DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 146 – WEDNESDAY 4 MAY 2016

TRAINING ROOM
1ST FLOOR GOVERNMENT CENTRE
5 FIRST STREET
KATHERINE

MEMBERS PRESENT: Denis Burke (Chairman), Allan Domaschenz, Alan Sprigg, Steven Rose and Donald Higgins

APOLOGIES: Fay Miller

OFFICERS PRESENT: Julie Bennett, via phone Deborah Curry and Dawn Parkes (Development Assessment Services) and Julia Wanane (Lands Planning)

COUNCIL REPRESENTATIVE: David Moore

Meeting opened at 10.00 am and closed at 12.15 pm
ITEM 1
PA2016/0124
APPLICANT  
IAN SYMES

CLEARING OF NATIVE VEGETATION

NT PORTION 3980 (80) EMUNGALAN ROAD, EMUNGALAN

DAS tabled comment received from Power and Water Corporation.

The applicant did not attend.

RESOLVED

29/16

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop NT Portion 3980 (80) Emungalan Road, Emungalan for the purpose of clearing of native vegetation 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:

- amended plans modified to show the following areas excluded:
  - land with excessive slope (greater than 2%);
  - land within 100 metres from all open sinkholes, land within 50 m from all closed sinkholes and land where there is severe limestone outcrop;
  - the drainage easement;
  - a native vegetation buffer to the southern boundary and the part of the eastern boundary adjoining NT Portion 2308. The buffer is to be a minimum width of 100 m (excluding firebreaks); and
  - native vegetation buffer to the eastern boundary of minimum width of 25 m.

- a revegetation plan which includes a planting schedule of suitable native vegetation species to be planted within any areas that have been cleared and fall within the excluded area as defined above.

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 purpose of Clause 10.2 (Clearing of Native Vegetation in Zones H, A, RR, RL, R, CP, CN, RD and WM and on Unzoned Land) and Clause 10.3 (Clearing of Native Vegetation – Performance Criteria) is to ensure that the clearing of native vegetation does not unreasonably contribute to environmental degradation of the locality and to specify the matters to be taken into account in assessing an application for the clearing of native vegetation. The application does not take into account the recommended native vegetation buffers of the Land Clearing Guidelines and the areas of excessive slope and rock outcrop which are considered unsuitable for
clearing due to environmental degradation risk and land capability constraints.

2. Pursuant to section 51(j) of the Planning Act, the consent authority must take into account 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.

Land capability is defined in the Land Clearing Guidelines as the ability of land to accept a type and intensity of use permanently, or for specified periods under specified management, without permanent damage. The presence of rock outcrop, sinkholes, excessive slope and a drainage easement affect the capability of the land to support the intended use. In particular, where land is cleared for agriculture, there is potential for creation of a contamination pathway to the groundwater aquifer and acceleration of sinkhole collapse. In response to the advice from Department of Land Resource Management, an amended plan is required to consider the proposal to clear native vegetation in the context of the areas of constrained land identified.

ACTION: Advice to Applicant

ITEM 2 WEEKLY COMMUNITY MARKET
PA2016/0154 LOT 3216 (23) CHAMBERS DRIVE, TOWN OF KATHERINE
APPLICANT KATHERINE COMMUNITY MARKET

DAS tabled an amended plan from Katherine Town Council showing the proposed parking layout, late comments from the Power and Water Corporation and the Department of Transport.

Ms Vina Hornsby attended on behalf of Katherine Community Market.

RESOLVED
30/16 That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the Planning Act, alter the proposed development and consent to the proposed development as altered to develop Lot 3216 (23) Chambers Drive, Town of Katherine for the purpose of a weekly community market, 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 be generally in accordance with the plans submitted with the application but modified to show:

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(a) a parking layout for a minimum of 100 car parks on-site north of First Street (No. 2 designed in accordance with Clause 6.5.3 (Parking Layout) of the NT Planning Scheme, and No. 3 and 4 grassed);
(b) parking within the Lindsay Street road reserve designed in accordance with Clause 6.5.3 (Parking Layout) of the NT Planning Scheme;
(c) pedestrian footpaths linking the parking areas to the precinct, in accordance with the relevant Australian Standard;
(d) vehicle access point (6 m for two – way traffic flow and 3.5 m for one – way traffic flow) and location of placement of barriers to Chambers Drive, Lindsay Street and First Street along the parking area perimeter, to the requirements of Katherine Town Council and Department of Transport; and
(e) a pedestrian crossing on Lindsay Street in close proximity to the market precinct, in accordance with the relevant Australian Standards.

2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), a written agreement is to be provided from Katherine Town Council which endorses the parking area as defined on the plan prepared in accordance with Condition Precedent 1(a), 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. 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.

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. All proposed works impacting on Chambers Drive 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 Department of Transport. Drawings must be submitted to 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".

7. Storage for waste disposal bins is to be provided to the requirements of Katherine Town Council to the satisfaction of the consent authority.

8. Parking areas no. 3 and no. 4 to be used only during the period of operation of the market, 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 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 development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.

3. The applicant is advised to engage a building certifier, within the meaning of the *Building Act*, as to whether the building/s comply with the *Building Act* and associated Regulations.

4. 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.

5. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerdevelopmentnorth@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 use of the land within Zone PS (Public Open Space) for the purpose of a weekly community market is considered to be consistent with the purpose of the zone and the expectations for land use identified in the Katherine Land Use Plan.

2. A Variation to Clause 6.5.3 (Parking Layout) of the NT Planning Scheme is granted, as the parking areas identified as no. 3 and no.4 are to be used infrequently (during the operation of the market only) and are surfaced with grass cover. The use of these areas for parking is approved on the condition that barriers are put in place to define the parking area and limit access points to a public road.
3. Pursuant to Clause 6.5 (Parking Requirements) of the NT Planning Scheme a determination of 100 car parking spaces takes into account the demand for parking during market operations in addition to the displacement of parking for caravans (and other large tourist vehicles). As demonstrated by the volume of vehicular traffic accommodated within the parking area previously servicing the market on Railway Terrace, the delineation of an area which can accommodate 100 car parks is required to ensure that on-street parking can be minimised.

4. 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.

Public infrastructure within the area proposed to be provided includes a sealed car park, reticulated power, water and sewerage services, sealed public roads and footpaths. The inclusion of a Condition Precedent requiring the provision of plans showing the parking layout and pedestrian access, including crossings, ensures that the use is undertaken with supporting public infrastructure as recommended by a road safety audit.

5. 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 increase in vehicular and pedestrian traffic on a weekly basis has the potential to impact on the amenity of the area. Consent is conditional on the provision of public infrastructure to ensure the use of land has minimal impact on the amenity of the area (including public safety).

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

**ITEM 3**
**CHANGE OF USE FROM RESTAURANT TO HOTEL**
**PA2016/0152**
**LOT 67 (16) SECOND STREET, TOWN OF KATHERINE**

**APPLICANT** JASON HILLIER

Mr Jason Hillier (applicant) and Mr Stephen Horvat (developer) attended.

Submitter Mr Mark McGuiness attended.

**RESOLVED**
**31/16**

That the Development Consent Authority determine to reduce the car parking requirements pursuant to Clause 6.5.2 (Parking Requirements) and pursuant to section 53(b) of the Planning Act, alter the proposed development and consent to the proposed development as altered to develop Lot 67 (16) Second Street, Town of Katherine for the purpose of a change of use from restaurant to hotel, 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 must be generally in accordance with the plans submitted with the application but modified to show:
   
a) A notation confirming that the car parking area will be sealed and line marked;
   
b) The provision of landscaping between the car parking area and the road (minimum of 3m) with species designed to lessen the visual impact of the car parking area; and
   
c) The provision of a bin storage area.

2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), a drop off zone must be provided directly adjacent to the site on Second Street, to the requirements of Katherine Town Council, to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.

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 the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

5. 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.

6. 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.

7. 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.

8. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

9. Before the use or occupation of the development starts, the area 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.

10. 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 visitors.

11. 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.

12. 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.

13. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

14. 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.

15. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
(a) emission of noise, artificial light or vibration.

NOTES:

1. 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.

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. 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

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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.

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.

As the proposed primary use of the land is for a hotel it is considered that the proposal is consistent with the purpose of Zone CB (Central Business) of the NT Planning Scheme as it will provide diversity within the Katherine central business district.

2. Amended plans demonstrating compliance within Clause 6.5.3 (Parking Layout) 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 is required to ensure that the design responds to the purpose of these clauses which is (a) to ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose; and (b) to promote site-responsive designs of commercial, civic, community, recreational, tourist and mixed use developments which area attractive and pleasant and contribute to a safe environment.

3. The Authority determined to reduce the car parking requirements pursuant to Clause 6.5.2 (Parking Requirements) from 52 to 19 as it was considered that 19 car parking spaces is sufficient to accommodate visitors to the hotel given:
   a) its location within the central business district;
   b) the availability of off-street and on-street parking in the immediate vicinity; and
   c) visitors utilise alternative modes of transport when visiting the hotel.

4. 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 already developed for the purpose of a restaurant. The Department of Land Resource Management has not raised any concerns in regards to land capability. Katherine Town Council noted that there will be insufficient on street parking to support the development should a waiver to the car parking requirement be granted and requested that a dedicated drop off zone be provided adjacent to the site on Second Street. The Authority determined that a Condition Precedent reflecting this request be applied to the permit to ensure that there is an appropriate area available for drop off and pick up, particularly given that a reduction in parking has been supported based (amongst other reasons) on visitors utilising other forms of transport when visiting the site.
5. 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 change of use from a restaurant to a hotel is likely to impact on the amenity of the area through an increase in the intensity of the existing land use. A Condition has been applied to the permit that requires the use to be managed so that the amenity of the area is not detrimentally affected, through the emission of noise, artificial light or vibration. A Condition has also been applied to the permit requiring that 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 visitors to ensure that any on-street parking is minimised.

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

**ITEM 4**
**PA2016/0180**
**APPLICANT**
CARAVAN PARK WITHIN A DEFINED FLOOD AREA
LOT 2975 (214) VICTORIA HIGHWAY, TOWN OF KATHERINE
DAVID PEMBERTON

DAS tabled comment received from Power and Water Corporation and Department of Transport.

Mr David Pemberton (applicant & land owner) and Mr Jeff Phillips (land owner) attended.

**RESOLVED**
32/16

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 2975 (214) Victoria Highway, Town of Katherine for the purpose of a caravan park within a defined flood area, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the commencement of works the applicant must demonstrate to the satisfaction of the consent authority, on the advice of Environment Protection Authority that the land is suitable for the intended caravan park use in accordance with the National Environment Protection (Assessment of Site Contamination) Measures 1999.

2. Prior to the commencement of works the applicant must demonstrate to the satisfaction of the consent authority, on the advice of Department of Health that the land is capable of supporting an on-site wastewater treatment system to cater for the expected loads.

3. 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) details of landscaping (includes existing and proposed trees, shrubs and ground covers, in-ground irrigation and surface finishes of pathways);
b) architectural embellishments to the demountable structure that will enhance the appearance of the structure;
c) elevation plans of demountable structures including the natural ground level, finished floor level and defined flood level (Katherine River designated flood level 2005 – 1% AEP);
d) building plans of all structures identified as part of the use (includes ablution facilities and flood evacuation building);
e) on-site waste-water treatment system approved by the Department of Health;
f) existing easements registered on the title; and

g) defined flood extent (Katherine River designated flood level 2005 – 1% AEP).

GENERAL CONDITIONS

4. Works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.

5. The use of the land is limited to a period of two years upon which approval lapses. Continued use of the land for a caravan park after a period of two years will be subject to a further application.

6. An approved effluent disposal system to the requirements of the Department of Health and Power and Water Corporation and to the satisfaction of the consent authority must be installed concurrently with the erection of the caravan park and all waste must be disposed of within the curtilage of the property.

7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage 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.

8. 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.

9. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Department of Transport, to the satisfaction of the consent authority.

10. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Department of Transport to the satisfaction of the consent authority.

11. 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.

12. 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.

13. 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.

14. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

15. Where unfenced, the Victoria 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.

16. Storage for waste disposal bins is to be provided to the requirements of Katherine Town Council to the satisfaction of the consent authority.

NOTES:

1. 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.

2. 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.

3. 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:

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(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.

4. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Food Safety Standards.

5. The applicant is advised to engage a building certifier, within the meaning of the Building Act, as to whether the building/s comply with the Building Act and associated Regulations.

6. Requirements for accommodation parks under the Fire and Emergency Regulations apply. Internal fire-fighting arrangements shall be made to the satisfaction of the NT Fire and Rescue Service. The applicant is advised to engage a hydraulic consultant to assess the requirements to install lot fire tank and booster system to meet external fire flow requirements.

7. A groundwater extraction licence is required under the Water Act for any purpose other than stock and domestic use. For advice on water extraction licences please contact the Water Management branch of the Department of Land 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.

The land is identified for agricultural use in the Katherine Land Use Plan, however the development footprint and operation of the use will have negligible impact on the area of land available for agricultural production, or be impacted by surrounding agricultural activities.

The Katherine Land Use Plan identifies the alignment of the heavy vehicle alternate route through the property. While the Department of Transport support the temporary use of the land as proposed, the alignment would need to be considered in any future applications for a permanent development. A time limited approval is therefore granted, in accordance with the proposal, being for the purpose temporary use (1-2 years) to accommodate workers.

The application includes the provision of accommodation within demountable structures. In considering Clause 6.8 (Demountable Structures) of the NT Planning Scheme the consent authority may only consent to the placement of a demountable structure on land if it is satisfied that:

(a) there will be landscaping or architectural embellishments to the demountable structure that will enhance the appearance of the structure; and
(b) the demountable structure will be visually consistent with adjoining or nearby development.

The application did not include any elevation plans of the proposed structures, or any detailed landscaping plans and a Condition Precedent is included to ensure proper consideration of the requirements 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.

Reticulated power and water services are available and the property is currently serviced. The land overlies the Tindal Limestone Aquifer from which the town water supply is partially sourced, and is within the outer extremity of the ‘Secondary’ Wellhead Protection Zone for the protection of production bores. In the absence of reticulated sewerage services, the development will require the design and installation of an on-site wastewater treatment system. Due to the location and scale of the development approval for the system from Department of Health and Power and Water Corporation is required in this instance.

The development site is predominantly above the defined flood level and a flood emergency evacuation building is identified to provide shelter in the event of flood. Part of the development footprint is within the flood fringe and detailed plans are required to demonstrate that the risk of exposure is minimised.

3. 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 application relies on reticulated water and does not propose the extension of available reticulated sewerage. Advice from the Power and Water Corporation on the proposal in relation to the public utilities in the area confirms that direct connection to the Katherine sewage ponds would require 1.6 km of gravity main and sewer rising main along with a private sewer pump station on the site. The Power and Water Corporation prefer connection to the Katherine sewage ponds however require information on the ultimate development before undertaking detailed assessment of potential connection. The temporary use of the land as proposed in the absence of reticulated sewerage services is supported, on the advice of the Power and Water Corporation and Department of Health, which confirms approval for on-site wastewater treatment.
4. 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.

There will be minimal impact on visual amenity from the public roads due to the landscaping, slope and setback to the property boundary. However, the proposed development is located just outside of Power and Water’s Katherine Waste Stabilisation Pond Buffer Zone. Buffer zones around community wastewater treatment plants are established to prevent the development of land uses that are not compatible with that activity, such as those that may be affected by periodic odour. A temporary approval is supported however Power and Water Corporation require further consultation where the use is to be permanent.

ACTION: Notice of Consent and Development Permit

ITEM 5
PA2015/0902
APPLICANT PBC ALICE SPRINGS

DAS tabled a letter from Katherine Town Council.

Mr Karl Smith (PBC Alice Springs) attended via phone and Mr Paul Bicknell (land owner) attended.

RESOLVED
33/16

That, pursuant to section 53(c) of the Planning Act, the Development Consent Authority refuse to consent to the application to develop Lot 3445 (9) Paterson Court, Town of Katherine for the purpose of 4 x 2 bedroom multiple dwellings in two single storey buildings for the following reasons:

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.

A reduction in parking required by Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme through the provisions of Clause 6.5.2 (Reduction in Parking Requirements) from eight parking bays to four is not granted as there are no particular characteristics of the zone, development or use which justify granting consent. Each dwelling has at least two bedrooms and there is a reasonable expectation of parking demand on the lot for eight cars based on four dwellings. There are also no car parking spaces in the vicinity of the land, nor public transport available and the land is not a heritage place.

The application provides a car parking area (an area set aside for parking of three or more motor vehicles) which is required to be designed in accordance with Clause 6.5.3 (Parking Layout) of the NT Planning Scheme. As the design lacks a separate access to every car parking space, includes multiple points of access to the road, prevents the entry from and exit to a road in forward gear and has driveways less than 3.5 m in

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width, the application fails to comply with Clause 6.5.3 (Parking Layout) of the NT Planning Scheme.

2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow a reduced front setback of 4.5 m where 6 m is required is not granted as the 1.5 m reduced setback is inconsistent with the existing streetscape in which single dwellings are setback by 6 m, and together with a roof apex of approximately 5 m creates building massing which detracts from the existing character and amenity of the area.

3. The proposed does not comply with Clause 7.5 (Private Open Space) of the NT Planning Scheme as proposed areas for private open space (POS) encroach within a drainage easement and do not meet the minimum of 5 m x 5 m dimensions open to the sky.

A variation to Clause 7.5 (Private Open Space) is not supported as the design does not provide for an adequate sized area of private open space within each unit appropriately open to the sky and the land which has not been demonstrated as being capable of extending the function of the dwelling.

4. Pursuant to section 51(n) 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 purpose of a drainage easement under the Law of Property Act is for draining water, sewerage or another effluent from, through, under or across the servient land. The powers of a drainage easement allow the easement holder to break the surface of, dig, open up and use the servient land to construct, lay down, take up, use, maintain, repair, relay or inspect drains or drainage pipes for the purpose of draining an effluent and to enter the servient land at any time (with or without a vehicle or equipment) to do so. The property is burdened by a 6 metre wide drainage easement along the eastern boundary registered in favour of the Katherine Town Council. The proposal includes a building which encroaches into the easement by approximately 3 m and allocates private open space within the remaining 3 m. The Katherine Town Council has not granted approval for the use or works within a drainage easement. The application has not demonstrated the impact of the development on stormwater flows and how the development may be affected by the drainage of water across the land.

5. 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.

Parking and lot access arrangements have the potential to unduly reduce the amenity of the public road. The parking layout contributes to
potential on-street parking demand of four vehicles. The congestion may hinder line of sight, therefore contribute a safety risk due to unexpected hazards. This increased parking demand, in combination with the reduced length of road reserve available to park, unduly affects the amenity of the public road.

**ACTION:** Notice of Refusal

**ITEM 6**
**PA2015/0903**
**APPLICANT** PBC ALICE SPRINGS

4 X 2 BEDROOM MULTIPLE DWELLINGS IN 2 SINGLE STOREY BUILDINGS
LOT 3446 (13) PATERSON COURT, TOWN OF KATHERINE

Mr Karl Smith (PBC Alice Springs) attended via phone and Mr Paul Bicknell (land owner) attended.

**RESOLVED**
**34/16**

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Lot 3446 (13) Paterson Court, Town of Katherine for the purpose of 4 x 2 bedroom multiple dwellings in two single storey buildings for the following reasons:

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.

A reduction in parking required by Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme through the provisions of Clause 6.5.2 (Reduction in Parking Requirements) from eight parking bays to four is not granted as there are no particular characteristics of the zone, development or use which justify granting consent. Each dwelling has at least two bedrooms and there is a reasonable expectation of parking demand on the lot for eight cars based on four dwellings, and the layout is limited to a single parking bay per dwelling. There are no apparent circumstances which enable consideration of Clause 6.5.2 (Reduction in Parking Requirements).

The application provides a car parking area (an area set aside for parking of three or more motor vehicles) which is required to be designed in accordance with Clause 6.5.3 (Parking Layout) of the NT Planning Scheme. As the design lacks a separate access to every car parking space, includes multiple points of access to the road, prevents the entry from and exit to a road in forward gear and has driveways less than 3.5 m in width, the application fails to comply with Clause 6.5.3 (Parking Layout) of the NT Planning Scheme.

2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow a reduced front setback of 4.5 m where 6 m is required is not granted as the 1.5 m reduced setback is inconsistent with the existing streetscape in which single dwellings are setback by 6 m, and together with a roof apex of approximately 5 m
creates building massing which detracts from the existing character and amenity of the area.

3. The proposed does not comply with Clause 7.5 (Private Open Space) of the NT Planning Scheme as proposed areas for private open space (POS) do not meet the minimum of 5 m x 5 m dimensions open to the sky. A variation to Clause 7.5 (Private Open Space) is not supported as the design does not provide for adequate sized areas within each unit appropriately open to the sky.

4. 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.

Parking and lot access arrangements have the potential to unduly reduce the amenity of the public road. The parking layout contributes to potential on-street parking demand of four vehicles. The congestion may hinder line of sight, therefore contribute a safety risk due to unexpected hazards. This increased parking demand, in combination with the reduced length of road reserve available to park, unduly affects the amenity of the public road.

**ACTION:** Notice of Refusal

**ITEM 7**
PA2015/0904
1 X 3 BEDROOM AND 2 X 2 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING
LOT 3443 (1) PATERSON COURT, TOWN OF KATHERINE

**APPLICANT**
PBC ALICE SPRINGS

DAS tabled a letter from Katherine Town Council.

Mr Karl Smith (PBC Alice Springs) attended via phone and Mr Paul Bicknell (land owner) attended.

**RESOLVED**
35/16

That, pursuant to section 53(c) of the Planning Act, the Development Consent Authority refuse to consent to the application to develop Lot 3443 (1) Paterson Court, Town of Katherine for the purpose of 1 x 3 bedroom and 2 x 2 bedroom multiple dwellings in a single storey building for the following reasons:

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.

A reduction in parking required by Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme through the provisions of Clause 6.5.2 (Reduction in Parking Requirements) from six parking bays to three is not granted as there are no particular characteristics of the zone, development or use which justify granting consent. Each dwelling has at least two bedrooms and there is a reasonable expectation of parking demand on the lot for six cars based on three dwellings. There are also
no car parking spaces in the vicinity of the land, nor public transport available and the land is not a heritage place.

The application provides a car parking area (an area set aside for parking of three or more motor vehicles) which is required to be designed in accordance with Clause 6.5.3 (Parking Layout) of the NT Planning Scheme. As the design lacks a separate access to every car parking space, includes multiple points of access to the road, prevents the entry from and exit to a road in forward gear and has driveways less than 3.5 m in width, the application fails to comply with Clause 6.5.3 (Parking Layout) of the NT Planning Scheme.

2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow a reduced front setback of 4 m where 6 m is required is not granted as the two metre reduced setback is inconsistent with the existing streetscape in which single dwellings are setback by 6 m, and together with a roof apex height of 5.28 m creates building massing which detracts from the existing character and amenity of the area.

3. The proposal does not comply with Clause 7.5 (Private Open Space) of the NT Planning Scheme as proposed areas for private open space (POS) are not well connected to the internal living areas, encroach within a drainage easement and do not meet the minimum of 5 m x 5 m dimensions open to the sky.

A variation to Clause 7.5 (Private Open Space) is not supported as the design does not provide for adequate sized areas within each unit appropriately sited and open to the sky without compromising passive surveillance opportunities. The nominated POS areas are partly within a drainage easement, land which has not been demonstrated to be capable of extending the function of the dwelling.

4. 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 purpose of a drainage easement under the Law of Property Act is for draining water, sewerage or another effluent from, through, under or across the servient land. The powers of a drainage easement allow the easement holder to break the surface of, dig, open up and use the servient land to construct, lay down, take up, use, maintain, repair, relay or inspect drains or drainage pipes for the purpose of draining an effluent and to enter the servient land at any time (with or without a vehicle or equipment) to do so. The property is burdened by a 6 metre wide drainage easement along the eastern boundary registered in favour of the Katherine Town Council. The proposal includes development and use of land within a 6 m wide drainage easement for private open space. The Katherine Town Council has not granted approval for the use or works.
within a drainage easement. The application has not demonstrated the impact of the development on stormwater flows and how the development may be affected by the drainage of water across the land.

5. 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.

Parking and lot access arrangements have the potential to unduly reduce the amenity of the public road. The parking layout contributes to potential on-street parking demand of three vehicles. The congestion may hinder line of sight, therefore contribute a safety risk due to unexpected hazards. This increased parking demand, in combination with the reduced length of road reserve available to park, unduly affects the amenity of the public road.

**ACTION:** Notice of Refusal

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**ITEM 8**
**PA2015/0905**
**APPLICANT**

4 X 2 BEDROOM MULTIPLE DWELLINGS IN 2 SINGLE STOREY BUILDINGS
LOT 3444 (5) PATERSON COURT, TOWN OF KATHERINE
PBC ALICE SPRINGS

DAS tabled a letter from Katherine Town Council.

Mr Karl Smith (PBC Alice Springs) attended via phone and Mr Paul Bicknell (land owner) attended.

**RESOLVED**
**36/16**

That, pursuant to section 53(c) of the Planning Act, the Development Consent Authority refuse to consent to the application to develop Lot 3444 (5) Paterson Court, Town of Katherine for the purpose of 4 x 2 bedroom multiple dwellings in two single storey buildings for the following reasons:

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.

A reduction in parking required by Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme through the provisions of Clause 6.5.2 (Reduction in Parking Requirements) from eight parking bays to four is not granted as there are no particular characteristics of the zone, development or use which justify granting consent. Each dwelling has at least two bedrooms and there is a reasonable expectation of parking demand on the lot for eight cars based on four dwellings. There are also no car parking spaces in the vicinity of the land, nor public transport available and the land is not a heritage place.

The application provides a car parking area (an area set aside for parking of three or more motor vehicles) which is required to be designed in accordance with Clause 6.5.3 (Parking Layout) of the NT Planning Scheme. As the design lacks a separate access to every car parking space,
includes multiple points of access to the road, prevents the entry from and exit to a road in forward gear and has driveways less than 3.5 m in width, the application fails to comply with Clause 6.5.3 (Parking Layout) of the NT Planning Scheme.

2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow a reduced front setback of 4.5 m where 6 m is required is not granted as the 1.5 m reduced setback is inconsistent with the existing streetscape in which single dwellings are setback by 6 m, and together with a roof apex of approximately 5 m creates building massing which detracts from the existing character and amenity of the area.

3. The proposed does not comply with Clause 7.5 (Private Open Space) of the NT Planning Scheme as proposed areas for private open space (POS) encroach within a drainage easement and do not meet the minimum of 5 m x 5 m dimensions open to the sky.

A variation to Clause 7.5 (Private Open Space) is not supported as the design does not provide for adequate sized areas within each unit appropriately open to the sky and the land which has not been demonstrated as being capable of extending the function of the dwelling.

4. Pursuant to section 51(n) 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 purpose of a drainage easement under the Law of Property Act is for draining water, sewerage or another effluent from, through, under or across the servient land. The powers of a drainage easement allow the easement holder to break the surface of, dig, open up and use the servient land to construct, lay down, take up, use, maintain, repair, relay or inspect drains or drainage pipes for the purpose of draining an effluent and to enter the servient land at any time (with or without a vehicle or equipment) to do so. The property is burdened by a 6 metre wide drainage easement along the eastern boundary registered in favour of the Katherine Town Council. The proposal includes a building which encroaches into the easement by approximately 3 meters and allocates private open space within the remaining 3 metres. The Katherine Town Council has not granted approval for the use or works within a drainage easement. The application has not demonstrated the impact of the development on stormwater flows and how the development may be affected by the drainage of water across the land.

5. 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.

Parking and lot access arrangements have the potential to unduly reduce...
the amenity of the public road. The parking layout contributes to potential on-street parking demand of four vehicles. The congestion may hinder line of sight, therefore contribute a safety risk due to unexpected hazards. This increased parking demand, in combination with the reduced length of road reserve available to park, unduly affects the amenity of the public road.

**ACTION:** Notice of Refusal

**ITEM 9** 4 X 2 BEDROOM MULTIPLE DWELLINGS IN 2 SINGLE STOREY BUILDINGS
**PA2015/0906** LOT 3447 (17) PATERSON COURT, TOWN OF KATHERINE
**APPLICANT** PBC ALICE SPRINGS

DAS tabled a letter from Katherine Town Council.

Mr Karl Smith (PBC Alice Springs) attended via phone and Mr Paul Bicknell (land owner) attended.

**RESOLVED**
**37/16** That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Lot 3447 (17) Paterson Court, Town of Katherine for the purpose of 4 x 2 bedroom multiple dwellings in two single storey buildings for the following reasons:

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.

A reduction in parking required by Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme through the provisions of Clause 6.5.2 (Reduction in Parking Requirements) from eight parking bays to four is not granted as there are no particular characteristics of the zone, development or use which justify granting consent. Each dwelling has at least two bedrooms and there is a reasonable expectation of parking demand on the lot for eight cars based on four dwellings, and the layout is limited to a single parking bay per dwelling. There are no apparent circumstances which enable consideration of Clause 6.5.2 (Reduction in Parking Requirements).

The application provides a car parking area (an area set aside for parking of three or more motor vehicles) which is required to be designed in accordance with Clause 6.5.3 (Parking Layout) of the NT Planning Scheme. As the design lacks a separate access to every car parking space, includes multiple points of access to the road, prevents the entry from and exit to a road in forward gear and has driveways less than 3.5 m in width, the application fails to comply with Clause 6.5.3 (Parking Layout) of the NT Planning Scheme.

2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow a reduced front setback of 4.5 m where 6 m is required is not granted as the 1.5 m reduced setback is
inconsistent with the existing streetscape in which single dwellings are setback by 6 m, and together with a roof apex of approximately 5 m creates building massing which detracts from the existing character and amenity of the area.

3. The proposed does not comply with Clause 7.5 (Private Open Space) of the NT Planning Scheme as proposed areas for private open space (POS) do not meet the minimum of 5 m x 5 m dimensions open to the sky. A variation to clause 7.5 (Private Open Space) is not supported as the design does not provide for adequate sized areas within each unit appropriately open to the sky.

4. 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.

Parking and lot access arrangements have the potential to unduly reduce the amenity of the public road. The parking layout contributes to potential on-street parking demand of four vehicles. The congestion may hinder line of sight, therefore contribute a safety risk due to unexpected hazards. This increased parking demand, in combination with the reduced length of road reserve available to park, unduly affects the amenity of the public road.

ACTION: Notice of Refusal

ITEM 10 3 X 2 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING
PA2015/0907 LOT 3459 (2) PATERSON COURT, TOWN OF KATHERINE
APPLICANT PBC ALICE SPRINGS

DAS tabled a letter from Katherine Town Council.

Mr Karl Smith (PBC Alice Springs) attended via phone and Mr Paul Bicknell (land owner) attended.

RESOLVED 38/16 That, pursuant to section 53(c) of the Planning Act, the Development Consent Authority refuse to consent to the application to develop Lot 3459 (2) Paterson Court, Town of Katherine for the purpose of 3 x 2 bedroom multiple dwellings in a single storey building for the following reasons:

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.

A reduction in parking required by Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme through the provisions of Clause 6.5.2 (Reduction in Parking Requirements) from six parking bays to three is not granted as there are no particular characteristics of the zone, development or use which justify granting consent. Each dwelling has at least two bedrooms and there is a reasonable expectation of parking demand on the lot for six cars based on three dwellings. There are also
no car parking spaces in the vicinity of the land, nor public transport available and the land is not a heritage place. The application provides a car parking area (an area set aside for parking of three or more motor vehicles) which is required to be designed in accordance with Clause 6.5.3 (Parking Layout) of the NT Planning Scheme. As the design lacks a separate access to every car parking space, includes multiple points of access to the road, prevents the entry from and exit to a road in forward gear and has driveways less than 3.5 m in width, the application fails to comply with Clause 6.5.3 (Parking Layout) of the NT Planning Scheme.

2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow a reduced front setback of 4 m where 6 m is required is not granted as the two metre reduced setback is inconsistent with the existing streetscape in which single dwellings are setback by 6 m, and together with a roof apex height of 5.8 m creates building massing which detracts from the existing character and amenity of the area.

3. The proposal does not comply with Clause 7.5 (Private Open Space) of the NT Planning Scheme as proposed areas for private open space (POS) do not meet the minimum of 5 m x 5 m dimensions open to the sky.

A variation to Clause 7.5 (Private Open Space) is not supported as the design does not provide for adequate sized areas within each unit appropriately sited and open to the sky without compromising passive surveillance opportunities. The nominated POS areas are partly within a drainage easement, land which has not been demonstrated to be capable of extending the function of the dwelling.

5. 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 parking and lot access arrangements have the potential to unduly reduce the amenity of the public road. The parking layout contributes to potential on-street parking demand of three vehicles. The congestion may hinder line of sight, therefore contribute a safety risk due to unexpected hazards. This increased parking demand, in combination with the reduced length of road reserve available to park, unduly affects the amenity of the public road.

**ACTION:** Notice of Refusal
ITEM 11
PA2016/0059

CONCURRENT APPLICATION - REZONE PART LOT 1932 FROM ZONE SD
(SINGLE DWELLING) TO ZONE OR (ORGANISED RECREATION) AND DEVELOP 2
DEMOUNTABLE SHOPS
LOT 1932 (78) VICTORIA HIGHWAY, TOWN OF KATHERINE

APPLICANT JASON HILLIER

Pursuant to section 97 of the Planning Act, Donald Higgins and Steven Rose members of the Katherine Division of the Development Consent Authority declared a conflict of interest and were not present during and did not take part in any deliberation or decision of the Division in relation to this item.

Mr Jason Hillier attended.

RESOLVED 39/16

Pursuant to section 30P(1)(a) of the Planning Act, the Development Consent Authority determine that, if the Minister were to approve the amendment proposal of the concurrent application, it would consent to the application to develop part Lot 1932 Town of Katherine (78 Victoria Highway, Katherine South) for the purpose of the development of two shops under section 30W(1)(a) of the Planning Act, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with the plans numbered 2016/0059/01 through to 2016/0059/04 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 water supply, drainage, sewerage facilities, electricity and telecommunication networks to each lot shown on the endorsed plan 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. 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.
5. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.

6. 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.

and

The owner shall:
(a) remove disused vehicle and/or pedestrian crossovers;
(b) provide footpaths/cycleways;
(c) collect stormwater and discharge it to the drainage network; and
(d) undertake reinstatement works;
all to the technical requirements of and at no cost to the Katherine Town Council, to the satisfaction of the consent authority.

7. 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.

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 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 to determine the Corporation’s servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

REASONS FOR DECISION

1. Pursuant to sections 30P(2)(a) and (b) of the Planning Act, the consent authority must take into account any planning scheme that applies to the land to which the application relates and the amendment proposal contained within the application. The proposed development of 2 demountable shops complies with the purpose of Zone OR (Organised Recreation) and fully complies with the applicable clauses of the NT Planning Scheme.

2. Pursuant to section 30P(j) of the Planning Act, the consent authority must take into consideration the capability of the land to support the development proposal and the effect of the proposal on the land. The application was circulated to the relevant service authorities for comment and no issues were raised that are unable to be addressed via the inclusion of standard conditions on any permit issued.
3. Pursuant to section 30P(2)(f) and (m) of the Planning Act, the consent authority must take into account any information received as a result of consultations carried out and submissions received, and the potential impact on the existing and future amenity of the area in which the land is situated. No submissions were received during the exhibition period. It is considered that the proposed development would not significantly impact the amenity of the existing character of the area as it is located adjacent to the Katherine River corridor.

RESOLVED 40/16

That, under section 30Q of the Planning Act, the Development Consent Authority report to the Minister for Lands and Planning on the preliminary decision, the issues raised in the submissions, the issues raised at the hearing, and on any other matters it considers the Minister should take into account when considering the proposal.

RESOLVED 41/16

That, pursuant to section 86(1) of the Planning Act, the Development Consent Authority delegates its powers to the Chairman, or in the absence of the Chairman, any member of the Katherine Division of the Authority, to:

- Determine, pursuant to section 30W(1)(a), delegate to the Chairman the determination of the development proposal in the concurrent application when the Minister makes an amendment decision to approve the amendment proposal for the concurrent application.
- Issue a development permit under section 54(1) in relation to the development proposal to develop part Lot 1932 Town of Katherine (78 Victoria Highway, Katherine South) for the purpose two shops; and
- Issue the relevant notices under section 30Y.

ACTION: Advice to Applicant

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

DENIS BURKE
Chairman
10/5/16

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These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.