



DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 131 – WEDNESDAY 5 NOVEMBER 2014

TRAINING ROOM
1ST FLOOR GOVERNMENT CENTRE
5 FIRST STREET
KATHERINE

MEMBERS PRESENT Denis Burke (Chairman), Craig Lambert (Not Item 1), Donald Higgins and Steven Rose

APOLOGIES: Fay Miller

OFFICERS PRESENT: Julie Bennett (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 10.30 am and closed at 11.00 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 **SHOWROOM SALES**
PA2014/0707 **LOT 3335 (39) CHARDON STREET, TOWN OF KATHERINE**
APPLICANT **C.A.T. CONTRACTORS PTY LTD**

Pursuant to section 97(1) of the *Planning Act*, Mr Craig Lambert a member of the Katherine Division of the Development Consent Authority declared a conflict of interest and did not take part in any deliberation or decision of the Division in relation to Item 1.

Mr Clayton Holland (CAT Contractors) and Mr Craig Lambert (part land owner) attended the meeting. Mr Lambert tabled a site plan with hand written notes on it.

RESOLVED That, pursuant to section 53 (c) of the *Planning Act*, the Development Consent
96/14 Authority refuse to consent to the application to develop Lot 3335 (39) Chardon
Street, Town of Katherine for the purpose of showroom sales for the following
reasons:

REASONS FOR THE 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.

Clause 2.7 (Reference to Policy) of the Northern Territory Planning Scheme requires the determination of the Authority to take into consideration the *Katherine Land Use Plan*. The *Katherine Land Use Plan* includes the key objectives for industrial and commercial development being, to 'limit the development of non-industrial uses within industrial zones' and to 'maintain the existing business centre on Katherine Terrace to enhance its role in fostering community cohesion'.

Similarly the Katherine Planning Principles identifies under Clause 4.4(c) that the administration of the Scheme in relation to Katherine is to 'maintain the existing business centre on Katherine Terrace to enhance its role in fostering community cohesion and provide a site for future retail and commercial development in Katherine East with convenience retail needs being met by small scale neighbourhood facilities'.

The use of land as proposed for retail activities outside of the business centre, has the potential to draw consumers away and consequently reduce the viability and vitality of the Main Street, as opposed to working towards maintaining its primacy. The proposal is therefore not considered to be consistent with the Katherine Land Use Plan or Planning Principles.

Clause 5.12 (Zone GI - General Industry) states that the primary purpose of Zone GI (General Industry) is to provide for general industry and that shops are expected to be limited to those that either service the needs of the general industry in the zone or would be inappropriate in a commercial zone. The nature of the use, including only 10% of the net floor area for the display of bulky items, is consistent with a shop. The application has not demonstrated how the use will service the needs of the general industry in the zone, and is considered to be appropriate within a commercial zone.

Clause 8.1.1 (Shops in Zones CV, CL, LI, GI, DV, OR and CN) is intended to facilitate retailing of a nature and intensity servicing only the needs of the zones in which the shop is located. The net floor area of a shop in Zone GI is not to exceed 200m². Of the total net floor area of approximate 1030 m², 800 m² net floor area is to be used for the purpose of displaying items including clothes, shoes and toys for retail sale consistent a shop. There has not been any special circumstance provided by the applicant that is considered appropriate to justify a variation to the clause.

ACTION: Notice of Refusal

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



DENIS BURKE
Delegate

7 /11/14

