



## **DEVELOPMENT CONSENT AUTHORITY**

### **KATHERINE DIVISION**

### **MINUTES**

**MEETING No. 206 – WEDNESDAY 5 JUNE 2024**

**BIG RIVERS ROOM  
LEVEL 1  
BIG RIVERS GOVERNMENT CENTRE  
5 FIRST STREET  
KATHERINE**

**MEMBERS PRESENT:** Suzanne Philip (Chair) Allan Domaschenz, Annabel McLarty and Jeremy Trembath

**APOLOGIES:** Denis Coburn and Madeleine Bower

**LEAVE OF ABSENCE:** Nil

**OFFICERS PRESENT:** George Maly in person and via teams link Steven Kubasiewicz (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** None

**Meeting opened at 10.15 am and closed at 11.30 am**

THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED 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 PROPOSED ADDITION TO DWELLING - SINGLE (OUTBUILDING) WITH  
PA2024/0079 SIDE SETBACK VARIATION  
LOT 2857 (9) BURNET COURT, KATHERINE EAST, TOWN OF KATHERINE  
APPLICANT Tatam Planning Co

Applicant: Cat Tatam (Tatam Planning Co) attended via teams link,  
Albert Reynolds and Linda Harper (landowners) attended in person.

Submitter: Tracy Hanrahan attended.

RESOLVED That, pursuant to section 53(c) of the *Planning Act 1999*, the Development  
06/24 Consent Authority refuse to consent to the application to develop Lot 2857 (9)  
Burnet Court, Katherine East for the purpose of an addition to a dwelling-single  
(outbuilding) with a reduced side boundary setback for the following reasons;

#### REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land and an addition to Dwelling-single (Outbuilding) with reduced side boundary setback requires consent under Clause 1.8 (When development consent is required). It is identified as being Merit assessable under Clause 1.8(1)(b)(ii)(2), therefore Clause 3.12 RDKE (Residential development in Katherine East), Zone LR (Low density residential), 5.2.1 (General height control), 5.2.4 (Car parking), 5.2.6 (Landscaping), 5.2.7 (Setbacks for development adjacent to land in zones LR, LMR, MR or HR), 5.4.1 Residential density), 5.4.3 (Building setbacks of residential buildings and ancillary structures), 5.4.6 (Private open space) and 5.4.3 (Building setbacks for residential buildings and ancillary structures) need to be considered.

It is found that the proposal complies with the relevant requirements of the Planning Scheme except for Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures). Subclause 5.4.3 provides the consent authority with the power to “consent to a development that is not in accordance with sub-clause 6-8 only if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the site, having regard to such matters as its location, scale and impact on adjoining and nearby property.”

The purpose of this clause is to ensure that residential buildings and ancillary structures are located in a manner that minimises the adverse effects of building massing when viewed from adjoining land and the street. The applicant provided a number of reasons in support of the variation, including that:

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- There is an easement along their rear boundary requiring the proposed structure to be located closer to their house;
- That they wished to achieve a reasonable setback between the proposed shed and their dwelling;
- That all other structures along the subject boundary will be removed and replaced with the shed which will be used to store personal items;
- That a new fence will be installed along the subject boundary;
- That roofline sloping towards the subject boundary will be fitted with a gutter and a downpipe.

The consent authority did not accept the applicant's suggestion that there was a building regulation requirement that prevented the structure from being located closer to the existing house and the applicant could provide no evidence in support of that assertion. The applicant acknowledged that there are alternative compliant locations on the site where the structure could be erected, however, their preference was for the location described by the application as that option suited their aspirations for the use of the land and the shed. In consideration of this, together with a submission received from a neighbour, affected by the proposal, the consent authority determined that a setback reduction would not achieve the purpose of the clause to minimise adverse impacts on adjoining property owners. Nor could the authority be satisfied that it was appropriate to the site having regard to its location, scale and impact on the adjoining landowner.

2. Pursuant to Section 51 (e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under Section 49 and any evidence or information received under section 50 , in relation to the development application;

One public submission was received from an adjoining property owner. The submitter provided photographic evidence of her side of the affected boundary which showed a number of structures along the common boundary. In speaking to the evidence, the neighbour expressed concern, amongst other matters, that the existing development on the site was not aesthetically pleasing when viewed from her window and that the proposed development, if approved, will impact on her own residential amenity.

The consent authority considered the submission and the application and concluded that despite reasons provided, the application did not adequately justify a variation to the minimum setback requirement. The consent authority determined that the prescribed setback of 1m was consistent with the clause's purpose of minimising any adverse impact on adjoining property owners.

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

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The consent authority considered the application and the submission and the respective impact on the amenity of each property and took a view that the subject property was sufficiently sized and the proponent had sufficient number of alternative options for the shed's location and on balance, resolved to refuse the proposed setback reduction to maintain the existing amenity of neighbouring properties.

**FOR:** 4

**AGAINST:** 0

**ABSTAIN:** 0

**ACTION:** Notice of Refusal

**ITEM 2**  
**PA2023/0187**

### **SUBDIVISION TO CREATE 8 LOTS**

**APPLICANT**

**NT PORTION 6794 (340) FLORINA ROAD, COSSACK**

Upside Planning Pty Ltd

Applicant: Cameron Judson (Upside Planning Pty Ltd) attended via teams link.

**RESOLVED**  
**07/24**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop NT Portion 6794 (340) Florina Road, Cossack for the purpose of a subdivision to create 8 lots, subject to the following conditions:

### **CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawing numbered 2023/0187/1, endorsed as forming part of this permit.
2. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
3. 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 on the plan of subdivision submitted for approval by the Surveyor General.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors and street scaping are to be to the technical requirements of the Katherine Town Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

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6. 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.
7. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Katherine Town Council, to the satisfaction of the consent authority.
8. The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tracking of materials onto streets. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto the sealed road network. Where tracked material on the road pavement becomes a potential safety issue, the developer will be obliged to sweep and clean material off the road.
9. Before issue of titles and pursuant to section 34 of the *Land Title Act 2000*, 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: "Groundwater may not be suitable for domestic consumption." Evidence of lodgement of the Notice on the parent parcel shall be provided to the satisfaction of the consent authority.
10. 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, Parks and Water Security / Northern Territory Fire and Rescue Services)*.

### NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be able to access an exemption from these arrangements in some circumstances. For more information visit [www.infrastructure.gov.au/tind](http://www.infrastructure.gov.au/tind)
3. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you

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to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>

4. All land in the Northern Territory is subject to the *Weeds Management Act 2001* (WM Act). The WM Act describes the legal requirements and responsibilities that apply to owners and occupiers of land regarding declared weeds. Section 9 general duties include the requirement to take all reasonable measures to prevent land being infested with a declared weed and to prevent a declared weed from spreading. There are additional duties including a prohibition on buying, selling, cultivating, moving or propagating any declared weed and the requirement to notify the Weed Management Branch of a declared weed not previously present on the land within 14 days of detection.
5. Should you require further weed management advice contact the weed management branch by phone on (08) 8999 4567 or by email to [weedinfo@nt.gov.au](mailto:weedinfo@nt.gov.au)
6. A "Permit to Work Within a Road Reserve" may be required from the Katherine Town Council before commencement of any work within the road reserve Fees and Charges may apply.

### REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land and subdivision to create eight lots requires consent under Clause 1.8 (When development consent is required). It is identified as Impact Assessable under Clause 1.8 (1) (b) (ii), therefore the strategic framework (Part 2 of the Scheme, including the Katherine Land Use Plan 2014, which is relevant to this application), zone purpose and outcomes of Clause 4.21 Zone R (Rural), and Clauses 3.2 (Clearing of Native Vegetation), 3.6 (Land Subject to Flooding), 6.3.2 (Lot Size and Configuration in Zones RL, R and H, and Unzoned Land), 6.3.3 (Site Characteristics for Subdivision for Lots of 1ha or Greater in Zones RR, RL, R and H and Unzoned Land) and 6.3.4 (Infrastructure for Subdivision in Zones RL, R and Unzoned Land), need to be considered.

The subdivision complies with the requirements of the Katherine Land Use Plan (KLUP) and the relevant requirements of the Northern Territory Planning Scheme 2020. The KLUP identifies the land for rural living purposes and is consistent with the intent to provide for rural living and a range of rural activities. The proposed lot sizes exceed the minimum lot size required and are within the dimensional requirement of the NTPS 2020. Each of the lots has in excess of 1ha of unconstrained land and unconstrained access to the proposed public road.

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A site soil evaluation notes that each lot can accommodate onsite waste water treatment and disposal in accordance with the NT Code of Practice for Wastewater Management 2020.

This application was previously considered by the consent authority on 5<sup>th</sup> June 2023 and was deferred to allow the applicant to provide further information including:

*“A report prepared by suitably qualified professional/s in groundwater supply and water quality assessment, which demonstrates that there is an adequate supply of ground water from the Jindukin Aquifer on each proposed lot, and, that the water is suitable for purposes of stock and domestic use, as described under section 14 of the Water Act.”*

Clause 6.3.4 deals with Infrastructure for Subdivision in RL, R and Unzoned Land. The purpose of this clause is to ensure subdivision of land in Zone RL, R and unzoned land is integrated with infrastructure, community services and facilities and will not unreasonably affect the environment. Sub-clause 5 requires an application to demonstrate that an adequate amount of groundwater is available for domestic purposes where reticulated water is not available.

Reticulated water is not available to the site and groundwater extraction from the Jindukin Formation is proposed as the alternative. The consent authority notes the 'Access to Water Report' submitted as part of the application which concludes that the Jindukin Formation provides a reliable source of water and is widely used for domestic and irrigation purposes in the locality. The consent authority further notes the report prepared by a consulting Hydrogeologist regarding the quantity and quality of ground water available for each of the lots. That report, provided in response to the deferral, conducted a site specific analysis. In the light of those reports, the consent authority concludes that the application demonstrates that an adequate supply of groundwater from the Jinduckin Formation is available in the subject area.

The consent authority also noted the report prepared by a consulting Hydrogeologist regarding the quantity and quality of ground water available for each of the lots. Whilst no specific comment were made in the report regarding a suitable quantity of water for each lot, the report does include comments regarding the water from the Jinduckin Formation not being suitable for human consumption and to a lesser extent for stock. In consideration of this, the consent authority accepted that there is a sufficient amount of ground water to service each lot and that water for consumption can be supplemented from other sources, including rainwater tanks. In relation to the quality of ground water the authority has required a Caution Notice be placed on the titles of all lots advising future land owners that the ground water source may not be suitable for domestic consumption.

2. Pursuant to section 51(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and



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the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The Consent Authority took into account that those parts of the land that are subject to riverine inundation were excluded from the unconstrained areas identified. The Land Suitability Assessment and the Site and Soil Evaluation provided in support of the application demonstrated the land has sufficient capability to accommodate the subdivision and future development of the land for rural living purposes.

The consent authority noted that the Department of Environment, Parks and Water Resources raised no concern regarding the land's capability.

3. Pursuant to Section 51(pa) for a proposed subdivision or consolidation of land in a Restricted Water Extraction Area – whether the subdivision or consolidation complies with the restrictions of sections 14A and 14B of the *Water Act 1992* and the requirements of section 14C (1) of that Act.

The consent authority noted that the land is not affected by a Restricted Water Extraction Area and that each of the lots will have access to ground water, as a right, for domestic purposes regardless of the quality or quantity of water available.

4. Pursuant to Section 51(t) the consent authority must take into consideration other matters it thinks fit.

The consent authority noted the proximity of the cattle yards on the adjoining NT Portion 7012 directly west of the subject site and raised concerns over the potential for this use to impact on the use/development of the lots proposed to be created. As a term of the deferral, the applicant was required to demonstrate that:

*“the proposed separation (buffer) distance between proposed Lot 4 and the rural stock yard (feedlot) located on the NT Portion 7012, adjacent to the subject lot and next to the proposed Lot 4, reflects the provisions of the “Recommended Land Use Separation Distances Guideline” (NT EPA (V1.0; October 2017), which specifies suitable separation distances between cattle feed lots and other (including residential) land uses. A suitable separation distance recommendation must be based on the maximum number of the head of cattle approved for the feedlot on NT Portion 7012.”*

Advice provided in response addressed the consent authority's concerns by confirming that any odour impact from the cattle yards has to be managed under the provisions of the *Waste Management and Pollution Control Act 1998* and that the Department of Environment, Parks and Water Resources, which is responsible for this legislation did not raise any concerns about the potential for the use of the yards to significantly impact on the development of the proposed lots. The consent authority also noted that odour impact from the yards is likely to be minimised due to the prevailing winds.

**FOR: 3**

**AGAINST: 0**

**ABSTAIN: 1**

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



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ITEM 3  
PA2024/0091

### TRANSPORT TERMINAL WITH ANCILLARY ROOMING ACCOMMODATION NT PORTION 7131 (286) QUARRY ROAD, LANSDOWNE

APPLICANT

Upside Planning

Applicant: Cameron Judson (Upside Planning Pty Ltd) attended via teams link.

RESOLVED  
08/24

That, the Development Consent Authority vary the requirements of Clause 5.7.8 (transport terminals in zones R and H) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop NT Portion 7131 (286) Quarry Road, Lansdowne for the purpose of a transport terminal with ancillary rooming accommodation (worker accommodation), subject to the following conditions:

#### GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2024/0091/1 through to 8 endorsed as forming part of this permit.
2. The use of the rooming accommodation is restricted to employees, subcontractors and personnel engaged by the business operating the approved transport terminal.
3. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Katherine Town Council to the satisfaction of the consent authority.
4. 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.
5. 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 drivewaysto the satisfaction of the consent authority.  
Car parking spaces, access lanes and driveways must be kept available for these purposes at all times

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6. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their (*visitors/ clients*).
7. The loading and unloading of goods from vehicles must only be carried out on the land.
8. 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*.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
10. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Katherine Town Council to the satisfaction of the consent authority.
11. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - (a) transport of materials, goods or commodities to or from the land
  - (b) appearance of any building, works or materials
  - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
  - (d) presence of vermin
12. No goods are to be stored or left exposed outside the building(s) so as to be visible from any public street.
13. The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tracking of materials onto streets. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto the sealed road network. Where tracked material on the road pavement becomes a potential safety issue, the developer will be obliged to sweep and clean material off the road.
14. Before *the use commences*, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the *Bushfires NT (Department of Environment, Parks and Water Security / Northern Territory Fire and Rescue Services)*.
15. Before the use or occupation of the development, certification is to be provided by an appropriately qualified site and soil evaluator that any new on-site wastewater management system has been installed by a qualified licensed Self-Certifying Plumber and complies with the NT Code of Practice for Wastewater Management.

## NOTES

1. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>.
2. Any new on-site wastewater management system is to be installed in accordance with the Code of Practice for Wastewater Management.
3. A “Permit to Work Within a Road Reserve” may be required from the Katherine Town Council before commencement of any work within the road reserve. Fees and charges may apply.
4. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation’s servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure. Power and Water Corporation advise that prior to initial reviews and assessments being undertaken to determine Power and Water Corporations servicing requirements, the developer should submit an Expression of Interest (Eoi) form via email to [remotedevelopment@powerwater.com.au](mailto:remotedevelopment@powerwater.com.au).

## REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land and a Transport Terminal requires consent under Clause 1.8 (When development consent is required). It is identified as Impact Assessable under Clause 1.8 (c) (i), therefore the strategic framework (Part 2 of the scheme including the Katherine Land Use plan 2014), Overlay 3.2 (Clearing of native vegetation), zone purpose and outcomes of Clause Zone R (Rural), and Clauses 5.2.1 (General height control), 5.2.4.1 (Vehicle parking), 5.2.4.4 (Parking layout), 5.2.5 (Loading bays), 5.2.6.1 (Landscaping in zones other than zone CB), 5.2.7 (Setbacks for development adjacent to land in zones LR, LMR, MR or HR), 5.4.1 (Residential density limitations), 5.4.3 (Building setbacks of

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residential buildings and ancillary structures), 5.4.3.2 (Distance between residential buildings on one site), 5.4.7 (Communal open space), 5.4.8.1 (Building design for dwellings-group, rooming accommodation and residential care facility) and 5.7.3 (Transport terminals in zones R and H), need to be considered.

These clauses have been considered and it is found that the proposed transport terminal complies with the relevant requirements of the Planning Scheme except for Clause 5.7.3 (Transport terminals in zones R and H).

Rooming accommodation is also proposed by the application as an associated 'ancillary use' to the transport terminal as it is a prohibited use in the R (Rural) zone of the NT Planning Scheme 2020.

Subclause 1.9(1)(c)(ii) of the Scheme provides guidance for proposals involving ancillary uses and development which are not specified in the definition of the primary use in Schedule 2. The clause states that where a use is prohibited, the level of assessment that applies to the ancillary use or development is at an impact assessable level.

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

The proposal has been found not to be in accordance with Clause 5.7.3 (Transport terminals in zones R and H), because the proposal will result in a reduced setback to the adjoining public road network.

It is considered that a variation to this clause is appropriate in this instance and the proposal can be supported because:

- (a) It is consistent with the purpose of Clause 5.7.3 (Transport terminals in zones R and H). The provision of a landscaping schedule will minimise the appearance and operation of the development and minimise any potential impact on the amenity of the locality. The proposal will result in the transport terminal having a setback of 22.7m from the Niceforo road frontage.
- (b) The consent authority also considered the rooming accommodation, although a prohibited use per se, could be approved as an ancillary use to the transport terminal. "Ancillary" is defined in Schedule 2 to the Scheme as *associated with, but auxiliary and subordinate to, the primary land use*. The consent authority considered the proposed rooming accommodation use, which would otherwise be prohibited, could properly be approved if the use is limited to workers and subcontractors employed in the business conducting the primary use

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on the land. Only by the inclusion of conditions limiting the accommodation to workers, can the rooming accommodation use be considered auxiliary but subordinate to the transport terminal use.

The applicant advised that the accommodation is required for the employees and subcontractors of the business operating from the site, who require rest between delivering materials and equipment to the site and to remote areas. The consent authority also noted that the use has been in operation for some time and that no adverse submissions had been received in relation to the proposal. On this basis the consent authority determined that a proposal to accommodate workers and sub-contractors on the site as part of the proposed transport terminal can be approved, subject to conditions restricting the use of the accommodation to employees and subcontractors associated with the business operating the transport terminal.

The site also contains an existing dwelling which did not form part of the proposed use as it is to be retained as a primary residence for of the owner of the site.

- (c) The considerations listed under Clause 1.10(4) have been given regard to and it has been found that provisions of Clause 5.7.3 (Transport terminals in zones R and H) can be varied and the proposed transport terminal with an ancillary accommodation can be approved subject to a number of conditions.
3. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

No Land capability concerns have been raised in the assessment of this application.

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

The consent authority took into consideration the lack of clarity regarding the landscaping to Niceforo Road and requested that a landscaping plan be provided to the Niceforo Road frontage. Landscaping to this frontage will contribute to the amenity of the locality and screen the operations of the proposed development. Further to this the consent authority noted the lack of public submissions regarding the potential impact of the development to the locality.

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**FOR: 4**

**AGAINST: 0**

**ABSTAIN: 0**

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

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

**SUZANNE PHILIP**  
Chair

18 June 2024