



**DEVELOPMENT CONSENT AUTHORITY**

**KATHERINE DIVISION**

**MINUTES**

**MEETING No. 172 – WEDNESDAY 30 JANUARY 2019**

**DIPL CONFERENCE ROOM  
1<sup>ST</sup> FLOOR GOVERNMENT CENTRE  
5 FIRST STREET  
KATHERINE**

**MEMBERS PRESENT** Suzanne Philip (Chair, via videoconference), Fay Miller and Peter Gazy

**APOLOGIES:** Alan Sprigg and Allan Domaschenz

**OFFICERS PRESENT:** Alana Mackay, Julie Bennett and Ben Wollinski (Via videoconference)  
(Development Assessment Services)

**COUNCIL REPRESENTATIVE:** None

**Meeting opened at 9.45 am and closed at 10 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**                    **ALTERATIONS AND ADDITIONS TO THE EXISTING COURTHOUSE (OFFICE**  
**PA2018/0482**           **AND STAFF ROOM) WITHIN A DEFINED FLOOD AREA**  
**APPLICANT**           **LOT 2994 (11) FIRST STREET, TOWN OF KATHERINE**  
**NORTHERN PLANNING CONSULTANTS PTY LTD**

Development Assessment Services tabled recent photos of the site.

Mr Brad Cunnington (Northern Planning Consultants Pty Ltd) attended via videoconference from Darwin.

**RESOLVED**            That, pursuant to section 53(a) of the *Planning Act*, the Development Consent  
**8/19**                    Authority consent to the application to develop Lot 2994 (11) First St, Town of  
Katherine for the purpose of alterations and additions to the existing courthouse  
(office and staffroom) within a defined flood area, 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) landscaping extending along and in front of the existing fence on First Street, to match the existing established landscaping of the courthouse building. The landscaping is to provide a visual screen to minimise the visual amenity impact to the demountable structure. Landscaping on the plans 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.
  - b) Exterior colour of the demountable structure to match the exterior colour of the adjacent courthouse (walls and fascias).

#### **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 owner of the land must enter into agreements with the relevant authorities for the provision of water supply and electricity facilities, to the development shown on the endorsed plan in accordance with the authorities requirements and relevant legislation at the time.
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.

## NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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*. 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](mailto:ntepa@nt.gov.au).

## 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 demountable structure for the use of a staffroom and office is ancillary to the judicial use of the site. The siting of the demountable structure does not:

- restrict pedestrian movement within the site
- negatively impact on creating a safe and active frontage or a vibrant commercial precinct.

The development does not propose the storage or disposal of environmentally hazardous industrial materials, habitable rooms, or fill. The proposal is considered to be consistent with the requirements of Clause 6.14 (Land Subject to Flooding and Storm Surge).

In accordance with Clause 6.5.1(3) (Parking Requirements), a courthouse is not listed in the table to Clause 6.5.1. The consent authority is satisfied that an ancillary addition to the existing use, does not impact on parking demand, for the following reasons:

- there is no actual increase in demand for parking arising from the use
- the proposal does not impact on possible future use or development of the land
- there is suitable parking areas in the vicinity of the land
- the availability of public transport in the vicinity of the land.

In accordance with Clause 6.8 (Demountable Structures), the consent authority considers that sub-clause 4(a) and (b) apply to the demountable structure. A landscaping plan and architectural embellishments to enhance the appearance of the structure and to be visually constant with adjoining or nearby development are required.

Matching the colour of the courthouse (walls and fascia) and landscaping along the fence would provide screening to reduce the visual impact and be consistent with adjoining development.

2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into consideration 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.

While the site is affected by riverine flooding from the Katherine River, the proposal does not propose any habitable rooms or storage/disposal of any environmentally hazardous industrial materials. As such, the land is considered capable of supporting the proposed development as the demountable structure and use is ancillary to the main use and supports the primary judicial use of the land.

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 is no change of use proposed and the proposed demountable structure would be unlikely to have an adverse 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

01 February 2019