



# **DEVELOPMENT CONSENT AUTHORITY**

## **KATHERINE DIVISION**

### **MINUTES**

**MEETING No. 157 – WEDNESDAY 7 JUNE 2017**

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

**MEMBERS PRESENT** Denis Burke (Chairman) and Alan Sprigg (both via videoconference from Darwin), Steven Rose, Peter Gazey and Allan Domaschenz

**APOLOGIES:** Donald Higgins

**OFFICERS PRESENT:** Ann-Marie Dooley (via videoconference from Darwin) and Julie Bennett (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** David Moore

**Meeting opened at 9.45 am and closed at 10.40 am**

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

**ITEM 1**                      **VEHICLE SALES AND HIRE ON LAND WITHIN A DEFINED FLOOD AREA**  
**PA2017/0154**           **LOT 137 (18) GILES STREET, TOWN OF KATHERINE**  
**APPLICANT**           **JASON HILLIER**

Mr Jason Hillier (applicant) and Mr Ali Ahmed Besavend (land owner) attended.

**RESOLVED**              That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent  
**28/17**                      Authority defer consideration of 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 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 (including elevations, floor plans and site plan) which  
demonstrate:

- a) consideration of section 51 (p) of the *Planning Act*, being matters of public interest, including access for persons with disabilities (including within the site and to ablution facilities);
- b) the location and design of office;
- c) low lying landscaping to a depth of 1m, to both street frontages, between the vehicle display area and the road, is to be included to lessen the visual impact of the vehicle display area;
- d) circulation space for vehicles on the site which is functional and provides separate access to every car parking space (including removal of the loading bay and access for test driving of vehicles without impacting on the use of the customer car park);
- e) compliant parking area layout consistent with clause 6.5.3 (Parking Layout) (2)(b) of the NT Planning Scheme (sealed and well drained);
- f) further detail on the surface treatment of the display area (i.e. depth and material type) in consultation with the requirements of Katherine Town Council;
- g) elevation plans of existing building showing stormwater discharge in consultation with Katherine Town Council; and
- h) concrete vehicle crossover to the standards of Katherine Town Council.

#### **REASONS FOR THE DECISION**

1. Pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority may defer consideration of an application to enable the applicant to provide additional information that the authority considers necessary. Additional information is considered necessary to demonstrate sufficient consideration has been given to the development of vehicle sales and hire within the Katherine CBD, taking into account matters of public interest, the Northern Territory Planning Scheme requirements and the advice from Katherine Town Council.

**ACTION:**              Advice to Applicant

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ITEM 2  
PA2017/0171  
  
APPLICANT

**CHANGE OF USE FROM WAREHOUSE TO SHOP (CAFÉ) WITHIN  
TENANCY 5 WITHIN A DEFINED FLOOD AREA  
LOT 3032 (19) CRAWFORD STREET, TOWN OF KATHERINE  
MASTERPLAN NT**

Mr Jack Priestly (Masterplan NT) attended via videoconference from Darwin.

Submitter Mr Russell Jay attended. Mr Brogan Hanrahan (proponent) and Mr Jacob Cadona (property manager) attended.

**RESOLVED  
29/17**

That, the Development Consent Authority determine to reduce the car parking requirements pursuant to Clause 6.5.2 (Parking Requirements) and vary the requirements of Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 3032 (19) Crawford Street, Town of Katherine for the purpose of a change of use from warehouse to shop (cafe) within tenancy 5 on land within a defined flood area subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a) a site plan which:
    - i. defines the use of tenancy 1, 3, 4, 6 and 7 as light industry, tenancy 2 as warehouse and tenancy 5 as shop (including and alfresco dining area) and dimensioned car parks;
    - ii. detail of surface finishes of alfresco dining area including pathway;
    - iii. communal parking area relocated to provide appropriate separation from the sliding glass door entry to tenancy 7 shed;
    - iv. a dedicated refuse storage and collection point; and
    - v. footpath for pedestrian access (including for persons with a disability) from the communal parking area to the vehicle crossover linking to customer entrance into the building within the Crawford Street road reserve, to the standards of the Katherine Town Council.
  - (b) elevations of tenancy 5 (including shipping container) showing finished floor levels, existing and finished ground levels and sufficient cross-sections and longitudinal sections to show the relationship between structures and their respective heights;
  - (c) floor plan of the shop and shipping container;

## GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities requirements and relevant legislation at the time.
4. Storage for waste disposal bins is to be provided in the designated waste disposal collection point to the satisfaction of the consent authority.
5. The use and development as shown on the endorsed plans must not be altered without further consent of the consent authority.
6. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
7. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.
8. 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; and
  - (e) line marked to indicate each car space and all access lanes (for communal parking area and car park to tenancy 5);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 use 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.

## NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing



requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

2. 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.
3. 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.

## REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The application for a change of use from a warehouse to a shop (café) with outdoor eatery is of a scale that it is generally consistent with the Katherine Land Use Plan and purpose of Zone GI (General Industry) of the NT Planning Scheme, which seeks to allow convenience needs to be met within Katherine East and to ensure shops service the needs of the general industry in the zone.

While the parking layout does not meet the requirements of Clause 6.5.3 (Parking Layout) due to the reduced setback from the street boundary and absence of landscaping along this boundary, a variation to this general provision is supported on the basis that the layout was endorsed under the *Building Act*. The revised parking layout is required to provide separation between the glass sliding door entry. The parking area is otherwise to comply with Clause 6.5.3 (Parking Layout) of the NT Planning Scheme.

2. A reduction in parking required by Clause 6.5.1 (Parking Requirements) of the Scheme through provision of Clause 6.5.2 (Reduction in Parking Requirements) from 17 to 12 is supported with the endorsement of Katherine Town Council for the use of Crawford Street road reserve for on-street parking. The parking demand will vary through-out the day based on customer flows (e.g. lunch breaks), rather than require all day on-street parking, and demand is further reduced through the opportunity for customers in the immediate vicinity to access the shop by walking.
3. Pursuant to section 51 (p) of the *Planning Act*, the consent authority must take into account the public interest, including access for persons with disabilities.

The application has not addressed how pedestrian access from the parking area will be provided, taking into account pedestrian safety and access for persons with disabilities. Inclusion of a footpath and further specifications on the design associated with access into the shop should be determined prior to endorsement of drawings which will form part of the permit.

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

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

A handwritten signature in black ink, appearing to read 'Denis Burke', with a horizontal line underneath.

**DENIS BURKE**  
Chairman

15/6/17