



DEVELOPMENT CONSENT AUTHORITY

BATCHELOR DIVISION

MINUTES

MEETING No. 44 – MONDAY 17 JUNE 2024

**CONFERENCE ROOM
LITCHFIELD OUTBACK RESORT
49 RUM JUNGLE ROAD
BATCHELOR**

MEMBERS PRESENT: Suzanne Philip (Chair), Monica Baumgartner, Brad Rake, Colin Freeman and Andrew Turner

APOLOGIES: Nil

LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: George Maly and Ben Wollinski (Development Assessment Services)

COUNCIL REPRESENTATIVE: None

Meeting opened at 10.45 am and closed at 1.00 pm

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
PA2024/0087

DWELLING-GROUP (4 X 3 BEDROOM) IN 4 X 1 STOREY BUILDINGS

APPLICANT

LOT 337 (31) RUM JUNGLE ROAD, BATCHELOR, TOWN OF BATCHELOR

One Planning Consult

DAS tabled a map showing the area of the Batchelor Area Plan and late transport comments.

Applicant: Israel Kgosiemang (One Planning Consult) attended.

RESOLVED
07/24

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Lot 337 (31) Rum Jungle Road, Town of Batchelor for the purpose of a dwelling-group (4 x 3 bedroom) in 4 x 1 storey buildings subject to the following conditions:

CONDITIONS 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 remove references to subdivision including, but not limited to, roads, units and common property.
2. Prior to the endorsement of plans and prior to the commencement of works, a traffic impact assessment report is to be prepared by a suitably qualified traffic engineer. The report must detail the development's traffic generation, trip distribution, traffic operation impact, the nature and timing of impacts, and recommended measures required to accommodate and/or mitigate the traffic impacts of the development, including construction traffic. All road sections and/or intersections where traffic generated by the development increases the existing traffic, existing proportion of heavy vehicle traffic or equivalent standard axles (ESAs) by 5% or more must be assessed, to the requirements of Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics stormwater drainage system shall be submitted to and approved by Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.

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4. Prior to the commencement of works, a waste management plan addressing the Coomalie Community Government Council's Waste Management Guidelines must be prepared, to the requirements of the Coomalie Community Government Council, to the satisfaction of the consent authority.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

Please refer to notations 1, 2, and 3 for further information.

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.
9. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
10. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
11. 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 Transport and Civil Services Division of the Department of Infrastructure, Planning and, to the satisfaction of the consent authority.

12. Any proposed work (including the provision or connection of services) within, or impacting upon the Rum Jungle Road road reserve shall be in accordance with the standards and specifications of the Transport and Civil Services Division, Department of Infrastructure, Planning and

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Logistics. Design documents must be submitted to the Director Corridor Management, Transport and Civil Services Division for Road Agency Approval and no works are to commence prior to approval and receipt of a “Permit to Work Within a Road Reserve”.

13. 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, in accordance with the requirements of Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
14. Where unfenced, the Rum Jungle 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.
15. Before the use/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.
16. 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.*
17. 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.
18. All works recommended by the traffic impact assessment are to be completed to the requirements of Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics to the satisfaction of the consent authority.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation’s servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may

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be able to access an exemption from these arrangements in some circumstances. For more information visit www.infrastructure.gov.au/tind

3. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>
4. 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>.
5. A "Permit to Work "Within a Road Reserve" may be required from Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics before commencement of any work within the road reserve.
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.

REASONS FOR THE DECISION

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

The NT Planning Scheme 2020 applies to the land and Dwelling-group (4 x 3 bedroom) in 4 x 1 storey buildings requires consent under Clause 1.8 (When development consent is required). It is identified as Impact Assessable under Clause 1.8(1)(c)(i), therefore the strategic framework (Part 2 of the Scheme, including the Coomalie Planning Concepts and Land Use Objectives 2000 and the Batchelor Area Plan 2007, which are relevant to this application), Overlays (Part 3), zone purpose and outcomes

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(Part 4) of Clause 4.13 (Tourist Commercial), and Part 5 Clauses 5.2.1 General Height Control, 5.2.4.1 Car Parking Spaces, 5.2.4.4 Layout of car parking area, 5.2.5 Loading Bays, 5.2.6 Landscaping, 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR, 5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC, 5.4.1 Residential Density, 5.4.3 Building Setbacks for Residential Buildings and Ancillary Structures, 5.4.4 Extensions and Structures Ancillary to a Dwelling-Group or Dwelling-Multiple Development, 5.4.6 Private Open Space, 5.4.8 Residential Building Design, 5.4.17 Building Articulation, need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme.

In accordance with clause 1.8(c), the consent authority is to determine if the development is appropriate given the location of the site and the potential impacts on surrounding uses, and accords with the strategic framework.

The Batchelor Area Plan 2007 (BAP) is a referenced document, as part of the strategic framework, in the Northern Territory Planning Scheme and provides detailed planning specific to the Batchelor area and land use concept plans to guide development.

The BAP identifies the site is within a commercial area for tourist oriented commercial accommodation. The proponent advised that the development may service the tourism industry by providing short to medium term accommodation. Due to the seasonal tourism period, possible tenancies may include medium term tenancy for local residents to prevent extended periods of the dwellings being vacant. The consent authority further noted that the Zone TC Outcomes acknowledge that dwellings-multiple are possible in the Zone, providing in paragraph 2 –

“Limited residential, commercial and community uses, such as dwellings-multiple, child care centre and community centre, where the nature of the activity does not compromise the primary use of the locality for tourist commercial activities.”

The consent authority considered that, while the development on the site is low-density, the development of dwelling-group may cater for tourist accommodation, accommodation for tourism workers and housing for local residents, consistent with the BAP. The site is also able to be further expanded and developed, with the development increasing the capacity and growth of the tourism sector and township of Batchelor. The Authority determined that the use of the property for dwellings multiple will not compromise the primary use of the locality for tourist commercial premises.

The consent authority noted that the proposal is otherwise compliant with the requirements of the NTPS in respect of dwellings-group. There are suitable private open space areas for each dwelling with 5m landscaping buffers on side and rear boundaries and 8m landscaped setback from the front boundary. There is also landscaping between dwellings to provide privacy/screening from each dwelling.

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The landscaping areas allows for significant trees/vegetation and contributes to the streetscape, character and amenity of Batchelor.

The dwellings have setbacks greater than the minimum requirements with bedrooms and private open spaces located away from noise sources, other dwellings on site and adjacent land to prevent noise transmission.

The orientation of the dwellings face north to accommodate solar. The dwellings are single storey and are of a size/length to not impact on building massing when viewed from the street or nearby land, and have suitable facades.

Each dwelling avoids overlooking, provides visual and acoustic privacy with passive climate control and allows for breeze penetration and circulation.

The consent authority noted that the application was previously accompanied by a proposed subdivision, subsequently withdrawn, but the plans included with the present application still retained references to subdivision, whether by way of unit title subdivision or otherwise. The Authority was clear that the approval granted was for the dwelling-group only and include a condition precedent requiring amended plans to remove any reference to a subdivision.

A condition precedent requiring the applicant prepare a traffic impact assessment report was included in the permit at the request of Department of Infrastructure, Planning and Logistics. The report will allow the applicant to demonstrate and confirm the proposed egress and ingress to the site from a public road and will address any concerns over the impact of the proposed development on the Rum Jungle Road and the safety of its users.

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 land has reticulated power, water and sewer service available to support the capability of the land for the dwelling-group.

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.

In this instance, the dwelling-group is expected to provide a positive improvement on the amenity of the area and is considered appropriate within its locality. The nature of the proposal is consistent with the

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opportunities of the land with the development unlikely to negatively impact on the existing and future amenity of the area.

FOR: 5

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

24 June 2024