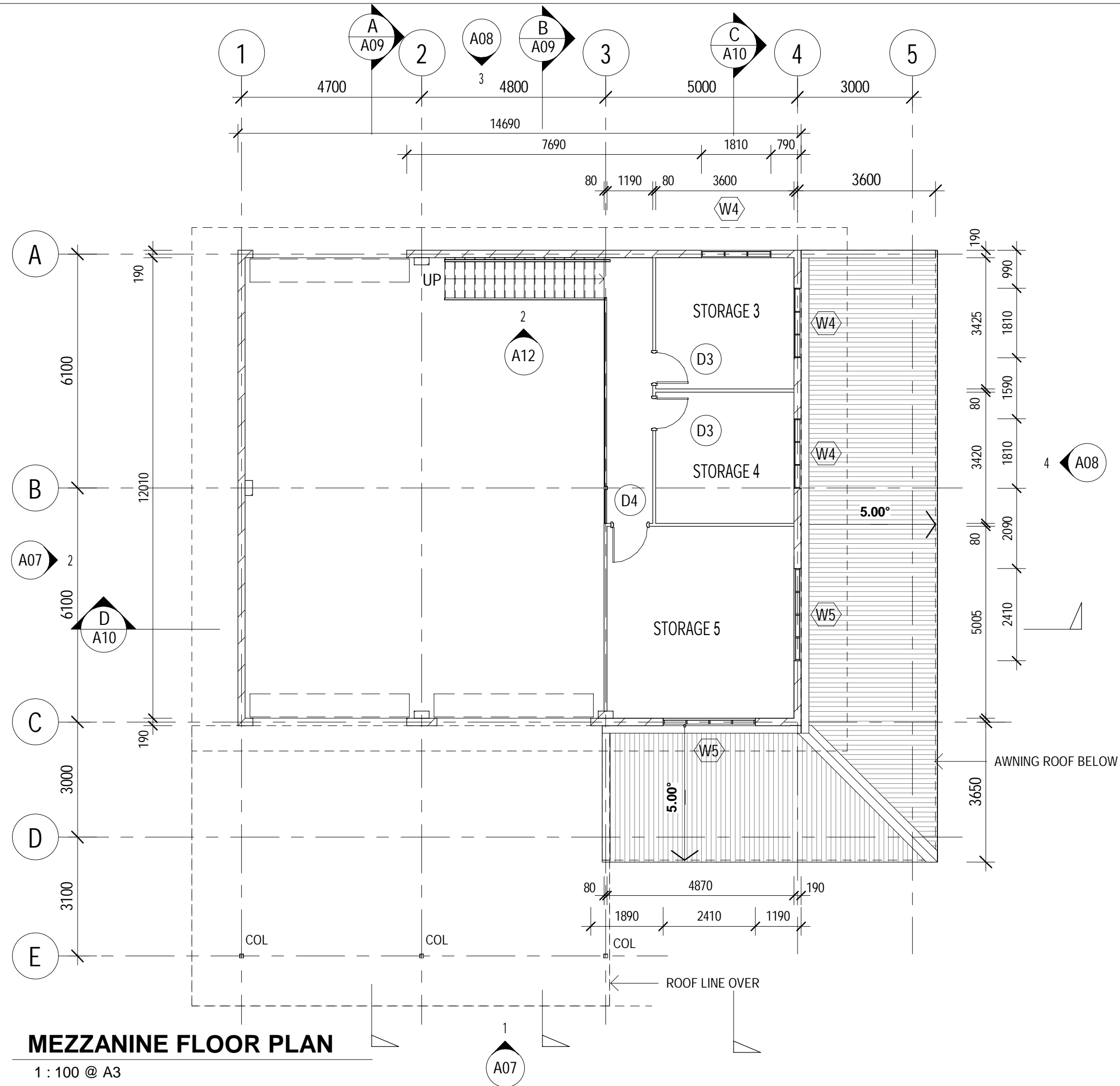
client PRIMUS BUILD

title

FLOOR PLAN

date: 29.01.24 drawn: scale: 1 : 100

drwg. no. **A02** issue **0**



MEZZANINE FLOOR PLAN

1 : 100 @ A3

DO NOT SCALE THIS DRAWING verify all dimensions on site prior to commencing site works.

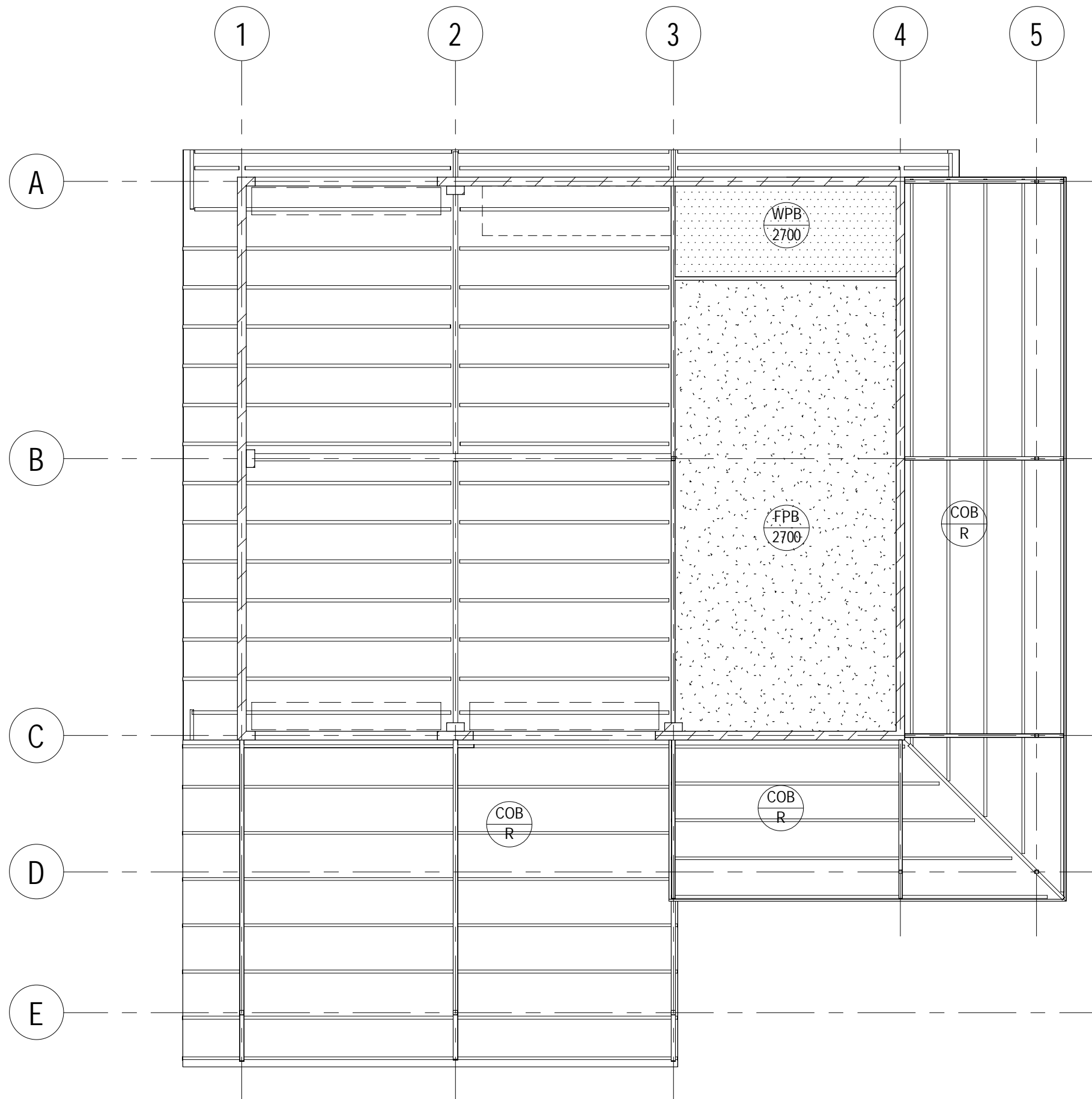
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project
PROPOSED SHED
 LOT 3372 (70) Lagoon Road, Knuckey Lagoon



client PRIMUS BUILD
 title
MEZZANINE FLOOR PLAN

date: 29.01.24 drawn: scale: 1 : 100

drwg. no. **A03** issue **0**



LEGEND:

-  ← CEILING MATERIAL
-  ← CEILING HEIGHT ABOVE CONC. SLAB LEVEL

MATERIAL:

- COB UNDERSIDE OF CUSTOM-ORB ROOF SHEET
- FPB FLUSH PLASTERBOARD, PAINT FINISH
- WPB WATER RESISTANT FLUSH PLASTERBOARD, PAINT FINISH

GENERAL:

- BH BULKHEAD
- R RAKING

GROUND FLOOR

1 : 100 @ A3

DO NOT SCALE THIS DRAWING verify all dimensions on site prior to commencing site works.

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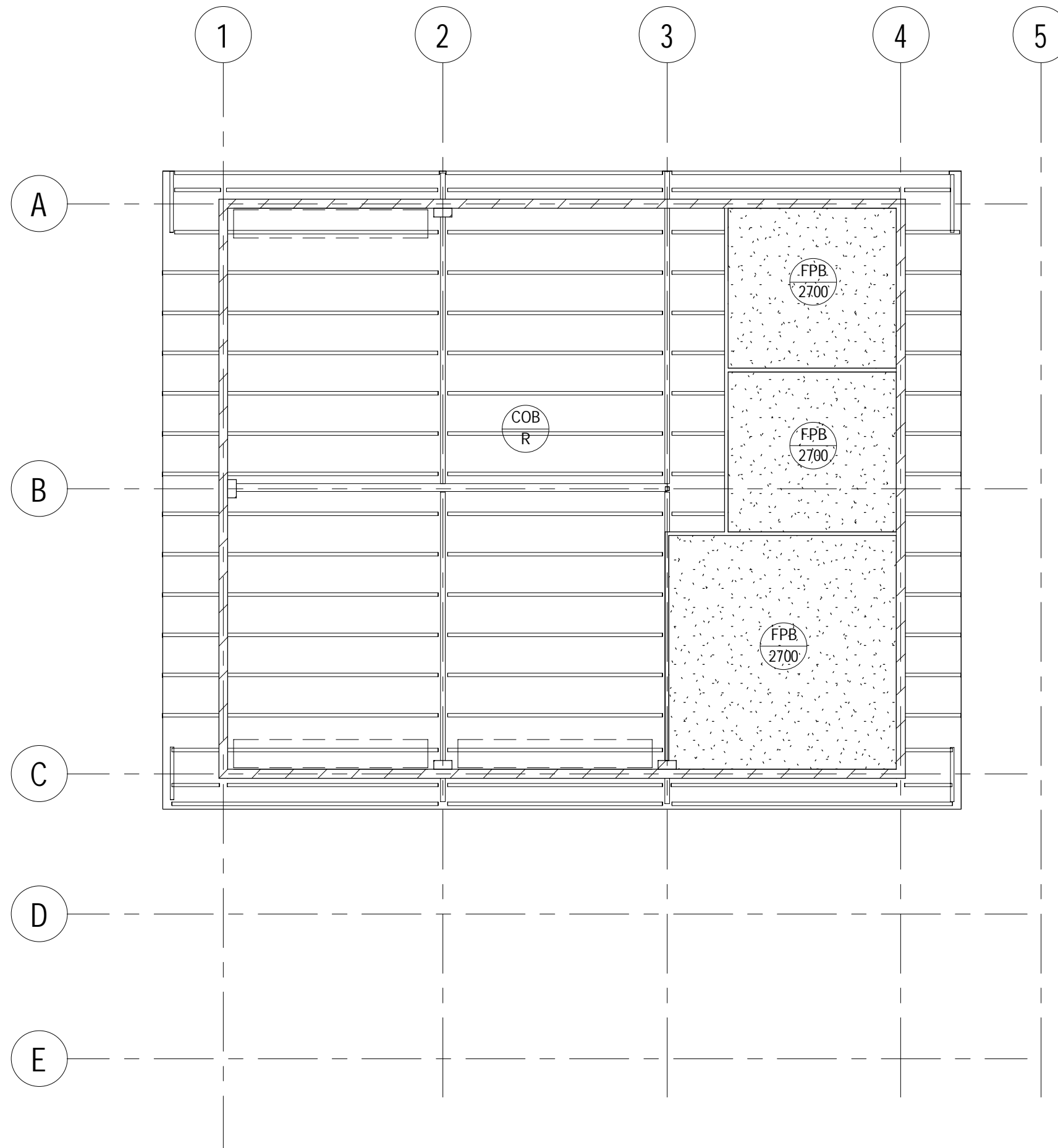
project
PROPOSED SHED
 LOT 3372 (70) Lagoon Road, Knuckey Lagoon

client PRIMUS BUILD

title
GROUND FLOOR RCP

date: 29.01.24 drawn: scale: 1 : 100

drwg. no. **A04** issue **0**



MEZZANINE FLOOR

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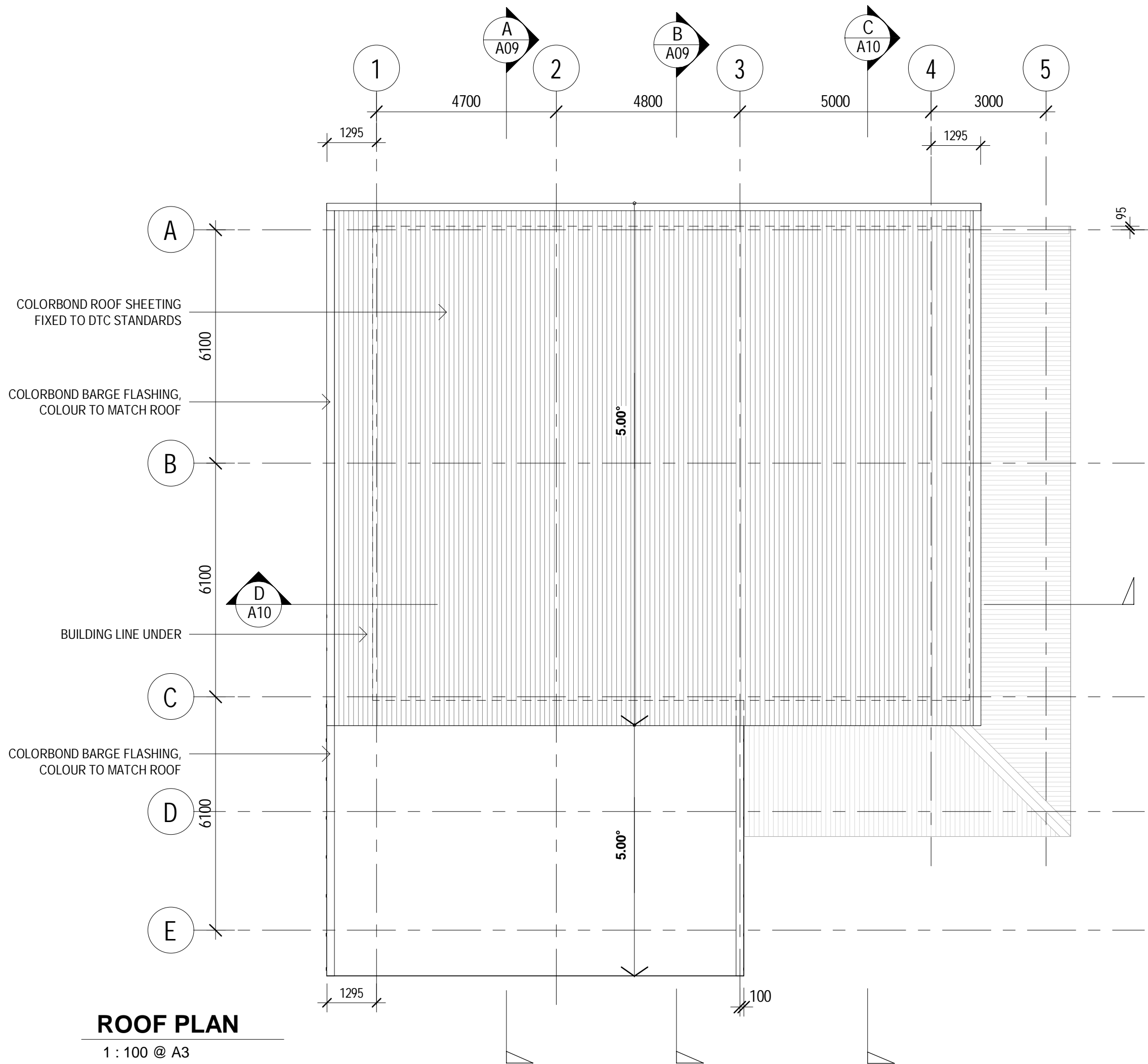
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project
PROPOSED SHED
 LOT 3372 (70) Lagoon Road, Knuckey Lagoon

client PRIMUS BUILD
 title
MEZZANINE FLOOR RCP

date: 29.01.24	drawn:	scale: 1 : 100
drwg. no. A05	issue 0	



ROOF PLAN
1 : 100 @ A3

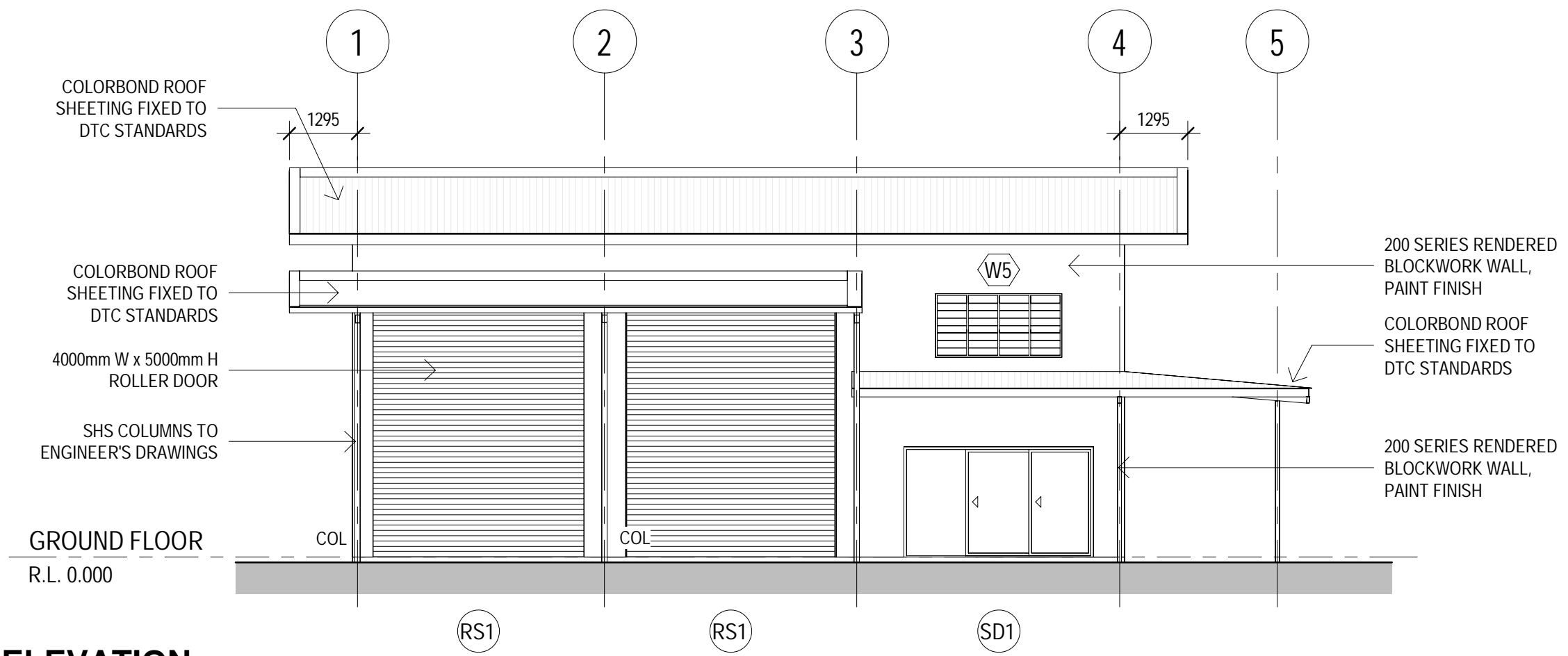
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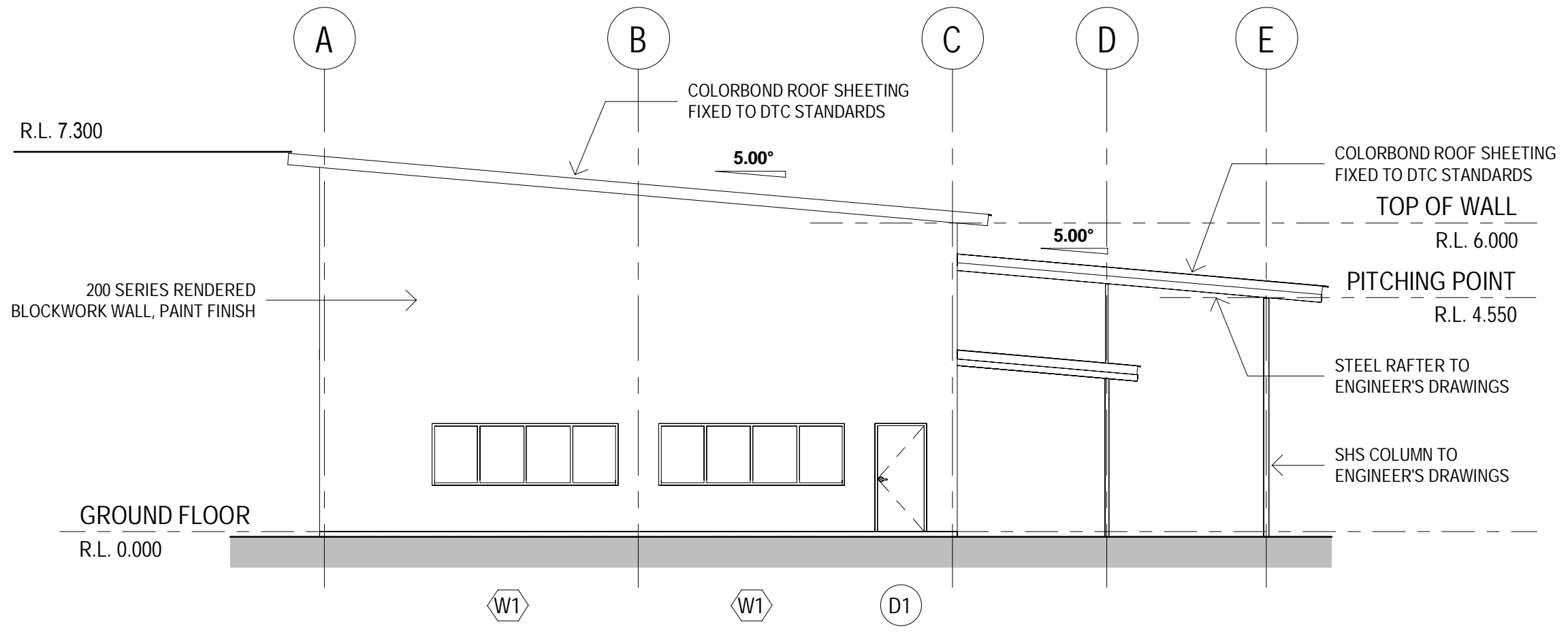
project
PROPOSED SHED
 LOT 3372 (70) Lagoon Road, Knuckey Lagoon

client PRIMUS BUILD
 title
ROOF PLAN

date: 29.01.24	drawn:	scale: 1 : 100
drwg. no. A06		issue 0



1 ELEVATION
A02 1 : 100 @ A3,



2 ELEVATION
A02 1 : 100 @ A3,

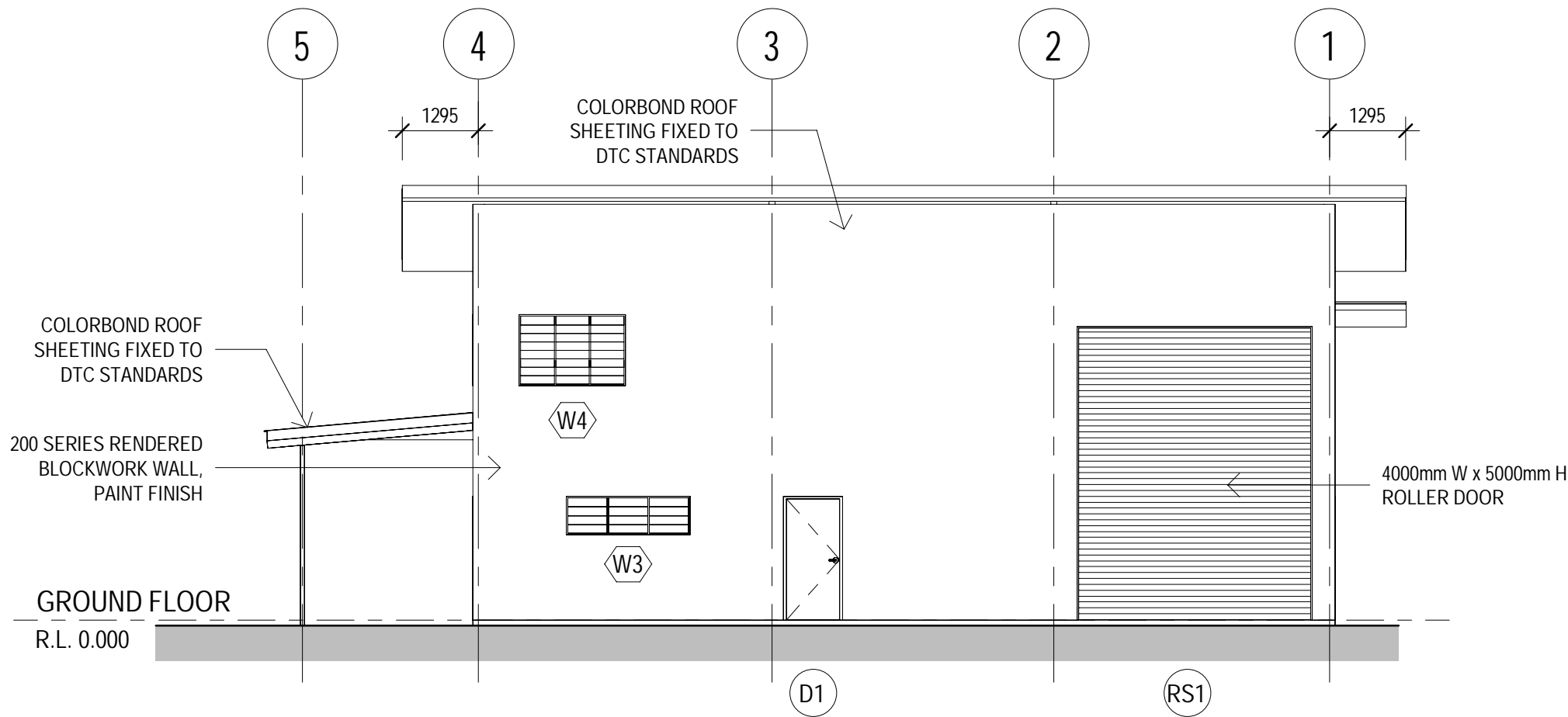
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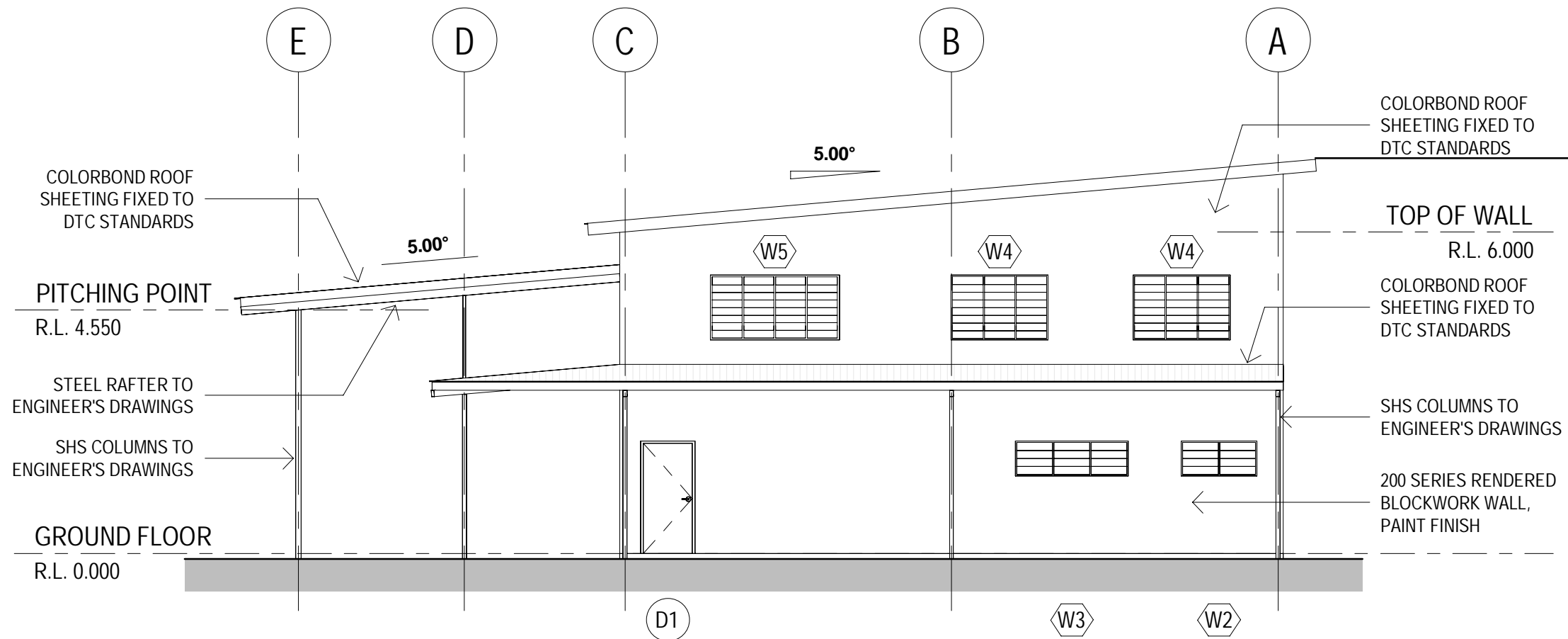
project
PROPOSED SHED
LOT 3372 (70) Lagoon Road, Knuckey Lagoon

client PRIMUS BUILD
title
BUILDING ELEVATIONS 01

date: 29.01.24	drawn:	scale: 1 : 100
drwg. no. A07	issue 0	



3
A02 **ELEVATION 3**
1 : 100 @ A3,



4
A02 **ELEVATION**
1 : 100 @ A3,

R.L. 7.300

DO NOT SCALE THIS DRAWING verify all dimensions on site prior to commencing site works.

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A	PRELIMINARY DRAWINGS	19.05.23

project
PROPOSED SHED
LOT 3372 (70) Lagoon Road, Knuckey Lagoon

client PRIMUS BUILD

title
BUILDING ELEVATIONS 02

date: 29.01.24 drawn: scale: 1 : 100

drwg. no. **A08** issue **0**

Lucy @ Developing The North

From: Beata Small <beata@primusbuild.com.au>
Sent: Tuesday, 10 December 2024 6:41 PM
To: Lucy @ Developing The North
Subject: Storage area for new shed development

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Lucy ,

I am writing to provide additional information regarding our new shed storage areas.

As part of the design, we have included three personal storage areas on the upper floor to meet specific storage requirements. The details are as follows:

1. **Area 1:** This space will be used to store documents and paperwork that are related to personal needs. It is essential to have a dedicated, secure area for this type of storage to ensure proper organization and accessibility.
2. **Area 2:** This area will house saddles and leather goods, which require a dry and controlled environment to prevent damage. We have designed this space with appropriate ventilation and humidity control to ensure the proper preservation of these items.
3. **Area 3:** This is a dedicated storage area for valuable personal artworks. Given the nature of the items, the space is designed with a secure and climate-controlled environment to protect the artwork from potential damage.

Please let us know if you require any further details. We want to ensure everything is in order and look forward to your advice on how to proceed.

Thank you very much for your support and assistance.

Regards

Beata Small
Project Engineer

MERRY CHRISTMAS

We are having a short break over the holidays,
Thank you for your support this year! We wish
you a joyful holiday season and look forward
to working with you in the New Year.

However, we'll still be available for
emergencies during this time –
Please call **0477338420**

Closed 20 December 2024
Reopening 6 January 2025



Mobile: 0477 338 420

Office: 08 8911 1253

Email: beata@primusbuild.com.au

Website: www.primusbuild.com.au

SCHEDULE OF CONDITIONS

Section 55 *Planning Act* 1999

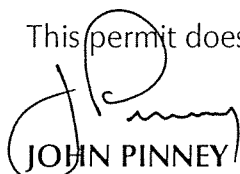
DEVELOPMENT PERMIT

DP02/0282

1. Works carried out under this permit shall be in accordance with drawings numbered 02/590-A and 02590-B and endorsed as forming part of this permit.
2. The home occupation shall, at all times, comply with Clause 17.4 of the Litchfield Area Plan 1992, and in particular, comply the following conditions:
 - a) Assistance shall only be provided by persons resident in the dwelling.
 - b) The total area used shall not exceed 40m².
 - c) No greater demand shall be imposed on the services provided by a public utility organisation beyond that demand which is ordinarily imposed in the locality.
 - d) No advertising sign shall be displayed, other than one which identifies the name and occupation of the resident and which is not more than 1m² in area.
 - e) No goods shall be visible in a window or about the dwelling from outside the site.
 - f) Not more than one vehicle shall be engaged in the home occupation.
3. The applicant shall provide a sealed vehicle access from the bitumen seal to the front boundary to the satisfaction of the Litchfield Shire Council's Works Manager. F: 79.
4. Any changes to the existing sewerage, electricity and water services for the proposed development shall be in accordance with the technical requirements of the relevant Authority, and to the satisfaction of that Authority.
5. Firebreaks along boundaries or at appropriate locations shall be provided to the requirements and satisfaction of Northern Territory Fire and Rescue Services. F: 77.

Note

This permit does not give approval for any other business or occupation than bookkeeping.



JOHN PINNEY

Chairman
Development Consent Authority

5/11/2002

STATEMENT OF REASONS FOR DETERMINATION

Section 54(1)(a) *Planning Act* 1999

DEVELOPMENT PERMIT

DP02/0282

Reasons

1. The proposal complies with all relevant provisions of the NT Planning Scheme.
2. The proposal is unlikely to have a detrimental impact on the present or future amenity of the surrounding area.

Base Period of Permit

As provided for under section 3 of the Act and subject to the provisions of sections 58 and 59, this permit will lapse two years from the date of issue.

Right of Appeal

Pursuant to section 54(2) of the *Planning Act*, applicants are advised that a right of appeal to the Appeals Tribunal exists under Part 9 of the Act, against a condition imposed on a permit. An appeal under section 114(1) must be made within 28 days of the service of this notice. The Registrar of the Appeals Tribunal can provide information regarding the Notice of Appeal form and fees payable. The postal address for lodgement of a Notice of Appeal appears below.

Postal Address

Lands and Mining Tribunal
GPO Box 2014
DARWIN NT 0801

Location

Level 3
9-11 Cavenagh Street
DARWIN NT 0800

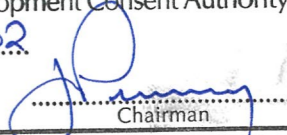
Telephone: (08) 8999 1471
Facsimile: (08) 8999 1473

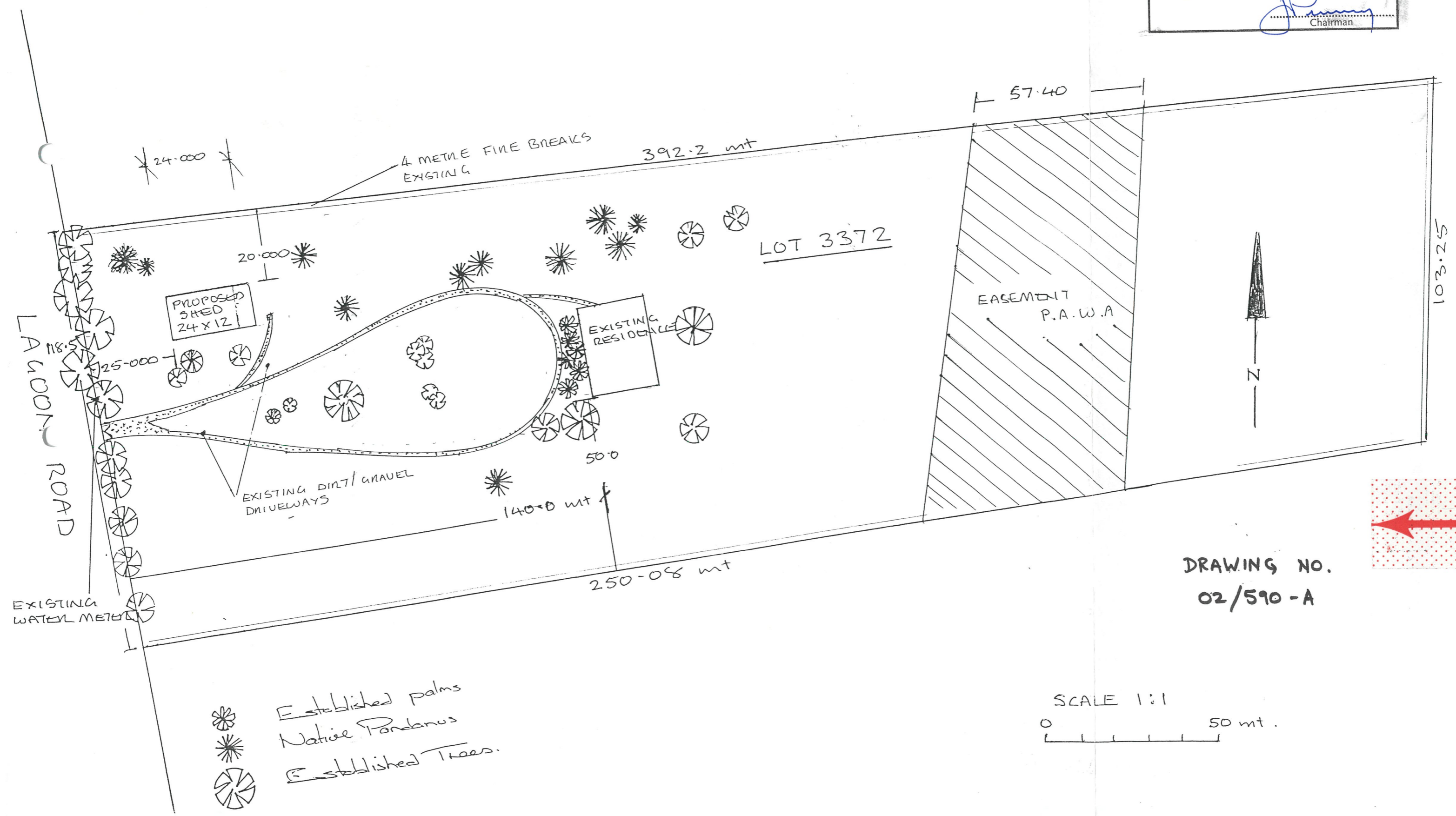


JOHN PINNEY
Chairman
Development Consent Authority

5/11/2002

K. I. BURMAN, S.A ELLIOTT
LOT 3372 69
70 LAGOON Rd
BENRIM AH

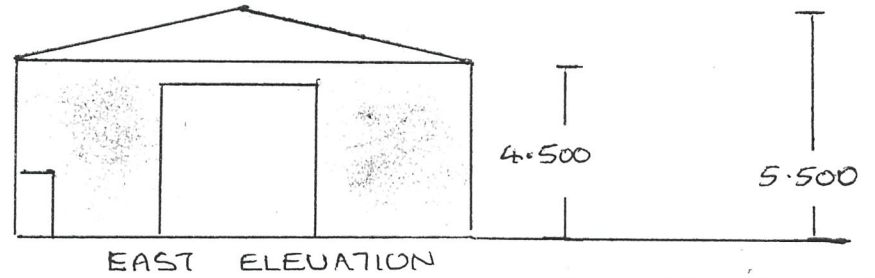
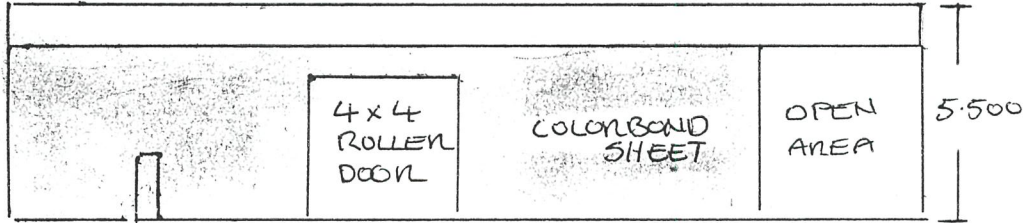
This is the drawing referred to in Development
Permit No. DP02/0282
issued by the Development Consent Authority
on 5 Nov 02

Chairman



DRAWING NO.
02/590-A

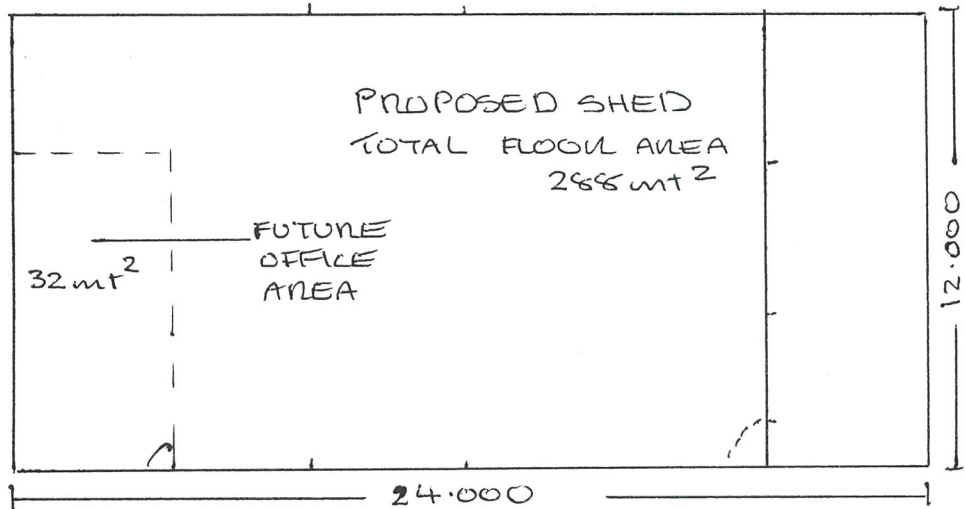
SCALE 1:1
0 50 mt.

NORTH ELEVATION



FINISHED SLABS HT
 = 325mm ABOVE NATURAL
 GROUND LEVEL.

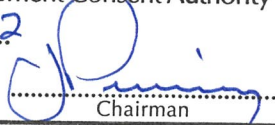
PROPOSED SHED
 TOTAL FLOOR AREA
 288 mt²



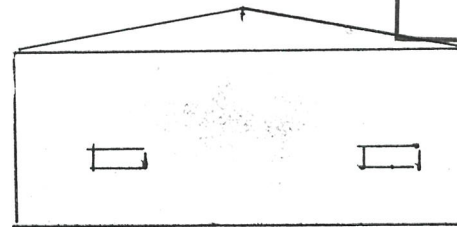
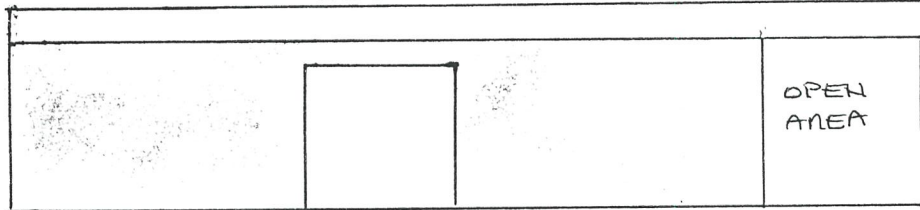
PROPOSED SHED FLOOR PLAN & ELEVATIONS

FOUL: S. ELLIOTT & K BURMAN
 LOT 3372 NO 70
 LAGOON Rd
 BENLIMATH.



This is the drawing referred to in Development
 Permit No. ...DP02/0282
 issued by the Development Consent Authority
 on ...5 Nov 02

 Chairman

SOUTH ELEVATION



WEST ELEVATION
 LAGOON Rd END

DRAWING NO.
 02/540-B

SCALE 1:20

88

Technical Assessment PA2024/0145

TECHNICAL ASSESSMENT OF PROPOSED DEVELOPMENT AGAINST RELEVANT PROVISIONS OF THE NORTHERN TERRITORY PLANNING SCHEME 2020

Application No:	PA2024/0145
Lot number:	70 Lagoon Road, Knuckey Lagoon
Town/Hundred:	Section 03372, Hundred of Bagot
Zone:	R (Rural)
Site Area:	40800m ²
Proposal:	Dwelling-single and ancillary outbuilding (shed) addition, within land in proximity to airports.
Plans used for assessment:	Revised Statement of Effect dated 9 February 2025 & Proposed Plans
Date assessment finalised:	28 February 2025

The proposed development requires consent under the Northern Territory Planning Scheme 2020 (NTPS) as summarised in the below table.

Zone R (Rural)				
Use	Assessment Category	Overlays	General Development Requirements	Specific Development Requirements
Dwelling-Single & ancillary outbuilding.	Merit Assessable as per Clause 1.8(1)(b)(ii)(1)	3.2 CNV (Clearing of Native Vegetation) 3.5 LPA (Land in Proximity to Airports)	5.2.1 General Height Control 5.2.4.1 Car Parking Spaces 5.2.6 Landscaping	5.4.1 Residential Density 5.4.3 Building Setbacks for Residential Buildings and Ancillary Structures 5.4.6.1 Private Open Space for Dwellings-single, Dwellings-independent and Dwellings-group 5.8.7 Demountable Structures

The proposed development is considered Merit Assessable as per Clause 1.8(1)(b)(ii)(1) as explained below.

1.8 When development consent is required

1. The need for **consent** and the level of assessment that applies to the use and development of land is set out in the framework below:
 - (b) **Merit Assessable** – use and development that requires the exercise of discretion by the consent authority to ensure it can be established and operated in a way that does not impact on the **amenity** of the area and accords with the relevant zone purposes and outcomes.

Use and development of land requires **consent** and is **Merit Assessable** when any of the following apply:

- ii. it is shown as *Permitted* on the relevant assessment table in Part 4 but:
 - (1) requires **consent** by virtue of an Overlay as set out in Part 3; or
 - (2) does not comply with the relevant development requirements set out in Part 5;

This is a technical assessment of the proposal against the requirements of the Northern Territory Planning Scheme 2020 and is no indication of whether or not approval will be given by the Development Consent Authority. It is noted that Clause 1.10 provides for the Consent Authority to exercise discretion in making a decision on a development in particular circumstances.

3.2 CNV - Clearing of Native Vegetation

Purpose

Identify areas with limits to the **clearing of native vegetation** and ensure that clearing in these areas does not:

- (a) impact on the conservation values of land within Zone CN; or
- (b) unreasonably contribute to environmental degradation of the locality.

Administration

1. The **clearing of native vegetation** of more than one hectare in aggregate of land (including any area already cleared of native vegetation) within the area subject to the *Clearing of Native Vegetation Overlay* requires **consent**. This Overlay applies to land within Zones RR, RL, R, H, A, CP, CN, RD, WM and Unzoned land.
2. Notwithstanding sub-clause 1, all **clearing of native vegetation** in Zone CN requires **consent**, other than as provided for by sub-clause 4.
3. The consent authority may **consent** to the **clearing of native vegetation** that is not in accordance with subclause 5 only if it is satisfied that it is consistent with the purpose of this requirements and is appropriate in the context of the **site** and the locality having regard to such matters as:
 - (a) the suitability of the site for the proposed use;
 - (b) the values associated with the environmental characteristics (as applicable);
 - (c) the significance, extent and likelihood of any potential environmental impacts; and
 - (d) the measures the application proposes will be implemented to mitigate any potential impacts.
4. This Overlay does not apply if the **clearing of native vegetation** is required or controlled under any Act in force in the Territory, or is for the purpose of:
 - (a) a firebreak as specified by the *Bushfires Management Act 2016* or the *Fire and Emergency Act 1996*, up to 5m wide along a boundary of a lot having an area of 8ha or less, up to 10m wide on a lot having an area greater than 8ha unless otherwise specified by a Regional Fire Control Committee;
 - (b) an internal fence line up to 10m wide on a lot having an area greater than 8ha;
 - (c) a road to **access** the land or other land; or
 - (d) the maintenance and repair of public infrastructure.

NOT APPLICABLE

3.5 LPA – Land in Proximity to Airports

Purpose

Identify areas which may be subject to additional **amenity** impacts and/or restrictions due to its proximity to an airport, and ensure that the use and development of land in these areas:

- (a) minimises the detrimental effects of aircraft noise on people who reside or work in the vicinity of an airport;
- (b) does not result in any new use or intensification of development on land that would prejudice the safety or efficiency of an airport;
- (c) does not result in any new use or intensification of development that would jeopardise the curfew free operation of the Territory's airports (where applicable); and
- (d) retains the non-urban character of the land.

Administration

1. This Overlay applies to land that is within Zones RL, R, A, CP, CN, RD, WM and FD and subject to the **Australian Noise Exposure Forecast (ANEF)** 20-unit value contour line or greater as defined on the ANEF maps produced by the Department of Defence.
2. The use and development of land subject to this Overlay requires **consent**.

Requirements

3. In determining an application for the development of land the consent authority is to have regard to the 'Building Site Acceptability Based on ANEF Zones' (Table 2.1) in AS 2021 – 2000.
4. Lighting associated with development on land within flight approach paths is to ensure it does not prejudice the safe operation of an airport.
5. The use and development of land is not to be of a nature that attracts birds or bats to an extent that prejudices the safe operation of an airport.

The demountable dwelling-single is existing and replaced the dwelling-single that burnt down at the site. The use of the proposed shed is ancillary to the residential dwelling which will not result in a new or intensified use at the site and the non-urban character of the land will be retained. No detrimental impacts on airport activities, by way of bird / bat attractants or external lighting, or changes to aircraft noise impacts, are anticipated.

COMPLIES

4.2.1 Zone R – Rural

Zone Purpose

Provide for residential, horticultural, agricultural and other rural activities on large lots to provide separation between potentially incompatible uses and restrict closer settlement in areas where **access** to reticulated water and sewerage may not be available.

Zone Outcomes

1. Development for rural uses such as **agriculture, horticulture, plant nursery, retail agricultural stall** and **stables**.
2. Low density rural living, in the form of **dwelling-single** and **dwelling-independent**.
3. Development such as **animal boarding, industry-primary, intensive animal husbandry** and **transport terminal**, where the scale, intensity and nature of the activity is compatible with the rural character and **amenity** of the surrounding locality.
4. Development such as **child care centre, residential care facility, education establishment, place of worship, or restaurant**, where the nature of the activity does not compromise the **primary use** of the locality for rural activities.
5. Development is designed and sited to sensitively respond to the physical characteristics and constraints of land such as flooding, water logging, steep land, and bushfire hazard.
6. Subdivision design is informed by land suitability assessment to confirm adequate unconstrained land is available for rural development.
7. Subdivision provides for infrastructure and services that is appropriate to the locality and scale of development.
8. Development does not impose unsustainable demands on surface water and groundwater.
9. Development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone and such matters as the location, nature, scale and intensity of the development.

The existing dwelling-single and the proposed ancillary shed comply with the zone purpose and outcomes.

COMPLIES

5.2.1 – General Height Control

Purpose

Ensure that the heights of buildings and structures are appropriate to the strategic and local context of the location and meet community expectations for development in the zone.

Administration

1. This clause does not apply if:
 - (a) The development is for the purpose of:
 - i. a **telecommunications facility**;
 - ii. a chimney, flag pole, aerial, antenna or lightning rod; or
 - iii. the housing of equipment relating to the operation of a lift; or
 - (b) an alternative height control is specified in clause 5.9 (Location specific development requirements).
2. The consent authority must not **consent** to a development in Alice Springs that is not in accordance with sub-clause 5.
3. The consent authority must not **consent** to a development on land in Zone MR abutting land in Zone LR that is not in accordance with sub-clause 6.
4. Except as set out in sub-clause 3, the consent authority may **consent** to a development that is not in accordance with sub-clause 6 if it is satisfied the **building height** is consistent with the intended character and **amenity** of the area, having regard to:
 - (a) the heights of other buildings in the immediate vicinity; and
 - (b) measures taken to mitigate potential impacts (such as unreasonable overshadowing, or overlooking of dwellings and private open space) on abutting properties.

Requirements

5. The **building height** of a development in the Municipality of Alice Springs is not to exceed:
 - (a) the maximum **building height** for the zone and use as specified in table A to this clause; or
 - (b) two **storeys** to a maximum of 8.5m if the zone and use is not included in table A to this clause.
6. The **building height** in all other areas is not to exceed:
 - (a) the maximum **building height** for the zone and use as specified in table B to this clause; or
 - (b) two **storeys** to a maximum of 8.5m if the zone and use is not included in table B to this clause.

The existing dwelling is one storey / approximately 4.5m high and the proposed shed will not exceed two storeys / 7.3m in height.

COMPLIES

5.2.4.1 Car Parking Spaces

Purpose

Ensure that sufficient off-street car parking, constructed to a standard and conveniently located, are provided to service the proposed use of a **site**.

Administration

1. This clause does not apply where alternative car parking space requirements are established under clause 5.9 (Location specific development requirements).
-

2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 4 if it is satisfied a reduction of the number of **car parking spaces** is appropriate with regard to:
 - (a) the zoning of the land, the use or development or proposed use or development of the land, and the possible future use or development of the land;
 - (b) the provision of **car parking spaces** in the vicinity of the land;
 - (c) the availability of public transport in the vicinity of the land; and
 - (d) the potential impact on the surrounding road network and the **amenity** of the locality and adjoining property;
 or if the use or development relates to a **heritage place** and the Minister responsible for the administration of the *Heritage Act 2011* supports the reduced provision of **car parking spaces** in the interest of preserving the significance of the **heritage place**.

3. The consent authority may require the provision of **car parking spaces** for any **ancillary** use or development in addition to that specified for the **primary use** or development in the table to this clause.

Requirements

4. Use and development is to include the minimum number of **car parking spaces** specified in the table to this clause (rounded up to the next whole number).

The minimum requirement for two spaces is met with ample space for car parking across the wider site.

COMPLIES

5.2.6 Landscaping

5.2.6.1 Landscaping in Zones other than Zone CB

Purpose

Ensure appropriate landscaping that is attractive, water efficient and contributes to a safe environment, is provided to development to enhance the streetscape and overall **amenity** of the locality.

Administration

1. Landscaping may include provision of paved areas and areas for entertainment and recreational activities.

2. The consent authority may **consent** to landscaping that is not in accordance with sub-clauses 5, 6 and 7 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and is appropriate to the **site** having regard to the **amenity** of the streetscape, and the potential impact on the **amenity** of the locality and adjoining property.

Requirements

3. Where landscaping is required by this Scheme it should be designed so that:
 - (a) planting is focused on the area within the street frontage setbacks side setbacks, communal open space areas and uncovered **car parking areas**;
 - (b) it maximises efficient use of water and is appropriate to the local climate;
 - (c) it takes into account the existing streetscape, or any landscape strategy in relation to the area;
 - (d) significant trees and vegetation that contribute to the character and **amenity** of the **site** and the streetscape are retained;
 - (e) energy conservation of a building is assisted having regard to the need for shade and sunlight at varying times of the year;
 - (f) the layout and choice of plants permits surveillance of public and communal areas; and
 - (g) it facilitates on-site infiltration of stormwater run-off.
4. The quality and extent of the landscaping consented to must be maintained for the life of the development.
5. Other than in Zones CB, C and TC, not less than 30% (which may include communal open space) of a **site** that is used for **rooming accommodation, dwellings-group, dwellings-multiple** and **residential care facility** is to be landscaped.
6. In Zones LI, GI and DV all street frontages, except **access** driveways or footpaths, are to be landscaped to a minimum depth of 3m.
7. In Zones MR and HR, side and rear setbacks are to include planting to the length of the setback of no less than 2m deep, except for areas that are used for private open space.

No landscaping details have been provided by the applicant; however, the demountable dwelling-single is existing and situated within a large lot with established informal landscaping. Given the nature of the wider site, no additional landscaping is required as part of this application.

COMPLIES

5.4.1 Residential Density

Purpose

Ensure that the development of **residential buildings**:

- (a) is of a density compatible with adjoining or nearby existing development or development reasonably anticipated;
- (b) is of a density compatible with the existing or planned provision of reticulated services and community facilities which will service the area; and
- (c) is consistent with land capability having regard to relevant characteristics including but not limited to the drainage, slope, seasonal inundation, landforms or soil characteristics, heritage constraints or noise from aircraft operations.

Administration

- 1. The consent authority may **consent** to a development that is not in accordance with sub-clause 2 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the **site** having regard to such matters as its location, scale and impact on adjoining and nearby property.

Requirements

- 2. The maximum number of **dwelling**s that may be constructed on a **site** is to be determined in accordance with Table A, B, C or D (as the case requires) to this clause.

Zone	Dwelling Density
LR, RR, RL, R and for a dwelling-single in CL, CV and T	1 dwelling-single per lot

There is only one dwelling-single on this lot.

COMPLIES

5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures)

Purpose

Ensure that **residential buildings** and **ancillary** structures are located in a manner that:

- (a) is compatible with the streetscape and surrounding development including **residential buildings** on the same **site**;
- (b) minimises adverse effects of building massing when viewed from adjoining land and the street;
- (c) avoids undue overlooking of adjoining properties; and
- (d) facilitates breeze penetration through and between buildings.

Administration

- 1. This clause does not apply in Zones CB, LI, GI and DV.
 - 2. In this clause:
 - (a) an **ancillary** structure includes an **outbuilding** (excluding shade sails), balcony, portico and the like, which may or may not include external walls; and
 - (b) for all developments except **dwelling**s-multiple in Zone MR or HR, where a lot has a boundary with a public street from which vehicular **access** to the lot is restricted by the controlling Agency or local government council, this boundary shall be considered a side or rear lot boundary for the purpose of calculation of the **building setback**.
-

3. The consent authority may **consent** to a development that is not in accordance with sub-clause 6-8 only if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the **site** having regard to such matters as its location, scale and impact on adjoining and nearby property.
4. If a building setback plan in Schedule 9 does not establish a specific setback to a nominated boundary, **residential buildings** and **ancillary** structures are to be set back from that boundary in accordance with sub-clause 6(a) or clause 5.4.3.3 as appropriate.
5. Despite sub-clause 6 sheds in Zones other than H, A, RR, RL and R may have a nil setback to the side and rear boundaries provided it is
 - (a) 6m or more from the **primary street** and 2.5m or more from a **secondary street** when measured to the wall of the shed or where there is no wall, the outer face of any column;
 - (b) has a cumulative **floor area** of 15m² or less;
 - (c) is 2.5m or less in height;
 - (d) has no openings in walls that are less than 1.5m from a lot or unit title; and
 - (e) does not discharge rainwater on an adjacent lot or unit title.

Requirements

6. Subject to clause 5.2.7, **building setbacks** of **residential buildings** and **ancillary** structures are to be set back from lot boundaries in accordance with:
 - (a) the relevant table to this clause; or
 - (b) any setbacks established in a building setback plan that is included in Schedule 9.
7. Where a zero or 300mm setback is identified on a building setback plan in Schedule 9, a zero or 300mm setback can only be established to the boundary nominated on the setback plan.
8. Unless detailed in a table to this clause or within a building setback plan in Schedule 9, no part of the roof structure, including gutters and eaves, is to encroach more than 0.9m into the minimum **building setbacks** (subject to the Building Code of Australia) from the lot boundaries.

Editor’s Note: If a zero or 300mm setback identified within a building setback plan is not used, the requirements of sub-clause 6(a) apply.

Table D to Clause 5.4.3: Minimum building setbacks for residential buildings and ancillary structures in Zones RR, RL, R, H and A	
Lot Boundary	Minimum Setback
Primary street frontage	10m <u>or</u> 7.5m for lots less than 1ha in Zones RR and RL
Secondary street frontage	10m <u>or</u> 5m for lots less than 1ha in Zones RR and RL
Side and rear lot boundaries	10m <u>or</u> 5m for lots less than 1ha in Zones RR and RL

The existing dwelling is set back 15m from the primary street boundary and 15m from the closest side lot boundary. The proposed shed will be set back 50m from the primary street boundary and 11m from the closest side lot boundary. Both buildings will be / are set back a considerable distance from other boundaries.

COMPLIES

5.4.6.1 Private Open Space for Dwellings-single, Dwellings-independent and Dwellings-group

Purpose

Extend the function of a **dwelling** and enhance the residential environment by ensuring that each **dwelling** has private open space that is:

- (a) of an adequate size to provide for domestic purposes;
- (b) appropriately sited to provide outlook for the **dwelling**;
- (c) open to the sky and sufficiently permeable to allow stormwater infiltration and lessen runoff from the **site**; and
- (d) inclusive of areas for landscaping and tree planting.

Administration

1. The consent authority may **consent** to private open space that is not in accordance with sub-clauses 2 and 3 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the **site** having regard to such matters as its location, scale and impact on adjoining and nearby property.

Requirements

2. Private open space should:
 - (a) satisfy the minimum area, dimensions and open to the sky requirements contained in the table to this clause;
 - (b) be directly accessible from the **dwelling** and enable an extension of the function of the **dwelling**; and
 - (c) be located to provide views from the **dwelling** to open space and natural features of the **site** or locality, and to reduce overlooking from neighbouring open space and **dwellings**;
 - (d) ensure that at least half of the private open space is permeable to allow stormwater infiltration and lessen stormwater runoff from the **site**;
 - (e) include at least one area of at least 5m², with no dimension less than 1.5m, for the deep soil planting of trees and vegetation for shade or screening; and
 - (f) allow for landscaping at the property frontage to complement the visual **amenity** of the streetscape.

Table to Clause 5.4.6.1: Minimum Areas of Private Open Space for Dwellings-single, Dwellings-independent and Dwellings-group	
For clarity, in this table: Area A is the minimum area, for each dwelling , that must be open vertically to the sky and have no dimension less than 1.5m. A least half of Area A must be permeable, and may include the 5m ² required for deep soil planting. Area B is the minimum dimensioned space that extends the function of the dwelling and may be covered or open to the sky. Any part of Area B that is open to the sky may form part of Area A .	
Type of Dwelling	Private Open Space Area
Dwelling-group	A. 45m ² , open vertically to the sky, with no dimension less than 1.5m; and B. 24m ² , all or partly covered, with no dimension less than 4m.
Dwelling-single on a lot less than 450m ²	
Dwelling-independent in addition to the private open space requirement for the dwelling - single	
Dwelling-single on a lot not less than 450m ²	A. 50m ² , open vertically to the sky, with no dimension less than 1.5m; and B. 36m ² , all or any part covered, with no dimension less than 6m.

There is ample open space at the site for the dwelling-single.

COMPLIES

5.8.7 Demountable Structures

Purpose

Ensure that **demountable structures** do not detract from the visual **amenity** of an area.

Administration

1. Placement of a **demountable structure** on:
 - (a) zoned land other than land in Zone GI and DV requires **consent**; and
 - (b) land in Zone CL, SC, TC, LI, PS, OR, H, A, RL, R and CP does not require **consent** if there are no more than two **demountable structures** on the land.
2. The consent authority may **consent** to a **demountable structure** that is not in accordance with sub-clause 4 if it is satisfied that the proposed use and location of the **demountable structure** make compliance unnecessary.
3. The consent authority may **consent** to a **demountable structure** that is not in accordance with the table to this clause if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.

Requirements

4. The placement of a **demountable structure** is to:
 - (a) include landscaping or architectural embellishments to the **demountable structure** that will enhance the appearance of the structure; and
 - (b) be visually consistent with adjoining or nearby development.
5. **Demountable structures** in:
 - (a) zones other than Zones LI, GI and DV are to be set back from lot boundaries in accordance with the table to this clause; and
 - (b) zones LI, GI and DV are to be set back from lot boundaries in accordance with the Table to Clause 5.6.1.

Table to Clause 5.8.7: Demountable Structures		
Lot Boundary	Minimum Setbacks	
	In zones other than CB, C, H, A, R, RL, RR, LI, GI and DV	In zones H, A, RR, R and RL
Primary street frontage	6m	10m or 7.5m in Zones RR and RL for lots with areas less than 1ha
Secondary street frontage	2.5m	10m or 5m in Zones RR and RL for lots with areas less than 1ha
Side and rear lot boundaries	1.5m	10m or 5m in Zones RR and RL for lots with areas less than 1ha
<p>Building setback is measured from all boundaries to: The wall of a demountable structure; and Where there is no wall, to the outer surface of any support column of the structure.</p> <p>No part of the roof structure including gutters and eaves, is to encroach more than 0.9m into the minimum building setbacks from the lot boundaries described in the Table to Clause 5.4.3.</p>		

The demountable Dwelling-single is setback significantly from the site boundaries, exceeding the requirements of this clause. The building is situated within a site that has established landscaping and the design of the existing Dwelling-single is largely in keeping with development in the local area.

COMPLIES

Lingyi Kong

From: Paul Nyhuis <paul.nyhuis@essington.nt.edu.au>
Sent: Friday, 12 July 2024 3:19 PM
To: Das NTG
Cc: Elizabeth Fisher
Subject: Submission re: Section 03372 Hundred of Bagot - Objection

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Our Details:

Paul Nyhuis and Elizabeth Fisher
80 Lagoon Road, Knuckey Lagoon
PO Box 29, Berrimah, NT, 0828
Mob 0415155396

We (Paul Nyhuis) have been residents of this rural area for almost forty years and Elizabeth and I have resided at 70 Lagoon road since 2014.

We object to the Proposed Development.

1. The application states that the zone purpose of this property is to provide for residential, horticultural, agricultural and other rural activities.
2. The original home was destroyed by fire and the owners informed us that they intend to rebuild on the original site. We believe that this application is not in fact for a shed but for an additional residence.
3. The property already has at least 3 large storage sheds, enough we believe for personal storage as mentioned in the application.
4. The family currently reside in one of the existing sheds which has full bathroom facilities.
5. The fact is that the applicants operate a building company from the property namely Primus Build. Operating a building company from a rural property is not included in residential, horticultural, agricultural or other rural activities. This building company has numerous and negative impacts on our lifestyle and rural living including ongoing construction noise, excessive traffic with workers coming and going, and excessive building materials which lay on our fence line and pose a risk.
6. This also notes additional toilet and ablution facilities were added to the original shed with separate septic system.
7. There was another building recently added between the original shed and Lagoon Road for office, and / or accommodation.
8. Works have already started on the proposed shed with groundworks for the ablution facilities.
9. We are interested in having this property returned to its intended use, rural residential, horticultural, agricultural and other rural activities, and not industrial.

10. We are s opposed to this development which will further expand the current industrial and commercial use of this property.

Signed
Paul Nyhuis
12 July 2024

Signed
Elizabeth Fisher
10 July 2024

Kind regards,

Paul

Paul Nyhuis
Principal/CEO



Main Campus | Gate 1, Crisp Street | Rapid Creek NT 0810 | Northern Territory | P: +61 8 7913 8100 | E:
paul.nyhuis@essington.nt.edu.au | www.essington.nt.edu.au

This message is confidential and intended solely for the person(s) to whom it is addressed. It may contain privileged and confidential information. If you are not the intended recipient(s), you must not read, copy, distribute, discuss, or take any action in reliance on it. If you have received this information in error, please notify us as soon as possible on the above telephone numbers or by return email. Thank you.

Acknowledgement of Country



The Essington School acknowledges the Larrakia Saltwater people as the Traditional Custodians of the Land we have the privilege to learn, live, work and play on. As we travel on a two-way journey of sharing, we honour and pay our respects to the Larrakia Elders past and present. It is through this sharing of knowledge, culture, and experience that we build connections with our community and prepare for the world beyond.

From: [Paul Nyhuis](#)
To: [Das NTG](#)
Cc: [Elizabeth Fisher](#)
Subject: TRM: PA2024/0145 - Formal Submission and Objection
Date: Friday, 7 March 2025 11:36:05 AM

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To: Development Assessment Services (DAS):

To Whom it May Concern,

Our Details:

Paul Nyhuis and Elizabeth Fisher
80 Lagoon Road, Knuckey Lagoon
PO Box 29, Berrimah, NT, 0828
Mob 0415155396

I (Paul Nyhuis) have been residents of this rural area (on Lagoon Road) for almost forty years, and Elizabeth and I have resided at 80 Lagoon Road since 2014. We purchased the property in 2020 with the dream of raising our family and enjoying rural living.

We object to the Proposed Development specific to PA2024/0145 – 70 Lagoon Road, Knuckey Lagoon.

Elizabeth and I sent an objection to the previous and related application on 12 July, 2024 and have been waiting for a clear response and outcome in this matter since that time. After several attempts to follow up we met with DAS staff on Friday 28 February, 2025, which was appreciated.

We note the revised application dated 9 February, 2025.

The application contains a significant amount of subjective and emotive language. We also know the application to contain false and misleading information. However, in the interest of responding to the development application (and not be consumed by the personal narrative) we will endeavour to focus on what we know to be fact, and pertinent to the development application, which we strongly object to.

The application states that the zone purpose of this property is to provide for residential, horticultural, agricultural and other rural activities. The fact that the owners run a commercial fabrication and construction company from the site is in complete contravention to the zoning laws.

We were present and supported the applicants when their original home was destroyed by fire. The owners had left the property early that morning and shortly after we were alerted to the fire, and subsequently called emergency services. The owners informed us that they intend to rebuild on the original site, which is stated in the submission.

We believe that this application is not for a shed but for an additional dwelling. The owners previously declared that their intent was to build a dwelling, so that they could reside there while they construct their 'dream' home. They stated that the proposed development will then become accommodation for family members or use as a rental. The design plans for the proposed 'shed' clearly show that storage 3, 4 and 5 can very easily be adapted as bedrooms, and we believe this to be the case.

The property already has at least 3 large storage sheds, with multiple storage containers and air-conditioned offices with climate-controlled space. The main shed has ablutions, office space and more than enough storage space for documents and paperwork, as proposed in the application. The main shed is where they operate their business with staff (and cars) on site each weekday and at times on the weekend. The number of existing sheds and office/storage shed refutes the argument that this development is for additional storage.

In addition:

- There is already a horse stable/shed (in addition to the 3 large sheds) on site with fans and ventilation where saddlery is stored.
- Paperwork personal and otherwise can be stored in the large business office/shed that already exists on the property, or any of other the other storage sheds.
- Likewise, artworks can also be stored in the office/shed, while the applicants build their new home.
- There is also significant undercover storage to store the necessary building materials for the new dwelling. This also notes that our shared boundary fence is lined with construction and building materials. (see photos attached)

We reject the claim that this proposed development is for storage given all the existing office and storage sheds, as well as the land area that these sheds and building occupy.

Other points to note as part of our objection to this development application.

- Works including power and plumbing have already been completed making the application retrospective.
- We are concerned about septic waste and controls. This also notes additional toilet and ablution facilities were added to the original large shed (no.3) for business office staff.
- We are interested in having this property returned to its intended use, rural residential, horticultural, agricultural, and other rural activities, and not industrial/commercial.
- We are opposed to this development which will further expand the current industrial and commercial use of this property.

This is sadly a very unfortunate situation for us. We used to have a good relationship with our neighbours and our children played together. Unfortunately, the relationship has soured over the past few years and primarily associated with elements relating to this application and what appears to be a complete lack of respect or regard for our way of living.

This has impacted on our own personal and family wellbeing due to the undue stress.

We are also concerned for the impact that this has had on our property value, given we bought with the expectation of a relatively quiet and private place to live – rural living. We now must deal with ever expanding development under the guise of sheds, construction and traffic noise, the unsightly sheds now consume our rural block and natural vegetation view.

While we understand that ‘owner business’ will be the subject of a future application, these 2 matters, the development application and the owner business matter (soon to be an application) are intimately connected.

The applicants operate a building company from the property namely Primus Build. Operating a building company and business of this nature from a rural property is not included in residential horticultural, agricultural or other rural activities. This company/business previously operated from a site in Winnellie. The Primus business website now states that they operate from 70 Lagoon Road. They no longer have a business operating from Winnellie.

The business has numerous and negative impacts on our lifestyle and rural living including:

- Traffic frequently driving up and down our boundary fence.
- Strangers working at the business while our young girls run and play outside.
- Dust during the dry.
- Construction noise from early in am until late.
- Unsightly building and construction materials along our fence line.
- Up to 10 vehicles at a point in time can be on the property.
- The large volume of materials that sit within and across all 3 sheds impacts what was previously a nice natural backdrop.
- All the construction and building materials across the property and the 3 sheds poses a safety risk – certainly during the cyclone season.
- What we once enjoyed in terms of quiet and private rural lifestyle has been significantly impacted.

A few other pieces of information that may or may not impact on the development application include the following:

- The applicants have run power and along our boundary fence with a number of additional junction boxes placed along the boundary.
 - The understanding and intent is that additional demountable dwellings including the one currently being used as a ‘dwelling’ will be placed at the rear of the block and used as Airbnb accommodation.
 - The owner confirmed numerous times that they plan to construct multiple (demountable and cabin like) dwellings for this intended purpose on the property.
- A large manmade dam was created at the back of the property and is easily identifiable in aerial pictures. This was to be a feature as part of the Airbnb planning.
 - The dam is deep and is impacted by the water table. We believe this is a matter that requires further investigation with the department of water resources.
- A number of banana trees have recently been planted on the fence line (see photos attached) we assume in an effort to screen some of the sheds and business operations. While this is appreciated, the trees are now leaning over our fence line and the dirt is

rusting our wire fence- a fence that we installed. This also has the potential to be a fire hazard, noting the need for fire breaks on rural properties.

While we are committed to a positive resolution, we are disappointed by what we believe is absolute disregard for the zoning rules and planning legislation. Importantly for us it is about some very common decent and humanistic behaviour, where one considers the impact of their behaviour and actions on others. This has not been our experience with the applicants in recent years, and specific to this application.

Please see attached multiple pictures with evidence of all of the storage spaces, sheds and existing dwellings, which provide evidence supporting our objection to this proposed development.

We object to this development for all of the reasons listed above. We don't believe that this is in fact a application for a shed and storage facility , but rather an additional dwelling.

We will await the home business application which we intend to appeal.

We also intend to attend the Development Consent Authority meeting where we hope to be able to speak further to our objection.

Thank you for your consideration of our submission.

Kind regards,

Paul Nyhuis Elizabeth Fisher















From: hlnyhuis@netspace.net.au
To: [Das NTG](#)
Subject: Response to Notice of Proposed development
Date: Thursday, 11 July 2024 9:34:20 AM

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Administrator,

Please find below our objection to the proposed development.

Please acknowledge receipt and advise us if we need to do anything else.

Sincerely,

Herman and Lynn Nyhuis

11 July 2024

Response to Notice of Proposed development

Ref: PA2024/0145

Developing the North Pty Ltd

Section 2272 (70) Lagoon Road

Our Details:

Mr Herman Nyhuis and Mrs Lynn Nyhuis

90 Lagoon Road, Knuckey Lagoon

PO Box 29, Berrimah, NT, 0828

Email: hlnyhuis@netspace.net.au

Mob 0404 898 447

We have been residents of this rural area for almost forty years and are noticing the gradual industrialisation of this area which we must resist. We strongly object to the Proposed Development.

1. The application rightly states that the zone purpose of this property is to provide for residential, horticultural, agricultural and other rural activities. Included is rural living in the form of a single dwelling.
2. The original home was destroyed by fire and the owners informed us that

they intend to rebuild on the original site.

3. The property is occupied by a family of four, two adults and two children. The property already has a large shed of at least 200 square metres, enough one would think, for personal storage as mentioned in the application.
4. The reality is that a building company operates from the property namely Primus Build of which the proprietors are Adam and Beata Small. Operating a building company is hardly included in residential, horticultural, agricultural or other rural activities. It is not a permitted use!
5. Additional toilet and ablution facilities were added to the original shed with separate septic system. Does this comply with this rural land use?
6. This building company has lots of stored equipment and materials in questionable store facilities. We fear for the consequences of the next cyclone and question the certification of these buildings / sheds!
7. There was another building recently added between the original shed and Lagoon Road for office, and / or accommodation. So much for the having a single dwelling! Again we question the certification of this building.
8. Due to the use of this property by this building company there is a significant movement of vehicles entering and exiting affecting traffic.
9. Works have already started on the proposed shed with groundworks for the ablution facilities – another, third septic system will be needed. Hardly a single dwelling proposition!
10. We are interested in having this property returned to its intended use, rural residential, horticultural, agricultural and other rural activities NOT industrial!
11. We are strongly opposed to this development which will consolidate the current industrial use.

Signed

Herman Nyhuis

11 July 2024

Signed

Lynn Nyhuis

11 July 2024

From: [Herman Nyhuis](#)
To: [Das NTG](#)
Subject: Fwd: PA2024/0145 - Formal Submission and Objection to Development Application for 70 Lagoon Road
Date: Thursday, 6 March 2025 9:00:01 PM

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Subject: PA2024/0145 - Formal Submission and Objection to Development Application for 70 Lagoon Road

Dear Sir / Madam,

Thank you for the opportunity to submit this objection to the proposal PA2024/0145 - for this Rural property, 70 Lagoon Road, Knuckey Lagoon.

1. Concern about Process

You will no doubt be aware that the owners submitted a Development application in July last year. We submitted an objection at that time. When that Development Application seemed to have been withdrawn we submitted a Complaint for the industrial and commercial use of this Rural property. We appreciate that this application and the proposed application for a future owner business application are 2 separate matters but one can not address this application without referencing the other.

We met with Anne-Marie Reynolds, the Director at the time, on 26 September 2024 to discuss these matters. Unfortunately she could not provide any information as the communications between the Department and the owners were private, we were told!

We were assured that we would be kept informed. Despite further requests, the latest given by Amber, neither matters were concluded satisfactorily as we received no further information.

We were very surprised, given the incomplete matters referred to above, that we heard, by chance, and then noticed the proposed development sign that there was now a new application.

We do wonder, whether our objections will be treated seriously given our past experience.

2. This property is used as an industrial business

The property continues to be used as an industrial property by

Primus Build of which Adam and Beata Small are the proprietors.
- the office of this company is operated from this property.
- many business vehicles enter and exit this property
- industrial businesses are not an approved activity on a Rural zoned property.

3. A Rural zoned property is allowed one residence.
- the original residence burned down some time ago and the owners confirmed that they would rebuild on the same site.
- they have built an unapproved building between the original shed and Lagoon Road which is used for living, their current primary dwelling.
- the original 200 square metre shed, it would appear is more than adequate for a family of four.
- they added additional ablution facilities with the original shed using an additional septic system, making two to date.
- as only one residence is allowed, it would seem that this allowance is well and truly used.
- a start has already been made on the new shed with another septic system being put in place.

This is way beyond permissible residential use for a Rural block.

4. There are several ancillary buildings which are not approved nor permissible under Rural zoning.
- A building erected between the shed and Lagoon Road.
- Several 'buildings' used by Primus Build as workshops and / or storage facilities, none of which are approved nor adequate for a cyclone area and are potential cyclone missiles.

We strongly object to the proposed development as it exceeds permitted use and it is our firm belief that the proposed development is not for a shed or storage, but in fact as a new dwelling.

Further, we request that this property be returned to its permitted Rural use by
- the immediate ceasing of the building business from this Rural Property.
- the removal and dismantling of the storage sheds and building materials as they are potential missile materials in case of potential cyclones.
- the removal of the unofficial building between the shed and Lagoon Road.

We request that we are kept informed and up to date.

As rural residents of forty years we want to keep the area Rural and expect the Department to fulfil its obligations to Rural citizens.

We look forward to your response in this important matter.

Sincerely,

(Signed)
Herman and Lynn NYHUIS
90 Lagoon Road, Knuckey Lagoon
PO Box 29, Berrimah, NT, 0828
hlnyhuis@netspace.net.au
Mob. 0404 898 447
6 March 2025

Sent from my iPad



18 July 2024

Development Assessment Services
Department of Infrastructure, Planning and Logistics
GPO Box 1680
Darwin NT 0801

RE: Letter of Comment Development Application

PA2024/0145

**Hun: 055 P: 03372 70 Lagoon Road KNUCKEY LAGOON, Hundred of Bagot
Outbuilding (shed) addition to an existing dwelling-single within land in proximity to airports**

Thank you for the Development Application referred to this office on 28/06/2024, concerning the above. This letter may be tabled at Litchfield Council's next Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

Council supports the granting of a Development Permit for the following reasons:

- a) the proposed development as outlined in the statement of effect is in keeping with the zoning of the area being zoned R (Rural) and the shed is ancillary to the single dwelling as permitted by the Planning Scheme.
- b) Council does not consider the proposed structure to be impacted upon by the overlay in respect of Land in Proximity to Airports
- c) In regard to Clearing of Native Vegetation, the area to be cleared for the structure is not considered to have any negative impacts.

The noted support is only given provided the following issues are adequately addressed:

- a) Council requested confirmation from Development Assessment Services (DAS) on Monday 1st July 2024 that the shed would indeed be ancillary to the existing residential dwelling as aerial images of the property indicated that the residential dwelling was dilapidated.
- b) Further noting that there were additional structures on the property that appeared to not have been given prior planning permission excluding the permitted storage shed and office area approved under planning application PA2002/0590.

It was understood that DAS would undertake a site inspection to confirm the above-mentioned points. At the date of this letter confirmation had not been received for the outcome of the site inspection.

Should there be no adequate residential dwelling on the property, Council will request further information as it would not be appropriate to provide support should the proposal not comply with the Planning Scheme.

Should the application be approved, the following condition(s) pursuant to the *Planning Act* and Council's responsibility under the *Local Government Act* are also recommended for inclusion in any Development Permit issued by the consent authority:

- a) The owner shall collect stormwater and discharge it to the drainage network, to the technical requirements and satisfaction of Litchfield Council, at no cost to Litchfield Council.
- b) Any developments on or adjacent to any easements on site in favour of Council shall be carried out to the requirements and satisfaction of Litchfield Council.

Should the application be approved, the following notes are recommended for inclusion in any Development Permit issued by the consent authority:

- a) Litchfield Council's current Fees and Charges may apply to the above conditions. Additional information can be found at www.litchfield.nt.gov.au.
- b) 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.
- c) Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Interim Development Control Order 29.

If you require any further discussion in relation to this application, please contact Litchfield Council on 08 8983 0600.

Kind Regards,



Jaimie O'Connor
Acting Planning and Development Program Leader



7 March 2025

Development Assessment Services
Department of Infrastructure, Planning and Logistics
GPO Box 1680
Darwin NT 0801

RE: Letter of Comment Development Application – resubmission response

PA2024/0145

**Hun: 055 P: 03372 70 Lagoon Road KNUCKEY LAGOON, Hundred of Bagot
Outbuilding (shed) addition to an existing dwelling-single within land in proximity to airports**

Thank you for the Development Application re-referred to this office on 17/02/2025, concerning the above. This letter may be tabled at Litchfield Council's next Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

Council does not support the granting of a Development Permit for the following reasons:

Council understands that this is a resubmission of the existing application, noting that following initial comments on the application it was found that the existing (nominated) dwelling-single did not have planning permission in regard to land in proximity to airports. It is therefore understood that the applicant is seeking retrospective approval for the dwelling-single, which has been in place at the site since 2021, as well as the Outbuilding (shed) addition.

The demountable structure seeking approval as the dwelling-single however, does not appear to have building certification recorded on the title register that classifies it as a residential dwelling, therefore, Council is unclear whether it should consider it suitable for the purpose of this approval (Outbuilding addition to an existing dwelling- single within land in proximity to airports).

Given the certification is unclear Council also questions the compliance of the structure against the *Planning Scheme 2020* 5.8.7 Demountable Structures given the other existing buildings on site (notably the multiple shipping containers and additional demountable structure viewed from aerial images date stamped 19/08/2024).

Council has also questioned the compliance of the additional structures on the property and in particular the reduced setback of at least one shipping container that was not part of the prior

planning permission for the storage shed and office area approved under planning application PA2002/0590.

This application is for a shed and there are questions raised as to the intent of the shed. It is understood that the applicant plans to present an application for a Home Based Business in the future, however without this information and without an adequate site plan detailing each structure on the site, Council does not feel we have been presented with enough adequate information to reassure the compliance of the site or assess any impacts on amenity.

Whilst there are still questions regarding compliance of the existing structures on the site, Council can not support the granting of a development permit.

It is Council's view that development should not take place without considering the whole site within the application.

Should the application be approved, the following condition(s) pursuant to the *Planning Act* and Council's responsibility under the *Local Government Act* are also recommended for inclusion in any Development Permit issued by the consent authority:

- a) The owner shall collect stormwater and discharge it to the drainage network, to the technical requirements and satisfaction of Litchfield Council, at no cost to Litchfield Council.
- b) Any developments on or adjacent to any easements on site in favour of Council shall be carried out to the requirements and satisfaction of Litchfield Council.

Should the application be approved, the following notes are recommended for inclusion in any Development Permit issued by the consent authority:

- a) Litchfield Council's current Fees and Charges may apply to the above conditions. Additional information can be found at www.litchfield.nt.gov.au.
- b) 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.

If you require any further discussion in relation to this application, please contact Litchfield Council on 08 8983 0600.

Kind Regards,



Jaimie O'Connor
Planning and Development Program Leader



Australian Government

Defence

ID-EP-DLP&R/OUT/2024/BS567900293

Development Assessment Services
NT Department of Infrastructure, Planning and Logistics
GPO Box 1680
DARWIN NT 0801

Dear Sir/Madam

**RE: PA2024/0145 PROPOSAL FOR THE CONSTRUCTION OF A NEW SHED WITH
ABLUTIONS AND MEZZANINE FLOOR AT 70 LAGOON ROAD, KNUCKEY LAGOON,
NORTHERN TERRITORY**

Thank you for referring the abovementioned proposal to the Department of Defence (Defence) for comment. Defence understands that the application is for the construction of a new shed with ablutions and mezzanine floor at 70 Lagoon Road, Knuckey. The site is approximately 4.7 km east of the runway at RAAF Base Darwin.

Extraneous lighting

Extraneous Lighting is a potential hazard to aircraft. Consequently, the amount of upward light emitted in specific areas near airfields must be controlled. Due to the proximity of the proposed development to RAAF Base Darwin, it is suggested that all outdoor lighting design associated with the proposal is to comply with the requirements of the Civil Aviation Safety Authority Manual of Standards Part 139 Aerodromes.

Glare from reflective surfaces can affect the visibility of pilots during daylight hours. Defence requests that the proposed industrial building be comprised of non-reflective building materials. If any reflective surfaces from the proposed industrial building are found to cause a glare problem for pilots, Defence may request these surfaces be suitably modified to extinguish the glare.

Should you wish to discuss the content of this advice further, my point of contact is Matt Williams at land.planning@defence.gov.au

Yours sincerely,

Timothy Hogan
Director Land Planning & Regulation
Department of Defence
(02) 5109 7933
Timothy.hogan2@defence.gov.au

15 July 2024



Australian Government
Department of Defence
Security and Estate Group

ID-EP-DLP&R/OUT/2025/BS64611543

Development Assessment Services
NT Department of Infrastructure, Planning and Logistics
GPO Box 1680
DARWIN NT 0801

Dear Sir/Madam

RE: PA2024/0145 - RETROSPECTIVE APPROVAL FOR A SINGLE DWELLING BUILDING AT 70 LAGOON ROAD, KNUCKEY LAGOON, NORTHERN TERRITORY

Thank you for referring the abovementioned proposal to the Department of Defence (Defence) for comment. Defence understands that the application is for a retrospective approval for a single dwelling building at 70 Lagoon Road, Lagoon, Northern Territory. The site is approximately 4.7 km east of the runway at RAAF Base Darwin. Defence previously commented on the shed in the same location.

RAAF Base Darwin is of strategic importance and an enduring Defence base, being an operated and controlled airfield in close proximity to Darwin, Northern Territory. Defence is planning for future development of the base, including potential for new capabilities and functions, which may be jeopardised by incompatible development on nearby properties.

Defence has assessed the proposal as presented for any possible impact on the safety of flying operations at RAAF Base Darwin and notes that the site is located in an area affected by noise, bird strike and structure height restrictions. Defence seeks to ensure that the long term viability of RAAF Base Darwin is not compromised by inappropriate development on surrounding land, as this has the potential to impact on Australia's Defence capability. On this basis, Defence would like to make the following comment.

Aircraft Noise

The subject site is located within the 20-25 Australian Noise Exposure Forecast (ANEF) contours of RAAF Base Darwin. Under Australian Standard 2021:2015 residential developments are considered conditionally acceptable in this noise contour zone subject to achieving indoor noise reduction requirements.

Defence acknowledges that the proposal is for an existing residential dwelling and that residential houses are already located within these ANEF contours, however Defence seeks to highlight that the subject site will be subject to high levels of aircraft noise and the proposed development will intensify noise sensitive land use in this area. While Defence is conscious of the noise generated by its activities and makes every effort to minimise community aircraft noise exposure, Defence cannot readily modify its activities due to the intensification of

noise-sensitive developments in close proximity to RAAF Base Darwin. Defence does not accept liability based on aircraft noise.

Notwithstanding the above advice, if DIPL determines that the proposal warrants approval, Defence recommends the dwelling comply with the indoor design sound levels for determination of aircraft noise reduction as outlined in AS2021-2015 Acoustics – Aircraft noise instruction – Building siting and construction.

Should you wish to discuss the content of this advice further, my point of contact is Matt Williams at land.planning@defence.gov.au

Yours sincerely,

Timothy Hogan
Director Land Planning & Regulation
Department of Defence
(02) 5109 7933
Timothy.hogan2@defence.gov.au

25 February 2025

Phone 1800 245 092

Web powerwater.com.au

Record No: D2024/253662

Container No: NE055/3372

Your Ref: PA2024/0145

Lachlan Linkson
Development Assessment Services
GPO Box 1680
Darwin NT 0810

Dear Lachlan

Re: Section 3372 (70) Lagoon Road Knuckey Lagoon Hundred of Bagot

In response to your letter of the above proposal for the purpose of outbuilding (shed) addition to an existing dwelling-single within land in proximity to airports, Power and Water Corporation (PWC) advises the following with reference to electricity enquiries:

1. This property is currently provided with limited capacity of power supply from overhead electricity reticulation on Lagoon Road.
2. The landowner shall engage a licensed electrician to submit a revised overall maximum power demand calculation for both existing residence and new shed on Section 3372 to PWC for assessment on applicable power supply capacity upgrade requirements in accordance with the current Australian Energy Regulator (AER) process.
3. The engaged electrician shall carry out customer's internal electricity reticulation upgrade works for the proposed shed in accordance with PWC's current NP003-Installation Rules, NP007-Service Rules and NP010-Meter Manual.

If you have any further queries, please contact Andrew Venhuizen, Senior Customer Connections Officer on 8924 5700.

Yours sincerely



Thanh Tang
Manager Distribution Development

03 July 2024

Phone 1800 245 092

Web powerwater.com.au

Record No: D2025/68674

Container No: NE055/3372

Your Ref: PA2024/0145 (Readvertising)

Rhiannon Martin
Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Rhiannon

Re: Section 3372 (70) Lagoon Road Knuckey Lagoon Hundred of Bagot

In response to your letter of the above proposal for the purpose of dwelling-single and ancillary outbuilding (shed), within land in proximity to airports, Power and Water Corporation (PWC) advises the following with reference to electricity enquiries:

1. The power servicing requirements as per the previous power response letter record D2024/253662 dated 03 July 2024 remain unchanged.

If you have any further queries, please contact the undersigned on 8924 5729 or email:

PowerDevelopment@powerwater.com.au

Yours sincerely



Thanh Tang
Manager Distribution Development

17 February 2025



Container No: LD055/3372

DIPL - Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Lachlan,

RE: PA2024/0145 - Section 3372 Hundred of Bagot - 70 Lagoon Road Knuckey Lagoon - Outbuilding (shed) addition

In response to the above proposal for development application purposes, Power and Water Corporation (Water Services) advise the following with reference to water and sewer enquiries:

1. Reticulated sewer services are currently unavailable in the area. The developer must contact relevant authorities to discuss servicing requirements for the proposed development.
2. Full lot fire coverage cannot be achieved from existing hydrants. Internal firefighting arrangements must be made to the satisfaction of NT Fire and Rescue Service. PWC recommends that the developers' hydraulic consultant confirm internal firefighting requirements with PWC prior to the development, so that flow capability can be adequately assessed.
3. Power and Water have no objections or requirements for the proposed outbuilding shed addition.

If you have any further queries, please contact the undersigned on 8995 5884, or email waterdevelopment@powerwater.com.au

Yours sincerely,

L. Gale

Louise Gale

Services Development

8th July 2024

cc: Lucy Reilly – Developing the North Pty Ltd

email: Lucy@dtm.net.au