



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 162 – WEDNESDAY 23 APRIL 2014

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

MEMBERS PRESENT: Peter McQueen (Chairman), Steve Ward, Denis Burke, Paul Bunker and Andrew Byrne

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), George Maly and Deborah Curry (Development Assessment Services)

COUNCIL REPRESENTATIVE: Wendy Smith

Meeting opened at 9.00 am and closed at 1.00 pm

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 **SHED WITH REDUCED FRONT SETBACK**
PA2013/0976 **LOT 11231 (24) FREEMAN STREET, TOWN OF PALMERSTON**
APPLICANT **12 25' DESIGN**

Mr Shawn Handley (12 25' Design) and Mr Mark Steele (owner) attended.

Submitter:- City of Palmerston – Wendy Smith attended on their behalf.

RESOLVED
56/14

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Lot 11231 (24) Freeman Street, Town of Palmerston for the purpose of a shed addition to an existing single dwelling.

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.

A variation to Clause 6.11 (Garages and Shed) of the NT Planning Scheme to allow a front setback of 1.5m where 6m is required by the Scheme is not granted as:

- the shed is not compatible with the streetscape as all buildings in the street are well setback and the front gardens are well landscaped;
- existing fencing will only screen a portion of the shed from view of the street. Furthermore, as a retaining wall has been provided to level the site the shed will be significantly higher than the street. It is therefore considered that the shed will have a negative impact on the visual amenity of the streetscape; and
- although the site has an area of 1040m² a large portion of the site is developed for the purpose of a single dwelling and garage. It is considered that no special circumstances have been provided to warrant the shed.

Furthermore, it is noted that these view are reflected in the submission that was received from the City of Palmerston. The City of Palmerston also noted that they would not approve a second driveway to access the shed and that it is an offence to drive over Council's verge without Council's approval. It would therefore be inappropriate for the Authority to support a proposal that is contrary to Council's By-laws and Policies.

2. Pursuant to Section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact of the land to which the

proposed development relates to support the proposed development and the effect of the development on the land and other land, the physical characteristics of which may be affected by the development.

The subject site is located within a developing residential area. The proposal represents an overdevelopment of the site and is considered likely to adversely impact on the amenity of the locality.

ACTION: Notice of Refusal

ITEM 2
PA2014/0054
APPLICANT

GARAGE WITH REDUCED FRONT SETBACK
LOT 1573 (34) DAVOREN CIRCUIT, TOWN OF PALMERSTON
HEINER STRUCTURAL ENGINEERING CONSULTANTS PTY LTD

The applicant sent their apology.

RESOLVED
57/14

That, the Development Consent Authority vary the requirements of Clause 6.11 (Garages and Sheds) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 1573 (34) Davoren Circuit, Town of Palmerston for the purpose of a shed with a reduced front setback, subject to the following conditions:

CONDITION 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 dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show dense landscaping along the Davoren Circuit frontage to screen the shed from the street.

GENERAL CONDITION

2. 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. The owner of the land must enter into agreements with the relevant 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.

5. 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.
6. 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.
7. The City of Palmerston has advised that informal and formal access to the site is not permitted from Davoren Circuit.

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.

A variation to Clause 6.11 (Garages and Shed) of the NT Planning Scheme to allow a front setback of 3m where 6m is required by the Scheme is granted as:

- only a small portion of the shed will be setback 3m due to the unusual shape of the primary street boundary;
- variations to the setback regime for sheds have been provided in the immediate vicinity of the subject site. A variation has also been granted to allow the dwelling to be setback 4m on the subject site where 6m is required;
- no vehicle access is proposed from Davoren Circuit; and
- the requirement for dense landscaping to screen the shed will assist in ensuring that the shed is screened from view of the streetscape.

It is therefore it is considered that the proposal will not detract from the streetscape or amenity of the adjoining land.

2. Pursuant to Section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and other land, the physical characteristics of which may be affected by the development.

Provided that landscaping screens the proposed shed from view of the street, it is considered that the proposal will not adversely impact on the existing and future amenity of the area.

ACTION: Notice of Consent and Development Permit

ITEM 3 **3 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**
PA2014/0148 **LOT 10974 (PROPOSED LOT 11258) (235) FARRAR BOULEVARD, TOWN OF**
APPLICANT **PALMERSTON**
ONE PLANNING CONSULT

Mr Israel Kgosiemang (One Planning Consult) attended.

RESOLVED
58/14

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 10974 (Proposed Lot 11258D) (235) Farrar Boulevard, Town of Palmerston for the purpose of 3 x 3 bedroom multiple dwelling in a single storey building, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works an amended Erosion and Sediment Control Plan (ESCP), is to be prepared to the requirements of and 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 Department of Land Resource Management advises that 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 the ESCP.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the drawings numbered 2014/0148/01 to 2014/0148/05 inclusive 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 and approval to carry out works shall be obtained prior to the commencement of construction, to the satisfaction of the consent authority.

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 City of Palmerston 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 City of Palmerston, to the satisfaction of the consent authority.
7. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) 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.
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 City of Palmerston to the satisfaction of the consent authority.
15. No construction over the easement to the rear of the lot within a height of 6.5m will be permitted, subject to the approval of City of Palmerston.

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.
3. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency'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.

It is noted that the purpose of Zone MD (Multiple Dwelling Residential) is to provide for "a range of housing options to a maximum height of two storeys". The proposed development is for 3 x 3 bedroom multiple dwelling in a single storey building. As such it is considered that the proposed development is consistent with the purpose of Zone MD as it will provide a variety of housing options for potential residents of Johnston.

2. A variation to Clause 6.5.3 (Parking Layout) of the Scheme to allow the landscaping buffer to be a width of 1.5 metres rather than 3 metres as supported as:
 - A landscaping plan has been provided shows species capable of reducing the visual impact of the car park from the street.

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. Before the issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Northern Territory Fire and Rescue Services.
6. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Department of Lands Planning and the Environment and/or the Department of Transport and/or the City of Palmerston to the satisfaction of the consent authority.
7. Access to the site shall be provided from Elrundie Avenue to the requirements and standards of the Road Network Division (Department of Transport) to the satisfaction of the consent authority.
8. All proposed work affecting the Elrundie Avenue road reserve is to be designed, supervised and certified on completion by a Chartered Professional Civil Engineer in accordance with the standards and specifications of the Department of Transport to the satisfaction of the consent authority.
9. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government 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.
3. A "Permit to Work Within a Road Reserve" may be required from the Department of Infrastructure before commencement of any work within the road reserve.
4. The Department of Transport advised that clearing and future use of proposed Lot 11497, should not be detrimental to the drainage of the Elrundie Avenue road reserve through the blocking of off let drains, natural drainage channels or

overland flow. Alternative proposals to cater for stormwater management may be considered by the Department of Transport.

REASONS FOR 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 site is located within the Archer Area Plan in an area designated for Commercial and Community Uses. Section 52(3) of the *Planning Act* stipulates that the Development Consent Authority may consent to a proposed development under section 53 that is contrary to a planning scheme provision only if the Authority notifies the Minister in writing.

The Minister has not directed the Authority to determine the application in a particular manner. The Authority, having fulfilled its obligation to notify the Minister of an application contrary to an area plan, considers the proposal generally consistent with the intended future use of the land and as such a variation to Clause 11.1.1 (Minimum Lot Size and Requirements) of the Scheme is therefore granted.

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.

Northern Territory Fire and Rescue have advised that the provision of firebreaks will be necessary especially around the southern and south eastern corners of the site. It is in the public interest that firebreaks are provided to the requirements of NTFRS.

Furthermore, it is considered that no adverse impact on the surrounding land is anticipated from the subdivision works. The capability of the land to accommodate future expansion of the facility will be assessed when a development application is lodged.

ACTION: Notice of Consent and Development Permit

**ITEM 5
PA2014/0156
APPLICANT**

**CHANGE OF USE OF TENANCY 6 TO A MEDICAL CLINIC (DENTAL SURGERY)
LOT 21 (14) PALMERSTON CIRCUIT, TOWN OF PALMERSTON
MASTERPLAN NT**

Mr Nigel Bancroft (Masterplan NT) and Mr Nilesh Gujar (operator) attended.

City of Palmerston tabled the notes which were read to the DCA by its representative Ms Wendy Smith.

**RESOLVED
60/14**

That, the Development Consent Authority vary the carparking requirements of Clause 6.5.1 (Parking Requirements) of the Northern Territory Planning of the Northern Territory Planning Scheme pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 21 (14) Palmerston Circuit, Town of Palmerston for the purpose of a change of use of tenancy 6 to a medical clinic (dental surgery), subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2014/0156/01 to 2014/0156/02 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 and approval to carry out works shall be obtained prior to the commencement of construction, 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 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. Before the use starts the owner must pay a monetary contribution to the City of Palmerston in accordance with section 70(3) of the *Planning Act* in lieu of the provision of 8 car parking spaces. The contribution is to be calculated in accordance with the requirements of section 70(6) of the *Planning Act*.
5. 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 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.
3. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency'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.

4. 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(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 proposal of a medical clinic will provide further essential services to the area and is in keeping with the use and zoning of the surrounding area.

2. A variation to the on-site provision of parking spaces required under clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme is supported as a payment in lieu to the 8 car spaces will ensure that parking will be made available in the locality in the long term. The provision of parking for commercial uses in a publicly accessible centralised pool promotes land use efficiency and improves availability of parking to the full community.

ACTION: Notice of Consent and Development Permit

ITEM 6
PA2014/0110
APPLICANT

SHOWROOM X 2 WITH OFFICES AND RESTAURANT
LOT 8673 (41) MCCOURT ROAD, TOWN OF PALMERSTON
BELL GABBERT ASSOCIATES

Mr Wayne Gabbert (Bell Gabbert Associates) attended.

RESOLVED
61/14

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 8673 (41) McCourt Road, Town of Palmerston for the purposes of offices, showroom sales and a restaurant in a 2 storey building, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), 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 underground to Council's system. If required a stormwater drainage easement in favour of the City of Palmerston is to be registered and

approved by the Surveyor General over Lot 8573 Town of Palmerston, to the requirements of the City of Palmerston to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. 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. 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 City of Palmerston and/or the Department of Transport as the case may be to the satisfaction of the consent authority.
6. No direct access, either for construction purposes or permanently, shall be permitted from the Temple Terrace road reserve. Access shall be provided off McCourt Road and be provided to the standards of the City of Palmerston to the satisfaction of the consent authority.
7. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Palmerston, to the satisfaction of the consent authority.

The owner shall:

- (a) Remove disused vehicle and/ or pedestrian crossovers;
- (b) Provide footpaths/ cycleways;
- (c) 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.
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;

9. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
10. 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.
11. 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.
12. 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.
13. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
14. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston and/or the Department of Health to the satisfaction of the consent authority.
15. All proposed work affecting the Temple Terrace road reserve is to be designed, supervised and certified on completion by a Chartered Professional Civil Engineer in accordance with the standards and specifications of the Department of Transport 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.
3. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Temple Terrace traffic.
4. A "Permit to Work Within a Road Reserve" may be required from the Department of Infrastructure before commencement of any work within their road reserve.

5. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Food Safety Standards.

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.

A large site is necessary to accommodate all proposed uses and as such it is considered that the proposed development is consistent with the purpose of the zone.

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.

Lot 8673 (41) McCourt Road, Town of Palmerston has an area of 5350m², is regular in shape and has street frontage to McCourt Road. The site has been cleared and is currently undeveloped.

Provided that stormwater is appropriately managed and disposed of into Councils and/or the Department of Transport's stormwater drainage system, the land is considered capable of supporting the development as proposed.

ACTION: Notice of Consent and Development Permit

ITEM 7 WITHDRAWN

**ITEM 8 SUBDIVISION TO CREATE 46 RESIDENTIAL LOTS AND PUBLIC OPEN SPACE
PA2014/0192 LOT 12087, TOWN OF PALMERSTON
APPLICANT THE PLANNING GROUP WA PTY LTD**

Mr Lyle Robertson (Director, NS Projects) attended on behalf of the applicant.

Submitters:-

City of Palmerston – Wendy Smith attended on their behalf; and
Brad Cunningham (Northern Planning Consultants) sent his apologies and Ms Katrina Shoobridge attended on his behalf.

Ms Shoobridge tabled a submission and a masterplan assessment of the subdivision.

**RESOLVED
62/14**

That, the Development Consent Authority vary the requirements of Clause 11.2.2 (Infrastructure and Community Facilities in Residential Subdivision) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 12087, Town of Palmerston for the purpose of subdivision to create 49 lots, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the 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 pedestrian and cycle linkages to the requirements of the City of Palmerston to the satisfaction of the consent Authority.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), amended plans to the requirements of the City of Palmerston and to satisfaction of the consent authority must be submitted. 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 building envelope plan for each of the 46 residential lots. Each building envelope plan must show:
 - Minimum setback area;
 - Maximum building area;
 - Location of primary open space;
 - Common building boundary; and
 - Indicative location of parking area.
3. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be prepared to the requirements of an independent suitably qualified professional and 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 Department of Land Resource Management advises that 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 the ESCP.
4. Prior to the endorsement of Plans and prior to the commencement of works, a Construction Traffic Management Plan (CTMP) for the management and operation of the use which is to the satisfaction of the consent authority must be submitted to and approved by the consent authority upon the advice of the Department of Transport. When approved, the CTMP will be endorsed and will then form part of the permit.

GENERAL CONDITIONS

5. Works carried out under this permit shall be in accordance with the drawing endorsed as forming part of this permit.
6. 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.
7. 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.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, electricity services and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston and/or the Department of Lands, Planning and the Environment to the satisfaction of the consent authority.
10. Design specifications for stormwater treatment is to be to the technical standards and at no cost to the City of Palmerston and/or the Department of Lands, Planning and the Environment on the advice of the Department of Health, Medical Entomology Branch.
11. Before the issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Northern Territory Fire and Rescue Services.
12. 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 City of Palmerston and/or the Department of Transport to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
13. All proposed work affecting the Lambrick Avenue road reserve is to be designed, supervised and certified on completion by a Chartered Professional Civil Engineer in accordance with the standards and specifications of the Department of Transport to the satisfaction of the consent authority.
14. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government 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.
3. A "Permit to Work Within a Road Reserve" may be required from the Department of Infrastructure before commencement of any work within the road reserve.
4. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
5. "All new roads are required to be named under the *Place Names Act*. You should immediately make application to the Place Names Committee to commence the road naming process. Contact the Place Names Unit on 8995 5333 or placenames.dpi@nt.gov.au. Further information can be found at <http://www.placenames.nt.gov.au>."
6. There are records of the cycad, which is listed as a threatened species and this species should be retained where possible when the lots are developed.

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 site is located within areas designated as urban residential and open space under the Palmerston Eastern Suburbs Area Plan. The purpose of the application is to create 46 residential lots and 2 public open space lots. It is noted that a number of residential lots encroach into the area designated as open space under the Palmerston Eastern Suburbs Area Plan and the proposal is considered inconsistent with the intended future use of the land.

Section 52(3) of the *Planning Act* stipulates that the Development Consent Authority may consent to a proposed development under section 53 that is contrary to a planning scheme provision only if the Authority notifies the Minister in writing.

The Minister has not directed the Authority to determine the application in a particular manner. The Authority, having fulfilled its obligation to notify the Minister of an application contrary to an area plan, considers that the Palmerston Eastern Suburbs Area Plan is a high-level, strategic land use plan that broadly identifies the manner in which the land is intended to be developed. The areas of specific uses in the Area Plan diagram are indicative only and serve to provide a framework for future development. As such the Authority considered that the proposed subdivision can be supported.

2. A variation to Clause 11.2.2 (Infrastructure and Community Facilities in Residential Subdivisions) of the Northern Territory Planning Scheme to allow 6% public open space where 10% is required is granted as:
 - stage 2 of the overall subdivision will have an area of 10%;
 - dwellings within Stage 2A will be within 400 metres of the park; and
 - in addition to the above a significant portion of Lot 12087 will be retained for open space in accordance with the Palmerston Eastern Suburbs Area Plan.
3. 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:

- an ESCP is implemented;
- stormwater flows and quality and the associated sediment displacement and erosion is effectively controlled; and
- modifications are made to the existing sub-soil conditions to raise the land capability rating of the site the land is considered capable of accommodating residential subdivision as proposed.

ACTION: Notice of Consent and Development Permit

ITEM 9 **82 X 2 BEDROOM AND 4 X 3 BEDROOM SINGLE STOREY MULTIPLE**
PA2014/0111 **DWELLINGS AND RECREATIONAL FACILITIES**
 LOT 11201 (26) ANGEL ROAD, TOWN OF PALMERSTON
APPLICANT **BELL GABBERT ASSOCIATES**

DAS tabled correspondence from the Member for Brennan.

Mr Mark Bell (Bell Gabbert Associates) attended.

Submitters in attendance:- Ms Krystal Stove, Mr Luke Sprauge, Ms Kelly Hedger, Mr Mark Steele, Ms Deanna Collins, City of Palmerston – Ms Wendy Smith spoke on their behalf.

Petition signatories who attended: - Mr Hayden Pearce, Mr Denis Ward and Ms Nicole Bunker.

Interested parties who attended:- Mr Lindsay Clarke, Mr Adam Chiplen, , Mr Michael & Mrs Louise Williams, Ms Heather Malone (COP) Ms Vanessa Theobald, Mr Jackson Walker and Ms Melanie Blackman.

5 further people arrived after the commencement of the hearing of the item.

Ms Kassi Picken and Mr Jack Shafer (Department of Housing) attended.

Ms Stove (submitter) tabled the following documents:-
email from LJ Hooker with attached information on The Village Project – 26 Angel Road (8 pages); and appendixes 1 - 4 previously lodged with her original submission
Appendix 1 containing information on land release from the lands website;
Appendix 2 containing a map showing Johnston Stage 2 subdivision plan;
Appendix 3 containing a petition containing 154 signatures;
Appendix 4 containing a Palmerston zoning map; and
a copy of City of Palmerston’s comments to DAS.

Mr Denis Ward (petition signatory) tabled a submission from his wife Ms Shirley Doldissen.

A Masterplan brochure for Johnston Ridge showing the lot as senior living was tabled.

A building envelope Plan for Lot 1 of Zuccoli Stage 2 was tabled.

Ms Picken tabled a brochure on “what is the Real Housing for Growth head-leasing initiative

**RESOLVED
63/14**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 11201 (26) Angel Rd, Town of Palmerston for the purpose of 82 x 2 bedroom and 4 x 3 bedroom multiple dwellings in 25 single storey buildings and require the applicant to provide the following additional information that the authority considers necessary to enable proper consideration of the application:

1. amended plans showing :
 - a) Site profile with respect to the proposed development showing how the slope of the land will be incorporated into the design of the development and the location and anticipated height of any proposed retaining wall as well as the location of proposed cut and fill areas;
 - b) Any additional easements, where required, to accommodate additional servicing and associated metering on the site as confirmed my Power and Water Corporation;
 - c) Multiple access to and from the site, including pedestrian access, in accordance with the requirements of City of Palmerston Council;
 - d) sufficient detail of proposed landscaping and fencing around any proposed egress to external road to ensure adequate sight lines are maintained for vehicles exiting the site;

- e) variation of the internal streetscapes to improve the visual amenity proposed to be characterised by rows of car ports for the residents of the site;
 - f) amended external fencing materials and design along the site's external boundary interspersed with other design elements, including visually permeable fencing, to break up the expanse of solid material to facilitate a better integration of the site with the surrounding residential development; and
 - g) removal of the sheds from private yards and instead showing more storage space being incorporated into external design of each dwelling.
2. A schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston's stormwater drainage system approved by the City of Palmerston. 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. Calculations used in determining the Q100 flood event for the site will need to be included with the plan to demonstrate how Q100 flows will be contained to the easement onsite and discharged to the local stormwater drainage system.
3. An Erosion and Sediment Control Plan (ESCP), developed on advice from the Department of Land Resource Management to ensure sediment laden run off does not leave the site during both the construction phase of the development. The IECA Best Practice Erosion and Sediment Control Booklets 2008 should be referenced as a guide to the type of information, detail and data that should be included in an ESCP and the Plan should detail control measures for construction phase of the proposed use including:
- a) proposed measures to be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways;
 - b) proposed dust mitigation measures to be implemented; and
 - c) proposed method of stormwater management during relevant stages of construction including details of existing and proposed stormwater infrastructure, stormwater drains and drainage easements.

ACTION: Advice to Applicant

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



PETER MCQUEEN
Chairman

28 /4/14

