



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 141 – WEDNESDAY 18 JULY 2012

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

MEMBERS PRESENT: Peter McQueen (Chairman), Stuart Delahay, Susan McKinnon, and Paul Bunker

APOLOGIES: Steve Ward

OFFICERS PRESENT: Margaret Macintyre (Secretary), George Maly, Deborah Bruise, Sarah Gooding and Roxanne Willing (Development Assessment Services)

COUNCIL REPRESENTATIVE: Ted Vivian

Meeting opened at 9.45 am and closed at 11.45 am

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

ITEM 1 **SHED WITH REDUCED SIDE & REAR SETBACKS**
PA2012/0295 **LOT 4025 (5) STOCKWHIP DRIVE, TOWN OF PALMERSTON**
APPLICANT **ANDREW REID**

The applicant did not attend.

RESOLVED That, pursuant to section 53(c) of the *Planning Act*, the Development Consent
84/12 Authority refuse to consent to the application to develop Lot 4025 (5) Stockwhip
Drive, Town of Palmerston for the purpose of a shed with reduced side and rear
setbacks for the following reasons:

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 to clause 6.11 (Garages and Sheds) of the NT Planning Scheme for a reduced side and rear setback of 3m where 5m are required by the Scheme, is refused as:

- its height and relatively large footprint will result in building massing when viewed from the adjoining properties;
- despite there being some screening vegetation on the neighbouring lots there is little vegetation on lot 4032 (11) Flockhart Drive (the effected rear boundary) that would screen the shed to a height of 3.44m;
- there is considered adequate room on-site to build the shed without impact on the required setbacks or impact on the use or amenity of the property; and
- the site is not constrained by an easement, irregularities of the parcel boundaries or any other circumstance which would preclude compliance with the requirements of the Northern Territory Planning Scheme.

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

The land is considered sufficiently sized and without physical constraint to allow for the shed to be sited in and alternative location and be fully compliant with the Northern Territory Planning Scheme.

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

Due to the height and relatively large footprint of the shed, its location 3m from the boundary will result in a significant impact on the amenity of the adjoining properties

ACTION: Notice of Refusal

ITEM 2 **SINGLE DWELLING WITH REDUCED SIDE SETBACK AND DEPENDANT UNIT**
PA2012/0345 **WITH A FLOOR AREA EXCEEDING 50M²**
APPLICANT **LOT 6946 (25) BRIDLE ROAD, TOWN OF PALMERSTON**
GERACIMOS KOUKOUVAS

Mr Geracimos Koukouvas attended.

RESOLVED
85/12

That, the Development Consent Authority varies clauses 7.1.2 (Residential Height Limitations); and 7.10.4 (Dependant Units) and, pursuant to section 53(b) of the *Planning Act*, alters the proposed development and consents to the proposed development as altered to develop Lot 6946 (25) Bridle Road, Town of Palmerston, for the purpose of a single dwelling within a Primary Storm Surge Area, exceeding a height of 8.5m; and a dependant unit with a floor area exceeding 50m² subject to the following conditions:

CONDITION PRECEDENT

1. Prior to endorsement of plans and the commencement of works (including site preparation), a full set of amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - All buildings on the site setback a minimum of 10m from all property boundaries; and
 - The Q100 flood level affecting the property.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.

5. 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.
6. Any gate over an access to a public road shall be placed on the subject site at least 4.5m from the face of the kerb line of the adjoining public road.
7. 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.
8. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
10. The owner of the land must provide a single point of infrastructure servicing to the development 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. There are 3.5m x 3.7m and 1m x 1m electricity easements for a Package Substation and an Underground Residential Distribution (URD) pillar on the property. Inappropriate fencing and blocking the 24hr access for operations and maintenance purposes is not permitted.
3. This development permit does not grant "building approval" for the proposed structure. The development and use hereby permitted should be designed and constructed in accordance with the Building Code of Australia.
4. Lot 6946 is located within both a Primary Storm Surge Area and a Secondary Storm Surge Area, with an Annual Exceedence Probability (AEP) of 1.0% and 0.1 % respectively. As the development is located within the Secondary Storm

Surge Area, there may be a slight increase in risk of inundation by storm surge to the rear of development in the event of a cyclone.

REASONS FOR THE DECISION

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

The proposal complies with the purpose of the RR (Rural Residential) zone to provide for rural residential uses.

In consideration of clause 6.14 (Land Subject to Flooding and Storm Surge) of the NT Planning Scheme, for new residential development within the portion of Lot 6946 affected by SSSA, is supported in this instance for the following reasons:

- the development is consistent with the current zoning and existing development of the area. Both neighbouring, Lots 6940 and 6941, to the south of Lot 6946, are developed for rural residential uses and both of these lots are located within the Secondary Storm Surge Area;
- the floor level of habitable rooms are a minimum of 300mm above the flood level for the site;
- Two Caution Notices are already registered to Lot 6946; the first notifying landowners of the close proximity of the site to the mangrove margin and that it will probably be exposed to high levels of mosquitos and biting midges; the second notifying land owners that Lot 6946 is located within the primary storm surge zone and the tidal mangrove fringe with potential acid sulphate soils; and
- notation on the permit issued has been included to advise the applicant that Lot 6946 is located within both a Primary Storm Surge Area and a Secondary Storm Surge Area, with an Annual Exceedence Probability (AEP) of 1.0% and 0.1 % respectively. As the development is located within the Secondary Storm Surge Area, there may be a slight increase in risk of inundation by storm surge to the rear of development in the event of a cyclone.

A variation to clause 7.1.2 (Residential Height Limitations) of the NT Planning Scheme, to allow a building height of 10.4m and part of a room (habitable or otherwise) 7.7m above ground level, is supported for the following reasons:

- only a small section of the roof pitch of the second storey element of the main residential building exceeds a height of 8.5m;

- the dwelling will be set back a minimum of approximately 57m from the Bridle Road street frontage and will have minimal impacts upon the streetscape;
- The second storey element of the dwelling will be located a minimum of 25m from the eastern side boundary; and
- The dwelling exceeds the maximum height restriction due to the use of fill to raise the building for protection against storm surge. Given the constraints of Lot 6946, this is considered acceptable in this instance.

A variation to clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme is not supported as, while the land is constrained by storm surge, this affects Lot 6946 in its entirety and thus does not support the strategic placement of the dwelling on Lot 6946, within the Secondary Storm Surge Area, to minimise the risks associated with this. It is considered that the block is of a sufficient size and shape configuration to comply with all setback requirements applicable.

A variation to clause 7.10.4 (Dependant Units) of the NT Planning Scheme is supported for the following reasons:

- the siting of the dwelling and character of the block;
- the dependant unit will be located behind the main dwelling, approximately 68m from the Bridle Road frontage and 20m from the western side boundary; and
- while the dependant unit is 26m² greater than the 50m² permitted under clause 7.10.4, it is considered that the dependant unit is setback a sufficient distance from all boundaries to ensure that it does not impact upon the surrounding amenity of the locality.

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 subject site intends to use reticulated water and therefore, there are no supply or allocation issues. Neighbouring Lots 6940 and 6941, to the south of Lot 6946, are developed for rural residential uses and both of these lots are located within the Secondary Storm Surge Area. Provided that the applicant is aware that any development permit issued does not grant "building approval" for the proposed structures and that the applicant is aware that there is a risk of storm surge and damage to property on the site, it is considered that the site is appropriate for residential development.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2012/0382
APPLICANT

SINGLE DWELLING WITH A REDUCED SIDE SETBACK
LOT 2213 (12) MARTIN COURT, TOWN OF PALMERSTON
GLEN PATRICK

Mr Glen Patrick attended.

RESOLVED
86/12

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 2213 (12) Martin Court, Town of Palmerston for the purpose of a single dwelling with a reduced side setback, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) the applicant is to provide evidence of agreement to the proposed setback reduction from the affected neighbour.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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.
8. 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.
 9. 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.
 10. 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.
 11. 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.

NOTES:

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

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

2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. 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.

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 to clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme for a reduced side setback of 1.0m where 1.5m is required is supported as:

- The garage will be located adjacent to the neighbouring properties garage and driveway and as such it is considered that the carport will not adversely affect the privacy of lot 2214 (13) Martin Court, Town of Palmerston or cause building massing when viewed from lot 2214 (13) Martin Court, Town of Palmerston;
- The building line steps in from the garage to allow a 2.1m setback for the majority of the western side boundary, it is considered unlikely that the reduced side setback of 1m for the garage will preclude breeze penetration;
- A variety of options had been considered for the dwelling's design and location with that proposed representing an optimal balance between the dwelling's functionality in terms of indoor space and natural ventilation and amenity of the site and the locality; and
- No submissions were received from the owners of Lot 2214 (13) Martin Court, Town of Palmerston.

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

Provided that stormwater will be appropriately managed on site without impacting on surrounding residential areas, no adverse physical impact on the surrounding land is anticipated.

ACTION: Notice of Consent and Development Permit

ITEM 4

WITHDRAWN

ITEM 5
PA2012/0391
APPLICANT

SUBDIVISION TO CREATE 215 LOTS
LOT 9765 (50) UNIVERSITY AVENUE, TOWN OF PALMERSTON
ELTON CONSULTING

DAS tabled an addendum.

Ms Wendy Smith, Mr Martin Klopper and Luke Jackson (Elton Consulting), Mr Geoff Smith and Mr Jeremy Clark (CIC Australia) and Mr Ken Suter (CDU) attended.

Ms Wendy Smith tabled:-

a drawing titled Urban Bush Regeneration Park:

information for discussions with the owners of residential properties at meetings on 29 and 30 November 2012;

Submitters:- Mr Kevin Kennedy and Ms Heather Ryan (representing Durack Resident Group), Ms Cheryl Dennis and Ms Josie Christie.

Ms Cheryl Dennis tabled a page from a draft MOU's and 12 pages of a draft Landscaping and Amenity Agreement.

Ms Heather Ryan tabled an update to Durack Resident Group's submission.

Mr Kennedy tabled plans showing the current line of the subdivision overlaid on the buffer zone.

RESOLVED
87/12

That the Development Consent Authority vary the provisions of Clause 11 of the SP8 (Specific Use Zone Palmerston No. 8) and, pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 9765 (50) University Avenue, Town of Palmerston for the purpose of a subdivision to create two hundred and fifteen Lots in 5 stages, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation) a Erosion and Sediment Control Plan (ESCP), to the Department of Natural Resources, Environment, the Arts and Sport's requirements, to the satisfaction of the consent authority, must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The ESCP should address the International Erosion Control Association (IECA) Best Practice Erosion and Sediment Control Guidelines 2008 and should detail management measures / interventions to be implemented to mitigate impacts to water quality and detail the containment measures for sediment on site.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) the applicant is to prepare a schematic plan demonstrating the method of storm water management to the requirements of the City of Palmerston and to the satisfaction of the consent authority.

3. Prior to the commencement of works (including site preparation) a Heritage Management Plan, to the Department of Natural Resources, Environment, the Arts and Sport's requirements, to the satisfaction of the consent authority, must be submitted to and approved by the consent authority.
4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) written confirmation is to be provided from the applicant clarifying the haulage and construction route. Where appropriate written permission must be received from the owner of the land if haulage is to occur on land other than Lot 9765 (50) University Drive, Town of Palmerston.

GENERAL CONDITIONS

5. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. The applicant shall demonstrate to the satisfaction of the consent authority how potential purchasers will be informed about the specific terms of the SU8 zone of the NT Planning Scheme, and in particular how the requirements of endorsed setback plan and house and land package documentation apply to each site.
7. 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.
8. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
9. 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.
10. All proposed roads and public open spaces reserves to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the Northern Territory and/or the City of Palmerston as the case may be.
11. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/cycle corridors and streetscaping are to be to the technical requirements of City of Palmerston and/or the Department of Lands and Planning as the case may be, to the satisfaction of the consent authority and all approved work constructed at the owner's expense.

12. All unsuitable soil within stages 3 through to 7 must be removed and replaced with appropriate soil type(s), with all excavation and/or filling to be designed, supervised and certified on completion by a practising and registered Civil Engineer, confirming that the land is suitable of the intended residential use and development, in accordance with Australian Standard AS3798: Guidelines on earthworks for commercial and residential developments, to the satisfaction of the consent authority.
13. Landscaping and development of open spaces and street/roads shall be designed and constructed to the requirements of the 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 owner's expense.
14. Before the use starts, an environmental management plan for the management and operation of the use which is to the satisfaction of the consent authority must be submitted to and approved by the consent authority upon the advice of NRETAS. When approved, the plan will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed plan. The environmental management plan must include:
 - (a) overall environmental objectives for the operation of the use and techniques for their achievement;
 - (b) procedures to ensure that no significant adverse environmental impacts occur as a result of the use;
 - (c) proposed monitoring systems;
 - (d) identification of possible risks of operational failure and response measures to be implemented; and
 - (e) day to day management requirements for the use.
15. Access shall not be permitted to the site without approval from the relevant authority, either for construction purposes or permanently, from the Roystonea Avenue road reserve other than via the newly constructed access off Roystonea Avenue opposite Yarrawonga Road.
16. All proposed work (including provision of services) within or impacting upon the Roystonea Avenue, University Avenue or Tiger Brennan Drive Road reserves shall be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Chief Executive, Department of Lands and Planning. Drawings must be submitted to the Director Roads for Road Agency, Department of Lands and Planning, irrespective of approvals granted by other Authorities. No works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
17. The upgrading of existing intersections and/or roads under the care, control and management of the NT Government to accommodate the traffic generated by the development shall be to the standards and approval of Road Network Division, at the Developer's cost. If a staged construction of required upgrades

is proposed, the Traffic Impact Assessment should be update to identify the Development stages at which proposed upgrades are required.

18. The applicant shall construct a road connection between the existing access to the Palmerston Water Park and the boundary to the site to the requirements of the City of Palmerston and/or the Department of Lands and Planning to the satisfaction of the consent authority.
19. Any services or connections within the Roystonea Avenue road reserve are subject to the approval of Road Network Division, Department of Lands and Planning. Methods of construction for the installation of services shall be such that all works are contained within the appropriate Nominal Service Corridor.
20. Where unfenced, the Roystonea Avenue frontage is 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.
21. Stormwater drainage shall be wholly contained within the site and discharged into the local stormwater system to the standards and approval of Road Network Division and/or City of Palmerston. All proposed lots fronting Roystonea Avenue shall be graded such that the stormwater run-off from the properties is away from the road and is able to be collected within the development area and appropriately discharged into the local stormwater system.
22. Stormwater is to be collected and discharged into the drainage network, and incorporate Water Sensitive Urban Design (WSUD) to the technical standards of and at no cost to the City of Palmerston and/or the Department of Lands and Planning as the case may be, to the satisfaction of the consent authority.
23. The developer shall have carried out, as part of stage 3 works, and in accordance with AS3671-1989, "Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction" an assessment by a suitably qualified person of the development's present and predicted future exposure to road traffic noise levels, and where required provide appropriate noise attenuation measures to the satisfaction of the Authority. All noise attenuation works deemed necessary shall be carried out by and at the full cost of the developer and shall be wholly contained (including foundations) within the subject lot. All noise attenuation works deemed necessary, either by building materials and design or lot layout, shall be carried out by and at the full cost to the developer and shall be wholly contained within the subject lot.
24. Prior to the commencement of works a flora and fauna survey shall be conducted to the requirements of NRETAS to the satisfaction of the consent authority.
25. The clearing, construction and future use of the land, including any noise attenuation measures, shall not be detrimental to the drainage of the Roystonea Avenue and/or Tiger Brennan Dive road reserves through the blocking of offlet

drains, natural drainage channels or overland flow. Alternative proposals to cater for the above can be considered by Road Network Division, Department of Lands and Planning.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Natural Resources, Environment, The Arts and Sport.
3. The Department of Natural Resources, Environment, The Arts and Sport advise that construction should be conducted in accordance with the NRETAS Noise Guidelines for Development Sites. The Guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
4. The Developer, his Contractor or Service Provider is required to obtain a "Permit to Work within a Road Reserve" from the Manager Road Operations, Road Projects Division, Department of Construction and Infrastructure (2nd Floor, Highway House, Palmerston) prior to the commencement of any works within the Berrimah road reserve.
5. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.

REASONS FOR THE DECISION

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

The proposed subdivision will facilitate the development of lot B in accordance with the objectives of the zone as the subdivision layout provides for housing choices through a range of lot sizes and housing types and includes open space and community uses. Although no commercial is anticipated at this stage it is noted that commercial uses are interchangeable with the residential uses subject to a number of requirements.

A variation to clause 11 (Building Setbacks) of zone SP8 of the Scheme to allow a change to the primary and secondary street frontages of lots 118, 144, 166, 167, 191, 226,241, 251, 261, 270, 271 and 317 is supported as:

- It will enable streets with 2 – 3 dwellings to be uniform in design;
- Enable additional surveillance of public areas and pedestrian walkways
- The impact of fencing on the streetscape will be minimised;
- The proposed layout provides the safe manoeuvring of traffic through the whole development; and
- It is proposed that lots 241 and 226 will have primary street frontage on the secondary street frontage so as not to interfere with the flow of traffic through the main road of 'The Heights'.
- Lots located on the street adjacent to the main collector road in stages 5 (Lots 144, 166, 167, 191 and 201) also require changes to the primary and secondary street setbacks so as to ensure the safe passage of traffic as this road will be utilised by stages 3 to 5.

A variation to clause 11 (Building Setbacks) of zone SP8 of the Scheme to allow a reduced front setback of 4.5m on lots 1106, 107, 110, 111, 114, 115,121, 122, 125, 133, 134, 139, 140, 145, 146, 151, 156, 157, 160, 161, 166, 172, 173, 181, 182, 204, 205, 207, 208, 215, 220, 226, 228, 235, 234, 245, 246, 255, 256, 259, 260, 275, 293, 308 and 309 where 6m is required by the Scheme frontages is supported as:

- The proposed setback changes will allow for variety in the streetscape and diversity in housing options in this new estate;
 - Soften building mass where lots greater than 400m² adjoin lots less than 400m²(for example Lot 125 has an area of 412m² and adjoins Lot 124 which has an area of 303m²)
 - It is also considered that moving the dwellings closer to the street frontage will activate the street and provide additional surveillance provided that front fencing is not placed in front of these properties This is particularly important where Lots overlook neighbourhood parks and public open spaces for example lots 228 and 215' require a setback of 6m. However by allowing these Lots to be setback 4.5m from the road will provide additional surveillance to Lot 227 which is allocated as a neighbourhood park; and
 - Existing vegetation can be retained.
2. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

Provided that stormwater is adequate address and an ESCP is developed in accordance to the requirements of NRETAS to the satisfaction of the

consent authority the land is considered capable of supporting the subdivision without any adverse impact on surrounding land.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

20/7/12