



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 127 - WEDNESDAY 20 APRIL 2011

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

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

APOLOGIES: Steve Ward

OFFICERS PRESENT: Mone Coats-Ross (Acting Secretary), George Maly, Peter Sdraulig and Gemma Lotha (Development Assessment Services)

Meeting opened at 9.30 am and closed at 10.00 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 **4 X 3 BEDROOM DWELLINGS IN 4 SINGLE STOREY BUILDINGS**
PA2010/1097 **LOT 10038 (36) JOHNSTON, TOWN OF PALMERSTON**
APPLICANT **KILLARNEY HOMES**

DAS tabled an addendum which consisted of additional reasons for the decision to the original DAS report.

Mr Damien Moriarty (Killarney Homes) attended.

RESOLVED That the Development Consent Authority vary the requirements of Clause 7.3.2
41/11 (Distance between buildings on one site) of the NT Planning Scheme, and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 10038 (36) Johnston, Town of Palmerston, for the purpose of 3 x 3 bedroom multiple dwellings in three single storey buildings subject to the following conditions:

1. The works carried out under this permit shall be in accordance with drawings numbered 2010/1097/1 through to 2010/1097/8 inclusive endorsed as forming part of this permit.
2. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity to the land shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
4. An Occupancy Permit under the Building Act must not be granted until title to the property has been issued.
5. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.
6. 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.
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.
and
The owner shall:
 - a) Remove disused vehicle and / or pedestrian crossovers;

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- 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. Before the occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;
- to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
9. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveways and the public street.
10. 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.
11. 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.
12. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTE:

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 onsite and/or surrounding infrastructure.

REASONS FOR THE DECISION

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

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

2. A variation to clause 7.3.2 (Distance between buildings on one site) of the NT Planning Scheme is required for a minimum distance of 2.65m between dwellings where 3 m is required by the Scheme. It is considered that the application has demonstrated 'special circumstances' that in accordance with clause 2.5 (Exercise of Discretion by the Consent Authority) justify the giving of consent. These include that the dwellings have been placed in a staggered formation to reduce any adverse impacts on visual amenity or breeze penetration and that this configuration will ensure that future occupants are provided with safer and more convenient vehicle manoeuvring on the site.
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 development will provide adequately sized three-bedroom dwellings, each with private open space, a verandah, double car parking spaces, a carport and concrete driveways. The yards are adequately sized and well-landscaped without compromising privacy and security.
4. The final design of the proposed development represents consideration of many competing issues including the provisions of Clause 7.8 (Building Design for Multiple Dwellings) of the NT Planning Scheme. Open fencing and appropriate landscaping will be provided along the site's frontage to which will make a positive contribution to the character of the streetscape, increase the amount and quality of landscaping at the site, take advantage of breeze penetration and circulation, increase opportunities for passive surveillance and provide privacy where appropriate in accordance with Clause 7.5 (Private Open Space).
5. The dual access to the site is provided at the request of the Development Consent Authority to facilitate a safer and more convenient layout for vehicle manoeuvring within and access to the site.

ACTION

Notice of Consent and Development Permit

**ITEM 2
PA2011/0121**

**112 X 2 BEDROOM AND 8 X 3 BEDROOM MULTIPLE DWELLINGS IN 6 X 4
STOREY BUILDINGS WITH BASEMENT CARPARK**

APPLICANT

**LOT 9638 (170) FORREST PARADE, TOWN OF PALMERSTON
THE BUILD WITH PRIDE TRUST**

DAS tabled an addendum which consisted of a late response from Power and Water Corporation (PAWC).

Mr Neil Sunners (Sunbuild) attended the meeting on behalf of the applicant.

RESOLVED That, the Development Consent Authority vary the requirements of clause 7.3 (Building

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Setbacks of Residential Buildings) and clause 7.5 (Private Open Space) 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 Part Lot 9638 (170) Forrest Parade, Town of Palmerston for the purpose of 118 x 2 bedroom and 8 x 3 bedroom multiple dwellings in 6 x 4 storey buildings plus basement car parking, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to 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:
 - (a) the reversing area behind car space No. 100 extended 1m west into the garden bed;
 - (b) the reversing area behind car space No. 155 extended 1m west into the garden bed, and the abutting supporting column relocated north by a distance equivalent to its width; and
 - (c) provision and details of fencing around private open space area of each ground level dwelling consistent with provisions of Clause 7.5 of the NT Planning Scheme.
2. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of City of Palmerston and 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. Before the use/ occupation of the development starts, any works identified within the Traffic Assessment Report as required by Condition 2 of this permit are to be undertaken to the requirements of, and at no cost to, City of Palmerston, to the satisfaction of the consent authority.
5. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston, to the satisfaction of the consent authority.
6. The 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.

7. 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.
8. 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.
9. 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 City of Palmerston to the satisfaction of the consent authority.
10. 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;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
11. 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.
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. 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.
15. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
16. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.

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.

NOTE:

Notwithstanding the approved plans, all proposed works including line marking within Council's road reserve are subject to Council's approval.

REASONS FOR THE DECISION

1. The proposed development is consistent with the purpose of Zone MR (Medium Density Residential) which is to 'provide for a range of housing options to a maximum of four storeys'.
2. A variations to clause 7.3 (Building Setbacks of Residential Buildings and Pergolas, Carports and the Like) for a reduced setback of building B to the rear (western) property boundary is supported as:
 - the reduced setback results in a varied setback between the 3 buildings along the western property boundary resulting in reduced building massing;
 - the reduced building setback will not result in any undue overlooking as there are no sensitive land uses abutting the site;
 - the reduced setback will enable a higher degree of casual surveillance to the abutting public open space area to the rear; and
 - the reduced building setback will not have any obvious impacts on breeze penetration through the site.
3. A variation to the requirements of clause 7.5 (Private Open Space) for reduced areas of private open space for the ground level dwellings is supported as the areas provided and their design reflect the predominant form of open space within the development, being the upper level balconies, and minor shortfalls in private open space are well compensated for via the provision of approximately 36% of total site area being communal open space.
6. The requirement for amended plans showing modifications to the car park layout are considered necessary to ensure convenient and functional car parking in accordance with the requirements of clause 6.5.3 (Parking Layout) of the NT Planning Scheme.
7. The requirement for amended plans showing 1.8m high solid screen fencing along property boundaries and between the private open space areas of each ground level dwelling will ensure suitable privacy as required by clause 7.5 (Private Open Space) of the NT Planning Scheme.

ACTION

Notice of Consent and Development Permit

ITEM 3 **DEMOUNTABLE TO BE USED AS AN OFFICE TO SERVICE AN EXISTING**
PA2011/0075 **BUSINESS**
APPLICANT **LOT 6387 (5) TULAGI ROAD, TOWN OF PALMERSTON**
IAN LACKINGTON

Mr Ian Lackington advised he would not be attending the meeting.

RESOLVED That the Development Consent Authority vary the requirements of Clause 9.1.1
43/11 (Industrial Setbacks) of the NT Planning Scheme, and pursuant to Section 53(a) of the
Planning Act, consent to the application to develop Lot 6387 (5) Tulagi Road, Town of
Palmerston, for the purpose of an office within a demountable structure with a reduced
rear setback, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with drawings numbered 2011/0075/1 and 2011/0075/2 endorsed as forming part of this permit.
2. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity to the land shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.

NOTE:

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 onsite and/or surrounding infrastructure.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into account the planning scheme that applies to the land to which the application relates. The demountable office is consistent with the primary purpose of Zone LI (Light Industry) in providing additional space for the administrative functions to service the existing light industry use of the site.

2. A variation to Clause 9.1.1 (Industrial Setbacks) of the NT Planning Scheme, for a setback of 0.5m where 5m is required by the Scheme, is granted as the demountable office is unlikely to have an adverse impact on the visual amenity of the surrounding industrial area. The office is located to the rear of the site behind the workshops and the Bondor panels have been painted to match the existing iron-cladding workshops at the site.

ACTION

Notice of Consent and Development Permit

ITEM 4 **8 X 2 BEDROOM AND 1 X 3 BEDROOM MULTIPLE DWELLINGS IN A 3 STOREY**
PA2011/0130 **BUILDING**
APPLICANT **LOT 9115 (118) FORREST PARADE, TOWN OF PALMERSTON**
BELL GABBERT ASSOCIATES PTY LTD

Mr Mark Bell (Bell Gabbert Associates) attended the meeting.

RESOLVED That the Development Consent Authority vary the requirements of Clause 7.3 (Building
44/11 Setbacks of Residential Buildings) and Clause 7.6 (Communal Open Space) of the
Northern Territory Planning Scheme, and pursuant to Section 53(a) of the *Planning Act*,
consent to the application to develop Lot 9115 (118) Forrest Parade, Town of
Palmerston for the purpose of 8 x 2 bedroom and 1 x 3 bedroom multiple dwellings in a
3 storey building including ground floor car parking, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with the drawings numbered 2011/0130/1 to 2011/0130/5 endorsed as forming part of this permit.
2. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services to the land shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
4. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Palmerston, to the satisfaction of the consent authority.
5. 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.

6. Waste bin storage shall be provided to the requirements of 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) the pedestrian access being clearly delineated at the entry to the building and by 'zebra' markings to indicate the pedestrian pathway through the car parking level.All to the satisfaction of the consent authority.
8. 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.
9. 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 Forrest Parade.
10. 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.
11. 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.
12. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
13. All air-conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed to ground level in a controlled manner to the satisfaction of the consent authority.
14. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.

REASONS FOR THE DECISION

2. The proposal to construct 8 x 2 bedroom and 1 x 3 bedroom multiple dwellings is consistent with the primary purpose of Zone MR (Medium

Density Residential), which is to "Provide for a range of housing options to a maximum height of four storeys".

3. A variation to clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme is supported as:
 - There is a good level of articulation for the development through the use of the breezeway to give the impression of two separate buildings.
 - The proposal demonstrates a good balance between the objectives of clause 7.3 (Building Setbacks of Residential Buildings), maintaining residential amenity for surrounding properties while recognising the site constraints and maximising development opportunities as envisaged by part 4 of the NT Planning Scheme.
 - Extensive landscaping along the southern boundary will soften the impact of the built form as viewed from abutting properties and the street.

A variation to clause 7.5 (Communal Open Space) of the Northern Territory Planning Scheme for a reduced area of communal open space from 155 square metres to 138 square metres is supported as: public open space with an area of 4480 square metres is directly opposite the subject site; and each of the multiple dwellings has sufficient private open space areas to cater for future residents' leisure activities.

ACTION

Notice of Consent and Development Permit

**ITEM 5
PA2010/1422
APPLICANT**

**SUBDIVISION AND CONSOLIDATION TO CREATE 3 LOTS
LOT 4206 (4) UNIVERSITY AVENUE, TOWN OF PALMERSTON
DEPARTMENT OF CONSTRUCTION AND INFRASTRUCTURE**

DAS tabled an addendum which consisted of further information from the applicant and submitters received after the written report to the DCA was finalised.

Mr Mark Dodt (Department of Construction and Infrastructure) and Paul Graham (Head Engineer) attended the meeting.

Submitters Heather Ryan and Josie Christie attended the meeting along with interested party Mary Toner.

**RESOLVED
45/11**

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lots 8404, 8405 and 4206 (20, 6 and 4) University Avenue, Town of Palmerston, for the purpose of a subdivision and consolidation to create 3 lots subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawing numbered 2010/1422/1 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 each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

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3. 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.
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. All proposed works impacting on the Roystonea Avenue and University Avenue road reserves 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".
6. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.
7. Access shall not be permitted to the proposed lots, either for construction purposes or permanently, from the University Avenue or Roystonea Avenue road reserves. Access shall be via the proposed new subdivision road reserve only, to the standards and approval of the City of Palmerston.

NOTES:

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

REASONS FOR THE DECISION

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

The proposed subdivision and consolidation is consistent with the primary purpose of Zone PS (Public Open Space) and Zone TC (Tourist Commercial), which is to provide areas for public recreational activity and for uses or development servicing tourism, including commercial and

residential activities. The proposed subdivision will provide suitably sized lots for immediate and future development, including the Palmerston Water Park and associated car park, which will provide recreational activities for the general public including residents and tourists.

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.

The Development Consent Authority is satisfied that concerns raised by public submissions about the potential traffic and environmental impact of the proposed subdivision and the Water Park development on the subject area have been satisfactorily addressed by the applicant through the design phase of the Water Park.

ACTION

Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

21 /4/11

