DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 159 – WEDNESDAY 2 AUGUST 2017

BLUE ROOM
1ST FLOOR GOVERNMENT CENTRE
5 FIRST STREET
KATHERINE

MEMBERS PRESENT: Steven Rose (Presiding Member), Alan Sprigg, Allan Domaschenz and Peter Gazey

APOLOGIES: Donald Higgins

OFFICERS PRESENT: Dawn Parkes and Ann-Marie Dooley (via teleconference) and Julie Bennett (Development Assessment Services)

COUNCIL REPRESENTATIVE: David Moore

Meeting opened at 9.45 am and closed at 10.00 am
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 Steven Rose to preside at the meeting held on Wednesday 2 August 2017.

ITEM 1  
RECONSIDERATION - VEHICLE SALES AND HIRE ON LAND WITHIN A DEFINED FLOOD AREA  
LOT 137 (18) GILES STREET, TOWN OF KATHERINE  
APPLICANT JASON HILLIER

Mr Jason Hillier and Mr Ali Ahmed Besavend (landowner) attended.

RESOLVED  
49/17  
That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 137 (18) Giles Street, Town of Katherine for the purpose of Vehicle Sales and Hire on land 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), 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 extent of the area to be bituminised to ensure compliance with the provisions of Clause 6.5.3 (Parking Layout); and
   b) the depiction of the areas for the display of vehicles for sale as ‘vehicle display area’.

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 use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.

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 owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. 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](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

5. Katherine Town Council advises that no vehicles are to be parked and/or displayed within the road reserve.

**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 use of vehicle sales and hire is considered to be consistent with the purpose of Zone CB (Central Business) as it will provide diversity in the Katherine central business district.

   The revised plan submitted by the applicant addresses the points of deferral and Katherine Town Council have advised it is satisfied with the applicant’s response to the issues raised. The revised development complies with the following clauses of the NT Planning Scheme including 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).

   A variation to Clause 6.5.3 (Parking Layout) is considered acceptable for the following reasons:

   - The revised application indicates that the southern side of the site including the car parking area will be bituminised and crushed limestone gravel will be used throughout the remainder of the site;
   - In relation to sub-clause 3(b) which requires the car parking area “be sealed and well drained”, it is noted that Katherine Town Council did not raise any concerns with the surface finish proposed; and
   - In relation to sub-clause 3(g) which requires “the area between the car parking area and the road is landscaped with species designed to lessen the visual impact of the car parking area”, it is noted that a portion of the vehicle display area is proposed adjacent to the road, and the provision of landscaping required would likely inhibit this space. A reduction in the amount of landscaping required between the vehicle display area and the road, to a depth of 1m, is therefore considered acceptable.

   A condition that limits the weight of vehicles that can be displayed on the site has been included on the permit to ensure that no heavy vehicles (greater than 4.5 tonnes) are displayed on site. The Authority considered this was necessary given that a variation to clause 6.5.3 has been supported to allow a crushed gravel surface finish rather than the required sealed surface finish, and the potential that heavy vehicles could damage the surface and detrimentally impact on

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6. 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.

7. 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.

8. Before the 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; and
   e) 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.

9. Before the 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.

10. 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.

11. The display of vehicles (consistent with the definition of ‘vehicle sales and hire’) must only take place within the area shown on the endorsed plans as ‘vehicle display area’.

12. The display of heavy vehicles (greater than 4.5 tonnes) is not permitted.

13. The loading or unloading of vehicles on the site or within the road reserve is not permitted.

NOTES:

1. The Power and Water Corporation advises that the 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.

2. A “Permit to Work Within a Road Reserve” may be required from Katherine Town Council before commencement of any work within the road reserve.

3. Notwithstanding the approved plans, all signage is subject to Katherine Town Council approval, at no cost to Council.
surface water flows and the potential for increased erosion and sediment loss.

A revised plan is required to be submitted to illustrate the extent of the area to be bituminised to ensure compliance with the provisions of Clause 6.5.3 (Parking Layout), in particular to ensure that the car parking area is sealed, and to ensure that the approved display areas are clearly depicted.

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 within the Katherine River designated 1% Annual Exceedance Probability (AEP) flood level (2005) with a modelled flood height of between 106.25 and 106.5 m Australian Height Datum (AHD). The Department of Environment and Natural Resources and the Katherine Town Council have not raised any concerns in regards to the land’s 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 vehicle sales and hire.

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 proposed development is of a scale and form that is compatible with the established use on site and is not expected to unduly impact on the amenity of the locality, streetscape or any other property.

Conditions limiting the type of vehicles that can be displayed on site; the area in which vehicles can be displayed; and the prohibition of loading and unloading of vehicles on the site or within the road reserve are included on the permit to protect the amenity of the area in which the land is situated given the site’s close proximity to residential uses.

ACTION: Notice of Consent and Development Permit

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

[Signature]
STEVEN ROSE
Presiding Member
4/18/17

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