DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 196 – WEDNESDAY 22 FEBRUARY 2017

AGORA ROOM
QUEST BERRIMAH
4 BERRIMAH ROAD
BERRIMAH

MEMBERS PRESENT: Denis Burke (Chairman), Stephen Ward, Paul Bunker, Andrew Byrne and Bob Flanagan

APOLOGIES: Gerard Rosse (Council Representative)

OFFICERS PRESENT: Alexandra Tobin, Anthony Brennan, May Banh and Poppy Zaronias (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 10:15 am and closed at 1:00 pm
SUBDIVISION TO CREATE TWO LOTS
LOT 11212 (15) FREEMAN STREET, TOWN OF PALMERSTON
APPLICANT
ONE PLANNING CONSULT

Mr Israel Kgosiemang from One Planning Consult attended the meeting.

RESOLVED
12/17

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 11212 (15) Freeman Street, Town of Palmerston, for the purpose of a subdivision to create two lots, subject to the following conditions.

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston 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.

CONDITIONS

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

3. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement of site is to be created on the plan for subdivision submitted for approval by the Surveyor General.

4. 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 services to each lot 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 the City of Palmerston, to the satisfaction of the consent authority.

7. The developer will be required to contact the City of Palmerston prior to the relocation of any Council infrastructure or service for the purposes of installation of a driveway crossover.

8. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/cycle corridors and streetscaping are to be to the technical requirements of the City of Palmerston to the satisfaction of the consent authority and all approved works constructed at the owner’s expense.

9. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for unit/street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the doors and meters within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such a time as addressing is obtained.

10. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

11. Part V clearance for subdivision into two lots will not be granted until the relevant Certificate of Compliance has been issued for the development as shown on development permit DP16/0582.

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. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at

3. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011)

For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 8995 5354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.

4. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5362 (surveylandrecords@nt.gov.au).

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 development is consistent with the primary purpose of Zone SD as it provides for low density urban residential development that complies with the requirements of the Northern Territory Planning Scheme. The development provides for the subdivision of an approved multiple dwelling development (Development Permit DP16/0582), with each of the lots no less 500m².

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 managed on site without impacting on the surrounding area and disposed of into the City of Palmerston’s stormwater drainage system, the land is considered capable of supporting the proposed subdivision.

3. In accordance with the requirements of section 51(m) of the Planning Act, consideration has been given to all comments received from service authorities, with all relevant matters addressed through conditions or notes on the development permit, thereby ensuring that an appropriate level of service is maintained for the site and surrounding locality.

**ACTION:** Development Permit and Notice of Consent
ITEM 2  
PA2017/0004  
MIXED USE DEVELOPMENT COMPRISING 12 X 2 AND 24 X 3 BEDROOM  
MULTIPLE DWELLINGS, GROUND AND FIRST FLOOR COMMERCIAL  
TENNACIES AND A CAR PARKING FACILITY IN AN 8 STOREY BUILDING  
PLUS ONE LEVEL OF BASEMENT CAR PARKING  
LOT 9609 (11) THE BOULEVARD & LOT 10024 (7) PALMERSTON CIRCUIT,  
TOWN OF PALMERSTON  
APPLICANT  
ONE PLANNING CONSULT  

Mr Israel Kgosiemang from One Planning Consult Pty Ltd and Mr Leo Athanasiou  
from LKAJ TWO Pty Ltd attended the meeting.

RESOLVED  
13/17  
That, the Development Consent Authority determine to reduce the car parking  
requirements for the commercial component (shop/office/restaurant) from 64  
parking bays to 37 parking bays pursuant to Clause 6.5.2 (Parking Requirements)  
of the Northern Territory Planning Scheme, vary the requirements of Clause 6.5.3  
(Parking Layout) of the Northern Territory Planning Scheme, and pursuant to  
section 53(a) of the Planning Act, consent to the application to develop Lot 9609  
(11) The Boulevard and Lot 10024 (7) Palmerston Circuit, Town of Palmerston for  
the purpose of a mixed use development comprising 12 x 2 and 24 x 3 bedroom  
multiple dwellings, ground and first floor commercial tenancies and a car parking  
facility in an 8 storey building plus one level of basement car parking, 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 include:  
a) Seven bicycle parking spaces located within the private car parking area;  
and  
b) Landscaping plan for the verge that meets the requirements of the City of  
Palmerston.  
To the satisfaction of the consent authority.

2. Prior to the endorsement of plans and prior to the commencement of works  
(including site preparation), the applicant is to prepare a schematic plan  
demonstrating all stormwater to be collected on site and discharged  
underground to Council’s stormwater drainage system, to the requirements  
of City of Palmerston, to the satisfaction of the consent authority.

3. Prior to the endorsement of plans and prior to the commencement of works  
(including site preparations), the applicant is to lodge a Parking Management
Plan detailing car parking allocations for each component of the development, to the satisfaction of the consent authority. The parking shortfall approved by the authority is for the commercial component only, with all multiple dwellings to be allocated 2 spaces as required by the Northern Territory Planning Scheme. All single space car parking bays within the private car park are to be allocated to the multiple dwellings. Only multiple dwellings unable to obtain single space car parking bays may be allocated tandem car parking bays.

4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to provide written advice from a suitably qualified person confirming that the parking layout complies with Australian Standards for off-street carparking.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

6. 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.

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 the development/each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

8. 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.

9. 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.
10. The car parking for the private component of the development shown on the endorsed plan(s) must be available at all times for the exclusive use of the private occupants of the development and their visitors/clients.

11. "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.

12. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading areas, and must not disrupt the circulation and parking of vehicles on the land.

13. All deliveries, storage of goods and materials and vehicular parking to be wholly contained within the subject site or alternate sites.

14. 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.

15. 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.

16. Designs and specifications 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 all approved works constructed to Council's requirements at the applicant's expense.

17. 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.

18. The owner shall:
   (a) remove disused vehicle and/or pedestrian crossovers;
   (b) provide footpaths/cycleways;
   (c) collect stormwater and discharge it to the drainage network; and
   (d) 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.

19. Any gate over an access to a public road shall be placed on the subject site at least 4.5m from the face of the kerb line of the adjoining public road.

20. 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.
21. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.

22. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated), 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. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.

23. All roof top plant equipment, equipment relating to the operation of the lift and any other equipment (such as any vents and ducting associated with requirements for stairwell pressurisation or other such ventilation purposes or similar) that will placed on the rooftop of the development shall be appropriately screened, or designed to soften the visual impact of such equipment from view from neighbouring or nearby developments (or developments reasonably anticipated).

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. 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.

26. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s).

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. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into City of Palmerston drains or to any watercourse.

29. An Occupancy Permit for the development under the Building Act must not be issued until the subdivision and consolidation approved through DP17/0018 has been completed and a new title issued for the consolidated lot.
30. The owner/developer of the land must enter into agreements with the City of Palmerston for all building elements over the City of Palmerston road reserve, with design specifications to be to the requirements of the General Manager, Infrastructure, City of Palmerston, to the satisfaction of the consent authority.

31. A Compliance Certificate under the Swimming Pool Safety Act issued by the Swimming Pool Safety Authority is required for the swimming pool/s prior to the commencement of the use/development to the satisfaction of the consent authority.

32. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) demonstrating that the Power and Water Corporation has been provided with a copy of the survey plan with the new lot numbers. This is for the purpose of ensuring the relevant Power and Water Information and Billing System is updated. Please provide a copy of an email addressed to both landdevelopmentnorth@powerwater.com.au and powerconnections@powerwater.com.au.

NOTES

1. A “Permit to Work Within a Road Reserve” may be required from City of Palmerston before commencement of any work within the road reserve.

2. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Food Safety Standards.

3. Notwithstanding the approved plans, all signage is subject to City of Palmerston approval, at no cost to Council.

4. Notwithstanding the approved plans, the demonstrated awning in Council’s road reserve is subject to Council approval at no cost to Council.

5. 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.

6. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's
Noise Guidelines for Development Sites in the Northern Territory. 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.

7. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

8. Approval must be submitted to the Department of Defence for any cranes used during construction that will infringe on either the Obstacle Limitation Surfaces (OLS) or Procedures for Air Navigation - Operations (PAN-OPS) surfaces for Darwin Airport.

9. Separate approval may be required from the Department of Defence under the Defence (Areas Control) regulations (DACR). Until such time as an approval is obtained the applicant is not to construct any structure on the site that exceeds 90 metres above ground level. Please refer to regulation 8 of the DACR, which outlines the application process and the information required.

**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. As the development is for a diversity of uses including offices, retail and residential uses, and the spread of the use is across a number of floors with separation provided by the car parking floor levels and the communal open space ensures incompatible activities are separated, it is considered that the development is consistent with the purpose of zone CB (Central Business) of the Northern Territory Planning Scheme.

2. Pursuant to Clause 6.5.2 (Reduction in Parking Requirements) a reduction of the parking requirements for the commercial component (shop/office/restaurant) from 64 parking bays to 37 parking bays is granted as:

   - The development proposes to integrate the development of a mixed use development and public and private parking facilities to one building whilst providing active street frontages and facades to the streetscapes and public domain;

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These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.
• The proposal includes a number of different but complementary commercial and residential uses such that multipurpose trips to the site are anticipated;
• The proposal includes a substantial public carpark which ensures that there is a large provision of carparking spaces in the vicinity;
• There are a number of bus routes which service the area and the bus stops for these routes are located a short walk from the site, including the Palmerston Bus depot;
• There is potential for bicycle facilities to be provided within the car park and such provisions will encourage shorter trips to be made with alternative modes of transportation which will assist in reducing the requirement to travel by car to the site; and
• A condition of permit outlining the requirement for a Parking Management Plan for the management and operation of the car park forms part of the development permit and ensures that sufficient car parking is allocated to the approved uses of the site.

3. A variation to the requirements of Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme (Scheme) is granted as:

The development proposes to make use of tandem car parking spaces which do not comply with the technical requirements of subclause (c) of Clause 6.5.3 (Parking Layout) of the Scheme which requires separate access to every car parking space. The requirement for a Parking Management Plan will ensure that the car parking spaces are to be utilised and managed so that access to each of the tandem spaces will not be hindered by the single access.

The development proposes that some car spaces measure 2.4 metres instead of the minimum dimension requirement of 2.5m x 5.5m which do not comply with the technical requirements of subclause (h) of Clause 6.5.3 which requires car spaces to be in accordance with the dimensions set out in the diagram to this clause. The requirement for a Parking Management Plan will ensure that the proposed small car parking spaces can be accessed without hindering other car spaces. The requirement for the applicant is to provide written advice from a suitably qualified person confirming that the parking layout complies with Australian Standards for off-street carparking ensures that the car parking area is appropriately designed and constructed for its intended purpose.

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.

Although the development will be considerably higher than adjoining premises, it will be constructed with a variety of building materials and will comprise a variety of uses to achieve a mixed use format. The development is
expected to be consistent with the intent for built form in the Palmerston CBD and will provide a positive impact on the streetscape as the first mixed use development providing residential uses within the Palmerston CBD.

The development is expected to contribute towards the achievement of an appropriate level of visual amenity in this location, particularly due to the podium level communal open space on the seventh floor and the ground floor street activation to the public domain.

5. The requirement for a Parking Management Plan to the satisfaction of the consent authority will ensure that sufficient car parking is allocated to the approved uses of the site.

6. In accordance with the requirements of Section 51(m) of the Planning Act, consideration has been given to all comments received from service authorities, with all relevant matters addressed through conditions or notes on the development permit, thereby ensuring that an appropriate level of service is maintained for the site and surrounding locality.

**ACTION:** Development Permit and Notice of Consent

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**ITEM 3**

**RECONSIDERATION: SINGLE DWELLING WITH REDUCED FRONT AND SIDE SETBACKS**

**PA2016/0717**

**APPLICANT**

LOT 13280 (31) BLOODWOOD STREET, TOWN OF PALMERSTON

NORTHERN PLANNING CONSULTANTS PTY LTD

Mr Bradley Cunnington from Northern Planning Consultants Pty Ltd, Sam Nixon from Asset Services, Mr Hermanus Louw from Costajic, and Ms Andrea Moriarty from Killarney Homes attended the meeting.

**RESOLVED 14/17**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential and Ancillary Structures) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 13280 (31 Bloodwood Street), Town of Palmerston for the purpose of a single dwelling with reduced front and side setbacks, subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the local 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 the drainage connection points. The plan shall also indicate how stormwater will be collected on the site and discharged to the City of Palmerston stormwater drainage system.

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These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.
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. 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.

5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply and sewerage facilities, electricity services and telecommunications networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

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, 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 the City of Palmerston, to the satisfaction of the consent authority.

8. The owner shall:
(a) remove disused vehicle and/or pedestrian crossovers;
(b) provide footpaths/cycleways;
(c) collect stormwater and discharge it to the drainage network; and
(d) 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.

9. 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.

10. 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.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

NOTES

1. 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. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html

3. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority’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. A " Permit to Work Within a Road Reserve" is required from the City of Palmerston or before commencement of any work within the road reserve.

5. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

REASONS

1. Pursuant to section 51(a) of the Planning Act, the consent authority must take into account the planning scheme that applies to the land to which the application relates. The application is seeking a variation to Clause 7.3 (Setbacks of Residential Buildings and Ancillary Structures) of the Northern
Territory Planning Scheme (Scheme). The Authority also notes that the site is subject to the endorsed setback plan approved through DP15/0301.

In this instance, the Authority considers that special circumstances exist pursuant to Clause 2.5 (Exercise Discretion by the Consent Authority). The circumstances that have resulted in the retrospective nature of the application are considered to be ‘unusual, exceptional, out of the ordinary and not to be expected’ and a variation to setback requirements as stipulated in Part 4 of the Scheme is granted. The Authority considers that the development is unlikely to jeopardise the primary purpose of clause 7.3 which is to ensure residential buildings and ancillary structures are located so they are compatible with the streetscape and surrounding development including residential buildings on the same site; minimise any adverse effects of building massing when viewed from adjoining land and the street; avoid undue overlooking of adjoining properties; and encourage breeze penetration through and between buildings.

2. The Authority considers that requiring significant structural alteration of the dwelling is unlikely to significantly improve compliance with the objectives of the Scheme, the intent behind the endorsed setback plan or the amenity of the locality, and will severely disadvantage the ultimate owners of the dwelling given that the retrospective nature of the application has occurred through no fault of their own.

3. Pursuant to Section 51(e) of the Planning Act, the consent authority must take into account any submissions made under section 49 in relation to the development application and pursuant to Section 51 (n) the potential impact on the existing and future amenity of the area in which the land is situated.

The application has been exhibited in accordance with the Planning Act and no public submissions objecting to the proposal were submitted.

4. In accordance with the requirements of section 51(m) of the Planning Act, consideration has been given to all comments received from service authorities, with all relevant matters addressed through conditions or notes on the development permit, thereby ensuring that an appropriate level of service is maintained for the site and surrounding locality.

**ACTION:** Development Permit and Notice of Consent

**RESOLVED 15/17**

That, the Chairman of the Development Consent Authority write to Building Advisory Services, Department of Infrastructure, Planning and Logistics, outlining the history and retrospective nature of the application, as well as any other information the Authority considers necessary to provide to Building Advisory Services.
ITEM 4  
PA2016/0707  
SHED ADDITION TO AN EXISTING SINGLE DWELLING WITH A REDUCED SIDE SETBACK  
LOT 4052 (10) CAMPFIRE COURT, TOWN OF PALMERSTON  
PLANNER  
ALEXANDRA TOBIN  
APPLICANT  
WAYNE STANLEY

Mr Wayne Stanley attended the meeting.

RESOLVED
16/17

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential and Ancillary Structures) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 4052 (10) Campfire Court, Town of Palmerston for the purpose of a shed addition to an existing single dwelling with a reduced side setback, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, amended site plans shall be submitted to and approved by the consent authority. Amended plans shall include a site plan and elevation plan and clearly demonstrate that the proposed shed addition is setback a minimum of 1m from the southern side boundary.

2. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston 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.

CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawing endorsed as forming part of this permit.

4. Any development 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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities’ requirements and relevant legislation at the time.
6. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

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.

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.

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 development remains consistent with the primary purpose of Zone RR (Rural Residential), which is to ‘provide for rural residential use.’ As the shed addition is an ancillary structure to the existing single dwelling on site, it is considered that the development is appropriate to the area and complies with the purpose of Zone RR (Rural Residential).

2. A variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) to allow a setback of 1m to the southern side boundary where a setback of 5m is required, is granted as:

- The proposed shed addition will be constructed out of materials that are typical for this type of development and will remain compatible with the streetscape and surrounding development;
- The effects of building massing when viewed from adjoining properties will be reduced as existing vegetation along the southern side boundary will assist in screening the shed from the adjacent affected property;
- Plans supplied as part of the application and a preliminary site inspection indicates that the proposed shed addition on site will not prevent breeze penetration through and between the existing dwelling on the site;
- The applicant advises that the shed will be primarily used for the storage of equipment and materials that are currently being stored on the site;
- The wall with frontage to the affected boundary does not include windows, as such overlooking to the adjacent property is avoided; and
• A letter of support from the affected neighbour has been provided in the application.

**ACTION:** Development Permit and Notice of Consent

**ITEM 5**  
**PA2016/0760**  
**APPLICANT**  
**SUBDIVISION TO CREATE 227 LOTS IN FIVE STAGES (SUB-STAGE 3)**  
**LOTS 12432 & 12433 ZUCCOLI PARADE, TOWN OF PALMERSTON**  
**COSTOJIC PTY LTD**

Mr Hermanus Louw from Costajic, and Ms June D’Rozario from June D’Rozario & Associates attended the meeting. Submitter Mr Gerry Wood attended the meeting.

Ms June D’Rozario tabled a response to issues raised by City of Palmerston and request to amend proposed conditions.

**RESOLVED 16/17**

That, the Development Consent Authority vary the requirements of Clause 11.2.3 (Lot size and Configuration in Residential subdivisions) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lots 12432 & 12433, Town of Palmerston for the purpose of subdivision to create 237 lots in 5 stages (Zuccoli sub-stage 3), subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), written confirmation is required from City of Palmerston advising that its concerns in relation to the proposed road network and submitted Traffic Impact Assessment have been resolved. Confirmation from City of Palmerston is also required advising that access to proposed Lot 427 can be achieved to its technical requirements. Any changes required to the subdivision as result of addressing the above matters must be submitted to and approved by the consent authority.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a site stormwater drainage plan demonstrating the on-site collection of stormwater and its discharge into the local stormwater drainage system shall be submitted to and approved by the City of Palmerston and/or the Transport and Civil Services Division (where it impacts on the Southern Connector Road reserve) and/or Land Development Unit of the Department of Infrastructure, Planning and Logistics (where it impacts on Zuccoli Parade) as the case may be, to the satisfaction of the consent authority. The plan shall indicate how the stormwater can be collected on the site and discharged without the need for excessive...
cut/fill/retaining wall works. The plan shall show the relevant drain connections point/s and indicate how stormwater will be collected on site and discharged to the relevant authorities’ drainage system.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a site earthworks plan indicating finished levels of all proposed lots is to be submitted to and approved by the City of Palmerston to the satisfaction of the consent authority. All cut and fill works are to be designed to minimise the need for excessive cut/fill/retaining wall works for the proposed lots.

4. Prior to the commencement of works, an amended Landscape Masterplan (including the provision of street trees), supported by an Irrigation Masterplan that takes into account potential feasible sources of water, must be submitted to and approved by the consent authority. The Landscape Masterplan is to include written confirmation from the City of Palmerston that the public open space areas detailed in the Landscape Masterplan and associated Irrigation Masterplan are consistent with its technical requirements.

5. 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 for the Department of Environment and Natural Resources (DENR). All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, on advice from DENR. The 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 the construction phase. The plan should also identify appropriate wet season and dry season site stabilisation methods to be implemented at the completion of subdivision works, as criteria to be met when seeking condition clearance. Information regarding the ESCP content is available at www.austieca.com.au

6. Prior to the commencement of works (including site preparation), an updated water and sewer infrastructure Masterplan for the entire Zuccoli stage 3, 4 and 5 development is to be submitted to and approved by the Power and Water Corporation, to the satisfaction of the consent authority.

7. Prior to the commencement of works, a Construction Traffic Management Plan (CTMP) is to be submitted to and approved by the Transport Infrastructure Planning Division of the Department of Infrastructure, Planning and Logistics. The CTMP is to detail all appropriate site management measures including construction access, proposed haulage routes, vehicle types, protection of existing assets and public access and a risk assessment.
GENERAL CONDITIONS

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

9. The development must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.

10. Before the issue of Titles, the developer is to provide written confirmation (in the form of plans or drawings) demonstrating that all lots less than 600m² for single dwellings allow for future vehicle access via a single driveway unrestricted by street infrastructure (including any power, water, sewer, or stormwater infrastructure) which demonstrates that a 3.5m driveway can be located on each lot whilst ensuring that each lot's street frontage has a minimum continuous length of 6.5m, to the satisfaction of the consent authority.

11. All proposed works (including the provision or connection of services) within, or impacting on the Southern Connector Road road reserves 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 Transport and Civil Services Division of the Department of Infrastructure Planning and Logistics and no works are to commence prior to gaining road agency approval.

12. The installation of any services, service crossings or service connections within the Southern Connector Road road reserve is subject to Transport and Civil Services Division of the Department of Infrastructure Planning and Logistics approval.

13. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, upon the advice of the Department of Environment and Natural Resources.

14. 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.

15. 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.

16. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, electricity services and telecommunication services to the land shown on the endorsed
17. 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/or the Transport and Civil Services Division (where it impacts on the Southern Connector Road reserve) and/or Land Development Unit of the Department of Infrastructure, Planning and Logistics (where it impacts on Zuccoli Parade) as the case may be, to the satisfaction of the consent authority.

18. Site earthworks are to be carried out in accordance with the approved site earthworks plan to the requirements of the City of Palmerston, to the satisfaction of the consent authority.

19. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of City of Palmerston and/or the Transport and Civil Services Division (where it impacts on the Southern Connector Road reserve) and/or Land Development Unit of the Department of Infrastructure, Planning and Logistics (where it impacts on Zuccoli Parade) as the case may be, to the satisfaction of the consent authority and all approved works constructed at the owner’s expense.

20. The developer must implement necessary measures to ensure mosquito breeding does not occur during the construction phase of the development, to the requirements of the Department of Health, to the satisfaction of the consent authority.

21. Dust control measures must be employed throughout the construction stage of the development to the requirements of the NT EPA, to the satisfaction of the consent authority.

22. The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tacking of materials onto streets. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto a sealed road network to the requirements of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics and/or the City of Palmerston, to the satisfaction of the consent authority.

NOTES

6. 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.

7. The Department of Environment and Natural Resources (DENR) advises that risks to biodiversity values occurring or likely to occur within or adjacent to the development area include the shrub scrub Atalaya breviata (Critically Endangered, EPBC Act) and Howard River Toadlet Uporeleia daviesae (Vulnerable, TPWC Act). DENR recommends that targeted surveys should be conducted to clarify the presence of Atalaya breviata and at appropriate times of the year to clarify the presence of Uporeleia daviesae on the subject and adjacent land, and appropriate mitigation measures be developed should either of these species be found to be present in the area. For further please contact DENR.

8. 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 visit http://www.nt.gov.au/weeds or alternatively contact the Weed Management Branch of the Department of Environment and Natural Resources on (08) 8999 4567.

9. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html

10. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority'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.

11. The Northern Territory Environment Protection Authority has advised that the proponent must comply with their General Environment Duty provided by section 12 of the Waste Management and Pollution Control Act.

12. A "Permit to Work Within a Road Reserve" is required from the City of Palmerston and/or the Land Development Unit of the Department of Infrastructure, Planning and Logistics and/or the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics before commencement of any work within the road reserve.
13. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

14. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 89955354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.

REASONS FOR THE RECOMMENDATION

1. Pursuant to section 51(a) of the Planning Act, the consent authority must take into account the planning scheme that applies to the land to which the application relates. The Authority considers that the Zuccoli sub-stage 3 layout is generally consistent with the relevant Palmerston Eastern Suburbs Area Plan outlined by clause 14.5.1 (Palmerston Eastern Suburbs Planning Principles and Area Plans) in the Northern Territory Planning Scheme (Scheme). While the proposed neighbourhood centre in stage 4 has shifted from the location identified by the relevant Area Plan, it considers that the revised Masterplan is acceptable for the following reasons:

- The Area Plan gives only a notional location for the neighbourhood centre and is not intended to be definitive given the absence of cadastral boundaries and that the location is indicated by a small circle. It acknowledges that the revised central point is approximately 140m south of the location in the Area Plan but that the overarching planning principles remain adequately addressed;
- The Area Plan defines a 400m radius (approx. 50ha) from the neighbourhood centre in which dwellings should be maximised however there is no guidance as to how much of this area would be required for a viable neighbourhood centre. The Masterplan has been developed on the basis that 3.8ha is a viable land area (not including the car park) and is satisfied that an are comparable to the anticipated 400m ‘walkable catchment’ is provided;
- The neighbourhood centre features an urban open space fringed with commercial tenancies and medium density residential development of either two or four storeys including mixed use buildings with ground floor commercial tenancies and upper level residential. The open space and commercial areas are linked by pedestrian and cycle networks and will help create a ‘sense of place’ and foster a ‘community identity’;
- Securing an anchor tenant for the primary neighbourhood centre will underpin its economic viability and subsequently attract smaller specialty shops that are desirable from a consumer perspective. The Authority
considers that there other important factors such as consumer choice that are capable of increasing pedestrian visitation rates to the neighbourhood centre other than distance which are not specifically considered by the Area Plan; and,

- The developer has included extensive shared pathways throughout the subdivision to increase amenity levels and subsequent on-street activity. The Authority considers it reasonable to that future resident living outside the 400m radius will utilise the shared path network to ride bicycles to the neighbourhood centre. Cyclist activity is therefore likely to promote a higher yield for the catchment than what is considered by the Area Plan.

2. A variation to Clause 11.2.3 (Lot size and configuration in Residential subdivisions) of the Northern Territory Planning Scheme is granted as a 0.3m variation to the 17m lot width required is considered relatively minor and is confined to one of the 220 residential lots. The Authority considers the lot size of 640m2 as large enough to accommodate a dwelling design that complies with the applicable performance criteria stipulated by the Scheme. If a variation to the requirements is sought for the east side boundary, the development is unlikely to result in any loss of amenity as the lot abuts a public open space area.

3. Pursuant to section 51(e) of the Planning Act, the consent authority must take into account any submissions made under section 49, in relation to the development application.

Two public submissions were received objecting to the proposal. The Authority notes that one public submission expressed concerns primarily centred with narrow road widths in new residential subdivisions. While the benefits of wider roads are acknowledged, the Scheme and relevant Area Plan does not provide any guidance for road widths in residential subdivisions as it is typically to the requirements of the relevant authority (City of Palmerston in this instance). The Authority notes that the second public submission objecting to the proposal was from the City of Palmerston however it did not raise concerns with road widths specifically.

In relation to the City of Palmerston and its reason for objecting, the Authority considers that the matters raised can be adequately addressed through the conditions on the development permit. Provided the development proceeds in accordance with the conditions included on the permit, the Authority considers that the proposed subdivision has adequate road widths and overall is sufficient to satisfy the purpose of the Area Plan.

4. Pursuant to section 51(j) of the Planning Act, the consent authority must take into account 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. In addition, pursuant to section
51(m) of the Planning Act, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer.

The subdivision area is not affected by either storm surge or riverine flooding and the Department of Land Resource Management has no objection to the proposal subject to an Erosion and Sediment Control Plan being developed by a suitably qualified and experienced professional. Precedent and general conditions on the development permit ensure that an appropriate level of service is maintained for the site and surrounding locality.

5. 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 site is within Zone FD (Future Development) and subject to Clause 14.5.1 (Palmerston Eastern Suburbs Planning Principles and Area Plans) of the NT Planning Scheme. The proposal generally accords with the layout depicted within the Area Plan and is considered unlikely to adversely impact on the area or alter community expectations for the site. Overall, the Zuccoli residential suburb is currently being developed and the amenity of the area is being established. The relevant Area Plan, zoning provisions and the application all seek to promote the best amenity outcomes for the future residents of the estate. Provided pedestrian and cycle corridors are established in appropriate locations and in a timely manner, and provided that site levels and associated stormwater drainage is appropriately managed, the proposed subdivision can achieve appropriate levels of residential amenity.

ACTION: Development Permit and Notice of Consent

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

DENIS BURKE
Chairman
24/12/2017