DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 213 – FRIDAY 14 JULY 2017

WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS

MEMBERS PRESENT: Denis Burke (Chairman), Keith Aitken, Bob Shewring, Wendy Smith and Doug Barden

APOLOGIES: Christine Osborn

OFFICERS PRESENT: Margaret Macintyre (Secretary), Dawn Parkes and Ann- Marie Dooley (Development Assessment Services)

COUNCIL REPRESENTATIVE: Natasha McAlister

Meeting opened at 10.30 am and closed at 12 noon
ITEM 1  SUBDIVISION TO CREATE EIGHT LOTS
PA2017/0202  LOT 7 (408) BROUGHAM ROAD, HUNDRED OF CAVENAGH
APPLICANT  KENNETH SKEWES & ALINTA ORR & JACOB SKEWES

Mr Kenneth Skewes and Mr Jacob Skewes (landowners) attended.

Mr Skewes tabled an amended subdivision plan showing seven lots.

RESOLVED 84/17

That, pursuant to section 53(b) of the Planning Act, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Lot 7 (408) Darwin River, Hundred of Cavenagh for the purpose of a subdivision to create seven lots, 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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
   (a) a reduced number of lot boundaries traversing land constrained by the creek line and associated riparian zone; and
   (b) minimum lot sizes of 8ha to meet the minimum lot size requirements of Clause 11.1.1 of the NT Planning Scheme.

   All revised plans, including the bore and septic location plan, should reflect the amendments outlined above.

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.

3. Prior to the commencement of works a Weed Management Plan (WMP) is to be submitted to and approved by the consent authority on the advice of Department of Environment and Natural Resources (DENR), and an endorsed copy of the plan will form part of this permit. All works are to be undertaken in accordance with the endorsed WMP to the satisfaction of the consent authority, on the advice of DENR. The plan must detail how gamba grass will be managed prior to, during and post any subdivision earthworks. It must include quarantine and/or hygiene procedures, the installation and maintenance of a 15 m gamba grass free buffer to each property boundary and any infrastructure, roads or tracks, timing of control work to occur prior
to flowering and seeding, and prevention of spread from the development or into clean areas.

4. Prior to the commencement of works (including site preparation), a pumped water sample for laboratory analysis of the groundwater (to include heavy metals) from the subdivision area underlain by the Burrell Creek Formation Aquifer System to demonstrate that the groundwater is potable is to be supplied to the requirements of the Department of Environment and Natural Resources, to the satisfaction of the consent authority.

5. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR), and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the Consent Authority, on advice from DENR. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning and the IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in the ESCP. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. Information regarding erosion and sediment control and ESCP content is available at: www.austieca.com.au and the NT Government website: https://nt.gov.au/environment/soil-land-vegetation.

GENERAL CONDITIONS

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

6. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, upon the advice of the Department of Environment and Natural Resources.

7. All works relating to this permit are to be undertaken in accordance with the endorsed WMP to the requirements of the consent authority, upon the advice of the Department of Environment and Natural Resources.

8. 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.

9. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage, sewerage, electricity facilities and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities’ requirements and relevant legislation at the time.

10. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.

11. 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 Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

12. Before issue of titles, 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 Environment and Natural Resources).

13. Before the issue of titles, the owner must, in accordance with Part 6 of the Planning Act, pay a monetary contribution to the Litchfield Council for the upgrade of local infrastructure, in accordance with its Development Contribution Plan.

14. Part V will not be issued until a statement is provided from a suitably qualified professional confirming that the subdivision is compliant with the NT Building Act and Building Code of Australia, to the satisfaction of the consent authority.

15. Before issue of titles and pursuant to section 34 of the Land Title Act, a Caution Notice shall be lodged with the Registrar-General on the parent parcel to include the following advice on all the proposed lots indicated on the endorsed drawings. The Caution Notice is to state that: "The land is heavily infested with gamba grass (Andropogon gayanus) which is subject to a Statutory Weed Management Plan. Management obligations outlined in the Statutory Weed Management Plan must be adhered to by all land holders". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

16. Before issue of titles and pursuant to section 34 of the Land Title Act, a Caution Notice should be lodged with the Registrar General on the parent parcel to include the following advice on all the proposed lots indicated on the endorsed drawings. The Caution Notice is to state that: "The land is likely to be subject to seasonal mosquito problems, and the owner/occupier is responsible for managing mosquito problems that may occur on this land. This could be via the use of personal mosquito repellents, application of residual insecticides, use of protective clothing, appropriate screening of dwellings, or avoidance of outdoor areas during periods of increased mosquito numbers". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that the 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. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve.

3. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority’s
Noise Guidelines for Development Sites in the Northern Territory. 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. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 8995 5354. The numbers shown on the plans are indicative only and are not for addressing purposes.

5. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act 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) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

6. Any new on-site wastewater system to be installed must be carried out by a qualified licensed Self-Certifying Plumber and must comply with the NT Code of Practice for Small On-site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent (The Code).

**REASONS FOR THE DECISION**

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

Clause 11.1.1 (Minimum Lot Sizes and Requirements) requires that lots in Zone R be a minimum size of 8ha with a minimum 1ha of unconstrained land. While the Department of Environment and Natural Resources (DENR) advises that each of the proposed lots has in excess of 1ha of land that is considered unconstrained by drainage; the proposed lots range from 7.5ha to 7.8ha and do not meet the minimum lot size requirement.

The Authority supported Litchfield Council’s view that the creation of a road is a standard requirement to provide access and is not considered reason to vary this clause. Litchfield Council asserts that there are no special circumstances to support a variation or restrict the developer from redesigning to provide compliant lot sizes and the Authority agreed that no special circumstances had been demonstrated, and considered that the minimum lot size should be maintained.

Sub-clauses 9(b),(c) and (d) of Clause 11.4.1 (Site Characteristics of Subdivisions of Rural and Unzoned Land) requires subdivision design to minimise the number of lots in, or exclude from subdivision, areas of high conservation significance and riparian zones; minimise alteration or disturbance to natural drainage systems including drainage areas, recognisable watercourses, lagoons and permanent and semi-permanent springs; and minimise erosion hazard, sedimentation and pollution of watercourses. DENR consider that the
proposed subdivision does not adequately address these sub-clauses and notes that the proposed boundaries associated with proposed lots 7/8 and 7/3 traverse a substantial creek line and associated riparian zone (indicated as a Priority Environmental Management (PEM) area) which could cause erosion due to the installation of firebreaks and fence lines.

Sub-clause 2(e) of Clause 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land) requires subdivisions to incorporate as far as practicable, drainage lines and drainage floors wholly within a single lot, therefore in its current form, the proposal does not comply. The requirement for an amended plan illustrating complaint lots sizes and a reduction in the number of boundaries traversing the PEM area is required to address the concerns raised by Litchfield Council and DENR and to reduce potential impacts on the creek line and associated riparian area.

2. Pursuant to Section 51(e) of the Planning Act, the consent authority must take into consideration any public submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

Two public submissions were received outlining concerns relating to weeds, fire, clearing of native vegetation and groundwater availability. The requirement of an amended plan illustrating complaint lot sizes and a reduction in the number of boundaries traversing the PEM area, in addition to the inclusion of appropriate conditions of development included in the development permit is considered to address the concerns raised.

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

The requirement of an amended plan illustrating complaint lots sizes will ensure all lots meet the minimum lot size for Rural zoned land and that each lot contains at least 1ha of land (and access) that is unconstrained by drainage.

ACTION: Notice of Consent and Development Permit
CONDITION PRECEDENT

1. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR), and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the Consent Authority, on advice from DENR. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning and the IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in the ESCP. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. Information regarding erosion and sediment control and ESCP content is available at: www.austieca.com.au and the NT Government website: https://nt.gov.au/environment/soil-land-vegetation.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with drawing number 2017/0247/01 endorsed as forming part of this permit.

3. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, upon the advice of the Department of Environment and Natural Resources.

4. 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.

5. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage, water supply, sewerage, electricity facilities and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

6. 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 Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner’s expense.

7. Before issue of titles, 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 Environment and Natural Resources).

8. Before the issue of titles, the owner must, in accordance with Part 6 of the Planning Act, pay a monetary contribution to the Litchfield Council for the upgrade of local infrastructure, in accordance with its Development Contribution Plan.

9. Before issue of titles and pursuant to section 34 of the Land Title Act, a Caution Notice shall be lodged with the Registrar-General on the parent.
parcel to include the following advice on all proposed lots indicated on the endorsed drawings. The Caution Notice is to state that: “A non-standard septic system may be required on this allotment”. Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

10. Should imported fill be utilised in the development, the owner of the land must ensure that only clean fill (virgin excavated natural material) or inert fill is accepted and that the inert fill has been adequately assessed as being suitable for its intended use.

NOTES:

1. The Power and Water Corporation advises that the 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. A “Permit to Work Within a Road Reserve” may be required from Litchfield Council before commencement of any work within the road reserve.

3. 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 Environment and Natural Resources.

4. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 8995 5354. The numbers shown on the plans are indicative only and are not for addressing purposes.

5. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. 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.

6. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act 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) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

7. Any new on-site wastewater system to be installed must be carried out by a qualified licensed Self-Certifying Plumber and must comply with the NT Code of Practice for Small On-site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent (The Code).
REASONS FOR THE DECISION

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

The proposed subdivision complies with the relevant provisions of the Northern Territory Planning Scheme, is consistent with the residential land use objectives of the Litchfield Subregional Land Use Plan 2016 and the rural lifestyle objectives of the Darwin Regional Land Use Plan 2015.

2. Pursuant to Section 51(e) of the Planning Act, the consent authority must take into consideration any public submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

Two public submissions were received outlining concerns regarding seasonal inundation and flood prone land. The application demonstrates compliance with the relevant clauses of the Northern Territory Planning Scheme, including Clause 11.1.1 (Minimum Lot Sizes and Requirements) which requires lots in Zone RL (Rural Living) be a minimum size of 2ha with a minimum 1ha of unconstrained land.

In addition, provided the subdivision complies with the relevant conditions of development permit including the connection of reticulated services, the implementation of erosion and sediment control measures and subsequent effluent disposal systems comply with the relevant requirements, it is unlikely the proposal will adversely impact on the amenity of the area or alter community expectations for the site.

3. Pursuant to Section 51(j) of the Planning Act, 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.

All lots meet the minimum size for RL zoned land of 2ha and each lot contains at least 1ha of land (and access) that is unconstrained by drainage.

No particular concerns were raised by service authorities with regards to land capability of the subject site and the land is considered capable of supporting the proposed subdivision. A number of standard conditions relating to the servicing of the subject land have been applied to the development permit and will ensure that the land is capable of supporting its intended use.

The Land Suitability Assessment (LSA) concluded that overall the land is defined as High Risk (Low Capability) for onsite wastewater disposal and therefore it is necessary that a caution notice be lodged on the parent parcel to advise potential landowners that the site may require the use of non-standard septic systems. This is consistent
with previous conditions of approval that have been granted over the subject land.

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

**ITEM 3**
**PA2017/0238**
**WAREHOUSES WITH REDUCED SIDE SETBACK, SHOP AND A CARETAKER’S RESIDENCE EXCEEDING 50M2 IN 3 STAGES**
**SECTION 6355 (16) MIGHALL PLACE, HUNDRED OF BAGOT**

**APPLICANT**
KALOTINA ALEXIOU FAMILY TRUST

Ms Kalotina Alexiou (Kalotina Alexiou Family Trust) attended.

Submitter: Litchfield Council represented by Natasha McAlister attended.

**RESOLVED**
86/17

That, the Development Consent Authority vary the requirements of Clause 9.1.1 (Industrial Setbacks), and pursuant to section 53(b) of the Planning Act, alter the proposed development and consent to the proposed development as altered to develop Section 6355 (16) Mighall Place, Hundred of Bagot, for the purpose of 2 x warehouses, shop (café) and a caretaker’s residence, in 3 stages, 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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
   (a) landscaping along the front boundary to be a minimum depth of 3m;
   (b) the floor area of the caretaker’s residence to be a maximum of 50m²;
   (c) no direct access to any ancillary office space from the proposed caretaker’s residence;
   (d) a revised staging plan to reflect the changes outlined above, noting that the plan should ensure sufficient car parking is included in each stage to support the uses developed within that stage;
   (e) further details in relation to the nominated waste area illustrating how the area will be screened from public view;
   (f) further details in relation to how manoeuvrability throughout the site is achieved including swept path diagrams;
   (g) further details in relation to the nominated waste area including swept path diagrams demonstrating how access is achieved, to the satisfaction of the Litchfield Council; and
   (h) a maximum of two access driveways each with a maximum width of 6m, to the satisfaction of the Litchfield Council.

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.
3. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR). All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the Consent Authority, on advice from DENR. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning and the IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in the ESCP. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. Information regarding erosion and sediment control and ESCP content is available at: www.austieca.com.au and the NT Government website: https://nt.gov.au/environment/soil-land-vegetation.

GENERAL CONDITIONS

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

5. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, upon the advice of the Department of Environment and Natural Resources.

6. The development must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.

7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity facilities and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities’ requirements and relevant legislation at the time.

8. 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.

9. 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.

10. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Litchfield Council, to the satisfaction of the consent authority.

11. The owner shall:
   (a) remove disused vehicle and/or pedestrian crossovers;
   (b) collect stormwater and discharge it to the drainage network; and
   (c) undertake reinstatement works;
   all to the technical requirements of and at no cost to Litchfield Council to the satisfaction of the consent authority.
12. Before the use or 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 spaces, access lanes and driveways must be kept available for these purposes at all times.

13. 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 to the satisfaction of the Litchfield Council.

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 loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.

16. 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.

17. Before the use or 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.

18. 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.

19. 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 unit/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 doors and 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.

NOTES:

1. A “Permit to Work Within a Road Reserve” may be required from Litchfield Council before commencement of any work within the road reserve.
2. 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.

3. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority’s Noise Guidelines for Development Sites in the Northern Territory. 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. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act 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) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

5. The development and use hereby permitted should be designed, constructed, registered and operated in accordance with the Building Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Food Safety Standards.

6. Any new on-site wastewater system to be installed must be carried out by a qualified licensed Self-Certifying Plumber and must comply with the NT Code of Practice for Small On-site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent (The Code).

7. The permit holder is advised that the proposal may have assessment implications under the Waste Management and Pollution Control Act. More information can be found on the Northern Territory Environment Protection Authority website at: https://ntepa.nt.gov.au/waste-pollution. The applicant is encouraged to contact the NT EPA on (08) 8924 4218 or ntepaa@nt.gov.au.

**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 ground level shop (café) as exhibited and the revised proposal comply with Clause 6.1 (General Height Control); Clause 6.5.1 (Parking Requirements); Clause 6.6 (Loading Bays) and Clause 8.1.1 (Shops in Zones CV, CL, LI, GI, DV, OR and CN).

   While the plans submitted do not nominate specific car parking areas to each use, it is noted that there are 12 surplus car parking spaces...
on site and a loading bay located at the rear of the building which appears to be dedicated to the shop (café).

The purpose of Clause 6.5.3 (Parking Layout) is to ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose.

The proposal does not comply with sub-clause 2(g) of the clause which requires the car parking area to "be not less than 3m from a road, and the area between the car parking area and the road is to be landscaped with species designed to lessen the visual impact of the car parking area".

The plans as exhibited and the amended plans illustrate landscaping along the front boundary between the car parking area and the road reserve to be a depth of 1m. The application has not provided any special circumstances to support a variation to sub-clause 2(g) and the site is considered a suitable size, capable of accommodating the uses proposed without a variation to the landscaping requirement. Amended plans illustrating landscaping along the front boundary between the car parking area and the road reserve to be a minimum depth of 3m are required to demonstrate compliance with this clause.

The purpose of Clause 7.10.3 (Caretaker’s Residence) is to ensure that a caretaker’s residence is not the primary use of the land and the caretaker’s residential use does not prejudice the use of the site or adjoining land in accordance with its zoning. Sub-clause 2(a) states that "the floor area of the caretaker’s residence does not or will not exceed 50m²".

The proposed caretaker’s residence has a floor area of approximately 159m² which significantly exceeds the floor area permitted by the clause. Although the size of the caretaker’s residence appears to reflect the design of the two storey building which incorporates a shop (café) at ground level, it is considered that a structure of this size could potentially negatively impact on the site and adjoining land which is zoned LI (Light Industrial). Reverse sensitivity issues are likely to arise due to the anticipated level of residential amenity associated with residential dwellings. Amended plans illustrating a reduction in the overall floor area of the caretaker’s residence to a maximum of 50m² in accordance with sub-clause 2(g) are required to ensure the caretaker’s residential use does not prejudice the use of the site or adjoining land which is zoned LI (Light Industrial). The Authority considers that the proposed ancillary office space and any additional ancillary office space, should not gain direct access from the caretaker’s residence and a separate entrance should be provided.

The purpose of Clause 9.1.1 (Industrial Setbacks) is to ensure that buildings are sited to provide an adequate level of visual amenity in industrial zones. Sub-clause 2 requires that "all street frontages, except access driveways or footpaths, are to be landscaped to a minimum depth of 3m; and the quality and extent of landscaping is to be maintained for the life of the development".

These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it.
Reliance on these minutes should be limited to exclude uses of an evidentiary nature.
The plans illustrate landscaping along the front boundary between the car parking area and the road reserve to be a depth of 1m. The application has not provided any special circumstances to support a variation to sub-clause 2(g) and the site is considered a suitable size, capable of accommodating the uses proposed without a variation to the landscaping requirement. Amended plans illustrating landscaping along the front boundary between the car parking area and the road reserve to be a minimum depth of 3m are required to demonstrate compliance with this clause.

In addition, the table associated with Clause 9.1.1 requires that buildings be sited 3m from the primary street, 5m from the rear and at least one side boundary. The two-storey building comprising of a shop (café) and caretaker’s residence does not comply with all setback requirements of the clause. The amended plans illustrate both side setbacks to be 3.05m and seek a variation to the northern boundary to allow for circulation space and windows to the warehouse.

A variation to the setback requirements of Clause 9.1.1 (Industrial Setbacks) to allow the northern boundary side setback to be 3.05m is considered acceptable as the setback will enable vehicles to access the roller doors proposed at the rear of each of the warehouses and to provide suitable circulation space.

The Authority considers the requirement of amended plans including swept paths diagrams necessary to illustrate how manoeuvrability throughout the site is achieved to ensure large vehicles can easily access the warehouses and loading bays at the rear of the site.

2. Pursuant to Section 51(e) of the Planning Act, the consent authority must take into consideration any public submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

Litchfield Council objected to the proposal under Section 49 of the Planning Act stating that the application has failed to provide any compelling special circumstances to support the variations proposed and raising concerns regarding the overall size of the caretaker’s residence. The requirement for amended plans illustrating suitable landscaping along the front boundary, a reduction in the overall floor area of the caretaker’s residence, swept paths to access the waste area and a maximum of two 6m driveways is considered to address the concerns raised by Council.

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.
An altered plan that results in an overall reduction in the size of the caretaker's residence will ensure the proposal does not negatively impact on the site and adjoining land which is zoned LI (Light Industrial) and does not prejudice the use of the site or adjoining land for industrial purposes.

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

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

[Signature]

DENIS BURKE
Chairman

18/7/17