



DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 163 – WEDNESDAY 7 MARCH 2018

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

MEMBERS PRESENT Suzanne Philip (Chair), Allan Domaschenz, Alan Sprigg and Fay Miller

APOLOGIES: Nil

OFFICERS PRESENT: Ann-Marie Dooley and Julie Bennett (Development Assessment Services)

COUNCIL REPRESENTATIVE: Jamie Craven

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 SERVICE STATION
PA2018/0015 NT PORTION 5437 (40) EMUNGALAN ROAD, EMUNGALAN
APPLICANT MASTERPLAN NT

Mr Jack Priestley and Mr Abie Paul (Masterplan NT) (via video link) and Ms Deborah Burrows (Puma Energy) attended.

RESOLVED That, the Development Consent Authority determine to reduce the car parking
05/18 requirements pursuant to Clause 6.5.2 (Parking Requirements) of the NT Planning
Scheme and vary the requirements of Clause 6.5.3 (Parking Layout) of the NT
Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to
the application to develop NT Portion 5437 (40) Emungalan Road, Emungalan for
the purpose of a service station, 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) site access and egress to the requirements of Katherine Town Council;
 - (b) surfaces to be compacted and covered by gravel specifying the depth and type of material used; and
 - (c) the existing lease over NT Portion 7041 (A).
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The landscaping plan must be generally in accordance with the landscape concept plan and must include a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant. All species selected must be to the satisfaction of the consent authority.
3. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Katherine Town Councils stormwater drainage system shall be submitted to and approved by the Katherine Town Council, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system or an alternative approved connection, without being contaminated by the activities proposed to be undertaken on site.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. The permit grants approval for the use of the land for retail sale of fuel only.
6. This permit does not consent to the use of the rear of the site including the existing shed and office. The use and/or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
7. All wastes and contaminants are contained for removal by a licenced waste handler, to the requirements of the NT Environment Protection Authority, to the satisfaction of the consent authority.
8. Prior to the removal of soil from site the material should be assessed for contaminants to determine appropriate disposal and or reuse of the material as appropriate. This clearance will form part of this permit and must be provided to the Northern Territory Environment Protection Authority, to the satisfaction of the consent authority.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities requirements and relevant legislation at the time.
10. 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.
11. 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.
12. 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.
13. "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.
14. Appropriate erosion and sediment control measures should be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the Consent Authority Information can be obtained from the IECA Best Practice Erosion and Sediment Control Guidelines 2008 available at www.austieca.com.au and the NTG website <https://nt.gov.au/environment/soil-land-vegetation>

15. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Katherine Town Council drains or to any watercourse.
16. 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.
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. The proponent must ensure that only clean fill (virgin excavated natural material) is accepted and that the inert fill has been adequately assessed as being suitable for its intended use.
20. Storage for waste disposal bins is to be provided to the requirements of Katherine Town Council to the satisfaction of the consent authority.
21. The proponent shall erect a notice adjacent to any water point that states 'water not provided for human consumption', 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. The permit holder is advised that the proposal may have assessment implications under the *Waste Management and Pollution Control Act*. The applicant is encouraged to contact the NT EPA on (08) 8924 4218 or ntepa@nt.gov.au. More information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>
3. 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.
4. A groundwater extraction licence is required under the *Water Act* where annual extraction exceeds 5 ML. For advice on water extraction licences please contact the Policy and Planning Branch of the Department of Environment and Natural Resources.

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 proposed service station designed for retail sales to large commercial vehicles (including road trains) is consistent with the Katherine Land Use Plan which identifies the strategic location of Emungalan to support transport activities. Whilst there is a lack of reticulated water currently in the area, the applicant revised the scope of works and activities, confirmed demand for water will be less than 5 ML per year and access to groundwater supplies via an existing bore is available.

This approval applies to the front of the site only and does not include the shed and office, as reflected in the application and in the absence of details regarding fire-fighting water supplies and equipment.

Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme specifies a minimum requirement of five car parks for a service station. The proposal excludes convenience shopping and is limited to unmanned fuel bowsers which allow 24 hour purchase. The applicant has demonstrated that the use of the land will not generate a parking demand, therefore the parking reduction is supported to exclude the provision of any car parks.

Clause 6.12 (Landscaping) of the NT Planning Scheme is intended to ensure that landscaping on a site complements and enhances the streetscape, is attractive, water efficient and contributes to a safe environment. A condition precedent requiring landscaping plans is included to ensure the development takes into account this requirement.

Clause 8.1.4 (Service Stations) of the NT Planning Scheme stipulates that a site may be developed for a service station only where vehicular access and egress does not create a traffic hazard on adjacent roads; and vehicular crossings of the footpath are not more than 9m wide. The design has not identified space on site for queueing of the design vehicle and Katherine Town Council have advised that the development may require deceleration or turning lanes to address safety and traffic management. Further, the Katherine Town Council Developer Guidelines stipulate a maximum of one 6 m wide driveway for all commercial and industrial allotments however may give consideration to alternatives based on the design vehicle, safety and traffic management. A condition precedent is included to ensure that the development provides site access and egress to the requirements of the Katherine Town Council.

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 not within a defined flood area, being the Katherine River 1 % Annual Exceedance Probability flood level which reduces the risk of exposure of the development to flooding. The site is cleared and has previous development which indicates the site capability, including clearing of native vegetation, surfacing with crushed rock, bore and buildings. The permit does not grant approval to use the existing bore as a potable water supply for human consumption in the absence of current water quality testing verifying the quality is suitable for consumption.

The Department of Environment and Natural Resources have advised that previous land uses of the property have been identified with potential to have caused soil contamination and construction has the potential to require soil removal off-site. A condition is included to address the potential risk of contamination, to the requirements of the Northern Territory Environment Protection Authority.

3. 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 are no residential or commercial zones in close proximity to the site that may include land uses sensitive to emissions of noise or odour. The inclusion of a condition precedent requiring a landscaping plan ensures that the appearance of the development will enhance the amenity of the area.

The Emungalan area includes rural lots which require access through the industrial area, such that any impact on traffic can have a broader consequence on the amenity of the area. A condition precedent requiring access to be designed to the requirements of Katherine Town Council will provide the opportunity to demonstrate the site entrance will be constructed to maintain the safety and management of traffic in the area.

ACTION: Notice of Consent and Development Permit

**ITEM 2
PA2018/0017**

**CARAVAN PARK (TEMPORARY WORKERS ACCOMMODATION) WITHIN A
DEFINED FLOOD AREA**

APPLICANT

**LOT 1867 (162) VICTORIA HIGHWAY, TOWN OF KATHERINE
NEVILLE JONES SERVICES**

Mr Neville Jones (Neville Jones Services) attended.

**RESOLVED
06/18**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 1867 (162) Victoria Highway, Town of Katherine for the purpose of a caravan park (temporary workers accommodation) within a defined flood area, 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) elevation and floor plans of all buildings (including each storey); and
 - (b) location of electricity easement/s;
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The landscaping plan must be generally in accordance with the landscape concept plan but modified to include:
- (a) planting to further screen the development from the Zimin Drive road reserve; and
 - (b) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant.
- All species selected must be to the satisfaction of the consent authority.
3. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Katherine Town Councils stormwater drainage system shall be submitted to and approved by the Katherine Town Council, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system or an alternative approved connection.
4. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP) is to be submitted to and approved by the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR). The ESCP must be developed by a **suitably qualified and experienced professional** in erosion and sediment control planning and in accordance with the Key Principals of erosion and sediment control as specified in the IECA Best Practice Erosion and Sediment Control Guidelines 2008. The ESCP should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase and that all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the NTP website: <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be emailed for assessment to: DevelopmentAssessment.DENR@nt.gov.au.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. All works relating to this permit are to be undertaken in accordance with the approved Erosion and Sediment Control Plan (ESCP) to the requirements of the consent authority on the advice of the Department of Environment and Natural Resources (DENR).

7. The use of the land for the purpose of a caravan park (temporary workers accommodation) within a defined floor area must cease within 10 years of the date the permit issued and all structures are to be removed from the site, to the satisfaction of the consent authority.
8. The operation of the use must ensure that occupants are notified of the emergency management procedures applicable to the site and have strategies to ensure personal resilience in the event of an emergency, to the satisfaction of the consent authority.
9. 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.
10. 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.
11. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
12. 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.
13. 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.
14. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Katherine Town Council/Transport and Civil Services Division (Department of Infrastructure, Planning and Logistics) to the satisfaction of the consent authority.
15. The finished floor levels of the accommodation structures must be above the applicable flood level for the property which is between 105.0 m AHD and 105.25 m AHD.
16. Before the use 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) sealed;
 - (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.
17. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the consent authority.
18. 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.
19. 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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
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. 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.
4. Any proposed work (including the provision or connection of services) within, or impacting upon the Victoria Highway road reserve shall be in accordance with the standards and specifications of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics. Design documents must be submitted to the Director Corridor Management, Transport and Civil Services Division for Road Agency Approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
5. No temporary access for construction purposes shall be permitted from the Victoria Highway road reserve. Construction and delivery vehicles shall not be parked on the Victoria Highway road reserve.

6. Upon completion of any works within or impacting upon the Victoria Highway road reserve, the road reserve shall be rehabilitated to the standards and requirements of the Department of Infrastructure, Planning and Logistics.
7. Any floodlighting or security lighting provided on site is to be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Victoria Highway traffic.
8. 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 aurally) within the subject lot.
9. This permit does not approve the extraction and use of groundwater. A groundwater extraction licence is required under the *Water Act* where annual extraction is more than 5 ML. For advice on water extraction licences please contact the Policy and Planning Branch of the Department of Environment and Natural Resources.

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 proposed development of a caravan to provide temporary workers accommodation in cabins is consistent with the requirements for a caravan park within Zone CV (Caravan Parks) of the NT Planning Scheme. With the provision of amended plans and general conditions addressing landscaping and parking areas the development is considered to meet the minimum requirements within the zone. The inclusion of a general operational condition requiring personal resilience measures to be implemented in the event of an emergency is applied to this development to minimise the risk to the potential 120 occupants to be accommodated in close proximity to a floodway.

The Katherine Land Use Plan envisages the land is suitable for tourism purposes. Whilst the nature of the development and use does not cater for the tourism industry, the application demonstrates the intent to provide short term accommodation for workers temporarily. With the inclusion of a condition to time limit the operation, coinciding with the lease period, there is an opportunity to ensure the land is available in the longer term for the purpose identified in the Katherine Land Use Plan.

2. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

Submitters raised concerns which relate to the potential impact of the use on the viability of existing accommodation businesses and the re-opening of an abattoir within Zone A (Agriculture) in the area. There is

no current application or approval for an abattoir in the area and the matters raised are not considered to pertain to the areas of concern under the *Planning Act*.

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 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 historical use of the land previously developed and used as an accommodation facility indicates the capability of the land to support the proposed development. The land has access to reticulated power with water and sewerage services in the area able to be extended to support the development, therefore is not reliant on separate ground or surface water supplies or on-site wastewater treatment.

Due to the proximity to a watercourse, the preparation and implementation of an erosion and sediment control plan is included as a condition of approval, to minimise the effect of the development on the surrounding area.

The Department of Environment and Natural Resources (DENR) confirmed that the lot is affected by riverine flooding from the Katherine River. The proposed floor level of the cabins is above the 1% Annual Exceedance Probability (AEP) level which is between approximately 105 to 105.25 m AHD at the site. The design is considered to adequately reduce the risk of exposure of property.

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 site is on a scenic tourist route leading to the Low Level Nature Reserve and bridge crossing of the Katherine River and a major highway at the entry to the Town of Katherine. As conditioned the development retains existing established mature trees along the property boundary and will include a requirement to further detail the use of landscaping to enhance the amenity of the area.

Separation between incompatible uses within Zone GI (General Industry) is achieved by the existing native vegetation on site and separation distance provided by the Victoria Highway road reserve.

Katherine Town Council require the site access to be upgraded and will take into account the increased volume of traffic generated by the use to ensure the amenity of the area is maintained for all road users.

ACTION: Notice of Consent and Development Permit

**ITEM 3
PA2018/0003**

SERVICE STATION COMPRISING OF 3 ABOVE GROUND FUEL TANKS AND BOWSERS AND AN ABLUTION BLOCK ON LAND WITHIN A DEFINED FLOOD AREA

APPLICANT

**LOT 1114 (4) BICENTENNIAL ROAD, TOWN OF KATHERINE
JASON HILLIER**

Mr Jason Hillier, Mr Geoff Booth and Mr Rod Booth (developers) attended. The applicant tabled statements from Mills Sign and Painting Service (fuel pump and tank installation contractors) and Caltex Australia Petroleum Pty Ltd.

**RESOLVED
07/18**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 1114 (4) Bicentennial Road, Town of Katherine for the purpose of a service station comprising of 3 above ground fuel tanks and bowsers and an ablution block on land within a defined flood are, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Katherine Town Council stormwater drainage system shall be submitted to and approved by the Katherine Town Council, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s and should ensure it reflects the approved development site layout. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

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 permit grants approval for the use of the land for retail sale of fuel only.
4. This permit does not consent to the use of the existing shed and office/shop. The use and/or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
5. Prior to the removal of soil from site the material should be assessed for contaminants to determine appropriate disposal and or reuse of the material as appropriate. This clearance will form part of this permit and must be provided to the Northern Territory Environment Protection Authority, to the satisfaction of the consent authority.
6. The proponent must ensure that only clean fill (virgin excavated natural material) is accepted and that the inert fill has been adequately assessed as being suitable for its intended use.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity facilities and telecommunications 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. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
10. All proposed works impacting on the Victoria Highway 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 Infrastructure Planning and Logistics. Drawings must be submitted to the Transport and Civil Services Division, Department of Infrastructure Planning and Logistics, for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
11. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Katherine Town and/or the Transport and Civil Services Division of the Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority.

and

The owner shall:

- (a) remove disused vehicle and/ or pedestrian crossovers; and
 - (b) undertake reinstatement works;
all to the technical requirements of and at no cost to the Katherine Town the Transport and Civil Services Division of the Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority.
12. Where unfenced, the Victoria Highway Road frontage is to be appropriately fenced in accordance with the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics' standards and requirements to the satisfaction to the consent authority.
 13. 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 and/or the Transport and Civil Services Division of the Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority.
 14. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of the Katherine Town Council and/or the Transport and Civil Services Division of the Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

15. 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.
16. 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.
17. 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.
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. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the emission of noise, artificial light, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
20. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
21. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
22. "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.
23. No goods are to be stored or left exposed outside the building(s) so as to be visible from any public street
24. 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. 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. Access to the site from / to the Stuart Highway is subject to Road Safety Audits in accordance with the Transport and Civil Services Division of the Department of Infrastructure Planning and Logistics' Policy "Road Safety Audits".
4. Access to the site from, and all works within or impacting upon Bicentennial Road shall be to the standards and requirements of the Katherine Town Council.
5. No temporary access for construction purposes shall be permitted from the Stuart Highway road reserve. Construction and delivery vehicles shall not be parked on the Stuart Highway road reserve.
6. Upon completion of any works within or impacting upon the Stuart Highway road reserve, the road reserve shall be rehabilitated to the standards and requirements of the Transport and Civil Services Division of the Department of Infrastructure Planning and Logistics.
7. Any floodlighting or security lighting provided on site is to be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway traffic.
8. 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.

Advertising signage, either permanent or temporary, e.g. 'A' frame, vehicle or trailer mounted shall not be erected or located within the Stuart Highway road reserve.
9. The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tracking of materials onto streets. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto the sealed road network. Where tracked material on the road pavement becomes a potential safety issue, the Developer will be obliged to sweep and clean material off the road.

10. Appropriate protection shall be provided to contain potential spills of waste and prevent contaminants from entering adjacent properties, roadways, and the stormwater drainage system. The fuel delivery area shall be designed and constructed such that spillage and run-off containing waste is free from cross-contamination and isolated from the stormwater drainage system.
11. The permit holder is advised that the proposal may have assessment implications under the *Waste Management and Pollution Control Act*. More information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>. The applicant is encouraged to contact the NT EPA on (08) 8924 4218 or ntepa@nt.gov.au.
12. 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.
13. If you choose NBN to service your development, you will need to enter into a development agreement with NBN. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered NBN will be in contact to discuss the specific requirements for the development. NBN requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to NBN guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>.
14. 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 Environment and Natural Resources.
15. Notwithstanding the approved plans, 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 account any planning scheme that applies to the land to which the application relates.

The proposal is within Zone LI (Light Industry) where the primary purpose of Zone LI is to provide for light industry uses or development activities that will not by the nature of their operations, detrimentally affect adjoining or nearby land. Given the location, size of the site and the surrounding uses the proposal is not considered likely to impact on adjoining or nearby land through its operations. The proposal complies with the relevant requirements of the NT Planning Scheme including Clause 6.1 (General Height Control); Clause 6.5.1 (Parking Requirements); Clause 6.5.3 (Parking Layout); Clause 6.6 (Loading Bays); Clause 6.14 (Land Subject to Flooding and Storm Surge); Clause 8.1.4 (Service Stations) and Clause 9.1.1 (Industrial Setbacks).

A Stormwater Management Plan is required to demonstrate how the service station will be designed to withstand a 1% AEP flood event without risk of pollution in accordance with subclause (d) of Clause 8.1.4 (Service Stations).

This approval applies to the front of the site only and does not include the shed and office/shop as reflected in the application.

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 land is within a DFA and there is a potential for the proposal to result in pollution of the land however, the applicant has considered the risk of pollution in the design of the service station and mitigated the potential risks. Provided stormwater is appropriately managed the land is considered capable of supporting the development, being generally flat hand having supported development previously.

3. 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 proposal is likely to add character to the location, and complement and enhance the usability and amenity of Katherine. The proposal is located on appropriately zoned land and is consistent with the intent for that locality. A number of conditions have been applied to the development permit to ensure that the amenity of the area is not adversely impacted during construction; as a result of servicing requirements; or as a result of increased traffic. It is not anticipated that the proposed development would result in significant impact on the existing and future amenity of the area.

ACTION: Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair

13 March 2018