



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No. 216 – MONDAY 10 DECEMBER 2018

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

MEMBERS PRESENT: Suzanne Philip (Chair), Steve Ward, Ben Gieseceke and Sarah Henderson

APOLOGIES: Nil

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

COUNCIL REPRESENTATIVE: Rebecca de Vries

Meeting opened at 10.00 am and closed at 12 noon

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 proposal was assessed against the applicable clauses of the Northern Territory Planning Scheme and was found to comply.

The subject lot is zoned SC (Service Commercial). *The primary purpose of Zone SC is to provide for commercial activities which, because of the nature of their business or size of the population catchment, require large sites.* The proposal was for an education establishment that delivers vocational education. The business was established in the subject location and specialises in electrical instrumentation and hazardous area training. Courses provided by the business include Cert III in Instrumentation and Control, Cert IV in Electrical Instrumentation, Cert IV in Hazardous Area Electrical and Diploma of Electrical and Instrumentation.

A comprehensive assessment against Clause 6.5.1 (Parking Requirements) was undertaken. The purpose of Clause 6.5.1 *is to ensure that sufficient off-street parking, constructed to a standard and conveniently location, is provided to service the proposed use of a site.* Table to Clause 6.5.1 specifies that a *tertiary education establishment* is required to provide 1 parking bay per classroom plus 1 parking bay for every 6 students plus 2 additional spaces. The applicant had advised that there is one classroom as part of the proposal with a class size of between 3 and 4 students. Therefore a total of 4 car parking bays are required. Given there are two car parking spaces under the unit's title and a surplus of 15 car parking spaces available on site, the Authority determined that the application complies with the requirements of this clause.

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 proposal does not involve any new physical development and is fully compliant with the relevant clauses of the Northern Territory Planning Scheme. As such, there is not expected to be any impact on the amenity of the area.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2018/0445
APPLICANT

SUBDIVISION TO CREATE 49 LOTS AND A BUILDING SETBACK PLAN
(ZUCCOLI SUB-STAGE 6A)
LOT 12433 ZUCCOLI PARADE, TOWN OF PALMERSTON
JUNE D'ROZARIO & ASSOCIATES PTY LTD

Mr Adam McCain (representing the developers Costojic Pty Ltd) attended.

RESOLVED
47/18

That, the Development Consent Authority vary the requirements of Clause 7.3.3 (Reduced Setback for Single Dwellings on Lots less than 600m² but not less than 300m²) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 12433 Town of

Palmerston for the purpose of a subdivision to create 49 lots and a building setback plan (Zuccoli sub-stage 6A), subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plan 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 and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to demonstrate:
 - a. A compliant building envelope for proposed Lot 19 as per the requirements of Clause 11.2.3 (Lot Size and Configuration in Residential Subdivisions) of the NT Planning Scheme. Slight amendments to the design of adjacent lots may be required to accommodate this, together with updates to the building setback plan.
2. Prior to the commencements of works, a proposed zoning plan must be submitted to and approved by the consent authority. The zoning plan must be consistent with the description given in the application but identify proposed Lot 19 as being within Zone MD (Multiple Dwelling Residential).
3. 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). The ESCP must be developed by a Certified Professional in Erosion and Sediment Control (CPESC) and in accordance with the Key Principals of erosion and sediment control as specified in the IECA Best Practice Erosion and Sediment Control Guidelines 2008. The ESCP should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase and that all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the NTP website: <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be emailed for assessment to: DevelopmentAssessment.DENR@nt.gov.au.
4. Prior to the commencement of works, a Weed Management Plan (WMP) is to be submitted to and approved by the consent authority on the advice of the Department of Environment and Natural Resources (DENR). The WMP must be developed so as to meet the minimum gamba grass and neem management requirements for this parcel size and location as described in the *Weed Management Plan for gamba grass (Andropogon gayanus)* and the *Weed Management Plan for Neem (Azadirachta indica)*, and include vehicle/ equipment hygiene controls in line with the key principles for weed spread prevention as outlined in the Weed Management Branch document *Preventing weed spread is everybody's business*. The WMP should detail methods, treatments and timing for effective gamba grass and neem management on the site during the construction phase and satisfactorily managed at completion of works. Information regarding weed management is available at the NT Government website: <http://nt.gov.au/environment/weeds>. The WMP should be emailed for assessed to: DevelopmentAssessment.DENR@nt.gov.au.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities and telecommunication networks to each lot shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
7. 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 the City of Palmerston, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
8. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.
9. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston and/or the Department of Infrastructure, Planning and Logistics as the case may be, to the satisfaction of the consent authority.
10. 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.
11. 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.
12. All works relating to this permit are to be undertaken in accordance with the approved Weed Management Plan (WMP) and approved Erosion and Sediment Control Plan (ESCP) to the requirements of the consent authority on the advice of the Department of Environment and Natural Resources (DENR).
13. The developer must implement necessary measures to ensure mosquito breeding does not occur during the construction phase of the development, to the requirements of the Department of Health, to the satisfaction of the consent authority.

NOTES:

1. This permit does not endorse or provide preliminary support or approval for the concept master plan submitted with the application.
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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure

3. The Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Northern Territory Environment Protection 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. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 8995 5354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
5. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Environment and Natural Resources.
6. 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>.
7. All new roads are required to be named under the *Place Names Act*. You should immediately make application to the Place Names Committee to commence the road naming process. Contact the Place Names Unit on 8995 5333 or placenames.dpi@nt.gov.au. Further information can be found at <http://www.placenames.nt.gov.au>.
8. The Department of Transport advises that the developer shall consider the Department's policy "Road Traffic Noise on Northern Territory Government Controlled Roads" and where appropriate provide noise attenuation measures.

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 site is located within areas designated as urban residential under the Palmerston Eastern Suburbs Area Plan. The purpose of the application is to create 47 residential lots, one public open space lot and one balance parcel.

The proposal is generally in accordance with the requirements of Zone FD (Future Development) and the requirements of Clause 14.5.1 (Palmerston Eastern Suburbs Planning Principles and Areas Plans) of

the NT Planning Scheme (the Scheme) as the proposal presents a fairly compact subdivision with a mix of lot sizes ranging from 345m² to 693m².

The application stated that all lots would be within Zone MD (Multiple Dwelling Residential), with the exception of proposed Lot 19 which was expected to be in Zone SD (Single Dwelling). The application was assessed based on this intended zoning and non-compliances were found with clauses 11.1.1 (Minimum Lot Sizes and Requirements) and 11.2.3 (Lot Size and Configuration in Residential Subdivisions). Both non-compliances relate to proposed Lot 19 and occur as a result of non-compliance with the minimum lot size and the minimum building envelope required by the Scheme.

The Authority did not accept the variations to Clauses 11.1.1 or 11.2.3 and raised concerns in relation to the precedent set by the design and circumstances surrounding the requested variations. Special circumstances that are unusual, exceptional, out of the ordinary and not to be expected were not demonstrated to be sufficient to warrant consent under Clause 2.5 (Exercise of Discretion by Consent Authority) of the Scheme.

In relation to Clause 11.1.1, it acknowledged that the proposal would comply if proposed Lot 19 were to be in Zone MD (Multiple Dwelling Residential). The Authority were of the view that this approach was consistent with other similar approvals.

In relation to Clause 11.2.3 and the non-compliant building envelope, the Authority was of the opinion that compliance with this clause was achievable via minor amendments to the lot layout and design. Accordingly, a requirement to submit amended plans demonstrating compliance with Clause 11.2.3 is included as a condition to the permit. It is acknowledged in the condition that minor amendments to other lots may be necessary to accommodate a compliant building envelope.

It is also noted that zone normalisation is required following the completion of the subdivision. A condition precedent requiring a proposed zoning plan is therefore included on the permit.

The purpose of Clause 7.3.3 (Reduced Setback for Single Dwellings on Lots less than 600m² but not less than 300m²) is to allow single dwellings on lots less than 600m² but not less than 300m² to maximise design opportunities without unduly impacting on adjacent development. The clause includes provisions to allow, in certain circumstances, a zero setback to a nominated side boundary in order for the more efficient use of small lots.

The building setback plan does not comply with Clause 7.3.3 as it proposes 300mm side setbacks to 34 of the 48 residential lots where either a 1.5m setback or a nil setback is required.

A variation to Clause 7.3.3 to allow 300mm side setbacks to 34 of the 48 residential lots is granted as the setback plan as an integrated approach to side setbacks is achieved and is consistent with Practice Direction No. 1 issued by the Palmerston Division of the Development Consent Authority on 21 October 2015.

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

One public submission was received during the exhibition period under section 49 of the *Planning Act* with respect to the application. The submission raised concerns regarding the revised subdivision layout (sub-stage 6) and its proximity to Mitchell Creek.

The Authority acknowledged that a number of changes have occurred to the master plan that result in future sub-stages 6C, E and D projecting further toward Mitchell Creek as noted by the submitter. The amendment to the master plan was also noted by the City of Palmerston with it encouraging the developer to hold further discussions prior to proceeding with future stages.

Notwithstanding the concerns outlined by the submitter, the application relates specifically to sub-stage 6A and the Authority's decision in relation to this application in no way endorses or approves future sub-stages of Stage 6. All future proposals will require a separate detailed assessment against the area plan at the time of lodgement.

3. Pursuant to section 51(k) of the *Planning Act*, the consent authority must take into consideration the public facilities or public open space available in the area in which the land is situated and the requirement, if any, for the facilities, or land suitable for public recreation, to be provided by the developer.

The proposed subdivision for sub-stage 6A includes pedestrian linkages and a Public Open Space lot which forms part of the larger network of recreation parkland located within Zuccoli Aspire and the adjacent Mitchell Creek Green subdivision. Previous assessments suggest that upon completion, the Public Open Space network within the Zuccoli Aspire subdivision will provide approximately 20% which is twice that required by the Scheme. Accordingly, the Authority considered that the open space needs of residents are addressed.

4. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into account 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.

Precedent and general conditions in response to service authority comments are included on the development permit will ensure that an appropriate level of service is maintained for the site and surrounding locality.

5. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated.

The site is within Zone FD (Future Development) and subject to Clause 14.5.1 (Palmerston Eastern Suburbs Planning Principles and Area Plans) of the Scheme. The proposal generally accords with the layout

depicted within the Area Plan and is considered unlikely to adversely impact on the area or alter community expectations for the site.

Overall, the Zuccoli residential suburb is currently being developed and the amenity of the area is being established. The relevant area plan, zoning provisions and the application all seek to promote the best amenity outcomes for the future residents of the estate. Provided pedestrian and cycle corridors are established in appropriate locations and in a timely manner and, provided that site levels and associated stormwater drainage is appropriately managed, the proposed subdivision can achieve appropriate levels of residential amenity.

ACTION: Notice of Consent and Development Permit

ITEM 4 **CHANGES TO DP15/0024 (STAGES 2H-2J) TO CREATE 22 ADDITIONAL**
PA2018/0370 **LOTS**
APPLICANT **LOT 12087 ZUCCOLI, TOWN OF PALMERSTON**
ELEMENT

Mr Clement Williams (General Manager - Bellamack Pty Ltd trading as Territory Life (developer)) and Mr Ryan Craig (Jacobs Group (Australia) Pty Ltd) attended.

RESOLVED That, pursuant to section 53(c) of the *Planning Act*, the Development Consent
48/18 Authority refuse to consent to the application to develop Lot 12087 Town of
Palmerston for the purpose of Changes to DP15/0024 (stages 2H-2J) to create 22
additional lots for the following reasons:

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.

Lot 12087 Town of Palmerston is located in the suburb of Zuccoli and is identified as being in Zones FD (Future Development) and CP (Community Purpose) of the NT Planning Scheme (the Scheme).

The overall subdivision, known as 'Mitchell Creek Green', was approved via DP15/0024 in 2015 with the stated purpose being for 'subdivision to create 398 residential lots and 4 public open space lots.' This application seeks approval for changes to DP15/0024 and in particular, changes to stages 2H, 2I and 2J and creation of 22 additional lots.

The Authority noted that Clause 2.5 of the Planning Scheme (Exercise of Discretion by Consent Authority) excepts applications to alter or vary a development permit under section 46 the *Planning Act* from the requirement to consider applications in their entirety. The Authority, therefore, needed to only consider those aspects of the development that had changed.

The Authority, however, noted that the overall subdivision falls within the Palmerston Eastern Suburbs Area Plan. Clause 1(c) of the relevant planning principles for that plan direct that future development is to provide "a mix of housing types and lot sizes including smaller lots and medium density housing..." The Application for a Development Permit

for the Mitchell Creek Green Subdivision was originally considered by the Authority as an application to create 415 lots. The Authority required a number of design amendments, including creation of the three Multiple Dwelling lots and a more diverse range of lot sizes, resulting in the reduced lot yield of 398 residential lots and a Development Permit in those terms was issued on 23rd January 2015. The present Application seeks to change those three Multiple Dwelling lots to 15 Single Dwelling lots of less than 600m², with an overall increase in lot numbers to 22 lots. The Authority considered that the present application has the proposed effect of reducing diversity of Lot sizes and types and was inconsistent with a planning principle listed in the Area Plan.

The Application was also considered against the requirements of Clause 11.1.1 (Minimum Lot Sizes and Requirements), 11.1.3 (Subdivisions of Land in Zone FD), 11.2.1 (Site Characteristics in Residential Subdivisions), 11.2.3 (Lot Size and Configuration in Residential Subdivisions) and 11.2.4 (Lots Less than 600m² for Single Dwellings) of the Scheme.

Non-compliance with the requirements of Clause 7.3.3 (Reduced Setbacks for Single Dwellings on Lots less than 600m² but not less than 300m²) was noted and relates to the building setbacks shown on plan 'Building Envelope Plan – Overall' and specifically, the lots in sub stages F3 and F5. The application was otherwise assessed as compliant.

The purpose of Clause 7.3.3 is to allow single dwellings on lots less than 600m² but not less than 300m² to maximise design opportunities without unduly impacting on adjacent development. More specifically, the clause enables development to occur with reduced setbacks where additional design objectives are achieved.

The application generally proposes reduced building setbacks in line with the provisions of Clause 7.3.3, but also seeks further reduced setbacks for eleven lots in sub-stages F3 and F5 (stages as shown on plan 'Stages H-J Re-Design Concept'). The 'Building Envelope Plan - Overall' and 'Typical Configuration for Lots with 10m Road' plans show a 1m setback for non-habitable structures (car parking structures), which is significantly less than the 6m setback required by the clause.

The Authority considered the extensive submissions made on behalf of the Applicant by Mr Williams as well as the material submitted with the Report but was not persuaded by the justifications for the waivers sought and were of the opinion that the design would have amenity implications, especially for lots in sub-stage F3. The Authority rejected the applicant's justification that the design would not have any amenity impacts and instead considered that the design would unduly impact adjacent development. In relation to sub-stage F3 in particular, and the nine lots that have frontage to Gooseberry St and the new road, the Authority were concerned that the proposed design would expose residents of these lots to more traffic noise given their proximity and reduced width of the road along the lots' western boundary, and disadvantage the development potential of the lots given the increased building setbacks applied by the Scheme to secondary street frontages (i.e. their western boundary).

In relation to the setback waiver for non-habitable structures from 6m to 1m, the Authority was concerned for the potential precedent that approval of such significantly reduced setback would create, particularly for surrounding lots or lots within similarly sized and designed subdivisions. It noted the local example of similar setbacks provided in the Development Assessment Services report, but acknowledged that that situation was different and only acceptable due to the size of the lots which were substantially larger (800m²-900m²) than the lots proposed in this application (360m²-540m²).

The Authority shared the concerns expressed by the City of Palmerston in relation to road design and access to public open space, and were of the view that regardless of whether the applicant could resolve the Council matters, it was not willing to approve the variation to the degree sought to the requirements under Clause 7.3.3. Further to the issues raised by the Council, the Authority questioned the safety issues posed by the combined reduced road widths and reduced building setbacks.

The Authority was not convinced that the circumstances of this application were unexpected, unique or out of the ordinary and that the circumstances considered did not amount to the demonstration of special circumstances required under Clause 2.5 (Exercise of Discretion by Consent Authority) of the Scheme and that refusal of the application was therefore appropriate.

2. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirements for 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 City of Palmerston objected to the granting of approval and raised concerns relating to the proposed lot mix and housing diversity, the proposed access to Zuccoli Parade and the new access roads in sub-stages F3 and F5.

The Authority acknowledged that a number of design changes would be required to address the concerns raised by the Council and that it could not consider the application until these matters were resolved.

The combination of the issues raised by the Council and non-compliance with Clause 7.3.3 persuaded the Authority that the proposed design was not justified and that refusal of the application was necessary.

3. Pursuant to section 51(e) of the *Planning Act*, 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.

One public submission was received from PAn: the Planning Action Network Inc. The Authority noted the concerns raised by PAn, including that the proposed changes were not appropriate, that the lots were too small and access to them too narrow to be reasonable.

Additionally, the submitter suggested that there would be too much dependence on the Mitchell Creek conservation areas for public recreation with so many small lots accessing them. Finally, PAn questioned why 'compact' rules were being applied so far away from the Darwin CBD.

The Authority noted the applicant's response to the submission which suggested that the density had not increased, that the proposal was appropriate and the lots and roads were of sufficient size to accommodate all necessary setbacks and open space, services and infrastructure.

Notwithstanding the applicant's response, the Authority considered that the concerns raised by the submitter regarding the appropriateness of the changes and the design of some lots and roads were relevant and shared by the Authority.

4. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the amenity and future amenity of the area in which the land is situated.

Having considered the Development Assessment Services report, issues raised by the submitter and City of Palmerston and response from the applicant including the evidence presented by Mr Williams at the meeting, the Authority was not convinced that the proposed design changes could occur without undue amenity impacts. In particular, the Authority were concerned regarding the proposed lot mix and design of lots in sub-stages F3 and F5, the issues raised by the Council, and questioned whether the design created diversity in relation to lot size. Accordingly, the Authority considered refusal of the application to be most appropriate.

ACTION: Notice of Refusal

ITEM 5
PA2015/0748
APPLICANT

VARY CONDITION 8 OF DP16/0035 FOR THE PURPOSE OF REMOVING THE REQUIREMENT TO SEAL THE PRECAST CONCRETE PANELS LOT 9635 (15 THE BOULEVARD) & LOT 12825 (1 PALMERSTON CIRCUIT), TOWN OF PALMERSTON
JACKMAN GOODEN ARCHITECTS

Mr Steven Huntingford (Jackman Gooden Architects) attended and tabled a photo showing an internal column in a corridor showing the difference between the unsealed and sealed concrete.

RESOLVED
49/18

That, pursuant to section 57(5) of the *Planning Act* the Development Consent Authority refuse to consent to the application to vary condition 8 of DP16/0035 for the purpose of removing the requirement to seal the car park level precast concrete panels.

REASONS FOR THE DECISION

Development Permit DP15/0376 was issued for the purpose of '50 x 1, 121 x 2 and 17 x 3 bedroom multiple dwellings (including 22 serviced apartments), 168 motel suites, shops and offices in a 17 storey building comprising 3 towers in 3 stages, plus one basement level'. In February 2016, DP16/0035 was issued for the purpose of 'changes to

DP15/0376 to amend the development to 445 x 1, 109 x 2 and 33 x 3 bedroom multiple dwellings, shops and offices in a 15 storey building comprising 3 towers in 3 stages’.

Pursuant to section 57(3) of the *Planning Act*, the consent authority may, in writing, vary a condition of a development permit if, in the opinion of the consent authority, the alteration resulting from the proposed variation is not conveniently measurable and the proposed variation will not materially affect the amenity of adjoining or nearby land or premises.

The application sought to vary DP16/0035 for the purpose of removing the requirement to seal the precast concrete panels associated with the podium/car park levels of the development. The drawings submitted in 2015 in association with DP15/0376 denoted ‘sealed precast concrete’ as did the drawings submitted in 2016 in association with DP16/0035. The authority was of the opinion that the proposed change was not what the authority envisaged and the variation would undermine the previous determinations granted. The authority noted that a number of design changes had already occurred through previous variations. The authority was of the opinion that the proposed changes to the façade are a departure from the approved development and would not provide suitable treatment to the podium/car park levels of the development.

ACTION: Notice of Refusal

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

SUZANNE PHILIP

Chair

19 December 2018