



DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 202 – WEDNESDAY 5 JULY 2023

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

MEMBERS PRESENT: Suzanne Philip (Chair) via videolink and Allan Domaschenz, Lis Clark and Jeffrey Trembath

APOLOGIES: Nil

LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: George Maly and via videolink Eponine Richardson (Development Assessment Services)

COUNCIL REPRESENTATIVE: None

Meeting opened at 10.00 am and closed at 10.15 am

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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
PA2023/0072

RECONSIDERATION: DWELLING-SINGLE WITH ANCILLARY DWELLING-INDEPENDENT WITH A FLOOR AREA IN EXCESS OF 80M2 WITH A SEPARATE EFFLUENT DISPOSAL SYSTEM

APPLICANT

NT PORTION 7184 (140) CUMMINGS ROAD, COSSACK
Upside Planning Pty Ltd

Applicant Cameron Judson (Upside Planning) sent his apologies.

Robert Blakeney (landowner) attended.

RESOLVED
10/23

That, the Development Consent Authority vary the requirements of 5.4.13 (Dwelling-Independent) 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 7184 (140) Cummings Rd, Cossack for the purpose of dwelling-single with ancillary dwelling-independent with a floor area in excess of 80m² with a separate effluent disposal system, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings 2023/0072/01-07 endorsed as forming part of this permit.
2. 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.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity supply to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

Please refer to notations 2 and 3 for further information.

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. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section

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(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.

3. Power and Water Corporation advise that prior to initial reviews and assessments being undertaken to determine Power and Water Corporations servicing requirements, the developer should submit an Expression of Interest (Eoi) form via email to remotedevelopment@powerwater.com.au
4. 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 be able to access an exemption from these arrangements in some circumstances. For more information visit www.infrastructure.gov.au/tind
5. 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(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 a dwelling- single with ancillary dwelling- independent with a floor area in excess of 80m² and a separate effluent system requires consent under Clause 1.8 (1) (b) (iii) (1) and (2), therefore the zone purpose and outcomes of Clause 4.21- Zone R (Rural), and Clause 3.2- CNV (Clearing of Native Vegetation), Clause 3.6 – LSF (Land Subject to Flooding) and Clauses 5.21 (General Height Control), 5.24 (Car Parking), 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), 5.4.1 (Residential Density), 5.4.3 (Building Setbacks for Residential Buildings and Ancillary Structures), 5.4.6 (Private Open Space) and 5.4.13 (Dwellings-Independent) need to be considered.

These clauses have been considered and it is found that the proposal generally complies with the relevant requirements of the Planning Scheme except for Clause 5.4.13 (Dwelling-Independent).

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

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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 5.4.13, because the proposal will result in the dwelling- independent with a floor area of 107m² which exceeds the limit of 80m² and will have a separate onsite effluent disposal system to the dwelling- single.

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 5.4.13 (Dwelling-Independent) in that the proposal provides increased housing choice whilst, on balance, remaining ancillary to the dwelling- single and is developed in a manner that does not have significant impact on the visual amenity of the locality, the natural environment or the local road network.

Purpose of Clause 5.4.13 (Dwelling-independent)

Ensure a dwelling-independent provides for increased housing choice while remaining ancillary to the dwelling-single on a site, and is developed in a manner that:

- (a) avoids significant impact on the amenity of adjoining and nearby property;*
- (b) does not detrimentally impact on the natural environment; and*
- (c) does not adversely impact the local road network;*

A reduction in the number of bedrooms from three to one and a shared connection to power and water supply demonstrates the dwelling-independent is ancillary to the dwelling-single on the site.

Administratively, consent may be granted if the proposal meets the purpose of this Clause as well as the purpose and outcomes of Zone R (Rural).

Zone Purpose

Provide for residential, horticultural, agricultural and other rural activities on large lots to provide separation between potentially incompatible uses and restrict closer settlement in areas where access to reticulated water and sewerage may not be available.

The amended proposal is consistent with the purpose statement and desired outcomes of the Rural Zone. Low density residential development in the form of single and independent dwellings are envisaged on large lots that do not compromise the rural activity of the land and do not impose unsustainable demands on surface and ground water. The amended proposal demonstrates that both dwellings will rely

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on the existing bore and a rainwater tank.

(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 5.4.13 (Dwelling-independent), 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 has an irregular shape and has a small area of unconstrained land in the northern portion which is capable of supporting the proposed development, including an additional onsite effluent disposal system. There is an existing bore on site for water supply.

4. 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 proposed development is unlikely to have a detrimental impact on the visual amenity of the existing and future amenity or compromise the rural activities on adjacent land due to context of the site configuration and the large expanses of vegetation on the 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

06 July 2023