



DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 180 – WEDNESDAY 6 NOVEMBER 2019

OUT OF SESSION

MEMBERS:

Suzanne Philip (Chair), John King, Marg Chamberlain, Fay Miller and Peter Gazey

PA2019/0287 **ADDITION AND UPGRADES TO EXISTING LEISURE AND RECREATION (INCLUDING REGRADING OVALS, UPGRADE TO INTERNAL ROAD NETWORK AND SPORTS PAVILION WITH FUNCTION FACILITIES, CHANGE ROOMS, TWO OFFICES AND STORAGE FOR SPORTS EQUIPMENT) WITHIN A DEFINED FLOOD AREA**
LOT 3217 (24) CHAMBERS DRIVE, KATHERINE EAST, TOWN OF KATHERINE

APPLICANT/S Hames Sharley

That pursuant to section 97 of the *Planning Act 1999*, Mrs Fay Miller and Mr Peter Gazey, members of the Katherine Division of the Development Consent Authority declared an interest and did not take part in any decision of Item 1.

RESOLVED
88/19

That, the Development Consent Authority vary the requirements of Clause 6.1 (General Height Control) of the Northern Territory Planning Scheme and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 3217 (24) Chambers Drive, Town of Katherine for the purpose of addition and upgrades to existing leisure and recreation (including regrading ovals, upgrade to internal road network and sports pavilion with function facilities, change rooms, two offices and storage for sports equipment) within a defined flood area, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings 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 water supply and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
3. Any proposed work (including the provision or connection of services) within, or impacting upon the Stuart Highway road reserve shall be in accordance with the standards and specifications of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics. Design documents must be submitted to the Director Corridor Management, Transport and Civil Services Division for Road Agency Approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
4. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Katherine Town Council/ Transport and Civil Services Division, Department of Infrastructure, Planning & Logistics (as the case may be) to the satisfaction of the consent authority.
5. 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.
6. 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 each car space and all access lanes; and
 - f) clearly marked to show the direction of traffic along access lanes and driveways
to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
7. 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.
8. 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.
9. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that:
- Full lot fire coverage cannot be achieved from existing hydrants. Internal firefighting arrangements must be made to the satisfaction of the NT Fire and Rescue Service
 - 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. There are statutory obligations under the Waste Management and Pollution Control Act 1998 (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>.

The proponent is advised to take notice of the SCHEDULE OF ENVIRONMENTAL CONSIDERATIONS provided by the Department of Environment and Natural Resources.

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

REASONS FOR THE DECISION

1. Pursuant to section 51(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 application relates to Lot 3217 (24) Chambers Drive, Town of Katherine and is for additions and alterations to an existing leisure and recreation facility. The proposal includes regrading ovals, upgrades to internal road network and sports pavilion with function facilities, change rooms, two offices and storage for sports equipment within a designated flood area.

The Northern Territory Planning Scheme (NTPS) applies to the land with Lot 3217 identified as being within Zones PS (Public Open Space) and OR (Organised Recreation). Despite its multi-zoning, the development primarily occurs within the Zone PS portion of the site.

The application proposes alterations to an existing leisure and recreation use with 'leisure and recreation' listed as a discretionary form of development in Zones PS and OR. Consent for the development is therefore required. The development also requires consent as the land is identified as being within a defined flood area.

The application was assessed against the requirements of the NTPS. The proposal does not comply with the requirements of Clause 6.1 (General Height Control) and consent is required under Clause 6.14 (Land Subject to Flooding and Storm Surge) as the land is within a defined flood area.

The non-compliance with Clause 6.1 occurs as a result of the overall building height exceeding the 8.5m permitted under the NTPS. The sports pavilion has an overall proposed height of 10.15m which is 1.6m higher than permitted. The application indicates that the parts of the building will be elevated 1.2m to lessen flood impacts, and that the specific roof design, which has been designed for better natural ventilation, and multi-purpose use of the building also influences the overall building height and accounts for the additional height. The structure also functions as a shaded spectator viewing area, with its height important to providing views over the sportsground. The combination of the constraints imposed by the site's flood liability, the context of the site and the specific design requirements are considered to justify the 1.6m height variation sought in this case.

In relation to Clause 6.14, the land is identified as being within a defined flood area and consent is therefore required. The purpose of the clause is to reduce risk to people, damage to property and costs to the general community caused by flooding and storm surge. The Department of Environment and Natural Resources advised that the projected flood water level for the site is 106.05m AHD with the application proposing raised portions of the building at a height of 105.95m AHD to lessen potential impacts of flooding. The remaining parts of the building, including the change rooms and storage areas are to be located at ground level.

The raised floor levels, while still below the projected flood height for the site, are still likely to ensure that, for the most part, damage to property caused by flood waters is reduced. The development does not comprise any habitable areas and risk to persons is therefore considered low. Given that the facility is for community purposes and is owned by the local Council, the partially elevated floor levels will aid in minimising costs associated with repair and reconstruction in the case of flooding passed on to the community.

The development was otherwise assessed as compliant with the remaining requirements of the NTPS.

2. Pursuant to section 51(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.

Aside from the projected flood liability of the site, no other land capability issues were identified as part of the assessment of the application. Any construction in flood affected areas has the potential to impact the physical characteristics of the site and other land as it changes the site and movement of flood waters. In the case of this application, the new pavilion will be located in a similar position as an existing clubhouse and will have a similar footprint. This may minimise potential impacts for surrounding land and buildings as the amount of flood water dispersed may be minimised.

The land is otherwise considered capable of supporting the development.

3. Pursuant to section 51(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 development will be located in the place of an existing clubhouse with a similar building footprint with other improvements proposed likely to have a positive impact on the amenity of the area. The application proposes improvements to the internal road network, landscaping, pedestrian footpaths and car parking which will improve how the site functions.

In relation to the potential impacts of the sports pavilion specifically, which has elevated floor levels and an increased building height, the additional building height is unlikely to be overly noticeable given its setting amongst tall established trees and distance from the nearby public roads. The pavilion is more than 150m from both the Stuart Highway and Chambers Drive and is separated by sporting fields, multiple lighting towers and, in the case of the Stuart Highway frontage, a children playground and skate park both with fixed shade structures which will further reduce views to the pavilion.

ACTION: Notice of Consent and Development Permit

RATIFIED AS A RECORD OF DETERMINATION MADE

SUZANNE PHILIP
Chair
06 November 2019