



## **DEVELOPMENT CONSENT AUTHORITY**

### **KATHERINE DIVISION**

### **MINUTES**

**MEETING No. 164 – WEDNESDAY 4 APRIL 2018**

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

**MEMBERS PRESENT** Suzanne Philip (Chair) and Alan Sprigg (both videoconference), Allan Domaschenz, and Fay Miller

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Ann-Marie Dooley (Videoconference) and Julie Bennett (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 10.30 am and closed at 11.00 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**                    **PART CHANGE OF USE FROM SHOWROOM SALES TO SHOP (UNITS 4 & 5)**  
**PA2018/0080**           **WITH MEZZANINE ADDITION TO EXISTING SHOWROOM SALES**  
**APPLICANT**           **LOT 3235 (84) BICENTENNIAL ROAD, TOWN OF KATHERINE**  
**C.A.T CONTRACTORS PTY LTD**

Mr Clayton Holland (C.A.T Contractors Pty Ltd) attended.

**RESOLVED**            That, the Development Consent Authority reduce the car parking requirements  
**14/18**                    pursuant to Clause 6.5.2 (Reduction in Parking Requirements) Northern Territory  
Planning Scheme and, pursuant to section 53(a) of the *Planning Act*, consent to  
the application to develop Lot 3235 (84) Bicentennial Road, Town of Katherine for  
the purpose of part change of use from showroom sales to shop and mezzanine  
addition to existing 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 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) the use of the mezzanine floor area for storage not display of goods; and
  - b) a designated loading bay for the shop with dimensions to accommodate the intended delivery vehicle.

**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. 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.
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. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.

## NOTES:

1. 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.
2. Any proposed work (including the provision or connection of services) within, or impacting upon the Stuart Highway road reserve shall be in accordance with the standards and specifications of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics. Design documents must be submitted to the Director Corridor Management, Transport and Civil Services Division for Road Agency Approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
3. Upon completion of any works within or impacting upon the Stuart Highway road reserve, the road reserve shall be rehabilitated to the standards and requirements of the Department of Infrastructure, Planning and Logistics.
4. Any floodlighting or security lighting provided on site is to be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Victoria Highway traffic.
5. 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.

## 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.

In considering the objective in the Katherine Land Use Plan and the Katherine Planning Principles it is considered that there would be limited effect on the vitality of Katherine Terrace given the shop is a laundromat primarily intended to service industry (e.g. hospitality industry) and represents a change in use of part of an existing building from one commercial use to another.

Whilst there is inconsistency between the purpose of Zone GI (General Industry), and the proposed use of the land for a laundromat, being a non-industrial activity, the laundromat is unlikely to be impacted by future general industry uses in the area and is a small component of an existing approved non-industrial showroom sales development.

The development of a part change of use from showroom sales to shop (laundromat) and mezzanine addition to existing showroom sales complies with Clause 8.1.1 (Shops in Zones CV, CL, LI, GI, DV, OR and CN) as the laundromat has an approximate area of 188 m<sup>2</sup>. Amended plans are required to show a loading bay to be set aside as part of the shop addition, which has dimensions to meet the needs of the delivery vehicle.

The car parking requirements are reduced as the mezzanine addition is not expected to increase parking demand and the existing parking area has sufficient capacity for the proposed shop addition.

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 will be connected to reticulated services and is within an existing building. The building is within a defined flood area however the finished floor level is above the Katherine River 1% Annual Exceedance Probability level, reducing the risk of exposure of property to the land constraint.

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

**ITEM 2  
PA2018/0057  
APPLICANT**

**SUBDIVISION TO CREATE TWO LOTS  
NT PORTION 6354 (37) EMUNGALAN ROAD, EMUNGALAN  
EARL JAMES AND ASSOCIATES**

Mr Kevin Dodd (Earl James and Associates) attended via video conference.

**RESOLVED  
15/18**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop NT Portion 6354 (37) Emungalan Road, Emungalan for the purpose of subdivision to create two lots 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:

- water demand calculations for all permitted uses within Zone LI (Light Industry);
- water demand associated with the existing use within proposed Lot A; and
- further details from a suitably qualified person, on the requirements associated with the existing and proposed on-site wastewater treatment system to demonstrate that:
  - a) the soils are suitable without detriment to the environment, and in particular to ground and surface waters; and
  - b) there is adequate area to dispose of any wastewater within the curtilage of the property.

In addition, the application is deferred to enable the Department of Infrastructure, Planning and Logistics to seek further advice from the Department of Environment and Natural Resources as to the impact of an additional bore to service proposed Lot B, in light of the effect of Section 14 of the *Water 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 proposal to subdivide to create one additional industrial lot in excess of 1 ha in area in the absence of reticulated water or sewerage requires further consideration of water availability and soil suitability to support the use of the land in accordance with Zone (Light Industry).

The Katherine Land Use Plan identifies there is a lack of reticulated water currently in the area and that this is required to support further development in this locality. Future development may require a water extraction licence and the Department of Environment and Natural Resources advised that the resource is fully allocated, and any water over 5 mega litres per year would need to be secured by trade agreement with a person licenced to take groundwater in the same Aquifer zone.

The consent authority must take into account Clause 11.3.2 (Infrastructure in Industrial Subdivisions) of the Scheme, which ensures that industrial lots are integrated with required infrastructure. Specifically, industrial subdivision should provide for

- (a) connection to reticulated services; and
- (b) where no reticulated sewerage is available, demonstrate that the soils are suitable for the on-site absorption of effluent without detriment to the environment, and in particular to ground and surface waters.

The applicant has not provided ground verified evidence of soil suitability or considered the availability of water to support the future development of the land in accordance with Zone LI. The request for further information will provide the applicant with the opportunity to demonstrate reasons for consideration of a variation to Clause 11.3.2 (Infrastructure in Industrial Subdivisions) of the 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 applicant referred to land resource and contour mapping which indicate that the land is relatively flat and entirely consisting of well drained soils. Ground verified land resource information is required to confirm soil suitability for on-site wastewater disposal.

The Department of Environment and Natural Resources note that increased access to groundwater resources in this area will increase pressure on this resource and represent an over-commitment of water resources and as such an unsustainable use of this water resource. Therefore, whilst there is an existing approved development on the land, the addition of a new industrial lot relying on groundwater presents a further increase in water demand which may affect the resource available to other development. Further information in regard to the water demand to support light industrial uses is required to assess the subdivision.

**ACTION:** Advice to Applicant

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

**SUZANNE PHILIP**  
Chair

10 April 2018