



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 166 – FRIDAY 16 AUGUST 2013

**WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

MEMBERS PRESENT: Peter McQueen (Chairman), Richard Luxton, Keith Aitken, Michael Bowman and Allan McKay

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary) and Maree Domelow (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 10.00 am and closed at 10.30 am

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
PA2013/0505
APPLICANT**

**THIRD DEMOUNTABLE STRUCTURE AND HOME BASED CONTRACTING
SECTION 5305 (37) NARJIC COURT, HUNDRED OF STRANGWAYS
GL TOWN PLANNING**

The applicant did not attend.

**RESOLVED
251/13**

That, the Development Consent Authority vary the requirements of Clause 6.8 (Demountable Structures) and Clause 7.10.8 (Home Based Contracting) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 5305 (37) Narjic Court, Hundred of Strangways for the purpose of a third demountable structure and home based contracting, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing numbered 2013/0505/01 through 2013/0505/04 endorsed as forming part of this permit.
2. 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.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage, electricity facilities and telecommunication networks to the development on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Before the use commences the owner is to provide documentary evidence to the satisfaction of the consent authority upon the advice of the Department of Health that the existing effluent disposal system is of sufficient capacity to cope with the projected increased loading.
5. Before the use of the development starts, the area/s set-aside for the parking of vehicles must be:
 - (a) identified;
 - (b) formed to such levels that they can be used in accordance with the plans; and
 - (c) drained;to the satisfaction of the consent authority. Parking/loading areas and driveways must be kept available for these purposes at all times.
6. The loading and unloading of goods from vehicles must only be carried out on the land.

7. Any provision on the land for the storage and collection of garbage and other solid waste must be graded and drained and screened from public view to the satisfaction of the consent authority.
8. 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 must 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.
9. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the Litchfield Council drains or to any watercourse.
10. 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. No works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve" from Litchfield Council.
11. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) Transport of materials, goods, commodities or vehicles to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, vibration, smell, fumes, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin
12. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
13. The demountable structures and home based contracting is to be suitably screened from the property boundaries to minimise any impact on the amenity. Landscaping buffers or buffers of remnant native vegetation must be provided and maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
14. Before the use commences firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Bushfires NT (Department of Land Resource Management).

Expiry of a Permit

This permit will expire if one of the following circumstances applies:

- (a) the development and use 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.

NOTES:

1. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Land Resource Management.
2. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.
3. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
4. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

REASONS FOR THE DECISION

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

The application requires a variation to Clause 6.8 (Demountable Structures) of the Northern Territory Planning Scheme to allow the placement of a third demountable structure on the site. Clause 6.8 states that placement of a demountable structure on land in Zone RL requires consent if there are more than two. It also notes the consent authority may only consent to the placement of a demountable structure if it is satisfied there will be landscaping or architectural embellishments that will enhance the appearance of the structure. A variation can be justified as the applicant is required by a condition of the permit to screen the development from property boundaries with landscaping buffers or remnant native vegetation. In addition, all three demountable structures are setback a minimum of approximately 50m from each property boundary. These measures are expected to minimise any potential to impact on local amenity.

The application also requires a variation to Clause 7.10.8 (Home Based Contracting) of the Northern Territory Planning Scheme to allow the use of 225m² of floor area for home based contracting. Clause 7.10.8 states the purpose of the clause is to ensure that home based contracting is established and operated in a manner that does not detract from the

amenity of the locality. Home Based Contracting is a permitted use in Zone RL (Rural Living) provided it does not exceed a floor area of 200m². It also states the consent authority may approve an application for a home based contracting that is not in accordance with the clause only if it is satisfied the proposed home based contracting is appropriate to the site having regard to the potential impact on the residential amenity of adjoining and nearby property. The proposed home based contracting, for the purpose of storing a maximum of 3 vehicles and construction materials only, will not involve any form of industrial activity i.e. no operation of machinery or the processing of goods or materials on site. It is expected that vehicle movements will be minimal and unlikely to generate excessive noise or vibrations. In addition, the home based contracting will comprise an area of only 225m² (i.e. only 12.5% additional to that permitted in accordance with Clause 7.10.8) and be setback a minimum of approximately 50m from each property boundary. Further to this, a condition of the permit requires the development be suitably screened from the property boundaries with landscaping buffers or remnant native vegetation. As such, it is considered the home based contracting is unlikely to impact on the residential amenity of adjoining and nearby property.

In consideration of the application and relevant circumstances, variations to Clause 6.8 (Demountable Structures) and Clause 7.10.8 (Home Based Contracting) of the NT Planning Scheme are supported.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2013/0399
APPLICANT

DEPENDANT UNIT IN EXCESS OF 50M²
SECTION 2699 (171) MANGO ROAD, HUNDRED OF STRANGWAYS
TANYA MCKENNA

Ms Tanya McKenna attended.

RESOLVED
252/13

That the Development Consent Authority vary Clause 7.10.4 (Dependant Units) of the NT Planning Scheme and pursuant to section 53(a) of the *Planning Act* consent to the application to develop Section 2699 (171) Mango Road, Hundred of Strangways for the purpose of a dependant unit with floor area exceeding 50m² subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0399/01 through 2013/0399/08 endorsed as forming part of this permit.
2. 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.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of telecommunication and electricity facilities to the land

shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

4. The dependant unit is to be suitably screened from the northern boundary to minimise any impact on the amenity. A landscaping buffer must be provided and maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
5. Before the use commences the owner is to provide documentary evidence to the satisfaction of the consent authority upon the advice of the Department of Health that the existing effluent disposal system is of sufficient capacity to cope with the projected increased loading.
6. The dependant unit is to be used only for the purpose of providing accommodation for a dependant/s of a resident of the existing single dwelling.

Expiry of Permit

This permit will expire if one of the following circumstances applies:

- (a) the development is not substantially commenced 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 an application is made in writing before the permit expires.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The developer is required to "Dial Before You Dig".

REASONS FOR THE DECISION

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

A variation to Clause 7.10.4 (Dependant Units) of the NT Planning Scheme to permit the development of a dependant unit with floor area exceeding 50m² is supported as the proponent states the unit is ancillary to the single dwelling. Further to this however, Clause 7.10.4 requires that the consent authority have regard to the potential impact on the residential amenity of adjoining properties. As such, the permit requires the dependant unit be appropriately screened with vegetation along the impacted northern boundary. This is expected to minimise potential

impacts on local rural amenity and protect the privacy of the dependant unit residents as well as the northern neighbours. This also ensures the development demonstrates closer compliance with the intent and requirements of the NT Planning Scheme.

2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to support the proposed development.

The land is generally flat and serviced with reticulated electricity, a septic and registered bore RN033429. The application does not propose the installation of any additional residential servicing infrastructure (i.e. bores or septic). The Department of Land Resource Management did not identify any issues of concern. The land appears capable of supporting the proposed dependant unit.

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

The recommendation to provide and maintain adequate screening and landscaping between the dependant unit and the neighbouring parcel to the north is expected to ensure the potential to impact on amenity is minimised.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

19/8/13

