



DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 197 – WEDNESDAY 1 DECEMBER 2021

**LANDS AND PLANNING CONFERENCE ROOM
KATHERINE GOVERNMENT CENTRE – LEVEL 1
5 FIRST STREET
KATHERINE**

MEMBERS PRESENT Suzanne Philip (Chair) via videolink
Marg Chamberlain and Lis Clark in person

APOLOGIES: Allan Domaschenz and Peter Gazey

LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: Wendy Smith and Steven Kubasiewicz via videolink (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 10.40 am and closed at 11.20 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

PA2021/0293

SUBDIVISION TO CREATE 57 LOTS

LOT 3333 CASUARINA STREET, KATHERINE EAST, TOWN OF KATHERINE

APPLICANT

Earl James and Associates

DAS tabled a plan from the applicant showing the location of public open space.

Kevin Dodd (Earl James and Associates) attended via videolink.

**RESOLVED
44/21**

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Part of Lot 3333 Casuarina Street Katherine East for the purpose of a subdivision to create 57 lots to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

- Amended plans generally in accordance with the plans submitted with the application but modified to show a minimum of 5% of the area to be set aside as public open space, designed in accordance with Table 18 – Public Open Space Hierarchy of the Northern Territory Subdivision Guidelines for the size of public open space proposed.

REASONS FOR THE DECISION

1. Amended plans showing a minimum of 5% of the area to be set aside as public open space are requested to ensure that open space is provided to service the new residential lots.

The Authority considers that public open space is required to meet the purpose of Clause 6.2.4 (Infrastructure and community facilities for subdivision in zones LR, LMR, MR and HR) to ensure that subdivision of land for residential purposes is appropriately integrated with infrastructure, community services and facilities. The Authority is not satisfied that providing no open space within this Stage 3 of the residential subdivision, where all preceding stages have provided less than the minimum 10% public open space required by Clause 6.2.4, would appropriately provide for recreational amenity for existing and new residents.

In response to questions from the Authority, the applicant advised that some public open space was intended to be provided in Stage 4 of the development; however, the timing of that provision was unknown and the amount of public open space planned to be provided would not bring the subdivision as a whole into compliance with the minimum 10% requirement of Clause 6.2.4.

The Authority considers that the applicant's previous application for Stage 2 of the residential subdivision that also included a request for a reduction in the public open space requirements indicated that public

open space would be provided in Stage 3 and that the Stage 2 approval was made partly on the basis of the expectation of public open space in this Stage 3 subdivision.

The Authority considers that all new urban residential subdivisions, especially those of smaller lot sizes, should be able to ensure the majority of dwellings are within a 400m walking distance of public open space.

The Authority noted that to achieve a minimum 5% area of public open space, the overall lot yield will need to reduce. The Authority therefore will alter and approve the purpose description based on the final lot layout.

FOR: 3

AGAINST: 0

ABSTAIN: 0

**RESOLVED
45/21**

That, pursuant to section 86(1) of the *Planning Act 1999*, the Development Consent Authority delegate to the Chair, or in the Chair's absence or inability to act any one of the other members of the Division, the power, under section 53 of the *Planning Act 1999*, to determine the application to develop Part of Lot 3333 Casuarina Street Katherine East for the purpose of subdivision, subject to the provision of amended plans generally in accordance with the plans submitted with the application but modified to show a minimum of 5% of the area to be set aside as public open space, designed in accordance with Table 18 – Public Open Space Hierarchy of the Northern Territory Subdivision Guidelines for the size of public open space proposed.

FOR: 3

AGAINST: 0

ABSTAIN: 0

ACTION:

Notice of Deferral

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

**SUZANNE PHILIP
Chair**

07 December 2021