



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 133 - WEDNESDAY 19 OCTOBER 2011

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

MEMBERS PRESENT: Peter McQueen (Chairman), Steve Ward, Jeffrey Porter, Susan McKinnon and Graeme Chin

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary) and George Maly (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 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 **A DWELLING, SHED AND DEPENDANT UNIT WITH REDUCED FRONT AND**
PA2011/0375 **SIDE SETBACKS**
 LOT 9544 (24) CATALINA ROAD, TOWN OF PALMERSTON
APPLICANT **SHARYN INNES CONSULTANCIES PTY LTD**

Pursuant to section 97 of the *Planning Act*, Mr Steve Ward a member of the Palmerston Division of the Development Consent Authority declared a conflict of interest and was not present and did not take part in the deliberation of this item.

DAS tabled an addendum containing further information and amended plans from the applicant.

Ms Sharyn Innes (Sharyn Innes Consultancies P/L) attended.

RESOLVED
102/11

That, the Development Consent Authority vary the requirements of Clauses 6.11 (Garages and Sheds) and 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 9544 (24) Catalina Road, Town of Palmerston for the purpose of a single dwelling, dependant unit and shed with reduced front, side and rear setbacks, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston's underground 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 point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system. An endorsed copy of the plan will form part of this permit.

GENERAL CONDITIONS

2. 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. Firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Northern Territory Fire and Rescue Services.

5. 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.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Palmerston City Council, to the satisfaction of the consent authority.
7. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways; and
 - (c) undertake reinstatement works;all to the technical requirements of and at no cost to Palmerston City Council to the satisfaction of the consent authority.
8. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Palmerston City Council, 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(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. A variation to clause 6.11 (Garages and Sheds) of the NT Planning Scheme for a reduced front setback of 6.2m where 10m is required by the Scheme, is granted as:

- only two thirds of the shed encroaches on the front setback. This is a result of the curved street frontage. The portion of the shed that encroaches the most into the minimum setback (between 6.2m -7m) is an open sided structure. The remainder of the shed is a closed structure;
 - the applicant has provided additional landscaping along the front boundary which will make the shed compatible with the streetscape and soften the visual impact of the structure on the streetscape; and
 - no concerns/complaint have been raised by the public in regards to the shed which has been on the site since the late 1980's.
2. 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.

A variation to clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme for a reduced side setback for the dependant unit of 1.5m where 10m is required by the Scheme, is granted as:

- no building massing or adverse impact on the privacy of the neighbouring property is anticipated as:
 - i) the dependant unit is located adjacent an unsealed driveway located on an adjacent lot, Lot 9545 (22) Catalina Road, Town of Palmerston.
 - ii) a 1.5m solid fence is located along the affected boundary and addition landscaping will be provided to the affected boundary to ensure privacy to this dwelling; and
 - no concerns/complaints have been received from the adjoining land owner.
3. 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.

A variation to clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme for a reduced rear setback for the single dwelling of 1.5m where 10m is required by the Scheme, is granted as:

- no adverse impact on the amenity of the streetscape is anticipated as the single dwelling is located at the rear of the property;
- no adverse effects of building massing is anticipated when viewed from the adjoining property as :
 - i) the single dwelling is a single storey development,
 - ii) the dwelling will be screened by a 1.5m solid fence; and

- no adverse impact on the privacy of the neighbouring property is anticipated as the outdoor area for Lot 9545 (22) Catalina Road, is located at the back of the property;
 - the single storey nature of the dwelling will ensure adequate breeze penetrations; and
 - no concerns/complaints have been received from the adjoining land owner.
4. 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 constrained by an electrical easement that is approximately 87m wide and spans the entire length of the site which is approximately 123m. As a result of the easement only a small portion of the site is capable of being developed; and
 - provided that stormwater will be appropriately managed on site without impacting on surrounding residential areas and disposed of into Councils stormwater drainage system within Catalina Road, no adverse impact on the surrounding land is anticipated.
5. 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.

Landscaping will ensure that existing amenity of the area will be maintained.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

19/10/11

