

DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 151 – WEDNESDAY 2 NOVEMBER 2016

BLUE ROOM
1ST FLOOR GOVERNMENT CENTRE
5 FIRST STREET, KATHERINE
VIA VIDEOCONFERENCE TO ENERGY HOUSE, DARWIN

MEMBERS PRESENT Denis Burke (Chairman) and Alan Sprigg (from Darwin via videoconference); Allan Domaschenz, Steven Rose and Peter Gazey

APOLOGIES: Henry Higgins

OFFICERS PRESENT: Kate Walker (Secretary), with Dawn Parkes (from Darwin via videoconference); and Julie Bennett (Development Assessment Services)

COUNCIL REPRESENTATIVE: David Moore – A/Director

Meeting opened at 10.30 am and closed at 10.45 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 **CLEARING OF NATIVE VEGETATION**
PA2016/0580 **LOT 2402 (16) STUART HIGHWAY, COSSACK**
APPLICANT **MASTERPLAN NT**

INVITATION **JACK PRIESTLEY, MASTERPLAN**

Mr Jack Priestley from MasterPlan was present. Mr Robert Jennings, CEO of Katherine Town Council attended as an interested party. Submitter Mr Ben Lewis was not present.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
70/16 Authority consent to the application to develop Lot 2402 (16 Stuart Highway,
Cossack), Town of Katherine for the purpose of clearing of native vegetation, 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) the area that is to be cleared of native vegetation. The plan should include details of any significant trees that are to be removed and/or retained.

2. Within 4 weeks from the date of issue of this permit and prior to the commencement of any other 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 Environment and Natural Resources (DENR). All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the Consent Authority, on advice from DENR. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning, and in accordance with the IECA Best Practice Erosion and Sediment Control Guidelines 2008. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. Information regarding ESCP content is available at: www.austieca.com.au.

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. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, upon the advice of the Department of Environment and Natural Resources.
5. The clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawing as "Permitted Clearing". All remaining native vegetation is to be maintained to the satisfaction of the consent authority.
6. The permit holder must ensure that the clearing operator has a copy of the permit, including the endorsed drawing, at all times during the clearing operation.

NOTES

1. The Power and Water Corporation advises that the Power Network Engineering Section (powerconnections@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. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act 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.
3. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Environment and Natural Resources.
4. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. 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.
5. The Northern Territory Environment Protection Authority advises the landowner that a duty of care exists under the *Water Act* and the *Waste Management and Pollution Control Act* to ensure that water bodies are not polluted and that waste is managed accordingly.
6. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Aboriginal Sacred Sites Act*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.

REASONS FOR THE DECISION

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

The application was circulated to the relevant service authorities for comment and the clearing of native vegetation was identified as having a low impact on the land due to the relatively small clearing area. On this basis, the application is not considered to undermine the primary purpose of clause 5.22 Zone CN (Conservation) which is to 'conserve and protect the flora and fauna and character of natural areas and ensure development is sensitive to the natural features and be sited and operated to have minimal impact on the development'.

2. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose

The Department of Environment and Natural Resources requires an Erosion and Sediment Control Plan to ensure that the works do not adversely affect surrounding land and water bodies. This requirement has been addressed through conditions on the development permit. Comments received from other service authorities did not identify any issues of particular concern.

3. Pursuant to section 51(e) any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

One public submission was received under section 49 of the *Planning Act* which raised concerns with regard to the level of detail included in the application documents and the retrospective nature of the application. While the retrospective nature of the application is not ideal, it is acknowledged that the landowner sought to address the issue as soon as it became apparent that consent under the *Planning Act* was required. Temporary Erosion and Sediment Control measures have also been installed to mitigate the effect of works already undertaken and the relevant service authorities noted that the works are unlikely to have a significant impact on the surrounding environment.

ACTION: Development Permit and Notice of Consent

ITEM 2	UNIT TITLE SCHEME SUBDIVISION TO CREATE 20 UNITS AND COMMON PROPERTY
PA2016/0541	LOT 378 (15) CONDON STREET, TOWN OF KATHERINE
APPLICANT	ONE PLANNING CONSULT

Mr Israel Kgosiemang from One Planning Consult attended.

**RESOLVED
71/16**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 378 (15) Condon Street, Town of Katherine for the purpose of a unit title scheme subdivision to create 20 units and common property, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), a report from a suitably qualified person is required to be submitted to and approved by the consent authority. The report must detail
 - a) the extent of flooding that affects the site within a defined flood event, confirmed by survey;
 - b) confirm the integrity of the existing buildings to withstand the impact of flood events; and
 - c) demonstrate the flood proofing measures incorporated in the building refurbishment to ensure that the risk of damage to the property from flooding will be minimised.
2. 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 and must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) dimensions of lot boundaries which clearly delineate the unit entitlement for each unit (including ground level and first floor entitlement) and follow the perimeter of the current surveyed boundary (including the truncated boundary at the corner of Riverbank Drive and Condon Street);
 - (b) a parking layout that complies with clause 6.5.3 (Parking Layout) of the NT Planning Scheme, including sealed surfaces and compliant dimensions, other than being not less than 3 metres from a road;
 - (c) the fence type and height in accordance with Clause 7.5 (Private Open Space) and its location within, or on, the boundary of the subject land; and
 - (d) inclusion of common infrastructure within common property, upon the advice of Power and Water Corporation.
3. 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 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) 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

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. Flood damage limitation measures must be implemented in accordance with the schedule submitted in response to Condition precedent 1(c) of this permit, to the satisfaction of the consent authority.
6. 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.
7. 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.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. Prior to new titles being issued for the units shown on the endorsed drawings, a Scheme Statement meeting the requirements of the *Unit Title Scheme Act* (as confirmed by the Land Titles Office) shall be submitted for endorsement by the consent authority.
10. Part V Clearance will not be granted until a statement from a registered building certifier is provided to the Department of Infrastructure, Planning and Logistics verifying that the existing buildings on the site will continue to comply with the *Building Act* following the proposed subdivision, to the satisfaction of the consent authority.
11. Part V Clearance will not be granted until the site has been inspected by the consent authority and the development layout is generally in accordance with the unit title scheme subdivision plan.
12. Prior to new titles being issued for the units shown on the endorsed drawings, confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) demonstrating that the Power and Water Corporation has been provided with a copy of the survey plan with the new lot numbers. This is for the purpose ensuring the relevant Power and Water Information and Billing System is updated. Please provide a copy of an email addressed to both landdevelopmentnorth@powerwater.com.au and powerconnections@powerwater.com.au.
13. Prior to new titles being issued, it shall be confirmed by the consent authority that all areas shown on the plan endorsed by the consent authority through this permit as service authority easements, communal open space, shared driveways, or areas set aside for the communal storage and collection of garbage or other solid

waste, or other shared amenities are shown on the survey plan as Common Property.

20. Pursuant to section 34 of the Land Title Act, a Caution Notice shall be lodged with the Registrar-General on the title of Lot 6762 to include the following advice on units indicated on the endorsed drawings. The Caution Notice is to state that: "This allotment is subject to inundation in a 1% AEP Defined Flood Event". Evidence of lodgement/registration on the parcel shall be provided 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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

2. A "Permit to Work Within a Road Reserve" may be required from Katherine Town Council before commencement of any work within the road reserve.

3. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 8995 5354. The numbers shown on the plans are indicative only and are not for addressing purposes.

4. Any proposed works which fall within the scope of the Construction Industry *Long Service Leave and Benefits Act* 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.

5. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities

REASON FOR THE DECISION

1. The proposed unit title scheme subdivision was assessed against the relevant clauses of the NT Planning Scheme and generally complies with the applicable clause: Clause 11.1.4 (Subdivision for the Purposes of a Unit Title Scheme).

2. The existing development will be upgraded to respond to Part 4 of the NT Planning Scheme, including the addition of 10 new car parks, delineation of traffic flow and landscaping. While a parking reduction of 10 spaces would still be required to provide such a development today, consideration is given to the potential reduced demand for parking overall with 12 of the 20 dwellings designed to accommodate lone person household, being single bedroom units. The upgrades are, in the opinion

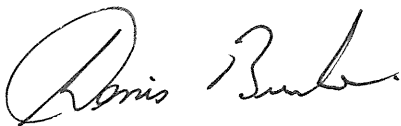
of the consent authority, the only practicable design solution to meet the criteria of Part 4. Due to the existing construction of four buildings, in the opinion of the consent authority, there are no practicable design solutions to address Clause 6.14 (Land Subject to Flooding and Storm Surge), Clause 7.1.1 (Residential Density Limitations), Clause 7.3 (Building Setbacks of Residential Buildings) and Clause 7.8 Building Design For Multiple Dwellings, Hostels and Supporting Accommodation.

3. Pursuant to section 51 (j) of the *Planning Act*, the consent 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. While the first floor level habitable rooms are understood to be above the defined flood level affecting the site, providing opportunity to minimise exposure, the ground floor would be exposed to the impact of flood waters. The requirement for a report on the structural integrity and the flood proofing measures ensures that due consideration is given to the risk related to development on flood prone land. Further, a Caution Notice is considered necessary to appropriately ensure that future land owners are aware of the flood liability of the land.

4. The proposed unit title scheme subdivision is unlikely to have a detrimental environmental effect on the land or result in a loss of amenity within the locality.

ACTION: Development Permit and Notice of Consent

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



DENIS BURKE
Chairman

4/11/16