

**DEVELOPMENT CONSENT AUTHORITY**

**PALMERSTON DIVISION**

**MINUTES**

**MEETING No 161 – WEDNESDAY 19 MARCH 2014**

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

**MEMBERS PRESENT:** Peter McQueen (Chairman), Steve Ward, Stuart Delahay, Susan McKinnon and Paul Bunker

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), George Maly and Leonie Hill (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Wendy Smith (Items 4 & 5 Only)

**Meeting opened at 10.00 am and closed at 11.00 am**

**THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.**

**ITEM 1 WITHDRAWN**

**ITEM 2 SUBDIVISION TO CREATE 2 LOTS**  
**PA2014/0086 LOT 10281 (127) FLYNN CIRCUIT, TOWN OF PALMERSTON**  
**APPLICANT ELTON CONSULTING**

Mr Martin Klopper and Mr Alex Lawton (Elton Consulting) attended.

**RESOLVED**  
**48/14**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 10281 (127) Flynn Circuit, Town of Palmerston for the purpose of subdivision to create 2 lots, subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to commencement of works an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of the Department of Land Resource Management and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the subdivisional, construction and operational phases. The IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in an ESCP.

**GENERAL CONDITIONS**

2. Works carried out under this permit shall be in accordance with the drawing numbered 2014/0086/01 endorsed as forming part of this permit.
3. 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.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of the City

of Palmerston to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

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.

#### NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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. No access to future lot A will be permitted from Forrest Parade or Chung Wah Terrace.

#### 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 purpose of zone C (Commercial) of the *NT Planning Scheme* is to provide for a range of business and community uses and to facilitate the development of shopping areas ranging from neighbourhood convenience shopping through to a regional centre.

The proposed subdivision is generally consistent with the zone purpose.

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 Department of Land Resource Management (DLRM) advised in relation to this current application that there were no land resource issues or requirements identified subject to an ESCP being prepared.

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



**ITEM 3  
PA2014/0073  
APPLICANT**

**CHANGE OF USE FROM OFFICE TO MEDICAL CLINIC  
LOT 1489 (7) ROLYAT STREET, TOWN OF PALMERSTON  
WENDY SMITH**

Ms Wendy Smith and Ms Olga Havnen (CEO, Danila Dilba Health Service) attended.

**RESOLVED  
49/14**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority, consent to the application to develop Lot 1489, 7 Rolyat Street, Town of Palmerston for the purpose of change of use (part of site) to a medical clinic, subject to the following conditions:

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings numbered 2014/0073/01 to 2014/0073/07 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 of the relevant service authority to the satisfaction of the consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.

**NOTES:**

1. This permit will expire if one of the following circumstances applies:
  - (a) the development and use is/are 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. Notwithstanding the approved plans, all signage is subject to City of Palmerston approval, at no cost to Council.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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.

4. The Environment Protection Authority of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

#### **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 purpose of Zone CB (Central Business) of the NT Planning Scheme which is to 'provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities with a commitment to the separation of incompatible activities'.
2. Pursuant to section 51(p) of the *Planning Act*, in considering a development application, the consent authority is required to take into account the public interest. The proposed development is considered to be in the public interest as it will establish a medical clinic in a conveniently accessible location and a net community benefit will result from the proposal.
3. The conditions of approval are intended to duly recognise service authority requirements and assist in ensuring the orderly servicing and development of the property.
4. The application was publicly exhibited in accordance with the *Planning Act* and *Planning Regulations*. No public submissions were received.

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

**ITEM 4  
PA2014/0103  
APPLICANT**

**3 X 4 BEDROOM MULTIPLE DWELLINGS IN A TWO STOREY BUILDING  
LOT 11666 (12) WARBIRD STREET, TOWN OF PALMERSTON  
MDA HOMES PTY LTD**

Mr Michael Dionysiou and Mr Artemis Prodromou & Mr Demetri Prodromou (MDA Homes) attended.

Mr Dionysiou tabled a site plan showing vehicle manoeuvring paths.

Submitters in attendance:- Ms Carly Phillips and Ms Merran Short (Withnalls Lawyers) on behalf of submitters Darryl and Elizabeth Dubois.

Ms Short tabled a further submission from Mr & Mrs Dubois.

**RESOLVED  
50/14**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 11666 (12) Warbird Street, Town of Palmerston for the purpose of 3 x 4 bedroom multiple dwellings in a two storey building to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- a) Amended plans demonstrating compliance with the provisions of Clause 7.1.1 (Residential Density Limitations) of the NT Planning Scheme.

**REASONS FOR THE DECISION**

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

Two (2) public submissions were received during the exhibition period objecting to the proposal with the key issues raised relating to the potential impact caused by the non-compliant dwelling density, undue overlooking caused by the two storey design, car parking and traffic concerns. The concerns raised in those submissions indicate that the development, as proposed, will result in an impact on the existing and future amenity of the surrounding area, which the consent authority must also give consideration to, pursuant to section 51(n) of the Act.

**ACTION:** Advice to Applicant

**ITEM 5  
PA2013/0900  
APPLICANT**

**SUBDIVISION TO CREATE TWO LOTS  
LOT 6956 (21) SURCINGLE DRIVE, TOWN OF PALMERSTON  
MASTERPLAN NT**

Mr Nigel Bancroft and Ms Shauna Wild (Masterplan NT) and Mr Alfie Wong (landowner) attended.

Mr Bancroft tabled a subdivision plan, a plan showing waterlogged soils plan of the area.

**RESOLVED  
51/14**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 6956 (21) Surcingle Drive, Town of Palmerston, for the purpose of a subdivision to create 2 lots, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- a) A Stormwater Management Plan demonstrating the collection of stormwater and its discharge into the City of Palmerston's stormwater drainage system on

the advice and to the satisfaction of the City of Palmerston to the satisfaction of the consent authority. The plan shall include:

- i. details on how stormwater will be collected on the site and connected to Council's system;
  - ii. details of site levels, any proposed stormwater drainage easements and Council's stormwater drain connection points; and
  - iii. demonstrate the extent of unconstrained land outside of the access arrangements and any areas affected by the stormwater infrastructure.
- b) Further response from the applicant in relation to the comments on the proposal and on subdivision in areas affected by biting insects made by Medical Entomology of the Department of Health.

### REASONS FOR THE DECISION

1. 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.

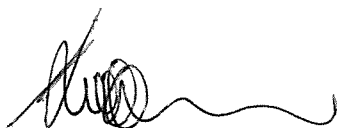
The site is 1.18ha in area, is irregular in shape and has street frontage to Surcingle Drive, Marlow's Lagoon. The site is currently developed for rural residential purposes.

Further information on the proposed method of stormwater flow and drainage management will assist in determining suitability of subdivision design with respect to stormwater management.

2. Medical Entomology advised that there is a very high biting midge problem in the area and to address this problem smaller lots were sited further away from the mangroves close to Elrundie Avenue. It is not recommended that any existing lots within Marlow's Lagoon be subdivided to create smaller lots. Lot 6956 falls mostly within 300m of the nearest mangrove margin on the downstream side of the railway easement, indicating Lot 6956 should remain, as a minimum, 1ha lot.

**ACTION:** Advice to Applicant

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



PETER MCQUEEN  
Chairman

21/3/14

