

DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 135 – WEDNESDAY 6 MAY 2015

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

MEMBERS PRESENT Denis Burke (Chairman), Craig Lambert, Steven Rose and Fay Miller

APOLOGIES: Nil

OFFICERS PRESENT: Julie Bennett, Steven Kubasiewicz and Allison Hooper (via phone), (Development Assessment Services) and Julia Wanane (via phone, Lands Planning)

COUNCIL REPRESENTATIVE: Robert Jennings (CEO)

Meeting opened at 9.45 am and closed at 11 00 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 **SHOWROOM SALES**
PA2015/0104 **LOT 582 (82) BICENTENNIAL ROAD, TOWN OF KATHERINE**
APPLICANT **C.A.T CONTRACTORS PTY LTD**

Mr Clayton Holland (C.A.T Contractors) attended.

Mr John Dobell and Mr Michael Whitehouse (Whitehouse Furnishers) attended.

RESOLVED
21/15

That, pursuant to section 46(4)(b) of the *Planning Act* the Development Consent Authority defer consideration of the application to develop Lot 582 (82) Bicentennial Road, Town of Katherine for the purpose of showroom sales, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

- Revised plans which provide clear access and egress point from the internal road, functional and clear internal traffic flow, cross section reflecting the difference in height between the main showroom and the loading dock;
- Advice from Power and Water Corporation which supports the proposal;
- Consent from the land owner for the use of the access easement for vehicle manoeuvre and an agreement for the upgrade (e.g. line marking) and the maintenance of the existing standard of vehicle access (internal sealed road) from Bicentennial Road to the vehicle crossover into the development site;
- Advice from the Department of Land Resource Management or a suitably qualified person on the impact of filling the sinkhole may have on other land; and
- Details to show the natural ground levels, extent of fill, finished floors and 1 % AEP flood levels (including revised elevation plans).

REASONS FOR THE DECISION

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

The potential for conversion of a portion of the development from showroom sales to shops is raised as a matter for consideration prior to determining the application. Such a change of use would be inconsistent with the purpose of the Zone GI (General Industry) require additional parking, a variation to Clause 8.1.1 (Shops in Zones CV, CL, LI, GI, DV, OR and CN) and the concurrence of the Minister for Lands and Planning due to the development conflicting with the statements of policy in the *Katherine Land Use Plan*. The statements include the key objectives for industrial and commercial development being, to 'limit the development of non-industrial uses within industrial zones' and to 'maintain the

existing business centre on Katherine Terrace to enhance its role in fostering community cohesion’.

2. Pursuant to section 51(j) of the *Planning Act*, the Development 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 proposal includes the filling of a sinkhole that is within the footprint of the carpark as recommended by NT Geotechnics in their report provided by the applicant. There is an indication that filling the sinkhole will ensure the land is capable of supporting the development, however advice is required on the potential impact of the development on other land, in terms of flooding. Further, riverine flooding affects the development site and further details with show any fill required should form part of the information available for consideration.

**RESOLVED
22/15**

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 582 (82) Bicentennial Road, Town of Katherine for the purpose of showroom sales, subject to:

- the applicant satisfactorily addressing the matters for deferral;

and further subject to conditions as determined by the delegate.

ACTION: Advice to Applicant

**ITEM 2
PA2015/0204
APPLICANT**

**CHANGE IN USE OF PART OF A SHED TO A SINGLE DWELLING WITHIN A
DEFINED FLOOD AREA
NT PORTION 3678 (496) ZIMIN DRIVE, COSSACK
C.A.T CONTRACTORS PTY LTD**

Mr Clayton Holland (C.A.T Contractors)attended.

**RESOLVED
23/15**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop NT Portion 3678 (496) Zimin Drive, Cossack for the purpose of a change in use of part of a shed to a single dwelling within 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 the reln drain of the proposed effluent disposal system above the defined flood extent.

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 finished floor levels of the habitable rooms of the dwelling must be a minimum of 300mm height above the applicable flood level for the site. The applicable flood level for this property is 105.16 metres AHD.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities to the development on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

REASON 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 complies with relevant requirements of the NT Planning Scheme, in particular Clause 6.5.1 (Parking Requirements), Clause 6.14 (Land subject to flooding and storm surge), Clause 7.1 (Residential Density and Height Limitations) and Clause 7.3 (Building Setbacks of Residential Buildings).

2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into consideration the physical capability of the land to support the proposed development.

The building is established on the land however the use is converting from a shed to a residential building. The proposed onsite wastewater treatment system includes a reln drain below the defined flood level and is required to be relocated to ensure the development responds to the constraints on the land. The land is otherwise considered capable of supporting the proposed dwelling.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2013/1013
APPLICANT

**VARIATION OF DP14/0138 TO INCREASE OPENING HOURS
LOT 270 (17A) KATHERINE TERRACE, TOWN OF KATHERINE
THE FINCH CAFÉ**

The applicant did not attend.

**RESOLVED
24/15**

That, pursuant to section 57(3) of the *Planning Act*, the Development Consent Authority consent to the application to vary condition 2 of DP14/0138 for the purpose of a restaurant addition to an existing community centre subject to the following conditions:

1. Prior to the commencement of the use land owner and Crown authorisation must be provided to the satisfaction of the consent authority.
2. The works carried out under this permit shall be in accordance with the drawings 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. 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.
5. 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.
6. 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.
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, gas and telecommunication networks to the development 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 and/or Department of Transport to the satisfaction of the consent authority.
9. Storage for waste disposal bins is to be provided to the requirements of Katherine Town Council to the satisfaction of the consent authority.
10. Hours of operation limited to the extent that the building will remain available for Country Women's Association purposes.
11. Meals must be available as part of the use of the land as a restaurant.

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 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.
3. An Occupancy Permit under the *Building Act* must be issued prior to the commencement of the use.
4. All signage is subject to Katherine Town Council approval, at no cost to Council.
5. The developer must take into consideration the Community Safety Design Guide under the NT Planning Scheme available at <http://www.lands.nt.gov.au/planning/planning-scheme/referenced-documents>.

REASON FOR THE DECISION

Pursuant to section 57(3) of the *Planning Act*, the condition is varied as there is no impact on a measurable aspect and the variation will not materially affect the amenity of adjoining land or premises.

ACTION: Variation to Development Permit

ITEM 4
PA2014/1022

**CONCURRENT APPLICATION – REZONE FROM ZONE SK1 (SPECIFIC USE – KATHERINE RESIDENTIAL) TO ZONE MD (MULTIPLE DWELLING RESIDENTIAL AND SUBDIVIDE TO CREATE THREE LOTS
LOT 2786 (18) CYPRUS STREET, TOWN OF KATHERINE
EARL JAMES & ASSOCIATES**

APPLICANT

Mr Kevin Dodd (Earl James & Associates) attended the meeting.

RESOLVED
25/15

That, pursuant to section 30P(1)(a) of the *Planning Act*, if the Minister were to approve the amendment proposed by the application, the Development Consent Authority would be likely to approve the application to develop Lot 2786 (18) Cyprus Street Town of Katherine for the purpose of subdivision to create three lots, under section 30W(1)(a) subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawings numbered 2014/1022/1 endorsed as forming part of this permit.
2. 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.
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, 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.
5. 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 the Katherine Town Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

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. 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 in the Northern Territory. 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. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities
5. A "Permit to Work Within a Road Reserve" may be required from Katherine Town Council before commencement of any work within the road reserve.
6. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 8995 5354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.

REASONS FOR THE DECISION

1. Pursuant to section 30P (2)(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 proposed subdivision is generally consistent with the requirements of Zone MD (Multiple dwelling residential) of the NT Planning Scheme. The amendment proposal will facilitate the achievement of the following key objectives identified in the Katherine Land Use Plan:

- To prioritise residential areas for development in a manner that ensures ongoing supply of lots to meet market needs.
 - To encourage a diverse range of dwelling types and sizes through appropriate subdivision design (including varying lot sizes) to cater for changing demographics (including increased single person households and an aging population) and to increase affordability and short-term accommodation.
 - To increase dwelling densities in close proximity to the central business district and other community services.
2. Pursuant to section 30P(2)(l) of the *Planning Act*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirements for public facilities and services to be connected to the land and the requirement if

any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

No objection to the proposed development has been raised by service authorities associated with the provision of reticulated water, power, effluent services or vehicle access. Conditions on the permit require that the owner of the land must enter in agreements with the relevant authorities, to provide services and infrastructure.

RESOLVED
26/15

That under section 30Q of the *Planning Act*, the Development Consent Authority report to the Minister for Lands and Planning on the preliminary decision, issues raised in submissions, issues raised at the hearing and any other matters it considers the Minister should take into account when considering the proposal.

RESOLVED
27/15

That, pursuant to section 86(1) of the *Planning Act*, the Development Consent Authority delegates its powers to the Chairman, or the absence of the Chairman any member of the Authority to:

- determine pursuant to Section 30W(1)(a) to consent to the development proposal contained in the concurrent application and consent to the concurrent application after receipt of a notice under Section 30U(1) that the Minister has approved the amendment proposal contained in the application;
- issue a development permit under section 54(1) in relation to the development proposal to subdivide Lot 2786 (18) Cyprus Street Town of Katherine to create three lots; and
- issue the relevant notices under Section 30Y.

ACTION: Advice to Applicant

ITEM 5
PA2015/0106

CONCURRENT APPLICATION – REZONE FROM RL (RURAL LIVING) TO ZONE GI (GENERAL INDUSTRY) AND FROM ZONE GI (GENERAL INDUSTRY TO ZONE RL (RURAL LIVING) AND DEVELOP A TRANSPORT TERMINAL WITHIN A DEFINED FLOOD AREA

APPLICANT

**PART NT PORTION 5412 (39) GILLARD CRESCENT, COSSACK
JASON HILLIER T/A NORDRAFT**

Mr Jason Hillier (Nordraft) and Ms Kate Elliot and Mr Scott Leonhardt (Hardt Transport representatives) attended.

RESOLVED
28/15

Pursuant to section 30(P)(3) of the *Planning Act*, the consent authority defer consideration of the application to develop NT Portion 5412 (39) Gillard Crescent, Cossack, for the purpose of a transport terminal within a defined flood area to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- (a) Amended plans (site plan, elevations and section) that demonstrate the proposed level of fill on the site in relation to the 1%AEP level;

- (b) Further detail demonstrating the capability of the land to support onsite wastewater disposal; and
- (c) Draft Flood Management Plan for the site and operations.

REASON FOR DECISION

The initial application lodged by the applicant did not detail the amount or extent of fill required in order to develop the proposed transport terminal above the 1%AEP level of 106.25m AHD. The applicant has revised the amount of fill proposed to be below the 1%AEP, but has not provided substantive details of that fill. Amended plans are required to identify the level of fill required for a building pad and subsequent building levels. Further information is also required as to the capability of the site to accommodate onsite wastewater disposal for the proposed development.

**RESOLVED
29/15**

That, pursuant to section 86(1) of the *Planning Act*, the Development Consent Authority delegates its powers to the Chairman, or in the absence of the Chairman any member of the Authority and subject to the applicant satisfactorily addressing the matters for deferral, that if the Minister were to approve the amendment proposed by the application, the power to make a preliminary decision that the Development Consent Authority would be likely to consent to the application to develop part NT Portion 5412 (39) Gillard Crescent, Cossack for the purpose of a transport terminal within a defined flood area, under section 30W(1)(a) subject to any relevant conditions.

**RESOLVED
30/15**

That under section 30Q of the Planning Act, the Development Consent Authority report to the Minister for Lands and Planning on the preliminary decision, issues raised in the submissions, issues raised at the hearing and any other matters it considers the Minister should take into account when considering the proposal.

**RESOLVED
31/15**

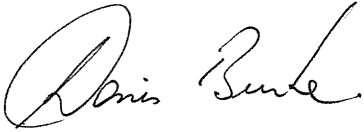
That, pursuant to section 86(1) of the *Planning Act*, the Development Consent Authority delegates its powers to the Chairman, or in the absence of the Chairman any member of the Authority to:

- determine pursuant to Section 30W(1)(a) to consent to the development proposal contained in the concurrent application and consent to the concurrent application after receipt of a notice under Section 30U(1) that the Minister has approved the amendment proposal contained in the application;
- issue a development permit under section 54(1) in relation to the development proposal to develop part NT Portion 5412 (39) Gillard Crescent, Cossack, for the purpose of a transport terminal within a defined flood area; and

- issue the relevant notices under Section 30Y.

ACTION: Advice to Applicant

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



DENIS BURKE
Chairman

14/5/15

