



## DEVELOPMENT CONSENT AUTHORITY

### KATHERINE DIVISION

### MINUTES

MEETING No. 103 – WEDNESDAY 2 NOVEMBER 2011

**MEMBERS PRESENT** Peter McQueen (Chairman), Ian Palmer, Barry Densley, Anne Shepherd and Jodie Locke

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Julie Bennett (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

Meeting opened at 11.00 am and closed at 12 noon

**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**                      **SUBDIVISION TO CREATE THREE LOTS**  
**PA2011/0651**                **LOT 2998 (46) BICENTENNIAL ROAD, TOWN OF KATHERINE**  
**APPLICANT**                **DEPARTMENT OF LANDS AND PLANNING**

The applicant did not attend the meeting.

**RESOLVED**                That, pursuant to section 53(c) of the *Planning Act*, the Development Consent  
**52/11**                        Authority refuse to consent to the application to develop Lot 2998 (46) Bicentennial  
Road, Town of Katherine for the purpose of a subdivision to create three lots for the  
following reasons:

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.

Section 4.1 Planning Principles of the Northern Territory state that the administration of this Planning Scheme is to (i) consider flood and storm surge levels associated with floods and cyclones to minimise risk to life and property. In relation to Katherine Section 4.4 states that the administration of the scheme is to provide for orderly and appropriate land use and development catering for a growing population using development options including urban infill and subdivisions at Katherine East consistent with the Katherine Land Use Framework and any area plans in Part 8 applicable in the circumstances;

Whilst the three lots are within the extent of the urban area designated in the Katherine Land Use Framework, and is consistent with urban infill, the design has not properly considered flood levels and the requirement of the provisions of Part 5 Subdivisions which state a subdivision is to avoid development of land within a 1% AEP

2. The application does not comply with Part 5, Clause 11.3.1 (Site Characteristics in Industrial Subdivisions) of the NT Planning Scheme. The provisions ensure that land affected by a 1% AEP flood or storm surge event is not developed for the purpose of industrial subdivision. The assessment determined that two of the three lots are within the margins of the defined flood area with a modelled height of the 1 % AEP being 106 m AHD and a natural ground level varying between 105 m AHD to 106 m AHD.

**ACTION:**                      Notice of Refusal

ITEM 2  
PA2011/0672

**CHANGE OF USE FROM OFFICE AND SHOP TO COMMUNITY CENTRE AND  
PLACE OF WORSHIP**

APPLICANT

**LOT 1369 (22) KATHERINE TERRACE, TOWN OF KATHERINE  
JASON HILLIER**

Mr Jason Hillier (Nordraft) and Mr Gordon Main (Regional Officer for the Northern Territory, Salvation Army), attended the meeting.

**RESOLVED  
53/11**

That, the Development Consent Authority reduce the parking bays required by Clause 6.5.1 (Parking Requirements) from 14 to 5 through the provisions of Clause 6.5.2 (Reduction in Parking Requirements), and vary the requirements of Clause 6.14 (Land Subject to Flooding and Storm Surge) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 1369 (22) Katherine Terrace, Town of Katherine for the purpose of a change of use to community centre and place of worship, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawings numbered 2011/0672/1, 2011/0672/2 and 2011/0672/3, endorsed as forming part of this permit.
2. 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.
3. 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.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. The owner of the land is to ensure that safe vehicle egress from the car park to Railway Terrace is provided, as the line of site is impacted by the fence.

**REASONS FOR DECISION**

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

A reduction of parking bays required by Clause 6.5.1 (Parking Requirements) in accordance with the provisions of Clause 6.5.2 (Reduction in Parking Requirements) from 14 bays to 5 is supported as: the building is existing and operates currently under the building approval which endorsed five car parks; there is a large number of public car parks in the close vicinity of the subject site; and the subject site is readily accessible to pedestrians and local public transport.

2. Pursuant to Section 51(h) of the *Planning Act*, the consent authority must take into consideration the merits of the proposed development as demonstrated in the application.

The proposed community centre and place of worship will provide a number of services to the Katherine community, including emergency welfare relief, a drop in centre, children's activities, and religious services.

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

**ITEM 3**                    **ADDITION OF CARPORT TO EXISTING SINGLE DWELLING WITH REDUCED**  
**PA2011/0355**           **FRONT AND SIDE SETBACKS**  
**LOT 2761 (22) NEEDHAM TERRACE, TOWN OF KATHERINE**  
**APPLICANT**           **PETER MAHONE**

DAS tabled additional photographs of the locality.

Mr Peter Mahone attended and tabled an additional plan showing the existing buildings and landscaping (including the two sheds and new patio).

**RESOLVED**  
**54/11**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 2761 (22) Needham Place, Town of Katherine for the purpose of a carport with reduced front and side setback 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:

- alternative options for the location of a carport which are more consistent with the minimum street setback requirements of clause 7.3 (Building Setbacks for Residential Buildings) of the NT Planning Scheme

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

1. There is an established streetscape along Needham Terrace that arises from the dominance of built form being set back from the front boundary, carports on the side of the dwelling, absence of front fences and presence of landscaping that retains an open space between the private and public realm.

2. The proposed carport would alter the typical built form character established by the style of housing and potentially lead to further applications to vary the requirements of the NT Planning Scheme to construct double carports within the front setback.

**ACTION:** Advice to Applicant

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



**PETER MCQUEEN**  
Chairman

7 /11/11

