

DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 174 – WEDNESDAY 18 MARCH 2015

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

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

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Deborah Curry, Anthony Brennan and Leonie Gleeson (Development Assessment Services)

COUNCIL REPRESENTATIVE: Gerard Rosse (Strategic Planner)

Meeting opened at 10.15 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 **CHANGES TO DP12/0227, DP12/0227A AND DP12/0227B TO INCREASE THE**
PA2014/1010 **SHOWROOM SALES AREA IN BUILDING 1 AND CHANGE OF USE OF**
RESTAURANT TO WAREHOUSE IN BUILDING 2
APPLICANT **LOTS 11532 & 11533 (2 & 8) MIDDLETON STREET, TOWN OF PALMERSTON**
PLANIT CONSULTING

Ms Julie Giguere (Planit Consulting) attended and tabled further information and an amended site plan.

RESOLVED That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent
36/15 Authority defer consideration of the application to develop Lots 11532 and 11533 (2
and 8) Middleton Street, Town of Palmerston for the purpose of changes to
DP12/0227, DP12/0227A and DP12/0227B to increase the showroom sales area in
building 1 and change of use of restaurant to warehouse in building 2 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:

- Demonstration that the warehouse tenancies in building 2 can be serviced appropriately by the existing loading bay without conflicts between vehicles, pedestrians and/or refuse containers: or
- Provide additional loading facilities in close proximity to the warehouse tenancies which will not conflict with pedestrian or vehicle movement on the site.

REASONS FOR THE DECISION

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 11532 or Lot 11533 (2 and 8) Middleton Street, Town of Palmerston for the purpose of Changes to DP12/0227, DP12/0227A and DP12/0227B to increase the showroom sales area in building 1 and change of use of restaurant to warehouse in building 2 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.

ACTION: Advice to Applicant

ITEM 2 **SUBDIVISION TO CREATE TWO LOTS**
PA2015/0001 **LOTS 12414 & 12794 RADFORD ROAD, TOWN OF PALMERSTON**
APPLICANT **NORTHERN PLANNING CONSULTANTS**

Ms Katrina Shoobridge (Flanagan Consulting Group) attended on behalf of the applicant.

RESOLVED
37/15

That, pursuant to section 53(b) of the *Planning Act*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Lot 12794 Radford Road, Town of Palmerston for the purpose of a subdivision to create 2 lots, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to include the provision a practical pedestrian corridor through the site to Zuccoli Parade in accordance with the Palmerston Eastern Area Plan, to the technical requirements of the City of Palmerston and to the satisfaction of the consent authority.
2. 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 anticipated site levels for each land parcel 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.
3. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP) 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.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
6. 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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. 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.
9. The proposed pedestrian corridor link 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.
10. 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 to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
11. The developer is to ensure that all development work is undertaken in a manner that prevents the creation of a public health nuisance from dust or other particulate matter.

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. 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.
3. The developer is 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

4. "All new roads are required to be named under the *Place Names Act*. The developer 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>."
5. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Land Resource Management.

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 identified in the Palmerston Eastern Suburbs Area Plan as a secondary neighbourhood centre with local shop and community uses and consequently the proposal is considered to be generally in accordance with the requirements of the SP9 Specific Use Zoning. Furthermore, the proposal generally complies with the other relevant provisions of the Northern Territory Planning Scheme.

2. The requirement to alter the proposal to include a practical pedestrian corridor to Zuccoli Parade will ensure Zuccoli Stage 1 is developed in accordance with the Palmerston Eastern Area Plan, the technical requirements of the City of Palmerston and to the satisfaction of the consent authority.
3. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into account any submissions made under section 49 in relation to the development application. One submission was received which raised concerns with the clarity of the application, the intention of the proposal, and the appropriateness of the proposed C (commercial) zoning.

The Area Plan identifies the land as a secondary neighbourhood centre with local shop and community uses rather than for community purpose uses. The proposed C (Commercial) zoning is considered appropriate given the broad range of uses which can be accommodated in this zone. The drawing included with the application shows the location, area and boundary dimensions of the proposed lot, and any future development of the site will be assessed in accordance with NT Planning Scheme which includes assessment against the Palmerston Eastern Suburbs Planning Principles and Area Plan.

4. 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.

Key land constraints and their impact on residential development have largely been addressed through the Palmerston Eastern Suburbs Planning Principles and Area Plan which has taken into account the site's topography and its constraints. The proposed subdivision allows the site to be developed in accordance with the Area Plan, which will enable the provision of a secondary neighbourhood centre for the suburb of Zuccoli.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2015/0002

**CHANGE OF USE FROM OFFICE TENANCY TO LEISURE AND RECREATION
(GYMNASIUM)**

APPLICANT

**LOT 1219 (15) TEMPLE TERRACE, TOWN OF PALMERSTON
NORTHERN PLANNING CONSULTANTS**

Ms Katrina Shoobridge (Flanagan Consulting Group) attended on behalf of the applicant and tabled requested amendments to conditions 5 & 6 of the recommended conditions in the DAS report.

Also in attendance with Ms Shoobridge was Ms Helen Wilson (Centre Manager), Mr Claudio Di Somma and Mr Dylan Dale (Fitness), Ms Melinda Hanaford (General Manager RR Morris Group), Mr Rod & Mrs Robyn Morris (Directors, Super Highway Express).

RESOLVED
38/15

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 1219 (15) Temple Terrace, Town of Palmerston for the purpose of a change of use of part of a tenancy from office to leisure and recreation (gymnasium) to require the applicant to provide the following additional information that the authority considers necessary to enable proper consideration of the application:

- A parking demand study prepared by a suitably qualified professional which includes (but is not necessarily limited to) current occupancy levels and the expected future demands for the whole site when the current additions to the shopping centre are completed and the tenancies are occupied (including the proposed change of use of part of a tenancy from office to 24 hour 'lfitness' gymnasium). The study should include the number of likely parking shortfalls if this is the case.

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 requirement for a parking demand study will enable for the proper consideration of the application by the consent authority.

ACTION: Advice to Applicant

ITEM 4
PA2014/0984
APPLICANT

13 X 3 BEDROOM MULTIPLE DWELLINGS IN 3 X 2 STOREY BUILDINGS
LOT 8018 (33) BAULDRY AVENUE, TOWN OF PALMERSTON
ASHFORD GROUP PTY LTD

Mr Randal Ashford (Ashford Group Pty Ltd) and Ms Katrina Shoobridge (Flanagan Consulting Group) attended.

RESOLVED
39/15

That, the Development Consent Authority vary the requirements of Clause 7.1.1 (Residential Density Limitations) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 8018 (33) Bauldry Avenue, Town of Palmerston for the purpose of 13 x 3 bedroom multiple dwellings in 4 x 2 storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the 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. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning and 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. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the Department's website: <http://lrm.nt.gov.au/soil/management>.
2. 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 stormwater drainage system shall be submitted to and approved by the City of Palmerston, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. The use and/or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

6. 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.
7. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;
to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
8. Any security boom, barrier or similar device controlling vehicular access to the premises must be located a minimum of 4.5 metres from the face of the kerb line of the adjoining public road.
9. 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.
10. Before the 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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, telecommunications networks, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
13. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Palmerston, to the satisfaction of the consent authority.
14. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) 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.

15. 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.
16. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.
17. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
18. 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.
19. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, upon the advice of the Department of Land Resource Management'.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the development 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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. 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.
4. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made

prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

5. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

REASONS FOR THE DECISION

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

This proposal is for 13 x 3 bedroom multiple dwellings with a maximum height of two storeys above ground level. It is considered that the proposal is consistent with the purpose of the zone as the development will provide housing options to a maximum height of two storeys above ground level.

The application does not comply with Clause 7.1.1 (Residential Density Limitations) of the Northern Territory Planning Scheme as a density of 262m² where 300m² is required by the Scheme is granted as:

Clause 2.5(3) (Exercise of Discretion by the Consent Authority) allows the authority to vary the provisions of Parts 4 or 5 only if it is satisfied that special circumstances justify the giving of consent.

In consideration of a variation to Clause 7.1.1 (Residential Density Limitations) of the Northern Territory Planning Scheme, the Authority considered that:

- Power and Water Corporation advise that their requirements in terms of reticulated services can be met through contributions and upgrades at the developers cost;
- Although the City of Palmerston advised that the site location and locality does not lend itself to a higher density than that prescribed in the Scheme it did not advise that the proposal would impact on the existing and planned provisions of community facilities;
- No concerns have been identified by the relevant authorities in regards to land capability;
- With the exception of Clause 7.1.1, the proposal complies with all other relevant provisions of the Planning Scheme;
- Although the site abuts land within Zones PS (Public Open Space) and CN (Conservation) of the Scheme additional communal facilities and visitors car parking have been included on-site which are not required by the Scheme;

- The design of the development is site specific and takes into consideration the sites constraints which includes an easement and irregularity of parcel boundaries;
- The architectural variations and design of the building results in a scale of building which has a minimal impact on the streetscape and adjoining land, does not result in any overlooking of adjoining properties, and will not affect breeze penetration;
- The two storey building typology allows for a significantly reduced building footprint (37% of the site) than a single storey development thereby allowing for an increase in amenity for future residents; and
- No public submissions were received under section 49.

It is therefore considered that when combined, all of the above reasons demonstrate special circumstances that are, unusual, exceptional, out of the ordinary and unexpected in the context of a multiple dwelling site. As such the circumstances of the site give rise to a variation to Clause 7.1.1 (Residential Density Limitations), a variation to this Clause is granted.

2. Pursuant to section 51(h) of the *Planning Act*, the consent authority must take into account the merits of the proposed development as demonstrated in the application.

The application demonstrates merits beyond that which are anticipated for this particular type of development. The location of the site is unique in that it is located adjacent to land in zones CN (Conservation) and PS (Public Open Space) of the Scheme and is in close proximity to the Palmerston CBD, Health Services and public transport routes.

Furthermore, it is considered that there is merit in the design of the development as the proposal has been designed in a manner which is site specific and responds to the constraints of the site. In addition to this additional residential amenity has been provided in the form of additional visitors' car parking and communal space. The additional residential amenity has been achieved through the two storey building typology which allows the buildings to have a significantly reduced footprint than that which is expected from a single storey development.

3. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into account 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

Located within the suburb of Farrar the subject site has an area of 3410m², is an irregular shape with a skewed rear boundary and has a primary street frontage to Bauldry Avenue. The site is currently vacant with a slope from the north-west to the south-east of approximately 5m.

Provided that stormwater is appropriately managed on site without impacting on surrounding residential areas and an ESCP is submitted and adhered to no adverse impact on the surrounding land is anticipated.

ACTION: Notice of Consent and Development Permit

ITEM 5 **SHED ADDITION TO AN EXISTING SINGLE DWELLING WITH REDUCED SIDE**
PA2014/0900 **AND REAR SETBACKS.**
LOT 6726 (4) PICCABEEN GROVE, TOWN OF PALMERSTON
APPLICANT **THE SHED COMPANY**

Ms Vicki Maloy (The Shed Company) attended.

RESOLVED That pursuant to section 86 of the *Planning Act*, the Authority delegates to the
40/15 Chairman, or in the Chairman's absence any one of the other members of the Palmerston Division the power under section 53 of the Act, to determine the application to develop Lot 6726 (4) Piccabeen Grove, Town of Palmerston for the purpose of a shed addition with a reduced side subject to:

- the submission of a scaled site plan to the requirements of the City of Palmerston.

REASON 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 requirement for scaled plan will enable for the proper consideration of the application by the consent authority.

ACTION: Advice to Applicant

ITEM 6 **CARPORT ADDITION TO AN EXISTING SINGLE DWELLING WITH A**
PA2014/0829 **REDUCED SIDE SETBACK**
LOT 5798 (4) MOORHEN CIRCUIT, TOWN OF PALMERSTON
APPLICANT **NAC PTY LTD**

Mr Michael Kuhn (NAC Pty Ltd) attended.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 7.3
41/15 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 5798 (4) Moorhen Circuit, Town of Palmerston for the purpose of a carport addition to an existing single dwelling with a reduced side setback, 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.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
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. 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. 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. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.

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.

A variation to Clause 7.3 (Setbacks of Residential Buildings) of the Northern Territory Planning Scheme to allow a reduced side setback of 0.25m where 1.5m is required is granted as:

- only a portion of the carport will encroach into the setback due to the unusual shape of the affected western side boundary;
 - the structure is single storey in appearance and is open sided and as such no issues of building massing is anticipated when viewed from adjoining lots and from the street; and
 - the carport is not a habitable room and therefore no issues of undue overlooking of adjacent properties is anticipated.
2. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into consideration any submissions made under section 49 in relation to the development application.

It is noted that concerns have been raised by the owner of Lot 5844 (2) Moorhen Circuit, Town of Palmerston that the fence is located between 0.3m – 0.4m within Lot 8544.

Amended plans have been received showing:

- the correct position of the boundary;
- accurate boundary line and position of the proposed carport; and
- details of the existing fence line.

It is noted that the carport will be located wholly within Lot 5798 (4) Moorhen Circuit, Town of Palmerston. Although the applicant has confirmed that the fence is within the boundary of Lot 5844 (2) Moorhen Circuit, Town of Palmerston, the amended plans show that the posts of the carport will be located 0.25m from the boundary wholly within Lot 5798 (4) Moorhen Circuit, Town of Palmerston.

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 stormwater is managed on site without impacting on adjoining properties and disposed of into City of Palmerston's stormwater drainage system, the land is generally considered capable of accommodating the development.

ACTION: Notice of Consent and Development Permit

ITEM 7
PA2014/0111

APPLICANT

**82 X 2 BEDROOM AND 4 X 3 BEDROOM SINGLE STOREY MULTIPLE DWELLINGS AND RECREATIONAL FACILITIES
LOT 11201 (26) ANGEL ROAD, TOWN OF PALMERSTON
BELL GABBERT ASSOCIATES PTY LTD**

Mr Mark Bell (Bell Gabbert Associates Pty Ltd), Mr Michael Sitzler and Mr Simon Mancini (Sitzlers).

Submitters in attendance:- Ms Krystal Stove, Ms Tarryn McColley, Ms Jessie Risk and Ms Nicole Bunker.

**RESOLVED
42/15**

That, the Development Consent Authority vary the requirements of Clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme and, pursuant to section 53(b) of the *Planning Act*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Lot 11201 (26) Angel Rd, Johnston, Town of Palmerston for the purpose of 81 x 2 bedroom and 4 x 3 bedroom multiple dwellings 18 single storey buildings and a mixture of single storey and two story dwellings in 4 buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston's stormwater drainage system shall be submitted to and approved by the City of Palmerston, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system. 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.
2. Prior to the 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 DLRM. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. 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; and
 - b) proposed dust mitigation measures to be implemented.
3. 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:

- a. Elevations and treatment plan of external boundaries of all street frontages incorporating any retaining walls;
- b. Landscaping along the fence line of the internal units to a height that does not interfere with sightlines;
- c. Dense landscaping to the private open space of each of the units with street frontage in accordance with the requirement of Clause 7.5 (Private Open Space) of the Scheme.

GENERAL CONDITIONS

4. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston or Department of Lands Planning and the Environment as the case may be, to the satisfaction of the consent authority.
8. 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.
9. 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;
- 10. 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.
- 11. 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.
- 12. 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.
- 13. 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.
- 14. 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.
- 15. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
- 16. Soil erosion control and dust control measures must be employed throughout the construction stage of the development 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. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

REASONS FOR THE DECISION

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

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

2. A variation to Clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme to allow solid fencing to a height of 1.5m rather than 1.8m to the private open space of units 9 – 20 and 47 – 77 is granted as:
 - it is considered that a solid 1.5m high fence will provide passive surveillance of pedestrian linkages and communal open space;
 - a solid 1.5m fence will have less of a visual impact than a 1.8m high fence when viewed from the street and/or adjacent properties; and
 - the requirement for additional landscaping in front of the fences (to a height that will not impact sightlines) will assist in breaking up the visual mass of the fence and buildings when viewed from the internal road.
3. A variation to Clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme to allow pool fencing to a height of 1.5m rather than 1.8m with dense landscaping to the private open space of units 1 – 8, 30 – 46 and 78 – 85 is granted as:
 - it is considered that due to the length of both street frontages the expanse of a 1.8m high fence may impact on the visual amenity of the streetscape;
 - it is considered that a 1.5m high pool fence will provide passive surveillance to Angel Road and Farrar Boulevard; and
 - the requirement for additional landscaping to will assist in creating a visual barrier between the private open space and the verge. The landscaping will also assist in provided privacy.
4. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect

of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The subject site is the largest allotment in this area. It has a significant fall towards Farrar Boulevard and contains a 12m wide drainage easement which facilitates stormwater flow from the upper areas of the catchment towards Mitchell Creek. The 12m wide drainage easement is vested in the City of Palmerston and presents a significant constraint on the development of the site.

The Department of Land Resource Management recommends an Erosion and Sediment Control Plan and the City of Palmerston has advised that a schematic stormwater plan is required. Therefore, provided that stormwater is appropriately managed on site without impacting on surrounding residential areas and disposed of into Councils stormwater drainage system and an Erosion and Sediment Control Plan is approved and implemented, the land is considered capable of supporting the development as proposed.

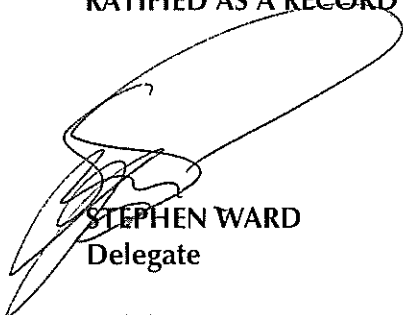
5. Pursuant to Section 51(e) of the *Planning Act*, the consent authority must take into consideration any submissions made under section 49 in relation to the development application.

A number of submissions have been received objecting to the original proposal. The site is zoned MD (Multiple Dwelling Residential) of the Northern Territory Planning Scheme. The purpose of zone MD is to provide for a range of housing options to a maximum height of two storeys above ground level. As the proposal will facilitate housing choice in Johnston and will not exceed 2 storeys in height it is considered that the proposal is consistent with the purpose of zone MD.

Furthermore, the applicant has provided amended plans which show ingress and egress to Farrar Boulevard.

ACTION: Notice of Consent and Development Permit

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



STEPHEN WARD
Delegate

30/3/15

