



DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 130 – WEDNESDAY 8 OCTOBER 2014

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

MEMBERS PRESENT Grant Tambling (Deputy Chairman) Craig Lambert, Sue Davy, Fay Miller and Steven Rose

APOLOGIES: Nil

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

COUNCIL REPRESENTATIVE: Neroli Dickens, CEO Katherine Town Council

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 **ADDITIONS (BEER GARDEN) TO AN EXISTING LICENSED CLUB**
PA2014/0575 **LOT 2931 (19) O'SHEA TERRACE, TOWN OF KATHERINE**
APPLICANT **THE KATHERINE CLUB INC**

DAS tabled an amended site plan that was received from the applicant.

Ms Jo Best (Troppo Architects) and Ms Alison Vincent (Katherine Club Inc) attended.

RESOLVED
88/14

That, the Development Consent Authority vary the requirements of Clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 2931 (19) O'Shea Terrace, Town of Katherine for the purpose of additions (beer garden) to an existing licensed club 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 all existing vehicle accesses, infrastructure and the loading bay on a revised site plan.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. 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 the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. 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.
5. 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.

6. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Katherine Town Council to the satisfaction of the consent authority.

NOTES:

1. 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. 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. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Food Safety Standards.

REASONS FOR THE DECISION

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

Clause 6.5.1 (Parking Requirements) applies to the development and an increased parking demand of 22 car parks has been determined. The reduction in parking is supported on the basis that the proposed additional floor area is existing and the current provision of 69 car parks on site is found to cater adequately for the development. The Katherine Town Council has not raised any particular concerns to indicate ad-hoc parking is occurring within the road reserve that would require further parking to be provided by the developer.

2. Pursuant to section 51(n) of the *Planning Act*, the Development Consent Authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated.

The design of the undercover outdoor beer garden will be attractive when viewed from the street and enhance the amenity of the premises. The existing provision of parking on site is considered adequate to accommodate the formalisation of the use of the beer garden, without causing a detrimental impact on the existing or future amenity of the locality.

ACTION: Notice of Consent and Development Permit

**ITEM 2
PA2014/0649
APPLICANT**

**SUBDIVISION TO CREATE 71 LOTS
LOT 3333 CASUARINA STREET, TOWN OF KATHERINE
EARL JAMES AND ASSOCIATES**

DAS tabled an addendum (amended plans from the applicant and comments from Katherine Town Council and the Department of Lands Planning and the Environment).

Mr Kevin Dodd (Earl James and Associates) and representatives from Downes Gradeways (the developer who holds the Crown Lease):- Mr Terry Downes, Ms Christina Downes and Mr Danny Downes attended the meeting.

**RESOLVED
89/14**

That, the Development Consent Authority vary the requirements of Clause 11.1.2 (Integrated Residential Development), Clause 11.2.2 (Infrastructure and Community Facilities in Residential Subdivisions) and Clause 11.2.3 (Lot Size and Configuration in Residential Subdivision) of the Northern Territory Planning Scheme, and pursuant to section 53 (a) of the *Planning Act*, consent to the application to develop Lot 3333 Casuarina Street, Town of Katherine, for the purpose of a subdivision to create 71 lots, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation works), 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 generally be in accordance with the plans submitted with the application but modified to show:
 - (a) a clear indication of the proposed future zoning:
 - i. SD – proposed lots 1, 2, 4-6, 23-26, 30-32, 36, 39-43, 46-51;
 - ii. MD – proposed lots 3, 8-22, 27-29, 33-35, 37, 38, 44, 45, 52, 54-69;
 - iii. PS – proposed lots 7, 53, 70, 71;
 - (b) demonstration of compliance with Clause 6.5.4 and Clause 7.3 of the NT Planning Scheme; and
 - (c) extension of Casuarina Street to provide access to the subdivision, to the requirements of Katherine Town Council and Department of Lands, Planning and the Environment.
2. 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 stormwater drainage system shall be submitted to and approved by Katherine Town Council to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.
3. 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 should 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

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. 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 on the plan of subdivision submitted for approval by the Surveyor General.
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. 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.
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 to the satisfaction of the consent authority.
9. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.
10. Landscaping and development of open space and streets/roads shall be designed and constructed to the requirements of Katherine Town Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
11. 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.
12. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of Katherine Town Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

13. All waste material not required for further on-site processing must be regularly removed from the site to an approved facility. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the consent authority.
14. Before the issue of titles, the land is to be appropriately rezoned, to the satisfaction of the consent authority.
15. Prior to the issue of title, confirmation of approval from the Department of Lands, Planning and the Environment that the provision of a road connection from Casuarina Street to the subdivision through Lot 3010 Town of Katherine has been provided.

NOTES:

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.
2. 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.
3. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority'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.
4. A "Permit to Work Within a Road Reserve" may be required from Katherine Town Council before commencement of any work within the road reserve.
5. 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 Land Resource Management.
6. You are advised to contact NBN Co prior to commencing construction to determine if your development is in an NBN-eligible area. This will help identify the relevant telecommunication network servicing requirements for the development. To register, please complete the pre-qualification forms located at www.nbnco.com.au/newdevelopments. For more information, please contact the NBN Co New Developments Team on 1800 687 626 or email newdevelopments@nbnco.com.au

7. All new roads are required to be named under the *Place Names Act*. You should immediately make application to the Place Names Committee to commence the road naming process. Contact the Place Names Unit on 8995 5333 or placenames.dpi@nt.gov.au. Further information can be found at <http://www.placenames.nt.gov.au>.
8. The developer is encouraged to contact "Dial Before You Dig" on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

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 application was assessed against the relevant provisions of the NT Planning Scheme for integrated residential subdivision.

A variation to Clause 11.1.2 (Integrated Residential Development) in regards to the minimum number of contiguous lots and the percentage of lot sizes is supported as it better supports a range of lot sizes for single dwelling and multiple dwelling development. Amended plans are required to clarify and demonstrate the intended future use of the land, and to demonstrate that the proposed lot configuration can accommodate the required onsite car parking.

A variation to Clause 11.2.2 (Infrastructure and Community Facilities in Residential Subdivisions) in regards to the provision of unencumbered public open space, is supported as the subdivision is considered to integrate with surrounding facilities. The application identifies that an existing community facility, Roney Park, is within 400m of the subdivision, and provides over 8500m² of additional public open space that may be utilised by future residents. Additional public open space will also be provided in future stages of the development.

A variation to Clause 11.2.3 (Lot Size and Configuration in Residential Subdivisions) in regards to minimum building envelopes is supported as Lot 64 is of a suitable configuration to still allow development reasonably in accordance with the requirements of the NT Planning Scheme. It provides approximately 600m² of developable area once setbacks are taken into account.

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 site is relatively well drained with slow to moderately rapid runoff, and low open woodland to mid-high open woodland. Little to no clearing has taken place. Two sinkholes have been identified to the south of the lease area, and do not impact on the current subdivision at all. The site is not affected by the 1% AEP flood event.

The applicant has identified that limitations of the site include subject to erosion, and compaction and surface sealing problems. The Department of Land Resource Management has recommended that an Erosion and Sediment Control Plan be prepared and subsequently implemented.

The subdivision will be fully serviced by reticulated power, water, sewer and drainage. A Stormwater Management Plan is required to ensure design and construction of the infrastructure is suitable to the site. The land is considered capable of supporting the proposed development.

ACTION: Notice of Consent and Development Permit

**ITEM 3
PA2014/0245
APPLICANT**

**SUBDIVISION TO CREATE TWO LOTS
LOT 582 (82) BICENTENNIAL ROAD, TOWN OF KATHERINE
EARL JAMES AND ASSOCIATES**

DAS tabled comments received from Katherine Town Council.

Mr Kevin Dodd (Earl James and Associates) attended and tabled the design for the intersection prepared by the Department of Transport.

Submitter Ms Julie David attended.

**RESOLVED
90/14**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 582 (82) Bicentennial Road, Town of Katherine for the purpose of subdivision to create two lots, 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 relocation of the Right of Way access easement over proposed Lot 3235 in favour of proposed Lot 3234; and
 - (b) the design and location of a vehicle crossover to both lots and an all weather access to proposed Lot 3234,to the requirements of the Department of Transport and Katherine Town Council.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. 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 on the plan of subdivision submitted for approval by the Surveyor General.
4. 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.
5. 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 services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. Engineering design and specifications for the stormwater drainage, vehicular access and streetscaping are to be to the technical requirements of the Katherine Town Council and Department of Transport to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
7. All proposed works within, or impacting upon, Stuart Highway are to be designed, supervised and certified on completion by a practising and registered Civil Engineer in accordance with the standards and specifications of the Department of Transport, to the satisfaction of the consent authority.
8. Access to the site shall not be permitted from Stuart Highway. Access, both for construction purposes and permanently, shall be via the internal local road network, to the requirements of Katherine Town Council and the Department of Transport, to the satisfaction of the consent authority.
9. Where unfenced, the Stuart Highway frontage is to be fenced in accordance with the requirements of the Department of Transport to the satisfaction of the consent authority.
10. Before the issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the NT Fire and Rescue Service.
11. Before issue of titles and pursuant to section 34 of the Land Title Act, a Caution Notice shall be lodged with the Registrar-General on the parent parcel to include the following advice on all proposed lots indicated on the endorsed drawings. The Caution Notice is to state that: "This allotment is subject to flooding in a 1% Annual Exceedence Probability flood event". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

12. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
13. This permit does not include the excavation or filling of any land associated with proposed Lot 3235 as shown on the plan of division.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the development 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. A "Permit to Work Within a Road Reserve" may be required from Katherine Town Council and the Department of Transport before commencement of any work within the road reserve.
3. 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.
4. You are advised to contact NBN Co prior to commencing construction to determine if your development is in an NBN-eligible area. This will help identify the relevant telecommunication network servicing requirements for the development.

To register, please complete the pre-qualification forms located at www.nbnco.com.au/newdevelopments. For more information, please contact the NBN Co New Developments Team on 1800 687 626 or email newdevelopments@nbnco.com.au

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 subdivision seeks to create two parcels within Zone GI (General Industry) with proposed Lot 3234, including existing infrastructure forming the Telstra Corporation Limited exchange facility. The subdivision will facilitate the release of land for future industrial subdivision and development for general industry purposes, consistent with the zone, with the balance parcel having an area of 14.26 ha.

The subdivision design must incorporate access to each lot which provides a safe connection to Bicentennial Road, taking into account the proximity of the land to the Stuart Highway. The subdivision plan, as amended, includes a Right of Way access easement to proposed Lot 3234 over proposed Lot 3235, which gives flexibility to achieve the overall road network envisaged in the Katherine Land Use Plan. However, the location and design of the access easement must be consistent with the design drawings for the intersection and approved by Katherine Town Council and Department of Transport prior to being endorsed as forming part of this permit.

2. Pursuant to section 51(m) 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 land is within the Katherine River 2005 1% AEP with flood contours through the site indicating a flood height of 105.75 m. The natural ground level varies between 104 m AHD and 108 m AHD. As the application is only seeking to separate existing infrastructure from a balance parcel and each lot includes areas that are unconstrained the land is considered capable of supporting the proposed subdivision.

Any future subdivision would necessitate more detailed land resource information and flood mitigation measures to be explored. To advise future purchasers of the flood risk the subdivision is conditional on the registration of a Caution Notice on the title.

ACTION: Notice of Consent and Development Permit

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


GRANT TAMBLING
Delegate

14/10/14

