



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 136 – WEDNESDAY 15 FEBRUARY 2012

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

MEMBERS PRESENT: Peter McQueen (Chairman), Steve Ward, Jeffrey Porter, Susan McKinnon and Graeme Chin

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), George Maly, Deborah Buise and Belinda Osborne (Development Assessment Services)

COUNCIL REPRESENTATIVE: Mark Spangler (Director Technical Services) – Item 4 only

Meeting opened at 9.30 am and closed at 11.30 am

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

ITEM 1 **6 X 3 BEDROOM MULTIPLE DWELLINGS IN 3 X 2 STOREY BUILDINGS**
PA2011/0805 **LOT 10205 (157) FLYNN CIRCUIT, TOWN OF PALMERSTON**
APPLICANT **NT CONSULTING ENGINEERS**

Mr Michael Cooper (NT Consulting Engineers) And Mr Brian Clohsey (Orbitley – owner) attended.

RESOLVED
10/12

That the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme, and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 10205 Flynn Circuit, Town of Palmerston, for the purpose of 6 x 3 bedroom multiple dwellings in 3 x 2 storey buildings subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works and endorsement of plans, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston's underground stormwater drainage system shall be submitted to and approved by the City of Palmerston, to the satisfaction of the consent authority.
 - (a) 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 to Council's stormwater system.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements and satisfaction of the relevant service authority at no cost to the relevant service authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services to the land shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
6. Before the use of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.

7. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
8. Before the use of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
9. Waste bin storage shall be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.
10. 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 driveways and the public street.
11. 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. and
The owner shall:
 - a) remove disused vehicle and / or pedestrian crossovers;
 - b) provide footpaths / cycleways;
 - c) collect stormwater and discharge it to the drainage network; and
 - d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.
12. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
13. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
14. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.

15. 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.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the use is not started within two years of the date of this permit: or
 - (b) the development is not completed within four years of the date of this permit.

The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

2. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

REASONS FOR THE DECISION

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

The proposed development is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) to provide for a range of housing options.

A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme for a minimum front setback distance of 2.5m, where 6m is required by the Scheme due to Flynn Street being the frontage, can be supported as:

- the development will not result in adverse effects of building massing when viewed from adjoining land and the street as it is divided into 3 buildings, spaced 5m apart, and has adequate setbacks of 6.3m to the secondary street boundary, 9m to the eastern side boundary and 5m to the western side boundary;

- it is unlikely to lead to undue overlooking over adjoining properties as the balconies and verandahs have been setback 5m from the western side boundary;
- breeze penetration will be encouraged through and between the 3 buildings on site; and
- a safer flow of traffic is provided by locating the properties entry access off Annunciata Street and by doing so the access will not be opposite a public road intersection, as it would be if the property access was via Flynn Circuit.

Overall, it is anticipated that the proposal will be compatible with the surrounding area, which is currently being developed for residential use.

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

The proposed development will provide 6 x 3 bedroom, open plan units with separate yards, verandahs and balconies, double car ports, driveways and adequate breeze ventilation. The yards are large and landscaped, and the site is located within close proximity to a public park.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2011/0933
APPLICANT

CHANGE OF USE FROM OFFICE TO RESTAURANT
LOT 4620 (5) MCKENZIE PLACE, TOWN OF PALMERSTON
YELLOWCITY PTY LTD

Mr Terry Nixon (Yellowcity Pty Ltd) and Mr Shane & Mrs Michelle Doody (owners) attended.

RESOLVED
11/12

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 4620 (5) McKenzie Place, Town of Palmerston for the purpose of a change of use from office to restaurant, subject to the following conditions:

CONDITIONS

1. Works carried out under this permit shall be in accordance with drawings numbered 2011/0933/1 to 2011/0933/2, endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

3. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.
4. An approved effluent disposal system to the requirements of the Department of Health and Families and to the satisfaction of the consent authority must be installed and all waste must be disposed of within the curtilage of the property.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the use is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

REASONS FOR THE DECISION

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

The proposed restaurant will provide food and beverage services to workers in the surrounding industrial area and is therefore considered to be consistent with the purpose of the zone.

The proposal fully complies with the relevant provisions of the Scheme and results in a 2 car parking bay surplus with a respect to the overall use of the site.

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

The site is within an existing light industrial and service commercial area, the land is considered capable of supporting the development as proposed.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2011/0826
APPLICANT

DEPENDANT UNIT OVER 50M²
LOT 9423 (16) GREENHIDE ROAD, TOWN OF PALMERSTON
JETTNER BUILDING CONSULTANTS

Ms Amber Robertson (owner) and Mr Kevin Clark (builder) attended.

RESOLVED
12/12

That, the Development Consent Authority varies the requirements of Clause 7.10.4 (Dependant Units) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act* consent to the application to develop Lot 9423 (16) Greenhide Road, Town of Palmerston for the purpose of a dependant unit with a floor area of 58m² constructed from 2x demountable structures, subject to the following conditions:

CONDITIONS

1. Works carried out under this permit shall be in accordance with the drawings numbered 2011/0826/1, 2011/0826/2 and 2011/0826/3, endorsed as forming part of this permit.
2. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. The dependant unit is to be used only for the purpose of providing accommodation for a dependant of a resident of the existing dwelling.

NOTE:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

REASONS FOR THE DECISION

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

The proposed dependant unit is consistent with the primary purpose of Zone RR (Rural Residential) which is to provide for rural residential use.

Clause 6.8 (Demountable Structures)

Pursuant to Clause 6.8 (Demountable Structures) the use of demountable structures within RR (Rural Residential) zoned land, is supported as the (2) demountable structures being utilised to create the proposed dependant unit will be setback 17.5m from the northern side boundary, 31.5m from the rear boundary and 48.5 m from the front boundary, with existing landscaping screening views from the adjoining property at Lot 9422, Town of Palmerston, on the northern side boundary.

Furthermore, the shipping containers will be enhanced by the use of cladding the external walls with Colorbond custom orb and Dragonboard construction panels, and together with the addition of architectural features such as the windows, doors, a skillion roof and verandah will keep design consistency with surrounding residential developments and will not detract from the visual amenity of the area.

Clause 7.10.4 (Dependant Units)

A variation to Clause 7.10.4 (Dependant Units) of the NT Planning Scheme for a total floor area of 58m² where the Scheme requires a maximum of 50m² is supported as the dependant unit will be well setback from all boundaries and unlikely to be seen from the street due to being located behind an existing shed. Furthermore, landscaped gardens along the site's northern (side) boundary will provide screening from the adjoining property at Lot 9422, Town of Palmerston.

In addition, the dependant unit will be located approximately 30m from the primary dwelling, is the only dependant unit on the site and will utilise the same power, sewer, water and access as the single dwelling.

2. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact upon the existing and future amenity of the area in which the land is situated.

The proposed structure is screened from view by a shed and by established landscaping and as such is unlikely to impact on the existing and future amenity of the area.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2011/0479

**ADDITION OF 9 DEMOUNTABLE STRUCTURES FOR USE AS TEMPORARY
WORKERS ACCOMMODATION**

APPLICANT

**LOT 5012 (18) BERESFORD ROAD, TOWN OF PALMERSTON
JUNE D'ROZARIO & ASSOCIATES PTY LTD**

Ms June D'Rozario (June D'Rozario & Associates), Mr Matt McCourt (owner) and Mr Chris Renehan (Moonbeam Building Design) attended.

**RESOLVED
13/12**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 5012 (18) Beresford Road, Town of Palmerston for the purpose of addition of 9 demountable structures for use as a temporary workers accommodation subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the formal commencement of the use or the issue of a Certificate of Occupancy, amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - existing parking and internal access associated with the storage unit use; and
 - a sealed and line marked vehicle access and manoeuvring areas to and within the subject portion of the site to minimise potential conflict in traffic movements and manoeuvring on the site.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the plans and the Management Plan endorsed as forming part of this permit.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements and satisfaction of the relevant service authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Before the occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
6. 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.

7. Sight lines shall be provided at the juncture between the means of ingress and egress to the site and the public street to the satisfaction of the City of Palmerston, to the satisfaction of the consent authority.
8. Before the occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
9. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
10. All areas of the site which are not occupied by buildings, landscaping, car parking or driveways shall be maintained in a condition such that they will not cause detriment to the amenity of the locality by reason of appearance or the emission of dust, to the satisfaction of the consent authority.
11. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the consent authority. All waste material must be regularly removed from the site to an approved facility.
12. The use of the site for the purpose of a temporary workers accommodation must cease on 30 September 2015.

REASONS FOR THE DECISION

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

The development is generally consistent with plot ratio, density, height, setbacks provisions and the objective of the Service Commercial zone of the NT Planning Scheme.

2. Amended plans are required to demonstrate sufficient level of vehicular and pedestrian safety and residential amenity for the occupants of the site.
3. The proposal demonstrates merit in addressing a shortage in affordable housing market for trades people and contract workers who are essential to the industries in which they work.

4. Clause 6.8 (Demountable Structures) of the Scheme allows the Authority to consent to the placement of demountable structures on land without landscaping or architectural embellishments if it is satisfied that, due to the proposed use and their location the demountable structures will not detract from the visual amenity of an area.

The application proposes to provide landscaping along the visual sight lines of side and front boundaries and this is considered to be adequate given the temporary nature of the development and the relatively low visual impact of the proposal on the existing amenity of the area.

5. A four year limit on the use of the demountable structures will provide the Council and the Authority sufficient time to assess the impact of this use on the occupants of the site and the locality.

ACTION: Notice of Consent and Development Permit

ITEM 5
PA2011/0914
APPLICANT

5 X 3 BEDROOM MULTIPLE DWELLINGS IN 2 X 2 STOREY BUILDINGS
LOT 8247 (99) FARRAR BOULEVARD, TOWN OF PALMERSTON
MKEA ARCHITECTS PTY LTD

Mr Edward Farinha (MKEA Architects Pty Ltd) attended.

Mr Farinha tabled three amended plans:- overall floor plan, site plan and elevations.

RESOLVED
14/12

That, the Development Consent Authority vary the requirements of clauses 7.3 (Building Setbacks of Residential Buildings) and 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 8247 (99) Farrar Boulevard, Town of Palmerston for the purpose of 5 x 3 bedroom multiple dwellings in 2 x 2 storey buildings; subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and the commencement of works (including site preparation) amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a 6m wide driveway provided along all parking bays; and
 - garages of units 1 and 2 being located a further 1m from the front boundary.
2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston's

stormwater drainage system shall be submitted to and approved by the City of Palmerston, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston to the satisfaction of the consent authority.
6. 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.
7. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) undertake reinstatement works;All to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.
8. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;Car spaces and driveways must be kept available for these purposes at all times.
9. 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.

10. 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.
11. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
12. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
13. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
14. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the use is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

REASONS FOR THE DECISION

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

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

Amended plans showing a 6m wide driveway in front of Unit 1 are required to ensure safe and convenient manoeuvrability of cars using the garage.

A variation to clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow a reduced front setback of 4.8m where 8.5m is required for Units 1 and 2 and a reduced front setback of 6m where 7m is required for Units 3-5 due to additional length requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in Height) is supported as:

- The development otherwise complies with all other standard provisions of the Scheme including Clause 7.1.1 (Residential Density Limitations) and due to its position between Farrar Boulevard and the CN (Conservation) zone site, it is not considered likely to result in loss of amenity or privacy for the residents in the area or lead to excessive building massing when viewed from the street;
- The proposed front setback is visually consistent with other multiple dwelling development in the locality and the irregular shape of the lot being narrow at the west side boundary, precludes compliance with the additional setback requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the Scheme;
- Landscaping will be provided to increase the visual amenity of the development when viewed from the street; and
- The visual profile of the development which varies in height will maintain breeze penetration throughout the site.

A variation to clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow a reduced rear setback of 1m where 2.5m for units 3-5 is required and a reduced rear setback of 1.5m for Units 1 – 2 where 3m is required due to additional length requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in Height) is supported as:

- The CN (Conservation) zoned land at the rear of the site provides a buffer between the proposed development and the Stuart Highway;
- The architectural embellishments of the rear facade of the building which includes small windows to both bathrooms on the second floor and a single louvered window to bedroom 3 which is also located on the second floor (Units 1 and 2) and an small Ensuite and a medium size bedroom window on the second floor of Units 3-5, break up the visual mass of the development when viewed from the rear of the site; and
- Undue overlooking into the adjoining CN (Conservation) zoned land is not considered likely to result in a loss of privacy.

A variation to clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow a reduced east side setback of 1.5m

where 2m for is required due to additional length requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in Height) is supported as:

- No adverse effects of building massing are anticipated as only a corner of Unit 5 (the corner of the dwelling and the corner of the verandah) encroaches into the setback requirements;
 - No loss of privacy to neighbouring property is anticipated as the portion of the dwelling that does not have any windows facing the adjoining boundary and the verandah will be screened by a 1.8m high solid fence; and
 - The varying heights of the development and the open sided nature of the verandahs will encourage breeze penetration.
2. A variation to clause 7.5 (Private Open Space) of the NT Planning Scheme to allow for a reduction to the minimum dimension requirement of 5 x 5m for Unit 3 is supported as the private open space for Unit 3 is located directly off the living area and is accessible via a double sliding door. Due to the unusual shape of the lot, Unit 3 has been provided with an area which is approximately 4m x 5m rather than 5m x 5m and a total amount of private open space being approximately 92m².
 3. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

Provided that stormwater will be appropriately collected on site without impacting on surrounding residential areas and disposed of into Councils stormwater drainage system within Farrar Boulevard, no adverse physical impact on the surrounding land is anticipated.

ACTION: Notice of Consent and Development Permit

ITEM 6
PA2011/0878

**SHED ADDITION TO AN EXISTING SINGLE DWELLING WITH A
REDUCED FRONT SETBACK**

APPLICANT

**LOT 1655 (47) MCGUIRE CIRCUIT, TOWN OF PALMERSTON
MICHAEL COMLEY & HAYLE COMLEY**

Mr Michael & Mrs Hayle Comley attended.

RESOLVED
15/12

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 1655 (47) McGuire Circuit, Town of Palmerston for the purpose of a shed addition with a reduced front setback to require the applicant to provide the following additional information that

the Authority considers necessary in order to enable the proper consideration of the application:

- revised plans showing the proposed shed in a location with increased setbacks to Davron Circuit in accordance with the provisions of clause 6.11(Garages and Sheds) of the NT Planning Scheme.

REASON FOR THE DECISION

1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.
2. Revised plans are required to show that the proposed garage and particularly its size and location can be suitably amended in accordance with the provisions of Clause 6.11 (Garages and Sheds) of the NT Planning Scheme so that the proposed development will not detract from the streetscape or the amenity of adjoining land.

ACTION: Advice to Applicant

ITEM 7
PA2011/0976
APPLICANT

CHANGE OF USE FROM WAREHOUSE TO LEISURE AND RECREATION, SHOWROOM SALES, RESTAURANT AND WAREHOUSE LOT 9602 (2) MIDDLETON STREET, TOWN OF PALMERSTON
PLANIT CONSULTING PTY LTD

DAS tabled Council comments on additional information dated 14 February 2012.

Mr Adam Smith (Planit Consulting Pty Ltd) attended.

RESOLVED
15/12

That, pursuant to section 46(4)(b) the Development Consent Authority defer consideration of the application to develop Lot 9602 (2) Middleton Street, Town of Palmerston for the purpose of change of use from warehouse to leisure and recreation, showroom sales, restaurant and warehouse to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- evidence of legally enforceable access and parking entitlement on Lot 9603 Town of Palmerston for the life of the proposed uses on Lot 9602, Town of Palmerston.

REASONS FOR THE DECISION

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

In consideration of a reduction of the number of parking bays from 89 to 47 spaces, in accordance with the provisions of Clause 6.5.2 (Reduction

in Parking Requirements) of the NT Planning Scheme, the Authority requires the applicant to confirm that during peak demand parking can be legally sourced from the adjoining sites.

ACTION: Advice to Applicant

**ITEM 8
PA2011/0950
APPLICANT**

**CHANGES TO DP10/0183 TO CREATE AN ADDITIONAL 4 LOTS
LOTS 10032 & 10292 (395) CHUNG WAH TERRACE, TOWN OF PALMERSTON
EARL JAMES & ASSOCIATES**

Mr Kevin Dodd (Earl James & Associates) and Mr Graeme Finch (NS Projects Bellamack) attended.

**RESOLVED
16/12**

That the Development Consent Authority vary Clause 11.1.2 (Integrated Residential Development) of the Northern Territory Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lots 10032 and 10292 (395) Chung Wah Terrace, Town of Palmerston for the purpose of changes to DP10/0183 to create an additional 4 residential lots subject to the following conditions:

CONDITIONS

1. Works carried out under this permit shall be in accordance with drawings numbered 2011/0950/1 to 2011/0950/4 inclusive, endorsed as forming part of this permit.
2. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, electricity supply and telecommunications to each lot shown on the endorsed plan in accordance with the authorities requirements and relevant legislation at the time.
5. All proposed roads and public open space reserves to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.
6. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/ cycle corridors and street scaping are to be to the technical requirements of City of Palmerston to the satisfaction of the consent authority and all approved works constructed at the owners expense.

7. Landscaping and development of open space and streets/roads shall be designed and constructed to the requirements of City of Palmerston and/or the Department of Lands and Planning as the case may be, to the satisfaction of the consent authority and all approved works constructed at the owners expense.
8. Storm water is to be collected and discharged into the drainage network, in accordance with the technical standards of and at no cost to the City of Palmerston to the satisfaction of the consent authority. Where appropriate the stormwater drainage network shall incorporate Water Sensitive Urban Design (WSUD) in accordance with the requirements, and to the satisfaction, of Department of Lands and Planning, to the satisfaction of the consent authority.
9. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
10. Water Sensitive Urban Design (WSUD) and stormwater drainage design specifications are to be submitted to the Medical Entomology Branch of Department of Health and Families for assessment so as to ensure the appropriateness of the designs to limit biting insect breeding sites.
11. The site must be appropriately engineered, graded and contoured to eliminate the need for any back of lot drainage and to ensure all stormwater drainage is directed away from the Chung Wah Terrace, Elrundie Avenue and Roystonea Avenue road reserves, to the requirements of City of Palmerston and/ or Department of Planning and Infrastructure as the case may be, to the satisfaction of the consent authority.
12. All unsuitable soils within the residential component of the subdivision must be removed and replaced with appropriate soil type(s), with all excavation and/ or filling to be designed, supervised and certified on completion by a practising and registered Civil Engineer, confirming that the land is suitable for the intended residential use and development, in accordance with Australian Standard AS3798: Guidelines on earthworks for commercial and residential developments, to the satisfaction the consent authority.
13. The developer shall have carried out, as part of Stage 2 works, and in accordance with AS3671-1989, Acoustics - Road Traffic Noise Intrusion - Building Siting and Construction, an assessment by a suitably qualified person of the developments present and predicted future exposure to road traffic noise levels, and where required provide appropriate noise attenuation measures to the satisfaction of the Authority. All noise attenuation works deemed necessary shall be carried out by and at the full cost of the developer and shall be wholly contained (including foundations) within the subject lot.
14. The Chung Wah Terrace, Elrundie Avenue and Roystonea Avenue frontages are to be appropriately fenced, in accordance with standards and requirements of Road Network Division, Department of Lands and Planning to deter unauthorised vehicular and/or pedestrian movement. No pedestrian gates shall be permitted to the Chung Wah Terrace, Elrundie Avenue and Roystonea

Avenue road reserves from individual lots, to the satisfaction of the consent authority.

15. All proposed works within, or impacting upon, Chung Wah Terrace, Elrundie Avenue and Roystonea Avenue are to be designed, supervised and certified on completion by a practising and registered Civil Engineer in accordance with the standards and specifications of the Department of Lands and Planning, to the satisfaction of the consent authority.

NOTES:

1. Professional advice regarding implementation of soil erosion control measures to be employed throughout the construction phase of the development is available from Natural Resource Management Division, Department of Natural Resources, Environment, the Arts and Sport.
2. A Permit to Work within a Road Reserve may be required from the Manager, Road Operations, Road Projects Division, Department of Lands and Planning before commencement of any work within the road reserve.

REASONS FOR THE DECISION

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

A variation Clause 11.1.2 (Integrated Residential Development) of the Northern Territory Planning Scheme due to 350 (51.4%) residential lots (of both Precinct A and B) having an area less than 800m² is supported, as:

The average residential lot size for Precinct B is 971m² which is considered to be well in excess of the average lot size (700m²) required by the NT Planning Scheme for an Integrated Residential Development;

The proposal has merit in creating a small number of lots with an area of less than 800m² to make residential land more affordable and accessible to the broader community.

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

3. The site is being developed as an integrated residential suburb primarily comprising of low density residential allotments with a neighbourhood centre, community facilities and public housing. As such the proposed 4 lot addition is considered unlikely to adversely impact on the surrounding locality.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

22/2/12