



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 138 – WEDNESDAY 18 APRIL 2012

**BOULEVARD ROOM
QUEST PALMERSTON
18 THE BOULEVARD
PALMERSTON**

MEMBERS PRESENT: Peter McQueen (Chairman), Steve Ward, Stuart Delahay, Susan McKinnon and Graeme Chin

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Danna Scoot (A/Secretary), George Maly, Sally Cunningham and Sarah Gooding (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 10.00 am and closed at 11.05 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 **CHANGE OF USE FROM WAREHOUSE TO LEISURE AND RECREATION,**
PA2011/0976 **SHOWROOM SALES, RESTAURANT AND WAREHOUSE**
 LOT 9602 (2) MIDDLETON STREET, TOWN OF PALMERSTON
APPLICANT **PLANIT CONSULTING PTY LTD**

The applicant did not attend.

RESOLVED: That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
37/12 Authority consent to the application to develop Lot 9602 (2) Middleton Street, Town
 of Palmerston for the purpose of change of use from warehouse to leisure and
 recreation, restaurant and showroom sales and warehouse, subject to the following
 conditions:

CONDITIONS

1. Works carried out under this permit shall be in accordance with drawings numbered 2011/0976/1 and 2011/0976/2 inclusive, 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, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
3. Storage for waste disposal bins is to be provided to the requirements of Palmerston City Council to the satisfaction of the consent authority.
4. Prior to the commencement of the use approved by this permit Lots 9602 and 9603 (2 and 8) Middleton Street, Town of Palmerston must be consolidated and a new title issued for the consolidated lot, to the satisfaction of the consent authority.

NOTES

1. This permit will expire if one of the following circumstances applies:
 - (a) the use is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au)

should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

3. The development and use hereby permitted must be designed, constructed, registered and operate in accordance with the *Building Code of Australia*, the *NT Public Health Act and Regulations*, the *NT Food Act, National Food Safety Standards, NT Food Act and Regulations and NT Food Act 2004*.

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 proposed change of use will provide recreational activities, food and beverage services, and retail services to workers in the surrounding industrial area. It is therefore considered that the proposed change of use is consistent with the purpose of the zone.

A requirement for Lots 9602 and 9603 Town of Palmerston to be consolidated will address the parking shortfall on Lot 9602.

2. A variation to Clause 6.6 (Loading Bays) of the Scheme for 2 loading bays where 6 are required is supported as the loading bay for building 2 is in a central location, is unlikely to interfere with the safe manoeuvring of vehicles and represents a good utilisation of space.
3. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support 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.

The site is within an existing light industrial area, the land is considered capable of supporting the change of use as no works are proposed.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2012/0110

**CARPORT ADDITION WITH A REDUCED SIDE SETBACK TO AN EXISTING
SINGLE DWELLING**

APPLICANT

**LOT 375 (38) MCINNIS CIRCUIT, TOWN OF PALMERSTON
NOW RESOURCES PTY LTD**

The applicant did not attend.

Submitter Mr Bill Matchett sent his apology.

**RESOLVED:
38/12**

That the Development Consent Authority vary Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to Section 53(b) of the *Planning Act* alter the proposed development and consent to the proposed development as altered to develop Lot 375 (38) McInnis Circuit, Town of Palmerston, for the purpose of a carport with reduced side setback, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation) a full set of 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - The provision of stormwater guttering and downpipe and conceptual plan of the on-site collection of stormwater and its discharge into the City of Palmerston's underground stormwater drainage system to ensure that stormwater collected from the roof does not adversely affect neighbouring properties.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements and satisfaction of the relevant service authority at no cost to the relevant service authority.
4. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost the City of Palmerston Council to the satisfaction of the consent authority.

NOTES

1. This permit will expire if one of the following circumstances applies:
 - (c) the use is not started within two years of the date of this permit; or
 - (d) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that

you have attained all necessary approvals before commencing demolition or construction works.

3. An agreement between Power and Water Corporation and the Land Owner is in place for the encroachment of the electricity easement on Lot 375 (38) McInnis Circuit and should be referred to ensure all the specific requirements are being adhered to.
4. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

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.

A variation to clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme for a carport with a reduced side setback of 0.8m where 1.5m is required by the Scheme, is granted as:

- no adverse effect on the amenity of the surrounding area is likely as carport's footprint will be 5m x 8.9m and it replaces an existing carport structure with a similar footprint;
- the applicant is constrained by the location of the existing dwelling, being 5.8m from the southern boundary;
- the structure will have a height of 3m and will be open sided to ensure adequate breeze penetration; and
- the carport will be single storey in its appearance and its flat slimline roof design will not result in building massing when viewed from the street.

2. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support 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.

The site is 820m² and has street frontage to McInnis Circuit. Provided that stormwater is managed on site without impacting on adjoining properties and disposed of into Council's stormwater drainage system, no adverse impact is anticipated.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2012/0009
APPLICANT

**EXTENSIONS TO LIGHT INDUSTRY
LOT 7065 (33) TOUPEIN ROAD, TOWN OF PALMERSTON
SHED BOSS – DARWIN**

Mr Brian Lewins (Shed Boss Darwin) attended.

**RESOLVED:
39/12**

That, the Development Consent Authority vary clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 7065 (33) Toupein Road, Town of Palmerston for the purpose of extensions to a light industry workshop, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston's underground stormwater drainage system shall be submitted to and approved by the City of Palmerston, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system. An endorsed copy of the plan will form part of this permit.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
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.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
6. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Palmerston City Council, to the satisfaction of the consent authority.

NOTES

1. This permit will expire if one of the following circumstances applies:
 - (a) the use is not started within two years of the date of this permit; or

- (b) the development is not completed within four years of the date of this permit.

The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) Section and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

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.

A variation to Clause 6.5.3 (Parking Requirements) of the Northern Territory Planning Scheme to allow a landscaping buffer of 0.4m where 3m requirement is granted, as the site is developed to its capacity leaving limited provision to expand the existing landscaped buffer.

2. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support 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.

The site is within an existing service commercial area and provided that stormwater will be appropriately managed on site without impacting on surrounding area and disposed of into Councils stormwater drainage system, the land is considered capable of supporting the development as proposed.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2012/0069
APPLICANT

SHED ADDITION WITH A REDUCED SIDE AND REAR SETBACK
LOT 10352 (48) HOBART CRESCENT, TOWN OF PALMERSTON
THOMAS HERBERT

Mr Thomas Herbert did not attend.

RESOLVED:
40/12

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuses to consent to the application to develop Lot 10352 (48) Hobart Crescent, Town of Palmerston for the purpose of a shed addition to an existing single dwelling with a reduced side and rear setback for the following reasons:

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.

A variation to clause 6.11 (Garages and Sheds) of the NT Planning Scheme for a reduced side and rear setback of 1m where 1.5m is required by the Scheme, is refused as:

- the height and relatively large footprint of the shed will result in building massing when viewed from the affected properties;
- the existing 1.8m high chain mesh fence that runs along the effected boundaries is not considered capable of providing adequate screening;
- the 1 metre setback is not considered adequate to allow for landscaping which would screen the structure from view;
- there is little vegetation on the neighbouring properties which will screen the proposed shed from view;
- the site is not constrained by an easement, irregularities of the parcel boundaries or any other circumstance which would preclude compliance with the requirements of the Northern Territory Planning Scheme; and
- no other development of this nature with reduced side and rear setbacks is evident in the immediate locality.

2. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support 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.

The land is considered sufficiently sized to allow for the shed to be sited in an alternative location and be fully compliant with the Northern Territory Planning Scheme.

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.

Due to the height and relatively large footprint of the shed, the shed will result in a significant impact on the amenity of the adjoining properties

ACTION: Notice of Refusal

ITEM 5
PA2012/0126

**SUBDIVISION AND CONSOLIDATION TO CREATE ONE LOT
LOTS 30, 4896, 11019 (9, 15) MALUKA DRIVE AND (194) ROYSTONEA AVENUE
AND PART OF THE ADJOINING ROYSTONEA ROAD RESERVE
LAND DEVELOPMENT CORPORATION**

APPLICANT

Mr John Dong (Land Development Corporation) attended.

RESOLVED:
41/12

That, the Development Consent Authority vary clause 11.0 (Subdivision) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lots 30, 4896, 11019 (9, 15) Maluka Drive and (194) Roystonea Avenue and part of the adjoining Roystonea Road Reserve for the purpose of a subdivision and consolidation to create one lot, subject to the following conditions:

CONDITIONS

1. Works carried out under this permit shall be in accordance with drawing numbered 2012/0128/1, endorsed as forming part of this permit.
2. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
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

The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (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.

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 purpose of the application is to create 1 large parcel of land to facilitate the transfer of title from the Northern Territory Government to the Land Development Corporation. Once subdivided and consolidated the land will be developed and rezoned for commercial, community and residential uses in accordance with the 'Palmerston City Centre Area Plan' and as such it is considered that the proposed subdivision and

consolidation conforms with the purpose of zone FD (Future Development) and CP (Community Purposes) of the Northern Territory Planning Scheme.

The proposal is seeking to close, subdivide and consolidate a small portion of the Roystonea Avenue Road Reserve into Lot A. Permission from the controlling agency has been provided. As the proposed subdivision and consolidation is for administrative purposes to facilitate the transfer of title to the land and no access or egress is being proposed from Roystonea Avenue, it is considered that the provisions of Clauses 13.2 (Land Adjacent to Main Roads) and 13.3 (Main Roads and Proposed Main Roads) of the Scheme do not apply. Access and egress, the safety of traffic and the amenity of the main road will be assessed as part of any future development application lodged over the site.

2. Pursuant to Section 51(a) of the Planning Act, the consent authority must take into account any planning scheme that applies to the land to which the application relates.

A variation of the requirements of Clause 11.0 (Subdivision) of the NT Planning Scheme to allow Lot A to have a maximum size of 4.3ha where 50ha is required for Lots in zone FD (Future Development) is supported as:

- the proposed consolidation of the subjects lots will facilitate future development of the land in accordance with the Palmerston City Centre Area Plan; and
 - the consolidations is limited by existing developments and road corridors.
3. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support 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.

The subdivision is for administrative purposes to facilitate development of the site as no works are proposed, the land is considered capable of supporting the proposal.

ACTION: Notice of consent and Development Permit.

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



PETER MCQUEEN
Chairman

20/4/12