



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 354 – FRIDAY 8 MAY 2020

TELECONFERENCE

MEMBERS PRESENT: Suzanne Philip (Chair), Mark Blackburn, Marion Guppy, Simon Niblock and Peter Pangquee

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Amit Magotra and Julie Hillier (Development Assessment Services)

COUNCIL REPRESENTATIVE: Cindy Robson and Conneil Brown

Meeting opened at 10.30 am and closed at 12.15 pm

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

**PA2020/0067 WAREHOUSE IN A SINGLE STOREY BUILDING
SECTION 5194 (67) HICKMAN STREET, WINNELLIE, HUNDRED OF BAGOT
APPLICANT/S DKJ Projects Architecture Pty Ltd**

Mr Adam Walker (DKJ Projects Architecture Pty Ltd) and Mr Terry Finocchiaro (Gaymark Group – Landowners) attended.

**RESOLVED
86/20**

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Section 5194 (67) Hickman Street, Hundred of Bagot for the purpose of a warehouse in a single storey building, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

- amended plans generally in accordance with the plans submitted with the application but modified to show greater compliance with the minimum requirement for landscaping along the street frontages to a depth of 3m (excluding the car parking area and the vehicle access) required under clause 9.1.1 (Industrial Setbacks) of the NT Planning Scheme. Further justification for any continued non-compliance should be provided and presented in the context of special circumstances which justify the giving of consent.

REASONS FOR THE DECISION

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 proposal is for a warehouse which means premises used for the bulk storage of goods, or the display and sale of goods by wholesale. A warehouse is a permitted use in Zone LI (Light Industry) and use consistent with the purpose of the zone. The development is subject to consent as the proposal does not comply with Clause 6.5.3 (Parking Layout) and Clause 9.1.1 (Industrial Setbacks) of the Northern Territory Planning Scheme (NTPS). The consent authority has the discretion to vary the provision where special circumstances apply in accordance with Clause 2.5 of the Planning Scheme.

The purpose of Clause 9.1.1 (Industrial Setbacks) is to ensure that buildings are sited to provide an adequate level of visual amenity in industrial zones. Clause 9.1.1 sub-clause 3 of the NTPS specifies landscaping requirements associated with all development in Zone LI which is to include landscaping along the street frontages to a minimum depth of 3m. The application does not include any landscaping within the perimeter of the site. The reason the applicant is seeking a waiver to the requirements for landscaping is that the proposed concrete perimeter fence will screen the landscape zone from the street. The

fence is proposed to stand 2m high from street level and extend from the retaining wall which varies in height up to 2.5m along part of the boundary. The applicant indicates that the fence is designed as proposed to:

- provide the required visual and physical security; and
- mitigate the risk of falling due to the height of the retaining wall.

At the hearing, Mr Adam Walker (applicant) and Mr Terry Finocchiaro (Landowner) gave an overview of the background and architectural merits of the proposed development. Mr Walker explained to the Authority that the design of the proposed warehouse is modest and differs from typical (fully compliant) shed type industrial buildings which are reasonably expected in industrial zones. Mr Walker further added that the design of the fence matches with the building façade, which will enhance the streetscape and contributes to the visual amenity.

Mr Walker stressed that the existing site slopes approximately 2.9m downhill from the north to south and as a result 75% of the street boundary will require a retaining wall. Therefore, any landscaping proposed along the street frontage will not contribute to the amenity of the area as it will sit below the street level. Mr Walker further added that the landowner is willing to provide landscaping, within the road reserve, along street frontages which will enhance the streetscape and overall amenity of a locality.

In response to the question raised by Authority regarding how the proposed development achieves the community safety through crime prevention principles in design Mr Walker explained to the Authority that the proposed development would have a series of security measures like; floodlights on boundary fence, automatic door alarms and motion sensor alarms which will make the building safe and secure. Mr Walker further added that the principles of passive surveillance and activation of street frontages is more relevant to commercial developments which attract large gatherings and greater numbers of people passing.

The Authority, while acknowledging the architectural design of the proposed development, considered that this is not exceptional or out of the ordinary to set the proposal apart from other developments on land zoned LI to justify the non-compliance with the 3m landscaping requirements. The Authority considered that a 2.0m high block wall along the street frontage (without any relief) does not enhance the streetscape and is not necessarily going to achieve an adequate level of visual amenity.

The Authority noted that the existing developments, in the immediate area, incorporate landscaping. Therefore, the proposal should provide some form of landscaping which can be viewed from the street to enhance the streetscape and overall amenity of the locality.

Notwithstanding that the 3m wide landscaping along street frontages was the main point of discussion at the hearing, the Authority also acknowledged that there were other variations sought to the proposed development being building setback variation to the northern side

boundary (Clause 9.1.1 - Industrial Setbacks) and car parking layout (Clause 6.5.3 – Parking Layout) of the NTPS. The Authority considered that a variation to the building setback from 5m to 3.27m to the northern side boundary and provision of car parking area less than 3m from the road without landscaping could likely be supported as part of any re-submitted application, as the application appeared to demonstrate special circumstances justifying the granting of consent for these particular elements of the proposed development.

ACTION: Notice of Deferral

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



Suzanne Philip
2020.05.13
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+09'30'

SUZANNE PHILIP
Chair
13 May 2020