



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 151 – Wednesday 15 May 2013

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

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

APOLOGIES: Stuart Delahay

OFFICERS PRESENT: Sarah Mattson (A/Secretary), George Maly (Development Assessment Services)

COUNCIL REPRESENTATIVE:

Meeting opened at 9.50 am and closed at 10.20 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 **SINGLE DWELLING WITH A REDUCED FRONT SETBACK**
PA2013/0208 **LOT 9074 (5) BATCHO PLACE, TOWN OF PALMERSTON**
APPLICANT **ABODE NEW HOMES PTY LTD**

Mr Jeremy Rae and Mr Phil Harvey (Abode Homes) attended.

Submitters: Mr David Flanagan and Ms Lorna Glossop attended.

Submitters : -Ms Narelle Flanagan and Mr Paul Glossop send their apologies.

Mr Jeremy Rae from Abode Homes tabled a letter to the submitters in response to the objections

Ms Lorna Glossop (submitter) tabled a response to Abode Homes

Mr David Flanagan (submitter) tabled his concerns to the DCA

RESOLVED
43/13

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 9074 (5) Batcho Place, Town of Palmerston for the purpose of a single dwelling with a reduced front setback, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with the drawings numbered 2013/0208/1 through to 2013/0208/6 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 and approval to carry out works shall be obtained prior to the commencement of construction, to the satisfaction of the consent authority.
3. Stormwater 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.
4. 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.
5. 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.

6. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
7. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES

- 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.

- 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.
- The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency'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 consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

It is considered that the proposal is consistent with the purpose of zone SD (Single Dwellings) of the Northern Territory Planning Scheme as the proposed development is for a single dwelling in a single storey building.

2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Scheme to allow a front setback of 2m where 6m is required by the Scheme is granted as:
 - the location of the frontage and the position and orientation of the lot in relation to Batcho Place limits options for the dwelling's position on the site;

- only a small portion of the building (1m of the garage) encroaches into the front setback;
 - landscaping is to be provided to screen the garage from view of the street thereby softening the visual impact of the garage when viewed from the street and neighbouring Lot 9073 Town of Palmerston;
 - the dwelling is well setback from all other boundaries thereby allow breeze penetration throughout the site; and
 - the location of the garage promotes safety as the design of the of the garage and driveway promote cars exiting the site in a forward gear rather than reverse into the street as would be the case if the garage were to be located in the north west portion of the site.
3. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The site has an area of 848m², is regular in shape but has a narrow street frontage to Batcho Place. The site has been cleared and is undeveloped. A sediment and erosion control is required as it is noted that fill will be required due to the site sloping from the south east corner to the northwest corner, a 800mm high retaining wall for a length of 30m is proposed along the north side boundary.

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

ACTION: Notice of Consent and Development Permit.

ITEM 2
PA2012/0862
APPLICANT

SUBDIVISION TO CREATE TWO LOTS
LOT 6940 (10) BRIDLE ROAD, TOWN OF PALMERSTON
JUNE D'ROZARIO & ASSOCIATES PTY LTD

Ms June D'Rozario and Ms Emma Williams (land owner) attended.

RESOLVED
44/13

That, the Development Consent Authority pursuant to section 53(a) of the Planning Act, consent to the application to subdivide Lot 6940 (10) Bridle Road, Town of Palmerston for the purpose of creating 2 lots subject to the following conditions:

1. Works carried out under this permit shall be in accordance with the drawing numbered 2012/0862/1 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. Firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Northern Territory Fire and Rescue Services.
4. 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.
5. 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 City of Palmerston to the satisfaction of the consent authority.
6. 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.
7. Before issue of titles and pursuant to section 34 of the Land Title Act, a Caution Notice shall be lodged with the Registrar General on the parent parcel to include the following advice on the newly created lot as indicated on the endorsed drawings. The Caution Notice is to state that: "this lot is close to the mangrove margin and will probably be exposed to mosquitoes and biting midges from time to time". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.
8. Before issue of titles and pursuant to section 34 of the Land Title Act, a Caution Notice shall be lodged with the Registrar General on the parent parcel to include the following advice on the newly created lot as indicated on the endorsed drawings. The Caution Notice on each newly created lot is to state: "this lot is adjacent to a future arterial road. Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.
9. Before issue of titles and pursuant to section 34 of the Land Title Act, a Caution Notice shall be lodged with the Registrar General on the parent parcel to include the following advice on the newly created lot as indicated on the endorsed drawings. The Caution Notice is to state that: "this lot is within 800 metres of the sewerage treatment ponds and will probably be exposed to mal-odour from time to time". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

NOTES

- This permit will expire if one of the following circumstances applies:
 - (c) the use is not started within two years of the date of this permit; or
 - (d) 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.

- 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 generally meets the requirements of Part 5 (Subdivision) of the Northern Territory Planning Scheme and the proposed lots would be of a size that could independently continue the current land use of rural residential living in accordance with the provisions of the RR (Rural Residential) zone of the NT 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 Authority has received advice from a suitably qualified professional who confirmed that

- Each of the newly created lots will have 0.4ha of unconstrained land;
- Each of the newly created lots are clear of the 1% AEP 2100 storm surge; and
- The majority of the site is free draining and unconstrained, resulting in the lots being capable of supporting further residential development.

Cautionary notices currently exist on the title for Lot 6940, notifying the land owner that the site is:

- close to the mangrove margin and will probably be exposed to mosquitoes and biting midges from time to time;
- adjacent to a future arterial transport corridor; and
- within 800 metres of the sewerage treatment ponds and will probably be exposed to mal-odour from time to time". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

ACTION: Notice of Consent and Development Permit

**ITEM 3
PA2013/0209
APPLICANT**

**20 X 3 BEDROOM MULTIPLE DWELLINGS IN 20 SINGLE STOREY BUILDINGS
LOT 10288 (3) TARAKAN COURT, TOWN OF PALMERSTON
SAVVAS P SAVVAS ARCHITECT**

Mr Savvas attended.

**RESOLVED
45/13**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 10288 (3) Tarakan Court, Town of Palmerston for the purpose of 20 x 3 bedroom multiple dwellings in 20 single storey buildings, subject to the following conditions:

CONDITIONS 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 the Department of Transport (Road Network Division), to the satisfaction of the consent authority.

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, sewerage facilities and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
10. No direct access, either for construction purposes or permanently, shall be permitted from Lambrick Avenue road reserve. All access shall be from the internal road network to the requirements of City of Palmerston to the satisfaction of the consent authority.
11. Stormwater drainage shall be wholly contained within the site and discharged into the local underground stormwater system. Accordingly, all proposed Lots fronting Lambrick Avenue shall be graded such that the stormwater run-off from the property is away from Lambrick Avenue and is able to be collected within the development area and appropriately discharged into the local stormwater system to the standards and approval of the City of Palmerston and / or the Department of Transport (Road Network Division), as the case may be, to the satisfaction of the consent authority.
12. Any proposed work within or impacting upon the Lambrick Avenue road reserve shall be in accordance with the requirements of Department of Transport (Road Network Division) approval.
13. The developer shall, in accordance with Department of Transport Policy RNDP06-01 and AS3671-1989, "Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction" an assessment by a suitably qualified person of the development's present and predicted future exposure to road traffic noise levels, and where required provide appropriate noise attenuation measures to the satisfaction of the Authority. All noise attenuation works deemed necessary shall be carried out by and at the full cost of the developer and shall be wholly contained (including foundations) within the subject lot.
14. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
15. 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.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (e) the development is not started within two years of the date of this permit; or
 - (f) 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 Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency'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.
3. A 'Permit to Work Within a Road Reserve' is required for any works within the Lambrick Avenue road reserve.

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.

A variation to clause 7.3 (Building Setbacks of Residential Buildings), to allow for Units 1, 3, 5, 7, 9, 11, 13 and 15 to have a building separation distance of 2.0m where 3.0m is required, is supported for the following reasons:

- With the exception of Units 1 and 3, only small sections of each building encroach upon the minimum building separation requirements;
- The residential density on-site, exceeds the requirements of the NT Planning Scheme by 177m² per dwelling;
- The building design of the dwellings maximises the areas of open space and the privacy of these areas for residents; and
- No windows or doors are located on the effected sections of the building.

For the reasons above, it is considered that the amenity of future residents will not be negatively impacted by the placement of some building with reduced separation distances. It is considered that the layout of the buildings and building design will maximise the areas of private open space on-site and improve the quality of these areas for each resident.

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.

It is considered that the proposed development is consistent with the primary purpose of the MD zoning of the land and will provide for a variety of housing options for future residents of the Johnston area.

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.

The subject proposal will provide for a variety of housing options in Johnston. Provided that the collection and discharge of stormwater is managed to Council's satisfaction, the proposal is considered likely to positively contribute to the future residential amenity of the locality.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2013/0260
APPLICANT

EXTENTIONS TO AN EXISTING WAREHOUSE
LOT 4116 (12) ADMAS ROAD, TOWN OF PALMERSTON
HEINER STRUCTURAL ENGINEERING CONSULTANTS PTY LTD

Ms Annette Joseland from Heiner attended.

RESOLVED
46/13

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Portion 1544 (532) Stuart Highway, Hundred of Bagot for the purpose of a showroom sales area and office additions to an existing furniture warehouse/ showroom, subject to the following conditions:

CONDITIONS

1. Works carried out under this permit shall be in accordance with drawings numbered 2013/0260/1 and 2013/0260/4 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 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.
4. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.

NOTES

- This permit will expire if one of the following circumstances applies:
 - (g) the use is not started within two years of the date of this permit; or
 - (h) 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.

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.
2. The development has been assessed against the relevant provisions of the Northern Territory Planning Scheme and is fully compliant with its requirements.
3. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.
4. The proposed development will be contained within an existing building on-site and no external changes are proposed. Furthermore, the land is within an existing service commercial area. For these reasons it is considered that the land is considered capable of supporting the development as proposed.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

17 /5/13