

DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 195 – WEDNESDAY 25 JANUARY 2017

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

MEMBERS PRESENT: Stephen Ward (Presiding Chairman), Keith Aitken, Paul Bunker, Andrew Byrne and Bob Flanagan

APOLOGIES: Denis Burke (Chairman)

OFFICERS PRESENT: Alexandra Tobin and Joseph Sheridan (Development Assessment Services)

COUNCIL REPRESENTATIVE: Gerard Rosse

Meeting opened at 10.10 am and closed at 11.45 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 **SINGLE DWELLING WITH REDUCED FRONT AND SIDE SETBACKS**
PA2016/0717 **LOT 13280 (31) BLOODWOOD STREET, TOWN OF PALMERSTON**
APPLICANT **NORTHERN PLANNING CONSULTANTS PTY LTD**

Mr Bradley Cunnington from Northern Planning Consultants Pty Ltd and Mr Sam Nixon (Building Certifier – Asset Services) attended the meeting. Mr Cunnington tabled a letter from About Homes (owner of Lot 13279) acknowledging the 0m setback to the affected boundary.

RESOLVED
06/17

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 13280 (31) Bloodwood Street, Town of Palmerston for the purpose of a single dwelling with reduced front and side setbacks, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

- Clarification from all relevant parties as to how the development was constructed without approval under the *Planning Act*.
- Further justification as to why the Authority should consider approving an application not in accordance with the approved setback plan.

REASONS FOR THE DECISION

1. 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 development represents a significant departure from the approved setback plan in relation to the front and side setbacks. The Authority considers that the reduced front setback in particular has the potential to detract from the existing and future amenity of the Bloodwood Streetscape given that neighbouring dwellings are all in accordance with the setback plan.

The Authority also expressed concerns that the Zuccoli Aspire Design Review panel had issued covenant approval for the plans and that a Building Permit was also issued despite a notable discrepancy with the approved setback plan. On this basis, the Authority considers it necessary to require further clarification from relevant parties to ensure that the expectations associated with an approved setback plan are upheld so that the existing and future amenity of the area is not compromised.

ACTION: Letter of Deferral

ITEM 2
PA2016/713

**6 x 1 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY
BUILDING
LOT 7868 (17) BOWREY CRESCENT, TOWN OF PALMERSTON
MASTERPLAN NT**

APPLICANT

Ms Kerri-Anne Tatchell and Daniel McKenna from MasterPlan NT with land owner Meredith Sullivan attended and tabled a response to submissions. Randal Ashford and Natasha Burgess from Ashford Group Architects also attended.

RESOLVED
07/17

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 7868 (17) Bowrey Crescent, Town of Palmerston for the purpose of 6 x 1 bedroom multiple dwellings 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 and further information to demonstrate an improved level of compliance with the following requirements of the Northern Territory Planning Scheme, and or further justification for any special circumstances that the applicant wishes to have considered in relation to:
 - Clause 7.1 (Residential Density and Height Limitations);
 - Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures);
 - Clause 7.5 (Private Open Space); and
- Any amendments to the application that arise as a result of the above information request.

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.

Notwithstanding the application's compliance with the purpose of Zone MD (Multiple Dwelling Residential), the proposed development does not comply with the requirements of Clause 7.1 (Residential Density and Height Limitations), Clause 7.3 (Building Setback of Residential Buildings and Ancillary Structures) and Clause 7.5 (Private Open Space). Whilst the proposed development has been articulated and staggered and incorporated varying rooflines in an effort to address non-compliances, it is considered that the non-compliances whilst supported individually, together they exacerbate the individual aspects of each non-compliance and a variation to the requirements of the scheme is unable to be supported.

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.

Two public submissions were received during the exhibition period under Section 49 of the *Planning Act* with respect to the proposal. The submissions raised concerns regarding the proposed density of the site as well as the consequential impacts to the

amenity of the street in the form of traffic congestion, and the location being inappropriate for the proposed development.

The issues raised in public submissions are considered by the consent authority as relevant and important factors in its determination not to grant the reduction sought for density, building setbacks and private open space requirements of the Scheme.

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 application seeks significant variations to Clauses 7.1 (Residential Density and Height Limitations), 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) and 7.5 (Private Open Space) of the Scheme which has the potential to result in undue impacts (i.e. noise and light) on the amenity of the streetscape and affected adjoining lots.

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 has an area of 943m², is irregular in shape and has street frontage to Bowrey Crescent. Access to the site is proposed off Bowrey Crescent. The non-compliances presented with Clause 7.5 (Private Open Space) and the inability to achieve compliant setbacks to the southern and eastern side boundaries as required by Clause 7.3 (Buildings Setbacks of Residential Buildings and Ancillary Structures) suggest that the land is not capable of supporting the proposed development.

ACTION: Letter of Deferral

ITEM 3
PA2016/0719

SUBDIVISION AND CONSOLIDATION TO CREATE TWO LOTS
LOT 9609 (11) THE BOULEVARD AND LOT 10024 (7) PALMERSTON CIRCUIT,
TOWN OF PALMERSTON

APPLICANT

EARL JAMES AND ASSOCIATES

Mr Kevin Dodd from Earl James and Associates attended.

RESOLVED
08/17

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority approve the application to develop Lot 9609 (11) The Boulevard and 10024 (7) Palmerston Circuit, Town of Palmerston for the purpose of a subdivision and consolidation to create two lots, subject to the following conditions:

CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

2. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.
3. 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 City of Palmerston to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
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. 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.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply and sewerage facilities, electricity services and telecommunications networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and 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.

NOTES

1. 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.
2. 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>

3. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the 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. A "Permit to Work Within a Road Reserve" is required from the City of Palmerston or before commencement of any work within the road reserve.

5. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

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 application has been assessed as fully compliant against the relevant criteria of the Northern Territory Planning Scheme.

2. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into account any submissions made under section 49, in relation to the development application

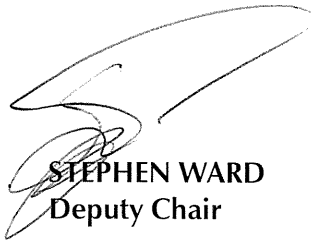
One public submission was received which raised concerns that the subdivision would result in a loss of car parking in the Palmerston CBD. It is noted that the 36 car parks located on the northern section of Lot 9609 will be removed if construction of the proposed mixed-use development (PA2017/0004) on proposed Lot C commences. However, this application relates to the subdivision of land only and no actual development is proposed.

The Authority also notes that PA2017/0004 includes a 487 bay multi-storey car parking facility which includes additional parking for the Palmerston Recreational Centre and the CBD as well as the mixed-use development. On this basis, the Authority considers that any loss of amenity resulting from the removal of the existing 36 bays will be outweighed by the benefits of increased car parking availability in the CBD in the longer term.

3. In accordance with the requirements of section 51(m) of the *Planning Act*, consideration has been given to all comments received from service authorities, with all relevant matters addressed through conditions or notes on the development permit, thereby ensuring that an appropriate level of service is maintained for the site and surrounding locality.

ACTION: Notice of Consent and Development Permit

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



STEPHEN WARD
Deputy Chair

1 / 2 / 2017