

DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 140 – WEDNESDAY 7 OCTOBER 2015

**TRAINING ROOM
1st FLOOR GOVERNMENT CENTRE
5 FIRST STREET, KATHERINE**

MEMBERS PRESENT	Denis Burke (Chairman), Craig Lambert, Steven Rose, Fay Miller and Allan Domaschenz
APOLOGIES:	Nil
OFFICERS PRESENT:	Kate Walker (A/Secretary) and Julie Bennett (Development Assessment Services)
COUNCIL REPRESENTATIVE:	Robert Jennings (CEO)

Meeting opened at 10.30 am and closed at 11:30 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 **15 X 3 BEDROOM AND 6 X 2 BEDROOM MULTIPLE DWELLINGS IN 11 X 2**
PA2015/0574 **STOREY BUILDINGS WITHIN A DEFINED FLOOD AREA**
APPLICANT **C.A.T CONTRACTORS PTY LTD**

Development Assessment Services tabled an addendum including late comments received from the Power and Water Corporation.

Mr Clayton Holland (applicant) and Mr John Noonan attended.

RESOLVED

51/15

That the Development Consent Authority vary the requirements of Clause 7.6 (Communal Open Space) and Clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 3108 (5) Bergman Street, Town of Katherine for the purpose of 15 x 3 bedroom and 6 x 2 bedroom multiple dwellings in 11 two storey buildings within a defined flood area subject to the conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans, the following is to be submitted to the consent authority:
 - (a) report from a hydraulic engineer which addresses section 46(3)(a) and 46(3)(e) of the *Planning Act*, showing how the development (all elements of the design, including ground floor building works and fencing) can minimise the impact of building in a floodway to either flood flow or flood levels through minimising the filling or blocking of floodway's by buildings (to reference the revised plans as per condition precedent 2);
 - (b) a report from a structural engineer informed by a survey which confirms the natural ground level and defined flood level at the site, to affirm the integrity of the design (all elements of the design, including fencing) to withstand loads experienced in a floodway in this location; and
 - (c) amended plans which respond to the reports under (a) and (b).
2. Prior to the endorsement of plans, 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) privacy between balconies and direct sunlight into balconies and overlooking to other private or communal open space from balconies is minimised;
 - (b) a floor plan of the single buildings containing two dwellings in the 2 bedroom and 3 bedroom configurations;

- (c) dimensioned elevation plans that provide for the minimum floor level of habitable rooms at least 300mm above the flood level for the site (based on survey data) showing the natural ground level, finished floor level and defined flood level;
 - (d) private open space at ground level which meets the minimum area dimensions of 5 m x 5 m exclusive of landscaping (provided through screen fencing to a height of at least 1.8m or fenced to a height of at least 1.8m and planted with dense vegetation which will provide a visual barrier within two years of planting) other than dwellings along Bergman Circuit.
 - (e) a new package substation with a 4.0 m x 3.5 m electricity easement, to the requirements of the Power and Water Corporation
 - (f) any proposed works within the sewerage easement (including landscaping plan and fencing detail) to be approved by the Power and Water Corporation (where planting within or adjacent a sewerage easement)
 - (g) landscaping plan to include provision of an in ground irrigation system to all landscaped areas and a landscaping to a minimum depth of 3 metres to provide a visual screen to the boundary with Zone SD (Single Dwelling Residential) and the frontage of Bergman Circuit.
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 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.
 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>

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 finished floor levels of the multiple dwellings must be a minimum of 300mm above the applicable flood level for the property which is 106.0 metres AHD.

Note: The applicable flood level for this property is 105.70 metres AHD.

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. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Katherine Town Council/ and or Department of Transport to the satisfaction of the consent authority.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
16. 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.
17. 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 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 primary purpose of Zone MR (Medium Density Residential). All habitable rooms are intended to be a minimum of 300 mm above the defined flood height consistent with the minimum standard of the Northern Territory Planning Scheme which reduces the potential impact in the event of a flood. However, the purpose of Clause 6.14 (Land Subject to Flooding and Storm Surge) is to reduce risk to people, damage to property and costs to the general community caused by flooding and storm surge. The applicant provided a flood risk assessment which the Katherine Town Council confirmed contained statements that were not factual and are misleading, which relate to flood evacuation and flood safety. Whilst the design intent meets the minimum standard height of finished floor levels above the defined flood level, the plans should be amended to clearly demonstrate the natural ground level, finished floor level and defined flood level. Further, the infrastructure at ground level is not minimised and there is significant risk in this location due to the floodway representing a high hazard area.

Clause 7.5 (Private Open Space) and Clause 7.8 (Building Design for Multiple Dwellings, Hostels and Supporting Accommodation) require consideration of appropriately designed private open space, attention to building design to avoid overlooking of private open spaces and locating the building on the site for correct solar orientation. Revised plans to ensure due consideration is given to the purpose of each clause is required. A variation to Clause 7.5 (Private Open Space) is supported to permit the development of multiple dwellings along Bergman Circuit which exclude minimum private open space with dimensions 5 m x 5 m that is permeable and openable to the sky, taking into account the

inclusion of balconies which enable an extension of the function of each dwelling.

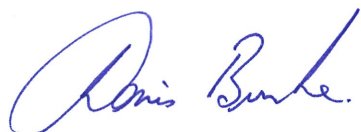
A variation to Clause 7.6 (Communal Open Space) is supported in this instance as the majority of communal areas are in excess of 6 metres wide and provide appropriate facilities which take into account the overall density, safety issues including informal surveillance and the provision of landscaping and shade.

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 development is proposed on land that forms a floodway in a 1 in 50 year and 1 in 100 year Katherine River flood event. The flow velocities and depths of flood waters means the site is within a high hazard area. The flood risk assessment provided by the applicant refers to development drawings on an incorrect site and indicates that all proposed structures are above ground (open style), however, the drawings submitted with the application indicate the design is not open style due to the inclusion of semi-enclosed garages and laundry/store at ground level. The Authority were not satisfied with the information provided as there was minimal evidence of the capability of the land to support the intended design without impacting on other land due to the change in flood levels or flood flows resulting from building in a floodway.

ACTION:

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



DENIS BURKE
Chairman

9 /10/15