DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 142 – WEDNESDAY 2 DECEMBER 2015

TRAINING ROOM
1ST FLOOR GOVERNMENT CENTRE
5 FIRST STREET
KATHERINE

MEMBERS PRESENT: Denis Burke (Chairman), Allan Domaschenz, Steven Rose and Fay Miller

APOLOGIES: Craig Lambert

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

COUNCIL REPRESENTATIVE: Robert Jennings (CEO – Katherine Council)

Meeting opened at 10.15 am and closed at 10.45 am
ITEM 1  EXTENSION OF TIME FOR A PERIOD OF TWO YEARS  
PA2011/0874  LOT 1884 (37) KATHERINE TERRACE, TOWN OF KATHERINE  
APPLICANT  LESHA PTY LTD & SANDVIEW PTY LTD  

DAS tabled comments received from Katherine Town Council and Department of Transport.

RESOLVED  
69/15  That pursuant to section 86 of the Planning Act, the Authority delegates to the Chairman, or in the Chairman’s absence any one of the other members of the Katherine Division the power under section 53 of the Act, to determine the application to develop Lot 1884 (37) Katherine Terrace, Town of Katherine for the purpose of extension of time subject to no adverse submissions from Power and Water Corporation.

ACTION: Advice to Applicant

ITEM 2  CLEARING OF NATIVE VEGETATION  
PA2015/0684  LOT 4926 (1295) STUART HIGHWAY, Lansdowne  
APPLICANT  HART AGRICULTURAL  

DAS tabled comments from the Department of Land Resource Management.

RESOLVED  
70/15  That, pursuant to section 53(b) of the Planning Act, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop NT Portion 4926 (1295) Stuart Highway, Lansdowne for the purpose of clearing of native vegetation, 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. The plans must be generally in accordance with the plans submitted on 16/11/2015 but modified to show:
   a) a minimum 50 metre native vegetation buffer (excluding any required fire breaks) to the southern boundary;
   b) a minimum 25 metre native vegetation buffer (excluding any required fire breaks) to the northern boundary; and
   c) the wetland in the south west corner and a minimum 200 metre buffer.
GENERAL CONDITIONS

2. 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.

3. 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. 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 Department of Transport before commencement of any work within the Stuart Highway road reserve.

3. A permit to burn is required from the Regional Fire Control Officer, Department of Land Resource Management, prior to the ignition of any felled vegetation on the property. Fire prevention measures are to be implemented in accordance with the requirements of the Bushfires Act.

4. 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.

5. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.

6. A groundwater extraction licence is required under the Water Act for any bore equipped to supply over 15 litres per second. For advice on water extraction licences please contact the Water Management branch of the Department of Land Resource Management.

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 is generally compliant with all relevant requirements of the NT Planning Scheme. The application is altered to ensure that adequate buffer areas are implemented to protect identified wetlands, allow for wildlife corridors and habitat and that buffers are established to adjoining land.
2. Pursuant to section 51(h) of the Planning Act, the consent authority must take into consideration the merits of the proposed development as demonstrated in the application. The clearing of native vegetation to facilitate expansion of hay production will contribute to supporting the NT cattle industry.

3. Pursuant to section 51(j) of the Planning Act the consent authority must take into account any potential impact on natural, social, cultural or heritage values.

To minimise the reduction in habitat area and demonstrate connectivity between habitats for wildlife movement the application has been altered by the inclusion of a buffer along the southern boundary and the identified wetland.

**ACTION:** Notice of Consent and Development Permit

<table>
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<tr>
<th>ITEM 3</th>
<th>CHANGE OF USE TO PLACE OF WORSHIP</th>
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<tbody>
<tr>
<td>PA2015/0665</td>
<td>LOT 455 (10) MANNION STREET, &amp; LOT 523 (15) O'SHEA TERRACE, TOWN OF KATHERINE</td>
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<tr>
<td>APPLICANT</td>
<td>JASON HILLIER</td>
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Mr Jason Hillier attended.

**RESOLVED**

71/15 That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme, and pursuant to section 53(b) of the Planning Act, 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 place of worship in a defined flood area subject to the following conditions:

**CONDITION 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 be generally in accordance with the revised plans provided on 23 November 2015 but modified to show a minimum of 13 on site carparks and an amended layout of the carparking area to the O’Shea Terrace frontage that is in accordance with the minimum dimensions specified under Clause 6.5.3 (Parking Layout).

**GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.
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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, electricity, sewerage and drainage to the development shown on the endorsed plans in accordance with the authorities’ requirements and relevant legislation at the time.

5. 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.

6. All proposed works impacting on O’Shea Terrace and Mannion Street are to be designed, supervised and certified on completion by a practicing and registered engineer, and shall be in accordance with the standards and specifications of Katherine Town Council. Drawings must be submitted to the Council for approval and no works are to commence prior to approval and no works are to commence prior to approval and receipt of a ‘Permit to Work Within a Road Reserve’.

7. 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.

8. Storage for waste disposal bins is to be provided to the requirements of Katherine Town Council to the satisfaction of the consent authority.

9. 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.

10. All air conditioning condensers are to be to 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.

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. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Division (powerconnections@powerwater.com.au) should be contacted via email a minimum of one month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of onsite and/or surrounding infrastructure.

3. Professional advice regarding implementation of soil erosion control and dust control measures to be employed through the construction phase of the development are available from the Department of Land Resource Management.

**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.

An additional 3 car parks are required to be provided through amended plans to demonstrate compliance with Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme to accommodate the increase floor area of the proposed place of worship. A variation to Clause 6.5.3 (Parking Layout) of the NT Planning Scheme is supported to enable the surfacing of the parking area accessed from Mannion Street to be unsealed and remove the requirement for a minimum of 3 metre wide landscaping buffer to the road reserve. The variation to the clause is supported given the low volume of daily traffic anticipated. The proposed change in use is otherwise generally consistent with the provisions of the NT Planning Scheme.

The application is altered to ensure that the carparking areas adjacent to the O'Shea Road can be accessed in a manner consistent with Clause 6.5.3 (Parking Layout) of the scheme.

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 has previously been developed and used as a child care centre, and the proposal does not contain any habitable rooms that would be of concern in the defined flood area. The land is considered capable of supporting the proposed place of worship.

**ACTION:** Notice of Consent and Development Permit

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

DENIS BURKE
Chairman
4/12/15

These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.