



# DEVELOPMENT CONSENT AUTHORITY

## PALMERSTON DIVISION

### MINUTES

**MEETING No 163 – WEDNESDAY 21 MAY 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, Deborah Curry and Leonie Hill (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Wendy Smith

**Meeting opened at 10.00 am and closed at 11.45 am**

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

**ITEM 1**                    **SUBDIVISION OF 3 LOTS TO CREATE 6 LOTS**  
**PA2014/0260**        **LOTS 11738 (270) RADFORD ROAD, 11740 (32) HAWKER STREET, 11745 (11)**  
**APPLICANT**        **STEARMAN COURT, & 11783 CHIPMUNK COURT, TOWN OF PALMERSTON**  
**NORTHERN PLANNING CONSULTANTS**

Mr Brad Cunnington (Northern Planning Consultants) attended.

Mr Cunnington tabled a response to submitters and 6 plans showing

**RESOLVED**            That, pursuant to section 53(a) of the *Planning Act*, the Development Consent  
**72/14**                    Authority consent to the application to develop Lots 1170 (32) Hawker Street, 11745  
(11) Stearman Court and 11783 Chipmunk Court, Town of Palmerston for the  
purpose of a subdivision of 3 lots to create 6 lots, 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 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 location of the car parking area and crossovers to each of the newly created lots and street infrastructure to 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 drawing endorsed as forming part of this permit.
3. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
4. 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.
5. 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.

6. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston and/or the Department of Lands, Planning and the Environment to the satisfaction of the consent authority.
7. 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 and/or the Department of Health to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
8. A truck wheel-wash must be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways 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](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. 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.
4. "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](mailto:placenames.dpi@nt.gov.au). Further information can be found at <http://www.placenames.nt.gov.au>."

## 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 is considered consistent with the purpose of Zone MD (Multiple Dwelling) as the subdivision will facilitate the development of the land in accordance with the purpose of the zone. The lots are in accordance with Clause 11.1.1 (Minimum lot sizes and Requirements) of the NT Planning Scheme, as each lot is over the 300m<sup>2</sup> minimum requirements for Zone MD.

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

The Department of Land Resource management advise that as the lot has been cleared and extensively modified as a result of urban development there are no obvious land constraints.

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

**ITEM 2**  
**PA2014/0103**  
**APPLICANT**

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

Mr Artemis Prodromos (MDA Homes Pty Ltd) attended.

Ms Sharelle Coonan (Withnall Lawyers) attended on behalf of submitters Darryl and Elizabeth Dubois.

Submitter Ms Carly Phillips attended.

**RESOLVED**  
**73/14**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 11666 (12) Warbird, Town of Palmerston for the purpose of 2 x 3 bedroom multiple dwelling in a two storey building, subject to the following conditions:

### GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2014/0103/01 to 2014/0103/05 endorsed as forming part of this permit.

2. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
3. 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.
4. 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.
5. Protective kerbs (of a minimum height of 150mm) must be provided to the satisfaction of the consent authority to prevent damage to fences or landscaped areas.
6. 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.
7. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, gas and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. 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.

and

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.

10. 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.
11. Storage for waste disposal bins is to be provided to the requirements of the City of Palmerston to the satisfaction of the consent authority.
12. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
13. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the City of Palmerston drains or to any watercourse.

#### 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](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing 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 2 x 3 bedroom multiple dwelling in a two 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 Zuccoli.

The proposal fully complies with the NT Planning Scheme.

2. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.  
The land parcel is within the suburb of Zuccoli. The site has an area of 866m<sup>2</sup>, is regular in shape and has dual street frontages, to Warbird Street.

The site is currently vacant land that has been cleared as part of the Zuccoli residential subdivision. Provided that the collection and discharge of stormwater is managed to Council's satisfaction, the land is considered capable of supporting the development as proposed.

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

Two (2) public submissions were received during the exhibition period objecting to the proposal with the key issue raised relating to the potential impact caused by the undue overlooking caused by the two storey design to the streetscape. The concerns raised in those submissions are determined to not result in an impact on the existing and future amenity of the surrounding area, which the consent authority must also give consideration to, pursuant to section 51(n) of the Act.

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

**ITEM 3  
PA2014/0188  
APPLICANT**

**MOTEL WITH ANCILLARY SHOPS AND OFFICES IN AN 8 STOREY BUILDING  
PART LOT 11498 (15) MALUKA DRIVE, TOWN OF PALMERSTON  
NEVILLE JONES SERVICES**

Mr Neville Jones (Neville Jones Services) and Mr John Berryman (Group 1 Consulting) attended.

Submitter in attendance:- City of Palmerston – represented by Ms Wendy Smith.

**RESOLVED  
74/14**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Part Lot 11498 (15) Maluka Drive, Town of Palmerston for the purpose of a motel in a 8 storey building plus 2 levels of above ground car parking, subject to the following conditions:

## CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and commencement of works, the applicant is to lodge a Traffic Impact Assessment report detailing any issues and opportunities relating to the development of the site and the adjoining road corridor in relation to the anticipated vehicular, pedestrian, cyclist and public transport movements around and within the site. The report is to be prepared by a qualified practicing engineer in consultation with, and to the approval of, City of Palmerston and is to include recommended measures to be implemented to address any access issues raised, to the satisfaction of the of the consent authority.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) a full set of 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - amended elevations of the development incorporating landscaping, facade treatment and street furniture or art to be provided on site as part of the public plaza, including any access easements required to facilitate free movement of pedestrians around the development, in consultation with and to the satisfaction of City of Palmerston;
  - Sequentially numbered and dimensioned parking bays sized and positioned in a manner consistent with the provisions of the NT Planning Scheme particularly the parking spaces at the end of, and perpendicular to, a driveway located on first and mid-level which are to be either 3.5m wide or sized so that the driveway projects 1m beyond the last parking space;
  - all internal car park driveways and access ramps as being a minimum 6m wide;
  - service vehicle swept paths demonstrating that sufficient manoeuvring room will be provided adjacent to both loading bays so that service vehicles will not disrupt traffic flow within the site or block public access to the proposed parking area;
  - the location of all parking spaces for all staff, service vehicles and visitors who are not staying in the motel as guests and access thereto including signage and linemarking for convenient vehicle access and manoeuvring within the site;
  - access and driveways to and from the site to the requirements of City of Palmerston; and
  - shading provided to all affected balconies.
3. Prior to the endorsement of plans a crime prevention and safety audit based on the principles outlined in the Crime Prevention through Environmental Design, specifying details and locations of any areas of risk to public safety and recommendation as to how could the risks be suitably addressed through design is to be prepared by an independent suitably qualified professional in relation to the proposed development and submitted to and approved by the consent authority.



## GENERAL CONDITIONS

4. Works carried out under this permit shall be in accordance with the plans 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. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Department of Transport, Department of Lands, Planning and the Environment (Land Administration Division) and/or City of Palmerston as the case may be, to the satisfaction of the consent authority.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, 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.
8. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Palmerston City Council, to the satisfaction of the consent authority.
9. The owner shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) provide footpaths/ cycleways; and
  - (c) undertake reinstatement works;all to the technical requirements of and at no cost to City of Palmerston to the satisfaction of the consent authority.
10. 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;to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
11. 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 and allocated on the following basis:
  - 200 car parking bays for the motel use comprising; and
  - Minimum of 51 parking bays for the use by general public.

12. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.
13. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay[s] and must not disrupt the circulation and parking of vehicles on the land).
14. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed at no cost to City of Palmerston, to the satisfaction of the consent authority.
15. 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.
16. 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.
17. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
18. 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.
19. 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.
20. Storage for waste disposal bins is to be provided to the requirements of Palmerston City Council to the satisfaction of the consent authority.

**NOTES:**

1. This permit will expire if one of the following circumstances applies:
  - (a) the use is not started within two years of the date of this permit; or
  - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing 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. City of Palmerston advises that it is unable to offer full approval for the elements of development associated with the yet to be constructed roadway internal to the subdivision approved by Development Permit DP2014/0078 issued on 24 February 2014. All works associated with the construction of the adjoining internal road and road verge approved by DP2014/0078 shall be undertaken and all associated cost borne by the developer including any changes in design that may be required as part of the works. City of Palmerston reserves the right to alter and/or offer additional comments in relation to areas under Council control once final infrastructure is in place.
5. Notwithstanding the approved plans, the proposed awning(s), landscaping and other works within Council's road reserve are subject to Council's approval.

#### **REASONS FOR THE DECISION**

1. The proposed development is generally consistent with the provisions of the NT Planning Scheme and outstanding matters can be suitably addressed via amended plans.
2. A reduction in the parking required by clause 6.5.1 (Parking Requirements) of the NT Planning Scheme through provisions of clause 6.5.2 (Reduction in Parking Requirements) from 280 parking bays to 251 parking bays is granted as:

The site is within Zone CB (Central Business), which is the same zone as that for the Darwin central business area where the NT Planning Scheme would require 0.4 parking bay per suite or bedroom and 3 bays per 100m<sup>2</sup> for all other areas. This would require the provision of a total of 122 parking bays on site, less than 50% of parking bays currently required for the same use in Palmerston. For 'serviced apartments' in the same zone the use would only require a total of 230 parking bays.

Amendment of the proposal by reducing each two bedroom apartment into one would not be a desired outcome for travellers seeking this form of accommodation such as families or the disabled accompanied by carers.

For these reasons the 251 parking bays proposed are considered sufficient to service the proposed use.

3. Further information including amended plans and a traffic assessment report are required to address concerns raised by

service authorities in relation to pedestrian and vehicular access to and from the site as well as parking and presentation of the development within this yet to be developed locality.

**ACTION:** Notice of Determination

**ITEM 4**  
**PA2014/0187**

**CHANGES TO DP13/0466A FOR THE PURPOSE OF AMENDMENTS TO LOT LAYOUT AND ROAD NETWORK AND TO INCLUDE THE ADDITION OF 3 NEW LOTS**

**LOTS 11820 ROYSTONEA AVENUE & 11947 PACKARD AVENUE, TOWN OF PALMERSTON**

**APPLICANT**

**ELTON CONSULTING**

Mr Martin Klopper (Elton Consulting) attended.

**RESOLVED**  
**75/14**

That the Development Consent Authority vary the provisions of Clause 11 of the SP8 (Specific Use Zone Palmerston No. 8), and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lots 11820 Roystonea Avenue and 11947 Packard Avenue, Town of Palmerston for the purpose of changes to DP13/0466A to amended the lot layout and road network and to include the addition of 3 new lots, subject to the following conditions:

#### **CONDITION PRECEDENT**

1. Prior to the commencement of works (including site preparation) an amended Erosion and Sediment Control Plan (ESCP), to the Department of Land Resource Management's requirements, to the satisfaction of the consent authority, must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The ESCP should address the International Erosion Control Association (IECA) Best Practice Erosion and Sediment Control Guidelines 2008 and should detail management measures / interventions to be implemented to mitigate impacts to water quality and detail the containment measures for sediment on site.

#### **GENERAL CONDITIONS**

2. Works carried out under this permit shall be in accordance with the drawings numbered 2014/0187/1 through to 2014/0187/38 endorsed as forming part of this permit.
3. The applicant shall demonstrate to the satisfaction of the consent authority how potential purchasers will be informed about the specific terms of the SU8 zone of the NT Planning Scheme, and in particular how the requirements of endorsed setback plan and house and land package documentation apply to each site.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, and telecommunication networks to each lot shown on the endorsed plan in

accordance with the authorities' requirements and relevant legislation at the time.

5. 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.
6. 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.
7. Stormwater drainage shall be wholly contained within the site and discharged into the local stormwater system to the standards and approval of Road Network Division and/or City of Palmerston. All proposed lots fronting Roystonea Avenue shall be graded such that the stormwater run-off from the properties is away from the road and is able to be collected within the development area and appropriately discharged into the local stormwater system.
8. All unsuitable soil within Stages 3 through to 9 must be removed and replaced with appropriate soil type(s), with all excavation and/or filling to be designed, supervised and certified on completion by a practising and registered Civil Engineer, confirming that the land is suitable of the intended residential use and development, in accordance with Australian Standard AS3798: Guidelines on earthworks for commercial and residential developments, to the satisfaction of the consent authority.
9. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
10. Where unfenced, the Roystonea Avenue frontage is to be appropriately fenced in accordance with the Department of Transport's standards and requirements to deter unauthorised vehicular and/or pedestrian movement.
11. All proposed work (including provision of services) within, or impacting upon the Roystonea Avenue, University Avenue or Tiger Brennan Drive Road reserves shall be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Chief Executive, Department of Transport. Drawings must be submitted to the Director Roads for Road Agency, Department of Transport, irrespective of approvals granted by other Authorities. No works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
12. The developer shall have carried out, as part of stage 3 - 9 works, and in accordance with AS3671-1989, "Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction" an assessment by a suitably qualified person of the development's present and predicted future exposure to road traffic

noise levels, and where required provide appropriate noise attenuation measures to the satisfaction of the Authority. All noise attenuation works deemed necessary shall be carried out by and at the full cost of the developer and shall be wholly contained (including foundations) within the subject lot. All noise attenuation works deemed necessary, either by building materials and design or lot layout, shall be carried out by and at the full cost to the developer and shall be wholly contained within the subject lot.

**NOTES:**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. 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.
3. The NT Environment Protection Agency 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. The Developer, his Contractor or Service Provider is required to obtain a "Permit to Work within a Road Reserve" from the Manager Road Operations, Road Projects Division, Department of Construction and Infrastructure (2<sup>nd</sup> Floor, Highway House, Palmerston) prior to the commencement of any works within the Roystonea Avenue road reserve.
5. 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.
6. Any stormwater drains and WSUD should conform to the *Public and Environmental Health Act 2011* and the associated Public Health (General Sanitation, Mosquito Prevention and Rat Exclusion and Prevention) Regulation, in regards to preventing mosquito breeding.
7. The permit holder should ensure that only uncontaminated fill is accepted and that the fill has been adequately assessed as being suitable for the intended use. Polluting a site with contaminated fill may constitute an offence under the *Waste Management and Pollution Control 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 purpose of zone SP8 is to facilitate the subdivision, use and development of the land that provides for housing choice through a range of lot sizes and housing types and includes opportunities for commercial and community uses. The proposed subdivision will facilitate the development of stage 9 in accordance with the objectives of the zone as a the subdivision layout provides for housing choices through a range of lot sizes and housing types and includes open space and community uses.

2. A variation to clause 11 (Building Setbacks) of zone SP8 of the Scheme to allow a change to the primary and secondary street frontages of Lots 130 and 146 is granted as:

- It will enable streets with 2 – 3 dwellings to be uniform in design;
- Enable additional surveillance of public areas and pedestrian walkways;
- The impact of fencing on the streetscape will be minimised; and
- Variations to the setback regime in the immediate area have already been granted by virtue of DP13/0108 therefore the setback regime is consistent with that granted for stages 4 through to 9.

3. A variation to clause 11 (Building Setbacks) of zone SP8 of the Scheme to allow a reduced front setback of 4.5m on Lots 122, 129, 130, 147, 171, 172 and 173 where 6m is required by the Scheme is granted as the setback changes will:

- Allow for variety in the streetscape and diversity in housing options in this new estate;
- Soften building mass where lots greater than 400m<sup>2</sup> adjoin lots less than 400m<sup>2</sup>;
- Allow for the retention of existing significant vegetation and opportunities for additional articulation through vegetation;
- Enable the developer to work with the existing slope of the lots and streets and to work with these site features rather than overly manipulating the existing site features; and
- Variations to the setback regime in the immediate area have already been granted by virtue of DP13/0108 therefore the setback regime is consistent with that granted for stages 4 through to 9.

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.

Provided that stormwater is adequately addressed, the land is adequately filled, and an Erosion and Sediment Control Plan is developed, in accordance with the requirements of the Department of Land Resource Management, to the satisfaction of the consent authority, the land is considered capable of supporting the subdivision without any adverse impact on surrounding land.

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

**ITEM 5  
PA2014/0193  
APPLICANT**

**TEMPORARY STORAGE OF FILL  
LOT 12087, TOWN OF PALMERSTON  
NS PROJECTS**

Mr Hermanus Louw attended on behalf of NS Projects.

**RESOLVED  
76/14**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 12087, Town of Palmerston for the purpose of the temporary storage of fill, subject to the following conditions:

#### **CONDITION PRECEDENT**

1. Prior to the commencement of works (including site preparation) an Erosion and Sediment Control Plan (ESCP), is to be developed by a suitably qualified and experienced professional and submitted to and approved by the consent authority on the advice of the Department of Land Resource Management and the Department of Health (Medical Entomology Unit). An endorsed copy of the Plan will form part of this permit. 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 drawing numbered 2014/0193/1 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. Stormwater is to be collected and discharged into the drainage network or to suitable collection points to the technical standards of and at no cost to the City of Palmerston and/or the Department of Transport and/or the Department of Lands Planning and the Environment as the case may be, to the satisfaction of the consent authority.



5. Appropriate protection shall be provided to contain potential spills of waste and prevent contaminants from entering adjacent properties, roadways, and the stormwater drainage system.
6. The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tracking of materials onto streets to the satisfaction of the Department of Transport.
7. The use of the land for the purpose of storage of fill must cease on 2 years from the date of issue of the permit.
8. Notwithstanding the approved plans, all signage is subject to the City of Palmerston's approval, at no cost to Council.
9. Access should not be permitted to the stockpile area from Lambrick Avenue road reserve. All access arrangements shall be via Zuccoli Parade to the standards and requirements of the City of Palmerston and or the Department of Lands, Planning and the Environment to the satisfaction of the consent authority.

#### **NOTES:**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. 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.
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. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Lambrick Avenue and Zuccoli Parade traffic.

#### **REASONS FOR THE DECISION**

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

The purpose of Clause 6.16 is to ensure that the excavation or filling of land does not adversely affect adjacent land or waters, or the quality of adjacent waterways, and associated riparian areas and is suited to the intended future use of the site.

The proposed works will be limited to the portion of the site which is Zoned FD (Future Development). The fill will be used to prepare the site for the development of Stage 2 of the Zuccoli residential subdivision.

A preliminary erosion and sediment control plan has been prepared in order to:

- control site drainage and surface runoff to avoid accelerated soil erosion;
- minimise the impact of waterborne sediment on the wider environment;
- minimise the potential for sediment to enter waterways;
- retain native vegetation, where possible; and
- minimise the potential to create mosquito breeding habitats.

The proposed erosion and sediment control plans has been assessed by the Department of Land Resource Management (DLRM). DLRM acknowledges that although some erosion and sediment control information has been provided it recommends that the lodged Erosion and Sediment Control Plan be updated by a suitably qualified and experienced professional and subsequently approved and implemented to the satisfaction of the consent authority in line with the IECA Best Practice Erosion and Sediment Control Guidelines 2008.

Furthermore, Medical Entomology has advised that sediment control measures should be implemented to prevent sedimentation flowing into the adjacent creek lines which could create areas suitable for mosquito breeding.

A condition precedent has been included within the recommendations addressing both Medical Entomology's and the Department of Land Resource Management's requirements for an Erosion and Sediment Control Plan to be developed and implemented. It is therefore considered that the proposed development is in accordance with the purpose of Clause 6.16 (Excavation and Fill) of the Scheme.

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

The site of the proposed works is irregular in shape and has street frontages to Lambrick Avenue, and Zuccoli Parade.

The Department of Land Resource Management advised of no objection to the proposal subject to an Erosion and Sediment Control Plan (ESCP) being developed by a suitably qualified and experienced professional.

Therefore, provided that an ESCP is developed and implemented the land is considered capable of accommodating the fill.

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

**ITEM 6**                      **5 X 3 BEDROOM MULTIPLE DWELLINGS IN 5 SINGLE STOREY BUILDINGS**  
**PA2014/0283**                **LOT 11332 (151) LIND ROAD, TOWN OF PALMERSTON**  
**APPLICANT**                **GL TOWN PLANNING**

Mr Chris Cheung (GL Town Planning) attended.

**RESOLVED**  
**77/14**

That, the Development Consent Authority vary the requirements of Clauses 6.5.3 (Parking Layout) and 7.3.2 (Distance between Residential Buildings on One Site) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 11332 (151) Lind Road, Town of Palmerston for the purpose of 5 x 3 bedroom multiple dwellings in 5 single storey buildings, 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.
2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a) How the retaining walls are to be implemented with respect to the fall of the land, and
  - b) Confirmation that the position of each unit ensures the best outcome of the space available onsite, to ensure better amenity to future residents of the site.
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.

## 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 and 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 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. 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](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing 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.

## 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 options for future residents of Johnston.

2. A variation to Clause 6.5.3 (Parking Layout) is supported as:
  - the use of this portion of the driveway is only for one rear unit,
  - there is no need for two way traffic and thus no requirement for the 6 metre wide access, and
  - it has been demonstrated via turning circles no access has been affected by the reduction.
3. A variation to Clause 7.3.2 (Distance between Residential Buildings on One Site) of the Scheme is supported as:
  - the proposed verandah and carport of Unit 4 are open sided and as such makes the distance less obvious, and
  - good neighbourhood fencing is proposed between both units to ensure that privacy is maintained.
4. Pursuant to Section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

Provided that the collection and discharge of stormwater is managed to Council's satisfaction, the site's fall is suitably implemented into the design of the development, and the onsite private open space is suitably allocated through the positioning of each dwelling, then the amenity of the locality and the future residents is assured.

The proposal is considered likely to positively contribute to the future amenity of the locality.

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

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



PETER MCQUEEN  
Chairman

27/5/14