

DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 97 – WEDNESDAY 1 DECEMBER 2010

MEMBERS PRESENT Peter McQueen (Chairman) (via phone), Anne Shepherd, Jodie Locke and Barry Densley

APOLOGIES: Ian Palmer

OFFICERS PRESENT: Steven Kubasiewicz (via phone) and Maree Domelow (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 10.30 am and closed at 10.45 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.

ITEM 1 EXTENSION TO EXISTING MEDICAL CLINIC AND ELEVATED GENERATOR
PA2010/1111 STRUCTURE WITHIN A DEFINED FLOOD AREA
LOT 2921 (25) THIRD STREET, TOWN OF KATHERINE
APPLICANT NORDRAFT

Mr Jason Hillier (Nordraft) attended.

RESOLVED That pursuant to section 53(a) of the *Planning Act*, the Development Consent
77/10 Authority consent to the application to develop Lot 2921 (25) Third Street, Town of Katherine for the purpose of extensions to existing medical clinic & elevated generator structure within a defined flood area, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with drawings numbered 2010-1111-01, 2010-1111-02, 2010-1111-03 and 2010-1111-04 and endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity services to the land shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time
3. 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.

NOTE:

1. This permit will expire if one of the following circumstances applies:
 - (a) the development is not substantially commenced within two years of the date of this permit; or
 - (b) the development is not completed within five years of the date of this permit.The consent authority may extend the periods referred to if an application is made in writing before the permit expires.

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 application complies with the requirements for a medical clinic in the CB zone, including Clause 6.5.1 (Parking Requirements); Clause 6.8 (Demountable Structures); Clause 6.14 (Land subject to flooding and

storm surge) and Clause 8.2 (Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T.)

A Medical Clinic provides healthcare and health information to residents of Katherine and is considered consistent with the purpose of Zone CB (Commercial Business) which is to 'provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities with a commitment to the separation of incompatible activities'.

An elevated generator is considered ancillary to a medical clinic and will provide an essential power supply during power failures.

2. 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 applicant proposes to provide noise attenuation to the proposed generator. The purpose of the generator is to provide power during power failures and/or floods. The frequency of use and the noise attenuation measures will minimise acoustic impact on adjoining development.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2010/1218
APPLICANT

CHANGE IN USE FROM SHOP/DWELLING TO SHOP
LOT 551 (9) VICTORIA HIGHWAY, TOWN OF KATHERINE
PROJECT BUILDING CERTIFIERS PTY LTD

Ms Annette Joseland (Project Building Certifiers) attended

RESOLVED
78/10

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Lot 551 (9) Victoria Highway, Town of Katherine for the purpose of a change in use from a shop/dwelling to a shop.

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 proposal has demonstrated significant non-compliance with the relevant provisions of the NT Planning Scheme, in particular clauses 6.5.1 (Vehicle Parking), 6.5.3 (Parking Layout), 6.6 (Loading Bays) and 8.2 (Commercial and other Development in Zone ...C...). The application is deficient in the number and design of the carparking and associated manoeuvring areas. A variation pursuant to clause 6.5.2 (Reduction in Parking Requirements) is not supported as the lack of public carparking spaces in close and visual proximity to the proposed

development will result in vehicles associated with the use parking on the Victoria Highway.

In contrast with the requirements of clause 6.6 (Loading Bays), the proposed loading bay does not satisfy the minimum dimensions required for such activities and does not have access that is adequate for the intended purpose. The location of the loading bay will impact on the ability to utilise the on site carparking bays.

In contrast with the requirements of clause 6.5.3 (Parking Layout), the proposed development does not provide for the safe and convenient movement of vehicles to and from the site. The proposed loading bay is not convenient to access and does not promote such vehicles either entering or leaving the site in a forward direction. Access to the site is from the Victoria highway and vehicles entering the highway in a backwards direction are not a safe vehicle movement.

In contrast with the requirements of clause 8.2 (Commercial and other Development in Zones ...C...), no provision has been made on the site for refuse collection nor for landscaping to reduce the visual impact, provide shade or screening of the carparking areas.

2. Pursuant to Section 51(p) of the *Planning Act*, the consent authority must take into consideration the public interest;

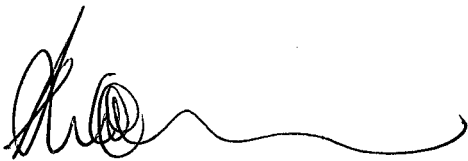
It is in the public interest to ensure that pedestrian and motorist safety is not compromised by inappropriate development. Site access and vehicle parking does not adequately consider pedestrian and motorist safety. Approval of this application for additional shop floor area, in a primarily residential locality, would increase pedestrian and vehicle traffic, increase the incidence of illegal, irregular and haphazard vehicle parking along the road reserve, thereby impacting on public safety.

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.

Approval of a proposal that represents a development substantially deficient in terms of the design and numbers of carparking spaces will exacerbate an existing vehicle parking issue and result in an increased incidence of illegal car parking along the street verge. This anticipated increase in irregular and haphazard vehicle parking in this locality would have a considerable impact on the existing and future visual amenity of the area, an area developed primarily for residential purposes.

ACTION: Notice of Refusal

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



PETER MCQUEEN
Chairman

3/12/10

