



DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 129 – WEDNESDAY 3 SEPTEMBER 2014

**TRAINING ROOM
1ST FLOOR GOVERNMENT CENTRE
5 FIRST STREET
KATHERINE**

MEMBERS PRESENT Steven Rose (Presiding Member), Craig Lambert and Fay Miller

APOLOGIES: Sue Davy and Donald Higgins

OFFICERS PRESENT: Allison Hooper and Julie Bennett (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 11.00 am and closed at 11:30

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 **HOME BASED CONTRACTING**
PA2014/0504 **NT PORTION 3345 (50) CUMMINGS ROAD, TOWN OF KATHERINE**
APPLICANT **JAMES RUSSELL**

The applicant did not attend.

RESOLVED
79/14

That, the Development Consent Authority vary the requirements of Clause 7.10.8 (Home Based Contracting) of the Northern Territory Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop NT Portion 3345 (50) Cummings Road, Town of Katherine for the purpose of home based contracting, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawings numbered 2014/0504/01 to 2014/0504/03 endorsed as forming part of this permit
2. 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.
3. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the
 - (a) transport of materials, goods or commodities to or from the land;
 - (b) appearance of any building, works or materials; and
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

NOTE:

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.

REASONS FOR THE DECISION

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 Northern Territory Planning Scheme requires a minimum standard for the development and use of land for home based contracting as

specified Clause 7.10.8 (Home Based Contracting). The purpose of this clause is to ensure that home based contracting is established and operated in a manner that does not detract from the amenity of the locality. In this instance the nature of the home based contracting includes more than the permitted three vehicles and a range of equipment and machinery which in total exceed the maximum storage area per site of 200 m2. Consideration is given to the central location of the proposed shed, the separation distance between the building and adjacent dwellings and the existing and proposed landscaping to visually screen the development, such that the impact on amenity is minimised.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2014/0528

16 X 2 BEDROOM MULTIPLE DWELLINGS IN 8 X 2 STOREY BUILDINGS WITHIN A DEFINED FLOOD AREA
LOT 3120 (10) RUNDLE STREET, TOWN OF KATHERINE
BELL GABERT ASSOCIATES PTY LTD

APPLICANT

The applicant, Mark Bell (Bell Gabbert Associates), attended the meeting via a telephone link.

RESOLVED
80/14

That, the Development Consent Authority vary Clause 7.1 Residential Density and Height Limitations), Clause 7.3 (Building Setbacks of Residential Buildings) and Clause 7.6 (Communal Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lots 3120, 3121, 3122, 3123, 3124 (2, 4, 6, 8,10) Rundle Street, Town of Katherine for the purpose of 16 x 2 bedroom multiple dwellings in 8 x 2 storey buildings within a defined flood area, subject to the following conditions:

CONDITIONS PRECEDENT

1. 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 the Katherine Town Council/Department of Transport stormwater drainage system shall be submitted to and approved by the Katherine Town Council/Department of Transport, to the satisfaction of the consent authority. The plan shall include details of site levels and Katherine Town Council/Department of Transport stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Katherine Town Council/Department of Transport system.
2. Prior to the endorsement of plans and prior to the commencement of works, the developer shall have carried out, in accordance with AS3671-1989, "Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction" an assessment by a suitably qualified person of the development's present and predicted future exposure to road traffic noise levels, and where required provide appropriate noise attenuation measures as recommended in the report to the satisfaction of the Authority. All noise attenuation works deemed

necessary shall be carried out by and at the full cost of the developer and shall be wholly contained (including foundations) within the subject lot.

3. 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) waste bin storage facilities and collection arrangements to the requirements of the Katherine Town Council; and
 - b) noise attenuation measures as recommended in the report identified in condition 3.
4. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during both the construction and operational phases. The IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in an ESCP. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the DLRM website: <http://lrm.nt.gov.au/soil/management>
5. 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 landscape concept plan dated SK-08 August 2014 prepared by Bell Gabbert Associates. 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;
 - (d) landscaping and planting within all open areas of the site;
 - (e) provision of an in ground irrigation system to all landscaped areas;All landscaping proposed within the road reserve must be to the satisfaction of the consent authority, on the advice of the Katherine Town Council and Department of Transport. Any landscaping within service easements must be to the satisfaction of the consent authority on the advice of the Power and Water Corporation.

GENERAL CONDITIONS

6. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, electricity and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. The finished floor levels of the accommodation building must be a minimum of 300mm above the applicable flood level for the property.
9. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Katherine Town Council to the satisfaction of the consent authority.
10. 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.
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. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
13. An Occupancy Permit under the *Building Act* must not be issued until Lots 3120, 3121, 3122, 3123 and 3124, Town of Katherine have been consolidated and a new title issued for the consolidated lot.
14. 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.
15. 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.
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. 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. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
 19. All air conditioning condensers 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.
 20. Storage and collection of waste disposal bins is to be provided to the requirements of the Katherine Town Council to the satisfaction of the consent authority.

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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/ or surrounding infrastructure.
2. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency'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. A "Permit to Work Within a Road Reserve" is required from Katherine Town Council/Department of Transport before commencement of any work within the road reserve.

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 proposed development is generally consistent with the requirements of the NT Planning Scheme and the primary purpose of Zone SK4 (Specific Use). However the concept does not meet the residential density limitations, building setbacks and communal open space requirements. A variation to both clause 7.1 (Residential Density and Height Limitations) and clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme is supported given the minor nature of the variation sought having a minimal impact on the development meeting the purpose of the provisions. A variation to clause 7.6 (communal open space) is supported

given the location of public open space across the road from the development and the extensive area allocated to each unit for private open space.

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 design provides minimal infrastructure at ground level to reduce the impact of flood water flows during a flood event. All habitable rooms are proposed to be 300 mm above the defined flood height of 105.75m AHD consistent with the minimum standard of the Northern Territory planning scheme which reduces the potential impact in the event of a flood.
3. Katherine Town Council is the sole authority responsible under the Local Government Act and associated by-laws for stormwater drainage and as such will have a requirement for details of the collection and discharge of stormwater for this proposal.

ACTION: Notice of Consent and Development Permit

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



STEVEN ROSE
Delegate

5/9/14

