

DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 135 - THURSDAY 8 DECEMBER 2011

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

MEMBERS PRESENT: Peter McQueen (Chairman), Steve Ward, Jeffrey Porter and Susan McKinnon

APOLOGIES: Graeme Chin

OFFICERS PRESENT: Margaret Macintyre (Secretary), George Maly, Deborah Buise, Belinda Osborne, Hanna Cox and Fannie Sledge (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 am and closed at 10.00 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 TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 **4 X 3 BEDROOM MULTIPLE DWELLINGS IN 2 STOREYS**
PA2011/0722 **Lot 8800 (10) BROWNE PLACE, TOWN OF PALMERSTON**
APPLICANT **LIVING EDGE ENTERPRISES PTY LTD**

DAS tabled an addendum:- two comments from Power And Water Corporation and comments from the City Of Palmerston.

Mr Roger Halliwell (Living Edge Enterprises Pty Ltd) attended.

RESOLVED
120/11

That, the Development Consent Authority vary clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 8800 (10) Browne Place, Town of Palmerston for the purpose of 4 x 3 bedroom multiple dwellings in a 2 storey building, subject to the following conditions:

CONDITIONS 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's 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.
2. 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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show the removal of the cantilevered roof on Unit 4 where it encroaches onto the adjoining easement.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the 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 water supply, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

5. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Palmerston City Council to the satisfaction of the consent authority.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Palmerston City Council, to the satisfaction of the consent authority.
7. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (d) undertake reinstatement works;All to the technical requirements of and at no cost to the Palmerston City Council, to the satisfaction of the consent authority.
8. Before the use or occupation of the development starts, the areas 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;Car spaces and driveways must be kept available for these purposes at all times.
9. 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.
10. 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.
11. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
12. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
13. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
14. Storage for waste disposal bins is to be provided to the requirements of Palmerston City Council to the satisfaction of the consent authority.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the 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 (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

REASONS FOR THE DECISION

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

The proposed development is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) as it provides for a variety of housing option for potential residents of Brown Place.

A variation to clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow a reduced front setback of 1.88m where 5.5m is required is supported as:

- no adverse effects of buildings massing is anticipated as only a third of the carport which is an open side structure with a maximum height of 4.2m protrudes into the minimum setback requirements;
- the site is constrained by a large sewerage and water easement; and
- the unusual shape of the frontage and the lots' location at the end of a cul-de-sac means that the carport will not be visible to those who live within the front portion of Browne Place and therefore, the development is considered compatible with the existing Browne Place streetscape.

A variation to clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow a reduced side setback of 1.5m where 3.0m is required due to additional length requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in Height) is supported as:

- the proposed verandahs are recessed into the buildings which, together with the treatment of the façade of the building through the use of a variety of different materials, gives the building a varied appearance and breaks up its visual mass when viewed from the side boundary;

- the open sided nature of the structure will ensure adequate breeze penetration;
- the single storey 3.8m high verandah located along the affected boundary is not considered likely to result in building massing when viewed from the street and neighbouring property;
- landscaping will be provided along the side boundary to ensure privacy for the residents of the building and for the residents of the adjoining property; and
- the site is constrained by a large sewer easement. The location of the easement makes it difficult to move the building towards the western side boundary which would achieve compliance with the requirements of the side setback.

A variation to clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow a reduced side setback of 1.5m where 2.5m is required due to additional length requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in Height) is supported as:

- the treatment of the side facade of the building which includes small windows with awnings, and a skillion roof, breaks up the visual mass of the development on Lot 8801 (7) Loy Place which is located at the rear of the proposed development;
 - it is noted that the windows that have been placed on the upper level lead to the hallway and study to ensure that there is no undue overlooking into the adjoining properties; and
 - no submissions were received from the adjoining properties.
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.

Provided that stormwater will be appropriately collected on site without impacting on surrounding residential areas and disposed of into Councils stormwater drainage system within Browne Place, no adverse physical impact on the surrounding land is anticipated.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2011/0740
APPLICANT

**DEMOUNTABLE STRUCTURE
LOT 10088 (5) BELL CRESCENT, TOWN OF PALMERSTON
IRWIN TAGNIPIS AND MAGDALENA TAGNIPIS**

Mr Irwin & Mrs Magdalena Tagnipis attended.

Submitter Mr Graeme Finch (Bellmack Pty Ltd) sent his apologies and Mr Darron Lyons and Ms Katherine Whitlock (both representing Bellmack Pty Ltd) attended on his behalf.

**RESOLVED
121/11**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 10088 (5) Bell Crescent, Town of Palmerston, for the purpose of a demountable structure, subject to the following conditions:

CONDITION PRECEDENT

1. Before the development starts, a landscaping plan 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 landscaping plan must be generally in accordance with the plan lodged with the application but must show:
 - (a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - (b) 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;
All species selected must be to the satisfaction of the consent authority.
2. 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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show the proposed roof of the demountable sloping down towards the front of the site.
3. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston's 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.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with drawings, endorsed as forming part of this permit.
5. The sea container shall be appropriately painted Mallard Gray colour or similar, to match the existing house on site, in accordance with Clause 6.8.4 (Demountable Structures) of the Northern Territory Planning Scheme to the satisfaction of the consent authority.
6. 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.
7. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority including that any dead, deceased or damaged plants are to be replaced.
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.

REASONS FOR THE DECISION

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

The appearance of the proposed demountable structure (sea container) will be screened with landscaping and enhanced with architectural embellishments such as tilted roofline and painted Mallard Gray to match the existing house to reduce its impact on the visual amenity of the area. As such the proposal is considered to be generally consistent with provisions of Clause 6.8.4 (Demountable Structures) of the Northern Territory Planning Scheme.

2. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into account the physical characteristics of the land to which the application relates.

Amended plans showing that storm water collected from the roof of the structure can be suitably managed on site in accordance with the requirements of City of Palmerston will ensure no adverse impact of stormwater on surrounding residential land.

ACTION: Notice of Determination

ITEM 3
PA2011/0795
APPLICANT

LIGHT INDUSTRY
LOT 7082 (20) TOUPEIN ROAD, TOWN OF PALMERSTON
TAILOR-MADE BUILDING SERVICES PTY LTD

Mr Raymond Somerville (Taylor Made Building Services Pty Ltd) attended.

RESOLVED
122/11

That pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 7082 (20) Toupein Road, Town of Palmerston, for the purpose of extensions to existing Light Industry, subject to the following conditions:

CONDITIONS

1. Works carried out under this permit shall be in accordance with the drawings numbered 2011/0795/1 to 2011/0795/4 inclusive, endorsed as forming part of this permit.
2. Any developments on or adjacent to any easements on site shall be carried out to the requirements and satisfaction of the relevant service authority at no cost to the relevant service authority.
3. The owner of the land must enter agreements with the relevant service authorities for the provision of water supply, sewerage facilities and electricity services to the land shown on the endorsed plan 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 the City of Palmerston Council to the satisfaction of the consent authority.
5. Before the use of the development starts the areas 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. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

NOTE:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing

requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

REASONS FOR THE DECISION

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

The proposed extension to an existing Light Industry is consistent with the primary purpose of Zone SC (Service Commercial), which is to provide for commercial activities which, because of their business or size of the population catchment, require large sites.

The key use of the site is a steel storage and fabrication service that supplies large steel goods to the construction industry. The bulk of the products shipped to the premises are already cut to size and the activities on site include minor welding and grinding, which to date have not affected the surrounding area. The use of the site is therefore regarded as a Light Industry and minor extensions of this use on the site is considered to be consistent with the primary purpose of the zone. Overall, the proposal is found to be fully compliant with the relevant provisions of the NT Planning Scheme.

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 subject land is currently developed with a warehouse/workshop and has an area of 2130m². The site is fully sealed with bitumen, and provides for drainage of stormwater to the front of the lot into Council's drainage system within Toupein Road. No adverse impact of stormwater on surrounding land is anticipated.

ACTION: Notice of Consent and Development Permit

ITEM 4 **GARAGE WITH A REDUCED FRONT SETBACK**
PA2011/0789 **LOT 8073 (90) FARRAR BOULEVARD, TOWN OF PALMERSTON**
APPLICANT **TOULA TSOUGRANIS**

Ms Toula Tsougranis attended.

RESOLVED That the Development Consent Authority vary Clause 6.11 (Garages and Sheds) of the
123/11 Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act* consent to the application to develop Lot 8073 (90) Farrar Boulevard, Town of Palmerston, for the purpose of a garage with reduced front setback, 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 dimension and two copies provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) colour schedule and material types of external finishes; and
 - (b) landscaping of plants to screen sides of garage from the streetscape. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes/sizes at maturity, and quantities of each plant.
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's underground 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 to Council's stormwater system.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements and satisfaction of the relevant service authority at no cost to the relevant service authority.
5. The owner of the land must enter agreements with the relevant service authorities for the provision of water supply and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. 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.
7. 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. This permit will expire if one of the following circumstances applies:
 - (a) the 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. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

REASONS FOR THE DECISION

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

A variation to clause 6.11 (Garages and Sheds) of the NT Planning Scheme for a reduced front setback of 4.5m where 6m is required by the Scheme, is granted as:

- the garage will be created by enclosing an open sided carport which forms part of the house;
- the proposed garage will provide a secure parking area for two cars;
- the proposed garage will have less effect on the streetscape than if the applicant was to provide a front fence for security purposes;
- the land is constrained due to the location of the existing dwelling and relocation of the garage within the frontage of the lot will encroach in the 6m front setback;
- enclosing the existing carport will leave sufficient space to provide landscaped screening to the sides of the garage; and
- no objections were received from the adjoining neighbours.

The proposal is otherwise generally consistent with all other relevant provisions of the Scheme and a variation to Clause 6.11 (Garages and Sheds) can therefore be supported.

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 site is 815m² in area, is regular in shape and has street frontage to Farrar Boulevard.

Provided that stormwater is managed on site without impacting on adjoining properties and disposed of into Council's stormwater drainage system, no adverse impact is anticipated.

ACTION: Notice of Determination

ITEM 5
PA2011/0789

EXTENSION TO EXISTING OFFICE/CARETAKERS RESIDENCE AND EXTENSION TO EXISTING STORAGE UNIT COMPLEX

APPLICANT

LOT 7077 (15) CALLANAN ROAD, TOWN OF PALMERSTON
MOONBEAM DESIGN

The applicant did not attend.

RESOLVED
124/11

That, the Development Consent Authority determine that no additional parking is required pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 7077 (15) Callanan Road, Town of Palmerston, for the purpose of extension to existing Office/Caretaker's Residence and extension to existing storage unit complex, subject to the following conditions:

CONDITIONS

1. Works carried out under this permit shall be in accordance with the drawings numbered 2011/0769/1 to 2011/0769/3 inclusive, endorsed as forming part of this permit.
2. Any developments on or adjacent to any easements on site shall be carried out to the requirements and satisfaction of the relevant service authority at no cost to the relevant service authority.
3. The owner of the land must enter agreements with the relevant service authorities for the provision of water supply, sewerage facilities and electricity services to the land shown on the endorsed plan 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 the City of Palmerston Council to the satisfaction of the consent authority.
5. 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.

NOTE:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

REASONS FOR THE DECISION

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

The proposed extensions to an existing office/caretaker's residence and existing storage unit facility is consistent with the primary purpose of Zone SC (Service Commercial), which is to provide for commercial activities which, because of their business or size of the population catchment, require large sites.

The premises are currently occupied by a self storage business and developed with 9 storage unit buildings, an ancillary office/caretaker's residence, and 2 Warehouse buildings that do not pertain to the self storage business. The occupant provides secure space, in a variety of sizes, for clients to store their belongings. The proposed development for extensions to an existing Office/Caretaker's Residence and existing storage unit complex is therefore considered consistent with the primary purpose of the zone.

Clause 6.5.1 (Parking Requirements)

A reduction of parking bays required by Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme in accordance with the provisions of Clause 6.5.2 (Reduction in Parking Requirements) is supported as it is anticipated the existing number of car parking spaces (30), as endorsed on permit DP05/0073A issued in May 2005, is sufficient for the use. Ample areas of sealed manoeuvrable space is provided on site for clients to access, park, and load and unload goods in front of each individual storage unit. The number of car parks proposed is therefore considered sufficient.

Clause 6.6 (Loading Bays)

No loading bay will be required, to comply with the requirements of Clause 6.6 (Loading Bays) of the NT Planning Scheme, as ample areas of sealed manoeuvrable space are provided to allow cars and trucks to load and unload goods in the direct vicinity of each individual storage unit.

2. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact upon the existing and future amenity of the area in which the land is situated.

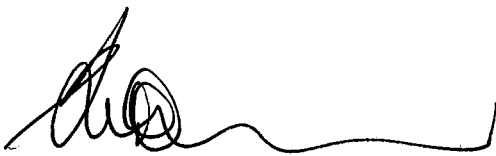
The proposed development, which is adjacent to a similar operation, is consistent with the SC (Service Commercial) zoning of the land and is in keeping with existing development in the surrounding area. It is not envisaged that the proposed extensions will have a significant impact on the existing and future amenity of the area as:

- similar external finishes will be used to blend the extensions with the existing buildings;
- the office extension will be screened by landscaping to the front boundary; and
- there is unlikely to be any discernable increase in traffic due to nature of the business.

This is considered sufficient to ensure the proposed extensions to an existing office/caretaker's residence and storage unit complex will not detract from the visual amenity of the area.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

12/12/11