



**DEVELOPMENT CONSENT AUTHORITY**

**PALMERSTON DIVISION**

**MINUTES**

**MEETING No 142 – WEDNESDAY 15 AUGUST 2012**

**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 Buise (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**                    **CHANGES TO DP10/0675 FOR THE PURPOSE OF CHANGES TO PRIVATE OPEN SPACE, SETBACKS, INTERNAL BUILDING LAYOUTS, EXTERNAL FACADE AND LANDSCAPING**  
**PA2012/0446**            **LOT 10287 (235) LAMBRICK AVENUE, TOWN OF PALMERSTON**  
**APPLICANT**            **MASTERPLAN NT**

Mr Brad Cunnington and Ms Adelle Godfrey (Masterplan NT) and Mr John Tsoukalis attended.

Mr Cunnington tabled advice from GHD on proposed residential subdivision adjacent to Lambrick Avenue.

**RESOLVED**  
**95/12**

That the Development Consent Authority vary clauses 7.3 (Building Setbacks of Residential Buildings) and 7.5 (Private Open Space) of the NT Planning Scheme and pursuant to section 53(a) of the *Planning Act* consent to the application to develop Lot 10287 (235) Lambrick Avenue, Town of Palmerston for the purpose of changes to private open space, setbacks, internal building layouts, external facade and landscaping of development approved by DP10/0675, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the commencement of works (including site preparation works), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a schematic plan demonstrating all stormwater to be collected on the site and discharged to City of Palmerston's stormwater drainage system;
2. Prior to the commencement of works (including site preparation works) an Erosion and Sediment Control Plan (ESCP) is to be submitted to and approved by the consent authority on the advice of the Department of Natural Resources, Environment, The Arts and Sport, and an endorsed copy of the ESCP will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the Department of Natural Resources, Environment, The Arts and Sport to the satisfaction of the consent authority.

## GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
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.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity and telecommunication services to the land shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
6. 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.
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. Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by the Director of Technical Services of the City of Palmerston and all approved works constructed to Council's requirements at the applicant's expense.
9. All air conditioning condensers, where provided, 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.
10. All proposed work (including provision of services) within, or impacting upon the Lambrick Avenue road reserve 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. Design drawings (together with a copy of the relevant Development Permit) must be submitted to the Director, RND for approval, irrespective of approvals granted by other Authorities. No works within or impacting upon the NT Government road reserve are to commence prior to approval.
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.
12. Access shall not be permitted to the subject Lot, either for construction purposes or permanently, from the Lambrick Avenue road reserve. Construction and delivery vehicles shall not be parked on the Lambrick Avenue road reserve.

13. Where unfenced, the Lambrick Avenue frontage is to be appropriately fenced in accordance with the Division's standards and requirements to deter unauthorised vehicular and/or pedestrian movement.
14. Stormwater shall be collected and discharged into the local underground stormwater system to the standards and approval of Road Network Division or City of Palmerston, as the case may be. Stormwater design plans submitted for approval shall provide details of site levels.
15. All proposed work (including provision of services) within, or impacting upon the Lambrick Avenue road reserve 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. Design drawings (together with a copy of the relevant Development Permit) must be submitted to the Director, RND for approval, irrespective of approvals granted by other Authorities. No works within or impacting upon the NT Government road reserve are to commence prior to approval.
16. A Permit to Work Within a Road Reserve may be required from City of Palmerston or the Department of Lands and Planning, as the case may be, before commencement of any work within the road reserve.
17. Waste bin storage shall be provided to the requirements of the 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](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. The Power and Water Corporation advises that Water and Sewerage Systems Extension Policy (WASSEP) charges apply for this development and that the Developer should contact Services Development for further information. This has been included as a notation within the recommendation below.

## 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 Northern Territory Planning Scheme is supported for the following reasons:

- The proposed setback to the eastern boundary of 1.9m is only 10cm less than the setback approved under Development Permit DP10/0675 issued on 22 September 2010. This setback variation is considered minor and could be assessed as a variation to the original permit if considered independently;
- 1.8m high screen fencing is proposed along the eastern boundary;
- the development has a relatively small frontage of approximately 22.5m to Guider Court at the north eastern corner of the site. Due to the configuration of the site and the placement of proposed Unit One (1), it is considered unlikely that a further reduction of 1.5m would have an impact upon the streetscape to that originally approved under DP10/0675;
- Further landscaping is proposed along the front boundary to minimise visual impacts of the further reduced setbacks of proposed Unit One (1) on the streetscape;
- 1.8m high screen fencing is proposed along primary frontage; and
- Variations to the setback will increase the overall amenity of the dwellings on the site.

A variation to clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme is supported in this instance as, at a measurable aspect of less than 5%, it is considered that this change is insignificant to the overall development and is unlikely to reduce the amenity of the future residents of Units 2 and 3 to what was approved previously under DP10/0675.

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 low density development will provide a range of housing options for the residents of Palmerston.

3. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to support the proposed development.

There are no physical characteristics that would preclude the minor amendments proposed.

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

ITEM 2  
PA2012/0447  
APPLICANT

CARPORT ADDITION WITH A REDUCED FRONT SETBACK  
LOT 8351 (11) RIVEREN COURT, TOWN OF PALMERSTON  
HEINER STRUCTURAL ENGINEERING CONSULTANTS PTY LTD

Ms Annette Joseland and Mr Michael Hatton (Heiner Structural Engineering Consultants Pty Ltd) attended.

Ms Joseland tabled advice from two adjoining neighbours

RESOLVED  
96/12

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Lot 8351 (11) Riveren Court, Town of Palmerston for the purpose of a carport addition with reduced front setback 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 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme for a reduced front setback of 2.9m where 4.5m is required by the Scheme for open sided structures, is refused as:

- there appears to be no variation to front setbacks in the immediate area and as such carports and dwellings in Riveren Court are setback in accordance with the requirements of the Northern Territory Planning Scheme;
- the height and the relatively large footprint will result in building massing when viewed from the street;
- there is little vegetation that would screen the carport from view of the street or blend the structure into the existing streetscape; and
- the existing garage and verandah provide suitable undercover parking for vehicles.

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.  
There do not appear to be any constraints which would preclude the development of a compliant parking structure on the site.

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 carport, its location 2.9m from the front boundary it is considered that the carport will result

in a significant impact on the streetscape and amenity of Riveren Court, Town of Palmerston.

**ACTION:** Notice of Refusal

**ITEM 3  
PA2012/0404  
APPLICANT**

**SUBDIVISION TO CREATE TWO LOTS  
LOT 9411 (1) GREENHIDE ROAD, TOWN OF PALMERSTON  
JOHN LIEW SURVEYORS**

DAS tabled an addendum – response to submissions.

Mr Michael Hatton (Heiner Structural Engineering Consultants Pty Ltd) and Mr Manuel Giannakouis (owner) attended.

**RESOLVED  
97/12**

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Lot 9411 (1) Greenhide Road, Town of Palmerston for the purpose of subdivision to create 2 lots for the following reasons:

#### **REASONS FOR 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 11.1.1 (minimum lot size) of the NT planning scheme to allow each lot to have an area of unconstrained land which is less than the required 0.4ha cannot be granted as:

- the developable area of Lot A will be approximately 1028m<sup>2</sup> whilst on Lot B it will be approximately 1190m<sup>2</sup>. The proposed lot sizes are inconsistent with the purpose of zone RR (Rural Residential) of the Northern Territory Planning Scheme as each Lot will not be appropriately sized to accommodate large residence with multiple outbuildings associated with rural land uses; and
  - each of the proposed lot are not considered likely to be in keeping with the character of the area as the majority of lots in the immediate area are developed for the purpose of RR (Rural Residential) the proposed subdivision.
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 majority of the land is constrained by an electrical easement which precludes the development of the land in a manner consistent with the

provisions of the zone and community expectations as reflected in public submissions received in relation to the proposal.

**ACTION:** Notice of Refusal

**ITEM 4**  
**PA2012/0477**  
**APPLICANT**      **LIGHT INDUSTRY (MICRO BREWERY)**  
**LOT 2710 (3) MANSFIELD STREET, TOWN OF PALMERSTON**  
**ONE MILE BREWERY (NT) PTY LTD**

DAS tabled an addendum – response to further information from a submitter.

Mr Stuart Brown (Director, One Mile Brewery (NT) Pty Ltd) and Ms Louise Notto (on behalf of Bardy Byram, Director, One Mile Brewery )attended.

**RESOLVED**  
**98/12**

That the Development Consent Authority waive the 1 parking space required for the proposed development, pursuant to 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*, the authority consent to the application to develop Lot 2710 (3) Mansfield Street, Town of Palmerston, for the purpose of light industry (micro-brewery), subject to the following conditions:

**CONDITIONS**

1. Works carried out under this permit shall be in accordance with drawing numbered 2012/0477/1, 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. The use of the Micro Brewery is to cease two (2) years from the date of this permit.

**NOTES:**

1. 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.
2. The development and use hereby permitted must be designed, constructed, registered and operate in accordance with the *Building Code of Australia*, the



*NT Public Health Act and Regulations, the NT Food Act, National Food Safety Standards, NT Food Act and Regulations and NT Food Act 2004.*

3. This development permit does not grant "building approval" for any proposed structures. The Building Code of Australia requires that certain structures require approval from a registered private Building Certifier and you should ensure that all necessary approvals are obtained 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.

The proposed activity is not significantly inconsistent with the provisions of the CB zone.

A waiver of parking required by Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme in accordance with the provisions of Clause 6.5.2 (Reduction in Parking Requirements) is supported as:

- The site appears to be developed to its capacity and further extensions or intensifications of uses in the building or provision of on-site parking spaces is not considered possible. The activity is a small two people operation, not open to public, will take place outside of business hours and on weekends and will be time limited by a condition of a permit or through the sale of the building;
  - There are a number of public car parks located in close proximity to the site; and
  - The Palmerston Bus interchange and bus stops are located within close proximity of the site.
2. A variation to Clause 6.6 (Loading Bays) of the Scheme for no loading bays where 1 is required is supported as the building is an existing building and no loading bays have been provided as part of the original development. As the building footprint covers the majority of the site, there is no provision for on-site loading. The applicant has advised that deliveries will be limited and a regular car parking space in the vicinity of the site can be utilised for these deliveries.
  3. 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 operation is a small business which seeks to test the Territory market for a boutique style beer. The samples produced will not be available to the general public but will be sold directly to licensed premises. A limited period of approval will allow the applicant and City of Palmerston to evaluate the impact of the use on the locality. If the

operation proves successful and the operation grows beyond the existing footprint the applicant will relocate to another site.

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

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



**PETER MCQUEEN**  
Chairman

16 /8/12