



## **DEVELOPMENT CONSENT AUTHORITY**

### **KATHERINE DIVISION**

### **MINUTES**

**MEETING No. 179 – WEDNESDAY 2 OCTOBER 2019**

**DIPL CONFERENCE ROOM  
1<sup>ST</sup> FLOOR GOVERNMENT CENTRE  
5 FIRST STREET  
KATHERINE**

**MEMBERS PRESENT** Suzanne Philip (Chair), John King, Peter Gazey and Fay Miller

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Alana Mackay and Julie Bennett (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 10.30 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 TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.**

**ITEM 1**                    **4 X 2 BEDROOM AND 2 X 1 BEDROOM MULTIPLE DWELLINGS IN SIX GROUND LEVEL BUILDINGS AND ASSOCIATED CARPORTS**  
**PA2019/0323**            **LOT 2842 (40) MARTIN TCE, TOWN OF KATHERINE**  
**APPLICANT**            **DEPARTMENT OF INFRASTRUCTURE, PLANNING AND LOGISTICS**

Rik Jones & Russell Taylor (Department of Infrastructure, Planning and Logistics) attended via video conference. Blair Harper (Department of Local Government, Housing and Community Development) attended via video conference.

DAS tabled an Addendum to the DCA report.

**RESOLVED**            That, the Development Consent Authority vary the requirements of Clause  
**77/19**                    7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18m and for Residential Buildings Over 4 Storeys in Height) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 2842 (40) Martin Terrace, Town of Katherine for the purpose of 4 x 2 bedroom and 2 x 1 bedroom multiple dwellings in six ground level buildings and associated carports, 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 must be generally in accordance with the plans submitted with the application but modified to show:
  - a) 1.8m high fencing;
  - b) carports integrated and fully open to front and rear boundary (including sections); and
  - c) a bin enclosure that provides storage for six bins.
  
2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), an amended landscape plan 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 plan must be drawn to scale with dimensions and must be generally in accordance with the landscape concept plan dated 27 September 2019, except that the plan must show:
  - a) screen planting to reach a height at maturity of at least 1.8m (where solid screen fencing is not proposed to achieve a minimum 45m<sup>2</sup> of private open space); and
  - b) provision of an in ground irrigation system to landscaped areas between the front fence and the boundary to the street.
  
3. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Katherine Town Council stormwater drainage system shall be submitted to and approved by

Katherine Town Council, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s or alternate approved 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**

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. 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 the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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.
7. 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.
8. 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.
9. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional confirming that all new number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both [landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au) and [powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)
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;  
and the owner shall:
  - a) remove disused vehicle and/ or pedestrian crossovers;
  - b) provide footpaths/ cycleways; and
  - c) undertake reinstatement works;all to the technical requirements of and at no cost to the Katherine Town Council, to the satisfaction of the consent authority.
11. No fence, hedge, tree or other obstruction exceeding a height of 0.6 metres is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.

12. 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.
13. The private open space areas of each dwelling shall be screened on each boundary by:
  - a) the erection of a solid wall or screen fence not less than 1.8 metres high; or
  - b) fenced to a height not less than 1.8 metres high and planted with dense vegetation.
14. 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.
15. 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.
16. Storage for waste disposal bins is to be provided to the requirements of Katherine Town Council to the satisfaction of the consent authority.
17. 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.
18. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
19. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

## **Notes**

1. This development permit does not grant building approval. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

4. 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 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>
5. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* 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](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
6. 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](http://www.austieca.com.au) and the NTG website <https://nt.gov.au/environment/soil-land-vegetation>.
7. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5362 ([surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au)).

## REASONS FOR THE DECISION

1. Pursuant to Section 51(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 purpose of Zone MD (Multiple Dwelling Residential) is to provide for a range of housing options to a maximum height of two storeys above ground level. The scale, character and architectural style of infill development should be compatible with the streetscape and surrounding development. The 4 x 2 bedroom and 2 x 1 bedroom multiple dwellings and carports is considered to be in keeping with the changes that are reasonably anticipated within the locality, and the density and construction method is respectful of the scale and character of the surrounding locality

A variation to Clause 7.3.1 to vary the setback requirements to the building to 6m from the street frontage and 1.5m (excluding the garden sheds setback to 1m) to the rear boundary is considered acceptable as the carport design is integrated with the design of the dwellings and fully open to the affected boundary to minimise any adverse effects of building massing when viewed from adjoining land and the street and does not significantly impede breeze penetration.

Clause 7.5 (Private Open Space) ensures that each dwelling has private open space that is of an adequate size to provide for domestic

purposes, being appropriately sited, permeable and open to the sky, and inclusive of areas of deep soil for shade tree planting. Clause 7.5 also stipulates that each dwelling is to be fenced to a minimum height of 1.8m. The boundary fence is proposed to be 1.2m, rather than 1.8m in height and does not provide dense vegetation to provide a visual barrier within two years of planting for the purpose of achieving a minimum 45m<sup>2</sup> of private open space. A condition is applied to require the plans to be amended prior to endorsement to show the installation of 1.8m high fencing in conjunction with appropriate screen planting to ensure compliance with the privacy standards of Clause 7.5.

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 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 were identified as part of the assessment. The proposal complies with the anticipated density in this location and is situated within an established subdivision.

3. Pursuant to Section 51(p) of the *Planning Act 1999*, the consent authority must take into consideration the public interest, including
  - i. community safety through crime prevention principles in design;
  - ii. water safety; and
  - iii. access for persons with disabilities

The design of the residential development considers access for persons with disabilities through selection of door width openings, additional space within rooms and level surfaces.

In a residential setting, the need to consider crime prevention principles in design (e.g. passive surveillance) must be balanced with the need for a private outdoor area that includes a visual barrier from neighbouring properties within and adjoining the site. The permit is conditional on a minimum 1.8m high fence and screen planting to a minimum 45m<sup>2</sup> of the private open space, which enables flexibility to accommodate privacy and casual surveillance.

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

**ITEM 2**  
**PA2019/0177**  
**APPLICANTS**

**CLEARING OF NATIVE VEGETATION**  
**NT PORTION 6264 (135) MCADAM ROAD, EMUNGALAN**  
**COOLIBAH CROCODILE PARK PTY LTD**

Rebecca Mohr Bell (Argyll Consulting) attended.

Owen Pugh (land owner) attended.

**RESOLVED**  
**78/19**

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop NT Portion 6264 (135) McAdam Road, Emungalan for the purpose of clearing of native vegetation to require the applicant to provide the following additional information

that the Authority considers necessary in order to enable the proper consideration of the application:

amended plans which include

- a) a wildlife corridor linking the vegetation to the east with vegetation to the west along the drainage depression; and
- b) areas where selective clearing is proposed to occur and how vegetation will be selected for protection.

### **REASON FOR THE DECISION**

Pursuant to section 51(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 Northern Territory Planning Scheme applies to the land to which the application relates. The application was assessed against Clauses 2.7 (Reference to Policy), 2.8 (Reference to Guidelines), 5.20 (Zone R – Rural), 10.2 (Clearing of Native Vegetation in Zones H, A, RR, RL, R, CP, CN, RD and WM and on Unzoned Land), 10.3 (Clearing of Native Vegetation – Performance Criteria), and is generally compliant.

The primary purpose of Zone R (Rural) is to provide for a range of activities including residential, agricultural and other rural activities. The intent of the clearing is to establish improved pasture for ground cover in association with domestic livestock.

The clearing of native vegetation as proposed is not currently supported as the assessment by the Department of Environment and Natural Resources against the Land Clearing Guidelines 2019, found that the proposal will impact on a drainage area, riparian vegetation and has the potential to exacerbate erosion issues.

**ACTION:** Notice of Deferral

### **ITEM 3 WITHDRAWN PRIOR TO MEETING**

### **ITEM 4 SUBDIVISION TO CREATE TWO LOTS PA2019/0298 NT PORTION 6996 (235) QUARRY RD, LANDSOWNE NT APPLICANTS MAGNAT AGRI SERVICES**

Helen Groves (Magnat Agri Services) attended via phone call.

DAS tabled a letter on behalf of the applicant.

**RESOLVED 80/19** That, pursuant to section 53(b) of the *Planning Act 1999*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop NT Portion 6996 (235) Quarry Road, Lansdowne for the purpose of subdivision to create two lots, subject to the following conditions:

## CONDITIONS PRECEDENTS

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 must be generally in accordance with the plans submitted with the application but modified to show:
  - a) the boundary between the two lots aligned with the Northern Territory Planning Scheme zones subject to land constraints, upon advice from the Department of Environment and Natural Resources; and
  - b) the location of notional and existing bores, wells and on-site effluent disposal systems and allow for effluent disposal systems to be sited at least 50m up slope from any seepage line and above the 1% AEP flood event and at least 100m from any groundwater extraction point.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a letter from a building certifier as to whether buildings on the site will cease to comply with the Building Act 1993 if the proposed development were to proceed as required under section 46(3)(k) of the *Planning Act 1999*, to the satisfaction of the consent authority.

## 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 kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Katherine Town Council, to the satisfaction of the consent authority
5. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development (including clearing and early works) and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information resources are available on the IECA website [www.austieca.com.au](http://www.austieca.com.au) and the Department of Environment and Natural Resources ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
6. 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: "power supply connection to electricity distribution network shall be subject to applicable charges by Power and Water Corporation". Evidence of lodgement on the parent parcel shall be provided to the Power and Water Corporation, to the satisfaction of the consent authority.
7. Before issue of titles, the survey plan showing correct new lot numbers and Development Permit shall be provided to the Power and Water Corporation, to the satisfaction of the consent authority.



8. Before the use commences and the issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from Bushfires NT (Department of Environment and Natural Resources).

### Notes

1. 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 Management Act 2016*.
2. 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>.

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

3. There are statutory obligations under the *Weeds Management Act 2001* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Environment and Natural Resources.
4. For the purposes of best practice land management and environmental protection it is recommended that a Type 1 Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Environment and Natural Resources ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
5. A groundwater extraction licence may be required under the *Water Act 1992* for any bore used for purposes other than rural stock and domestic water supply. For advice on water extraction licences please contact the Water Licensing and Regulation Branch of the Department of Environment and Natural Resources.
6. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy

must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

7. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.

## **REASONS FOR THE DECISION**

1. Pursuant to section 51(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 Northern Territory Planning Scheme applies to the land to which the application relates.

The application was assessed against Clauses 2.7 (Reference to Policy), 2.8 (Reference to Guidelines), 11.1.1 (Minimum Lot Sizes and Requirements), 11.4.1 (Site Characteristics in Subdivision of Rural Land or Unzoned Land for lots of 1ha or Greater), 11.4.2 (Infrastructure in Subdivision of Rural and Unzoned Land), 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land). The application was considered to be inconsistent with key objectives and land use structure of the Katherine Land Use Plan 2014, Clause 11.4.3 and the purpose of Zone A (Agriculture).

The purpose of Clause 11.4.3 is to ensure that subdivisions of rural land comprise lot sizes and configurations suited for the intended purpose. The purpose of Zone A (Agriculture) is to provide suitable land for agriculture and lot sizes will be dependent on the capability of the land for commercially viable agriculture. .

The Authority noted that the proposed development would result in approximately 22 hectares of land zoned A (Agriculture) being subdivided and included in a new Lot which is substantially zoned R (Rural). While the majority of the land contained in the proposed lot is suitable for rural lifestyle living in accordance with the Scheme and will be available for further subdivision into appropriately sized Rural Blocks, the Authority considered that the inclusion of the portion zoned A (Agriculture) is inconsistent with providing commercially viable agriculture. The Authority noted that 150ha is generally considered necessary to support a viable agricultural business. The proposed boundary location prejudices the economic viability of agriculture.

The Authority therefore considered that the development should be altered and, as altered, the proposal would result in a lot size that maximises available arable land in a single parcel within Zone A to provide land to undertake viable agriculture.

The altered boundary is more in keeping with the intended division of land uses for agriculture and rural lifestyle as identified in the Katherine Land Use Plan 2014.

To ensure the amended lot boundary takes into account the physical characteristics of the land, advice from the Department of Environment and Natural Resources is required.

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

There is more than 1ha of land unconstrained by drainage per lot and suitable for domestic purposes. The northern parcel is suitable for rural living and overlies a low-yielding aquifer with access a potable water supply.

The Daly Basin Agricultural Land Classes map prepared by the Department of Environment and Natural Resources, submitted as part of this application, indicates the southern parcel is suitable for agricultural purposes. The proposed lot contains an existing dwelling, bore and electricity services.

The subdivision may impact on highly erodible soils and erosion and sediment controls are necessary to ensure works associated with the development have minimal impact on soil surfaces.

3. Pursuant to section 51(m) of the *Planning Act 1999* the consent authority must take into consideration 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 subdivision will create a new unserviced lot for rural lifestyle uses. There is no reticulated water and sewer services currently available in the area. Existing power services are available to one of the lots, however the overhead power lines stop at the intersection of Quarry Road and Niceforo Road. The connection of power to the very large rural lot is not required, provided the Power and Water Corporation requirements are met, as identified in the permit conditions. Further subdivision of the lot will require servicing with electricity.

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

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

**SUZANNE PHILIP**  
Chair  
17 October 2019