

DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 169 – WEDNESDAY 19 NOVEMBER 2014

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

MEMBERS PRESENT: Denis Burke (Chairman), Paul Bunker, Andrew Byrne and Grant Tambling

APOLOGIES: Steve Ward

OFFICERS PRESENT: Margaret Macintyre (Secretary), Deborah Curry and Leonie Hill (Development Assessment Services)

COUNCIL REPRESENTATIVE: Wendy Smith

Meeting opened at 9.30 am and closed at 10.30 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 **3 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**
PA2014/0805 **LOT 11765 (62) HAWKER STREET, TOWN OF PALMERSTON**
APPLICANT **ONE PLANNING CONSULT**

The applicant did not attend.

RESOLVED
203/14

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 Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 11765 (62) Hawker Street, Town of Palmerston for the purpose of a 3 x 3 bedroom multiple dwellings in a single storey building, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plan and prior to the commencement of works (including site preparation), 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

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 0.6m 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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

REASONS FOR THE DECISION

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

The purpose of Zone MD (Multiple Dwelling Residential) is to "provide for a range of housing options to a maximum height of two storeys". The proposal is considered consistent with the purpose of Zone MD (Multiple Dwelling Residential) of the Scheme as the proposal will provide a variety of housing options for potential residents of Zuccoli.

2. A variation to Clause 7.5 (Private Open Space) of the NT Planning Scheme for Units 2 and 3 to have minimum dimensions of less than the required 5m x 5m for private open space is granted as:
 - the private open space for Units 2 and 3 are in excess of 45m² with Unit 2 having an area of 46.7m² of private open space and Unit 3 having an area of 121.6m² of private open space;
 - the private open spaces are of a size adequate for domestic purposes, as a verandah and grassed area have been provided; and
 - the private open spaces are directly accessible from the kitchen of each unit and therefore it is considered to be appropriately sited.
3. A variation to Clause 7.3 (Building setbacks of Residential Buildings) of the NT Planning Scheme to allow a side setback of 1.73m where 4.0m is required is granted as:
 - the affected boundary faces into land zoned CN (Conservation) of the Scheme and as such no undue overlooking is anticipated;
 - the single storey appearance of the development and the articulated façade and roof line will not result in building massing when viewed from the street and neighbouring lots;
 - the open sided nature of the verandahs will encourage breeze penetration throughout the site; and

- significant landscaping and fencing along all boundaries will ensure privacy of residents.
4. 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 erosion and sediment control measures are in place and implemented and stormwater is managed on site without impacting on the surrounding area and disposed of into City of Palmerston's stormwater drainage system, the land is generally considered capable of accommodating the proposal.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2014/0721
APPLICANT

16 X 3 BEDROOM MULTIPLE DWELLINGS IN 7 X SINGLE STOREY BUILDINGS
LOT 12414 (PROPOSED LOT 250) RADFORD ROAD, TOWN OF PALMERSTON
GEORGE SAVVAS

Mr George Savvas attended.

RESOLVED
204/14

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 Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 12414 Radford Road (Proposed Lot 250), Town of Palmerston for the purpose of a 16 x 3 bedroom multiple dwellings in 7 x single storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), 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. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. an amended fencing plan (on the site plan) showing:
 - i. the total height of the fencing, including retaining walls, between the driveways of the units and the adjoining SD residential lots to a total height of 1.8m. Chainmesh fencing is to be changed to solid fencing for privacy, to reduce noise and to shield the SD lots from headlights; and
 - ii. open fencing or slatted fencing and landscaping is to be present between the private open space of the units to ensure breeze penetration.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), 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.
3. Prior to the endorsement of plan and prior to the commencement of works (including site preparation) an Erosion and Sediment Control Plan (ESCP), is to be prepared to the requirements of a suitably qualified professional in erosion and sediment control plans and submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the plan will form part of this permit.

The plan should detail methods and treatments for minimising erosion and sediment from the site during both the construction and operational phases. The IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in an ESCP.

GENERAL CONDITIONS

4. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. 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.
6. 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.
7. 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.
8. The kerb crossings and driveways to the site approved by this permit are to meet the technical standards of City of Palmerston, to the satisfaction of the consent authority.

9. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) 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.
10. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;Car spaces and driveways must be kept available for these purposes at all times.
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. 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.

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 purpose of Zone MD (Multiple Dwelling Residential) is to "provide for a range of housing options to a maximum height of two storeys". The proposal is considered consistent with the purpose of Zone MD (Multiple Dwelling Residential) of the Scheme as the proposal will provide a variety of housing options for potential residents of Zuccoli.

2. A variation to Clause 7.5 (Private Open Space) of the NT Planning Scheme for Units 1 and 16 to have minimum dimensions of less than the required 5m x 5m for private open space is granted as:

- the private open space for Unit 1 and Unit 16 is in excess of 45m² with Unit 16 having 94m² of private open space and Unit 1 having 98m² of private open space;
- the private open spaces are of a size adequate for domestic purposes, as a verandah and grassed area have been provided; and
- the private open space is directly accessible from the lounge room and therefore it is considered to be appropriately sited.

3. A variation to Clause 7.3 (Building setbacks of Residential Buildings) of the NT Planning Scheme to allow a primary street frontage of 3.4m where 6.0m is required is granted as:

- the development of the site is constrained by the three road frontages;
- the unusual shape of the site puts significant constraint on the developable area of the site;
- the single storey appearance of the development and the articulated façade and roof line will not result in building massing when viewed from the street and neighbouring lots; and
- significant landscaping and fencing along the all boundaries will ensure privacy of residents.

4. 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 an ESCP is developed and implemented and stormwater is managed on site without impacting on the surrounding area and disposed of into City of Palmerston's stormwater drainage system, the land is generally considered capable of accommodating the proposal.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2014/0791
APPLICANT

SHED ADDITION WITH A REDUCED SIDE SETBACK
LOT 6895 (14) SURCINGLE DRIVE, TOWN OF PALMERSTON
THE SHED COMPANY

Mr Craig Linton (owner) attended.

RESOLVED
205/14

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Lot 6895 (14) Surcingle Drive, Town of Palmerston for the purpose of a shed addition to an existing single dwelling with a reduced side setback for the following reasons:

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.

A variation to clause 6.11 (Garages and Sheds) of the NT Planning Scheme for a reduced side setback of 2.0m where 5.0m are required by the Scheme, is not supported as:

- the shed's height and relatively large footprint of 220.5m² and its 31.5m length will result in building massing when viewed from the neighbouring lot;
- there will be little vegetation that would screen the shed to a height of 3.6m;
- there is considered adequate room on-site to build the shed without impacting on the required setbacks or impacting on the use or amenity of the property; and
- although there is one easement located at the rear of the site it is considered that the site is not constrained by this easement, or irregularities of parcel boundaries or any other circumstance which would preclude compliance with the requirements of the Northern Territory Planning Scheme.

The City of Palmerston also does not support the proposed development as no special circumstances have been provided which would preclude compliance with the requirements of the Northern Territory Planning Scheme.

2. Pursuant to Section 51(j) of the Planning Act, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The land is considered sufficiently sized and without physical constraint to allow for the shed to be sited in an alternative location and be fully compliant with the Northern Territory Planning Scheme.

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.

Due to the height and relatively large footprint of the shed, its location 2m from the boundary it is considered that the shed will have a significant impact on the amenity of the adjoining property.

ACTION: Notice of Refusal

ITEM 4
PA2014/0467

**CHILDCARE CENTRE AND COMMERCIAL USES PLUS 6 X 1, 24 X 2 AND 6 X 3
BEDROOM SERVICED APARTMENTS WITH 6 X 1, 18 X 2 AND 6 X 3 BEDROOM
MULTIPLE DWELLINGS IN 1 X 1 AND 2 X 4 STOREY BUILDINGS
LOT 10281 (127) FLYNN CIRCUIT, TOWN OF PALMERSTON
ELTON CONSULTING**

APPLICANT

Mr Martin Klopper (Elton Consulting) and Mr David Anthony (developer) attended.

Submitter: - City of Palmerston attended.

RESOLVED
206/14

That, pursuant to section 53(b) of the *Planning Act*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Lot 10281 (127) Flynn Circuit, Town of Palmerston for the purpose of a commercial uses plus 4 x 1, 8 x 2 and 2 x 3 bedroom serviced apartments with 16 x 1, 32 x 2 and 7 x 3 bedroom multiple dwellings in 2 x 1 and 2 x 3 storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), 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:
 - The location and screening or acoustic treatment of condenser units associated with the retail portion of the development.
 - The location of the serviced apartment component of the development and a parking management plan for associated car parking.
2. Prior to the commencement of works (including site preparation), an Erosion and Sediment Control Plan (ESCP), is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning, and in accordance with the IECA Best Practice Erosion and Sediment Control Guidelines 2008. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during both the construction and operational phases. Erosion and sediment control information can also be sourced from the DLRM website at <http://lrm.nt.gov.au/soil/management>.
3. Prior to the endorsement of plans and the commencement of works (including site preparation), the applicant is to lodge a Traffic Impact Assessment report with specific consideration to vehicular, pedestrian, cyclist and public transport issues and opportunities. The report is to be prepared in consultation with, and to the approval of, both the Department of Transport and the City of Palmerston, to the satisfaction of the consent authority.
4. Prior to the commencement of works, a Construction and Traffic Management Plan (CTMP) for the construction of each stage of the development and all of its components must be submitted to and approved by the consent authority upon consultation with Department of Transport and City of Palmerston. When approved, the CTMP will be endorsed and will then form part of the permit.
5. Prior to the commencement of works, a waste management plan detailing vehicle access and movement, collection areas and any necessary internal vehicle movements is to be submitted to and approved by the City of Palmerston to the satisfaction of the consent authority.

GENERAL CONDITIONS

6. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
7. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

8. The 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.
9. Before the use/occupation of the development starts, all works identified within the Traffic Impact Assessment and any other works associated with the development as required by the Road Network Division of the Department of Transport are to be undertaken to the requirements of, and at no cost to the Department of Transport, to the satisfaction of the consent authority.
10. All works are to be in accordance with the approved Construction and Traffic Management Plan to the satisfaction of the consent authority.
11. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston and the Department of Transport to the satisfaction of the consent authority.
12. 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.
13. 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.
14. 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.
15. "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 Chairman, Development Consent Authority.

16. All proposed works impacting on the Chung Wah Road are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Department of Transport. Drawings must be submitted to the Senior Director, Road Network Division of the Department of Transport)for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
17. 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.
18. 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.
19. 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.
20. Where unfenced, the Chung Wah Road frontage is to be appropriately fenced in accordance with the Department of Transport's standards and requirements to the satisfaction to the consent authority.
21. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
22. 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 too ground level in a controlled manner to the satisfaction of the consent authority.
23. Waste bin storage shall be provided in accordance with Council guidelines.
24. 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.
25. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting causing nuisance to Chung Wah road traffic.
26. All external plant and air conditioning equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the consent authority.
27. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water

Corporation, and NT Fire and Emergency Services.

28. The serviced apartment component of the development is to be used and operated as serviced apartments at all times 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. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned:
 - (a) so as not to create sun or headlight reflection to motorists; and
 - (b) be located entirely (including foundations and aurally) within the subject lot.
4. Any alteration to the use of the apartments identified as serviced apartments, will be subject to a separate application to the consent authority.

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 Scheme as it provides for business and community uses including shopping areas ranging from neighbourhood convenience shopping to regional centres.

Furthermore, the proposal is generally consistent with the requirements of the Northern Territory Planning Scheme.

2. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into consideration any submissions made under section 49 in

relation to the development application.

The consent authority has considered the concerns raised by the public submitters. The proposal has been altered and is now generally compliant with the relevant provisions of the Northern Territory Planning Scheme.

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.

Provided that an ESCP is development and implemented and stormwater is appropriately managed on site without impacting on surrounding areas no adverse impact on the surrounding land is anticipated.

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 3 storey development is likely to become part of a growing hub of activities in the area and if well managed, will contribute to the amenity of the locality through the range of commercial facilities.


Amended plans showing the location and screening or acoustic treatment of condenser units associated with the retail portion of the development will ensure that the proposal does not adversely impact on the residential amenity of the site.

ACTION: Notice of Consent and Development Permit

ITEM 5 **STAGE 1 OF A SHOPPING CENTRE INCLUDING RETAIL TENANCIES, A FOOD COURT, CINEMA COMPLEX, AND SERVICE STATION, WITH ASSOCIATED PARKING**
PA2014/0706 **LOTS 11037, 7765 AND 7766 (11, 5 AND 15) YARRAWONGA ROAD, TOWN OF PALMERSTON**
APPLICANT **TACTICAL GROUP**

Item not considered, no quorum.

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



DENIS BURKE
Chairman

21/11/14

