

DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 124 – WEDNESDAY 5 MARCH 2014

**DLPE CONFERENCE ROOM
1ST FLOOR GOVERNMENT CENTRE
5 FIRST STREET
KATHERINE**

MEMBERS PRESENT Peter McQueen (Chairman)(via Phone), Anne Shepherd, Barry Densley, Donald Higgins and Steven Rose

APOLOGIES: Nil

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

COUNCIL REPRESENTATIVE: David Laughher (Chief Executive)

Meeting opened at 11.15 am and closed at 11.30 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 **RESTAURANT ADDITION TO EXISTING COMMUNITY CENTRE**
PA2013/1013 **LOT 270 (17A) KATHERINE TERRACE, TOWN OF KATHERINE**
APPLICANT **THE FINCH CAFE**

Ms Phoebe Quilty and Ms Gillian Russel (business partners) attended and tabled amended plans showing the proposed waste storage area.

RESOLVED
23/14

That, the Development Consent Authority determine a reduction of 16 parking bays pursuant to clause 6.5.2 (Reduction in Parking Requirements) 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 270 (17A) Katherine Terrace, Town of Katherine for the purpose of a restaurant addition to an existing community centre, 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;
 - the location of a dedicated waste storage and collection area, to the requirements of Katherine Town Council, to the satisfaction of the Development Consent Authority.
 - Deletion of the disabled carparking space
2. Prior to the commencement of the use, authorisation to use the land held under a Crown Lease in Perpetuity from the Department of Lands, Planning and the Environment shall be demonstrated, 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. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

5. 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.
6. 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.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, gas and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Katherine Town Council and/or Department of Transport to the satisfaction of the consent authority.
9. Storage for waste disposal bins is to be provided to the requirements of Katherine Town Council to the satisfaction of the consent authority.
10. The use may operate only between the hours of 7.30 am to 2.30 pm Tuesday to Saturday.

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. A "Permit to Work Within a Road Reserve" may be required from the Department of Transport before commencement of any work within the road reserve.
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.
4. No vehicle access to Katherine Terrace is permitted. Vehicle access is to occur from First Street via Lot 28, Town of Katherine.
5. An Occupancy Permit under the *Building Act* must be issued prior to the commencement of the use.
6. All signage is subject to Katherine Town Council approval, at no cost to Council.

REASONS FOR THE DECISION

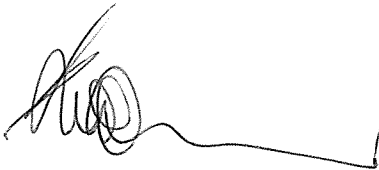
1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The consent authority can consider a reduction to parking requirements specified by clause 6.5.1 (Parking Requirements) of the NT Planning Scheme under clause 6.5.2 (Reduction in Parking Requirements). A reduction in parking of 16 on site car parks is supported in consideration of:

- the use catering in part to persons already in the central business area; and
 - the underutilisation of an adjoining public car park.
2. The requirement for amended plans to show the location of a dedicated waste storage and collection area is in response to advice from the Katherine Town Council which requests that clarification of this matter be provided.
 3. The requirement for authorisation from the Department of Lands, Planning and the Environment is to ensure that the purpose of the Crown Lease in Perpetuity is able to accommodate the new commercial use.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

10/3/14