



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No. 270 – FRIDAY 15 NOVEMBER 2024

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

MEMBERS PRESENT: Suzanne Philip (Chair), Trevor Dalton, Elisha Harris, Sarah Henderson and (attended for item 5 only) Athina Pascoe-Bell

APOLOGIES: None

LEAVE OF ABSENCE: None

OFFICERS PRESENT: Margaret Macintyre (Secretary), David Burrow and Sebit Rambang (Development Assessment Services)

COUNCIL REPRESENTATIVE: Chris Tickner

Meeting opened at 10.30 am and closed at 12.50 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 TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1
PA2024/0268

DWELLING-GROUP (3 X 2 BEDROOM) IN 2 SINGLE STOREY BUILDINGS

LOT 5427 (62) MAURICE TERRACE, BAKEWELL, TOWN OF PALMERSTON

APPLICANT

Goldbox

Pursuant to section 97 of the *Planning Act 1999*, Athina Pascoe-Bell, Community Member of the Palmerston Division of the Development Consent Authority disclosed an interest and was not present during, contributed to or took part in the deliberation or decision of the Division in relation to Item 1.

Applicant: Maria Pajarillo (Goldbox) sent her apology.
Paul Winter (Director, Habitat NT) and Lee Philips (Senior Project & Sales Manager, Habitat NT) attended on behalf of Venture Housing who will be the developers.

Submitters who attended: - Bronwyn Simmonds, Brent Hellet and Jason Tong.

Interested parties who attended: - Nathan and Jessica Wooler and Louisa Diaz.

RESOLVED
49/24

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Lot 5427 (62) Maurice Terrace, Bakewell, Town of Palmerston for the purpose of Dwelling-group (3 x 2 bedroom) in 2 single storey buildings, subject to the following conditions:

CONDITIONS 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) The retaining wall with embellishment(s) to improve its interface with Roystonea Avenue; and
 - (b) Details of landscaping along the allotment boundary with Roystonea Avenue, to include some form of 'vertical landscaping.'
2. Prior to the endorsement of plans and 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.

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3. 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.
4. Prior to the commencement of works, the applicant is to prepare and submit a driveway plan to be approved by the City of Palmerston, to the satisfaction of the consent authority.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Palmerston / Department of Logistic and Infrastructure to the satisfaction of the consent authority.
7. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
8. 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 City of Palmerston, to the satisfaction of the consent authority.
9. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their visitors.
10. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
12. The private open space areas of each dwelling shall be screened on each boundary by:
 - a) the erection of a solid wall or screen fence not less than 1.8 metres high: or
 - b) fenced to a height not less than 1.8 metres high and planted with dense vegetation.
13. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

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Please refer to notations 2, 3, 4 and 5 for further information.

14. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional confirming that all new number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both landdevelopmentnorth@powerwater.com.au and powerconnections@powerwater.com.au
15. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the meters within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained." (refer to notation 6)
16. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of the City of Palmerston / Department of Logistic and Infrastructure to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
17. 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.
18. 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.
19. Any proposed work (including the provision or connection of services) within, or impacting upon the Maurice Terrace and/or Roystonea Avenue road reserve shall be in accordance with the standards and specifications of the Transport and Civil Services Division of the Department of Logistics and Infrastructure and/or City of Palmerston, Design documents must be submitted to the Director Corridor Management, Transport and Civil Services Division and/or City of Palmerston for Road Agency Approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
20. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston, to the satisfaction of the consent authority.

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21. 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.
22. 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.
23. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Emergency Services.
24. 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. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (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.
2. Power and Water Corporation advise that prior to initial reviews and assessments being undertaken to determine Power and Water Corporations servicing requirements, the developer should submit an Expression of Interest (EoI) form via email to remotedevelopment@powerwater.com.au
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.
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-or-plan-with-the-nbn/new-developments/builders-designers.html>.

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5. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5346 (surveylandrecords@nt.gov.au).
6. All land in the Northern Territory is subject to the *Weeds Management Act 2001* (WM Act). The WM Act describes the legal requirements and responsibilities that apply to owners and occupiers of land regarding declared weeds. Section 9 general duties include the requirement to take all reasonable measures to prevent land being infested with a declared weed and to prevent a declared weed from spreading. There are additional duties including a prohibition on buying, selling, cultivating, moving or propagating any declared weed and the requirement to notify the Weed Management Branch of a declared weed not previously present on the land within 14 days of detection.
Should you require further weed management advice contact the weed management branch by phone on (08) 8999 4567 or by email to weedinfo@nt.gov.au
7. 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.
8. 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) or by phone on 08 8936 4070 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.

The present application relates to Lot 5427 (62) Maurice Terrace, Bakewell, Town of Palmerston (the site). The application proposes the construction 3 x 2-bedroom dwelling-groups in 2 single storey buildings. The site has a total area of 1050m² and is wholly located within Zone LMR (Low-Medium Density Residential) with no overlays. The site has frontage to both Maurice Terrace and Roystonea Avenue. However, the proposed access is limited to Maurice Terrace.

The NT Planning Scheme 2020 applies to the land and Dwelling-group (3 x 2 bedroom) in 2 single storey buildings requires consent under Clause 1.8 (1)(b)(i). It is identified as *Merit Assessable* under Clause 1.8 (1)(b)(i), therefore Part 3, 4 and 5 of the NT Planning Scheme 2020 must be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme.

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2. 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.

The proposal is for a dwelling-group (3 x 2 bedroom) in 2 single storey buildings. The subject site is zoned LMR (Low-Medium Density residential) which supports a range of low-rise housing options that contribute to the streetscape and residential amenity in the locality. Therefore, the proposal meets the purpose of the zone and is expected to fit within the locality.

Additionally, the Department of Environment, Parks and Water Security did not identify or raise any issues of concern in relation to land capability. Subsequently, the land is considered capable of supporting the proposed development.

3. 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 proposed development will increase the dwelling density in the locality. This is consistent with the purpose, outcomes and required residential density of Zone LMR (Low-Medium Residential Density). The proposed development will offer housing choice. While some residents may be concerned about the increase of units in the streets, there is no undue impact foreseen resulting from 3 x 2-bedroom dwellings with compliant private open space and 2 car parking space for each unit with an additional shared visitor car parking space onsite.

It is noted that the proposed development incorporates a 'large' retaining wall, up to 2 metres high, along its boundary with Roystonea Avenue. This raised concerns about its impact on the amenity of a shared path along Roystonea Avenue, as witnessed by another development north of the site along Roystonea Avenue. The applicant will work on the proposed retaining wall to soften the interface along Roystonea Avenue.

At the meeting, Paul Winter and Lee Philips, acting on behalf of the applicant, advised that the proposed plans had been amended during the assessment stage to reduce the height of the retaining wall from 2m to 1.5m and be set back (500mm) from the property boundary on Roystonea Avenue. However, the retaining wall would likely need to be 2m high and built on the boundary to allow for stormwater to be discharged to Maurice Terrace.

At the meeting, it was noted that a retaining wall may provide some noise attenuation from Roystonia Avenue. In addition, Mr Winter advised that a 1.8 metre high mesh-wire fence would be provided above the retaining wall. This mesh-wire fence may also offer some passive surveillance of the shared path along Roystonea Avenue.

4. Pursuant to section 51(1)(e) of the *Planning Act 1999*, the consent authority must take into consideration the Five (5) public submissions received during

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the exhibition period under Section 49 of the Planning Act 1999 with respect to the proposal.

The five (5) submitter's concerns could be summaries as:

- A potential shortage of car parking onsite; and
- An increase and concentration of social housing;

Car parking shortage

The applicant was made aware of the community's concern and provided amended plans to include a visitor's car parking space within the site. This is intended to alleviate the potential issue of on-street car parking by visitors of the proposed units. Subsequently, the proposal now provides the number of car parking spaces required by Clause 5.2.4 Car Parking of the NTPS 2020, and one (1) additional car parking space is provided for visitors on-site. This outcome provides surplus car parking spaces for the proposed development.

Concentration of potential social housing

Development Assessment Services acknowledges the concerns of residents regarding changes within their locality, and perceived or apparent changes in demographics with their neighbourhood. However, the NTPS 2020 does not stipulate the type of residents that will occupy residential dwellings within the residential zone. The proposed development will increase the dwelling density in the locality. However, this is consistent with the purpose, outcomes, and residential density requirements of Zone LMR (Low-Medium Density Residential) and the proposed development will offer a housing choice for people in Northern Territory. There are no undue impacts foreseen resulting from 3 x 2-bedroom units with sufficient private open space, car parking for each dwelling and an additional shared visitor car parking space onsite.

At the meeting, the applicant provided an overview of the proposal and explained that the proposal had been prepared to comply with the NTPS 2020. In addition, they explained that the proposed plan had been amended during the assessment stage to address concerns raised by the Development Assessment Services (DAS) with regard to breeze penetration and the submitters concerns regarding additional car parking spaces for visitors.

the consent authority asked the applicant if there was capacity for them to further address the visitor car parking matter raised by the submitters. The applicant reiterated that the proposal meets the NTPS 2020 car parking requirements. However, the applicant indicated that they could investigate opportunities to provide an additional 2 car parking space in addition to the 1 visitor car parking space already provided. The applicant appeared confident that these additional car parking spaces could be provided.

The submitters who attended the meeting were Bronwyn Simmonds, Brent Hellet and Jason Tong and were given an opportunity to raise their concern regarding the proposed development.

Ms Simmonds highlighted her concerns about increased on-street car parking by members of the public and the potential overflow of vehicles from the future residents of the proposed development. While

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acknowledging that the proposed development provided the required car parking spaces as per NTPS 2020, Ms Simmonds supported the provision of additional car parking spaces as suggested by the applicant.

Mr Tong highlighted his concerns around the impact of noise from Roystonea Avenue on the proposed units and the concentration of social housing.

Mr Hellet highlighted his concerns around future occupants of the units, potential traffic impacts introduced by the proposed development and enquired about a stormwater management issue on Maurice Terrace occurring during periods of heavy rainfall near the dog park.

During the meeting, Christopher Tickner attended on behalf of the City of Palmerston (CoP). CoP acknowledged concerns around traffic and stormwater management, and advised the submitters that CoP will work with the developer to address the stormwater management issue as part of any subsequent Development Permit. CoP reminded the submitters that car parking on the verge is illegal. The consent authority advised that the planning application was to assess residential dwellings in accordance with the NT Planning Scheme 2020. Subsequently, it would be the developer's responsibility to ensure that a stormwater plan is approved by CoP and to the satisfaction of the consent authority.

The applicant advised that there is no assessment benchmark under the applicable clauses in the NTPS 2020 for noise attenuation in this instance. However, the proposed retaining wall along Roystonea Avenue frontage would likely alleviate some noise impacting the site from Roystonea Avenue.

At the meeting the consent authority reiterated that its consideration relates to the proposed development and its use as a dwelling-group in accordance with the NT Planning Scheme 2020. The NT Planning Scheme 2020 does not regulate who will occupy or own land. Subsequently, the use of the land for social housing is not a consideration of the consent authority.

The consent authority acknowledged the concerns about visitor parking on the street. However, the amended plans for the proposed development incorporated compliant car parking, and an additional visitor car park. The consent authority did not consider that the proposed development of three 2 bedroom dwelling units, which was otherwise compliant with the NTPS 2020, warranted an exercise of its discretion under clause 1.10.6 to require a higher standard of development than the requirements set out in Part 5 of the NT Planning Scheme 2020. Subsequently, additional car parking was not required.

5. Pursuant to section 51(1)(m) of the *Planning Act 1999*, the proposal was circulated to local and service authorities and consent authority may take into consideration the following comments:

The City of Palmerston, Department of Logistic and Infrastructure (DLI); and Power and Water Corporation (PWC) did not object to the proposed development. However, DLI's Transport and Civil Services Division (TCSD)

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does not permit the proposed stormwater discharge from the subject lots onto Roystonea Ave road corridor. While this is the preferred option for the developers and City of Palmerston, TCSD reiterated that stormwater shall be wholly contained within the subject lot and discharged into the local underground stormwater system of the City of Palmerston (Maurice Terrace). The applicant was made aware of the position of TCSD and it is noted that the matter of stormwater discharge was still being disputed by the applicant at the time of the meeting.

At the meeting, Mr Winter explained that TCSD's position on the discharge of stormwater to Maurice Tce is now understood and therefore, further consultation with City of Palmerston will continue to resolve the matter. The applicant is aware that there will be a relevant condition precedent as part of the development permit.

Other matters raised by the service authorities can be addressed by way of conditions and notes in any subsequent development permit.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2024/0269

DWELLING-GROUP (3 X 3 BEDROOM) IN 2 SINGLE STOREY BUILDINGS
LOT 5428 (64) MAURICE TERRACE, BAKEWELL, TOWN OF PALMERSTON
Goldbox

APPLICANT

Pursuant to section 97 of the *Planning Act 1999*, Athina Pascoe-Bell, Community Member of the Palmerston Division of the Development Consent Authority disclosed an interest and was not present during, contributed to or took part in the deliberation or decision of the Division in relation to Item 2.

Applicant: Maria Pajarillo (Goldbox) sent her apology.
Paul Winter (Director, Habitat NT) and Lee Philips (Senior Project & Sales Manager, Habitat NT) attended on behalf of Venture Housing who will be the developers.

Submitters who attended: - Bronwyn Simmonds, Brent Hellet and Jason Tong.

Interested parties who attended:- Nathan and Jessica Wooler and Louisa Diaz.

RESOLVED
50/24

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Lot 5428 (64) Maurice Terrace, Bakewell, Town of Palmerston for the purpose of Dwelling-group (3 x 3 bedroom) in 2 single storey buildings, subject to the following conditions:

CONDITIONS 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

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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) The retaining wall with embellishment(s) to improve its interface with Roystonea Avenue; and
 - (b) Details of landscaping along the allotment boundary with Roystonea Avenue, to include some form of 'vertical landscaping.'
2. Prior to the endorsement of plans and 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.
 3. 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.
 4. Prior to the commencement of works, the applicant is to prepare and submit a driveway plan to be approved by the City of Palmerston, to the satisfaction of the consent authority.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Palmerston / Department of Logistic and Infrastructure to the satisfaction of the consent authority.
7. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
8. 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 City of Palmerston, to the satisfaction of the consent authority.
9. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their visitors.

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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. The private open space areas of each dwelling shall be screened on each boundary by:
 - (a) the erection of a solid wall or screen fence not less than 1.8 metres high: or
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Please refer to notations 2, 3, 4 and 5 for further information.
14. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional—confirming that all new number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both landdevelopmentnorth@powerwater.com.au and powerconnections@powerwater.com.au.
15. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the meters within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained." (refer to notation 6).
16. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of the City of Palmerston / Department of Logistic and Infrastructure to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
17. 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.
18. The owner shall:
 - a) remove disused vehicle and/ or pedestrian crossovers;

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- 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.

19. Any proposed work (including the provision or connection of services) within, or impacting upon the Maurice Terrace and/or Roystonea Avenue road reserve shall be in accordance with the standards and specifications of the Transport and Civil Services Division of the Department of Logistics and Infrastructure and/or City of Palmerston, Design documents must be submitted to the Director Corridor Management, Transport and Civil Services Division and/or City of Palmerston for Road Agency Approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
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NOTES

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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.
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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.

The present application relates to Lot 5428 (64) Maurice Terrace, Bakewell, Town of Palmerston (the site). The application proposes the construction 3 x 3-bedroom dwelling-groups in 2 single storey buildings. The site has a total area of 1050m² and is wholly located within Zone LMR (Low-Medium Density Residential) with no overlays. The site has frontage to both Maurice Terrace and Roystonea Avenue. However, the proposed access is limited to Maurice Terrace.

The NT Planning Scheme 2020 applies to the land and Dwelling-group (3 x 3 bedroom) in 2 single storey buildings requires consent under Clause 1.8 (1)(b)(i). It is identified as Merit Assessable under Clause 4.3 Zone LMR – Low-Medium Density Residential, therefore Part 3, 4 and 5 of the NT Planning Scheme 2020 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.

2. 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.

The proposal is for a dwelling-group (3 x 3 bedroom) in 2 single storey buildings. The subject site is zoned LMR (Low-Medium Density residential) which supports a range of low-rise housing options that contribute to the streetscape and residential amenity in the locality. Therefore, the proposal meets the purpose of the zone and is expected to fit within the locality.

Additionally, the Department of Environment, Parks and Water Security did not identify or raise any issues of concern in relation to land capability. Subsequently, the land is considered capable of supporting the proposed development.

3. 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 proposed development will increase the dwelling density in the locality. This is consistent with the purpose, outcomes and required residential density of Zone LMR (Low-Medium Residential Density). The proposed development will offer housing choice. While some residents may be concern about the increase of units in the streets, there is no undue impact foreseen resulting from 3 x 3-bedroom dwellings with compliant private open space and 2 car parking space for each unit with an additional shared visitor car parking space onsite.

It is noted that the proposed development incorporates a 'large' retaining wall, up to 2 metres high, along its boundary with Roystonea Avenue. This raised concerns about its impact on the amenity of a shared path along Roystonea Avenue, as witnessed by another development north of the site along Roystonea Avenue. The applicant will work on the proposed retaining wall to soften the interface along Roystonea Avenue.

At the meeting, Paul Winter and Lee Philips, acting on behalf of the applicant, advised that the proposed plans had been amended during the assessment stage to reduce the height of the retaining wall from 2m to 1.5m and be set back (500mm) from the property boundary on Roystonea Avenue. However, the retaining wall would likely need to be 2m high and built on the boundary to allow for stormwater to be discharged to Maurice Terrace.

At the meeting, it was noted that a retaining wall may provide some noise attenuation from Roystonia Avenue. In addition, Mr Winters advised that a 1.8 metre high mesh-wire fence would be provided above the retaining wall. This mesh-wire fence may also offer some passive surveillance of the shared path along Roystonea Avenue.

4. Pursuant to section 51(1)(e) of the *Planning Act 1999*, the consent authority must take into consideration the Three (3) public submissions received during the exhibition period under Section 49 of the *Planning Act 1999* with respect to the proposal.

The Three (3) submitter's concerns could be summaries as:

- A potential shortage of car parking onsite; and
- An increase and concentration of social housing.

Car parking shortage

The applicant was made aware of the community's concern and provided amended plans to include a visitor's car parking space within the site. This is intended to alleviate the potential issue of on-street car parking by visitors of the proposed units. Subsequently, the proposal now provides the number of car parking spaces required by Clause 5.2.4 Car Parking of the NTPS 2020, and one (1) additional car parking space is provided for visitors on-site. This outcome provides surplus car parking spaces for the proposed development.

Concentration of potential social housing

Development Assessment Services acknowledges the concerns of residents regarding changes within their locality, and perceived or apparent changes in demographics with their neighbourhood. However, the NTPS 2020 does not stipulate the type of residents that will occupy residential dwellings within the residential zone. The proposed development will increase the dwelling density in the locality. However, this is consistent with the purpose, outcomes, and residential density requirements of Zone LMR (Low-Medium Density Residential) and the proposed development will offer a housing choice for people in Northern Territory. There are no undue impacts foreseen resulting from 3 x 3-bedroom units with sufficient private open

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space, car parking for each dwelling and an additional shared visitor car parking space onsite.

At the meeting, the applicant provided an overview of the proposal and explained that the proposal had been prepared to comply with the NTPS 2020. In addition, they explained that the proposed plan had been amended during the assessment stage to address concerns raised by the Development Assessment Services (DAS) with regard to breeze penetration and the submitters concerns regarding additional car parking spaces for visitors.

the consent authority asked the applicant if there was capacity for them to further address the visitor car parking matter raised by the submitters. The applicant reiterated that the proposal meets the NTPS 2020 car parking requirements. However, the applicant indicated that they could investigate opportunities to provide an additional 2 car parking space in addition to the 1 visitor car parking space already provided. The applicant appeared confident that these additional car parking spaces could be provided.

The submitters who attended the meeting were Bronwyn Simmonds, Brent Hellet and Jason Tong and were given an opportunity to raise their concern regarding the proposed development.

Ms. Simmonds highlighted her concerns about increased on-street car parking by members of the public and the potential overflow of vehicles from the future residents of the proposed development. While acknowledging that the proposed development provided the required car parking spaces as per NTPS 2020, Ms. Simmonds supported the provision of additional car parking spaces as suggested by the applicant.

Mr. Tong highlighted his concerns around the impact of noise from Roystonea Avenue on the proposed units and the concentration of social housing.

Mr. Hellet highlighted his concerns around future occupants of the units, potential traffic impacts introduced by the proposed development and enquired about a stormwater management issue on Maurice Terrace occurring during periods of heavy rainfall near the dog park.

During the meeting, Christopher Tickner attended on behalf of the City of Palmerston (CoP). CoP acknowledged concerns around traffic and stormwater management, and advised the submitters that CoP will work with the developer to address the stormwater management issue as part of any subsequent Development Permit. CoP reminded the submitters that car parking on the verge is illegal. The consent authority advised that the planning application was to assess residential dwellings in accordance with the NT Planning Scheme 2020, Subsequently, it would be the developer's responsibility to ensure that a stormwater plan is approved by CoP and to the satisfaction of the consent authority.

The applicant advised that there is no assessment benchmark under the applicable clauses in the NTPS 2020 for noise attenuation in this instance.

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However, the proposed retaining wall along Roystonea Avenue frontage would likely alleviate some noise impacting the site from Roystonea Avenue.

At the meeting the consent authority reiterated that its consideration relates to the proposed development and its use as a dwelling-group in accordance with the NT Planning Scheme 2020. The NT Planning Scheme 2020 does not regulate who will occupy or own land. Subsequently, the use of the land for social housing is not a consideration of the consent authority.

The consent authority provided an opportunity for further comments regarding the proposed 3-bedroom x 3 units. Mr. Hellet enquired about any additional car parking for the proposed units on Lot 5428. The advised that the provision of additional car parking spaces will be investigated in addition to the 1 visitor car parking space already provided. The applicant appeared confident that these additional car parking spaces could be provided.

The consent authority acknowledged the concerns about visitor parking on the street. However, the amended plans for the proposed development incorporated compliant car parking, and an additional visitor car park. The consent authority did not consider that the proposed development of three 3 bedroom dwelling units, which was otherwise compliant with the NTPS 2020, warranted an exercise of its discretion under clause 1.10.6 to require a higher standard of development than the requirements set out in Part 5 of the NT Planning Scheme 2020. Subsequently, additional car parking was not required.

5. Pursuant to section 51(1)(m) of the *Planning Act 1999*, the proposal was circulated to local and service authorities and consent authority may take into consideration the following comments:

The City of Palmerston, Department of Logistic and Infrastructure (DLI); and Power and Water Corporation (PWC) did not object to the proposed development. However, DLI's Transport and Civil Services Division (TCSD) does not permit the proposed stormwater discharge from the subject lots onto Roystonea Ave road corridor. While this is the preferred option for the developers and City of Palmerston, TCSD reiterated that stormwater shall be wholly contained within the subject lot and discharged into the local underground stormwater system of the City of Palmerston (Maurice Terrace). The applicant was made aware of the position of TCSD and it is noted that the matter of stormwater discharge was still being disputed by the applicant at the time of the meeting.

At the meeting, Mr. Winter explained that TCSD's position on the discharge of stormwater to Maurice Tce is now understood and therefore, further consultation with City of Palmerston will continue to resolve the matter. The applicant is aware that there will be a relevant condition precedent as part of the development permit.

Other matters raised by the service authorities can be addressed by way of conditions and notes in any subsequent development permit.

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FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

**ITEM 3
PA2024/0270**

DWELLING-GROUP (3 X 2 BEDROOM) IN 2 SINGLE STOREY BUILDINGS

LOT 5429 (66) MAURICE TERRACE, BAKEWELL, TOWN OF PALMERSTON

APPLICANT

Goldbox

Pursuant to section 97 of the *Planning Act 1999*, Athina Pascoe-Bell, Community Member of the Palmerston Division of the Development Consent Authority disclosed an interest and was not present during, contributed to or took part in the deliberation or decision of the Division in relation to Item 3.

Applicant: Maria Pajarillo (Goldbox) sent her apology. Paul Winter (Director, Habitat NT) and Lee Philips (Senior Project & Sales Manager, Habitat NT) attended on behalf of Venture Housing who will be the developers.

Submitters who attended: - Bronwyn Simmonds, Brent Hellet and Jason Tong.

Interested parties who attended:- Nathan and Jessica Wooler and Louisa Diaz.

**RESOLVED
51/24**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Lot 05429 (66) Maurice Terrace, Bakewell, Town of Palmerston for the purpose of Dwelling-group (3 x 2 bedroom) in 2 single storey buildings, subject to the following conditions:

CONDITIONS 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) The retaining wall with embellishment(s) to improve its interface with Roystonea Avenue; and
 - (b) Details of landscaping along the allotment boundary with Roystonea Avenue, to include some form of 'vertical landscaping.'
2. Prior to the endorsement of plans and 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.

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3. 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.
4. Prior to the commencement of works, the applicant is to prepare and submit a driveway plan to be approved by the City of Palmerston, to the satisfaction of the consent authority.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Palmerston / Department of Logistic and Infrastructure to the satisfaction of the consent authority.
7. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
8. 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 City of Palmerston, to the satisfaction of the consent authority.
9. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their visitors.
10. Before the *use/occupation of the development* starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
12. The private open space areas of each dwelling shall be screened on each boundary by:
 - a) the erection of a solid wall or screen fence not less than 1.8 metres high: or
 - b) fenced to a height not less than 1.8 metres high and planted with dense vegetation.
13. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity 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, 4 and 5 for further information.

14. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional confirming that all new number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both landdevelopmentnorth@powerwater.com.au and powerconnections@powerwater.com.au.
15. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the meters within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained." (refer to notation 6).
16. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of the City of Palmerston / Department of Logistic and Infrastructure to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
17. 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.
18. 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.
19. Any proposed work (including the provision or connection of services) within, or impacting upon the Maurice Terrace and/or Roystonea Avenue road reserve shall be in accordance with the standards and specifications of the Transport and Civil Services Division of the Department of Logistics and Infrastructure and/or City of Palmerston, Design documents must be submitted to the Director Corridor Management, Transport and Civil Services Division and/or City of Palmerston for Road Agency Approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
20. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston, to the satisfaction of the consent authority.

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21. 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.
22. 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.
23. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Emergency Services.
24. 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. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (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.
2. Power and Water Corporation advise that prior to initial reviews and assessments being undertaken to determine Power and Water Corporations servicing requirements, the developer should submit an Expression of Interest (EoI) form via email to remotedevelopment@powerwater.com.au.
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.
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-or-plan-with-the-nbn/new-developments/builders-designers.html>.

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5. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5346 (surveylandrecords@nt.gov.au).
6. All land in the Northern Territory is subject to the Weeds Management Act 2001 (WM Act). The WM Act describes the legal requirements and responsibilities that apply to owners and occupiers of land regarding declared weeds. Section 9 general duties include the requirement to take all reasonable measures to prevent land being infested with a declared weed and to prevent a declared weed from spreading. There are additional duties including a prohibition on buying, selling, cultivating, moving or propagating any declared weed and the requirement to notify the Weed Management Branch of a declared weed not previously present on the land within 14 days of detection.
Should you require further weed management advice contact the weed management branch by phone on (08) 8999 4567 or by email to weedinfo@nt.gov.au
7. 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.
8. 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) or by phone on 08 8936 4070 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.

The present application relates to Lot 5429 (66) Maurice Terrace, Bakewell, Town of Palmerston (the site). The application proposes the construction 3 x 2-bedroom dwelling-groups in 2 single storey buildings. The site has a total area of 1050m² and is wholly located within Zone LMR (Low-Medium Density Residential) with no overlays. The site has frontage to both Maurice Terrace and Roystonea Avenue. However, the proposed access is limited to Maurice Terrace.

The NT Planning Scheme 2020 applies to the land and Dwelling-group (3 x 2 bedroom) in 2 single storey buildings requires consent under Clause 1.8 (1)(b)(i). It is identified as Merit Assessable under Clause 1.8 (1)(b)(i), therefore Part 3, 4 and 5 of the NT Planning Scheme 2020 need to be considered.

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These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme.

2. 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.

The proposal is for a dwelling-group (3 x 2 bedroom) in 2 single storey buildings. The subject site is zoned LMR (Low-Medium Density residential) which supports a range of low-rise housing options that contribute to the streetscape and residential amenity in the locality. Therefore, the proposal meets the purpose of the zone and is expected to fit within the locality.

Additionally, the Department of Environment, Parks and Water Security did not identify or raise any issues of concern in relation to land capability. Subsequently, the land is considered capable of supporting the proposed development.

3. 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 proposed development will increase the dwelling density in the locality. This is consistent with the purpose, outcomes and required residential density of Zone LMR (Low-Medium Residential Density). The proposed development will offer housing choice. While some residents may be concerned about the increase of units in the streets, there is no undue impact foreseen resulting from 3 x 2-bedroom dwellings with compliant private open space and 2 car parking space for each unit with an additional shared visitor car parking space onsite.

It is noted that the proposed development incorporates a 'large' retaining wall, up to 2 metres high, along its boundary with Roystonea Avenue. This raised concerns about its impact on the amenity of a shared path along Roystonea Avenue, as witnessed by another development north of the site along Roystonea Avenue. The applicant will work on the proposed retaining wall to soften the interface along Roystonea Avenue.

At the meeting, Paul Winter and Lee Philips, acting on behalf of the applicant, advised that the proposed plans had been amended during the assessment stage to reduce the height of the retaining wall from 2m to 1.5m and be set back (500mm) from the property boundary on Roystonea Avenue. However, the retaining wall would likely need to be 2m high and built on the boundary to allow for stormwater to be discharged to Maurice Terrace.

At the meeting, it was noted that a retaining wall may provide some noise attenuation from Roystonia Avenue. In addition, Mr Winter advised that a 1.8 metre high mesh-wire fence would be provided above the retaining wall.

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This mesh-wire fence may also offer some passive surveillance of the shared path along Roystonea Avenue.

4. Pursuant to section 51(1)(e) of the *Planning Act 1999*, the consent authority must take into consideration the three (3) public submissions received during the exhibition period under Section 49 of the *Planning Act 1999* with respect to the proposal.

The three (3) submitters' concerns are summaries as::

- A potential shortage of car parking onsite; and
- An increase and concentration of social housing;

Car parking shortage

The applicant was made aware of the community's concern and provided amended plans to include a visitor's car parking space within the site. This is intended to alleviate the potential issue of on-street car parking by visitors of the proposed units. Subsequently, the proposal now provides the number of car parking spaces required by Clause 5.2.4 Car Parking of the NTPS 2020, and one (1) additional car parking space is provided for visitors on-site. This outcome provides surplus car parking spaces for the proposed development.

Concentration of potential social housing

Development Assessment Services acknowledges the concerns of residents regarding changes within their locality, and perceived or apparent changes in demographics with their neighbourhood. However, the NTPS 2020 does not stipulate the type of residents that will occupy residential dwellings within the residential zone. The proposed development will increase the dwelling density in the locality. However, this is consistent with the purpose, outcomes, and residential density requirements of Zone LMR (Low-Medium Density Residential) and the proposed development will offer a housing choice for people in Northern Territory. There are no undue impacts foreseen resulting from 3 x 2-bedroom units with sufficient private open space, car parking for each dwelling and an additional shared visitor car parking space onsite.

At the meeting, the applicant provided an overview of the proposal and explained that the proposal had been prepared to comply with the NTPS 2020. In addition, they explained that the proposed plan had been amended during the assessment stage to address concerns raised by the Development Assessment Services (DAS) with regard to breeze penetration and the submitters concerns regarding additional car parking spaces for visitors.

the consent authority asked the applicant if there was capacity for them to further address the visitor car parking matter raised by the submitters. The applicant reiterated that the proposal meets the NTPS 2020 car parking requirements. However, the applicant indicated that they could investigate opportunities to provide an additional 2 car parking space in addition to the 1 visitor car parking space already provided. The applicant appeared confident that these additional car parking spaces could be provided.

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The submitters who attended the meeting were Bronwyn Simmonds, Brent Hellet and Jason Tong and were given an opportunity to raise their concern regarding the proposed development.

Ms. Simmonds highlighted her concerns about increased on-street car parking by members of the public and the potential overflow of vehicles from the future residents of the proposed development. While acknowledging that the proposed development provided the required car parking spaces as per NTPS 2020, Ms. Simmonds supported the provision of additional car parking spaces as suggested by the applicant.

Mr. Tong highlighted his concerns around the impact of noise from Roystonea Avenue on the proposed units and the concentration of social housing.

Mr. Hellet highlighted his concerns around future occupants of the units, potential traffic impacts introduced by the proposed development and enquired about a stormwater management issue on Maurice Terrace occurring during periods of heavy rainfall near the dog park.

During the meeting, Christopher Tickner attended on behalf of the City of Palmerston (CoP). CoP acknowledged concerns around traffic and stormwater management, and advised the submitters that CoP will work with the developer to address the stormwater management issue as part of any subsequent Development Permit. CoP reminded the submitters that car parking on the verge is illegal. The consent authority advised that the planning application was to assess residential dwellings in accordance with the NT Planning Scheme 2020. Subsequently, it would be the developer's responsibility to ensure that a stormwater plan is approved by CoP and to the satisfaction of the consent authority.

The applicant advised that there is no assessment benchmark under the applicable clauses in the NTPS 2020 for noise attenuation in this instance. However, the proposed retaining wall along Roystonea Avenue frontage would likely alleviate some noise impacting the site from Roystonea Avenue.

At the meeting the consent authority reiterated that its consideration relates to the proposed development and its use as a dwelling-group in accordance with the NT Planning Scheme 2020. The NT Planning Scheme 2020 does not regulate who will occupy or own land. Subsequently, the use of the land for social housing is not a consideration of the consent authority.

The consent authority acknowledged the concerns about visitor parking on the street. However, the amended plans for the proposed development incorporated compliant car parking, and an additional visitor car park. The consent authority did not consider that the proposed development of three 2 bedroom dwelling units, which was otherwise compliant with the NTPS 2020, warranted an exercise of its discretion under clause 1.10.6 to require a higher standard of development than the requirements set out in Part 5 of the NT Planning Scheme 2020. Subsequently, additional car parking was not required.

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5. Pursuant to section 51(1)(m) of the *Planning Act 1999*, the proposal was circulated to local and service authorities and consent authority may take into consideration the following comments:

The City of Palmerston, Department of Logistic and Infrastructure (DLI); and Power and Water Corporation (PWC) did not object to the proposed development. However, DLI's Transport and Civil Services Division (TCSD) does not permit the proposed stormwater discharge from the subject lots onto Roystonea Ave road corridor. While this is the preferred option for the developers and City of Palmerston, TCSD reiterated that stormwater shall be wholly contained within the subject lot and discharged into the local underground stormwater system of the City of Palmerston (Maurice Terrace). The applicant was made aware of the position of TCSD and it is noted that the matter of stormwater discharge was still being disputed by the applicant at the time of the meeting.

At the meeting, Mr. Winter explained that TCSD's position on the discharge of stormwater to Maurice Tce is now understood and therefore, further consultation with City of Palmerston will continue to resolve the matter. The applicant is aware that there will be a relevant condition precedent as part of the development permit.

Other matters raised by the service authorities can be addressed by way of conditions and notes in any subsequent development permit.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

**ITEM 4
PA2024/0271**

DWELLING-GROUP (3 X 2 BEDROOM) IN 2 SINGLE STOREY BUILDINGS

LOT 5430 (68) MAURICE TERRACE, BAKEWELL, TOWN OF PALMERSTON

APPLICANT

Goldbox

Pursuant to section 97 of the *Planning Act 1999*, Athina Pascoe-Bell, Community Member of the Palmerston Division of the Development Consent Authority disclosed an interest and was not present during, contributed to or took part in the deliberation or decision of the Division in relation to Item 4.

Applicant: Maria Pajarillo (Goldbox) sent her apology.
Paul Winter (Director, Habitat NT) and Lee Philips (Senior Project & Sales Manager, Habitat NT) attended on behalf of Venture Housing who will be the developers.

Submitters who attended: - Bronwyn Simmonds, Brent Hellet and Jason Tong.

Interested parties who attended:- Nathan and Jessica and Louisa Diaz.

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RESOLVED
52/24

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Lot 5430 (68) Maurice Terrace, Bakewell, Town of Palmerston for the purpose of Dwelling-group (3 x 2 bedroom) in 2 single storey buildings, subject to the following conditions:

CONDITIONS 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) The retaining wall with embellishment(s) to improve its interface with Roystonea Avenue; and
 - (b) Details of landscaping along the allotment boundary with Roystonea Avenue, to include some form of 'vertical landscaping.'
2. Prior to the endorsement of plans and 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.
3. 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.
4. Prior to the commencement of works, the applicant is to prepare and submit a driveway plan to be approved by the City of Palmerston, to the satisfaction of the consent authority.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Palmerston / Department of Logistic and Infrastructure to the satisfaction of the consent authority.
7. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

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8. 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 City of Palmerston, to the satisfaction of the consent authority.
9. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their visitors.
10. Before the *use/occupation of the development* starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
12. The private open space areas of each dwelling shall be screened on each boundary by:
 - a) the erection of a solid wall or screen fence not less than 1.8 metres high: or
 - b) fenced to a height not less than 1.8 metres high and planted with dense vegetation.
13. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity 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, 4 and 5 for further information.
14. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional-confirming that all new number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both landdevelopmentnorth@powerwater.com.au and powerconnections@powerwater.com.au.
15. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the meters within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained." (refer to notation 6).
16. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of the City of Palmerston / Department of Logistic and

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Infrastructure to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

17. 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.
18. 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.
19. Any proposed work (including the provision or connection of services) within, or impacting upon the Maurice Terrace and/or Roystonea Avenue road reserve shall be in accordance with the standards and specifications of the Transport and Civil Services Division of the Department of Logistics and Infrastructure and/or City of Palmerston, Design documents must be submitted to the Director Corridor Management, Transport and Civil Services Division and/or City of Palmerston for Road Agency Approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
20. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston, to the satisfaction of the consent authority.
21. 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.
22. 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.
23. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Emergency Services.
24. 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.

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1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (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.
2. Power and Water Corporation advise that prior to initial reviews and assessments being undertaken to determine Power and Water Corporations servicing requirements, the developer should submit an Expression of Interest (EoI) form via email to remotedevelopment@powerwater.com.au.
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.
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-or-plan-with-the-nbn/new-developments/builders-designers.html>.
5. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5346 (surveylandrecords@nt.gov.au).
6. All land in the Northern Territory is subject to the *Weeds Management Act 2001* (WM Act). The WM Act describes the legal requirements and responsibilities that apply to owners and occupiers of land regarding declared weeds. Section 9 general duties include the requirement to take all reasonable measures to prevent land being infested with a declared weed and to prevent a declared weed from spreading. There are additional duties including a prohibition on buying, selling, cultivating, moving or propagating any declared weed and the requirement to notify the Weed Management Branch of a declared weed not previously present on the land within 14 days of detection.
Should you require further weed management advice contact the weed management branch by phone on (08) 8999 4567 or by email to weedinfo@nt.gov.au.
7. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to

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seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.

8. 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) or by phone on 08 8936 4070 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.

The present application relates to Lot 5430 (68) Maurice Terrace, Bakewell, Town of Palmerston (the site). The application proposes the construction 3 x 2-bedroom dwelling-groups in 2 single storey buildings. The site has a total area of 1050m² and is wholly located within Zone LMR (Low-Medium Density Residential) with no overlays. The site has frontage to both Maurice Terrace and Roystonea Avenue. However, the proposed access is limited to Maurice Terrace.

The NT Planning Scheme 2020 applies to the land and Dwelling-group (3 x 2 bedroom) in 2 single storey buildings requires consent under Clause 1.8 (1)(b)(i). It is identified as Merit Assessable under Clause 4.3 Zone LMR – Low-Medium Density Residential therefore Part 3, 4 and 5 of the NT Planning Scheme 2020 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.

2. 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.

The proposal is for a dwelling-group (3 x 2 bedroom) in 2 single storey buildings. The subject site is zoned LMR (Low-Medium Density residential) which supports a range of low-rise housing options that contribute to the streetscape and residential amenity in the locality. Therefore, the proposal meets the purpose of the zone and is expected to fit within the locality.

Additionally, the Department of Environment, Parks and Water Security did not identify or raise any issues of concern in relation to land capability. Subsequently, the land is considered capable of supporting the proposed development.

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3. 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 proposed development will increase the dwelling density in the locality. This is consistent with the purpose, outcomes and required residential density of Zone LMR (Low-Medium Residential Density). The proposed development will offer housing choice. While some residents may be concerned about the increase of units in the streets, there is no undue impact foreseen resulting from 3 x 2-bedroom dwellings with compliant private open space and 2 car parking space for each unit with an additional shared visitor car parking space onsite.

It is noted that the proposed development incorporates a 'large' retaining wall, up to 2 metres high, along its boundary with Roystonea Avenue. This raised concerns about its impact on the amenity of a shared path along Roystonea Avenue, as witnessed by another development north of the site along Roystonea Avenue. The applicant will work on the proposed retaining wall to soften the interface along Roystonea Avenue.

At the meeting, Paul Winter and Lee Philips, acting on behalf of the applicant, advised that the proposed plans had been amended during the assessment stage to reduce the height of the retaining wall from 2m to 1.5m and be set back (500mm) from the property boundary on Roystonea Avenue. However, the retaining wall would likely need to be 2m high and built on the boundary to allow for stormwater to be discharged to Maurice Terrace.

At the meeting, it was noted that a retaining wall may provide some noise attenuation from Roystonia Avenue. In addition, Mr Winter advised that a 1.8 metre high mesh-wire fence would be provided above the retaining wall. This mesh-wire fence may also offer some passive surveillance of the shared path along Roystonea Avenue.

4. Pursuant to section 51(1)(e) of the *Planning Act 1999*, the consent authority must take into consideration the three (3) public submissions received during the exhibition period under Section 49 of the *Planning Act 1999* with respect to the proposal.

The three (3) submitters' concerns are summaries as:

- A potential shortage of car parking onsite; and
- An increase and concentration of social housing;

Car parking shortage

The applicant was made aware of the community's concern and provided amended plans to include a visitor's car parking space within the site. This is intended to alleviate the potential issue of on-street car parking by visitors of the proposed units. Subsequently, the proposal now provides the number of car parking spaces required by Clause 5.2.4 Car Parking of the NTPS 2020, and one (1) additional car parking space is provided for visitors on-site. This outcome provides surplus car parking spaces for the proposed development.

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Concentration of potential social housing

Development Assessment Services acknowledges the concerns of residents regarding changes within their locality, and perceived or apparent changes in demographics with their neighbourhood. However, the NTPS 2020 does not stipulate the type of residents that will occupy residential dwellings within the residential zone. The proposed development will increase the dwelling density in the locality. However, this is consistent with the purpose, outcomes, and residential density requirements of Zone LMR (Low-Medium Density Residential) and the proposed development will offer a housing choice for people in Northern Territory. There are no undue impacts foreseen resulting from 3 x 2-bedroom units with sufficient private open space, car parking for each dwelling and an additional shared visitor car parking space onsite.

At the meeting, the applicant provided an overview of the proposal and explained that the proposal had been prepared to comply with the NTPS 2020. In addition, they explained that the proposed plan had been amended during the assessment stage to address concerns raised by the Development Assessment Services (DAS) with regard to breeze penetration and the submitters concerns regarding additional car parking spaces for visitors.

the consent authority asked the applicant if there was capacity for them to further address the visitor car parking matter raised by the submitters. The applicant reiterated that the proposal meets the NTPS 2020 car parking requirements. However, the applicant indicated that they could investigate opportunities to provide an additional 2 car parking space in addition to the 1 visitor car parking space already provided. The applicant appeared confident that these additional car parking spaces could be provided.

The submitters who attended the meeting were Bronwyn Simmonds, Brent Hellet and Jason Tong and were given an opportunity to raise their concern regarding the proposed development.

Ms. Simmonds highlighted her concerns about increased on-street car parking by members of the public and the potential overflow of vehicles from the future residents of the proposed development. While acknowledging that the proposed development provided the required car parking spaces as per NTPS 2020, Ms. Simmonds supported the provision of additional car parking spaces as suggested by the applicant.

Mr. Tong highlighted his concerns around the impact of noise from Roystonea Avenue on the proposed units and the concentration of social housing.

Mr. Hellet highlighted his concerns around future occupants of the units, potential traffic impacts introduced by the proposed development and enquired about a stormwater management issue on Maurice Terrace occurring during periods of heavy rainfall near the dog park.

During the meeting, Christopher Tickner attended on behalf of the City of Palmerston (CoP). CoP acknowledged concerns around traffic and

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stormwater management, and advised the submitters that CoP will work with the developer to address the stormwater management issue as part of any subsequent Development Permit. CoP reminded the submitters that car parking on the verge is illegal. The consent authority advised that the planning application was to assess residential dwellings in accordance with the NT Planning Scheme 2020. Subsequently, it would be the developer's responsibility to ensure that a stormwater plan is approved by CoP and to the satisfaction of the consent authority.

The applicant advised that there is no assessment benchmark under the applicable clauses in the NTPS 2020 for noise attenuation in this instance. However, the proposed retaining wall along Roystonea Avenue frontage would likely alleviate some noise impacting the site from Roystonea Avenue.

At the meeting the consent authority reiterated that its consideration relates to the proposed development and its use as a dwelling-group in accordance with the NT Planning Scheme 2020. The NT Planning Scheme 2020 does not regulate who will occupy or own land. Subsequently, the use of the land for social housing is not a consideration of the consent authority.

The consent authority acknowledged the concerns about visitor parking on the street. However, the amended plans for the proposed development incorporated compliant car parking, and an additional visitor car park. The consent authority did not consider that the proposed development of three 2 bedroom dwelling units, which was otherwise compliant with the NTPS 2020, warranted an exercise of its discretion under clause 1.10.6 to require a higher standard of development than the requirements set out in Part 5 of the NT Planning Scheme 2020. Subsequently, additional car parking was not required.

5. Pursuant to section 51(1)(m) of the *Planning Act 1999*, the proposal was circulated to local and service authorities and consent authority may take into consideration the following comments:

The City of Palmerston, Department of Logistic and Infrastructure (DLI); and Power and Water Corporation (PWC) did not object to the proposed development. However, DLI's Transport and Civil Services Division (TCSD) does not permit the proposed stormwater discharge from the subject lots onto Roystonea Ave road corridor. While this is the preferred option for the developers and City of Palmerston, TCSD reiterated that stormwater shall be wholly contained within the subject lot and discharged into the local underground stormwater system of the City of Palmerston (Maurice Terrace). The applicant was made aware of the position of TCSD and it is noted that the matter of stormwater discharge was still being disputed by the applicant at the time of the meeting.

At the meeting, Mr. Winter explained that TCSD's position on the discharge of stormwater to Maurice Tce is now understood and therefore, further consultation with City of Palmerston will continue to resolve the matter. The applicant is aware that there will be a relevant condition precedent as part of the development permit.

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Other matters raised by the service authorities can be addressed by way of conditions and notes in any subsequent development permit.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

ITEM 5
PA2024/0155

**DRIVE-THROUGH ADDITIONS (DIRECT TO BOOT SERVICE) TO AN EXISTING SHOPPING CENTRE
LOT 14482 (253) CHUNG WAH TERRACE, BAKEWELL, TOWN OF PALMERSTON**

APPLICANT

MasterPlan NT

Attended in person - applicant: George Dakis and Nick Kearn (Masterplan) and Emanuel Milatos (Senior Project Manager – Turner and Townsend NT),
Attended via teams link Nejmi Elia (Head of Property – eCommerce Woolworths Group).

RESOLVED
53/24

That, the Development Consent Authority vary the requirements of Clause 5.2.4.1 (Car Parking Spaces) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 14482 (253) Chung Wah Terrace, Bakewell, Town of Palmerston for the purpose of drive-through addition (Direct To Boot services) to an existing shopping centre, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works a waste management plan in accordance with Council's Waste Management Guideline is required to be submitted, to the requirements of the City of Palmerston, to the satisfaction of the consent authority. The waste management plan should include information about the types of trucks being used to collect refuse from the site.
2. Prior to the commencement of works, details of sightlines for vehicles and pedestrians is required to be submitted, to the requirements of the City of Palmerston, to the satisfaction of the consent authority. This includes demonstration of the right turn from the service area is safe and appropriate for all vehicles.

GENERAL CONDITIONS

3. The use may operate only between the hours of 8am to 8pm daily.
4. The operation of this use must not result in the stopping, queuing, or illegal parking of vehicles on Council's local road network. If stopping, queuing or illegal parking is found to be caused by the operation then the capacity of the operation must be reduced.

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5. Any reinstatement works required because of any damage or alterations caused to infrastructure or landscaping belonging to City of Palmerston, must be undertaken by the applicant, to the technical standards of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.
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. Any security boom, barrier or similar device controlling vehicular access to the premises must be located a minimum of six metres inside the property to allow vehicles to stand clear of Mannikan Court pavement and footpath.
8. 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 City of Palmerston, to the satisfaction of the consent authority.
9. “No entry/no exit” signs, arrows directing the internal traffic movement on site, and additional signage measures indicating where to park when the boom gate is closed shall be provided to the requirements and satisfaction of the consent authority.
10. 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.
11. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity 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 1 for further information.
12. 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.
13. 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. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (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.
2. All signage is subject to City of Palmerston approval, at no cost to Council.

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

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.

The present application relates to Lot 14482 (253) Chung Wah Terrace, Bakewell, Town of Palmerston (the site). The application proposes the repurposing of 2 loading bays for the purpose of a drive-through addition (Direct To Boot service) to an existing shopping centre, including the construction of a covered area and the relocation of the 2 existing loading bays within the site. The site has a total area of 1.95 hectares, with an existing shopping centre, car parking and loading bays. The site is within Zone C and is not affected by any overlays.

The NT Planning Scheme 2020 applies to the land and drive-through addition (Direct To Boot service) to an existing shopping centre requires consent under Clause 1.8 (When development consent is required). It is identified as *Impact Assessable* under Clause 4.11 – Zone C (Commercial) as the use is undefined within Schedule 2 of the NT Planning Scheme 2020, therefore the Strategic Framework (Part 2 of the Scheme, including the Darwin Regional Land Use Plan), the zone purpose and outcomes of Clause 4.11 Zone C (Commercial), and Clause(s) 5.2.1 (General Building Height), 5.2.4 (Car Parking), 5.2.5 (Loading Bays), 5.2.6 (Landscaping), 5.2.7 (Setbacks for Development Adjacent to Land in Zone LR, LMR, MR or HR), 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC), 5.5.2 (Commercial Plot Ratio), 5.5.4 (Expansion of Existing Developments in Zones CB, C, SC and TC), 5.5.12 (Shopping Centre), 5.5.15 (Design in Commercial and Mixed Use Areas) and 5.5.17 (Building Frontage in Commercial and Mixed Use Areas), 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 Clause 5.2.4.1 (Car Parking Spaces).

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:
Administration clauses of the requirement; and
listed under Clause 1.10(3) or 1.10(4).

The proposal has been found not to be in accordance with Clause 5.2.4.1 (Car Parking Spaces), and Clause 5.5.12 (Shopping Centre), because the proposal will result in the reduction of 2 car parking spaces.

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It is considered that a variation to this clause is appropriate in this instance because:

- (a) The proposal is consistent with the purpose of Clause 5.2.4.1 (Car Parking Spaces) in that the proposal provides a drive-through service intended to reduce the need for customers to park and walk into the supermarket, potentially reducing the need for car parking spaces. Administratively, *the consent authority may consent to a use or development that is not in accordance with sub-clause 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...* This proposal results in a further reduction in car parking by 2 car parking spaces.
- (b) The considerations listed under Clause 1.10(4) have been given regard to and it has been found that the proposal complies with all relevant requirements of the NT Planning Scheme 2020, except for Clause 5.2.4.1 (Car Parking Spaces), as identified above.

3. 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.

The site is located within Zone C (Commercial) with no applicable overlays. The proposed development is ancillary to an existing shop. Subsequently, the subject land is considered capable of supporting the proposed development.

4. 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.

The application was circulated to the relevant authorities, and comments received from these authorities are addressed by including conditions and/or notations on the development permit as required.

Service Authorities and City of Palmerston provided no objections to the granting of a development permit. However, City of Palmerston indicated that no objection was provided should the matters of pedestrian safety, refuse collection, impacts on Mannikan Court and operating hours be addressed to the satisfaction of the consent authority.

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The application provided traffic advice indicating that “the proposed changes are supported from a traffic and parking perspective,” and the conditions requested by City of Palmerston have been incorporated into the subsequent Development Permit, include the requirement for waste management to be approved by the City of Palmerston and queuing to not occur on Mannikan Court.

At the meeting, the applicant, represented by George Dakis, Nick Kerns, Emmanuel Milatos, and Nejmi Elia, explained that the proposed development would be one of over 700 ‘Direct To Boot’ services across Australia. The applicant referred to the proposed development’s 6 bays (stacked) as the ‘Platinum Design Option,’ and showed images of other ‘Direct to Boot’ services with 6 bays (stacked), showing that they were operational in Bunbury Plaza (Western Australia), Robina (Queensland), Fulham Gardens (South Australia) and Brassells (Queensland). The applicant advised that the use would be operated with ‘time-slot intervals’ of an hour. When asked how many users could attend within a time slot, the applicant advised that this could/would be adjusted once the use was operational. The users would then notify the operator using the electronic application when they were driving to the site.

City of Palmerston, represented by Christopher Tickner, reiterated Council’s primary concern that the proposed development may cause queuing on Mannikan Court, and indicated that any additional, directional signage would be appreciated.

The consent authority acknowledged the concerns about the proposed development’s impact on Mannikan Court. However, the consent authority also acknowledged that it was in the operator’s interest to ensure that the proposed development operate well. Additional signage and amendments to a condition requiring that the operations of the proposed development not result in the queuing or illegal parking on Mannikan Court were proposed.

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 proposed development seeks to establish a drive-through addition (Direct To Boot) to an existing shopping centre. The subject land currently accommodates 2 loading bays and the storage of waste, gas and shopping trolleys, with limited deliveries to between 7:00am – 7:00pm Monday to Saturday and 9:00am – 5:00pm on Sunday, pursuant to condition 26 of DP14/0370. The proposed development will remove one of these loading bays, whilst continuing previous operations, and limiting the ‘Direct To Boot’ service to between 8am and 8pm 7 days a week.

Subsequently, the potential impact on amenity is in the form of private vehicles accessing the area, and these vehicles being able to access the site for an additional 1 hour from Monday to Saturday, and an additional 3 hours on Sunday.

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This is considered acceptable, as these are likely to be cars only, not trucks, and existing screening and noise attenuation is already present.

FOR: 5

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

25 November 2024