



DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 184 – WEDNESDAY 6 MAY 2020

TELECONFERENCE

- MEMBERS PRESENT** Suzanne Philip (Chair), John King and Marg Chamberlain
Peter Gazey and Fay Miller (not present for Item 2)
- APOLOGIES:** Nil
- OFFICERS PRESENT:** Alana Mackay, Cameron Judson and Sonia Barnes (Development Assessment Services)
- COUNCIL REPRESENTATIVE:** Ian Bowdill – CEO Katherine Town Council attended for Item 1

Meeting opened at 10.15 am and closed at 11:30 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.

ITEM 1

PA2020/0070 ALTERATIONS AND ADDITIONS TO AN EXISTING OFFICE AND MEDICAL CLINIC IN A DEFINED FLOOD AREA

LOT 2951 (5) FIRST STREET, KATHERINE, TOWN OF KATHERINE

APPLICANT Northern Planning Consultants Pty Ltd

Mr Brad Cunnington (Northern Planning Consultants) attended.

**RESOLVED
37/20**

That, the Development Consent Authority determine to reduce the car parking required under Clause 6.5.1 (Parking Requirements) pursuant to Clause 6.5.2 (Reduction in Parking Requirements), vary the requirements of Clause 6.6 (Loading Bays) and pursuant to section 53(a) of the *Planning Act 1999* consent to the application to develop Lot 2951 (5) First Street, Town of Katherine for the purpose of alterations and additions to an existing office and medical clinic in a defined flood area, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
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. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. 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.
6. 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 Katherine Town Council, to the satisfaction of the consent authority.
7. The areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- (a) constructed and include the two additional spaces in the north-eastern corner;
 - (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.

- 8. Any security boom, barrier or similar device controlling vehicular access to the premises must be located a minimum of six metres inside the property to allow vehicles to stand clear of Second Street pavement and footpath.
- 9. 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.
- 10. The loading and unloading of goods from vehicles must be carried out on the land and must not disrupt the circulation and parking of vehicles on the land, or within the designated loading bay on First Street.
- 11. Storage for waste disposal bins is to be provided to the requirements of Katherine Town Council to the satisfaction of the consent authority.
- 12. 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.

NOTES:

- 1. The Power and Water Corporation advises that the 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.
- 2. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to First Street and Second Street traffic.
- 3. The Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Northern Territory Environment Protection Authority'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 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 applies to the land to which the application relates.

Lot 2951 is currently developed as the Katherine Government Centre providing a centralised office space for Northern Territory Government agencies and health services.

The 8110m² of land is identified within the Katherine Land Use Plan 2014 as 'commercial' and within Zone CB (Central Business) of the Northern Territory Planning Scheme.

The application proposes internal alterations to provide additional office spaces and consulting rooms, and external alterations that include a new playground, new pathways and pedestrian accessibility, visitor and staff amenities, seating areas and bicycle storage, new security fence and gate, lighting and cameras including removal of the western carpark access of Second Street.

The application seeks to formalise the use of the land for offices and medical clinic in the absence of a recorded planning history for the site.

The proposal has been assessed against Clause 6.14 (Land Subject to Flooding and Storm Surge), Clause 6.5.3 (Parking Layout) and Clause 8.2 (Commercial and Other Developments in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T) and complies.

The proposed alterations and additions will enable benefits to vehicular and pedestrian conditions in and around the building, additional security, signage, lighting, bicycle storage, landscaping and shade in accordance with the purpose of Clause 8.2 which is to promote site-responsive designs of commercial, civic, community, recreational, tourist and mixed use developments which are attractive and pleasant and contribute to a safe environment.

The application does not comply with Clause 6.5.1 (Parking Requirements) and Clause 6.6. (Loading Bay).

The car parking numbers for the proposed development, as required by Clause 6.5.1, total 145 spaces. The existing car parking layout provides for a total of 126 spaces. An additional two spaces can be provided in the north-eastern corner of the site once the second access is removed. This will result in a shortfall of 17 spaces.

The matter of car parking shortfall is of concern to the Authority and particularly any shortfall that potentially will exacerbate the existing parking issues in the Katherine CBD. The Authority acknowledged that while the net floor area of the building is not changing, the proposal is an intensification of use and subsequently could place further demand on the existing car parking provided.

A reduction in the required car parking numbers in accordance with Clause 6.5.2 (Reduction in Parking Requirements) has been considered and the authority is satisfied that a reduction is appropriate in this instance, having considered the following matters:

- The requirement of the Northern Territory Planning Scheme of four car parks per consulting room is generally based on one doctor, one administrative officer, one patient and one waiting patient. The medical clinic proposed in this application would use a communal team of staff for administrative functions.
- The 14 consulting rooms provide for a number of services – five rooms for primary health care, four rooms for dental services and five for mental health/drug and alcohol related support services. The nature of these services requires longer and staggered appointment times i.e. one hour as opposed to a patient every 15 minutes, and therefore is unlikely to increase the visitation and demand for car parking.
- The majority of the site is an existing car parking area and has no ability to accommodate additional car parking on site.
- Indented car parking spaces within the immediate vicinity/road verge of First Street (6 spaces) and Second Street (9 spaces) provide for accessible visitor parking.
- Alternative transport options are readily available i.e. bicycle and pedestrian facilities.

The majority of the Authority members considered in this instance the services provided by the clinic and the benefits to the community outweigh the car parking shortfall. Mr Peter Gazey did not share this view and did not support the determination of this application due to parking concerns.

However, the Authority strongly advised that the building is developed to its full capacity and no further intensification of use of the existing building would be considered in the future.

The proposal requires two loading bays in accordance with Clause 6.6 (Loading Bays). The subject site does not currently include a loading bay and has limited capacity to accommodate the bays without removal of car parking spaces. The application asserts that loading and unloading can (and does) occur within the rear car parking area and it is reasonable that the informal loading arrangements are appropriate.

A signed loading zone is available within the First Street road frontage. It is unlikely the use of this loading bay is in competition with other developments in the vicinity who have adequate onsite loading arrangements. Whilst it is acknowledged the bay is within Council road reserve, in all likelihood it exclusively services the office and medical clinic in the Katherine Government Centre.

A variation to Clause 6.6. (Loading Bays) is considered appropriate in this instance.

The proposed alterations and additions to an existing office and medical clinic will provide for improved government and community services to the Katherine region and are considered to comply with the intent of the land use plan and purpose of the zone.

2. Pursuant to section 51(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 site is within the defined flood area of the Katherine River.

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. The clause requires the minimum floor level of habitable rooms to be 300mm above the flood level for the site and storage of hazardous materials is to be avoided. The use of the site does not include storage of hazardous materials or habitable rooms and complies with Clause 6.14.

Additionally, the Department of Environment and Natural Resources did not raise any issues of concern in relation to land capability.

3. Pursuant to section 51(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 proposed alterations and additions to the existing office and medical clinic primarily consisting of internal layout changes and minor external building façade upgrades, car parking access and pedestrian areas, will allow the continued delivery of government and community services and is not anticipated to impact on the existing or future amenity of the central business locality.

ACTION: Notice of Consent and Development Permit

ITEM 2

PA2020/0056

RESTAURANT IN TWO DEMOUNTABLE STRUCTURES IN A DEFINED FLOOD AREA

LOT 509 (20) KATHERINE TERRACE, KATHERINE SOUTH, TOWN OF KATHERINE

APPLICANT

MasterPlan NT

That, as deemed by section 98(3) of the *Planning Act 1999*, Mrs Fay Miller and Mr Peter Gazey, members of the Katherine Division of the Development Consent Authority declared an interest pursuant to section 97 of the *Planning Act 1999* and were not present during and did not take part in any decision of the Katherine Division of the Development Consent Authority on development application PA2020/0056.

Mr Joseph Sheridan (MasterPlan NT) attended.

Submitter Mr Ron Streton sent his apologies and Mr Greg Wright attended on his behalf.

**RESOLVED
38/20**

That, the Development Consent Authority determine to reduce the car parking required under Clause 6.5.1 (Parking Requirements) pursuant to Clause 6.5.2 (Reduction in Parking Requirements), vary the requirements of Clause 6.6 (Loading Bays) and pursuant to section 53(a) of the *Planning Act 1999* consent to the application to develop Lot 509 (20) Katherine Terrace, Town of Katherine, Katherine South for the purpose of a restaurant in two demountable structures together with outdoor seating in a defined flood area, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of related infrastructure and services to the land in accordance with the authorities' requirements and relevant legislation at the time.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. Storage for waste disposal bins is to be provided to the requirements of Katherine Town Council to the satisfaction of the consent authority.
6. 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 over the site by vehicles
 - (b) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
 - (c) presence of vermin
7. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways as required;
 - (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 Katherine Town Council, to the satisfaction of the consent authority.
8. The finish of any signage, 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.

9. Advertising signage, either permanent or temporary, e.g. 'A' frame, vehicle or trailer mounted shall not be erected or located within the Stuart Highway or any road reserve.

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.

The loading and unloading of goods from vehicles must be undertaken from a designated car parking space or loading space and shall not disrupt the free flow of traffic.

NOTES:

1. The Power and Water Corporation advises that the 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.
2. Food premises shall be designed, constructed, registered and operate in accordance with the Building Code of Australia, the *Public and Environmental Health Act 2011* and Regulations 2014, the *Food Act 2004* and National Food Safety Standards.
3. The Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Northern Territory Environment Protection Authority'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 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 applies to the land to which the application relates.

The proposal comprises a shipping container restaurant (kiosk) contained within two demountable structures with associated outdoor seating. It forms part of Katherine Town Council's CBD Revitalisation Project.

The application site is zoned CB (Central Business). The primary purpose of Zone CB is to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities. The proposal is considered to consistent with the objectives of the zone.

The proposal has been assessed against Clause 6.14 (Land Subject to Flooding and Storm Surge), Clause 6.5.3 (Parking Layout), 6.8 (Demountable Structures), 6.12 (Land Subject to Flooding and Storm Surge) and Clause 8.2 (Commercial and

Other Developments in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T) and complies.

The proposal is assessed to meet the requirements of the General Performance Criteria of Clause 6.0 of the Scheme with the exception of 6.6 (Loading Bays).

It is assessed that a variation to clause 6.6 (Loading Bays) is appropriate given the scale, location and nature of the proposal. In addition, there is a good supply of parking in the locality to enable the loading and unloading of goods. A condition of consent requires the loading and unloading of goods in a designated car parking or delivery space.

The proposal is consistent with the objectives of Clause 6.5.2 (Reduction in Parking Requirements). This is because, the proposal is located within the Katherine town centre in a highly accessible location and there is a good supply of car parking in the locality. It is expected to attract customers which are in town for variety of reasons. Therefore, it is not likely to generate significant traffic movements as a destination. It is expected that there would be a significant level of pedestrian visitation.

2. Pursuant to section 51(e) of the *Planning Act 1999*, any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

Four public submissions were received during the exhibition period under section 49 of the *Planning Act 1999* with respect to the proposal. An additional submission supporting the application was after the exhibition period closed.

The submissions highlighted competition with existing cafes in town; retaining and planting new trees and traffic and car parking issues. The Authority noted that issues of competition are not relevant under either the *Planning Act 1999* or the Northern Territory Planning Scheme and are beyond the Authority's power to consider. The proposal is part of the CBD Revitalisation Project which includes the planting of new trees for shade and amenity. The matter regarding traffic and car parking have been suitably addressed by the applicant.

The Authority considered the five submissions in making its determination.

3. Pursuant to section 51(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 land is mapped as being within the defined flood area of the Katherine River. Despite this constraint it is capable of supporting the proposed development being a kiosk based from a relocatable structure. This is because the proposal responds appropriately to the flood constraints of the land. Additionally, the Department of Environment and Natural Resources did not identify any issues of consent in relation to land capability.

4. Pursuant to section 51(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 proposal will increase activity and surveillance in the area, provide amenity to the local residents and businesses, and provide economic benefit to the local economy and is not anticipated to impact on the existing or future amenity of the central business locality.

ACTION: Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair
13 May 2020