

DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 132 – MONDAY 19 JANUARY 2015

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

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

APOLOGIES: Craig Lambert

OFFICERS PRESENT: Allison Hooper (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 10.30 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 **EXTENSION TO COURT HOUSE**
PA2014/0947 **LOT 2994 (11) FIRST STREET, TOWN OF KATHERINE**
APPLICANT **NORTHERN ABORIGINAL CULTURAL & EDUCATIONAL ASSOCIATION LTD**

The applicant did not attend.

RESOLVED
03/15

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 2994 (11) First Street, Town of Katherine for the purpose of an extension to existing courthouse, subject to the following conditions:

CONDITION PRECEDENT

1. 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 two copies must be provided. The plan must show:
 - (a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - (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) (specify number) canopy trees (minimum two metres tall when planted) in the following areas: (specify location); and
 - (f) 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

2. The works carried out under this permit shall be in accordance with the drawings numbered 2014/0947/01 to 2014/0947/04, and any other plans, 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 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.

- 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 shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
- 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. 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.
- 8. Soil erosion control and dust control measures must be employed throughout the construction stage of the development 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.

NOTES:

- 1. This permit will expire if one of the following circumstances applies:
 - (a) the development 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. 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.

The application complies with Clause 5.7 (Zone CB - Central Business), Clause 6.5.3 (Parking Layout), Clause 6.6 (Loading Bays), Clause 6.14 (Land Subject to Flooding and Storm Surge) and Clause 8.2 (Commercial and other Development in Zone...CB...). The application demonstrates that the available existing parking on the site is able to accommodate the increased floor area resulting from the extension, as there is no actual increase in demand for parking arising from the use.

2. Pursuant to section 51(j) of the *Planning Act*, 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 extension is proposed on lawn currently surrounding the court house. Whilst the land is subject to flooding to a depth of approximately one metre, the additional building footprint will have a negligible impact on land liable to flooding, and will be consistent with the existing finished floor area of the building. The land is considered capable of supporting the minor addition.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2014/0802
APPLICANT

ADDITIONS TO MULTIPLE DWELLING WITHIN DEFINED FLOOD AREA
LOT 1343 (21) GILES STREET, TOWN OF KATHERINE
CHRIS LONERGAN TOWN PLANNER

Mr Chris Lonergan (Town Planner) and Mr Denis Williams (Owner) attended via teleconference.

RESOLVED
04/15

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 1343 (21) Giles Street, Town of Katherine for the purpose of additions to multiple dwelling within a defined flood area, 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:

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These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it.
Reliance on these minutes should be limited to exclude uses of an evidentiary nature.

- (a) modification to unit 2 addition to elevate proposed habitable rooms to a minimum of 300 mm above the 1% AEP for the site of 106.4 m AHD;
 - (b) private open space and communal open space as per the requirements of Clause 7.5 (Private Open Space) and Clause 7.6 (Communal Open Space); and
 - (c) all driveways on the site to be a minimum width of 6m.
2. Prior to the endorsement of plans and 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 Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.
 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 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) details of surface finishes of pathways and driveways;
 - (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;
 - (c) landscaping and planting within all open areas of the site, in particular screening trees and shrubs surrounding the additions to unit 2;
 - (d) 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

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. 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.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, electricity and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. 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.

8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. Soil erosion and dust control measures must be employed throughout the construction stage of the development 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. 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 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.

3. A "Permit to Work Within a Road Reserve" is required from Katherine Town Council before commencement of any work within the road reserve.
4. You are advised to contact NBN Co prior to commencing construction to determine if your development is in an NBN-eligible area. This will help identify the relevant telecommunication network servicing requirements for the development.

To register, please complete the pre-qualification forms located at www.nbnco.com.au/newdevelopments. For more information, please contact the NBN Co New Developments Team on 1800 687 626 or email newdevelopments@nbnco.com.au

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.

Clause 6.14 (Land Subject to Flooding and Storm Surge) states that within a defined flood area the minimum floor level of habitable rooms should be 300mm above the flood level for the site. Whilst there is limited opportunity to raise the finished floor level of the proposed single bedroom additions to unit 1, 3, 4 and 5, there is an opportunity to provide for habitable room additions to unit 2 above the defined flood level, which will reduce the risk of exposure of property to flood waters.

The additions to multiple dwellings will cater for a broader range of housing needs and preferences in close proximity to the central business district and other community services, consistent with the residential objectives of the Katherine Land Use Plan, a policy document referenced in the Scheme.

2. Pursuant to section 51(m) 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 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.

Consideration is given to the site being within an established urban area and serviced with reticulated power, water and sewerage.

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

ITEM 3
PA2014/0556

**ADDITION OF 7 X 2 BEDROOM MULTIPLE DWELLINGS IN 7 X 2 STOREY
BUILDINGS TO EXISTING DWELLING DEVELOPMENT
LOT 1343 (21) GILES STREET, TOWN OF KATHERINE
CHRIS LONERGAN TOWN PLANNER**

APPLICANT

Mr Chris Lonergan (Town Planner) and Mr Denis Williams (Owner) attended via teleconference.

**RESOLVED
05/15**

That, the Development Consent Authority vary Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 1343 (21) Giles Street, Town of Katherine for the purpose of addition of 7 x 2 bedroom multiple dwellings in 7 x 2 storey buildings to existing multiple dwelling development, 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:
 - (a) plans endorsed by Katherine Town Council which confirm the number of waste bins and their storage location; and
 - (b) all driveways on the site to be a minimum width of 6m.
2. Prior to the endorsement of plans and 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 Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.
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 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) details of surface finishes of pathways and driveways;
 - (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;
 - (c) landscaping and planting within all open areas of the site, with particular focus on the use of trees for screening between unit 8 and unit 10 and between Lot 1339 and unit 7;

- (d) 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

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, sewerage facilities, electricity and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. 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.
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.
9. 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.
10. 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.
11. 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.
12. 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.
13. Soil erosion and dust control measures must be employed throughout the construction stage of the development 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. 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 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.
3. A "Permit to Work Within a Road Reserve" is required from Litchfield Council before commencement of any work within the road reserve.

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.

A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme can be supported in this instance to accommodate a reduced setback of 1.3 m rather than 1.5 m for unit 7 only, as the setback to the rear boundary varies from 1.3 m to 2.3 m and the only encroachment is at the south east corner of the building. Further, the applicant has amended the elevation plans to reflect the use of fixed external louvers to windows facing the rear boundary (and private open space on adjoining property) to reduce overlooking. The proposal is otherwise compliant with the relevant provisions of the NT Planning Scheme.

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 4 **GARAGE AND CARPORT ADDITION TO AN EXISTING SINGLE DWELLING WITH**
PA2014/0907 **A REDUCED SIDE SETBACK**
LOT 1992 (36) ACACIA DRIVE, TOWN OF KATHERINE
APPLICANT **JASON HILLIER**

Mr Jason Hillier attended.

RESOLVED
06/15

That, the Development Consent Authority vary the requirements of Clause 6.11 (Garages and Sheds) and Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 1992 (36) Acacia Drive, Town of Katherine for the purpose of a carport and garage with reduced side setback, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and 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 Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

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. 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.

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. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.

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.

The variation of Clause 6.11 (Garages and Sheds) and Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme is supported as there are limited alternative options on the site for the location of the structure.

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.

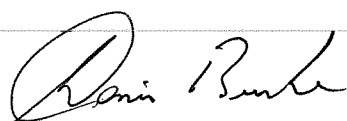
The development of the carport and garage in the location proposed will replace an existing unapproved structure and the construction will alleviate existing stormwater management issues. The design of the carport and garage complements the existing single dwelling on the site and improves the streetscape.

3. Pursuant to section 51(n) of the *Planning Act*, 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 potential impact on amenity as a result of this development is on the immediate neighbours of the subject site. While there is some potential for adverse impact from the construction of an expanse of blockwork wall on the Lot boundary, the proposal also has the potential to improve their amenity by providing additional privacy, alleviating historical stormwater management issues and replacing an existing unapproved structure with one that has been designed for the space and to complement the existing dwelling on Lot 1992.

ACTION: Notice of Consent and Development Permit

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



DENIS BURKE
Chairman

21 /1/15