



DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 195 – WEDNESDAY 4 AUGUST 2021

**AUDITORIUM
BLOCK M
19 SECOND STREET
KATHERINE**

MEMBERS PRESENT Suzanne Philip (Chair) and Marg Chamberlain and Allan Domaschenz and Peter Gazey

APOLOGIES: Nil

LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: Breanna Lusty (via videoconference), Julie Hillier (via videoconference), Wendy Smith (in person), Claire Brown (in person), Stacey Bretherton (in person) (Development Assessment Services)

COUNCIL REPRESENTATIVE: None

Meeting opened at 10.25 am and closed at 10.50am

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

PA2021/0193

SUBDIVISION TO CREATE EIGHT LOTS IN TWO STAGES

LOT 3334 STUART HIGHWAY, KATHERINE EAST, TOWN OF KATHERINE

APPLICANT

Land Development - DIPL

Yasmin Barnes & Oliver Penman (applicants) attended in person and Rowland Richardson (applicant) attended via videoconference.

Chris Humphries & John-Paul MacDonagh (Strategic Lands Planning) attended via video conference.

Submitter Cameron Judson attended.

RESOLVED

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Lot 3334 Stuart Highway, Katherine East, Town of Katherine for the purpose of subdivision to create eight lots in two stages, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works, a Type 2 Erosion and Sediment Control Plan (ESCP) must be developed in accordance with the Department of Environment, Parks and Water Security ESCP Procedures 2019 available at <https://depws.nt.gov.au/rangelands/technical-notes-and-factsheets/land-management-technical-notes-and-fact-sheets>. The ESCP must be developed and/or certified by a Certified Professional in Erosion and Sediment Control (CPESC) to the satisfaction of the consent authority. The ESCP should be submitted for acceptance prior to the commencement of any earth disturbing activities (including clearing and early works) to Development Assessment Services via email: das.ntg@nt.gov.au
2. Prior to the commencement of works, a Construction Traffic Management Plan (detailing all appropriate site management measures, including construction access, proposed haulage routes, vehicle types, protection of existing assets, protection of public access and a risk assessment) shall be approved by the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawing endorsed as forming part of this permit.
4. All works relating to this permit must be undertaken in accordance with the accepted Type 2 Erosion and Sediment Control Plan (ESCP) to the requirements of the consent authority. Should the endorsed Type 2 Erosion and Sediment Control Plan (ESCP) need to be amended, the revised ESCP must be developed and/or certified by a Certified Professional in Erosion and

Sediment Control (CPESC) to the satisfaction of the consent authority. The revised ESCP should be submitted for acceptance to Development Assessment Services via email: ntg@nt.gov.au.

5. All reasonable and practicable measures must be undertaken to prevent: erosion occurring onsite, sediment leaving the site, and runoff from the site causing erosion offsite. 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. For further information refer to permit Notes below. At completion of works, clearance should be sought from the Department of Environment, Parks and Water Security regarding satisfactory implementation of permanent erosion and sediment control measures and site stabilisation. To arrange a clearance site inspection, email the Development Coordination Branch at: depws@nt.gov.au.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. 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.
8. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
9. 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.
10. Surface stormwater run-off from the development site onto the Stuart Highway road reserve is not permitted. The developer shall ensure that the stormwater run-off from the development site is collected to prevent uncontrolled discharge to adjoining lands through the provision of kerbing, transverse grated drains and inlet pits, or alternatively the site is to be graded to collect the run-off internally.
11. 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/Department of Infrastructure, Planning and Logistics (Crown Land Estate and Transport and Civil Services Division), as the case may be, to the satisfaction of the consent authority.
12. The installation of any services or service connections within the Stuart Highway road reserve is subject to Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics approval. All service

related works are to be contained within the appropriate nominal service corridor (refer standard drawing CS-3001 Rev 0).

13. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Katherine Town Council/Department of Infrastructure, Planning and Logistics, as the case may be, to the satisfaction of the consent authority.
14. Upon completion of any works within or impacting upon the Stuart Highway reserve, the road reserve shall be rehabilitated to the standards and requirements of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
15. Any floodlighting or security lighting provided on site is to be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway traffic, to the standards and requirements of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
16. The development shall gain direct access from Stuart Highway via Link Street and future Katherine East Arterial Road only. No new accesses to the individual lots shall be provided from arterial roads in the future. All the accesses to the individual lots shall be from internal road network only.
17. Where unfenced, the Stuart Highway frontage is to be appropriately fenced in accordance with the standards and requirements of Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics, to deter unauthorised vehicular and/or pedestrian movement. Any gates provided are to be fixed to open inwards only.
18. Before the issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Northern Territory Fire and Rescue Services.

NOTES

1. Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of one month prior to construction works commencing to determine servicing requirements and the need for upgrading of infrastructure.
2. The Northern Territory Subdivision Development Guidelines capture the technical standards to comply with for the construction of public infrastructure as part of subdivision works to the requirements of service authorities and local authorities. Prior to any works commencing, it is encouraged that you engage early with the relevant authority to confirm their requirements and any variations that may be sought to the Subdivision Development Guidelines to ensure the works are completed to the relevant authorities' requirements. The Northern Territory Subdivision Development Guidelines can be found at: <https://www.ntlis.nt.gov.au/sdg-online/>.

3. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 8995 5354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
4. All new roads, including alterations and extensions to existing roads, are required to be named under the *Place Names Act 1967*. You should immediately make application to the Place Names Committee to commence the road naming process. Contact the Place Names Unit on 8995 5333 or place.names@nt.gov.au. Further information can be found at www.placenames.nt.gov.au
5. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at www.austieca.com.au and the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Development Coordination Branch: (08) 8999 4446.
6. 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, Parks and Water Security.
7. 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.
8. 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>
9. The developer, its contractor or service provider is required to obtain a "Permit to Work within NT Government Road Reserves" prior to the commencement of any works within the Stuart Highway reserve.
10. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned:
 - a) so as not to create sun or headlight reflection to motorists; and
 - b) be located entirely (including foundations and aerially) within the subject lot.

Advertising signage including temporary or permanent, e.g. 'A' frame, vehicle or trailer mounted, etc. shall not be erected or located within the Stuart Highway road reserve.

11. The Department of Environment, Parks and Water Security advise of a sinkhole in close proximity to the land and recommends that the feature is buffered in accordance with the Land Clearing Guidelines.

REASONS FOR THE RECOMMENDATION

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 of land requires consent under Clause 1.8 (When development consent is required). It is identified as *Impact Assessable* under Clause 1.8(1)(c)(ii), and therefore the strategic framework (Part 2 of the Scheme, including the Katherine Land Use Plan 2014 and Katherine East Area Plan 2020 which are relevant to this application), zone purpose and outcomes of Clause 4.27 – Zone FD (Future Development), and Clause 6.5.1 (Subdivision in Zone FD), need to be considered. The strategic framework, zone purpose and outcomes and the relevant clause have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme except for Clause 6.5.1 (Subdivision in Zone FD).

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 6.5.1 (Subdivision in Zone FD), because the subdivision will result in eight lots less than the required minimum lot size of 50ha.

It is considered that a variation to this clause is appropriate in this instance because:

- a. The proposal is consistent with the purpose of Clause 6.5.1 (Subdivision in Zone FD) in that the subdivision of the land does not prejudice the intended ultimate subdivision and future development of the land envisaged in the strategic framework. Administratively, the consent authority may consent to a subdivision resulting in lots of less than 50ha. This subdivision, which is primarily for the creation of lots for future release for private development, will result in eight lots with lot sizes varying from 0.29ha to 8.89ha. The lot size and configurations will facilitate land release and future subdivision and

development in accordance with the Katherine East Area Plan 2020.

- b. The considerations listed under Clause 1.10(4) have been given regard to and it has been found that the proposal complies with all relevant requirements of the NT Planning Scheme 2020, except for Clause 6.5.1 (Subdivision in Zone FD), as identified above.
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.

The land is considered capable of supporting the proposed development. Lot 3334 is identified in the Katherine East Area Plan as the first neighbourhood centre for Katherine East. The Department of Environment, Parks and Water Security (DEPWS) have not raised any concerns regarding land capability; however, the agency has recommended a buffer to a mapped sinkhole be provided, in accordance with the Land Clearing Guidelines.

Prior to any future development or subdivision, further investigation of the sinkhole will be required. However, there are currently no clearing controls that apply within Zone FD; therefore, no native vegetation buffers can be enforced. A note is included on the permit to advise the location of the feature and the DEPWS recommendation.

4. Pursuant to section 51(1)(m) of the *Planning Act 1999*, 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 application was circulated to the relevant authorities and comments received from these authorities are addressed by the inclusion of conditions and/or notations on the development permit as required.

5. Pursuant to section 51(1)(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.

Two public submissions were received, which raised concerns about the potential impact of future development and use on the vitality and viability of the town centre. One of the submitters, Cameron Judson, attended and spoke to his submission. The Authority clarified that it was considering an application for subdivision only, and that it was not endorsing a master plan or eventual zoning of the proposed Lots. The Authority noted that the proposed subdivision is intended to facilitate

land release for the purpose of residential, commercial, community purpose and public open space/drainage consistent with the strategic framework for Katherine, being the Katherine East Area Plan 2020. However, all that was being determined in the present application was the initial “super-lot” subdivision to enable development of primary road access, essential service mains and drainage head works, to support the future development of the land consistent with that Plan, and, as such, the concerns raised by the submitters were not relevant to the matter presently before the Authority.

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

09 August 2021