



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 221 – FRIDAY 16 MARCH 2018

**WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

MEMBERS PRESENT: Suzanne Philip (Chair), Keith Aitken, Bob Shewring and Doug Barden

APOLOGIES: Christine Simpson and Wendy Smith

OFFICERS PRESENT: Margaret Macintyre (Secretary), Ann- Marie Dooley and Roxanne Willing
Fiona Ray (Items 1 to 5) and Sonia Barnes (Items 6 & 7) (Development Assessment Services), Mr Chris Humphries (Items 6 & 7) (Lands Planning)

COUNCIL REPRESENTATIVE: Natasha McAlister – (Items 1 to 5) and Edward Li (Items 6 & 7)

Meeting opened at 11.15 am and closed at 3.00 pm

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

ITEM 1 **4 X 2 BEDROOM MULTIPLE DWELLINGS IN 2 SINGLE STOREY BUILDINGS**
PA2017/0614 **SECTION 6533 (1) HAVELOCK STREET, HUNDRED OF BAGOT**
APPLICANT **DKJ PROJECTS ARCHITECTURE PTY LTD**

Mr Adam Walker (DKJ Projects Architecture Pty Ltd), Mr Bernie O'Connell (General Manager, Gwelo Investments) and Mr Vince Albertoni (Gwelo Investments) attended.

Mr Walker tabled nine pages of amended plans with different options.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
33/18 Authority consent to the application to develop Section 6533 (1) Havelock Street,
Hundred of Bagot, for the purpose of 4 x 2 bedroom multiple dwellings in 2 single
storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) compliance with the relevant provisions of the NT Planning Scheme including Clause 6.5.1 (Parking Requirements); 6.5.3 (Parking Layout); Clause 7.1 (Residential Density and Height Limitations); Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures); Clause 7.5 (Private Open Space); Clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation); and Clause 7.8 (Building design for Multiple Dwellings, Hostels and Supporting Accommodation).
2. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Litchfield Council stormwater drainage system shall be submitted to and approved by the Litchfield Council, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system or an alternate approved connection.

GENERAL CONDITIONS

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

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
6. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
7. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Litchfield Council to the satisfaction of the consent authority.
8. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Litchfield Council, to the satisfaction of the consent authority.
and
The owner shall:
 - i. remove disused vehicle and/ or pedestrian crossovers;
 - ii. provide footpaths/ cycleways;
 - iii. collect stormwater and discharge it to the drainage network; and
 - iv. undertake reinstatement works;all to the technical requirements of and at no cost to the Litchfield Council, to the satisfaction of the consent authority.
9. 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.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseases or damaged plants are to be replaced.
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. 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.
14. Appropriate soil erosion, sediment and dust control measures must be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be suitably stabilised

against erosion at completion of works, to the satisfaction of the Consent Authority.

15. No fence, tree, hedge or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
16. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the meters within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.

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. A "Permit to Work Within a Road Reserve" is required from Litchfield Council before commencement of any work within the road reserve.
3. 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 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 proposal is within Zone MD (Multiple Dwellings) and is considered to be in accordance with the purpose of the zone which is to provide for a range of housing options to a maximum height of two storeys above ground level. The design is considered to be sympathetic to the style of existing development and development reasonably expected in the future on other surrounding Zone MD allotments.

The revised plans (Option 2) tabled at the meeting address the non-compliances identified by Development Assessment Services as a part of its assessment of the application in relation to Clause 6.5.3 (Parking Layout), Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) and Clause 7.3.2 (Distance Between Residential Buildings on One Site).

Pursuant to Section 51(m) of the *Planning Act*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

The Authority considers, that the revised plans (Option 2) tabled at the meeting address the Litchfield Council's concerns. The plans include suitable landscaping between the car parking area and the street and swept path diagrams demonstrating accessibility of each car parking space, particularly that of Unit 1 were provided.

ACTION: Notice of Consent and Development Permit

ITEM 2 **2 X 1 AND 4 X 2 BEDROOM MULTIPLE DWELLINGS IN 4 X SINGLE STOREY**
PA2017/0617 **BUILDINGS**
SECTION 6488 (15) GRICE CRESCENT, HUNDRED OF BAGOT
APPLICANT **DKJ PROJECTS ARCHITECTURE PTY LTD**

Mr Adam Walker (DKJ Projects Architecture Pty Ltd), Mr Bernie O'Connell (General Manager, Gwelo Investments) and Mr Vince Albertoni (Gwelo Investments) attended.

Mr Walker tabled four amended plans with options.

RESOLVED That, the Development Consent Authority vary Clause 7.3.2 (Distance Between
34/18 Residential Buildings on One Site) and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 6488 (15) Grice Crescent, Hundred of Bagot, for the purpose 2 x 1 and 4 x 2 bedroom multiple dwellings in 4 x single storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) compliance with the relevant provisions of the NT Planning Scheme including Clause 6.5.1 (Parking Requirements); 6.5.3 (Parking Layout); Clause 7.1.2 (Residential Height Limitations); Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures); Clause 7.5 (Private Open Space); Clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation); and Clause 7.8 (Building design for Multiple Dwellings, Hostels and Supporting Accommodation);
 - (b) the location of the good neighbour fencing fence between units 5 and 6 to be positioned towards the rear of the site and include access to unit 5 only;
 - (c) remove reference to visitor car parking on the car parking spaces adjacent to unit 4.

2. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Litchfield Council stormwater drainage system shall be submitted to and approved by the Litchfield Council, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system or an alternate approved connection.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
6. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
7. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Litchfield Council to the satisfaction of the consent authority.
8. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Litchfield Council, to the satisfaction of the consent authority.
and
The owner shall:
 - i. remove disused vehicle and/ or pedestrian crossovers;
 - ii. provide footpaths/ cycleways;
 - iii. collect stormwater and discharge it to the drainage network; and
 - iv. undertake reinstatement works;all to the technical requirements of and at no cost to the Litchfield Council, to the satisfaction of the consent authority.
9. 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.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseases or damaged plants are to be replaced.

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. 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.
14. Appropriate soil erosion, sediment and dust control measures must be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be suitably stabilised against erosion at completion of works, to the satisfaction of the Consent Authority.
15. No fence, tree, hedge or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.

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. A "Permit to Work Within a Road Reserve" is required from Litchfield Council before commencement of any work within the road reserve.
3. 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 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 proposal is within Zone MD (Multiple Dwellings) and is considered to be in accordance with the purpose of the zone which is to provide for a range of housing options to a maximum height of two storeys above ground level. The design is considered to be sympathetic to the style of existing development and development reasonably expected in the future on other surrounding Zone MD allotments.

The requirement for an altered plan that illustrates the good neighbour fence proposed between units 5 and 6 towards the rear of the buildings (adjacent to the patios) will enable access to unit 5; planting adjacent to unit 6 between the buildings and future occupants to access and maintain the area between the buildings.

Subclause 2 of Clause 7.1.1 ((Residential Density Limitations) states that the maximum number of dwellings that may be constructed on a site and table A refers to a dwelling density of 1 per 300m² in zone MD. Subclause 3 of Clause 7.1.1 (Residential Density Limitations) states that the consent authority may consent to a development that is not in accordance with sub-clause 2 if it is satisfied that compliance with other aspects of this Planning Scheme indicates that the density of the development is appropriate having regard to the purpose of this clause as set out in sub-clause 1.

The Authority considers a variation to the requirements of Clause 7.1.1 to allow a density of one dwelling per 290m² where a density of one dwelling per 300m² is required is acceptable as compliance with other aspects of the NT Planning Scheme indicates that the density of the development is appropriate. With the exception of Clause 7.3.2 (Distance Between Residential Buildings on One Site), the revised plans (Option 1) illustrate the relevant clauses of the NT Planning Scheme including Clause 6.5.1 (Parking Requirements); 6.5.3 (Parking Layout); Clause 7.1.2 (Residential Height Limitations); Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures); Clause 7.5 (Private Open Space); Clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation); and Clause 7.8 (Building design for Multiple Dwellings, Hostels and Supporting Accommodation).

A variation to Clause 7.3.2 to allow Units 5 and 6 to be separated by a distance of 2.3m where 3m is required can be granted as per Clause 2.5 (Exercise Discretion by the Consent Authority) as special circumstances apply. The reduced setback will not be visible from adjoining lands as the rear allotment is within Zone PS (Public Open Space) and well vegetated and other buildings on the site shield the reduced setback from the street. Therefore, a reduced setback of 2.3m is not expected to result in building massing or impact on amenity.

2. Pursuant to Section 51(m) of the *Planning Act*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

While Litchfield Council supports the proposal it raises concerns in relation to the orientation of the units and a drainage easement at the site. The Authority considers, that the revised plans (Option 1) tabled at the meeting address the Litchfield Council's concerns. The plans illustrate units 2 and 3 are located closer to the car parking spaces adjacent to unit 4 and the location of unit 1 provides appropriate separation of the patios associated with Units 1 and 2.

In addition, the removal of the 'visitor car parking' reference to the car parking spaces adjacent to unit 4 will ensure adequate car parking is available for the single bedroom dwellings.

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 Authority considers, that the revised plans (Option 1) tabled at the meeting address the amenity issues raised. The plans illustrate units 2 and 3 are located closer to the car parking spaces adjacent to unit 4 and the location of unit 1 provides appropriate separation of the patios associated with Units 1 and 2.

ACTION: Notice of Consent and Development Permit

**ITEM 3
PA2017/0603
APPLICANT**

**CLEARING OF NATIVE VEGETATION
SECTION 1546 (600) ANZAC PARADE, HUNDRED OF GUY
TALLAGANDRA PASTORAL**

Mr David Armstrong (Landowner) attended and tabled an amended clearing proposal (4 pages).

**RESOLVED
35/18**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 1546 (600) Anzac Parade, Hundred of Guy for the purpose of clearing native vegetation, 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 on the advice of the Department of Environment and Natural Resources 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 50m wide native vegetation buffers retained to the eastern and southern boundaries, exclusive of cleared areas and firebreaks.
2. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Litchfield Council stormwater drainage system shall be submitted to and approved by the Litchfield Council, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system or an alternate approved connection.
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). The ESCP should detail methods and treatments for minimising erosion and

sediment loss from the site during the construction phase and that all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works. Information regarding erosion and sediment control and ESCP content is available at the NTP website: <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be emailed for assessment to: DevelopmentAssessment.DENR@nt.gov.au

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. 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.
6. All works related to this permit are to be undertaken in accordance with the approved Erosion and Sediment Control Plan (ESCP) to the requirements of the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR).
7. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Litchfield Council to the satisfaction of the consent authority.
8. The clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawing as "Permitted Clearing". All remaining native vegetation is to be maintained to the satisfaction of the consent authority.
9. The permit holder must ensure that the clearing operator has a copy of the permit, including the endorsed drawing, at all times during the clearing operation.
10. Before the vegetation removal starts, the boundaries of all vegetation stands to be removed and retained must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the consent authority.

NOTES:

1. Inspection fees and charges may apply in accordance with Litchfield Council's current Fees and Charges. Additional information can be found at www.litchfield.gov.nt.au.
2. A *Works within a Road Reserve Permit – Works Associated with a Development Permit* is required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's road network.
3. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Clause 6.7 of the NT Planning Scheme.

4. A permit to burn is required from the Regional Fire Control Officer, Department of Environment and Natural Resources, prior to the ignition of any felled vegetation on the property. Fire prevention measures are to be implemented in accordance with the requirements of the Bushfires Act.
5. 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. Information can be obtained from the IECA Best Practice Erosion and Sediment Control Guidelines 2008 available at www.austieca.com.au and the NTG website <https://nt.gov.au/environment/soil-land-vegetation>.

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.

Agricultural activity, including cattle grazing and hay production, is permitted in Zone H (Horticulture). Clearing native vegetation is required to increase the stock carrying capacity of the land and is to be undertaken in accordance with the NT Clearing Guidelines and Performance criteria.

A revised clearing plan is required to show 50m native vegetation buffers to the eastern and southern boundaries, exclusive of firebreaks and clearing.

2. Pursuant to section 51(n) 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 location of the site, within the Adelaide River Site of Conservation significance and adjacent to the Harrison Dam Conservation area, requires that particular consideration be given to balancing the proposed land use and sustainable environmental management. Undertaking land clearing in accordance with the NT Clearing Guidelines and implementation of an approved Erosion and Sediment Control Plan will meet the requirements of the *Planning Act* to balance land capability and mitigate off site effects of the proposal.

ACTION: Notice of Consent and Development Permit

**ITEM 4
PA2017/0621
APPLICANT**

**BUSINESS SIGN
SECTION 5250 (125) THORAK ROAD, HUNDRED OF BAGOT
MOONBEAM DESIGN**

Mr Chris Renehan (Moonbeam Design) and Mr Matt McCourt (Landowner) attended.

Submitters Mr Gerry Wood MLA and Litchfield Council (represented by Ms Natasha McAlister) attended.

Mr Renehan tabled ten pages of photographs of signs in the area

**RESOLVED
36/18**

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Section 5250 (125) Thorak Road, Hundred of Bagot for the purpose of a business sign, subject to the following reasons:

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 proposes a business sign with a dimension of 5m x 3.75m which equates to a total area of 18.25m² where a maximum of 3m² is permitted.

Noting the information presented by the applicant, the consent authority considered Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme. Sub-clause 2.5(4) states that 'the consent authority may consent to the development of land that does not meet the standard set out in Parts 4 or 5 if it is satisfied that special circumstances justify the giving of consent'.

The Authority considers a variation to the Clause 6.7 (Signs) to permit a business sign within zone R (Rural) with a total area of 18.25m² to be a large departure from that permitted by the zone (3m²).

The Authority also notes that the signs do not relate to a development or activity on Section 5250 Hundred of Bagot and if it were to grant a variation to allow a business sign of this size, it would jeopardise the existing and future amenity of adjoining landowners and the broader area.

The consent authority, having considered the application documents, public submissions, responses by the relevant service authorities and the Development Assessment Services report, circumstances that are unusual, exceptional, out of the ordinary and unexpected in the context of the subject site do not exist pursuant to clause 2.5(4) of the NT Planning Scheme. As such, a variation to the requirements of Clause 6.7 (Signs) of the NT Planning Scheme is not supported.

2. Pursuant to section 51(e) of the *Planning Act*, 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.

Two public submissions were received during the exhibition period under Section 49 of the *Planning Act* with respect to the proposal. Submissions raised concerns about the impact on amenity and the overall size of the signs.

The consent authority shares the views reflected in the submissions received in which potential amenity impacts on adjacent and surrounding land 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 Authority notes that if it were to grant a variation to allow a business sign more than 6 times the size permissible within the zone, it would jeopardise the existing and future amenity of adjoining landowners and the broader area.

ACTION: Notice of Refusal

**RESOLVED
37/18**

That the Development Consent Authority write to the landowner to advise of a six month period to remove the signs.

**ITEM 5
PA2017/0622
APPLICANT**

**BUSINESS SIGN X2
PORTION 1108 (100) AGOSTINI ROAD, HUNDRED OF BAGOT
MOONBEAM DESIGN**

Mr Chris Renehan (Moonbeam Design) and Mr Matt McCourt (Landowner) attended.

Submitters Mr Gerry Wood MLA and Litchfield Council represented by Ms Natasha McAlister attended.

Mr Renehan tabled 12 pages of photographs of signs in the area.

**RESOLVED
38/18**

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Section 1108 (100) Agostini Road, Hundred of Bagot for the purpose of a business sign, subject to the following reasons:

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 proposes two business signs, each with dimensions of 5m x 3.75m which equates to a total area of 37.5m² where a maximum of 3m² is permitted.

Noting the information presented by the applicant, the consent authority considered Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme. Sub-clause 2.5(4) states that 'the consent authority may consent to the development of land that does not meet the standard set out in Parts 4 or 5 if it is satisfied that special circumstances justify the giving of consent'.

The Authority considers a variation to the Clause 6.7 (Signs) to permit a business sign within zone R (Rural) with a total area of 37.5m² to be a large departure from that permitted by the zone (3m²).

The Authority also notes that the signs do not relate to a development or activity on Section 1108 Hundred of Bagot and if it were to grant a variation to allow a business sign of this size, it would jeopardise the

existing and future amenity of adjoining landowners and the broader area.

The consent authority, having considered the application documents, public submissions, responses by the relevant service authorities and the Development Assessment Services report, circumstances that are unusual, exceptional, out of the ordinary and unexpected in the context of the subject site do not exist pursuant to clause 2.5(4) of the NT Planning Scheme. As such, a variation to the requirements of Clause 6.7 (Signs) of the NT Planning Scheme is not supported.

2. Pursuant to section 51(e) of the *Planning Act*, 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.

Two public submissions were received during the exhibition period under Section 49 of the *Planning Act* with respect to the proposal. Submissions raised concerns about the impact on amenity and the overall size of the signs.

The consent authority shares the views reflected in the submissions received in which potential amenity impacts on adjacent and surrounding land 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 Authority notes that if it were to grant a variation to allow a business sign 12 times the size permissible within the zone, it would jeopardise the existing and future amenity of adjoining landowners and the broader area.

ACTION: Notice of Refusal

RESOLVED 39/18 That the Development Consent Authority write to the landowner to advise of a six month period to remove the signs.

ITEM 6 **SUBDIVISION TO CREATE THREE LOTS**
PA2017/0434 **LOT 2 (265) WHITEWOOD ROAD, HUNDRED OF BAGOT**
APPLICANT **NORTHERN PLANNING CONSULTANTS PTY LTD**

Mr Brad Cunnington (Northern Planning Consultants) attended.

RESOLVED 40/18 That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent defer consideration of the application to develop Lot 2 (265) Whitewood Road, Hundred of Bagot for the purpose of a subdivision to create three lots. The application is deferred to:

- provide all parties with the opportunity to review the amendment to the NT Planning Scheme on 16 March 2018 to introduce Clause 14.7.3 (Planning Principles and an Area Plan for the Howard Springs Rural Activity Centre).

- enable the Department of Infrastructure, Planning and Logistics to consider the suitability of an easement over the area identified for a future collector road; and
- enable the Department of Infrastructure, Planning and Logistics to seek clarification from Litchfield Council regarding the future vesting of the road reserve.

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.

On 16 March 2018, the NT Planning Scheme was amended to introduce Clause 14.7.3 (Planning Principles and an Area Plan for the Howard Springs Rural Activity Centre). Subsequently, the Department of Infrastructure, Planning and Logistics (DIPL) recommended the subdivision application be amended to reflect the future road identified on the area plan as road reserve and that this road reserve be set aside to Litchfield Council. In addition, the Authority requested the DIPL seek further information in relation to the legal stance of the easement proposed by the applicant and clarification from Litchfield Council regarding the future vesting of the road reserve. Given the date of the amendment, the recommendation from the DIPL and the advice received from Litchfield Council; the Authority determined to defer the application to enable proper consideration of the information and advice received.

ACTION: Advice to Applicant

**ITEM 7
PA2016/0651
APPLICANT**

**SUBDIVISION TO CREATE TWO LOTS
LOT 4 (70) WELLS CREEK ROAD, HUNDRED OF STRANGWAYS
MASTERPLAN NT**

Mr Jack Priestly and Mr Avishev Paul (Masterplan) M Mr Kevin Smith (Landowner) attended.

Mr Smith tabled supplementary information and points of note.

Ms Maria Wauchope (A/Director, Land Development Coordination), Mr Simon Cruickshank (A/Executive Director, Water Resources) and Ms Abbe Damrow (Director, Water Licensing and Regulation) Department of Environment and Natural Resources.

**RESOLVED
41/18**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent defer consideration of the application to develop Lot 4 (70) Wells Creek Road Hundred of Strangways for the purpose of a subdivision to create two lots, to require further information that the authority considers necessary to enable further consideration of the application including:

- Advice from the Department of Environment and Natural Resources that issues outlined in its comments, dated 7 March 2018, specifically in relation to the *Water Act's* inability to prevent the future construction of bores for stock and domestic purposes on proposed lots has been resolved.

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 Northern Territory Planning Scheme is the relevant planning scheme.

Clause 4.1 (b) of the Scheme requires the administration of the Scheme to “contribute to the sustainable use and development of land and water resources so that the use and development of land is consistent with the principles of sustainable development and avoids pollution and minimises degradation of the environment or over commitment of water resources”.

Clause 11.4.2 (Infrastructure in Subdivisions of Rural and Unzoned Land) sub-clause 2 (d) requires ‘where no reticulated water is available, demonstrate that an adequate supply of groundwater is available for domestic purposes’. The Authority has received advice from the Department of Environment and Natural Resources that identifies the site overlies the Mount Partridge Groundwater System in the Wells Creek Zone, which is considered to be over-allocated in line with the NT water allocation planning framework.

That advice states that any increase in groundwater extraction from the Mount Partridge Wells Creek Zone will detrimentally impact on the sustainability of the underlying groundwater resources and may result in reduced reliability of groundwater supply for existing users and impact on environmental requirements.

The Authority specifically in relation to subdivision has also considered Clause 11.4.3 (Lot size and configuration in subdivisions of rural and unzoned land) which has the purpose to ensure at 11.4.3(1)(c) that proposed subdivisions ‘do not impose unsustainable demands on groundwater or unreasonably degrade the environment.’

As extraction of groundwater for domestic purposes is a right under the *Water Act*, it is not possible to prevent the future construction of bores on the proposed lots once title is granted. The Authority considers that deferral of the application is necessary to allow resolution of the issues identified in its letter dated 7 march 2018, to ensure the subdivision will not result in unsustainable demands on groundwater resources, reduced reliability of supply to existing users and unreasonable degradation of the environment.

ACTION: Advice to Applicant

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

SUZANNE PHILIP

Chair

26 March 2018