



## **DEVELOPMENT CONSENT AUTHORITY**

### **LITCHFIELD DIVISION**

### **MINUTES**

**MEETING No. 266 – FRIDAY 11 MARCH 2022**

**HOWARD HALL  
325 WHITEWOOD ROAD  
HOWARD SPRINGS**

**MEMBERS PRESENT:** Suzanne Philip (Chair), Adam Twomey, Emma Sharp, Rachael Wright and Trevor Dalton

**APOLOGIES:** Keith Aitken  
**LEAVE OF ABSENCE:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Wendy Smith and Josh Larder (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Mark Hogan

**Meeting opened at 11.30 am and closed at 12.50 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.**

The Chair, Development Consent Authority, under section 93(1) of the *Planning Act 1999*, appointed Trevor Dalton who is a member in relation to the Palmerston Division, to act as a member for Keith Aitken in relation to the Litchfield Division from 3 March 2022 to 15 March 2022 as the Chair is satisfied that Keith Aitken is prevented from performing his duties of office because of absence.

Under Section 97(1)(b) of the *Planning Act 1999*, Trevor Dalton declared a commercial interest in common with Mr Winter, a Director of the Applicant, Habitat Pty Ltd. The Chair, under Section 97(5) of the *Planning Act 1999*, determined that the interest disclosed was insignificant or irrelevant, noting that it was a passive investment through a trust over a building situated in a different Division, the parties had no dealings with one another and the investment bore no relationship to the matters under consideration in the present Application. No parties present raised any concerns with Mr Dalton considering the Application and pursuant to Section 97 the Chair permitted Mr Dalton to form part of the quorum and participate in the Determination

**ITEM 1**                    **ROOMING ACCOMMODATION (WORKERS ACCOMMODATION) WITH 76**  
**PA2022/0006**           **ROOMS IN 19 DEMOUNTABLE STRUCTURES**  
                                 **SECTION 2333 (175) DARWIN RIVER ROAD, DARWIN RIVER, HUNDRED OF**  
                                 **CAVENAGH**  
**APPLICANT**            Habitat NT

Paul Winter (Habitat NT ) attended.

Submitters Diana Rickard and Greg Chapman attended.

**RESOLVED**            That the Development Consent Authority vary the requirements of Clause 5.3.7 (End  
**16/22**                    of Trip Facilities in Zones HR, CB, C, SC and TC) of the Northern Territory Planning  
                                 Scheme, and, pursuant to section 53(a) of the *Planning Act 1999*, consent to the  
                                 application to develop Section 2333 (175) Darwin River Road, Darwin River,  
                                 Hundred of Cavenagh for the purpose of Rooming Accommodation (workers  
                                 accommodation) with 76 rooms in 19 demountable structures, subject to the  
                                 following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended site 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) Staging of the development, as follows:
    - i. Stage 1 – 7 demountable structures and all other portions of the development approved by the permit (including but not limited to landscaping, communal open space, and bicycle and car parking),

- except for the 12 demountable structures nominated for Stages 2 and 3;
- ii. Stage 2 – 2 demountable structures; and
  - iii. Stage 3 – 10 demountable structures;
- b) Sealing of car parking area and all driveways in accordance with Clause 5.2.4.4 sub-clause 4(b);
  - c) Minimum dimension of 3m between the site boundary with Darwin River Road and the adjacent car parking spaces and that area to be landscaped with screen landscaping in accordance with Clause 5.2.4.4 sub-clause 4(g) and Clause 5.2.6;
  - d) Minimum dimensions for 90 degree angle parking (5.5m in length and 2.5 in length) in accordance with Clause 5.2.4.4 sub-clause 4(h);
  - e) Driveway surface type and width (6m for two-way traffic or 3.5m for one-way traffic flow) in accordance with Clause 5.2.4.4 sub-clause 4(i);
  - f) Elevations depicting the total height of the structures, including the roofline and proposed access to each room;
  - g) A communal open space area to comply with Clause 5.4.7;
  - h) Details of screening for all air conditioners and services on and underneath the demountable structures to ensure they are appropriately concealed from public view;
  - i) Bicycle parking devices for a minimum of six bicycles; and
  - j) Additional landscaping along the front boundary to screen the demountable structures from public view along Darwin River Road. The landscaping plan must include a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant. All species selected must be 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. 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.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities and telecommunications networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/cycle corridors and streetscaping are to be to the technical requirements of Transport Civil Services Division of the Department of Infrastructure, Planning and Logistics to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
6. Before the use or occupation of the development, all works recommended for shared access from Darwin River Road to Sections 2333 and 2334 in Traffic Impact Assessment (TIA) reference 19T290 and dated 20/09/2019 final

revision, shall be implemented, to the requirements of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics.

7. Upon completion of any works within the Darwin River Road road reserve, the road reserve shall be rehabilitated to the standards and requirements of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics.
8. Where unfenced, the Darwin River Road frontage is to be appropriately fenced in accordance with the Transport and Civil Services Division's standards and requirements to deter unauthorised vehicular movement. Any gates provided are to be fixed to open inwards only.
9. Before the occupation of the development starts, the proponent is required to amend the current groundwater extraction licence SAUBR10306 for Section 2334, Hundred of Cavenagh to include Section 2333, Hundred of Cavenagh.
10. Before the occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - a) constructed;
  - b) properly formed to such levels that they can be used in accordance with the plans;
  - c) surfaced with an all-weather-seal coat;
  - d) drained;
  - e) line marked to indicate each car space and all access lanes; and
  - f) clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the consent authority.

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

11. 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.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
13. 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.
14. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
15. The finish of any prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or of variable message). The sign shall be positioned:

- a) so as not to create sun or headlight reflection to motorists; and
- b) be located entirely (including foundations and aerially) within the subject Lot.

Advertising signage including temporary or permanent, e.g. 'A' frame, vehicle or trailer mounted, etc. shall not be erected or located within the Darwin River Road road reserve.

## 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. 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. The developer, its contractor or service provider is required to obtain a "Permit to Work within the Northern Territory Government Road Reserves" prior to the commencement of any works within the Darwin River Road road reserve.
4. 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(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land and Rooming Accommodation (workers accommodation) with 76 rooms in 19 demountable structures requires consent under Clause 1.8 (When development consent is required). It is identified as Merit Assessable under Clause 1.8(1)(b)(i), therefore Zone TC (Tourist Commercial), Clause 5.2.4 (Vehicle Parking), Clause 5.2.4.4 (Parking Layout), Clause 5.2.6 (Landscaping), Clause 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC), Clause 5.4.2 (Residential Height Limitations), Clause 5.4.3

(Building Setbacks of Residential Buildings and Ancillary Structures), Clause 5.4.7 (Communal Open Space), Clause 5.4.8 (Building Design for Dwelling-Group, Dwelling-Multiple, Rooming Accommodation and Residential Care Facility), Clause 5.5.2 (Plot Ratios in Commercial Zones), and Clause 5.5.3 (Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T) need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme except for Clause 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC).

2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
  - (a) The purpose and administration clauses of the requirement; and
  - (b) The considerations listed under Clause 1.10(3) or 1.10(4).

The proposal has been found not to be in accordance with Clause 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC) because the proposal does not include the required bicycle parking facilities. The applicant has agreed to include as part of the permit the six bicycle parking devices currently on the site. However, the development requires an additional 20 bicycle parking devices and 26 lockers for the development proposed.

It is considered that a variation to this clause is appropriate in this instance because:

- (a) Administratively, the consent authority may consent to a use or development with fewer bicycle parking spaces and lockers than required if it is satisfied that it would be unreasonable to provide the end of trip facilities as required by the clause with regard to, but not limited to, the location of the development and likely commute distances. While the proposal does not provide any bicycle parking spaces, given the rural location of the subject land, the likely commute distances, and the use of the site for on-site living for workers transported to their work site by bus, it is considered unlikely that the bicycle parking facilities would be required for the site.
  - (b) The considerations listed under Clause 1.10(3) have been given regard to and it has been found that the proposal complies with all relevant requirements of the NT Planning Scheme 2020, except for Clause 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC), as identified above.
3. Pursuant to section 51(1)(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under

section 49, and any evidence or information received under section 50, in relation to the development application.

The application was placed on public exhibition from 28 January 2022 to 11 February 2022. One public submission was received under section 49(1) of the Planning Act 1999.

The submission raised concerns regarding the impact of the development upon water resources, septic requirements, stormwater discharge, the electricity system, vehicle parking, landscaping, the suitability of the land, suitable open space for workers occupying the dwellings, a preference for more aesthetically-pleasant structures within a rural residential area, issues caused by FIFO workers on local communities around Australia, and that workers would be more satisfied with locations closer to town facilities.

In response, Development Assessment Services has received confirmation from the DEPWS – Water Sources Division confirming the current groundwater extraction licence SAUBR10306 would support the proposed development. Appropriate septic systems will be required through the building permit process and stormwater drainage can be conditioned on the permit. Power and Water Corporation (PWC) highlighted the allotment is currently provided with limited capacity of power supply from overhead electricity network and any new development requiring additional power supply will be subject to assessment by PWC.

Conditions are also included on the development permit that will further address matters raised by the submission in accordance with the recommendations of the relevant service authorities.

The submission's comments regarding places for recreation spaces for the workers other than inside the individual rooms, car parking, and landscaping were supported and conditions requiring designation of a communal open space area as required by the Northern Territory Planning Scheme, appropriate car parking layouts and landscaping are included on the development permit.

4. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

With a site area of 15.95 hectares, the subject land is capable of accommodating the proposed development. The western portion of the land is already developed with a shop, service station, demountable structures and associated outbuildings. The proposed demountable structures will be located on arid rural grass land, which was previously used as a caravan park.

Service authority comments indicate that the land is capable of supporting the proposed development with responsible management. The current groundwater licence for the adjacent Section 2334, Hundred of Cavenagh is able to be amended to include this development proposed on Section 2333, Hundred of Cavenagh.

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

The proposed development is appropriately located and meets the purpose and requirements of Zone TC (Tourist Commercial). The proposal contributes to facilitating commercial and residential development that is of scale and character compatible with the surrounding development in Zone TC (Tourist Commercial) without compromising the primary use of the locality for tourist commercial activities. A condition precedent ensures the proposal will be landscaped appropriately to ensure the amenity of adjoining and nearby residents is protected. The subject land is already developed with existing structures onsite and on the adjoining allotment to the south. The demountable structures will have a setback of 67m from the front boundary, reducing the impact on the amenity of the surrounding lots.

**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

15 March 2022