



DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 174 – WEDNESDAY 1 MAY 2019

**DIPL CONFERENCE ROOM
1ST 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: Peter Reeve

Meeting opened at 10.15 am and closed at 11:25 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ITEM 1 WITHDRAWN

**ITEM 2 SUBDIVISION TO CREATE THREE LOTS
PA2017/0323 NT PORTION 5802 (70) MCADAM ROAD, EMUNGALAN
APPLICANT SHARYN INNES**

Ms Sharyn Innes, Mr Luke & Mrs Sally Burden (landowners) attended.

**RESOLVED That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development
31/19 Consent Authority defer consideration of the application to develop NT Portion
5802 (70) McAdam Rd, Emungalan to create three lots to allow the applicant to
provide the additional information that the Authority considers necessary in order
to enable the proper consideration of the application:**

- consideration to reduce the number of lots from three to two to increase the size of each proposed lot; and
- a response from the Department of Environment and Natural Resources on the amended layout, including additional advice on the allocation of the Tindall Limestone Aquifer and the Katherine (Tindall Limestone Aquifer) Water Allocation Plan.

REASON FOR THE DECISION

At the meeting the applicant requested deferral of a decision on the subdivision application to enable the submission of a revised proposal and additional discussions with the Department of Environment and Natural Resources.

ACTION: Notice of Deferral

**ITEM 3 RESTAURANT WITHIN A DEFINED FLOOD AREA
PA2019/0086 NT PORTION 4739 (595) GORGE ROAD, LANSDOWNE
APPLICANT CAROLYN GRACE**

DAS tabled additional comment from the Department of Environment and Natural Resources.

Ms Carolyn Grace and Mr Chris McManus attended.

**RESOLVED That, the Development Consent Authority vary the requirements of Clause 6.5.3
32/19 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to
section 53(a) of the *Planning Act 1999*, consent to the application to NT Portion
4739 (595) Gorge Road, Lansdowne for the purpose of a restaurant within a
defined flood area subject to the following conditions:**

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) building plans which reflect the as constructed building (except where changes are proposed) including the provision of a disabled access ramp and sealed disabled parking spaces which meet Australian Standards;
 - (b) elevation plans which show the natural ground level, finished floor level and 1% Annual Exceedance Probability flood level.
 - (c) access lanes which are dimensioned to comply with Clause 6.5.3;
 - (d) water and electricity supply infrastructure and an approved on-site waste water treatment system;
2. Before the endorsement of plans the owner is to provide documentary evidence to the satisfaction of the consent authority that:
 - a. the existing effluent disposal system is approved and is of sufficient capacity to cope with the projected increased loading upon the advice from the Department of Health; or
 - b. an application for waste water design approval (WWDA) is submitted to and approved by the Department of Health.

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. 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. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities to the development shown on the endorsed plan in accordance with the authorities requirements and relevant legislation at the time.
6. An approved effluent disposal system to the requirements of the Department of Health and to the satisfaction of the consent authority must be installed prior to the commencement of the use and all waste must be disposed of within the curtilage of the property.
7. No new access to Gorge Road from the property is permitted.
8. Where unfenced, the Gorge Road frontage is to be appropriately fenced in accordance with Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics standards and requirements to the satisfaction to the consent authority.

9. The installation of any services or service connections within the Gorge Road 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).
10. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.
11. Parking areas must be signed posted and dust suppressed to the satisfaction of the consent authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
13. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the consent authority.

NOTES:

1. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *Public and Environmental Health Act 2011* and Regulations, the *Food Act 2004* and National Food Safety Standards.
2. Any new on-site wastewater system to be installed must be carried out by a qualified licensed Self-Certifying Plumber and must comply with the NT Code of Practice for Small On-site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent (The Code).
3. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Gorge Road traffic.
4. 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.
5. The applicant is advised to engage a building certifier, within the meaning of the *Building Act 1993*, as to whether the building/s comply with the *Building Act 1993* and associated Regulations.
6. 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>

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 proposal for a restaurant within Zone R (Rural) has been assessed against the Northern Territory Planning Scheme (NTPS) and complies with Clause 5.20 (Zone R -Rural), Clause 6.1 (General Building Height), Clause 6.5.1 (Parking Requirements), Clause 6.6 (Loading Bays) and Clause 6.14 (Land Subject to Flooding and Storm Surge).

A variation to Clause 6.5.3 (Parking Layout) is supported in this instance to permit unsealed parking areas to maintain the established amenity of the site.

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.

In the absence of reticulated sewerage an on-site wastewater treatment system is required to support the proposed use and the capability of the land to support the intended system must be considered. Whilst an existing system is installed further information to demonstrate the installation (or an alternative proposed system) is satisfactory to avoid the risk of contamination of water supplies and the environment is appropriate.

3. Pursuant to section 51(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 proposal was circulated to Katherine Town Council, Power and Water Corporation, the Department of Infrastructure, Planning and Logistics, the Department of Environment and Natural Resources and the Department of Health for comment. It is noted that no comments from the Department of Health were received.

No objections were received from the service authorities and their comments have been addressed in the conditions and notations of the development permit.

4. 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 area in which the land is situated

The proposed restaurant within a defined flood area is unlikely to have a negative impact on the future amenity of the area.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2019/0087
APPLICANT

SUBDIVISION AND CONSOLIDATION TO CREATE TWO LOTS
NT PORTION 6606 (187) LANSDOWNE ROAD & NT PORTION 7154 (180)
QUARRY ROAD, LANSDOWNE
EARL JAMES AND ASSOCIATES

DAS tabled a revised version of page 3 of the assessment report.

Mr Kevin Dodd (Earl James & Associates) and land owner representatives Mr Nino Niceforo and Mr Craig Stevens attended the meeting.

The applicant tabled a:

- letter in response to the assessment report and the Department of Environment and Natural Resources submission; and
- copy of a report by SLR Consulting Australia Pty Ltd in relation to the management of contamination and associated spreadsheet showing the record of waste disposal.

RESOLVED
33/19

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 7154 (180) Quarry Road, Lansdowne and NT Portion 6606 (187) Quarry Road, Lansdowne for the purpose of subdivision to create two lots 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:

- Written approval from the Minister for Infrastructure, Planning and Logistics to the giving of consent;
- Written refusal from the Minister for Infrastructure, Planning and Logistics to the giving of consent; or
- Within 14 days of the Authority's notification of the Minister in writing (i.e. by 7 May 2019), no response from the Minister for Infrastructure, Planning and Logistics.

REASON FOR THE DECISION

Pursuant to section 52(1) of the *Planning Act 1999*, the consent authority must not consent to a proposed development under section 53 if in its opinion, the proposed development is contrary to a planning scheme provision referred to in section 9(1)(a) unless:

- the Authority notifies the Minister in writing;

and, either the Minister

- gives written approval to the giving of consent to the proposed development; or
- has not, within 14 days after receipt of the notice, given written approval to the giving of consent to the proposed development or refused to give such written approval.

ACTION: Notice of Deferral

**ITEM 5
PA2019/0011
APPLICANT**

**4 x 2 BEDROOM MULTIPLE DWELLINGS IN 2 SINGLE STOREY BUILDINGS
LOT 3446 (13) PATERSON COURT, TOWN OF KATHERINE
NORTHERN TRANSPORTABLES PTY LTD**

The applicant sent their apology.

**RESOLVED
34/19**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Lot 3446 (13) Paterson Court, Town of Katherine for the purpose of 4 x 2 bedroom multiple dwellings in two single storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works, a swept path diagram with written confirmation from a qualified traffic engineer that the car parking layout associated with the development complies with the relevant Australian Standards, must be submitted to and approved by the consent authority. The diagram should confirm that the parking area is functional and that each vehicle can enter and exit to a road in a forward gear.
2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Katherine Town Council's stormwater drainage system shall be submitted to and approved by the 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.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities requirements and relevant legislation at the time.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

6. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
7. The owner of land must enter into agreements with the Katherine Town Council to allow access to conduct inspections and maintenance to the infrastructure that is constructed on any easement.
8. 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.
9. The owner shall:
 - a) Remove disused vehicle and/or pedestrian crossovers;
 - b) Provide footpaths/ cycleways;
 - c) Collect stormwater and discharge it to the drainage network; and
 - d) 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.

10. A "Road Opening Permit" shall be submitted to and approved by the Katherine Town Council before the commencement of any works within the road reserve.
11. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Katherine Town, to the satisfaction of the consent authority.
12. Storage for waste disposal bins is to be provided to the requirements of the Katherine Town Council, to the satisfaction of the consent authority.
13. Dust control measures must be employed throughout the construction stage of the development to the requirements of the Northern Territory Environment Protection Authority, to the satisfaction of the consent authority.
14. Appropriate erosion and sediment control measures should be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the Consent Authority. Information can be obtained from the IECA Best Practice Erosion and Sediment Control Guidelines 2008 available at www.austieca.com.au and the NTG website <https://nt.gov.au/environment/soil-land-vegetation>.
15. 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.
16. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.

17. 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.
18. 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.
19. 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.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Northern Territory Environment Protection Authority's Noise Guidelines for Development Sites. 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.
3. The permit holder is advised that the proposal may have assessment implications under the *Waste Management and Pollution Control Act 1998*. More information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>. The applicant is encouraged to contact the NT EPA on (08) 8924 4218 or ntepa@nt.gov.au.
4. 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.
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) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

6. 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 5.2 (Zone MD (Multiple Dwelling Residential)), 6.5.1 (Parking Requirements), 7.1.1 (Residential Density Limitations), 7.1.2 (Residential Height Limitations), 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures), 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings Over 4 Storeys in Height), 7.3.2 (Distance between Residential Buildings on One Site), 7.5 (Private Open Space), 7.6 (Communal Open Space), 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation), and is compliant.

The 4 x 2 bedroom multiple dwellings in two single storey buildings is in keeping with the changes that are reasonably anticipated within the locality and the density is respectful of the scale and character of the surrounding locality. The proposal is consistent with the Katherine Land Use Plan urban residential objectives.

All dwellings exceed the minimum area of private open space including an area 5m x 5m. There is also fencing and plants along the boundaries to provide visual screening and all dwellings have areas of deep soil for shade tree planting.

The landscaping plan shows that the site meets the minimum landscaping requirement of 30% of the site. The building design does not affect breeze penetration and circulation from neighbouring lots or other dwellings on the lot.

To confirm compliance with sub-clause (c) and (e) of Clause 6.5.3 (Parking layout), the provision of a swept path diagram with written confirmation from a qualified traffic engineer will ensure that the parking layout is appropriately designed and functional, with vehicles able to enter and exit in a forward gear.

2. 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 area in which the land is situated.

The lot is situated between Zone SD (Single Dwelling) across Paterson Court and Zone TC (Tourist Commercial) adjoining the lot. The area is predominantly SD with Zone MD (Multiple Dwelling) scattered throughout. The development adjoining to the lot in Zone TC is an Ibis Resort, which has 100 accommodation rooms.

The zoning and development pattern where the lot is situated is in a transitional zoning area, where dwelling and activity density will become less intense and transition to lower densities generally matching the surrounding locality.

The transition from the higher land use of zone TC to MD to SD is consistent with the Northern Territory Compact Urban Growth Policy philosophy.

There is no change of use proposed and the proposed multiple dwellings are compliant with the Scheme. There is an additional 0.5m side setback to neighbouring lots, private open space is screened from public areas, the buildings are single storey, spaced appropriately apart and is not elevated to unduly affect overlooking and privacy of adjoining lots.

The proposal would be unlikely to have an adverse impact on the existing and future amenity of the area.

ACTION: Notice of Consent and Development Permit

**ITEM 6
PA2019/0012
APPLICANT**

**4 x 2 BEDROOM MULTIPLE DWELLINGS IN 2 SINGLE STOREY BUILDINGS
LOT 3447 (17) PATERSON COURT, TOWN OF KATHERINE
NORTHERN TRANSPORTABLES PTY LTD**

The applicant sent their apology.

**RESOLVED
35/19**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Lot 3447 (17) Paterson Court, Town of Katherine for the purpose of 4 x 2 bedroom multiple dwellings in two single storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works, a swept path diagram with written confirmation from a qualified traffic engineer that the car parking layout associated with the development complies with the relevant Australian Standards, must be submitted to and approved by the consent authority. The diagram should confirm that the parking area is functional and that each vehicle can enter and exit to a road in a forward gear.
2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Katherine Town Council's stormwater drainage system shall be submitted to and approved by the 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.

GENERAL CONDITIONS

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

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities requirements and relevant legislation at the time.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
6. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
7. The owner of land must enter into agreements with the Katherine Town Council to allow access to conduct inspections and maintenance to the infrastructure that is constructed on any easement.
8. 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.
9. The owner shall:
 - a) Remove disused vehicle and/or pedestrian crossovers;
 - b) Provide footpaths/ cycleways;
 - c) Collect stormwater and discharge it to the drainage network; and
 - d) 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.
10. A "Road Opening Permit" shall be submitted to and approved by the Katherine Town Council before the commencement of any works within the road reserve.
11. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Katherine Town, to the satisfaction of the consent authority.
12. Storage for waste disposal bins is to be provided to the requirements of the Katherine Town Council, to the satisfaction of the consent authority.
13. Dust control measures must be employed throughout the construction stage of the development to the requirements of the Northern Territory Environment Protection Authority, to the satisfaction of the consent authority.
14. Appropriate erosion and sediment control measures should be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the Consent Authority. Information can be obtained from the IECA Best Practice Erosion and Sediment Control Guidelines 2008 available at www.austieca.com.au and the NTG website <https://nt.gov.au/environment/soil-land-vegetation>.

15. 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.
16. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
17. 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.
18. 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.
19. 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.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Northern Territory Environment Protection Authority's Noise Guidelines for Development Sites. 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.
3. The permit holder is advised that the proposal may have assessment implications under the *Waste Management and Pollution Control Act 1998*. More information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>. The applicant is encouraged to contact the NT EPA on (08) 8924 4218 or ntepa@nt.gov.au.
4. 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.

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) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
6. 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 5.2 (Zone MD (Multiple Dwelling Residential)), 6.5.1 (Parking Requirements), 7.1.1 (Residential Density Limitations), 7.1.2 (Residential Height Limitations), 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures), 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings Over 4 Storeys in Height), 7.3.2 (Distance between Residential Buildings on One Site), 7.5 (Private Open Space), 7.6 (Communal Open Space), 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation), and is compliant.

The 4 x 2 bedroom multiple dwellings in two single storey buildings is in keeping with the changes that are reasonably anticipated within the locality and the density is respectful of the scale and character of the surrounding locality. The proposal is consistent with the Katherine Land Use Plan urban residential objectives.

All dwellings exceed the minimum area of private open space including an area 5m x 5m. There is also fencing and plants along the boundaries to provide visual screening and all dwellings have areas of deep soil for shade tree planting.

The landscaping plan shows that the site meets the minimum landscaping requirement of 30% of the site. The building design does not affect breeze penetration and circulation from neighbouring lots or other dwellings on the lot.

To confirm compliance with sub-clause (c) and (e) of Clause 6.5.3 (Parking layout), the provision of a swept path diagram with written confirmation from a qualified traffic engineer will ensure that the parking layout is appropriately designed and functional, with vehicles able to enter and exit in a forward gear.

2. 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 area in which the land is situated.

The lot is situated between Zone SD (Single Dwelling) across Paterson Court and Zone TC (Tourist Commercial) adjoining the lot. The area is predominantly SD with Zone MD (Multiple Dwelling) scattered throughout. The development adjoining to the lot in Zone TC is an Ibis Resort, which has 100 accommodation rooms.

The zoning and development pattern where the lot is situated is in a transitional zoning area, where dwelling and activity density will become less intense and transition to lower densities generally matching the surrounding locality.

The transition from the higher land use of zone TC to MD to SD is consistent with the Northern Territory Compact Urban Growth Policy philosophy.

There is no change of use proposed and the proposed multiple dwellings are compliant with the Scheme. There is an additional 0.5m side setback to neighbouring lots, private open space is screened from public areas, the buildings are single storey, spaced appropriately apart and is not elevated to unduly affect overlooking and privacy of adjoining lots.

The proposal would be unlikely to have an adverse impact on the existing and future amenity of the area.

ACTION: Notice of Consent and Development Permit

**ITEM 7
PA2019/0013
APPLICANT**

**4 x 2 BEDROOM MULTIPLE DWELLINGS IN 2 SINGLE STOREY BUILDINGS
LOT 3444 (5) PATERSON COURT, TOWN OF KATHERINE
NORTHERN TRANSPORTABLES PTY LTD**

The applicant sent their apology.

**RESOLVED
36/19**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Lot 3444 (5) Paterson Court, Town of Katherine for the purpose of 4 x 2 bedroom multiple dwellings in two single storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works, a swept path diagram with written confirmation from a qualified traffic engineer that the car parking layout associated with the development complies with the relevant Australian Standards, must be submitted to and approved by the consent authority. The diagram should confirm that the parking area is functional and that each vehicle can enter and exit to a road in a forward gear.

2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Katherine Town Council's stormwater drainage system shall be submitted to and approved by the 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.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities requirements and relevant legislation at the time.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
6. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
7. The owner of land must enter into agreements with the Katherine Town Council to allow access to conduct inspections and maintenance to the infrastructure that is constructed on any easement.
8. 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.
9. The owner shall:
 - a) Remove disused vehicle and/or pedestrian crossovers;
 - b) Provide footpaths/ cycleways;
 - c) Collect stormwater and discharge it to the drainage network; and
 - d) 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.

10. A "Road Opening Permit" shall be submitted to and approved by the Katherine Town Council before the commencement of any works within the road reserve.
11. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Katherine Town, to the satisfaction of the consent authority.
12. Storage for waste disposal bins is to be provided to the requirements of the Katherine Town Council, to the satisfaction of the consent authority.

13. Dust control measures must be employed throughout the construction stage of the development to the requirements of the Northern Territory Environment Protection Authority, to the satisfaction of the consent authority.
14. Appropriate erosion and sediment control measures should be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the Consent Authority. Information can be obtained from the IECA Best Practice Erosion and Sediment Control Guidelines 2008 available at www.austieca.com.au and the NTG website <https://nt.gov.au/environment/soil-land-vegetation>.
15. 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.
16. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
17. 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.
18. 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.
19. 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.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Northern Territory Environment Protection Authority's Noise Guidelines for Development Sites. 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.

3. The permit holder is advised that the proposal may have assessment implications under the *Waste Management and Pollution Control Act 1998*. More information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>. The applicant is encouraged to contact the NT EPA on (08) 8924 4218 or ntepa@nt.gov.au.
4. 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.
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) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
6. 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.
7. Katherine Town Council advise any works constructed on the existing easement shall be the owner's responsibility to maintain. The Katherine Town Council reserves the right to have any of the improvements removed if required and reinstated at the owner's expense, at no cost to council.

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 5.2 (Zone MD (Multiple Dwelling Residential)), 6.5.1 (Parking Requirements), 7.1.1 (Residential Density Limitations), 7.1.2 (Residential Height Limitations), 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures), 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings Over 4 Storeys in Height), 7.3.2 (Distance between Residential Buildings on One Site), 7.5 (Private Open Space), 7.6 (Communal Open Space), 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation), and is compliant.

The 4 x 2 bedroom multiple dwellings in two single storey buildings is in keeping with the changes that are reasonably anticipated within the locality and the density is respectful of the scale and character of the surrounding locality. The proposal is consistent with the Katherine Land Use Plan urban residential objectives.

All dwellings exceed the minimum area of private open space including an area 5m x 5m. There is also fencing and plants along the boundaries

to provide visual screening and all dwellings have areas of deep soil for shade tree planting.

The landscaping plan shows that the site meets the minimum landscaping requirement of 30% of the site. The building design does not affect breeze penetration and circulation from neighbouring lots or other dwellings on the lot.

To confirm compliance with sub-clause (c) and (e) of Clause 6.5.3 (Parking layout), the provision of a swept path diagram with written confirmation from a qualified traffic engineer will ensure that the parking layout is appropriately designed and functional, with vehicles able to enter and exit in a forward gear.

2. 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 area in which the land is situated.

The lot is situated between Zone SD (Single Dwelling) across Paterson Court and Zone TC (Tourist Commercial) adjoining the lot. The area is predominantly SD with Zone MD (Multiple Dwelling) scattered throughout. The development adjoining to the lot in Zone TC is an Ibis Resort, which has 100 accommodation rooms.

The zoning and development pattern where the lot is situated is in a transitional zoning area, where dwelling and activity density will become less intense and transition to lower densities generally matching the surrounding locality.

The transition from the higher land use of zone TC to MD to SD is consistent with the Northern Territory Compact Urban Growth Policy philosophy.

There is no change of use proposed and the proposed multiple dwellings are compliant with the Scheme. There is an additional 0.5m side setback to neighbouring lots, private open space is screened from public areas, the buildings are single storey, spaced appropriately apart and is not elevated to unduly affect overlooking and privacy of adjoining lots.

The proposal would be unlikely to have an adverse impact on the existing and future amenity of the area.

ACTION: Notice of Consent and Development Permit

ITEM 8 **4 x 2 BEDROOM MULTIPLE DWELLINGS IN 2 SINGLE STOREY BUILDINGS**
PA2019/0014 **LOT 3445 (9) PATERSON COURT, TOWN OF KATHERINE**
APPLICANT **NORTHERN TRANSPORTABLES PTY LTD**

The applicant sent their apology.

**RESOLVED
37/19**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Lot 3445 (9) Paterson Court, Town of Katherine for the purpose of 4 x 2 bedroom multiple dwellings in two single storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works, a swept path diagram with written confirmation from a qualified traffic engineer that the car parking layout associated with the development complies with the relevant Australian Standards, must be submitted to and approved by the consent authority. The diagram should confirm that the parking area is functional and that each vehicle can enter and exit to a road in a forward gear.
2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Katherine Town Council's stormwater drainage system shall be submitted to and approved by the 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.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities requirements and relevant legislation at the time.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
6. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
7. The owner of land must enter into agreements with the Katherine Town Council to allow access to conduct inspections and maintenance to the infrastructure that is constructed on any easement.
8. 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.
9. The owner shall:
 - a) Remove disused vehicle and/or pedestrian crossovers;
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All to the technical requirements of and at no cost to the Katherine Town Council, to the satisfaction of the consent authority.

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11. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Katherine Town, to the satisfaction of the consent authority.
12. Storage for waste disposal bins is to be provided to the requirements of the Katherine Town Council, to the satisfaction of the consent authority.
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public areas, the buildings are single storey, spaced appropriately apart and is not elevated to unduly affect overlooking and privacy of adjoining lots.

The proposal would be unlikely to have an adverse impact on the existing and future amenity of the area.

ACTION: Notice of Consent and Development Permit

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

SUZANNE PHILIP

Chair

08 May 2019