



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 157 – WEDNESDAY 20 NOVEMBER 2013

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

MEMBERS PRESENT: Peter McQueen (Chairman), Steve Ward, Stuart Delahay, Susan McKinnon and Paul Bunker

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), George Maly, Deborah Curry and Leonie Hill (Development Assessment Services)

COUNCIL REPRESENTATIVE: Wendy Smith

Meeting opened at 9.15 am and closed at 1.15 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 **SHED ADDITION WITH A REDUCED SIDE SETBACK**
PA2013/0704 **LOT 6892 (20) SURCINGLE DRIVE, TOWN OF PALMERSTON**
APPLICANT **JB INDUSTRIES (NT) PTY LTD**

Mr Tim Brian (owner) attended.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 6.11
130/13 (Garages and Sheds) of the NT Planning Scheme, and pursuant to section 53(b) of the
Planning Act, alter the proposed development and consent to the proposed
development as altered to develop Lot 6892 (20) Surcingle Drive, Town of
Palmerston for the purpose of a shed/garage addition to an existing single dwelling
with a reduced side setback, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), a landscape and fencing plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The fence and landscaping plan must be generally in accordance with the detail on the site plan dated 13/08/2013 (2013-08-001), except that the plan must show:
 - (a) details of locations and surface finishes of vehicle driveways;
 - (b) the position of the existing swimming pool on the site;
 - (c) existing and proposed landscaping and planting along the south (side) and east (rear) boundaries of the site;
 - (d) a planting schedule of all existing and proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant; and
 - (e) details (building materials and heights) of boundary fencing;All plant species selected must be to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

4. 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.
5. Storm water (associated with works approved by this permit) is to be collected and contained within the site or discharged into the drainage network to the technical standards of and at no cost to City of Palmerston to the satisfaction of the consent authority.
6. 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.
7. 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.

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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. The Environment Protection Authority of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency'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. The use of this shed must be in accordance with the requirements of the NT Planning Scheme to the satisfaction of the consent authority.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposed development

is consistent with the primary purpose of Zone RR (Rural Residential) of the NT Planning Scheme to provide for rural residential use.

2. A variation is granted to the rear building setback requirements of Clause 6.11 (Garages and Sheds) of the Northern Territory Planning Scheme is granted as:
 - The structure has been positioned to maximise existing private open space and landscaped areas on the site;
 - The proposal is generally consistent with all other relevant objectives and provisions of the NT Planning Scheme;
 - No adverse effects of building massing are anticipated as dwellings on the abutting properties are not located within close proximity and the structure will be partially screened by landscaping and fencing;
 - The gable roof pitch of the structure is compatible the design of the single dwelling on the site and other garages and sheds within the Marlow Lagoon locality;
 - No overlooking or overshadowing issues affecting adjacent or nearby land are evident on account of the reduced side setback; and
 - The shed/garage is generally of an appropriate design and scale for the site and streetscape.

Furthermore, the requirement for a landscaping plan will ensure that landscaping will break up the visual mass of the shed when viewed from the neighbouring Lot (Lot 6893) (18) Surcingle Drive, Town of Palmerston. A 3.92m setback is considered sufficient to allow landscaping to be maintained.

In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the aforementioned design features and site conditions are considered to be sufficient special circumstances and justify the granting of a variation to Clause 6.11 of the Scheme.

3. The application was publicly exhibited in accordance with the *Planning Act* and *Planning Regulations*. No public submissions were received.
4. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the consent authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. One local authority submission from the City of Palmerston was received about the application. The matters raised in the submission have been noted by the consent authority.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2013/0744

**ADDITION OF SHADE STRUCTURE WITH REDUCED FRONT AND SIDE
SETBACKS TO EXISTING SINGLE DWELLING
LOT 8431 (16) KURALA CIRCUIT, TOWN OF PALMERSTON
NT SHADE AND CANVAS PTY LTD**

APPLICANT

Mr Blake Cameron (owner) attended and tabled a signed petition in support from residents of Kurala Circuit.

**RESOLVED
131/13**

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Lot 8431 (16) Kurala Circuit, Town of Palmerston for the purpose of a shade sail addition with reduced side and front setback 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.

The site has an area of 485m² and was formed as part of an integrated residential subdivision where lots with an area less than 800m² were integrated in terms of size, site orientation, building and access.

The blanket setback plan (which was approved by Development Permit DP00/0267G) was approved as it was considered that the plan had the capacity to allow the most effective use of the subject lots for the integration of built form and to maximise the residential amenity of the dwellings. In order to ensure the residential amenity of the dwellings a condition was placed on the development permit stating further waivers to the setbacks of the endorsed building setback plan will not be supported by the Development Consent Authority except in extenuating circumstances.

2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Scheme is not supported as:
 - amendments of the subdivision characteristics has the potential to adversely impact on the amenity of the surrounding area and this is why condition 3 was placed on Development Permit DP00/0267 restricting future variations to setbacks;
 - as per condition 3 of Development Permit DP00/0267 no extenuating circumstances have been provided to warrant a reduction;
 - no setback variations for shade sails, verandahs or carports have been granted in the immediate area surrounding the site and as such the proposed development will not be visually consistent with the streetscape; and as such it is considered that the shade sail would be obtrusive.

3. 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 blanket setback plan was approved as it was considered that the plan had the capacity to allow the most effective use of the subject lots for the integration of built form and to maximise the residential amenity of the dwellings. In order to ensure the residential amenity of the dwellings a condition was placed on the development permit stating further waivers to the setbacks of the endorsed building setback plan will not be supported by the Development Consent Authority except in extenuating circumstances. As no extenuating circumstance have been provided it is considered that the proposed reduction will impact on the existing and future amenity of the area.

ACTION: Notice of Refusal

ITEM 3
PA2013/0657
APPLICANT

CARPORT WITH A REDUCED SIDE SETBACK
LOT 8587 (5) BUCKINGHAM STREET, TOWN OF PALMERSTON
NOW RESOURCES PTY LTD

Mr Sam Hedger (Now Resources Pty Ltd) and Mr Steve Peek (owner) attended.

RESOLVED
132/13

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Lot 8587 (5) Buckingham Street, Town of Palmerston for the purpose of a carport addition with reduced side setback 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.

The site has an area of 488m² and was formed as part of an integrated residential subdivision where lots with an area less than 800m² were integrated in terms of size, site orientation, building and access.

The blanket setback plan (which was approved by Development Permit DP00/0267G) was approved as it was considered that the plan had the capacity to allow the most effective use of the subject lots for the integration of built form and to maximise the residential amenity of the dwellings. In order to ensure the residential amenity of the dwellings a condition was placed on the development permit stating further waivers to the setbacks of the endorsed building setback plan will not be supported by the Development Consent Authority except in extenuating circumstances.

A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Scheme is not supported as:

- amendments of the subdivision characteristics has the potential to adversely impact on the amenity of the surrounding area and this is why condition 3 was placed on Development Permit DP00/0267 restricting future variations to setbacks;
- as per condition 3 of Development Permit DP00/0267G no extenuating circumstances have been provided to warrant a reduction;
- no setback variations for carports or verandahs have been granted in the immediate area and as such the proposed development will not be visually consistent with the streetscape;
- there is little vegetation that would screen the carport/verandah from view of the neighbouring property's private open space thereby affecting the privacy of the residents of both lot; and
- the existing garage provides suitable undercover parking for 2 vehicles.

Furthermore, it is noted that the provision of a shade sail as a carport may be more appropriate for the site and will be in keeping with the immediate area.

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 blanket setback plan was approved as it was considered that the plan had the capacity to allow the most effective use of the subject lots for the integration of built form and to maximise the residential amenity of the dwellings. In order to ensure the residential amenity of the dwellings a condition was placed on the development permit stating further waivers to the setbacks of the endorsed building setback plan will not be supported by the Development Consent Authority except in extenuating circumstances. As no extenuating circumstance have been provided it is considered that the proposed reduction will impact on the existing and future amenity of the area.

ACTION: Notice of Refusal

ITEM 4 **14 X 2 BEDROOM MULTIPLE BUILDINGS IN 4 X 2 AND 7 X 1 STOREY BUILDINGS**
PA2013/0690 **LOT 10974 FARRAR BOULEVARD, TOWN OF PALMERSTON**
APPLICANT **DPL DEVELOPMENTS**

Mr Israel Kgosiemang (One Planning Consult) and Mr Darron Lyons (DLP Developments) attended.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 7.3
133/13 (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 10974 (Proposed Lot 11288), Farrar Boulevard, Town of Palmerston,

for the purpose of 14 x 2 bedroom multiple dwellings in 3 x 2 and 8 x 1 storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), 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.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be prepared to the requirements of an independent suitably qualified professional and submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority and approval to carry out works shall be obtained prior to the commencement of construction, to the satisfaction of the consent authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services to the land 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 City of Palmerston to the satisfaction of the consent authority.
7. The kerb crossovers 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.
8. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) undertake reinstatement works;

All to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.

9. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;Car spaces and driveways must be kept available for these purposes at all times.
10. Before the use/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.
11. 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.
12. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
13. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
14. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
15. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston 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. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency'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. 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.

The proposed development is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) of the Northern Territory Planning Scheme as it provides for a variety of housing option for potential residents of Johnston.

2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Scheme to allow:
 - Units 5, 6, 9 and 10 to be setback 5m where 6m is required for the primary street; and
 - Units 13 – 15 to be setback 5m where 7m for the primary street is required by Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in Height) of the Scheme which sees additional setbacks being imposed to the primary street due to the length of the building which is 22m.

Is granted as:

- the site has an unusual shape with 2 street frontages;
- the site is located on a corner and the dwellings that impact on the affected boundaries are single storey and as such no adverse effects of building massing are anticipated;
- the buildings are well articulated; and

- landscaping has been provided to soften the impact of the development on the streetscape and to avoid undue overlooking.
3. 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.

Once formalised the site will have an area of 4217m², will be irregular in shape and will have street frontages to Farrar Boulevard and Street Road No 3. Access is proposed off the secondary street. The site has been cleared, is undeveloped and has a gentle slope towards the secondary street frontage.

The site is within a residential suburb that is currently being developed. Provided that stormwater is appropriately managed on site without impacting on surrounding residential areas and disposed of into Councils stormwater drainage system and Erosion and Sediment Control measures are implemented, the land is considered capable of supporting the development as proposed.

ACTION: Notice of Consent and Development Permit

ITEM 5 **11 X 2 BEDROOM MULTIPLE DWELLINGS IN 11 X 2 STOREY BUILDINGS**
PA2013/0691 **LOT 10974 FARRAR BOULEVARD & LOT 11248 JOHNSTON TOWN OF**
PALMERSTON
APPLICANT **DPL DEVELOPMENTS**

DAS tabled amended plans from the applicant.

Mr Israel Kgosiemang (One Planning Consult) and Mr Darron Lyons (DLP Developments) attended.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 7.3
134/13 (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 10974 Farrar Boulevard, Town of Palmerston for the purpose of 11 x 2 bedroom multiple dwellings in 11 x 2 storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), 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.

2. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be prepared to the requirements of an independent suitably qualified professional and submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority and approval to carry out works shall be obtained prior to the commencement of construction, to the satisfaction of the consent authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services to the land 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 City of Palmerston to the satisfaction of the consent authority.
7. The kerb crossovers 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.
8. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) undertake reinstatement works;All to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.
9. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;

- (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;
Car spaces and driveways must be kept available for these purposes at all times.
10. Before the use/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.
 11. 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.
 12. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
 13. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
 14. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
 15. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston 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. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency'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. 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.

The proposed development is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) of the Northern Territory Planning Scheme as it provides for a variety of housing option for potential residents of Johnston.

2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Scheme to allow a secondary street setback of 2.3m where 2.5m is required by the Scheme is granted as:
 - the site has an unusual shape with 2 street frontages;
 - the structure is designed to resemble a single dwelling;
 - landscaping has been provided to soften the impact of the development on the streetscape and to avoid undue overlooking; and
 - habitable rooms located on the second storey will not have windows facing the street frontage.
3. 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.

Once formalised the site will have an area of 3428m², will be irregular in shape and will have 2 street frontages. Access is proposed to be off the primary street. The site has been cleared and is undeveloped. The site slopes towards the eastern side boundary.

The site is within a residential suburb that is currently being developed. Provided that stormwater is appropriately managed on site without impacting on surrounding residential areas and disposed of into Councils stormwater drainage system, the land is considered capable of supporting the development as proposed.

ACTION: Notice of Consent and Development Permit

ITEM 6
PA2013/0749
APPLICANT

**SHED & CARPORT ADDITION TO AN EXISTING SINGLE DWELLING WITH
REDUCED FRONT, SIDE AND REAR SETBACKS
LOT 1184 (9) HANNIBAL CRESCENT, TOWN OF PALMERSTON
NT CONSULTING ENGINEERS**

The applicant did not attend.

RESOLVED
135/13

That, the Development Consent Authority vary the requirements of Clause 6.11 (Garages and Sheds) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 1184 (9) Hannibal Crescent, Town of Palmerston for the purpose of a shed, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans 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 with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) a 1m setback from the shed to the rear boundary;
 - (b) landscaping along the rear boundary to screen the shed from view of Lots 1175 (3) Essington Avenue, Town of Palmerston and 1176 (5) Essington Avenue, Town of Palmerston;
 - (c) that the proposed carport with a reduced setback to the front boundary has been removed.

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 and approval to carry out works shall be obtained prior to the commencement of construction, to the satisfaction of the consent authority.
4. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston to the satisfaction of the consent authority.
5. The kerb crossovers 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.
6. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) undertake reinstatement works;

All to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.

7. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.

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 Scheme to allow a reduced side setback of 0.6m where 1.5m is required by the Scheme is granted as:

- the existing shed which will be replaced by the new shed has a reduced side setback; and
- the proposed shed will be placed alongside an existing shed on the adjoining property (Lot 1185 (11) Hannibal Crescent, Town of Palmerston).

A variation to Clause 6.11 (Garages and Sheds) of the Scheme to allow a reduced rear setback of 0.6m where 1.5m is required is not granted as:

- the shed will impact on the outdoor areas on Lots 1175 (3) Essington Avenue, Town of Palmerston and 1176 (5) Essington Avenue, Town of Palmerston;
- the existing 1.8m high chain mesh fence that runs along the effected boundaries is not considered capable of providing adequate screening;
- there is little vegetation on lot 1184 (9) Hannibal Crescent (the effected rear boundary) that would screen the shed up to a height of 3.6m (see image below) leading to the potential of building massing when viewed from these properties; and
- there is adequate room on-site to build the shed without reduced side and rear setbacks.

Amended plans demonstrating a 1m rear setback with landscaping will ensure that the shed does not adversely impact on the amenity of Lots 1175 (3) Essington Avenue, Town of Palmerston and 1176 (5) Essington Avenue, Town of Palmerston.

2. A variation to Clause 7.3 (Building Setbacks) of the Scheme to allow a front setback of 0.5m where 4.5m is required by the Scheme is not supported as:
- the proposal is not compatible with the streetscape given that all buildings in the street are well setback and the front gardens are well landscaped;
 - it is considered that a 7.8m long expanse of roof located only 0.5m from the front boundary will result in a potential for building massing when viewed from the street. Furthermore, it is noted that the provision of Colorbond fence in front of the carport will result in further building massing when viewed from the street;
 - landscaping cannot be provided to soften the impact of the carport; and
 - a covered car parking space has been provided on site adjacent to the north side boundary (see picture below). The DCA may wish to query the applicant about extending the roof to provide a double carport.

ACTION: Notice of Consent and Development Permit

ITEM 7 7 X 2 AND 8 X 3 BEDROOM MULTIPLE DWELLINGS IN 1 X 1 STOREY
PA2013/0761 BUILDING AND 2 X 2 STOREY BUILDINGS
APPLICANT LOT 8955 (5) BIRRIPIA COURT, TOWN OF PALMERSTON
 CITY OF PALMERSTON

That, pursuant to section 97 of the *Planning Act*, Mr Paul Bunker and Ms Susan McKinnon, members of the Palmerston Division of the Development Consent Authority declared an interest and were not present and did not take part in the deliberation of this item.

Mr Garry Boyle (Major Projects Officer, City Of Palmerston) attended and tabled:

- a site plan showing building massing should the buildings fully comply and tabled;

- a site plan showing a pedestrian path; and
- an aerial image of the site and surrounding area showing (marked in blue) an alternate location for access to the site and (marked in red) the existing road infrastructure (kerbing).

Submitters in attendance: - Mrs Beverley and Mr Frank Alcidi, Ms Nina Storer, Ms Meredith Sullivan, Mr Kevin Mulvahil, Mr Tomas Franklin.

Ms Sullivan tabled a photo taken from the proposed access point for the development looking down the court.

Interested parties in attendance: - Ms Alison Stirrup.

**RESOLVED
136/13**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development consent Authority defer consideration of the application to develop Lot 8955 (5) Birriipa Court, Town of Palmerston for the purpose of 7 x 2 and 8 x 3 bedroom multiple dwellings in 1 x 1 storey building and 2 x 2 storey buildings to require the applicant to provide the following additional information that the authority considers necessary to enable proper consideration of the application:

A traffic management plan addressing:

- pedestrian movements through the site and the immediate area; and
- a traffic impact assessment of the potential impact of the location of a two way driveway entrance to the site from Odegaard Drive as suggested in the plan tabled by the applicant at the meeting and Birriipa Court. the traffic management plan is to take into consideration the option of a round-about at the intersection of Duwun Road, Odegaard Drive and the proposed site; and
- amended plans detailing any changes required resulting from the traffic impact assessment.

REASONS FOR THE DECISION

The requirement of a Traffic Management Plan will ensure that the location of the driveway will have minimal impact on traffic and pedestrian movements in the immediate area.

ACTION: Advice to Applicant

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



PETER MCQUEEN
Chairman

21/11/13