



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No. 273 – FRIDAY 11 APRIL 2025

**AGORA ROOM
HUDSON BERRIMAH
4 BERRIMAH ROAD
BERRIMAH**

MEMBERS PRESENT: Suzanne Philip (Chair), Trevor Dalton, Sarah Henderson and Athina Pascoe-Bell

APOLOGIES: Elisha Harris

LEAVE OF ABSENCE: None

OFFICERS PRESENT: Margaret Macintyre (Secretary), Benjamin Taylor and Daniel Herlihy (Development Assessment Services)

COUNCIL REPRESENTATIVE: Christopher Tickner

Meeting opened at 10.00 am and closed at 11.20 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 TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1
PA2025/0061
SUBJECT SITE
APPLICANT

OUTBUILDING (SHED) ADDITION TO DWELLING-SINGLE WITH REDUCED BUILDING SETBACKS TO SIDE BOUNDARY
LOT 4085 (17) BRUMBY COURT, MARLOW LAGOON, TOWN OF PALMERSTON
MOONBEAM DESIGN

Applicant: Chris Renehan (Moonbeam Design) attended and tabled two photos showing Indian mask trees which could be used to block the neighbours views of the blank shed wall.

RESOLVED
16/25

That, the Development Consent Authority vary the requirements of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(b) of the *Planning Act 1999*, alter the proposed development and consent to the proposed development as altered to develop Lot 4085 (17) Brumby Court, Marlow Lagoon, Town of Palmerston for the purpose of outbuilding (shed) addition to dwelling-single with reduced building setbacks to the side boundary, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of drawings and prior to commencement of works, amended drawings to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the drawings will be endorsed and will then form part of the permit. The drawings must be drawn to scale with dimensions and must be generally in accordance with the drawings submitted with the application but modified to show:
 - (a) 'building setback' of the 'outbuilding' a minimum of 4m from the western (Lot 4086) side boundary of the site; and
 - (b) locations of firebreaks (section 3 of the *NT Fire and Emergency Regulations 1996*) on the site.
2. Prior to the commencement of works, a stormwater management plan prepared by a suitably qualified professional is to be approved by City of Palmerston, to the satisfaction of the consent authority. The stormwater management plan shall include site contours/levels and demonstrate how stormwater is to be collected and discharged to the external stormwater network, to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity services to the development shown on the endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time. Please refer to Notation 1 for further information.

Palmerston DCA Meeting No 273 – Friday 11 April 2025

5. Stormwater is to be collected on site and discharged in accordance with the approved stormwater management plan, to the technical standards of and at no cost to the City of Palmerston, to the satisfaction of the consent authority. Please refer to notation 2 for further information.
6. Before the use commences/occupation of the development (approved by this permit), firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the NT Fire and Rescue Service.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@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. Any proposed work (including the provision or connection of services) within or impacting upon the Brumby Court road reserve shall be in accordance with the standards and specifications of the City of Palmerston and no works (in the road reserve) are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
3. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.
4. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Northern Territory Aboriginal Sacred Sites Act 1989*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.

REASONS FOR THE DECISION

1. Pursuant to section 51(1)(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 development application sought approval to construct an outbuilding (shed/garage) that will have a reduced building setback to the western side boundary of the site (0.8m setback for the wall and associated roof / eaves, no guttering is shown on the drawings).

The NT Planning Scheme 2020 applies to the land, which is zoned RR (Rural Residential), an ancillary outbuilding (shed/garage) to a dwelling-single requires consent under Clause 1.8 (When development consent is required) as it has become Merit Assessable under Clause 1.8(1)(b)(ii)(2).

Sub-clause 2 of Clause 1.10 of the NTPS2020 specifies that *in considering an application for consent for a use or development that has become Merit Assessable under Clause*

Palmerston DCA Meeting No 273 – Friday 11 April 2025

1.8(1)(b)(ii)(2), the consent authority must consider the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements.

Furthermore, section 51(3) of the Planning Act 1999 specifies that - *when considering a development application under subsection (1) of section 51, the consent authority must apply the relevant considerations to only those components of the development that triggered the requirement for consent under the planning scheme.*

The assessment carried out by the Development Assessment Services concludes that the proposed outbuilding (shed/garage) complies with the relevant Part 5 (Development Requirements) of the NTPS2020, except for Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures).

Table D to Clause 5.4.3 requires that, in Zone RR, the external walls of an outbuilding or residential building are setback a minimum of 5m to side and rear boundaries (4.1m building setback for roof eaves and gutters).

The assessment noted that the proposed outbuilding (as detailed in the application) will have a reduced building setback to the western side boundary of the site (0.8m setback for the wall and associated roof / eaves, no guttering is shown on the drawings).

2. Pursuant to sub-clause 2 of Clause 1.10 (Exercise of Discretion by the Consent Authority) of the NTPS 2020, the consent authority In considering an application for consent for a use or development that has become Merit Assessable under Clause 1.8(1)(b)(ii)(2), *the consent authority must consider the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements.* Therefore, in this instance, the relevant requirements, including the purpose of the requirements, as set out in Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) have been considered by the Authority as follows:

Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures)

The purpose of Clause 5.4.3 is to: *Ensure that residential buildings and ancillary structures are located in a manner that:*

- (a) is compatible with the streetscape and surrounding development including residential buildings on the same site;*
- (b) minimises adverse effects of building massing when viewed from adjoining land and the street;*
- (c) avoids undue overlooking of adjoining properties; and*
- (d) facilitates breeze penetration through and between buildings.*

Pursuant to sub-clause 3 of Clause 5.4.3 of the NTPS2020, the Development Consent Authority - *may consent to a development that is not in accordance with sub-clauses 6-8 (of Clause 5.4.3) only if it is satisfied that the reduced setback is consistent with the purpose of Clause 5.4.3 and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.*

Having regard to the purposes of the clause, the Authority determined that the 0.8m building setback proposed is not appropriate in this instance because:

(a) Compatibility of the proposal with streetscape and surrounding development including residential buildings on the same site

Palmerston DCA Meeting No 273 – Friday 11 April 2025

Brumby Court and adjacent lots have a mixed character of dwelling densities, dwelling/outbuilding designs, floor areas, building footprints and vegetation coverage for each lot. However, all properties in Brumby Court have building setbacks that are either fully compliant with Clause 5.4.3 of the NTPS2020, or the Development Consent Authority has not consented to variations. The location of the shed on Lot 4092, 14 Catalina Road (diagonally to the south west of the subject site) is setback 4m from the eastern (Lot 4091) boundary – approved by DP23/0224 (as varied).

The height, building materials, architectural style and floor area of the structure is consistent with other buildings on nearby properties. However, the proposed (requested) building setback is 84% less than the NTPS2020 minimum requirement

Altering the application (as lodged) to increase the building setback (to western side boundary) to 4m will ensure the built form (setback) is consistent with similar sized structures in the locality and complies with minimum firebreak requirements (listed in the *Fire and Emergency Regulations 1996*).

(b) minimises adverse effects of building massing when viewed from adjoining land and the street

The proposed building length (28.6m) facing the neighbouring property is 29.08% of (the length of) the site boundary (98.335m) and wall height of ~5.5m which are quite significant compared to other properties in the locality.

Mature landscaping on Lot 4086 (if retained by that land owner) will provide some screening (of the proposed shed on Lot 4085, when viewed from the dwelling on Lot 4086). Existing landscaping will be retained on Lot 4085 where possible.

Brumby Court streetscape – mature landscaping is established within the front yard of the subject site, the colour of the shed is intended to blend in with the dwelling and existing shed.

(c) avoids undue overlooking of adjoining properties

No windows face towards the west boundary (Lot 4086). There are no habitable rooms (on Lot 4086) in the vicinity of the structure on Lot 4085. The development is single storey

Altering the application and approving a 4m building setback to the west boundary is considered to be more consistent with the purpose of Clause 5.4.3, with regards to the “location, scale, impact on adjoining and nearby property” as:

- the outbuilding will be constructed:
 - in the west side of the subject site (a 5990m² RR zoned property), abutting an undeveloped area on Lot 4086 (adjacent site);
 - in a location in line with the existing driveway access and so as not to interfere with established landscaping (centre of site) associated with the dwelling-single
- the scale of the building (with a 4m setback):
 - will be consistent with the floor areas, height, building materials and building setbacks of other outbuildings in the Marlow Lagoon locality

Palmerston DCA Meeting No 273 – Friday 11 April 2025

- allow for adequate dimensions for the parking and manoeuvring of vehicles (within shed)
 - the impact on the adjoining and nearby property (with a 4m setback) is expected to be minimal as:
 - no public submissions were received during the notification period
 - fencing and some landscaping (on Lot 4086) provides visual privacy to side and rear neighbours
 - colours and building materials will match the existing outbuilding
 - the amended design will be able to comply with section 3 of the *Fire and Emergency Act 1996*
3. Pursuant to section 51(1)(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.

The proposed 0.8m building setback (as requested in the application as lodged) will conflict section 3 of the *Fire and Emergency Act 1996*, which states there needs to be a 4m firebreak along the entire boundary of the land. This requirement was confirmed by comments provided by on 9 May 2025 by the NT Fire and Rescue Service) the altering the application (to require an increased building setback) will ensure the approved development will comply with the firebreak requirements listed in the *Fire and Emergency Regulations 1996*.

Otherwise, the land is considered capable of supporting the development as it has been identified for Zone RR (Rural Residential) purposes and the primary (dwelling-single) land use was lawfully established. The shed will provide shelter and storage for items ancillary to the dwelling-single. Service authority requirements can be addressed by the inclusion of conditions and advisory notes on the development permit.

4. Pursuant to section 51(1)(m) of the *Planning Act 1999*, the Development Consent Authority must, in considering a development application, take into account the public utilities or infrastructure provided in the area in which the land is situated, services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer:

The location of the shed will avoid conflict with the 10m wide storm water drainage easement registered on the land title (eastern boundary of site).

The conditions of approval and advisory notes are intended to assist in ensuring:

- Service authority interests are duly recognised in terms of storm water drainage, works within the road reserve, connections to and upgrading of electricity, services that apply to the development of a shed ancillary to the dwelling-single and the associated disposal of storm water and electrical fixtures; and
- The NTPS2020 objectives and development performance criteria relating to the provision of services/infrastructure will be complied with.

Palmerston DCA Meeting No 273 – Friday 11 April 2025

5. Notification of the application was undertaken in accordance with the requirements of the *Planning Act 1999* and the *Planning Regulations 2000* that were in force at the time of lodgement. No public or local government council submissions were received.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

ITEM 2

PA2024/0414

SUBJECT SITE

APPLICANT

ANIMAL RESCUE CENTRE (UNDEFINED USE)

LOT 11001 (8) COFFEY STREET, TIVENDALE, TOWN OF PALMERSTON

ONE PLANNING CONSULT

Applicant: Israel-Tshepo Kgosiemang (One Planning Consult) attended.

RESOLVED

17/25

That, pursuant to section 53(c) of the *Planning Act 1999*, the Development Consent Authority refuse to consent to the application to develop Lot 11001 (8) Coffey Street, Tivendale, Town of Palmerston for the purpose of an animal rescue centre (undefined use) for the following reasons:

REASONS FOR THE DECISION

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

The NT Planning Scheme 2020 (NTPS2020) applies to the land, which is zoned LI (Light Industry).

While the NTPS2020 defines 'animal boarding' as "premises used as a commercial enterprise for the accommodation of domestic animals..." the proposed 'animal rescue centre' is considered to be an undefined use as it is a non-commercial enterprise for native Australian animals.

Under sub-clause 1(c) of Clause 1.8 (When development consent is required), undefined uses in Zone LI require consent and are identified as 'Impact Assessable'

Pursuant to sub-clause 4 of Clause 1.10 of the NTPS2020, *in considering a development application for a use or development identified as Impact Assessable the consent authority must take into account all of the following:*

- (a) any relevant requirements, including the purpose of the requirements, as set out in Part 5;
- (b) any Overlays and associated requirements in Part 3 that apply to the land;
- (c) the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and
- (d) any component of the Strategic Framework relevant to the land as set out in Part 2.

No Overlays (Part 3 of NTPS2020) apply to the site.

Palmerston DCA Meeting No 273 – Friday 11 April 2025

Therefore: the -

- Strategic Framework (Part 2 of the Scheme), including the Darwin Regional Land Use Plan 2015 (DRLUP) and the Holtze to Elizabeth River Subregional Land Use Plan 2022 (HESLUP). No Area Plans (sub-clause 3(c) of Clause 2.2) apply to the site;
- zone purpose and outcomes of Clause 4.14 – Zone LI (Light Industry), and
- requirements of:
 - Clause 5.2.1 (General Height Control)
 - Clause 5.2.4.1 (Car Parking Spaces)
 - Clause 5.2.4.1 (Layout of Car Parking Areas)
 - Clause 5.2.5 (Loading Bays),
 - Clause 5.2.6.1 (Landscaping in Zones other than Zone CB),
 - Clause 5.6.1 (Setbacks and Building Design in Zones LI, GI and DV) and
 - Clause 5.8.7 (Demountable Structures)

all need to be considered.

In considering these matters, the Authority noted the:

- i. application material that was lodged and publicly exhibited in 2024;
- ii. further written information provided by the applicant in response to a deferral request
- iii. recommendation report and associated attachments prepared by Development Assessment Services
- iv. verbal evidence and written statement from the applicant provided at the 17 April 2025 public hearing of the application.

Part 2 – Strategic Framework

The Darwin Regional Land Use Plan 2015 (DRLUP) and the Holtze to Elizabeth River Subregional Land Use Plan 2022 do not provide any specific guidance to the subject site or type of land use proposed other than to note:

- the property is located within an industry zoned area
- higher level strategic details of the '11 Mile Focus Area' may be provided in a future Area Plan.

Part 4 – Clause 4.14 (Zone LI – Light Industry)

The 'zone purpose' for Zone LI is to - *provide for low impact industrial and compatible non-industrial developments that will not by the nature of their operations, detrimentally affect adjoining or nearby land.*

The application (as amended) proposed developing a vacant Zone LI site (area of parcel - 2820m²) for the purposes of a 'animal rescue centre'. No 'industry' use will occur on the site.

The land and its surrounds are within Zone LI and the abutting properties (Lots 11000, 11005, 11004, 11003, 11002 are vacant). On the east site of Coffey Street Lot 12295 is developed with a food premises- café, warehouse and industry light tenancies, Lot 10980 is developed with a car wash and laundry. Other sites in the locality are generally used and developed in a manner consistent with the zone.

The Authority noted that the application (as amended) contained limited information regarding the nature of the operation of the proposed land use and associated works eg:

Palmerston DCA Meeting No 273 – Friday 11 April 2025

number of animals kept on site, length of stay of animals, noise attenuation measures, number of staff and visitors to the site.

The Zone LI 'Outcomes' of relevance to the site, proposed land use and development works include –

- 12 - development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone and such matters as the location, nature, scale and intensity of the development.
- 5 - industrial activities and other activities established in the zone provide variety and interest at street level and allow passive surveillance of public spaces, with a scale and character appropriate to the industrial function of the locality.
- 7 - development incorporates well-designed buildings and landscaping that contribute to a safe, attractive and legible industrial environment.
- 8 - development does not detrimentally impact on the capacity, safety or efficient operation of the local road and footpath network.

The Authority considers that the proposed development is not appropriate in the zone, having regard to the purpose and outcomes of Zone LI, the location of the site and limited information on the nature, scale and intensity of the development.

Whilst not making a formal local government council 'submission' (section 49(3) *Planning Act 1999*), comments received from City of Palmerston identified the following matters:

- potential "reverse sensitivity" impacts in subject site (non-industrial use) if adjacent properties are developed for industrial purposes to full potential
- reduced rear building setback and open animal enclosures may exacerbate reverse amenity impacts
- decision to approve a non-industrial use on subject site may compromise the Zone LI function of the locality (may encourage other non-industry uses)
- proposed built form is not consistent with Zone LI outcomes
- proposed car parking provision seems inadequate.

The Zone LI assessment table provides a range of industrial and commercial uses such as showroom sales, vehicle sales and hire, transport terminal, club, food premises-café/take away, hotel / motel, place of worship, animal boarding, bar public. Whilst acknowledging that parcels adjacent to the subject site are vacant, the Authority also noted the light industrial nature of much of the existing buildings / activity in the locality and the strategic intent which reflects that future development is to be aligned with Zone LI. The consent authority determined that the nature of the use may be prohibitive or hindering to future development on surrounding sites in accordance with the zone intent, given its specific nature.

2. The Assessment Table for Zone LI identifies that for "undefined uses", the "Specific Development Requirements" that need to be taken into consideration are "Part 2, Part 3, Part 4, Part 5" (of the NTPS2020). The application has been assessed against the following "Part 5" requirements to determine its appropriateness regarding the purpose and outcomes of Zone LI and such matters as the location, nature and intensity of the development:
 - 5.2.1 (General Height Control)
 - 5.2.4.1 (Car Parking Spaces)

Palmerston DCA Meeting No 273 – Friday 11 April 2025

- 5.2.4.4 (Layout of Car Parking Areas)
- 5.2.5 (Loading Bays)
- 5.2.6.1 (Landscaping in Zones Other Than Zone CB)
- 5.6.1 (Setbacks and Building Design in Zones LI, GI and DV)
- 5.7.2 (Animal Related Use – Animal Boarding and Stables)
- 5.8.2 (Education Establishment)

It was noted that while clauses 5.7.2 (Animal Related Use (Animal Boarding and Stables) and 5.8.2 (Education Establishment) are not directly applicable to the application (because the use does not include *animal boarding* or primarily a *education establishment*), these clauses were used in the assessment to determine the suitability and appropriateness of the undefined use (animal rescue centre) within Zone LI (Light Industry).

Clause 5.2.4.1 (Car Parking Spaces)

Requirement 3 specifies - *consent authority may require the provision of car parking spaces for any ancillary use or development in addition to that specified for the primary use or development in the table to this clause.* The table to Clause 5.2.4.1 lists that for 'undefined uses' - *minimum number of car parking spaces to be determined by the consent authority.*

The purpose of Clause 5.2.4.1 is to - *ensure that sufficient off-street car parking, constructed to a standard and conveniently located, are provided to service the proposed use of a site.*

It is considered that the information contained within the application (as amended) did not provide sufficient detail of the proposed development and land use (for example staff number, visitor numbers, operation of use) to determine the empirical car parking requirements for the development. However, the consent authority noted the concerns of the local government council to the effect that the proposed carparking spaces appear to be low and that "use of un-marked on-street parking to support a new use is not supported by the City of Palmerston, and is contrary to the outcomes sought by the NTPS2020".

Clause 5.6.1 (Setbacks and Building Design Requirements in Zones LI, GI and DV)

Sub-clause 2 of Clause 5.6.1 requires that 'buildings', including residential buildings, in Zones LI, GI and DV are to be sited in accordance with the table to this clause". The *Planning Act 1999* includes a definition for 'building'. The table to Clause 5.6.1 requires that buildings are set back a minimum of 3m from the primary street boundary, and a minimum of 5m to at least one side boundary and to the rear boundary.

The application does not comply with this clause because both side boundaries and the rear boundary have building setbacks of 2m where one side boundary and the rear boundary are required to have 5m setbacks to a building. Sub-clause 3 requires that "a clearly identifiable, dedicated pedestrian access is to be provided to the main entrance of the building from the street and customer car parking areas". The proposal does not comply with this clause because the proposal does not provide dedicated pedestrian access from the street or customer car park to the main entrance of the building. Sub-clause 4 requires that "*front facades should be articulated to break up long lengths of blank walls and provide visual interest to the street. Articulation may include a combination of the following: (a) setbacks or projections; (b) changes in height to provide focal features and identify key locations (such as entrances); (c) the use of a varied palette of materials, finishes*

and colours within the building design; and (d) projecting features such as awnings or sun shades.”. The proposal does not comply with this clause because the proposal includes a blank 6.05m (or 12m when looking at the site/landscaping plan) length of sea container wall that will face the primary street boundary. The proposed façade is located 3m from the primary street boundary and does not include setback or projecting features, changes in height, use of varied palette of materials, or finishes or colour. Additionally, it is unclear if sufficient landscaping has been proposed to screen the structure. The applicant has requested a variation to the south-side boundary but has not requested a variation to the rear boundary setback, a variation for the dedicated pedestrian access or a variation to the blank wall.

Sub-clause 1 allows the consent authority to “consent to a use or development that is not in accordance with sub-clauses 2-6 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the site having regard to such matters as its location, scale and impact on the safety and amenity of the locality and adjoining property”.

Clause 5.6.1 purpose: The purpose of Clause 5.6.1 is to ensure that buildings are sited and designed to facilitate the development of safe, attractive and legible industrial zones. The location of the proposed structures on site are unlikely to have an impact on the safety and legibility of the industrial zone, however the location (3m from the primary street boundary) of the ‘workspace’ demountable structure may have detrimental impacts to the attractiveness of the area. It is noted that the bin storage location has not been provided and depending on the location, may impact safety and attractiveness. Zone LI purpose and outcomes: The zone purpose and outcomes are discussed under Zone LI above. Location, scale and impact on the safety and amenity of the locality and adjoining property: Although the location of the structures on site are unlikely to have a detrimental impact to the safety of neighbouring and nearby properties, the scale (ie, number of each animal species likely to be kept on site) may have a detrimental impact to the amenity of neighbouring and nearby properties by way of noise, odour, etc. Additionally, the large, unarticulated shipping container structure (‘workspace’) is located 3m from the primary street frontage and may have negative impacts to the visual amenity of the area if not adequately screened.

3. Pursuant to section 51(1)(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.

Section 3 of the *Planning Act 1999* defines amenity, as “in relation to a locality or building, means any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable.” Any potential impact on amenity should be considered in the context of the site and surrounds.

The application (as amended):

- includes keeping a number of animal species on site which has the potential to impact the existing and future amenity of the area by way of excessive noise, offensive odours, excessive dust or the attraction of flies or vermin.
- also has the potential to congest the streets if sufficient car parking is not provided (eg: to cater for visitors / larger groups).

Palmerston DCA Meeting No 273 – Friday 11 April 2025

- Includes buildings/structures (eg: animal enclosures and sea containers) on the site are not consistent with other approved developments in the location and as such may have a detrimental impact to the visual amenity of the area.

The consent authority considers that the proposed development will have unacceptable adverse impacts on the existing and future amenity of the area in terms of visual, acoustics and odour. The information contained in the application (as amended) and presented at the meeting has not provided details of the full extent of the use or measures (built form and site management) that could ensure amenity impacts are addressed.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Refusal

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

SUZANNE PHILIP
Chair

13 May 2025