

**DEVELOPMENT CONSENT AUTHORITY
LITCHFIELD DIVISION**

NORTHERN TERRITORY PLANNING SCHEME 2020

AGENDA ITEM: **2** **MEETING DATE:** 13/12/2024 **FILE:** PA2024/0289

APPLICATION: Outbuilding (shed/carport) addition to an existing dwelling-single with a reduced building setback to the rear boundary.
APPLICANT/CONTACT: Mrs Elizabeth Ashton from Tick of Approval Pty Ltd.
LAND OWNER: Shane Hagar and Fiona Donovan.
BENEFICIARY: Shane Hagar and Fiona Donovan.
LOCATION: Section 5049 (10) Scholes Road, Hundred of Strangways
(Bookmark A)
ZONE: RR (Rural Residential)
AREA: 10,000m²

1. PROPOSAL

The application is for an outbuilding (shed/carport) addition to an existing dwelling-single with a reduced building setback to the rear boundary. The 10,000m² lot is in Zone RR (Rural Residential) of the Northern Territory Planning Scheme 2020 (NTPS2020).

The application was submitted by Elizabeth Ashton from Tick of Approval Pty Ltd on behalf of Mr Shane Hagar and Fiona Donovan, the landowners.

The application is required as the shed is located 5m from the rear boundary, which is within the minimum side setback requirement of 10m.

A copy of the application is at **Bookmark B**.

2. REASON FOR APPLICATION AND LEVEL OF ASSESSMENT

The application is Merit Assessable under Clause 1.8(1)(b)(ii)(2) of the Northern Territory Planning Scheme 2020 (NTPS2020). While the use of an outbuilding (shed/carport), that is ancillary to a dwelling-single is usually a permitted use in the zone, a variation is required to clause 5.4.3 (Building Setbacks for residential buildings and ancillary structures) as the shed does not comply with the setback requirements.

Zone RR (Rural Residential)			
Use	Assessment Category	Overlays	General and Specific Development Requirements
Outbuilding (shed/carport) addition ancillary to dwelling-single with reduced boundary setback.	Merit Assessable	CNV – Clearing of Native Vegetation	5.4.3 Building Setbacks for residential buildings and ancillary structures

The exercise of discretion by the consent authority that applies is clause 1.10(2) of the NTPS2020. In considering an application for consent for a use or development that has become Merit Assessable under Clause 1.8(1)(b)(ii)(2), the consent authority must consider the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements.

3. ASSESSMENT SYNOPSIS

This report concludes that the Authority should vary the requirements of clause 5.4.3 (Building setbacks for residential buildings and ancillary structures) of the NT Planning Scheme 2020 and approve the application subject to conditions on the development permit.

4. BACKGROUND

The site has no relevant planning history.

5. PUBLIC EXHIBITION

The development was subject to exhibition pursuant to Section 47B(1)(b) of the *Planning Act 1999* as the proposed development did not comply with the setback requirements to one boundary. The application was referred to the owners of surrounding lots (Section 5048, 5050, 5051, 5052, 5053, 5062, 5063, 5064, Hundred of Strangways) for comment for a period of two weeks. One submission was received under section 49(1) of the *Planning Act 1999*.

The submission is summarised and addressed in section 7(e) of this report.

6. THIRD PARTY APPEAL RIGHTS

Third party appeal rights exist under section 117 of the *Planning Act 1999* in respect to the development proposal as a submission under section 49, in relation to this development application, was received; and the development is adjacent to land in a residential zone.

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

Pursuant to Section 51(1) of the *Planning Act 1999*, 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 against the Northern Territory Planning Scheme 2020 (NTPS 2020) and does not comply with clause 5.4.3 (Building Setbacks for residential buildings and ancillary structures) as the shed does not comply with the setback requirements (**Bookmark C**).

Clause 5.4.3 (Building Setbacks for residential buildings and ancillary structures)

Item 2

The purpose of this clause is to 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) Facilities breeze penetration through and between buildings.

In accordance with sub-clause 6 and Table D to clause 5.4.3, building setbacks of residential buildings and ancillary structure are to be setback 10m from side and rear lot boundaries in zone RR (Rural Residential).

The shed is proposed to be 5.0m from the rear boundary and does not comply.

In accordance with sub-clause 3, the consent authority may consent to a development that is not in accordance with sub-clause 6 if it is satisfied that the reduced setback is consistent with the purpose of the clause and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.

In consideration of the purpose of the clause the following is noted:

- The shed is located to the rear of the lot and is screened from the Scholes Road frontage by the existing dwelling and native vegetation. No significant impact on the streetscape is anticipated.
- The siting of the shed allows for the movement of vehicles between the shed and the dwelling.
- Aerial images (Google 2022) illustrates that there are a range of setbacks within the locality. (**Attachment E**).
- Dwellings on adjoining land are approximately 60m from the shed site.
- The size of the shed is consistent with similar forms of development in zone RR (Rural Residential).
- The potential for overlooking of adjoining properties to the southern boundary is minimised by the enclosed nature of the shed and the extensive areas of native vegetation on that land.
- The siting of the building relative to other structures on the land allows for breeze penetration.

The proposed development is consistent with the purpose of the Clause 5.4.3 (Building setbacks of residential buildings and ancillary structures).

Further to the above it is noted that if the lot size was 1m² less in area the development would have been permitted, indicating that the development was consistent with the purpose of the clause.

(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 Northern Territory Planning Scheme 2020 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

One public submission was received during the exhibition period under Section 49 of the *Planning Act 1999* with respect to the proposal. The submission is summarised as followed:

Submitter (Bookmark F)

In summary the submitter raised the following matters:

- Concerns that the shed may be used for other residential purposes or to accommodate a Home Based Business.
- The visual impact on adjoining lots due to the 5m boundary setback.
- 3m firebreaks are required on the rear lot boundary.
- There are no large trees or vegetation to reduce any visual impact.
- There is a drainage easement on the lot to the rear.
- There should be no adverse stormwater impact from the proposed development and recommends that the structure be provided with gutters and that the applicants provide a stormwater management plan.

Development Assessment Services advises:

- The application seeks to establish an ancillary use to the dwelling-single for domestic storage purposes. Any change to the use of the building will be subject to a separate assessment.
- There is a registered drainage easement that has been established and illustrated on survey plan LTO2007/084 (**Attachment G**). The drainage easement is 10m wide and runs along the rear boundary of lot 5063 and 5062 to Millar Road. The easement is in favour of the Litchfield Council.
- The Council have requested that a stormwater management plan be prepared demonstrating the on-site collection and disposal of stormwater. It is recommended that this condition be attached to a permit should it be granted. (**Bookmark D1**).

In accordance with clause 1.10(6) (Exercise of Discretion by the Consent Authority), the consent authority may impose a condition requiring a higher standard of development than is set out in Parts 3, 5, or 6 of the NTPS2020 if it is necessary to achieve the strategic framework, purpose of an overlay or zone, or if the consent authority considers it necessary to do so.

(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 submits that the proposal has the following merits:

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.

(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

No land capability concerns have been identified. The land can support the proposed development.

(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

There is no requirement for the provision of public facilities or open space as part of the proposed development.

(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 service authorities for comment. Summaries of comments received are below:

Litchfield Council (Council) – Bookmark D1

The Council supports the proposal for the following reasons:

- The reduced setback is in keeping with neighbouring properties within the locality and does not pose any impact on neighbouring properties.
- The lot size of 1ha only just triggers the increased setback requirement that would otherwise have been permitted.

The Council requests the following conditions:

- Condition precedent for stormwater management.
- Stormwater to the requirements of Council.
- No obstructions impacting sightlines at the crossover.
- Development adjacent to easement in favour of Council.

Power Networks – Bookmark D2

Power Networks advise the following:

- Any electrical installation to be in accordance with PWC requirements.

Water Services – Bookmark D3

Water Services advise the following:

- The are no reticulated sewer service available.
- No objections or requirements for the proposed shed.

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

The location of the proposed development will not significantly impact on the existing and future amenity of the locality.

(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***

The proposed development will not impact on the public interest.

(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;*

No subdivision or consolidation of land is proposed. Not Applicable.

(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)*

No subdivision of land is proposed. Not Applicable.

(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.

(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 apply to the subject land for Elizabeth Howard Rivers Region Groundwater:

- The protection of environment, agriculture, public water supply and rural stock and domestic

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 proposed development does not require the preparation of any environmental reports or impact statements under the *Environmental Protection Act 2019*.

8. RECOMMENDATION

That, the Development Consent Authority vary the requirements of Clause 5.4.3 (Building setbacks for residential buildings and ancillary structures) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Section 5049 (10) Scholes Road, Hundred of Strangways for the purpose of outbuilding (shed/carport) addition to an existing dwelling-single with a reduced building setback to the rear boundary, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Litchfield Council stormwater drainage system shall be submitted to and approved by Litchfield Council, to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

Please refer to notations 1 for further information.

4. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Litchfield Council, to the satisfaction of the consent authority.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
6. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street, in accordance with the requirements of the Litchfield Council, to the satisfaction of the consent authority.

Notes

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.
3. Litchfield Council's current Fees and Charges may apply to the above conditions. Additional information can be found at www.litchfield.nt.gov.au.
4. A "Works Permit" may be required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Council's road network.

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 Northern Territory Planning Scheme 2020 applies to the land and outbuilding (shed/carport) addition to an existing dwelling-single with a reduced building setback to the rear boundary requires consent under Clause 1.8 (When development consent is required). It is identified as Merit Assessable under Clause 1.8(1)(b)(ii); therefore, only Part 5, Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), needs to be considered.

This clause has been considered and it is found that the proposal does not comply with the required boundary setback of 10m. The proposed setback is only 5m from the rear property boundary.

Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), sub-clause 2, of the Northern Territory Planning Scheme 2020, in considering an application for consent for a use or development that has become Merit Assessable under Clause 1.8(1)(b)(ii)(2), the consent authority must consider the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements.

5.4.3 – Building Setbacks of Residential Buildings and Ancillary Structures

The purpose of this clause is to 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.

The proposal is not consistent with subclause 6, which requires a setback to the rear boundary of 10m within Zone RR (Rural Residential). The outbuilding (shed/carport) is located 5m from the rear boundary.

The consent authority may consent to development that is not in accordance with subclause 6 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.

The consent authority considered that the development of an outbuilding (shed/carport) addition to an existing dwelling-single with a reduced building setback to the rear boundary, is consistent with the purpose of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) for the following reasons;

- The development will not impact on the streetscape and the siting of the outbuildings is compatible with the location of the existing dwelling on the land.
 - The location of the development minuses the potential for adverse impacts when viewed from adjoining land.
 - Avoids undue overlooking of adjoining properties and
 - The siting of the outbuildings and other structures on the land will facilitate breeze penetration.
2. Pursuant to section 51(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.

One submission was received during the exhibition period under Section 49 of the *Planning Act 1999*. Concerns were raised in regard to the use, size, visual amenity and stormwater drainage.

In consideration of the concerns raised by the submitter the consent authority noted the following.

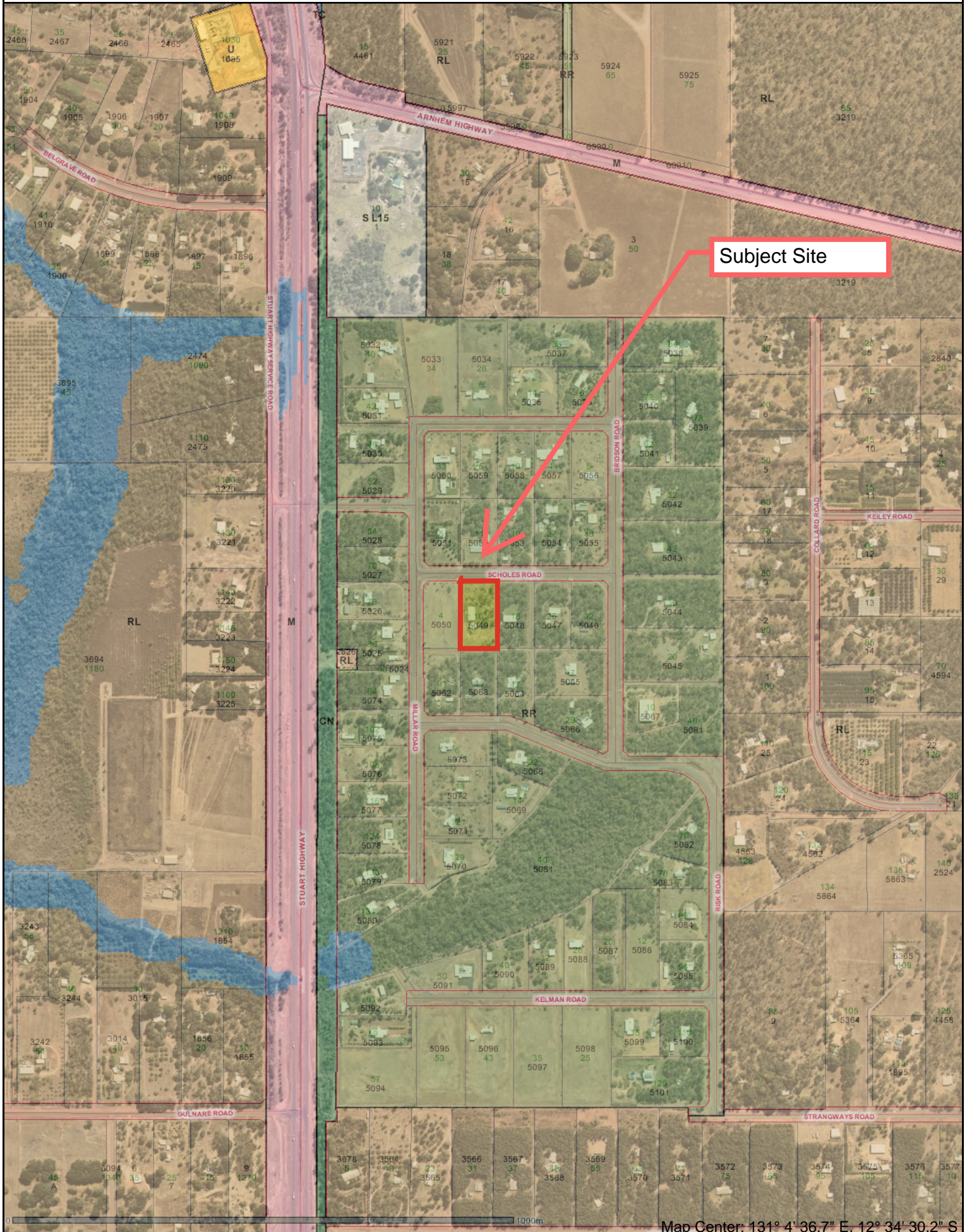
- The use of outbuildings for purposes ancillary to a dwelling-single on the land is consistent with the purpose of the zone.
- The siting of the outbuildings minuses the potential to impact on the amenity of the locality.
- In consideration of the comments of the submitter and the Council, conditions have been placed on the permit requiring the applicants to demonstrate that stormwater is appropriately managed.



AUTHORISED:

.....
BEN WOLLINSKI
PLANNING OFFICER
DEVELOPMENT ASSESSMENT SERVICES

Locality Map



Subject Site

Map Center: 131° 4' 36.7" E, 12° 34' 30.2" S

Created by BWOLL

Bottom Left: -12° 34' 49", 131° 04' 04" Top Right: -12° 34' 10", 131° 05' 08" Approximate Scale: 1:9,700 Datum: GDA 1994

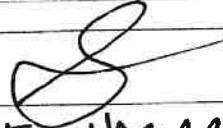
Data for information purposes only - accuracy not guaranteed


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)	Tick of Approval Pty Ltd	
Contact number:	Ph: 8947 2465	Mob:
to lodge a development application under the Planning Act 1999 over the property described as:		
LOT/ NT PORTION:	5049	
LOCATION/TOWN	HUMPTY DOO (Hundred of Strangways)	
STREET ADDRESS:	10 SCHOLES ROAD	
PROPOSED DEVELOPMENT:	Shed	

OWNER'S SIGNATURE:		
FULL NAME: (please print)	SHANE HAGAR	
TITLE: (ie. company director/secretary)	NA	
COMPANY NAME:	NA	
Contact number:	Ph: 0427697236	Mob:
DATE:	19.09.2024	

OWNER'S SIGNATURE:		
FULL NAME: (please print)	FIONA DONOVAN.	
TITLE: (ie. company director/secretary)	NA	
COMPANY NAME:	NA	
Contact number:	Ph: 0429799184	Mob:
DATE:	19.09.2024	

Our Ref: 24322

Date: 23/09/2024

Development Assessment Services

GPO Box 1680
Darwin, NT 0801

Re: Statement of Effect for Lot 5049, (10) Scholes Road, Humpty Doo

1. INTRODUCTION

This statement of effect has been prepared to support a development application for a new shed at Lot 5049, (10) Scholes Road, Humpty Doo. The proposed development application is being made because the shed will have a reduced rear setback. The allotment is zoned RR (Rural Residential) and under the NT Planning Scheme 2020 the proposed shed is considered ancillary to the existing use.

The proposed shed will predominantly be used for storage of personal belongings and complies with the zone purpose / outcomes. The zone purpose for Rural Residential is to provide residential lots with a semi-rural character that cater for a range of lifestyle choices and semi-rural activities. The main zone outcome for rural residential is dwelling-single with a semi-rural setting. As demonstrated on the site plan attached the allotment has a single-dwelling on it and the proposed shed will be ancillary to the single dwelling. The proposed shed will support the rural lifestyle by providing much needed storage facilities and weather protection.

2. SITE & LOCALITY

The site Lot 5049, (10) Scholes Road, Humpty Doo is being used for rural living and has a total area of 1 hectare.





ACN: 167 721 520 ABN:77 167 721 520
P.O Box 37903, Winnellie NT 0821
Ph: 08 8947 2465 Fax: 08 8918 8008
info@tickofapproval.com.au

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 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 building. The proposed shed will have no impact on the stormwater drainage or the receiving environment. Only a small portion of vegetation is required to be removed for the proposed shed 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 residential allotments.

The allotment has a single overlay on it and is listed below.

3.2 CNV – Clearing of Native Vegetation:

Only a small portion of vegetation is required to be removed for the proposed shed to be constructed. As demonstrated on the site plan attached there is significant vegetation remaining on the allotment and neighbouring properties that provides adequate screening.

3. PROPOSED DEVELOPMENT

Our client is looking to construct a new shed at Lot 5049, (10) Scholes Road, Humpty Doo. The proposed shed is ancillary to the existing use and will be predominantly used for storage of the owner's personal equipment. The proposed shed has a total floor area of 312m² and 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. With the exception of the reduced rear setback the proposal is compliant with all remaining clauses of the NT Planning Scheme, 2020.



ACN: 167 721 520 ABN:77 167 721 520
P.O Box 37903, Winnellie NT 0821
Ph: 08 8947 2465 Fax: 08 8918 8008
info@tickofapproval.com.au

4. SECTION 46 (3) (A) OF THE NTPS – NT PLANNING SCHEME

The Development is subject to the following specific provisions of the NT Planning Scheme;

General Development Requirements

5.2.1 – General Height Control: The proposed shed will measure 6.246m 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 all zoned RR (Rural Residential) therefore this clause is not applicable.

Specific Development Requirements

5.4.1 – Residential Density Limitations

There is currently 1 single dwelling located on this lot in accordance with the NT Planning Scheme. No further single dwellings are proposed in this development.

5.4.3 – Building Setbacks of Residential Buildings and Ancillary Structures:

As nominated on the site plan attached the proposed shed will be setback 5m from the rear boundary (Southern Boundary). The remaining boundary setbacks are all greater than 10m as required under the NT Planning Scheme.

5.4.6 – Private Open Space – The existing dwelling has sufficient private open space. No further private open space is required as part of this application.



ACN: 167 721 520 ABN:77 167 721 520
P.O Box 37903, Winnellie NT 0821
Ph: 08 8947 2465 Fax: 08 8918 8008
info@tickofapproval.com.au

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

5.1 46 (3)(b) – Interim Development Control Orders

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

5.2 46 (3)(c) - Refer to the NT EPA

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

5.3 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.

5.4 46 (3)(e) - Suitability of Land for Development and Impacts of Development

The proposed shed 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.

5.5 46(3)(f) – Available Public Facilities and Public Open Spaces

Public facilities within the surrounding area may include CDU Spiritual Club, The Didgeridoo Hut / Art Gallery & Matt Wright Heili Pub Crawl. No further public facilities or public open space is being proposed as part of this application.

5.6 46 (3)(g) – Available Public Utilities / Infrastructure

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



ACN: 167 721 520 ABN:77 167 721 520
P.O Box 37903, Winnellie NT 0821
Ph: 08 8947 2465 Fax: 08 8918 8008
info@tickofapproval.com.au

5.7 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.

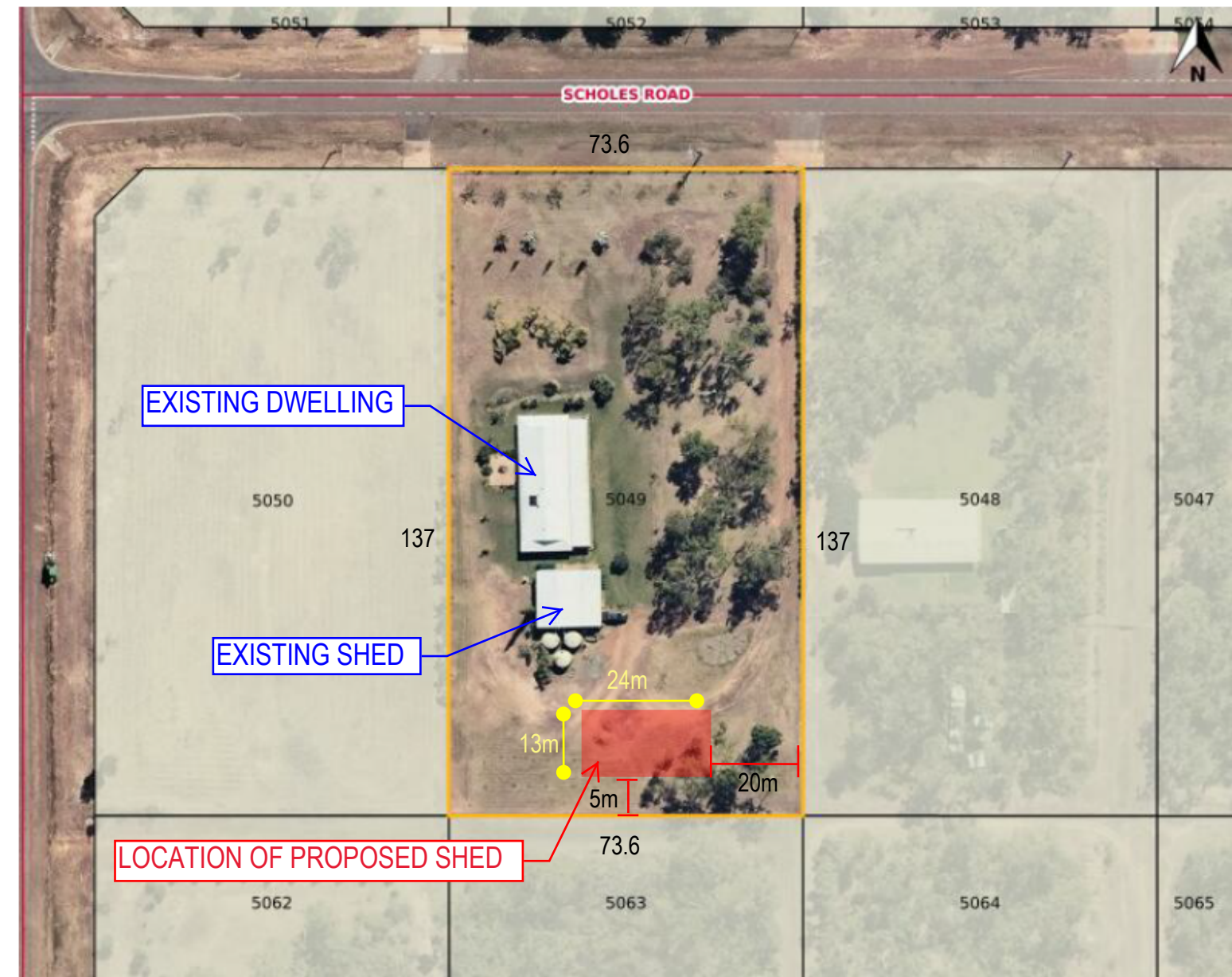
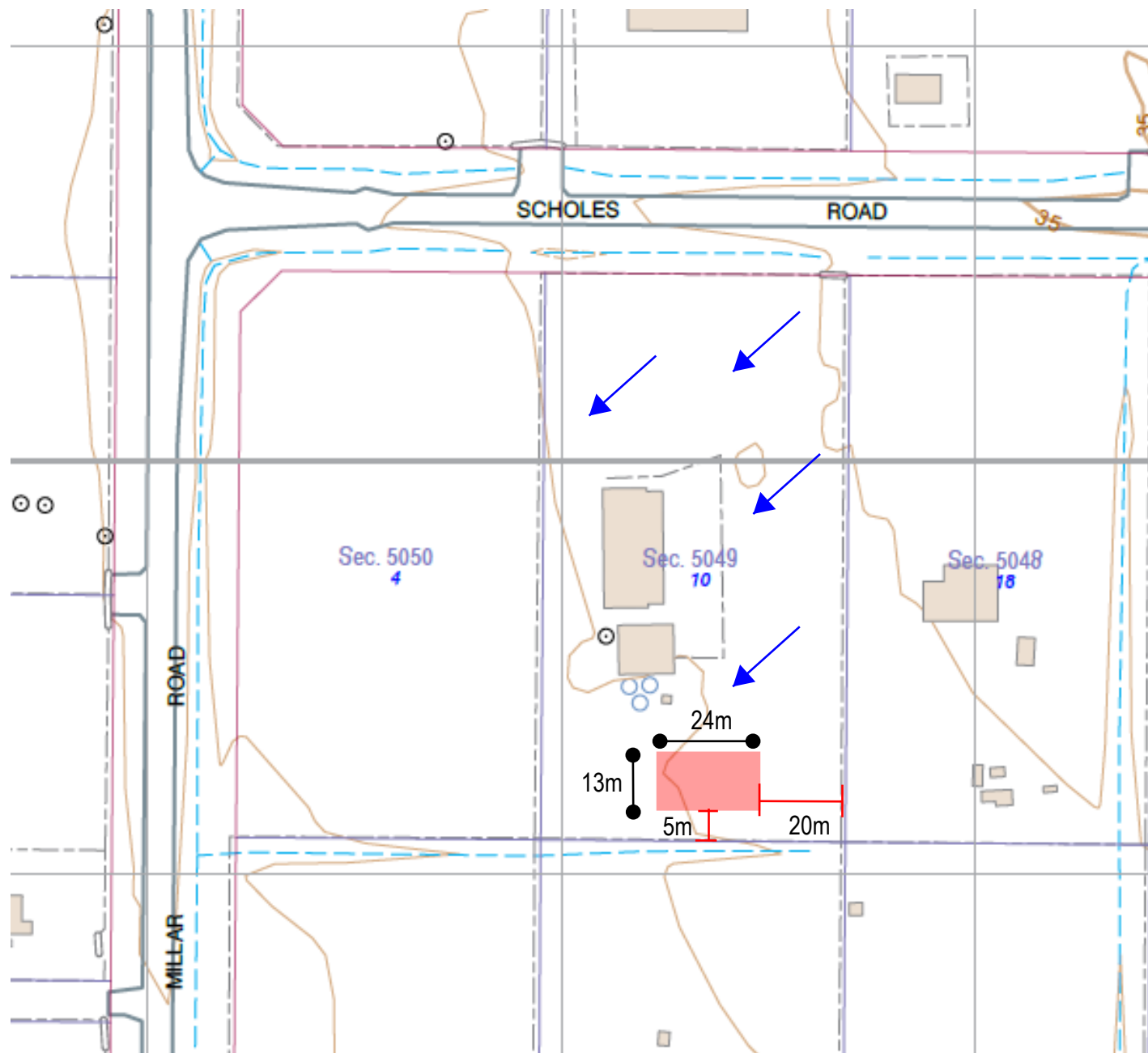
5.8 46 (3)(i) – Benefits or Detriments to the Public Interest

The proposed development will have no detriment on the public's interest. The construction of the proposed shed will 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 residential living.

Closing:

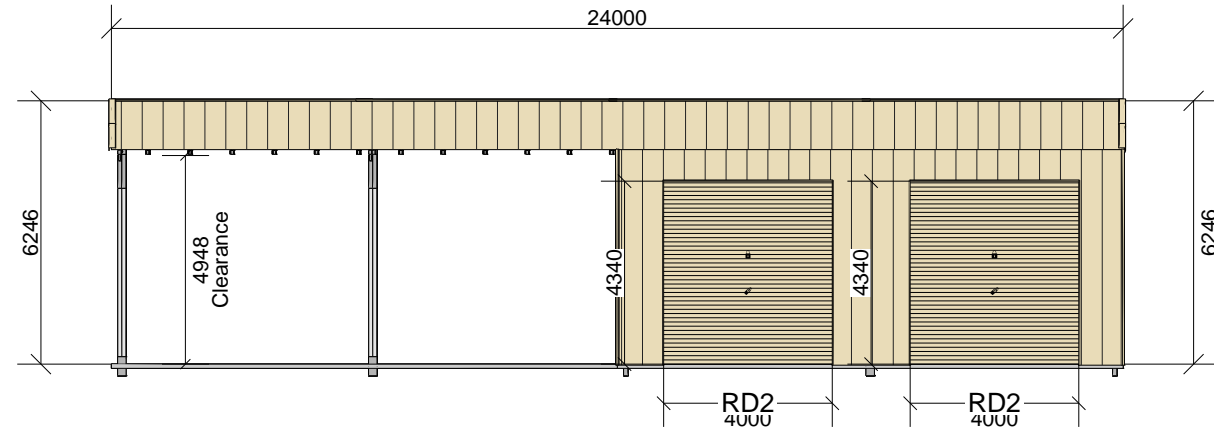
I hope you find this application favourably and should you wish to discuss further or require additional information please don't hesitate to contact myself.

Kind Regards
Scott Reilly
Tick of Approval

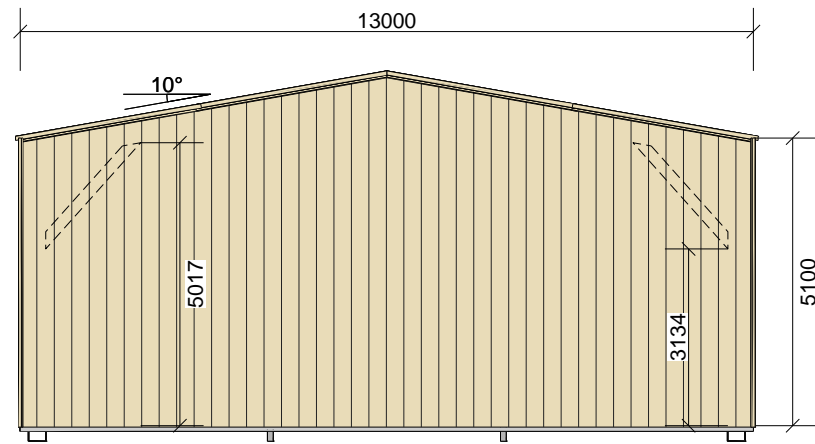


SITE PLAN: NOT TO SCALE

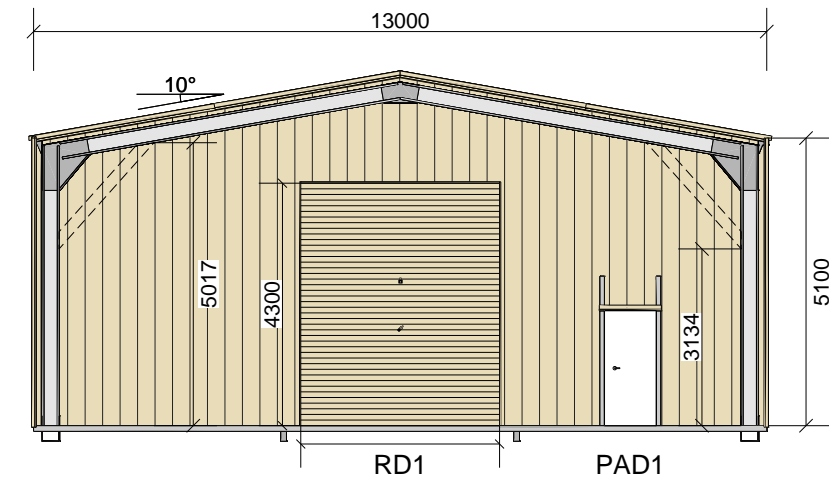
OPENING SCHEDULE	
Code	Stock
PAD1	PA650.37W
RD1	3525mm x 4300mm
RD2	4000mm x 4340mm



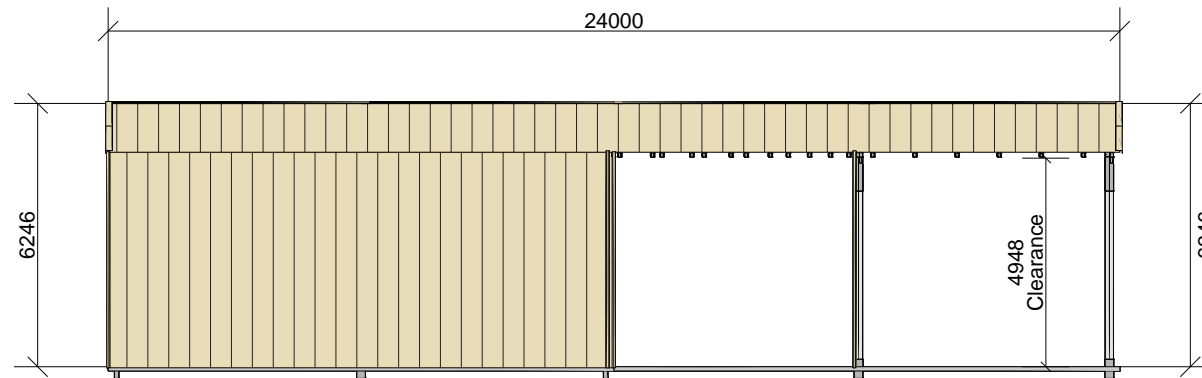
NORTHERN SIDE



WESTERN SIDE



EASTERN SIDE



SOUTHERN SIDE

Elevation w/cladding



Katherine Sheds and Garages
 476 Zimin Dr, Katherine NT 0850
 ABN: 67 399 553 503
 QBCC Lic:
 PH: 08 8971 0000
 E: sales@katherineshedsandgarages.com.au

Project No: **J824-P3630**
 Customer: **Shane Hagar**
 PH:
 MOB:

Site: **10 Scholes Rd, Humpty Doo NT 0836**
 LOT: RP/SP:
 Quote Name: **Enclosed Shed & 13m x 12m Open Area**
 Drawing Set: **CLADELEV1**

Region: **C**
 Terrain Cat: **2.1**
 ULT Wind Speed: **51.14**
 Servicability: **35.8**

Date: **23/09/2024**
 Sheet
21 / 21

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

Application No: PA2024/0289

Lot number: Section 5049 (10) Scholes Rd

Town/Hundred: Hundred of Strangways

Zone: RR (Rural Residential)

Site Area: 10000m²

Proposal: Outbuilding (shed) addition to an existing dwelling-single with a reduced building setback to the rear boundary

Plans used for assessment: Attachment B

Date assessment finalised: 29 October 2024

The proposed development requires consent under the Northern Territory Planning Scheme 2020 as described in the below table:

Zone RL (Rural Living)			
Use	Assessment Category	Overlays	General and Specific Development Requirements
Dwelling-Single	Merit Assessable	CNV – Clearing of Native Vegetation	5.4.3 Building Setbacks for residential buildings and ancillary structures

An application is required because the shed is within the minimum rear setback requirements.

Clause 1.8(1)(b)(ii)

(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:
 - 2) Does not comply with the relevant development requirements set out in Part 5.

Clause 1.10 Exercise of Discretion by the Consent Authority

2. In considering an application for *consent* for a use or development that has become *Merit Assessable* under Clause 1.8(1)(b)(ii)(2), the consent authority must consider the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements.

This is a technical assessment of the proposal against the requirements of the Northern Territory Planning Scheme 2020 (NTPS2020) and is no indication of whether or not approval will be given by the consent authority.

Part 3 - Overlays

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.

Requirements

5. The **clearing of native vegetation** is to:
 - (a) avoid impacts on environmentally significant or sensitive vegetation;
 - (b) be based on land capability and suitability for the intended use;
 - (c) avoid impacts on drainage areas, wetlands and waterways;
 - (d) avoid habitat fragmentation and impacts on native wildlife corridors; and
 - (e) avoid impacts on highly erodible soils.

6. An application for the **clearing of native vegetation** is to demonstrate consideration of the following:
 - (a) the *Land Clearing Guidelines* (as amended from time to time) by the agency responsible for natural resources and the environment;
 - (b) the presence of threatened wildlife as declared under the *Territory Parks and Wildlife Conservation Act 1976*;
 - (c) the presence of sensitive or significant vegetation communities such as rainforest, vine thicket, closed forest or riparian vegetation;
 - (d) the presence of essential habitats, within the meaning of the *Territory Parks and Wildlife Conservation Act 1976*;
 - (e) the impact of the clearing on regional biodiversity;
 - (f) whether the clearing is necessary for the intended use;
 - (g) whether there is sufficient water for the intended use;
 - (h) whether the soils are suitable for the intended use;
 - (i) whether the slope is suitable for the intended use;
 - (j) the presence of permanent and seasonal water features such as billabongs and swamps;
 - (k) the retention of **native vegetation** adjacent to waterways, wetlands and rainforests;
 - (l) the retention of **native vegetation** buffers along boundaries;
 - (m) the retention of **native vegetation** corridors between remnant **native vegetation**;
 - (n) the presence of declared **heritage places** or archaeological **sites** within the meaning of the *Heritage Act 2011*; and
 - (o) the presence of any sacred **sites** within the meaning of the *NT Aboriginal Sacred Sites Act 1989*.

In accordance with subclause 1, there is no proposed clearing of vegetation and therefore this overlay is not applicable.

Not Applicable

Part 5 - Specific Development Requirements

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-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.

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 requirement for planning approval is due to the non-compliance related to the construction of the proposed outbuilding / shed. As such, only this specific clause related to the shed is assessed in accordance with 1.10(2).

The minimum setback from the side and rear boundary is 10m, the shed is proposed to be 5.0m from the rear boundary.

The roof structure does not encroach more than 0.9m in to the building setback.

Does Not Comply



5 November 2024

Development Assessment Services
Department of Lands, Planning and Environment
GPO Box 1680
Darwin NT 0801

RE: Letter of Comment Development Application

PA2024/0289

**Hun: 695 P: 05049 10 Scholes Road HUMPTY DOO, Hundred of Strangways
Proposed Shed**

Thank you for the Development Application referred to this office on 25/10/2024, 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 reduced setback is in keeping with neighbouring properties within the locality and does not pose any impact on neighbouring properties
- b) It is also noted that the property size only slightly goes over the 1Ha requirement where a reduced setback would be permitted under the *Planning Scheme 2020* as per Table D to Clause 5.4.3 Minimum building setbacks for residential buildings and ancillary structures in zones RR, RL, R,H and A

Should the application be approved, the Council requests the following condition(s) be included as Condition(s) Precedent in any Development Permit issued by the consent authority:

- a) Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into Litchfield Council's stormwater drainage system shall be submitted to and approved by Litchfield Council.

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) No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and public street, to the satisfaction of Litchfield Council.
- c) 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 31.

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 & Development Program Leader

Phone 1800 245 092

Web powerwater.com.au

Record No: D2024/411844

Container No: NE695/5049

Your Ref: PA2024/0289

Ben Wollinski
Development Assessment Services
GPO Box 1680
Darwin NT 0810

Dear Ben

Re: Section 5049 (10) Scholes Road Humpty Doo Hundred of Strangways

In response to your letter of the above proposal for the purpose of outbuilding shed addition to an existing dwelling-single with a reduced building setback to the rear boundary, Power and Water Corporation (PWC) advises the following with reference to electricity enquiries:

1. If there is any applicable electrical installation to be carried out for the outbuilding shed, the landowner shall engage a licensed electrician to install it in accordance with PWC's current NPO18 Service and Installation Rules.

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

Yours sincerely



Thanh Tang
Manager Distribution Development

31 October 2024



Container No: LD695/5049

DLPE - Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Ben,

RE: PA2024/0289 - Section 5049 Hundred of Strangways - 10 Scholes Road Humpty Doo - Proposed Shed

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. Power and Water have no objections or requirements for the proposed shed addition.

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

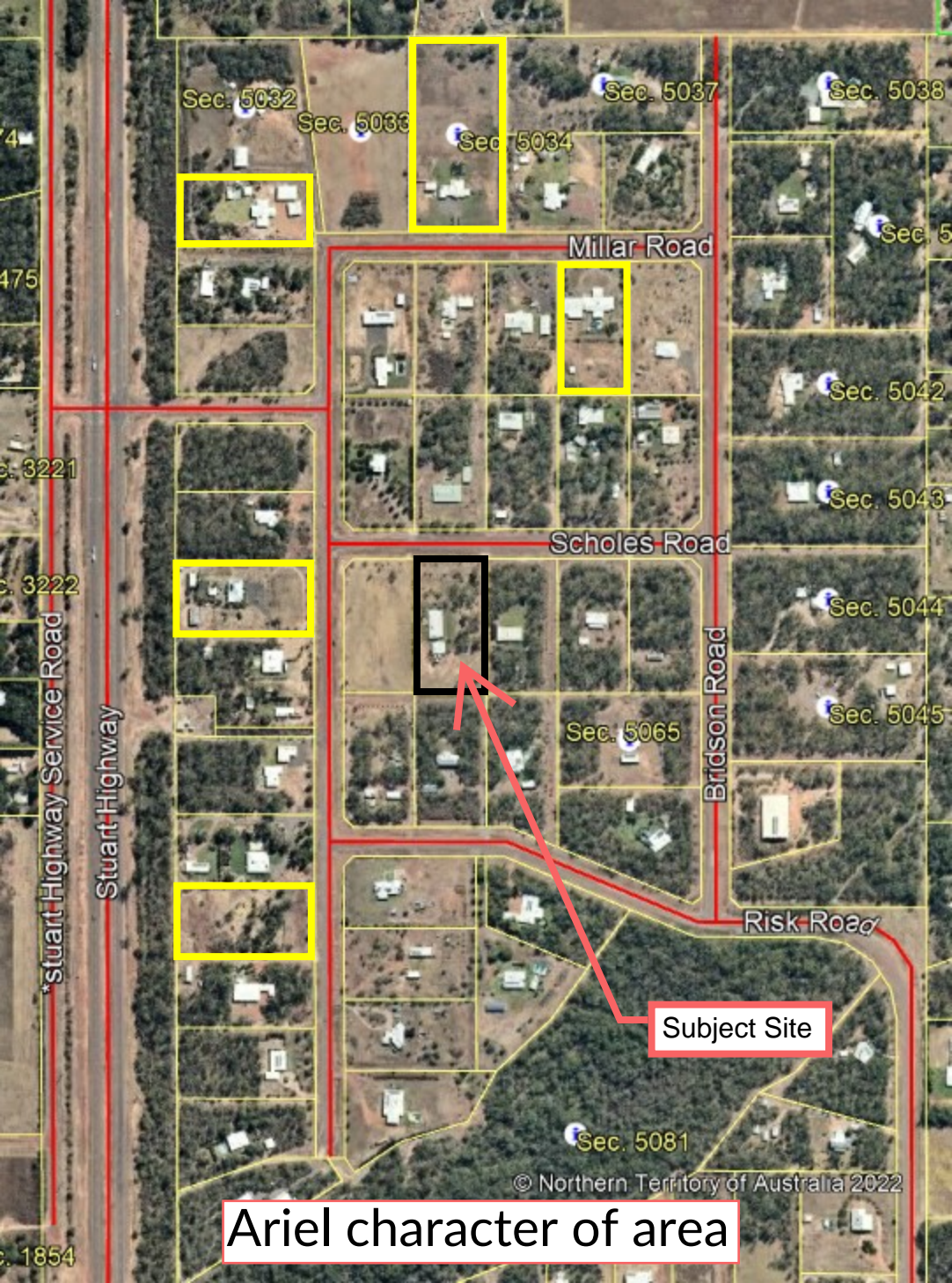
Yours sincerely,

A handwritten signature in cursive script that reads "L Leyson".

Louise Leyson
Services Development

7th November 2024

cc: Elizabeth Ashton – Tick of Approval
email: info@tickofapproval.com.au



Sec. 5032

Sec. 5033

Sec. 5034

Sec. 5037

Sec. 5038

Sec. 5041

Sec. 5042

Sec. 5043

Sec. 5044

Sec. 5045

Millar Road

Scholes Road

Bridson Road

Risk Road

Sec. 5065

Sec. 5081

Subject Site

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Ariel character of area

*Stuart Highway Service Road

Stuart Highway

4

475


s. 3221

s. 3222

s. 1854


Sec. 5057

11 Millar Road -
Structure
approximately 5-6m
from side boundary



26 Millar Road -
Storage container
approximately 5-6m
from side boundary

ec. 5034


An aerial photograph of a rural property. The terrain is a mix of brownish soil and patches of green vegetation. A white text box with a red border is positioned in the upper left quadrant. A yellow location marker with the text 'Sec. 5076' is placed in the center-right area. The entire image is framed by a thin yellow border.

108 Millar Road -
Storage containers
approximately 4m
from rear boundary

Sec. 5076

78 Millar Road -
Storage containers
along rear and side
boundary

Sub 5026



42 Millar Road -
Structure
approximately 3m
from side boundary

See 5081

4 November 2024
Via Email: das.ntg@nt.gov.au

Dear Sir/Madam

I refer to your correspondence of 21 October 2024 Notification of Application – Section 49 of the Planning Act 1999) with respect to Section 05049 Jundred of Strangways (10 Scholes Road) for a proposed shed.

I make the following submission/comments and observations for your consideration [REDACTED]. I note that the reason for this application arises as a result of the request for a boundary setback to the rear of the lot and that the height of the proposed shed will not contravene planning requirements.

1. Compatibility and Use

The zone for the lot in accordance with the NT Planning Scheme (NTPS) is zoned RR (Rural Residential). In accordance with 5.4.3 of the NTPS ‘*Building Setbacks of Residential Buildings and Ancillary Structures*’ structures are to be located in a manner that is compatible with the streetscape and surrounding development; minimise adverse effects of building massing when viewed from the adjoining land and the street, amongst other things.

The correspondence provided advises the shed is 312m² in size and will be used for the storage of ‘personal belongings. The application goes further to state that the key objective of the application is to ‘*broaden the available residential options in the region and the proposal supports the objective by enhancing rural living*’.

Given the size of the shed and the use/s in the application - it is ambiguous as to whether this shed will be used for other purposes such as rural residential options into the future – and/or home-based business. I make no comment here on the NTPS requirements for the shed to be used as a second residential dwelling or a home-based business – but note that there are planning laws that would require consideration, adherence and approval.

The sheer size of the shed will have a visual impact particularly at the requested 5m boundary set back on a 1 Hectare lot. It is a legislative requirement that 3m firebreaks be provided on the rear lot boundary. If the setback is approved at 5 metres, this will only allow for a 2 metre strip of potential native vegetation along that boundary adjoining the proposed shed. The vegetation on the lot at best is described as native ‘scrubby’ bush. I note there are no large trees or vegetation at the rear of the lot that would assist to reduce any visual impact.

It is noted that the size of the shed is comparable in size to the existing dwelling located on the property based on the plans provided.

2. Boundary Setback

The application seeks a boundary setback from the rear of the allotment to 5 metres. The NTPS requires that the rear lot boundaries have a minimum setback 10m or 5m for lots less than 1 HA in zones RR.

The setback sought is to site the shed 5m from the adjoining rear boundary.

I draw to your attention a formal drainage easement [REDACTED] adjoining this rear boundary. There should be no adverse stormwater impact [REDACTED] as a result of any run-off from the proposed shed. This may require the shed to be appropriately fitted with gutters and an adequate storm water management plan approved by the relevant authority.

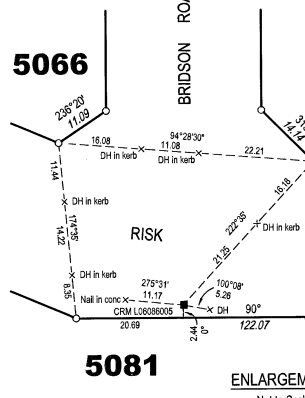
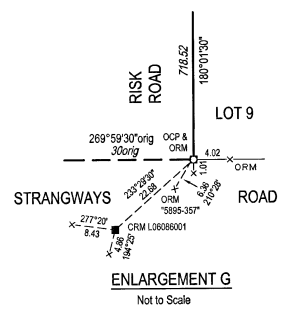
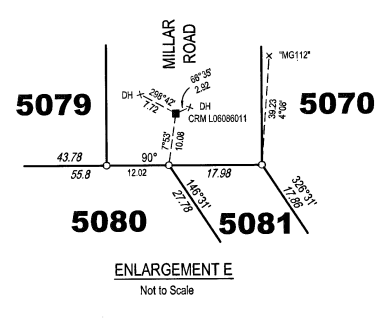
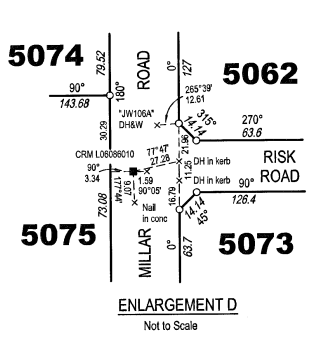
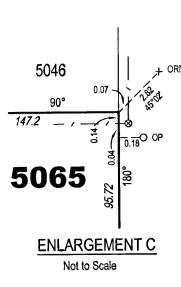
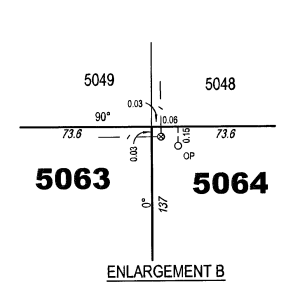
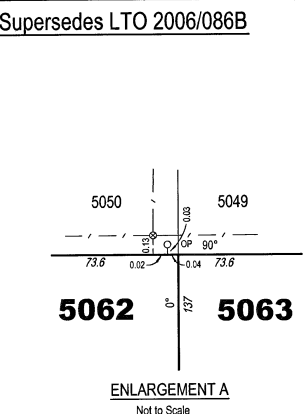
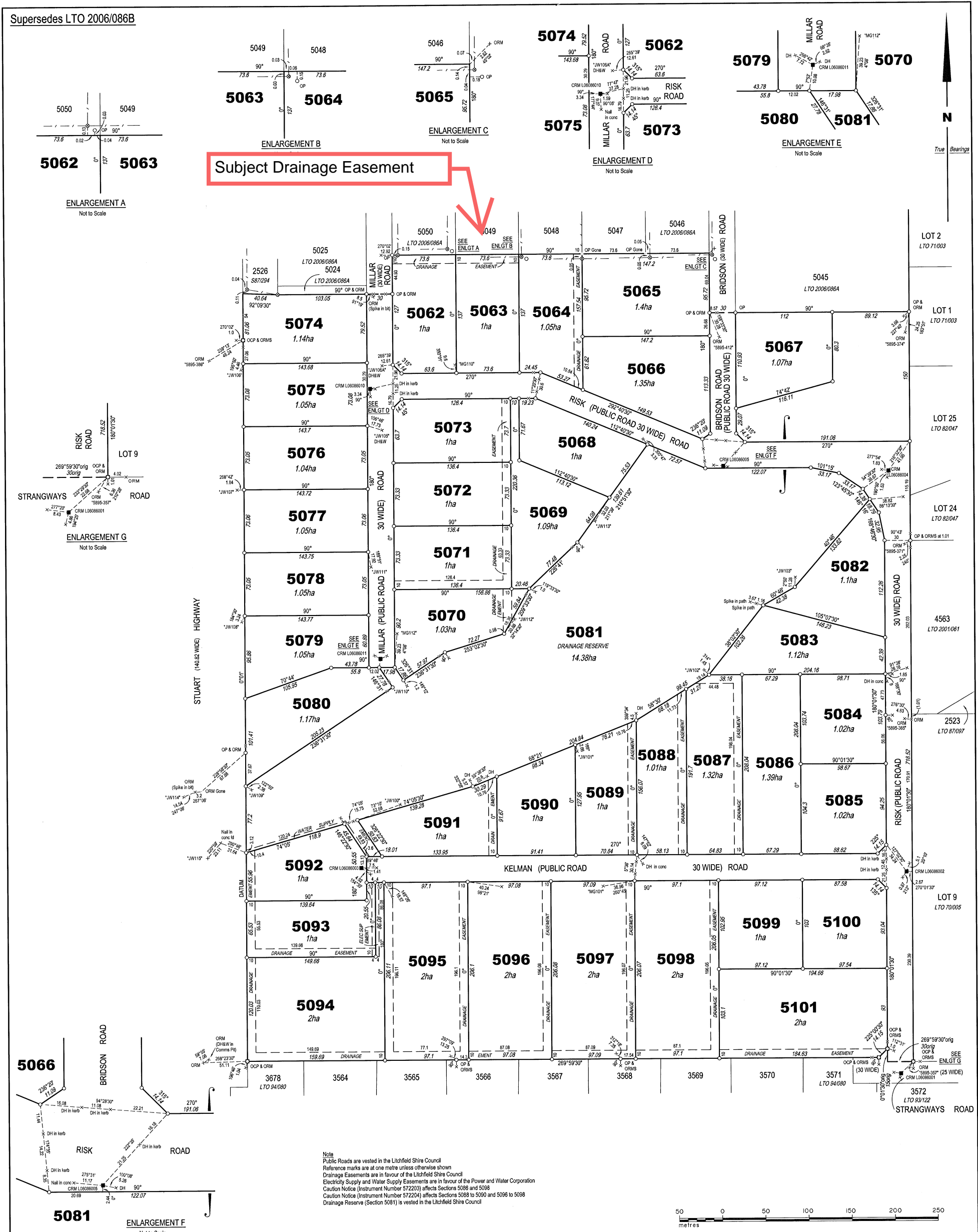
While I note the application states ‘the proposed shed will have no impact on the stormwater drainage or the receiving environment’ there is no evidence provided in the application to substantiate this statement.

Thank you for the opportunity to provide comment. I note that this proposal will support local jobs and opportunities which are commendable [REDACTED]

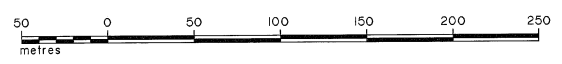
[REDACTED]

[REDACTED]

[REDACTED]



Note
Public Roads are vested in the Litchfield Shire Council
Reference marks are at one metre unless otherwise shown
Drainage Easements are in favour of the Litchfield Shire Council
Electricity Supply and Water Supply Easements are in favour of the Power and Water Corporation
Caution Notice (Instrument Number 572203) affects Sections 5098 and 5099
Caution Notice (Instrument Number 572204) affects Sections 5088 to 5090 and 5096 to 5098
Drainage Reserve (Section 5081) is vested in the Litchfield Shire Council



<p>SURVEYOR'S CERTIFICATE I, Keith Leslie Schulz, hereby certify that the survey represented on this plan was carried out by me or under my immediate supervision and was completed on 03/11/07, and that this survey has been executed in accordance with the Licensed Surveyor's Act and the directions thereunder. <i>K. Schulz</i> 10/12/07 Licence No. 5272</p> <p>L.T.O. REGISTRATION Lodged on at Instrument Number Registered on at by me Registrar-General</p>	<p>CONSENT OF PROPRIETOR OF REGISTERED INTEREST(S) Consent is hereby given to the proposed subdivision as depicted hereon. Signed:</p>	<p>SUBDIVISION APPLICATION TO THE REGISTRAR-GENERAL We hereby apply, pursuant to section 51 of the Land Title Act for issue of new titles in accordance with the subdivision hereon. Executed for and on behalf of Strangways Developments Pty Ltd (ACN 009 600 748) <i>Frazer Earl Henry</i> (dir) <i>Kevin John Henry</i> (Registered Proprietor) C.T. Volume 710 Folio 502</p>	<p>SURVEY APPROVAL I, Garry James West, the Surveyor-General, being satisfied that Part 5 of the Planning Act has been complied with: (i) approve the survey under section 49 of the Licensed Surveyors Act; (ii) acknowledge, on behalf of the Service Authorities designated, the vesting of the Service Easements shown hereon; and (iii) accept on behalf of the Service Authorities specified, the land designated as roads or reserves hereon vested pursuant to section 64 of the Planning Act and section 7 of the Control of Roads Act <i>Garry James West</i> 17/10/08 Surveyor-General Date</p>	<p>SECTIONS 5062 TO 5101 SUBDIVISION OF SECTION 5061 HUNDRED OF STRANGWAYS</p> <p>Drawn by Earl James & Associates (8856) 29.11.07 Examined by Earl James & Associates 7.12.07 Map Reference Assumed from LTO 2006/086B Observed at</p> <p>SCALE 1:2000 LTO 2007/084</p>
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