

DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 105 – WEDNESDAY 1 FEBRUARY 2012

MEMBERS PRESENT Peter McQueen (Chairman) and Steve Ward – Via phone, Barry Densley, Anne Shepherd and Jodie Locke

APOLOGIES: Ian Palmer

OFFICERS PRESENT: Steven Kubasiewicz, Jamie Castles (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

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 **24 X 2 BEDROOM MULTIPLE DWELLINGS IN A 3 STOREY BUILDING**
PA2011/0855 **INCLUDING GROUND LEVEL CARPARKING WITHIN A DEFINED FLOOD AREA**
LOT 36 (34) FIRST STREET, TOWN OF KATHERINE
APPLICANT **ELTON CONSULTING**

Pursuant to section 97(1)(b) of the *Planning Act*, Ms Anne Shepherd and Ms Jodie Locke Council nominated members of the Katherine Division of the Development Consent Authority declared an interest and were not present and did not take part in the deliberation of this item.

DAS tabled response to submissions and amended plans from Elton Consulting.

Ms Wendy Smith and Mr Luke Jackson (Elton Consulting) and Stephen Horvat attended.

RESOLVED That, pursuant to section 53(b) of the *Planning Act*, the Development Consent
06/12 Authority alter the proposed development and consent to the proposed development as altered to develop Lot 36 (34) First Street, Town of Katherine, for the purpose of 24 x 2 bedroom multiple dwellings in a 3 storey building including ground level carparking 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:
 - (a) a landscaping schedule
 - (b) design details of awnings and screens to the balconies and air-conditioning units.

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. 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. All proposed works impacting on First Street are to be designed, supervised and certified

on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Katherine Council. Drawings must be submitted to the Katherine Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".

5. 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
6. 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.
7. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and Fire and Emergency Services.
8. 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.
9. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Katherine Council to the satisfaction of the consent authority.

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 , The Katherine Council to the satisfaction of the consent authority.

10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
11. Before the 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.

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. The Department of Natural Resources, Environment, The Arts and Sport (NRETAS) advises that construction work should be conducted in accordance with the NRETAS 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 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 development demonstrates general compliance with the relevant provisions of the NT Planning Scheme.

2. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into account any public submissions. One public submission was received from the Katherine council expressing concern about the loss of on street carparking spaces. The development has been amended so that there will be no loss of on street carparks.

ACTION: Notice of Consent and Development Permit

**ITEM 2
PA2011/0699
APPLICANT**

**SERVICE STATION WITH AN ASSOCIATED RESTAURANT
LOT 3018 (85) BICENTENNIAL ROAD, TOWN OF KATHERINE
ELTON CONSULTING**

DAS tabled documentation received from NRETAS

Ms Wendy Smith and Mr Luke Jackson (Elton Consulting) and Ms Julie David (owner) attended.

**RESOLVED
07/12**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 3018 (85) Bicentennial Road, Town of Katherine for the purpose of a service station and associated restaurant, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), a report from a suitably qualified traffic engineer which substantiates in detail the adequacy of the number of parking bays for road trains proposed, or if additional parking bays are determined appropriate, receipt of amended plans that comply with the recommendation from the traffic engineer. The report must take into consideration the comments of the NT Road Transport Association received in association with the application and must also consider the truck parking areas provided for Emerald Springs.
2. 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) a plan generally in accordance with drawing number 110020 SK11B which shows all the traffic management strategies (including the location of signs indicating no road train entry from Stuart Highway), turning paths of road trains and deletes reference to the existing entry, service road and proposed access to the north east corner of the land; and
 - (b) extent of fill (level and site area to be filled), natural ground level, finished floor level and flood level in a 1% AEP flood event.
3. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP) and Stormwater Management Plan (SMP), including details and location of stormwater drains, is to be submitted to and approved by the consent authority on the advice of the Department of Natural Resources, Environment and the Arts (Natural Resources Management Division), and an endorsed copy of the Plan will form part of this permit. The SMP is to refer to the use of the Class 1 Puraceptor for treatment of wastewater from the fuel dispensing area. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.
4. Prior to endorsement of the plans and prior to commencement of works (including site preparation), 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 plan must show:
 - (a) a survey of all existing vegetation to be retained and/or removed;
 - (b) details of surface finishes of pathways and driveways; and
 - (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 plantAll species selected must be to the satisfaction of the consent authority.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. A certificate of compliance must be issued by a suitable qualified engineer, to the Development Consent Authority to confirm that all product equipment including tanks, fuel lines, fill points, and any waste oil tanks meet or exceed equipment level 1 specifications, as detailed in Table 3.1 of Australian Standard 4897-2008: *'The design, installation and operation of underground petroleum storage systems'*.
7. All trafficked areas must be hard surfaced using either bitumen, concrete or other suitable impervious material, to the satisfaction of the consent authority.
8. The petroleum filling point must be located to ensure that when the tanker is filling the in-ground tanks, the internal traffic flow is not interrupted, to the satisfaction of the consent authority.
9. The fuel dispensing area must be protected from the entry of external surface waters at the canopy line. This designated drainage area must drain to a waste treatment system and captured pollutants be collected and removed as necessary by a licensed contractor, to the satisfaction of the consent authority.
10. Vehicle(s) must not be refuelled outside of the designated covered fuel dispensing area, to the satisfaction of the consent authority.
11. A kit containing absorbent material must be maintained on-site to deal with spill containment, to the satisfaction of the consent authority.
12. 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.
13. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services to the land shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
14. 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 Department of Lands and Planning to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
15. Clean stormwater from roof areas must be collected and directed to the stormwater system, to the satisfaction of the consent authority, upon the advice of the Department of Lands and Planning.

16. The owner shall:
- (a) remove disused vehicle and/ or pedestrian crossovers; and
 - (b) undertake reinstatement works;
- All to the technical requirements of and at no cost the Department of Lands and Planning to the satisfaction of the consent authority.
17. 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,
 - (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.
18. 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.
19. Storage for waste disposal bins is to be provided to the requirements of Katherine Town Council to the satisfaction of the consent authority.
20. 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.
21. 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.
22. Any directional signage along the Stuart Highway is to be erected with the approval of, and to the technical standards of the Department of Lands and Planning to the satisfaction of the consent authority.

NOTES:

- 1. Notwithstanding the approved plans, all signage is subject to Katherine Town Council approval, at no cost to Council.
- 2. The business must be registered with the Department of Health and must comply with the *NT Food Act 2004* and the national food safety standards: Standard 3.1.1 Interpretation and Application, Standard 3.2.2 Food Safety Practices and General Requirements and Standard 3.2.3 Food Premises and Equipment.

3. Detailed plans must be submitted to the Department of Health via a building certifier for approval prior to the construction of building works. Following approval the premises is required to be registered as a Food Business with the Department of Health prior to the use being undertaken.

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.

Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme states that the purpose of this clause is to ensure that sufficient off-street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of a site. Subclause 3 states that 'If a proposed use or development which is not listed in the table to this clause requires consent, the number of car parking spaces required for that use or development is to be determined by the consent authority.' In consideration of the comments from the Department of Lands and Planning clarification is sought from the applicant justifying the adequacy of the number of truck parking bays being provided on site.

Clause 6.14 (Land Subject to Flooding and Storm Surge) requires that consent be obtained to develop land within a defined flood area and that the storage or disposal of environmentally hazardous industrial material and the development of fuel depots should be avoided. The purpose of this clause is to reduce risk to people, damage to property and costs to the general community caused by flooding and storm surge.

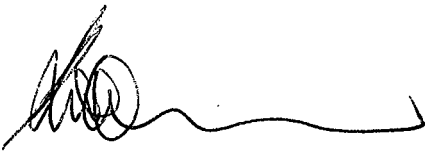
Clause 8.1.4 (Service Stations) states that where the site is within a 1% AEP flood event or storm surge, the service station is to be designed to withstand the flood event or storm surge without risk of pollution.

The exposure of the development in the event of a flood is reduced through the partial filling of the site. The development will ensure that the structures including bowsers, pumps, recovery systems, tank filling valves and connections are all to be designed to resist damage from being submerged and the impact of debris.

The development will be required to meet the specifications of the Australian Standard AS 4897: Design, Installation and Operation of Underground Petroleum Storage Systems, which will ensure that fuel is contained in the underground tank and if submerged prevents ingress of groundwater.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

13/2/12

