



DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 102 – WEDNESDAY 5 OCTOBER 2011

MEMBERS PRESENT Peter McQueen (Chairman), Ian Palmer, Barry Densley, Anne Shepherd and Trevor Ford

APOLOGIES: Jodie Locke

OFFICERS PRESENT: George Maly and Julie Bennett (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 11.15 am and closed at 12:15 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 TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 TELECOMMUNICATIONS FACILITY WITH ASSOCIATED ANTENNAS AND
PA2011/0562 EQUIPMENT SHELTER
LOT 72 (26) SECOND STREET AND LOT 73 (28) SECOND STREET, TOWN OF
KATHERINE
APPLICANT TELSTRA CORPORATION LTD

DAS tabled amended plans received from the applicant dated 29 September 2011 showing the tower relocated 3 metres from the side boundary and 5 metres from the rear boundary, rather than one metre.

Mr Marcus Howard (Aurecon) attended on behalf of the applicant.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
40/11 Authority consent to the application to develop Lot 72 (26) Second Street and Lot 73 (28) Second Street, Town of Katherine for the purpose of a 33.8 m high telecommunications tower with antennas and associated equipment shelter, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with the drawings numbered 2011/0562/1 to 2011/0562/3, 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 to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

NOTE:

1. Power and Water Corporation Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of one month prior to construction works commencing to determine servicing requirements and the need for upgrading of infrastructure.
2. Pursuant to Section 5(3)(a) of the *Planning Act* and clause 2.6 (Subdivision of Land) of the NT Planning Scheme a lease in excess of 12 years requires consent of the Development Consent Authority.

REASONS FOR DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must take into consideration the planning Scheme that applies to the land to which the application relates. The telecommunications tower and associated equipment is consistent with the purpose of Clause 13.5 (Mobile Telephone Communications Towers etc) of the Northern Territory Planning Scheme which requires that the provision of mobile telecommunications towers and infrastructure does not unreasonably detract from the amenity of the locality.

It is found that given the range of uses surrounding the site within Zone CB (Central Business) and the degree to which the structures will be set back from the street boundary and screened by established vegetation and the shed, the visual impact of the tower is significantly reduced.

2. Pursuant to section 51(h) of the *Planning Act*, the Development Consent Authority must take into consideration the merits of the proposed development as demonstrated in the application.

The proposed facility will improve network coverage services for residents and businesses in the area and provide for increases in mobile and data usage expected from an increase in population in the region.

ACTION: Notice of Consent and Development Permit

ITEM 2 WITHDRAWN

ITEM 3 EXTENSIONS TO EXISTING MUSEUM
PA2011/0509 LOT 2922 (20) CHRISTIE ROAD & LOT 3006 (145) GILES STREET, TOWN OF KATHERINE
APPLICANT MOONBEAN DESIGN

Mr Chris Renehan (Moonbeam Design) attended.

42/11

RESOLVED

That, pursuant to Clause 6.5.1(3) of the NT Planning Scheme the Development Consent Authority determine a requirement of 25 parking bays for stage 1 and a total of 65 parking bays for all stages of the proposed development of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 2922 (20) Christie Road and Lot 3006 (145) Giles Street, Town of Katherine, for the purpose of extensions to an existing museum in three (3) stages, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works a full set of plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the

permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) an appropriately marked and scaled parking area and access arrangements for each stage, including passenger drop off, demonstrating a capacity to accommodate 25 parking bays for stage 1 and a total of 65 parking bays for all stages of the proposed development;
- b) parking overflow area for large vehicles, including buses, motor homes and cars towing caravans, which is capable of providing convenient and safe manoeuvring for each vehicle;
- c) elevation plan of the main museum building showing the finished floor level and natural ground level in relation to defined flood height;
- d) any proposed air conditioning plant;
- e) loading bay and refuse collection area for each stage of the development;
- f) elevation plans of covered walkways where provided;
- g) demarcation of each stage in relation to existing boundaries; and
- h) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant, for each stage of the development.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of the permit.
3. Before the commencement of the proposed use of each stage the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
4. 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.
5. Prior to the commencement of works on Stage 2, Lot 2922 and part Lot 3006, Town of Katherine are to be consolidated in accordance with the requirements of Department of Lands and Planning, to the satisfaction of consent authority.
6. Prior to the commencement of the use of each stage, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) sealed
 - (c) properly formed to such levels that they can be used in accordance with the plans;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; andto the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

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. Any engineering design and specifications for access and stormwater drainage are to be to the technical requirements of Katherine Town Council as per Council's '*Guidelines for Road Works, Stormwater Drainage and Street Lighting for Subdivisions in Katherine*' to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity and water supply to the land shown on the endorsed plans in accordance with the requirements of the Power and Water Corporation.
10. Storage for waste disposal bins is to be provided to the requirements of Katherine Town Council to the satisfaction of the consent authority.
11. An approved effluent disposal system located above the 1% Annual Exceedence Probability flood event to the requirements of the Department of Health and to the satisfaction of the consent authority must be available.
12. The finished floor levels of the extensions must be a minimum of 300mm above the corresponding defined flood level for the property.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the development is 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 development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards

REASONS FOR THE DECISION

1. The purpose of Zone CP (Community Purposes) is to provide for community services and facilities, whether publically or privately owned or operated including facilities for civic and government administration. The proposed extensions are considered to be consistent with the purpose of the Zone as upgrade works will provide additional community facilities to tourists and the people of Katherine.
2. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

Under the provisions of Clause 6.5.1(3), if a proposed use or development which is not listed in the table to this clause requires consent, the number of car parking spaces required for that use or development is to be determined by the consent authority.

25 parking bays for stage 1 and a total of 65 parking bays for all stages of the proposed development are considered adequate for the proposed use as the application demonstrates that current and future parking demand can be accommodated on site including parking for tour buses. Overflow parking opportunities will be available on the adjoining land that is in Zone PS, during peak visitor periods.

3. Amended plans are required to allow for a closer assessment of proposed landscaping and to ensure that the proposal is consistent with provisions of clause 8.2 (Commercial and other Development in Zone HR, CV, CB, C, SC, TC, OR, CP, FD and T) of the NT Planning Scheme particularly in:
 - (a) being sympathetic to the character of the buildings in the immediate vicinity;
 - (b) controlling on-site noise sources and minimise noise intrusion;
 - (c) concealing service ducts, pipes, air conditioners, air conditioning plants etc;
 - (d) providing protection for pedestrians from sun and rain; and
 - (e) providing for loading and unloading of delivery vehicles and for refuse collection.
4. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into account the capability of the land to support the proposed development and the effect of the development on adjoining land.

The land is developed as a museum and is considered capable of supporting the proposed extension. The main building is intended to be built with a finished floor level that is above the defined flood height.

ACTION: Notice of Consent and Development Permit

ITEM 4 **CHANGE OF USE FROM A HOSTEL TO 4 X 1 BEDROOM, 1 X 2 BEDROOM**
PA2011/0594 **AND 1 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**
 LOT 98 (2) THIRD STREET, TOWN OF KATHERINE
APPLICANT **SHARYN INNES CONSULTANCIES PTY LTD**

Mr Wayne Scotney (TravelNorth) attended the meeting on behalf of the applicant.

RESOLVED That, the Development Consent Authority reduce the parking bays required by clause
43/11 6.5.1 (Parking Requirements) from 12 to 10 through the provisions of clause 6.5.2
 (Parking Reduction) and vary the requirements of clause 6.14 (Land Subject to
 Flooding and Storm Surge) of the NT Planning Scheme, and pursuant to section 53(b)
 of the *Planning Act*, alter the proposed development and consent to the proposed

development as altered to develop Lot 98 (2) Third Street, Town of Katherine for the purpose of a change in use from hostel to multiple dwellings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of the 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) provision of 10 car parks with a safe parking arrangement for car park 10; and
 - (b) an increase in the level of privacy along the Lindsay Street boundary through changes to the landscaping plan to provide privacy to a 4 metre x 4 metre area within each units private open space.

2. Before the development starts, a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The landscaping plan must be generally in accordance with the plans submitted, except that the plan must show:
 - (a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - (b) details of surface finishes of pathways and driveways;
 - (c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - (e) canopy trees (minimum two metres tall when planted); and
 - (f) provision of an in ground irrigation system to all landscaped areas.

All species selected must be to the satisfaction of the consent authority.

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. Prior to the commencement of the use and pursuant to section 34 of the Land Title Act, a Caution Notice shall be lodged with the Registrar-General on the parcel to include the following advice. The Caution Notice is to state that: "This allotment is subject to inundation in a 1% AEP flood event". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

5. 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.

6. 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.
7. 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.
8. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate all access lanes, each car space and the unit number the space is allocated to; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways and a no standing sign adjacent car park 8 and 9 to ensure the area is available for vehicle manoeuvre;
to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
9. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
10. 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.
11. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Katherine Town Council, to the satisfaction of the consent authority.
12. 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.
13. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

REASONS FOR DECISION

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

The application does not comply with Clause 6.5.1 (Parking Requirements), Clause 6.5.3 (Parking Layout), Clause 6.14 (Land Subject to Flooding and Storm Surge) or Clause 7.5 (Private Open Space) of the NT Planning Scheme.

A reduction of car parking requirements specified by clause 6.5.1 (Parking Requirements) to 10 bays has been determined in accordance with clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme for the existing multiple dwellings as:

- the continued use of the site for residential purposes indicates that single bedroom units require only one parking space and thus 10 car parks will be sufficient for the proposed use; and
- whilst availability of parking and public transport in the vicinity of the site is limited, the site is in close proximity to Katherine's central business area which reduces the need for car related transport.

A safe parking arrangement for parking bay 10 is required as the line of site is currently limited and a design solution is required to ensure closer compliance with 6.5.3 (Parking Layout) to achieve a safe, convenient and functional car park for the future occupants.

A variation of Clause 6.14 (Land Subject to Flooding and Storm Surge) which requires that habitable rooms of dwellings are established at least 300 mm above the defined flood level is justified by the historical approval and use of the building for multiple dwellings. There are no viable design solutions that can be implemented to achieve compliance with this provision. A Caution Notice is intended to ensure that the risks associated with the use of land for residential purposes in a defined flood area are known at the time of purchasing the dwelling and therefore enabling risk reduction plans to be prepared.

There have been no special circumstances provided to justify the development not meeting the standard set out in Clause 7.5 (Private Open Space) of the NT Planning Scheme however a modification to the proposed landscaping will ensure that each occupant has a private open space available which is visually screened from the street and from adjacent units.

2. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact of the development on the existing and future amenity of the area in which the land is situated.

The established building will be enhanced with landscaping and upgrades to the car park which will have a beneficial impact on the amenity of the immediate area.

ACTION: Notice of Consent and Development Permit

ITEM 5
PA2011/0488
APPLICANT **EXTENSIONS TO EXISTING GOLF COURSE**
LOT 3043 (40) PEARCE STREET, TOWN OF KATHERINE
SHARYN INNES CONSULTANCIES PTY LTD

Mr Alden McCue (Member of the Katherine Country Club Board of Management) attended the meeting on behalf of the applicant.

RESOLVED
44/11

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority grant consent to the application to develop Lot 3043 (40) Pearce Street Town of Katherine for the purpose of extensions to an existing golf course in five stages 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) a 50 metre buffer around the edge of the sinkhole in close proximity to hole 6 annotated to show no clearing is permitted; and
 - (b) detailed drainage plans prepared by a civil engineer which demonstrates the capacity of the drainage network to accept the overland flows which are proposed to be directed to the drainage easement and away from the sinkhole, to the requirements of NRETAS, to the satisfaction of the consent authority.
2. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains and native vegetation buffers, is to be submitted to and approved by the consent authority on the advice of the Department of Natural Resources, Environment and the Arts (Natural Resources Management Division); and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

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 drainage and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Department of Lands and Planning drains or to any watercourse.

NOTES:

1. Any additional water required for the development will need to be traded in accordance with the water allocation plan for the Tindal Limestone Aquifer.
2. The construction and alteration of lakes may require a permit from Water Resources.

REASONS FOR THE DECISION

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

The application, as altered by the applicant, does not increase the scale or intensity of the existing established facility and the area of non-compliance has been addressed. Clause 6.16 (Excavation and fill) requires that consideration is given to the suitability of the site for the proposed future use. An assessment of the site found one sink hole that was present within the existing golf course and a drainage plan that demonstrates the stormwater flows will be redirected from the sink hole will address the potential for pollution of the aquifer through infiltration of run off.

2. Pursuant to section 51(j) of the *Planning Act*, 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 approval is conditional on a stormwater management plan will address the seasonal land constraints and together with the erosion and sediment control plan, provide a strategy to mitigate against the potential impact of water pollution through run off.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

7 /10/11