



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 159 – WEDNESDAY 22 JANUARY 2014

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

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

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Deborah Curry, Leonie Hill and Stephanie Bruer (Development Assessment Services)

COUNCIL REPRESENTATIVE: Wendy Smith

Meeting opened at 9.30 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 **GARDEN SHED WITH REDUCED SIDE AND REAR SETBACKS**
PA2013/0864 **LOT 7621 (3) TREPINA STREET, TOWN OF PALMERSTON**
APPLICANT **GRAHAME SHAW**

Mr Grahame Shaw attended.

RESOLVED
06/14

That, the Development Consent Authority vary the requirements of Clause 6.11 (Garages and Sheds) of the NT 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 7621 (3) Trepina Street, Town of Palmerston for the purpose of a garden shed with reduced rear setback, subject to the following conditions:

CONDITION 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 a 1.5m setback from the shed to the side boundary.

GENERAL CONDITIONS

2. The 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. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston 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. 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.

REASONS FOR THE DECISION

1. 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 491m² in area, is regular in shape and has street frontage to Trepina Street. The site is currently used for residential purposes with an existing single dwelling in accordance with the Blanket Setback Plan. It is considered that no extenuating or special circumstances have been provided to warrant a reduction to the side setback.

2. A variation to Clause 6.11 (Garages and Sheds) of the Scheme to allow a rear setback of 0.6m is granted as:
 - the rear of the property abuts the Palmerston Escarpment reserve and there are no pathways within the reserve that are visible from the rear boundary and as such the proposal will not impact on the visual amenity; and
 - Council supports the granting of a Development Permit subject to the shed being certified as fire rated by the relevant fire inspecting authority.
3. A variation to Clause 6.11 (Garages and Sheds) of the Scheme to allow a reduced side setback of 0.6m is not granted as:
 - amendments of the subdivision characteristics has the potential to adversely impact on the amenity of the surrounding area and this is why the notation was placed on Development Permit DP98/0494C restricting future variations to setbacks;
 - per the notation of Development Permit DP98/0494C no extenuating circumstances have been provided to warrant a reduction;
 - no setback variations for sheds have been granted in the immediate area surrounding the site and as such the proposed development will not be visually consistent with what is anticipated although it is noted that there is an existing 2.1m x 1.8m shed on the neighbouring lot which is in accordance with the approved setback plan; and
 - there is adequate room on-site to build the shed without a reduced side setback as there are no constraints such as easements, irregularities of the parcel boundaries or any other circumstance which would preclude

compliance with the requirements of clause 6.11 (Garages and Sheds) of the Scheme.

As such amended plans demonstrating a 1.5m side setback in accordance with the blanket setback plan are required.

ACTION: Notice of Consent and Development Permit

ITEM 2 WITHDRAWN

**ITEM 3 3 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING
PA2013/0861 LOT 11126 (8) HODGE STREET, TOWN OF PALMERSTON
APPLICANT GL TOWN PLANNING**

Mr Chris Cheung (GL Town Planning) attended and tabled:-

- a map showing the site in relation to the adjoining neighbours open space; and
- notes on the address to the DCA.

**RESOLVED
07/14**

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Lot 11126 (8) Hodge Street, Town of Palmerston for the purpose of a 3 x 3 bedroom multiple dwelling in a single storey building for the following reasons:

REASONS FOR THE DECISION

On Thursday 12 December 2013 the Development Consent Authority resolved at its meeting that pursuant to section 46(4)(b) of the *Planning Act*, to defer consideration of the application to require the applicant to provide details of any additional information in relation to why the required variation to Clause 7.3 (Building Setbacks to Residential Buildings) of the Scheme should be supported, or to provide amended plans demonstrating compliance with Clause 7.3 noting that the development should demonstrate articulating to the walls and roof in accordance with the purpose and requirements of Clause 7.3 (Building Setbacks of Residential Buildings).

The applicant subsequently submitted amended plans for the authority to consider. The amended plans showed:

- Unit 1 setback changed from 6m to 8m from the primary street frontage;
- No changes to the setbacks from Units 2 and 3 from the primary street frontage;
- Amendments to the car parking layout and additional landscaping to reduce visual impact of the parking area; and
- Minor articulation to the roof line adjacent to the rear boundary, but with a 0.8m encroachment from the eaves into the rear setback.

1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority is required to consider the proposal's compliance with the Planning Scheme, as it applies to the land.

The purpose of Clause 7.3 (Building Setbacks of Residential Buildings) of the Scheme is to ensure that residential buildings and structures are located so that they are compatible with the streetscape and surrounding development including residential buildings on the same site and to minimize any adverse effects of building massing when viewed from adjoining land and the street. In accordance with clause 7.3.1, sub clause 5, "the consent authority may approve an application for a residential building that is not in accordance with sub-clause 2 only if it is satisfied that the design of the residential building is consistent with the purpose of this clause."

Having considered the amended plans and all submissions from the applicant (including at the meeting) the DCA has determined that:

A variation to Clause 7.3 (Building Setbacks of Residential Buildings) to allow a rear setback of 1.83m from the wall and 0.8m from the eave is not granted as:

- The current proposal does not meet the purpose of the Clause as the adjoining boundary will be dominated by approximately 32m of roofline that is not articulated and that is less than 1m from the effected boundary; and
- The City of Palmerston in their letter dated 10 January 2014 does not support a variation to the rear setback due to the impact of a three unit multiple dwelling complex on the adjoining single dwelling residence.

A variation to Clause (Building Setbacks of Residential Buildings) to allow a primary street setback of 6m where 8m is required is not supported as:

- The site is located within the new suburb of Johnston. The design of the dwellings is not in accordance with the purpose of the clause as it is considered that design of the building will not be compatible with the developing streetscape and surrounding developments in the immediate area; and
- Although landscaping has been provided, the landscaping shown on the plans is considered insufficient to assist in breaking up the mass of the building and the expanse of the driveway.

Furthermore, it is noted that the City of Palmerston, in their letter dated 10 January 2014, also did not support the large paved driveway as this area could be viewed from future single two-storey dwellings across the street. The City of Palmerston has advised that they would consider the alternative design of a separate access from each street frontage to break up the expanse of driveway at the front of the proposed multiple dwelling.

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 site is located within the new suburb of Johnston and as such the amenity of the area is currently being established. As the design of the dwellings do not meet the purpose of Clause 7.3 (Building Design of Residential Buildings) of the Scheme it is considered that the development will impact on the existing and future amenity of the area, in particular the amenity of the neighboring rear lot and the single dwelling allotments located directly across the road.

ACTION:

Notice of Refusal

ITEM 4
PA2013/0818
APPLICANT

2 X 3 BEDROOM MULTIPLE DWELLING IN A SINGLE STOREY BUILDING
LOT 11695 (59) WARBIRD STREET, TOWN OF PALMERSTON
RAW DESIGN

Mr Rob Watt (Raw Design) attended.

Submitter: City of Palmerston attended.

RESOLVED
08/14

That pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 11695 (59) Warbird Street, Town of Palmerston for the purpose of 2 x 3 bedroom multiple dwellings in a single storey building 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:

- Details of articulation to the roof and building line in accordance with the purpose and requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the Scheme.

ACTION: Advice to applicant

RESOLVED
09/14

That pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman the power under section 53 of the Act, to determine the application to develop Lot 11695 (59) Warbird Street, Town of Palmerston for the purpose of 2 x 3 bedroom multiple dwellings in a single storey buildings subject to the receipt of the additional information requested by the Authority in resolution 08/14 and further subject to conditions as determined by the delegate.

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.
2. The consent authority considered that the additional information is necessary to enable it to consider the application properly.

ACTION: If delegation exercised, Notice of Consent and Development Permit

ITEM 5
PA2013/0761
APPLICANT

7 X 2 AND 8 X 3 BEDROOM MULTIPLE DWELLINGS IN 1 X 1 STOREY BUILDING
AND 2 X 2 STOREY BUILDINGS
LOT 8955 (5) BIRRIPA COURT, TOWN OF PALMERSTON
CITY OF PALMERSTON

That, pursuant to 97 of the *Planning Act*, Mr Paul Bunker and Ms Susan McKinnon, members of the Palmerston Division of the Development Consent Authority declared an interest and were not present and did not take part in the deliberation of this item.

Mr Gary Boyle (Major Projects Officer, City of Palmerston) attended.

Submitters in attendance:- Mr Frank & Mrs Beverley Alcidi and Ms Nina Storer.

**RESOLVED
10/14**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Lot 8955 (5) Birripa Court, Town of Palmerston for the purpose of 7 x 2 and 8 x 3 bedroom multiple dwellings in 1 x 1 storey building and 2 x 2 storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, the applicant is to enter into an easement encroachment agreement with Power and Water Corporation regarding permitted activities within the easement.
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:
 - access from Odegaard Road;
 - compliance with the provisions of Clause 7.5 (Private Open Space) of the Scheme;
 - relocation of car parking spaces abutting the northern side boundary;
 - removal of the pedestrian pathway between Birripa Court and the driveway;
 - details of the treatment of Birripa Court including fencing; and
 - relocation of the bin store area or written confirmation of an encroachment agreement.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. 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.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services and telecommunication to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston to the satisfaction of the consent authority.

7. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Palmerston, to the satisfaction of the consent authority.
8. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) undertake reinstatement works;All to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.
9. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;Car spaces and driveways must be kept available for these purposes at all times.
10. 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.
11. 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.
12. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
13. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
14. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
15. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.
16. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

The Department of Land Resource Management advises that the IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in the ESCP.

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 an application is lodged 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 Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency'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. 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.

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 development is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) of the Northern Territory Planning Scheme as it provides for a variety of housing options for potential residents of Rosebery.

2. As per the email from the Director of Technical Services, Palmerston City Council and the Traffic Study conducted by Tonkin Consulting, driveway access onto either Birripa Court or Odegaard Drive is considered as being both safe and appropriate. The requirement for the location of the driveway on Odegaard Drive addresses the submitters concerns in relation to the increased flow of traffic and the potential impact that it will have on the amenity of Birripa Court.

3. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Scheme to allow a reduced primary street setback of:
 - 6.6m where 10.5m is required for Units 6 – 12 due to addition length requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in Height) of the Scheme; and
 - 6.0m where 6.5m is required for Units 13 – 15 due to addition length requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in Height) of the Scheme

is granted as:

- the site is a non-uniform shape with 2 street frontages. The site is constrained by a 3m wide electricity easement located on the northern boundary and a 7.6m wide electricity supply, sewerage and water supply easement located on the southern boundary;
- no adverse effects of building massing are anticipated when viewed from the street due to its location on a corner;
- the building is well articulated;
- landscaping has been provided to soften the visual impact of the development on the streetscape;
- the location of balconies and private open space fronting Odegaard Road will provide for passive surveillance of the street and park which is located across the road; and
- landscaping has been provided to soften the impact of the development on the streetscape and to avoid undue overlooking.

1. The requirement for amended plans showing:

- the removal of the pedestrian path; and
- details of the treatment of Birripa Court.

will ensure that the development is secure from a management perspective (as the land is private property) and that the development is sympathetic to the Birripa Court streetscape.

5. Amended plans demonstrating compliance with Clause 7.5 (Private Open Space) will ensure that the private open space of Unit 15 is of an adequate size to provide for domestic purposes.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

29/1/14