



## DEVELOPMENT CONSENT AUTHORITY

### KATHERINE DIVISION

### MINUTES

MEETING No. 104 – WEDNESDAY 30 NOVEMBER 2011

**MEMBERS PRESENT** Peter McQueen (Chairman), Barry Densley, Anne Shepherd and Jodie Locke

**APOLOGIES:** Ian Palmer

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

**COUNCIL REPRESENTATIVE:** Nil

Meeting opened at 11.30 am and closed at 12.10 pm

**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**                    **MEDICAL CLINIC**  
**PA2011/0735**        **LOT 94 (7) SECOND STREET, TOWN OF KATHERINE**  
**APPLICANT**        **JASON HILLIER**

Mr Jason Hillier attended.

**RESOLVED**            That pursuant to section 53(a) of the *Planning Act*, the Development Consent  
**61/11**                    Authority consent to the application to develop Lot 94 (7) Second Street, Town of  
Katherine for the purpose of a medical clinic within a defined flood area, subject to  
the following conditions:

**GENERAL CONDITIONS**

1. Works carried out under this permit shall be in accordance with drawings numbered 2011/0735/1, 2011/0735/2 and 2011/0735/3 endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity services and telecommunication services to the land shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time
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 car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their clients.
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 permit holder shall prepare a Flood Evacuation Plan to the satisfaction of the consent authority.
  - (a) The owner shall collect stormwater and discharge it to the drainage network to the technical requirements of and at no cost to the Katherine Town Council, to the satisfaction of the consent authority.

**NOTE:**

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) 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.

#### 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 the requirements for a medical clinic in the CB zone, including Clause 6.5.1 (Parking Requirements); 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, CP, FD and T.)

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 proposed medical clinic will provide the Katherine region with CT scanning facilities, which will complement the existing regional health care services in the area.

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

**ITEM 2**  
**PA2011/0355**

**RECONSIDERATION - ADDITION OF CARPORT TO EXISTING SINGLE DWELLING WITH REDUCED FRONT AND SIDE SETBACKS LOT 2761 (22) NEEDHAM TERRACE, TOWN OF KATHERINE PETER MAHONE**

**APPLICANT**

Mr Peter Mahone did not attend the meeting.

**RESOLVED**  
**62/11**

That, the Development Consent Authority vary the requirements of 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 2761 (22) Needham Place, Town of Katherine for the purpose of a carport with reduced side setback subject to the following conditions

#### CONDITION 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 on 7 November 2011 but be drawn to scale and include a site plan, floor plan and full elevations.

## 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. 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.

## REASON FOR THE DECISION

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.

In accordance with clause 7.3 (Building Setbacks for Residential Buildings) of the NT Planning Scheme, carports are required to be setback 4.5 metres from the primary street frontage (Needham Terrace) and 1.5 metres from the side boundary.

The applicant has amended the original design to comply with the minimum front setback requirement, however the side setback approved under this permit is 900mm within the minimum setback distance.

The carport will be an extension of the existing building line, and due to the integration of the carport with the dwelling, and the limited opportunities for an alternative two bay carport to be located on the site, the proposal is supported. A variation to clause 7.3 (Building Setbacks for Residential Buildings) of the NT Planning Scheme for a setback of 600 mm where 1.5 metres is required, is granted as there is unlikely to be any adverse impact on the streetscape or the amenity of neighbouring properties.

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

**ITEM 3**  
**PA2011/0699**  
**APPLICANT**

**SERVICE STATION WITH AN ASSOCIATED RESTAURANT**  
**LOT 3018 (85) BICENTENNIAL ROAD, TOWN OF KATHERINE**  
**ELTON CONSULTING**

Ms Wendy Smith (Elton Consulting), Mr Dean and Mrs Julie David (owners) and Mr Michael Van Itallie (ADG Stormwater consultant) attended.

The applicant tabled additional information in response to the planning report and service authority comments.

**RESOLVED**  
**63/11**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 3018 (85) Bicentennial Road, Town of Katherine for the purpose of a service station and associated restaurant to require the applicant to provide the following additional

information that the Authority considers necessary in order to enable the proper consideration of the application:

- detailed assessment of the risks and mitigation measures associated with the development of a service station with underground storage tanks, with particular regard to the location being within a defined flood area;
- justification of the adequacy of the three parking bays for road trains to meet the demand for parking and consideration of opportunities for a stand by area for road trains awaiting fuel;
- location of parking area of fuel tanker to refuel the underground tanks that does not detrimentally impact on the internal traffic flows;
- evidence that access to the site from Stuart Highway through the vacant Crown Land within Zone M (Main Road) is available for the proposed development;
- written approval to discharge treated water from the fuel dispensing area to sewer from PowerWater Corporation;
- a site plan that deletes reference to boundaries and text relating to Areas A, B and C, existing accesses and future access easements;
- Clarification of the existing uses on the site and their integration with the proposed development.

#### **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 has not given sufficient consideration of the requirements of Clause 6.14 (Land subject to inundation and storm surge) of the NT Planning Scheme, in relation to the use being the storage of environmentally hazardous industrial materials or Clause 8.1.4 (Service Stations) which states that a service station is to be designed to withstand the flood event or storm surge without risk of pollution.

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.

The Department of Lands and Planning advised that access to the site from the Stuart Highway is through vacant Crown land, which is subject to the permission of the Department and may require a road opening. Confirmation of authorisation to access the land and open a road should be provided by the Department.

Power and Water Corporation confirmed that there are no reticulated sewerage services to the parent parcel currently however services can be provided at the developer's cost. The application includes the discharge of treated water from within the fuel dispensing area to sewer, which requires the consent of Power Water Corporation.

3. Pursuant to section 51(t) of the *Planning Act*, the consent authority may take into consideration the other matters it thinks fit.

The nature of the use proposed is not a typically service station for passenger vehicles due to the bowzers and parking area for road trains. The establishment of a use that services road trains should demonstrate the adequacy of the on site parking provided to ensure that the use does not generate overflow parking within the road reserve.

The location of temporary parking for fuel tankers refuelling the underground tanks requires clarification to ensure there is no impact on internal traffic flows.

The existing use of the land as a mechanics workshop is not approved and requires consent in accordance with the requirements of the NT Planning Scheme. Clarification is required on how existing development is to be integrated with the proposed development.

**ACTION:** Advice to Applicant

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



**PETER MCQUEEN**  
Chairman

2/12/11