



## **DEVELOPMENT CONSENT AUTHORITY**

### **LITCHFIELD DIVISION**

### **MINUTES**

**MEETING No. 248 – FRIDAY 14 AUGUST 2020**

**HOWARD HALL  
325 WHITEWOOD ROAD  
HOWARD SPRINGS**

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

**APOLOGIES:** Nil

**LEAVE OF ABSENCE:** Nil

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

**COUNCIL REPRESENTATIVE:** Rodney Jessup

**Meeting opened at 1.00 pm and closed at 5.00 pm**

**MINUTES RECORD THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.**

**ITEM 1**

**PA2020/0196 2 X 1 AND 4 X 2 BEDROOM DWELLING-GROUP IN FOUR SINGLE STOREY BUILDINGS**

**APPLICANT SECTION 6488 (15) GRICE CRESCENT, COOLALINGA, HUNDRED OF BAGOT**  
Gwelo Investments Pty Ltd

Mr Vince Albertoni (Gwelo Investments) attended.

**RESOLVED  
136/20**

That, the Development Consent Authority vary the requirements of Clauses 5.4.1 (Residential Density Limitations) and 5.4.3.2 (Distance Between Residential Buildings on one Site) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Section 6488 (15) Grice Crescent, Hundred of Bagot for the purpose of 2 x 1 and 4 x 2 dwelling-group in four single storey buildings, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
  - a) Fencing to allow Power and Water Corporation 24 hour access to the electricity easement, to the satisfaction of Power and Water Corporation.
  - b) Fencing to screen the waste service area from public view.
  - c) The location of air conditioning condensers. The condensers are not to be located or visible from common areas, including within carports, to prevent amenity impacts on adjoining or common property areas.
  - d) A wider access corridor to unit 5 rear yard, with landscaping adjacent to unit 6 setback accordingly.
  - e) The landscaping, at the entry/exit point, to replace the Tuckeroo plant species to maintain visual site lines.
2. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Litchfield Council stormwater drainage system shall be submitted to and approved by the Litchfield Council, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system or an alternate approved connection.

**GENERAL CONDITIONS**

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority and Litchfield Council, to the satisfaction of the consent authority.
6. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
7. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Litchfield Council to the satisfaction of the consent authority.
8. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Litchfield Council, to the satisfaction of the consent authority.
9. The owner shall:
  - a) remove disused vehicle and/ or pedestrian crossovers;
  - b) provide footpaths/ cycleways;
  - c) collect stormwater and discharge it to the drainage network; and
  - d) undertake reinstatement works;all to the technical requirements of and at no cost to the Litchfield Council, to the satisfaction of the consent authority.
10. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
11. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
12. Before the occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
13. The private open space areas of each dwelling shall be screened on each boundary by:
  - a) the erection of a solid wall or screen fence not less than 1.8 metres high: or
  - b) fenced to a height not less than 1.8 metres high and planted with dense vegetation.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseases or damaged plants are to be replaced.

15. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the consent authority.
16. Appropriate soil erosion, sediment and dust control measures must be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be suitably stabilised against erosion at completion of works, to the satisfaction of the Consent Authority.
17. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the meters within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.
18. Before the use/occupation of the development starts, the parking bays for units 2 and 3, which are not under carports, must be clearly marked on the ground and be easily identified, to the satisfaction of the consent authority.

**NOTES:**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5354 ([surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au)).
3. A "Permit to Work Within a Road Reserve" 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.
4. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to Interim Development Control Order No 29 (IDCO) and may require approval.
5. Litchfield Council's current Fees and Charges may apply to the above conditions. Additional information can be found at [www.litchfield.nt.gov.au](http://www.litchfield.nt.gov.au).
6. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email ([info@ntbuild.com.au](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

7. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>

## REASONS FOR THE DECISION

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

The Northern Territory Planning Scheme 2020 applies to the land to which the application relates.

The application was assessed against Clauses 5.2.1 (General Height Control), 5.2.4 (Vehicle Parking), 5.2.6 (Landscaping), 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR), 5.4.1 (Residential Density Limitations), 5.4.2 (Residential Height Limitations), 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), 5.4.3.2 (Distance Between Residential Buildings on one Site), 5.4.4 (Extensions and Structures Ancillary to a Dwelling-Group or Dwelling-Multiple development), 5.4.6 (Private open space), 5.4.6 (Private Open Space), 5.4.7 (Communal Open Space), 5.4.8 (Building Design for Dwelling-Group, Dwelling-Multiple, Rooming Accommodation and Residential Care Facility), and does not comply with Clauses 5.4.1 and 5.4.3.2.

The primary purpose of Zone LMR (Low-Medium Density Residential) is to provide for a range of low rise housing options that contribute to the streetscape and residential amenity in locations supported by community services and facilities, and where full reticulated services are available.

Dwelling-group in zone LMR (Low-Medium Density Residential) requires 1 dwelling per 300m<sup>2</sup>. There are six dwellings on the site, with an area of 1740m<sup>2</sup>, providing a density of 1 dwelling per 290m<sup>2</sup>.

The Authority considered that the proposal is consistent with the purpose of Clause 5.4.1 (Residential Density Limitations) and would have negligible impact on density with adjoining or nearby existing development, as the density is only slightly higher than the requirement of the clause and is reasonably anticipated within the area.

The density is considered compatible with the Coolalinga Area Plan, in providing greater urban density around the activity centre connected with reticulated services and community facilities which service the area.

The Authority is satisfied that the separation distance between units 5 and 6 of 2.3m is consistent with the purpose of Clause 5.4.3.2 (Distance

Between Residential Buildings on one Site). The variation has negligible impact on interface with the streetscape and surrounding development, building massing and overlooking from neighbouring dwellings or into private open space. The design and location of the non-compliance adequately mitigates the adverse effects of building massing, privacy and overlooking.

The Authority exercised discretion to consent to the proposal in accordance with Clauses 1.10(3) and 1.10(5) of the Northern Territory Planning Scheme 2020.

2. Pursuant to section 51(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 site is located behind the Coolalinga activity centre which provides community services and facilities supporting residential amenity. Providing dwelling-group in this location is consistent with an efficient pattern of land use, connecting to reticulated services, close to public transport networks with reasonable access to open space and community facilities.

The proposal is consistent with the Coolalinga North Planning Principles and Area Plan. It is anticipated that dwelling-group would occur in this location and is zoned accordingly.

The proposal is expected to support the existing and future amenity of the area and is suitable because the proposal: increases housing and lifestyle choices in the rural area, minimising the impacts of population growth on the character and amenity of established rural living areas, increases usage and viability of service infrastructure, supports a mixed use centre to reduce travel and the proposal will be connected to reticulated water to avoid a dependence of ground water for residential use.

The development also takes advantage of the existing road network established with the activity centre and the location provides access to public transport, pedestrian and cycle paths.

**FOR: 5                      AGAINST: 0                      ABSTAIN: 0**

**ACTION:**                      Notice of Consent and Development Permit

**ITEM 2**

**PA2020/0198**

**4 X 2 BEDROOM DWELLING-GROUP IN TWO SINGLE STOREY BUILDINGS SECTION 6533 (1) HAVELOCK STREET, COOLALINGA, HUNDRED OF BAGOT**

**APPLICANT**

Gwelo Investments Pty Ltd

Mr Vince Albertoni (Gwelo Investments) attended.

**RESOLVED**

**137/20**

That, the Development Consent Authority vary the requirements of Clauses 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) and 5.4.3.2 (Distance Between Residential Buildings on one Site) of the Northern Territory

Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Section 6533 (1) Havelock Street, Hundred of Bagot for the purpose of 4 x 2 dwelling-group in two single storey buildings, subject to the following conditions:

### **CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
  - a) Fencing to allow Power and Water Corporation 24 hour access to the electricity easement, to the satisfaction of Power and Water Corporation.
  - b) The location of air conditioning condensers. The condensers are not to be located or visible from common areas, including within carports, to prevent amenity impacts on adjoining or common property areas.
  - c) Shorten the length of unit 1 turn around bay as to prevent it from being utilised as a parking space.
2. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Litchfield Council stormwater drainage system shall be submitted to and approved by the Litchfield Council, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system or an alternate approved connection.

### **GENERAL CONDITIONS**

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority and Litchfield Council, to the satisfaction of the consent authority.
6. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
7. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Litchfield Council to the satisfaction of the consent authority.

8. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Litchfield Council, to the satisfaction of the consent authority.
9. The owner shall:
  - a) remove disused vehicle and/ or pedestrian crossovers;
  - b) provide footpaths/ cycleways;
  - c) collect stormwater and discharge it to the drainage network; and
  - d) undertake reinstatement works;all to the technical requirements of and at no cost to the Litchfield Council, to the satisfaction of the consent authority.
10. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
11. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
12. Before the occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
13. The private open space areas of each dwelling shall be screened on each boundary by:
  - a) the erection of a solid wall or screen fence not less than 1.8 metres high: or
  - b) fenced to a height not less than 1.8 metres high and planted with dense vegetation.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseases or damaged plants are to be replaced.
15. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the consent authority.
16. Appropriate soil erosion, sediment and dust control measures must be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be suitably stabilised against erosion at completion of works, to the satisfaction of the Consent Authority.
17. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the meters within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.



18. Before the use/occupation of the development starts, the turnaround bay for unit 1 must be clearly marked on the ground with the words 'Turn Around Bay Only, No Parking', be easily identified and not available for the parking of vehicles, to the satisfaction of the consent authority.

#### NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5354 ([surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au)).
3. A "Permit to Work Within a Road Reserve" 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.
4. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to Interim Development Control Order No 29 (IDCO) and may require approval.
5. Litchfield Council's current Fees and Charges may apply to the above conditions. Additional information can be found at [www.litchfield.nt.gov.au](http://www.litchfield.nt.gov.au).
6. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email ([info@ntbuild.com.au](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
7. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>

#### REASONS FOR THE DECISION

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

The Northern Territory Planning Scheme 2020 applies to the land to which the application relates.

The application was assessed against Clauses 5.2.1 (General Height Control), 5.2.4 (Vehicle Parking), 5.2.6 (Landscaping), 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR), 5.4.1 (Residential Density Limitations), 5.4.2 (Residential Height Limitations), 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), 5.4.3.2 (Distance Between Residential Buildings on one Site), 5.4.4 (Extensions and Structures Ancillary to a Dwelling-Group or Dwelling-Multiple development), 5.4.6 (Private Open Space), 5.4.7 (Communal Open Space), 5.4.8 (Building Design for Dwelling-Group, Dwelling-Multiple, Rooming Accommodation and Residential Care Facility), and does not comply with Clauses 5.4.3 and 5.4.3.2.

The primary purpose of Zone LMR (Low-Medium Density Residential) is to provide for a range of low rise housing options that contribute to the streetscape and residential amenity in locations supported by community services and facilities, and where full reticulated services are available.

The Authority considered that the proposal is consistent with the purpose of Clause 5.4.3 and the minor variation from the primary street setback would have a negligible impact on building massing when viewed from the adjoining land and the street; overlooking of adjoining properties; breeze penetration through and between buildings; and, is compatible with the streetscape, surrounding development including the other residential building on the same lot. The proposal is also consistent in achieving the primary purpose of Zone LMR (Low-Medium Density Residential), and has full reticulated services available in the area.

The Authority is satisfied that the separation distance between the buildings of 2.3m is consistent with the purpose of Clause 5.4.3.2. The variation has negligible impact on interface with the streetscape and surrounding development, building massing and overlooking from neighbouring dwellings or into private open space. The design and location of the non-compliance adequately mitigates the adverse effects of building massing, privacy and overlooking.

The Authority exercised discretion to consent to the proposal in accordance with Clauses 1.10(3) and 1.10(5) of the Northern Territory Planning Scheme 2020.

2. Pursuant to section 51(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 site is located behind the Coolalinga activity centre, which provides community services and facilities supporting residential amenity. Providing dwelling-group in this location is consistent with an efficient pattern of land use, connecting to reticulated services, close to public transport networks with reasonable access to open space and community facilities.

The proposal is constant with the Coolalinga North Planning Principles and Area Plan. It is anticipated that dwelling-group would occur in this location and is zoned accordingly.

The proposal is expected to support the existing and future amenity of the area and is suitable because the proposal increases housing and lifestyle choices in the rural area, minimising the impacts of population growth on the character and amenity of established rural living areas, increases usage and viability of service infrastructure, supports a mixed use centre to reduce travel and the proposal will be connected to reticulated water to avoid a dependence of ground water for residential use.

The development also takes advantage of the existing road network established with the activity centre and the location provides access to public transport, pedestrian and cycle paths.

**FOR: 5**                      **AGAINST: 0**                      **ABSTAIN: 0**

**ACTION:**                      Notice of Consent and Development Permit

**ITEM 3**

**PA2020/0189 HOME BASED CONTRACTING AND HOME OCCUPATION WITH A COMBINED TOTAL AREA OF 280M2**

**\*ALTERED PURPOSE - HOME BASED BUSINESS**

**APPLICANT**                      **LOT 110 (115) STANLEY ROAD, HOWARD SPRINGS, HUNDRED OF BAGOT**  
Northern Planning Consultants Pty Ltd

Mr Brad Cunnington (Northern Planning Consultants Pty Ltd) attended.

Submitters in attendance: Mr Gerry Wood and Mr Dennis Bree.

**RESOLVED**  
**138/20**

That, the Development Consent Authority vary the requirements of Clause 5.4.10 of the Northern Territory Planning Scheme, pursuant to section 53(c) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop and use Lot 110 (115) Stanley Road, Howard Springs, Hundred of Bagot, for the purpose of home based business with an area of 280m<sup>2</sup>, subject to the following conditions:

**GENERAL CONDITIONS**

1. The use of the land for the purpose of home based business with an area of 280m<sup>2</sup> must cease 18 months from the date of issue of this permit.
2. The use allowed by this permit must be carried out during its currency only in accordance with the drawings endorsed as forming part of this permit.
3. No more than 2 non-resident employees of the home based business are to undertake work on the land at any one time.

## NOTES:

1. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste.

The proponent is required to comply at all times with the Act, including the General Environmental Duty under section 12 of the Act.

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

The proponent is advised to take notice of the SCHEDULE OF ENVIRONMENTAL CONSIDERATIONS provided by the Department of Environment and Natural Resources.

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities.

2. Home based business is permitted in Zone RL (Rural Living) of the Northern Territory Planning Scheme 2020 (NTPS2020) subject to compliance with Clause 5.4.10 (Home Based Business). Should a home based business be undertaken on the land after the expiry of this permit, and it is not in accordance with Clause 5.4.10 of the NTPS2020, or equivalent clause, amended from time to time, it may be investigated and enforcement actions, including prosecution, may be taken under the *Planning Act 1999*.

## REASONS FOR THE DECISION

1. Pursuant to section 51(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 (NTPS 2020) applies to the land to which the application relates.

An application was made for home based business for the storage of materials and vehicles and the carrying out of an occupation or profession. The application proposed a welding and steel fabrication business to operate on the land. The business is owned and operated by the landowner and would be operated over a combined area of 280m<sup>2</sup>. The application sought variations to the development requirement under Part 5 of the NTPS 2020, primarily that the home based business would be visible from outside the site, there would be three vehicles in total, four persons working on the land (including 2 non-residents) and the area used for home based business would be 280m<sup>2</sup>.

The purpose of Zone RL (Rural Living) is to provide for a range of rural lifestyle choices and rural activities, in areas where access to reticulated water and sewerage may not be available. Home based business is anticipated in the zone, provided it is ancillary to the primary use of

dwelling-single within a rural lifestyle setting, and the home based business is of a scale, intensity and nature that is compatible with the character and amenity of the surrounding locality.

Similarly, the purpose of home based business is to ensure that a home based a home based business facilitates small scale business activities, while remaining ancillary to the dwelling on the site, that are compatible with and conducted in a manner that is appropriate to the amenity of the locality and the primary purpose of the zone in which the home based business is established; protects the amenity of adjoining premises; can be supported by the existing utilities infrastructure provided in the locality; and limits the traffic impacts to that which might reasonably be expected in the locality.

The Authority considered that, in general terms, home based business for welding and steel fabrication is not compatible with the zone purpose. The activities proposed would include welding, cutting, pressing, steel fabricating and business administration. These activities are ordinarily associated with general industry activities, which would typically be located in a light or general industry zone. The RL zone allows for the conduct of a profession to be limited to 30m<sup>2</sup>, which steel fabrication is unable to be limited to in this instance. Similarly, these activities would occur in an open-sided shed and areas surrounding the shed, where the noise would be unmitigated. The applicant requested a significant variation to the area to undertake these activities and that components of these activities would be visible from outside the site. The Authority considered that, ordinarily, such an application for an open-ended industrial-type use would not be supportable as home based business.

The Authority noted the argument put by the applicant that in considering the suitability of the site for proposed use the temporary nature of such use is relevant and considered that a balance was required between allowing sufficient time for the landowner to find new premises to operate the business and the potential noise nuisance and impact of amenity on the immediate neighbours. The Authority acknowledged that the landowner has a good relationship with his immediate neighbours, as evidenced by the letters of support provided in the application, and attested to at the Authority meeting, and that the landowner takes measures to consult with them on matters that relate to the operation of the business. Further the Authority noted the applicant's business plan for relocation of the business. For that reason, the Authority considered 18 months from the date of issue of the development permit a suitable period of a permit.

For the avoidance of doubt, the permit, limited to 18 months duration, relates to home based business for the purpose of an occupation or profession over an area of 280m<sup>2</sup> under Clause 5.4.10.1(5)(d), and subsequent variations, including that more than 2 non-residents would work on the land at any one time, three vehicles would be used and that the business would be visible from outside the site. The delineation between areas used for storage and those areas used for undertaking the occupation was not considered necessary following information presented at the Authority meeting. Those variations to the Scheme



**ITEM 4****PA2020/0137****SOLAR GENERATING FACILITY (SOLAR FARM)****SECTION 1535 AND 1536 (585 AND 665) LIVINGSTONE ROAD, BERRY SPRINGS, HUNDRED OF CAVENAGH****APPLICANT**

Northern Planning Consultants Pty Ltd

Mr Brad Cunnington (Northern Planning Consultants), Ms Ilana Eldridge (NT Solar Futures) and Mr Graeme Owens (consultant environmental scientist – VPS Land Assessment and Planning) attended.

**RESOLVED  
139/20**

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Section 1535 and Section 1536 (585 and 665) Livingstone Road, Hundred of Cavenagh for the purpose of a Renewable Energy Facility (solar), to allow for the following additional information to be provided to enable the Authority to consider the application properly:

- A statement of persons who have an interest in the development application in accordance with section 46(3)(aa)(i)-(iv) (inclusive).
- An argument or position for the Authority to consider detailing how and why it should make a determination on the application under the administration provisions of Clause 3.2 CNV – Clearing of Native Vegetation.

**REASONS FOR THE DECISION**

Section 214 of the *Planning Act 1999* requires the development application to be considered in accordance with the Act applicable at the time the determination is made. In this instance, section 46(3)(aa) of the *Planning Act 1999* requires a development application to contain the name and contact details of persons who have an interest in the development application.

Clause 3.2 CNV – Clearing of Native Vegetation of the Northern Territory Planning Scheme (NTPS) provides that a consent authority must not consent to the clearing of native vegetation that is not in accordance with sub-clause 5. In this instance, the Department of Environment and Natural Resources (DENR) identified that part of the land is a wetland and there are highly erodible soils, which would be impacted by the proposal; the nature of the proposed development is such that it cannot accord with sub-clause 5. The Authority is of the view that the NTPS is clear that it must not consent to the proposal in its current form.

The Authority also considered additional aspects for which it could provide discretion and guidance being:

- reduced buffers to Section 1535
- dwelling–caretakers
- site access to the satisfaction of Litchfield Council
- any agreements required to enable the effective operation of the renewable energy facility on the land.

The DENR noted that Section 1535 did not incorporate a 100m retained vegetation buffer to the property boundary in accordance with the Land





(intensive animal husbandry) with ancillary offices and staff accommodation and, subject to the following conditions:

### **CONDITIONS PRECEDENT**

1. Prior to the commencement of works, a Type 2 Erosion and Sediment Control Plan (ESCP) must be developed in accordance with the Department of Environment and Natural Resources ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP must be developed and/or certified by a Certified Professional in Erosion and Sediment Control (CPESC) to the satisfaction of the consent authority. The ESCP should be submitted for acceptance prior to the commencement of any earth disturbing activities (including clearing and early works) to Development Assessment Services via email: [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au).
2. 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, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected to Council's system.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a traffic impact assessment report is to be prepared by a suitably qualified traffic engineer with attention to the modelling of the intersection and the upgrade to the Arnhem Highway and Lambells Lagoon Road intersection, and identifying any necessary upgrades to the surrounding street network to the requirements of the DIPL-Transport and Civil Services Division and the Litchfield Council, to the satisfaction of the consent authority.
4. Prior to the endorsement of plans, an operational environmental management plan that addresses the day to day waste management requirements for the use shall be prepared to the requirements of Litchfield Council, to the satisfaction of the consent authority.

### **GENERAL CONDITIONS**

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit. The use and/or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
6. All works relating to this permit must be undertaken in accordance with the endorsed Type 2 Erosion and Sediment Control Plan (ESCP) to the requirements of the consent authority. Should the endorsed Type 2 Erosion and Sediment Control Plan (ESCP) need to be amended, the revised ESCP must be developed and/or certified by a Certified Professional in Erosion and Sediment Control (CEPSC) to the satisfaction of the consent authority. The revised ESCP should be submitted for acceptance to Development Assessment Services via email: [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au).

7. All reasonable and practicable measures must be undertaken to prevent: erosion occurring onsite, sediment leaving the site, and runoff from the site causing erosion offsite. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development (including clearing and early works) and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. For further information refer to the Notes below. At completion of works, clearance should be sought from the Department of Environment and Natural Resources regarding satisfactory implementation of permanent erosion and sediment control measures and site stabilisation. To arrange a clearance site inspection, email the Land Development Coordination Branch at: [DevelopmentAssessment.DENR@nt.gov.au](mailto:DevelopmentAssessment.DENR@nt.gov.au).
8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply and electricity facilities to the development on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Litchfield Council. Disused crossovers shall be removed. All work shall be undertaken to the satisfaction of Litchfield Council.
10. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
11. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
12. All waste material not required for further on-site processing must be regularly removed from the site to an approved facility. All vehicles removing waste have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the consent authority.
13. All works recommended by the traffic impact assessment are to be completed to the requirements of the Department of Infrastructure Planning and Logistics to the satisfaction of the consent authority.
14. Prior to the use/occupation Sections 1611 & 1688 shall be consolidated to be serviced from one point of upgraded power service. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation.
15. Prior to the commencement of operational use, the operator must obtain an Environment Protection Licence (EPL) under the *Waste Management and Pollution Control Act 1998*.
16. The developer should implement necessary measures to minimise mosquito and biting insect breeding does not occur during both the construction and

operational phase of the development, to the requirements of the Top End Health Services, to the satisfaction of the consent authority.

**NOTES:**

1. The Power and Water Corporation advises that:
  - Each of Sections 1611 & 1688 currently has its own power supply point with limited capacity. For one specific crocodile farm development, it is a requirement that Sections 1611 & 1688 shall be consolidated to be serviced from one point of power upgrade service.
  - Power and Water was approached by GPA Engineering (Chris Cutts) to assess the anticipated load of 1MVA maximum demand for the proposed development. Any new development that requires additional power supply will be subject to assessment by Power and Water, in accordance with the current Networks Capital Contribution Policy (NCCP).
  - Underground high voltage distribution cable extension and establishment of a new package substation shall be designed and constructed for one point of power service to the proposed development.
  - The Proponent shall engage a licensed electrician to install internal electricity reticulation including establishment of a new customer main switchboard and remove all existing services in accordance with Power and Water's current Service Rules, Installation Rules and Metering Manuals.
  
2. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under section 12 of the Act. There is a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act.

Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.nt.gov.au/publications-and-advice/environmental-management> (Guidance for environmental management, monitoring and reporting).

In addition, if waste water is intended to be discharged from the premises, a Waste Discharge Licence may be required under the *Water Act 1992*. Environmental Authorisations branch of Environment Division can provide further advice,

The proponent is advised to take notice of the Schedule of Environmental Considerations (attached).

The Act, administered by the NT EPA, is separate to and not reduced or affected in any way by other legislation administered by other departments or authorities. The Environmental Operations Branch of the Environment Division

may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

3. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at [www.austieca.com.au](http://www.austieca.com.au) and the Department of Environment and Natural Resources ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
4. The Parks and Wildlife Commission request that it is engaged with to provide input into the final design of security, perimeter and enclosure fencing to ensure adequate safe guards between captive and wild animals and to mitigate any risk to of human and wildlife interaction.
5. 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.
6. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under the NT Planning Scheme.
7. This permit will expire if one of the following circumstances applies:
  - (a) the development is not started within two years of the date of this permit; or
  - (b) the development is not completed within four years of the date of this permit.

The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

8. The property is in the Vernan Arafura Fire Management Zone. Under Bushfires Management Act 2016 firebreaks along boundaries or at appropriate are required. Advice can be obtained from the Bushfires NT (Department of Environment and Natural Resources/ Northern Territory Fire and Rescue Services).

## REASONS FOR THE DECISION

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

The Northern Territory Planning Scheme 2020 applies to the land to which the application relates.

The application proposes a crocodile farm at Portion 1611 and 1688 (255) Alphonson Road, Hundred of Guy. The proposed crocodile farm is considered to fit with the defined land use of 'intensive animal husbandry' of the NT Planning Scheme (NTPS). The land is in Zone H (Horticulture) of the NTPS where intensive animal husbandry is impact assessable and requires consent.

The crocodile production involves a process of incubation, hatchery, grower and finishing stages. The main components of the proposal are:

- production areas including an egg incubator laboratory, hatchery, grower pens, finishing pens, open farm area, cleaning area and a refrigerated feed preparation and storage area.
- water and waste infrastructure including a wastewater storage tank, water storage tanks, a wastewater treatment plant and a composting facility for treatment of solid wastes.
- irrigation areas for disposal of wastewater.
- supporting infrastructure including a workshop, office area, solar farm, accommodation houses provided in two dwellings, and fuel storage tanks.

The proposal purpose was exhibited with ancillary caretaker's residence and subsequently amended by Development Assessment Services to ancillary staff accommodation. At the Authority meeting, it was confirmed that dwelling-group is permitted in Zone H and that the proposal includes two dwellings which accords with Clause 5.4.1 (Residential Density Limitations); there was no need to identify the nature of the occupation of the dwellings in this instance.

The proposal has been assessed against the requirements of the NTPS including Clauses 4.19 (Zone H – Horticulture), 5.2.1 (General Height Control) and 5.7.1 (Rural Development (Agriculture, Horticulture and Intensive Animal Husbandry)). The proposal complies with the requirements of the NTPS and it does not conflict with the Strategic Framework which applies to the site as it would not materially compromise the viability of horticulture or the integrity of the zone.

The requirements of Clause 5.7.1 (Agriculture, Horticulture and Intensive Animal Husbandry) of the NTPS for the most part would be addressed through the required licenses, monitoring and approvals managed by DENR. Top End Health are content that mosquito breeding risks can be appropriately managed.

2. Pursuant to section 51(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.

Based on the advice of the Department of Environment and Natural Resources and absence of objection of the Department of Primary Industry and Resources together with the availability of water, the site's ability to accommodate recycled waste water and the separation to sensitive land uses the site is has the capability to support the proposed development.

The application satisfies, subject to conditions precedent, the purpose and requirements of the NTPS.

3. Pursuant to section 51(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 Department of Environment and Natural Resources and application confirm that an Environment Protection Authorisation and Environment Protection Licence are required under the *Waste Management and Pollution Control Act 1998* due to the nature of activities carried out on site. The required licenses would ensure that any potential amenity impacts are appropriately managed and mitigated.

**FOR: 5**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION:**

Notice of Consent and Development Permit

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

**SUZANNE PHILIP**

**Chair**

25 August 2020