



## **DEVELOPMENT CONSENT AUTHORITY**

### **KATHERINE DIVISION**

### **MINUTES**

**MEETING No. 117 – WEDNESDAY 5 JUNE 2013**

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

**MEMBERS PRESENT** Peter McQueen (Chairman) via phone, Steven Rose and Barry Densley

**APOLOGIES:** Anne Shepherd, Donald Higgins

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

**COUNCIL REPRESENTATIVE:** David Laugher (CEO Katherine Town Council)

**Meeting opened at 10.30 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**                    **DEPENDANT UNIT IN EXCESS OF 50M2**  
**PA2013/0293**            **NT PORTION 3465(24)TOKMAKOFF ROAD, COSSACK**  
**APPLICANT**            **C.A.T CONTRACTORS**

Mr Clayton Holland attended.

**RESOLVED**  
**27/13**

That, the Development Consent Authority vary the requirements of Clause 7.10.4 (Dependant units) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop NT Portion 3465 (24) Tokmakoff Road, Cossack for the purpose of a dependant unit in excess of 50 m<sup>2</sup> within a defined flood area subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0293/01, 2013/0293/02, 2013/0293/03 and 2013/0293/04 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 electricity facilities and telecommunication networks

#### **NOTES**

1. The developer is required to contact 'Dial Before You Dig' on 1 100 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.
2. 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.
3. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.

#### **REASON FOR THE DECISION**

Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must take into account the planning scheme that applies to the land to which the application relates.

The submitted plans indicate the proposed dependant unit will have an area 16.8 m<sup>2</sup> in excess of the maximum permitted floor area of 50 m<sup>2</sup>. The minor variation to the minimum floor area is supported as it is considered to have minimal impact on the residential amenity of adjoining and nearby property. The development will provide habitable rooms above the 1% AEP flood height which will reduce the risk to people and property in the event of a flood. The proposed dependant unit is otherwise compliant with the relevant requirements of the Northern Territory Planning Scheme.

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

**ITEM 2** **ICE VENDING MACHINE**  
**PA2013/0312** **LOT 3017 (40) GILES STREET, TOWN OF KATHERINE**  
**APPLICANT** **C.A.T. CONTRACTORS PTY LTD**

Mr Clayton Holland attended.

**RESOLVED**  
**28/13**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 3017 (40) Giles Street, Katherine for the purpose of an ice vending machine subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0312-01, 2013/0312-02 and 2013/0312 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 and electricity facilities 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.
1. Before the use 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.

## NOTES

1. The developer is required to contact 'Dial Before You Dig' on 1 100 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.
2. 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.
3. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities

## REASON FOR THE DECISION

Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must take into account the planning scheme that applies to the land to which the application relates.

The proposal to develop land for the purpose of an ice vending machine is supported as the land is the site of a sport and recreation facility, has sufficient carparking spaces and has been sited in a manner that minimises the impact on traffic flows .

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

**ITEM 3**  
**PA2013/0292**  
**APPLICANT**

**SHOWROOM SALES**  
**LOT 65 (12) SECOND STREET, TOWN OF KATHERINE**  
**C.A.T. CONTRACTORS PTY LTD.**

Mr Clayton Holland attended.

**RESOLVED**  
**29/13**

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 Lot 65 (12) Second Street, Town of Katherine for the purpose of showroom sales 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 and be generally in accordance with the plans submitted with the application but modified to show:

- (a) development changes which remove the proposed vehicle access and car park identified as 'proposed manager car park)
  - (b) car park layout that ensures the parking spaces at the end of and perpendicular to a driveway be either 3.5m wide or so that the driveway projects 1m beyond the last parking space.'
  - (c) building design changes that that is more consistent with the purpose and provisions of Clause 8.2 (Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T), including:
    - (i) a new customer entry into the building with direct access to the onsite car park;
    - (ii) treatment of the blank wall or landscaping along the wall length to provide for an active frontage to Giles Street.
2. Before the development starts, 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 dated (insert date) prepared by (specify consultant), except that the plan must show / The plan must show:
- (a) 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) 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

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. Before the use starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
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 in accordance with the authorities' requirements and relevant legislation at the time.
6. 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.

7. Before the use 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.
8. 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.*

## NOTES

1. The developer is required to contact 'Dial Before You Dig' on 1 100 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.
2. 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.
3. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities

## REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must take into account the planning scheme that applies to the land to which the application relates.
2. Clause 5.7 Zone CB (Central Business) states that '*building form and design is expected to be sensitive to the needs of pedestrian movement and facilitate the creation of safe and active street frontages and public places and a vibrant commercial precinct.*' Further the purpose of Clause 8.2 (Commercial and other Development in Zones HR, CV, CB, C, SC, C, OR, CP, FD and T) 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'.*

3. The proposed development in its current form has not demonstrated sufficient consideration has been given to the zone purpose and the specific design provision for commercial development. In particular the expanse of blank wall does not activate the street and the single public entrance point on Giles Street into the building may discourage use of the car park on site and thereby contribute to a demand for on street parking affecting the amenity of the area.
4. The purpose of Clause 6.5.3 (Parking Layout) is to ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose. A car parking area is to:
  - (e) allow a vehicle to enter from and exit to a road in a forward gear;*
  - (f) maximise sight lines for drivers entering or exiting the car parking area;*
  - (j) be designed so that parking spaces at the end of and perpendicular to a driveway be either 3.5m wide or so that the driveway projects 1m beyond the last parking space.*

The parking layout as proposed does not meet the layout requirements, and potentially contributes to impacts on pedestrian and traffic safety.

Through the provision of amended plans which demonstrate consideration of the expectations of built form in the zone and the parking layout design standards the proposed showroom sales development can be supported.

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

**ITEM 4  
PA2012/0409  
APPLICANT**

**SUBDIVISION TO CREATE 17 LOTS  
NT PORTION 5692 (1661) STUART HIGHWAY, LANSDOWNE  
PLANIT CONSULTING PTY LTD**

Mr Adam Smith (Planit Consulting) attended by phone. Land owner, Patrick Fordham attended the meeting.

**RESOLVED  
30/13**

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 NT Portion 5692 (1661) Stuart Highway, Lansdowne for the purpose of a subdivision to create 8 lots, 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 on the

advice of the Department of Land Resource Management. 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) consolidate lots 8,9,10,11 and 12 into one lot.
  - (b) plot the location of sinkholes and associated buffer areas for the sinkholes identified in the "Sinkhole survey" prepared by the Water Resources Branch of the Department of Land Resource Management.
  - (c) realignment of the proposed road reserve and if required, lot boundaries, to exclude the encroachment of any sinkhole buffer areas from the proposed road reserve.
2. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, 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. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

### **General Conditions**

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. 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.
5. 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.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity supply and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Katherine Council, to the satisfaction of the consent authority
8. Where unfenced, the Stuart Highway road frontage is to be appropriately fenced in accordance with the Department of Transport's standards and requirements to the satisfaction to the consent authority.
9. All proposed works impacting on the Stuart Highway and the unnamed road 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 Katherine Council or the Department of Transport.



Drawings must be submitted to the Katherine Council and the Senior Director, Road Network 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".

10. Before issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from Bushfires NT.
11. All stormwater drainage road works shall be designed to direct stormwater runoff away from any sinkholes and into the stormwater drainage network to the satisfaction of the Katherine Council/Department of Highways.
12. Before issue of titles and pursuant to section 34 of the *Land Title Act*, a Caution Notice shall be lodged with the Registrar-General on the parent parcel to include the following advice on all proposed lots indicated on the endorsed drawings. The Caution Notice is to state that: "*All the lots are to install an alternative wastewater treatment system in accordance with the "NT Code of Practice for Small on site Sewerage and Sullage treatment systems and the Disposal or Reuse of Sewerage Effluent". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.*"
13. Before issue of titles and pursuant to section 34 of the *Land Title Act*, a Caution Notice shall be lodged with the Registrar-General on the parent parcel to include the following advice on all proposed lots indicated on the endorsed drawings. The Caution Notice is to state that: "*This lot may contain either open or closed sinkholes that may impact on the development potential of the land. Any development should take into account the need to retain native vegetation buffers in accordance with the Land Clearing Guidelines. It is recommended that a suitably qualified geo technician be engaged to ensure that the development being proposed does not impact on the sinkholes". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.*"

## Notes

1. This permit will expire if one of the following circumstances applies:
  - (a) the development *and use is/are* 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 permit holder is advised that it is an offence to disturb or destroy prescribed archaeological places without consent under the *Heritage Conservation Act*. Should any heritage or archaeological material be discovered during the clearing operation, cease operation and please phone Heritage

Conservation Services of the Department of Lands, Planning and the Environment.

4. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the Aboriginal Sacred Sites Act. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
5. 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.
6. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities

#### **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 as altered promotes the development of that part of the land least affected by the location of sinkholes. The boundaries between lot 3 and 4 have been realigned to accommodate the sinkhole and its associated buffer area within the one lot. Lots sizes comply with the minimum requirement of 8ha per lot. Each lot will have at least one hectare of unconstrained land. No significant constraints with regard to surface or ground water have been identified.

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 land is characterised by a number of sinkholes that has the potential to impact on the ability to develop the land, either by the location of the sinkhole itself or by the buffer areas around the sinkholes. By altering the plan of subdivision to remove the most affected part of the land from the permit allows for further investigation to be undertaken into an appropriate layout that minimises the impact of sinkholes on this land.

Caution notices on the title will advise future land owners/developers of the need to establish alternative wastewater treatment systems and the potential impact that sinkholes will have on the development of the land.

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

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



**PETER MCQUEEN**  
Chairman

( 1/6/13