



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No. 207 – WEDNESDAY 14 FEBRUARY 2018

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

MEMBERS PRESENT: Suzanne Philip (Chair), Steve Ward and Bob Flanagan

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Joseph Sheridan and Alexander Deutrom (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.45 am and closed at 10.15 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 **SINGLE DWELLING WITH REDUCED PRIVATE OPEN SPACE DIMENSIONS**
PA2017/0552 **LOT 14588 (57) SILVERLEAF ROAD, TOWN OF PALMERSTON**
APPLICANT **BENDELLA GROUP**

Ms Danielle Laffy (Bendella Group), Mr Brendan Page and Ms Kim Macdonald (landowners) attended.

Submitter in attendance: Ms Jennifer Trewren.

Interested Party in attendance: Ms Andrea Moriarty (representing Killarney Homes, builder of Ms Trewren's house).

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
06/18 Authority conditionally consent to the application to develop Lot 14588 (57)
Silverleaf Road, Town of Palmerston for the purpose of a single dwelling with
reduced private open space dimensions, subject to the following conditions:

CONDITIONS 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 City of Palmerston 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 points. 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. Works carried out under this permit shall be in accordance with the drawing 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. 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.
5. The owner must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewage and electricity facilities to the development 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 the City of Palmerston to the satisfaction of the consent authority

7. Before the 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.
8. The landscaping is to be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
9. The kerb crossover 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.
10. 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.
11. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.
12. Soil erosion control measures must be employed throughout the construction stage of the development 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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Northern Territory Environment and Protection Authority has advised that the proponent must comply with their General Environment Duty provided by section 12 of the *Waste Management and Pollution Control Act*.

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 primary purpose of MD is to provide for a range of housing options to a maximum of two storeys above ground level. The proposed single dwelling is consistent with the purpose of Zone MD (Multiple Dwelling Residential) as it will provide housing choice by contributing to the variety of housing being offered to the future residents of Zuccoli.

2. Pursuant to clause 2.5 (Exercise of Discretion by the consent authority) of the NT Planning Scheme, the consent authority may consent to the development of land that does not meet the standard set out in Parts 4 or 5, if it satisfied that special circumstances justify the giving of consent.

The proposal is seeking a variation to the standards outlined by clause 7.5 (Private Open Space) in Part 4 of the Scheme (discussed below). The proposed development is generally compliant with the Scheme. A

non-compliance, however, has been identified at Clause 7.5 (Private Open Space). A variation to this clause can be supported as:

- the proposal is considered to be only a minor variation as the design is compliant with every other aspect of the clause;
 - the design provides for 57m² of private open space where only 50m² is required; and
 - a 1.5m setback to the eastern boundary has been incorporated where a 0m lot line is permitted.
3. Pursuant to section 51(b) of the *Planning Act*, the consent authority must take into consideration any proposed amendments to such a planning scheme: (i) that have been or are on exhibition under Part 2, Division 3; (ii) in respect of which a decision has not been made under Part 2, Division 5; and (iii) that are relevant to the development proposed in the development application.

A Planning Scheme Amendment pertaining to changes to Clause 7.5 (Private Open Space) was exhibited from 19 May to 16 June 2017. The purpose of the proposed amendment is to clarify the intended function of private opens space and provide greater flexibility with respect to dwelling design. Notably, this includes the removal of the part of the clause which requires an area with the minimum dimensions of 6m x 6m. Should the application be assessed against this proposed Planning Scheme Amendment, it would be fully compliant.

The applicant signed a contract for the land in August 2017, at which point they consulted with the Department of Infrastructure, Planning and Logistics for advice regarding compliant dwelling design. During this time the applicant was informed of the abovementioned proposed Planning Scheme Amendment which had recently been exhibited. Based on the timing of the proposed amendment and building design it is considered that the applicant had a reasonable expectation that the private open space area would be compliant at the time the contract was signed.

ACTION: Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair

15 February 2018