



DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 210 – WEDNESDAY 2 APRIL 2025

**WILTON RIVER ROOM
LEVEL 1
BIG RIVERS GOVERNMENT CENTRE
5 FIRST STREET
KATHERINE**

MEMBERS PRESENT: Suzanne Philip (Chair) and Annabel McLarty attended via teams link; and Jeremy Trembath attended in person

APOLOGIES: Madeleine Bower
LEAVE OF ABSENCE Denis Coburn

OFFICERS PRESENT: George Maly attended via teams link and Rory Mackay attended in person (Development Assessment Services)

COUNCIL REPRESENTATIVES: Kimberly Worrigal and Matthew Fleming attended in person

Meeting opened at 10.45 am and closed at 12.30 pm

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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 TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1
PA2025/0032
SUBJECT SITE
APPLICANT

HOTEL/MOTEL WITH ANCILLARY FOOD PREMISES-RESTAURANT AND SHOP ADDITIONS TO AN EXISTING HOTEL/MOTEL, ON LAND SUBJECT TO FLOODING LOTS 125 (11) & 126 (9) THIRD STREET, KATHERINE, TOWN OF KATHERINE
AHM EFTEKHARUL ISLAM

Jeremy Trembath is a community member of the Katherine Division of the Development Consent Authority and a Councillor respectively, for Katherine Town Council. Katherine Town Council lodged a submission to this application under Section 49 of the *Planning Act 1999*.

The Chair noted that section 98A of the *Planning Act 1999*- Independence of Community Members – contemplates that a Community Member, while acting independently, may take account of opinion of a local government council in relation to a development application.

No parties present raised any concerns with Jeremy Trembath considering the application.

Pursuant to section 97 of the *Planning Act 1999*, the Chair determined that Jeremy Trembath's interest or relationship was not significant or relevant, and he was permitted to form part of the quorum and participate in determination of this item.

Applicant: Ahm Eftekharul Islam attended in person and Steven Bayer (architect) attended via teams link

RESOLVED
6/25

That, the Development Consent Authority vary the requirements of Clauses: 3.6 (Overlay LSF – Land Subject to Flooding); 5.2.4.1 (Car Parking Spaces); 5.2.5 (Loading Bays); and 5.5.16 (Active Street Frontage) of the *Northern Territory Planning Scheme 2020*, and pursuant to Section 53(a) of the *Planning Act 1999*, consent to the application to develop Lots 125 (11) and 126 (9) Third Street, Katherine, Town of Katherine for the purpose of hotel/motel with ancillary food premises-restaurant and shop additions to an existing hotel/motel, on land subject to flooding, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, a traffic impact assessment report for the development is to be prepared by a suitably qualified traffic engineer to the requirements of the Katherine Town Council, to the satisfaction of the consent authority. The assessment is to evaluate:
 - a) the impact of increased traffic on the surrounding road network.
 - b) the safety and efficiency of entry and exit points.
 - c) recommendations for traffic management during peak hours and high tourist seasons.
 - d) the functionality of vehicle and pedestrian site access locations in relation to staging of the development and the corresponding traffic movements, in facilitating a continuous, safe and functional traffic flow within the site by all vehicle types and clientele of the site, including service vehicles; and
 - e) the layout, timing and use of on-site and on-street vehicle parking.

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2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Katherine Town Council stormwater drainage system shall be submitted to and approved by the Katherine Town Council, to the satisfaction of the consent authority. The plan shall include details of site levels and Katherine Town Council's stormwater drain connection point(s). The plan shall also indicate how stormwater will be collected on the site and connected underground to Katherine Town Council's system or an alternate approved connection(s).
3. Prior to the commencement of works, 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 show:
 - a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - b) details of surface finishes of pathways, driveways and rubbish bin collection pads;
 - 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) canopy trees (minimum two metres tall when planted) adjacent fence lines;
 - f) provision of an in ground irrigation system to all landscaped areas; and
 - g) the staged implementation of landscaping relative to the overall staging plan of the development.All species selected must be to the satisfaction of the consent authority.

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 development must proceed in the order of stages as shown on the endorsed staging plan unless otherwise agreed in writing by the consent authority.
6. All works recommended by the traffic impact assessment are to be completed to the requirements of Katherine Town Council, to the satisfaction of the consent authority.
7. 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.
8. 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 parking spaces, access lanes and driveways must be kept available for these purposes at all times.

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9. "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.
10. Protective kerbs (of a minimum height of 150mm) must be provided to the satisfaction of the consent authority to prevent damage to fences or landscaped areas.
11. 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 driveways and the public streets, in accordance with the requirements of the Katherine Town Council, to the satisfaction of the consent authority.
12. The loading and unloading of goods from vehicles must only be completed outside of peak traffic periods on Giles Street to the satisfaction of the consent authority and within the designated loading bay to not disrupt the circulation and parking of vehicles on the land.
13. 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.
14. 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.
15. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, and electricity to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
Please refer to notations 3 and 4 for further information.
16. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, 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.
17. 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.
18. 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.
19. All air conditioning condensers (including any condenser units required to be added or replaced in the future) 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. The use of angled louvered slats for screening purposes is acceptable,

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however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.

20. 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.
21. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
22. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings.
23. 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 Northern Territory Fire and Emergency Services.
24. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
25. No goods are to be stored or left exposed outside the buildings so as to be visible from any public street.
26. The location and details of the signs, including those of the supporting structure, as shown on the endorsed plans, must not be altered without the further consent of the consent authority.
27. The finish of any Prime Identification sign, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned:
 - a) so as not to create sun or headlight reflection to motorists; and
 - b) be located entirely (including foundations and aerially) within the subject lot.
28. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) transport of materials, goods or commodities to or from the land
 - b) appearance of any building, works or materials
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
 - d) presence of vermin
29. A 'Flood Emergency Evacuation Plan' shall be prepared and implemented for the duration of the approved use.

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 Katherine Town Council advises that:
 - a) An 'Open A Road Permit' is required before commencement of any work within the road reserve, which would include creation of any new driveway crossover connecting to Katherine Town Council's Road network. Fees may apply.
 - b) All waste removal and charges associated with the commercial business will be solely the responsibility of the applicant.
 - c) Appropriate mechanisms should be put in place to during the construction of the development to mitigate any adverse amenity impacts on surrounding land.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@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.
4. The Power and Water Corporation advises that the:
 - a) Landowner shall engage a licensed electrician to submit a Negotiated Connection in accordance with the current Australian Energy Regulator compliance process for assessment on the suitable point of supply and applicable network upgrade works.
 - b) Only a single point of power service shall be provided to the consolidated lot and a new main switch board is required to be installed.
 - c) The engaged electrician shall install all onsite electrical reticulation in accordance with *NP018 Service and Installation Rules 2024* and *NP010 Meter Manual*.
 - d) The existing sewerage easement within Lot 125 is required, and structures must not be located on or over this easement.
 - e) Only one single water and sewer services are to be provided for the development. Any additional services are to be removed.

REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The *Northern Territory Planning Scheme 2020* applies to the land and the development of hotel/motel with ancillary food premises-restaurant and shop additions to an existing hotel/motel, on land subject to flooding requires consent under Clause 1.8 (When development consent is required). It is identified as *Impact Assessable* under Clause 1.8(1)(c)(v); therefore: the strategic framework (Part 2 of the Scheme, including the *Katherine Land Use Plan 2014* is relevant to this application), zone purpose and outcomes of Clause 4.11 (Zone CB – Central Business), and Clauses: 3.6 (Overlay LSF – Land

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Subject to Flooding); 5.2.1 (General Height Control); 5.2.4.1 (Car Parking Spaces); 5.2.4.4 (Layout of Car Parking Areas); 5.2.5 (Loading Bays); 5.2.6.2 (Landscaping in Zone CB); 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC); 5.5.11 (Food Premises); 5.5.15 (Design in Commercial and Mixed Use Areas); and 5.5.16 (Active Street Frontage) need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme except for Clauses: 3.6 (Overlay LSF – Land Subject to Flooding); 5.2.4.1 (Car Parking Spaces); 5.2.5 (Loading Bays); and 5.5.16 (Active Street Frontage).

2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), sub-clause 5, of the *Northern Territory Planning Scheme 2020*, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
 - (a) The purpose and administration clauses of the requirement; and
 - (b) The considerations listed under Clause 1.10(4).

3.6 Overlay LSF – Land Subject to Flooding

The proposal has been found not to be in accordance with this clause as the development will be built at the existing finished floor level of the motel at RL105.85, below the Flood Planning Level (FPL) for the site of RL106.55, which includes the 1% Annual Exceedance Probability (AEP) of 106.25 plus 300mm of freeboard (6).

The consent authority may consent to a use or development that is not in accordance with sub-clause 6 only if it is satisfied that the application demonstrates that there is no increased risk to people and property including adjoining property, or increased cost to the community.

The variation to this clause will not result in an adverse risk to property and people as:

- The development site is not located within a 1% AEP 'floodway' where floodwater exceeds 2m depth or a 0.8m/second velocity.
- Flood resistant materials and methods of construction will be utilised, including the use of concrete panels and/or blockwork and ensuring any electrical service lines are located above the FPL. Furthermore, for the subsequent building permit stage, structural engineers will be engaged to design the development to resist flood water loads.
- A 'Flood Emergency Evacuation Plan' will be adopted and enforced by the permit, which will, with the early warning mechanisms for a flood event, reduce the number of staff and motel occupants on the site during such events. Therefore, the tourism development is likely to be largely uninhabited during a flood event of severity to impact the development site and surrounding Katherine locality. Furthermore, remaining visitors, onsite staff and motel occupants can be relocated to the first floor of the development during a flood event above the FPL as the development will be designed to accommodate the impacts of flood inundation.

5.2.4.1 Car Parking Spaces

The proposal has been found not to be in accordance with Clause 5.2.4.1 as 46 onsite parking bays are proposed in lieu of the required 51 onsite parking bays (subclause 4).

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The consent authority may consent to a use or development that is not in accordance with sub-clause 4 if it is satisfied a reduction of the number of car parking spaces is appropriate with regard to:

- (a) the zoning of the land, the use or development or proposed use or development of the land, and the possible future use or development of the land;*
- (b) the provision of car parking spaces in the vicinity of the land;*
- (c) the availability of public transport in the vicinity of the land; and*
- (d) the potential impact on the surrounding road network and the amenity of the locality and adjoining property;*

or if the use or development relates to a heritage place and the Minister responsible for the administration of the Heritage Act 2011 supports the reduced provision of car parking spaces in the interest of preserving the significance of the heritage place.

A variation to this clause for the reduced number of parking bays is supported, subject to a traffic impact assessment as enforced by a pre-condition of this permit, as eight on-street reciprocal parking bays will be constructed by the development in lieu of the shortfall of five onsite parking bays. Furthermore: the land uses of the site have different peak use times to contribute to a spread in parking demand throughout any given day to avoid adverse impact on the surrounding road network; frequent public transport is not available within Katherine; and the overall development will improve the amenity of the locality.

5.2.5 Loading Bays

The proposal has been found not to be in accordance with Clause 5.2.5 as a single loading bay is proposed when two loading bays are required for the development (subclause 4).

The consent authority may consent to a use or development that is not in accordance with sub-clauses 3 and 4 only if it is satisfied sufficient, safe and functional loading areas are available to meet the needs of the use with regard to:

- (a) the scale of the use and development on the site;*
- (b) any potential adverse impacts on the local road network; and*
- (c) any agreements for off-site loading and unloading of vehicles, such shared loading areas or approval to carry out loading activities in a laneway or secondary street.*

The variation to this clause, subject to a supporting traffic impact assessment as enforced by a pre-condition of this permit, will not result in an insufficient, unsafe or unfunctional loading area for the development as the single loading bay to be constructed on the site, meets the size and access requirements of this clause and is located away from the corner intersection of Giles and Third Streets. Additionally, the proponent will complete all deliveries outside of peak traffic periods of Giles Street to significantly reduce adverse impacts on local traffic movements. A further condition of approval requiring specific delivery times has been included to address any concerns over potential conflict between customer parking and delivery vehicles.

5.5.16 - Active Street Frontage

The proposal has been found not to be in accordance with Clause 5.5.16 as the development has multiple entry points and the secondary commercial street frontage to Third Street is not activated and is dominated by the existing motel accommodation building to be retained and new 2.1m high security fencing.

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The consent authority may consent to a development that is not in accordance with sub-clauses 5, 6 and 7 if:

- (a) an alternative solution effectively meets the purpose of this clause;*
- (b) the site design reflects the established character of the area; or*
- (c) it is satisfied that compliance would be impractical considering servicing requirements and any advice provided under sub-clause 4.*

The purpose of this clause is to provide a site-responsive interface between commercial buildings and the public domain that:

- (a) is attractive, safe and functional for pedestrians;*
- (b) encourages activity within the streetscape; and*
- (c) encourages passive surveillance of the public domain.*

The design of primary commercial street frontage to the main north-south arterial road of Katherine in Giles Street meets the requirements of this clause other than for the multiple entry points. However, the multiple site entry points variation to this clause will provide for the safe and legible access of the site and between the various land uses of this development. The secondary street fencing to Giles Street is articulated around landscaping and new signage, and first floor development will use glazing and openings to address this secondary street frontage where possible. Nonetheless, a landscaping plan is required as pre-condition of this permit to confirm the use of landscaping to soften the appearance of the development on the secondary street of Third Street, amongst other matters.

3. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the 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 development site is subject to a 1% AEP flood event but is not within a 'floodway' where floodwater exceeds 2m depth or a 0.8m/second velocity. To be commensurate with the existing motel accommodation building, which is to be retained, the development will be built below the FPL for the site at the existing finished floor level. However, flood resistant materials and methods of construction will be implemented to accommodate flood impacts on the site; including the use of concrete panels and/or blockwork and ensuring any electrical service lines are located above the FPL. Furthermore, for the subsequent building permit stage, structural engineers will be engaged to design the development to resist flood water loads. As a result of the above the subject land is capable of supporting the proposed development, to not adversely impact on adjoining land.

4. Pursuant to section 51(1)(n) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The development will provide further day and night activation and surveillance of the northern section of the Central Business zone of Katherine, located between Katherine Terrace and Fourth Street as result of an increase in motel bedroom numbers, increased and enhanced dining options and the introduction of a retail shopfront.

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Visually the development will contribute to the growth and modernisation of the Katherine town centre in manner which is consistent with the predominant accommodation development of the immediate precinct of the Central Business zone. The development will also assist with the transition of the Central Business zone into the residential development area nearby this precinct to the north. Additionally, a pre-condition of this permit requires a landscaping plan to be approved by the consent authority to further harmonise the development with its setting.

FOR: 3

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair

08 April 2025