



**DEVELOPMENT CONSENT AUTHORITY**

**PALMERSTON DIVISION**

**MINUTES**

**MEETING No 156 – WEDNESDAY 16 OCTOBER 2013**

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

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

**APOLOGIES:** Nil

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

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 9.30 am and closed at 11.00 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ITEM 1            WITHDRAWN

ITEM 2            OFFICE, SHOWROOMS SALES AND RESTAURANT IN A TWO STOREY  
PA2013/0664       BUILDING

LOT 8673 (41) MCCOURT ROAD, TOWN OF PALMERSTON

APPLICANT        BELL GABBERT ASSOCIATES PTY LTD

Mr Wayne Gabbert (Bell Gabbert Associates Pty Ltd) attended.

**RESOLVED**  
**116/13**

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 8673 (41) McCourt Road, Town of Palmerston for the purpose of offices, showroom sales and a restaurant in a 2 storey building, subject to the following conditions:

#### **CONDITION PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston and/or the Department of Transport's underground stormwater drainage system shall be submitted to and approved by the City of Palmerston and/or the Department of Transport as the case may be, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's or Department's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council and/or the Department's 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. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston and/or the

Department of Transport as the case may be to the satisfaction of the consent authority.

6. No direct access, either for construction purposes or permanently, shall be permitted from the Temple Terrace road reserve. Access shall be provided off McCourt Road and be provided to the standards of the City of Palmerston to the satisfaction of the consent authority.
7. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Palmerston, to the satisfaction of the consent authority.
8. The owner shall:
  - (a) Remove disused vehicle and/ or pedestrian crossovers;
  - (b) Provide footpaths/ cycleways;
  - (c) undertake reinstatement works;All to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.
9. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) Constructed;
  - (b) Properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all-weather-seal coat;
  - (d) Drained;
  - (e) Line marked to indicate each car space and all access lanes; and
  - (f) Clearly marked to show the direction of traffic along access lanes and driveways;
10. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
11. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
13. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
14. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

15. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.
16. All proposed work affecting the Temple Terrace road reserve is to be designed, supervised and certified on completion by a Chartered Professional Civil Engineer in accordance with the standards and specifications of the Department of Transport 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](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Temple Terrace traffic.
4. A "Permit to Work Within a Road Reserve" may be required from the Department of Infrastructure before commencement of any work within their 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.

Due to the mixed use nature of the development a large site is necessary to facilitate the proposal and as such it is considered that the proposed development is consistent with the purpose of the zone.

2. A variation to Clause 6.3 of the Scheme is granted as only a small portion of the car parking area encroaches into the requirements and the proposed landscaping and the existing landscaping on the Temple Terrace road reserve will be sufficient to screen the proposed development from public view.
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.

It is noted that the land is currently vacant and the landscaping associated with the development will enhance the visual amenity the area. Furthermore, provided that the collection and discharge of stormwater is managed to Council and/or the Department of Transport's satisfaction, the proposal is considered likely to positively contribute to the future amenity of the locality.

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

**ITEM 3**                    **UNIT TITLE SUBDIVISION TO CREATE 2 UNITS AND COMMON PROPERTY**  
**PA2013/0556**           **LOTS 11705 & 11783 (270) LAMBRICK AVENUE, TOWN OF PALMERSTON**  
**APPLICANT**           **EARL JAMES & ASSOCIATES**

Mr Kevin Dodd (Earl James & Associates) and Mr Andrew Bartington (Urbex) attended.

Mr Dodd tabled further information on the application.

**RESOLVED**            That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent  
**117/13**                    Authority defer consideration of the application to develop Part Lot 11705 (270)  
Lambrick Avenue (Proposed Lot 11783, Town of Palmerston), for the purpose of a  
unit title subdivision to create 2 units and common property 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:

- A proposed scheme statement which will include reference to:
  - (a) dwelling density limitations;
  - (b) requirement for Development Applications to be lodged for each dwelling;  
and
  - (c) dispute resolution provisions.
- Written confirmation from the Power and Water Corporation indicating that each unit entitlement can be serviced in accordance with Power and Water Corporation's servicing requirements.

**ACTION:** Advice to Applicant

**ITEM 4**                    **HEAVY VEHICLE MAINTENANCE AND SERVICING**  
**PA2013/0631**           **LOT 6319 (7) TOUPEIN ROAD, TOWN OF PALMERSTON**  
**APPLICANT**           **GL TOWN PLANNING**

The applicant sent his apologies.

**RESOLVED**            That the Development Consent Authority determines that 43 car parking spaces for  
**118/13**                    the proposed development is adequate in accordance with Clause 6.5.1(3) (Parking  
Requirements - consent authority to determine the number of car parking spaces  
required) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning  
Act*, consent to the application to develop Lot 6319 (7) Toupein Road, Town of

Palmerston for the purpose heavy vehicle maintenance and servicing, subject to the following conditions:

### **CONDITION PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston's or Department of Transport's stormwater drainage system shall be submitted to and approved by the City of Palmerston and/or Department of Transport as the case may be, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's/Department's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected to Council's and/or Department's stormwater drainage 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. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston or Department of Transport as the case may be, to the satisfaction of the consent authority.
6. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
7. No direct access, either for construction purposes or permanently, shall be permitted from the Stuart Highway road reserve. Access shall be provided off Toupein road and be provided to the standards of the City of Palmerston to the satisfaction of the consent authority.
8. No goods are to be stored or left exposed outside the buildings so as to be visible from any public street.
9. 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.

10. 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.
11. 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;
12. 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.
13. 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.
14. 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.
15. Sight lines shall be provided at crossovers to public streets to the satisfaction of the Director of Technical Services, City of Palmerston. No fence or tree exceeding 0.6m in height shall be planted in front of the sight line.
16. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
17. 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.
18. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.
19. All proposed work affecting the Stuart Highway road reserve is to be designed, supervised and certified on completion by a Chartered Professional Civil Engineer in accordance with the standards and specifications of the Department of Transport 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](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. A "Permit to Work Within a Road Reserve" may be required from the Department of Transport before commencement of any work within their road reserve.
4. The permit is granted for the purpose of maintenance and servicing of heavy vehicles in 3 tenancies. Any changes to the use will require consent.

## 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.

Due to the nature of the use which is to service heavy vehicles a large site was necessary to facilitate the proposal and as such it is considered that the proposed development is consistent with the purpose of the zone.

In accordance with Clause 6.5.1(3) (Parking Requirements), the consent authority is to determine the number of car parks required by an undefined use. The land is to be used and developed for the of 'Heavy Vehicle Maintenance and Servicing', and the provision of 43 car parking spaces is determined to be adequate given that the development is not expected to generate an overwhelming amount of traffic and the number of car parks is comparable with a similar operation on an adjacent lot.

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

The proposed development, which is adjacent to a similar operation, is located within an established service commercial area. The proposed development will be screened by landscaping to the front boundary, and as such it is unlikely that the amenity of the area will be impacted upon.



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.

Lot 6319 (7) Toupein Road, Town of Palmerston has an area of 4040m<sup>2</sup>, is regular in shape and has street frontage to Toupein Road. The site has been cleared and is currently undeveloped.

Provided that stormwater is appropriately managed on site without impacting on surrounding residential areas and disposed of into Councils stormwater drainage system within Toupein Road, the land is considered capable of supporting the development as proposed.

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

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



**PETER MCQUEEN**  
Chairman

18/10/13

