



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 143 – WEDNESDAY 19 SEPTEMBER 2012

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

MEMBERS PRESENT: Peter McQueen (Chairman), Steve Ward, Stuart Delahay, Susan McKinnon and Andrew Byrne

APOLOGIES: Paul Bunker

OFFICERS PRESENT: Margaret Macintyre (Secretary), George Maly, Sarah Gooding and Christopher Cheung (Development Assessment Services)

COUNCIL REPRESENTATIVE: Wendy Smith (Items 3 & 5)

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 LIGHT INDUSTRY, SHOWROOMS AND OFFICES IN A SINGLE AND TWO
PA2012/0536 COMMERCIAL DEVELOPMENT BUILDINGS.

APPLICANT LOT 8534 (5) MCCOURT ROAD, TOWN OF PALMERSTON
PEDDLE THORP WKM PTY LTD

Mr Bruce Baldey (Peddle Thorp WKM Pty Ltd) attended.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 6.6
103/12 (Loading Bays) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 8534 (5) McCourt Road, Town of Palmerston for the purpose of light industry, showroom sales and offices in a single and two storey commercial development, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with drawings 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. 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. 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.

5. 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/ clients.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. Design and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by the Director Technical Services, City of Palmerston, and all approved works constructed to Council's requirements at the applicant's expense.
12. Storage for waste disposal bins is to be provided to the requirements of 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) 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 proposal is for the construction of a mixed use development consisting of light industry (workshops), showroom sales and offices to be used by small business operations in accordance with the requirements of Zone SC (Service Commercial) of the NT Planning Scheme.

A variation to Clause 6.6 (Loading Bays) of the Scheme for the provision of 4 loading bays where 30 are required is supported as:

- The four loading bays are conveniently located throughout the development;
- The sharing of loading facilities provides for a good utilisation of space;
- It is considered unlikely that the loading facilities will interfere with the safe manoeuvring of visitors' vehicles; and
- It is considered that the office component of the development will impose an infrequent demand on the proposed loading bays, and the related nature of the workshops and retail spaces will enable the loading facilities to be adequately shared.

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 site is within an existing service commercial area and provided stormwater is adequately managed the land is considered capable of supporting the development as proposed

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2012/0498
APPLICANT

TEMPORARY SALES OFFICE
LOT 8405 (6) UNIVERSITY AVENUE, TOWN OF PALMERSTON
ELTON CONSULTING PTY LTD

DAS tabled an addendum.

Ms Wendy Smith (Elton Consulting Pty Ltd) and tabled comments from Power and Water Corporation.

RESOLVED
104/12

That the Development Consent Authority vary Clause 6.6 (Loading Bays) of the NT Planning Scheme and pursuant to section 53(a) of the *Planning Act* consent to the application to develop Lot 8405 (6) University Avenue, Town of Palmerston, for the purpose of a temporary sales office, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation), the owner or developer must enter into agreements with the relevant authorities for the provision of electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with drawings numbered 2012/0498/1 and 2012/0498/2, 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, and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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. An approved effluent disposal system to the requirements of the Department of Health and to the satisfaction of the consent authority must be installed concurrently with the erection of the proposed development and all waste must be disposed of within the curtilage of the property.
6. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
7. All proposed work affecting the 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 Lands, Planning and the Environment to the satisfaction of the consent authority.
8. Where unfenced, the Roystonea Avenue and new road frontages are to be appropriately fenced in accordance with the Department of Lands, Planning and the Environment's standards and requirements to the satisfaction to the consent authority.
9. The proposed access to the site shall be constructed to the standards and approval of the Department of Lands, Planning and the Environment and the City of Palmerston (as the future road owner) standards and requirements to the satisfaction to the consent authority.
10. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Department of Lands, Planning and the Environment and the City of Palmerston, to the satisfaction of the consent authority.

11. Before the use or occupation of the development starts, the area(s) 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.
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. The use of the land for the purpose of an office facility must cease on two (2) years from the date of commencement of use.
14. Upon removal of the sales office use, the temporary crossover shall be removed and the road verge shall be reinstated to the standards and requirements of the Department of Lands, Planning and the Environment or the City of Palmerston, as the case may be, to the satisfaction of the consent authority.
15. The finish of any Prime Identification signs, if erected, shall such that, if illuminated, day and night readability is the same and is of constant display (ie. Not flashing or of variable message) The sign shall be positioned:
 - i) So as not to create sun or headlight reflection to motorists; and
 - ii) Be located entirely (including foundations and aerially) within the subject lot)

Advertising signage, either permanent or temporary i.e. 'A' frame, vehicle or trailer mounted etc shall not be erected or located within the Roystonea Avenue road reserve.
16. Any floodlighting or security lighting provided on site is to be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Roystonea Avenue traffic.

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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The permit holder should ensure that only uncontaminated fill is accepted and that the fill has been adequately assessed as being suitable for the intended use.

Polluting a site with contaminated fill may constitute an offence under the *Waste Management and Pollution Control Act*.

3. A "Permit to Work Within a Road Reserve" may be required from the Department of Infrastructure 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 primary purpose of zone TC (Tourist Commercial) of the NT Planning Scheme is to provide for uses or development servicing tourism, including commercial and residential activities.

Approval for this sales office is granted for a period of two (2) years to allow for the temporary sales office to promote land sales to potential investors and future occupants of the residential suburb of The Heights in Durack. For this reason, it is considered that the temporary sales office is consistent with the intent of the zone.

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 temporary in nature and only intended to be located on the site for a period of 12 months. Furthermore, an excess of seven (7) sealed carparking bays are proposed for the development and therefore it is considered that there will be sufficient area on the site to accommodate the loading / unloading of materials when required.

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 development will provide a service to inform potential purchasers and the general community of the opportunities available in The Heights suburb.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2012/0554
APPLICANT

**3 X 3 BEDROOM MULTIPLE DWELLINGS IN 3 X SINGLE STOREY BUILDINGS
LOT 10974 FARRAR BOULEVARD, TOWN OF PALMERSTON
DPL DEVELOPMENTS**

Mr Darron Lyons (DLP Developments) attended.

**RESOLVED
105/12**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop part Lot 10974 (proposed Lot 11211), Farrar Boulevard, Town of Palmerston, for the purpose of 3 x 3 bedroom multiple dwellings in 3 single storey buildings, subject to the following conditions:

CONDITION PRECEDENT

1. 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;
 - demonstrate that the kerb crossovers and driveways to the site approved by this permit meet the technical standards of the City of Palmerston, to the satisfaction of the consent authority. The Developer shall be responsible for the relocation of the kerb crossovers, driveways or any other relevant infrastructure deemed necessary by the City of Palmerston.

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. 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.
4. Storage for waste disposal bins is to be provided to the requirements of the City of Palmerston, to the satisfaction of the consent authority.
5. 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.
6. 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.

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. 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, drainage, sewerage facilities and electricity and gas to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the development 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. 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.
3. The Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Department's 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.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the authority must consider any 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) which is to provide for a range of housing options.

The application is fully compliant with the NT Planning Scheme.

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

Provided that stormwater is managed on site without impacting on adjoining properties and disposed of into City of Palmerston's stormwater drainage system, the land is generally considered capable of accommodating the development as proposed.

ACTION: Notice of Consent and Development Permit

ITEM 4 **DEMOUNTABLE STRUCTURE**
PA2012/0555 **LOT 2789 (17) WIESENER COURT, TOWN OF PALMERSTON**
APPLICANT **IAN WARBY**

Mr Ian Warby and Ms Gaylene Wells attended.

RESOLVED
106/12

That, pursuant to Section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 2789 (17) Wiesener Circuit, Town of Palmerston, for the purpose of a demountable structure, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with drawings 2012/055/1 through 2012/055/5 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 and satisfaction of the relevant service authority at no cost to the relevant service authority.
3. 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.
4. 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.

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. 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.
3. 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 demountable is considered to be integrated as part of a garden shed including matching external materials and roof line, and provided with architectural embellishments (windows) such that it would be visually compatible with a garden shed. As such, the development is deemed to satisfy the purpose and requirements of Clause 6.8 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 site has an area of 811m², is generally flat, rectangular in shape, and has street frontage to Wiesener Rd. The subject land is currently developed with a single dwelling and is considered capable of supporting the proposed development.

ACTION: Notice of Consent and Development Permit

ITEM 5
PA2012/0546
APPLICANT

3 x 3 BEDROOM MULTIPLE DWELLINGS IN 2 X SINGLE STOREY BUILDINGS
LOT 10032 (395) CHUNG WAH TERRACE, TOWN OF PALMERSTON
DPL DEVELOPMENTS

Mr Darron Lyons (DLP Developments) attended.

RESOLVED
107/12

That pursuant to section 46(4a)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 10032 (395) Chung Wah Terrace, Town of Palmerston for the purpose of 3 x 3 bedroom multiple dwellings in 2 x single storey buildings to require the application to provide the following information that the Authority considers necessary in order to enable the proper consideration of the application:

- Amended design of on-site parking demonstrating a safe and convenient ingress, egress and vehicle manoeuvring on the site;
- Solid fencing or a wall between the Amelia and Hayley units; and
- the location of proposed clothes lines.

REASONS FOR DECISION

1. Amended vehicle parking and access arrangement will address concerns over the safety of vehicles exiting the site in reverse gear and through providing a separate access to each parking space increase functionality and convenience for the future occupants of the site;
2. The provision of a wall or a solid fencing will provide the occupants of the Amelia style dwelling with increased amenity by reducing the potential noise and headlight intrusion into the north-facing bedroom/s.
3. Lodged plans indicate two locations for the proposed clothes lines and it is anticipated that amended plans will show the clotheslines in the most convenient location.

ACTION: Advice to Applicant

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



PETER MCQUEEN
Chairman

21/9/12