



DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 96 – WEDNESDAY 3 NOVEMBER 2010

MEMBERS PRESENT Peter McQueen (Chairman), Anne Shepherd, Jodie Locke, Barry Densley and Ian Palmer

APOLOGIES: Nil

OFFICERS PRESENT: Steven Kubasiewicz and Maree Domelow (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 11.15 am and closed at 11:35 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 **COMMUNITY CENTRE WITH ANCILLARY RESTAURANTS, SHOPS AND OFFICES**
PA2010/1160 **LOT 3002 (108) CHAMBERS DRIVE, TOWN OF KATHERINE**
APPLICANT **WOODHEAD PTY LTD**

Mr Adam Walker (Woodhead Pty Ltd), Mr Phil Harris (Department Construction and Infrastructure), Mr Terry Franklin (Department Construction and Infrastructure) and Alderman Bill Daw – Chairman of the Cultural Precinct Interim Board of Management attended.

Mr Walker tabled a report "Proposed Katherine Regional Cultural Precinct Development, Flood Impact Assessment"

RESOLVED
69/10

That, the Development Consent Authority vary clause 6.1 (General Height Controls) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 3002 (108) Chambers Drive, Town of Katherine for the purpose of a Community Centre with ancillary restaurants, offices and shop, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP) (including details and location of stormwater drains, a dust management/suppression plan, excavation and fill methods, and clearing of native vegetation plan) is to be submitted to and approved by the consent authority on the advice of the Department of Natural Resources, Environment The Arts and Sport (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 plan to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance the plans numbered 2010.1160.01 – 2010.1160.09 endorsed as forming part of this permit.
3. 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.
4. 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 Department of Health and Families and the consent authority.

5. Engineering design and specifications for the proposed and affected roads, stormwater drainage, street lighting and vehicular access are to be to the technical requirements of the Department of Lands and Planning (Road Network Division) or Katherine Town Council as the case may be, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
6. Any proposed work impacting on the Stuart Highway road reserve shall be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Chief Executive Officer, Department of Lands and Planning. Drawings must be submitted to the Road Network, Department of Lands and Planning for approval, and no works are to commence prior to approval and receipt of a "Permit to Work within a Road Reserve".
7. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to 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 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.
9. 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 any driveway and the public street.
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. Dryland grassing or landscaping shall be established on the Stuart Highway Service Road verges fronting the development and shall be undertaken to the Department of Lands and Planning and Katherine Town Council's requirements to the satisfaction of the consent authority.
12. Where unfenced, the Stuart Highway Service Road frontage is to be appropriately fenced in accordance with the Department of Lands and Planning's standards and requirements to deter unauthorised vehicular and/or pedestrian movement to the satisfaction of the consent authority.

13. Any floodlighting or security lighting provided on site is to be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway traffic.
14. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity, water supply, sewerage and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
15. 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.
16. The landscaping shown on endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
17. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof of the building.
18. 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.
19. 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.
20. Protective kerbs must be provided to the satisfaction of the consent authority to prevent damage to fences or landscaped areas.

NOTE:

1. Expiry Of A Permit

This permit will expire if one of the following circumstances applies:

- (a) the development and use 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.

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 proposal is consistent with the purposes of Zones CP (Community Purpose) and PS (Public Open Space) which are respectively to provide 'public areas for recreational activity' and 'community services and

facilities, whether publicly or privately owned or operated, including facilities for civic and government administration’.

The proposal complies with the relevant clauses of the Northern Territory Planning Scheme except for Clause 6.1 (General Height Control). A variation to this clause to allow a height of the building of 10.25 meters above current ground level is supported as the proposed fill will ensure that minimal flood damage is likely to occur to the building and the resulting height of the building will not have any significant impact on the amenity of the locality.

2. Pursuant to section 51(h) of the *Planning Act*, the consent authority must take into account the merits of the proposed development as demonstrated in the application.

The proposal enables the development of a multi-function facility for public and private use, that exhibits design merit. It will provide a cultural hub and tourist attraction for travellers to the Katherine region. The proposal is consistent with the community’s expectation of development of this site and the absence of public objections received during the exhibition period indicates support for the development.

3. 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 relatively flat and physically capable of supporting the proposed development. Reticulated power, water and sewerage services are available in the immediate area and are to be extended to service the development.

The requirement for an Erosion and Sediment Control Plan, inclusive of (Excavation and) Fill Measures and Clearing Methods, will ensure that the land is utilised in accordance with it’s capability to support the proposed development.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2010/0023
APPLICANT

VEHICLE STORAGE WITHIN DEFINED FLOOD AREA
PART LOT 2998 (46) BICENTENNIAL ROAD, TOWN OF KATHERINE
COMPLETE AUTOMOTIVE PTY LTD

Mr Mike Rowley (Complete Automotive Pty Ltd) attended.

RESOLVED
70/10

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop part Lot 2998 (46) Bicentennial Road, Town of Katherine for the purpose of vehicle storage in a defined flood area subject to the following conditions:

CONDITION 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) Screened chain mesh fencing (minimum of 1.8m in height) to the perimeter of the site.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the endorsed plans.
3. Before the use of the development starts, the surface of the site must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with consolidated gravel;
 - (d) drained; and
 - (e) dust suppressed to the satisfaction of the consent authority.Access lanes and driveways must be kept available for these purposes at all times.
4. The use of the land in accordance with this permit is subject to the granting of an occupational licence by the Crown over the land.
5. All fluids and batteries are to be removed from any vehicles to be stored on the subject land 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. Engineering design and specifications for 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.
8. Soil erosion control measures and dust control measures must be employed throughout the sealing of the storage area to the satisfaction of the consent authority.

NOTES:

1. Expiry Of A Permit

This permit will expire if one of the following circumstances applies:

- (a) the development and use 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 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.
 3. Oils, fuels, battery acids, fluids, chemicals and any other potential pollutants or contaminants should only be stored in accordance with Australian Standards AS1940-2004, Sections 2.2.5 and 4.4.3.

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 proposal has demonstrated that it can comply with the provisions of the NT Planning Scheme and is consistent with the purpose of Clause 5.12 (General Industry) which is to 'provide for general industry'. The requirement to fence the land and install compacted gravel that is drained and dust-suppressed can ensure the development is in accordance with the intent of the zone and locality.

Clause 6.14.5(a) (Land Subject to Flooding) seeks to avoid the storage or disposal of environmentally hazardous industrial material. The proposed condition that all stored vehicles are to have all fluids and batteries removed seeks to avoid any potential contamination.

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 development does not require connection to reticulated water, sewerage or electrical services. The land is flat, previously cleared, disturbed, and prepared for industrial development and is currently already in use for vehicle storage.

3. Pursuant to Section 51(p) of the *Planning Act* must take into account the public interest including community safety through crime prevention principles in design. Requiring the applicant to provide a screened chain mesh fence to the perimeter of the site will contribute to the prevention of crime by providing a physical barrier to the site from surrounding land that is currently not provided for in the application.

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



PETER MCQUEEN
Chairman

5/11/10