



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No. 213 – WEDNESDAY 19 SEPTEMBER 2018

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

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

APOLOGIES: Bob Flanagan

OFFICERS PRESENT: Poppy Zaronias (A/Secretary), Ann Marie Dooley and Alex Deutrom (Development Assessment Services)

COUNCIL REPRESENTATIVE: Apology

Meeting opened at 9.45 am and closed at 10.00 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 **EXTENSION TO AN EXISTING WAREHOUSE EXCEEDING 8.5M**
PA2018/0324 **SHOWROOM SALES AND ANCILLARY OFFICES**
BUILDINGS
APPLICANT **PORTION 1796 (892) STUART HIGHWAY, HUNDRED OF BAGOT**
MOONBEAM DESIGN

Chris Renahan (Moonbeam Design) and Jeff Blake (landowner) attended

RESOLVED That, pursuant to section 46(6)(b) of the *Planning Act*, the Development Consent
39/18 Authority defer consideration of the application to develop Portion 1796 (892) Stuart Highway, Hundred of Bagot for the purpose of extensions to an existing warehouse exceeding 8.5m, showroom sales and ancillary offices, 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:

- an amended plan showing the deletion of four (4) 30° angled car parking spaces (bays 44-47) located in the south eastern corner of Portion 1796; and
- revised comments from City of Palmerston in relation to the amended plans received.

REASONS FOR THE DECISION

An amended plan that illustrates four (4) angled car parking spaces in the south eastern corner have been removed will allow for fluency and manoeuvrability and achieve a higher level of compliance with the provisions of Clause 6.5.3 (Parking Layout).

In addition to the deferral of the application, the authority made determinations with respect to a number of matters required to be taken into account pursuant to Section 51(a) of the *Planning Act* being the planning scheme that applies to the land to which the application relates.

The Northern Territory Planning Scheme (the Scheme) applies to the land. The application proposes a warehouse extension with an ancillary showroom and office, which is considered to be consistent with the primary purpose of Zone GI (General Industry) 'to provide for general industry'.

The application was considered against Clause 5.12 Zone GI (General Industry), Clause 6.1 (General Height Control), Clause 6.5.1 (Parking Requirements), Clause 6.5.3 (Parking Layout), Clause 6.6 (Loading Bays) and Clause 9.1.1 (Industrial Setbacks) of the Scheme. The application did not comply with the requirements of clauses 6.1, 6.5.1, 6.5.3 and 9.1.1.

Clause 2.5 (Exercise of Discretion by the Consent Authority) requires that the authority only vary requirements specified in Part 4 of the Planning Scheme where it is satisfied that special circumstances justify the granting of consent.

The height of the existing warehouse is 10.3m while the height of the proposed extension is 9.45m. Sub-clause 4 of clause 6.1 states that *“unless expressly provided by this Planning Scheme, the height of any part of a building is not to exceed 8.5m above the ground level...”* The authority is prepared to support a variation to Clause 6.1 as overall the building was considered to be in keeping with the general shape of the existing warehouse.

In relation to the car parking requirements, the authority noted that the required number of car parking spaces associated with a use is determined in accordance with the table associated with Clause 6.5.1, however, the ‘fitting bays’ did not correspond to any of the uses identified. The use was therefore undefined and as such the parking generation was at the discretion of the authority. The authority determined that subject to an amended site plan, the number of spaces proposed will be sufficient to support the use, as 11 spaces (six 30° angle and five fitting bays) will be available specifically for works associated with fitting/installing 4x4 accessories while 37 spaces (remaining onsite) will be available for visitors and the general public.

The Scheme requires the car parking area to be in accordance with the parking layout requirements of clause 6.5.3. The authority is prepared to support a variation to the requirements of Clause 6.5.3 to allow vehicles exiting from these 11 spaces to do so through the warehouse as the applicant confirmed that spaces will be reserved for staff only. The authority considers that provided these spaces are restricted and used only in association with the intended purpose, compliance with the requirement of the clause is achieved. Furthermore, a condition requiring suitable signage identifying these spaces as restricted will ensure the use of these spaces is controlled and isolated from the remaining 37 car parking spaces available to the general public.

Sub-clause 3(g) of clause 6.5.3 states that *“a car parking area is to... be not less than 3m from a road, and the area between the car parking area and the road is to be landscaped with species designed to lessen the visual impact of the car parking area”*. In addition, sub-clause 3 of clause 9.1.1 states that *“all frontages, except driveways and footpaths, are to be landscaped to a minimum depth of 3m”*.

The application proposes a 0.55m landscaping buffer along the McKinnon Road street frontage. The authority is prepared to support a variation to this aspect of the clause as despite the reduction, landscaping can achieve a level of visual amenity consistent with the existing streetscape.

Clause 9.1.1 also requires buildings to be setback from specified boundaries in accordance with the table to Clause 9.1.1. The application proposes a 1.15m side setback provided where a 5m setback is required. The authority noted that the existing side setback is 0.6m and the proposed setback is in keeping with the setback of the existing warehouse and as such the authority is prepared to support a variation to this aspect of the clause.

The authority noted the revised information submitted by the applicant following the close of exhibition. While the information was circulated to City of Palmerston for comment, due to the associated timeframes, revised comments had not been received. Given the further amendments proposed, the authority would like to provide City of Palmerston with an opportunity to comment on the amended plans to ensure any matters raised can be addressed.

**RESOLVED
40/18**

That pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chair, or in the Chair's absence any one of the other members of the Palmerston Division the power under section 53 of the Act, to determine the application to develop Portion 1796 (892) Stuart Highway, Hundred of Bagot for the purpose of extensions to an existing warehouse exceeding 8.5m, showroom sales and ancillary offices, subject to:

- The applicant submitting amended plans to meet the requirements of the deferral; and
- Revised comments from City of Palmerston in relation to the amended plans received.

Conditions as determined by the delegate.

ACTION: Advice to Applicant

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

SUZANNE PHILIP
Chair

24 SEPTEMBER 2018