



## **DEVELOPMENT CONSENT AUTHORITY**

### **KATHERINE DIVISION**

### **MINUTES**

**MEETING No. 113 – TUESDAY 15 JANUARY 2013**

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

**MEMBERS PRESENT** Anne Shepherd (Presiding Member), Barry Densley, Steven Rose and Donald Higgins

**APOLOGIES:** Peter McQueen (Chairman)

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

**COUNCIL REPRESENTATIVE:** James Rowe (Manager Economic Development)

**Meeting opened at 10.30 am and closed at 12.30 pm**

**THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.**

**ITEM 1                    3.4M HIGH BOUNDARY WALL ADDITION**  
**PA2012/0904        LOT 1927 (7) VICTORIA HIGHWAY, TOWN OF KATHERINE**  
**APPLICANT        ELTON CONSULTING**

Ms Wendy Smith (Elton Consulting) attended via phone and Mr Rick Cullen (land owner) attended.

**RESOLVED**  
**6/13**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 1927 (7) Victoria Highway, Town of Katherine for the purpose of a 3.4m high boundary wall addition, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawings numbered 2012/0904/1 through 2012/0904/4 inclusive, 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 drainage services to the land shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. The use and development must be managed so that the amenity of the area is not detrimentally affected through the:
  - (a) Appearance of any building, works or materials; and
  - (b) Presence of vermin.

**NOTE:**

1. A "Permit to Work Within a Road Reserve" may be required from Katherine Town Council and/or the Department of Transport before commencement of any work 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 proposal is compliant with Clause 6.1 (General Height Control), Clause 6.4 (Plot Ratio), Clause 6.14 (Land Subject to Flooding and Storm

Surge) and Clause 8.2 (Commercial and Other Development in Zone C) of the NT Planning 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 site is currently developed with an existing restaurant and take-away outlet. The subject site is affected by flooding, however the proposal does not include any habitable rooms nor will the boundary wall addition be used to store environmentally hazardous industrial materials. The land is considered capable of supporting the proposed development.

3. Pursuant to Section (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 height of the wall is in scale with adjoining development and is intended to reduce the impact on the adjoining land owner from noise generated by exhaust fans. It is considered that there will be no significant impact on the visual amenity of the locality.

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

**ITEM 2**  
**PA2012/0905**  
**APPLICANT**

**SHED ANCILLARY TO COMMERCIAL BUSINESS**  
**LOT 48 (23) FIRST STREET, TOWN OF KATHERINE**  
**JANE BIDDLECOMBE PTY LTD & DANIEL JOHN SULLIVAN**

DAS tabled an addendum which included additional information and amended plan from the applicant.

Ms Jane Biddlecombe (Jane Biddlecombe Pty Ltd) attended.

**RESOLVED**  
**7/13**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 48 (23) First Street, Town of Katherine for the purpose of a shed ancillary to a commercial business within a defined flood area 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:

- a) clarification of the nature of the use;
- b) amended plans that detail the proposed parking which maximises opportunity for on site parking, taking into account the loading bay used for deliveries and for customers;
- c) a response from Katherine Town Council regarding off street parking opportunities; and
- d) a detailed landscaping plan.

## REASON FOR THE DECISION

The Authority requires confirmation on the existing use of the land as the applicant has stated that the use is currently a warehouse, which is a prohibited use in the zone. Changes to the proposed development introduced at the meeting require due consideration of the impacts prior to determination.

**ACTION:** Advice to Applicant

**ITEM 3  
PA2012/0946  
APPLICANT**

**CARAVAN PARK  
NT PORTION 3165 (100) LANSDOWNE ROAD, LANSDOWNE  
JASON HILLIER**

Mr Jason Hillier, Ms Elvira Loquias (landowner) Mr Emil Naserenko.

Submitters in attendance:- Mr Greg and Mrs Sharee McNoulty, Mr Doug and Mrs Yvonne Glasson, Mr Michael and Mrs Kathryn Whitehouse, Mr Jim Doig and Ms Kerry Hewitt.

Ms Andrea Finn an interested party attended.

Ms Karla James, Environmental Health, Department of Health attended.

**RESOLVED  
8/13**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop NT Portion 3165 for the purpose of caravan park, 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) landscaping including:
    - (i) a survey of existing vegetation to be retained and/or removed;
    - (ii) details of surface finishes of pathways and driveways;
    - (iii) a planting schedule of proposed trees, shrubs and ground covers, and canopy trees, including names, pot sizes, sizes at maturity, and quantities of each plant;
    - (iv) landscaping and planting within open areas of the site;All species selected must be to the satisfaction of the consent authority.
  - (b) fencing of the development and of the pool including:
    - (i) detail of materials and colour schemes;
    - (ii) demonstration that fencing is animal-proof; and
    - (iii) demonstration how local privacy and amenity will be protected.

## 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. An approved effluent disposal system to the requirements of the Department of Health 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.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage, electricity facilities and telecommunication networks to the development 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. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access and streetscaping are to be to the technical requirements of Katherine Town Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
7. Before the use or occupation of the development starts, the areas 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 cracker dust or similar dust suppressant;
  - (d) drained;
  - (e) marked to indicate each space and access ways; and
  - (f) 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 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.
9. 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.
10. Any security boom, barrier or similar device controlling vehicular access to the premises must be located a minimum of six metres inside the property to allow vehicles to stand clear of Lansdowne Road.

11. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.
12. Access to and egress from the site for all vehicles (including waste collection and construction vehicles) must only be from Lansdowne Road.
13. The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land.
14. Provision must be made on the land for the storage and collection of garbage and other solid waste to the requirements of the Department of Health. This area must be graded and drained and screened from public view on the advice of the Department of Health to the satisfaction of the consent authority.
15. All waste material not required for further on-site processing must be regularly removed from the site to an approved facility. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the consent authority.
16. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - (a) transport of materials, goods or commodities to or from the land
  - (b) appearance of any building, works or materials
  - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
  - (d) presence of vermin
17. 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.
18. 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.
19. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
20. Facilities and infrastructure for fighting fire on the site are to be established to the requirements of the NT Fire and Rescue Service to the satisfaction of the consent authority.
21. Before the occupation of the development, maintenance firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Bushfires NT, Department of Land Resource Management/Northern Territory Fire and Rescue Services.
22. Supplementing water tanks with groundwater extracted on site is not permitted.

## NOTES:

1. This permit will expire if one of the following circumstances applies:
  - (a) the development is not substantially commenced 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 an application is made in writing before the permit expires.
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. A "Permit to Work Within a Road Reserve" may be required from Katherine Town Council before commencement of any work within the road reserve.
4. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.
5. 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.
6. 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*
6. In accordance with Clause 7.2 (Second Dwellings in Zone H and A) of the NT Planning Scheme, the development of any dwellings additional to those included in plans endorsed as forming a part of this permit, is not permitted.
7. A groundwater extraction licence is required under the *Water Act* for any bore equipped to supply over 15 litres per second. For advice on water extraction licences please contact the Water Management branch of the Department of Land Resource Management.
8. The operator is responsible for the treatment of their own water supplies. If community bore water is transported to on site tanks the operator must take responsibility for chlorinating their water and maintaining their tanks.

## 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 predominantly complies with the relevant requirements of the NT Planning Scheme. Clearing of native vegetation previously undertaken is not a consideration of this application as it was performed in accordance with Development Permit DP07/0684 issued for a caravan park in 2007.

2. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into consideration any submissions made under section 49 in relation to the development application.

It is not anticipated that the establishment of 5 cabins and 8 caravan sites on the subject site will significantly increase local traffic and impact on road safety. Various conditions have been included on the recommended permit intended to address concerns raised by submitters. These include the requirements for adequate fencing (including colour scheme), detailed landscaping, and prohibition of using on-site groundwater for supplementing rainwater tanks. The inclusion of standard conditions relating to the establishment of car parking, road access, rubbish collection are anticipated to address concerns relating to the presentation and operation of the development.

3. 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.

The application proposes that groundwater extracted on site will not be required for use by visitors. A condition has been included on the recommended permit to prevent supplement of the two proposed 230 000L tanks by on-site groundwater extraction. In addition, the inclusion of a precedent condition on the recommended permit to install effluent treatment and disposal on the advice on the Department of Health is intended to ensure that potential contamination of the groundwater is minimised. Further, a standard note has been included on the recommended permit to direct the applicant to contact the Water Resources Branch regarding an extraction licence.

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.



The establishment of a caravan park of this scale in this location is not anticipated to significantly impact on local amenity. Precedent conditions on the recommended permit to require detailed landscaping and adequate fencing of the development are expected to protect local privacy and amenity.

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

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



**ANNE SHEPHERD**  
Delegate

16/1/13