



## **DEVELOPMENT CONSENT AUTHORITY**

### **KATHERINE DIVISION**

### **MINUTES**

**MEETING No. 143 – MONDAY 18 JANUARY 2016**

**TRAINING ROOM  
1<sup>ST</sup> FLOOR GOVERNMENT CENTRE  
5 FIRST STREET  
KATHERINE**

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

**APOLOGIES:** Denis Burke (Chairman)

**OFFICERS PRESENT:** Deborah Curry and Julie Bennett (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Robert Jennings (CEO – Katherine Council)

**Meeting opened at 10.45 am and closed at 12.00 noon**

**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 DCA meeting held on Monday 18 January 2016.

**ITEM 1**  
**PA2011/0699**  
**APPLICANT**

**SECOND EXTENSION OF TIME**  
**LOT 3018 (85) BICENTENNIAL ROAD, TOWN OF KATHERINE**  
**ELTON CONSULTING**

DAS tabled comments received from the Department of Transport, Department of Land Resource Management and the Northern Territory Environment Protection Authority.

Ms Wendy Smith (Elton Consulting) via phone. Mr David Dean (owner) attended.

**RESOLVED**  
**09/16**

That, pursuant to Section 59(3)(a) of the *Planning Act*, the Development Consent Authority consent to the proposal to extend the base period of DP12/0108A for an additional period of 2 years.

**ACTION:** Extension of Time

**ITEM 2**  
**PA2015/0845**  
**APPLICANT**

**SUBDIVISION TO CREATE TWO LOTS**  
**LOT 2998 (46) BICENTENNIAL ROAD & LOT 3136 (11) CHARDON STREET,**  
**TOWN OF KATHERINE**  
**DEPARTMENT OF LANDS, PLANNING AND THE ENVIRONMENT**

Ms Alana Pollard (Department of Lands, Planning and the Environment) attended.

**RESOLVED**  
**10/16**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 2998 (46) Bicentennial Road and Lot 3136 (11) Chardon Street, Town of Katherine for the purpose of a subdivision to create two lots subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to the commencement of works (including site preparation), an Erosion and Sediment Control Plan (ESCP) is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning 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 ESCP content is available at [www.autieca.com.au](http://www.autieca.com.au) and the Department's website: <http://lrm.nt.gov.au/soil/management>

## GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered 2015/0833/01 endorsed as forming part of this permit.
3. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
4. 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 each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Engineering design specifications for the proposed and affected roads, street lighting, storm water drainage, vehicular access, pedestrian/cycle corridors and streetscaping are to be to the technical requirements of Katherine Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
6. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.
7. Access to proposed Lots 3159 and 3460 shall be via the extension of Chardon Street only, to the standards and requirements of the Katherine Town Council to the satisfaction of the consent authority.
8. Before the issue of title, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from Northern Territory Fire and Rescue Services.
9. Where unfenced, the Stuart Highway frontage of both proposed lots is to be appropriately fenced in accordance with the Department of Transport's standards and requirements to the satisfaction of the consent authority.
10. Discharge of stormwater from the lot is to be managed to prevent uncontrolled discharge to adjoining lands through provision of kerbing and inlet pits or other appropriate measures. Stormwater shall be wholly contained within the site and discharged into the local underground stormwater system to the standards of the Katherine Town Council and/or Department of Lands, Planning and the Environment.

11. The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tacking of materials onto streets. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto a sealed road network to the requirements of the Department of Transport to the satisfaction of the consent authority.
12. Soil erosion control and dust control measures must be employed throughout the construction stage of the development 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. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Land Resource Management.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email 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. A "Permit to Work Within a Road Reserve" may be required from the Department of Transport and/ or Katherine Council before the commencement of any work within the road reserve.
5. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Lands Resource Management.

#### **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.

Lot 2998 (45) Bicentennial Road is located within Zone GI (General Industry) and Zone R (Rural) of the NT Planning Scheme whilst Lot 3136 (11) Chardon Street is located within Zone GI. Proposed Lots 6159 and 3460 will be located wholly within Zone GI.

As the proposed Lots 3159 and 3460 comply with the minimum lot size prescribe in Clause 11.1.1 (Minimum Lot Size and Requirements) of the

Northern Territory Planning Scheme it is considered that the lots are appropriately sized for general industry uses.

Furthermore the proposal has been assessed as complying with all other relevant provisions of the Northern Territory Planning Scheme.

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 Department of Land Resource Management has advised that the proposed new lots will not be affected by the 1% AEP flood extent, or raised concerns regarding capability of the land to support subdivision.

As such, the land appears capable of supporting the proposed development. Furthermore, it is anticipated that any future development proposal over proposed Lots 3159 and 3460 will require evidence that development designs respond to the physical characteristics of the land

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 subdivision will facilitate the development of the land in accordance with the purpose of the zone and as such it is considered unlikely to have an adverse impact on the existing and future amenity of the area.

**ACTION:** Notice of Consent and Development Permit

**ITEM 3  
PA2015/0869**

**EDUCATION ESTABLISHMENT WITH ANCILLARY HORTICULTURE USE WITHIN  
A DEFINED FLOOD AREA**

**APPLICANT**

**LOTS 72 & 73 (26) & (28) SECOND STREET, TOWN OF KATHERINE  
FOOD LADDER INTERNATIONAL PTY LTD**

DAS tabled comments received from the Northern Territory Environment Protection Authority and revised page 8 of report.

Mr Alex Shead and Ms Kelly McJannett (Food Ladder International Pty Ltd) and Ms Alicia Grenfell (Jobfind Centre) attended.

The applicant tabled a revised site plan and case study prepared by TAFE NSW – Western Sydney Institute.

**RESOLVED  
11/16**

That, pursuant to section 53(b) of the *Planning Act*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Lots 72 & 73 (26 & 28) Second Street, Town of Katherine for the purpose of education establishment with ancillary horticulture use 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), the permit holder shall submit a memorandum of agreement regarding the partnership between the applicant and a Registered Training Organisation to deliver training on the site to the satisfaction of the consent authority. When approved, the memorandum of agreement will be endorsed and will then form part of the permit. The memorandum of agreement should include details of:
  - a) a program outline, course content and education outcomes;
  - b) service providers and training partnerships; and
  - c) potential trainees.
  
2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
  - a) compliance with Clause 6.5.3 (Parking Layout) of the NT Planning Scheme;
  - b) an area for the loading and unloading of delivery and vehicles and refuse collection;
  - c) bus swept path and passenger set-down area;
  - d) rainwater tank(s);
  - e) acoustic treatment around the hydroponic system (including all noise generating elements such as fans and pumps);
  - f) the proposed area for nutrient storage a minimum of 300mm above the defined flood level;
  - g) provision for interim storage of waste;
  - h) proposed toilet facilities; and
  - i) the telecommunications lease area and access to the lease from a public road.
  
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a report from a suitably qualified person must be submitted to and approved by the consent authority which details how the design of the hydroponic system (including all noise generating elements such as fans and pumps) will not result in acoustic impact on neighbouring properties beyond existing background noise levels.
  
4. 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.

5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The landscaping plan must be generally in accordance with the site plan prepared by Tom Byard, 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) canopy trees (minimum two metres tall) adjacent the parking area; and
  - d) provision of an in ground irrigation system to all landscaped areas.

#### **GENERAL CONDITIONS**

6. Works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.
7. Before the use starts, a waste management plan for the management and operation of the use must be prepared and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed plan. The waste management plan must include day to day waste management requirements for the use.
8. Before the use starts, a produce distribution plan for the operation of the use must be prepared and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed plan. The produce distribution management plan must identify the intended premises produce will be distributed.
9. Before the use starts, a suitably qualified person is to confirm that the construction of the hydroponic system (including all elements such as fans and pumps) is consistent with the design as endorsed under condition precedent 3, to the satisfaction of the consent authority.
10. 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 spaces, access lanes and driveways must be kept available for these purposes at all times.

11. 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.
12. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
13. The 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.
14. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Katherine Town Council to the satisfaction of the consent authority.
15. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
16. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building.
17. 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.
18. The storage of plant nutrients is to be a minimum of 300mm above the applicable flood level for the property which is 106.65 metres AHD.  
Note: The applicable flood level for this property is 106.35 metres AHD.
19. No hazardous industrial materials are to be stored on the site.
20. 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; and
  - e) others as appropriate.
21. All waste material not required for further on-site processing must be regularly removed from the site to an approved facility. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the consent authority.



22. 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.
23. 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.
24. The loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading bay[s] and must not disrupt the circulation and parking of vehicles on the land).
25. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
26. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Katherine Town Council's drains or to any watercourse.
27. The permit approves the use of the land for an education establishment with ancillary horticulture. At all times the primary use of the land approved under this permit must be as an education establishment and consistent with the development as shown on the endorsed plans, unless further consent of the consent authority has been granted.

**NOTES:**

1. This permit will expire if one of the following circumstances applies:
  - (a) the development and use 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. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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.
3. A "Permit to Work Within a Road Reserve" may be required from Katherine Town Council before commencement of any work within the road reserve.
4. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. 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.

5. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

## 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 primary use of the land is an educational establishment and ancillary horticulture which is considered to provide diversity within the Katherine central business district consistent with the purpose of Zone CB (Central Business).

The proposal is altered to ensure the design responds to Clause 6.5.3 (Parking Layout), Clause 6.14 (Land subject to flooding and storm surge) and Clause 8.2 (Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CO, FD and T) of the Northern Territory Planning Scheme.

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 site is relatively flat, well drained and other than a few mature trees and built structures, the site surface is lawn. The irrigation water will not be sourced from groundwater via on-site bore, rather through the existing water services and rainwater tanks. The Department of Land Resource Management have not raised any concerns in regards to the lands capability of supporting the proposal and as such there does not appear to be any physical constraints that would prohibit the development of the land for the purpose of an education establishment with an ancillary horticultural use.

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 proposal includes planting along the frontage to Warburton Street and part of Second Street which indicates the potential screening of the hydroponics structure, however further details would ensure that the

landscaping is appropriate to the site having regard to size of the structure and community safety design principles.

In regards to the potential noise impacts that the development may have, acoustic treatment of the hydroponic systems is to be incorporated into the approval on the advice of a suitably qualified person, to minimise the potential disturbance on the amenity of any noise sensitive uses nearby.

**ACTION:** Notice of Consent and Development Permit

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

**CRAIG LAMBERT**  
Presiding Member



9/12/16