



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No. 264 – FRIDAY 12 APRIL 2024

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

MEMBERS PRESENT: Suzanne Philip (Chair), Trevor Dalton, Marion Guppy, Sarah Henderson and Danielle Eveleigh

APOLOGIES: Athina Pascoe-Bell and Elisha Harris

LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Julie Hillier and Daniel Herlihy (Development Assessment Services)

COUNCIL REPRESENTATIVE: Ivan Ng

Meeting opened at 10.15 am and closed at 11.45 am

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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.

The Chair, Development Consent Authority, under section 93(1) of the *Planning Act 1999*, appointed Marion Guppy who is a member in relation to the Darwin Division, to act as a member for Elisha Harris in relation to the Palmerston Division from 19 March 2024 to 22 April 2024 as Elisha Harris is prevented from performing her duties of office because of absence.

ITEM 1
PA2024/0005

OUTBUILDING (SHED) ADDITION TO AN EXISTING DWELLING-SINGLE WITH A REDUCED SETBACK TO THE PRIMARY STREET BOUNDARY LOT 5492 (5) SHERRINGHAM CRESCENT, DURACK, TOWN OF PALMERSTON

APPLICANT Bradley Knowles

Applicant: Bradley Knowles sent his apology. Rachel Cahir attended on his behalf.

RESOLVED
15/24

That, the Development Consent Authority vary the requirements of Clause 5.4.3 (Setbacks of Residential Buildings and Ancillary Structures) 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 5492 (5) Sherringham Crescent, Town of Palmerston for the purpose of an outbuilding (shed) addition to an existing dwelling-single with a reduced setback to the primary street boundary, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works, 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) a site plan showing the setbacks to the primary street boundary and south side boundary and the existing vehicle crossover;
 - (b) floor plans of proposed building showing layout, partitioning and room sizes; and
 - (c) all elevations of buildings, indicating building height and external finishes.
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.

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GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notation 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. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Palmerston to the satisfaction of the consent authority.
7. The owner shall undertake any required reinstatement works to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.
8. The kerb crossover and driveways to the site are to meet the technical standards of 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 (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (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. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.
3. 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.
4. The City of Palmerston advice that any reinstatement work required as a result of any damage or alterations cause to infrastructure or landscaping must be undertaken by the developer, to the technical standards of and at no cost to the City of Palmerston. This includes grass the verge between the property boundary and the kerb.

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 and an outbuilding (shed) addition to an existing dwelling-single with a reduced setback to the primary street boundary requires consent under Clause 1.8 (When development consent is required). It is identified as *Merit Assessable* under Clause 1.8(b)(ii)(2), therefore the purpose and requirements of Clause 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures), need to be considered.

The applicable clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme with exception to Clause (5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures).

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 not to be in accordance with Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), because the proposal will result in primary street boundary setback of less than 6m.

It is considered that a variation to this clause is appropriate in this instance because:

- (a) Administration clause 3 of Clause 5.4.3 allows the consent authority to *consent to a development that is not in accordance with sub-clause 6-8 only if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.*

The purpose of Clause 5.4.3 is to:

Ensure that residential buildings and ancillary structures are located in a manner that:

- (a) *is compatible with the streetscape and surrounding development including residential buildings on the same site;*
- (b) *minimises adverse effects of building massing when viewed from adjoining land and the street;*
- (c) *avoids undue overlooking of adjoining properties; and*
- (d) *facilitates breeze penetration through and between buildings.*

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The applicant has proposed a shed addition to an existing dwelling-single with a nil setback to the primary street boundary where a minimum of 6m is required.

It is considered that a variation to this clause is appropriate in this instance because:

- The proposed shed includes a verandah/carport such that approximately 6m of the 14.5m length of the nil setback will be open sided which reduces the visual impact and enables breeze penetration.
- The location of the site at the end of a cul-de-sac, and the location of the structure is such that the views to the structure are partially screened so as reduce visual impact
- The location and scale ensures there is unlikely to be any undue overlooking or prevent breeze penetration.

For these reasons it is expected that the proposed development will not negatively impact on the surrounding amenity and is considered appropriate to the site with regard to location and scale.

- (b) The considerations listed under Clause 1.10(3) or 1.10(4) do not apply to this application because the application became *Merit Assessable* under Clause 1.8(1)(b)(ii)(2), and under Clause 1.10(2), the consent authority only must consider the requirements in Part 5 that are not complied with for such applications.
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 land is within Zone LR (Low Density Residential), includes an existing dwelling and is capable of supporting residential development. Additionally, no adverse comments were received from service authorities.

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 proposed shed is located on a site at the end of a cul-de-sac and is well screened from the majority of the street and not of a scale that will cause undue overlooking from neighbouring properties, nor cause detrimental amenity effects in the way of building massing. For these reasons, the proposed shed is unlikely to have a negative impact on adjoining or nearby properties or amenity of the area.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

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ITEM 2
PA2024/0022
OUTBUILDING (CARPORT) ADDITION TO AN EXISTING DWELLING-SINGLE WITH A REDUCED BUILDING SETBACK TO THE PRIMARY STREET BOUNDARY
LOT 243 (41) BAGSHAW CRESCENT, GRAY, TOWN OF PALMERSTON
APPLICANT Shayne Leorke and Stacey Milton

Applicant: Stacey Milton sent her apology. Shayne Leorke attended.

RESOLVED
16/04
That, the Development Consent Authority vary the requirements of Clause 5.4.3 (Setbacks of Residential Buildings and Ancillary Structures) 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 243 (41) Bagshaw Crescent, Gray, Town of Palmerston for the purpose of an outbuilding (carport) addition to an existing dwelling-single with a reduced setback to the primary street boundary, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works, 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:
 - dimensions of the proposed carport showing length and width of structure and setbacks to the primary street boundary (and southern side boundary for the awning).
2. Prior to the 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.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notation 1 for further information.

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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. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Palmerston to the satisfaction of the consent authority.
7. The owner shall undertake any required reinstatement works 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 (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (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. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.
3. 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.
4. The City of Palmerston advice that any reinstatement work required as a result of any damage or alterations cause to infrastructure or landscaping must be undertaken by the developer, to the technical standards of and at no cost to the City of Palmerston. This includes grass the verge between the property boundary and the kerb.

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 and an outbuilding (carport) addition to an existing dwelling-single with a reduced setback to the primary street boundary requires consent under Clause 1.8 (When development consent is required). It is identified as *Merit Assessable* under Clause 1.8(b)(ii)(2), therefore the purpose and requirements of Clause 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures), need to be considered.

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The applicable clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme with exception to Clause (5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures).

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 not to be in accordance with Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), because the proposal will result in primary street boundary setback of less than 4.5m and a roof encroachment more than 0.9m into the minimum building setback.

It is considered that a variation to this clause is appropriate in this instance because:

3. Administration clause 3 of Clause 5.4.3 allows the consent authority to *consent to a development that is not in accordance with sub-clause 6-8 only if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.*

The purpose of Clause 5.4.3 is to:

Ensure that residential buildings and ancillary structures are located in a manner that:

- a. *is compatible with the streetscape and surrounding development including residential buildings on the same site;*
- b. *minimises adverse effects of building massing when viewed from adjoining land and the street;*
- c. *avoids undue overlooking of adjoining properties; and*
- d. *facilitates breeze penetration through and between buildings.*

The applicant has proposed a carport addition to an existing dwelling-single with a setback of 0.75m to the primary street boundary where a minimum of 4.5m is required. The roof encroachment distance is 4.41m where a maximum of 0.9m is permitted (as the setback is 0.36m from the boundary rather than 3.6m).

It is considered that a variation to this clause is appropriate in this instance because:

- The carport floor level will be approximately 1m below street level and include murraya hedging or similar that will assist in screening the carport area when viewed from the primary street. The reduction in height along with the dense screening along the primary street boundary will allow the

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- development to blend in well with surrounding developments and minimise impact to the streetscape.
- The proposed carport is an open structure and will be mostly screened by dense vegetation and as such is unlikely to contribute to detrimental effects of building massing.
 - The proposed development is not located adjacent to any neighbouring lots and is unlikely to allow undue overlooking of adjoining properties.
 - The proposed development is an open structure that is unlikely to block breeze penetration.
4. The considerations listed under Clause 1.10(3) or 1.10(4) do not apply to this application because the application became *Merit Assessable* under Clause 1.8(1)(b)(ii)(2), and under Clause 1.10(2), the consent authority only must consider the requirements in Part 5 that are not complied with for such applications.
5. 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 land is within Zone LR (Low Density Residential), includes an existing dwelling and is capable of supporting residential development. Additionally, no adverse comments were received from service authorities.

6. Pursuant to section 51(1)(m) of the *Planning Act 1999*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

Requirements for public utilities and infrastructure as reflected in the comments by the City of Palmerston and service authorities are generally addressed through conditions on the development permit. However the consent authority amended the condition precedent originally recommended by Development Assessment Services for the submission of a stormwater plan prior to the endorsement of plans, in favour requiring plans for stormwater approval to be approved by City of Palmerston prior to the commencement of works, given the permit is approving a single carport only which has limited impact on stormwater management at the site. In addition, the proposal did not seek or require any changes to the existing access and accordingly the consent authority deleted the condition originally recommended by Development Assessment Services in relation to kerb crossovers and driveways to the site.

7. 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 proposed development, being a carport, is a common development within residential areas. The development itself is well screened by

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landscaping when viewed from the primary street and unlikely to negatively impact on the streetscape. The scale and location of the proposal ensure that it does not block breeze penetration or allow for undue overlooking from neighbouring properties, nor cause detrimental amenity effects in the way of building massing. Additionally, the proposal was exhibited for two weeks with no submissions received.

For the above reasons, the proposed carport is unlikely to have a negative impact on adjoining or nearby properties or the amenity of the area.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

**ITEM 3
PA2024/0045**

**CHANGE OF USE FROM NURSERY TO SHOWROOM SALES (TENANCY 5)
LOT 4537 (2) PALMERSTON CIRCUIT, PALMERSTON CITY, TOWN OF
PALMERSTON**

APPLICANT

Cunnington Rosse Town Planning and Consulting

Sarah Henderson and Danielle Eveleigh are community members of the Development Consent Authority and councillors respectively, for City of Palmerston. City of Palmerston is a submitter to this application under Section 49 of the *Planning Act 1999*.

The Chair noted that section 98A of the *Planning Act 1999*- Independence of Community Members – contemplates that Community Members, while acting independently, may take account of opinion of a local government council in relation to a development application. No parties present raised any concerns with Sarah Henderson and Danielle Eveleigh considering the application.

Pursuant to section 97 of the *Planning Act 1999*, the Chair determined that Sarah Henderson's and Danielle Eveleigh's interest or relationship was not significant or relevant, and both were permitted to form part of the quorum and participate in determination of this item.

Applicant: Brad Cunnington (Cunnington Rosse Town Planning and Consulting) attended.

Submitter: City of Palmerston represented by Ivan Ng attended.

DAS tabled further comments from City of Palmerston.

**RESOLVED
17/24**

That, the Development Consent Authority vary the requirements of Clause 5.2.4.1 (Car parking spaces) 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 4527 (2) Palmerston Circuit, Town of Palmerston for the purpose of showroom sales (Tenancy 5), subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works, 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) reference to proposed use of tenancies limited to Tenancy 5 for the purpose of showroom sales;
 - b) swept path diagrams to show access is adequate for the purpose of a loading bay to accommodate the design vehicle;
 - c) end of trip facilities including:
 - I. bicycle parking facilities designed in accordance with the relevant Australian Standard, well lit, located outside pedestrian movement paths, ensuring adequate distance between the bollard and bicycle storage racks.
 - II. Lockers of suitable volume and dimensions, well ventilated, secure and lockable and located close to show and changing facilities.
 - III. Location of lockers, shower and changing facilities.
 - d) provision of disabled car parking space in close proximity to the access ramp at the building entry
 - e) a clearly identifiable pedestrian access to the main entrance of the building from the customer car parking areas which provides for safe and convenient access.
2. Prior to the endorsement of plans, 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 endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to undertake a traffic assessment as it relates to Tenancy 5, to the approval of City of Palmerston, to the satisfaction of the consent authority.
4. Prior to the commencement of works, the applicant must submit a Waste Management Plan to the City of Palmerston for approval, to the satisfaction of the consent authority.
5. Prior to the commencement of works, a landscape plan for the site 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 plan must show:

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- a) survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - b) details of surface finishes of pathways and driveways;
 - c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - d) landscaping and planting within all open areas of the site;
 - e) (specify number) canopy trees (minimum two metres tall when planted) in the following areas: (specify location); and
 - f) provision of an in ground irrigation system to all landscaped areas.
- All species selected must be to the satisfaction of the consent authority.

GENERAL CONDITIONS

6. The works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, electricity and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notation 1.
8. 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.
9. Any reinstatement works required as a result of any damage caused to infrastructure or the verge must be undertaken by the developer, to the technical standards of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.
10. Storage for waste disposal bins must be provided in accordance with the requirements of, and to the satisfaction of the City of Palmerston.
11. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.
12. All signage must meet the technical standards of the City of Palmerston, to the satisfaction of the consent authority.
13. Any new air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated), 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. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be

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designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.

14. Any new 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.
15. Before the use or occupation of the development starts, additional car parking 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; and
 - (e) line marked to indicate each car space and all access lanes.to the satisfaction of the consent authority.
16. 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.
17. 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. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (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 on/over City of Palmerston property shall be subject to separate application to City of Palmerston and shall be carried out to the requirements and satisfaction of City of Palmerston.
3. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.
4. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.

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5. 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) or by phone on 08 8936 4070 to determine if the proposed works are subject to the Act.
6. Surface stormwater run-off from the development site onto the Roystonea Ave or University Ave road reserve is not permitted. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston / Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics (where it impacts on the NTG controlled road Reserves) / Crown Land Estate of the Department of Infrastructure, Planning and Logistics (where it impacts on Crown land or a drainage easement in favour of the Territory), to the satisfaction of the consent authority.
7. No temporary access for construction purposes shall be permitted from the Stuart Highway road reserve. Construction and delivery vehicles shall not be parked on the Stuart Highway road reserve.
8. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message).
The sign shall be positioned:
 - (a) so as not to create sun or headlight reflection to motorists; and
 - (b) be located entirely (including foundations and aerially) within the subject lot.
9. Notwithstanding the approved plans, all signage is subject to City of Palmerston approval, at no cost to Council.

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 Northern Territory Planning Scheme 2020 (NTPS2020) applies to the land and showroom sales requires consent under Clause 1.8 (When development consent is required). It is identified as *Impact Assessable* under Clause 1.8(1)(c)(i); therefore the strategic framework (Part 2 of the Scheme, including the Central Palmerston Area Plan), zone purpose and outcomes of Clause 4.10 (Central Business), and Clauses 3.1.3 (GL - Gateway Location), 5.2.1 (General Height Control), 5.2.4.1 (Car parking spaces), 5.2.4.4 (Layout of Car Parking), 5.2.5 (Loading Bays), 5.2.6 (Landscaping), 5.3.7 (End of trip facilities), 5.5.3 (General building and site design), 5.9.3 (Location specific design requirements - Palmerston City Centre) need to be considered.

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These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme except for Clause 5.2.4.1 (Car parking spaces).

Condition precedent 1 requires amended plans to demonstrate access to the loading bay is adequate for its purpose in terms of turning movements for the design vehicle to respond to clause 5.2.5 (Loading Bays).

Condition precedent 2 requires landscaping plans to be submitted to form part of the permit, as the existing landscaping on site does not sufficiently respond to clause 5.2.6 (Landscaping) which is intended to ensure developments within central business districts minimise heat capture and enhance the visual amenity of the area when viewed from the street or surrounding buildings.

Clause 5.3.7 (End of trip facilities in Zones HR, CB, C, SC and TC) ensures that new commercial buildings provide sufficient safe, quality and convenient end of trip facilities to enable active travel choices by residents, visitors, workers and customers for the proposed use of the site. Whilst the development may not be considered a new building, building works include internal fit – out and upgrades to the parking area, and the proponent intends to provide end of trip facilities in accordance with the NTPS2020. Condition precedent 1 requires amended plans which demonstrate compliance with Clause 5.3.7 (End of trip facilities in Zones HR, CB, C, SC and TC) including the relevant Australian Standard and provision of lockers, shower and changing facilities.

The proposed development is consistent with the Central Palmerston Area Plan planning principles to establish a dynamic mixed use locality with an active public domain.

The redevelopment adds the opportunity for wider retail choices within the centre and contributes to activation through re-use of vacant premises. The development supports the intended use of the land envisaged by the Area Plan, being mixed use (commercial, civic, residential and retail) and satisfies many of the provisions of the Planning Scheme.

The design elements incorporated into the development include Colorbond blade walls extending beyond the roofline, signage incorporated into the building design and awnings to the building entry.

The redevelopment is located on the fringe of The Boulevard Precinct and as such will not directly impact on the activation of the Boulevard and Goyder Square through built form.

2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), sub-clause 5, of the Northern Territory 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

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- (b) The considerations listed under Clause 1.10(3) or 1.10(4).

The proposal has been found not to be in accordance with Clause 5.2.4.1 (Car parking spaces), because the proposal will result in a shortfall of six car parks. The Authority determined the parking demand for Tenancy 5 is 39, taking into account the net floor area of the proposed showroom sales generating a requirement for 45 car parks, the original approved shortfall of 25, increase in number of existing parking spaces compared to the permit from 197 to 198 and approved increase in parking spaces by virtue of DP23/0298 of 15 spaces.

It is considered that a variation to this clause is appropriate in this instance because:

- (a) The proposal is consistent with the purpose of Clause 5.2.4.1 (Car parking spaces) which is to “Ensure that sufficient off-street car parking, constructed to a standard and conveniently located, are provided to service the proposed use of the site.” The proposed change of use utilises existing off street car parking and provides an additional 23 car parks to be constructed to relevant standards. A variation in the car parking numbers from 45 to 23 for Tenancy 5 is considered appropriate for the site and the locality, given peak periods for the gym (Tenancy 4) are often outside business hours, expected peaks in the retail use over the weekend, and the ability for cross utilisation of the car park on site.

Administratively “the consent authority may consent to a use or development that is not in accordance with sub-clause 4 if it is satisfied a reduction in the number of car parking spaces is appropriate with regards to (relevant subclauses) (a) the zoning of the land, the use or development or proposed use or development of the land, and the possible future use or development of the land; (b) the provision of car parking spaces in the vicinity of the land; (c) the availability of public transport in vicinity of the land”.

The location of the site within the Palmerston central business district and within Zone CB (Central Business) provides opportunities for shared visitation, walkability, and higher residential densities within a walkable distance of the proposed showroom sales use reducing the reliance of on-site car parking and car parking spaces in the vicinity of the land. Further, weekend peak periods coincide with an average parking occupancy across the City Centre on of about 25%, such that opportunities exist to access car parking spaces in the vicinity due to the proximity of the site to the City Centre.

- (b) The considerations listed under Clause 1.10(4) have been given regard to and it has been found that the proposal complies with all relevant requirements of the Northern Territory Planning Scheme 2020, except for Clause 5.2.4.1 as identified above.
3. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and

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any evidence or information received under section 50, in relation to the development application

City of Palmerston do not support the proposal and raised a number of concerns regarding the proposed use and its response to the zone purpose, area plan, development provisions, potential impact on public road network and safety of pedestrians within the site.

The applicant submitted a written response to the submission including amended plans. The submission from City of Palmerston and the response from the applicant has been considered and the following is noted:

- The proposal is considered to be in accordance with the purpose and outcomes for Zone CB (Central Business), including that showrooms sales are established in locations that complement and do not undermine the core functioning of the city precinct. The site is on the periphery of the CB zone such that it will complement and not undermine the core functioning of the centre, and within an existing building established for showroom sales purposes.
 - The NTPS2020 enables consideration of a parking reduction taking into account the development and use on the land and the provision of car parking spaces in the vicinity of the land.
 - The proposed use being assessed is for showroom sales as defined in the NTPS2020 and may include sale or hire of a range of bulky goods, the specifics of which are not relevant to the assessment.
 - The applicant advised that the use of Tenancy 2 is subject to a separate development application and the current proposal specifically seeks to ensure no approved land use for this tenancy forms part of the assessment.
 - The parking rate is based on net floor area, such that dual tenancies would not change the resultant parking demand
 - The amended application is for a single tenancy such that only a single loading is required.
 - There is no change proposed to the existing site access, waste management, internal driveway and car parking area, which have accommodated the previous hardware store and current showroom sales premises, however conditions precedent are included to respond to the requirements of the City of Palmerston regarding traffic impact assessment and waste management.
 - The conditions precedent requires amended plans to address access for loading, provision of a disabled parking bay adjacent the access ramp and entry to Tenancy 5, and a clearly identifiable pedestrian access to the main entrance of the building from the customer car parking areas.
4. 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 land is capable of supporting showroom sales as proposed. The proposal will utilise an existing building and includes upgrades to the

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building and additional car parking spaces. Comments from service authorities did not identify or raise any issues of concern in relation to land capability.

5. 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 impact on amenity should be considered in context of the site and its surrounding. The development is consistent with the broader intent of Zone CB (Central Business) and applicable clauses.

The use is located in an existing building that has been existing for some time and the development proposes external changes to respond to the Gateway Location.

Where the development does not comply with the relevant clauses of the NTPS2020, the impact on existing and future amenity has been considered and a variation has only been supported in cases where this amenity will not unduly be impacted upon.

6. Pursuant to section 51(1) (p) of the *Planning Act 1999*, the consent authority must take into consideration the public interest, including access for persons with disabilities

Condition Precedent 1 requires amended plans be submitted which ensures that provision of a disabled car parking space is included in close proximity to the access ramp at the building entry to provide for access for persons with disabilities.

FOR: 5

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

19 April 2024