



## DEVELOPMENT CONSENT AUTHORITY

### KATHERINE DIVISION

### MINUTES

MEETING No. 118 – WEDNESDAY 7 AUGUST 2013

MAIN TRAINING ROOM  
1<sup>ST</sup> FLOOR GOVERNMENT CENTRE  
5 FIRST STREET  
KATHERINE

**MEMBERS PRESENT** Peter McQueen, Anne Shepherd, Barry Densley Steven Rose and Donald Higgins

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Maree Domelow (via telephone) and Julie Bennett (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** James Rowe (Manager Economic Development Manager)

Meeting opened at 10.40 am and closed at 11.15 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ITEM 1 WITHDRAWN

ITEM 2 CHANGE OF USE TO OFFICE  
PA2013/0438 LOT 1920 (32) GILES STREET, TOWN OF KATHERINE  
APPLICANT JASON HILLIER

Mr Jason Hillier attended the meeting.

**RESOLVED** That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority  
**42/13** consent to the application to develop Lot 1920 (32) Giles Street, Town of Katherine, for the purpose of a change of use to office, subject to the following conditions:

**CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0438/1, 2013/0438/2 and 2013/0438/3, endorsed as forming part of this permit.
2. 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.
3. 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 consent authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

**NOTE:**

1. 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.

## REASONS FOR THE DECISION

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

The application generally complies with the relevant provisions of the NT Planning Scheme, including car parking, loading bays, and development within a Defined Flood Area.

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 change of use to office will allow Bushfires NT more office space, as it currently operates from within the existing Parks and Wildlife Commission NT building on the same site.

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

**ITEM 3**  
**PA2013/0493**  
**APPLICANT**

**ADDITION TO EXISTING EDUCATIONAL ESTABLISHMENT WITHIN A DEFINED FLOOD AREA**  
**LOTS 1142 AND 1143 (11) AND (5) KINTORE STREET, TOWN OF KATHERINE**  
**BENNETT DESIGN PTY LTD**

Mr Stewart McCulloch (Department of Infrastructure) attended the meeting on behalf of the applicant.

**RESOLVED**  
**43/13**

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lots 1142 & 1143 (11 & 5) Kintore Street, Town of Katherine to develop additions to an existing educational establishment within a defined flood area, subject to the following conditions:

### CONDITIONS

1. The works carried out under this permit shall be in accordance with drawings numbered 2013/0493/1, 2013/0493/2 and 2013/0493/3, endorsed as forming part of this permit.
2. 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.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity services and telecommunication services to the land shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.

4. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Katherine Town Council, to the satisfaction of the consent authority.
5. And the owner shall:
  - a) remove disused vehicle and/ or pedestrian crossovers;
  - b) provide footpaths/ cycleways;
  - c) collect stormwater and discharge it to the drainage network; and
  - d) undertake reinstatement works;all to the technical requirements of and at no cost to the Katherine Town Council to the satisfaction of the consent authority.
6. Before the use 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.
7. 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.
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. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

#### **NOTES:**

1. The development is subject to the requirements of the *Disability Discrimination Act*.
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.

#### **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.

A variation to Clause 6.5.3 (Parking Layout) to provide a 1-1.5m setback to Kintore Street is supported as the car parking area is existing, no changes are proposed, and the area between the boundary and the car

parking area is landscaped. The application is otherwise generally compliant with the relevant provisions of the NT Planning Scheme, including Clause 6.5.1 (Parking Requirements), whereby the development has provided 8 car parks.

2. Pursuant to Section 51(p) of the *Planning Act*, the consent authority must take into consideration the public interest, including access for persons with disabilities.

The proposed building has been architecturally designed and is fully accessible for people with disabilities. It will provide a much needed facility for children with high dependency disabilities.

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

**ITEM 4**  
**PA2013/0432**  
**APPLICANT**

**2X2 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**  
**LOT 3255 (85) CASUARINA STREET, TOWN OF KATHERINE**  
**C.A.T. CONTRACTORS PTY LTD**

Mr Clayton Holland (C.A.T Contractors) attended and tabled an amended site plan.

**RESOLVED**  
**44/13**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 3255 (85) Casuarina Street, Town of Katherine for the purpose of 2 x 2 bedroom multiple dwellings in a single storey building, 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 an increase in the building setback to the boundary facing north east.
2. Prior to the commencement of works (including site preparation) a schematic plan is to be provided, demonstrating that all stormwater can be collected on the site and discharged to the requirements of the Katherine Town Council. This plan is to include details of site levels and stormwater drain connection points within the vicinity of the site.
3. Before the development starts, a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The landscaping plan must be generally in accordance with the landscape concept plan included in the application, except that the plan must show:

- (a) how the use of planting between the building and the street will reduce the impact of the blank expanse of wall facing the street;
  - (b) details of surface finishes of pathways and driveways;
  - (c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - (d) landscaping and planting within all open areas of the site;
  - (e) provision of an in ground irrigation system to all landscaped areas.
- All species selected must be to the satisfaction of the consent authority.

## GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. 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 each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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 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.
5. The owner shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) provide footpaths/ cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;
 all to the technical requirements of and at no cost to Town of Katherine to the satisfaction of the consent authority.
6. Before the use or occupation 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) surfaced with an all-weather-seal coat;
  - (d) drained; and
  - (e) line marked to indicate each car space and all access lanes;;
 to the satisfaction of the consent authority.  
 Car spaces, access lanes and driveways must be kept available for these purposes at all times.

7. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
8. 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.
9. 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.
10. 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.
11. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
12. 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.
13. Storage and collection of waste disposal bins is to be provided to the requirements of Katherine Town Council to the satisfaction of the consent authority.

#### **NOTES:**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/ or surrounding infrastructure.
2. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency'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.

#### **REASON FOR THE DECISION**

1. The proposed development is generally consistent with the requirements of the NT Planning Scheme and the primary purpose of Zone MD (Multiple Dwelling Residential). However the concept does not meet the minimum side setback requirements of 3 metres to the north east facing

boundary. As there is an opportunity to increase the setback to enable compliance a variation to Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer Than 18 metres and for Residential Buildings Over 4 Storeys in Height) is not recommended, with special circumstances not being demonstrated. An amended plan is therefore required to address the area of non-compliance.

2. Katherine Town Council is the sole authority responsible under the *Local Government Act* and associated by-laws for stormwater drainage and as such will have a requirement for details of the collection and discharge of stormwater for this proposal.

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

**ITEM 5**  
**PA2013/0507**  
**APPLICANT**

**CHANGES TO DP12/0107 TO CHANGE 2 MULTIPLE DWELLINGS TO 2 OFFICES**  
**LOT 36 (34) FIRST STREET, TOWN OF KATHERINE**  
**ELTON CONSULTING**

Ms Wendy Smith (Elton Consulting) attended.

**RESOLVED**  
**45/13**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 36 (34) First Street, Town of Katherine for the purpose of amending DP12/0107 to change two multiple dwellings to two offices 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) a parking layout that avoids parallel parking in favour of perpendicular parking;  
or
- (b) a parking layout that shows the driveway width and turning path of vehicles required to enter parking bays numbered 29 through to 34, which demonstrates the convenience and accessibility of the car park.

**ACTION:** Advice to Applicant

**RESOLVED**  
**46/13**

That, the Development Consent Authority vary the requirements of Clause 6.6 (Loading Bays) of the NT Planning Scheme, and pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman the power under section 53 of the Act to determine the application develop Lot 36 (34) First Street, Town of Katherine for the purpose of amending DP12/0107 to change two multiple dwellings to two offices, subject to:

- (a) receipt of an amended set of plans showing a parking layout that avoids parallel parking in favour of perpendicular parking; or
- (b) receipt of an amended set of plans that shows the driveway width and turning path of vehicles required to enter parking bays numbered 29 through to 34, which demonstrates the convenience and accessibility of the car park.

as outlined in the deferral resolution; and



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 the design details of awnings and screens to the balconies.
2. Prior to the commencement of works (including site preparation) a schematic plan is to be provided, demonstrating that all stormwater can be collected on the site and discharged to the requirements of the Katherine Town Council. This plan is to include details of site levels and stormwater drain connection points within the vicinity of the site.

### GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
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 networks to the development in accordance with the authorities' requirements and relevant legislation at the time.
5. 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.
6. The finished floor levels of the dwelling must be minimum of 300mm above the applicable flood level for the property which is 106.8 m AHD metres AHD.  
Note: The applicable flood level for this property is 106.5 metres AHD.
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. The owner shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) provide footpaths/ cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;all to the technical requirements of and at no cost to Town of Katherine to the satisfaction of the consent authority.

9. Before the use or occupation 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) surfaced with an all-weather-seal coat;
  - (d) drained; and
  - (e) line marked to indicate each car space and all access lanes;;to the satisfaction of the consent authority.  
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
10. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
11. 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.
12. 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.
13. 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.
14. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
15. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
16. 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.
17. Storage and collection of waste disposal bins is to be provided to the requirements of Katherine Town Council to the satisfaction of the consent authority.

#### **NOTES:**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction

works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/ or surrounding infrastructure.

2. 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
3. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency'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.

### 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.

The proposed development is consistent with the primary purpose of Zone CB (Central Business) to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities with a commitment to the separation of incompatible uses. Building form and design is expected to be sensitive to the needs of pedestrian movement and facilitate the creation of safe and active street frontages and public places and a vibrant commercial precinct.

However assessment of the proposed development against Clause 6.5.3 (Parking Layout) found that it was unclear whether all car parking spaces are functionally accessible, in particular bays 29 to 34, due to the layout including parallel car parks.

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

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



**PETER MCQUEEN**  
Chairman

14/8/13