



DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 98 – WEDNESDAY 2 FEBRUARY 2011

MEMBERS PRESENT Peter McQueen (Chairman) (via phone), Anne Shepherd, Jodie Locke and Barry Densley

APOLOGIES: Ian Palmer

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

COUNCIL REPRESENTATIVE: Geoff Brooks

Meeting opened at 10.45 am and closed at 11.45 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 CHANGE IN USE TO 'PLACE OF WORSHIP'
PA2010/1369 LOT 455 (10) MANNION STREET & LOT 523 (15) O'SHEA TERRACE, TOWN OF
KATHERINE
APPLICANT KATHERINE EAST CHILD CARE CENTRE INC

Ms Cheryl-Anne Courtney attended.

RESOLVED That, pursuant to section 53(b) of the *Planning Act*, the Development Consent
06/11 Authority alter the proposed development and consent to the proposed development as altered to develop Lot 455 (10) Mannion Street and Lot 523 (15) O'Shea Terrace, Town of Katherine for the purpose of a showroom sales area and office additions to an existing furniture warehouse/ showroom, 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) modifications to the carparking area adjacent to the O'Shea street frontage deleting the two driveways to the subject land and replacing them with one driveway. Corresponding amendments to the carparking layout are to be in accordance with the requirements of the Northern Territory Planning Scheme; and
 - (b) fencing details to the carparking area referred to in (a).

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. Before the use of the development starts, the areas 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) drained;
 - (d) line marked to indicate each car space and all access lanes; and to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

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. Any engineering design and specifications for access and 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.
6. Storage for waste disposal bins is to be provided to the requirements of Katherine Town Council to the satisfaction of the consent authority.
7. Soil erosion control measures and dust control measures must be employed throughout the development of the car parking area to the satisfaction of the consent authority.

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 has demonstrated that it can comply with the relevant provisions of the NT Planning Scheme. Modifying the layout and access arrangements to the carparking area adjacent to O'Shea Terrace will ensure that this carpark can be accessed independently. The development is in accordance with the intent of the Zone CB to provide for a diversity of activities and is compatible with existing development in this vicinity.

2. 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 parcels are already serviced with reticulated water and sewerage; Lot 523 is connected to electrical services. The land has been previously established for use as a child care centre. Aside from establishment of car parking spaces on Lot 455, no physical development is proposed. The land is considered capable of supporting the proposed development.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2010/1292
APPLICANT

FILLING OF LAND
NT PORTION 6907 (585) FLORINA ROAD, KATHERINE
TERRITORY DEVELOPMENT CONSULTANTS

DAS tabled further information from the applicant.

Ms Nannette Helder (Territory Development Consultants) attended via phone.

RESOLVED
07/11

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop NT Portion 6907 (585) Florina Road, Cossack for the purpose of filling the land, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

1. The filling of land proposed by this application will require the removal of existing native vegetation. The clearing of native vegetation of more than 1 hectare in aggregate of land (including any area already cleared of native vegetation) requires consent. In accordance with Clause 10.2 (Clearing of Native Vegetation in Zone ...A...) and 10.3 (Clearing of Native Vegetation – Performance Criteria), the applicant is required to provide details of the proposed clearing of native vegetation on the site (including the area above the 1% AEP level shown on drawing no. 09700-2) and demonstrate the suitability and necessity of the clearing for the intended use and why the current land area above the defined flood area is not suitable for the intended use. Information requested should include the purpose of the clearing, the timing, method for removal (i.e. slash, chain-rip) and the proposed treatment of cleared materials (i.e. burning, mulching, relocation from site, retention and supplement of fill).
2. Provide evidence that the Rowlands Quarry is a registered quarry and suitable as an excavation source for the fill pursuant to the *Mining Act*.
3. In the absence of evidence that the excavation is exempt from requiring consent under the *Mining Act*, and in accordance with Clause 6.16 (Excavation and Fill), the applicant is required to provide details relating to the source of the fill; details of proposed excavation at the anticipated source site or borrow pit; and the nature of the fill material to be imported to the subject site i.e. soil type, anticipated susceptibility to erosion etc. Further details required include method, proposed timing for excavation and fill activities, any proposed staging or proposed interim installation and stabilisation measures for filling i.e. measures for temporary or permanent stabilisation of the area with batter

slopes, installation of landscape plants, etc. Information in relation to stormwater run-off and proposed management of such is required also. The required information may be incorporated in to a formulated erosion and sediment control plan where appropriate as outlined at 4.

4. In accordance with Clause 6.16.3(b) (Excavation and Fill), the applicant is required to provide a hydrological assessment of potential upstream and downstream impacts of the excavation and filling.
5. In accordance with Clause 6.16.3(c) (Excavation and Fill), the applicant is required to provide further details of proposed erosion and sediment control measures or formulated plan. This should incorporate details including bank/slope gradients; use of any proposed batters, roll-over diversion banks, sediment fences (eg. hay bales, dump rock, silt traps, culverts or access inverts, concrete stone pitching, landscaping with plants etc; proposed drainage; and any proposed access/es between the elevated fill area and the rest of the site.).
6. In order to demonstrate that the proposal complies with section 51(r) of the *Planning Act*, the applicant is required to provide a search certificate from the Aboriginal Areas Protection Authority to demonstrate that there would be no impact of the development on cultural values.

ACTION: Advice to Applicant

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



PETER MCQUEEN
Chairman

4/2/11

