



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 164 – WEDNESDAY 18 JUNE 2014

BOULEVARD ROOM
QUEST PALMERSTON
18 THE BOULEVARD
PALMERSTON

MEMBERS PRESENT: Peter McQueen (Chairman), Steve Ward (Items 1 to 5 only), Paul Bunker and Keith Aitken

APOLOGIES: Denis Burke and Andrew Byrne

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

COUNCIL REPRESENTATIVE: Wendy Smith

Meeting opened at 9.45 am and closed at 12.45 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 **3 x 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**
PA2014/0312 **PART LOT 11258 (235) FARRAR BOULEVARD, (PROPOSED LOT 12447), TOWN**
 OF PALMERSTON
APPLICANT **RAW DESIGNS**
INVITATION **ROBERT WATT**

Mr Robert Watt (Raw Design) and Mr Israel Kgosiemang (One Planning Consult) attended.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 7.3
88/14 (Building Setbacks of Residential Buildings) and Clause 7.6 (Private Open Space) of
 the Northern Territory Planning Scheme, and pursuant to section 53(a) of the
 Planning Act, consent to the application to develop Lot 11258 (Proposed Lot 12447)
 (235) Farrar Boulevard, Town of Palmerston for the purpose of 3 x 3 bedroom
 multiple dwellings in a single storey building, 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 a detailed fencing plan including powder coated pool fencing to face any public open space areas to the requirements of the consent authority.
2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston stormwater drainage system shall be submitted to and approved by the City of Palmerston, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. 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.

5. 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.
6. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston to the satisfaction of the consent authority.
7. The kerb crossovers 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.
8. 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;Car spaces and driveways must be kept available for these purposes at all times.
10. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
12. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
13. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
14. 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) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

REASONS FOR THE DECISION

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

The proposed development is for 3 x 3 bedroom multiple dwellings in a single storey building. It is considered that the proposed development is consistent with the purpose of Zone MD as it will provide a variety of housing options for potential residents of Johnston.

2. A variation to Clause 7.3 (Building Setbacks for Residential Buildings), required as the southern side setback of 2.0 metres is proposed for Units 1, 2 and 3 where 2.50 metres is required by Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres), is granted as:
 - the single storey appearance of the development and the articulated facade will not result in building massing when viewed from the street and neighbouring lots;

- the articulation of the roof line ensures the length of the building will not result in massing when viewed from neighbouring residents;
 - significant landscaping along the all boundaries will ensure privacy of residents; and
 - the requirement for solid fencing along the southern side will ensure the privacy of the residents and adjoining landowners.
3. A variation to Clause 7.6 (Private Open Space) for Unit 2 is granted as the private open space:
- has the required 5m by 5m dimensions;
 - is located in close proximity to land in Zone PS (Public Open Space) which provides for children's play activities;
 - is directly accessible from the lounge room; and
 - takes into consideration the adjoining neighbours' concerns regarding the noise and 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 land parcel is within the suburb of Johnston. The site has an area of 911m², is regular in shape and has dual street frontages, to George Street and Farrar Boulevard. Access is from George Street.

The site is currently vacant land that has been cleared as part of Stage 2B4 of Johnston residential subdivision. The land has a drainage easement at the rear adjacent to the open space of Farrar Boulevard. Provided stormwater is managed to Council's satisfaction, the land is considered capable of supporting the development as propose

ACTION: Notice of Consent and Development Permit

ITEM 2 **6 x 3 BEDROOM MULTIPLE DWELLINGS IN 2 x 1 STOREY BUILDING**
PA2014/0269 **PART LOT 11258 (PROPOSED LOTS 2446 & 12445) GEORGE STREET,**
 TOWN OF PALMERSTON
APPLICANT **MIM INVESTMENTS (NT) PTY LTD**

Mr Yannis Prouzos (MIM Investments (NT) Pty Ltd) attended.

RESOLVED That, pursuant to section 53(b) of the *Planning Act*, the Development Consent
89/14 Authority alter the proposed development and consent to the proposed development
as altered to develop Part Lot 11258 (235) Farrar Boulevard, Town of Palmerston for
the purpose of 6 x 3 bedroom multiple dwellings in 2 single storey buildings, 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:
 - (a) relocation of the distribution pillar in accordance with PowerWater's requirements; and
 - (b) access in accordance with the requirements of the City of Palmerston.
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 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.
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.

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 and approval to carry out works shall be obtained prior to the commencement of construction, 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.
9. 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.
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;Car spaces and driveways must be kept available for these purposes at all times.
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.
16. An Occupancy Permit under the *Building Act* must not be issued until Lots 11258B and 12258C, Town of Palmerston have been consolidated and a new title issued for the consolidated lot.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the use is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

REASONS FOR THE DECISION

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

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.

Furthermore, the proposal complies with the relevant provisions of the Northern Territory 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.

Provided that an ESCP is developed and approved prior to the commencement of works, and stormwater is appropriately managed on site without impacting on surrounding residential areas and disposed of into Councils stormwater drainage system, the land is considered capable of supporting the development as proposed.

ACTION: Notice of Consent and Development Permit

ITEM3
PA2014/0278
APPLICANT

**10 x 3 BEDROOM MULTIPLE DWELLINGS IN 5 SINGLE STOREY BUILDINGS
LOT 11314 (8) MARSHALL STREET, TOWN OF PALMERSTON
ONE PLANNING CONSULT**

Mr Israel Kgosiemang (One Planning Consult) attended.

**RESOLVED
90/14**

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 11314 (8) Marshall Street Town of Palmerston for the purpose of 9 x 3 and 1 x 2 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 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. The provision of pedestrian access gates from the street to the private open spaces of Units 4, 5, 6, 7, 8, 9 and 10;
 - b. All retaining walls to the street frontage to be no higher than 1 metre and incorporate landscaping; and
 - c. All retaining wall structures are to be designed by a qualified practicing engineer to ensure stormwater discharge is appropriately managed.
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 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.
3. Prior to the endorsement of plans and commencement of works, an Erosion and Sediment Control Plan (ESCP) is developed on the advice of Department of Land Resource Management, by a suitably qualified and experienced professional in erosion and sediment control planning and approved and subsequently implemented prior to the commencement of any works, to the satisfaction of the consent authority and an endorsed copy of the Plan will form part of this permit.

The plan should detail methods and treatments for minimising erosion and sediment loss from the site during both the construction and operational phases. The IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in an ESCP. 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>.

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 and approval to carry out works shall be obtained prior to the commencement of construction, 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 crossings 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.
9. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossings;
 - (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.
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;Car spaces and driveways must be kept available for these purposes at all times.
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) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

REASONS FOR THE DECISION

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

The proposed development is for 9 x 3 and 1 x 2 bedroom multiple dwellings in 5 single storey buildings. It is considered that the proposed development is consistent with the purpose of Zone MD as it will provide a variety of housing options for potential residents of Johnston.

2. A variation to Clause 7.3 (Building Setbacks for Residential Buildings) is granted as:
 - The development of the site is constrained by the double road frontage,
 - significant landscaping along the all boundaries will ensure privacy of residents;
 - the buildings meet all primary setbacks for residential buildings, and
 - the site is bound on two sides by road and one side by conservation, and as such there are no neighbouring residents in close proximity to the site.
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.

The site has an area of 3,428m² is irregular in shape and has 2 street frontages, Marshall Street and Lind Street. Access is proposed to be off Lind Road. The site has been cleared and is undeveloped. The site slopes towards the road.

The site is within a residential suburb that is currently being developed. Provided that an ESCP is developed and implemented, retaining walls are conditioned appropriately, stormwater is appropriately managed on site without impacting on surrounding residential areas and disposed of into Councils stormwater drainage system, the land is considered capable of supporting a multiple dwelling development.

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.

The subject site is located within a residential area that is currently being developed. Provided that the collection and discharge of stormwater is managed to Council's satisfaction, and the retaining walls are conditioned to the satisfaction of the consent authority, the proposal is considered likely to positively contribute to the future amenity of the locality.

ACTION: Notice of Consent and Development Permit

**ITEM 4
PA2014/0295
APPLICANT**

**SUBDIVISION TO CREATE 3 LOTS
LOT 4251 (575) ROYSTONEA AVENUE, TOWN OF PALMERSTON
LAND RELEASE LAND AND ECONOMIC DEVELOPMENT**

Ms Hanna Stevenson (Land Release and Economic Development) attended

**RESOLVED
91/14**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 4251 (575) Roystonea Avenue, Town of Palmerston for the purpose of a subdivision to create 3 lots, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with the drawing numbered 2014/0295/01 endorsed as forming part of this permit.
2. 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.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the use is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

3. A "Permit to Work Within a Road Reserve" may be required from the Department of Infrastructure before commencement of any work within the road reserve.

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 subdivision is generally consistent with the current Palmerston Eastern Suburbs Area Plan as it will facilitate two areas for future residential subdivision that will provide compact, accessible and walkable future neighbourhoods that are safe and foster a sense of community and local identities. The Area Plan identified the subject area as 'Urban Residential' and being suitable for residential, commercial and community purposes, with open space areas incorporating drainage.

In all other aspects the subdivision is fully compliant 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 proposed lots are outside of the flood prone areas of the Lot 4251 and the Q100 predicted areas and the majority of the proposed lots are open woodland with gradual slopes of less than 5%. The Department of Land Resource Management has requested an Erosion and Sediment Control Plan to be developed to ensure erosion and sediment control measures are put in place.

Provided stormwater flows and quality and the associated sediment displacement and erosion are effectively controlled the land is considered capable of accommodating the subdivision as proposed.

ACTION: Notice of Consent and Development Permit

ITEM 5 SHOPS, RESTAURANT, SERVICE STATION, MEDICAL CLINICS, OFFICE 4 x 1
PA2014/0294 AND 12 x 2 BEDROOM MULTIPLE DWELLINGS IN 1 x 1, 1 x 2 & 1 x 3 STOREY
BUILDINGS
APPLICANT LOT 11020 (164) FORREST PARADE, TOWN OF PALMERSTON
JUNE D'ROZARIO & ASSOCIATES

Ms June D'Rozario (June D'Rozario & Associates) attended.

RESOLVED
92/14

That, the Development Consent Authority vary the requirements of Clause 7.6 (Communal Open Space) and Clause 8.3 (Setbacks for Commercial Uses Adjacent to Land in Zones SD, MD, MR or HR) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the Planning Act, alter the proposed development and consent to the proposed development as altered to develop Lot 11020 (164) Forrest Parade, Rosebery, Town of Palmerston for the purpose of shops, restaurant, service station, medical clinic, office and multiple dwellings in 1 x 1, 1 x 2 and 1 x 3 storey buildings, 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 show:
 - a) annotations of internal driveway width, loading bay and parking space dimensions which are required to confirm compliance with clause 6.5.3 (Parking Layout) of the NT Planning Scheme;
 - b) proposed widths of vehicle crossings and distance between entry points and nearest intersection required to ensure the proposal's compliance with Clause 8.1.4 (Service Stations) of the NT Planning Scheme;
 - c) location of condenser units associated with the restaurant and enclosure of the plant room wall opening to ensure that the proposal does not adversely impact on the residential amenity of the site or the adjoining residential uses; and
 - d) way-finding measures directing traffic to the basement parking area.

2. Prior to commencement of works (including site preparation), an Erosion and Sediment Control Plan (ESCP), is to be developed and subsequently implemented by suitably qualified and experienced professional in erosion and sediment control planning to the satisfaction of the consent authority on advice from the Department of Land Resource Management to ensure sediment laden run off does not leave the site during both the construction and operational phases of the development. The IECA Best Practice Erosion and Sediment Control Booklets 2008 should be referenced as a guide to the type of information, detail and data that should be included in an ESCP and the Plan should detail control measures for construction phase of the proposed use including:
 - (a) proposed measures to be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways; and
 - (b) proposed method of stormwater management during construction including details of existing and proposed stormwater infrastructure, stormwater drains and any drainage easements.

An endorsed copy of the Plan will form part of this permit and all works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
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 and electricity 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 to the satisfaction of the consent authority.
7. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Palmerston, to the satisfaction of the consent authority.
8. 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. "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 Chairman, Development Consent Authority.

12. 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.
13. 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.
14. 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.
15. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
16. 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.
17. Waste bin storage shall be provided in accordance with Council guidelines.
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 Chairman, Development Consent Authority.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing 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. The developer may wish to approach City of Palmerston to discuss potential improvements to the park located diagonally across from the site on Lot 9981 Town of Palmerston.

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 considered to be consistent with the purpose of the zone and in being of appropriate scale and character to service the surrounding area.

A variation to Clause 7.6 (Communal Open Space) of the Northern Territory Planning Scheme for the provision of rooftop gardens instead of communal open space which would meet the technical dimensions of the Scheme is granted as parkland is located diagonally opposite to the site which future residents of the site can use as communal facility and because the residential component of the proposal is a relatively small and it would be unreasonable to provide communal open space at ground level as a proportion of the commercially zoned land.

A variation to Clause 8.3 (Setbacks for Commercial Uses Adjacent to Land in Zones SD, MD, MR or HR) of the NT Planning Scheme for a 3m wide landscaped setback to the southern boundary with Lot 11021 Town of Palmerston zoned MR where a 5m setback is required is granted as the location and orientation of dwellings on the adjoining Lot 11021 Town of Palmerston and the design of the subject development will minimise the impact on visual and acoustic privacy of adjoining residential uses on both lots.

2. Pursuant to Section 51(a) of the Planning Act, the consent authority must take into consideration the merits of the proposed development as demonstrated in the application

The application has merit in seeking to combine a range of uses which will improve commercial viability of and the focus on the local neighbourhood centres in Palmerston.

The site is well located next to and opposite a medium density residential development and other social and community infrastructure such as schools, child care centre, rugby sports complex as well as parks and public transport routes.

3. Pursuant to Section 51(a) 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

The proposal, if well managed, is likely to positively contribute to the amenity of the locality through the range of commercial facilities proposed, through the design of the development on the site and through its location being within walking distance to schools, bus stops, parks and sports facilities.

Amended plans are required to ensure high standard of facilities is provided and that the development does not impact on the amenity of its future residents, visitors and staff or adjoining residents.

ACTION: Notice of Determination

ITEM 6
PA2014/0275
APPLICANT **SUBDIVISION TO CREATE 3 LOTS**
LOT 5694 (1) MANNIKAN COURT, TOWN OF PALMERSTON
FABCOT PTY LTD

Mr Graham Jones (Woolworths) attended on behalf of the applicant.

Interested parties in attendance: Mr Mathew Lee (Halikos) and Mr Ben Dawson (Peter Chandler's Electoral Office) attended.

RESOLVED
93/14

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 5694 (1) Mannikan Court, Town of Palmerston for the purpose of a subdivision to create 3 lots to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- amended drawings demonstrating compliance with Clause 13.2 (Land Adjacent to Main Roads) of the NT Planning Scheme;
- written confirmation from the Department of Transport that access from Chung Wah Terrace meets their requirements; and
- written confirmation from the City of Palmerston that access from Mannikan Court meets their requirements.

ACTION: Advice to Applicant

ITEM 7
PA2014/0276
APPLICANT **SHOPS RESTAURANT AND SERVICE STATION**
LOT 5694 (1) MANNIKAN COURT, TOWN OF PALMERSTON
FABCOT PTY LTD

Mr Graham Jones (Woolworths) attended on behalf of the applicant.

Submitters in attendance:- Mr Steve Ellis, Ms Sue Mckinnon, Ms Margaret Clinch (representing PPlan: The Planning Action Network) and Ms Barbara Keogh.

Interested parties in attendance:- Mr Mathew Lee (Halikos) and Mr Ben Dawson (Peter Chandler's Electoral Office) attended.

Council tabled further comments dated 13 June 2014.

RESOLVED
94/14

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 5694 (1) Mannikan Court, Town of Palmerston for the purpose of shops, a restaurant and a service station 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:

- amended drawings including site levels and elevations of the service area adjacent to the northern side boundary;
- written confirmation from the Department of Transport that access from Chung Wah Terrace meets their requirements; and
- written confirmation from the City of Palmerston that access from Mannikan Court meets their requirements.

ACTION: Advice to Applicant

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



PETER MCQUEEN
Chairman

20/6/14