

DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 152 – Wednesday 19 June 2013

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

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

APOLOGIES: Sue McKinnon

OFFICERS PRESENT: Sarah Mattson (A/Secretary), George Maly and Michael O'Neill for Item 9 (Development Assessment Services)

COUNCIL REPRESENTATIVE: Wendy Smith

Meeting opened at 9.40 am and closed at 12.15 pm

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 **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**
PA2013/0301 **LOT 8072 (92) FARRAR BOULEVARD, TOWN OF PALMERSTON**
APPLICANT **MORPH COLLECTIVE (NT) PTY LTD**

Ms Pothitoula Tsougranis attended.

Ms Wendy Smith – City of Palmerston

RESOLVED
54/13

That, the Development Consent Authority vary the requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 m and for Residential Buildings Over 4 Storeys in Height) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 8072 (92) Farrar Boulevard, Town of Palmerston for the purpose of 2x3 bedroom multiple dwellings in a single storey building, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0301/01 to 2013/0301/05 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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply and sewerage and electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Palmerston to the satisfaction of the consent authority.
5. 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.
6. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (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.

7. 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.

8. 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.
9. 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.
10. No fence, tree, hedge 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.
11. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
12. 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.
13. Storage for waste disposal bins is to be provided to the requirements of the City of Palmerston to the satisfaction of the consent authority.

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 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. Designs and specification for landscaping of the road verges adjacent to the property shall be submitted for approval by the Director of Technical Services, City of Palmerston, and approved works constructed to Council's requirements at the applicant's expense.

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) of the Northern Territory Planning Scheme as it provides for a variety of housing options for potential residents.

A variation to Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 m and for Residential Buildings Over 4 Storeys in Height) of the Northern Territory Planning Scheme is supported as the reduced front and rear setback will not adversely affect the amenity of the surrounding area through building massing to the street frontage or overlooking into adjoining properties.

2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into account the capability of the land to support the proposed development and the effect of the development on adjoining land.

No land capability concerns were identified during the assessment of this proposal. Provided that stormwater will be appropriately managed on site without impacting upon surrounding residential areas and disposed of into Council's storm water drainage system within Farrar Boulevard, no adverse impact on the surrounding land is anticipated.

ACTION: Notice of Consent and Development Permit.

ITEM 2 **1 X 2 BEDROOM AND 4 X 3 BEDROOM MULTIPLE DWELLINGS IN 5 SINGLE STOREY BUILDINGS**
PA2013/0302 **LOT 8247 (99) FARRAR BOULEVARD, TOWN OF PALMERSTON**
APPLICANT **MARIA PAJARILLO**

Ms Maria Pajarillo attended.

Mr George Kamitsis and Mr Paul Winter (Habitat Builders) attended.

RESOLVED
55/13

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 8247, 99 Farrar Boulevard, Farrar, Town of Palmerston for the purpose of 1 x 2 bedroom and 4 x 3 bedroom multiple dwellings in 5 single storey buildings to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

1. Further information detailing what special circumstances pertain to the site and design of the development which would justify the granting of consent to vary the performance criteria contained in Clause 6.5.3 (Parking Layout), Clause 7.3 (Building Setbacks of Residential Buildings), Clause 7.3.2 (Distance Between Residential Buildings on One Site), Clause 7.5 (Private Open Space) and Clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) of the NT Planning Scheme.
2. The applicant providing details / amended drawings of:
 - (a) Amended vehicle parking and access arrangements for Units 2, 4 and 5 that will address aspects of non-compliance with manoeuvring dimensions and improve the functionality of these spaces for future occupants of the site;
 - (b) A perspective image (street view) of the proposed development from Lot 8357 (100) Farrar Boulevard;
 - (c) The height and building materials of the existing south and east boundary fences;
 - (d) Landscape areas including types of planting, plant species, heights and quantities, surfaces of private open space areas, details of screening and/or fencing (it is expected that the drawings will demonstrate that at least 30% of the site area will be landscaped and include additional planting to screen parking areas from the street);
 - (e) The location of water meter arrangements and sewer access points;
 - (f) Any existing and proposed easements, substations and services (refer to matters identified in Power and Water Corporation correspondence dated 07/05/2013 and 09/05/2013); and
 - (g) a schematic plan demonstrating the on-site collection of storm water and its discharge into the City of Palmerston stormwater drainage system that has been submitted to and approved by the City of Palmerston. The plan shall include details of site levels and Council's storm water drain connection point/s. The plan shall also indicate how storm water will be collected on the site and connected underground to Council's system.

ACTION: Advice to Applicant

ITEM 3

WITHDRAWN

VERANDAH ADDITION WITH A REDUCED SIDE SETBACK TO AN EXISTING SINGLE DWELLING – TO BE CONSTRUCTED BY EXTENSION OF A ROOF TO AN EXISTING FENCE (WALL) TO ENCLOSE AN EXISTING PATIO

**PA2013/0296
APPLICANT**

**LOT 5112 (16) HAYES COURT, TOWN OF PALMERSTON
JOHN HEPWORTH**

ITEM 4

74 X 3, 124 X 2 AND 30 X 1 BEDROOM MULTIPLE DWELLINGS IN 5 X 4 STOREY BUILDINGS

**PA2013/0059
APPLICANT**

**LOT 10286 (11) TARAKAN COURT, TOWN OF PALMERSTON
BRUCE BALDEY**

DAS tabled an addendum referring to the applicant's response to most recent comments by City of Palmerston

The applicant Mr Bruce Baldy attended and spoke in relation to the proposal including answered a number of questions from the Authority including whether he would be prepared to amend the drawings to redesign the foyer of each building and the area around the lift and storage units. Mr Baldy had no issues with this request.

Ms Wendy Smith attended and tabled her comments in response to the application including documents tabled by DAS.

**RESOLVED
56/13**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alters the proposed development and consents to the proposed development as altered to develop Lot 10286 (11) Tarakan Court, Town Of Palmerston, for the purpose of 75 x 3 bedroom, 119 x 2 bedroom and 30 x 1 bedroom multiple dwellings in 5 x 4 storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to endorsement of plans and 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:
 - An amended design of the entry lobbies and lift areas of each building; and
 - An amended design of the area containing storage units in lobbies in accordance with principles of Crime Prevention Through Environmental Design.

2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston's underground stormwater drainage system shall be submitted to and approved by the City of Palmerston, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the drawings 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.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply and sewerage and electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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 and/or the Department of Transport whichever the case may be, 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.
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 City of Palmerston 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;
 - (d) drained; and
 - (e) line marked to indicate each car space and all access lanes; to the satisfaction of the consent authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

10. 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.
11. 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.
12. 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.
13. 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.
14. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
15. 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.
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. 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 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. 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.

3. 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.

The proposed development is considered consistent with the purpose of Zone MR (Medium Density Residential) of the Scheme as the development will provide for a range of housing options for potential residents of Johnston to a maximum height of 4 storeys.

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 7.3 (Building Setbacks of Residential buildings) of the Northern Territory Planning Scheme for west side setbacks of 2.9 (Building 3) and 8.2m (Building 4) where side setbacks of 10.5m are required by Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in height) of the Scheme is supported as:

- the location of the buildings which abut land in zone PS (Public Open Space) of the Scheme will ensure that there is no undue overlooking of adjoining lots. It is also considered that no adverse effects of building massing are anticipated; and
- the location of the balconies abutting land in the above zone will provide additional passive surveillance of the open areas.

A variation to Clause 7.3 (Building Setbacks of Residential buildings) of the Northern Territory Planning Scheme for north a side setbacks of 5.8m (Building 5) where side setbacks of 10.5m are required by Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in height) of the Scheme is supported as:

- the location of the buildings which abut land in zone CN (Conservation) of the Scheme will ensure that there is no undue overlooking of adjoining lots. It is also considered that no adverse effects of building massing are anticipated; and
- the location of the balconies abutting land in the above zone will provide additional passive surveillance of the open areas.

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.

Lot 10286 is irregular in shape and has driveway frontage to Tarakan Court. The site abuts land in zones: CN (Conservation) of the Scheme to the North, MD (Multiple Dwelling) to the east, M (Main Road) to the south and PS (Public Open Space) to the west. The land is currently undeveloped and has been cleared. To the north east of the site there is 6.5m x 3.5m electricity easement in favour to the Power and Water Corporation.

The City of Palmerston has requested a conceptual stormwater drainage plan and provided that stormwater is adequately managed the land is considered capable of supporting the proposed development.

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

The amendments to the development which include compliance with Clause 6.5.1 (Parking Requirements) of the Scheme will ensure that any negative impact on the existing and future amenity of the area is minimised.

ACTION: Notice of Consent and Development Permit

ITEM 5 **32.7M HIGH TELECOMMUNICATIONS FACILITY WITH ASSOICATED
ANTENNAS AND EQUIPMENT SHELTERS**
PA2013/0090 **LOT 4737 (32) BALDWIN DRIVE, TOWN OF PALMERSTON**
APPLICANT **MARK BAADE**

Mr Mark Baade attended.

Mr Terry Mills and Mr Dale Egan attended as submitters.

Mr Egan spoke his submission.
Mr Mills asked questions to Mr Baade.

Mr Baade responded to the submission.

**RESOLVED
57/13**

Pursuant to Section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 4737 (32) Baldwin Drive, Town of Palmerston for the purpose of 32.7m high telecommunications facility with associated antennas and equipment shelter, subject to the following conditions:

1. Prior to the endorsement of plans and prior to commencement of works a written confirmation must be provided from the current owner of the land (Lay Properties Pty Ltd) to state that erection of the telecommunication facility will not impact upon the service deliveries to the site as the unloading of goods is not permitted in the existing shop's parking areas.
2. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

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 applicant has addressed the points of deferral and as such the proposal has been reassessed against and complies with the relevant provisions of the NT Planning Scheme.

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

Due to its height and design, the proposed tower will have an impact upon the amenity of the locality irrespective of its location on Lot 4737. Whilst existing landscaping will address the visual impact of the structure at ground level, this impact can be considered to be balanced by the proposal's merit.

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 purpose of the development is to provide a telecommunications facility which will form part of Telstra's Next G network. The Telstra Next G network will enable improvements to network coverage and capacity to the area thus ensuring the reliable delivery of third generation mobile services.

ACTION:

Notice of Determination.

ITEM 6

**PA2013/0298
APPLICANT**

**AMENDMENT TO DP13/0108 TO CONSOLIDATE 44 LOTS FOR THE PURPOSES OF CREATING AN INDEPENDENT RETIREMENT LIVING SITE
LOTS 11505 & 11506 (20 & 2) ROYSTONEA AVENUE, TOWN OF PALMERSTON
ELTON CONSULTING**

Mr Martin Klopper (Elton Consulting) and Mr Jeremy Clark from CIC attended.

**RESOLVED
58/13**

That the Development Consent Authority vary the provisions of Clause 11 of the SP8 (Specific Use Zone Palmerston No. 8), and pursuant to section 53(a) of the *Planning Act*, consent to the application to amend to DP13/0108 for the purpose of a consolidation of 44 lots to create one lot in Stage 8 thereby allowing the development of Lots 11505 (20) and 11506 (2) Roystonea Avenue, Town of Palmerston for a residential estate (The Heights, Durack) incorporating as the first phase a subdivision to create 232 lots as stages 3, 4, 5, 6, 6A, 7, 7A, 8 and 9 and as a second phase the development of the land in accordance with detailed land use plan indicating the proposed use, a plan(s) indicating minimum building setbacks for each lot and a land and a house package design for each integrated housing lot with an area of 250m² to 299m², all in accordance with following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation) an Erosion and Sediment Control Plan (ESCP), to the Department of Land Resource Management's requirements, to the satisfaction of the consent authority, must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The ESCP should address the International Erosion Control Association (IECA) Best Practice Erosion and Sediment Control Guidelines 2008 and should detail management measures / interventions to be implemented to mitigate impacts to water quality and detail the containment measures for sediment on site.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the drawings numbered 2013/0298/01 through to 2013/0298/40 endorsed as forming part of this permit.
3. The applicant shall demonstrate to the satisfaction of the consent authority how potential purchasers will be informed about the specific terms of the SU8 zone of the NT Planning Scheme, and in particular how the requirements of endorsed setback plan and house and land package documentation apply to each site.
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 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.
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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, and telecommunication networks to each lot shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
8. Stormwater drainage shall be wholly contained within the site and discharged into the local stormwater system to the standards and approval of Road Network Division and/or City of Palmerston as the case may be. All proposed lots fronting Roystonea Avenue shall be graded such that the stormwater run-off from the properties is away from the road and is able to be collected within the development area and appropriately discharged into the local stormwater system.
9. Stormwater is to be collected and discharged into the drainage network, and incorporate Water Sensitive Urban Design (WSUD) to the technical standards of and at no cost to the City of Palmerston Council and/or the Department of Lands, Planning and the Environment as the case may be, to the satisfaction of the consent authority.
10. Engineering design and specifications for the proposed and affected roads, street lighting, vehicular access, pedestrian/cycle corridors and streetscaping are to be to the technical requirements of City of Palmerston and/or the Department of Lands and Planning as the case may be, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
11. All unsuitable soil within Stages 3 through to 9 must be removed and replaced with appropriate soil type(s), with all excavation and/or filling to be designed, supervised and certified on completion by a practising and registered Civil Engineer, confirming that the land is suitable of the intended residential use and development, in accordance with Australian Standard AS3798: Guidelines on earthworks for commercial and residential developments, to the satisfaction of the consent authority.
12. Landscaping and development of open spaces and streets/roads shall be designed and constructed to the requirements of the City of Palmerston and/or the Department of Lands and Planning as the case may be, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

13. Where unfenced, the Roystonea Avenue frontage is to be appropriately fenced in accordance with the Department of Transport's standards and requirements to deter unauthorised vehicular and/or pedestrian movement.
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. All proposed work (including provision of services) within, or impacting upon the Roystonea Avenue, University Avenue or Tiger Brennan Drive Road reserves shall be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Chief Executive, Department of Transport. Drawings must be submitted to the Director Roads for Road Agency, Department of Transport, irrespective of approvals granted by other Authorities. No works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
16. The upgrading of existing intersections and/or roads under the care, control and management of the NT Government to accommodate the traffic generated by the development shall be to the standards and approval of Road Network Division, Department of Transport at the Developer's cost. If a staged construction of required upgrades is proposed, the Traffic Impact Assessment should be updated to identify the Development stages at which proposed upgrades are required.
17. The applicant shall construct a road connection between the existing access to the Palmerston Water Park and the boundary to the site to the requirements of the City of Palmerston and/or the Department of Lands and Planning to the satisfaction of the consent authority.
18. Any services or connections within the Roystonea Avenue road reserve are subject to Department of Transport's approval. Methods of construction for the installation of services shall be such that all works are contained within the appropriate Nominal Service Corridor.
19. The developer shall have carried out, in accordance with 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. All noise attenuation works deemed necessary, either by building materials and design or lot layout, shall be carried out by and at the full cost to the developer and shall be wholly contained within the subject lot.
20. The applicant shall demonstrate to the satisfaction of the consent authority how recommendations of the environmental noise assessment Document No.

60236169 - A11L01RP will be implemented and how potential purchasers of lots identified by the report as potentially being effected by traffic noise will be informed about their obligations to implement the report's recommendations.

21. Access shall not be permitted to the site without approval from the relevant authority, either for construction purposes or permanently, from the Roystonea Avenue road reserve other than via the newly constructed access off Roystonea Avenue opposite Yarrowonga Road.
22. The applicant shall prepare a Heritage Management Plan in consultation with the Heritage Division of the Department of Lands, Planning and the Environment to the satisfaction of the consent authority.

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. 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 contact the Department of Land Resource Management.
3. The NT Environment Protection Agency 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.
4. The Developer, his Contractor or Service Provider is required to obtain a "Permit to Work within a Road Reserve" from the Manager Road Operations, Road Projects Division, Department of Construction and Infrastructure (2nd Floor, Highway House, Palmerston) prior to the commencement of any works within the Roystonea Avenue road reserve.
5. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
6. Any stormwater drains and WSUD should conform to the *Public and Environmental Health Act 2011* and the associated Public Health (General Sanitation, Mosquito Prevention and Rat Exclusion and Prevention) Regulation, in regards to preventing mosquito breeding.

7. 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*.

REASONS FOR THE RECOMMENDATION

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 consolidation will facilitate the relocation of the future development of the retirement living facility to the resulting lot. The application does not contrast with the objectives of the Zone SP8, to provide for housing choices through a range of lot sizes and housing types, as well as open space and community and commercial uses.

Approval of this application will ultimately also facilitate the larger development of Lot 11505 (Lot B) and Lot 11506 (Lot C) in accordance with the objectives of Zone SP8.

A variation to Clause 11 (Building Setbacks) of Zone SP8 of the Scheme will allow a change to the primary and secondary street frontages of Lots 124, 138, 144, 147, 157, 160, 180, 192, 193, 225, 226, 242, 243, 281, 298, 304, 308, 309, 322, 323, 328, 342, 356, and 360 is supported as:

- It will enable streets with 2 – 3 dwellings to be uniform in design;
- Enable additional surveillance of public areas and pedestrian walkways;
- The impact of fencing on the streetscape will be minimised; and
- The proposed layout provides the safe manoeuvring of traffic through the whole development.

A variation to clause 11 (Building Setbacks) of zone SP8 of the Scheme to allow a reduced front setback of 4.5m on Lots 105, 106, 107, 111, 112, 113, 114, 120, 121, 122, 124, 126, 127, 129, 130, 133, 134, 135, 139, 148, 153, 156, 157, 161, 164, 170, 176, 177, 178, 179, 184, 185, 186, 187, 188, 191, 192, 193, 196, 199, 200, 207, 208, 209, 210, 219, 220, 224, 225, 226, 227, 240, 241, 242, 243, 244, 245, 252, 255, 267, 266, 272, 273, 274, 275, 278, 279, 280, 281, 282, 287, 289, 290, 295, 296, 297, 298, 299, 305, 317, 327, 328, 332, 348, 352, 355, and 371 where 6m is required by the Scheme is supported as:

- The proposed setback changes will allow for variety in the streetscape and diversity in housing options in this new estate;
- Soften building mass where lots greater than 400m² adjoin lots less than 400m²;
- The variation will allow for the retention of existing significant vegetation and opportunities for additional articulation through vegetation;

- The varied setbacks will enable the developer to work with the existing slope of the lots and streets and to work with these site features rather than overly manipulating the existing site features; and
 - The proposal will be consistent with Zone SP8 when the concurrent planning scheme amendment application is approved to adjust building setback requirements accordingly.
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.

Provided that stormwater is adequately addressed, the land is adequately filled, and an Erosion and Sediment Control Plan is developed in accordance with the requirements of the Department of Land Resource Management and City of Palmerston, to the satisfaction of the consent authority, the land is considered capable of supporting the development without any adverse impact on surrounding land.

ACTION: Notice of Consent and Development Permit

ITEM 7 **AMENDMENT TO DP12/0747 TO CREATE AN ADDITIONAL 25 LOTS AND ROAD RESERVE IN STAGE 2**
PA2013/0297 **LOT 11505 (20) ROYSTONEA, TOWN OF PALMERSTON**
APPLICANT **ELTON CONSULTING**

Mr Martin Klopper (Elton Consulting) and Mr Jeremy Clark (CIC) attended.

RESOLVED
59/13

That the Development Consent Authority vary the provisions of Clause 11 of the SP8 (Specific Use Zone Palmerston No. 8), and pursuant to section 53(b) of the *Planning Act*, alters the proposed development and consents to the proposed development as altered to amend DP12/0747 to create an additional 25 residential lots thereby allowing the development of part Lot 11505 (20) Roystonea Avenue, Town of Palmerston for a residential estate (The Heights, Durack) incorporating as the first phase a subdivision to create 136 lots as stages 1 and 2 and as a second phase the development of the land in accordance with detailed land use plan indicating the proposed use, a plan(s) indicating minimum building setbacks for each lot and a land and a house package design for each integrated housing lot with an area of 250m² to 299m², all in accordance with following conditions:

CONDITIONS PRECEDENT

1. Prior to endorsement of plans 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:

- An amended design of Stage 2 of the subdivision demonstrating road widths in accordance with the requirements and to the standards of City of Palmerston;
2. Prior to the commencement of works (including site preparation) an Erosion and Sediment Control Plan (ESCP), to the Department of Land Resource Management's requirements, to the satisfaction of the consent authority, must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The ESCP should address the International Erosion Control Association (IECA) Best Practice Erosion and Sediment Control Guidelines 2008 and should detail management measures / interventions to be implemented to mitigate impacts to water quality and detail the containment measures for sediment on site.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the drawings numbered 2013/0297/01 through to 2013/0297/37 endorsed as forming part of this permit.
4. The applicant shall demonstrate to the satisfaction of the consent authority how potential purchasers will be informed about the specific terms of the SU8 zone of the NT Planning Scheme, and in particular how the requirements of endorsed setback plan and house and land package documentation apply to each site.
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. 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.
7. 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.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, and telecommunication networks to each lot shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
9. Stormwater drainage shall be wholly contained within the site and discharged into the local stormwater system to the standards and approval of Road Network Division and/or City of Palmerston as the case may be. All proposed lots fronting Roystonea Avenue shall be graded such that the stormwater run-off from the properties is away from the road and is able to be collected within the development area and appropriately discharged into the local stormwater system.

10. Stormwater is to be collected and discharged into the drainage network, and incorporate Water Sensitive Urban Design (WSUD) to the technical standards of and at no cost to the City of Palmerston Council and/or the Department of Lands, Planning and the Environment as the case may be, to the satisfaction of the consent authority.
11. Engineering design and specifications for the proposed and affected roads, street lighting, vehicular access, pedestrian/cycle corridors and streetscaping are to be to the technical requirements of City of Palmerston and/or the Department of Lands and Planning as the case may be, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
12. All unsuitable soil within Stages 1 and 2 must be removed and replaced with appropriate soil type(s), with all excavation and/or filling to be designed, supervised and certified on completion by a practising and registered Civil Engineer, confirming that the land is suitable of the intended residential use and development, in accordance with Australian Standard AS3798: Guidelines on earthworks for commercial and residential developments, to the satisfaction of the consent authority.
13. Landscaping and development of open spaces and streets/roads shall be designed and constructed to the requirements of the City of Palmerston and/or the Department of Lands and Planning as the case may be, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
14. Where unfenced, the Roystonea Avenue frontage is to be appropriately fenced in accordance with the Department of Transport's standards and requirements to deter unauthorised vehicular and/or pedestrian movement.
15. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
16. All proposed work (including provision of services) within, or impacting upon the Roystonea Avenue, University Avenue or Tiger Brennan Drive Road reserves shall be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Chief Executive, Department of Transport. Drawings must be submitted to the Director Roads for Road Agency, Department of Transport, irrespective of approvals granted by other Authorities. No works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
17. The upgrading of existing intersections and/or roads under the care, control and management of the NT Government to accommodate the traffic generated by the development shall be to the standards and approval of Road Network Division, Department of Transport at the Developer's cost. If a staged construction of required upgrades is proposed, the Traffic Impact Assessment should be updated to identify the Development stages at which proposed upgrades are required.

18. The applicant shall construct a road connection between the existing access to the Palmerston Water Park and the boundary to the site to the requirements of the City of Palmerston and/or the Department of Lands and Planning to the satisfaction of the consent authority.
19. Any services or connections within the Roystonea Avenue road reserve are subject to Department of Transport's approval. Methods of construction for the installation of services shall be such that all works are contained within the appropriate Nominal Service Corridor.
20. The developer shall have carried out, in accordance with 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. All noise attenuation works deemed necessary, either by building materials and design or lot layout, shall be carried out by and at the full cost to the developer and shall be wholly contained within the subject lot.
21. The applicant shall demonstrate to the satisfaction of the consent authority how recommendations of the environmental noise assessment Document No. 60236169 - A11L01RP will be implemented and how potential purchasers of lots identified by the report as potentially being effected by traffic noise will be informed about their obligations to implement the report's recommendations.
22. Access shall not be permitted to the site without approval from the relevant authority, either for construction purposes or permanently, from the Roystonea Avenue road reserve other than via the newly constructed access off Roystonea Avenue opposite Yarrowonga Road.

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. 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 contact the Department of Natural Resources, Environment, The Arts and Sport.
3. The Department of Natural Resources, Environment, The Arts and Sport advise that construction should be conducted in accordance with the NRETAS 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.

4. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.
5. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.

REASONS FOR THE RECOMMENDATION

3. 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 to create an additional 25 lots within Stage 2 of the approved staged subdivision development. This development will result in the creation of an additional 13 compact housing lots and 12 traditional housing lots plus road reserve area.

The proposed subdivision is relatively minor in terms of the overall approved subdivision and will not impact upon the Development Design Philosophy or Subdivision Principles of SP8 (Specific Use Palmerston 8) of the NT Planning Scheme that have already been assessed as part of the overall subdivision.

A variation to Clause 11 of Zone SP8 of the NT Planning Scheme can be justified as it will result in a more consistent streetscape and is ultimately in accordance with the concurrent application for a planning scheme amendment to Zone SP8.

Amended plans will confirm that all road widths are consistent with the requirements of City of Palmerston.

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.

Subject to conditions of approval, Lot 11505 was previously determined to be capable of supporting subdivision. This current application is to further subdivide an internal lot already approved for subdivision to create an additional 25 (twenty-five) lots. The intention is not to change the approved land-use. The Department of Land Resource Management

did not identify any issues. The land is considered capable of supporting the proposed new lots.

ACTION: Notice of Consent and Development Permit

ITEM 8
PA2013/0338
APPLICANT

4 X 3 BEDROOM MULTIPLE DWELLINGS IN TWO SINGLE STOREY BUILDINGS
LOT 10355 (47) HOBART CRESCENT, TOWN OF PALMERSTON
KILLARNEY HOMES

Mr Damian Moriarty (Killarney Homes) and Ms Wendy Smith (City of Palmerston) attended.

RESOLVED
60/13

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(b) of the *Planning Act*, alters the proposed development and consents to the proposed development as altered to develop Lot 10355 (47) Hobart Crescent, Town of Palmerston for the purpose of 4 x 3 bedroom multiple dwellings in two single storey buildings, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston's underground stormwater drainage system shall be submitted to and approved by the City of Palmerston, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.
2. Prior to endorsement of plans and 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:
 - Fencing provided in accordance with recommendations of City of Palmerston.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. 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.

4. 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.
5. 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.
6. 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.
7. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (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.

8. 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;

Car spaces and driveways must be kept available for these purposes at all times.

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. 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.
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 of to ground level in a controlled manner to the satisfaction of the consent authority.
14. 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 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. 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.
3. 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 RECOMMENDATION

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) of the Northern Territory Planning Scheme as it provides for a variety of housing option for potential residents of area.

A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Scheme to allow a *secondary street setback of 2m where 3.5m* is required by Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in Height) of the Scheme as the development has a length of 24m from Henschke Street to the north side boundary is granted as:

- The setbacks to the affected boundary is well articulated due to the variation in building line to include verandahs and as such no adverse affects of building massing are anticipated when viewed from the street;
- Colorbond Good Neighbour fencing has been provided to avoid any undue overlooking of the adjoining property; and
- The inclusions of the verandahs will encourage breeze penetration throughout the site.

A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Scheme to allow a north side setback of 1.5m where 2.5m is required by Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in Height) of the Scheme as the development has a length of 24m from Henschke Street to the north side boundary is granted as:

- The setbacks to the affected boundary is well articulated due to the variation in building line to include verandahs and as such no adverse affects of building massing are anticipated when viewed from the street;
- Colorbond Good Neighbour fencing has been provided to avoid any undue overlooking of the adjoining property; and
- The inclusions of the verandahs will encourage breeze penetration throughout the site.

The site has an area of 1,210m², is regular in shape and has street frontage to Hobart Crescent and Flinders Street. Access is proposed to be off Flinders Street. The site has been cleared and is undeveloped.

The site is within a residential suburb that is currently being developed. Provided that stormwater is appropriately managed on site without impacting on surrounding residential areas and disposed of into Councils stormwater drainage system within Hobart Crescent and Flinders Street, the land is considered capable of supporting the development as proposed.

ACTION: Notice of Consent and Development Permit

ITEM 9 **4 X 3 BEDROOM AND 1 X 2 BEDROOM MULTIPLE DWELLINGS IN 2 STOREY BUILDINGS AND 2 SINGLE STOREY BUILDINGS**
PA2013/0316 **LOT 8310 (1) KIRKIMBIE COURT, TOWN OF PALMERSTON**
APPLICANT **KILLARNEY HOMES**

Mr Damien Moriarty (Killarney Homes) addressed the DCA and responded to the submitters questions.

Ms Elizabeth Crocker, Mr Brett Everett, Ms Briony Crummy, Mr Alexander Thoss, Mr Mathew Stripling and Ms Wendy Smith (City of Palmerston) attended.

Mr Mathew Stripling spoke to his submission.

Mr Brett Everett and Ms Briony Crummy spoke to their submissions.
Mr Alexander Thoss spoke to his submission.
Ms Wendy Smith address the DCA

**RESOLVED
61/13**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 8310 (1) Kirkimbie Court, Town of Palmerston for the purpose of 4 x 3 Bedroom and 1 x 2 Bedroom Multiple Dwellings in 2 x 2 Storey Buildings and 2 x Single Storey Buildings to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

1. Amended plans demonstrating that the development does not have the capacity to or cannot be adapted, at a later date, to comprise or enable the use of more than 5 self-contained dwellings;
2. Amended plans demonstrating that potential amenity impacts of the development on the Inverway Circuit/Kirkimbie Court streetscapes and the adjacent single dwelling at 2 Kirkimbie Court have been considered. Potential amendments to be considered could include but not be limited to:
 - increasing the setbacks of the development to northern side boundary;
 - reducing the final ground levels across the site to minimise the height of retaining walls (particularly along the street frontage); and
 - increasing the number of on-site car parking spaces a general revisions to the dwelling design and layout for a more proportionate development of the site.
3. Any amendments to the application that arise as a result of the above information requests.

ACTION:

Advice to Applicant

**ITEM 10
PA2013/0172**

**20 X 2 BEDROOM MULTIPLE DWELLINGS IN 20 SINGLE STOREY BUILDINGS
LOT 10974 & 11122 FARRAR BOULEVARD & (15) HODGE STREET, TOWN OF
PALMERSTON**

APPLICANT

DPL DEVELOPMENTS

Mr Darron Lyons (DPL Developments) and Israel Kgosiemang attended.

**RESOLVED
62/13**

That, the Development Consent Authority vary the requirements of Clauses 7.3 (Building Setbacks of Residential Buildings) and 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 Lot 11122 (15) Hodge Street, Suburb of Johnston, Town of Palmerston for the purpose of 20 x 2 bedroom multiple dwellings in 19 single storey buildings, subject to the following conditions precedent and general conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation works), a consolidated 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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) floor plans, elevations and roof plans for each dwelling unit that clearly identify that the plans relate to that unit;
 - b) detailed landscaping and fencing plans (at a suitable and readily legible scale) for the development site that clearly identify all landscaping and planting to be completed as part of the initial development of the land (i.e. prior to completion of the development permit requirements). Landscaping and fencing plans must, as a minimum, include:
 - i. details (including height, colour and materials) of all fencing and gates;
 - ii. planting and/or other screening in the areas between the proposed central driveway and each dwelling; and
 - iii. all 'screening' planting on/adjacent to internal and external boundaries (including adjacent to Hodge Street and Farrar Boulevard frontages.
 - c) Two bin enclosures each capable of containing 8 bins;
 - d) provision of windows or a skylight / ventilation system to the kitchen and bathrooms of the Emily unit and windows to the bathrooms of the Jo units;
 - e) 3.5m x 2.5m, 3.5 x 3.5m, and 1m x 1m electricity easements, in the locations specified by Power and Water Corporation, meeting the requirements of Power and Water Corporation; and
 - f) Provision of a suitably designed acoustic and light barrier to provide satisfactory light and noise separation between the exit driveway and adjoining Lot 11123 Hodge Street, to the satisfaction of the consent authority.
2. Prior to endorsement of plans and prior to the commencement of works (including site preparation), 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, must be prepared and submitted to the consent Authority for endorsement. Endorsement of the plans will be at the discretion of the consent authority.
3. Prior to the commencement of works, either:
 - a) documentation must be submitted to the consent authority demonstrating that the Public Transport Division of the Department of Transport is satisfied with undertakings by the developer in relation to traffic management for the duration of the construction phase of the development and does not require a 'traffic management plan' to be endorsed as part of the development permit; or
 - b) a 'traffic management plan' for the construction phase of the development must be submitted to the consent authority for endorsement as part of this

development permit. Endorsement of a traffic management plan is at the discretion of the consent authority, however, the plan must be developed in consultation with Department of Transport, and include specific measures to limit interruption to existing bus routes within the vicinity of the development site.

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. 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.
3. Stormwater is to be collected and discharged into the drainage network to the technical standards of, and at no cost to, the City of Palmerston, 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. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.
6. Storage for waste disposal bins is to be provided to the requirements of the City of Palmerston, to the satisfaction of the consent Authority.
7. 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
8. 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.

9. 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.
10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
11. Any developments on or adjacent to any easements on site must be carried out to the requirements of the relevant service Authority to the satisfaction of the consent authority.
12. Soil erosion control and dust control measures must be employed throughout the construction stage of the development, to the satisfaction of the consent Authority.
13. Traffic and parking operations on and adjacent to the site must conform to any traffic management plan endorsed as part of this development permit, for the duration of the construction phase of the development.
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.

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. 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.
3. The NT Environment Protection Agency 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.

4. Adjoining owners, residents the general public and adjoining traffic lanes are to be protected against dust, dirt and water nuisance. Where required, dust screens and watering are to be used to reduce dust nuisance. All proper precautions are to be taken by the Contractor to ensure that erosion and sedimentation from any lands or locations used, occupied or controlled by the Contractor is kept to absolute minimum during the course of the works.
5. There are 3.5m x 2.5m, 3.5 x 3.5m, and 1m x 1m electricity easements for a Rind Main Unit (RMU), a Package Substation and an Underground Distribution Striple Fuse pillar on the property in separate locations. The Developer is advised that inappropriate fencing of these easements is not acceptable and that 24hr access must be maintained for servicing at all times by PWC.
6. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities

REASONS FOR THE RECOMMENDATION

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 subject site is located within the new suburb of Johnston and is a large, long and slightly irregular shaped parcel of land fronting three roads, including Farrar Boulevard (primary frontage), Henry Road (secondary frontage), and Hodge Street (secondary frontage) and was created through a recent subdivision. While the long internal road is not considered to be an ideal outcome, the elongated configuration of the site provides unusual constraints to design options. The development includes design strategies to limit the impact of noise and headlights on residents within the complex through a combination of open fencing, landscaping and varying window sizes and will assist in allowing breezes to penetrate the dwellings. The conditions of approval are expected to assist in ensuring that all dwellings offer future occupants a satisfactory level of amenity and that the development does not unduly impact on adjoining properties or streets.

2. Variations to the provisions of the Planning Scheme are supported as follows:
 - a) Clause 6.5.3 (Parking Layout)
 Parking bays to Units 3-6 (inclusive) and 11-18 (inclusive) are marginally narrower than the 2.5m minimum width dimension and a variation to Clause 6.5.3.3(h) is therefore required. A variation is supported, as the

required variation to the minimum width dimension is marginal and the parking spaces are expected to be functional and provide sufficient dimensions for convenient access and egress.

b) Clause 7.3 (Building Setbacks of Residential Buildings)

Proposed units 11 – 18 (inclusive) have minimum building setbacks ranging from approximately 5m – 5.8m from the south-western boundary, instead of a minimum of 6m. A variation is supported, as:

- i. the lot boundary is setback approximately 17m from the Farrar Boulevard road carriageway, providing substantial additional separation;
- ii. proposed fencing and landscaping may be expected to substantially screen dwellings from Farrar Boulevard; and
- iii. the development is not expected to frustrate the purpose of Clause 7.3 on account of the reduced setbacks to the south-western boundary.

c) Clause 7.5 (Private Open Space)

All proposed dwellings include a minimum of 45m² of private open space. Open space areas for Units 1, 2, 4, 6 and 9 do not comply with the requirement for a 5m x 5m open space 'envelope'. All other units comply with the open space envelope requirement. Open space envelopes for the non-compliant units are as follows:

Unit 1	~4.5m x 7.8m
Unit 2	~4.5m x 8.6m
Unit 4	~4.2m x 6.7m
Unit 6	~4.2m x 6.2m
Unit 9	~4.2m x 8.5m

A variation to the provision is supported, as:

- i. the dimensions of the non-compliant private yard areas are considered adequate to meet the expected needs of future occupants; and
 - ii. the proposed open space provision for all units is expected to meet the purpose of the clause.
3. 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 development is consistent with the zoning for the land and promotes best practice urban planning by creating mixed-use neighbourhoods. The proximity of the development to local amenities provides a high degree of amenity for the future residents. The proposed dwellings are of a size and scale expected of this type of developments within the area.

The design is considered to align with community initiatives of the Palmerston Eastern Suburbs Planning Principles and Area Plans and the Community Safety Design Guide. Specifically the development addresses the surrounding local road networks through pedestrian linkages and the combination of open fencing and landscaping around the property boundaries, which allows for greater interaction and surveillance of the streetscapes.

4. 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 subdivision has only very recently been completed and the area is still being developed. Proposed fencing and planting is expected to assist in ensuring a sympathetic presentation to adjoining street frontages. The proposal is not expected to adversely impact on the amenity of the locality.
5. The application was publicly exhibited in accordance with the *Planning Act* and Planning Regulations. No public or local authority submissions under section 49 of the *Act* were received.
6. The conditions of approval are expected to assist in ensuring the orderly development of the site, due minimisation of impacts on adjoining streets and properties and due recognition of service authority interests.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

24/6/13