



# DEVELOPMENT CONSENT AUTHORITY

## PALMERSTON DIVISION

### MINUTES

**MEETING NO. 269 – FRIDAY 11 OCTOBER 2024**

**AGORA ROOM  
HUDSON BERRIMAH  
4 BERRIMAH ROAD  
BERRIMAH**

**MEMBERS PRESENT:** Suzanne Philip (Chair), Trevor Dalton, and Elisha Harris

**APOLOGIES:** Athina Pascoe Bell and Sarah Henderson

**LEAVE OF ABSENCE:** None

**OFFICERS PRESENT:** Elya Sugg (Acting Secretary), David Burrow and Daniel Herlihy  
(Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Christopher Tickner

Meeting opened at 10:00 am and closed at 10:45 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 TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

**ITEM 1**                    **RECONSIDERATION - HOTEL/MOTEL WITH GROUND LEVEL OFFICES**  
**PA2024/0156**           **WITHIN A THREE STOREY BUILDING**  
                                 **LOT 10024 (7) PALMERSTON CIRCUIT, PALMERSTON CITY, TOWN OF**  
                                 **PALMERSTON**  
**APPLICANT**           **ONE PLANNING CONSULT**

Applicant: Israel Kgosiemang (One Planning Consult) and George Savvas (Director – Concept Designs) attended.

Submitters in attendance: none attended.

**RESOLVED**            That, pursuant to section 53(a) of the *Planning Act 1999*, the Development  
**41/24**                    Consent Authority consent to the application to develop Lot 10024 (7)  
Palmerston Circuit, Palmerston City Town of Palmerston for the purpose of a  
hotel/motel with ground level offices within a 3 storey building, subject to the  
following conditions:

#### **CONDITION PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works, 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 must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) a dedicated loading area separate from any car parking space.
  - (b) the roof located over the area referred to as 'RAISED PLANTER' along the site allotment boundary with Lot 9609 Town of Palmerston on level 1, to be setback between 1 and 2 metres or incorporate 'sky lights' to provide natural light.
  - (c) notation(s) specifying that noise attenuation measures will be provided between the lift shaft and any habitable rooms in accordance with the National Construction Code.
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 or an alternate approved connection.

## Palmerston DCA Meeting No 269 – Friday 11 October 2024

3. Prior to the commencement of works, in principle approval is required for the provision of awnings to the street frontages to the requirement of the City of Palmerston, to the satisfaction of the consent authority.
4. Prior to the commencement of works, a traffic impact assessment report is to be prepared by a suitably qualified traffic engineer identifying any necessary upgrades to the surrounding street network to the requirements of the City of Palmerston, to the satisfaction of the consent authority.
5. Prior to the commencement of works, a waste management plan addressing the City of Palmerston's Waste Management Guidelines must be prepared, to the requirements of the City of Palmerston, to the satisfaction of the consent authority.

### GENERAL CONDITIONS

6. The works carried out under this permit shall be in accordance with the drawings, endorsed as forming part of this permit.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, electricity facilities and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.  
Please refer to notations 2, 3 and 4 for further information.
8. 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.
9. 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.
10. The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land.
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. 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; properly formed to such levels that they can be used in accordance with the plans;

## Palmerston DCA Meeting No 269 – Friday 11 October 2024

- (b) surfaced with an all weather seal coat;
- (c) drained; and
- (d) clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the consent authority.

Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.

14. All works recommended by the traffic impact assessment are to be completed to the requirements of the City of Palmerston, to the satisfaction of the consent authority.
15. 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.  
The owner shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers; and
  - (b) 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.
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, in accordance with the requirements of the City of Palmerston, to the satisfaction of the consent authority.
17. Storage for waste disposal bins is to be provided to the requirements of the City of Palmerston to the satisfaction of the consent authority
18. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
19. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
20. Any lift shaft and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the consent authority.
21. 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.

### NOTES

1. A “Permit to Work Within a Road Reserve” may be required from the City of Palmerston before commencement of any work within the road reserve.

## Palmerston DCA Meeting No 269 – Friday 11 October 2024

2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be able to access an exemption from these arrangements in some circumstances. For more information visit [www.infrastructure.gov.au/tind](http://www.infrastructure.gov.au/tind).
4. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-orplan-with-the-nbn/new-developments/builders-designers.html>
5. This permit will expire if one of the following circumstances applies:
  - (a) the development and use is/are not started within two years of the date of this permit; or
  - (b) the development is not completed within four years of the date of this permit. The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
6. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.
7. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email ([info@ntbuild.com.au](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act

## REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

## Palmerston DCA Meeting No 269 – Friday 11 October 2024

The NT Planning Scheme 2020 applies to the land and hotel/motel requires consent under Clause 1.8 (When development consent is required). It is identified as *Merit Assessable* under Clause 1.8(1)(b)(i), therefore the zone purpose and outcomes of Clause 4.10 (Zone CB – Central Business) relevant to any variation of Part 5 requirements, and Clauses 5.2.1 (General Height Control), 5.2.4 (Car Parking), 5.2.4.4 (Layout of car parking areas), 5.2.5 (Loading Bays), 5.2.6 (Landscaping), 5.2.6.2 (Landscaping in Zone CB), 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC), 5.5.15 (Design in Commercial and Mixed Use Areas), 5.5.16 (Active Street Frontage) and 5.9.3 (Palmerston City Centre) need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme except for Clauses 5.2.4.1 (Car Parking Spaces), 5.2.4.4 (Layout of car parking areas), 5.2.5 (Loading Bays), 5.2.6.2 (Landscaping in Zone CB), 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC), 5.5.15 (Design in Commercial and Mixed Use Areas), 5.5.16 (Active Street Frontage) and 5.9.3.2 (Volumetric Control).

2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
  - (a) The purpose and administration clauses of the requirement; and
  - (b) The considerations listed under Clause 1.10(3) or 1.10(4).

### 5.2.4.1 (Car Parking Spaces)

The proposal has been found not to be in accordance with Clause 5.2.4.1 (Car Parking Spaces), because the development will result in 34 car parking spaces where 38 car parking spaces are required.

1 car parking bay was shown as interchangeable car park/loading bay. At the meeting the consent authority determined to refer to this as a loading area and not allow for car parking in this space. Subsequently, a condition precedent has been included to require, prior to endorsement of plans, a designated loading area separate from any car parking space shown on the plans.

The purpose of Clause 5.2.4.1 (Car Parking Spaces) is to *ensure that sufficient off-street car parking, constructed to a standard and conveniently located, are provided to service the proposed use of a site.*

Administratively, *the consent authority may consent to a use or development that is not in accordance with subclause 4 if it is satisfied a reduction of the number of car parking spaces is appropriate with regard to:*

- (a) *the zoning of the land, the use or development or proposed use or development of the land, and the possible future use or development of the land;*
- (b) *the provision of car parking spaces in the vicinity of the land;*

*(c) the availability of public transport in the vicinity of the land; and  
(d) the potential impact on the surrounding road network and the amenity of the locality and adjoining property;  
or if the use or development relates to a heritage place and the Minister responsible for the administration of the Heritage Act 2011 supports the reduced provision of car parking spaces in the interest of preserving the significance of the heritage place.*

A variation is considered appropriate in this instance because the use of land for hotel/motel is anticipated within Zone CB (Central Business) and the site is close to public car parks and public transport, including the Palmerston bus interchange. Given the above, a reduction of four car parking spaces is considered unlikely to unduly impact the surrounding road network or the amenity of the locality and adjoining properties. For these reasons it is anticipated that there is sufficient off-street car parking to service the proposed use of the site.

#### 5.2.4.4 (Layout of car parking areas)

The proposal has been found not to be in accordance with Clause 5.2.4.4 (Layout of car parking areas), because the development will result in car parking spaces that are not in accordance with the dimensions set out in the diagram to 5.2.4.4, including car parking spaces with a reduced width and a reduced setback from the lot boundary where landscaping to a depth of 3m is required immediately adjacent to any allotment boundary abutting a road.

*Administratively, the consent authority may consent to a car parking area that is not in accordance with sub-clause 6 if it is satisfied that the non-compliance will not unreasonably impact on the amenity of the surrounding locality and the consent authority may consent to a car parking area that is not in accordance with sub-clauses 7 and 8 if it is satisfied that the design and construction is safe and functional with regard to the location of the development.*

A variation is considered acceptable in this instance because the car parking spaces would likely meet Australian Standards, the car parking area is enclosed and adequately screened from the street. Subsequently, the proposed variations to Clause 5.2.4.4 are unlikely to unduly impact on the function of the proposed car park or amenity of the surrounding locality.

#### Clause 5.2.5 (Loading Bays)

The proposal has been found not to be in accordance with Clause 5.2.5 (Loading Bays), because the development will result in no loading bays where 2 loading bay are required in accordance with the requirements of sub-clause 4 of Clause 5.2.5. In addition, the interchangeable car park/loading bay is not in accordance with the dimensions required by sub-clause 4(b) of Clause 5.2.5 Loading Bays.

*The purpose of Clause 5.2.5 (Loading Bays) is to provide for the loading and unloading of vehicles associated with the use of land.*

## Palmerston DCA Meeting No 269 – Friday 11 October 2024

Administratively, the consent authority may consent to a use or development that is not in accordance with sub-clauses 3 and 4 only if it is satisfied sufficient, safe and functional loading areas are available to meet the needs of the use with regard to:

- (a) the scale of the use and development on the site;
- (b) any potential adverse impacts on the local road network; and
- (c) any agreements for off-site loading and unloading of vehicles, such shared loading areas or approval to carry out loading activities in a laneway or secondary street.

In this instance, variation to Clause 5.2.5 is considered acceptable due to the small scale of the use and development. However, at the meeting the consent authority determined that the dedicated loading area should not allow for car parking, but should be reserved for loading and unloading. Subsequently, amended plans showing a designated loading area, separate from any car parking space, are required, to the satisfaction of the consent authority.

### Clause 5.2.6.2 (Landscaping in Zone CB)

The proposal has been found not to be in accordance with Clause 5.2.6.2 (Landscaping in Zone CB), because the development will result in landscape planting equivalent to 4.98% of the site where 10% is required.

The purpose of Clause 5.2.6.2 is to ensure developments within central business districts minimise heat capture and enhance the visual amenity of the area when viewed from the street or from surrounding buildings.

Administratively, the consent authority may consent to a development that is not in accordance with sub-clause 3 if:

- (a) it is a small development and the consent authority is satisfied that it would be unreasonable to provide the required landscaping, having regard to the intended use of the development or whether the development would become unfeasible; or
- (b) the development provides an alternative response to achieve the purpose of this clause.

A variation is considered appropriate in this instance because the intended use of the development is generally supported within Palmerston City, Zone CB (Central Business) and the relative constraints of the site makes the required landscape planting unreasonable. The proposed development includes an awning on all sides that will provide shade and shelter over existing 'nature-strips' generally improving the amenity of the locality and the proposed development provides landscape planting on all levels.

### 5.3.7 (End of trip Facilities in Zones HR, CB, C, SC and TC)

The proposal has been found not to be in accordance with Clause 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC), because the bicycle areas are located on the first and second floor where sub-clauses 3(h) and (k) require bicycle parking facilities to be easily accessible from the road and as



## Palmerston DCA Meeting No 269 – Friday 11 October 2024

close as possible to the cyclist's ultimate destination; and the proposal locates associated showers facilities away from the bicycle parking and lockers

The purpose of Clause 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC) is to ensure that new commercial and high density residential buildings provide sufficient safe, quality and convenient end of trip facilities to enable active travel choices by residents, visitors, workers and customers for the proposed use of the site.

Administratively, the consent authority may consent to a use or development with fewer bicycle parking spaces, lockers and/or showers and changing facilities than required by sub-clauses 2-6 if satisfied that either:

- (a) there are alternative end of trip facilities (on or off the site), where:
  - i. the same function is provided which can accommodate the same number of bicycles and/or users required by the clause;
  - ii. access to the alternative end of trip facilities is safe and convenient for users;
  - iii. the alternative end of trip facilities are sheltered and secure; and
  - iv. the size and layout of alternative storage areas allows for safe and comfortable storage and access to bicycles and/or personal items; or
- (b) it would be unreasonable to provide the end of trip facilities as required by this clause with regard to, but not limited to, the location of the development and likely commute distances; or
- (c) it would be unreasonable to provide shower and changing facilities for a small development, where the development becomes unfeasible should such facilities be required.

A variation is considered appropriate in this situation because there are end of trip facilities on the site that are in excess of that required by the planning scheme, the access to these end of trip facilities are safe, secure, and due to the scale of the proposed development are relatively convenient for users to access and use.

### Clause 5.5.15 (Design in Commercial and Mixed Use Areas)

The proposal has been found not to be in accordance with Clause 5.5.15 (Design in Commercial and Mixed Use Areas), because the development will result in awnings that do not extend along the full length of the site boundary and the awnings do not cover the full width of the footpath or have a minimum width of 3m.

The purpose of Clause 5.5.16 is to encourage a diverse mix of commercial and mixed use developments that are safe, contribute to the activity and amenity of commercial centres, are appropriately designed for the local climate, and minimise conflicts between different land uses within and surrounding the commercial centre.

Administratively, the consent authority may consent to a development that is not in accordance with sub-clause 17 if it is satisfied that:

## Palmerston DCA Meeting No 269 – Friday 11 October 2024

- (a) *the development provides a considered response to the established character of the streetscape; and*
- (b) *the development provides an alternative response for shading.*

A variation to Clause 5.5.15 is appropriate in this instance because the development provides a considered response to streetscape by providing a visually pleasing structure that provides refuge from the weather to all frontages. The footpath along the Hillson Street boundary is approximately 8.2 metres distance from the lot boundary and it is considered unreasonable to require an awning to that width. In addition to this, the City of Palmerston indicated that they were generally supportive of the awning design.

In addition, the proposed lift shaft is shown on the submitted plans next to bedrooms. Sub-clause 20 of Clause 5.5.15 requires lift shafts to be located away from habitable rooms, or implement noise attenuation measures.

At the meeting the consent authority determined to include a condition precedent requiring, prior to endorsement of plans, the applicant note on amended plans that noise attenuation measures will be provided in accordance with the National Construction Code and to the satisfaction of the consent authority.

### Clause 5.5.16 (Active Street Frontage)

The proposal has been found not to be in accordance with Clause 5.5.16 (Active Street Frontage), because the proposal results in 29% of active street frontage along the Frances Drive boundary and 0.06% of active street frontage along the Hillson Street boundary, where 60% is required.

The purpose of Clause 5.5.16 is to *provide a site-responsive interface between commercial buildings and the public domain that:*

- (a) *is attractive, safe and functional for pedestrians;*
- (b) *encourages activity within the streetscape; and*
- (c) *encourages passive surveillance of the public domain.*

Administratively, *the consent authority may consent to a development that is not in accordance with sub-clauses 5, 6 and 7 if:*

- (a) *an alternative solution effectively meets the purpose of this clause;*
- (b) *the site design reflects the established character of the area; or*
- (c) *it is satisfied that compliance would be impractical considering servicing requirements and any advice provided under sub-clause 4.*

A variation is considered appropriate in this instance because the application provides feature walls along the Hillson Street and Frances Drive frontages as an alternative response. The feature walls are attractive, visually engaging and will not impact negatively on the safety of pedestrians or functionality of the pedestrian walkways.

### 5.9.3.2 (Volumetric Control)

## Palmerston DCA Meeting No 269 – Friday 11 October 2024

The proposal has been found not to be in accordance with Clause 5.9.3.2 (Volumetric Control), because the development will result in a building setback of 3m at podium level where the required setback is 6m at podium level.

The purpose of 5.9.3.2 is to *ensure the siting and mass of buildings in the Palmerston city centre promotes urban form that is of a scale appropriate to the locality and provides adequate separation to allow for:*

- (a) breeze circulation between buildings;*
- (b) penetration of daylight into habitable rooms; and*
- (c) reasonable privacy for residents.*

Administratively, the consent authority may consent to a development that is not in accordance with sub-clause 5(ii), 6 and 7 if it is satisfied the development:

- (a) is appropriate to the location having regard to the scale of the development and surrounding built form; and*
- (b) will not unreasonably restrict the future development of adjoining sites.*

In this instance, the proposed reduced setback from 6m to 3m is considered acceptable due to the location and scale of the proposed development, and the surrounding built form (ground level car park). The reduced setback will have an impact on any future development of the adjoining site, however, it is unlikely that the proposed development will unreasonably restrict any future development of the adjoining sites.

To reduce the proposed development's impact on any future development of the adjoining site, a condition that the roof located over the area referred to as 'RAISED PLANTER' along the site allotment boundary with Lot 9609 Town of Palmerston on level 1, be setback between 1 and 2 metres or provided with 'sky lights' to provide natural light has been included within the subsequent Development Permit. This is to ensure that, were the adjoining allotment developed, all suites would get at least some natural light.

3. Pursuant to section 51(1)(m) of the *Planning Act 1999*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

Initially, Water services were unable to support the application because the proposed development included built structures over a sewerage easement. Design changes have been made that achieve adequate setbacks to the satisfaction of Water Services.

4. Pursuant to section 51(1)(j) of the *Planning Act 1999*, 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.

**Palmerston DCA Meeting No 269 – Friday 11 October 2024**

The land has been developed and zoned for Zone CB (Central Business) and is therefore considered capable of supporting the proposed development.

5. Pursuant to section 51(1)(n) of the *Planning Act 1999*, 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 hotel/motel is a type of development anticipated in Palmerston City and Zone CB (Central Business). The scale and design of the development is unlikely to cause any undue impact to the surround area. The development is generally aligned with the vision expressed in the Central Palmerston Area Plan (CPAP) and Zone CB, subject to conditions.

**FOR: 3**

**AGAINST: 0**

**ABSTAIN: 0**

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

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

**SUZANNE PHILIP**  
Chair

18 October 2024