



DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 209 – WEDNESDAY 29 JANUARY 2025

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

MEMBERS PRESENT: Suzanne Philip (Chair) and Annabel McLarty attended via Teams link and Jeremy Trembath and Madeleine Bower attended in person

APOLOGIES: Denis Coburn
LEAVE OF ABSENCE None

OFFICERS PRESENT: George Maly and Rory Mackay (Development Assessment Services)

COUNCIL REPRESENTATIVE: None

Meeting opened at 10.00 am and closed at 11.00 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
PA2024/0314

TRANSPORT TERMINAL

APPLICANT

NT PORTION 7473 (131) LANSDOWNE ROAD, LANSDOWNE

Upside Planning Pty Ltd

Jeremy Trembath and Madeleine Bower are community members of the Development Consent Authority and Councillors respectively, for Katherine Town Council. Katherine Town Council is a submitter to this application under Section 49 of the *Planning Act 1999*.

The Chair noted that section 98A of the *Planning Act 1999*- Independence of Community Members – contemplates that Community Members, while acting independently, may take account of opinion of a local government council in relation to a development application.

No parties present raised any concerns with Jeremy Trembath and Madeleine Bower considering the application.

Pursuant to section 97 of the *Planning Act 1999*, the Chair determined that Jeremy Trembath's and Madeleine Bower's interest or relationship was not significant or relevant, and both were permitted to form part of the quorum and participate in determination of this item.

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

RESOLVED
3/25

That, the Development Consent Authority vary the requirements of Clause 5.2.1.5(b) (General Height Control) 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 7473 (131) Lansdowne Road, Lansdowne for the purpose of the clearing of native vegetation and a transport terminal, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works, 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:
 - the area of outdoor storage for the development;
 - detail the surface treatment of the vehicle driveway adjacent the western side boundary; and
 - show indicative swept paths to and within the site proposed to be cleared for the intended vehicles which are proposed to be stored on the site.

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GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
4. Before the use or occupation of the development starts, the area set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be, to the satisfaction of the consent authority:
 - a. constructed;
 - b. properly formed to such levels that they can be used in accordance with the plans;
 - c. surfaced with a gravel hardstand;
 - d. drained; and
 - e. managed to mitigate dust generation.
5. The vehicle 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).
6. The crossover and driveway 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.
7. No vehicles and/or goods are to be stored or left exposed outside the outdoor storage area nominated on the endorsed plans, to the satisfaction of the consent authority.
8. 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.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of an electricity network to the development on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notation 3 for further information.
10. 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; and
 - d. presence of vermin.

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11. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
12. 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.
13. 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. 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.
14. 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 and the Department of Lands, Planning and Environment *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.

NOTES

1. This permit will expire if one of the following circumstances applies:
 - a) the development *and use is/are* not started within two years of the date of this permit; or
 - b) the development is not completed within *four* years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the *Northern Territory Building Act 1993* before commencing any demolition or construction works.
3. The Power and Water Corporation advises that the landowner shall engage a licensed electrician to submit a revised overall maximum power demand calculation in accordance with the current Australian Energy Regulator process for the existing residential development and the transport terminal development. The engaged electrician shall install all onsite electrical reticulation in accordance with *NP018 Service and Installation Rules 2024* and *NP010 Meter Manual*.

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4. The Katherine Town Council advises that an 'Open A Road Permit' is required before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Katherine Town Council's road network. Fees may apply.
5. 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.
6. 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. 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.
7. 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 Lands, Planning and Environment.
8. 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 Lands, Planning and Environment 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

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works. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.

9. The proponent should store liquids only in secure bunded areas in accordance with VIC EPA Publication 1698: *Liquid storage and handling guidelines*, June 2018, as amended.
10. The Environmental Division of the Department of Lands, Planning and Environment advises that all fill imported or generated and exported as part of the development should either be certified virgin excavated natural material (VENM) or be sampled and tested in line with the *NSW EPA Guidelines*. All imported fill material must be accompanied by details of its nature, origin, volume, testing and transportation details. All records must be retained and made available to authorised officers, upon request.

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 *Northern Territory 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(1)(c)(ii), therefore the Strategic framework (Part 2 of the Scheme, including the *Katherine Land Use Plan 2014*), Overlays 3.2 (Clearing of Native Vegetation), zone purpose and outcomes of Clause 4.20 Zone A (Agriculture), Clause 5.2.1 (General Height Control), Clause 5.2.4.1 (Car Parking Spaces), Clause 5.2.4.4 (Layout of Car Parking Areas), Clause 5.2.5 (Loading Bays), Clause 5.2.6.1 (Landscaping in Zones other than zone CB) need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the *Northern Territory Planning Scheme 2020* except for Clause 5.2.1 (General Height Control).

Pursuant to Clause 1.10.5 (Exercise of Discretion by the Consent Authority) of the *Northern Territory 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 consent authority has taken into consideration the requirements of Clause 1.10.4.

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The proposal has been found not to be in accordance with Clause 5.2.1.5(b) (General Height Control) because the proposal will result in a building height of 9m where a maximum building height of 8.5m is usually required. A variation for the extra 0.5m height had been requested.

- (a) Administratively, under Clause 5.2.1.4 the consent authority may consent to a development that is not in accordance with the general height control requirements if the proposal is consistent with the intended character and amenity of the area, with regard to existing development in the immediate vicinity and any proposed mitigation measures.

The proposal, as approved, will be consistent with the intended character of this rural agricultural locality and generous setback and native vegetation will be used to shield the development from neighbouring properties and passing traffic on Lansdowne Road.

- (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 *Northern Territory Planning Scheme 2020*, except for Clause 5.2.1 (General Height Control), as identified above.

2. 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 consent authority has resolved that the development of transport terminal will not result in any land use capabilities issues that would impact the subject land or adjoining land, subject to compliance with the approval conditions and notations. This includes, amongst other matters, the implementation of a buffer from the existing property sinkhole in accordance with the *Land Clearing Guidelines*.

3. 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 has resolved that the design of the development on an Agriculture zoned property, within an established locality for such, with large boundary setbacks, and shielding provided by existing native vegetation within these setback areas is unlikely to have a significant impact on the current and future amenity of the Lansdowne locality. Nonetheless, to further safeguard the amenity of the locality, a condition precedent had been imposed on this development to confirm, via updated plans, the details of the outdoor storage area for the development, the surface treatment of

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the vehicle driveway adjacent the western side boundary and the extent of the intended use through indicative vehicle swept paths to and within the site for the vehicles proposed to be stored on this site.

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

03 February 2025