



DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 134 –WEDNESDAY 1 APRIL 2015

**DLPE CONFERENCE ROOM
1ST FLOOR, GOVERNMENT CENTRE
5 FIRST STREET
KATHERINE**

MEMBERS PRESENT **Craig Lambert (Presiding Member), Fay Miller and Steven Rose**

APOLOGIES: **Denis Burke (Chairman)**

OFFICERS PRESENT: **Julie Bennett and Steven Kubasiewicz (via phone link)
(Development Assessment Services)**

COUNCIL REPRESENTATIVE: **Robert Jennings (CEO)**

Meeting opened at 9.50 am and closed at 10.30 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.

That, pursuant to section 101(3) of the *Planning Act*, in the Chairman's absence the members of the Katherine Division of the Development Consent Authority elect Craig Lambert to preside at the meeting held on Wednesday 1 April 2015.

**ITEM 1 OFFICE ADDITIONS TO EXISTING BUILDING
PA2015/0043 LOT 4 (31) KATHERINE TERRACE, TOWN OF KATHERINE
APPLICANT MICHAEL GORHAM**

DAS tabled further comments from Katherine Town Council.

RESOLVED That, the Development Consent Authority in accordance with the NT
19/15 Planning Scheme vary clause 6.6 (Loading Bays) and grant a reduction to the parking requirements of Clause 6.5.1 (Parking Requirements) by virtue of clause 6.5.2 (Reduction in Parking Requirements) from 38 to 32 spaces, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 4 (31) Katherine Terrace, Town of Katherine, for the purpose of office additions to an existing building, subject to the 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) a line of sight through the walkway from Katherine Terrace to the car park;
 - (b) details of external lighting (including under awnings, in the carpark, driveway and walkway);
 - (c) increased opportunities for passive surveillance within the walkway from adjoining premises;
 - (d) a lockable entrance to the driveway and at both ends of the walkway (e.g. roller door or gate) to enable controlled access to the general public (e.g. lockable after hours);
 - (e) glazing which is non-reflective and minimises heat absorption; and
 - (f) a parking layout which provides two disabled car parking spaces which allow entry and exit in forward gear.

- 2. Prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater can be collected on the site and discharged into the local underground stormwater drainage system, to the requirements of Department of Transport and/or Katherine Town Council, to the satisfaction of the consent authority.**
- 3. Prior to the endorsement of plans and prior to commencement of works (including site preparation), advice from applicant which details the traffic control measures to be implemented at the entrance to the site to ensure no drive through to/from Victoria Highway, to the requirements of Department of Transport and/or Katherine Town Council, 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. 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. Any easements required for the reticulation of water supply, drainage, sewerage facilities, electricity or telecommunication services shall be provided in accordance with the relevant authority's requirements and applicable legislation at the time, at no cost to those authorities.**
- 7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.**
- 8. Storage for waste disposal bins is to be provided to the requirements of the 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) drained;**
 - (c) line marked to indicate each car space and all access lanes; and**
 - (d) 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.**

- 10. 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 and Department of Transport, to the satisfaction of the consent authority.
- 11. All proposed works impacting on Katherine Terrace 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 Department of Transport. Drawings must be submitted to the Senior Director, Transport Infrastructure Management Division of the Department of Transport for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".**
- 12. Notwithstanding the approved plans, the awnings within the Department of Transport's road reserve are subject to Department of Transport approval at no cost to the Department.**
- 13. A truck wheel-wash must be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways to the satisfaction of the consent authority.**
- 14. The loading and unloading of goods from vehicles must only be carried out on the subject site, and is not to disrupt the circulation and parking of vehicles on the land. All loading bays are to be line marked.**
- 15. 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 and from view of neighbouring or nearby developments (or developments reasonably anticipated), 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, 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.**
- 16. All roof top plant equipment, equipment relating to the operation of the lift and any other equipment (such as any vents and ducting associated with requirements for stairwell pressurisation or other such ventilation purposes or similar) that will be placed on the rooftop of the development shall be appropriately screened, or designed to soften the visual impact of such equipment from view from neighbouring or nearby developments (or developments reasonably anticipated).**

17. The finish of any prime identification sign, if erected, 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.
18. 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.
19. No polluted and/ or sediment laden run-off is to be discharged directly or indirectly onto adjacent land, roadways and stormwater drainage systems.
20. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Department of Transport and/or Katherine Town Council, to the satisfaction of the consent authority.
21. Access shall be restricted to left-in, left-out only and appropriate signage to that effect shall be provided on-site. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Department of Transport, to the satisfaction of the consent authority.
22. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
23. 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.
24. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Katherine Terrace traffic.

NOTES:

1. The Power and Water Corporation advises that:
 - Internal fire-fighting arrangements should be made, to the satisfaction of the NT Fire and Rescue Service, as full lot fire coverage cannot be achieved from the existing hydrants.
 - The Power Network Engineering Section (powerconnections@powerwater.com.au) and the Water/ Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.

- 2. 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.**
- 3. The Department of Lands, Planning and the Environment's 'Environment Protection Agency' advises that construction work should be conducted in accordance with the Department'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 consent authority must take into consideration the planning scheme that applies to the land to which the application relates.**

The proposal is consistent with the primary purpose of zone CB (Central Business), being “To provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential, retail and other business activities, with a commitment to the separation of incompatible activities”. The office use is appropriate to the zone and compatible with the mixed use nature of Katherine Terrace, which includes a combination of single and two storey commercial buildings.

In accordance with Clause 6.5.2 (Reduction in Parking Requirements) a reduction in the provision of on-site parking from 38 to 32 is supported in this instance as:

- there is a public car park approximately 100 metres from the site providing convenient parking to meet the shortfall;**
- on-street parking is available to meet short term parking needs as is currently used by customers to the existing shops; and**
- the car park provides an additional loading bay which enables the multiple tenancies convenient access to meet individual demand. It is more favourable to provide the additional loading bay to service this development than to accommodate the two parking spaces that would otherwise fit in the loading bay to the rear of the existing shop (butcher).**

The variation to Clause 6.6 (Loading Bays) to permit a clearance of less than 4 metres is supported, due to the existing roof over the driveway being impractical to alter, and on the condition that satisfactory arrangements for waste collection are determined by the developer.

The Authority must consider Clause 8.2 (Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T) and in particular subclause 3 which refers to the *Community Safety Design Guide*, which is a Reference Guideline contained in Clause 2.8 (Reference to Guidelines) of the NT Planning Scheme. In this development a public walkway is proposed at ground level to provide a link from the street to the lift and car park at the rear of the building. The condition precedent is applied to provide an opportunity to further refine the design with respect to the principles of crime prevention through design.

- 2. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to**

collect stormwater on the site and dispose of it into the local underground stormwater system, to the appropriate standards, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

ACTION: Notice of Consent and Development Permit

ITEM 2 16 X 3 BEDROOM AND 4 X 2 BEDROOM MULTIPLE DWELLINGS IN 10 SINGLE STOREY BUILDINGS WITHIN A DEFINED FLOOD AREA (IN TWO STAGES)
PA2015/0100
APPLICANT LOT 2362 (1) BOGART DRIVE, TOWN OF KATHERINE
C.A.T CONTRACTORS PTY LTD

Mr Clayton Holland from C.A.T. Contractors Pty Ltd attended and tabled an engineering certificate (Section 40).

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 2362 (1) Bogart Street, Town of Katherine for the purpose of 16 x 3 bedroom and 4 x 2 bedroom multiple dwellings in 10 single storey buildings within a defined flood area (in two stages) subject to the conditions:
20/15

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans, the following is to be submitted to the consent authority:
 - (a) report from a hydraulic engineer which addresses section 46(3)(a) and 46(3)(e) of the *Planning Act*, showing how the development (all elements of the design, including ground floor building works and fencing) can minimise the impact of building in a floodway to either flood flow or flood levels through minimising the filling or blocking of floodway's by buildings;
 - (b) a report from a structural engineer informed by a survey which confirms the natural ground level and defined flood level at the site, to affirm the integrity of the design (all elements of the design, including fencing) to withstand loads experienced in a floodway in this location; and
 - (c) amended plans which respond to the reports under (a) and (b).
2. Prior to the endorsement of plans, 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) floor plans of buildings for stage 1 that are consistent with the site plan;
 - (b) how privacy is to be achieved to each dwelling; and
 - (c) demonstrate overlooking of private open space from balconies and direct sunlight into balconies is minimised.
3. 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/Department of Transport stormwater drainage system shall be submitted to and approved by the Katherine Town Council/Department of Transport, to the satisfaction of the consent authority. The plan shall include details of site levels and Katherine Town Council/Department of Transport 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/Department of Transport system.
 4. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during both the construction and operational phases. The IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in an ESCP. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the DLRM website: <http://lrm.nt.gov.au/soil/management>

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. The developer shall have carried out, as part of stage __ works, and in accordance with AS3671-1989, "Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction" an assessment by a suitably qualified person of the development's present and predicted future exposure to road traffic noise levels, and where required provide appropriate noise attenuation measures to the satisfaction of the Authority. All noise attenuation works deemed necessary shall be carried out by and at the full cost of the developer and shall be wholly contained (including foundations) within the subject lot.
7. 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.

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/ and or Department of Transport to the satisfaction of the consent authority.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. Soil erosion and dust control measures must be employed throughout the construction stage of the development 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 the 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/Department of Transport before commencement of any work within the road reserve.

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 proposed development is generally consistent with the requirements of the NT Planning Scheme and the primary purpose of Zone MR (Medium Density Residential). All habitable rooms are proposed to be a minimum of 300 mm above the defined flood height consistent with the minimum standard of the Northern Territory Planning Scheme which reduces the potential impact in the event of a flood. However, the purpose of Clause 6.14 (Land Subject to Flooding and Storm Surge) is to reduce risk to people, damage to property and costs to the general community caused by flooding and storm surge. Whilst the design complies with the minimum standard height of finished floor levels above the defined flood level, infrastructure at ground level is not minimised and there is significant risk in this location due to the floodway representing a high hazard area.

Clause 7.5 (Private Open Space) and Clause 7.8 (Building Design for Multiple Dwellings, Hostels and Supporting Accommodation) require consideration of appropriately designed private open space, attention to building design to avoid overlooking of private open spaces and locating the building on the site for correct solar orientation. Revised plans to ensure due consideration is given to the purpose of each clause is required.

- 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 development is proposed on land that forms a floodway in a 1 in 50 year and 1 in 100 year Katherine River flood event. The application has provided minimal evidence of the capability of the land to support the intended design without impacting on other land due to the change in flood levels or flood flows resulting from building in a floodway.

The Department of Land Resource Management confirms that it is not advisable to develop within the floodway as it increases the community's exposure to flood risk. A report from a hydraulic engineer and a structural engineer will inform the Authority as to the consequence of flooding as a result of the development and solutions to minimise risk to people and property.

ACTION: Notice of Consent and Development Permit

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



CRAIG LAMBERT
Delegate

10/4/15

