



DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 120 – WEDNESDAY 2 OCTOBER 2013

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

MEMBERS PRESENT Peter McQueen (Chairman)(via phone), Barry Densley, Anne Shepherd and Steven Rose

APOLOGIES: Donald Higgins

OFFICERS PRESENT: Julie Bennett, Steven Kubasiewicz (via phone) (Development Assessment Services)

COUNCIL REPRESENTATIVE: James Rowe (Manager Economic Development)

Meeting opened at 10.30 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 **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING WITH**
PA2013/0626 **REDUCED SIDE SETBACKS**
APPLICANT **LOT 3240 (33) CASUARINA STREET, TOWN OF KATHERINE**
JASON HILLIER

Mr Jason Hiller attended.

RESOLVED That, the Development Consent Authority vary the requirements of clause 7.3
78/13 (Building Setbacks of Residential Buildings) and clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18 m) 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 3240 (33) Casuarina Drive, Town of Katherine for the purpose of 2 x 3 bedroom multiple dwellings in a single storey building, 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. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) a front setback of 6.5 metres to ensure full compliance with the front setback requirement of clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18 m...);
 - (b) landscaping that responds to and complies with clause 6.12 (Landscaping) ;
 - (c) the location and suitable screening of air conditioning units consistent with the requirements of clause 7.8 (Building Design for Multiple Dwellings...); and
 - (d) removal of the landscaping strip located on the centreline of the driveway adjacent to the crossover.

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 use and/or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
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. 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;to the satisfaction of the consent authority.
Car spaces and driveways must be kept available for these purposes at all times.
6. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
7. The private open space areas of each dwelling shall be screened on each boundary by:
 - (a) The erection of a solid wall or screen fence not less than 1.8 metres high: or
 - (b) fenced to a height not less than 1.8 metres high and planted with dense vegetation.Any change to the screening of private open space areas as shown on the plans endorsed as forming a part of this permit may require a variation application.
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. 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/each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
11. 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.
12. 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.
13. Storage for waste disposal bins is to be provided to the requirements of Katherine Town Council to the satisfaction of the consent authority.

14. 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.
15. 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. 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. 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. This development permit does not grant "building approval" for the proposed structure.
4. 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.
5. 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.
6. 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
7. The developer is required 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 in determining the application must take into account the planning scheme that applies to the land to which the application relates.

A variation to Clause 7.3.1 with regard to side boundary setbacks is granted as the full length of the building that abuts this boundary is only 18.6metres with the garage element well stepped back from the boundary and centrally located within the building design. Any visual bulk or building massing that could potentially result is minimised and is consistent with the intent of the clause.

A variation of the requirements of Clause 7.3.1 is not granted in relation to a front setback reduction. The building facade elements that protrude into the required setback comprise the garage which sits closer to the street than the carport of the adjoining dwelling to the east of the site and therefore the particulars of the design are not considered to satisfy the purpose of the clause which is to minimise any adverse effects of building massing and visual bulk when viewed from Casuarina Drive. The application has therefore been altered by the consent authority to require full compliance with the front setback requirement of clause 7.3.1.

Alteration of the application to require compliance with elements relating to landscaping, location and screening of air-conditioning units, and removal of driveway landscape feature will ensure the amenity of the development is appropriate to the locality and enable safe and convenient manoeuvring for vehicles leaving the site.

2. Pursuant to section 51(m) of the *Planning Act*, the consent authority in determining the application must take into account the public infrastructure and utilities required to service the proposed development.

The inclusion of standard conditions on the development permit will ensure that the development is appropriately serviced with the necessary urban infrastructure and utilities to enable its future use and occupation.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2013/0580
APPLICANT

EXTENSION TO EXISTING SHOWROOM WITHIN A DEFINED FLOOD AREA
LOT 2514 (72) CRAWFORD STREET, TOWN OF KATHERINE
C.A.T. CONTRACTORS PTY LTD

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

RESOLVED
79/13

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 Lot 2514 (72) Crawford Street, Town of Katherine for the purpose of an extension to an existing showroom within a defined flood area, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the 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) car parks numbered 7 to 13 deleted
 - (b) 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, which is to take into account the need for a line of site between the car park and the entrance driveway.
 - (c) provision of an in ground irrigation system to all landscaped areas.
2. Prior to the commencement of works the developer shall provide protection which demonstrates that there is no potential damage to the sewer infrastructure underlying the sewerage easement, as a result of traversing the easement or other activity associated with the use, to the requirements of the Power Water Corporation and the satisfaction of the consent authority.
3. 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 to the satisfaction of the consent authority. This plan is to include details of site levels and stormwater drain connection points within the vicinity of the site.

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. 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.
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 storage of hazardous products must be a minimum of 300mm above the applicable flood level for the property. Note: the applicable flood level for this property is between 105.5 metres AHD and 105.75 metres AHD.
8. 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.

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. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.
12. The loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading bay[s] and must not disrupt the circulation and parking of vehicles on the land).
13. All vehicles must directly enter and exit the property from Crawford Street.
14. 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.
15. 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.
16. 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.
17. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
18. 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) 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.

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.

REASONS FOR THE DECISION

1. The proposed development is generally consistent with the requirements of NT Planning Scheme and the primary purpose of Zone GI (General Industry). A variation to clause 6.5.3 (Parking Layout) is supported to vary the proximity of the parking bays to the road as the layout provides maximum numbers of car parks in close proximity to the showroom and also increases the space available to manoeuvre heavy vehicles. Further, the deletion of additional car parks along the eastern boundary will also improve the space available for movement of delivery vehicles.
2. Pursuant to section 51(m) of the *Planning Act*, the Development Consent Authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement 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 planning scheme that applies to the land to which the application relates.

The proximity of the sewerage easement in relation to the outdoor storage area indicates that vehicles will be traversing the easement and Power and Water Corporation has raised a concern that there is a potential to cause damage. The developer is required to address this matter with Power and Water Corporation to demonstrate how the infrastructure will be protected.

3. 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

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



PETER MCQUEEN
Chairman

7 /10/13