DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 208 – FRIDAY 17 FEBRUARY 2017

WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS

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

APOLOGIES: Nil

OFFICERS PRESENT: Dawn Parkes, Ann-Marie Dooley, Sonia Barnes, Madeleine Joy-Warde and Poppy Zaronias (Development Assessment Services)

COUNCIL REPRESENTATIVE: Natasha McAlister

Meeting opened at 10.20 am and closed at 11.15 am
MINUTES RECORD THE EVIDENTIAL 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 INVITENEES ARE PRESENT FOR THE EVIDENTIAL STAGE ONLY.

ITEM 1 CAR PARK ADDITION TO AN EXISTING HOTEL
PA2016/0761 SECTION 1578 (720) AND LOT 5 (795) COX PENINSULA ROAD HUNDRED OF AYERS
APPLICANT EARL JAMES AND ASSOCIATES

Simon Byrne from Byrne Consultants and Chris Keating (part landowner of Lot 5) attended the meeting on behalf of the applicant.

RESOLVED That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Part Section 1578 and Lot 5 (720 and 795) Cox Peninsula Road, Hundred of Ayers for the purpose a carpark addition to an existing hotel, subject to the following conditions:

CONDITION PRECEDENT

1. 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 underground to Council’s system.

2. 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 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 DENR website: https://nt.gov.au/environment/soil-land-vegetation/soil-management-erosion-sediment-control.

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. 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.

5. The development as shown on the endorsed plans must not be altered without the further consent of the consent authority.

6. 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.

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.
7. The owner of the land must enter into agreements with the relevant authority for the provision of electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

8. Before the use 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.

9. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of construction to the requirements and satisfaction of the consent authority.

10. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.

11. The car parking shown on the endorsed plan must be available at all times for the exclusive use of the occupants of the Berry Springs Tavern development and their visitors.

12. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Litchfield Council and Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.

13. Any proposed work (including the provision or connection of services) within, or impacting upon the Cox Peninsula Road road reserve shall be in accordance with the standards and specifications of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics. Design documents must be submitted to the Director Corridor Management, Transport and Civil Services Division for Road Agency Approval and no works are to commence prior to approval and receipt of a “Permit to Work Within a Road Reserve”.

14. Access to the proposed carpark shall be via the existing access to the Berry Springs Tavern only. No additional access from Cox Peninsula Road shall be permitted.

15. Where unfenced, the Cox Peninsula Road road frontage is to be appropriately fenced in accordance with Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics standards and requirements to the satisfaction to 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. 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 the Department of Environment and Natural Resources.

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.

**REASONS FOR THE RECOMMENDATION**

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 site falls within Zone TC (Tourist Commercial) of the NT Planning Scheme. The primary purpose of Zone TC is to provide for uses or development servicing tourism, including commercial and residential activities.

   The proposal has been assessed against Clause 6.5.1 (Parking Requirements) and Clause 6.5.3 (Parking Layout) of the NT Planning Scheme and complies.

   The development of a carpark addition to an existing hotel (Berry Springs Tavern) is considered to be consistent with the intent of Zone TC (Tourist Commercial).

2. 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 Department of Environment and Natural Resources have previously advised the development is located on gently undulating land which is unconstrained by drainage. Conditions requiring submission of an Erosion and Sediment Control Plan and a Stormwater Management Plan have been included on the advice of service authorities. No other issues of concern in relation to land capability were raised.

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 proposal to develop an additional formalised parking area to service the Berry Springs Tavern is anticipated to provide for better access and will benefit patrons of the tavern and address current overflow parking issues. Existing vegetation along the Cox Peninsula Road road reserve will serve to provide screening to the new parking area.

4. 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.

   One public submission was received and raised concern with traffic safety issues, access from Cox Peninsula Road, clearing of native bushland and more generally the development of the Berry Springs Village precinct.

   Issues raised by the submitter were previously addressed in the assessment of the subdivision and consolidation of the land. Access to the site has been conditioned by the Transport and Civil
Services Division to allow only one point of access to Cox Peninsula Road from the existing tavern access.

It is noted that no further development of the tavern is proposed, rather an extension of the existing carpark to address current overflow parking issues.

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

**ITEM 2**  
RESTAURANT IN A SINGLE STOREY BUILDING (HUNGRY JACKS)  
PA2016/0729  
SECTION 6493 (425) STUART HIGHWAY, HUNDRED OF BAGOT  
APPLICANT  
GWELO INVESTMENTS PTY LTD

Mr Vince Albertoni and Mr Bernie O'Connell from Gwelo Investments Pty Ltd attended the meeting.

Submitters Mr Gerry Wood and Litchfield Council attended the meeting.

**RESOLVED**  
That, the Development Consent Authority vary the requirements of Clause 6.1 (General Height Control) and Clause 6.7 (Signs) of the Northern Territory Planning Scheme, 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 6493 (425) Stuart Highway, Hundred of Bagot for the purpose of a restaurant in a single storey building, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the 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 pylon sign with the same or less bulk as the nearby sign developed in association with the McDonalds restaurant on Section 6493 (425) Stuart Highway, Hundred of Bagot, to a maximum height of 12m; and
   (b) An updated site plan and elevations of all proposed signage.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a landscape plan for the proposed restaurant site, to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The landscaping plan must be generally in accordance with the landscape concept plan and 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.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), an updated Traffic Impact Assessment (TIA) report is to be prepared by a suitably qualified traffic engineer. The TIA must include the proposed changes at the Stuart Highway/Service Road intersection and all proposed site accesses from the Stuart Highway Service Road to the requirements of the Transport and Civil Services Division, Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority.

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4. 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.

5. Prior to the commencement of works, the applicant must lodge a variation application to vary Development Permit DP09/1035. The application should reflect the changes proposed as a result of this development and include:
   (a) a revised Master Plan for the Coolalinga Retail Precinct, including all proposed site accesses and the location of a taxi terminal, and bus stops for the overall development, to the requirements of the Transport and Civil Services Division, Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority; and
   (b) a revised Landscaping Plan for the site as a whole. The landscaping plan must be generally in accordance with the landscape concept plan and 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.

6. 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, and an endorsed copy of the Plan will form part of this permit. 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 DENR website: https://nt.gov.au/environment/soil-land-vegetation/soil-management-erosion-sediment-control.

GENERAL CONDITIONS

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

8. All works recommended by the traffic impact assessment are to be completed to the requirements of the Transport and Civil Services Division, Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority.

9. 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.

10. 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.

11. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and 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.
12. 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.

13. “No entry/no exit” signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.

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

15. Before the use 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.

16. 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.

17. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Transport and Civil Services Division, Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority.

18. Before the occupation of the development starts, the areas 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.

19. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Litchfield Council and/or the Transport and Civil Services Division, Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority.

20. 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.

21. No goods are to be stored or left exposed outside the building so as to be visible from any public street.

22. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building.

23. The location and details of the signs, including those of the supporting structure, as shown on the endorsed plans, must not be altered without the further consent of the consent authority.

24. External lights including those associated with illuminated signage must be designed, baffled and located to the satisfaction of the consent authority to prevent any adverse effect on adjoining land and roads.
25. Where unfenced, the Stuart Highway Road frontage is to be appropriately fenced in accordance with the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics’ standards and requirements to the satisfaction to the consent authority.

26. Headlight barriers shall be installed to the drive through area along the Stuart Highway Service Road frontage to prevent headlights being noticeable or causing a nuisance to Stuart Highway Service Road traffic in accordance with requirements of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics’ standards and requirements to the satisfaction to the consent authority.

27. All proposed works impacting on the Stuart Highway are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Department of Infrastructure Planning and Logistics. Drawings must be submitted to the Transport and Civil Services Division, Department of Infrastructure Planning and Logistics, for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within NT Government Road Reserves".

28. Upon completion of any works within or impacting upon the Stuart Highway/Service 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.

NOTES

1. A “Permit to Work Within NT Government Road Reserves” may be required from the Transport and Civil Services Division, Department of Infrastructure Planning and Logistics, before commencement of any work within the Stuart Highway road reserve.

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

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

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.

5. No temporary access for construction purposes shall be permitted from the Stuart Highway road reserve. Construction and delivery vehicles shall not be parked on the Stuart Highway road reserve.

6. Upon completion of any works within or impacting upon the Stuart Highway 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.

7. Any floodlighting or security lighting provided on site is to be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway traffic.
8. 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 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, either permanent or temporary, e.g. ‘A’ frame, vehicle or trailer mounted shall not be erected or located within the Stuart Highway road reserve.

9. 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.

10. 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.

11. 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.

REASONS FOR THE RECOMMENDATION

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 development is consistent with the requirements of the NT Planning Scheme, including the purpose of Zone C (Commercial) which is to provide for a range of business and community uses. The proposed restaurant is considered to be consistent with the purpose of the zone as it will further facilitate the intent of the zone as an area servicing the proposed residential aspect of the mixed use development as well as the surrounding population of Coolalinga.

A variation to the requirements of Clause 6.7 (Signs) to consent to a total area of 66.67m² of signage is considered acceptable as the development is consistent with the purpose of the clause “to ensure that business signs and promotion signs on zoned land are of a size and location that minimises detriment to the amenity of the area”. The overall design is largely consistent with the standard requirements of the Scheme for a development of this type and the signage is consistent with similar contemporary restaurants in the locality.

The façade signage is proportionate to the area of the facades on which they will appear; the signage will occupy 3.97% of the northern facing façade and 14.13% of the eastern facing façade. While these signs will be visible from the highway, all three will be set back more than 10m from the highway boundary of the site. In addition, the Authority considered that a variation to Clause 6.1 (General Height Control) for the proposed pylon sign to be a height of 12m could be supported if the sign was of the same or less bulk as the existing pylon sign developed in association with the nearby fast food restaurant on the same site. A condition of approval is included to reflect this requirement. It is considered that the pylon sign as amended will be of a height and size that is
unlikely to impact on the amenity of the area and is of a standard design to developments of a similar nature in the immediate and broader commercial localities.

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 in relation to the application raising concerns regarding the landscaping (or lack thereof) associated with new businesses recently developed along the Stuart Highway and the volume of signage associated with the development.

The Authority considered that the proposal will form part of the Coolalinga Village Precinct which was approved in December 2009 and that works associated with DP09/1035 are ongoing and the landscaping associated with this development is likely to be established nearing the completion of this development. In addition, a condition precedent requiring a detailed landscaping plan is required to illustrate the type of landscaping proposed within the site boundary between the car parking area and the road to lessen the visual impact of the development and parking area.

With regards to the signage associated with the site, the Authority deemed the overall design to be largely consistent with the standard requirements of the Scheme for a development of this type and consistent with similar contemporary restaurants in the locality.

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 supported 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 site does not appear to contain any constraints that would affect the development or cause the development to impact on other land in the vicinity. Overall Section 6493 has been zoned accordingly to accommodate the proposed development, therefore provided that all issues raised by service authorities in their comments and applied to the permit as conditions of approval are addressed, it is envisaged that the proposed development will have a minimal impact on land and existing development within the general vicinity.

4. 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 development is located within an existing mixed use development with surrounding land being primarily used for commercial uses. As such it is not expected that the proposed development will impact on the existing and/or future amenity of the area.

ACTION: Notice of Consent and Development Permit

ITEM 3 48 X 2 BEDROOM MULTIPLE DWELLINGS IN A 4 STOREY BUILDING AND BASEMENT CAR PARKING
PA2016/0076 SECTIONS 6514 & 6515 (35 & 31) FAIRWEATHER CRESCENT, HUNDRED OF BAGOT
APPLICANT GEORGE SAVVAS

Mr George Savvas and Mr George Vazanellis (part land owner) attended the meeting.
RESOLVED 20/17

That, pursuant to section 53(c) of the Planning Act, the Development Consent Authority refuse to consent to the application to develop Sections 6514 (35) & 6515 (31) Fairweather Crescent, Hundred of Bagot for the purpose of 48 x 2 bedroom multiple dwellings in a 4 storey building with basement car parking for the following reasons:

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 development was assessed against the NT Planning Scheme and while found to be consistent with the primary purpose of Zone MR (Medium Density Residential) which is to provide for a range of housing options to a maximum height of 4 storeys above ground level, presented a number of non-compliances with the relevant clauses. The Authority determined that the number of non-compliances was due to an over development of the site and therefore a variation to Clause 7.1.1 (Density Requirements) could not be supported.

The Authority considered that compliance with the relevant density requirements could result in compliance with other requirements of the Scheme which are currently not met such as Clause 7.3 (Building Setbacks), Clause 7.5 (Private Open Space) and Clause 6.5.3 (Parking Layout). The Authority considered that insufficient justification had been provided and there were no demonstrable special circumstances to support so many departures from the requirements of the Scheme.

The Authority noted that the revised proposal included communal open space that was well in excess of the requirements of Clause 7.6 (Communal Open Space) but concluded that this space did not compensate for reduced areas of private open space nor did it provide adequate justification for the other areas of non-compliance. In addition the Authority noted that a design that is compliant with the relevant requirements of the Scheme is likely to offer increased amenity to the existing residents of nearby developments and residents of the subject development.

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.

One public submission was received and suggested that open space facilities should be a priority given that there are no other facilities in the area. The submitter suggested the inclusion of a playground and swimming pool similar to neighbouring developments.

Notwithstanding that the revised proposal was improved to include the provision of a playground, pool, bbq area, and an undercover tiled seating area, the Authority determined to not support the proposal due to the number of non-compliances presented; that insufficient justification had been provided; and there were no demonstrable special circumstances to support so many departures from the requirements of the Scheme.

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 Authority considered that the land was not capable of supporting the proposed development as the proposed increased density resulted in non-compliances with other requirements of the Scheme.
such as setback provisions and areas of private open space. The Authority noted that a development with compliant density is likely to achieve compliance with all other relevant requirements of the Scheme which would better demonstrate that the land is capable of supporting the proposed development.

4. 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.

While the proposal was found to be consistent with the primary purpose of Zone MR (Medium Density Residential) which is to provide for a range of housing options to a maximum height of 4 storeys above ground level, a number of non-compliances with the relevant clauses were identified. The Authority determined that the number of non-compliances was due to an over development of the site and that the proposal was inconsistent with the nature of development reasonably anticipated by the community and promoted by the NT Planning Scheme in this area. Variations to the provisions of the Scheme were not supported by the Authority who noted that a design that is compliant with the relevant requirements of the Scheme is likely to offer increased amenity to the existing residents of nearby developments and residents of the subject development.

ACTION: Notice of Refusal

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

[Signature]
Denis Burke
Delegate
22/02/17

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.