



## **DEVELOPMENT CONSENT AUTHORITY**

### **KATHERINE DIVISION**

### **MINUTES**

**MEETING No. 198 – WEDNESDAY 3 AUGUST 2022**

**AUDITORIUM REAR MEETING ROOM  
GODINYMAYIN YIJARD RIVERS ARTS & CULTURAL CENTRE  
LOT 3238 STUART HIGHWAY  
KATHERINE**

**MEMBERS PRESENT** Suzanne Philip (Chair) Marg Chamberlain, Lis Clark and Denis Coburn  
Marion Guppy via videolink from Darwin

**APOLOGIES:** Allan Domaschenz and Jeremy Trembath  
**LEAVE OF ABSENCE:** Nil

**OFFICERS PRESENT:** Steven Kubasiewicz in person and George Maly via videolink from  
Darwin (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 10.45 am and closed at 11.45 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.**

The Chair, Development Consent Authority, under section 93(1) of the *Planning Act 1999*, appointed Marion Guppy who is a member in relation to the Darwin Division, to act as a member for Allan Domaschenz in relation to the Katherine Division from 28 July 2022 to 10 August 2022 as Allan Domaschenz is prevented from performing his duties of office because of absence

**ITEM 1**                    **EXTENSION TO AN EXISTING VETERINARY CLINIC WITHIN LAND SUBJECT**  
**PA2022/0174**           **TO FLOODING**  
**APPLICANT**           **LOT 529 (32) SECOND STREET, KATHERINE, TOWN OF KATHERINE**  
                                 Jason Hillier

Wayne Nayda (Landowner) attended.

**RESOLVED**            That, the Development Consent Authority vary the requirements of Clause 5.2.4.1  
**03/22**                    (Parking requirements) of the Northern Territory Planning Scheme, and pursuant to  
                                 section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot  
                                 529 (32) Second Street, Town of Katherine for the purpose of Extensions to an  
                                 existing veterinary Clinic within land subject to Flooding, 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 must be generally in accordance with *the plans submitted with the application* but modified to show:
  - (a) An onsite car parking area with eight (8) spaces and a pedestrian link from the parking area to the vet clinic. The car parking area will be consistent with Clause 5.2.4.4 (Parking Layout) of the NT Planning Scheme 2020 with driveway widths that allow for two way traffic flows and for vehicles to enter and exit the site in a forward gear.

#### **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. 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.
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 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 parking spaces, access lanes and driveways must be kept available for these purposes at all times.
6. Before the use starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
7. 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.*
8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

## NOTES

1. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at:

<http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>.

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

2. The Katherine Town Council Development guidelines and Councils Developer contribution fee including Council vehicular access must be adhered to.
3. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.
4. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@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.

### REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land and Extensions to an existing veterinary clinic within land subject to flooding requires consent under Clause 1.8 (When development consent is required). It is identified as Impact Assessable under Clause 1.8(c)(i), therefore the strategic framework of the Scheme (Part 2 of the Scheme, including the Katherine Land Use Plan 2014, which are relevant to this application), Clause 3.6 (Land subject to Flooding), zone purpose and outcomes of Clause 4.10 Zone CB (Central Business), 5.2.4.1 (Parking requirements), 5.2.4.2. (Reduction in carparking requirements outside of zone CB in Darwin), 5.2.4.4 (Parking layout), 5.2.6 (Landscaping), 5.5.3 (Commercial and other development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T) and 5.5.4 (Expansion of existing use or development in Zones CB, C, SC, and TC) need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme except for Clause 5.2.4.1 (Parking requirements), 5.2.4.4 (Parking layout), and 5.5.3 (Commercial and other development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T).

2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
  - (a) The purpose and administration clauses of the requirement; and
  - (b) The considerations listed under Clause 1.10(3) or 1.10(4).

The proposal has been found not to be in accordance with Clause 5.2.4.1 (Parking requirements), 5.2.4.4 (Parking layout), and 5.5.3 (Commercial and other development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T). Areas of noncompliance in the proposed plans relate to the lack of onsite carparking spaces (4 provided, 11 required), the width of driveways associated with the carparking areas and the inability to access/egress the site in a forward direction.

It is considered that a variation to Clause 5.2.4.1 (Parking requirements) for a shortfall of three (3) parking spaces can be granted in this instance because:

- (a) The amended plans of the parking area will demonstrate an improved compliance in the number of parking bays (from four to eight) on site with the requirements of this Clause;
  - (b) The Katherine Town Council has no objections to some carparking being provided on the street;
  - (c) Plans showing amended layout of the parking area will ensure compliance with the purpose of Clause 5.2.4.4 (Parking layout) and Clause 5.5.3 (Commercial and other development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T) in allowing a two way traffic access within the site and for vehicles to enter and exit the site in a forward gear.
  - (d) The considerations listed under Clause 1.10(4) have been given regard to and it has been found that the proposal complies with all other relevant requirements of the NT Planning Scheme 2020, except for Clause 5.2.4.1 (Parking requirements), as identified above.
3. Pursuant to section 51(1)(j) of the *Planning Act 1999*, 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 proposed development is an addition to an existing use on the site. Notwithstanding that the land is affected by flood waters the use does not include any habitable rooms.

4. Pursuant to section 51(1)(n) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The proposed development is consistent with development on the site and the nature of development in terms of scale and design to other development in the locality. It is considered that the proposed development will not significantly detract from the current and future amenity of the locality.

**FOR: 5**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION:**

Notice of Consent and Development Permit

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

**SUZANNE PHILIP**  
Chair

09 August 2022