

DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 124 - THURSDAY 9 DECEMBER 2010

**PALMERSTON ROOM
PALMERSTON SPORTS CLUB
3 MALUKA STREET, PALMERSTON**

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

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary) George Maly and Allison Hooper (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9:30 am and closed at 10.30 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 **3 X 3 BEDROOM MULTIPLE DWELLINGS IN A 2 STOREY BUILDING**
PA2010/1222 **LOT 9724 (1) TOZER STREET, TOWN OF PALMERSTON**
APPLICANT **JB INDUSTRIES PTY LTD**

Mr Arnold Nutt (owner) attended on behalf of the applicant.

RESOLVED
175/10

That, the Development Consent vary the requirements of clause 6.5.3 (Parking Layout) of the NT 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 9724 (1) Tozer Street, Town of Palmerston for the purpose of 3 x 3 bedroom multiple dwellings in a two storey building, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation) a full set of amended plans 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 must be provided, and be generally in accordance with the plans submitted with the application but modified to show a schematic plan to demonstrate how stormwater will be collected on the site and discharged to Council's stormwater drainage system, to the requirements of Council, to the satisfaction of the consent authority.
2. 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 portion of the parking area extended into the landscaping buffer to allow for vehicle manoeuvring to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance 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 of the relevant service authority to the satisfaction of the consent authority.
5. 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.

6. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Council, 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, and be at no cost to Council, to the satisfaction of the consent authority.
8. 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, Council, and 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; and
 - (d) drained;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
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 driveway and the public street.
11. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
12. 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.
13. 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.
14. 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 to ground level in a controlled manner to the satisfaction of the consent authority.
15. Storage for waste disposal bins is to be provided to the requirements of Council, to the satisfaction of the consent authority.

NOTE:

1. The Power and Water Corporation advises that:
 - (a) The developer may need to upgrade the existing 20mm water service, or install a second service, and should contact Services Department of the Power and Water Corporation prior to the start of construction; and
 - (b) That it is a requirement of the Power and Water Corporation that the water service to the units be multi-metered.

REASONS FOR THE DECISION

1. The proposed development accords with the primary purpose of Zone MD (Multiple Dwelling Residential), being "to provide for a range of housing options to a maximum height of two storeys".
2. The reduced building footprint achieved through the incorporation of a second storey component allows the proposal to achieve compliance with Clauses 7.5 (Private Open Space) and 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) of the NT Planning Scheme, better responding to the constraints of the site.
3. A variation of the requirements of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme for a small encroachment of the parking area into the 3 metre landscaped buffer is granted to improve access and manoeuvrability for vehicles at the front of Unit 3.

ACTION: Notice of Consent and Development Permit

**ITEM 2
PA2010/1220
APPLICANT**

**EDUCATION ESTABLISHMENT (PROPOSED LOT 8671 JOHNSTON)
LOT 4250 (512) STUART HIGHWAY, TOWN OF PALMERSTON
JUNE D'ROZARIO AND ASSOCIATES PTY LTD**

DAS tabled an addendum.

Ms June D'Rozario (June D'Rozario & Associates Pty Ltd) attended and tabled a response to submissions.

**RESOLVED
176/10**

That the Development Consent Authority vary the requirements of Clause 6.1 (General Height Control) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop part Lot 4250 (512) Stuart Highway, Town of Palmerston, for the purpose of an education establishment to be developed in 3 stages subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to 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) Existing and proposed site levels and Council's stormwater drain connection point/s;
- b) A conceptual plan of on-site collection of stormwater and its discharge into the City of Palmerston's underground stormwater drainage system; and
- c) Details relating to the location, design, height and colour of all fencing

The plan is to be submitted to and approved by the consent authority. When approved, the plan will be endorsed and a copy will form part of the permit.

2. Prior to the commencement of works a land clearing plan and an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, are to be submitted to and approved by the consent authority on the advice of the Department of Natural Resources, Environment, the Arts and Sport (Natural Resources Management Division), and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed land clearing plan and the ESCP to the satisfaction of the consent authority.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings and documents endorsed as forming part of this permit.
5. An Occupancy Permit under the *Building Act* must not be issued until title to Lot 8671 has been issued.
6. The development must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. Before the use/occupation of the development starts, a Traffic Study is to be undertaken to determine the anticipated impact of the development on the intersection and access road leading to the site and any traffic safety matters associated with the operation of the school. The study should also address road, intersection and parking design requirements. The document is to be submitted to and approved by the consent authority on the advice of City of Palmerston Council. When approved, the document will be endorsed and a copy will form part of the permit.
9. Before the use/ occupation of the development starts, all works identified within the Traffic Study as required by Condition 8 of this permit are to be

undertaken to the requirements of, and at no cost to, City of Palmerston Council, to the satisfaction of the consent authority.

10. 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 a plan of subdivision submitted for approval by the Surveyor General.
11. 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.
12. Stormwater shall be collected and discharged into the local underground stormwater system to the standards and approval of Road Network Division (Department of Lands and Planning) and/or City of Palmerston Council. All stormwater works and infrastructure shall be wholly contained within the site.
13. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.
14. 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.
15. 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; and
 - 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.
16. All proposed works impacting on the Lambrick Avenue road reserve are to 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 Senior Director, Road Network Division of the Department of Lands and Planning for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
 17. Where unfenced, the Lambrick Avenue frontage is to be appropriately fenced in accordance with the Department of Lands and Planning standards and requirements to the satisfaction of the consent authority.

18. 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.
19. 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.
20. The developer shall prepare an Overflow Parking Strategy to the satisfaction of the consent authority. When approved, the Strategy will be endorsed and will then form part of the permit. Any plans contained in the strategy 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 future parking areas in conjunction with a vegetation management plan.
21. 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.

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. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (ie not flashing or variable message). The sign shall be positioned:
 - So as not to create sun or headlight reflection to motorists; and
 - Be located entirely (including foundations and aerially) within the subject lot.Advertising signage, either permanent or temporary ie 'A' frame, vehicle or trailer mounted etc shall not be erected or located within the Lambrick Avenue road reserve.
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 Lambrick Avenue traffic.

4. No direct property access is permitted from Lambrick Avenue.

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 FD (Future Development) which is to provide for development in accordance with the Area Plan (where applicable) once services are (or can be) made available to the land.

The proposed development is consistent with the Palmerston Eastern Suburbs Area Plan (Plan 1) and will provide community infrastructure to the new suburb of Johnston and the growing population of Palmerston.

2. 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 6.1 (General Height Control) of the NT Planning Scheme, for buildings up to 9.7m in height where the Scheme normally limits building height to 8.5m, is granted as the maximum as the buildings are to be located a significant distance from Lambrick Avenue to the south, with areas of native vegetation and open space conservation screening the development from residential development to the north.

3. An Overflow Parking Strategy incorporating a vegetation management plan will ensure that sufficient parking will be provided for students, staff and visitors when the site and the school is fully developed.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2010/1233
APPLICANT

SUBDIVISION TO CREATE 6 LOTS
LOT 8584 (183) FORREST PARADE, TOWN OF PALMERSTON
EARL JAMES AND ASSOCIATES PTY LTD

Mr Kevin Dodd (Earl James & Associates) and Mr Mark Spangler attended.

RESOLVED
177/10

That pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 8584 (183) Forrest Parade, Town of Palmerston, for the purpose of a subdivision to create 6 lots subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawing numbered 2010/1233/1 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 proposed Lots A, B, C and F.
3. Stormwater shall be collected and discharged into the local stormwater system to the standards and approval of Road Network Division (Department of Lands and Planning) and/or City of Palmerston Council. Stormwater design plans submitted for approval shall provide details of site levels.
4. 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.
5. 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.
6. Soil erosion control measures must be employed as part of clearing and subdivision works to the satisfaction of the consent authority.
7. All proposed works impacting on the Roystonea Avenue road reserve are to 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 Senior Director, Road Network Division of the Department of Lands and Planning for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".

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 statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property. For advice on weed management please phone (08) 8999 4567.
3. A "Permit to Work Within A Road Reserve" may be required from the 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.

The proposed subdivision is consistent with the primary purpose of Zone FD (Future Development) which is to provide for development in accordance with the Area Plan (where applicable) once services are (or can be) made available to the land.

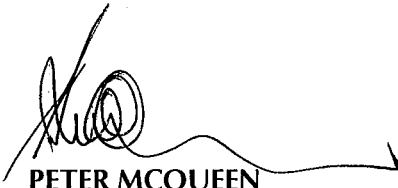
The proposed subdivision will formalise the boundaries of the current uses of the land (two education establishments, leisure and recreation, easements and a remnant parcel) in concordance with the Palmerston Eastern Suburbs Area Plan, and will allow the titles of the new parcels of land to be vested in the most appropriate Government agency.

2. Pursuant to Section 51(e) of the *Planning Act*, the consent authority must take into consideration any submissions made under section 49 in relation to the development application.

One public submission was received and raised concerns regarding the future zoning of the land, community expectations for the use of the land, and the creation of an inaccessible, unzoned allotment of land that will be vulnerable for private sale and development. The proposed subdivision is consistent with the Palmerston Eastern Suburbs Area Plan and formalises the current community uses.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

10/12/10