



**DEVELOPMENT CONSENT AUTHORITY**

**PALMERSTON DIVISION**

**MINUTES**

**MEETING No. 218 – WEDNESDAY 20 MARCH 2019**

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

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

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Ann-Marie Dooley and Sally Graetz (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Apology

**Meeting opened at 10.00 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**                    **INDEPENDENT UNIT IN EXCESS OF 50M2**  
**PA2019/0015**        **LOT 6953 (9) SURCINGLE DRIVE, TOWN OF PALMERSTON**  
**APPLICANT**        **NATALIE AND DALLAS WYNNE**

Mr Dallas Wynne attended.

**RESOLVED**        That, pursuant to section 53(a) of the *Planning Act*, the Development Consent  
**10/19**                    Authority consent to the application to develop Lot 6953 (9) Surcingle Drive, Town  
of Palmerston for the purpose of an Independent Unit in excess of 50m<sup>2</sup>, subject  
to the following conditions:

**CONDITION PRECEDENT**

1. 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.

**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 plans in accordance with the authorities' requirements and relevant legislation at the time.
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 the City of Palmerston, to the satisfaction of the consent authority.
6. 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
7. 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.

**NOTES:**

1. The Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Northern Territory Environment Protection 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.

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. 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.

Lot 6953 (9) Surcingle Drive, Town of Palmerston is located in the suburb of Marlow Lagoon and is identified as being within Zone RR (Rural Residential) of the Northern Territory Planning Scheme.

The application is for an independent unit. Independent units are ordinarily permitted on land in Zone RR (Rural Residential) where they comply with the requirements of the NT Planning Scheme.

The consent authority noted the design of the independent unit, which has a floor area of 131m<sup>2</sup>; 81m<sup>2</sup> over the 50m<sup>2</sup> floor area limit required by the Scheme. The additional floor area is non-compliant with Part 4 of the Scheme and was the trigger for the development application.

The consent authority noted that subclause 5 of Clause 7.10.4 (Independent Units) allows the consent authority to approve an application that is not in accordance with the specified maximum floor area only if it is satisfied the proposed independent unit is appropriate to the site having regard to the potential impact of the independent unit on the amenity of adjoining and nearby properties.

The consent authority considered that Marlow Lagoon has a fairly distinct character, reflected in the style of housing and other development on the lots. All residential land in Marlow Lagoon is within Zone RR (Rural Residential) with lots typically developed with large single dwellings, some with quite significant floor areas, and large sheds. Development on the adjacent lots comprises of single dwellings, large sheds and in the case of the site to the west, additional buildings and outdoor storage. The consent authority drew comparisons to the proposal and other development in the area, including a propensity for multiple buildings on sites and home-based businesses operating from large sheds. The consent authority also noted the information provided by the applicant at the meeting, that the style and scale of development proposed had similarities to his current

residence elsewhere in Marlow Lagoon. Based on this information, the consent authority were of the opinion that the proposal was generally in keeping with development in the surrounding area.

The consent authority considered whether the independent unit was ancillary to a single dwelling, as required by the Scheme. Plans of a single dwelling were submitted with the application to address this requirement and show a primary residence of 372m<sup>2</sup> in area located on the same site of the independent unit. The independent unit has a floor area of 131m<sup>2</sup> and in comparison, is smaller than and subordinate to the primary residence. It further noted the intention to connect both to shared reticulated services. The consent authority accepted this evidence to demonstrate that the independent unit would be ancillary to a single dwelling.

The consent authority noted the very specific design of the independent unit and much larger floor area than ordinarily permitted. It further acknowledged the limitations that the specific design would impose on the number of possible future residents through inclusion of only one bedroom and a floor layout that limits easy modification. The design intent outlined in the application was to include suitable disability access and circulation spaces, and also enable breeze movement and natural light into the building. The consent authority considered that inclusion of larger than typical doorways, hallways and circulation space within the kitchen, bedroom and bathroom, together with the amount of shaded glazed areas, windows and doors supported this claim. The design, and specifically the inclusion of only one-bedroom, is considered to limit the potential for amenity impacts, as it will limit the number of residents, the likely demand on services and access demands, more so than another similarly sized unit with multiple bedrooms. Further to this, the consent authority considered that the size of the site, which at 1.3ha is substantially more than the minimum land area required in the zone, further pointed to the appropriateness of the development for this particular site.

The combination of the above factors were considered to demonstrate that the proposal was acceptable in terms of potential amenity impacts.

2. 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 application was circulated with relevant services authorities with no objections to the development received. This is considered indicative of the site's overall capability to accommodate the development, and further demonstrates compliance with the servicing requirements under Clause 7.10.4 (Independent Units) of the Scheme.

The site is identified as being affected by the Secondary Storm Surge Area. While the rear of the site is likely to be impacted during severe storm events, available evidence suggests that the area to be developed with the independent unit is clear of the projected surge extent.

The City of Palmerston has recommended that a Stormwater management plan be prepared and implemented as part of the development, including that stormwater on the site be collected and discharged to the Council's stormwater drainage system. The consent authority noted this request and also the applicant's question at the meeting regarding discharge points. The consent authority were of the opinion that the question was best answered by the City of Palmerston and, in the absence of Council representatives at the meeting, that the conditions of approval were adequately flexible to enable further negotiation between the applicant and Council if required.

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 consent authority acknowledged that any change to land is likely to have an amenity impact, however in this case the amenity impact is assessed as reasonable. The land is zoned appropriately for the development proposed with independent units ordinarily permitted in Zone RR.

Neither the Power and Water Corporation nor City of Palmerston objected to the proposal nor were any public submissions received in response to public exhibition of the application.

The application requires consent as the independent unit does not comply with the floor area limits of the Scheme. The specific design of the unit, character of the area, nature and style of development on adjoining land and overall level of compliance achieved with other requirements of the Scheme are considered to demonstrate that the proposal is acceptable and unlikely to result in unreasonable amenity impacts.

**ACTION:** Notice of Consent and Development Permit

**ITEM 2**  
**PA2018/0445**  
**APPLICANT**

**VARIATION APPLICATION: VARIATION TO REMOVE CONDITION  
PRECEDENT 1 & 2 OF DP18/0435  
LOT 12433 ZUCCOLI PARADE, TOWN OF PALMERSTON  
JUNE D'ROZARIO & ASSOCIATES PTY LTD**

Mr Hermanus Louw attended on behalf of the applicant.

**RESOLVED**  
**11/19**

That, pursuant to section 57(3) of the *Planning Act*, the Development Consent Authority consent to the application to vary DP18/0435 for the purpose of amending condition precedent 1.

**CONDITION PRECEDENT**

- 1a) The works carried out under this permit shall be in accordance with the drawing submitted as part of the original application numbered 2018/0445/01, endorsed as forming part of this permit; or should the applicant wish to submit a new plan of subdivision:
- 1b) Prior to the endorsement of plans and prior to commencement of works (including site preparation), an amended plan 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 and two copies must be provided. The plan must be generally in accordance with the plans submitted with the application but modified to show realignment of the shared boundary between Lots 19 and 20 to limit/control future development (in relation to residential density) on Lot 19.

## **REASONS FOR THE DECISION**

The consent authority considered the information presented in the application, the previous Development Assessment Services report and attachments, and information presented by the applicant at the meeting.

The consent authority determined that condition precedent 1, in its current form, was not required provided the applicant submits a proposed zoning plan that identifies Lot 19 as being within Zone MD (Multiple Dwelling Residential) in accordance with condition precedent 2 of DP18/0435.

Condition precedent 1 related to the requirement to submit amended plans demonstrating a compliant building envelope for Lot 19 as per the requirements of Clause 11.2.3 (Lot Size and Configuration in Residential Subdivisions) of the NT Planning Scheme (the Scheme) given there were no special circumstances to justify a reduction to the minimum lot size required by Clause 11.1.11 (Minimum Lot Sizes and Requirements) from 800m<sup>2</sup> to 693m<sup>2</sup>.

As discussed with the applicant at the meeting, the developer has access to other avenues to adequately control the density of future development on Lot 19 if desired, including for example, realignment of the shared boundary between Lots 19 and 20 or the establishment of restrictive covenants on the title, without the need for variations to Clause 11.1.1 of the Scheme.

Subsequently, the consent authority was happy to endorse the subdivision plan submitted as part of the original application, or alternatively should the applicant wish to amend the shared boundary between Lots 19 and 20 to limit/control future development (in relation to residential density) on Lot 19, the consent authority determined it would consider a revised subdivision plan as reflected in revised condition precedent 1.

In relation to condition precedent 2, the consent authority determined not to alter its previous decision. The decision to include condition precedent 2 as part of DP18/0435 came as a result of the inability to identify adequate special circumstances to justify the departure from the requirements of Clause 11.1.1. The design of Lot 19 required a notable variation to the minimum lot size of 800m<sup>2</sup> for land in Zone SD (Single Dwelling Residential) and the consent authority were of the opinion that identifying Lot 19 on a zoning plan as Zone MD (Multiple Dwelling Residential), which has a minimum lot size of 300m<sup>2</sup>, would resolve the issue.

**ACTION:** Variation of Conditions Permit

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

**SUZANNE PHILIP**  
**Chair**

26 March 2019