



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No. 212 – WEDNESDAY 15 AUGUST 2018

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

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

APOLOGIES: Nil

OFFICERS PRESENT: Poppy Zaronias (A/Secretary), Ann Marie Dooley Margaret Macintyre (Development Assessment Services)

COUNCIL REPRESENTATIVE: Apology

Meeting opened at 10.30 am and closed at 10.45 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 **6 X 1 BEDROOM MULTIPLE DWELLINGS IN THREE SINGLE STOREY**
PA2018/0272 **BUILDINGS**
LOT 13293 (33) BANSKIA STREET, TOWN OF PALMERSTON
APPLICANT **GT BUILDERS PTY LTD**

Ms Toula Tsougranis (Architect for GT Builders P/L), Mr Rick Jones (DIPL Project Manager) and Mr Ayrton Deo (DIPL) attended.

Ms Toula Tsougranis (G T Builders Pty Ltd) tabled clauses affected by rear boundary setback adjustment and site plans.

Submitters – Mr Limo and Mrs Stephanie Lindenschmid attended.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 7.3
34/18 (Building Setbacks of Residential Buildings and Ancillary Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 13293 (33) Banksia Street, Town of Palmerston for the purpose of a 6 x 1 bedroom multiple dwellings in three single storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), the amended plans as tabled to the consent authority at its meeting dated 16 August 2018, must be reviewed and approved by the consent authority. The revised plans must be generally in accordance with the plans submitted with the application and must not create any new non-compliances in relation to the following clauses:
 - a. Clause 6.5.1 (Parking Requirements); Clause 7.1 (Residential Density and Height Limitations; Clause 7.5 (Private Open Space); Clause 7.6 (Communal Open Space); Clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation); And Clause 7.8 (Building Design for Multiple Dwellings, Hostels and Supporting Accommodation).
2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston 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 or an alternate approved connection.
3. Prior to the commencement of works (including site preparation), a waste management plan addressing the City of Palmerston's Waste Management Policy (TECH04) must be prepared, to the requirements of the City of Palmerston, to the satisfaction of the consent authority.

CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. 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.
6. 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.
7. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Palmerston, to the satisfaction of the consent authority.

and

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
 - d) 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.
8. Before the use or occupation of the development starts, the area(s) 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
 - g) to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
 9. Storage for waste disposal bins is to be provided to the requirements of the City of Palmerston, to the satisfaction of the consent authority.
 10. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
 11. 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.
 12. 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.

13. 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.
14. All air conditioning condensers (including any condenser units required to be added or replaced in the future) 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. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view 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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. 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.
3. 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
4. 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>

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 Northern Territory Planning Scheme applies to the land.

Lot 13293 (33) Banksia Street, Town of Palmerston is located within Zone MD (Multiple Dwelling) of the Scheme. The application has been assessed against Clauses 5.2 (Zone MD – Multiple Dwelling Residential), 6.5.1 (Parking Requirements), 7.1 (Residential Density and Height Limitations), 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures), 7.5 (Private Open Space), 7.6 (Communal Open Space), 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) and 7.8 (Building Design for Multiple Dwellings, Hostels and Supporting Accommodation).

A variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) is required to allow 'unit 6' to be located 3m (at the wall) and 3.8m (at the verandah) instead of 6m and 4.5m from the Primary Street frontage, being the boundary that fronts Zuccoli Parade.

Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority) of the Northern Territory Planning Scheme, the Authority may consent to a development that does not meet the standards set out in Part 4 of the Planning Scheme where it is satisfied that special circumstances justify the granting of consent.

A variation to the requirements of Clause 7.3 is assessed as acceptable in this situation as:

- The building line proposed will result in a staggered building line that will minimise any expanse of building mass when viewed from outside the site and provide articulation to the street. Additionally, the setbacks proposed are sufficient to enable breeze penetration through and between buildings as required;
- The design enables provision of generous separation between the subject site and adjacent Lot 13294, which is developed with a single dwelling. Greater separation between higher and lower densities is desirable and likely to provide greater amenity for occupants of the adjacent lot while also resulting in a negligible impact on Zuccoli Parade due to its carriageway width;
- The Power and Water Corporation advise that the combined substation and distribution pillar located in the south-west corner of the site requires ongoing 24 hour access. There are no other lots in the subdivision that are constrained by service infrastructure to such a degree as the subject site. The location of the substation on the subject site makes it more desirable to locate the dwellings as far east as possible enabling greater separation between habitable spaces and service infrastructure; and
- While access is not prohibited from Zuccoli Parade, the Department of Infrastructure, Planning and Logistics, the controlling Agency currently responsible for this road has verbally confirmed that vehicle access would not be approved.

It is considered that while there is no individual special circumstance that justifies varying the requirements of clause 7.3, the combination of circumstances listed above are considered to collectively give rise to special circumstances.

The applicant provided amended plans illustrating revised boundary dimensions reducing the overall size of the site and advising that the plans submitted as part of the original application illustrated incorrect boundary dimensions. The applicant stated that the correct site

boundary dimensions reduces the setback from the dwellings to the northern boundary by 1.5m, however despite this the proposal remains compliant with the relevant clauses of the Northern Territory Planning Scheme including Clauses 7.5 (Private Open Space) and 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation).

A condition precedent has been included to enable the authority to review the revised plans submitted and ensure that with exception of clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures), compliance with the relevant clauses of the Northern Territory Planning Scheme is still achieved.

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

One public submission was received during the exhibition period in relation to the proposal. The submitter raise concerns regarding the proximity of the driveway to the Power and Water Corporation substation, recent damage caused to the substation which resulted in loss of power to Lot 13294 and suggested that access for the development should instead be taken from Zuccoli Parade.

Verbal advice from the Department of Infrastructure, Planning and Logistics, the controlling Agency current responsible for Zuccoli Parade indicated that vehicle access off Zuccoli Parade would not be approved therefore. In addition, the Power and Water Corporation raised no issues with the proximity of the driveway to its substation however require suitable fencing to be installed its requirements.

Having regard for advice received from the Department of Infrastructure, Planning and Logistics, and Power and Water Corporation, the authority considers the inclusion of standard conditions relating to the installation and maintenance of electrical facilities to the requirements of Power and Water Corporation sufficient to ensure an acceptable level of care and protection will occur.

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 proposes a form of development that is consistent with the zoning of the land, style and scale of development reasonably anticipated given the zoning of the land and generally performs well against the basic standards of the NT Planning Scheme.

The proposal requires a variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) however noting the building design, carriageway width of Zuccoli Parade, otherwise generous building setbacks achieved and separation between the development and nearby lower density development, the reduced setback is considered unlikely to have a unfavourable amenity impact.

ACTION: Notice of Determination

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

SUZANNE PHILIP
Chair

20 AUGUST 2018