

DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 121 - WEDNESDAY 15 SEPTEMBER 2010

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

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

APOLOGIES: Graeme Chin

OFFICERS PRESENT: Margaret Macintyre (Secretary), George Maly, Craig Bellamy, Allison Hooper and Gemma Lotha (Development Assessment Services)

COUNCIL REPRESENTATIVE: Apology

Meeting opened at 9:30 am and closed at 11.45 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 **DEMOUNTABLE STRUCTURE**
PA2010/0977 **LOT 9917 (28) HEDLEY STREET, TOWN OF PALMERSTON**
APPLICANT **ELIZABETH ASHTON**

Ms Elizabeth Ashton attended.

RESOLVED
118/10

Pursuant to section 53(a) of the *Planning Act*, the Authority consent to the application to develop Lot 9917 (28) Hedley Place, Town of Palmerston for the purpose of a demountable structure, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawings numbered 2010/0977/1 through to 2010/0977/4 endorsed as forming part of this permit.
2. Storm water intercepted by the development 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.

NOTE:

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.

REASON FOR THE DECISION

The proposal provides external cladding on all sides of the proposed demountable to match the existing residence on site which effectively screens the structure from view and as such the demountable structure is unlikely to have adverse impact on the streetscape or on the amenity of neighbouring properties. The proposal is therefore compliant with the relevant clauses of the NT Planning Scheme.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2010/0426
APPLICANT

3 X 3 BEDROOM MULTIPLE DWELLING IN A SINGLE STOREY BUILDING
LOT 9724 (1) TOZER STREET, TOWN OF PALMERSTON
JB INDUSTRIES (NT) PTY LTD

The applicant did not attend the meeting.

RESOLVED
119/10

That, pursuant to Section 53(c) of the *Planning Act*, the Authority refuse granting consent to the application to develop Lot 9724 (1) Tozer Street, Town of Palmerston for the purpose of 3 x 3 bedroom multiple dwellings in a single storey building for the following reasons:

REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority is required to consider the proposal's compliance with the Planning Scheme, as it applies to the land.
 - (a) The development does not meet the intent of zone MD (Medium Density), as given in Clause 5.2 of the Planning Scheme as the proposal presents minimal landscaping, façade articulation or setback variation to the street and as such it is not considered to be compatible with the streetscape and surrounding development.
 - (b) The development does not meet the requirements of Clause 6.5.3 (Parking Layout) of the Scheme as:
 - o The car parking area will take up the entire frontage of the site and does not include an adequately wide landscaped strip between the front boundary and the parking area which would minimise the visual impact of the car parking area on the street; and
 - o Access to and exit from parking space no. 6 is limited by the corner truncation of the allotment severely limiting the manoeuvring room for vehicles entering and exiting this bay;
 - (c) The proposal does not comply with Clause 7.5 (Private Open Space) of the Scheme as the rear yard of proposed unit 2 does not meet the minimum dimensions of 5 x 5 metres indicating the proposal's inability to provide for adequate access to natural light and the circulation of breezes through the dwelling;
 - (d) The proposal does not meet the purpose of Clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) of the Scheme as the proposed landscaping covers 27% instead of 30% of the site as required by the clause and because the proposed landscaping does not enhance the streetscape.
 - (e) The development does not meet the purpose of Clause 7.8 (Building Design for Multiple Dwellings, Hostels and Supporting Accommodation) of the Scheme which states that proposals should "promote site-

responsive designs for hostels, multiple dwellings and supporting accommodation that are pleasant for the occupants and do not unreasonably affect the use and enjoyment of adjacent land". The design presented does not allow for adequate access to natural light, does not protect bedrooms from noise sources and does not enable breezes to circulate through the site, as required by subclauses (a), (f) and (j) of Clause 7.8 of the Planning Scheme. No air-conditioning is proposed to be provided to bedrooms 2 and 3 of each unit, leading to concerns that heat loading of bedrooms 2 and 3 from the proximity to the car parking area may necessitate the provision of air-conditioning units within the proposed parking bays and the impact that such air-conditioners would have on the manoeuvrability of vehicles within the parking area.

- (f) In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, "*the consent authority may consent to the development of the land that does not meet the standard set out in Parts 4 or 5 only if it is satisfied that special circumstances justify the giving of consent*". No special circumstances have been demonstrated in the application to justify the variations sought, and as such the application is refused.
2. Pursuant to Section 51(j) of the *Planning Act*, the consent authority is required to consider "*the capability of the land to support the proposed development*". The size and shape of the allotment present particular constraints, which have not been resolved through the design presented to the consent authority, and as such it has not been demonstrated that the site can support the proposed development.
3. Pursuant to Section 51(n) of the *Planning Act*, the consent authority is required to consider "*the potential impact on the existing and future amenity of the area in which the land is situated*". The design gives a poor amenity outcome for future occupants of Unit 2 and for the surrounding area in terms of proper streetscape presentation. The poor amenity outcomes for future residents and the lack of proper presentation to the street also confirm that the proposal lacks sufficient merit.

ACTION: Notice of Refusal

**ITEM 3
PA2010/0517
APPLICANT**

**TELECOMMUNICATIONS FACILITY
LOT 8584 (183) FORREST PARADE, TOWN OF PALMERSTON
TELSTRA CORPORATION PTY LTD**

Mr Mark Baade (SK Planning) attended on behalf of the applicant and tabled a copy of an advertisement from 13 August 2010 NT News advising of the proposal and asking for feedback.

Submitter Rosebery Primary School - Mr Adam Voigt (Headmaster) sent his apologies.

**RESOLVED
120/10**

Pursuant to Section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop part of Lot 8584 (183) Forrest Parade, Rosebery, Town of Palmerston for the purpose of a telecommunications tower, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with the drawings numbered 2010/0517-01 to 2010/0517-03 endorsed as forming part of this permit.
2. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. The proposed internal access track (including any fill/batters or excavation works) shall be wholly contained within the site boundaries and shall not be detrimental to the drainage of the Roystonea Avenue road reserve to the satisfaction of Road Network Division.
5. Where unfenced, the Roystonea Avenue frontage is to be appropriately fenced in accordance with Road Network Division's standards and requirements to deter unauthorised vehicular and/or pedestrian movement.
6. Any external lighting provided on site must be designed, baffled and located so as to prevent any adverse effect on future Roystonea Avenue traffic, to the satisfaction of Road Network Division, Department of Lands and Planning to the satisfaction of the consent authority.
7. All proposed work (including provision of services) within, or impacting upon the Roystonea Avenue road reserve 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 Lands and Planning. Design drawings must be submitted to the Director, Road Network Division for Road Agency Approval. No works within, or impacting upon the NT Government road reserve are to commence prior to gaining Road Agency Approval.

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. Access shall not be permitted to the subject lot, either for construction purposes or permanently, from the Roystonea Avenue road reserve. Access shall be from Owston Avenue to the standards and approval of Palmerston City Council and shall be set back from the Roystonea Avenue/ Owston Avenue intersection zone as shown on Drawing No S106095-G1.
3. A "Permit to Work Within a Road Reserve" may be required from the Manager Road Operations, Road Projects Division, Department of Construction and Infrastructure before commencement of any work within the Roystonea Avenue road reserve.

REASONS FOR THE DECISION

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

The proposed is generally consistent with the purpose of the FD (Future Development) Zone and complies with the relevant provisions of the NT Planning Scheme, in particular clause 13.5 (Mobile Telephone Communications Towers etc.).

2. Pursuant to Section 51(h) of the *Planning Act*, the Development Consent Authority must take into consideration the merits of the proposed development as demonstrated in the application.

The proposal has merit in being a public utility which will serve a community need (by improving public mobile phone coverage in the Palmerston locality).

3. Pursuant to Section 51(n) of the *Planning Act* the Development Consent Authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

It is considered that the proposed development will have minimal impact on existing or future amenity of the surrounding area.

4. Pursuant to Section 51(p) of the *Planning Act*, the Development Consent Authority must take into consideration the public interest of the proposed development

The proposal is in the public interest by providing improved public mobile phone coverage in the Palmerston area.

ACTION: Notice of Consent and Development Permit

**ITEM 4
PA2010/0327**

**6 X 2 BEDROOM AND 3 X 3 BEDROOM MULTIPLE DWELLINGS IN 2 SINGLE
STOREY BUILDINGS.**

APPLICANT

**LOT 10287 (235) LAMBRICK AVENUE, TOWN OF PALMERSTON
MASTERPLAN NT PTY LTD**

Mr Brad Cunnington (Masterplan NT P/L) attended.

Attended from Palmerston City Council - Mr Robert McLeod (Mayor) and Mr Paul Flanagan (Director, Technical Services).

**RESOLVED
121/10**

That the Authority vary clause 7.3 (Building Setbacks of Residential Buildings and Pergolas, Carports and the Like) of the NT Planning Scheme and pursuant to Section 53(b) of the *Planning Act* alters the application and consents to the application as altered to develop Lot 10287 (235) Lambrick Avenue, Johnstone, Town of Palmerston for the purpose of 6 x 2 bedroom and 3 x 3 bedroom multiple dwellings in two (2) single storey buildings), subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (excluding site preparation works), 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 schematic plan demonstrating all stormwater to be collected on the site and discharged to Council's stormwater drainage system;
 - landscaping along boundaries of private open space in accordance with clauses 7.5 (Private Open Space) and 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) of the NT Planning Scheme; and
 - details of all internal and site boundary fencing in accordance with clause 7.5(Private Open Space) of the Scheme.
2. Prior to the commencement of works (including site preparation works) an Erosion and Sediment Control Plan (ESCP) is to be submitted to and approved by the consent authority on the advice of the Department of Natural Resources, Environment, The Arts and Sport, and an endorsed copy of the ESCP will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the Department of Natural Resources, Environment, The Arts and Sport to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements and satisfaction 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, sewerage facilities and electricity and telecommunication services to the land shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
6. 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.
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. All air conditioning condensers, where provided, 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 Chairman, Development Consent Authority.
9. Stormwater shall be collected and discharged into the local underground stormwater system to the standards and approval of Road Network Division and/or Palmerston City Council. Stormwater design plans submitted for approval shall provide details of site levels.
10. All proposed work (including provision of services) within, or impacting upon the Lambrick Avenue road reserve 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 Lands and Planning. Design drawings (together with a copy of the relevant Development Permit) must be submitted to the Director, RND for approval, irrespective of approvals granted by other Authorities. No works within, or impacting upon the NT Government road reserve are to commence prior to approval.
11. Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by the Director of Technical Services of the City of Palmerston and all approved works constructed to Council's requirements at the applicant's expense
12. Waste bin storage shall be provided to the requirements of the City of Palmerston to the satisfaction of the consent authority.
13. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Palmerston City Council, to the satisfaction of the consent authority.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the use is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

2. 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 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 MR (Medium Density Residential) of the NT Planning Scheme to provide for a range of housing options.

A variation to the requirements of clause 7.3 (Building Setbacks of Residential Buildings and Pergolas, Carports and the Like) of the NT Planning Scheme is granted as proposed single storey units are sited and oriented to achieve maximum privacy and breeze penetration. Given that the proposal is in a single storey no issues regarding building massing or overlooking are anticipated.

2. Pursuant to Section 51(h) of the *Planning Act*, the consent authority must take into consideration the merits of the proposed development as demonstrated in the application.

The proposed low density development will provide a range of housing options for the residents of Palmerston.

ACTION: Notice of Consent and Development Permit

ITEM 5
PA2010/0328

12 X 2 BEDROOM AND 2 X 3 BEDROOM MULTIPLE DWELLINGS IN 5 SINGLE
STOREY BUILDINGS

APPLICANT

LOT 10287 (235) LAMBRICK AVENUE, TOWN OF PALMERSTON
MASTERPLAN NT PTY LTD

Mr Brad Cunnington (Masterplan NT P/L) attended.

Attended from Palmerston City Council - Mr Robert McLeod (Mayor) and Mr Paul Flanagan (Director, Technical Services).

RESOLVED
122/10

That the Authority vary clauses 7.3 (Building Setbacks of Residential Buildings and Pergolas, Carports and the Like) and 7.5 (Private Open Space) of the NT Planning Scheme and pursuant to Section 53(b) of the *Planning Act* alters the application and consent to the application as altered to develop Lot 10287 (235) Lambrick Avenue, Johnston, Town of Palmerston for the purpose of 12 x 2 and 2 x 3 bedroom Multiple Dwellings in three (3) single storey buildings, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation works), 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 schematic plan demonstrating all stormwater to be collected on the site and discharged to Council's stormwater drainage system;
 - landscaping along boundaries in accordance with sub-clause 7.5(3)(b) and clause 7.7; and
 - details of all internal and site boundary fencing in accordance with sub-clause 7.5(3).
2. Prior to the commencement of works (including site preparation works) an Erosion and Sediment Control Plan (ESCP) is to be submitted to and approved by the consent authority on the advice of the Department of Natural Resources, Environment, the Arts and Sport, and an endorsed copy of the ESCP will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements and satisfaction 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, sewerage facilities and electricity and

telecommunication services to the land shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.

6. 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.
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. Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by the Director of Technical Services of the City of Palmerston and all approved works constructed to Council's requirements at the applicant's expense
9. All air conditioning condensers, where provided, 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 Chairman, Development Consent Authority.
10. All proposed work (including provision of services) within, or impacting upon the Lambrick Avenue road reserve 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 Lands and Planning. Design drawings (together with a copy of the relevant Development Permit) must be submitted to the Director, RND for approval, irrespective of approvals granted by other Authorities. No works within or impacting upon the NT Government road reserve are to commence prior to approval.
11. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Palmerston City Council, to the satisfaction of the consent authority.
12. Access shall not be permitted to the subject Lot, either for construction purposes or permanently, from the Lambrick Avenue road reserve. Construction and delivery vehicles shall not be parked on the Lambrick Avenue road reserve.
13. Where unfenced, the Lambrick Avenue frontage is to be appropriately fenced in accordance with the Division's standards and requirements to deter unauthorised vehicular and/or pedestrian movement.
14. 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 (from Lambrick Avenue),

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.

15. Stormwater shall be collected and discharged into the local underground stormwater system to the standards and approval of Road Network Division and/or Palmerston City Council. Stormwater design plans submitted for approval shall provide details of site levels.
16. All proposed work (including provision of services) within, or impacting upon the Lambrick Avenue road reserve 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 Lands and Planning. Design drawings (together with a copy of the relevant Development Permit) must be submitted to the Director, RND for approval, irrespective of approvals granted by other Authorities. No works within or impacting upon the NT Government road reserve are to commence prior to approval.
17. Waste bin storage shall be provided to the requirements of the City of Palmerston to the satisfaction of the consent authority.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the use is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. 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 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 MR (Medium Density Residential) to provide for a range of housing options.

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 the requirements of clause 7.3 (Building Setbacks of Residential Buildings and Pergolas, Carports and the Like) of the NT Planning Scheme is granted as proposed single storey units are sited and oriented to achieve maximum privacy and breeze penetration. Given that the proposal is in a single storey no issues regarding building massing or overlooking are anticipated.

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.

A variation to the requirements of clause 7.5 (Private Open Space) is supported as the private yards with areas of 41m² and 42m² are considered to be of an adequate shape and size to accommodate domestic activities such as clothes drying or a spa.

4. Pursuant to Section 51(h) of the *Planning Act*, the consent authority must take into consideration the merits of the proposed development as demonstrated in the application.

The proposed low density development will provide a range of housing options for the residents of Palmerston.

ACTION: Notice of Consent and Development Permit

**ITEM 6
PA2010/0998**

LEISURE AND RECREATION (UPGRADE EXISTING TENNIS AND NETBALL CENTRE)

APPLICANT

**LOTS 2885 (21) & 4201 (31) TILSTON AVENUE, TOWN OF PALMERSTON
BUILD UP DESIGN**

Mr Simon Scally (Build Up Design) attended.

**RESOLVED
123/10**

That the Authority reduce parking bays required by Clause 6.5.1 (Parking Requirements) in accordance with the provisions of Clause 6.5.2 (Reduction in Parking Requirements), and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lots 2885 (21) & 4201 (31) Tilston Avenue, Moulden, Town of Palmerston, for the purpose of Leisure and Recreation (Upgrade Existing Tennis and Netball Centre), subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with drawings numbered 2010/0998-01 through to 2010/0998/08 inclusive endorsed as forming part of this permit.
2. Prior to the commencement of works a 'Construction Traffic Management Plan' is to be submitted to and approved by the consent authority on the advice of the Director of Public Transport, Department of Lands and Planning and an endorsed copy of the Plan will form part of this permit. All works relating to

this permit are to be undertaken in accordance with the endorsed Plan to the requirements and satisfaction of the consent authority.

3. Any developments on or adjacent to any easements on site shall be carried out to the requirements and satisfaction of the relevant service 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 plans in accordance with the authorities' requirements and relevant legislation at the time.
5. Waste bin storage shall be provided to the requirements of the City of Palmerston to the satisfaction of the consent authority.
6. 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 Council to the satisfaction of the consent authority.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the use is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

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 C (Commercial) of the NT Planning Scheme to provide for a range of business and community uses with the expansion of the tennis and netball facilities providing an important community use in Palmerston.

A reduction of parking bays required by Clause 6.5.1 (Parking Requirements) in accordance with the provisions of Clause 6.5.2 (Reduction in Parking Requirements) is granted as:

- subject land already contains an existing public swimming pool facility, the Palmerston lifestyle centre and a number of tennis and netball courts all of which utilise the same parking area;
- there is a parking area with approximately 131 parking bays opposite the site on Lot 2186 Town of Palmerston (Palmerston High School) and these can be used outside of school hours when the demand for parking is expected to be high; and

- the site is located on a public transport route with bus stops is available outside of the subject site both on Tilston Avenue and Bonson Terrace. It is also anticipated that a proportion of users will arrive at the site on bicycle and 20 bike spaces are provided on site.
2. Pursuant to Section 51(h) of the *Planning Act*, the consent authority must take into consideration the merits of the proposed development as demonstrated in the application.

The proposed development will provide upgraded and expanded sporting facility for tennis and netball for the residents of Palmerston.

ACTION: Notice of Consent and Development Permit

ITEM 7
PA2010/0972

UPGRADES AND ADDITIONS TO EXISTING LEISURE AND RECREATION FACILITIES

APPLICANT

LOT 9765 (50) UNIVERSITY AVENUE, TOWN OF PALMERSTON
JUNE D'ROZARIO AND ASSOCIATES PTY LTD

Ms June D'Rozario (June D'Rozario & Associates) attended and tabled a response to submissions and a 2010 NTFL season fixture showing venues.

RESOLVED
124/10

That the Development Consent Authority vary the requirements of Clause 6.1 (General Height Control) of the NT Planning Scheme and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 9765 (50) University Ave, Durack, Town of Palmerston, for the purpose of upgrades and additions to existing leisure and recreation facilities, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of the Department of Natural Resources, Environment, the Arts and Sport (Natural Resources Management Division), and an endorsed copy of the Plan will form part of this permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) details of sediment and erosion controls and protection measures along boundaries with adjoining land,
 - b) anticipated period of activity,
 - c) mitigation measures for minimising the tracking of mud on surrounding roads.
 All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with plans numbered 2010/0972/1 through to 2010/0972/14 inclusive, 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 and satisfaction of the relevant service 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 plans 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 the City of Palmerston Council to the satisfaction of the consent authority.
6. 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.
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. Before the occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
9. Waste bin storage shall be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.
10. Prior to the commencement of use, a light management plan is to be submitted to and approved by the consent authority and an endorsed copy of the Plan will form part of this permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) the level of illumination, orientation/direction and the extent of the light spill that will arise from the proposed lighting; and
 - b) the shielding of the lighting where impacting on all residences of Durack, including those residences located adjacent to Oval 2 as well as those

located at the southern end of Oval 1. All works relating to this permit are to be undertaken in accordance with the endorsed light management plan to the satisfaction of the consent authority.

NOTE:

1. Works carried out under this permit are to be in accordance with AS2436-2010 (Guide to noise and vibration control on construction, demolition and maintenance sites), and onsite activities with the potential to generate excessive noise should be undertaken between 7am and 7pm.

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 CP (Community Purpose), which is to provide for community services and facilities, whether publicly or privately owned or operated, including facilities for civic and government administration.

A variation to Clause 6.1 (General Height Control) of the NT Planning Scheme, for a maximum height of 12.5m for one building and 35.7m for the lighting pylons where 8.5m normally required by the Scheme, is granted as the height of the proposed clubhouse will be consistent with other buildings on the university campus and the lighting pylons are considered necessary to allow for the use of the sports ground after sunset.

2. Pursuant to Section 51(h) of the *Planning Act*, the consent authority must take into consideration the merits of the proposed development as demonstrated in the application.

The proposed development is consistent with the existing and intended development of the area in which it is located. The scale of the proposal is consistent with the size of the site and the operational requirements of the sport to be conducted from the facility. The development will retain the open character of the site, and will enhance an open space of superior quality.

3. 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 subject land is currently developed as two sporting ovals for the Palmerston Campus of Charles Darwin University. Oval 1, utilised by the Palmerston Magpies, has existing clubrooms, fencing and landscaping. Oval 2 will remain unfenced and available to the general public. There is existing landscaping on the site, with additional landscaping proposed to

minimise the impact of the development on the existing and future amenity of the area. The lighting plan will ensure that the impacts of illumination can be adequately controlled.

ACTION: Notice of Determination

ITEM 8
PA2010/0621
APPLICANT

LEISURE AND RECREATION (SOCCER SPORTING FACILITY)
LOT 1107 (30) VICTORIA DRIVE, TOWN OF PALMERSTON
OPUS INTERNATIONAL CONSULTANTS PTY LTD

Mr Adam McNeill (Opus International Consultants P/L) attended.

RESOLVED
125/10

That pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 1107 (30) Victoria Drive, Gray, Town of Palmerston, for the purpose of leisure and recreation (soccer sporting facility) and caretaker's residence, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation works) an Erosion and Sediment Control Plan (ESCP) is to be submitted to and approved by the consent authority on the advice of the Department of Natural Resources, Environment, the Arts and Sport, and an endorsed copy of the ESCP will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with drawings numbered 2010/0621/1 through to 2010/0621/5 inclusive 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 and satisfaction of the relevant service authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity and telecommunication services to the land shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
5. Public access to Lot 1107 shall be maintained at all times when the land is not being used by the Football Federation or Gray Primary School, to the satisfaction of the consent authority.
6. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view 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 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 goods are to be stored or left exposed outside the buildings so as to be visible from any public street.
11. Before the occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
12. Waste bin storage shall be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.
13. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Palmerston City Council, to the satisfaction of the consent authority.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the use is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. Works carried out under this permit are to be in accordance with AS2436-2010 (Guide to noise and vibration control on construction, demolition and maintenance sites), and onsite activities with the potential to generate excessive noise must be undertaken between 7am and 7pm.

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 PS (Public Open Space) to provide public areas for recreational activity.

2. Pursuant to Section 51(h) of the *Planning Act*, the consent authority must take into consideration the merits of the proposed development as demonstrated in the application.

The proposed development will provide modern training and match facilities for the Northern Territory Football Federation in order to maintain and develop further the local Palmerston based competition, and will benefit the whole community.

3. 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 subject land is currently developed as the Gray Primary School oval and used on a regular basis by the school, local residents and the Football Federation. Proposed 1.2m high fencing will ensure that the playing fields are available for casual public use when not otherwise being used. Extensive landscaping has been proposed as part of the development, and the proposed development is unlikely to impact on the existing or future amenity of the area.

ACTION: Notice of Determination

ITEM 9
PA2010/0620
APPLICANT

LEISURE AND RECREATION (RUGBY SPORTING FACILITY)
LOT 8584 (183) FORREST PARADE, TOWN OF PALMERSTON
OPUS INTERNATIONAL CONSULTANTS PTY LTD

DAS tabled an addendum.

Mr Adam McNeill (Opus International Consultants P/L) attended.

RESOLVED
126/10

That the Authority reduce parking bays required by Clause 6.5.1 (Parking Requirements) in accordance with the provisions of Clause 6.5.2 (Reduction in Parking Requirements), and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 8584 (183) Forrest Parade, Rosebery, Town of Palmerston, for the purpose of leisure and recreation (rugby sporting facility), subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation works) an Erosion and Sediment Control Plan (ESCP) is to be submitted to and approved by the consent authority on the advice of the Department of Natural Resources, Environment, the Arts and Sport, and an endorsed copy of the ESCP will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with drawings numbered 2010/0620-01 through to 2010/0621-05 inclusive 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 and satisfaction of the relevant service 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 and telecommunication services to the land shown on the endorsed plans 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 the City of Palmerston Council to the satisfaction of the consent authority.
6. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
7. 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.
8. 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.
9. No goods are to be stored or left exposed outside the buildings so as to be visible from any public street.
10. Before the occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a. constructed;
 - b. properly formed to such levels that they can be used in accordance with the plans;
 - c. surfaced with an all-weather-seal coat;
 - d. drained;
 - e. line marked to indicate each car space and all access lanes; and

- f. clearly marked to show the direction of traffic along access lanes and driveways;
to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
11. Waste bin storage shall be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.
 12. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Palmerston City Council, 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. Prior to the commencement of use, a light management plan is to be submitted to and approved by the consent authority and an endorsed copy of the Plan will form part of this permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) the level of illumination, orientation/direction and the extent of the light spill that will arise from the proposed lighting; and
 - (b) the shielding of the lighting where impacting on residences of Rosebery and Bellamack. All works relating to this permit are to be undertaken in accordance with the endorsed light management plan to the satisfaction of the consent authority.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the use is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property. For advice on weed management please phone (08) 8999 4567.

REASONS FOR THE DECISION

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

The proposed development is consistent with the primary purpose of Zone FD (Future Development) to provide for development that will not prejudice the future development of the land.

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 reduction of parking bays required by Clause 6.5.1 (Parking Requirements) in accordance with the provisions of Clause 6.5.2 (Reduction in Parking Requirements) from 129 bays to 119 is supported as:


- The site is developed at it's full capacity and the additional 10 car parks would be provided at the expense of landscaping and frequent, full occupancy of the facility is unlikely;
- The locality, once construction is completed, will include extensive pedestrian networks and public transport will be available, connecting the locality with the Palmerston CBD and other destinations in the region; and
- Overflow parking may be provided in the adjacent Rosebery Middle School.

3. Pursuant to Section 51(h) of the *Planning Act*, the consent authority must take into consideration the merits of the proposed development as demonstrated in the application.

The proposed development will provide modern training and match facilities for the Northern Territory Rugby Association in order to maintain and further develop the local Palmerston based competition, and as such will benefit the whole community.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

17/9/10