



# **DEVELOPMENT CONSENT AUTHORITY**

## **PALMERSTON DIVISION**

### **MINUTES**

**MEETING No. 229 – WEDNESDAY 18 MARCH 2020**

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

**MEMBERS PRESENT:** Trevor Dalton (Presiding Member), Steve Ward, Sarah Henderson and Ben Giesecke

**APOLOGIES:** Suzanne Philip (Chair)

**OFFICERS PRESENT:** Margaret Macintyre (Secretary) and Ann-Marie Reynolds (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 10.15 am and closed at 11.20 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.**

That, pursuant to section 101(3) of the *Planning Act 1999*, in the Chair's absence the members of the Palmerston Division of the Development Consent Authority elect Trevor Dalton to preside at the meeting held on Wednesday 18 March 2020.

**ITEM 1**

**PA2019/0440 RECONSIDERATION - UNIT TITLE SCHEMES SUBDIVISION TO CREATE SIX UNITS AND COMMON PROPERTY**

**LOT 13726 (18) LEADWORT COURT, ZUCCOLI, TOWN OF PALMERSTON**

**APPLICANT/S** Element

Mr Clement Williams (Territory Life - landowners) sent his apologies.

Mr Mark Hautop (Lawyer - Minter Ellison), Mr Kevin Dodd (Senior Surveyor - Earl James & Associates) and Mr Pablo Elizondo (Senior Civil Engineer - Jacobs Group) and Mr Tom Gaetan (Jacobs Group) attended.

**RESOLVED  
16/20**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Lot 13726 (18) Leadwort Court, Town of Palmerston for the purpose of a unit title schemes subdivision to create six units and common property, subject to the following conditions:

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, electricity facilities and telecommunication networks to the development/each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
3. 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.
4. 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 on the plan of subdivision submitted for approval by the Surveyor General.
5. Engineering design and specifications for the affected roads, stormwater drainage, vehicular access, pedestrian/ cycle corridors and street scaping are to be to the technical requirements of City of Palmerston, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
6. 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.

7. The kerb crossovers to the site approved by this permit are to meet the technical standards of City of Palmerston, to the satisfaction of the consent authority.
8. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston, to the satisfaction of the consent authority.
9. The owner shall 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.
10. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street to the requirements of the City of Palmerston, to the satisfaction of the consent authority.
11. Appropriate soil erosion, sediment and dust control measures must be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be suitably stabilised against erosion at completion of works, to the satisfaction of the Consent Authority.
12. Prior to new titles being issued, the developer must provide a sealed driveway to each unit on common land to the satisfaction of the consent authority.
13. Prior to new titles being issued for the units shown on the endorsed drawings, a Scheme Statement meeting the requirements of the *Unit Title Schemes Act 2009* (as confirmed by the Land Titles Office) shall be submitted for endorsement by the consent authority.
14. Prior to new titles being issued for the units shown on the endorsed drawings, confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) demonstrating that the Power and Water Corporation has been provided with a copy of the survey plan with the new lot numbers. This is for the purpose of ensuring the relevant Power and Water Information and Billing System is updated. Please provide a copy of an email addressed to both [landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au) & [powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au).
15. Prior to new titles being issued for the units shown on the endorsed drawings, confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional confirming that all new number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both [landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au) & [powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au).

16. Prior to new titles being issued, it shall be confirmed by the consent authority that all areas shown on the plans endorsed by the consent authority through this permit as service authority easements, communal open space, shared driveways, or areas set aside for the communal storage and collection of garbage or other solid waste, or other shared amenities are shown of the survey plan as Common Property.

#### 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. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 8995 5354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
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>.
4. The subdivision results in a unit title scheme subdivision creating six units and common property including a private driveway. Vendors are requested to inform future landowners of the nature of the development to ensure future landowners understand the entitlements and contributions associated with the unit title scheme subdivision.

#### REASONS FOR THE DECISION

1. Pursuant to section 51(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 application is for a unit title schemes subdivision to create 6 units and common property at part Lot 12087 Town of Palmerston (proposed Lot 13726).

The Northern Territory Planning Scheme (NTPS) applies to the land. The land is within Zone MD (Multiple Dwelling) of the NTPS.

Section 44(b) of the NT *Planning Act 1999* states that a development permit is required, 'if the proposed development is the subdivision or



consolidation of land.' The application proposes a subdivision for the purpose of a unit title scheme with planning consent therefore required.

The application was considered against the applicable clauses of the NTPS including Clause 11.1.5 (Subdivision for the Purposes of a Unit Title Scheme). The proposal satisfies the requirements of Clause 11.1.5 and consent is therefore considered appropriate.

The application was previously considered by the consent authority on 19 February 2020 where the application was deferred under section 46(4)(b) in order to allow the application to provide, '*Further information as to the ability to register the unit title scheme as proposed, together with the ability to amend unit entitlements as the land is progressively developed*', that the consent authority considered necessary to enable proper consideration of the application.

The landowner submitted a response to the deferral on 6 March 2020 which advised that:

- the proposal is permitted under the *Planning Act 1999*, *Land Title Act 2000* and the *Unit Title Schemes Act 2009* (UTS Act);
- the scheme will not be progressive and is considered to be a 'basic scheme' as defined under s. 63(3) of the UTS Act as the lot will not be further subdivided;
- the subdivision of vacant land for the purpose of a unit title scheme can occur if the subdivision is consistent with the size requirements under the Northern Territory Planning Scheme;
- on the formation of a scheme by a developer the unit entitlements should be equal, except to the extent to which it was just and equitable in the circumstances for them not to be equal. Where it is just and equitable not to be equal, the scheme statement must state why that is so; and
- the landowner is not proposing to amend the unit entitlements following the formation of the unit title scheme.

The authority notes the advice submitted by the applicant in response to the deferral, and is satisfied the points of deferral have been addressed. The development is considered to be a 'basic scheme' and can be registered under the *Unit Title Schemes Act 2009*.

A condition requiring submission of a scheme statement has been included. A scheme statement is required to be submitted and endorsed by the consent authority prior to new titles being issue to ensure that the unit title scheme statement is consistent with the development and does not conflict with any relevant requirements under the NTPS.

A condition requiring the internal driveway to be constructed on common land prior to Part 5 clearance has been included to ensure suitable access, within the common property, is provided to each unit.

A note has been included requesting the vendors ensure future landowners are aware of the nature of the development which results in a unit title scheme subdivision creating six units and common property including a private driveway.

2. Pursuant to section 51(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 considered capable of supporting the proposed unit title schemes subdivision as it is consistent with the relevant requirements of Part 5 of the NTPS. The application was circulated to relevant service authorities for comment with no land capability concerns identified.

3. Pursuant to Section 51(m) of the *Planning Act 1999*, the consent authority must take into account 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.

Comments received from service authorities highlighted a number of development specific requirements that have been addressed through appropriate conditions and/or notations on the development permit.

4. Pursuant to section 51(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 unit title scheme subdivision is unlikely to impact the existing and future amenity of the area. Future development of the land will require consent where further consideration of possible amenity impacts of physical development of the land can occur.

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

**ITEM 2**

**PA2019/0500**

**SHADE SAIL ADDITION TO EXISTING SINGLE DWELLING WITH REDUCED FRONT SETBACK**

**LOT 9109 (7) DELISSAVILLE PLACE, ROSEBERY, TOWN OF PALMERSTON**

**APPLICANT/S**

Aerosail Engineered Fabric Structures Pty Ltd

The applicant did not attend.

**RESOLVED  
17/20**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NT Planning Scheme and, pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 9109 (7) Delissaville Place, Town of Palmerston for the purpose of a shade sail addition to existing single dwelling with reduced front setback, subject to the following conditions:

## CONDITION PRECEDENT

1. Prior to the endorsement of plans and 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.

## 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 shall:
  - a. Collect stormwater and discharge it to the drainage network; and
  - b. Undertake reinstatement works for any damage caused to Council infrastructure and/or landscaping;  
to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.

## NOTE:

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.

## REASONS FOR THE DECISION

1. Pursuant to section 51(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 application is for a shade sail addition to an existing single dwelling with a reduced front setback at Lot 9109 (7) Delissaville Place, Town of Palmerston. Lot 9109 is within Zone SD (Single Dwelling) of the NT Planning Scheme. The application is required as the shade sail is not setback in accordance with the minimum front setback distance required by Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NTPS. The development otherwise complies.

Clause 2.5 (Exercise of Discretion by Consent Authority) enables consent to be granted for development that does not meet with requirements of Part 4 of the NTPS (which contains Clause 7.3) where it is satisfied that special circumstances exist to justify consent.



Lot 9109 has an irregular shape which results in dual truncations to its primary street frontage. These truncations significantly reduce the ability to achieve a usable shade structure and compliant setbacks and, if not for a second truncation occurring at the head of the cul-de-sac, the development would likely comply. No other sites in Delissaville Place, nor in the surrounding streets, are constrained by dual truncations to the extent seen with the subject site making the lot shape unusual by local standards.

The landowner's ability to comply with clause 7.3 is further impacted by the location of the existing driveway at the site. The application indicates that the primary purpose of the shade sail is to provide shade and protection for the owner's vehicles parked over the sole driveway.

The driveway is located over the boundary with the greatest truncation, leaving a very small area of driveway in which to park legally and within the boundaries of the site.

The combination of the above factors are acknowledged and considered to justify the variation to Clause 7.3 in this case to allow a shade sail with a setback of 0.845m instead of the 3m required by the NTPS.

2. Pursuant to section 51(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 specific land capability concerns were identified by services authorities or as part of the assessment. The shade sail is to be located over an existing driveway and area currently used for the parking of vehicles.

3. Pursuant to section 51(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 represents a notable departure from the requirements of Clause 7.3, however, as discussed under reason 1, the variation is considered to be justified by the irregular shape of the lot and driveway location. Collectively, the constraints these features place on the site are considered to justify the current design and variation. While acknowledged that no other sites in Delissaville Place have been developed with similarly reduced setbacks, no other site is constrained to the extent that is seen with Lot 9109.

In addition, the alignment of the street in this part of Delissaville Place is also considered relevant. The non-compliance occurs at one of the widest points of the street with the setback following the general alignment of the road. This approach best preserves the existing streetscape, thereby minimising potential amenity impacts.



4. Pursuant to section 51(n) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

The City of Palmerston lodged a submission under section 49(3) noting that the shade sail proposed a significant encroachment into the front setback and was likely to be inconsistent with the form and character of surrounding dwellings. Additionally, it suggested that there did not appear to be sufficient special circumstances to support the extent of variation proposed.

There are considered to be a number of factors that have contributed to the non-compliance in this case and, as discussed above, it is considered that when considered collectively that these factors justify the giving of consent.

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

**ITEM 3**

**PA2020/0021**

**ADDITIONS TO EXISTING SINGLE DWELLING WITH A REDUCED FRONT SETBACK**

**LOT 2803 (3) WIESENER COURT, WOODROFFE, TOWN OF PALMERSTON**

**APPLICANT/S**

James Townsend

The applicant did not attend.

**RESOLVED  
18/20**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NT Planning Scheme and, pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 2803 (3) Wiesener Court, Town of Palmerston for the purpose of additions to an existing single dwelling with a reduced front setback, subject to the following conditions:

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities, to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of City of Palmerston, to the satisfaction of the consent authority.
4. The owner shall undertake reinstatement works for any damage caused to Council infrastructure and/or landscaping all 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 (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

## REASONS FOR THE DECISION

1. Pursuant to section 51(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 applies to the land. Lot 2803 Town of Palmerston is identified within Zone SD (Single Dwelling Residential) of the NT Planning Scheme. The purpose of Zone SD is to provide single dwellings on individual lots. The proposal includes additions to an existing single dwelling and is therefore deemed to be consistent with the purpose of the zone.

Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NTPS allows the consent authority to consent to development that does not meet the standard set out in Part 4 (including this clause) if it is satisfied that special circumstances justify the giving of consent.

The proposal will enclose part of an existing verandah without further encroaching on the pre-existing setback, and the overall height and roof pitch will not be altered as a result of the development. The building materials of the proposed works are expected to be compatible with the design of the existing single dwelling and no adverse effects of building massing are anticipated when viewed from the street as the additions will not increase the gross floor area of the building.

The aforementioned design features are considered to be sufficient grounds to justify granting consent to vary the provisions of clause 7.3.

2. Pursuant to section 51(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.

It is noted that none of the four service authorities contacted for comment raised any issues with land capability in relation to the application.

3. Pursuant to section 51(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 screening provided to the proposed development by dense vegetation and lack of alterations to the surrounding environment dictate that a significant impact on amenity is not expected.

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

**ITEM 4**

**PA2020/0006**

**SHED ADDITION TO AN EXISTING SINGLE DWELLING WITH A REDUCED SIDE SETBACK**

**LOT 6489 (28) PHOENIX CIRCUIT, DURACK, TOWN OF PALMERSTON**

**APPLICANT/S**

Aaron Ross Campbell and Stoney Lee Dethmore

The applicants did not attend.

**RESOLVED  
19/20**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 6489 (28) Phoenix Circuit, Town of Palmerston for the purpose of a shed addition to an existing single dwelling with a reduced side setback, 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. 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**

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. 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.
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.

## NOTE:

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.

## REASONS FOR THE DECISION

1. Pursuant to section 51(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 application has been considered against the relevant clauses of the Northern Territory Planning Scheme (NTPS) and generally complies with the relevant clauses, except a non-compliance with the side setback requirements of Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures).

The subject parcel is located in Zone SD (Single Dwelling Residential). The primary purpose of Zone SD is to provide single dwellings on individual lots. The proposal is for a shed addition to an existing single dwelling and is consistent with the purpose of this clause.

With respect to the non-compliance, the application provides a 0.3m setback to the side boundary where a 1.5m setback is required. All other setbacks are in accordance with the requirements of Clause 7.3.

The purpose of Clause 7.3 is to ensure residential buildings and ancillary structures are located so:

- they are compatible with the streetscape and surrounding development including residential buildings on the same site;
- as to minimise any adverse effects of building massing when viewed from adjoining land and the street;
- as to avoid undue overlooking of adjoining properties; and
- as to encourage breeze penetration through and between buildings.

Clause 2.5 (Exercise of Discretion by the Consent Authority) allows the authority to vary the provisions of Parts 4 or 5 if it is satisfied that special circumstances justify the giving of consent.

In this instance, the following factors are considered to collectively justify the giving of consent:

- The proposal is consistent with the existing streetscape, which exhibits reduced side setbacks to the south-western boundary of properties along the street.



- The proposed shed is expected to be of a size and style that is compatible with the surrounding residential development.
  - The proposed shed does not include any windows or doors that may create overlooking concerns.
  - The proposed shed is to the rear of the property and behind the dwelling and carport and is unlikely to be highly visible from the street.
2. Pursuant to section 51(b) of the *Planning Act 1999*, the consent authority must take into account any proposed amendments to such a planning scheme: (i) that have been or are on exhibition under Part 2, Division 3, (ii) in respect of which a decision has not been made under Part 2, Division 3, and (iii) that are relevant to the development proposed in the development application.

On 6 March 2020, Planning Scheme Amendment commenced exhibition; it proposes to repeal the current Northern Territory Planning Scheme and introduce the Northern Territory Planning Scheme 2020 (NTPS2020). If considered against the proposed NTPS2020, similar development provisions and assessment criteria would apply to the shed and would therefore be unlikely to result in a substantially different decision.

3. Pursuant to section 51(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

The application qualified for exhibition via direct neighbour notification and circulation to the local authority and service authorities. While no public submissions were received under section 49(1), the City of Palmerston lodged a submission under section 49(3) in its role as local authority. Its submission advised of no objections and requested only standard conditions of approval be included in any permit issued.

The City of Palmerston's submission is acknowledged and the requested conditions of approval have been recommended for inclusion if the application is approved. This is considered to address the submission.

4. Pursuant to section 51(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 shed is considered unlikely to impact the amenity of the area noting that:

- the proposal, including a reduced setback to the south-western side boundary, is consistent with the existing development pattern along Phoenix Circuit;
- the style and size of the shed is considered suitable for a residential area; and

- the structure is located in the backyard of the dwelling and behind the existing dwelling and carport and is unlikely to be highly visible from the street.

**ACTION:** Notice of Consent and Development

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



**TREVOR DALTON**  
**Presiding Member**

19 March 2020