



## **DEVELOPMENT CONSENT AUTHORITY**

### **PALMERSTON DIVISION**

### **MINUTES**

**MEETING No. 254 – WEDNESDAY 16 NOVEMBER 2022**

**AGORA ROOM  
HUDSON BERRIMAH  
4 BERRIMAH ROAD  
BERRIMAH**

**MEMBERS PRESENT:** Suzanne Philip (Chair), Trevor Dalton, Athina Pascoe-Bell and Sarah Henderson

**APOLOGIES:** Monica Baumgartner

**LEAVE OF ABSENCE:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Adelle Godfrey and Sally Graetz (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Peter Lander

**Meeting opened at 10.00 am and closed at 11.00 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 TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

**ITEM 1**

**PA2022/0353 SUBDIVISION TO CREATE 43 LOTS (ZUCCOLI PHASE 3.8)  
LOT 15681 (111) RADFORD ROAD, ZUCCOLI, TOWN OF PALMERSTON**

**APPLICANT** Cunnington Rosse Town Planning and Consulting

Applicant: Brad Cunnington (Cunnington Rosse Town Planning and Consulting) and Kassi Picken (Development Manager - Urbex) attended.

Mr Cunnington tabled:-

Zuccoli Stage 1 - overall yield plan;

Zuccoli stages 2 & 3 - parks and pedestrian links;

Zuccoli stage 3 - major park & drainage reserve; and

Zuccoli stages 2 & 3 Phase 3 park – sketch plan

**RESOLVED  
29/22**

That, the Development Consent Authority vary the requirements of Clauses 4.1.2.1 (SP1 Part Lot 15460 Town of Palmerston (Zuccoli) and 6.2.3 (Site Characteristics for Subdivision in Zones LR, LMR, MR and HR) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 15681 (111) Radford Road, Town of Palmerston for the purpose of a subdivision to create 43 lots (Zuccoli Phase 3.8) subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the commencement of works, detailed design plans for the public open space areas are to be submitted to and approved by the City of Palmerston, to the satisfaction of the consent authority.
2. Prior to the commencement of works, engineering design plans and specifications are to be submitted to and approved by the City of Palmerston for approval for all proposed and affected roads, street lighting, stormwater drainage, site earthworks, pedestrian/cycle corridors and crossings, vehicular access and street-scaping, to the satisfaction of the consent authority.
3. Prior to the commencement of works, a **Type 2** Erosion and Sediment Control Plan (ESCP) must be developed in accordance with the Department of Environment, Parks and Water Security Erosion and Sediment Control Plan (ESCP) procedures as updated (see note 1). The ESCP must be certified by a Certified Professional in Erosion and Sediment Control (CPESC) to the satisfaction of the consent authority. The ESCP must be submitted for acceptance prior to the commencement of any earth disturbing activities (including clearing and early works) to Development Assessment Services via email: [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au).

## GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, electricity and telecommunication networks each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notations 2, 3 and 4 for further information.
6. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.
7. 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 the City of Palmerston, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
8. 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.
9. 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.
10. 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.
11. All works relating to this permit must be undertaken in accordance with the accepted Type 2 Erosion and Sediment Control Plan (ESCP) to the requirements of the consent authority. Should the endorsed Type 2 Erosion and Sediment Control Plan (ESCP) need to be amended, the revised ESCP must be certified by a Certified Professional in Erosion and Sediment Control (CPESC) to the satisfaction of the consent authority. The revised ESCP should be submitted for acceptance to Development Assessment Services via email: [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au).
12. All reasonable and practicable measures must be undertaken to prevent: erosion occurring onsite, sediment leaving the site, and runoff from the site causing erosion offsite. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development (including clearing and early works) and all disturbed soil

surfaces must be satisfactorily stabilised against erosion at completion of works. For further information refer to Note 5 below. At completion of works, written clearance must be provided by a CPESC regarding satisfactory implementation of temporary and permanent erosion and sediment control measures and site stabilisation, and provided to the satisfaction of the consent authority.

## NOTES

1. This permit will expire if one of the following circumstances applies:
  - a) the development and 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 ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@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. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be able to access an exemption from these arrangements in some circumstances. For more information visit [www.infrastructure.gov.au/tind](http://www.infrastructure.gov.au/tind)
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>
5. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at [www.austieca.com.au](http://www.austieca.com.au) and the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
6. A "Permit to Work Within a Road Reserve" may be required from the City of Palmerston before commencement of any work within the road reserve.

## REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land with subdivision requiring consent under Clause 1.8(1)(c)(ii) (When development consent is required) and consideration as an Impact Assessable development. The following are applicable to the application: Part 2 Strategic Framework including the Darwin Regional Land Use Plan and Palmerston Eastern Suburbs Area Plan; Clause 4.1.2.1 (SP1 Part Lot 15460 Town of Palmerston (Zuccoli)), Clause 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR), Clause 6.2.2 (Lots Less than 600m<sup>2</sup> for Dwellings-Single), Clause 6.2.3 (Site Characteristics for Subdivision in Zones LR, LMR, MR and HR), Clause 6.2.4 (Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR) and Clause 4.3 (Zone LMR – Low-Medium Density), and need to be considered.

The above clauses have been considered and the subdivision found to be consistent with the strategic framework and with the relevant requirements with the exception of Clauses 4.1.2.1 and 6.2.3.

No Overlays apply to the land.

2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
  - (a) The purpose and administration clauses of the requirement; and
  - (b) The considerations listed under Clause 1.10(3) or 1.10(4).

The proposal has been found to be non-compliant with Clause 4.1.2.1 (SP1 Part Lot 15460 Town of Palmerston (Zuccoli)) as the subdivision proposes an altered minimum average lot size, some lot frontages that do not meet the minimum required and the proportion of lots types is exceeded for eco-traditional and traditional lots.

The specific use zone allows the consent authority to consent to subdivision that is not in accordance with subclause 15 if it is satisfied all lots created are consistent with the zone purpose and outcomes.

The zone purpose seeks to provide a *'range of lot sizes that will facilitate a variety of low rise housing options and compatible residential uses in a location supported by appropriate commercial and community facilities and where full reticulated services are available'* with zone outcomes promoting *'[b]uilding design, site layout and landscaping [that will] provide sympathetic interface to the adjoining public spaces and between neighbours...'* and *'[a]n efficient pattern of land use with all residential lots*

*connected to reticulated services, integrated with existing transport networks, and with reasonable access to open space and community facilities.'*

Despite the non-compliance, the application includes a range of lots sizes and housing typologies suited to low rise housing options with the application demonstrating, through such features as added lot depths to offset shorter frontages arising due to the master plan road layout for example, that adequate room for dwellings, private open space, vehicle access/parking and building setbacks (allowing sympathetic interface to adjoining land) is achievable. The application was accompanied by building envelope plans further demonstrating that each lot can be developed as intended by the zone. The subdivision is the next stage within the Zuccoli Village subdivision that is being progressively developed. This stage (Phase 3.8) is adjacent to existing stages Phase 3.6 and 3.7 and is within close proximity to existing and planned community facilities and commercial facilities already existing on Zuccoli Parade and further away in the nearby suburb of Johnston. On this basis, the subdivision is considered to be consistent with the zone purpose and outcomes and the variations are acceptable.

The proposal also results in non-compliance with Clause 6.2.3 (Site Characteristics for Subdivision in Zones LR, LMR, MR and HR) where steeper sections of the site around Lots 641-648 and 670-672 result in slopes of approximately 2.5%-3.3% instead of 2% as permitted. The need to comply with this requirement is new to the progressive development of Zuccoli Village and occurs due to a change in zones from SP9 (which all adjoining already subdivided land is within) to SP1 (which this site is within). Administration subclause 1 allows the consent authority to vary this requirement where it is satisfied the design is consistent with the purpose of the clause.

The purpose of Clause 6.2.3 seeks to ensure that *'the subdivision of land provides lots suitable for urban residential purposes that responds appropriately to the physical characteristics of the land and does not detrimentally impact on surrounding land.'*

The design proposed as part of Phase 3.8 continues the grading approach as per the previous approved and developed stages and demonstrates that a consistent approach can still achieve the purpose of the clause, which includes delivery of lots suitable for residential purposes that respond to the physical characteristics of the land without detrimental impacts on surrounding land. No public submissions were received and service authorities did not raise any issues indicative of any existing and ongoing impacts from following the previous approach. On this basis, the variation is considered acceptable and likely to result in a more consistent pattern of development for this next stage of the subdivision.

3. Pursuant to section 51(1)(j) of the *Planning Act 1999*, 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.

No land capability concerns were identified under assessment. Additionally, no service authority raised any land capability based concerns.

4. Pursuant to section 51(1)(n) of the *Planning Act 1999*, 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 is for Phase 3.8 of the Zuccoli Village subdivision that is being progressively developed. The number of lots, design and road layout is generally consistent with the estate master plan ensuring that the development is reasonably anticipated by current and future residents.

The proposal results in two variations to the design of lots and extent of slope across some areas of the subdivision. As noted above, having considered the information within the application and assessment report, the consent authority considers the variations to be acceptable and unlikely to result in adverse amenity impacts.

**FOR: 4**

**AGAINST:0**

**ABSTAIN:0**

**ACTION:**

Notice of Consent and Development Permit

## ITEM 2

PA2022/0341

**PART CHANGE OF USE FROM WAREHOUSE TO LEISURE AND RECREATION (GYM)**

**LOT 6319 (7) TOUPEIN ROAD, YARRAWONGA, TOWN OF PALMERSTON**

**APPLICANT**

MasterPlan NT

Applicant: Mark Hogan (MasterPlan NT) attended and tabled: -  
3 x photos of the site; and an amended site plan

Submitter: City of Palmerston represented by Peter Lander attended.

**RESOLVED  
30/22**

That, the Development Consent Authority reduce the car parking requirements to 45 bays pursuant to Clause 5.2.4.2 (Reduction in Parking Requirements outside of Zone CB in Darwin), and vary Clauses 5.2.4.4 (Parking Layout) and 5.2.6 (Landscaping) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(a) of the Planning Act 1999, consent to the application to develop Lot 6319 (7) Toupein Road, Yarrowonga, Town of Palmerston for the purpose of changes to the approved warehouse, and a part change of use from warehouse to leisure and recreation (gym), subject to the following conditions:

## CONDITIONS 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 must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) Provision of 45 car parking spaces on the site, designed in accordance with the requirements of Clause 5.2.4.4 (Parking Layout) of the NT Planning Scheme 2020.
  - (b) Details of new internal walls that block access to 5 roller doors to the warehouse.
  - (c) Designation of a bin storage area for the site which is screened from public view.
  - (d) Landscaping details demonstrating compliance (as far as possible) with the requirements of Clause 5.2.4.4 (Parking Layout), including improvements to landscaping around the water infrastructure along the street frontage.
  - (e) A dedicated pedestrian path from nearby the street frontage to the gym tenancy.
  - (f) Wheel stops (or similar) to bays 1 & 2 (as shown on the plans submitted on 16/11/2022).
  - (g) Site signage confirming the speed limit as 10km/hr and reverse parking only.
  - (h) Site signage to encourage visitors to park on-site.

## 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 use development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notations 1 for further information.
5. 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.



6. 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 to the satisfaction of the consent authority.
7. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their clients.
8. Before the use 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.
9. 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.
10. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the consent authority.

## NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@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. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* 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](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
3. The applicant is advised to engage a Northern Territory registered building certifier to ensure that the intended use of any existing buildings or structures is permitted by occupancy certification in accordance with the *Building Act 1993*.

## REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land with the development requiring consent under Clause 1.8(1)(b)(i) (When development consent is required) and consideration as a Merit Assessable development. The following are applicable to the application: Part 2 Strategic Framework including the Central Palmerston Area Plan; and Clauses 4.12 (Zone SC - Service Commercial), 5.2.1 (General Height Control), 5.2.4 (Vehicle Parking), 5.2.6 (Loading Bays), 5.2.6 (Landscaping), 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC), 5.5.2 (Plot Ratios in Commercial Zones), 5.5.3 (Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T), 5.5.4 (Expansion of Existing Use or Development in Zones CB, C, SC and TC) and 5.8.5 (Leisure and Recreation), need to be considered.

The above clauses were considered with the development found to be: consistent with the strategic framework and Clauses 4.12, 5.5.3 and 5.8.1; to be non-compliant with Clauses 5.2.4 (including 5.2.4.1 and 5.2.4.4) and 5.2.6; and that Clauses 5.2.1, 5.3.7, 5.5.2 and 5.5.4 have no implications as an existing development. The application sought a reduction in parking requirements under Clause 5.2.4.2 (Reduction in Parking Requirements outside of Zone CB in Darwin).

The application is for a part change of use from warehouse to leisure and recreation (gym) together with changes to onsite car parking and minor modifications to the remaining warehouse also on the site.

2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
  - (a) The purpose and administration clauses of the requirement; and
  - (b) The considerations listed under Clause 1.10(3) or 1.10(4).

The exercise of discretion by the consent authority required is under clause 1.10(3), where the consent authority must take into account all of the following:

- (a) the relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;
- (b) any Overlays and associated requirements in Part 3 that apply to the land;
- (c) the guidance provided by the relevant zone purpose and outcomes in Part 4 relevant to a variation of requirements in Parts 5 or 6; and

(d) if an Area Plan in Part 2 applies to the land, any component relevant to a variation of requirements in Parts 5 or 6.

In relation to part (a), the development is non-compliant with Clauses 5.2.4 (Vehicle Parking) (including 5.2.4.1 (Parking Requirements) and 5.2.4.4 (Parking Layout)) and 5.2.6 (Landscaping).

The application was originally proposed with 36 car parking spaces on site, requiring 91 spaces and a shortfall of 55 spaces identified. The report to the Development Consent Authority recommended deferral of the application, to confirm the availability of on-site car parking spaces for visitors, and on the extent of reliance of on-street parking during morning and afternoon peak times, among other matters.

At the hearing of the application, and the applicant tabled amended plans showing the site is capable of accommodating 45 spaces by making modifications by blocking roller door access to the warehouse. The changes provide an additional 9 spaces and reduce the overall parking shortfall to 46 spaces. The applicant confirmed the availability of on-site parking in photos showing that the owner of the land had removed shipping containers associated with the installation of shelving within the warehouse, and also a photo taken at a peak usage time demonstrating no on-street parking occurring. The applicant also provided more detail on the nature of the warehouse use currently occurring at the site.

While the calculated parking shortfall is quite significant, the actual parking demand for the site is considered to be much less due to the nature of the leisure and recreation use (cross-fit style gym) coupled with the specific nature of the remaining warehouse on the site, which is used as a secure record storage facility and staffed accordingly. Noting these specific features, the proposed use is considered likely to result in a lower actual parking demand than is required under the NT Planning Scheme. The consent authority noted evidence regarding observed usage of on-street parking within the assessment report prepared by Development Assessment Services, together with further information presented by the application at the meeting. The consent authority considered a more accurate demand for each use being 10 spaces for the warehouse, and 35 for the gym. Having considered the matters under Clause 5.2.4.2, a parking reduction of 46 bays is considered acceptable in this instance.

The identified non-compliances with Clause 5.2.4.4 (Parking Layout) and 5.2.6 (Landscaping) relate to the requirements to provide 3m of landscaping between a parking area and a road (or frontage with a road). The development had been designed to comply with this requirement however the extent of landscaping achieved was reduced due to required placement of water infrastructure along the frontage. The landscaping to other parts of the site has also been removed or poorly maintained. The plans submitted with the application failed to include the water infrastructure. The consent authority noted the information presented by the application at the meeting, including the amended

plans which showed the infrastructure, and has included a condition precedent and general conditions to ensure the frontage is re-landscaped as required and also that additional planting is focused around the water infrastructure to ensure adequate screening of parking areas is achieved as best possible.

Despite the reduction to parking and reduction to landscaping, the development was found to meet the overall purpose of Clause 5.8.5 (Leisure and Recreation), being a use which “(a) is established in appropriate locations to meet the needs of uses; (b) provides convenient vehicle access and does not interfere with the safe or efficient operation of the local road and footpath network, incorporates appropriate building and landscape design to ensure that there is no unreasonable loss of amenity for adjoining and nearby property; and (d) is operated to be considerate of the amenity of adjoining and nearby property.” The City of Palmerston did not raise any concerns with the ability of the road network in accommodating the additional traffic generated, and the applicant confirmed at the hearing the use can operate without undue impact on adjoining and nearby property by demonstrating a photo taken at a peak usage time demonstrating no on-street parking occurring, and through measures including encouraging on-site parking through signage.

Amended plans are required to reflect the changes discussed with the applicant at the hearing, including to confirm 45 spaces can be provided on-site, the location and appropriateness of bin storage areas, confirm that the existing roller-doors are not operable (through provision of details of new internal walls), and confirm that landscaping will be reinstated and improved where required, among other matters.

There are no Overlays that apply to the land and therefore no consideration under part (b) is required.

Under part (c), the development was found to be consistent with the Zone SC purpose being to facilitate “*destination retailing, commercial and other activities that individually require a large floor for the handling, display and storage of bulky goods, or activities, in locations that enable convenient access by the broader regional population.*” The gym is for cross-fit style organised group fitness classes which typically require a larger floor area due to the nature of the use which typically includes equipment of a bulky nature such as weights, climbing equipment and ropes. The use is reflected in the diversity of activities contemplated by Zone outcome (1), and has been found to be able to operate in a manner to ensure no unreasonable loss of amenity for surrounding premises as required by Zone outcome (8).

Under part (d), the Central Palmerston Area Plan applies to the land, with the site is located within the ‘Yarrowonga Precinct’, being predominantly developed service commercial, community facilities, retail/office and some industry. The Area Plan does not offer any

specific guidance on provision of car parking or landscaping of street frontages.

3. Pursuant to section 51(1)(j) of the *Planning Act 1999*, 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 application is for a change of use and did not propose any significant alternations. No concerns were found in the capability of the land in supporting the development.

4. Pursuant to section 51(1)(n) of the *Planning Act 1999*, 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 use is found to be consistent with the type and scale of uses expected within Zone SC (Service Commercial). The parking reduction sought in the application had the greatest potential to impact on amenity and was considered by the consent authority. As provided in Reason 2 above, at the hearing of the application the applicant proposed 9 additional parking spaces on site, and provided information of the extent of on-street parking, and the nature of the warehouse use and its anticipated parking demand. Overall the consent authority was satisfied the development can be operated without undue impact on the existing and future amenity of the area in which the land is situated.

**FOR: 4**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION:**

Notice of Consent and Development Permit

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

**SUZANNE PHILIP**  
Chair

21 November 2022