



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No. 226 – MONDAY 9 DECEMBER 2019

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

MEMBERS PRESENT: Suzanne Philip (Chair), Steve Ward, Trevor Dalton, Sarah Henderson and Ben Giesecke

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Ann-Marie Reynolds and Alexander Deutrom (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 10.00 am and closed at 11.35 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

**PA2017/0184 VARIATION - TO DELETE WORKS FORMING PART OF STAGE 2
LOT 9148 (6) PIERSSENE ROAD, YARRAWONGA, TOWN OF PALMERSTON
APPLICANT/S Bunnings Pty Ltd c/o Fyfe**

Mr Michael Osborn (National Planning Manager – Future Urban) attended.

**RESOLVED
52/19**

That, pursuant to section 57(3) of the *Planning Act 1999*, the Development Consent Authority consent to the application to vary DP17/0289 to delete the works associated with stage 2 and alterations to the car parking area subject to the following conditions:

CONDITIONS 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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show the deletion of the two non-compliant car parking bays.
2. 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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. measurements/locations of loading bays;
 - b. end of trip facilities for cyclists, and;
 - c. any design changes that result from condition precedents 2, 3 and 4.

THIS CONDITION HAS BEEN CLEARED

3. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the stormwater drainage system shall be submitted to and approved by the City of Palmerston/Litchfield Council/Land Development Unit and/or the Transport Civil Services Division of the Department of Infrastructure, Planning and Logistics (as the case may be), to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to the City of Palmerston/Litchfield Council/Land Development Unit and/or the Transport Civil Services Division of the Department of Infrastructure, Planning and Logistics (as the case may be) drainage system.

THIS CONDITION HAS BEEN CLEARED

4. Prior to the endorsement of plans and commencement of works, an amended Traffic Impact Assessment report is to be undertaken to the requirements of the Transport Civil Services Division of the Department of Infrastructure, Planning and Logistics and/or City of Palmerston, to the satisfaction of the consent authority.

THIS CONDITION HAS BEEN CLEARED

5. Prior to the endorsement of plans and commencement of works, written confirmation is required from the City of Palmerston that its concerns regarding the use/design of Pierssene Road have been addressed, to the satisfaction of the consent authority.

THIS CONDITION HAS BEEN CLEARED

6. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP) is to be submitted to and approved by the consent authority on the advice of the Department of Environment and Natural Resources (DENR). All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, on advice from DENR. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning and in accordance with the IECA Best Practice Erosion and Sediment Control Guidelines 2008. The plans should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. Information regarding ESCP content is available at: www.austieca.com.au.
7. Prior to commencement of any works, a Construction Traffic Management Plan (detailing all appropriate site management measures, including construction access, proposed haulage routes, vehicle types, protection of existing assets, protection of public access and a risk assessment) shall be submitted to the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.

GENERAL CONDITIONS

8. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
9. The development must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.
10. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, upon the advice of the Department of Environment and Natural Resources.
11. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority and approval to carry out works shall be obtained prior to the commencement of construction, to the satisfaction of the consent authority.
12. 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.

13. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply and 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.
14. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston/Litchfield Council/Land Development Unit and/or the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics (as the case may be), to the satisfaction of the consent authority
15. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the City of Palmerston/Litchfield Council/Land Development Unit and/or the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics (as the case may be) drains or to any watercourse.
16. All proposed work (including the provision or connection of services) within, or impacting upon the Stuart Highway road reserve shall be designed, supervised and certified on completion by a practicing and registered Civil Engineer, and shall be in accordance with the standards and specifications of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics. Design documents must be submitted to the Director Corridor Management, Transport and Civil Services Division for Road Agency Approval and no works are to commence prior to gaining approval.
17. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of City of Palmerston, Transport Civil Services Division of the Department of Infrastructure, Planning and Logistics and/or Litchfield Council (as the case may be), to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
18. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
19. 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.
20. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
21. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.
22. Where unfenced, the Stuart Highway frontage is to be appropriately fenced in accordance with the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics requirements, to the satisfaction to the consent authority.
23. The Stuart Highway verge fronting the development is to be top-dressed, grassed and landscaped consistent with the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics

requirements. Dryland grassing shall be established as a minimum and shall be undertaken to the Department's standards and requirements.

24. Dust control measures must be employed throughout the construction stage of the development to the requirements of the Northern Territory Environment Protection 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) 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.
2. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>.
3. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
4. A "Permit to Work Within a Road Reserve" is required from the Department of Infrastructure, Planning and Logistics, the City of Palmerston and/or Litchfield Council before commencement of any work within the road reserve.
5. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
6. 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.
7. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned: (a) so as not to create sun or headlight reflection to motorists; and (b) be located entirely (including foundations and aerially) within the subject lot.

8. Notwithstanding the approved plans, all signage is subject to City of Palmerston approval, at no cost to Council.
9. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
10. The Northern Territory Environment Protection Authority advises that the developer should consider the General Environment Duty provided by section 12 of the *Waste Management and Pollution Control Act 1998*.
11. There are statutory obligations under the *Weeds Management Act 1999* to take all practical measures to manage weeds on the land. For advice on weed management please visit <http://www.nt.gov.au/weeds> or alternatively contact the Weed Management Branch of the Department of Environment and Natural Resources on (08) 8999 4567.
12. This Variation Permit supersedes the original Development Permit DP17/0289. Stage 2 works approved through DP17/0289 will no longer proceed.
13. The developer shall undertake all reinstatement works to the technical requirements of and at no cost to the Lands and Planning Division (Land Development Unit). Any damaged or affected Lands and Planning Division (Land Development Unit) asset shall be rehabilitated to the standards and requirements of the Lands and Planning Division (Land Development Unit).

REASONS FOR THE DECISION

1. Pursuant to section 57(3) of the *Planning Act 1999*, the consent authority must only vary a condition of a development permit if the proposed variation will not alter a measurable aspect of the development by a margin greater than 5% or the alteration resulting from the proposed variation is not conveniently measurable and will not materially affect the amenity of adjoining or nearby land or premises.

The application proposes the removal of the 3281m² Bulk Trade building associated with stage 2 works and modifications to the internal driveway and car parking layout. The proposed changes in conjunction with the conditions of the variation permit accord with the requirements of the NT Planning Scheme and do not create any new non-compliances. There is no new uses proposed, and no increase in floor area. As such, the proposal is not expected to affect the amenity of the adjoining or nearby land.

Furthermore, the deletion of the Bulk Trade building will facilitate consideration of a separate subdivision application sought by the applicant.

ACTION: Variation Permit

ITEM 2
PA2019/0424
APPLICANT/S

SUBDIVISION TO CREATE THREE LOTS
LOT 9148 (6) PIERSSENE ROAD, YARRAWONGA, TOWN OF PALMERSTON
FYFE Pty Ltd

Mr Michael Osborn (National Planning Manager – Future Urban) attended.

RESOLVED
53/19

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Lot 9148 (6) Pierssene Road, Town of Palmerston for the purpose of subdivision to create three lots, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Litchfield Council stormwater drainage system shall be submitted to and approved by Litchfield Council, 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 or an alternate approved connection.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with drawing 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, drainage, sewerage and electricity facilities to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Litchfield Council/Land Development Unit and/or the Transport Civil Services Division of the Department of Infrastructure, Planning and Logistics to the satisfaction of the consent authority.
5. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the City of Palmerston/Litchfield Council/Land Development Unit and/or the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics (as the case may be) drains or to any watercourse.
6. 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.
7. Prior to new titles being issued, a report from a building certifier within the meaning of the *Building Act 1993* as to whether the building will cease to comply with the *Building Act 1993* if the proposed development were to proceed, shall be provided to Development Assessment Services, to the satisfaction of the consent authority.

8. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development (including clearing and early works) and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information resources are available on the IECA website www.austieca.com.au and the Department of Environment and Natural Resources ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.

NOTES:

1. 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.
2. For the purposes of best practice land management and environmental protection it is recommended that a Type 1 Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Environment and Natural Resources ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
3. The Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics advise that no further access will be allowed from the Stuart Highway.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The application has been assessed against the relevant clauses of the Northern Territory Planning Scheme (NTPS) and generally complies.

The site is zoned LI (Light Industry), the primary purpose of which is to provide for light industry uses or development activities that will not by the nature of their operations detrimentally affect adjoining or nearby land. The proposed subdivision will facilitate the development of a Bunnings Warehouse as approved through DP17/0184.

2. Table to Clause 11.1.1 stipulates the minimum lot size in Zone LI as 1225m². The dimensional plans submitted as part of the application denote the three lots sizes as 27400m², 10100m² and 4038m², all in excess of the minimum lot size requirements.

3. Clause 11.3.2 outlines the infrastructure requirements for industrial subdivision. Public access to the site will be predominantly from Pierssene Road only. A 'Goods Inward Entry' is proposed from the Stuart Highway. It is understood that the applicant has consulted extensively with the Transport and Civil Services Division (TCSD) who have provided preliminary approval for the proposed intersections and connections into the site.

The application proposes right of way easements along the internal driveway to ensure access is available to each lot. Lot 1 will contain rights of way to the benefit of Lot 2 and Lot 3. Lot 2 will contain a right of way to the benefit of Lot 1. Lot 1 is provided with access to Stuart Highway through the right of way over Lot 2. Lot 2 is provided with direct access to both Stuart Highway and Pierssene Road via the right of way over Lot 1. Lot 3 is provided with direct access to Pierssene Road via the Right of Way over Lot 1.

Neither TCSD nor City of Palmerston raised any issues with this right of way arrangement in their comments. It is noted that the irregular shape of the parcel and long frontage to the Stuart Highway provides challenges for internal access. It is considered that the proposal will enable efficient internal vehicle movement and minimise access points onto major roads.

4. Pursuant to section 51(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application

The application was advertised in the NT News and placed on public exhibition on 1 November 2019 for a period of two weeks. No public submissions were received during the exhibition period under Section 49 of the *Planning Act 1999*.

5. Pursuant to section 51(j) of the *Planning Act 1999*, 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.

In its comments, the Department of Environment and Natural Resources did not advise of any land capability issues. The parcel is flat and has previously supported industrial and commercial development. Therefore, the land is considered capable of supporting the proposed development.

6. Pursuant to section 51(m) of the *Planning Act 1999*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

The application was circulated to the City of Palmerston, Power and Water Corporation, Transport and Civil Services Division, the Department of Environment and Natural Resources and Surveys. No

objections were made by service authorities and issues raised in comments have been addressed in the conditions of the development permit.

7. Pursuant to section 51(n) of the *Planning Act 1999*, 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 proposed subdivision is not expected to impact on the existing and future amenity of the area given it generally complies with the relevant clauses of the NTPS.

ACTION: Notice of Consent and Development Permit

ITEM 3

PA2019/0428

3 X 1 BEDROOM AND 5 X 2 BEDROOM MULTIPLE DWELLINGS IN 8 SINGLE STOREY BUILDINGS

LOT 8877 (2) BELYUEN ROAD, ROSEBERY, TOWN OF PALMERSTON

APPLICANT/S

Department of Infrastructure, Planning and Logistics (DIPL)

Mr Rik Jones and Mr Russell Taylor (DIPL), Mr Blair Harper and Ms Ally Connachie (Department of Local Government, Housing and Community Development) attended.

Mr Jones tabled a colour palette showing Colorbond roof colours indicating which colours would comply with a five star energy rating.

Submitters Mr Jon & Mrs Coryn Schatz attended.

**RESOLVED
54/19**

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Lot 8877 (2) Belyuen Road, Town of Palmerston for the purpose of 3 x 1 bedroom and 5 x 2 bedroom multiple dwellings in 8 single storey buildings to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

- Further information and/or amended plans to demonstrate compliance with the fencing and screening requirements of Clause 7.5 (Private Open Space) of the NT Planning Scheme. The information and/or amended plans should include provisions for good neighbour fencing adjacent to properties along the eastern and northeastern boundaries;
- Further information and/or amended plans to demonstrate compliance with the requirements of Clause 7.8 (Building Design for Multiple Dwellings, Hostels and Supporting Accommodation) of the NT Planning Scheme as it relates to the requirement to 'minimise use of reflective surfaces'. The information should also demonstrate consideration for submitters present at the DCA hearing dated 9 December 2019, including any colour preference identified on the colour palette tabled at the DCA hearing; and
- Further advice from the City of Palmerston that the matters identified in its submission of 15 November 2019 relating to storm water drainage and site access have been/can be resolved.

REASONS FOR THE DECISION

1. Pursuant to section 46(4)(b) of the *Planning Act 1999* the consent authority may defer consideration of a development application and

require the applicant to provide further information it considers necessary in order for the proper consideration of the proposal.

The Authority acknowledges the applicant submitted amended plans to address the matters identified in the report prepared by Development Assessment Services, including matters raised in submissions and service authority comments. Specifically, the amendments include a concept drainage plan in response to concerns raised by the City of Palmerston, together with a revised site plan showing amendments to the parking layout and inclusion of a 1.8m high colorbond fence to part of the eastern boundary in response to non-compliance with Clause 7.5 (Private Open Space) and privacy concerns raised in submissions.

The amended plans will need to be circulated to the City of Palmerston for review and assessment and the access issues raised by City of Palmerston still need to be addressed.

Three public submissions were received during the exhibition period under section 49 of the *Planning Act 1999* with respect to the proposal. Mr Jon & Mrs Coryn Schatz spoke to their submission indicating their support for the stormwater design and the proposal to include a 1.8m high colorbond fence along part of the eastern boundary to address their concerns. In relation to the colour palette tabled by Mr Jones illustrating suitable Colorbond roof colours, Mr & Mrs Schatz indicated they would be satisfied if the site was developed using one of the colours identified on the colour palette to minimise reflective surfaces. Mr & Mrs Schatz also noted that the neighbour to the east of the site also requested good neighbour fencing along the shared boundary for privacy purposes.

The Authority acknowledges the concerns raised by the submitters and notes that the chainmesh fence and landscaping proposed along eastern boundary of the site do not comply with the requirements of the Northern Territory Planning Scheme.

The points of deferral require the applicant to demonstrate compliance with the fencing and screening requirements of Clause 7.5 (Private Open Space) and the requirements of Clause 7.8 (Building Design for Multiple Dwellings, Hostels and Supporting Accommodation) in relation to reflective surfaces which the Authority anticipates will address the matters raised by submitters. Subject to these issues being addressed and further advice from City of Palmerston, members are satisfied to delegate to the Chair the power to determine the application.

ACTION: Notice of Deferral

**RESOLVED
55/19**

That, pursuant to section 86 of the *Planning Act 1999*, the Development Consent Authority delegates to the Chair, or in the Chair's absence any one of the other members of the Palmerston Division the power under section 53 of the Act, to determine the application to develop Lot 8877 (2) Belyuen Road, Town of Palmerston for the purpose of 3 x 1 bedroom and 5 x 2 bedroom multiple dwellings in 8 single storey buildings.

ITEM 4

PA2019/0400

**SUBDIVISION TO CREATE 10 LOTS AND A BUILDING SETBACK PLAN
LOT 13356 (33) OATGRASS STREET, ZUCCOLI, TOWN OF PALMERSTON**

APPLICANT/S

Tropics Consultancy Group

Mr Gerard Rosse (Tropics Consultancy Group) and Mr Hermanus Louw (Costojic Pty Ltd) attended.

**RESOLVED
55/19**

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Lot 13356 (33) Oatgrass Street, Town of Palmerston, for the purpose of subdivision to create 10 lots and a building setback plan to require the applicant to provide the following additional information that the authority considers necessary in order to enable the proper consideration of the application:

- Amended plans to illustrate a better design solution that does not result in a reduced setback to the eastern boundary of proposed Lot C/8.

REASONS FOR THE DECISION

1. Pursuant to section 46(4)(b) of the *Planning Act 1999* the consent authority may defer consideration of a development application and require the applicant to provide further information it considers necessary in order for the proper consideration of the proposal.

The Authority determines to defer the application to provide the applicant with the opportunity to revisit the proposal.

Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the Authority may consent to the development of land that does not meet the standards set out in Parts 4 or 5 if it is satisfied that special circumstances justify the giving of consent. The Authority acknowledges the location of the lot at the end of a cul-de-sac and the developer's ability to control future development through a restrictive covenant however, it determines that there are insufficient special circumstances to justify varying the requirements of Clause 7.3.3 (Reduced setbacks for single dwellings on lots less than 600m² but not less than 300m²) to allow a zero building setback to a side boundary that is external to the subdivision; in this case, the eastern boundary of proposed Lot 8, as illustrated on the building setback plan, which adjoins Zuccoli Parade.

The Authority notes that development on the opposite side of Oatgrass Street has similarities to the proposed subdivision layout, except that the end lot adjacent to Zuccoli Parade has not been permitted a reduced setback under the building setback plan. Instead, the end lot is larger in comparison which has enabled development of the site with a dwelling that is setback more than 1.5m from its boundary with Zuccoli Parade and without the need for a reduced setback.

The location of the driveway for proposed Lot C/8 also appears to restrict access to the lot which should be addressed.

ACTION: Notice of Deferral

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

SUZANNE PHILIP

Chair

12 December 2019